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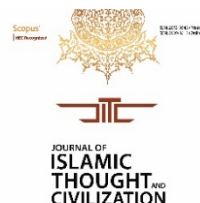
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## An Anthropological Perspective of Female Share in Inheritance: An Appraisal of Gap between Islamic Law and Practice

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### Abstract

In many developing countries, the people cannot enjoy their basic human rights. Majority of women are refused their rights to admittance, own, or inherit land and property. As a result, they cannot afford to buy land. This deprivation makes them dependent on good marital and family relations. The right to inheritance is a legal and very legitimate right of every person, which has been given by Islam to women in very explicit words but unfortunately the custom of Pakistan is different regarding giving female legal right of inheritance. The chief objective of this research is to find out the causes of depriving women of their right to inheritance. For the accomplishment of the objectives of research, quantitative research method has been adopted. A survey was conducted in four public sector universities of Rawalpindi and Islamabad. The questionnaire was used as a research tool. Including highly educated faculty and students were selected for the collection of Data. These data were later analyzed to draw the results of the research. The research covers two main aspects. Firstly, the awareness level of the educated class about their rights and prevailing laws; and secondly, the major societal causes of depriving women of their inheritance right. Findings of the survey indicates that women are deprived of their religious right of inheritance even in the highly educated sector due to financial, social and cultural issues. Inheritance law is one of the key leavers for the sustainable development of the society which provides social justice and wellbeing for the family. Therefore, the inheritance law needs be implemented through public awareness regarding the Islamic Sharia and state laws.

**Keywords:** Inheritance, Islamic Law, Gender, Culture, Property rights, Sustainable development

### Introduction

The Islamic Republic of Pakistan achieved independence to establish Islamic *Shari'ah* in its true spirit through development of State Laws.<sup>1</sup> Along with all other Islamic institutions, it was also ensured to give Muslim women their right to inherit from their ancestor's property. According to 1937 law, which was passed during the time of the partition of the sub-continent, woman is entitled to the half of the property share of the male based on the principle verified by the Hanafi and Shafi school of Islamic Law.<sup>2</sup> The 1961 Muslim family law also addresses the share of women in inheritance. Finally, in 1973 constitution, article 23 of Pakistan declares that every citizen of Pakistan irrespective of their gender has right to inherit their ancestor's property according to

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<sup>1</sup>Asghar Ali, *Islam, Women and Gender Justice* (New Delhi: Gyan publication house. 2001), 60.

<sup>2</sup>National Commission on Status of Women, 2005.

*Sharī'ah* division of inheritance property. Furthermore, it is legitimate right to sell or purchase property within the territory of Pakistan with their free will. The Constitution of Pakistan guarantees equality under the law, equal protection by the law and nondiscrimination on the basis of sex alone. The other provisions create space for the issues of women's rights to be constantly re-opened. Socio-cultural norms and religious interpretations are frequently used as the basis for challenging and re-deciding women's rights issues, creating insecurity for women and uncertainty about their rights. However, in actual practice, several of the laws with relatively positive provisions, are still ignored or not implemented.

## 2. The Muslim Women's Inheritance Share according to Sharī'ah

Islam brought about a revolutionary change in the Islamic society by giving woman legal share in the inheritance. Islamic teachings considering and providing the economic security to woman by giving her share in the inheritance like their male fellow beings. Islamic *Sharī'ah* clearly mentions the share of man and woman in the inheritance of their ancestors and elevates the position of women by giving their share because in pre-Islamic period rather than giving share to women they were themselves considered subject to inheritance.<sup>3</sup> Women are given fixed share by the commands of *Sharī'ah* according to their capacity as a mother, sister, daughter, wife and even a female child.<sup>4</sup> Allah Almighty states in the last divine book that:

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانُ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانُ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا

“There is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large - a legal share.”<sup>5</sup>

The measures that *Sharī'ah* has commanded do not allow a person to decide and divide the shares in inheritance. A person would be unable to do justice on account of his limited understanding and lust for wealth and the only way to make justice prevail is to act upon the laws of the *Sharī'ah*.<sup>6</sup> Islam is considered the religion which has elevated the status of women by giving her respect and share in inheritance. Women's share in inheritance according to *Sharī'ah* ruling becomes obligatory on the state and the heirs to grant her after the death of the deceased. The death of the deceased makes the automatic shares in inheritance without any legal process.

