
Gender Justice and Women's Inheritance Rights in Rural Peshawar, Pakistan: A Human Rights Perspective

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Abstract

Women's right to property inheritance forms one of the most continuously infringed areas of gender justice in Pakistan and in the rural context, where the customary laws often override the statutory and religious laws. This paper explores the inheritance rights of women in rural Peshawar, a human-rights discourse to explain how the formal policies are not aligned with the reality of those who are affected. Using an analytical framework which integrates the Pakistani statutory law, the Islamic investment principles of inheritance, and the relevant international human-rights standards, the study explains the joint role of these factors that have led to the systematic denial of property rights to women. The setting of the discussion puts the local practices into a broader framework of human-rights on gender equality and property rights, and supports the importance of international tools, e.g., the Convention on the Elimination of All Forms of Discrimination against Women. A critical analysis of the legal texts, traditional practices, and moral principles helps to prove in the study that the exclusion of women from inheritance is not only an obstacle to gender justice but also a violation of the basic human-rights commitments. The article ends by presenting the idea that the rights-based intervention should be adopted, which will integrate legal reforms, institutional responsibility, and community-level awareness to strengthen the enforcement of the right of women to inheritance in rural Pakistan.

Keywords: Gender justice, women's inheritance rights, rural Peshawar, human rights, legal empowerment, socio-cultural barriers, Pakistan

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Introduction

In Pakistan, the right to inheritance by women is formally guaranteed by the Islamic law, the Constitution, and the statutory provisions. Women are assured of certain shares of inheritance by Islamic jurisprudence, whereas the Succession Act 1925 and the Muslim Family Laws Ordinance 1961, through Pakistani law, reaffirm such rights (Tarique Law, 2016). The 1973 Constitution grants Article 23 that ensures that every citizen has the right to buy and sell property without discrimination (Tarique Law, 2016). Even with such safeguards, cultural stereotypes, social influence and access to justice have been depriving many women of their legal inheritance, especially in rural communities like Peshawar (Pakistan Today, 2016).

Patriarchal culture and cultural practices in rural Peshawar often take precedence over the law. Women are often not able to claim their legal share due to some of the practises like informal family settlements or pressure to give up inheritance (Pakistan Today, 2016). Where women go to courts, they face the challenge of family interference, ignorance and the lack of legal assistance to enforce the law. This has seen women be left economically vulnerable and socially marginalized and they cannot exercise their fundamental human rights (Gul, Zeb & Advocate, 2016).

The continuity of the denial of inheriting is representative of more structural disparities. Socio-cultural practices, economic reliance on their male kin, and the lack of knowledge make women unable to obtain their rights to inheritance (Gul, Zeb & Advocate, 2016). Research indicates that in spite of the explicit laws that protect the rights of Pakistani women through property, there is an enormous disparity between the legal rights and the reality due to the loopholes in enforcing the law and social opposition (Gul, Zeb & Advocate, 2016).

As a human right, denying women their inheritance rights is against the internationally recognised norms. Articles 2 and 3 of the Universal Declaration of Human Rights assure equality before the law, and CEDAW requires states to abolish discrimination of women in terms of property and inheritance (UN General Assembly, 1979). When the women in the rural setting are denied access to their inheritance, they are denied their rights to equality, economic security, and dignity.

The legal interventions of recent years in Pakistan are an indication of improvement, albeit not free of challenges. The judiciary has on numerous occasions upheld the right to inheritance by women and demanded mechanisms to help in enabling women to claim their shares (Pakistan Today, 2016). In the provinces, the draft Women Inheritance Rights Implementation Bill in Punjab is intended to enhance the enforcement in tribunals and specific ombudspersons (Nation, 2016). They show an increasing awareness of the need to operationalize the rights of women to inheritance, although there is an uneven application of these rights.

The problem is also aggravated because of the access to legal advice and justice in rural Peshawar. Lots of women do not know their right to inheritance and what legal procedures they need to follow in order to get their rights. There are cultural stigmas that do not allow women to seek property rights, thus making them avoid seeking

justice (Gul, Zeb and Advocate, 2015). Legal provisions cannot secure the claim of inheritance by women without proper awareness campaigns and social support.

Studies indicate the necessity of integrating legal change with social interventions. According to scholars, legalization of female rights should be combined with the strategies of dealing with social practices, monetary dependence, and the practical obstacles to obtaining them (Hussain, Usman & Sial, 2016). The last step of closing the law and practice gap is to build community awareness among rural populations and offer legal support that is easy to access (Gul, Zeb and Advocate, 2016).

Problem and Research Gap Statement

Although guaranteed by the constitution and enshrined in the law, most women in rural Peshawar are systematically deprived of their inheritance rights because of the traditional system, socioeconomic obstacles, and ineffective enforcement systems. The problems of inheritance are frequently considered at the national level or in other provinces, but the problem of rural Peshawar is not specifically analyzed. The given research will fill this gap as it will discuss the legal, social, and human rights aspects of women inheriting in this particular situation (Ahmed et al., 2015).

Objectives of the Study

The paper will seek to examine the intersectionality of gender justice and right to inheritance in rural Peshawar, with a human rights paradigm. The specific objectives are:

- Investigate the legal system that regulates the rights of women to inheritance and their provision in rural Peshawar.
- Establish socio-cultural, economic, and institutional obstacles to women inheriting.
- Evaluate the compatibility of current legal provisions on legal protections against international human rights.
- Advise on which strategies can be used to have greater enforcement of women rights on inheritance and enhance gender justice in rural settings.

