FACTORS AFFECTING WOMEN'S SHARE IN FAMILY INHERITANCE IN DISTRICT PESHAWAR, KHYBER PAKHTUNKHWA

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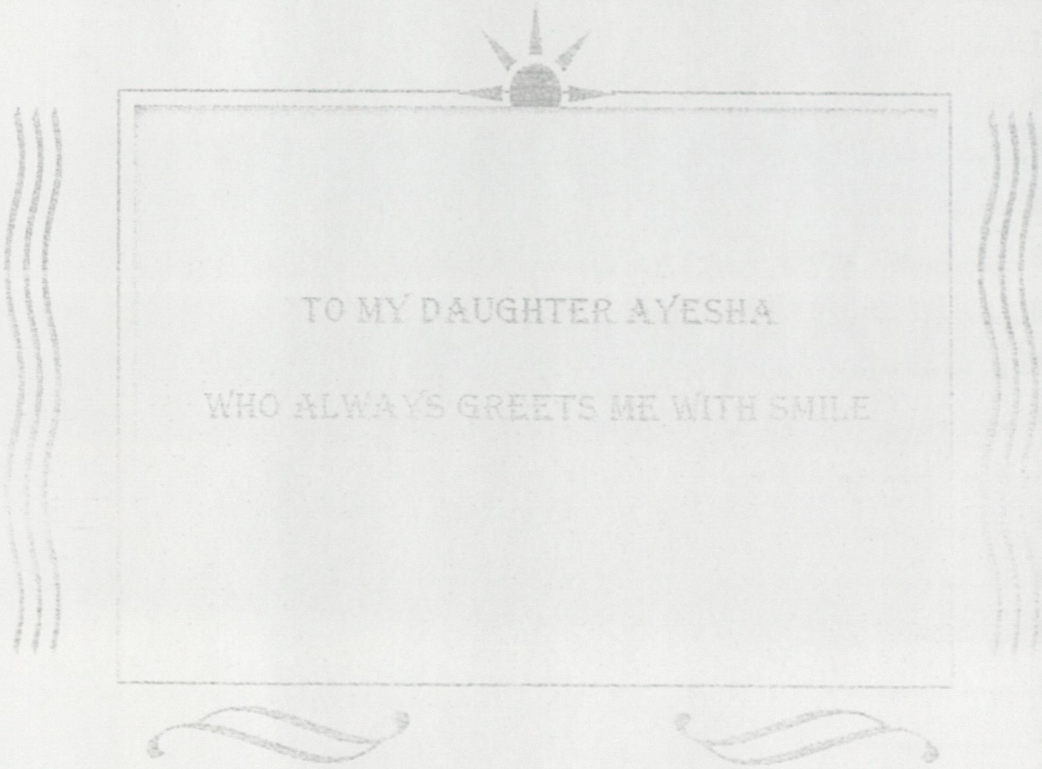
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Dedication



TO MY DAUGHTER AYESHA

WHO ALWAYS GREETS ME WITH SMILE

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MUSHTAQ AHMAD JADOON

FACTORS AFFECTING WOMEN'S SHARE IN FAMILY INHERITANCE IN DISTRICT PESHAWAR, KHYBER PAKHTUNKHWA

ABSTRACT

The present study was conducted to find out factors affecting the women's share in family inheritance in District Peshawar. It was based on the assumption made from Structural Oppression Feminism Theory that inheritance denial to women in Pakistani society is a common phenomena where male economic interest in family inheritance is directly or indirectly supported by patriarchy centered inheritance norms, practices and legal, religious and social institutions. Data for the study were collected through a pretested interview schedule from 384 sampled respondents belonging to both urban and rural areas of District Peshawar, Khyber Pakhtunkhwa. Findings of the study are based on univariate and bivariate analysis of data.

The findings of the study confirmed the denial to women in family inheritance as a common phenomena in the study area. Many respondents did not even consider the denial as a violation of female's basic human rights. Hence, this was found a common phenomena among all socioeconomic groups. Almost three fourth of the total respondents did not share inheritance with females at all while those who gave full share constituted only 2.3 percent. The rest tried to exploit the females and their in-laws by giving a small piece of land or little amount of money. A number of factors were found to affect the phenomena. Female inheritance denial was found significantly associated with the families where land and property were considered as the critical and fundamental economic resources and assets for males who wanted to keep it within the family to control both the resources and the females. Legal and religious institutions, despite having clear rules and regulations, could not protect female inheritance rights. They were both male dominated and found favoring the males. The females, on their part, could not contact the legal institutions, especially, due to lengthy and cumbersome procedure as well as high social and economic cost on litigation. Similarly, mosque and religious leaders did not motivate the respondents to share inheritance with their females. In fact, the male claim on family inheritance was further strengthened by the prevalence of patriarchy based inheritance norms, practices, unlawful methods and complicated procedures to get the share in inheritance. A significant association of female inheritance

rights denial in this regard was also found with the patriarchal based perceptions that emanated females as subordinate, land and property belong to family where male got the primary rights and females silence is a proper behavior in inheritance share cases. The family and social norms in one way or other supported these ideas. Special marriages including exchange, paternal cousins or with the children of inheritance entitled females were also arranged to keep land and property within the family. Helping females and dowry was found as a substitute for inheritance share. The community level social institutions such as family and *Jirga* also did not play a positive role and supported the male interest. Similarly, media, political parties, NGOs and educational institutions, despite having potential and authority, could not address to the extent it deserved and demanded. The results partially endorsed both the socialist feminism and intersectionality theories of structural feminism. The study concludes that for general understanding and acceptance at community and society level, the female inheritance denial was/is a basic but an ignored issue. At community level; it should be highlighted through mosque, religious leaders and community based organizations. Similarly, the political parties, media and educational institutions should also be used as channels for disseminating relative knowledge for bringing positive change in the attitude of locals over the issue under consideration. The study recommends further that there is no need for further legislation; existing laws should be implemented overwhelmingly. All customary laws and practices having any role in female inheritance denial should be dealt strictly in accordance with the prevalent law.

I. INTRODUCTION

1.1 Introduction

Women in Pakistan have all the religious and legal rights to inherit family wealth; however, they rarely exercise these. Many of the property and gender law scholars point out that both Islam and state laws in Pakistan entitle women to inherit all type of property, the customary rules in practice deny women's rights and control over the inheritance especially the claim on land (Mahdi, 2002). This particularly happens in the rural areas of Pakistan where the tribal nature of social organization undermines the women's land and property rights. Instead of giving emphasis to the Islamic concept of immediate family, they stress more on keeping property within the larger family, which is always headed by men. The matter is further justified by equating the dowry with share in inheritance which is again not only illegal, but also has been denounced by the government officials, human rights activists and civil society as a whole (GOP, 2006).

Gender inequality is a global phenomenon. Although discrimination on gender basis happens in individual situations to both the males and females, discrimination against women is a deep rooted global endemic (Deininger and Castagnini, 2006).Women access to basic human rights has always been a major concern for human rights activists, however, share in family inheritance, perhaps the most basic right, has been repeatedly denied by males despite of the fact a very large number of them were educated and well aware of the female inheritance rights given by both Islam and Pakistani constitution (Rehman, 2011). The Qur'an gives specific and detailed guidance regarding the division of inherited wealth in Surah Baqarah, chapter 2 verse no. 180 and 240; Surah Nisa, chapter 4 verse no. 7-9, 19 and 33; and Surah Maidah, chapter 5 verse 106-108. Three verses i-e 11, 12 and 176 in Surah Nisa further describe the share of close relatives. However, many Muslim majority countries have allowed inherently unfair (towards woman) inheritance laws and/or customs to dominate (Bademci, 2006). Under international human rights law, women have a right to own and administer property without discrimination, and are entitled to equal treatment in land and agrarian reform while within the family, both spouses have equal rights in the "ownership, acquisition, management, administration, enjoyment and disposition of property (FAO, 2005). Similarly, Article 23 of the

Constitution of Pakistan stated that, "every citizen shall have the right to acquire, hold, and dispose of property in any part of Pakistan" (GOP, 2012). It also guaranted equal rights to property and called for bringing all laws in conformity with the Holy Quran, Sunnah and basic human rights (Khan, 1981).

Inheritance denial to females in Pakistan is a complex issue. To understand the women inheritance share in Pakistani society, it is important to examine the status of Pakistani women both within the domain of the family as well as within the larger economic, cultural and sociopolitical context, as they structure the opportunities and defines the men and women capacity for action (Mahdi, 2002). Ritzer (2010) called partial or complete denial to share inheritance with women is basically an economic issue which is supported by patriarchal and political values of the society whereas Eisenstein (1994) and Hartmann (1979) view capitalism and patriarchy as systems of dominance or major sources of oppression. Because of that socialist feminists brought them together named capitalist patriarchy; termed them unified explanation of all forms of social oppression. Many studies have reported a direct relation between men economic interest and patriarchal norms. Marxist feminists associated origin of patriarchy with invention of property (Ritzer, 2010) whereas Rafidah closely linked inheritance/property deals with the distribution of wealth i-e the transfer of the property of the deceased to the descendants (2005). Land and property are the sources of economic empowerment and represent a key factor in the women struggle for equity and equality (Arisunta, 2011). This, therefore, grants economic power to men over women and this power is extended to social and political power (Taungaraza, 2008).

Culturally, patriarchal norms or gender relations in Pakistan see women as subordinate to men and that a man's honor resides in the actions of the women of his family (Library of Congress, 1994). A woman is expected to hide her emotions, compromise with her opinions and sacrifice her dreams Zaman (2008) said that in Asian cultural norms, parents teach daughters to compromise on their interests and avoid the parent's help when they have marital conflict. Such norms get support from social and customary practices. White et al, (2002) called ownership through inheritance as highly gendered and culturally determined though different in different countries and ethnic groups. International Finance Group (IFG) stated it almost impossible for females to own land due to customary laws both in Mali and much of

Africa (2010). Only sons and other family males but not widows, inherit the matrimonial home (White et al, 2002). Similarly, in Pakistan women position is determined by patriarchy across the country (Islam for Today, 2008) where customary practices play a complex role in the transfer of inheritance (World Bank, 2009).

Under patriarchy many methods and justification are given to make men the just and right owner of family inheritance. In Pakistan, Giovarelli and Aggarwal called it culturally inappropriate for a woman to own and share inheritance especially the land as she is cared for by her husband (2007). Many women refuse their share and give it to their brothers out of respect and also to maintain peaceful relations with brothers who in return support and protect them in the case of divorce or widowhood (Khan, 1981and Wily, 2004). By doing so, they abide by worthwhile cultural traditions and make their brother happy (World Bank, 2009) whereas denial in this regard results in fear of being ostracized from the family (Ishaq, 2012) and threat to family relations (Muhammad, 2011). Other methods applied to keep the property and land within the family include marriage with paternal cousins/lineage (World Bank, 2009), *wattasatta* (exchange) or even marriage with Quran (Unni, 1995; and Chebel, 2009) and provision of dowry as an alternate of female inheritance share (Giovarelli and Aggarwal, 2007, Muhammad, 2011 and Chebel, 2009). Sometimes female names are excluded from the heir list whereas many times pressure is applied on women to give up their share to brothers (Ishaq, 2011 and World Bank, 2009).

Many other factors also contribute to the phenomena of women inheritance denial. World Bank reports that denial helps keeps the heritable wealth especially the land within the patrilineal family where customary land rights favor male (2001); and there is also no practice of share giving now (Muhammad, 2011) or in past (Mehdi, 2002). Further, men are household heads (Ishaq, 2012); women neither read nor write; in many cases both have no knowledge of their exact share along with access to assets and resources and no influence in decision making (RDI, 2009). World Bank (2009) on the other hand reported that females are mainly aware of their share but lack mental capacity to deal with inheritance affairs.

Another important aspect of the problem reports the denial through legal means. Rabbani and other found women in Pakistan being discriminated on legal grounds (2008) where under Muslim Family Law, women have unequal rights to

inheritance and Pakistani law does not recognize the women's property rights. In fact there is a combination of customary practices and law where many times former plays a complex role. Major causes of the lack of justice include personal attitude, cumbersome procedure, social and material cost of litigation (World Bank, 2009). Other methods used to deny women's rights include omission of name from heir list, making of thumb mark documents, getting power of attorney and fake sale deeds or fake contracts. All these are considered man-made and hence it is very difficult for a woman to prove her genuine right in the court (Ishaq, 2012).

1.2. Theoretical Framework

Gender inequality has been a considerable area in sociological research. Almost all the sociological perspectives discussed it in one way or other. Structural functionalism in this regard views the gender as social creation and difference or inequality in the society on the basis of gender is influenced by external social factors or pattern of social relationships such as norms, roles, statuses, social classes or institutions (Malik, 2005). Parsons and Bales further called gender (male-female) difference contribute to the stability and survival of the social system through assigning goal-oriented actions (1955). Conflict theorists on the other hand state that the gender difference is the result of inequality in socioeconomic status and access to property, power, prestige, political realm etc. In fact they are the driving force behind the conflict which is the central dynamics of human relations. Males and females in capitalist society constitute two separate classes defined on the basis of their relations to means of production. The sexes on the other hand have unique relations to these means. Relationship on gender basis as a whole is unequal i-e dominant man and exploited women (Malik, 2005 and Ritzer, 2010). In case of symbolic interactionism, Cooley and Mead report gender a social reality means masculinity and femininity are communicated during socialization process that later are reinforced by peer interaction and experience in school. Various interactions theories state men and women identify themselves on the basis of positions assigned by the social structure (Malik, 2005). Ethnomethodology is the study of everyday practices used by ordinary members in a society. People accomplish their everyday goals including gender through a variety of artful practices. Feminists might have studied the gender related problems more than the other sociological perspectives. They say that women problems are mainly due to gender inequality, gender and structural oppression

(Ritzer, 2010). Under gender inequity liberals call it a systematic socialization and allocation of women into private sphere compared to public sphere to males who have all true rewards of life whereas Marxists see gender inequality rooted in social class inequality where capitalism not only generated social class but also patriarchal norms that bestowed men with patriarchal and patrilineal power and authority including ownership over property and women (Ritzer, 2000). Gender oppression theory reports a power relation between men and women where men have fundamental and concrete interests in controlling, using, subjugating and oppressing women. The psycho-analytic feminists on the other hand believe that gender inequality and oppression on women is deeply buried in the sub-conscious or unconscious areas of the men's psyche which is operated behind by the patriarchy while radical feminists view women everywhere oppressed violently by the system of patriarchy (Malik, 2005). Under structural oppression feminism socialist feminists see gender oppression as interplay of social structures such as patriarchy, capitalism, racism, and heterosexism. They reject Marxists idea that patriarchy is by-product of the same economic system. Instead they endorse radical feminists that gender oppression results when patriarchy interacts with economic conditions or interests of males. The intersectionality theory on the other hand view all the women potentially experience oppression on the basis of gender. This includes women from different classes, races, global locations, sexual preferences and ages (Ritzer, 2010).

1.3. Justification of the Study

Principles of human rights are universal and undeniable; inseparable, interdependent and interconnected (Human Rights, 2009). However, they are constantly and continuously denied especially in traditional countries like Pakistan. The empowerment of women is considered as a key to reducing the differences between male and female particularly with reference to greater control over the resources they have or entitled to (Gita and Batliwala, 2000). Hence, importance of inheritances especially the land and other lifetime resources is of considerable interest to sociologists, human rights activists, economists and policymakers (Becker and Tomes, 1979). Both the empirical and theoretical literature shows that the transfer of physical and human capital from parents to children is a crucial determinant of a household members' status, role, wealth and earning ability (Blinder 1973). However, the distribution of inherited wealth is highly unequal; the relative quantitative impact

of this discrepancy especially on the economic inequality is of considerable interest (Cowell 1998). Therefore, a rise in women's situation and position relative to men's is desirable both on equity and efficiency grounds, an argument often presented in favor of policies targeted towards women (Duflo, 2003).

Gender bias is something women deal with every day in Pakistan. Most of the women are expected to give up even half share of the property they are entitled to their brothers out of "respect," whereas in rural areas they have no share in family inheritance (Chebel, 2009; and Unni, 1995). Because of that few women in rural Pakistan directly inherit any property. Land is remained controlled by male members regardless of family wealth or education of both male and female heirs. Also it is very rare that the female inheritor retains the property meaning, inherits and keeps or sells the property (World Bank, 2009). In fact Khan found that out of 278 respondents only one gave inheritance share to their family females in district Swat (2012) whereas this was 31 percent in district Peshawar (Rehman, 2011). An understanding of the underlying sociocultural, economic and legal dynamics of women inheritance denial either fully or partially is imperative as it cannot only help understand the phenomena but also gives the solutions to way forward in both sociocultural and legal ways. Also, it is an area where empirical studies on the topic are rare (Deininger and Nagarajan, 2010). Most of the studies are of descriptive nature having little impact in the real world (World Bank 2001). Also, studies on inheritance rights are few and focus mainly on the distribution of wealth among different descendants (Platteau, 2001; Behrman and Rosenzweig, 2004). However, the problem is so obvious and grave that to ensure inheritance rights to women, the Government of Pakistan has to do legislation and a Women's Right Bill was passed by Pakistan National Assembly on November 15, 2011 (Khan, 2011) and Senate on March 9, 2012 (Aaj News, 2012) which became part of the constitution. Under the new law, depriving a woman of her inheritance can lead to imprisonment of five to 10 years or a fine of Rs. 1 million or both.

1.4. Statement of the Problem

Female share in family inheritance is still a major problem with respect to the women access and utilization of the basic human rights. It has been constantly denied despite of the clear religious and constitutional obligations and socioeconomic

changes in the society. Many factors contributed to the phenomena. Some studies report it a social problem while other called it legal, economic, cultural or fairness problem. Those who report it social stated land historically as the only significant property which distribution and ways of distribution among and to next generation is a basic factor of social organization. Ignoring female land rights or convincing females to forgo their land rights is basically pre-non-Islamic form or rules of the organization. Structural functionalism also support the view and stated gender a social creation where inequality on gender basis is influenced by external social factors or pattern of social relationships such as norms, roles, statuses, social classes or institutions. It has also been called a clash of cultural practices with Islamic and constitutional principles/laws where the cultural practices overpower the clear rules prescribed by both the Islam and the Constitution of Pakistan. Conflict theory on the other hand termed gender difference due to inequality in socioeconomic status and access to property, power, prestige etc. Economic value of family land and property has always been the main driving force behind the conflict not only on gender basis but also among the male members of a family even. Generally people ignore all the laws and ethics if get power and chance of having land and property. They don't hesitate to follow illegal means and practices as well. Cousins have always the main rival in Pukhtun society because they are shareholders in family inheritance. The present study validates the intersectionality and socialist feminist theories presented under the structural oppression theory of feminism perspective. The former calls oppression including access to economic resources on gender basis a common phenomenon and practiced in almost all sections the society whereas the later reports denial of women inheritance share is basically an economic issue or interest of the males who deny females land and property rights by getting support from patriarchy, social norms and major social structures such as family, social, political, religious and other institutions in the society. It is strange that on one hand the religious, constitution, legal and other institutions give or call for giving/protecting all inheritance rights to women in Pakistan while in practice those who receive are few.

1.5. *Objectives* of the Study

1. To study the perception of sampled respondents about females share in family land and property.
2. To identify the major factors resulting in denial to female share in family inheritance.
3. To measure the association between the denial of women share in family inheritance and the factors causing the denial.
4. To suggest the policy recommendations in the light of study findings.

1.6. Plan of Work

The plan of work comprised one month for the development of interview schedule with the assurance of incorporation of all major components of the study. Moreover, three months period was spent on data collection whereas another eight months were consumed in data entry, editing, tabulation and analysis of data along with inferences generation.

II. LITERATURE REVIEW

2.1. Inheritance

Term inheritance is a noun and used as the words legacy, estate, heritage, provision, endowment, bequest, birthright and patrimony. Operationally the term inheritance refers to the action of inheriting; when receive by genetic transmission, obtain from someone after their death, receive from a predecessor, it is acquisition of wealth through acquiring, assuming or contracting it. Inheritance, also called succession, is basically the transfer or delegation of property or assets, like land, home, material goods and other belonging, to one or more than one heirs on the death of the owner. The term inheritance also designates the property itself. The term inheritance generally refers to that property or money derived from the parents or ancestors. Legally it is property you receive from ancestors under inheritance or property laws. In inheritance, something is passed down from the parents to children. It can be a title, office, or property etc. which is transferred to those heirs /successors who entitle to it by law. It is also gift of personal/real property that has been in the possession of family and is transferred by will or without will to those heirs who are entitled to it both legally and through customs, particularly, in the societies which have no legal laws. However, by law it is the gift of personal and real property by will. It can also be attributed to an idea, thought or notion connected to or characteristic of an entity (Word Net, 2012: Encyclopedia Britannica, 2014).

An heir, according to law is a person who receives share in the property of deceased or dead person according to the rules of the area when the owner dies and have property at the time of his death. The exact entitlement and quantity of inheritance cannot be determined for an heir before the death of the property owner. Heir and inheritance in modern law refers to transfer or succession of land and property from deceased who dies without making will. They are called intestate by descent while those receive through will are called beneficiaries. They are made heirs in real property that included land along with all appurtenances i-e buildings, crops, minerals etc., bequest (gift of property by will) of personal property (corporeal personal property included items such as animals, merchandise, and jewelry and incorporeal personal property included rights in stocks, bonds, Patents or rights given

by government to inventors and copyrights) or legatees for money (Inheritance, 2014).

The term inheritance is described differently in different countries and constitutions of the world. Law of succession is mainly a major term used under the continental European pattern of civil law whereas in Anglo-American common law, you have to differentiate between what you inherit in the inheritance comprised of real state and what you distribute in personal estate law. The rules for the two types of property i-e real and personal estate though have been merged but still not common and universally accepted. In the English law books, they come under Will, Probate, Succession or Executors and Administrators while the term probate law mostly used for all the terms as a whole in the United States. Law of decedents' estates has been emerging as a new term in place of the law of succession in the New York State in the United States (Britannica, 2014).

2.2. Background of the Inheritance

History of inheritance is as old as human being itself. According to the Encyclopedia of Religion, in the primitive era particularly in Egypt, the widows, slaves and wealth were buried along the deceased when somebody deviated from the customs and religious belief. The main motives behind the tradition were to prevent the reduction of inheritance by heir along with prevention of personal property from destruction and to pass it on to near relative. Various sociologists and anthropologists, have studied societies where in patrilineal societies only the male children can get inheritance including family name, genealogy and all sorts of property whereas in matrilineal type it passes from female line. Apart from this, egalitarian inheritance also prevails in some ancient and most modern societies with no discrimination on the basis of gender, birth order etc. (Hastings, 1980).

Inheritance in many ways is closely linked with family. It is transferred after the death of a person to those who are legally or by tradition entitled to it. Historically there is also link between law of inheritance and family law. In England, both continued till 1857 and were originally branches of religious laws called ecclesiastical law administered by bishop in ecclesiastical courts. If one goes further back, both the inheritance and family law were derived from Roman Canon Law. Like many of the other British Colonies, law in Indian Subcontinent was also inherited from England

that included English common law and statute law; however, they made certain changes keeping in view of local cultures and religions. All such laws and terms come under common law jurisdictions (Preece, 2000).

Inheritance is basically distributed through three ways; through will of the deceased or testator, through prescribed law when no will is made and through family provision legislation where court decides the share if insufficient provision is made by the deceased for his dependents. Inheritance mainly consists of all sorts of land and property called main asset. It is automatically transferred to heirs on the death of owners. The next most important asset is superannuation or a regular payment made into fund by an employee toward a future pension which is normally again passed on to a person to person (s) nominated by the deceased. However, in Pakistan, the normal inheritance laws are based on the rules prescribed by the Quran which are followed in such cases. The same is the case with the other capital related funds (Preece, 2000).

2.3. Human Rights

All the human beings right from unborn baby to old, endowed or capable to deprived, men or women, from upper to lower class, one race and ethnicity to another and living in one area to another have certain basic rights such as right to live, attain adequate standard of living, own property and get education. These rights have been recognized by the United Nations in the Universal Declaration on Human Rights in 1948 and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). They are further endorsed by the similar human rights conferences and other related forums held on international, regional, and country basis (UNDHR, 1948; CEDAW, 1979 and Kimani and Maina, 2010). A United Nations' Human Rights Resolution passed in 2005 called human rights as universal, indivisible, interdependent and interrelated (Ajayi and Olotuah, 2005).

Like other countries, human rights have been main consideration of the government of Pakistan. From the article 8 to article 28 (Part I of Chapter II) of the Constitution of the Islamic Republic of Pakistan describes the fundamental rights of the citizens. These include, security of a person, basic rights in case of arrest and detention of a person, fair trial, force labor, retrospective punishment, double punishment and self-discrimination, privacy and dignity of a person, freedom of movement, assembly, association, trade/business, speech, profess religion and manage

religious institutions, right to information, safeguard against taxation for the purpose of any particular religion, safeguard as to educational institution with respect to religion etc., provision as to property, protection of property rights, equality of citizens, right to education, non-discrimination in respect of access to public places, safeguard against discrimination in services and prevention of script, language and culture (GOP, 2012).

2.4. Women and Inheritance/Property Rights

Property rights are "the right to own, acquire (through purchase, gift or inheritance), manage, administer, enjoy and dispose of tangible and intangible property including land, housing, money, bank accounts, livestock, crop and pensions" (Human Rights Watch, 2003). In both the international and Pakistani human rights law, men and women have equal rights to acquire, own and control all sorts of land and property. Article 25 of the Constitution of the Islamic Republic of Pakistan states, "(1) all citizens are equal before law and are entitled to equal protection of law, (2) there shall be no discrimination on the basis of sex and (3) nothing in this article shall prevent the state from making any provision for the protection of women and children" while Article 23 under the title "provision of property" states, "every citizen have right to acquire, hold and dispose property in any part of Pakistan subject to the Constitution and any reasonable restrictions imposed by law in the public interest", whereas Article 24 titled "protection of property" states, "(1) no person shall be deprived of his property save in accordance with law, (2) no property shall be compulsory acquired or taken possession of saved for a public purpose, and save by authority of law which provides for compensation therefore and either fixes the amount of compensation or specifies the principals on and the manner in which the compensation is be to be given and determined" (GOP, 2012).

Women legal rights to get inheritance exist in almost all societies; though they vary from area to area and are influenced by many factors such as social, cultural, religious, legal, political, economic etc. (Agarwal, 1994 and Deere, 2008). In practice, the property rights with respect to land ownership, control and use are gender based and are regulated by influential local norms and mostly unwritten customary laws (Okello, 2003; Ajayi and Olotuah, 2005). This particularly happens in rural areas in developing and traditional societies but one cannot deny this in urban settings as well.

Women generally lack control over both the productive and non-productive resources they are entitled to and own legally which directly or indirectly effect their security, status, access to income sources and opportunities to grow further (Panda, 2005 and Steinzor, 2003). Women low education, poor health, poverty and low status is thus directly linked with the no or low access to inheritance particularly the share in family land and property (UN Millennium Project, 2005) which consequently make effect on not only the production and distribution of wealth but also the development of market considered as main signs and means both to economic growth and poverty reduction (Besley, 2009).

2.5 Women Inheritance Rights Denied

Women inheritance denial has been a common phenomenon throughout the history of mankind though it changed in the developed world today. Women in the developed countries have been able to get inheritance rights in family land and property to a large extent but are denied the same mostly in traditional and developing societies till today. Despite the clear rights given by the religions and the constitutions, right from Africa to Asia and Latin America along with many other traditional societies, males mainly enjoy the inheritance rights by virtue of patriarchy, social norms, cultural practices, economic interests, lack of the implementation of law and defective role of both the legal and other social institutions. Various logics and practices have been devised to make male as the most appropriate heir of inheritance particularly in family land and property. Females in traditional societies, on the other hand also are not in a position to claim their share due to low literacy, no or low say in decision making, low social status, vulnerable position, need of male's support all the time, lack of knowledge about heritance affairs, economic and social cost of litigation and extreme pressure right from family to society as a whole.

2.5.1 Inheritance Rights in Africa

Human rights violation exists in many societies of the world. One such in traditional communities includes women's right to property. In Africa patriarchal structure has made it an accepted norm (Okello, 2003; Bankole, 2001) whereas in Nigeria and many of the African cultures as a whole, women are deprived of the inheritance rights because they are woman (Ajayi and Olotuah, 2005). UN High Commission (UNHC) reports land ownership in Guatemala is a major mean of

subsistence and family welfare, however, women lack land rights; a clearest violation of the fundamental human rights. It further leads to poverty, socioeconomic dependence and reduce participation in human development process (2001). However, the customary laws in Guatemala give independent rights to women to gather firewood, leaves and fruits from communal land such as forest and scrub lands (Waterhouse, 2001). In Burundi, inheritance rules are highly patriarchal. Women and girls inheritance rights in family land do not exist. A daughter inherits only if the deceased father does not have a son. Despite getting independence, customary rules are still applied. Transfer of family land and property to a daughter is unlikely and sons get the full ownership rights. In case of husband's death, property is considered as a collective belonging to a clan (Sabimbona, 2001). In Eritrea, it is generally the men not the women who own the land, however, a divorced, widowed or an exceptional cases an unmarried woman who is mature as well, might own the land (Tekle, 2001). Women in Kenya no longer enjoy the land rights despite the fact that customary laws give them the right of access to land either through inheritance or marriage; hence customary rights do not lead to acquire property rights. Similarly, a woman's right to land ownership is complex in Sudan. However, among many of the communities in Kenya customary law ensures full women property rights through marriage and inheritance from parents or being a kin. However, land in most of the Southern Sudan is again owned traditionally by the community as a whole. It has never been subdivided since colonial time and male are the real owners by tradition. Sudanese Constitution, which is Islamic, further complicates the process (Mwagiru, 2001).

2.5.2. Inheritance Rights in Asia

Asia is multi-cultural region having a wide range of historical, religious, political, socio-cultural, economic and legal differences. All these results not only in variation in laws, policies and procedures but also women access to land and shelter (Santiago, 2001). Many of such along with structural impediments often do not allow women to get land and property because they are inherited normally by the males and consequently make women dependent and helpless (Raj-Hashim and Heyzer, 1991) whereas it has difficulties in implementation where right of access to property, housing and land law exists. On the other hand, it is also a fact that policies and protocols in Asia-Pacific countries are less discriminatory and disadvantageous for women when we compare it with other regions especially the traditional societies in

the world. There is little or no distinction made at least in legislation but wide gap exists also between policy and its implementation. In some cases the discrimination is called deliberate which can be ignorance or lack of sensitivity of the policy makers about women's needs (Santiago, 2001), however, customs and social structure often prevent women in availing their legal rights (UNCHS, 1994).

Sircar and Fletschner (2014) reported that despite the amendment in the inheritance law to give equal rights to daughters in the parents' property and land in 2005, women in India rarely inherit land. They cited UN survey where only one out of eight women in Andhra Pradesh, Bihar, and Madhya Pradesh were found inheriting any agricultural land; whereas; The Devex (2013) went one step further by stating that land ownership is a forbidden dream for many Indian women. A local NGO was unable to find 120 women who own land from six districts again in Andhra Pradesh, Bihar, and Madhya Pradesh. Similarly, Menon found few females who actually claimed land ownership (1994). Legally, women and men in India have the same and equal land ownership rights but according to agriculture and livestock survey, less than 10 percent of the women nationwide had land on their names (FAO, 1997). According to Parashar and Nagarajan (2013), among those who avail land rights, sisters still get lesser rights than their brothers.

Similarly in Nepal, despite the changes in constitution, women are discriminated. In the Eleventh Amendment called *Muluki Ain* in constitution, a widow has the right to inherit the husband property. Similarly, daughters have also equal share and sons but they have to return it to other heirs after getting married (RDI, 2009). Women constitute 51 percent of the population, providing 66 percent of the labor force to agricultural sector but own around 8 percent of the land (World Bank, 2009). Ancestral property is generally heired by the males (Glibert, 1992). In Sri Lanka, female adult literacy rate is 89.1 percent but women are still facing gender barriers in labor market, political arena and rights to get share in family land property (RDI, 2009). Statutory laws are gender discriminatory and are still dominated by pre-colonial era traditions and customary laws favoring males (Udani, 2013). Bulankulame said majority of the females receive property through inheritance and according to one study only 30 percent of the women in Sri Lanka own property (2006) where 54 percent of these are those who own not the land but house only (Wanasundera, 2006).

Discrimination on gender basis is also a common feature of Bangladeshi society. Women are discriminated both socially and economically. Unequal access to resources, especially, land and other assets is the main obstacle both for women and the country development (Jinnah, 2013). Sons are generally preferred over daughters in inheritance cases generally. International Food and Policy Research Institute (IFPRI) reports that though rural women do have access to credit, employment and property but in practice it is limited and far from the rights men have in Bangladesh (1998). To enable women to become land and property owner, legislation was made in Bangladesh in 1996 but only 3.5 percent of the females were found land and property owners where house ownership was reported higher than the land (Word Bank, 2008).

Afghanistan, like other traditional societies has a tradition of women denial to family land and property, though entire female community is also not landless. Quran and civil based code entitle women to own land but usually in name only. Handful women own house and agricultural land but they rarely farm that land. Daughters mainly hand over their rightful land to their brothers and mothers to their sons who help and protect them in odd situations (Wily, 2004). Pluralist legal system exists in Afghanistan. Land ownership rights are decided on the basis of religious, state and customary laws where the later decide who and how to own the rights to land (RDI, 2009). Culture and traditions dominate the Palestinian women access to land and property. They lack inheritance rights in addition to the repercussions of military occupation of Israelis forces. A Palestinian Human Rights Information Center (PHRIC) and Housing Rights Project survey in a village outside Hebron in the West Bank reports that 97 percent of the houses were owned by the husbands; 77 percent women reported discrimination in land ownership where 75 percent of the women actually participated in building of the house. Gender biased customs supported by law are the main factors behind the phenomena (Zneid, 2001).

Pakistan is a country of over 180 million people where livelihood of the people especially the rural, revolves around the agricultural land, the basic source that provides food, shelter and social status (RDI, 2009). Poverty in rural area is mainly high among landless and non-agricultural households. An increase in the size of landholdings decreases the incidence of poverty (Anwar and Other, 2005). One of the major victims of the scenario is woman, who rarely holds land ownership rights

despite having constitutional, statutory (Article 23 and 25 of Pakistani Constitution) and religious law granting land rights to females in Pakistan. USAID (2014) report says that women are unable to access the land rights while International Development Research Centre (IDRC) even states that keeping in view the obstacles they confront it seems impossible for women to own land (2014). Under patriarchy, customary laws and traditional practices have subordinated women systematically across the country (ADB, 2002 and USAID, 2014). Khattak and other report that lack of knowledge about the number of women who own and control the land; it is obvious that a very large number of women are deprived due to unequal opportunities (2010). Historically, like other traditional societies, both man and woman have the land usage rights, but the control and formal ownership is titled on the name of males that pass on further to their sons. In Pakistan, an extreme example of the custom's influence over womens' property rights is Federally Administered Tribal Areas (FATA) where males continue to dominate in political, economic and social life activities as well as control land and other assets belonging to a family. Women suffer the highest level of poverty, poor health, illiteracy and lack of access to resources not only in Pakistan, but also in Asia as a whole. Rigid tribal norms besides preventing women from securing property rights restrict their mobility, access to resources; say in decision making, recognition in agricultural related income and other activities. Bride price still exists in many areas as well (Mehdi, 2002; IDRC, 2014; GOP, 2006 and USAID, 2008). Generally, customary practices deny women rights in family inheritance in all the four provinces of Pakistan. Property on women name is rare in Sindh, Khyber Pakhtunkhwa, and Baluchistan whereas Hazaras in Baluchistan provide inheritance to women but the land control and usage remain in the males' hand. The same is the case in other areas and provinces as well. Females do not inherit land in the presence of male in Khyber Pakhtunkhwa except in some areas and some families mainly the big land owners where the in-laws demand female share at the time of marriage and if not than by the husband or her sons later on. In Punjab, women may have land and property rights but no say in its use and income and are rarely transferred to females except a handful of rich families as in other areas (Arif and Ali, 1998).