The holy Qur'ān mentions twelve inheritors who are eligible to get the fixed share from the inheritance: the father, mother, husband, wife, grandfather, grandmother, daughter, son's daughter, full sister, paternal half-sister, maternal half-sister and maternal half-brother.<sup>7</sup> The Muslim woman is entitled to the half as compared to the share of man because the *Sharī'ah* has given economic responsibilities that resides by the male member of the family.<sup>8</sup> Allah Almighty commands through divine book:

<sup>3</sup>Jawad Haifaa, *The Right of Women in Islam: An Authentic Approach* (America: Library of Congress, 1998).

<sup>4</sup>Tahseen Ullah Khan, *Women's Right in Islam* (Lahore: National Research and Development Foundation, 2004), 25

<sup>5</sup>An-Nisa 04:07.

<sup>6</sup>Muhammad Shafī, *Maariful Quran: A Comprehensive Commentary of the Holy Quran* (Karachi: Maktaba Darul-Uloom, 2005), 340

<sup>7</sup> Dr. A Hussain, *The Islamic Law of Succession* (Pakistan: Darussalam Publication, 2005), 62.

<sup>8</sup>Sayyid Abul Ala Maududi, *The Meaning of the Qur'ān* (Lahore: Islamic publications, 2003), 312-313.

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِمَّا تَرَكَ وَإِن كَانَتْ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِمَّا تَرَكَ وَإِن كَانَتْ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِمَّا تَرَكَ وَإِن كَانَتْ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ

Allah commands you as regard your children's (inheritance): to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters), the mother has a sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children, are nearest to you in benefit; (these fixed shares) are ordained by Allah.<sup>9</sup>

On the other hand, if a deceased person has only one daughter and has no son then in that case, his daughter is entitled to two-third of the entire inheritance and remaining goes in the share of other heirs.<sup>10</sup> In the share of women, no one neither her husband nor her father or anyone else can claim their right in her lifetime.<sup>11</sup> Similarly, in another place Allah Almighty commands:

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِن لَّمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِن كَانَ لَهُنَّ وَلَدٌ فَلِكُمْ الرُّبُعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِيَنَّ بِهَا أَوْ دَيْنٍ وَلَهُنَّ الرُّبُعُ مِمَّا تَرَكَنَّ إِن لَّمْ يَكُنْ لَكُمْ وَلَدٌ فَإِن كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ وَإِن كَانَ رَجُلٌ يُورِثُ كِلَاةً أَوْ امْرَأَةً وَوَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِن كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ غَيْرَ مُضَارٍّ وَصِيَّةٍ مِنَ اللَّهِ

In that which your wives leave, your share is a half if they have no child; but if they leave a child, you get a fourth of that which they leave after payment of legacies that they may have bequeathed or debts. In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third, after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a Commandment from Allah.<sup>12</sup>

These Divine commandments clearly explain that if a deceased has no child then his wife or wives is entitled to one-fourth part but if a deceased person has left behind children then in that case the wife or wives is entitled to one-eighth part. Once Saad bin Abi Waqas asked the last Messenger that whether he would give two-third of his property in charity then the last messenger replied no. He again inquired if he gives half of his property in charity then the last messenger again replied no. He then inquired for one-third of it and the last messenger replied that you may do so as it is better to give the share to offspring and not to leave them poor. Whoever will spend in the way of Allah will be rewarded even for a bit of food which he puts in the mouth of his wife...<sup>13</sup> In

<sup>9</sup>An-Nisa 04:11.

<sup>10</sup>SayyidAbul Ala Maududi, *The Meaning of Qur'an* (Lahore: Islamic publications, 2003), 312.

<sup>11</sup>Saeed-ur-Rehman, *Denial of Women's Right of Inheritance: Enhancing their Vulnerability to Domestic and Societal Violence* (Multan: Awaz Foundation, 2010).

<sup>12</sup>An-Nisa 04:12.