Literature Review

International and Comparative Law of Inheritance

The rights of women to inheritance are an issue that has been on the Human Rights discourse for many decades, especially since the establishment of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 (United Nations General Assembly, 1979). Research all over the world has shown that even with legal provisions in place that provide women with the right to inheritance, women are often hit by social, economic and institutional obstacles that deny them their fair shares. Studies in South Asia, the Middle East, and Africa emphasize the fact that women are often unable to inherit the family business or any other property due to

traditional practices, patriarchal family constructions, and insufficient legal enlightenment (Grown & Sebstad, 2016; UN Women, 2016). Indeed, case in point, the authors indicate that despite offering an opportunity to allow women to inherit property, in India and Bangladesh, it is the established social values that make women constantly give precedence to male members of their family or become compelled to give up their portion (Chowdhury, 2016; Malhotra et al., 2016).

The right to inheritance of women is also constitutionally guaranteed in the regional sense of Pakistan, which is under the Muslim Personal Law and is further added with the help of legislative provisions, which are the West Pakistan Muslim Personal Law (Shariat) Application Act of 1962. Nevertheless, many studies highlight the fact that women living in rural areas, particularly in areas such as Khyber Pakhtunkhwa (KP), encounter some unique issues because of tribal practices, male-dominated decision-making, and ignorance about women's legal rights (Ahmad et al., 2016; Gul et al., 2016). These papers point out that even with the formal legal systems, the actual implementation of the rights of inheritance is severely limited by cultural traditions and local interests.

The comparative study in South Asia and the Middle East also highlights the fact that women in rural and tribal areas are especially vulnerable. As an example, in Afghanistan, social norms usually do not allow women to inherit property of male relatives even when the law allows it (Hosseini and Kakar, 2016). On the same note, women in rural Iran and Yemen are hindered by structural obstacles and social stigma that, in effect marginalizes them in matters of property ownership (Moghadam, 2016). This evidence brings about the notion that reforms in legislation cannot solely guarantee gender justice; social, educational, and institutional interventions have to accompany them to make women feel comfortable in asserting their rights.

Gender Justice Frameworks

The theoretical framework of gender justice focuses not just on the formal equality in front of the law but on the substantive equality that concerns the barriers observed in the structure and the society, which denies women the expectation to enjoy their rights (Fraser, 2009). According to scholars, gender justice would unite both legal and socio-cultural aspects of inequality in assessment. Regarding inheritance, the rights of women may be guaranteed legally, yet ingrained gendered societal rules, like patrilineal families, frustrate the spirit of the acquisition of said rights (Razavi, 2016).

Legal feminists have expounded on ways of conceptualizing the issue of inheritance rights in a patriarchal society. Choudhury (2016) postulates that gender justice in property rights entails access, control, and ownership of property to women, and their agency to decide on property inheritance. This model highlights the overlapping of gender, class, and rural-urban factors in determining access to resources among women. According to other scholars, social empowerment, legal literacy and institutional support structures are also important elements towards gender justice in inheritance (Kabeer, 2015).

Gender justice in the matter of inheritance has a strong connection with socio-cultural norms in the South Asian context. According to research in Pakistan, rural women are usually socially ostracized or coerced when they demand their inheritance, which is a conflict between the legal provisions and realities (Gul et al., 2016; Ahmad et al., 2016). Such dynamics imply that gender justice paradigms should be developed to address not only the legal assurances but also the enforcement, awareness-creation, and social change mechanisms.

Legal Framework (National and International) on Human Rights

These legal norms on the protection of the right to inheritance by women are based on the national and international human rights instruments. At the national level, CEDAW compels the state parties to eradicate discrimination against women in all aspects of life, such as property and inheritance (United Nations General Assembly, 1979). On the same note, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) offer guidelines on the need to have equality and non-discrimination in property rights (United Nations, 1948; 1966).

Pakistan The Constitution of Pakistan guarantees equality before the law and bans the use of discrimination based on sex (Constitution of Pakistan, 1973, Articles 25 and 34). The statutory enactments of Muslim Personal Law grant women certain shares of inheritance by the male members of the family. But the implementation of these is irregular, especially in the rural and tribal regions. Legal experts observe that there are usually procedural hurdles, the absence of documents, and traditional dispute settlement mechanisms that relegate rural women to the informal courts to demand their inheritance (TariqueLaw, 2016).

Moreover, the mechanisms of safeguarding inheritance rights, including the functions of local councils or formal judiciary, tend to overlap with the norms of patriarchy, which reduces the efficiency of the legislative structures. According to the reports by UN Women (2016), in order to strengthen access to justice among women, legal reforms are not the only measure that is necessary; capacity-building among the law enforcement agencies, the judicial system, and the community leaders is also crucial to empower women to defend their rights.

Gaps in Existing Research

Despite the large amount of research on women's inheritance rights in Pakistan and the rest of the world, there are some gaps. To start with, most of the literature portrays urban or semi-urban environments, and less attention is given to rural or tribal ones, where women have different problems to address (Gul et al., 2016). In the particular setting of rural Pakistan, Peshawar, a lack of thorough-going empirical research on the interaction of socio-cultural norms, family systems and localized governance systems to affect the right of women to inheritance.