2.6. Major Causes of Inheritance Denial

A number of factors affect the decision to deny the women share in inheritance at family and community level. Denial is a common phenomena particularly in developing countries mainly due to economic worth of the inheritance where societal norms and practices based on patriarchy support the process. Though religiously and legally women have the basic rights to have their share but they along with other institutions do not play their role properly and in fact discrepancy exists in legal rights and their practice.

2.6.1. Background of Inheritance Rights Denial

It is difficult to describe the origin of the denial of women's rights in family inheritance and property. The most common cause reveals that the ancient Arabs, Hindus, Buddhists and African did not consider women as heirs. Only those were entitled to inheritance rights who were physically strong and were better fighters; hence women, disabled and weak of the both sexes were excluded from inheritance. Another ground of denial was the status of the females, who in some parts of the world were considered as the part of property or assets that was transferred to heirs according to the existing inheritance rules. Women status in Arabia, Athens, Israel, Aryan Hindus, Wales and Africa was not recognized. Every woman was recognized with her relation to males and in case of husband's death had to marry the son or brother of the deceased except her own son (Inheritance, 2014).

2.6.2. Male Economic Interest

Land in South Asia is the most valuable property in economic, political and symbolic terms (RDI, 2009). Many of the classical and neoclassical economists define land as original and indestructible power of the soil (Fisher, 1958). Land is the base of economic activities and development in agriculture, industries, housing etc. in the developing world. Wealth and economic assets are also measured through size of land ownership (World Bank, 2012). Like other developing nations land and housing in Pakistan are scarce, hence their prices are escalating (Dowall and Ellis, 2007 and USAID, 2008). Similarly, the most important resource for the majority of rural Indians is land which provides physical, nutritional and financial security along with the basis of social status both in the family and the community (RDI, 2009). In

Afghanistan, land ownership makes the most significant distinction between the rich and the poor and a house ownership in rural areas is considered as a main source of survival (Wily, 2004).

Livelihood of both man and woman in rural areas revolves, around land in Pakistan. As an asset and economic resource, land provides food to human being and livestock along with security and power. Besides income and employment, land provides cash to rural poor who mortgaged land to get cash in time of need. Land ownership also helps determine the social status in rural and urban areas of the country (Khawar and Nosherwani, 2010). Malik, Sardar, Chaudhry, Vadera etc. the different leaders in their respective areas in fact get the status and power due to land ownership (Zaman, 1995). In Pukhtun society, land and money is the second core issue after honor or *nang* in *Pukhtuwali* (Yousafzai and Gohar, 2005). Power in Pukhtun culture is entirely in the hand of those Pathans who own land and are called *Pukhtana* whereas those who lack it are considered as serfs. All the matters including the Jirga are managed and decided by the land owners especially the *Maliks* (Room, 2012). Many time the high concentration of land in the rural areas along with its ownership, management and control in the few hands is the root cause of persistent poverty and instability in Pakistan where the major victims are landless, tenants and women (USAID, 2014). Even the great poet Allama Muhammad Iqbal took serious note of it and called uneven and unequal private property ownership giving benefits to certain groups and ignoring the others as the source of all evils (Tahir, 2002).

Women's rights to property have been the major concern of United Nations (UN). A number of resolutions have been passed in the UN Assembly along with discussion on many forums (Tibaijuka, 2001 and World Bank, 2012) however, women still own less than 2 percent of the world's land (Doss, 2013). It is rare in many of the developing countries (RDI, 2009) such as India (Sircar and Fletschner, 2014), Afghanistan ((Wily, 2004), Pakistan (Khawar and Nosherwani, 2010) etc. Women in many countries in Africa do all the work relating to agriculture but they do not have the right to call the produce their own. In fact it is the man who owns the land or if not controls it. Land, the produce, livestock and women (even) are man's property (Ajayi and Olotuah, 2005). Similarly, men have the total control over land in Bangladesh and are economic producers while women being co-producers are

dependent on men (Rahman, 1995). Room cited McMahon and Ramsay who found power and land ownership in Dir, Swat, Bajur and other tribal areas in Pakistani in the hands of land owning male Pathans (2012). Land being a high valued asset (RDI, 2009), determine socioeconomic status along with command and authority both within and outside the family (Zaman, 1995) and is linked directly with the livelihood of the people. Poverty in Pakistan, like other countries, is correlated with landlessness in Pakistan. The value of land can be determined by the fact that 43 percent of rural population is landless or near landless whereas among landowners 96 percent of the population has less than 2 hectares of land and those who have 200 or more hectares were only 7 percent of the total land owners (Chaudhry et al., 2006; Gazdar, 2007 and World Bank, 2007). Because of its economic worth, men in most of the developing countries try to own or at least control the land. The high value of land and property makes it almost impossible for women to get share in family inheritance as it is called the vehicle that grants property rights to women in developing countries including Pakistan (Giovarelli and Aggarwal, 2007). Similarly, RDI (2009) reported inheritance as a mean of acquiring land rights. Deere says that men deny women land rights as they consider inheritance a way for women to accumulate wealth (2006) whereas land and money are highly significant to people especially the males (Finch and Mason, 2000) who judge the inheritance in terms of its financial worth as it is the distribution of money, land and other property (Goodnow and Lawrance, 2010). Some of the explanations and justification are given to justify their claim that man plays a major role in cultivating land because Allah has made him stronger than woman; thus entitled to have absolute control over land along with decisions to use and exploit the land (IFPRI, 1998). At family level, the family members including the old females encourage the female heir to give up their inheritance rights as it belongs to the males in natal family and such action would keep relations sweet and transfer of land to other family would also be avoided (White, 1992). Division or portioning of land, especially, sharing with a person from another family is a weak gesture in Pukhtoonwali (Yousafzai and Gohar, 2005) or even other cultures in Pakistan. Dowry many times considered as alternate to property rights. Exchange marriage or marriage in the paternal family with cousins are also arranged to protect the land and property within the family. On the other hand, it is the woman's husband and sons (in few cases) who played major role in getting her inheritance share from their natal family (RDI, 2009 and World Bank, 2005).

2.6.3. Law and Practices .

Term law refers to system of rules or the command of a sovereign, backed by the threat of a sanction. Laws are basically rules of conduct established and enforced by the authority, legislation, or custom of a given community, state or other group (Campbell, 1993: Austin, 2007). The major sources of law are the precedents, customs, legislation, statutory interpretation and preparatory works. Law is generally divided into two main areas i-e the criminal and civil law where property and land relating matters come under the jurisdiction of civil law called property law. It regulates the transfer and title of the personal and real property whereas tort law deals with compensation of personal property, if harmed (Law, 2014). Griffiths (1986) states that "law is and should be the law of the state, uniform for all persons, exclusive of all other laws, and administer by a single set of state institutions".

2.6.3.1. Role of Constitution and Legal Bodies

Constitution is the major source of law which is interpreted and implemented through courts and other bodies. Article 23 of the Constitution of Pakistan states, "every citizen shall have the right to acquire, hold, and dispose of property in any part of Pakistan" where Article 25 further guarantees and terms the females' "rights to property and equality of citizen as fundamental rights" It further urges to ensure 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 inconsistent with fundamental rights (GOP, 2012). Khawar and Nosherwani reported no direct provision in the constitution that directly guarantees and ensures the justice to women with respect to the violation of their inheritance rights in family land and property (2010). To protect women's rights including the inheritance share further, a Women Rights Bill 2011 was tabled and passed first by the National Assembly on November 15, 2011 (Khan, 2011) and later by the Senate on March 9, 2012. It is now part of the Constitution and legally any violation regarding deprivation of women's share in family inheritance can lead to imprisonment between 5 and 10 years or a fine of Rs. 1 million or both (Aaj News, 2012).

Courts are the other bodies that are directly linked with the process of inheritance sharing among the family members including the females. They make decisions on the basis of country law. Cases regarding land and property come

primarily under the jurisdiction of revenue courts where disputes at *tehsil* level are decided by the government official called *tehsildar* and if any party is not satisfied they can appeal to the Chief Settlement Officer and provincial –level Board of Revenue (Ali and Nasir 2010). Formal courts in Pakistan have also the authority and jurisdiction to hear the land and property related cases. There are two types of formal courts in Pakistan; the superior and lower courts. The former consist of Supreme and High courts while the later start from the court of civil judge to session judge at district level. Literature reveals contradictory reports about the courts' role in the matters relating to share in family inheritance. Ishaq (2012), Chaudhry (2009) and Ali (1997) while describing the role of formal courts, viewed that superior courts provided justice to females who were deprived of their share in inheritance. For courts, every citizen has the right to inherit family land and property given by both the religion and the country law. The Supreme Court ruled out the value of any change if made in revenue record along with any other attempt to disinherit women and such cannot deprive women in claim of their right to attain inheritance. Elahi (2014) cited a number of cases where the Supreme Court of Pakistan made landmark judgments such as Ghulam Ali and Others vs. Mst. Ghulam Sarwar Naqvi in giving land rights to women and discouraging brothers to deprive their sisters and daughters of their rights without their will. However, majority of the studies including Ishaq (2012) termed both the formal and revenue court system in Pakistan as poor, inadequate, duplicate, overburdened and ineffective. Parallel systems based on customs and traditions have been reported more efficient and accessible in resolving land disputes and thus create pluralistic legal environment especially in the rural setting of the country. The records, especially at provincial level i-e Provincial Land Registrar and Provincial Board of Revenue are not comprehensive. In fact a junior revenue officer called *patwari* performs the major functions that include land survey, boundary demarcation, maintaining record of land ownership, transection, mutation and distribution. The original record is also in his custody (Dowall and Ellis 2007; USAID 2008; Ali and Nasir 2010). Registering or transferring a land requires six-step procedure which takes an average of 50 days and payment of 5.3 percent of the total value of the land. It starts with the drafting of transection documents on stamp paper by a lawyer or deed writer, followed by both the parties in land transection present the documents to Land Registrar who verifies the identity of the parties, their authority to enter in the transaction and enters certain endorsements. The owner then takes these documents to

the *patwari* who enters the transection in the record of mutation in the Record of Rights and issues a *fard* (a document showing the evidence of land ownership) to new owner (World Bank 2008a; USAID 2008). Because of this, the revenue court system in Pakistan has been reported as time-consuming, complex and subject to corrupt. Land rights documentation is often missing, incomplete or questionable. Revenue department officials such as *patwari* do not appear to provide evidence and consequently land and property related cases take years to resolve (Ali and Nasir 2010). Judiciary on the other hand found and called low paid, poor trained and loaded with very large number of cases. Between 50 to 75 percent of the cases they have to deal relate to land related disputes where major cases are inaccurate or based on fraudulent land record, multiple registered and hence credible evidence is often impossible (USAID 2008; Dowall and Ellis 2007; Ali and Nasir 2010).

2.6.3.2. Law and Practices at Community Level

Like other traditional societies, multiple law system exists in Pakistan. This includes state laws, customary laws and religious laws; however, customary laws could be safely termed as dominant practiced laws. Tekle (2001) said that property rights in Eritrea are governed by both the state and customary laws whereas Mehdi reports that majority of the people living in rural areas of Pakistan are unaware of the state laws, they still live the life of their ancestors and more frequently they bypass the state laws in favor of their local procedures and practices (1994). State laws in practice function according to cultural practices. Many times cultural laws and practices overpower the state and even religious laws as well. Those who go to court, ultimately resolve their conflicts through customary laws by using local institutions such as Jirga, Punchayat etc. (Chaudhry, 2009). Room (2012), termed *riwaj* (custom and customary law) governs the conduct, lives and behavior of Pukhtuns to a great extent. In practice, its use might be more than Islamic law. Some *riwajs* include no marriage under common law has also been recognized, daughter/sister does not inherit in family land and property; the eldest son has the greatest share etc. Ali (1997), reported a positive response to women from the superior courts of Pakistan concerning their inheritance rights but only few from those received their share. She attributed this to the pressure and force from both from the family and the society to forego their share and settle the case out of the court according to the customary laws and practices. The prevalent practice according to Chaudhry in Punjab Pakistan,

demands the daughters/sisters to relinquish their patrimonial rights, especially the land and property, and give them away to their brothers. The court verdicts in many cases have almost no validity (2009). Consequently, only few women challenged the status quo due to social pressure, parallel customary laws and cumbersome procedure both in the revenue department and formal court system (IRDC, 2014). When women in Bangladesh were asked why they did not go to courts, they uniformly replied that they could not pursue the lengthy procedure in the court (IFPRI, 1998). In spite of biased attitude towards women, *Jirga* and *shuras* in Afghanistan are termed more trustworthy, efficient and less corrupt than the state courts (CPHD, 2008). Similarly, the land disputes are settled in Khyber Pakhtunkhwa by Jirga and in Punjab and Sindh by Punchayat. Decisions are made on the basis of customary laws and cultural practices and women are mostly not allowed to participate in the meeting (Ali and Rehman, 2001; GOP, 2006).

There is a wide gap between official law and actual practices (Mahdi, 1997). Law in Pakistan entitle women to have share in family land and property but people at large level use various measures, mostly illegal, to deny this right. Many times this is intentional called deliberate discrimination (Santiago, 2001) with major aim to keep the inheritance in the family. Arif and Ali said that to avoid taxes in Punjab rich people transfer the property on the name of wife or daughters, however, the property documents are kept by a family male (1998). Similarly, in Baluchistan land is registered on the women's name but they do not get the land. The brothers share the land with one another while the females in return receives share in harvest or gifts from the parents family. In rural Punjab many times, the male after making understanding with the *patwari,* exclude their daughters and sisters names from the inheritance list on the pretext that they have surrendered their share. Similarly, gift called *habba* is made on the name of brothers once the land is transferred to women's name. To stop and discourage this, the courts have made mandatory for the women to appear in person and submit signed legal document called affidavit that they have not been forced to surrender their share. Many times males do not hesitate to have female share by making thumb mark documents, by getting power of attorney and even making fake documents (Ishaq, 2012; Mahdi, 2002 and Arif and Ali, 1998). On the other hand, many people view women as lacking capacity to deal with such affairs because laws relating to land and property are quiet complicated. Women, especially

in rural setting, do not know how to use the law and the social and financial cost to go to court is very high. Women do not have enough financial resources to go in the courts. Also it is uncommon for women to make contact with the *patwari*, police and court because the behavior of police and revenue department officials is also not good. Women do not know how to deal with the concerned officials and mostly they are unaware of not only the required procedures and laws regarding getting their share but also even of their share in family inheritance (Santiago, 2001; USAID, 2014; Beyani, 2001; Chaudhry, 2009).

2.6.4. Religion and Inheritance Practices

Religion is one of the major determinates of human actions in almost all areas and groups whether belonging to one or other religion. Despite the fact that some countries are more religion based societies than the other. However, it generally provides guidelines and code of ethics and morality to the people living all over the world. Like other religion based societies, Islam governs every aspect of society in Pakistan in one way or the other. Article 2 of the Constitution of the Islamic Republic of Pakistan states "Islam shall be the state religion of Pakistan" and all laws must be in alignment with the Quran. Article 203D empowers courts to strike out any law or provision of law "repugnant to the Injunctions of Islam as laid down in the Holy Quran and the Sunnah of Holy Prophet" (GOP, 2012). Inheritance is one of these. It is divided on the basis of Islamic *Shariah* where Islam clearly describes the inheritance rights and share among the family members (Khawar and Nosherwani, 2010).

2.6.4.1. Inheritance and Women Share in Quran

Quran is the basic source of guidance for all Muslims. In Islam, it is binding on the Muslims to follow all the guidelines and commandments mentioned in Quran. Like other, Quran not only entitles women to have share in family land and property but also the exact share of women in different capacities of relationships within the family. Inheritance and its division on gender basis is mentioned in Surah Baqarah, chapter 2 verse 180 and 240; Surah Nisa, chapter 4 verse 7-8, 19, and 33; and Surah Maidah, chapter 5 verse 106-108. Verses 11, 12 and 176 in Surah Nisah chapter 4 in the Qur'an describe the share of heirs.

Quran starts about women share in inheritance in chapter 2 verse 180 translated by Usmani (1995) when God says:

> "It is enjoined upon you, when death approaches any one of you and he leaves some wealth that he must bequeath for the parents and the nearest of kin in the approved manner, being an obligation on the God-fearing" (Quran; 2:180).

Quran further makes it obligatory for Muslims to make will in favor of their wife (s) before death. They can live in your house for one year and you cannot force them to leave the house. At the revelation of this verse the injunction of inheritance along with determined share of women was not revealed (Usmani, 1995). In this regard Quran in Surah or chapter 2 verse no. 240 translated by Usmani (1995) says:

> "Those among you who pass away and leave wives behind are (commanded) to make a will in favor of their wives to be maintained for one year without being expelled (from husband's home). Then, if they move out, there is no sin on you in what they have done for themselves according to the fair practice. Allah is Mighty, Wise" (Quran; 2:240).

Chapter 4 of Quran Surah Nisa meaning women not only entitles women to inheritance but also determines their share. Verse 7 of Surah Nisa, describes five legal regulations about inheritance. First it entitles both males and females to inheritance followed by fixed or determined division among all heirs whether share is small or large, and applies to all sorts of property. Inheritance laws are applied when deceased leaves some property behind him and if the nearest relatives are alive, distant relatives have no right. Quran in 4:7 translated by Usmani (1995) states:

> "For men there is a share in what the parents and the nearest of kin have left. And for women there is a share in what the parents and the nearest of kin have left, be it small or large –a determined share" (Quran; 4:7).

Islam gives inheritance right to those family members who have blood relations with the deceased. They include parents, wife/husband, sons, daughters, brothers, sisters and other relatives. Inheritance share is determined, on the basis of heirs' relations to the dead person. Quran even asks the entitled heirs to be generous at the time of inheritance division and giving something to someone or at least speak gently to those who are out of the entitled relatives circle, and orphans or those

grandsons and granddaughters whose entitled father or mother is passed away before the death of the deceased (Usmani, 2011). Quran in 4:8 translated by Usmani (1995) stated:

> "But if at the time of division, the relatives and the orphans and the needy come, then give them too something there from and speak to them good words" (Quran: 4:8).

Woman at the beginning of Islam was considered as a part of property and after the death of her husband, she became the property of the heirs; she was neither allowed to marry without their permission nor could she make other important decisions of life (Usmani, 2011). Quran forbids these traditions in Surah Nisa Chapter 4 verse 19 translated by Usmani (1995) and stated:

> "O you who believe, it is not lawful for you that you should forcibly take women as inheritance. Do not hold on to them so that you may take away some of what you have given them, unless they commit a clearly shameful act. Live with them in the recognized manner. If you dislike them, then it is quite likely that you dislike something and Allah has placed a lot of good in it" (Quran: 4:19).

Before Islam, Arabs used to share the inheritance with each other through making agreement of friendship and brotherhood. Islam forbids this tradition and asks Muslims to divide the inheritance among the heirs on the basis of law prescribed by Quran. However, they are allowed to give to other than their relatives in their lifetime but they are answerable to Allah (Usmani, 2011). Quran in Surah Nisa Verse 33 translated by Usmani (1995) stated:

> "And for every one We have made heirs of the property that is left by parents and relations, and those with whom you have sworn compact give to them their share, undoubtedly everything is before Allah" (Quran:4:33).

The division of inheritance is made on the basis of will a person makes before his/her death. Quran also describes the process and conditions one should meet while making a will. A will should be first evidenced by witness, so that it can be proved in case of dispute. Quran advises to choose two pious Muslims for the purpose. In case they are not available non-Muslims can also serve the purpose. In case of dispute both

the parties should produce witnesses. Witnesses from complainant are taken first and if they prove it under the legal norms prescribed by Sharia, the case is decided in their favor. If they cannot, oath is taken from other party i-e the respondent, if they deny, the plaintiff win the case. However, taking oath is not compulsory; it depends on the opinion of the judge (Usmani, 1995). Regarding this, Quran in Surah Maida chapter 5 verse: 106-8 translated by Usmani (1995) stated:

> "'O believers! The evidence among yourselves when death approaches any of you at the time of making a will is of two jut persons from among you or two of the others, when you be on journey in the land, and the calamity of death befall you, Detain them both after prayer, they should swear by Allah if you are in any doubt, that we shall not purchase any wealth in exchange of the oath, even though he may be a near relation, and will not hide the testimony of Allah if we do so, we are surely among the sinners" (Quran: 5:106).
>
> "Then if it is known that they became guilty of any sin, then two others should stand in their place from amongst those nearer to the deceased whose right has been injured by this sin (by this false evidence), then they should swear by Allah that our evidence is more upright than the evidence of those two, and we crossed not the limit. if it be so then we should be of the unjust" (Quran: 5:107).
>
> "It is nearer that they may give the evidence as it should be or fear that some oaths may be rebutted after their oaths. And fear Allah and listen to His commands. And Allah gives not the way to the dis-obedients" (Quran: 5:108).

Verse 11, 12 and 176 of Surah Nisa i-e Chapter 4 describe the share of family members or entitled heirs after the death of a person. Quran stated (Usmani, 1995):

> "As regards inheritance, Allah enjoins you concerning your children that: The share of the male shall be twice that of the female.15 In case the heirs be more than two females, their total share shall be two-thirds16 of the whole and if there be only one daughter, her share shall be half of the whole. If the deceased has children, each of his parents shall get one-sixth of the whole.17 but if he be childless and his parents alone are his heirs, the mother shall have one-third of the whole.18 If the deceased has brothers and sisters also, the

mother shall be entitled to one-sixth of the whole.19 The division of all these shares shall take place only after fulfilling the terms of the will and after the payment of the debt20 (if any). As regards your parents and your children, you do not know who is more beneficial to you. Allah has apportioned these shares and most surely Allah is All-Knowing, All-Wise" (Quran: 4:11).

"And for you is one-half of what is left by your wives, if they have no issue (child) but if they have issue (child),then you have one fourth of what they leave after (paying) any bequest made by them and the debts. And for the women is one fourth of what you leave if you have no issue (child); but if you have issue (child), then for them is one-eight of what you leave after (paying) any bequest made by you and the debts. And if the heritage of any such male or female who leave behind nothing, neither parents nor children is to be divided and from mother side he or she has brother or sister, then for each one of them is one sixth. Then if the sister and brother be more than one, then all are sharer in one-third, after (payment of the bequest of the deceased and debts in which the deceased would not have caused any harm. This is an injunction from Allah and Allah is All Knowing, Gentle" (Quran: 4:12).

"People seek your verdict on (the inheritance left by) a childless person. Say, "Allah gives His verdict: if a person dies childless and leaves behind a sister, she shall get half of his inheritance: and if the sister dies childless, her brother shall inherit her property: and if the deceased leaves behind two sisters, they shall inherit two thirds of the inheritance: and if the number of the brothers and sisters is more than two, the share of each brother shall be double that of each sister." Allah makes His Commandments plain to you lest you should go astray; Allah has perfect knowledge of everything" (Quran: 4:176).

2.6.4.1. Inheritance and Women Share in Hadith

The word *Hadith* or *Hadis* "means something new or a piece of information". Religiously it refers to "a statement, action or approval attributed to Prophet Muhammad". It is also binding on the Muslims to follow the *Sunnah* i-e the words and actions of the Prophet. *Hadiths* are considered as the true record of *Sunnah* and they are the primary source of guidelines for the Muslims after Quran (Hadith, 2014). Hadith no. 723-28, 731 and 733 to 738 in volume 8, book 80 of Sahih Bukhari

narrates the Sayings of Prophet Muhammad about inheritance and its share among the heirs.

Sahih Bukhari starts the Hadiths on inheritance with Hadith no. 735 describing how and when revelation of verses in Quran was started. Hadith no. 723 is narrated by Huraira, 724 by Ibn 'Abbas, 737 by Huraira and 738 by Ibn 'Abbas describe if somebody leaves property, first you should pay his/her debt if any, then distribute it among all the legal and entitled heirs. The remaining should be given to the closest relatives of the deceased. Hadith no. 731 narrated by Ibne-Abbas narrates the legal heirs of the deceased whereas, Hadith no. 726 narrated by Al-Aswad bin Yazid, 728 by Huzail Bin Shirahbil, 733 by Al-Aswid and 734 by Huzail describe the share of daughter, sister and son's daughter in the inheritance at the time of distribution. Hadith no. 725 narrated by Sa'd bin Abi Waqqas describes the share one (half of the total property) or more daughters (two-third of the total property) if no son or sons. It also states that you can give only one third of the total property in charity and do not leave your off-spring poor and ask for other to help by giving more than one third in charity (Bukari, 2012).

2.6.4.3. Role of Religion in Inheritance Share on Gender Basis

Inheritance laws in Pakistan are based on the guidelines and rules prescribed both by the Quran and Hadith. Any law against the spirit of Holy Quran and Sunnah is not acceptable. Hence inheritance laws are the combination of laws and guidelines prescribed by Quran, Sunnah and basic human rights of the women in the society. Parallel to this, there are inheritance practices based on local culture and traditions in Pakistan. Both theoretically and in practice one cannot deny the role of religion in inheritance share. Islamic principles are the major guidelines but many times the culture and local traditions dominate Islamic laws. People deny women inheritance rights in spite of having clear knowledge of the commandments of Quran and Sunnah about women rights and share in family land and property.

Before the introduction of Shariat Acts in the Sub-Continent in the early 20th century, inheritance was defined through custom and in the absence of local customs it was dealt through personal laws. Inheritance was distributed according to the personal law of each religious group (Khawar & Nosherwani, 2010). Islamic laws for the Muslims are the combination of guidelines from Quran and Hadiths agreed by

majority of the Muslim scholars as authentic (Chebal, 2009 and Leila, 1992). Islam clearly mentions the rights and exact share of family members in family inheritance, however, inheritance distribution on gender basis is unfair in many of the Muslims majority countries (Bademci, 2006). Pakistan is no exception as many of the inheritance practices are flagrant violations of the religious laws (World Bank, 2009). Many factors contribute to the phenomena. Islamic law, in many ways, is incompatible with the statutory laws as oral and unrecorded declarations of the gifts of land is allowed in Islamic law while statutory laws demand everything should be documented and recorded and one has to get one's share through writ in the court (USAID, 2014). More importantly it is the subordinate position of women that help men to deny the due socioeconomic rewards to women granted to them by law and the religion. In fact the social structure, beliefs, attitudes and culture based on patriarchy with support of religion determine the gender distinction in the society (Santiago, 2001). Many times men view religion and local traditions in Pukhtun society as laws that help them to solve social, economic and political affairs of the family (Yousafzai and Gohar, 2005). Wily reports that land affairs in Afghanistan are dealt through customs which are highly influenced by the Islamic law. The utility of the statuary laws regarding inheritance is limited due to the domination of customs which are highly religion based (2004) and consequently women's legal inheritance rights are typically denied. Again culture and traditions exert pressure on the name of religion (Grace, (2005). The culture that dictates who has the access to and control over the family assets including the land and property in the most communities is common in Africa (Kimani and Maina, 2010).

There is a wide gap between the theoretical official/Islamic law of inheritance for the women and the customary laws in Pakistan. In practice, state customary and religious laws function simultaneously; however, customary laws dominate the other (Chaudhry, 2009). Like other traditional societies, all these along with traditional inheritance practices, deny women inheritance rights granted by Quran and country laws (USAID, 2014). In fact the customary practices override the rights given by the Sharia and statutory laws (Wily, 2004). RDI (2009), stated that women inheritance rights in FATA Pakistan are denied systematically under Islamic law whereas Khawar and Nosherwani, (2010) termed customs as major barrier to the exercise of their land and property rights. Room (2012) said that in Pukhtun dominating areas you have to

follow the *riwaj* (norms and values of the society). Inheritance denial though un-Islamic but still recognized as code of Pukhtu or Pukhtun culture. Ginsburg (2011) also called denial as a part of many versions of Pukhtunwali or Pukhtun code of ethics which directly contradict with Islamic Sharia. Chaudhry (2009), further reports that though the religion affects the traditions and values of people living in other parts of Pakistan to a large extent but customary laws could be safely termed as the dominant practiced laws in Pakistan. Some other factors contribute to the denial include knowledge about the religious and country laws, role of religious institutions and leaders and people perception about women ability to manage and control the land. Mahdi (1994) and Muhammad (2011) found most of the people, particularly living in rural areas, are unaware of the state laws and favor more traditional procedures and institutions such as Jirga, Punchayat, arbitration etc. to solve land and property related cases. Khan stated that despite the fact that every Pukhtun claims Pukhto or to be Pukhtun but in practice they lack conviction in the implementation of Islamic laws in their lives. Many people do not understand the Quran in Arabic, they have to depend on the *mullahs* who are relatively not only uneducated but also accused of not preaching such issues or they don't practice what they preach (1958). Furthermore, customary and religious laws to a large extent do not accept that women have the ability to control and manage the land males ultimately have to look after the affairs even in the cases of land and property transfer on female name (Mehdi 2002; SDPI 2008; Mumtaz and Noshirwani, 2008; World Bank 2005).

2.6.5. Patriarchy

The word patriarchy was first recorded in 1630 and literally refers to "rule of father in male dominated family". Historically the term refers to an autocratic rule by a male head of a family which in modern time is a social system where adult male hold the power (Meadher, 2011). Walby termed patriarchy as "a system of social structures and practices in which men dominate, oppress and exploit women" (1990). It is a social system where male get primary authority both in social organization and being father over women, children and property. All the titles and properties are inherited from the male line (Patriarchy, 2014). In patriarchy power relations are hierarchical and unequal with men getting control over the women that include production, reproduction and affairs of daily life. Masculinity is imposed with an aim to subordinate women by playing stereotype roles. It varies from society to society

and culture to culture and has strong influence over the modern civilization though many moved towards egalitarian system in many of the developed nations since the last century. However, it still exists primarily in traditional societies (Malti-Douglas, 2007).

2.6.5.1. History/Background of Patriarchy

Historians are not sure about the time of the initiation of patriarchy (Strozier, 2002). They term earlier societies relatively egalitarian (Hughes, 2001). Some state the concept of fatherhood around 4000 BCE (Before Common Era) i-e 6000 years back led the spread of patriarchy. Man domination over woman was found in Ancient Near East in 3100 BCE (Kraemer, 1991) followed by exclusion of woman from the God-humanity covenant among Hebrews. Woman considered physically, intellectually and morally inferior, property of man and should be restricted to indoor activities and obey husband. Among Greeks and ancient China, women were submissive to men both at family and society levels (Lerner, 1986). Patriarchy was not absolute in Ancient Egypt and medieval Europe. Although no record but Herodotus states that Egyptian women used to attend market; were employed in trade including engagement in real estate transaction and inherited or bequeath property whereas the Greek view especially Aristotle's existed in 16th and 17th centuries in Europe but one cannot find the Greek type of patriarchal family after 1680. In fact, many of the women started questioning the patriarchal norms existing in European society after 19th century (Gordon, 2004).

2.6.5.2. Theories of Patriarchy

Various theories have been presented to describe the phenomena. Those who considered patriarchy as a socio-biological phenomenon called it a social behavior determined by genes or genetics instead of social conditions. They call it universal feature of human culture found or specially felt in every society with literally no variations at all (Goldberg, 1973). Leocock while contradicting the idea called data on women attitude highly sparse and contradictory and ambiguous (1974). Sociologists also reject the idea and state gender role for males and females established primarily by the socio-cultural conditions of the people living in an area and like culture, transferred from generation to generation mostly in traditional and less developed

countries. However, male dominating status cannot be denied in the developed world as well (Sanderson, 2001 and Henslin, 2001).

Evolutionary psychologists sometime link the origin of psychology with the Batseman's principle that male is capable of producing more offspring than the females as he can mate with several females whereas females cannot produce more offspring by mating with several males at a time. Man in this process get higher status and access to resources as female always invests more energy in producing children, consequently having limited resources compared to man, hence looking for man who gets control over resources and feeds her along with her children (Buss, 2011). The psychoanalytic theories states that patriarchy is loosely considered as 'male domination' or 'rule of the father'. However, one cannot confine it to males' domination over females only; it goes beyond that such as male especially the older, have control over women, children and younger males. It is operated unconsciously; young men inherit the patriarchal norms through social process within or outside the family. It prevails more among those live in the family compared to those who live outside or less influenced by the family; consists of unspoken traditions and conventions that bind the males or fathers as well and is further extended to marriage, courtship, power structure and relations in the society (Juliet, 1974; Barbara, 1992 and Cockburn, 1993).

Feminists perhaps have highlighted the patriarchy more than any other school of thought. Four core principles on which feminism perspective established include male and female are different, high inequality in social, economic and other spheres of life exists, which is manmade and we have to struggle against it. Feminism calls patriarchy as an unjust system oppressive against women. The status of male and female are the symbols of freedom and subjugation, it is patriarchy that generates all mechanisms which reproduce and exert male domination over the female (Pateman, 1998 and Tickner, 2001). Under gender inequality liberal feminists blame men for putting themselves in public sphere having power, authority, status, money etc. compared to women in private sphere having whereas radical feminists considered patriarchy as the sole cause for oppression of women.

Werlhof (2007) logic behind patriarchy is the logic of war. In fact it did not exist as is now and developed when armed groups systematically destructed the

matrilineal societies through invasion and violent conquests. Consequently, the conquered lost their position and status in the society and were forced to follow the rules and regulations of the conquerors. New institutions and values were established that further strengthened the male domination (Mies, 2003). Werlhof (2007) reported that actually all the institutions invented by patriarchy were mainly drawn from war experience. Patriarchy invented a political system for the establishment of state was in which fact hierarchical domination of armed men over the conquered. This included the women and economy or economic system to grab the other property i-e conquered and women who controlled the means of production before that. 'God Father' likes male characters that are legitimized to give and take the life of other.

2.6.5.3. Patriarchy and Inheritance Share on Gender Basis

Despite variation, patriarchy prevails mainly throughout the world. Successive practice of patriarchal norms, abolished from thousand years, made it part of the culture and social system. It affected both the society and individuals; however, women were considered the major victims of patriarchal norms and practices. Santiago reports that Nepal, a patriarchal society, where gender distinction is not only reflected in social structure, beliefs, attitude and practices but is also the major cause of little development of the country (2001). In many of the developing countries including Pakistan, access to land is determined by the status than the actual rights (UN Millennium Project, 2005). In Africa, women are completely dependent on man, deprived of many rights because they are women (Ajayi and Olotuch, 2005), are treated as property and passed on from one man to another (Olotuch and Nyongesa, 2013; Wasan, 2012), have little say in decision making and get low status (Mwagiru, 2001 and Tekle, 2001). Similarly, property transfer to women is not conceivable, land and property is transferred to son; sometimes to clan after husbands' death (Sabimbona, 2001) and women remain landless in many areas after husbands' death until she marries (Beyani, 2001). It is the male who get primary land rights whereas the female has the cultivation rights only (Waterhouse, 2001). In case if no son nearest male relative is heir in some societies (White et al, 2002). Law in many cases also promotes patriarchal inheritance customs (Asiimwe, 2009). In Eretria women are subordinate to men. Gender inequality largely exists in kinship and inheritance system where the customs, traditions and religious attitude not only allocate low status to women (Tekle, 2001) but also give control to men over all the productive resources

and property. Men in many cases resist ending all the efforts initiated to give ownership and control to women on land (Agarwal, 1994).

Culture in almost all the countries in South Asia based is on patriarchal norms. Women have less capability first to own and if so to control the land and property inherited. The major factors behind the phenomena include less social mobility, purdah system that limits women access to information or awareness about their property rights, interaction with both the homesteads and the village; claim their property rights in the court; pressure both from the family and community in going to court for their land rights; and fear of being ostracized from kin group that protects her in odd situation. To keep good relation with natal family and survive in the community, they usually gift their property share to their brother (RDI, 2009). Men in Afghanistan are unaware of women's rights hence strong opposition from men about the rights and liberties given by both the Islam and country laws. Land belongs to sons and to avoid any confusion, women transfer their land to sons. Women have hardly any say in decision making. A demand and getting share in family's land and property seems culturally inappropriate in Afghanistan, who in spite of having legal rights, women give it to their brothers for the respect and love they have with them (Wily, 2004). Similarly, access to property and land is a distinct goal in Bangladesh. Customs again compel women to surrender their claim to property rights unless it is given willingly along the support of the entire family who in return support females in case of marital conflict (World Bank, 2008). India is termed as a leading country in South Asia with respect to enabling women in gaining land and property rights through making legal changes in the constitution but women in India are largely deprived of inheritance rights as their parents still believe that land belongs to the family and cannot be inherited by a daughter who marries in another family. Land is overwhelmingly owned by the men (FAO, 2000). Despite this round about 90 percent women literacy, patriarchy plays a dominant role in Sri Lanka. Women still face gender barrier in labor market, political arena and land ownership. A study covering three areas reported that those women who own property were only 30 percent. A 54 percent of this owned only house and majority of them owned property through inheritance (Indika, 2006). Like other, males in Nepal are generally heirs to ancestral property; women are considered peripheral and dependent persons in the family (Kate, 1992). Female though have rights to inherit and own land but land is kept in the

family or under control of brothers even in polyandrous marriage in some (RDI, 2009).