<sup>13</sup>Muhammad b Ismail Bukhari, *Al-Sahih al-Bukhari*, "Inheritance of offspring from the property or the parents", *Kitab al Faride*, Haith no. 725.

another verse, Allah Almighty warned those who go against the rules of *Sharī'ah* they will suffer from hellfire.<sup>14</sup>

### 3. Implementation of Inheritance Law in Pakistan

The 1961 Muslim Family Law ordinance of inheritance applies in Pakistan, but no practical implication is seen in the society. In 2011, new amendment of 498A in women protection bill was passed to provide women their legitimate share in property and punishment was also fixed in the case of violation but still women are deprived of their legitimate share given to them by the Allah Almighty.<sup>15</sup>

In Pakistan, most of the women are deprived of their legitimate share in inheritance given by the sharia. The custom and tradition of the people is considered as the main obstacle that come in the way of the implementation of the sharia law.<sup>16</sup> According to custom women are forced and emotionally blackmailed to surrender her right of inheritance by signing an agreement which is totally against the Islamic injunctions and moral values.<sup>17</sup> Recently the supreme court of Pakistan gave a judgement that if a daughter does not take her right in inheritance in her lifetime then after her death her children cannot claim their right of their share in the property of their paternal grandfather which is totally against the Islamic injunctions and a way to deprive the women' of their right.<sup>18</sup>

### 4. Causes of Depriving Women of the Right of Inheritance

Unfortunately, majority of the women are deprived of this right and only 3% of the women in Pakistan are getting their inheritance right.<sup>19</sup> There are certain reasons prevailing in the society, which are major causes behind women deprivation of their legitimate right of inheritance; which are as follows:

#### 4.1. Division of Inherited Land

The first and foremost cause of depriving women of inheritance is that; most of the people fear that by giving their female members share in inheritance, their wealth will transfer to another family which is not tolerable to the male members of the society.<sup>20</sup> Many women of feudal families in the Southern Punjab, interior Sindh and other parts of NWFP and Baluchistan are not allowed to get married because of the fear of division of inherited properties.

#### 4.2. Understandable Legal Procedure and the Lack of Knowledge about the Rights

Most of the women are unaware of their right of inheritance which has been granted to them by the sharia. Having no knowledge of their rights is the major cause of depriving women from inheritance. The revenue documents and other legal documents for attaining the title are un-

<sup>14</sup>Maududi, *Meaning of The Qur'ān* (Lahore: Islamic Publications, 2003), 313.

<sup>15</sup>Khan, *Women's Right in Islam* (Lahore: National Research and Development Foundation, 2004), 25.

<sup>16</sup>Cassandra Balchin, *Women, Law and Society* (Lahore: ShirkatGah, 1996), 262-78.

<sup>17</sup>Leila Ahmed, *Women and Gender in Islam* (New Haven: Yale University Press, 1992), 168.

<sup>18</sup>Haseeb Bhatti, "Women's Inheritance can be Claimed only in their Lifetime, Rules SC," *Dawn News*, (September 23, 2021) <https://www.dawn.com/news/1647973>

<sup>19</sup>M.Zia-ur-Rehman (ed), *Denial of Women's Right of Inheritance: Enhancing their Vulnerability to Domestic and Societal Violence* (Multan: Awaz Foundation Pakistan, 2010), 4.

<sup>20</sup>Khan, *Women's Right in Islam* (Lahore: National Research and Development Foundation, 2004), 19

understandable for the illiterate women. Furthermore, the highly educated women are also not equipped with the knowledge of understanding the technicalities (legal language & requirements to fulfil) of these documents. Similarly, such women can easily be deceived and cheated by their male relatives. That is why only 3% women in Pakistan are getting inherited properties/lands as described by the National Commission on Status of Women in its report published in 2006. The legal documents for attaining the title are very difficult to understand even for the educated women due to the technicalities of the documents of the inheritance.<sup>21</sup>

#### 4.3. Socio-Financial Responsibilities of Male Members of the Family

A psyche has developed that all the financial responsibilities fall on the shoulder of male members and women have no role in financially supporting their family. As all the financial responsibilities are upon man so there is no need to give legitimate share of the female members because their male members are responsible for them.