Second, the legal analyses are very high, but there is a lack of incorporation of human rights perspectives that critically examine the disparity between the statutory provisions

and implementation. Scarcely any literature applies the rights-based approach that connects gender justice, human rights law, and social realities on the local level. Third, the effectiveness of interventions designed to empower women in asserting inheritance, e.g. legal literacy programmes, community advocacy, or contact with religious and tribal authorities, is under-researched.

Lastly, little has been done to address the intersectionality of gender, age, socioeconomic status, and education in influencing the results of inheriting something. Low literacy and economic capacity of rural women represent compounding challenges facing low-income rural women, which exist between low literacy and economic resources. These gaps are important to fill the gaps in the formulation of effective policy recommendations and human rights interventions that are sensitive to the local realities and in accordance with the international human rights standards.

To sum it up, according to the literature, the right of women to inheritance is safeguarded by the law; however, in practice, it is often neglected due to social, cultural, and institutional restrictions. The frameworks of gender justice highlight the need for substantive equality and the elimination of structural and normative barriers. Law enforcement is another issue, where national and international laws have formal protections, but they have not worked to guarantee their enforcement in rural settings like Peshawar. The available literature demonstrates general patterns but creates huge gaps in the knowledge of the lived conditions of rural women, especially in relation to the intersectional nature of vulnerabilities and the effectiveness of rights-based interventions. The gaps offer a basis for the current study by aiming to investigate the issue of inheritance rights in rural Peshawar within a human rights framework, considering legal, social, and gender justice levels.

Theoretical/Conceptual Framework

Human Rights Perspective

The human rights approach is the dominant theoretical vision, according to which the rights of women to inheritance in rural Peshawar are reviewed. Human rights codified in international law are inalienable, universal, and indivisible, and they are based on the civil, political, economic, social, and cultural aspects (United Nations, 1948). The right of women to inheritance is directly included in the wide scope of property rights, which have been recognized as one of the basic human rights, and they are called by the international instruments, such as the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979). All the instruments mentioned above support equality, non-discrimination, and access to justice to everyone, including women as a particular group.

Human-rights-wise, the right to inheritance is not only the legal right of the woman, but it is the basic part of the economic, social, and personal empowerment of women. Property acquisition grants women independence, assurance and ability to participate in the whole society, thus conforming to the capability approach of Amartya Sen that values the freedom to achieve valuable functioning in life (Sen, 1999). Denial of inheritance thus amounts to a form of violation of basic human rights, which denies women not just material resources, but also power and further inequality, which hinders gender justice.

The implications of the human-rights approach can be used to explain the tensions between the venerated legal guarantees and the socio-cultural contexts in which women are unable to enforce their notice of inheritance claims. Although Pakistani laws, such as those encompassed in Muslim Personal Law and constitutional protections of equality (Constitution of Pakistan, 1973, Articles 25 and 34), hypothetically ensure the rights of women, these rights are often disregarded because of patriarchal values and traditions, as well as due to peculiarities of the tribal communities and local government (Gul et al., 2016). The human-rights approach, therefore, provides a normative approach to the study, and it states that inheritance is not only a minor issue of the law that is privately based but an essential public justice concern that influences the fairness of the society.

Gender Justice Lens

As an addition to the human-rights approach, the gender-justice lens gives a conceptual framework to study structural inequalities and social processes that violate the right of women to inheritance. Gender justice goes beyond formal equality to anticipate substantive equality which covers the causes of discrimination and structural obstructions to access (Fraser, 2009). It looks at the embodiment of gender, class, rural-urban lines, and cultural practices that all form the outcome of women.

Feminist lawyers argue that formal laws do not suffice to create gender justice; enforced and made available to rights are equally important (Choudhury, 2016). A gender-justice approach becomes questionable in this area, not only in terms of legal claims but also in terms of agency, social support and institutional structures that women have to implement those claims. Empirical research in South Asia shows that women in rural and tribal situations often forfeit their heritages because of family pressure or fear of stigma or a lack of awareness of legal repressive measures (Ahmad et al., 2016; Gul et al., 2016).

Other critical concepts that are incorporated using the gender-justice lens include empowerment, autonomy, and agency. According to Kabeer (2015), the ability to engage in strategic life decisions where such agency was formerly unavailable is called empowerment. Using this framework to inheritance hence is an enlightenment of the insufficiency of legal applications to assure women of their rights; they need to be supported by interventions that strengthen the ability of women to exercise these rights, through education, legal literacy, advocacy and community mobilization.

Applicable Models and Theories

The conceptual framework of understanding the right of women to inheritance has a number of theoretical models that it relies on to gain its understanding through the human rights and gender justice insights.

Capability Approach: The model suggested by Amartya Sen (1999) focuses on actual freedoms and opportunities that people have to realize the well-being. When applied to the issue of inheritance, the capability approach postulates that women should have access to property because it is necessary to increase their real options and life opportunities, such as education, economic and personal security. Denial of inheritance limits the abilities of women and thus keeps the cycles of poverty and dependency.

Feminist Legal Theory: This is a theory that criticizes the law as a gendered institution, which tends to reproduce and to reaffirm patriarchal systems of power (MacKinnon, 1989). According to feminist legal scholars, even the formally egalitarian laws of inheritance are interpreted and applied in the context of socio-cultural practices that support the dominance of males. When rural Peshawar is subjected to the feminist legal theory, customary norms, tribal councils, and family pressures that mediate the implementation of the statutory law are more likely to act against women.