Pakistan like the other is predominantly a patriarchal society where patriarchal norms still have strong hold. The status women own across the country is not uniform (ADB, 2002) but they generally own a secondary status. Patriarchy systematically has placed women in subordinate position across regions, rural/urban settings and classes in Pakistan (Khawar and Noshirwani, 2009). Many men believe that because of the lack of mobility and skills, women should not own and manage land and in case she claims there is social pressure both from the family and society to leave it to their brothers or other family members. The social cost and economic cost of litigation for females in country like Pakistan is high as well. Levirate, exchange and paternal cousin marriage are practiced to prevent land going to an outsider. Dowry many times is considered equivalent to their share in family's inheritance. Because of this many women do not consider themselves entitled to property rights both from the natal and spouse family (RDI, 2009). Pukhtun society is considered as the most extreme example of patriarchy in Pakistan. Based on Pukhtunwali or Pukhtun code of ethics, it is a strong male dominated social system where all the affairs and decisions regarding social, economic, political etc. are looked after and made by the males (Yousafzai and Gohar, 2005). It is the traditions called *Rawaj* by Room that govern conduct, lives and behavior of Pukhtuns and everyone is bound to observe the norms or face the consequences (2012). Women in Pukhtun society, especially in rural and tribal areas are inferior and subordinate (Wily, 2004). Males are responsible for their needs; they are seldom known by their name and are usually known by the name of their father, husband or elder brother (Khan, 1958). There is *Purdah* or segregation between males and females where culture and system prevent females even to talk to a male (Yousafzai and Gohar, 2005). Woman's honor and property are highly respectable in Pukhtun society and a woman is expected to be modest and respectable. At the same time they are also considered irrational with low self-discipline and low control over her impulses, hence, man is responsible for woman's behavior (Landinfo, 2012). A Pukhtun who cannot protect his family and land has no respect in Pukhtun society (Glatzer, 1998). Traditionally land is owned and controlled by men. Women do not inherit family land and like other traditional societies, land is protected and kept in the

family through exchange marriage, levirate and females' marriage in the paternal family (Yousafzai and Gohar, 2005

2.6.6. Inheritance Norms and Practices

Like other social actions inheritance distribution among family members including the female is made on the basis of unwritten rules called norms of the area. Though they vary from area to area but govern the behavior of the people. One cannot deny the role of religious and country laws in inheritance distribution/share among family members but in fact it is the norms that determine the decision to share inheritance especially with the females. The inheritance rules made through norms are implemented either directly or mostly through specific cultural practices designed for the purpose. Indeed there are specific methods designed to achieve the desired goal i-e inheritance denial.

2.6.6.1. Inheritance Norms

Norms are the rules that specify the behavior of individuals within a society. On the basis of a culture and its related values norm not only explain but also specify what is appropriate, inappropriate, desired and undesired behavior associated with the actions of various individuals within a society (Chitamber, 1995). Inheritance of land and property has got high economic, social and cultural importance. Because of its high value, certain rules are devised to distribute the land and property among the various individuals called heirs. The religion and country law generally determine such rules but they are influenced mainly by the norms of the area. Goodnow and Lawrance, (2010) classified prevailing inheritance norms into three groups a) leave it intact or divide it, b) divide it equally or unequally and c) leave something or nothing.

Shreffler and Dodoo called inheritance a cultural norm (2009) where land distribution process within the family is actually the interplay of norms. It addresses the cultural rules regarding exercise of power, commitment to equality and recognition or reconstruction of relationship and peace within the family (Goodnow and Lawrance, 2010). Decision regarding inheritance on gender basis is not based on single type of norm, rather mixture of norms representing sentiments and interests based on intimacy, emotions, material, symbolic and morality (De Haan, 1994:Finch and Mason, 2000 and Kohli, 1995). During the gender inheritance decision process

there is competition between various norms where the major concern is justice and affectional bond. Differences are resolved through emphasizing or giving weight to those norms that favor their interests, country laws and values of the areas (Lerner and Mikula, 1976). They, on the other hand, are highly gender biased particularly in developing countries. However, there is a great room for discretion in country like England where it is up to parents to leave all or no money for the spouse and the children or divide inheritance unequally or disinherit a child completely. In Germany, estate is divided equally among the spouse and children (Beckert, 2007). Bequest or inheritance transfer is also seen as a relationship quality that exists among the family members and it represents respect, regard and love. It is a personal act in United States depending on the relationship quality with the heir (Lustbader, 1996). Unequal or denial in estate distribution is supported by the traditions or norms of the society. In Western society as a whole, the dominant norms are competence of the children and keep the inheritance within the family (Clignet, 1992). Need and merit are the two important considerations in inheritance share, however, need of economic resources of heirs, especially the children and care and support to parents at old age many times also influence the unequal distribution even in a country like The United States. However, the dominant norm is still the equal share (Drake and Lawrence, 2000). Extra share is also given as financial rewards to loved ones that is male or elder brother in many cases (Goodnow and Lawrance, 2010 and Room, 2012).

Norms favoring males have been more prevalent in traditional societies. Despite having variations at countries' and ethnic groups' level, women's property inheritance is highly gendered based and culturally determined (White, et. al. 2002; Harley and Verbeek, 2005). Through norms, stereotype role and status with expected behavior are assigned to both genders that erect barriers for women in getting property rights and enhancing their status (Agarwal, 1994). Women legal inheritance is not realized unless and until their claim is recognized as legitimate by social and cultural norms (Farha, 1998). Traditions generally hold down women capacity to inherit, own and acquire property (Beyani, 2001). Violation of women's property rights is an accepted norm in many of the traditional societies in Africa (Okello, 2003; Bankole, 2001). Since pre-colonial times socio-cultural settings in Nigeria have encouraged the dominant position of men as compared to women (Momodu, 2005) whereas in Rwanda silence on family matters and conjugal inheritance is considered as

a proper behavior. Customs do not allow women to inherit land and property from both the parents and husbands; rather it is the son who has the right according to the principles of patrilineal succession. Daughter can inherit as a gift in case of no son or no automatic right of inheritance. Customs further allow property rights to surviving widow if she lives in matrimonial home (UN High Commission, 2001). In Afghanistan land rights are determined primarily by the customs that are exceedingly influenced by the religious laws. The customary norms are followed in matters relating to inheritance despite the prevalence of statutory national laws (Wily, 2004). Similarly, the prevailing cultural and traditional values dictate mainly the matters relating to property and land on gender basis (Santiago, 2001), whereas again a small number of women own the land while only few have been able to control and use the land despite having considerable legal land and property rights given by the constitution through amendments. Yet again, customs prevail over practice in India (Menon, 1994). Pakistan, like other countries in South Asia has well–developed and highly customary laws governing land rights. Though they vary from area to area, group to group, tribe to tribe and class to class and are enforced through traditional conflict bodies like *jirga, punchayat* etc. All the matter regarding land and property are decided on the basis of norms and customs of the area. This particularly happens in rural and tribal areas of Pakistan (USAID, 2014). Among all the Pukhtuns or Pushtuns, living in Khyber Pakhtunkhawa and adjacent tribal areas, might be the most traditional people in the country. Under Pukhtunwali or Pukhtu, the code of ethics in Pukhtun society, every Pukhtun has to follow the norms and values or customs or customary laws of the society called *rĭwaj*. Though the *rĭwaj* varies from area to area and tribe to tribe but it is obligatory to be abided by it, hence to a large extent, it governs the conduct, lives and behavior of the Pukhtuns. Some of the *rĭwasj* include elder son receives by share in family's inheritance; no share for daughters; a widow is entitled to maintenance until her death or remarriage (Room, 2012), and women should stay at home etc. Women also have some space in Pukhtun society. These include those living in the urban areas, married or old aged women, and those living in sedentary society tribes and nomadic tribes. To a certain extent they are part of decision making regarding children marriage, household management, resource allocation and dispute settlement as well (Ginsburg, 2011).

2.6.6.2, Inheritance and Sociocultural Practices

Cultural practices "generally refer to the manifestation of a culture or sub-culture, especially in regard to the traditional and customary practices of a particular ethnic or other cultural group". Generally it is the manifestation of any aspect of a culture at a time but practically they are those traditional practices developed and practiced within an area by specific ethnic cultures since ancient times (Inheritance, 2014). They are in fact pattern of social interactions and behavior which both through the tangible such as paintings and intangible products such as dance, ritual, tale etc. represent the knowledge about what, when, how and where of interaction within a culture (NSFLEP, 1999).

Women position in society is generally determined by norms, beliefs, attitudes and practices of patriarchy, religion and the culture as a whole (Heyzer, 1991). Because of subordinate position in the society, women historically lack control over land and resources (Lastarria-Cornhiel, 2005). Gender bias regarding land is more frequent in many societies of the world (Goodnow and Lawrance, 2010). The current traditions and practices based on patriarchy in many of the societies in Africa make women in disadvantagous position to control and own property (Steinzor, 2003), land is owned by men not women (Tekle, 2001 and White, 2002) where many times even among males elder son receives greater share in inheritance than the others (Asiimwe, 2009 and Room, 2012). Male inheritance rights are supported by many versions in Pukhtunwali, the code of ethics for Pukhtuns in Pakistan. Like other issues, it is the customs and the culture that dictates the behavior with respect to access to land control, assets and resources (Kimani and Maina, 2010). Khawar and Nosherwani call customs as a major barrier to women in the exercise of their rights in Pakistan (2010). The cultural and social settings promote man advantageous position in the society (Momodu, 2005), where the dominant patrilineal and patrilocal system gives a systematic and structural control to men over the social and economic resources and female sexuality (Lily, 1987). Women mobility in many of the traditional Islamic societies is restricted and confined to the four walls behind the curtains (Yousafzai and Gohar, 2005; Rahman 1995 and Zaman 1995). Such customary practices further provide roots to country laws (Khawar and Nosherwani, 2010), hence land rights given to women in Pakistan by the constitution, statutes and religion are under the pressure of customary laws and cultural practices (USAID, 2014). Similarly,

unwritten customary laws influence by local norms regulates the property ownership and use in many of the countries in Africa (Ajayi and Olotuah, 2005). Again it is the customary law, mostly oral, that not only regulates the human life in Afghanistan (Landinfo, 2011) but also influence the country's law (Wily, 2004). Consequently in many societies the laws based on customs and traditions override the statutory laws of the country (Beyani, 2001 and World Bank, 2008a).

Kinship structure in the society and social relations among the family members influence the inheritance decisions at family level as well. In fact the female relationship and attachment with the family members, especially the brother and natal family, determine her decision to claim the family land and property or not. Goodnow and Lawrence (2010) related inheritance events to relationships among the family members especially the cross generation. The relationship determines who receives what and what proportion. Chaudhry (2009) reports, that it is the kinship structure which influences the women decision to demand share in family's inheritance in Punjab Pakistan. The core of social structure is brother-sister not the husband-wife relationship. It is a relationship of love, obedience, respect and trust whereas wife in in-laws family and sister's husband are considered outsiders and one cannot let their family land and property going to outsiders. The daughters/sisters do not claim their legal and Islamic share in family inheritance as they have to give up more compared to what they get. She has to sacrifice her relationship with those who are the most loved ones who protect and support her in all the odd situations especially relating to in-laws. Zneid (2001), similarly found that in order to strengthen their kinship ties many Palestinian women waive their inheritance rights to their brothers. By doing this they on one hand enhance the brother status and oblige him to help her continuously even after marriage; while on the other hand the demand is considered a hostile act and severely damages her links with the natal family.

Marriages are also means of keeping land and property within the family. Marriage in society like rural Pakistan is mostly arranged where major decisions including choice of husband are made by the parents and other family members. Seeking female's consent is against the family and the area norms (Chaudhry, 2009). The major consideration has always been marriage within the family as there is more familiarity between the couples and their family, more security for female, more regard and respect for each other's family; common customs and traditions and surety

or at least expectation that land will stay in the family (Khattak, Brohi and Anwar, 2010). The major marriage practices in this connection include marriage with first cousin especially the paternal, marriage within the lineage/sub-tribe, *wata satta* or exchange marriage, dowry as substitute of inheritance share (World Bank, 2009) and the extreme practices such as the practice of *haq bakhshwana* (giving up rights, literally) where girls never marry or marry with Quran (Arif and Ali, 1998). Marriage with paternal cousin keeps woman's share within the paternal family, her husband inherits the land and property and thus she can benefit from grandfather estate without inheriting it. In case of cross cousin marriage, a girl from female side does not demand the share in order to make good relations with her brothers. The *watta satta* or exchange marriage, usually happens at the same time between one or more brothers and sisters from one family (some other relative also) with the brothers and daughters from another family mainly practiced to avoid demand of female share in family inheritance (World Bank, 2009 and Arif and Ali, 1998). The *haq bakhshwana* literally meaning 'give up rights' practiced especially to deny female share in family land and property. It is mainly practiced in Sindh and Southern Punjab. Women in this case never marry or marry with Quran (Arif and Ali, 1998 and Unni, 1995).

Dowry, usually a movable property, is given to a woman at the time of her marriage by parents and other relatives from the father and mother side. It consists of all those items needed to start a new life after marriage. Dowry is owned by or is a joint property of the newly married couple and not included or part of the ancestral property of the bride and groom and hence not shared with other family members (Gilbert, 1992). Dowry in many countries and regions is given to ensure the security of the newly married female with the hope that she will be cared well and will not be a burden on the in-laws family. Many times the groom families hesitate to get married their sons in the family that is not in a position to give the dowry they expect. This also results either in delay of marriage or no marriage at all and consequently the female becomes burden on her family. In South Asia, dowry was originally intended to compensate the female for her share in family land and property. Dowry and wedding cost are considered as women share in family assets, however, value of dowry is rarely equivalent or not equivalent at all (Arif and Ali, 1998; RDI, 2009; USAID, 2010 and Giovarelli and Beatrice, 2011, Chaudhry, 2009). The same thus cannot be compared to land ownership in rural Pakistan as land provides economic

security along with power and prestige .(IRDC, 2014). On the other hand, it is absorbed by the husband and his family in majority of the cases, particularly in rural areas (Giovarelli and Beatrice, 2011). Apart from this, in some areas, a substantial amount of dowry in the form of land and house is put on the name of bride but again she lacks the control of the property she owns (World Bank 2005).

2.6.7. Social Institutions and Inheritance Practices

The term institution is defined as "an organized system of social relationships which embodies certain common values and procedures and meets certain basic needs of a society"; whereas, Landis called social institutions as "formal cultural structures devised to meet basic social needs" (Horton and Hunt, 2009). Institutions are basically means of controlling individuals through definite procedures devised by the customs and traditions of the society. They depend on the collective activities or actions of the people and for the smooth functioning of the institutions, all the rules must be observed by the individuals. Share in inheritance is a basic need and right of both the males and females. Many of the social institutions play role in the process and the most important among these are the family, community level bodies such as Jirga, Panchayat etc., school, non-government-organizations, political parties and media. From the most basic level from family to political parties and media at society level, all these relate to the main affairs and rights of human beings. Like other they also influence the inheritance practices as well.

2.6.7.1 Family

Family is the most basic unit of the society. All the activities, actions and practices start from the family. To understand the role of family in imparting basic human rights to its women, it is important to understand women status within the domain of the family and larger cultural and sociopolitical context (World Bank, 2009). Ajayi and Olotuah (2005), found that gender based discrimination including the property rights usually starts from the family. Boys are the carriers of family name, hence more valued than girls and at the time of birth greeted with pomp and pageantry. Women's rights from birth to married life and widowhood on the other hand are usually violated by the closest relatives – father, brothers, husband, in-laws and even mother in spite of the fact they principally recognize females members rights in family's land and property. Amnesty International found inequality in

women status and rights along with discrimination at different levels of society is a serious concern particularly in Pakistan (1999). Regarding inheritance, the immediate family instead of following Islamic and country laws, emphasize more on keeping inheritance within the larger family (GOP, 1976). Sharing inheritance with the family females depends on the practice within the family which is mainly denied (Mehdi 2002; SDPI, 2008 Mumtaz and Noshirwani, 2008; World Bank 2005). Parents favor sons over daughters by citing cultural based reasons - sons are more efficient, carry's family name, provide resources to family while daughters absconds the resources. To maintain and invest further, sons should be given more incentives as they have to take over father's farm whereas daughters become outsider or not part of the family after marriage. Land belongs to the family and women are subordinate to men but relations between groom and bride are of antagonism and mistrust. Division of land is a weak gesture in Pukhtun culture, land belongs to the family, size of land holding is a strong determinant of social status and power, and therefore land should be distributed according to norms of the area. Women should not claim their inheritance share unless given willingly with the consent of the whole family because dowry has already compensated women share, land has not been divided yet etc. (Mehdi, 2002; Botticini and Siow, 2003; Chaudhry, 2009; Giovarelli, and Aggarwal, 2007; Botticini and Siow, 2003; Yousafzai and Gohar, 2005; Khawar and Nosherwani, 2010; Goodnow and Lawrance, 2010; RDI, 2009). Several methods are used to keep property within the family. They include marriage within the family, marriage with paternal cousins, exchange marriage, pressure on women to relinquish land to brother or other relatives, no visible mechanism to divide family land and property, considering dowry as compensation for women share in property, no or marriage with Quran. All the decisions at family level are made in consultation with male members that include both the elder females and males as well (Mehdi, 2002; USAID, 2014; Chaudhry, 2009; Khattak, Brohi and Anwar, 2010; RDI, 2009).

2.6.7.2. Jirga

Local level bodies after family, play major role in dealing with the human beings. *Jirga* is one of these in Pukhtun areas of Pakistan and Afghanistan. Another body is *Panchayat* with a different structure but the same functions exists in Punjab and Sindh provinces in Pakistan whereas *Shura* among Arabs and Majlis in Iran are the other similar bodies that exist in Arab countries and Iran from centuries. The term

Jirga refers to "an assembly", "a party meets for consultation", "a sort of democratic council". It comprises of two or more persons mostly elders, community leaders, religious persons (if needed) and representatives of the parties concerned. No hard and fast rules exist for Jirga members' selection. It depends on the nature of the case; however, all notable or reputable elders mostly gray beards with a social and economic status along with sufficient manpower at home are considered effective members. Jirga exercises both the judicial and executive power which makes decisions on the basis of tribal conventions, traditions and principals of justice laid down by Quran, Hadith and Pukhtunwali or Pukhtun code of ethics. Jirga deals with all types of cases including the development and organization of the community, it is mainly called to settle the dispute related to blood feuds, blood money and distribution of land and property (Taizi, 2007; UN Millennium Project, 2005; Ginsburg, 2011; Room, 2012; Yousafzai and Gohar, 2005; USAID, 2014). The role of *Jirga in* relating to the distribution of land and property on gender basis has been described differently in different studies. CPHD (2008) called *Jirga* and *shura* as more efficient, trustworthy and less corrupt than state courts despite their bias attitude towards women whereas Yousafzai and Gohar (2005) and Ali and Rehman (2001) found following patriarchal norms in the Jirga as well. There are no precedents of women participation in Jirga or they are not allowed to participate. Decisions that are made mostly show favoritism to males against females in land ownership and control rights given by the Quran and statutory laws of the country. Wily (2004) said that the prospects of *Jirga* decisions are made on the basis of the country's law is limited due to the domination of the customs. Room (2012) called it *riwaj* meaning norms and values dictate the Jirga decisions where Khawar and Nosherwani, (2010) termed it major barrier in gaining women inheritance rights.

2.6.7.3. Non-Government-Organizations

A number of other institutions also affect the inheritance transfer to females in Pakistan. The most important among these are the various non-government-organizations (NGOs) working in the country. World Bank (2007) named Aga Khan Rural Support Programme (AKRSP), Shirkat Gah, National Aga Khan Foundation's Rural Support Programme (NRSP), Punjab Rural Support Programme (PRSP), Sarhad Rural Support Programme (SRSP), Sungi etc. They are working in Pakistan since 1980s. The major areas have they targeted include community organization,

community mobilization, micro credit, enterprises or small-scale business development at grass root level, gender development and communication among government institutions; however, a limited access relating to community organization and mobilization have been witnessed with respect to women. Mahat found a tremendous increase in the number and activism of NGOs in Nepal but most of the organizations are urban based and have been reported less effective in mobilizing rural women in enhancing their empowerment and availing basic human rights (2003) while many of the UN funded NGOs working in Sri Lanka, Malawi, Kenya, Nepal, Bangladesh and other countries have made enormous success in promoting and securing women's land and property rights. These include help in making necessary legislation, legal assistance to women, supply of needed funding, arranging workshops, radio and TV programs and imparting both male and female training about ways to address property and land issues (Steinzor, 2003). Shirkat Gah has found inheritance share as an issue that bothered the women to a great extent in Punjab, Sindh and NWFP now called Khyber Pakhtunkhwa. Women have been found unhappy concerning forfeiting their share by family males and their inability to pursue their legal right in the court (Khawar and Nosherwani, 2010).

2.6.7.4. Political Parties

Political parties in Pakistan are perhaps the most effective bodies in dealing with all the basic issues of the country. The big parties particularly have power, opportunities, mandate and chance to address the major issues. Equal access to basic human rights to all citizens including women has been the major concentration and slogan of the all political parties overtime (Ishaq, 2012; Ali, 1997). The 1973 Constitution of Pakistan gives full guarantee to avail all the basic rights to both male and females living in Pakistan. It was unanimously agreed and signed by all the parties (GOP, 2012). Apart from this, there has been a struggle from various forums and women politician both within and outside the parliament to strike out the laws that lead to discrimination or denial of women's basic rights in the society. Access to and control of family land and property is an issue that has not been dealt with clearly niether by the constitutions nor by the political parties. There is no provision in the constitution or clear policy of the political parties which guarantee and ensure justice to women in case of violation of their basic inheritance rights (Khawar and Nosherwani, 2010). However, the women parliamentarians from all political parties

have been able to pass Women Right Bill 2011 that protects the basic women rights including the right to family land and property in 2011 from the National Assembly (Khan, 2011) and Senate in 2012 (Aaj News, 2012).

2.6.7.5. Educational Institutions

Educational institutions are the source of learning in every society. They promote values based on the religion guidelines, culture and socioeconomic needs of the people. Promotion of Islam and its basic principles have always been the main goal of education in Pakistan. All the basic principles and teachings of Islam have been part of syllabus in Pakistani educational institutions right from the basic level of schooling to post graduate level in universities. In fact Islamic studies is a compulsory subject for all students till graduate level (Rehman and Sewani, 2013; Rasool, 2007; UNESCO, 2014). Despite high concentration on religion, the women'n inheritance rights have never been the part of the curricula or compared to other basic human rights granted by the religion Islam or the statutory laws emphasized least in the educational institutions. Many educated women and men were found unaware about their inheritance rights in Africa and the countries like India and Pakistan as well (Shirkat Gah, 2000: USAID, 2014; Ali, 1997; Chaudhry, 2009; Agarwal, 2002; Ajayi and Olotuah, 2005).

2.6.7.6. Media

Media now-a-days is the most powerful and effective source of knowledge. Different media sources not only communicate or convey the message but are also big source of attitude formation (Asif, 2014). Rogers (2003), a strong advocate of media has found that people adopt innovation if communicated through proper channels. Ritzer called media the most powerful organ of the society. They create and recreate the society through new images and history in the modern world (2010). One can never negate the effects of TV, internet and movies in the formation of attitude of people (Olouch and Nyongesa, 2013). Role of media in showing women problems have mixed reactions. The theorists supporting gender difference theory presents a positive image of women on media whereas feminists presented gender inequality and structural oppression theories call society and its institutions as oppressive against the women basic rights in the society (Malik, 2005). Despite this, Steinzor (2003) reports a positive role of media in the dissemination of message regarding providing basic

rights to females in family land and property under FAO program in Sri Lanka, Malawi, Kenya, Namibia, Tanzania, Nepal, Bangladesh and Cambodia. Radio and TV along with workshop and training were conducted to let both the women and men know about their inheritance rights. Asif (2014), Sadruddin (2012) and Abbas et al. (2003) also stated a positive role of media in the awareness of people about their rights and information regarding various affairs of life. All have agreed that a lot is still needed to make media a perfect player in promoting the basic rights of the people.

2.7. Conclusion

Inheritance share on gender basis is still an issue that has not been addressed adequately by the researchers and organizations working for the promotion of equal rights on gender basis. One can find few studies that addressed the gender inheritance issue directly on the scientific basis. Most of the studies found were descriptive, qualitative and lacked scientific analysis. Literature reveals the women inheritance share problem basically belonged to Asia, Africa and other developing societies in the world. The literature from the west disregarded it mainly as it seemed not their major issue or they addressed it effectively. One cannot also find good literature on inheritance related issues such as role of norms, economic, social and religious institutions in inheritance sharing on gender basis.

III. RESEARCH METHODOLOGY

The present study was carried out to probe the factors affecting the inheritance denial to females in District Peshawar. It aimed at how the male economic interest, patriarchy, inheritance norms, practices; legal, religious and social institutions affected the sampled respondents' perception and later decision to share inheritance with the family females. The following procedures were applied to attain the purpose.

3.1. Study Design

Cross-sectional research design was applied to study the inheritance share phenomena in Pakistan. It is basically one short or status study used to probe a phenomena, situation, problem or an issue with the main aim to get an overall picture by taking data from the cross sections of a population. Such studies are useful to examine the attitude, the socioeconomic/demographic characteristics, incidence of the occurrence and impact of a phenomena, perception about various things and association/relationship between and among variables (Babbie, 1992). Cross-sectional studies are relatively easy; cheap and quick; data are collected once; it records what is present in a population; do not manipulate variables; have the ability to measure the prevalence of all the factors under observation/study and get multiple outcomes (Hennekens and Buring, 1987; Gratton and Jones, 2004). The design for the present study was used to find out the possible association of different socioeconomic and institutional factors prevalent in Pakistani society in connection with inheritance denial on gender basis. The design is elaborated with the following headings:

3.1.1. Universe of the Study

Study population or universe is that aggregation of elements from which sample is actually selected (Babbie, 1992). District Peshawar of Khyber Pakhtunkhwa Province constituted the universe of the study. Being the provincial capital, the district contained a number of characteristics with respect to female inheritance share. It was one of the areas in the whole Khyber Pakhtunkhwa that contained more or less equal proportional of rural and urban population having all sorts of properties ranging from agricultural and non-agricultural land to commercial buildings, bequest, merchandise, bonds, patents or legatees of money. Variation in the

district on the basis of farm and property size, socioeconomic status and trend towards sharing inheritance with family females was found high. Rehman (2011) reported 31 percent of the people shared some inheritance with their females whereas according to Khan (2012), the same in another district Swat in Khyber Pakhtunkhwa was only 1 out of 278 selected families. The District Peshawar comprised of 234,434 households with 119,515 from urban and 114,919 from rural areas (GOP, 1999), however, for the present study four communities each from rural and urban areas of the district were randomly selected (for more details see table 3.1). The selected communities represented the district from multiple perspectives. This included representation on rural urban basis followed by two localities each from eastern and western side of the district and Peshawar city where both sides represented different cultures i-e the Hindko in east and Phshto or Pukhto in the west. Moreover, the people of western part of the city were comparatively wealthier and had diverse socioeconomic and ethnic background than those living in the eastern part of Peshawar city.

3.1. Sample Size Distribution into Various Strata of Study Population

Sr. No.	Name of Locality	Total Households	Sample Size
1.	Urban Localities		
	Saeed Abad No. 2	375	48
	Guldara Kakshal	470	60
	Phase 1 Hayatabad	255	33
	Board	432	55
	Total Urban	1532	196
2.	Rural Localities		
	Sardar Gharhi	266	22
	Lala Kali	833	68
	Palosi	456	37
	Regi Yousafzai	758	61
	Total Rural	2313	188
3.	Total	3845	384

Source: Government of Pakistan (GOP) (1999)

3.1.2. Sampling

Sample is the subset or part which represents the whole or a population in qualities and characteristics whereas sampling is a process of collecting samples from a given population (Babbie, 1992). Various sample statistics are used to estimate the population parameters however, the increase in reliability of data depends on appropriate sampling methods and a sample size which gives a true picture of a population (Sekran, 2003). To study the inheritance share practices in the study area, a number of sampling methods were under consideration, however, keeping in view of the topographic conditions and lack of the availability of household data, particularly the household list from the secondary sources, systematic sampling procedure was adopted. It was a method where every k^{th} element was picked systematically from the list of the population. Seven steps were followed to pick the samples from a population. This included defining a problem, determining sample size, preparing sampling frame, assigning number to each element, calculating the sampling interval, identifying the first element or sample and collecting the data from the sample population. The following formula was adopted to pick the samples (Cooper and Pamela, 2010).

$$k = \frac{N}{n}$$

k is the sampling interval (sometimes known as the skip)

n is the sample size, and

N is the population size

3.1.3. Sample Size

Sample size determining has always been important consideration for every empirical study. Choosing a sample size depends upon both the non-statistical and statistical consideration where the former consists of the availability of time, human and financial resources and size of the population. The statistical consideration on the other hand includes the level of precision, confidence level and the degree of variability, heterogeneity or dispersion in a population (Cooper and Emory, 2000).

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The present study had several variables identified to probe into the inheritance share phenomena on gender basis (table 3.2). One major concern was how to decide the sample size keeping in view all the variables and diversification in the study area. However, a sample size of 384 was finally determined on the basis of Sekaran (2003) simplified procedure and the following Cooper and Emory (2000) sample size formula.

$$n = \frac{pq}{\sigma p^2}$$

Where n was sample size, pq measured the sample dispersion and σp was standard error of the proportion.

3.1.4. Characteristics of the Respondents

Another major goal of a scientific research is to collect the data from the right persons called elements. This ensures both the reliability and validity of data. Also a small number of the most relevant or appropriate respondents can give more valid data than a large number of inappropriate ones; however, you have to contact or investigate all possible representatives involved in the target process or phenomena. Female inheritance denial was a common phenomena practiced among all the groups belonging to different occupations, ages, educational level, farm and property size, income and ethnic groups etc. but to have relevant, significant and creative information about the inheritance process, the following criteria was applied for selecting the samples or respondents from the study area.

1. Household was the basic unit or element of the study.
2. Data were collected from the male family members who were family heads or elders in the family.
3. Data were further gathered from those households that had at least 1 Jareeb (1/2 acre or 4 Kanals) of agricultural land in rural areas or 1 marla (1/20 Kanal) of land or property in the urban areas.
4. A selected household should had at least one inheritance entitled female during the last 15 years.

3.2. Data collection

The study is based on secondary and primary data. The secondary data were collected from all the available sources while for primary data a comprehensive interview schedule was designed in the light of the study objectives (Annexure I). After reviewing the relevant literature, the conceptual framework was designed with a dependent and eight independent variables (table 3.2). To check the inconsistencies, relevance to the study objectives and ambiguities with reference to concepts and language for the sampled respondents, the interview schedule which was also used as questionnaire for educated respondents was pretested and necessary changes were made in the light of the pilot survey. The data were collected by team of investigators, who were trained before data collection and were led by the researcher himself. Round about three months were spent in data collection.

Table 3.2 **Conceptual Framework**

Independent Variables		*Dependent Variable*
1.	Male economic interest	Women inheritance rights denied
2.	Legal institutions	
3.	Religious laws and practices	
4.	Patriarchy	
	Inheritance norms	
5.	Inheritance practices	
6.	Law and practices at community level	
7.	Institutional/Structural oppression	

3.2.1. Interview Schedule Construction

Likert scale method was used to measure the different concepts and variables of the study. It is a method applied to measure the attitude and perception of the people (Nachmias, 1992). For present study a number of statements describing different aspects of both the dependent and independent variables were designed on

the basis of available literature, personal experience and discussion with community members and experts. All the individual responses with respect to all dependent and independent variables statements were then measured on three scale levels i-e yes, no and don't know and finally individual score allotted to each response of the statement was summed up.

3.2.2. Indexation

Indexation is another standard in social sciences used to measure especially the perception and attitude statements. It is basically a number representing the relative value or magnitude of something in terms of standard and obtained by combining at least two or more items in a variable (Nachmias, 1992). In the present study dependent variable was indexed for cross tabulation with the independent variables to determine the association at bivariate level.

3.3. Data Analysis

After the collection of data, it were first coded and then entered in computer by using SPSS software for analysis. The analysis of the data was made at uni and bivariate levels.

3.3.1. Univariate Analysis

Univariate analysis was conducted at three levels. First the socioeconomic characteristics of the sampled respondents were found out. This was followed by probing into the inheritance share phenomena on the basis of first inheritance shared-not shared and then rural-urban families. The perceptions of the sampled respondents about various statements of dependent and independents variables were described after that. The univariate analysis comprised of frequency distribution and percentages of the sampled respondents.

3.3.2. Bivariate Analysis

Bivariate analysis was carried out to measure the association between dependent and independents variables. Chi-square and Fisher Exact tests were used to measure the association.

3.3.2.1. Chi-square Test

The Chi-squared test statistics for the test of independence summarizes how close the expected frequencies fall to the observed frequencies. It is represented by the symbol $\chi 2$. Karl Pearson introduced the statistics in 1900 and used in sociological studies to test the degree of independence (Tai, 1978). The formula used to compute Chi-square is given in the following:

$$\chi^2 = \sum_{i=1}^{r} \sum_{j=1}^{c} \frac{(O_{ij} - E_{ij})^2}{E_{ij}}$$

Where χ^2 is chi-square, oij is observed frequencies in i^{th} row and j^{th} column. Eij is expected frequencies in i^{th} row and j^{th} column whereas r is number or rows and n is number of column. The large summation sign, Σ (capital sigma), tells us to compute the fractions for each cell and then sum over all cells to get χ^2.

The Chi-square test of independence has certain assumption. First, it is assumed that data is random sample of the population, second, the observations are independent and third that no expected frequency in the contingency table being analyzed is less than 5.

3.3.2.2. Fisher Exect Test

Fisher exact test was used when the frequencies in the table was less than 5. Following was the formula of the test.

$$\textit{Fisher Exact Test} = \frac{(a+b)!(c+d)!\,(a+c)!(b+d)!}{N!a!b!c!d!}$$

Where a, b, c and d were the observed numbers in contingency table while "n" were the total number of observations..

IV. RESULTS AND DISCUSSION

This chapter describes and discusses the findings of the research obtained after the analysis of data. The research basically aimed to find out the major factors that contributed to the denial of women share in family land and property. The study assumes that female inheritance denial is basically an economic issue or man economic interest which is supported by the social norms of the society mainly through cultural and unlawful practices, social and other institutions. To find it, section 4.1 describes the sampled respondents profile or personal socioeconomic features whereas section 4.2 states the same on the basis of those who shared the inheritance with their females and those families who did not. Section 4.3 is about the discussion and distribution of shared and non-shared sampled families on the basis of rural and urban areas. Both the sections (4.2 and 4.3) along with 4.4.1 describe the inheritance practices and trends in the study area while section 4.4 discusses the uni-variate analysis of the both the dependent and independent variables or factors that affect the inheritance share decisions in the family on gender basis. The bi-variate analysis which discusses the association of dependent variable with different independent variables is described in section 4.5.

4.1. Sampled Respondents Profile

Respondents profile comprised their age, educational status, household head, type of family, family size with number of male and female members, number of married and unmarried members females in the family, type of marriage, occupation of the sampled respondents along with size of agricultural and non-agricultural land holdings; family income, number of sampled families who shared inheritance with their females and if so number of females who received the share, number who not, who received and percent of inheritance share they received.