#### 4.4. Dowry Giving—Alternative of Inheritance Right

The female members are compensated by giving dowry which is considered as one of the cultural elements and no significance is mentioned in religion about it. The people believe that women are given their due right in the form of dowry and there is no need to grant them share in inheritance as it is compensated by dowry at the time of their marriages.<sup>22</sup>

### 5. Methodology

This section of the study describes the process that led the study to explain through quantitative research approach. Keeping this approach in the background the description of a questionnaire has been given. Further a sample has been described, i.e., the participants who participated in the discussions and answered the questionnaire. Later, data gathering methods (discussion of the content of the questionnaire and strategies for collecting the data) have been mentioned and finally the ways of analysis and interpretation of the data have been described.

#### 5.1. Selection of the Population

The Study was conducted in four public sector universities such as: Fatima Jinnah Women University, Rawalpindi, Pir Mahr Shah Agriculture University Rawalpindi, Quaid-e-Azam University, Islamabad, and National University of Modern Languages, Islamabad. These universities were selected for the survey in the province of Punjab from Rawalpindi and Islamabad to identify the awareness level participants. The institutions were selected in the light of the recommendations of the study for consultation.

#### 5.2 Age

The average age of the participants was between 30 and 45 years. Total 100 participants were selected from which 50 were male participants and 50 were female participants and the maximum age limit of the people selected was 45 years and they included male and female students as well as faculty. Majority of the respondents reported that they were aware with the prevailing customs and were involved directly or indirectly in decision making regarding inheritance amongst their families.

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#### Media provide awareness towards inheritance laws

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1. Do you think that media provide awareness related to laws about inheritance prevailed in Pakistan?

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<sup>21</sup> Ibid., 20.

<sup>22</sup>Rubya Mehdi, *Gender and Property Law in Pakistan* (Lahore: Vanguard books, 2002), 12.

| <b>Media provide awareness towards inheritance laws</b>  |        |              |        |
|--|--------|--------------|--------|
| Yes  | No     | I don't know | Total  |
| Male   | Male   | Male         |        |
| 14   | 34     | 2            | 50     |
| Female   | Female | Female       |        |
| 28   | 18     | 4            | 50     |
| <b>Total</b>   |        |              |        |
| 42   | 52     | 6            | 100    |
| 2. Do you think that media can play their active role in providing awareness about the inheritance right of women? |        |              |        |
| Male   | Male   | Male         |        |
| 33.3%  | 65.4%  | 33.3%        | 50.0%  |
| Female   | Female | Female       |        |
| 66.7%  | 34.6%  | 66.7%        | 50.0%  |
| <b>Total</b>   |        |              |        |
| 100.0%   | 100.0% | 100.0%       | 100.0% |
| 3. Do you think that media support those women who are deprived from their inheritance right?                      |        |              |        |
| Male   | Male   | Male         |        |
| 14.0%  | 34.0%  | 2.0%         | 50.0%  |
| Female   | Female | Female       |        |
| 28.0%  | 18.0%  | 4.0%         | 50.0%  |
| <b>Total</b>   |        |              |        |
| 42.0%  | 52.0%  | 6.0%         | 100.0% |

### 5.3. Education

The average education of the participants, who participated in the survey were as follow: bachelors' level, Masters, M. phil. and PhD.

### 5.4. Questionnaire

The structured and close ended questionnaire was developed in English language as a data collection tool to identify the awareness level of the highly educated people of the society regarding the causes of depriving women from inheritance right. The data were analyzed after inflowing the facts in Statistical Package for Social Sciences (SPSS).

## 6. Results and Discussion

### Analyzing the Awareness Level in the Society

To evaluate the awareness level of the highly educated people of the society different questions were asked to analyze that whether they are aware of the Sharia rulings of the women right in inheritance and what could be the appropriate method to educate people regarding the women 's right of inheritance.

Islamic sharia provides clear rulings regarding inheritance. It clearly mentions the share of male and female in inheritance. It is considered obligatory for every Muslim to have knowledge about these laws and he/she must apply these rules in his/her life and provide everyone with their legitimate share in the property. Almost 100% of the population is well aware about the sharia right of inheritance given to women but they pay no attention to it and totally neglect its implication in the society.

Media can play their role to make people aware of their rights and responsibilities. 52% of the participants in which 18% are female and 34% are males are of the view point that media didn't give people awareness about these main issues of the society. Despite all the information, people are used to neglect that share of women in inheritance which is also the religious obligation and they are duty bound to give women their share and if not then they will bear consequences of it in the hereafter as Allah Almighty does not like injustice.