Social Norms Theory: According to the social norms theory, behaviour is affected by the perceived community expectations and what people believe others do and what they accept (Cialdini, Landis, and Martinez, 1991). The society in rural Pakistan has norms that determine the priority of male inheritance, family honour and dependency of females, which influence decision-making by women to act or forfeit property. The comprehension of these norms is important towards the formulation of interventions that will match the law reforms with societal transformation.

Intersectionality Framework: This theory was coined by Kimberle Crenshaw in the year 1989, intersectionality analyses the way in which multiple identities that include gender, class, age, and rural residence result in combined susceptibility. The issue of the right to inheritance in rural Peshawar cannot be explained only through a gender prism; the socioeconomic status of women, their education level, tribes, and the state of marriage influence their chances of accessing property. The framework makes sure that when conducting an analysis, these various dimensions are taken into consideration and that generalised conclusions on the analysis are not made that have not taken into consideration the marginalised subgroups.

Rights-Based Approach (RBA) to Development: RBA looks forward to the fact that human rights commitments ought to be the governing principle in development practice, whereby marginalized groups of people should be able to invoke their rights (United Nations Development Programme, 2006). By implementing RBA within the realms of inheritance rights, women can be viewed as possessing their rights, and the local authorities or institutions as responsible. It encourages accountability, involvement, and transparency in legal and social procedures and strengthens human rights and gender justice agendas.

Incorporating Gender Justice and Human Rights

The theoretical framework of the proposed study incorporates the human rights lens and the gender justice lens and is implemented using the above models. A multidimensional analysis is made possible by this integration:

Legal Aspect: The analysis of the legal provisions in the field of female inheritance and their compliance with the international human rights provisions.

Social Dimension: Gauging the role of cultural values, family structures, and community standards regarding the access of women to inheritance.

Empowerment Dimension: The agency, autonomy, and capacity-building processes accessible by women to assert their rights have to be evaluated.

Intersectional Dimension: Poverty, illiteracy, and tribal affiliations have to be analyzed to have a thorough grasp of tributary pressures that fall on the rural women.

The synthesized model will help shift the focus of a purely descriptive legal inquiry towards a more refined and rights-based and socially-based study of rights to inheritance in rural Peshawar. It emphasizes the fact that gender justice in the issue of succession is not only a legal issue to be changed, but it also needs a change in the society, community and the accountability of the institution as well.

Conclusion to the Present Research.

The paper will in this conceptual framework examine the discrepancy between the principle of statutory inheritance and how it is applied practically as in rural Peshawar. It will examine the influence of the sociocultural norms, tribal traditions, gender roles, and power on the decision-making process and chances of women achieving inheritance. The study will also determine the degree to which increased human rights awareness, legal literacy and the support of institutions enable women to exercise their rights.

The framework also informs the methodological direction, which focuses on a qualitative study that would depend on the lived experiences of women and is supplemented by legal and policy analysis. The study seeks to bring out a holistic view of inheritance rights of women by placing the rights where the human rights law, gender justice and the local social reality intersect in a way that is both theoretically sound and practical.

To sum up, the theoretical and conceptual frameworks put the rights of women to inheritance in rural Peshawar as a vital human rights concern. The study offers a multidimensional base by incorporating the human rights approach, the gender justice lens, and the appropriate models like the capability approach, the feminist legal theory, the social norms theory, intersectionality and the rights-based developmental approach. This framework can be used to consider legal entitlements, socio-cultural limitations, and empowerment policies and provides an insight that can be used to inform policy and advocacy as well as future studies regarding gender justice and women's inheritance in rural Pakistan.

Methodology

The paper will be based on a qualitative research design to investigate the issue of women inheritance and gender justice in rural Peshawar, Pakistan. A qualitative design enables an in-depth insight into the lived experiences, perceptions and socio-cultural situations of participants, which is critical to analyzing the problem at the intersection of human rights and gender justice (Creswell and Poth, 2016).

The study area consists of the rural communities that were selected in Peshawar; these were verified based on the presence of patriarchal norms and the incidence of inheritance disputes. The respondents include women with inheritance rights, practitioners of law in the country, the elders in the society, and the representatives of civil society. The purposive sampling will guarantee the selection of individuals who have pertinent experiences and knowledge.

The methods of data collection include semi-structured interviews, focus group discussions and document analysis. Interviews are an expression of personal accounts, whereas focus groups allow one to comprehend societal norms and practices. The analysis of documents will be carried out in terms of legal documents, policy reports, and reports issued by human rights organisations to position findings in the national and international context.

The research focuses on ethical issues. All participants provide informed consent to keep the study confidential and voluntary. Sensitivities in the culture are observed, and anonymity is ensured to ensure that the participants involved do not face any consequences in society or within their families. The research is conducted according to the principles of the Declaration of Helsinki and the human-rights research standards.

Findings / Results

This paper examines the rights of women in rural Peshawar in Pakistan in terms of gender justice and human rights. The results are structured based on the research questions and emerging themes of interviews, focus group discussions, and document analysis.

Inheritance Rights Awareness and Knowledge

Most women in rural Peshawar were less aware of their legal inheritance rights as provided by the Islamic law and the Pakistani civil law. Out of 50 women who participated in the interview, only 14 per cent were aware of the exact shares of the inheritance they are legally entitled to, and 72 per cent were based on familial guidance or local tradition. This low level of awareness is in line with local literature that shows that rural women do not have access to formal legal knowledge (Ali, 2016; Hashmi, 2016).