4.1.1. Age, Education, Household Head and Family Type

Table 1 while describing age, reports that 28.4 percent of the sampled respondents belonged to the age group 31-40 years. Another 24.2, 21.9 and 19.3 percent were aged between 41-50, 23-30 and 51-60 years respectively. The remaining 6.3 percent had more than 60 years of age. The table as a whole reveals sampled

respondents from all age groups with majority belonging to the age group between 31-50 years.

Table 1 further reports that except 6.3 percent illiterates, the rest of the sampled respondents were literates where the large number (24.7 %) had master level of education. Another 18.2 and 17.2 percent were either matriculate or graduate respectively while 12.2 and 6.8 had education up to intermediate or primary level respectively. The table as a whole concludes large number of respondents were graduate or higher level of education.

Regarding head of the household table 1 shows father as the household head in 48.2 percent of the cases; where it were the respondents themselves in 42.2 percent of the sampled families. The other notables were the brother (2.9%), husband (1.8%) and other (3.6%). Results as a whole conclude father and selves were the household heads.

In connection with the type of family, joint family system mainly prevailed in 69.8 percent of the cases. Those sampled families who had nuclear family system were 26.3 percent of the cases while the remaining 3.9 percent of the sampled respondents were living in extended families. Results reveal the existence of joint family system in more than two third of the sampled families.

The table as a whole reveals sampled respondents mainly belonging to 31-50 years age group were largely highly qualified with father or self as household heads and living in joint family system.

Table 4.1. **Age, Education, Household Head and Family Type of the Sampled Respondents**

S. No	Socioeconomic Characteristics	Frequency	Percentage (%)
1.	**Age Group of the Respondents**		
	23-30 years	84	21.9
	31-40 years	109	28.4
	41-50 years	93	24.2
	51-60 years	74	19.3
	61 & above years	24	6.3
	Total	384	100
2.	**Educational Status of the Respondents**		
	Illiterates	24	6.3
	Literates (Years at School)*		
	Primary	26	6.8
	Middle	48	12.5
	Matric	70	18.2
	Intermediate	47	12.2
	Bachelor	66	17.2
	Master Degree	95	24.7
	M. Phil/M.S and above	8	2.1
	Total	384	100.0
3.	**Household Head of the Sampled Families**		
	Self	162	42.2
	Father	185	48.2
	Brother	11	2.9
	Grand Father	3	.8
	Uncle	2	.5
	Husband	7	1.8
	Other (specify)	14	3.6
	Total	384	100.0
4.	**Type of Family**		
	Nuclear	101	26.3
	Joint	268	69.8
	Extended	15	3.9
	Total	384	100.0

Source: Survey Primary=5 years Middle=8 years Matric=10years Intermediate = 12 years Bachelor = 14 years Master=16 years M.Phil./ M.S.=18 years

4.1.2. Family Size and Marriage

Family size and marital status are the other two important indicators of respondents especially in connection with the share in family inheritance on gender basis. Table 2 reports prevalence of large family size in the sampled area. A 56

percent of the sampled families had 5-6 family members whereas 22.7 percent had 11-15 persons. Another 6 and 4.7 percent had even 16-20 or more than 21 members respectively.

Regarding the number of females table indicates 37 and 31.3 percent of the sampled households had 3-5 and 5-6 females per household respectively whereas those contained 7-8, 9-10 and more than 10 females per family were 11.7, 2.9 and 3.9 percent respectively. Again the families which had 1-2 females were 13.3 percent only.

Marital status is another basic indicator of the family in connection with inheritance share. Inheritance is generally shared with married females or at the time of their marriage whereas unmarried females are either young or left unmarried to keep the inheritance within the family. Table 2 while describing the marital status states 51.6 percent of the sampled families had 0-1 unmarried females, whereas those having 3-4 unmarried females were 34.9 percent. The other notable figures were 4.5 and 2.9 percent were 4-5 and 6-7 unmarried females respectively. Among married females 48.2 percent of the sampled families had 2-3 females. A 25.3 percent of the same had 0-1 females per sampled family while 14.3 and 8.1 percent of the families had 4-5 and 6-7 married females respectively.

Type of marriage also describes the inheritance pattern and intentions of families. Endogamous marriages are preferred over the exogamous not only to strengthen their relations with relatives belonging to the same tribe, sub-tribe or caste but also keep the family land and property within the family. Special emphasis in this regard is given to marriage with paternal cousins or exchange marriage where there is no give and take of land and property at the time of marriage. Table 2 in this respect shows 63.5 percent of the marriages were endogamous or within the group while the rest (36.5%) were exogamous or outside the family, group or caste.

The table as a whole reveals prevalence of large family size in the study area where about 90 percent of the sampled families had more than 6 family members per family, however, the number of females within the family were more than males within the family. With respect to females, marital status around half of the sampled families had 2-3 females per family who entitle inheritance share while 25 percent each had at least 0-1 or more than 4 married women who had to get share in family

inheritance but very close to two third of the total married women got married within the family preferably the paternal mainly to keep family land and property within the family.

Table 4.2. Family Size and Marital Status of Sampled Respondents

S.No	Socioeconomic Characteristics	Frequency	Percentage (%)
1.	**Family Size**		
	3-5 Persons	41	10.7
	6-10 Persons	215	56.0
	11-15 Persons	87	22.7
	16-20 Persons	23	6.0
	21 & Above Persons	18	4.7
	Total	384	100
2.	**No. of Females in the Family**		
	1-2 Persons	51	13.3
	3-4 Persons	142	37.0
	5-6 Persons	120	31.3
	7-8 Persons	45	11.7
	9-10 Persons	11	2.9
	11 & Above	15	3.9
	Total	384	100
3.	**Marital Status of Family Females**		
	Number of Females Un-Married		
	0-1 Persons	198	51.6
	2-3 Persons	134	34.9
	4-5 Persons	38	4.5
	6-7 Persons	11	2.9
	8-9 Persons	3	0.8
	Total	384	100
	Number of Females Married		
	0-1 Persons	97	25.3
	2-3 Persons	185	48.2
	4-5 Persons	55	14.3
	6-7 Persons	31	8.1
	8-9 Persons	6	1.6
	10 & Above	10	2.6
	Total	384	100
4.	**Type of Marriage**		
	Endogamy	244	63.5
	Exogamy	140	36.5
	Total	384	100.0

Source: Survey

4.1.3. Economic Profile of the Respondents

Economic profile contains occupation, size of both agricultural and non-agricultural land holdings and monthly income of the sampled respondents. Many of recent studies linked economic features such as occupation, land, property and family income with family decisions whether to share inheritance with the family females or not. They called inheritance denial to females basically an economic issue where the norms, cultural practices and various social institutions roles protect the male economic interest.

Table 3 describes government job as the major source of income or occupation of the 29.9 percent of the families. Another 19.8 and 15.4 percent reported agriculture and job in private organizations as their major family occupation respectively. A 15.9 percent of the respondents reported other as major income source which consisted multi-income sources of a family such as agriculture, businesses, government and private jobs and income from remittances. The other occupations of the sampled respondents' family were businesses (9.6%), labor (4.4%), livestock (2.3%) and house wife (2.6%).

Size of agriculture and non-agricultural land holdings determine the economic status of a family. Table 3 reports 30.5 of the sampled families as landless with respect to agricultural land while among the agricultural land owners 25.3 and 21.6 percent of the families had land between 11-20 and 1-10 Kanals respectively. The other notable families had agricultural land between 21-40 (12.2%), 41-80 (6.5%) and more than 80 Kanals (3.9%). Regarding non-agricultural land, 50.5 percent of the families had land between1-5 Kanals whereas 24.4 and 4.7 percent had non-agricultural land between 1-10 and 11-19 Marlas of land respectively. Among the large land owners 11.2, and 8.9 percent had land more than 10 Kanals or between 6-10 Kanals of land respectively.

Results in table 3 regarding monthly family income reports 28.1 and 25.1 percent of the families had income between 20001-40000 and 40001-60000 Rupees. The other notable groups had monthly income between 60001-80000 (16.9%), above 150000 (15.1%) and 100001-150000 (6.5%) Rupees per-month. Another 4.7 percent of the sampled families had monthly income between 80001-100000 Rupees.

The table as a whole reveals respondent's involvement in different occupations due to location of the sampled areas either in Peshawar city, the

provincial capital, or the rural areas located near the city. In case of both the agricultural and non-agricultural land holdings, the majority of the sampled respondents were landless (agricultural land) or small land owners. However, majority of the families cannot be classified as poor as only those families were selected for the study that had at least minimum size of land holdings.

Table 4.3. Economic Profile of the Sampled Respondents

Sr.No.	Economic Profile	Frequency	Percentage (%)
1.	**Occupation**		
	Business	37	9.6
	Government Job	115	29.9
	Private Job	59	15.4
	Laborer	17	4.4
	Agriculture	76	19.8
	Livestock	9	2.3
	House wife	10	2.6
	Other (specify)	61	15.9
	Total	384	100.0
2.	**Size of Agricultural Land Holdings***		
	Landless	117	30.5
	1-10 Kanals	83	21.6
	11-20 Kanals	97	25.3
	21-40 Kanals	47	12.2
	41-80 Kanals	25	6.5
	Above 80 Kanals	15	3.9
	Total Kanals	384	100
3.	**Size of Non-Agricultural Land Holdings****		
	1-10 Marlas	95	24.4
	11-20 Marlas	18	4.7
	1-5 Kanals	194	50.5
	6-10 Kanals	34	8.9
	More than 10 Kanals	43	11.2
	Total Kanals	384	100
4.	**Total Monthly Family Income**		
	Less than 20000 Rupees	13	3.4
	20001-40000 Rupees	108	28.1
	40001-60000 Rupees	97	25.3
	60001-80000 Rupees	65	16.9
	80001-100000 Rupees	18	4.7
	100001-150000 Rupees	25	6.5
	150001 & Above Rupees	58	15.1
	Total	384	100.0

Source: Survey *1 Kanal=1/8 Acre **1 Marla=1/20 Kanal or 1/160 Acre

4.1.4. Inheritance Share on Gender Basis

Like other traditional societies, inheritance denial to family females is very common in Pakistan. To probe it, table 4 first discusses the number of sampled families who shared inheritance with the family's females followed by total number of females in the family, number entitled to inheritance, number who received their share, who received the share and percent of entitled share they received.

Findings in table 4 report only 27.6 percent of the sampled families who shared at least some inheritance with their females, while the remaining 72.4 percent denied it totally. From the total number of 1870 women, 1817 females were entitled heirs and from this 187 or 10.3 percent of the total received any share; the remaining 89.7 percent could not receive even 1 percent of their due share. From those who received any share, 52.4 percent of the women were daughters and from the remaining 25.1 were sisters and 22.5 were father's sisters. It was also found that in many cases inheritance was not shared with all the entitled women. This is particularly happened with the family's females married earlier.

Table 4 further shows that when the respondents were asked about the percent of share they gave to their females; a 41.5 percent of the families stated it between 2-10 percent of the actual share they were entitled to. Another 27.4 percent gave between 11-20 percent whereas those gave 21-30 and 41-60 percent of the total share was 14.1 and 4.7 percent. There were only 9 families who gave 100 percent of the share to their family's females. It is also important to note that the total families contacted for the study were 384 and those who shared inheritance were 106.

The Table as a whole reports inheritance share with the family's females was mostly denied while those who received were few in number. In addition to this except few, the share they received was far less than the share they were entitled to in the family's land and property.

Table 4.4. Inheritance Share on Gender Basis Among the Sampled Families

1.	**Inheritance Shared**		
	No. of Family Shared Inheritance	106	27.6
	No. of Families Not Shared Inheritance	278	72.4
2.	**Female Size and Inheritance Share (No. of Women)**		
	Total No. of Females	1970	100
	No. Entitled Inheritance	1817	100
	No. Received Share	187	10.3
	No. Not Received	1630	89.7
3.	**Who Received Inheritance Share (No. of Women)**		
	Sisters	47	25.1
	Daughters	98	52.4
	Father Sisters	42	22.5
	Total	187	100
4.	**Percentage of Entitled Inheritance Shared**		
	2-10 Percent	44	41.5
	11-20 Percent	29	27.4
	21-30 Percent	15	14.1
	31-40 Percent	2	1.9
	41-60 Percent	5	4.7
	61-99 Percent	2	1.9
	100 Percent	9	8.5
	Total	106	100

Source: Survey

4.2. Inheritance Sharing Among Sampled Respondents

Inheritance share depends on the personal and familial characteristics of the both the sampled respondents and their families. This section describes the role of personal characteristics such as age, education, family type, household head, family size, number of females entitled to inheritance, occupation, size of agricultural and non-agricultural land holdings and family income in the transfer of inheritance to the entitled females in the family.

4.2.1. Inheritance Share by Age, Education and Family Type

Table 5 while reporting the role of age in inheritance share with the family females shows that from the total number of 106 families who shared inheritance with their females was 25.5 percent and each had age between 23-30 and 31-40 years respectively. The other prominent figures belonged to the age groups of 51-60

(21.7%) and 41-50 (18.9) years while on the other hand the most notable figures from the non-shared families i-e 278 in number were from age group 31-40 (29.5%) and 41-50 (26.3) years. The other noticeable groups had age between 23-30 (20.5%) and 51-60 (18.3%) years.

In connection with the educational status of the sampled respondents, table 5 indicates a large number (31.1%) of families who shared inheritance with their females had education up to master level. The other noticeable education of those who shared inheritance were matriculate (16%), bachelor degree holders (14.2%) and education up to intermediate level (12.3). In the non-shared families group a 19.6 and 19.1 percent of the sampled respondents had education up to master and matric level respectively. The other major groups among the non-shared sampled respondents were bachelor (18.3%), intermediate (12.2%) and middle (12.6%) level degree holders.

Results regarding family type, table 5 reports 72.6 percent of the sampled respondents from inheritance share families group had joint family system while 21.7 and 5.7 percent were living in nuclear and extended family systems respectively. In the non-shared family group, 68.7 percent of families had joint family system while those who had nuclear and extended families were 28.1 and 3.2 percent.

The table as a whole reveals no difference among the respondents regarding sharing and non-sharing of inheritance with the family females on age basis. Inheritance either sharing or non-sharing was found common among all age groups with little variation in the percentage or age made no visible difference in making decision whether to share it with the females or not. On the other hand, the education made difference in making decision to share inheritance with the females. The percentage of those who shared was more among the respondents having higher level of education whereas it was comparatively low in the other group who did share the inheritance. A large number of the families group had low level of education compared with those families who shared. Like age there seems no significant role of family type in making decision about inheritance share on gender basis.

Table 4.5. Inheritance Share by Age, Education and Family Type

Sr. No.	Particulars	Inheritance Shared*	Inheritance Denied*
1.	**Age**		
	23-30 years	27 (25.5)	57 (20.5)
	31-40 years	27 (25.5)	82 (29.5)
	41-50 years	20 (18.9)	73 (26.3)
	51-60 years	23 (21.7)	51 (18.3)
	61 and above	9 (8.5)	15 (5.4)
	Total	106 (100)	278 (100)
2.	**Educational Status**		
	Illiterate	6 (5.7)	18 (6.5)
	Primary	3 (2.8)	23 (8.3)
	Middle	13 (12.3)	35 (12.6)
	Matric	17 (16.0)	53 (19.1)
	Intermediate	13 (12.3)	34 (12.2)
	Bachelor	15 (14.2)	51 (18.3)
	Master Degree	33 (31.1)	55 (19.6)
	M. Phil/M.S and above	6 (5.7)	9 (3.2)
	Total	106 (100.0)	278 (100.0)
3.	**Family Type**		
	Nuclear	23 (21.7)	78 (28.1)
	Joint	77 (72.6)	191 (68.7)
	Extended	6 (5.7)	9 (3.2)
	Total	106 (100)	278 (100)

Source: Survey *Figures in the parentheses are percentages

4.2.2. Inheritance Share by Household Head, Family Size and Number of Inheritance Entitled Females

Inheritance share on gender basis is closely linked with the household head, size of the family and especially number of females legally entitled to share in family's land and property. Decision about inheritance is generally made by the household head by keeping in view of the total family size and number of male and female family members who are legally allowed to inherit property and land owned by the family.

Results in table 6 point out father (49.1%) and self (41.5%) as the head of the households among the families sharing inheritance with their females whereas the same father (47.8%) and self (42.4%) were again the household head in the non-shared household group. Brother was household heads in only 3.8 and 2.5 percent of the cases in the shared and non-shared groups respectively while the percentage of grandfather was less than this. The results indicate a new trend where either self or

father were the household head even in an area mainly dominated by joint family system meaning they were the major personalities who made decision to share or not share inheritance with the females.

In connection with the family size table 6 indicates sharing more in the sampled families having 7-8 (30.2%), 5-6 (18.9%), and 9-10 (16.0%) and 11-12 (11.3%) persons in the families who shared inheritance while those who did not share inheritance mainly had family size between 7-8 (25.9%), 5-6 (19.4%), 9-10 (17.6%) and 11-12 (12.4%) family members. The percentage was less than 10 in both the cases where family size was below 5 or more than 12 persons per family, however, the distribution of inheritance the sampled respondents was comparatively more dispersed among the non-shared families as compared to those who shared the inheritance.

Inheritance share in traditional societies was also influenced by the number of female heirs in a family. Inheritance, whether in small or large quantity, was shared more in the families having a small number of inheritance entitled females whereas chances were less where female number was high. Table 6 shows almost half (48.1%) of the families who shared inheritance had 3-4 legal female heirs. The second high number was 20.8 percent who had 1-2 females. The other notable figures 13.2, and 7.6 percent of the families had 7-6 and 9-10 females per family respectively. On the other hand the highest number of families who did not share inheritance had again 3-4 females. This is followed by 20.9, 17.6 and 10.4 percent of the sampled families who had 5-6, 1-2 and 7-8 female heirs per family respectively.

The table as a whole reveals father and respondent themselves or self as the main household heads in both the shared and non-shared families. It shows the shift of power structure from family elders such as grandfather, elder uncles and other family members to father and self. In case of family size though the difference in not so wide but the share was given more to families that were not only small in size but also had small number of female heirs. On the other hand the distribution of family members on the basis of number of persons and female heirs was more dispersed and with little variation found in all groups mainly due to the fact that inheritance denial is a common phenomenon among all the age, education, types and sizes of families. The real inheritance shares or those who gave full or nearly full share were very few

whereas the rest who claimed to give some share mainly tried to calm their females and their in-laws.

Table 4.6. Inheritance Share by Household Head, Family Size and Number of Females Entitled Inheritance

Sr. No.	Personal Characteristics	Inheritance Shared*	Inheritance Denied*
1.	**Household Head**		
	Self	44 (41.5)	118 (42.4)
	Father	52 (49.1)	133 (47.8)
	Brother	4 (3.8)	7 (2.5)
	Grand Father	2 (1.9)	1 (0.4)
	Other	4 (3.8)	17 (6.9)
	Total	106 (100.0)	278 (100.0)
2.	**Family Size**		
	3-4 persons	2 (1.9)	10 (3.6)
	5-6 persons	20 (18.9)	54 (19.4)
	7-8 persons	32 (30.2)	72 (25.9)
	9-10 persons	17 (16.0)	49 (17.6)
	11-12 persons	12 (11.3)	34 (12.4)
	13-14 persons	8 (7.5)	23 (8.3)
	15-16 persons	6 (5.7)	10 (3.6)
	17 & above persons	9 (8.5)	26 (9.4)
	Total	106 (100.0)	278 (100.0)
3.	**Number of Females Entitled Inheritance per Family**		
	1-2 Females	22 (20.8)	49 (17.6)
	3-4 Females	51 (48.1)	115 (41.3)
	5-6 Females	14 (13.2)	58 (20.9)
	7-8 Females	5 (4.7)	29 (10.4)
	9-10 Females	8 (7.6)	15 (5.4)
	11 & Above Females	6 (5.5)	12 (4.4)
	Total	106 (100.0)	278 (100.0)

Source: Survey *Figures in the parentheses are percentages

4.2.3. Economic Status and Inheritance Sharing

Economic status and assets have always been considered as the major determinates of all the decisions including inheritance share made by the family. Inheritance basically consists of land, all buildings, crops, minerals, bequest (gift of property by will) of personal property, corporeal personal property that also included animals, merchandise, and jewelry and incorporeal personal property included rights in stocks, bonds, patents or rights given by government to inventors and copyrights) or legatees for money (Word English Dictionary, 2014 and Free English Dictionary, 2014). All these assets determine both the economic status which in country like

Pakistan is decided mainly by the size of property and land in urban and amount of agricultural land in rural areas.

Table 7 reports 34 percent of the sampled respondents who shared inheritance with their females were government servants while the other notable figures were farmers (20.8%), private job holders (12.3%), businessmen (9.4%) and others (17.9%) that include mainly those who had multiple occupations. In the non-shared families group government servants were again more (28.4%) than farmers (19.4%), job holders in private organizations (16.5%), businessmen (9.7%), laborers (5.4%) and others (15.4%).

Size of land holdings, especially the agriculture has been the most valuable property (RDI, 2009) and base of social status, economic and all development activities in developing world (World Bank, 2012). Results in table 7 show that 48.1 percent of the sampled families who shared the inheritance had between 41-48 kanals of agricultural land while 16.0, 7.5 and 3.8 percent of sampled families had cultivated land between 21-40, less than 20 and more than 80 kanals of land respectively. Almost one fourth (24.5%) of the total were landless. From the non-shared group those who were landless were one third (32.7%) whereas 46.0 percent of the total had agricultural land between 41-50 kanals. This was followed by 13.3 and 7.6 percent of the families who had 21-40 and less than 20 kanals of land.

In case of non-agricultural land, 40.6 percent of the sampled families who shared inheritance had land between 1-5 kanals, while 22.6 and 7.5 percent of the families had low i-e 1-10 and 11-20 marlas of land respectively. Those families, who had 6-10 and more than kanals of non-agricultural land, were 10.4 and 18.9 percent respectively. Among non-shared group, more than 50 percent (54.3%) of the families had 1-5 kanals of land whereas 25.5 and 8.3 each had 1-10 marlas, 6-10 and more than 10 kanals of land respectively.

Regarding family's income, results in table 7 further report 26.4 and 24.5 percent of the families from inheritance sharing group had monthly income between 40001-60000 and above 150000 rupees whereas from the other 20.8, 11.3, 8.5 and 4.7 percent of the families had income between 60001-80000, 20001-40000, 100001-150000 and 80001-100000 rupees per month. In non-shared inheritance group about 59 percent of the sampled families had monthly income between 20001-40000

(34.5%) and 40001-60000 (24.8%) rupees. From the rest 15.5, 11.5, 5.8 and 4.7 percent had income between 60001-80000, 150001 and above, and 100001-150000 rupees respectively.

Table 4.7 as a whole reveals no visible difference in the distribution of inheritance sampled respondents on the basis of occupation and size of agricultural land holdings, however, the percentage of those who shared inheritance was comparatively more among the families having large size of land holdings. In case of inheritance shared group with respect to non-agricultural land holdings more than two third of the families had less than one or between 1-5 kanals of land whereas around one third had large size of land holdings in urban areas. In non-shared group around two third of the sampled families had low level of land holdings. With respect to monthly family's income almost one fourth of those families who shared inheritance had very highest family income due to the fact that female's inheritance share. especially in the family land, was the major demand of females' in-laws at the time of marriage.

Table 4.7. Economic Status and Inheritance Shared Among the Sampled Respondents

Sr. No.	Economic Characteristics	Inheritance Shared*	Inheritance Denied*
1.	**Occupation**		
	Business	10 (9.4)	27 (9.7)
	Government Job	36 (34.0)	79 (28.4)
	Private Job	13 (12.3)	46 (16.5)
	Labor	2 (1.9)	15 (5.4)
	Agriculture	22 (20.8)	54 (19.4)
	Livestock	2 (1.9)	7 (2.5)
	Housewife	2 (1.9)	8 (2.9)
	Other	19 (17.9)	42 (15.4)
	Total	106 (100.0)	278 (100.0)
2.	**Size of Land Holding**		
	Landless	26 (24.5)	91 (32.7)
	Less than 20 Kanals**	8 (7.5)	21 (7.6)
	21-40 Kanals**	17 (16.0)	37 (13.3)
	41-80 Kanals**	51 (48.1)	128 (46.0)
	Above 80 Kanals**	4 (3.8)	1 (0.4)
	Total	106 (100)	278 (100)
3.	**Size of Non-Agricultural Land Holdings**		
	1-10 Marlas***	24 (22.6)	71 (25.5)
	11-20 Marlas***	8 (7.5)	10 (3.6)
	1-5 Kanals**	43 (40.6)	151 (54.3)
	6-10 Kanals**	11 (10.4)	23 (8.3)
	More than 10 Kanals**	20 (18.9)	23 (8.3)
	Total Kanals**	106 (100)	278 (100)
5.	**Total Family Monthly Income**		
	Less than 20000 Rupees	4 (3.8)	9 (3.2)
	20001-40000 Rupees	12 (11.3)	96 (34.5)
	40001-60000 Rupees	28 (26.4)	69 (24.8)
	60001-80000 Rupees	22 (20.8)	43 (15.5)
	80001-100000 Rupees	5 (4.7)	13 (4.7)
	100001-150000 Rupees	9 (8.5)	16 (5.8)
	150001 & Above Rupees	26 (24.5)	32 (11.5)
	Total	106 (100)	278 (100)

Source: Survey

*Figures in the parentheses are percentages **1 Kanal=1/8 Acre
***1 Marla=1/20 Kanal or 1/160 Acre

4.3. Inheritance Share on Rural-Urban Basis

Inheritance denial on gender basis though a global phenomenon with particular reference to traditional societies but is prevalent more in rural areas as compared to urban settings. Panda (2005) and Steinzor (2003) reported women's lack of land ownership and control particularly in rural areas but at the same time one can deny denial in urban areas as well. IFPRI (1998) called the same limited in rural Bangladesh and according to World Bank, trend towards giving no agricultural land was also high (2008). The same was the case in Afghanistan (Wily, 2004), Palestine (Zneid, 2001) and Pakistan (Anwar and Other, 2005) where like other traditional societies livelihood of both men and women in rural settings revolve around land in Pakistan as well (Khawar and Nosherwani, 2010) and the concentration of land in few hands caused persistent poverty and instability in the country where the main victims were landless, tenants and women (USAID, 2014). This section describes the gender inheritance denial process on rural-urban basis.

4.3.1. Personal Characteristics and Inheritance Share on Rural-Urban Basis

Results in table 8 while describing the age reports, that 29.5, 27.3, 18.2 and 15.9 percent of the sampled respondents who shared inheritance and were from rural areas had age between 41-50, 23-30, 31-40 and 51-60 years respectively whereas the highest percentage of the same in urban areas belonged to the age groups of 31-40 (30.6%), 51-60 (25.8%) and 23-30 (24.2). In the non-shared group in rural areas, 31.2, 25.7, 19.4 and 17.4 had age between 31-40, 41-50, 51-60 and 23-30 years respectively. Similarly, the same in the urban areas were from 31-40 (27.6%), 41-50 (26.9%), 23-30 (23.9%) and 51-60 (17.2%) years age groups.

Regarding educational status, table 4.8 reports respondents from rural areas who shared inheritance had education up to middle (20.5%), matric (20.5%), intermediate (9.1%) and bachelor (9.1%) level, while in the urban areas 33.9 percent of the same had education up to master level followed by sampled respondents having education up to bachelor (17.7%), intermediate (14.5%) and matric (12.9%) level. Among the denial group, the respondents from both the rural and urban areas were mostly equally distributed. A 20.1 percent of the respondents from rural areas had matric level education followed by master degree (19.4%), middle (16.7%), bachelor (15.3%) and intermediate (10.4%). In the urban areas, the large number had education

up to bachelor (21.6%), master (20.1%), matric (17.9%), intermediate (14.2%) and middle (10.4) level education.

Family type also plays an important role in inheritance share process. Denial trend has been reported more among the traditional families particularly in rural settings. Table 8 shows that 75 percent of the rural families who shared inheritance was living in the joint family system. The remaining 20.5 and 4.5 percent were from nuclear and extended families respectively. Again in the urban areas those who shared inheritance were 71 percent in the joint while the percentage of those from nuclear and extended was 22.6 and 6.5 percent respectively. The same was the case among the inheritance denied group. A 72.9 percent of the total in the rural areas was joint family system while this was 66.3 percent in the urban areas. Similarly, the percentage of nuclear families who denied inheritance was more in the urban areas (35.1%) than the rural areas (21.5%).

The head of the household plays an important role in the transfer of inheritance to the family's members that include the female members as well. Table 8 describes majority (54.5%) of the rural household heads, who shared inheritance, were fathers where the self or respondent themselves followed them with 40.9 percent. In the urban areas those who shared inheritance were again mainly fathers (45.2%) with self (45.2%), brothers (4.8%) and other (4.8%). Similarly, in non-shared it was the father with 49 percent in the rural and 46.3 percent in the urban areas who denied to women their inheritance rights. Self or the respondents themselves followed them with 43.1 and 41.8 percent from the rural and urban areas respectively.

The table as a whole presents no distinct pattern in both inheritance shared and denial cases. Distribution of respondents who shared inheritance with their females in both the rural and urban areas belonged to all age groups with small variation in percentage; however, tendency of sharing inheritance was found more among the young. The denial group, both from the rural and urban areas contained more or less the same number of respondents from all age groups. Regarding education, the trend of sharing inheritance was more among highly educated i-e bachelor and master degree holders respondents in the urban areas than the rural while denial is again equally distributed in both the urban and rural areas. On family type both the inheritance sharing and denial was found common in all the family systems groups' i-

e nuclear, joint and extended based on rural-urban division. Again it was both the fathers and the respondents from the rural and urban areas who shared and denied inheritance to their family females.

Table 4.8. Personal Characteristics of the Sampled Respondents and Inheritance Share on Rural-Urban Basis

Sr. No.	Particulars	Inheritance Shared*		Inheritance Denied*	
		Rural	Urban	Rural	Urban
1.	**Age**				
	23-30 years	12 (27.3)	15 (24.2)	25 (17.4)	32 (23.9)
	31-40 years	8 (18.2)	19 (30.6)	45 (31.2)	37 (27.6)
	41-50 years	13 (29.5)	7 (11.3)	37 (25.7)	36 (26.9)
	51-60 years	7 (15.9)	16 (25.8)	28 (19.4)	23 (17.2)
	61 and above	4 (9.1)	5 (8.1)	9 (6.2)	6 (4.5)
	Total	44 (100)	62 (100)	144 (100)	134 (100)
2.	**Educational Status**				
	Illiterate	3 (6.8)	3 (4.8)	13 (9.0)	7 (5.2)
	Primary	1 (2.3)	2 (3.2)	12 (8.3)	6 (4.5)
	Middle	9 (20.5)	4 (6.5)	24 (16.7)	14 (10.4)
	Matric	9 (20.5)	8 (12.9)	29 (20.1)	24 (17.9)
	Intermediate	4 (9.1)	9 (14.5)	15 (10.4)	19 (14.2)
	Bachelor	4 (9.1)	11 (17.7)	22 (15.3)	29 (21.6)
	Master Degree	12 (27.3)	21 (33.9)	28 (19.4)	27 (20.1)
	M. Phil/M.S and above	2 (4.5)	4 (6.5)	1 (0.7)	8 (6.0)
	Total	44 (100)	62 (100)	144 (100)	134 (100)
3.	**Family Type**				
	Nuclear	9 (20.5)	14 (22.6)	31 (21.5)	77 (35.1)
	Joint	33 (75.0)	44 (71.0)	105 (72.9)	130 (66.3)
	Extended	2 (4.5)	4 (6.5)	8 (5.6)	1 (0.7)
	Total	44 (100)	62 (100)	144 (100)	134 (100)
4.	**Household Head**				
	Self	18 (40.9)	26 (41.9)	63 (43.1)	56 (41.8)
	Father	24 (54.5)	28 (45.2)	71 (49.3)	62 (46.3)
	Brother	1 (2.3)	3 (4.8)	3 (2.1)	4 (3.0)
	Grand Father	0 (0.0)	2 (3.0)	1 (0.7)	0 (0.0)
	Other	1 (2.3)	3 (4.8)	7 (4.9)	12 (8.9)
	Total	44 (100)	62 (100)	144 (100)	134 (100)

Source: Survey *Figures in the parentheses are percentages

4.3.2. Family Size, Marital Status and Inheritance Share on Rural-Urban Basis

Family size and marital status had a strong relationship with family decision to share the family's land and property with those who are entitled to these. Generally, in rural areas, inheritance was not shared with the married family females if their family size was large, however, one cannot generalize it specifically to rural areas. It happens in urban areas as well. In connection with the family size, table 4.9 reports that 27.3 and 18.2 percent of the rural families who shared inheritance with their family females had 7-8 and 5-6 total family members respectively. Another 13.6 percent had 11-12 members whereas 11.4 percent each had 15-16 and more than 16 members respectively. In the urban areas more than two third of the families who shared inheritance had 7-8 (32.3%), 9-10 (22.6%) and 5-6 (19.4%) persons. In the non-shared rural group 24.3, 18.8, 15.3 and 12.5 percent of the sampled families had 7-8, 9-10, 5-6 and 11-12 of total persons respectively while in the urban areas it confined mainly to four groups i-e 7-8 (27.6%), 5-6 (23.9%), 9-10 (16.4%) and 11-12 (11.9%) persons.

About the unmarried women, who were also entitled to inheritance table 9 reports 63.6 percent of the sampled families who shared inheritance had 0-1 female while 15.9 and 13.6 had between 2-3 and 4-5 females in rural areas respectively. In urban areas the same was 59.7 (0-1 females), 21.0 (2-3 females) and 12.9 (4-5 females) percent. Among inheritance sharing group living in rural areas almost 90 percent of the families had 0-1 (48.6%) or 2-3 (41.0%) unmarried females whereas the same in the urban areas was again 0-1 (47.0%) or 2-3 (41.0%) women per family.

In connection with married women who fulfilled all the social and legal requirements to get inheritance share, table 4.9 describes that 54.5 percent of the rural families who shared inheritance with their females had 2-3 married females per family. The other notable figures were from the families that also shared had 0-1 (18.2%) and 4-5 (15.9%) per married females. In the urban areas more than 90 percent of families shared inheritance had mainly 2-3 (46.8%), 0-1 (32.3%) and 4-5 (12.9%) married females. In non-shared or refused group from the rural areas, almost half (48.6%) had 2-3 married females while the other notable figures from this group had 0-1 (22.2%), 4-5 (14.6%) and 6-7 (10.4%) married females. In the urban areas 46.3 percent of those families who refused female share had 2-3 females followed by

26.6 and 14.2 percent of the sampled families who had 0-1 and 4-5 females respectively.

Inheritance is kept in the family by marrying within the paternal family. Results in table 9 show 72.3 percent of those living in the rural areas but shared inheritance had endogamous marriage while other 27.3 married their females outside the family. In the urban areas the ratio of endogamous (53.2%) and exogamous (46.8%) was more or less equal. Among the non-shared or refused group, more than three fourth (77.8%) of the marriages in the rural settings were endogamous while it was exactly half (50%) each in case of endogamy and exogamy in the urban areas.

The results as a whole conclude that inheritance shared in rural areas was mainly in the families that were either the small having less than 8 members or were large having more than 15 in size; whereas in the urban settings, it contained low sized families having 10 or less than 10 family members whereas inheritance refusal in the urban areas prevailed mainly among the same group while it was more diverse and happened almost among all family sized groups with smaller variation in percentage. Regarding marital status of inheritance shared families in both the rural and urban areas was given where unmarried female population 0-1 female per family while the same among the refused or non-shared group was more either among 0-1 or 2-3 per un-married females groups. Among the married females group who were legally and socially entitled to inheritance in the rural areas was shared where married female population was 5 or less while it was more diverse and fall in almost all groups of married women in non-shared groups. On the other hand, a very large part of those who either shared or refused share with females in urban areas had 3 or less than 3 married females per family. Though endogamous marriage system prevailed both in rural and urban areas but practiced more particularly in rural areas to keep and protect the family land and property within the family.