### Causes of Depriving Women of the Right of Inheritance

| <b>Women are uneducated about the worth of their share</b>  |        |              |        |
|---|--------|--------------|--------|
| 1. Do you think that women are mostly uneducated or illiterate about the worth of their share in inheritance?         |        |              |        |
| Yes   | No     | I don't know | Total  |
| Male  | Male   | Male         |        |
| 28  | 18     | 4            | 50     |
| Female  | Female | Female       |        |
| 4   | 36     | 1            | 50     |
| <b>Total</b>  |        |              |        |
| 71  | 24     | 5            | 100    |
| 2. Do you think women are not given their right of inheritance due to lack of information about their property share? |        |              |        |
| Male  | Male   | Male         |        |
| 39.4%   | 75.0%  | 80.0%        | 50.0%  |
| Female  | Female | Female       |        |
| 60.6%   | 25.0%  | 20.0%        | 50.0%  |
| <b>Total</b>  |        |              |        |
| 100.0%  | 100.0% | 100.0%       | 100.0% |
| 3. Do you think that lack of religious knowledge is keeping women away from their share of inheritance?               |        |              |        |
| Male  | Male   | Male         |        |
| 28.0%   | 18.0%  | 4.0%         | 50.0%  |
| Female  | Female | Female       |        |
| 43.0%   | 6.0%   | 1.0%         | 50.0%  |
| <b>Total</b>  |        |              |        |
| 71.0%   | 24.0%  | 5.0%         | 100.0% |
| <b>Patriarchal society</b>  |        |              |        |
| 1. Women are deprived from their right of inheritance due to male dominating society?                                 |        |              |        |
| Yes   | No     | I don't know | Total  |
| Male  | Male   | Male         |        |
| 34  | 11     | 5            | 50     |
| Female  | Female | Female       |        |
| 42  | 5      | 3            | 50     |
| <b>Total</b>  |        |              |        |
| 76  | 16     | 8            | 100    |
| 2. Male support their family economically this is the reason of deprivation of women from their right of inheritance? |        |              |        |
| Male  | Male   | Male         |        |
| 44.7%   | 68.8%  | 62.5%        | 50.0%  |
| Female  | Female | Female       |        |
| 55.3%   | 31.3%  | 37.5%        | 50.0%  |



| <b>Total</b>   |        |        |        |
|--|--------|--------|--------|
| 100.0%   | 100.0% | 100.0% | 100.0% |
| 3. Does the right of inheritance is not given to women because they will become independent? |        |        |        |
| Male   | Male   | Male   |        |
| 34.0%  | 11.0%  | 5.0%   | 50.0%  |
| Female   | Female | Female |        |
| 42.0%  | 5.0%   | 3.0%   | 50.0%  |
| <b>Total</b>   |        |        |        |
| 57.0%  | 34.0%  | 9.0%   | 100.0% |

As we are well aware that majority of the women are deprived of their legal right of inheritance, following evaluation is done to find out the obstacles that come in the way of giving women from their legitimate right.

The majority of the respondents agreed that women are ignorant about their permissible right of inheritance and they have no information regarding it. Some male respondents were of the view point that women are well aware about their rights. It is very clear to state that almost 70% of the participants agree that due to non-availability of knowledge women are deprived of their legitimate right of inheritance.

Male members are considered as the most dominant in the Pakistani society. Men consider it as his right to decide about the destiny of a women whether he is father, brother or husband. They are used to oppress women and want to rule her while neglecting the Islamic teachings. This oppression causes the deprivation of women right. Majority of the female members accept the reality that due to the patriarchal society; male is oppressing female in all walks of life and it is also one of the major causes of depriving women from the inheritance.