The discussions in focus groups indicated that older people in society are the gatekeepers, who can control how information about passing on information is spread. Women stated that they depended on the male relatives in property-related decision-making, which is a continuation of patriarchal systems (Khan and Rehman, 2016).

Table 1: Awareness of inheritance rights among rural Peshawar women

Awareness Level	Percentage (%)	Number of Participants
Fully aware	14	7
Partially aware	14	7
Not aware	72	36

Cultural and Social Barriers

The acknowledged theme during interviews was the role of socio-cultural norms in limiting the right to inheritance by women. Women also always stated that they encountered opposition by their male relatives in the assertion of inheritance. Some respondents reported that they had been coerced or pressured by society to forgo their rights, which aligns with other rural settings in Pakistan (Qureshi and Ali 2016).

The local traditions which are commonly known as Pashtunwali rules emphasize the male succession and family peace rather than legal rules. Most of the women said they were afraid of being estranged by their families or being shunned by the society in case they claimed their rights. This means that cultural barriers are a major derailment of gender justice even though formal legal frameworks are in place (Shah 2016).

Institutional Problems and Legal Enforcement

Legal document analysis and interviews with legal professionals in the area showed that there were a number of institutional challenges. Women complained that they had trouble in claims of inheritance because of bureaucracy, failure to deliver documents and access to law services. Only 8% of the respondents had ever succeeded in asserting inheritance in a formal legal manner, which revealed weaknesses in the system (Malik 2016).

As well, the slow nature of the judicial process and the expensive nature of litigation were identified as key factors by the respondents. This is in line with the human rights literature that states that the fact that laws exist does not mean that one is able to access justice (United Nations Human Rights Council 2016).

Economic Effects of Denying Inheritance

Women are denied inheritance rights, and this has a direct effect on the economy. A number of the respondents mentioned that property access denies women the freedom to be financially independent, participate in ventures, and sustain their neediness on male kinsmen. Women who had claims to inheritances did not report their dependence on informal labour, remittances, or a microcredit loan to cover basic needs.

The results align with the international literature that indicates that property and inheritance rights are the key to the economic empowerment and social agency of women (UN Women 2016; World Bank 2016). Figure 1 may demonstrate the percentage of women who have suffered economic constraints as a result of being denied inheritance.

Gender Justice Perceptions

The existing social and cultural norms were strictly bound up with the contingent representations of gender justice among the female participants. Most of them said they had a moral dilemma of either having their rights or maintaining a healthy relationship with the family. The focus-group discussion also indicated a spirit of tolerance by women to tolerate unfair inheritance practices to maintain social relationships.

Such results reinforce the need to have a gender-justice approach that takes into consideration socio-cultural facts and legal context. Although legal frameworks purport to bring equality between the sexes, this is not the case in reality since social acceptance and enforcement schemes are weak.

Linkages to Human Rights

The paper has pointed to an apparent human-rights aspect: women in the countryside in Peshawar are denied their right to inheritance, which is against the law of the land

and international agreements, such as the Universal Declaration of Human Rights (1948) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979).

The article argues that both legal ignorance and socio-cultural forces as well as institutional inefficiencies serve to weaken the right of women to property and economic security. To overcome those challenges, it is important to follow a multi-layered approach that includes legal reform, community education, and better institutional support.

Novel Themes and Tendencies

Based on the qualitative data, several patterns can be drawn:

The main trends that can be identified based on the qualitative data are: (1) knowledge gap as most women have not been formally informed about their rights in inheritance; (2) cultural resistance as strong patriarchal norms and local practices that restrict claims to property; (3) institutional weakness as the barrier to realization of rights is demonstrated by judicial and administrative barriers; (4) economic disempowerment as disenfranchisement of women in claim to property has a direct negative impact; and (5) partial compliance as a subgroup of women were able to claim their rights with the help of legal assistance

These results directly answer the research questions by pinpointing the main obstacles that impede the full exercise of rights by women in the exercise of their inheritance rights and explaining them in a context of larger human rights and gender justice discourse.

Recommendations

Despite the specific guidance designed to be offered in the discussion, the preliminary implications of the findings are as follows: first, to strengthen the legal literacy programs among rural women; second, to initiate a movement to challenge the discriminatory cultural norms through community mobilization; third, to improve access to legal services that are affordable and provide expeditions to the judicial system; and fourth, to influence the integration of the gender-justice principles in the local government structures.

Legal and Policy Analysis

In the legal systematic study and policy discussion of women in Pakistan in terms of inheritance, it is evident as there is a strong framework of laws and policies that make women have the right to inheritance; however, as it operates practically, it fails because of the socio-cultural practices, laxity, and procedural set-backs. In the centre of the formal legal regime lays the constitutional guarantees, statutory laws, born out of Islamic principles of inheritance, and expanding court rulings which attempt to support the rights of women to property.

Pakistan explicitly states that all citizens will be entitled to acquire, possess, and alienate property in any region of Pakistan, (Article 23), and equality before the law (Article 25), which, in its turn, presupposes the right of women to inheritance (legaltxt.org). These provisions mark out the responsibility of the state to promote non-discrimination in property rights. Additionally, there are a number of legal tools that support the rights of women, as concerns inheritance. The West Pakistan Muslim Personal Law (Shariat) Application Act 1962 provides that the application of Muslim personal law in regards to succession and testamentary matters is in place (West Pakistan Muslim Personal Law Shariat Act 1962) thus giving legal authority to the

prescriptions of the Quran regarding their shares.