Table 4.9. Family Size, Marital Status and Inheritance Share on Rural Urban Basis

Sr. No.	Particulars	Inheritance Shared*		Inheritance Denied*	
		Rural	Urban	Rural	Urban
1.	**Family Size**				
	3-4 persons	1 (2.3)	1 (1.6)	5 (3.5)	5 (3.7)
	5-6 persons	8 (18.2)	12 (19.4)	22 (15.3)	32 (23.9)
	7-8 persons	12 (27.3)	20 (32.3)	35 (24.3)	37 (27.6)
	9-10 persons	3 (6.8)	14 (22.6)	27 (18.8)	22 (16.4)
	11-12 persons	6 (13.6)	6 (9.7)	18 (12.5)	16 (11.9)
	13-14 persons	4 (9.1)	4 (6.5)	15 (10.4)	8 (6.0)
	15-16 persons	5 (11.4)	1 (1.6)	8 (5.6)	2 (1.5)
	17 & above persons	5 (11.4)	4 (6.5)	14 (9.7)	12 (9.0)
	Total	44 (100)	62 (100)	144 (100)	134 (100)
2.	**Marital Status of Family Females Entitled Inheritance**				
	Number of Females Un-Married in the Family				
	0-1 Female	28 (63.6)	37 (59.7)	70 (48.6)	63 (47.0)
	2-3 Females	7 (15.9)	13 (21.0)	59 (41.0)	55 (41.0)
	4-5 Females	6 (13.6)	8 (12.9)	11 (7.6)	13 (9.7)
	6-9 Females	3 (6.8)	4 (6.4)	4 (2.8)	3 (2.2)
	Total	44 (100)	62 (100)	144 (100)	134 (100)
	Number of Females Married in the Family				
	0-1 Female	8 (18.2)	20 (32.3)	32 (22.2)	37 (27.6)
	2-3 Females	24 (54.5)	29 (46.8)	70 (48.6)	62 (46.3)
	4-5 Females	7 (15.9)	8 (12.9)	21 (14.6)	19 (14.2)
	6-7 Females	3 (6.8)	5 (8.1)	15 (10.4)	8 (6.0)
	8 & above Females	2 (4.5)	0 (0.0)	6 (4.2)	8 (5.9)
	Total	44 (100)	62 (100)	144 (100)	134 (100)
3.	**Type of Marriage**				
	Endogamy	32 (72.7)	33 (53.2)	112 (77.8)	67 (50.0)
	Exogamy	12 (27.3)	29 (46.8)	32 (22.2)	67 (50.0)
	Total	44 (100)	62 (100)	144 (100)	134 (100)

Source: Survey *Figures in the parentheses are percentages

4.3.3. Economic Profile and Inheritance Share on Rural-Urban Basis

Economic profile on rural urban basis might be a strong indicator of the decision to share inheritance with the family's females. The reluctance or denial though a common phenomenon is practiced in both urban and rural areas but is practiced more in traditional rural settings that either lacks required resources or resource like land which is very special for them not only in economic terms but

social also. The occupation, size of land holdings and total family has a strong association with the inheritance sharing process. Table 4.10 while describing the occupation reports that government servants (31.8%) and farmers (38.6%) were the major heirs in the rural areas whereas the same in urban areas were government servants (35.5%), other or families depending on multiple income sources (24.2%), private job holders (17.7%) and businessmen (11.3). Among the non-shared or those families who denied the females share, the large number in the rural areas was of farmers (33.3%) followed by government job holders or servants (22.2%), other (16.7%) and those working in private companies (11.1%). In the urban areas the percentage of government servants was 35.5. Another 24.4 and 13.4 percent were doing private company job or businesses respectively.

The size of agricultural land holdings has been a strong indicator of inheritance share process. Livelihood, especially in the rural areas, revolves around land which provides cash, employment, social status and power to both the people living in rural and urban settings (Khawar and Nosherwani, 2010; Zaman 1995; IRDC, 2014). In Pukhtun society, land and money is a second core issue after *nang* or honor and power rests in land owning Pukhtuns (Yousafzai and Gohar, 2005; Rome, 2012). Table 10 reports that 65.5 of the rural families who shared inheritance had 41-80 kanals of agricultural land holdings. The other notable figures were of 21-40 kanals land holders (15.9%) and landless families (9.1%). In the urban areas landless and 21-40 kanals land holders had equal percentage (35.5%) followed by 21-40 kanal land holdings families (16.1%). Among the non-shared or denied groups 60.4 percent of the families had 41-80 kanals of cultivated land followed by landless (17.4%) and 21-40 kanals (16.0%) land holders. In the urban areas the major non-shared holders were landless (49.3%) or those having 41-80 (30.6%) or 21-40 (10.4%) kanals land holders.

In case of non-agricultural land holdings, table 4.10 shows 45.9 and 22.7 percent of rural families who shared inheritance with their females had 1-5 or more than 10 kanals of non-agricultural land respectively while highest percentage of the same in the urban areas was of those who had 1-5 kanal (37.1%), 1-10 marlas (29.0%) or more than 10 kanals (16.1%) of land. In the non-shared or denied group 61.8 percent of the sampled families had 1-5 kanals of land followed by 16.0 and 10.4 each who had 1-10 marlas, 6-10 and more than

10 kanals of land respectively. In the urban areas, more than 80 percent of non-shared had 1-5 kanals (46.3%) or 1-10 marlas of non-cultivable land.

Results regarding monthly family income in table 4.10 report that majority of the rural families who shared inheritance were either from low medium i-e 40001-60000 (29.5%), 20001-40000 (18.2%) Rupees or were from very high income group earning more than 150000 rupees per month. The three groups again constitute the main among inheritance shared families in the urban areas but the highest percentage (27.4%) was the highest monthly income group (Rs. 150001 & above) followed by other relatively high income groups who had income between 60001-80000 (25.8%) and 40001-60000 (24.2%) rupees per month. In non-shared or denied group, more than three fourth sampled families in rural areas had income between 20001-40000 (42.4%), 40001-60000 (22.2%) and 60001-80000 (13.2%) rupees. The same was the case in the urban areas with 26.1, 27.6 and 17.9 percent of the sampled families respectively.

The table as a whole concludes that both farmers and government servants were the major sampled respondents who shared with and denied inheritance to their family females in the rural areas while in the urban areas the main inheritance shares were multi-occupation families, government servants and businesses while the denial in the urban areas was more among the families depending on government jobs, doing businesses or had multi-occupations. Inheritance in the rural areas was mostly shared and non-shared or denied by medium and comparatively large size land owners having land between 41-80 kanals of agricultural land while the large number of share and non-sharers were either landless or large land owners. In case of non-agricultural land, inheritance share in the rural communities was more among 1-5 and more than 10 kanals of land owners while denial was more among 1-5 kanals owners. In the urban areas though share and denial was more among 1-5 kanal non-agricultural land owners while the number of receivers was high and more among the 1-10 marlas and more than 10 kanals of land. On the other hand, a very large number of 1-10 marlas families had not shared family land with their females as well. Again in case of income the inheritance shared had either among low or very high monthly income groups in both the rural and urban localities while inheritance denial mainly prevailed among all income groups, mainly in the low income.

Table 4.10. Economic Profile and Inheritance Share on Rural-Urban Basis

Sr. No.	Particulars	Inheritance Shared*		Inheritance Denied*	
		Rural	Urban	Rural	Urban
1.	**Occupation**				
	Business	3 (6.8)	7 (11.3)	9 (6.2)	18 (13.4)
	Government Job	14 (31.8)	22 (35.5)	32 (22.2)	47 (35.1)
	Private Job	2 (4.5)	11 (17.7)	16 (11.1)	30 (22.4)
	Labor	2 (4.5)	0 (0.0)	6 (4.2)	9 (6.7)
	Agriculture	17 (38.6)	5 (8.1)	48 (33.3)	6 (4.5)
	Livestock	1 (2.3)	1 (1.6)	5 (3.5)	2 (1.5)
	Housewife	1 (2.3)	1 (1.6)	4 (2.8)	4 (3.0)
	Other	4 (9.1)	15 (24.2)	24 (16.7)	18 (13.4)
	Total	44 (100)	62 (100)	144 (100)	134 (100)
2.	**Size of Land Holding****				
	Landless	4 (9.1)	22 (35.5)	25 (17.4)	66 (49.3)
	Less than 20 Kanals	3 (6.8)	5 (8.1)	8 (5.6)	13 (9.7)
	21-40 Kanals	7 (15.9)	10 (16.1)	23 (16.0)	14 (10.4)
	41-80 Kanals	29 (65.9)	22 (35.5)	87 (60.4)	41 (30.6)
	Above 80 Kanals	1 (2.3)	3 (4.8)	1 (0.7)	0 (0.0)
	Total	44 (100)	62 (100)	144 (100)	134 (100)
3.	**Size of Non-Agricultural Land Holdings*****				
	1-10 Marlas	6 (13.6)	18 (29.0)	23 (16.0)	48 (35.8)
	11-20 Marlas	2 (4.5)	6 (9.7)	2 (1.4)	8 (6.0)
	1-5 Kanals	20 (45.9)	23 (37.1)	89 (61.8)	62 (46.3)
	6-10 Kanals	6 (13.6)	5 (8.1)	15 (10.4)	8 (6.0)
	More than 10 Kanals	10 (22.7)	10 (16.1)	15 (10.4)	8 (6.0)
	Total	44 (100)	62 (100)	144 (100)	134 (100)
4.	**Total Family Income**				
	Less than 20000 Rupees	2 (4.5)	2 (3.2)	5 (3.5)	4 (3.0)
	20001-40000 Rupees	8 (18.2)	4 (6.5)	61 (42.4)	35 (26.1)
	40001-60000 Rupees	13 (29.5)	15 (24.2)	32 (22.2)	37 (27.6)
	60001-80000 Rupees	6 (13.6)	16 (25.8)	19 (13.2)	24 (17.9)
	80001-100000 Rupees	4 (9.1)	1 (1.6)	4 (2.8)	9 (6.7)
	100001-150000 Rupees	2 (4.5)	7 (11.3)	7 (4.9)	9 (6.7)
	150001 & Above Rupees	9 (20.5)	17 (27.4)	16 (11.1)	16 (11.9)
	Total	44 (100)	62 (100)	144 (100)	134 (100)

Source: Survey *Figures in the parentheses are percentages **Kanal=1/8 Acre
***Marla=1/20 Kanal

4.3.4. Inheritance Share Among Family Females on Rural-Urban Basis

Results in table 4.11 show a total number of 1970 women in the sampled households. From this 73 percent were from inheritance denied families with the percentage of 37.8 and 35.2 from the rural and urban families. The remaining 27

percent, the number of females in the urban areas of inheritance shared families were slightly higher (14.9%) than those among the rural households (12.1%). Among the inheritance entitled women, the total percentage of daughters was higher (44.8%) than the sisters (40.9%) and father sisters (15.3%). The same was the case at the rural urban level. The table further reports that all those rural households that shared inheritance with their family females had 210 inheritance entitled women where from this only 81 or 38.6 percent of the total got share in inheritance. This was 4.4 percent of the total inheritance entitled women. In the urban areas out of 275 entitled women those who received inheritance were 106 or 38.5 percent from inheritance shared families. This was 5.8 percent of the total inheritance entitled women in the sampled area.

In connection with the percent of entitled inheritance shared table 4.11 states that in 52.2 percent of the sampled families shared only 2-10 percent of the actual share the females were legally entitled in family's land and property. Another 22.7 and 15.9 shared between 11-20 and 21-30 percent of the actual share respectively. Those families who gave full share were only 2 or 4.5 percent. In the urban areas again 33.9 and 30.6 percent of the families shared 2-10 and 11-20 percent of the share they were entitled to respectively. The other notable figures were 12.9 and 6.5 percent who shared 21-30 and 41-60 percent of the share with their family females. Apart from this, the urban group also contained 7 or 11.3 percent of the families who gave full or 100 percent share to their females.

Results as a whole reveal no or low sharing of inheritance with their females. Around three fourth of the sampled families did not share any inheritance with their family's females while a very large number of those who did was a token presentation. In order to quiet the family's women and their in-laws, they shared a nominal amount that could be a small piece of land depending on the ownership of family land and property or cash at the time of marriage or after that. Dowry in many cases were also called substitute for inheritance share. This was being practiced in both the rural and urban settings however, it was comparatively more in the urban areas. Moreover, many of the inheritance shared families did not share with all their females. They did so when it was demanded or they thought it necessary especially in case of exogamous marriage. At the same time hundred percent inheritance was shared in some cases. It mostly happened in the urban areas among the well-off or

high land owning families. Inheritance in these cases was demand of the in-laws or they married to get the inheritance, however, even in these cases only the entitled land was shared with the females and they got no share in family's business, cash, other property etc. Demanding inheritance was also reported a new trend where many families met it by giving a small piece of land or token money mostly at the time of marriage.

Table 4.11. Inheritance Share among Family Females on Rural Urban Basis

Sr. No.	Particulars	Inheritance Shared		Inheritance Denied		Total
		Rural	Urban	Rural	Urban	
1.	**No. of Families**	44 (11.5)	62 (16.1)	144 (37.5)	134 (34.9)	384
2.	**Total No. of Females**	238 (12.1)	294 (14.9)	744 (37.8)	694 (35.2)	1970(100)
3.	**Who Entitled Share**					
	Daughters	103 (5.7)	121 (6.7)	315 (17.3)	275 (15.1)	814 (44.8)
	Sisters	67 (3.7)	117 (6.4)	292 (16.1)	268 (14.7)	744 (40.9)
	Father Sister	40 (2.2)	37 (2.0)	96 (5.3)	86 (4.8)	279 (15.3)
4.	**Total No. of Entitled Females**	210 (11.6)	275 (15.1)	703 (38.7)	629 (34.6)	1817 (100)
	No. of Females Received from Families Shared Inheritance	81 (38.6)	106 (38.5)	-	-	-
	No. Received from Total Entitled Females	81 (4.4)	106 (5.8)	-	-	-
5.	**Percentage of Entitled Inheritance Shared**					
	2-10 Percent	23 (52.3)	21 (33.9)	-	-	
	11-20 Percent	10 (22.7)	19 (30.6)	-	-	
	21-30 Percent	7 (15.9)	8 (12.9)	-	-	
	31-40 Percent	1 (2.3)	1 (1.6)	-	-	
	41-60 Percent	1 (2.3)	4 (6.5)	-	-	
	61-99 Percent	1 (2.3)	2 (3.2)	-	-	
	100 Percent	2 (4.5)	7 (11.3)	-	-	
	Total	44 (100)	62 (100)	-	-	

Source: Survey *Figures in the parentheses are percentages

4.4. Univariate Analysis

This section describes the perception of sampled respondents about women share in family inheritance. The study assumes that like other traditional societies,

inheritance denial to females in family land and property is a common phenomenon in Pakistan. Basically, it is an economic interest of males which they get through the support of patriarchy, social norms, specially designed socio-cultural practices, illegal practices, cumbersome procedures and non-functional role of religious, legal and social intuitions like family, *Jirga*, political parties, local based organizations, NGOs, educational institutions and mass media. The section starts with discussion on the perception of sampled respondents about the statements describing the dependents variable inheritance rights denied followed by the various statements of independent variables males' economic interest, patriarchy, inheritance norms, practices, religious laws and practices, legal institutions, illegal practices, and social structural disparities or inconsistencies.

4.4.1. Females Inheritance Rights Denied

Inheritance denial on gender basis is a common feature of Pakistani society. Table 4.12 discloses that 79.9 percent of the respondents had not validated the statement that there is high level of women legal land ownership in your area, only 12.8 percent reported yes. In fact more than three fourth of the total were found agreed that denial is a common practice in our family (76.6%) where family land and property was restricted to men (83.6%). This was in fact not something new and practiced in many African and Asian countries such as Nigeria (Ajayi and Olotuah, 2005), Guatemala (Waterhouse, 2001), Burundi (Sabimbona, 2001), Eritrea (Tekle, 2001), Sudan (Mwagiru, 20010), India (Sircar and Fletschner, 2014; The Devex, 2013), Nepal (RDI, 2009; Gilbert, 1992), Bangladesh (Jinnah, 2013), Afghanistan (Wily, 2004; RDI, 2009) and Pakistan (USAID, 2014; IRDC, 2014; Mehdi, 2002). In many of these countries, denial is a common practice despite having legal rights. Men have rights to own land and property while women in most cases do not own land at all, it is rare or on very limited basis.

When respondents were further probed about the causes of denial, 69.5 percent were found agreed or stated yes to the statement that land ownership and sharing inheritance is considered culturally inappropriate in our family while 57 percent stated that their women have refused to get their share and gave to their brothers out of respect while 78.1 percent stated that there is no practice of sharing inheritance with our females. Despite this 75.8 percent stated no or found disagreed

with the statement that female names are excluded from the heir list in your family. In order to support their unlawful practice, many arguments can be cited. Shreffler and Dodoo (2009) and Goodnow and Lawrance (2010) called inheritance a cultural norm and land within the family is distributed according to the cultural rules they call interplay of norms. Okello (2003) and Bankole (2001) called violation of females property rights is an accepted norm whereas again White et al. (2002) called women inheritance as highly gendered and cultural determined. Chaudhry (2009) and Zneid (2001) found women who refused their share out of respect to brother whereas Ajayi and Oltuah (2005) stated that women are deprived because they are women. Sabimbona (2001) said that the female's inheritance rights are not practiced because they do not exist.

As for as the number of families who shared inheritance either fully or partially, it was found that 80.5 percent of the sampled respondents reported yes to the statement that few women in your family directly inherit any property while those families who gave full inheritance share to their females were only 2.3 percent or 9 out of the total 384 respondents. On the other hand, those who did not share any were 69 percent but this also included 3.4 percent of those who reported 'don't know' in their response. A 77.3 percent further stated that those women who got either full or partial share had no control over control over the land and property they inherited. Results in table 7 support the findings which show that 41.5 and 27.7 percent of the 106 sampled families who shared inheritance of the families either gave 2-10 or 11-20 percent of the share to their women in family's inheritance respectively. Another 14.1 percent shared between 21-30 percent whereas those who shared full were 8.5 percent and 2.3 percent of the total sampled families. The same is the case in other countries as well. Doss (2013) reported that less than 2 percent of the land all over the world is owned by women (FAO, (1997) whereas the number of women who own some land, was less than 10 percent in India while it was around 8 percent in Nepal (Gilbert, 1992), 30 percent in Sri Lanka (Wanasundera, 2006), 3.5 percent in Bangladesh (World Bank, 2008) and only handful in Afghanistan (Wily, 2004). All these along with studies in Pakistan conducted by Arif and Ali (1998), USAID (2014), Ajayi and Olotuah (2005) and IRDC (2014) reported low or most cases no control of women over the land and property they own.

The table as a whole reports that inheritance denial on gender basis was a common practice in the study area. A very small number of women availed inheritance where those who got full share were even smaller than these. Respondents called it proper as the cultural values supported their action and it was not practiced in their area due to love and respect for their family especially the brothers. The results support the feminism and structural-functional perspectives where the feminism report it manmade and inequality exists among men and women in their status and rights (Malik, 2005) while structural-functionalists report that culture and past practices shape and influence the social system in an area (Ritzer, 2010).

Table 4.12. Perception of Sampled Respondents about Females Inheritance Rights Denied

Sr, No.	Statements	Yes	No	Don't know
1.	There is high level of women legal land ownership in your area	49 (12.8)	307(79.9)	28 (7.3)
2.	Women inheritance denial has been a common practice in your family	294(76.6)	77 (20.1)	13 (3.4)
3.	The transfer of land and property is mostly restricted to men	321(83.6)	51 (13.3)	12 (3.1)
4.	Few women in your family directly inherit any property	309(80.5)	47 (12.2)	28 (7.3)
5.	You give full share to your women entitled family inheritance	9 (2.3)	364(94.8)	11 (2.9)
6.	You give no share to your women in family inheritance	265(69.0)	106(27.6)	13 (3.4)
7.	It is culturally inappropriate in your family for a woman to own and share inheritance	267(69.5)	100 (26.0)	17 (4.4)
8.	No practice of inheritance sharing with women in your family	300(78.1)	55 (14.3)	29 (7.6)
8.	Your women refuse their share and give it to their brothers out of respect	219(57.0)	142(37.0)	23 (6.0)
9.	Female names are excluded from the heir list in your family	63 (16.3)	91 (75.8)	30 (7.8)
10.	Women in your family have no control over land and property they inheritance	297(77.3)	48 (12.5)	39 (10.2)

Source: Survey

4.4.2. Male Economic Interest in Inheritance

Inheritance for most of the people has more economic importance than the sociopolitical. Land and property are not only economic resources but also symbol of

social status and empowerment for the owners and those who control them i-e mostly the man. Many studies have also linked the inheritance denial to women with the economic interest of males. Results in table 4.13 show that 71.6 percent of the sampled respondents called land and property as the most fundamental resources in their opinion whereas 70.5 percent called them the sources of economic empowerment hence, 57 percent did not agree or stated 'no' to the statement that property or land have not been critical assets for males in your family. Two third of the total (66.4%) in fact considered property or land deal with or as the distribution of wealth. Results have similar findings as RDI (2009), Fisher (1958), World Bank (2012), Dowall and Ellis (2007), USAID (2008) and Wily (2004) who called land and property as source of economic, political and symbolic power. They are also base of all economic activities but not only scarce in quantity but also the most significant distinction between rich and poor all over the world including Pakistan.

Because of that 71.4 percent of the respondents agreed or stated 'yes' to the statement that males in your family want to keep land and property within the family. Again 73.3 percent of the reported inheritance denial to women is basically an economic issue where control over inheritance grants economic power to men over women (71.1%) and such control further extends to social and political power as well. The results are similar to the findings of Khawar and Nosherwani (2010), Zaman (1995), Yousafzai and Gohar (2005), Room (2012), USAID (2014), Tahir (2002), RDI (2009) and Chaudhry (2006) who called land and property a source of social, economic and political power which grants authority and status both within and outside the family. Land and money are second core issue after personal honor called *nang* in Pukhtun society. The major victims in the whole scenario are landless, tenants and the women.

The table as whole reveals that the respondents considered family land and property not only the most fundamental economic resources but also the sources of economic, political and social power right from family to society as a whole. Men wanted to have both in their control and ownership in order to keep them within the family and thus hold power and authority. Inheritance share with family's females was basically called an economic issue as its distribution was considered as the distribution of family wealth. To retain economic, political and social power especially over family females, the table reports that men intended to have inheritance

land and property in their family. The results generally endorsed the Marx and Marxist feminists gender inequality theories where Marx says that material interest are the basic human interests, those having resources always deny and exploit those who don't. The haves called bourgeois try to get their control and domination the have nots, the proletariat, by having control on economic resources. Marxists feminists while exploring Marxist theory further views that society is further divided beyond have and have nots into male and female where the male got the status of have with all power and prestige compared to females who lack these (Ritzer, 2010).

Table 4.13. Perception of Sampled Respondents about Male Economic Interest in Inheritance

Sr, No.	Statements	Yes	No	Don't know
1.	Land and property are the most fundamental resources in your opinion	275(71.6)	84 (21.9)	25 (6.5)
2.	Land and property are also sources of economic empowerment	271(70.5)	74 (19.3)	39 (10.2)
3.	Property and land have been a critical asset for males in your family	147(38.3)	219(57.0)	18 (4.7)
4.	Inheritance/property deals with the distribution of wealth	255(66.4)	85 (22.1)	44 (11.5)
5.	Males in your family want to keep land and property within the family	274(71.4)	92 (24.0)	18 (4.7)
6.	Inheritance denial to women in your view is basically an economic issue	283(73.7)	74 (19.3)	27 (7.0)
7.	Control over inheritance in your view grants economic power to men over women	255(66.4)	88 (22.9)	41 (10.7)
8.	Control over inheritance you think further extends to social and political power	273(71.1)	74 (19.3)	37 (9.6)

Source: Survey

4.4.3. Legal Institutions and Inheritance Practices

Legal institutions are the formal bodies devised to initiate, formulate, implement and protect the rules or laws in a country. The major legal institutions that exist in modern society are judiciary, legislative, executive, military and police, bureaucracy, legal profession and civil society (Law, 2014). Article 8 to 28 in Part 1 of Chapter II in the constitution of Islamic Republic of Pakistan, fully guarantees all the basic human rights to all the citizens in the country. Article 23 and 25 further ensure all citizens whether male or female have rights to acquire, hold, and dispose property anywhere in Pakistan (GOP, 2012). The Women Rights Bill 2011 not only certifies Article 23 and 25 but also imposes penalty and punishment if inheritance

rights on gender basis are violated (Aaj News, 2012). They are further protected by all the courts in Pakistan. It is the revenue department that deals all the land and property related cases whereas citizens can contact police if their rights are dishonored.

Results in table 4.14 reports that 66.9 percent of the sampled respondents validated the statement that Pakistani Constitution guarantees women's share in family's inheritance while from the rest 11.5 negated it and 21.6 percent stated 'don't know'. When respondents were again asked you do not have knowledge about women's share in family's inheritance; 40.6 stated 'yes' followed by 50.3 who stated 'no'. To assess the role of courts regarding denial of women share in family's land and property, when the respondents were reminded you know that many of the Supreme Court rulings or decisions guaranteed women inheritance rights, 54.4 percent reported 'yes' while 32.4 did not know about the rulings/decisions. Probing the phenomena further 57.8 and 42.4 percent viewed current legal system gives dominance to male or a major source of oppression and hoped that 2012 amendments in Pakistani Constitution would enable women to get their share in the family's inheritance respectively. A 46.1 percent had no knowledge about the recent changes in the Constitution. Again when the respondents were asked whether the women in your family approached courts for their inheritance rights, only 23.7 percent stated 'yes' while 69 percent said 'no'. About the role of courts, 43.7 percent stated that courts in their opinion generally favor males in inheritance cases but if the case is properly filed and pursued, courts generally gave due inheritance rights to women (65.1%). The respondents were not happy with the role played by the police and revenue department in gender related inheritance cases. Majority of the respondents validated the statements stating that police (52.3%) and revenue department (53.9) generally favor males in inheritance cases. The results were both similar and contradictory with respect to studies conducted on the issue. Ishaq (2012), Chaudhry and Ahmad (1980), Ali (1997) and Elahi (2014) viewed courts, especially High and Supreme played a positive role in providing justice to females in inheritance cases. They cited landmark judgments in connection with giving due inheritance to women and discouraging family males in denying female inheritance rights. On the other hand, Ishaq (2012), Dowall and Ellis (2007), USAID (2008), Ali and Nasir (2010) and World Bank (2008a) termed courts, revenue department and police as poor, inadequate, duplicate, overburdened and ineffective. In inheritance cases procedure is

cumbersome, time consuming, document are either missing, incomplete or questionable and official are gender biased and corrupt to a large extent.

The table as a whole reveals that inheritance laws ensure legal rights to all women with respect to inheritance share. The superior courts, especially Supreme Court guaranteed women's rights in their decisions but people including females were not aware about their legal rights. However, all the legal institutions from courts to revenue department and police failed to deliver due inheritance to women in most of the cases because of legal, administrative, social and economic obstacles. They, on one hand, made obstacles for the institutions in delivering justice to females while on the other hand, discouraged them to seek justice through legal ways.

Table 4.14 Perception of Sampled Respondents about Legal Institutions and Inheritance Practices

Sr, No.	Statement	Yes	No	Don't know
1.	Pakistani Constitution guarantees women share in family inheritance	257(66.9)	44 (11.5)	83 (21.6)
2.	You do not have knowledge about women share in family inheritance	156(40.6)	193(50.3)	35 (9.1)
3.	Many of the Supreme Court rulings/decisions guaranteed women inheritance rights	209(54.4)	49 (12.8)	126(32.8)
4.	Current legal system in your view gives dominance to male or a major source of oppression	222(57.8)	87 (22.7)	75 (19.5)
5.	2012 amendments in Pakistani Constitution will enable women to get their share in family inheritance	163(42.4)	44 (11.5)	177(46.1)
6.	Courts generally favor males in inheritance cases	168(43.8)	148(38.5)	68 (17.7)
7.	Women in your family approached courts for their inheritance rights	91(23.7)	265(69.0)	28 (7.3)
8.	Courts generally give them (women) their due inheritance rights	250(65.1)	60 (15.6)	74 (19.3)
9.	Police generally favor males in inheritance cases	201(52.3)	109(28.4)	74 (19.3)
10.	Revenue department generally favor males in inheritance cases	207(53.9)	90 (23.4)	87 (22.7)

Source: Survey

4.4.4. Religious Laws and Practices

Religion is one of the major forces in the world. All human actions, attitudes and behavior are influenced by religion in one way or other. This particularly happens in traditional and religion based societies like Pakistan. Islam in Pakistan is not only

the state religion but part of the culture and social life also. Apart from law, all actions, decisions and even social values and practices before application are judged in the light of Quran and *Sunnah*. The Constitution of Pakistan states that no law in the country can contradict the principals devised by Islam in Quran and Hadith. However, culture in many cases overrides the religion and Muslims violate the religious laws despite having religious knowledge.

Results in table 4.15 show that 94.5 percent of the sampled respondents stated 'yes' to the statement that Quran provides clear laws about women share in family inheritance. When they were again asked whether Quran allows men to deny women in family inheritance or Islam does not permit women to get share in Family inheritance, a 81.3 in both the cases denied it and stated 'no' whereas those who reported 'yes' were only 14.4 and 13.3 percent respectively. A 4.2 and 5.5 had no idea about the two statements. The results clearly support the commandments and laws. Quran and Hadith entitle women to get share in family in Surah Baqra or Chapter 2 (Vesrse 180 and 240), Surah Nisa or Chapter 4 (Verse no. 4,7,8,11,12,19,33 and 176), Surah Maida or Chapter 5 (Verse no. 106-8) and Hadith no. 723-38, 731 and 733-738 in volume 8 book 80 of Bukari Sharif (Quran, 2010; Usmani, 2009;Bukhari Sharif, 2011; Bademci, 2006). All these Quranic Verses and Hadiths not only clearly prescribe women share in inheritance but also forbids men to deny such share.

About the role of religious leaders, mosque and Quranic sayings about women share in family's inheritance, 65.6 percent stated 'yes' that *Imams* or religious leaders you follow often speak about women inheritance share whereas 28.4 percent denied it by saying 'no'. Again when they were asked whether religious leaders in your view played active role in the provision of inheritance rights to women 58.9 percent said 'yes' while 30.7 and 10.4 percent stated 'no' or 'don't know'. Regarding mosque role in imparting women's inheritance share 51.8 percent said 'yes' while 33.3 and 14.8 percent stated 'no' or 'don't know' respectively. A 65.6 percent thought people lack Islamic knowledge about the female share in family land and property. Despite this 86.2 percent of the sampled respondents agreed that inheritance denial to women in their view is clear violation of Islamic laws. Mehdi (1994), Muhammad (2011), Chaudhry (2009), Room (2012), Khan (1958), SDPI (2008) and Mumtaz and Noshirwani (2008) supported the findings. They described a non-prominent role of

both the religious leaders and mosque which ultimately led to the lack of clear Islamic knowledge among the common man about inheritance share at grass-root-level.

The table as a whole found respondents were well aware about Quranic view on female inheritance. They also negated that Quran allows men to deny women share or Islam does not allow women to get share and in fact called denial a clear violation of Islamic laws. They also did not admire the role of mosque and religious leader in propagating the Islam's inheritance laws to the general public whom they thought lacked knowledge about the most basic women right.

Table 4.15. Perception of Sampled Respondents about Religious Laws and Practices Regarding Female Inheritance Share

Sr, No.	Statements	Yes	No	Don't know
1.	Quran provides clear laws about women share in family inheritance	363(94.5)	9 (2.3)	12 (3.1)
2.	Quran allows men to deny women in family inheritance	56(14.6)	312(81.3)	16 (4.2)
3.	Islam does not permit women to get share in Family inheritance	51 (13.3)	312(81.3)	21 (5.5)
4.	Mosque has played its proper role in giving inheritance to women	199(51.8)	128(33.3)	57 (14.8)
5.	Imams or religious leaders you follow often speak about women inheritance share	252(65.6)	109(28.4)	23 (6.0)
6.	Religious Leaders in your view play active role in the provision of inheritance rights to women	226(58.9)	118(30.7)	40 (10.4)
7.	People mostly lack Islamic knowledge about women inheritance share	252(65.6)	99 (25.8)	33 (8.6)
8.	Inheritance denial to women in your view is clear violation of Islamic laws	331(86.2)	33 (8.6)	20 (5.2)

Source: Survey

4.4.5. Patriarchy

In spite of variation, patriarchy is an integral part of social system throughout the world. It is a system of social structures, norms and practices that empowers man to be father or family's head to control, dominate and exploit women, children, resources, their production, reproduction and affairs in daily life (Walby, 1990; Patriarchy, 2014). Patriarchal norms influence the attitude and behavior of the people both at individual and community level to an extent that it became part of culture. All the decisions, especially in traditional societies regarding the social status, power and authority and resources distribution are made on the basis of societal norms that are

predominately patriarchal in nature. Inheritance distribution among the family members is one of these that is highly gender biased. Women in most of the cases are deprived of their legal land and property rights only because they are women.

Table 4.16 while describing the patriarchal norms and practices that existed in the study area, reports 82 percent of the sampled respondents stated 'yes' to the statement that women position in the society in your view is determined by its relations with males while 59 percent viewed women as subordinate to men. Only 38 percent negated it. Similarly, 76, 77.6 and 70.1 percent described man's honor resides in the actions/behavior of the women and women they thought are responsible for maintaining the family honor in spite of the fact that men have a strong ego and aggressive temperament directed towards his wife and family respectively. A 59.9 even validated the statement that men treat women as property though not expressed openly. The results endorsed the findings concluded by Santiago (2001), Ajay and Olotuch (2005), Wasan (2012), Olotuch and Nyongesa (2013), Tekle (2001), Indika (2006), ADB (2002), Khawar and Noshirwani (2009), Yousafzai and Gohar (2005), Room (2012), Wily (2004), Khan (1958) and Glatzer (1998). They reported that in Africa, Asia and many other countries in the world women have subordinate position, inferior, dependent on man, deprived of many rights, treated as property, face gender barrier, no role indecision making, bound to observe patriarchal norms or face consequences, seldom known from their names and above all not allowed to interact or even talk to man.

By relating patriarchy with inheritance distribution among family members table 4.16 further states that 68 percent of the sampled respondents called men have more rights in inheritance despite the fact that women land ownership and getting share in inheritance is appropriate in their culture (61.2%). A 50.3 percent were even agreed or stated 'yes' that women silence in their opinion or their family is considered an appropriate behavior in inheritance share cases, however, 43.5 percent negated it. Supporting the negation, 53.9 and 54.4 percent did not found agree that woman should compromise with her opinions and sacrifice her dreams in inheritance share cases, and that parents in your family teach daughters to compromise her own interests in inheritance share cases respectively. At the same time 41.1 and 37.2 percent i-e 158 and 143 from the total 384 in both the cases found agreed or reported 'yes' to both the statements. The results are supported by the findings of Sabimbona

(2001), White et al. (2001), Tekle (2001),. Agarwal (1994), Wily (2004), World Bank (2008), FAO (2000), Indika (2006), Kate (1992), RDI (2009) and Yousafzai and Gohar (2005) who called property transfer to female unconceivable; males got primary land rights; inequality largely exists in kinship and inheritance system; men resist efforts to land ownership and control by women which is also culturally inappropriate; women hardly demand their inheritance share; parents still believe that land belongs to family and women are peripheral and dependent persons in the family; and even in case of women ownership, land and property is kept is kept in the family under the control of brothers mainly.