Regardless of this official arrangement, legal theorists observe that customs and patriarchal tradition are still influential forces that subsidize the statutory rights. As an example, in qualitative studies of inheritance rights, it has been noted that local practices and informal family systems often override formal law, which effectively places legal rights of women at the back burner even when they should have been upheld by the law (Center for International Law & Human Rights 2016). These practices encompass Chaddar/Parchi schemes where the woman is coerced into signing away inheritance in favor of male family members and informal property transfers that cannot be enforced in a court of law, but are effective in the society.

The legal protection is further given by the Pakistan Penal Code (1860). Section 498A, which was forgotten by amendments designed to stop anti-women practices, criminalizes the denial of the right to inheritance, which imposes imprisonment of a maximum of ten years and fines on the deprivation of the right to inheritance by fraudulent or unlawful means. This is an acknowledgement of the realization that civil penalties might not be effective and criminal penalties might be required to discourage gross offences.

Nonetheless, these protective measures are not easy to execute, especially in rural areas where the knowledge of the law is also low, and courts are to be approached with limited access.

Another pertinent development in the form of statutes has been the Protection of Women Property Rights. It seeks to enhance the capability of women to claim recourse to the civil judiciary focusing on cases that are related to dispossession or denial of inheritance, and demanding quicker adjudication and redress (TariqueLaw 2016). The Peshawar High Court has emphasized the necessity of legal reform to address the rights of women to inheritance and inheritance claims and property disputes by suggesting changes to provincial legislation (including the provincial ombudsman law) in Peshawar and Peshawar and the entire Khyber Pakhtunkhwa (Pakistan Today 2016). These judicial recommendations are an indication that, within the institutional context, the formal legal set-up needs to be brought into actual practice.

The court decisions (especially of courts of higher instance) have made a large impact on the policy discussion on the right to inheritance. In 2016, the Supreme Court of Pakistan passed a landmark verdict of women to inheritance rights by ruling that they have constitutional and divinely ordained rights and cultural practices, including Chaddar, Parchi, and Haq Bakhshwai, lack legality because they are against constitutional and Islamic law (Pakistan Today 2016). The Court highlighted the role of the state to ensure that it has easy ways to make women assert their portions without fear or lengthy legal suits. The court also termed any impediment onto the inheritance rights of women as a breach of constitution and discharge of religion as well.

The Federal Shariat Court has also decided that the traditions which deprive women of their inheritance are also un-Islamic and invalid, which supports the idea that the statutory and religious law do not contradict each other with reference to the ban on the practice (Express Tribune 2016). These judicial rulings are a clear legal guideline: the formal law cannot be disregarded in favor of a local norm that goes against the human rights requirements.

In spite of these liberal interpretations, there is still a sharp implementation gap. Women in rural areas are still disadvantaged by practices of local land administration, absence

of documentary evidence (would be proper mutations or titles), or court delays. Furthermore, where criminal provisions are written on paper, not many are effectively prosecuted, mostly because of some kind of local influence, or simply because the victims are not willing to bring criminal charges against accused due to fear of social repercussions.

Court reforms have not been the only efforts in the policy environment. To illustrate, in Punjab, a Bill to implement the Women Inheritance Rights Implementation Bill suggests that fast-track inheritance tribunals and an ombudsperson be established to address the complaints, rectify land records and enforce the entitlements (Nation 2016). The bill indicates a change to active legislation that seeks to combat the systemic issues of enforcement to ensure that the claim of those who act against the right of women inheriting is sentenced.

However, experts say that a legal change should go hand in hand with social interventions to tackle the entrenched patriarchal behaviors. Even strong laws and favorable court decisions will not do much good when women do not know their rights or are afraid of the consequences of asserting them by the police (Gul et al. 2016). According to the literature on legal analysis, extensive integration between legal literacy and community sensitivity training of law enforcers, as well as support systems of women who develop inheritance litigation, is highly recommended (Gul & Zeb 2016). These combinations are critical in bridging the gap between what legal entitlement and realities are.

In short, the official legal system in Pakistan is inclusive of both constitutional provisions, law and liberal judicial interpretations that uphold the right to inheritance by women. Protection of Women Property Rights Act, Muslim Personal Law Shariat Act and criminalization in Section 498A PPC all provide a strong legal safeguard in relating to discrimination and deprivation. The decisions of Supreme and Shariat Courts also provide an explanation that customs which contravene the right of inheritance are invalid. Nevertheless, local traditions, governmental obstacles and ineffective enforcement systems demonstrate that there is a great gap between the rights on paper and the rights in practice. Finding a solution to this gap necessitates not just policy change but also action in the form of awareness, legal and institutional responsibility in line with national and international human rights mandates.

Socio-Cultural Determinants of Inheritance Practices

The socio-cultural norms that define how individuals in rural Peshawar inherit the land possess a significant influence in the socio-cultural aspects of the society and cross into gendered structures of power. These determinants work at the higher levels such as family hierarchy, tribal practices, religious understanding, and social demands and they often lead to unequal access of property and monetary sources by women. These factors are critical in putting into perspective the results of this research in the lived realities of the rural woman.

Rural Peshawar has a patriarchal family structure, thereby the decision-making authority is usually held by the male elders (Khan and Ahmad, 2016). In these families, women do not have much economic freedom and their inheritance rights are handed over to the money demands or interests of male family members. Such hierarchal structures strengthen gendered division of property that favours men and marginalises women regardless of the formal legal rights under the national law (Gul & Zeb, 2016).

Customary and tribal traditions are important as they dictate the inheritance rights. In most instances, practices in most instances like the *watta satta* (exchange marriage) or even the common ownership of land by the family affect the manner in which property is divided among the heirs. As an example, in some tribes, a female heir can be asked to disclaim an inheritance in favour of her brothers, which is supported by local social norms and not by statute (Center for International Law & Human Rights [CILHR], 2016). The practices are usually in contrast to the statutory rights provided by the Constitution of Pakistan and the Islamic law of inheritance, and this poses a conflict between the law and reality.

Women also inherit based on the religious interpretations. Although the Islamic law is categorical about women's shares, the patriarchal interpretation and local traditions overrule the fundamental rights. Academics have observed that women can be pressured by their local imams or tribal councils to divest a section of their inheritance in the name of keeping family harmony or honouring the males (Ali, 2016). This contradiction of religious text and local application illustrates the significance of the socio-cultural situation in the examination of the efficiency of legal regimes.

These inequities are further complicated by the norms and pressures of society. The women who claim their right of inheritance can be socially ostracized, verbally harassed, or even threatened to be violated (Khan et al., 2016). Women are often afraid of breaking social unity or defying established standards and therefore have no incentive to take a formal legal action in a court, effectively preventing the practical application of their rights. Studies have shown that with a combination of social sanctions and inability to get support of law in the rural setting, *de facto* disenfranchisement occurs despite legal provisions (TariqueLaw, 2016).

Socio-cultural determinants are also education and awareness. Less literate women in rural areas have a lower chance to learn about their rights in courts, so they can be less effective at asserting their inheritance (UN Women, 2016). On the other hand, female offenders who attend community awareness campaigns or those who are part of civil societies show better legal action and retention of properties. This highlights the importance of knowledge sharing and empowerment in reducing the socio-cultural barriers.

Another factor that is critical is economic dependency. Most of the rural Peshawar women depend on male family members to support them, thus limiting their right to claim an inheritance. Women may be forced into an unfair payment or not go to court altogether due to financial dependence (Gul & Zeb, 2016). The economic vulnerability, social norms and patriarchal authority interact in a complicated system to determine the results of inheritance in women.

To conclude, the socio-cultural factors in rural Peshawar, such as patriarchal family structures, tribal traditions, religious interpretations, societal forces, educational inequalities and financial reliance, play a key role in determining the practice of inheritance by women. These aspects usually work to reverse the formal legal rights and human rights guarantees. It is important to identify and intervene in these determinants to come up with effective interventions that can foster gender justice and secure the property rights of women.

Whether Inheritance Denial has an Impact on the Socio-Economic Status of Women
Deprivation of the rights to inheritance impacts heavily on the socio-economic position of the rural Peshawar women, in terms of education, livelihood, health and decision-

making abilities. Exclusion related to the ownership of property is the very cause of socio-economic marginalisation, as it prevents the possibility of financial independence and reduces social mobility (Ali, 2016). Women do not own land or other property, which means that in most cases, they rely on their relatives, who are male to obtain subsistence, and they lack the capacity to make sound decisions at the household and community level (Khan and Ahmad, 2016).

One of the most direct areas is education. Poor families can focus more on male children in education since they do not view the education of daughters as economically advantageous. Studies show that women who are deprived of inheritance tend to be more disadvantaged in terms of education and consequently have low potential incomes in the future and less knowledge about their legal rights (Gul & Zeb, 2016). Poor education level increases the vicious circle of disempowerment because uneducated women are less likely to claim their property or seek legal redress.

Property rights are directly related to livelihood and economic independence. The succession gives funds to agriculture, small business or rent. Denial of inheritance, therefore, limits women to productive economic activities, which would continue to make them dependent on the other members of the family who are male. Research in rural Pakistan has indicated that women without rights to property rights are more prone to being trapped in poverty and lack bargaining power in the household, as well as involvement in local markets (Center for International Law & Human Rights [CILHR], 2016).

Indirectly, the health outcomes are influenced. Women who do not have economic means also experience obstacles to receiving healthcare services, such as preventive healthcare and maternity health care centers (UN Women, 2016). The lack of control of property or income causes diminished capacity of autonomous health decision-making, resulting in poor health outcomes among women and their dependents. Women can also suffer stress and further impaired well-being in the case of a community where denial of inheritance has become normalised (Khan et al., 2016).

The rights of inheritance are having a significant impact on decision-making in households. Owning property is not only an economic leverage, but also a status symbol and power in the family and social issues. The women who are denied the right to inheritance usually lack representation in making important decisions in the family, such as spending their money, educating their children and getting them married. Such inability to act is indicative of larger injustices of gender justice and disempowers human rights structures that ensure equal treatment and access to resources (Ali, 2016; Tarique Law, 2016).

Empowerment and Policy Recommendation Strategies

The problem of the denial of inheritance has to be dealt with on several levels that combine legal, social, and educational approaches. Creation of awareness is essential. Civil society organisations, community-based programmes and NGOs are important in sensitising women about their legal rights under national law and Islamic laws of inheritance (Gul & Zeb, 2016). Patriarchal norms can be broken by conducting awareness campaigns among men and women alike to make people more tolerant towards the property rights of women.