Results in table 4.16 as a whole report that strong patriarchy exist in the study area where females were not only found subordinate but were considered as property though not expressed openly also. For males, women were symbol of family pride and dignity and it was there duty to maintain family's honor. Land and property belonged to family, where males got primary inheritance rights. Though the culture and country rules allowed inheritance rights to women but they have to be silent in demanding their rights in family's land and property. At the same time majority of the sampled respondents opposed that women should compromise with her opinions and sacrifice fully for the family in connection with inheritance share. Results supported the patriarchal theories presented by sociologists and liberal feminists who reported that patriarchy is not a biological phenomena (Goldberg, 1973). It is sociological in fact and created socially like culture and transferred from generation to generation mainly in traditional and less developed countries (Sanderson, 2001 and Henslin 2001). Liberal feminists call it unjust system of oppression where women are placed in private sphere compared to public for males (Ritzer, 2010; Malik. 2005 and Tickner, 2001).

Table 4.16. Perception of Sampled Respondents about Patriarchy

Sr, No.	Statements	Yes	No	Don't know
1.	Women position in society in your view is determined by its relationship with males	315(82.0)	27 (7.0)	42 (10.9)
2.	Women are subordinate to men	227(59.1)	146(38.0)	11 (2.9)
3.	Man's honor resides in the actions/behavior of the women	292(76.0)	62 (16.1)	30 (7.8)
4.	Women silence in your opinion/family is considered an appropriate behavior in inheritance share cases	193(50.3)	167(43.5)	24 (6.3)
5.	Women in your view are responsible for maintaining the family honor	298(77.6)	73 (19.0)	13 (3.4)
6.	Woman should compromise with her opinions and sacrifice her dreams in inheritance share cases	158(41.1)	207(53.9)	19 (4.9)
7.	Men in your opinion have more inheritance rights than women	261(68.0)	100(26.0)	23 (6.00)
8.	Parents in your family teach daughters to compromise her own interests in inheritance share cases	143(37.2)	209(54.4)	32 (8.3)
9.	Men treat women as property though not expressed openly	230(59.9)	114(29.7)	40 (10.4)
10.	Men have a strong ego and aggressive temperament directed towards his wife and family	269(70.1)	88 (22.9)	27 (7.0)
11.	It is culturally appropriate for a woman to own and share inheritance especially the land	235(61.2)	102(26.6)	47 (12.2)

Source: Survey

4.4.6. Inheritance Norms

Functionalists view society as a system which is the combination of interrelated parts that work together in relationship with the whole. In fact it is the system that determines the norms and values of a society and people act with reference to the appropriate or inappropriate standards or rules called norms. They are those rules that guide social actions in a society (Ritzer, 2000) which include inheritance distribution among the family members as well. Goodnow and Lawrence (2010) classify them in three groups i-e leave it intact or divide it, divide it equally or unequally and leave something or nothing.

Results in table 4.17 indicate that majority (55.7%) of the sampled respondents did not consider inheritance share with family females as common practice or norm in their family. Instead, 66.4 percent stated that transfer of land and

property are always restricted to men as heritable wealth especially the land in their family in 75.8 percent of the cases is kept in within the patrilineal family. To justify this, they cited a number of reasons such as woman are not interested (54.4%) in inheritance share because brother-sister relationship in their family is the most ideal and sweetest relationship in their view (87%) who also always look their brothers in odd/difficult situations (83.3%). Besides, family decisions in their family are made by men (87.5). Further, the customary/traditional land rights also favor males (78.6%) and even if any, they lack mental capacity to deal with inheritance share in their opinion (58.6%). The results supported the findings of Shreffler and Dodoo (2009), Goodnow and Lawrance (2010), De Haan (1994), Finch and Mason (2000), Lerner and Mikula (1976), Clignet (1992), White et al. (2002), Farha (1998), Beyani (2001), Okello (2003), Bankole (2001), UN High Commission (2001), Santaigo (2001), USAID (2014), and Room (2012). They on one hand called inheritance distribution as an interplay of cultural norm which are highly gendered and cultural based. Decisions are made on the base of mixture of norms that favor the culture, interest groups i-e the men. Inheritance is mostly kept in the family, women have no say, customs and norms override the legal rights, because women lack the capacity to deal and control family land and property affairs.

Results as a whole reveal the existence of patriarchal system in the study area where norms in one or the other way support male interest. On one hand the respondents reported that inheritance within the family was being shared mainly among the males belonging to patrilineal family as females were not interested in inheritance. The women themselves support the practice due to love and affection they have for their brothers who in return help them in odd/difficult situations. On the other hand, they blamed women not having mental capability to deal with the land and property they get from inheritance share and such decisions are also supported by traditional or customary land rights in the area.

Table 4.17. Perception of Sampled Respondents about Inheritance Norms

Sr, No.	Statements	Yes	No	Don't know
1.	Brother-sister relationship in your family is the most ideal and sweetest relationship in your view	334(87.0)	37 (9.6)	13 (3.4)
2.	Sisters in your family always look their brothers in odd/difficult situations	320(83.3)	49 (12.8)	15 (3.9)
3.	There is common practice of inheritance sharing with females in your family	151(39.3)	214(55.7)	19 (4.9)
4.	Transfers of land and property is always restricted to men in your family	255(66.4)	108(28.1)	21 (5.5)
5.	Women in your family are not interested in inheritance	209(54.4)	142(37.0)	33 (8.6)
6.	The heritable wealth especially the land in your family is kept within the patrilineal family	291(75.8)	65(16.9)	28 (7.3)
7.	The customary/traditional land rights favor males	302(78.6)	51 (13.3)	31 (8.1)
8.	Family decisions in your family are made by men	336(87.5)	39 (10.2)	9 (2.3)
9.	Female in your opinion lack mental capacity to deal with inheritance share	225(58.6)	113(29.4)	46 (12.0)

Source: Survey

4.4.7. Socio-Cultural Inheritance Practices

A social order in the society can be observed through socio-cultural practices associated with it. Ritzer (2010), while describing ethnomethodology stated that in order to achieve an order or goal in the society, people have developed certain methods or practices in their daily life activities. They are indigenous or locally based and considered ways to achieve that goal. Many times improper ways are also applied to achieve the order or goal in an area. Inheritance share with the family females has been major concern of the family. Besides, getting support from the social norms, specific methods and practices have also been devised to deny women's share in family land and property.

Table 4.18 while describing the socio-cultural practices used to deny women share in family inheritance states, that 46.9 percent of the sampled respondents viewed land ownership to family's females as almost impossible due to customary laws as customary land rights often favor men (78.6%). They stated that in fact the family's women themselves refused their share in order to maintain good or peaceful relations with their brothers (62%). Other methods applied to deny womens' inheritance share and reported 'yes' by the respondents included that helping family females during marriage and other situations as an alternate for inheritance (63.3%);

arranging marriage with the brother and sister children (62.8); with paternal cousins or within the lineage (56.5%) and considering dowry as alternate for female inheritance share (66.9%). However, a 64.1 and 77.6 percent stated 'no' to statements that males protect land and property through exchange marriage or marriage with Quran respectively. Results report a similar findings of Tekle (2001), White, (2002), Lily (1987), Goodnow and Lawrence (2010), Chaudhry (2009), Zneid (2001), Khattak, Brohi and Anwar (2010), World Bank (2009), Arif and Ali (1998), Unni (1995), Gilbert (1992), RDI (2009) and Giovarelli and Beatrice (2011). They reported that land transfer to females is even impossible in many cases though not true to a large extent, relationship between family members, especially brother and system determine the practice where in large number of cases including in Pakistan women give their share to brothers. To protect family's land and property marriages are arranged within the paternal family especially with inheritance entitled females' children and with Quran along with considering dowry as alternate for female inheritance share.

Results as a whole reveal the application of almost all the methods and practices used to deny the female share in family inheritance. Half of the sampled respondents stated that inheritance share with female is an impossible practice in their family. The typical relationship between brother and sister also contributed positively in denying female share as brother were reported to be the most trusted and closest persons to females especially with respect to their position in in-laws family. The sampled families also protected their land and property by arranging their children marriage within the lineage or paternal family or with the children of family females; so, they could not claim their inheritance rights. Dowry was also called alternate for female share in family's land and property.

Table 4.18. Perception of Sampled Respondents about Inheritance Related Socio-Cultural Practices

Sr, No.	Statements	Yes	No	Don't know
1.	In your family it is almost impossible for females to own land due to customary laws	180(46.9)	158(41.1)	46 (12.0)
2.	Customary land rights often favor men	302(78.6)	51 (13.3)	31 (8.1)
3.	Women in your family refused their share and give to their brothers	238(62.0)	118(30.7)	28 (7.3)
4.	Helping daughters/sisters during marriage/other situations you think is alternate to inheritance	243(63.3)	99 (25.8)	42 (10.9)
5.	Cousin marriage with brother and sister children forbid women and their family in claiming their inheritance rights	241(62.8)	107(27.9)	36 (9.4)
6.	Males protect land and property by marrying with paternal cousins/lineage in your family	217(56.5)	129(33.6)	38 (9.9)
7.	Males protect land and property through exchange marriage	103(26.8)	246(64.1)	35 (9.1)
8.	Males protect land and property through marriage with Quran	28 (7.3)	298(77.6)	58 (15.1)
9.	Dowry is equated with inheritance share	257(66.9)	99 (25.8)	28 (7.3)

Source: Survey

4.4.8. Law and Practices at Community Level

Laws in all modern societies are principally and should be laws of state, uniform for all citizens living in a country, exclusive from all other laws in the country, implemented and run by single set of state institutions (Griffiths, 1986). Article 23, 25 and Women Rights Bill 2011of Pakistani Constitution not only entitle women to inheritance share but also prescribes penalties and punishment for those who fail to do so (GOP, 2012) but there is a wide gap between the law and its implementation (Mahdi, 2002). Various methods and practices that are mostly illegal and unconstitutional but intentionally are used many times to deny women share in family inheritance (Santiago, 2001).

Table 4.19 in this regard reports 61.7 percent of the sampled respondents stated 'yes' to the statement that cultural norms routinely override the statutory women inheritance laws in Pakistan. In connection with illegal methods used to grab the inheritance, 45.8 percent agreed or stated 'yes' that many times male members through the collaboration with the revenue department omit female names from the heirs list, brothers mark thumbs on inheritance documents (52.6%), take power of attorney from family females (50.0%) and fake sale deeds or documents are made

(49.5%). The results are supported by Tekle (2001), Mahdi (1994), Chaudhry (2009), Room (2012), Ali (1997), IRDC (2014) and Mahdi (2002) who reported application of customary laws more in inheritance cases, state laws are bypassed, inheritance laws are the combination of both the customary and state laws and in many cases the customary laws override the state and even religious laws as well. Similarly, Arif and Ali (1998), Ishaq (2012), Mahdi (2002), Santiago (2001), USAID (2014), Beyani, (2001) and Chaudhry (2009) found all the illegal methods used to seize women inheritance share mentioned above.

To cope with constitutional barriers and illegal measures table 4.19 further describes that women many times even lack knowledge about their share in inheritance (70.6%); if they go to court or contact other relevant state institutions, the attitude of revenue and other government officials is not favorable with females in inheritances related cases (56.3%), legal procedure of obtaining inheritance is cumbersome (71.6%), all legal contracts are executed by males (78.6%), social and material cost of litigation is too high for females in Pakistani culture (77.6%) and the females also do not have even knowledge about their share in inheritance (70.6%). Chaudhry (2009), IRDC (2014), IFPRI (1998), CPHD (2008), Ali and Rehman (2001) and GOP (2006) described that despite having a positive response to women from superior courts only few women challenged the status quo because of the attitude of the government officials and lengthy procedure. The social and economic cost for women was so high that if they want to go to court or contact other state institutions for their legal inheritance right.

Results in the table as a whole reveal application of customary laws mainly in inheritance share cases. Many times they override the statutory laws or cases were ultimately decided by the locally based institutions such as through Jirga or mediation. All this provided favorable atmosphere for the males in many cases to use even illegal methods while the females on the other hand were not able to contact the courts and other related legal institutions due to lack of knowledge even about their share in inheritance, court and other departments procedures, along with male attitude and behavior in state institutions and the social and economic cost they have to pay during and after the case.

Table 4.19. Perception of Sampled Respondents about Law and Praetices at Community Level

Sr, No.	Statements	Yes	No	Don't know
1.	The cultural norms routinely override the statutory women inheritance laws	237(61.7)	73 (19.0)	74 (19.3)
2.	Female name is omitted from the heir list	176(45.8)	151(39.3)	57 14.8 ()
3.	Brothers mark thumbs on inheritance documents	202(52.6)	121(31.5)	61 (15.9)
4.	Power of attorney is taken from family females	192(50.0)	114(29.7)	78 (20.3)
5.	Fake sale deeds or documents are made	190(49.5)	140(36.5)	54 (14.1)
6.	Attitude of revenue and other government officials is not favorable with females in inheritances related cases	216(56.3)	78 (20.3)	90 (23.4)
7.	Legal procedure of obtaining inheritance is cumbersome	275(71.6)	73 (19.0)	36 (9.4)
8.	Social and material cost of litigation is too high	298(77.6)	45 (11.7)	41 (10.7)
9.	All inheritance related legal contacts in your family is executed by men	302(78.6)	48 (12.5)	34 (8.9)
10.	Females lack knowledge about their share in inheritance	271(70.6)	82 (21.4)	31 (8.1)

Source: Survey

4.4.9. Social Structures/Institutions and Inheritance Share

Horton and Hunt (2009) called social institutions as cultural bodies established to meet the basic needs of the people living in an area. They can be both formal and informal, exist all over the world and vary in structure and functions depending on the needs of the people. Like norms and values, the social institutions also play important role in controlling individuals behavior through definite procedures devised either through formal laws or customs and traditions especially in case of informal social institutions. Inheritance denial on gender basis is one of the issues that starts from the family and prevail in many countries of the world at society level. In the countries like Pakistan, the major social institutions that play a role included family, *Jirga*, political parties, NGOs, educational institutions and media. Past studies report a part played by these in one way or the other.

Results in table 4.20 regarding family role in female's inheritance share describe that 62.2 percent of the families reported 'no' to the statement whereas 62.5 and 68.5 percent of the sampled respondents reported that their families and elders

supported and favored family's males in inheritance issues. In case of the role played by Jirga, 54.9 percent stated 'yes' to the statement that women inheritance has not been a major issue discussed in Jirga in your area/village but at the same time, 46.9 percent said that many times the Jirga give decisions in favor of females. Political parties were the other major stakeholders who could have played a better role in protecting the basic women rights including inheritance share as well. A 29.7 percent called 'yes' to the statement that female inheritance share is on the agenda of the major political parties. The same was the case with respect to local female organization (38.3%) and NGOs (25.8%) working in the area. Schools at basic and college/universities at advanced level were the institutions that gave basic knowledge to the students about various issues in the society. Again only 34.9 for schools and 41.9 percent for college reported 'yes' with respect to the inheritance issue taught during their education. When the respondents were asked about the role of mass media in the promotion of sharing inheritance with the family females, a 52.3 percent said 'yes' to the statement that inheritance issue is often discussed on mass media while those who reported its effect as positive on the attitude of the people were 40.9 percent. From the remaining 41.9 percent negated it while 17.2 percent had no idea. The results have similarity with the findings of Ajayi and Olotuah (2005), Amnesty International (1999), GOP (1976), Mumtaz and Noshirwani (2008), World Bank (2005), Tazi (2007), Yousafzai and Gohar (2005), Room (2012), Wily (2004), World Bank (2007), Khawar and Nosherwani (2010), Ishaq (2012), Ali (1997), GOP (2012), Shirkat Gah (2000), USAID (2014), Ali (1997), Asif (2014) and Malik (2005) who reported that no positive role was played by these institutions in connection with imparting the due land and property rights to be given to women by both the statutory and religious laws.

The table as a whole reveals no significant role of social institutions in providing inheritance share to females in the study area. Both family and elders instead of supporting females favored the male members. The inheritance share cases were mostly not part of the *Jirgas* called to settle various issues and in case if included females were not allowed to attend the meeting. Similarly, the issue was not on the agenda of the political parties, local female organizations (if any) and the big NGOs working in the study area nor was it made a specific part of the curriculum designed at school, college and university level. Media often discussed the issue but it

was mainly the women and their basic inheritance rights. Rather they reportedly highlighted the other gender based issues and did not highlighted specifically or made a positive effect on the attitude of people in connection with giving inheritance rights to females.

Table 4.2. Perception of Sampled Respondents about Role of Social Structures/Institutions in Inheritance Share

Sr, No.	Statements	Yes	No	Don't know
1.	Your family has played a positive role in female inheritance share cases	114(29.7)	239(62.2)	31 (8.1)
2.	Your family supported male members in female inheritance matters	240(62.5)	121(31.5)	23 (6.0)
3.	Elders mainly favor males in inheritance issues	263(68.5)	92 (24.0)	29 (7.6)
4.	Women inheritance has not been a major issue discussed in Jirga in your area/village	211(54.9)	120(31.3)	53 (13.8)
5.	Regarding inheritance many time the Jirga give decisions in female favor	180(46.9)	120(31.3)	84 (21.9)
6.	Female inheritance share is on the agenda of major political parties	114(29.7)	170(44.30)	100(26.0)
7.	Female organizations in your area/village (if any) never raised female inheritance issue	147(38.3)	133(34.6)	104(27.1)
8.	Many NGOs in your area are working for giving inheritance share to females	99 (25.8)	181 (47.1)	104(27.1)
9.	Inheritance issue is taught at school	134(34.9)	187 (48.7)	63 (16.4)
10.	Inheritance issue is taught at College/University level studies	161(41.9)	139 (36.2)	84 (21.9)
11.	Inheritance issue is often discussed on mass media	201(52.3)	134 (34.9)	49 (12.8)
12.	Media made a positive effect on attitude of people regarding female share in family inheritance	157(40.9)	161 (41.9)	66 (17.2)

Source: Survey

4.5. Bivariate Analysis

This section describes the association between the dependent and independent variables identified to study the inheritance share on gender basis in Pakistan. Chi-square was applied to obtain the results with major aim on finding the factors responsible for denying to women inheritance share in family land and property they were entitled to both religiously and legally. On the basis of the past studies, the study assumes that it is basically an economic issue where the male and other family members including the females (mostly elderly) as well, deny women legal inheritance rights through patriarchal norms and specially designed socio-cultural

practices that also included the illegal measures. The denial is both directly or indirectly supported by many of the informal and formal social institutions. To examine this, the section seeks the association of female inheritance denial in family land and property with male economic interests, legal institutions, religious laws and practices, patriarchy, inheritance norms, socio-cultural inheritance practices, law and practices and role of social institutions or structural disparities.

4.5.1. Male Economic Interest

Inheritance and economic interest are basically two sides of a coin. Britannica (2014) termed inheritance as transfer or delegation of highly economic values goods, property or assets like land, home, material goods etc. to one or more than one heirs. It is also called property or money you receive from the ancestors under inheritance or property law. The link between inheritance and male economic interest is as old as human history itself. Though it is difficult to trace the origin of the issue but historical evidences show that the ancient Arabs, Hindus, Buddhists and African considered entitled inheritance to those males who were physically strong, good fighters and excluded the women along with weak, disabled and minors from both sexes (Inheritance, 2014). It continued in traditional societies especially thought out the world and even today males in many societies still consider themselves the sole owner of property and other economic assets of the family. A number of factors help study the male's economic interest about family's land and property. It includes his perception about family land and property as an economic asset, source of economic power and its distribution or transfer to family females getting married in another family is in fact its transfer to another family.

Table 4.21 while describing the association between women inheritance denial and male economic interest indicates a significant association with some basic statements showing economic interest of males in family land and property i-e the family inheritance. A significant association of women inheritance denied was found with the statement that the land and property are the most fundamental resources in your opinion ($p=0.020$). This was explained and reported by the two following significantly associated statements describing land and property as also sources of economic empowerment ($p=0.037$) and hence has been very critical asset for males in your family ($p=0.000$). The results can be attributed to the fact that respondents

considered family land and property as the most fundamental resources as they give economic empowerment and consequently become the critical assets for family male. The same is endorsed by the studies conducted by RDI, (2009), Fisher (1958), World Bank (2012), Wily (2004) and Dowall and Ellis (2007) who called land as the most valuable property having original and indestructible power, the base of all economic and development activities, the major distinction between rich and poor, the main mean of survival and livelihood, generator of income and employment and determinate of social status.

Again a significant association of female inheritance rights denied was found with the statements describing that inheritance deals with the distribution of wealth ($p=0.049$) and because of that males in your family want to keep land and property within the family ($p=0.000$). The two statements again describe the major causes of inheritance denial to family's females. Respondents called that males keep land and property within the family as sharing inheritance is the distribution of family wealth to those who many times are not the part of their family. Goodnow and Lawrance (2010), similarly, called inheritance as the distribution of money, whereas land and other property for Deere (2006) is a way of accumulating wealth by women. IFPRI (1998) viewed that men control the land and property because many people think that Allah made him stronger and more capable to own and control the inheritance compared to women.

A significant association of female inheritance rights denied was also found with the statements describing that inheritance denial to women in your view is basically an economic issue ($p=0.049$) and control over inheritance in your view grants economic power to men over women ($p=0.027$). The results again report inheritance denial an economic issue where the denial enabled men to have economic control over the women. This is evident from the findings of Yousafzai and Gohar (2010), Room (2012), Ajayi and Olotuah (2005), Rehman (1995) and World Bank (2012) who stated land as second core issue after *Nang* or honor in Pukhtun society and called land, the produce, livestock and even the women as men property. The economic worth of an individual is measured through the size of land a person owns.

A non-significant association of dependent variable female inheritance rights denied was found with the independent variable statements describing that control

over inheritance you think further extends to social and political power (p=0.168). This can be attributed to disagreement of the respondents that the economic control further extends to social and political power. Findings of the study are contrary to RDI (2009), Khawar and Nowsherwani (2010) and Zaman (1995) who viewed land and property as the most valuable assets giving economic, political and symbolic status and power to the owners. In fact they are the major source of social and political power of high status personalities such as Khans, Chaudhrys, Vadiras and Sardars in Pakistan. A non-significant association was also found in the case stating males especially the husband and sons from female side played powerful role in getting female inheritance (p=0.329). More than three fourth of the respondents reported no to answer (see table 13) because the role of son and husband in getting female inheritance share was a new phenomenon started very recently in the study area. Besides, those who did this were also very few in number. Results also do not certify the findings of RDI (2009) and World Bank (2005).

Results as a whole first verify Marx theory (Ritzer, 2010) partially by calling economic resources such as family inheritance as the most fundamental resource that gives economic power to the owners who considered them critical assets and its distribution is in fact the distribution of family's wealth. They further validate the Marxist and Socialists feminists' views that denial is an intentional male act; who wanted to keep inheritance not only within the family but also in the possession and control of family's males. Such an act they believed would also give them economic control over their females.

Table 4.21. Male Economic Interest

S.No	Statement	Women inheritance rights denied			Chi-square P=value
		Yes	No	Don't know	
1.	Land and property are the most fundamental resources in your opinion				
	Yes	172 (44.8)	93 (24.2)	10 (2.6)	x^2 =11.664 (0.020)
	No	40 (10.4)	41 (10.7)	3 (0.8)	
	Don't know	9 (2.3)	14 (3.6)	2 (0.5)	
2.	Land and property are also sources of economic empowerment				
	Yes	164 (42.7)	99 (25.8)	8 (2.1)	x^2 =10.238 (0.037)
	No	34 (8.9)	37 (9.6)	3 (0.8)	
	Don't know	23 (6.0)	12 (3.1)	4 (1.0)	
3.	Property and land has been a critical asset for males in your family				
	Yes	92 (24.0)	43 (11.2)	12 (3.1)	x^2 = 24.39 (0.000)
	No	121 (31.5)	88 (22.9)	10 (2.6)	
	Don't know	8 (2.1)	4 (1.0)	6 (1.6)	
4.	Inheritance deals with the distribution of wealth				
	Yes	158 (41.1)	90 (23.4)	7 (1.8)	x^2 = 9.518 (0.049)
	No	40 (10.4)	41 (10.7)	4 (1.0)	
	Don't know	23 (6.0)	7 (4.4)	4 (1.0)	
5.	Males in your family want to keep land and property within the Family				
	Yes	176 (45.8)	87 (22.7)	11 (2.9)	x^2 = 26.905 (0.000)
	No	40 (10.4)	39 (10.2)	13 (3.4)	
	Don't know	5 (1.3)	9 (2.3)	4 (1.0)	
6.	Inheritance denial to women in your view is basically an economic issue				
	Yes	175 (45.6)	91 (23.7)	17 (4.4)	x^2 = 9.56 (0.049)
	No	35 (9.1)	32 (8.3)	7 (1.8)	
	Don't know	11 (2.9)	12 (3.1)	4 (1.0)	
7.	Control over inheritance in your view grants economic power to men over women				
	Yes	160 (41.7)	79 (20.6)	16 (4.2)	x^2 = 10.980 (0.027)
	No	39 (10.2)	42 (10.9)	7 (1.8)	
	Don't know	22 (5.7)	14 (3.6)	5 (1.3)	
8.	Control over inheritance you think further extends to social and political power				
	Yes	167 (43.5)	89 (23.2)	17 (4.4)	x^2 =6.444 (0.168)
	No	37 (9.6)	31 (8.1)	6 (1.6)	
	Don't know	17 (4.4)	15 (3.9)	5 (1.3)	
9.	Males especially the husband and sons from female side played powerful role in getting female inheritance				
	Yes	180 (46.9)	98 (25.5)	20 (5.2)	x^2 = 4.617 (0.329)
	No	28 (7.3)	26 (6.8)	6 (1.6)	
	Don't know	13 (3.4)	11 (2.9)	2 (0.5)	

4.5.2. Legal Institutions and Female Inheritance Share

Legal institutions are the back bone of a country. All the rules, regulation and laws are enforced through legal institutions. They protect the lives and rights of the people under the guidelines and rules given by the constitution. This section probes the role played by the Constitution of The Islamic Republic of Pakistan and legal bodies in the provision of inheritance rights to women by the constitution. They include the courts, police and revenue department.

Regarding the respondents knowledge about the women inheritance rights table 4.22 reports a non-significant association between women inheritance rights denied and independent variable's statements describing that Pakistani Constitution guarantees the women share in family inheritance (p=0.396) along with the statement probed about whether 2011 amendments in Pakistani Constitution will enable women to get their share in family inheritance (p=0.419). However, a significant association was found with the statement that you do not have knowledge about women share in family inheritance (p=0.016). All the three results described the lack of the respondents' knowledge about women's share in family inheritance in the area that was either Peshawar city or surrounding rural areas. One can visualize further the level of knowledge in semi-urban and pure rural areas in Khyber Pakhtunkhwa. Similarly, the studies conducted by Tekle (2001), Mahdi (2002), Room (2012) and Chaudhry (2009) reported that majority of the people were unaware about the state laws in Pakistan and many times the customary laws overpower the state laws. People do not bother about the state laws because customary laws and practices normally are more followed than the country's laws.

In the implementation of state laws, courts might be the most important institutions in Pakistan. Past studies report some historical and landmark decisions made by the courts with reference to imparting inheritance share denied to women in Pakistan. However, a non-significant association of women inheritance share denied was reported with the statement that the people's knowledge about the Supreme Court rulings/decisions guaranteed women inheritance rights (p=0.213). Rather a significant association was reported regarding the statements describing that current legal system in your view gives dominance to male or male as a major source of oppression (p=0.004) and courts in your opinion generally favor males in inheritance cases

(p=0.031). The results on one hand report respondents lack of knowledge about the decisions made by the courts in women's favor while on the other hand, showed courts favoring more to male who are source of oppression in sharing inheritance rights with females in the study area. The results did not support Ishaq (2012), Chaudhry (2009), Ali (1997) and Elahi (2014) who reported that justice has been provided to females through landmark decisions made especially by the Supreme Court of Pakistan. At the same time Ishaq (2012), Dowall and Ellis (2007), USAID (2008) and Ali and Nasir (2010) criticized the courts in providing justice to females in inheritance share cases.

In case of women approaching to courts for their inheritance rights, a non-significant association was found between women inheritance share denied and the statements that do the women in your family approached courts for their inheritance rights (p=0.074) and courts generally give them (women) their due inheritance rights (p=0.293). Both the results reported reluctance of female to approach courts as they did not expect any favor from the courts. This was attributed to the presence of patriarchal norms and practices which many time did not let women going to court against their families while they also did not expect justice from highly male dominated courts. The results are supported by the Ali (1997), IRDC (2014), IFPRI (1998), Ishaq (2012), Dowall and Allis (2007), USAID (2008) and Ali and Nasir (2010) who reported that few women challenged the status quo while a very large majority did not go court to challenge it due to social pressure, parallel customary practices and cumbersome procedure both in revenue and formal courts. They were further found overburdened, complex, duplicate, ineffective, mismanaged and biased towards females. Only the registration or transfer of a case requires sex steps procedure which takes 50 days and 5.3 percent payment of the property you want to inherit.

A non-significant association of female inheritance rights denied was also reported with statement describing that the role of two most relevant legal institutions the police and revenue department. This included police (p=0.411) and revenue department (p=0.054) generally favor males in inheritance cases. These results indicated that the two institutions favored males mainly in inheritance cases. This was due to low exposure of females to both police and revenue cases and on the other

hand males became the main beneficiaries due to their experience in dealing with inheritance cases especially through collaboration with both the police and revenue officers. The results are supported by Santiago, (2001), USAID (2014), Beyani (2001) and Chaudhry (2009) who found women lack knowledge about inheritance laws, their share in inheritance, financial resources, knowhow and exposure to deal with the police and revenue procedures and officials. It is also uncommon for women to go to police and courts due to purdah system whereas the behavior of both the police and revenue officials with women is also not good.

The results as a whole reveal mainly a dysfunctional role of legal institutions in the delivery of inheritance rights to females. This might be due to lack of knowledge of both the males and female population about inheritance laws and procedures especially with respect to females. The females on the other hand, hesitated to contact the courts, revenue department and police due to lack of exposure, cumbersome procedures, attitude of court and police officials and purdah system that restricted women mobility even for their due rights. The patriarchal norms and practices also played major role in restricting women and letting field open for males to make decisions of their choice through collaboration with police, revenue and court officials.

Table 4.22. Role of Legal Institutions in Female Inheritance Share

S.No	Statement	Women inheritance rights denied			Chi-square P=value
		Yes	No	Don't know	
1.	Pakistani Constitution guarantees women share in family inheritance				
	Yes	155 (40.4)	84 (21.9)	18 (4.7)	$x^2 = 4.072$ (0.396)
	No	22 (5.7)	20 (5.2)	2 (0.5)	
	Don't know	44 (11.5)	31 (8.1)	8 (2.1)	
2.	You do not have knowledge about women share in family inheritance				
	Yes	105 (27.3)	43 (11.2)	8 (2.1)	$x^2$12.22 (0.016)
	No	99 (25.8)	79 (20.6)	15 (3.9)	
	Don't know	17 (4.4)	13 (3.4)	5 (1.3)	
3.	You know that many of the Supreme Court rulings/decisions guaranteed women inheritance rights				
	Yes	130 (33.9)	63 (16.4)	16 (4.2)	$x^2 = 5.823$ (0.213)
	No	28 (7.3)	18 (4.7)	3 (0.8)	
	Don't know	63 (16.4)	54 (14.1)	9 (2.3)	
4.	Current legal system in your view gives dominance to male or a major source of oppression				
	Yes	141 (36.7)	70 (18.2)	11 (2.9)	$x^2 = 15.236$ (0.004)
	No	36 (9.4)	39 (10.2)	12 (3.1)	
	Don't know	44 (11.5)	26 (6.8)	5 (1.3)	
5.	2012 amendments in Pakistani Constitution will enable women to get their share in family inheritance				
	Yes	99 (25.8)	56 (14.6)	8 (2.1)	$x^2 = 3.906$ (0.419)
	No	26 (6.8)	13 (3.4)	5 (1.3)	
	Don't know	96 (25.0)	66 (17.2)	15 (3.9)	
6.	Courts in your opinion generally favor males in inheritance cases				
	Yes	107 (27.9)	49 (12.8)	12 (3.1)	$x^2 = 10.649$ (0.031)
	No	78 (20.3)	63 (16.4)	7 (1.8)	
	Don't know	36 (9.4)	23 (6.0)	9 (2.3)	
7.	Women in your family approached courts for their inheritance rights				
	Yes	59 (15.4)	26 (6.8)	6 (1.6)	$x^2 = 8.526$ (0.074)
	No	146 (38.0)	102 (26.6)	17 (4.4)	
	Don't know	16 (4.2)	7 (1.8)	5 (1.3)	
8.	Courts generally give them (women) their due inheritance rights				
	Yes	147 (38.3)	89 (23.2)	14 (3.6)	$x^2 = 4.945$ (0.293)
	No	31 (8.1)	24 (6.2)	5 (1.3)	
	Don't know	43 (11.2)	22 (5.7)	9 (2.3)	
9.	Police generally favor males in inheritance cases				
	Yes	123 (32.0)	67 (17.4)	11 (2.9)	$x^2 = 3.966$ (0.411)
	No	61 (15.9)	38 (9.9)	10 (2.6)	
	Don't know	37 (9.6)	30 (7.8)	7 (1.8)	
10.	Revenue department generally favor males in inheritance cases				
	Yes	132 (34.4)	63 (16.4)	12 (3.1)	$x^2 = 9.293$ (0.054)
	No	42 (10.9)	41 (10.7)	7 (1.8)	
	Don't know	47 (12.2)	31 (8.1)	9 (2.3)	

4.5.3. Religious Laws and Practices

Female inheritance and religion have a long relationship. It has been the religion that initiated the basic human rights for all human including the females share in family's land and property. Islam gave inheritance rights to women at a time when Arabs used to bury their daughters alive. Islam in Surah Baqra, Surah Nisa and Surah Maida not only entitles women to family's inheritance but also describes their share along with the punishment for those who do not follow the Quranic laws in inheritance matters. These laws and rights are further explained by the Hadiths of The Holy Prophet in various Hadiths books. Like others basic human rights, it is binding on all Muslims to follow all laws and commandments mentioned in both Quran and Hadith. Inheritance laws in Pakistan, are based on Quranic laws and principles. The Constitution of the Islamic Republic of Pakistan empowers courts to strike out any law that is not in line with the Islamic principles. This section describes the implementation of Quranic laws of inheritance in the study area. Regarding the Quranic knowledge about inheritance, table 4.23 reports a non-significant association between dependent variable i-e women inheritance rights denied with three statements of the independent variable stating that Quran provides clear laws about women's share in family inheritance ($p=0.752$); Quran allows men to deny women in family inheritance ($p=0.475$) and Islam does not permit women to get share in family inheritance ($p=0.469$). Statement one despite having non-significant association had a very large number of answers reported 'yes' which referred to respondents found aware about women share in inheritance given by the Quran. In the other statements, again a large number reported no when they asked whether Quran allows men to deny women share in inheritance or women are not permitted by Islam to get share in inheritance. The results reported knowledge of the sampled respondents about the inheritance rights given by Quran in Surah Baqra, Surah Nisa, Surah Maida and Hadiths No. 723-28, 731 and 733-738 in volume 8, Book no. 80 of Bukari Sharif (Quran, 2010; Bukhari, 2012). It was very strange that a large majority of the sampled respondents were well aware of the principle Islamic stand on female's inheritance share whereas those who followed and shared at least some inheritance were only 10.3 percent where 41.5 and 27.4 percent of this shared 2-10 and 11-20 percent of the total share (see table 4).

Various religious institutions and personalities play important role in the disseminating religious knowledge. A significant association was reported between women inheritance denied and the statements probing that mosque has played its proper role in informing people about women's share in inheritance (p=0.002) and Imams or religious leaders you follow often speak about women inheritance share (p=0.010). However, the results was non-significant when they were asked that religious leaders in your view have played active role in the provision of inheritance rights to women (p=0.054) and because of that results reported a significant association of women inheritance denied with the statements describing people mostly lack Islamic knowledge about women share in family inheritance (p=0.039) and inheritance denial to women in your view is clear violation of Islamic laws (p=0.002). The results describe women's inheritance rights in Islam were conveyed to people during the sermons in the mosque and the major role in this respect was played by the Imams or religious leaders, however, they failed to play an active role in motivating people to share inheritance with their females. The results contradict Khan (1958), Mumtaz and Noshirwani (2008) and SDPI (2008) who reported no major role of both mosque and imam in giving basic human rights to women. Many Muslims they said don't understand the Quran which is in Arabic and consequently they have to depend on Mullahs many of whom are not properly educated and people many times do not follow them as they do not practice what they preach.