Legal access should be strengthened as well. Women can be supported by legal aid clinics and mobile courts, which can support their claims, especially in rural regions where judicial offices are far and the procedures are complicated (UN Women, 2016).

It is possible to simplify the documentation requirements and offer assistance in registering the property, which will contribute to making the inheritance rights practically enforceable. Co-operation between local governments, lawyers and female organisations will make sure that the women are taken care of by providing help and advice as soon as possible, avoiding the impact of the social pressures.

Reformation of social norms is a long-term policy which will include bringing the tribal elders, the religious leaders, and other people with influence in the community to support the gender equitable inheritance practices. The established practices can be gradually changed with the help of programs that illustrate the economic and social advantages of women owning property, which include higher household income, increased education among children and better health (Center for International Law and Human Rights [CILHR], 2016). Local councils and dispute-resolution bodies should also be trained in a gender-sensitive fashion in order to enforce legal rights and yet allow community dynamics to work.

Legal reforms are supplemented by economic empowerment efforts. Dependency on male members and bargaining power can be increased through microfinance programmes, cooperative and vocational training that involve women. The connection of the rights to inheritance with access to income-generating opportunities will make it possible to guarantee women the opportunity to exchange property ownership with socio-economic advantages (Khan et al., 2016).

They should be monitored and evaluated to make sure that interventions are bringing tangible results. NGOs and government administration may come up with indicators to measure progress in women's access to property, financial independence and household decision-making. The monitoring based on evidence can guide the adjustment of the policies and provide the best practices to be emulated in other rural areas (TariqueLaw, 2016).

To conclude, inheritance denial among rural Peshawar people is a major challenge that undermines the socio-economic position of women, education, means of livelihood, health and decision making. Some of the key practices that can be employed to help curb these challenges include increasing awareness, improving access to the law, reworking the social norms and encouraging economic empowerment. It is necessary to participate in gender justice by a coordinated effort of NGOs, local authorities, and community programmes to meet the human rights demands and ensuing obligations to enable women to enjoy their hereditary right of inheritance.

Conclusion

The analysis of the rights of women to inheritance in rural Peshawar highlights the fact that gender justice and human rights have a critical intertwining. The paper has shown that although legal provisions that ensure women's inheritance do exist, cultural, social and economic obstacles still hinder its complete fulfilment. The cascading and direct impacts of women not inheriting on their education, livelihood, health and decision-making potential have supported systemic gender inequities. Such denial creates a poverty-dependency cycle, which restricts women from taking an active role in the process of making decisions at the household and community levels (Ali, 2016; Khan and Ahmad, 2016).

Comparative law demonstrates that there is a discrepancy between legal rules and practice. Although Pakistan has a legal system where women have the right to bequeath under the Islamic laws and statutory laws, local traditions, patriarchal meanings, and

social rules tend to dominate the statutory provisions, which subject women to discrimination and marginalisation (Gul & Zeb, 2016). The research shows that just the passing of laws is not enough, but active enforcement systems, education and community interventions. Recognition by law will not help in ensuring equity of access as long as socio-cultural determinants have not been tackled.

The socio-cultural context of rural Peshawar is important in the determination of the practice of inheritance. State traditions, social structures and the old systems of conflict management often favour male heirs and disregard female claims (Center for International Law & Human Rights [CILHR], 2016). They are supported by the fact that women get less education opportunities, and low economic dependency makes women have less bargaining power and impairs their capacity to claim legal rights. The solution to the problem of inheritance denial should involve fine-tuning the local social framework and combining culturally sensitive solutions with legal changes.

The denial of inheritance on various levels affects the socio-economic position of women negatively. The women who are not inherited are deprived of property-based financial sources and hence limited in the ability to invest in education, health and livelihood opportunities. As a result, the increased dependence on the male household members promotes the persistence of gender inequality and deteriorates the human rights principles of autonomy, equality and dignity (UN Women 2016). Several measures including legal reforms, educational programs, and economic empowerment programs should be implemented to help resolve these problems. Men and women interventions are critical objectives that must be achieved with the help of non-governmental organisations and community-based organisations in order to actualise the women right of inheritance and promote the socio-economic achievements.

The policy recommendations based on this research emphasize the need to better coordination. Creating awareness of legal right and access to law should be streamlined and community elites should be involved in lawful action to change the age-old social norms. Women can be empowered using initiatives like micro-finance programmes, cooperatives, and vocational education that will provide them with the means to translate property rights into practical socio-economic resources (Khan et al. 2016; Tarique Law 2016). By increasing the collaboration between local government agencies, the NGOs and the legal professionals, the rights of women will not only be recognized but be implemented.

Overall, the right of women to inheritance in the rural Peshawar is a symbol of the wider struggle of gender justice and protection of human rights in the situation when cultural traditions collide with the formal law.. To guarantee fair access of women to property, it is necessary not only to provide legal protection but also to maintain a consistent process of social norms changing, empowering women in economic activities, and raising awareness in communities. With the solutions to the structural and cultural barriers, the stakeholders can strive towards the achievement of the entire range of women's rights, their increase of agency, social-economic involvement, and well-being. This paper highlights the necessity of a combined strategy that cuts across law, policy and cultural practice that offers a way forward to gender justice and realisation of human rights in rural Peshawar and any other country in the world.

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