The results as a whole reveal a contradictory type of situation with respect to knowledge about women's inheritance share in Islam and the role of religious institutions and leaders in giving share to women. On one hand, respondents were found very clear about Quranic laws that denial as a clear violation of Islamic laws. Mosque and religious leaders had disseminated the Islamic laws about inheritance to people while at the same time they stated that religious leaders did not able to motivate people to follow those laws because people lacked Islamic knowledge about women's share in family inheritance. This is attributed to simultaneous functioning of state, religious and customary laws where the customary laws dominate the other. Respondents were mostly found following the customary laws and specially designed cultural practices particularly to deny women's share in family inheritance. During this they also reported ignored the religious laws and teachings of the religious leaders in connection with Quranic laws on inheritance. Also, many times religious leaders

called mullah were not in a position to force or even mobilize people to follow inheritance laws particularly.

Table 4.23. Religious Laws and Practices and Female Inheritance Share

S.No	Statement	Women inheritance rights denied			Chi squre P=vale
		Yes	No	Don't know	
1.	Quran provides clear laws about women share in family inheritance				
	Yes	208 (54.2)	127 (33.1)	28 (7.3)	$x^2 = 1.911$ (0.752)
	No	6 (1.6)	3 (0.8)	0 (0.0)	
	Don't know	7 (1.8)	5 (1.3)	0 (0.0)	
2.	Quran allows men to deny women in family inheritance				
	Yes	37 (9.6)	15 (3.9)	4 (1.0)	$x^2 = 3.517$ (0.475)
	No	174 (45.3)	116 (30.2)	22 (5.7)	
	Don't know	10 (2.6)	4 (1.0)	2 (0.5)	
3.	Islam does not permit women to get share in Family inheritance				
	Yes	34 (8.9)	14 (3.6)	3 (0.8)	$x^2 = 3.558$ (0.469)
	No	173 (45.1)	116 (30.2)	23 (6.0)	
	Don't know	14 (3.6)	5 (1.3)	2 (0.5)	
4.	Mosque has played its proper role in informing people about women share in inheritance				
	Yes	109 (28.4)	78 (20.3)	12 (3.1)	$x^2 = 17.546$ (0.002)
	No	83 (21.6)	40 (10.4)	5 (1.3)	
	Don't know	29 (7.6)	17 (4.4)	11 (2.9)	
5.	Imams or religious leaders you follow often speak about women inheritance share				
	Yes	141 (36.7)	89 (23.2)	22 (5.7)	$x^2 = 13.277$ (0.010)
	No	72 (18.8)	35 (9.1)	2 (0.5)	
	Don't know	8 (2.1)	11 (2.9)	4 (1.0)	
6.	Religious Leaders in your view have played active role in the provision of inheritance rights to women				
	Yes	135 (35.2)	73 (19.0)	18 (4.7)	$x^2 = 9.296$ (0.054)
	No	71 (18.5)	42 (10.9)	5 (1.3)	
	Don't know	15 (3.9)	20 (5.2)	5 (1.3)	
7.	People mostly lack Islamic knowledge about women share in family inheritance				
	Yes	150 (39.1)	85 (22.1)	17 (4.4)	$x^2 = 10.111$ (0.039)
	No	59 (15.4)	35 (9.1)	5 (1.3)	
	Don't know	12 (3.1)	15 (3.9)	6 (1.6)	
8.	Inheritance denial to women in your view is clear violation of Islamic laws				
	Yes	198 (51.6)	113 (29.4)	20 (5.2)	$x^2 = 17.282$ (0.002)
	No	12 (3.1)	18 (4.7)	3 (0.8)	
	Don't know	11 (2.9)	4 (1.0)	5 (1. 3)	

4.5.4. Patriarchy and Female Inheritance Share

Patriarchy a system of social structures and practices that enable men to dominate, oppress and exploit women (Walby, 1990) was termed as the major determinate of inheritance share with the family's females. Radical feminists called it the main motive and source of oppression behind the denial of women's rights in the society whereas the liberal stated that men intentionally put females into private sphere compared to public for the males (Malik, 2005). The Marxist and Socialist feminists termed denial as economic interest of those who own or control the resources. The denial or exploitation is not limited to those who own (haves) and those who do not own resources (have nots) but it further goes to the division of society on the basis of male/female as capitalism promoted specially designed patriarchal norms which enabled men to oppress the women as well (Ritzer, 2010). This section describes the role of patriarchy in denying inheritance rights to females in Pakistani society.

To assess the patriarchal thinking of the respondents, results indicate a significant association between female inheritance rights denied with the independent variable's statements stating that women position in society in your view is determined by their relationship with males ($p=0.012$) and women are subordinate to men ($p=0.001$) and man's honor resides in the actions/behavior of the women ($p=0.002$). Results report the feelings of the sampled respondents that more than 90 percent of which did not share inheritance with the females and those who gave full share were 2 to 3 percent of the total (see table 4). They were living in a pure patriarchal environment where female position or status is determined by its relationship with male family members, they are subordinate and their behavior/actions are linked with man's honor, the highest point in Pukhtun culture. The results are supported by Santiago (2001), ADB (2002), Khawar and Noshirwani (2009), Yousafzai and Gohar (2005), Room (2012), Wily (2004) and Landinfo (2012) who found patriarchy in social structure, beliefs, attitudes and practices in Nepal; whereas in Pakistan, patriarchy systematically placed women into a subordinate position, Pukhtun culture might be the strongest social system where all the social, economic and political affairs are dealt with and decisions are made by the males. It is the traditions called *riwaj* govern conduct and behavior of Pukhtuns where females especially in rural and tribal areas are considered as subordinate and inferior. Women

should be modest and a Pukhtun is not a real Pukhtun if he cannot protect his women and property.

Patriarchy also influences the women share in family's inheritance. In this connection the results show a significant association between women inheritance rights denied with the independent variable's statements describing the influence of patriarchy on inheritance share with females in Pukhtun society. They included women's silence in your family is considered an appropriate behavior in inheritance share cases (p=0.015), woman should compromise with her opinions and sacrifice her dreams in inheritance share cases (p=0.000), men in your opinion have more inheritance rights than women (p=0.000), parents in your family teach daughters to compromise on her own interests in inheritance share cases (p=0.009), men treat women as property though not expressed openly (p=0.040) and it is culturally inappropriate for a woman to own and share inheritance especially the land p=0.001). The results report the picture of a pure patriarchal society where the respondents agreed that many men in their area treat women as their property though do not say it openly. Inheritance belongs to the family's males and local culture approves it, so, women should sacrifice their inheritance rights and be silent in demanding their share as men have more inheritance rights than women. Parents also teach indirectly to their family women to compromise their inheritance rights in favor of family males. Yousafzai and Gohar (2005), Khan (1958), RDI (2009), Olotuch and Nyongesa (2013), Wasan (2012), Sabimbona (2001), Beyani (2001), Waterhouse (2001), World Bank (2008), FAO (2000) and Kate (1992) reported the role of patriarchal norms in the transfer of family inheritance to females. Pukhtun society is called the most extreme example of patriarchy in Pakistan. It is a male dominated social system where the women, honor and property are highly respectable things and Pukhtuns try their best to protect and control them. Pukhtunwali or norms of Pukhtun society on the other hand empower male to control both the property and the women. The same has been the case in Africa and other Asian countries such as Bangladesh, Sri Lanka, India and Nepal. Women are considered as property and pass on from one person to another, property transfer to women in many African countries is unconceivable; male get the primary land rights, women are even unaware of their rights and size of entitled inheritance. Customs compel women to surrender their inheritance rights and consequently women become peripheral and dependent persons in the family.

The results reveal prevalence of a pure patriarchal norms and values in the study area. This was attributed to Pukhtunwali, which might be one of the major examples of patriarchy in Pakistan. One can judge its effects in the areas such as Peshawar city as well; however its influence was more in the rural particularly tribal areas of Pakistan. Respondents were not only found believing in patriarchal norms but they also actually practiced these while denying to women inheritance rights. Basically, it was male economic interest which was achieved through patriarchal norms of the society both in the rural and the urban areas. The results as a whole endorsed the socialist feminist theory that linked economic interest with patriarchal norms or patriarchal norms indirectly support the economic interest of the dominant group.

Table 4.24. Patriarchy and Female Inheritance Share

S.No	Statement	Women inheritance rights denied			Chi square P=value
		Yes	No	Don't know	
1.	Women position in society in your view is determined by their relationship with males				
	Yes	192 (50.0)	103 (26.8)	20 (5.2)	$x^2 = 12.785$ (0.012)
	No	13 (3.4)	13 (3.4)	1 (0.3)	
	Don't know	16 (4.2)	19 (4.9)	7 (1.8)	
2.	Women are subordinate to men				
	Yes	147 (38.3)	67 (17.4)	13 (3.4)	$x^2 = 17.863$ (0.001)
	No	69 (18.0)	65 (16.9)	12 (3.1)	
	Don't know	5 (1.3)	3 (0.8)	3 (0.8)	
3.	Man's honor resides in the actions/behavior of the women				
	Yes	176 (45.5)	96 (25.0)	20 (5.2)	$x^2 = 16.563$ (0.002)
	No	28 (7.3)	32 (8.3)	2 (0.5)	
	Don't know	17 (4.4)	7 (1.8)	6 (1.6)	
4.	Women silence in your family is considered an appropriate behavior in inheritance share cases				
	Yes	126 (32.8)	56 (14.6)	11 (2.9)	$x^2 = 12.316$ (0.015)
	No	83 (21.6)	71 (18.5)	13 (3.4)	
	Don't know	12 (3.1)	8 (2.1)	4 (1.0)	
5.	Women in your view are responsible for maintaining the family honor				
	Yes	175 (45.6)	102 (26.6)	21 (5.5)	$x^2 = 6.459$ (0.167)
	No	39 (10.2)	30 (7.8)	4 (1.0)	
	Don't know	7 (1.8)	3 (0.8)	3 (0.8)	
6.	Woman should compromise with her opinions and sacrifice her dreams in inheritance share cases				
	Yes	103 (26.8)	49 (12.8)	6 (1.6)	$x^2 = 23.284$ (0.000)
	No	110 (28.6)	81 (21.1)	16 (4.2)	
	Don't know	8 (2.1)	5 (1.3)	6 (1.6)	

7.	Men in your opinion have more inheritance rights than women				
	Yes	170 (44.3)	76 (19.8)	15 (3.9)	$x^2 = 21.707$ (0.000)
	No	41 (10.7)	50 (13.0)	9 (2.3)	
	Don't know	10 (2.6)	9 (2.3)	4 (1.0)	
8.	Parents in your family teach daughters to compromise her own interests in inheritance share cases				
	Yes	93 (24.2)	45 (11.7)	5 (1.3)	$x^2 = 13.551$ (0.009)
	No	110 (28.6)	82 (21.4)	17 (4.4)	
	Don't know	18 (4.7)	8 (2.1)	6 (1.6)	
9.	Men treat women as property though not expressed openly				
	Yes	147 (38.3)	69 (18.0)	14 (3.6)	$x^2 = 10.009$ (0.040)
	No	53 (13.8)	50 (13.0)	11 (2.9)	
	Don't know	21 (5.5)	16 (4.2)	3 (0.8)	
10.	Men have a strong ego and aggressive temperament directed towards his wife and family				
	Yes	160 (41.7)	90 (23.4)	19 (4.9)	$x^2 - 3.648$ (0.456)
	No	50 (13.0)	32 (8.3)	6 (1.6)	
	Don't know	11 (2.9)	13 (3.4)	3 (0.8)	
11.	It is culturally inappropriate for a woman to own and share inheritance especially the land				
	Yes	149 (38.8)	76 (19.8)	10 (2.6)	$x^2 = 17.719$ (0.001)
	No	51 (13.3)	42 (10.9)	9 (2.3)	
	Don't know	21 (5.5)	17 (4.4)	9 (2.3)	

4.5.5. Inheritance Norms

Inheritance share and norms of a society are two interrelated phenomena. Inheritance share is the basic right of the people whereas norms determine who is entitled to it according to the local culture. Norms basically are expected behavior associated with the human actions in a society. People follow the social norms of the area where they live and the failure results in both the light and strong punishment from the society. Like other, female's inheritance rights are also influenced by norms of an area and it will not be wrong to say that it is the socio-cultural norms that overpower both the state and religious laws of the country in inheritance share cases.

One of the major features of Pakistani society is a close association with the family members especially between the brothers and sisters. Many times it is called the closest relationship within the natal family. It is the brothers who deal and look after the sisters even after their marriage and who in return leave their inheritance share to brothers most of the time. Results reported a non-significant association between female's inheritance rights denied and the independent variable's statement

7.	Men in your opinion have more inheritance rights than women				
	Yes	170 (44.3)	76 (19.8)	15 (3.9)	$x^2 = 21.707$ (0.000)
	No	41 (10.7)	50 (13.0)	9 (2.3)	
	Don't know	10 (2.6)	9 (2.3)	4 (1.0)	
8.	Parents in your family teach daughters to compromise her own interests in inheritance share cases				
	Yes	93 (24.2)	45 (11.7)	5 (1.3)	$x^2 = 13.551$ (0.009)
	No	110 (28.6)	82 (21.4)	17 (4.4)	
	Don't know	18 (4.7)	8 (2.1)	6 (1.6)	
9.	Men treat women as property though not expressed openly				
	Yes	147 (38.3)	69 (18.0)	14 (3.6)	$x^2 = 10.009$ (0.040)
	No	53 (13.8)	50 (13.0)	11 (2.9)	
	Don't know	21 (5.5)	16 (4.2)	3 (0.8)	
10.	Men have a strong ego and aggressive temperament directed towards his wife and family				
	Yes	160 (41.7)	90 (23.4)	19 (4.9)	$x^2 - 3.648$ (0.456)
	No	50 (13.0)	32 (8.3)	6 (1.6)	
	Don't know	11 (2.9)	13 (3.4)	3 (0.8)	
11.	It is culturally inappropriate for a woman to own and share inheritance especially the land				
	Yes	149 (38.8)	76 (19.8)	10 (2.6)	$x^2 = 17.719$ (0.001)
	No	51 (13.3)	42 (10.9)	9 (2.3)	
	Don't know	21 (5.5)	17 (4.4)	9 (2.3)	

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heritable wealth especially the land in your family is kept within the patrilineal family (p=0.003). The major causes were also norms they reported and also found significant included the customary/traditional land rights favor males (p=0.002), family decisions in their family are made by men (p=0.049) and female in they thought lack mental capacity to deal with inheritance share (p=0.004). The results report the thinking of a patriarchal family where inheritance was kept within the patrilineal family. Pukhtuns norms favored the male rights on family land and property as the decisions about inheritance were made by men and they called males the appropriate heir because women lack capacity to deal with inheritance share issues, its management and use. The results supported the Goodnow and Lawrance (2010), Sreffer and Dadoo (2009), Finch and Mason (2000) and Kohli (1995) called inheritance a social norm where distribution of land and property within the family is in fact an interplay of norms that address power, equality, recognition of rights and relationship among family members. Decisions are made on the basis of a number of norms which also represent intimacy, emotions, value of inheritance and morality. During the process the weight is given to the norms that dominate or represent the interest of a dominant group. White et al (2002) and Harley and Verbeek (2005) reported that norms favor more to males despite having variation on the basis of ethnicity, region and country and consequently violation of women rights Okello (2003) and Bankole (2001) also viewed it an accepted norm. All the decisions regarding inheritance, particularly in Pukhtuns and other rural areas in Pakistan, are made by men where many believe women get no share in family's inheritance (USAID, 2014: Room, 2012: Ginsburg, 2011). Many times it is the traditions that led down women capacity to inherit, own and acquire inheritance especially the laws, procedures and socioeconomic cost of acquiring inheritance (Beyani, 2001; Santiago, 2001; Chaudhry, 2009).

The results reveal the prevalence of patriarchal norms which entitled man as the major heir to the family's inheritance. In fact it was not a single norm but interplay of norms where male became the ultimate beneficiary. All the norms in one way or other supported the male's interest where all the relationships such as brother-sister, emotions and traditions were cited to strengthen male's claim on female inheritance share. This was being done when the males reported that females are interested in their land and property rights but the norms denied that by calling that

inheritance belongs to their paternal family and females have no capacity to deal with land and property.

Table 4.25. Inheritance Norms and Female Inheritance Share

S.No	Statement	Women inheritance rights denied			Chi-square P=value
		Yes	No	Don't know	
1.	Brother-sister relationship in your family is the most ideal and sweetest relationship in your view				
	Yes	195 (50.8)	117 (30.5)	22 (5.7)	$x^2 = 6.534$ (0.163)
	No	16 (4.2)	16 (4.2)	5 (1.3)	
	Don't know	10 (2.6)	2 (0.5)	1 (0.3)	
2.	Sisters in your family always look their brothers in odd/difficult situations				
	Yes	189 (49.2)	113 (29.4)	18 (4.7)	$x^2 = 12.554$ (0.014)
	No	24 (6.2)	19 (4.9)	6 (1.6)	
	Don't know	8 (2.1)	3 (0.8)	4 (1.0)	
3.	There is common practice of inheritance sharing in your family				
	Yes	121 (31.5)	78 (20.3)	15 (3.9)	$x^2 = 1.547$ (0.818)
	No	91 (23.7)	49 (12.8)	11 (2.9)	
	Don't know	9 (2.3)	8 (2.1)	2 (0.5)	
4.	Transfers of land, property, and power are always restricted to men in your family				
	Yes	157 (40.9)	84 (21.9)	14 (3.6)	
	No	53 (13.8)	42 (10.9)	13 (3.4)	$x^2 = 7.954$ (0.093)
	Don't know	11 (2.9)	9 (2.3)	1 (0.3)	
5.	Women in your family are not interested in inheritance				
	Yes	120 (31.2)	75 (19.5)	14 (3.6)	$x^2 = 2.654$ (0.617)
	No	80 (20.8)	52 (13.5)	10 (2.6)	
	Don't know	21 (5.5)	8 (2.1)	4 (1.0)	
6.	The heritable wealth especially the land in your family is kept within the patrilineal family				
	Yes	182 (47.4)	94 (24.5)	15 (3.9)	$x^2 = 16.402$ (0.003)
	No	28 (7.3)	29 (7.6)	8 (2.1)	
	Don't know	11 (2.9)	12 (3.1)	5 (1.3)	
7.	The customary/traditional land rights favor males				
	Yes	185 (48.2)	94 (24.5)	23 (6.0)	$x^2 = 17.204$ (0.002)
	No	17 (4.4)	31 (8.1)	3 (0.8)	
	Don't know	19 (4.9)	10 (2.6)	2 (0.5)	
8.	Family decisions in your family are made by men				
	Yes	198 (51.6)	118 (30.7)	20 (5.2)	$x^2 = 9.558$ (0.049)
	No	18 (4.7)	14 (3.6)	7 (1.8)	
	Don't know	5 (1.3)	3 (0.8)	1 (0.03)	
9.	Female in your opinion lack mental capacity to deal with inheritance share				
	Yes	144 (37.5)	69 (18.6)	12 (3.1)	$x^2 = 15.238$ (0.004)
	No	58 (15.1)	47 (12.2)	8 (2.1)	
	Don't know	19 (4.9)	19 (4.9)	8 (2.1)	

4.5.6. Socio-Cultural Inheritance Practices

In addition to norms, special practices have been devised to enable male to get female inheritance share. Many of such methods and practices if logical and appropriate for someone might be illogical, wrong and inappropriate for another person or group of persons. Delaney (2008) while describing ethnomethodology reported about the methods ordinary people use on daily basis to meet their everyday needs. He cited Ritzer who stated that they are the ways in which people use commonsense knowledge, procedures and considerations to act in particular situation while Ritzer (2010) himself called them artful practices that produced desired results both at micro and macro levels of society.

A number of methods, arguments and procedures have been adopted to keep land and property within the family. Results found a significant association between women inheritance rights denied and some of inheritance practices in Pukhtun society. They included in your family it is almost impossible for females to own land due to customary laws ($p=0.018$), because customary rights to land often favor men ($p=0.001$) The results describe the general inheritance practices on gender basis where respondents found agreed that it is almost impossible for females to own land and this was mainly due to inheritance distribution on the basis of customary laws which favor males. The results are supported by Sabimbona (2001), Tekle (2001), Sircar and Fletschner (2014), IRDC (2014) and Giovarelli and Aggarwal (2007) who called inheritance transfer to women as highly unlikely, exceptional, forbidden dream, rare and impossible for women of many communities in countries like Brundi, Eriteria, India, Bangladesh, Nepal and Pakistan. They along with Beyani (2001), UN High Commission (2001), Wily (2004), Santiago (2001), Kamani and Maina (2010), Khawar and Nosherwani (2010), USAID (2014) and Room (2012) attributed this to customary practices and laws that give advantageous position to male family members.

At the same time, the association of women inheritance rights denied was found significant with the independent variable's statement describing that women in your family refused their share and give to their brothers out of respect with them ($p=0.002$). It shows that many of the females refused their inheritance share and gave to their brother due to love and respect they have with them. The results support Ishaq (2011), Ali (1997) and Chaudhry (2009) who found kinship structure in Pakistan influences the women decision to demand share in inheritance. Women refuse share

because the brother-sister relationship is a relationship of love, obedience, respect and trust. The women do not claim their share as they have to give up more compared to what they get. Zneid (2001), also found Palestinian women waived their inheritance to brothers in order to enhance the status of their brothers and oblige him to help her continuously even after marriage.

Besides general practices, some special designed methods were used to retain land and property within the family. Those statements found significantly associated with women inheritance rights denied included helping daughters/sisters during marriage/other situations as an alternate for inheritance ($p=0.043$), dowry is equated with inheritance share ($p=0.004$), cousin marriage with brother and sister children forbid women and their family in claiming their inheritance rights ($p=0.007$), males protect land and property by marrying with paternal cousins/lineage in your family ($p=0.014$), males protect land and property through exchange marriage ($p=0.004$) and males protect land and property through marriage with Quran ($p=0.013$). The results indicate that family land and property was very precious for the sampled respondents. To attain that they considered the expenses on marriage, dowry and helping inheritance entitled women on different occasions as alternate for their inheritance share. The results are supported by Gilbert (1992), Arif and Ali (1998), RDI (2009), USAID (2010), Giovarelli and Beatric (2011) and Chaudhry (2009) who called cost on wedding, dowry and helping family females many times considered as alternate for inheritance share which in fact most of the time not equivalent at all. Marriages were specially arranged with sister and father sister children to forbid them demanding their share. Marriages within the paternal relatives also kept inheritance in the family and many times exchange marriages were arranged on the condition of no demand of inheritance from both sides. Marriages with Quran were though found significant but were not reported in the sampled respondents families. Most of such cases reportedly found in Southern Punjab and Sindh. Chaudhry (2009), Khattak, Brohi and Anwar (2010), World Bank (2009) and Arif and Ali (1998) reported the practice of all such marriages particularly in rural areas of Pakistan.

The results reveal women's inheritance denial as a common practice in both the rural and urban sampled areas. It was done many times on the name customs and traditions while dowry, wedding cost and helping family females were done on the name of inheritance share. To keep the land and property within the family, marriages were also reportedly arranged with inheritance entitled females' children so they

describing brother-sister relationship in your family is the most ideal and sweetest relationship in your view (p=0.163) whereas it was significantly associated when asked sisters in your family always look their brothers in odd/difficult situations (p=0.014). This was not mainly due a strong contact and interaction between brothers and sisters in Pukhtun society. Respondents stated that they love their sisters but do not consider relationship with their sisters as the most ideal and sweetest due to patriarchy but they always look to them in difficult situation and in return they also look to them. The results contradict the Goodnow and Lawrence (2010), Chaudhry (2009) and Zneid (2001) who reported that relationship within the family determines the inheritance share; the brother-sister relationship is a core relationship in Pakistani social structure and is considered as a relationship of love, confidence, respect and trust and it is the brothers who always stand with their sisters.

Results again report a non-significant association between women inheritance rights denied and the independent variable's statements with respect to prevailing norms such as there is common practice of inheritance sharing in your family (p=0.818); transfers of land, property, and power are always restricted to men in your family P=0.093) and women in your family are not interested in inheritance (p=0.617). The first statement results support the main idea of the study that inheritance sharing with family females is not a common practice as most of the respondents did share any inheritance with their females (see table 4). It was also not true that inheritance transfer is always restricted to males in their family, as around 10 percent of the sampled families had shared at least some in heritance with their females. Similarly, it was the males (respondents) who disagreed that their family females were not interested in family's inheritance. Okello (2003) and Bankole (2001) called violation of women's property as an accepted norm in many African countries whereas for the UN High Commission (2001) reported that customs do not allow women to inherit any land and property from both the parents and husband in Rwanda. Similarly, land rights are determined primarily by the customs in Afghanistan (Wily, 2004) and India (Menon, 1994) whereas the same in Pakistan are decided by norm and values of the area (USAID, 2014) and by *Riwaj* meaning norms or traditions among Pukhtuns within Pakistan (Room, 2012).

Regarding inheritance norms, a significant association was found between women inheritance rights denied with the independent variable's statement that

could not claim their share. In many cases exchange marriages were made on the condition of no inheritance transfer to both the females. However, it was also strange to note that females had not refused their share in favor of their family's males.

Table 4.26. Socio-Cultural Inheritance Practices on Gender Basis

S.No	Statement	Women inheritance rights denied			Chi-square P=value
		Yes	No	Don't know	
1.	In your family it is almost impossible for females to own land due to customary laws				
	Yes	119 (31.0)	51 (13.3)	10 (2.6)	$x^2 = 11.951$ (0.018)
	No	79 (20.6)	67 (17.4)	12 (3.1)	
	Don't know	23 (6.1)	17 (4.4)	6 (1.6)	
	No	63 (16.4)	44 (11.5)	8 (2.1)	
	Don't know	24 (6.2)	26 (6.8)	8 (2.1)	
2.	Customary rights to land often favor men				
	Yes	84 (21.9)	32 (8.3)	10 (2.6)	$x^2 - 22.286$ (0.001)
	No	72 (18.8)	31 (8.1)	6 (1.6)	
	Don't know	55 (14.3)	58 (15.1)	11 (2.9)	
3.	Women in your family refused their share and give to their brothers out of respect with them				
	Yes	153 (39.8)	72 (18.8)	12 (3.1)	$x^2 = 17.391$ (0.002)
	No	45 (11.7)	48 (12.8)	9 (2.3)	
	Don't know	23 (6.0)	15 (3.9)	7 (1.8)	
4.	Helping daughters/sisters during marriage/other situations you think is alternate to inheritance				
	Yes	151 (39.3)	80 (20.8)	12 (3.1)	$x^2 = 9.826$ (0.043)
	No	52 (13.5)	37 (9.6)	10 (2.6)	
	Don't know	18 (4.7)	18 (4.7)	6 (1.6)	
5.	Cousin marriage with brother and sister children forbid women and their family in claiming their inheritance rights				
	Yes	150 (39.1)	80 (20.8)	11 (2.9)	$x^2 = 13.959$ (0.007)
	No	54 (14.1)	43 (11.2)	10 (2.6)	
	Don't know	17 (4.4)	12 (3.1)	7 (1.8)	
6.	Males protect land and property by marrying with paternal cousins/lineage in your family				
	Yes	139 (36.2)	66 (17.2)	12 (3.1)	$x^2 = 12.538$ (0.014)
	No	67 (17.4)	52 (13.5)	10 (2.6)	
	Don't know	15 (3.9)	17 (4.4)	6 (1.6)	
7.	Males protect land and property through exchange marriage				
	Yes	71 (18.5)	26 (6.8)	6 (1.6)	$x^2 = 15.464$ (0.004)
	No	129 (33.6)	101 (26.3)	16 (4.2)	
	Don't know	21 (5.5)	8 (2.1)	6 (1.6)	
8.	Males protect land and property through marriage with Quran				
	Yes	21 (5.5)	5 (1.3)	2 (0.5)	$x^2 = 10.618$ (0.013)
	No	165 (43.0)	115 (29.9)	18 (4.7)	
	Don't know	35 (9.1)	15 (3.9)	8 (2.1)	
9.	Dowry is equated with inheritance share				
	Yes	160 (41.7)	80 (20.8)	17 (4.4)	$x^2 = 15.161$ (0.004)
	No	165 (43.0)	115 (29.9)	18 (4.7)	
	Don't know	35 (9.1)	15 (3.9)	8 (2.1)	

4.5.7. Law and Practices at Community Level

The constitution of Pakistan gives full protection to females in getting their share in family's inheritance. For that, special laws have not only been made but also implemented through courts, revenue and police departments. However, the implementation of those laws is still a big question. The people at community level in most of the traditional countries like Pakistan, do not follow the state laws. Customary laws or illegal practices still dominate the inheritance share practices. Methods that clearly violate the country laws and women inheritance rights are practiced to deny women share in family's inheritance. This section probes all those practices and conditions that enable family males to deprive females from their share in family land and property.

Results report a significant association between dependent variable women inheritance rights denied with the independent variable's statement describing the general perception about the application of state laws relating to female inheritance share at community level that cultural norms routinely override the statutory women inheritance laws (p=0.015). This was attributed to application of customary laws where land based affairs were decided through indigenous social institutions like *Jirga* and mediation or through *salis*. They made decisions mainly on the basis of local norms or past practices. It was also found that even the court cases are finally decided through indigenous methods i-e *Jirga* mostly. The results are supported by Tekle (2001), Mahdi (1994), Chaudhry (2009) and Room (2012) who reported that state and customary laws govern the inheritance cases in Eritrea whereas majority of the people living in rural areas of Pakistan were unaware of state laws. The customary laws based on local norms either bypassed the state laws or overpowered both the state and religious laws mostly.

Regarding the illegal or unlawful practices in gender based inheritance share cases, a significant association between the dependent variable i-e women inheritance rights denied with the independent variable's statement that power of attorney is taken from family females (p=0.006) whereas the other unlawful methods such as female name is omitted from the heir list (p=0.457), brothers mark thumbs on inheritance documents (p=0.125) and fake sale deeds or documents are made (p=0.820) were found non-significant. The discussion with sampled respondents called it the impact of urbanization and education as all sampled areas were urban or located around

Peshawar, the only big city in the whole province Khyber Pakhtunkhwa. It was very difficult for the urban dwellers to do all these as the size of the land and property was mostly very small along with more awareness among the females. The results do not support Mahdi (2002), Arif and Ali (1998), Ishaq (2012), USAID (2014) and Chaudhry (2009) who reported the practice of all such methods particularly in rural areas of Pakistan.

Women in Pakistan also faced some procedural legal problems as well. They ranged from knowledge about inheritance share to contacting revenue department and courts to get their legal rights. Results report a significant association of women inheritance rights denied with the independent variable's statement that legal procedure of obtaining inheritance is cumbersome ($p=0.005$) and social and material cost of litigation is too high ($p=0.010$) because all inheritance related legal contracts in your family are executed by men ($p=0.015$). On the other hand, association was non-significant when asked attitude of revenue and other government officials is not favorable with females in inheritances related cases ($p=0.214$) and females lack knowledge about their share in inheritance ($p=0.416$). Results indicated that women were in weak position if they intended to seek justice from the courts and other legal institutions. The procedure of seeking justice was very complicated while it is and was not possible for females to contact courts and other relevant legal institutions as they could not bear the financial and social cost in Pukhtun Society which might be the highest male dominating society. Traditionally the most ideal places for a Pukhtun woman is within the four walls of house or the grave. Santiago (2001), USAID (2014), Beyani (2001) and Chaudhry (2009), supported the findings and stated females lacking capacity and knowledge to deal with affairs relating to land and property such as contacting police, *patwari* and courts when they have not enough financial resources and lack knowledge even about their share in family inheritance.

The results as a whole reveal both the procedural and socioeconomic problems women were facing with respect to seeking their inheritance rights from legal institutions such as revenue department, police and courts. Women were living in a society where the customary norms and laws override the state laws; all the legal inheritance related contracts were executed by family males whereas the females did not had enough knowledge, financial resources, permission and courage to get their share from police, courts and revenue department.

Table 4.27. Law and Practices at Community Level

S. No	Statement	Women inheritance rights denied			Chi-square P=value
		Yes	No	Don't know	
1.	The cultural norms routinely override the statutory women inheritance laws				
	Yes	151 (39.3)	75 (19.5)	11 (2.9)	x^2 =12.296 (0.015)
	No	35 (9.1)	30 (7.8)	8 (2.1)	
	Don't know	35 (9.1)	30 (7.8)	9 (2.3)	
2.	Female name is omitted from the heir list				
	Yes	109 (28.4)	56 (14.6)	11 (2.9)	x^2 = 3.638 (0.457)
	No	81 (21.1)	56 (14.6)	14 (3.6)	
	Don't know	31 (8.1)	23 (6.0)	3 (0.8)	
3.	Brothers mark thumbs on inheritance documents				
	Yes	128 (33.3)	60 (15.6)	14 (3.6)	x^2 = 7.222 (0.125)
	No	65 (16.9)	47 (12.2)	9 (2.3)	
	Don't know	28 (7.3)	28 (7.3)	5 (1.3)	
4.	Power of attorney is taken from family females				
	Yes	125 (32.6)	57 (14.8)	10 (2.6)	x^2 =14.428 (0.006)
	No	62 (16.1)	45 (11.7)	7 (1.8)	
	Don't know	34 (8.9)	33 (8.6)	11 (2.9)	
5.	Fake sale deeds or documents are made				
	Yes	114 (29.7)	62 (16.1)	14 (3.6)	x^2 = 1.540 (0.820)
	No	78 (20.3)	53 (13.8)	9 (2.3)	
	Don't know	29 (7.6)	20 (5.2)	5 (1.3)	
6.	Attitude of revenue and other government officials is not favorable with females in inheritances related cases				
	Yes	132 (34.4)	73 (19.0)	11 (2.9)	x^2 = 5.810 (0.214)
	No	39 (10.2)	32 (8.3)	7 (1.8)	
	Don't know	50 (13.0)	30 (7.8)	10 (2.6)	
7.	Legal procedure of obtaining inheritance is cumbersome				
	Yes	170 (44.3)	92 (24.0)	13 (2.3)	x^2 = 14.766 (0.005)
	No	32 (8.3)	32 (8.3)	9 (2.3)	
	Don't know	19 (4.9)	11 (2.9)	6 (1.6)	
8.	Social and economic cost of litigation is too high				
	Yes	178 (46.4)	104 (27.1)	16 (4.2)	x^2 = 13.264 (0.010)
	No	21 (5.5)	20 (5.2)	4 (1.0)	
	Don't know	22 (5.7)	11 (2.9)	8 (2.1)	
9.	All inheritance related legal contracts in your family are executed by men				
	Yes	145 (37.8)	80 (20.8)	11 (2.9)	x^2 =12.400 (0.015)
	No	48 (12.5)	44 (11.5)	13 (3.4)	
	Don't know	28 (7.3)	11 (2.9)	4 (1.0)	
10.	Females lack knowledge about their share in inheritance				
	Yes	164 (42.7)	88 (22.9)	19 (4.9)	x^2 = 3.929 (0.416)
	No	43 (11.2)	33 (8.6)	6 (1.6)	
	Don't know	14 (3.6)	14 (3.6)	3 (0.8)	

4.5.8. Social Institutions/Structure and Female Inheritance Share

Social institutions are bodies devised to meet the basic needs of the people. They form social structure when function as a unit (Chitamber, 2003). They are cultural based and vary from area to area and culture to culture. The major goal of the social institutions is to control individual behavior especially protecting basic human rights and needs through the procedures developed on the basis of norms and values of a community. One of such is share in family's inheritance. A number of institutions play or have potential to play important role in the transfer of inheritance share to females. This section probes the role played by family, Jirga, national political parties, NGOs, educational institutions and media in protecting and transferring inheritance share to female family members.

Inheritance share and family has a strong association. All the activities, actions and procedures regarding sharing inheritance with females starts from the family. Inheritance share can be easy if approved by the norms of a family. Results in this respect show a non-significant association between female inheritance share denied the independent variable's statement describing that your family has played a positive role in female inheritance share cases (p=0.610). Contrary to this, it was found significant with the statements describing otherwise i-e your family supported male members in female inheritance matters (p=0.040) and elders mainly favor males in inheritance issues (p=0.000). The results describe a negative role of family in the transfer of inheritance to female family members. The respondents who except very few were males admitted that family and elders within the family supported males in inheritance transfer. Ajayi and Olotuah (2005) reported gender discrimination starts from the family, boys carry family name and hence more valued than girls whereas Mehdi (2002), SDPI (2008) Mumtaz and Noshirwani (2008), GOP (1976) and World Bank (2005) found denial as a common practice. Parents favor sons over daughters as daughters are not considered part of the family after marriage whereas land belongs to the family.

Regarding the role of *Jirga* in the transfer of inheritance to females, results report a significant association of women inheritance rights denied and independent variable's statement probed that women inheritance has not been a major issue discussed in Jirga in your area/village (p=0.002) while it was non-significant when

asked regarding inheritance many time the Jirga gave decisions in female favor (p=0.140). It is evident from the results that *Jirga* mostly neither discussed females' inheritance cases nor gave decisions in favor of females. Yousafzai and Gohar (2005), Wily (2004), Room (2012) and Rehman (2011) called *Jirga* as more efficient, trustworthy and less corrupt than state courts but at the same time found biased towards females as well. Women are not allowed to participate in *Jirga;* decisions are made on the basis of customs called *Riwaj* by males who predominantly favor males.

Political parties, local female organizations and NGOs were the other bodies that had potential to play a positive role in inheritance share to females in the study areas. Results show a significant association of females inheritance rights denied with the statements describing female inheritance share has not been on the agenda of major political parties (p=0.002) and female organizations in your area/village (if any) never raised female inheritance issue (p=0.000). The results on the other hand were found non-significant in case of NGOs in your area are working for giving inheritance share to females (p=0.096). All three results show no major role of three organizations i-e political parties, local female organizations and NGOs regarding inheritance share to females in the study area. In case of political parties results did not support Ishaq (2012), Ali (1997) and Khawar and Nosherwani (2010) who called major political parties as more effective bodies in dealing with all affairs of life including the women rights in family inheritance. They got power, opportunity, mandate and chance to address the issue. However, women parliamentarians from all political parties have been able to pass Women Rights Bill 2011 which specifically addressed the female inheritance issue and penalty for violators. Almost same was the case with respect to local based female organizations and NGOs where Mahat (2003), Steinzor (2003) and World Bank (2007) reported them failed to address the women land and poverty issues. However, they have only been able to mobilize women to organize themselves.

Role educational institutions and media were also found not positive concerning female inheritance rights in the study area. A non-significant association between women inheritance rights denied independent variable's statements that inheritance issue is taught at school (p=0.129), college/university (p=0.090), mass media is often discussed inheritance issue (p=0.393) and media made a positive effect on attitude of people regarding female share in family inheritance (p=0.843). In case

of educational institutions role respondents reported that though inheritance is a big issue but not taught or discussed not at all or very rarely during their education in school, college or university. The same was the case with media that did not address the female inheritance in its regular course compared to other female issues. Shirkat Gah (2000), USAID (2014), Ali (1997), Chaudhry (2009), Agarwal (2002) and Ajayi and Olotuah, (2005) reported women share in inheritance was not part of the curricula compared to other human rights granted by the religion or state laws and a very large number of people were found unaware about women inheritance rights. With respect to the role played by Steinzor (2003) found positive role of media especially radio in disseminating basic rights to female in family land and property under FAO in Sri Lanka, Malawi, Kenya, Namibia, Tanzania, Nepal, Bangladesh and Cambodia.

The results as whole reveal not a positive role of various social institutions in transferring inheritance share to females in the study area. Family the basic social institution failed to protect female inheritance rights and instead supported males. The same was the case of Jirga which was also male dominated. Female inheritance issue seldom discussed in *Jirga* and if any, females were not allowed to defend their right. The political parties, media and NGOs were the most powerful bodies but they did not address the issue which it deserved. Similarly, the educational institutions did not include it in their curricula right from school to the university to the extent it deserved.

Table 4.28. Social Institutions and Female Inheritance Share

S.No	Statement	Women inheritance rights denied			Chi-square P=value
		Yes	No	Don't know	
1.	Your family has played a positive role in female inheritance share cases				
	Yes	137 (35.7)	85 (22.1)	17 (4.4)	$x^2 = 2.696$ (0.610)
	No	70 (18.2)	36 (9.4)	8 (2.1)	
	Don't know	14 (3.6)	14 (3.6)	3 (0.8)	
2.	Your family supported male members in female inheritance matters				
	Yes	149 (38.8)	79 (20.6)	12 (3.1)	$x^2 =$ 10.012 (0.040)
	No	63 (16.4)	46 (12.0)	12 (3.1)	
	Don't know	9 (2.3)	10 (2.6)	4 (1.0)	
3.	Elders mainly favor males in inheritance issues				
	Yes	171 (44.5)	79 (20.6)	13 (3.4)	$x^2 = 33.867$ (0.000)
	No	35 (9.1)	49 (12.8)	8 (2.1)	
	Don't know	15 (3.9)	7 (1.8)	7 (1.8)	
4.	Women inheritance has not been a major issue discussed in Jirga in your area/village				
	Yes	139 (36.2)	63 (16.4)	9 (2.3)	$x^2 = 16.533$ (0.002)
	No	60 (15.6)	48 (12.5)	12 (3.1)	
	Don't know	22 (5.7)	24 (6.2)	7 (1.8)	
5.	Regarding inheritance many time the Jirga give decisions in female favor				
	Yes	99 (25.8)	66 (17.2)	15 (3.9)	$x^2 =$ 6.923 (0.140)
	No	80 (20.8)	33 (8.6)	7 (1.8)	
	Don't know	42 (10.9)	36 (9.4)	6 (1.6)	
6.	Female inheritance share has not been on the agenda of major political parties				
	Yes	74 (19.3)	33 (8.3)	7 (1.8)	$x^2 = 16.492$ (0.002)
	No	100 (26.0)	64 (16.7)	6 (1.6)	
	Don't know	47 (12.2)	38 (9.9)	15 (3.9)	
7.	Female organizations in your area/village (if any) never raised female inheritance issue				
	Yes	100 (26.0)	39 (10.2)	8 (2.1)	$x^2 = 26.398$ (0.000)
	No	78 (20.3)	51 (13.3)	4 (1.0)	
	Don't know	43 (11.2)	45 (11.7)	16 (4.2)	
8.	Many NGOs in your area are working for giving inheritance share to females				
	Yes	64 (16.7)	31 (8.1)	4 (1.0)	$x^2 = 7.882$ (0.096)
	No	104 (27.1)	66 (17.2)	11 (2.9)	
	Don't know	53 (13.8)	38 (9.9)	13 (3.4)	
9.	Inheritance issue is taught at school				
	Yes	86 (22.4)	39 (10.2)	9 (2.3)	$x^2 =$ 7.139 (0.129)
	No	102 (26.6)	74 (19.3)	11 (2.9)	
	Don't know	33 (8.6)	22 (5.7)	8 (2.1)	
10.	Inheritance issue is taught at College/University level studies				
	Yes	93 (24.2)	57 (14.8)	11 (2.9)	$x^2 = 8.051$ (0.090)
	No	75 (19.5)	57 (14.8)	7 (1.8)	
	Don't know	53 (13.8)	21 (5.5)	10 (2.6)	
11.	Mass media is often discussed inheritance issue				
	Yes	112 (29.2)	72 (18.8)	17 (4.4)	$x^2 =$ 4.094 (0.393)
	No	76 (19.8)	51 (13.3)	7 (1.8)	
	Don't know	33 (8.6)	12 (3.1)	4 (1.0)	
12.	Media made a positive effect on attitude of people regarding female share in family inheritance				
	Yes	90 (23.4)	53 (13.8)	14 (3.6)	$x^2 = 1.409$ (0.843)
	No	93 (24.2)	59 (15.4)	9 (2.3)	
	Don't know	38 (9.9)	23 (6.0)	5 (1.3)	

V. SUMMARY CONCLUSIONS AND RECOMMENDATIONS

The present study was conducted to find out the major causes of denial to female share in family inheritance. Data were collected from the land and property owners belonging to the four selected areas i-e two each from the rural and urban areas of district Peshawar. Following is the summary along with conclusions and suitable recommendations found after the analysis of data.

5.1. Summary

Regarding the personal characteristics, results report the sampled respondents mainly (52.6%) had age between 31-50 years. Around three fourth of the total had education at matric (18.2%), intermediate (12.2%), bachelor (17.2%) and master (14.7%) level. Joint family system mainly (69.8%) prevailed in the study area. Around 48.2 and 25.2 percent of the families had 2-3 and 0-1 married females who in 63.5 percent of the cases had married within the family. Government (29.9%), private (15.4%) and agriculture (19.8%) were the main income sources where 30.5 percent of the respondents with respect to agricultural land were landless. Another 25.3 and 21.6 had between 11-20 and 1-10 Kanals of agricultural land respectively. In non-agricultural land holdings, 50.5 and 24.4 percent had 1-5 Kanals or 1-10 Marlas of land. Around 70 percent had family income between 20001-40000 (28.1%), 40001-60000 (25.3%) or 60001-80000 (16.9%) rupees per month. With respect to inheritance sharing with the family females 72.4 percent of the sampled families neither shared any inheritance. From those who gave any, a 41.5 and 27.4 percent of the total shared only 2-10 or 11-20 percent the share respectively. Those families who gave full share were only 9 or 8.5 percent of the total respondents. The number of females who received any share were 10.3 percent only.

The results while comparing the selected personal characteristics of those who shared inheritance with those who denied show that more than 70 percent of the sampled respondents from both the shared and denied groups had age between 23-50 years. The percentage of respondents in 50 plus age group was more (30.2%) in inheritance shared group than the other (23.7%). The same was the case in educational status where those respondents who had education up to graduate and

master levels were more among the shared (45.3%) than denied (37.9%) group. Again joint and extended families were more in shared group (72.6 and 5.7%) than the denied group (68.7 and 3.2%). The involvement of inheritance share group respondents was more among the respondents involved in government job (34%), agriculture (20.8%) and other (17.9%) than the denied (28.4, 19.4 and 15.4% respectively) group. Those families who shared inheritance had both agriculture and non-agricultural land but in family's income the largest percentage of inheritance shared group had monthly income between 150000 & above (24.5%), 40001-60000 (26.4%) and 60001-80000 (20.8%) compared to 20001-40000 (34.5%), 40001-60000 (24.8%) and 60001-80000 (15.5%) rupees per month in non-shared group.

Results also indicate the classification of inheritance shared and non-shared/denied groups on the basis of rural and urban areas. In inheritance shared group the highest percentage of age in the rural areas was of the respondents from 23-50 (56.8%) whereas the same in the urban areas was 56.1 percent. In inheritance denied group, the highest percentage was again of 31-50 years in both the rural (56.9%) and urban (54.5%) communities. In connection with education the highest percentage was of those who shared inheritance in rural communities had master level education (27.3%) followed by 20.5 percent each with middle and matric degrees. The same in the urban areas was of master degree holders (33.9%) followed by bachelor (17.7%) and intermediate (14.5%) level education. In inheritance denied group, this was more or less the same among all groups. Agriculture (38.6%) and government job (31.8%) along with 41-80 Kanals (65.9%) of agricultural and 1-5 Kanals (45.9%) of non-agricultural land were the major economic features of inheritance shared group living in the rural areas. In urban areas it was government job (35.5%), other or multi-occupation families (24.2%) who were either landless (35.5%) and had 41-80 (35.5%) of agricultural and 1-5 Kanals (37.1%) or 1-10 Marlas of non-agricultural land. In inheritance denied group, occupation was again agriculture (33.3% where 60.4 and 61.8 of the respondents had 41-80 of agricultural and 1-5 Kanals of non-agricultural land in rural areas. In urban areas it was government (35.1%) and private (22.4%) job holders who were landless (49.3%) or 1-5 Kanals (46.3%) or 1-10 Marlas (35.8%) of non-agricultural land holdings. In connection with monthly income of inheritance share families living in rural areas two thirds of the total respondents had income between 40001-60000 (29.5%), 20001-

40000 (18.2%) or more than 150000 rupees (20.5%) while the same in the urban areas was of those who had 40001-60000 (24.2%), 60001-80000 (25.8%) or above 150000 rupees per month (27.4%). In inheritance denied group, majority in rural areas were families having 20001-40000 (42.4%) and 40001-60000 rupees (22.2%) per month while it was again the same income groups in urban areas with 26.1 and 27.6 percent respectively. With respect to inheritance sharing with the family females, it was more in the urban areas (16.1%) compared to the rural (11.5%) while denial on the other hand, was more in the rural (37.5%) than the urban ones (34.9%). Inheritance sharing on the other hand was more in rural (70.5%) and urban) and government Job (22.2%)(67.8%) areas families having 1-4 females. In rural areas, majority (52.3%) had shared 2-20 percent of the female share. Another 22.7 and 15.9 percent had shared 11-20 or 21-30 percent respectively while those families who gave full share were only 4.5 percent of the shared group. In case of the same in the urban areas, almost two-third of the total respondents shared 2-10 (33.9%) or 11-20 (30.6%) percent of family inheritance while those gave full share were only 11.3 percent.

The Univariate analysis while stating the perception of sampled respondents about the dependent variable i-e female inheritance rights denied reported no (79.9%) to high level of women land ownership in the study area. Instead inheritance denial was a common practice both in the study area (76.6%) and the family (78.1%). Land according to the sampled respondents was restricted to male mostly (83.6%) and consequently 94.8 percent reported no in response of giving full inheritance share to family females. They attributed this to no female inheritance sharing practice in the area (78.1%) followed by calling it culturally inappropriate (69.5%) and women themselves also refused the share (57.0%). In response to first independent variable males' economic interest in inheritance, family land and property were called the most fundamental resources (71.6%), which gave economic empowerment (70.5%) and hence were critical assets for family males (57.0%). Inheritance share was again called distribution of wealth (66.4%), males wanted to keep it in the family (71.4%) as it is basically an economic issue (73.7%) and control over or grant not only economic power (66.4%) but also extends also to social and political power (71.1%). One cannot deny the role of legal institutions in inheritance transfer to females. however, despite the respondents' knowledge about women inheritance share given by Pakistani Constitution (66.9%), which according to 54.4 percent of the respondents

is further guaranteed by many rulings and decisions of the Pakistani Supreme Court. Despite this, current legal system was called the system of oppression (57.8%), where courts generally favor males (43.8%) in inheritance cases and hence only 23.7 percent of the respondents' family females contacted courts for their inheritance rights. Similarly, both the police (52.3%) and revenue department (53.9%) also reported favoring males. Religious laws and practices were the other sources of information and guidelines for the sampled respondents. Again respondents were clear about inheritance laws in Quran (94.5%) which do not allow man (81.3%) to deny woman's share in inheritance. Role of mosque (51.8%) and religious leaders (58.9%) were also praised but people still found lacking knowledge about women's inheritance share (65.6%). Patriarchy might be the major cause of denial as women position was determined by its relationship with males (82.0%). Females had a subordinate position (59.1%), and female were considered responsible for maintaining family honor (77.6%). Men on the other hand had a strong ego and aggressive treatment towards family females (70.1%). Many men treat women as a property though do not express it openly (59.9%) and were found believing that men had more inheritance rights as compared to females (68.0%) and women should sacrifice her inheritance rights (41.1%). The major inheritance norms that helped the denial process further were reporting 'no' to common practice of inheritance sharing with family's females (55.7%). Instead norms favored keeping inheritance within patriarchal family (75.8%) and to the family's males (66.4%). On the other hand women were reported not interested in inheritance (65.4%) and gave their share to brothers to keep the sweetest relation intact (87.0%). Customs favor the denial (78.6%) and also females do not have capacity to control and deal with property and land (58.6%). Many cultural based inheritance practices that further contributed to the denial were women refused their share to maintain peaceful relations with their male family members (61.7%), helping family females during marriage/odd situations (63.3%) and dowry (66.9%) as alternate to inheritance share. To keep the inheritance within the family and stop females from demanding inheritance, marriages were arranged with the inheritance entitled females' children (62.8%) along with paternal cousin/lineage (56.5%). Women also faced a number of legal problems in connection with getting their inheritance rights. The foremost among these was the existence of dual laws system (70.1) where cultural norms in routine override the statutory laws (61.7%). Brothers and other family respondents also reported mark thumps on inheritance documents

(52.6%), take power of attorney (50.0%) or made fake documents (49.5%). Women were also not in a position to contact the legal institutions as the attitude of the concerned officials was not good whereas the social and material cost of litigation was found very high (77.6%). legal procedure was also complicated (71.6%) and women according to 70.6 percent of the respondents even did not have knowledge about their share. Social institutions could have played a better role but again family had not played a positive role (62.2%). Instead family (62.5%) and family elders (68.5%) supported males in inheritance matters. Inheritance denial on gender was again not found on the agenda of *Jirga* (54.9%), major political parties in Pakistan (44.3%), leading NGOs (47.1%), media (52.3%) nor specific part of curricula both at school (48.7%) or college/universities (36.2%).

Bivariate analysis while probing the economic aspect of inheritance reports a significant association of the dependent variable women inheritance rights denied with some of the major economic features of inheritance such as land and property as the most fundamental economic resources (p=0.020), which are sources of economic empowerment (p=0.037) and hence became critical assets for family males (p=0.000). Males wanted to keep inheritance in the family (p=0.000) because its distribution is in fact the distribution of wealth (p=0.049) and its control gives economic (p=0.027) over the family females. Regarding the role of the legal institutions a significant association was again found with regard to respondents lack of knowledge about the statutory inheritance laws (p=0.016). The current legal system was validated as source of oppression (p=0.004) by favoring males (p=0.031) in female's related inheritance cases. With respect to religion, religious institutions and its practice, a significant association of women inheritance rights denied was found with the role played by the mosque (p=0.002) and religious leaders (p=0.010) but the results also reported people still lacked Islamic knowledge about women share in family inheritance (p=0.039) and denial to women inheritance share is clear violation of Islamic laws (p=0.002). Patriarchy was the second strong factor after economic interest in inheritance denial on gender basis. A significant association of women's inheritance rights denied was found with most of the patriarchal based ideas. They included woman position is determined by its relationship with man (p=0.012); they are subordinate to man (p=0.001); man's honor resides in women actions (p=0.002); women should keep silent (p=0.015) and sacrifice her share (p=0.000) in family inheritance; men have

more inheritance rights (p=0.000) who many times treat them even as their property (p=0.040) and it is inappropriate for female to demand share in inheritance (p=0.001). Inheritance norms and practices further supported their undue claim. The inheritance norms that were significantly associated included that inheritable wealth is kept within the family (p=0.003) because males make the decisions (p=0.049) where customary and traditional laws favor land rights to male members (p=0.002) while females on the other hand, do not have mental capacity to deal with the inheritance issues. Female inheritance rights denial was further found justified through socio-culturally designed practices such as it is impossible for females to own land (p=0.018); women themselves refused their share due to love and respect for brothers (p=0.002); natal family has already helped and spent the woman's share on their marriage/ other situations (p=0.043) and dowry (p=0.004). Further, women inheritance rights denied was also reported significantly associated with special type of marriages arranged to keep land property in the family such as cousin marriage (p=0.007), exchange marriage (p=0.004), marriage with Quran (p=0.013) and children of inheritance entitled females (p=0.007). Some of the unlawful methods used included cultural laws supersede the statutory laws (p=0.015), power of attorney was taken from the females (p=0.006) while females could also not pursued their inheritance share cases because the legal procedure was very cumbersome and social and material cost of the litigation was reported very high for females (p=0.010). Social institutions were also found unable to address the issue. A significant association in this respect was found with family (p=0.040) and elders (p=0.000) who favored males in inheritance cases. Similarly, the inheritance was not reportedly discussed as major issue in *Jirga* (p=0.002) nor it was on the agenda of the political parties (p=0.002) or was aroused in the local level female organizations (p=0.000).

5.2. Conclusions

Woman's share in family inheritance has always been a major issue throughout the world. It has been addressed to a large extent in many of the world developed countries but still a major concern in the traditional societies. The present study concluded that inheritance denial was a common phenomenon in both the rural and urban components of the study area. Many times it had not been even considered a social problem or a violation of basic human right. Generally, it was difficult to differentiate the respondents on the basis of age, family type, family size, occupation,

size of land holdings and monthly income. However, the denial was more in the families having endogamous structure, low education and low or single source family income. Almost three fourth of the total sampled families in the study area were found denying the inheritance rights to their females. On the other hand, those who gave full share were only 2 to 3 percent while the remaining mostly shared meagerly mainly to keep the women and their in-laws quiet.

Land and other property were identified as the fundamental source of income, prestige and power. It restricted women to get their share, as the sharing of such property could weaken the existing economic and social control of the relative families. Results confirmed that inheritance denial on gender basis was an intentional male act who wanted to keep land and property not only within the family but also in the possession of family males. The patriarchy, inheritance norms and practices promoted the male action further. Patriarchal norms prevailed even in the big city like Peshawar. Male reported females as subordinate to males hence got more inheritance rights. The females in return were found kept silent and declined in demanding her inheritance share. Respondents were found both believing and actually practicing the patriarchal norms. The general social norms in one way or other also supported the male interest where all the relationships, emotions and traditions were found strengthening male claim on female inheritance share. The male claim was further boosted by specially designed inheritance practices which in most cases made impossible for women to claim their share. The expenses on females' marriage and dowry were some of the vital examples, as substitute for their share in inheritance. The same inheritance was further saved by arranging exchange marriage, marriage within the paternal family and with the children of inheritance entitled women. The results thus validated the ethnomethodology theory which cites that goals in the daily life were met through locally designed methods.

Legal, religious and social institutions were the bodies devised to meet the basic needs of the people. Legal institutions were the most important forums concerning the women inheritance rights, however, the results revealed mainly a dysfunctional role of legal institutions in the deliverance of inheritance rights to females. Non awareness regarding the inheritance law was found as the main reason especially among the females. The females not only hesitated but also were not in a position to contact the courts, revenue department and police due to lack of exposure,

cumbersome procedures, attitude of court and police officials and purdah system. Ignorance to inheritance religious laws regarding division of property between both genders was the contributing factors of the local and contemporary laws domination and poor performance of clergy in disseminating the knowledge to locals.

The role of various social institutions in imparting inheritance share to females in the study area was vague. Family, the basic social institution was found failed to protect female's inheritance rights and instead supported males. The same was the case of *Jirga* which was also male dominated. Female inheritance issue was found seldom discussed in *Jirga*. Females were strictly prohibited to participate either as a member or present their cases as a client in the *Jirga*. The political parties, media, NGOs and educational institutions though were the most powerful bodies but did not address the issue at all or to the extent it deserved.

The study partially validated Marx (Malik, 2005) in general and the Socialist Feminists' and intersectionality theories presented under Structural Oppression by Ritzer (2010) in particular. The results endorsed the idea oppression or discrimination on the basis of gender was a common phenomena and found among almost all groups in the study area based on region, language, education, occupation, size of land holdings, family income etc.. In fact it became a social and cultural norm where due to inequality on gender basis, males in Pakistan were deriving economic benefits through denying the women rights in family land and property i-e the inheritance. The study further confirmed how the social structures such as legal, religious and social institutions directly or indirectly protected the domination and interest of dominant group i-e the males. They results also recognized the role of patriarchy, heterosexuality and capitalism with respect to inheritance denial on gender basis. However, the other structure identified by the Socialist Feminists i-e the racism did not exist in the study area. Moreover, the results also identified inheritance norms and practices as the major determinates of the denial process but was not the main emphasis of the structural oppression theory.

5.3. Recommendations

The following recommendations are made on the basis of the study findings:

1. Inheritance sharing on gender basis was one of major social problems but found ignored by people at individual and collective levels. For a general acceptance and understanding of female inheritance share at society and community levels, we have to accept and admit inheritance denial to the family females as a basic social problem. It should be highlighted on priority basis as it is a highly ignored issue and many people did not even consider it a violation of females' basic human rights.

2. Inheritance was constantly denied to family females despite having clear rules in Pakistan. There is no need of further legislation. Pakistani laws were/are very clear about women's inheritance rights and its violation especially after the introduction of 2011 Women Rights Bill. The issue can be addressed by implementing the existing laws.

3. Lack of information and mobilization was common factor regarding women share in family land and property. By using different media sources, the local population at community, household and individual levels, should be mobilized to share inheritance with their females through different arguments such as;

    a. Inheritance sharing is a two way process. If you share with your females, you can also get the share of your wives or the females married in your family.

    b. Males claim their right on inheritance because God Almighty and statuary laws have made them the heirs. It is the same God Who also made females heir in the same family's inheritance.

    c. Inheritance share is also the basic right of females. If you deny it you violate both the statuary laws and the Quranic commandments.

    d. Dowry and expenditure on women's marriage and helping them in odd situations are not substitute for their share in family land and property.

e. Female's inheritance cases and females themselves should also be made part of Jirga and other conflict resolution bodies and

f. Female's inheritance share decisions, instead of customary laws and practices, should be made on the basis of laws prescribed by the Quran and the Constitution of the Islamic Republic of Pakistan.

4. Various institutions were more or less found dysfunctional in playing their role regarding females share in family inheritance. In order to make them functional, all the legal, religious and social institutions should be used to ensure and facilitate at least to avail the women rights in family inheritance. Special attention in this regard shall be given to the following.

   a. Mosque and religious leaders should regularly inform people about the Quranic view of inheritance share and its violation.

   b. NGOs and CBOs should focus on the female's inheritance issue particularly as they have the capacity, manpower and resources to motivate the people as done by an NGO in Sindh province.

   c. National level political parties are the bodies that can address the issue more effectively than the other institutions. They have the capacity, chance and legal authority to target and resolve the inheritance issue on gender basis in a most effective way.

   d. Educational institutions such as schools, colleges and universities can help with a positive attitude to inheritance sharing with the family's females if inheritance laws become part of the curricula which was either lacking or did not emphasize especially like other basic females' human rights.

   e. Media, especially, TV can further accelerate the inheritance sharing process by informing and motivating the public through highlighting it in advertisements, dramas and discussion programs.

5. Legal institutions such as courts, revenue department and police were the most effective bodies in dealing with inheritance share on gender basis, however, they were found mainly failed in playing their proper role. They should be

made more functional keeping in view of problems faced by women in accessing them for getting their share in family inheritance.

6. Retaining family inheritance through unlawful and practices was still being practiced in one way or other. All unlawful methods and practices such as female names are omitted from the heir list, fake deeds or documents are made, power of attorney is taken from females, brothers/males mark thumb on inheritance documents etc. should be dealt strictly by law enforcing agencies.

7. Transferring land and property on females was big issue for the females who lacked knowledge, education, and exposure along with long and cumbersome procedure to get inheritance. Inheritance transfer procedure should be made easy as it was very difficult for women to follow the current six steps procedure.

8. All inheritance norms, practices and marriages that favored males in denying inheritance share to family's females should be checked and discouraged through using mosques, religious leaders, media, NGOs, political parties and law enforcing agencies.

9. Contacting court, police and revenue department in connection with inheritance share was found very difficult for the females. The females could not afford the social and financial cost of litigation. This should be addressed through establishing special courts, police stations or hiring female officials in the relevant bodies/organizations.

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Annexure I

INSTITUTE OF SOCIAL WORK, SOCIOLOGY AND GENDER STUDIES, UNIVERSITY OF PESHAWAR

Topic: FACTORS AFFECTING WOMEN'S SHARE IN FAMILY INHERITANCE IN DISTRICT PESHAWR, KHYBER PAKHTUNKHWA

Selected Personal Demographic Characteristics

1. Sr. No.:_____ 2. Date: _____

3. Place/Area: _____ 4. Age: _____

5. Education: _____ 6. Occupation: _____

6. **Family Type:** Nuclear/Joint/Extended 7. Household Head (who): _____

7. **Size of the Family:** Males: _____ Females: _____ Total: _____

8. **Female Entitled Inheritance Marriage*** **No. Unmarried** **No. Married** **Mode of**

a.	Daughter (s):	_____	_____	_____
b.	Sister (s):	_____	_____	_____
C.	Father Sister (s):	_____	_____	_____

*1.1 Arranged 1.2. love/Courtship 2.1. Endogamous 2.2.Exogamous 3.1Exchanged 3.2Bride Price 3.3Swara/Vani

9. **Family Assets**

a. Land: Agri. (Jareeb):_____ Non Agri (Jareeb/Marla): _____

b. Cash (Rs): _____ c. Business (Rs): _____ d. Other (Specify (Rs)):_____

10. **Family Income** (Rs) Land: _____ Property: _____ Services: _____

Remittances: _____ Other: _____ Total: _____

11. Did you give/receive the inheritance share to the females in your family? Yes/No

If yes, to/from whom a._____ b._____ c._____

d. Total value of the actual share in family inheritance: _____

e. Percent of actual share/right given to your family females: _____

Females Inheritance Rights Denied

Sr, No.	Statements	Yes	No	Don't know
1.	There is high level of women legal land ownership in your area			
2.	Women inheritance denial has been a common practice in your family			
3.	The transfer of land and property is mostly restricted to men			
4.	Few women in your family directly inherit any property			
5.	You give full share to your women entitled family inheritance			
6.	You give no share to your women in family inheritance			
7.	It is culturally inappropriate in your family for a woman to own and share inheritance			
8.	No practice of inheritance sharing with women in your family			
9.	Your women refuse their share and give it to their brothers out of respect			
10.	Female names are excluded from the heir list in your family			

Males Economic Interest

Sr, No.	Statements	Yes	No	Don't know
1.	Land and property are the most fundamental resources in your opinion			
2.	Land and property are also sources of economic empowerment			
3.	Property and land have been a critical asset for males in your family			
4.	Inheritance/property deals with the distribution of wealth			
5.	Males in your family want to keep land and property within the family			
6.	Inheritance denial to women in your view is basically an economic issue			
7.	Control over inheritance in your view grants economic power to men over women			
8.	Control over inheritance you think further extends to social and political power			

Legal Institutions and Female Inheritance Rights

Sr, No.	Statements	Yes	No	Don't know
1.	Pakistani Constitution guarantees women share in family inheritance			
2.	You do not have knowledge about women share in family inheritance			
3.	Many of the Supreme Court rulings/decisions guaranteed women inheritance rights			
4.	Current legal system in your view gives dominance to male or a major source of oppression			
5.	2012 amendments in Pakistani Constitution will enable women to get their share in family inheritance			
6.	Courts generally favor males in inheritance cases			
7.	Women in your family approached courts for their inheritance rights			
8.	Courts generally give them (women) their due inheritance rights			
9.	Police generally favor males in inheritance cases			
10.	Revenue department generally favor males in inheritance cases			

Religious Laws and Practices

Sr, No.	Statements	Yes	No	Don't know
1.	Quran provides clear laws about women share in family inheritance			
2.	Quran allows men to deny women in family inheritance			
3.	Islam does not permit women to get share in Family inheritance			
4.	Mosque has played its proper role in giving inheritance to women			
5.	Imams or religious leaders you follow often speak about women inheritance share			
6.	Religious Leaders in your view play active role in the provision of inheritance rights to women			
7.	People mostly lack Islamic knowledge about women inheritance share			
8.	Inheritance denial to women in your view is clear violation of Islamic laws			

Patriarchy and Female Inheritance Rights

Sr, No.	Statements	Yes	No	Don't know
1.	Women position in society in your view is determined by its relationship with males			
2.	Women are subordinate to men			
3.	Man's honor resides in the actions/behavior of the women			
4.	Women silence in your opinion/family is considered an appropriate behavior in inheritance share cases			
5.	Women in your view are responsible for maintaining the family honor			
6.	Woman should compromise with her opinions and sacrifice her dreams in inheritance share cases			
7.	Men in your opinion have more inheritance rights than women			
8.	Parents in your family teach daughters to compromise her own interests in inheritance share cases			
9.	Men treat women as property though not expressed openly			
10.	Men have a strong ego and aggressive temperament directed towards his wife and family			
11.	It is culturally appropriate for a woman to own and share inheritance especially the land			

Inheritance Norms

Sr. No.	Statements	Yes	No	Don't know
1.	Brother-sister relationship in your family is the most ideal and sweetest relationship in your view			
2.	Sisters in your family always look their brothers in odd/difficult situations			
3.	There is common practice of inheritance sharing with females in your family			
4.	Transfers of land and property is always restricted to men in your family			
5.	Women in your family are not interested in inheritance			
6.	The heritable wealth especially the land in your family is kept within the patrilineal family			
7.	The customary/traditional land rights favor males			
8.	Family decisions in your family are made by men			
9.	Female in your opinion lack mental capacity to deal with inheritance share			
10.	Brother-sister relationship in your family is the most ideal and sweetest relationship in your view			
11.	Sisters in your family always look their brothers in odd/difficult situations			

Socio-Cultural Inheritance Practices

Sr, No.	Statements	Yes	No	Don't know
1.	In your family it is almost impossible for females to own land due to customary laws			
2.	Customary land rights often favor men			
3.	Women in your family refused their share and give to their brothers			
4.	Helping daughters/sisters during marriage/other situations you think is alternate to inheritance			
5.	Cousin marriage with brother and sister children forbid women and their family in claiming their inheritance rights			
6.	Males protect land and property by marrying with paternal cousins/lineage in your family			
7.	Males protect land and property through exchange marriage			
8.	Males protect land and property through marriage with Quran			
9.	Dowry is equated with inheritance share			

Inheritance Related Law and Practices

Sr, No.	Statement	Yes	No	Don't know
1.	The cultural norms routinely override the statutory women inheritance laws			
2.	Female name is omitted from the heir list			
3.	Brothers mark thumbs on inheritance documents			
4.	Power of attorney is taken from family females			
5.	Fake sale deeds or documents are made			
6.	Attitude of revenue and other government officials is not favorable with females in inheritances related cases			
7.	Legal procedure of obtaining inheritance is cumbersome			
8.	Social and material cost of litigation is too high			
9.	All inheritance related legal contacts in your family is executed by men			
10.	Females lack knowledge about their share in inheritance			

describing brother-sister relationship in your family is the most ideal and sweetest relationship in your view (p=0.163) whereas it was significantly associated when asked sisters in your family always look their brothers in odd/difficult situations (p=0.014). This was not mainly due a strong contact and interaction between brothers and sisters in Pukhtun society. Respondents stated that they love their sisters but do not consider relationship with their sisters as the most ideal and sweetest due to patriarchy but they always look to them in difficult situation and in return they also look to them. The results contradict the Goodnow and Lawrence (2010), Chaudhry (2009) and Zneid (2001) who reported that relationship within the family determines the inheritance share; the brother-sister relationship is a core relationship in Pakistani social structure and is considered as a relationship of love, confidence, respect and trust and it is the brothers who always stand with their sisters.

Results again report a non-significant association between women inheritance rights denied and the independent variable's statements with respect to prevailing norms such as there is common practice of inheritance sharing in your family (p=0.818); transfers of land, property, and power are always restricted to men in your family P=0.093) and women in your family are not interested in inheritance (p=0.617). The first statement results support the main idea of the study that inheritance sharing with family females is not a common practice as most of the respondents did share any inheritance with their females (see table 4). It was also not true that inheritance transfer is always restricted to males in their family, as around 10 percent of the sampled families had shared at least some in heritance with their females. Similarly, it was the males (respondents) who disagreed that their family females were not interested in family's inheritance. Okello (2003) and Bankole (2001) called violation of women's property as an accepted norm in many African countries whereas for the UN High Commission (2001) reported that customs do not allow women to inherit any land and property from both the parents and husband in Rwanda. Similarly, land rights are determined primarily by the customs in Afghanistan (Wily, 2004) and India (Menon, 1994) whereas the same in Pakistan are decided by norm and values of the area (USAID, 2014) and by *Riwaj* meaning norms or traditions among Pukhtuns within Pakistan (Room, 2012).

Regarding inheritance norms, a significant association was found between women inheritance rights denied with the independent variable's statement that