| <b>Dowry as Replacement of Inheritance</b>  |        |              |        |
|---|--------|--------------|--------|
| 1. Does the dowry given to women is compensated by parents as their share?  |        |              |        |
| Yes   | No     | I don't know | Total  |
| Male  | Male   | Male         |        |
| 28  | 19     | 3            | 50     |
| Female  | Female | Female       |        |
| 28  | 16     | 6            | 50     |
| <b>Total</b>  |        |              |        |
| 56  | 35     | 9            | 100    |
| 2. Women are asked to voluntarily relinquish their right in the award of some compensation?   |        |              |        |
| Male  | Male   | Male         |        |
| 50.0%   | 54.3%  | 33.3%        | 50.0%  |
| Female  | Female | Female       |        |
| 50.0%   | 45.7%  | 66.7%        | 50.0%  |
| <b>Total</b>  |        |              |        |
| 100.0%  | 100.0% | 100.0%       | 100.0% |
| 3. Do you think that due to materialistic approach and love to accumulate wealth males deprived female of their right of inheritance? |        |              |        |
| Male  | Male   | Male         |        |
| 28.0%   | 19.0%  | 3.0%         | 50.0%  |
| Female  | Female | Female       |        |
| 28.0%   | 16.0%  | 6.0%         | 50.0%  |
| <b>Total</b>  |        |              |        |
| 56.0%   | 35.0%  | 9.0%         | 100.0% |

In Pakistani society, the custom of giving expensive dowry to the daughters has prevailed so much. This custom is replacing the legal right of inheritance with the dowry. Parents use to give dowry for better future of their daughters and considered it as their share without realizing that it is a man-made custom and has no significance in Islam. Dowry is considered as the share of female and no other share is granted to female in inheritance. A total number of 56% male and female agree to it. According to their view's parents do not consider dowry as a custom developed by the people but a compensation that is given to women instead of the share in inheritance.

### **Hindrance in Demanding Share due to Lack of Courage**

1. Do you think that women do not demand their right of inheritance due to lack of courage and from the fear of facing the challenges?

| Yes    | No     | I don't know | Total |
|--------|--------|--------------|-------|
| Male   | Male   | Male         |       |
| 43     | 7      | 0            | 50    |
| Female | Female | Female       |       |
| 40     | 8      | 2            | 50    |

#### **Total**

|    |    |   |     |
|----|----|---|-----|
| 83 | 15 | 2 | 100 |
|----|----|---|-----|

2. Does the women's claim to inheritance from their father's property is considered an act of disgracing their paternal family?

| Male   | Male   | Male   |       |
|--------|--------|--------|-------|
| 51.8%  | 46.7%  | .0%    | 50.0% |
| Female | Female | Female |       |
| 48.2%  | 53.3%  | 100.0% | 50.0% |

#### **Total**

|        |        |        |        |
|--------|--------|--------|--------|
| 100.0% | 100.0% | 100.0% | 100.0% |
|--------|--------|--------|--------|

3. Do you think that women don't demand their share of inheritance because they fear that they might lose their close relations?

| Male   | Male   | Male   |       |
|--------|--------|--------|-------|
| 43.0%  | 7.0%   | .0%    | 50.0% |
| Female | Female | Female |       |
| 40.0%  | 8.0%   | 2.0%   | 50.0% |

#### **Total**

|       |       |      |        |
|-------|-------|------|--------|
| 83.0% | 15.0% | 2.0% | 100.0% |
|-------|-------|------|--------|

Owing to the societal customs, women consider demanding inheritance as dishonoring their parents. Parents and brothers are the basic and utmost support for the females if they face any disturbance in their marital life. So from the fear of losing their close relations and due to lack of courage to face the circumstances, women accept their deprivation of inheritance. The majority of male members agreed to this stance but the majority of females denied it.

### **a. Findings of the Research**

The findings of this research are as follow:

1. Educated people are aware of the legitimate right of inheritance given to women by the sharia but they still are unaware of the reality of depriving women of their share in inheritance.
2. Highly educated class has knowledge about the sharia obligation of having women share in property, but they do not know the procedure of implementing the religious regulation and thus deprive their female members of inheritance.
3. The major flow of the education system in Pakistan is that it is totally based on theoretical perspective but not on the practical basis. The education system does not provide awareness how to give females their legitimate right. It is due to the established irrelevant norms.

4. The majority of the women are unaware of their rights. Those who know about their legitimate right in inheritance do not demand it due to the established custom in the society. On the other hand, the knowledge about rights is not enough, and its implication is also very serious regarding the achievement of the true objective.

5. In Pakistani society, the majority of the female members are dependent on their male family members and under the control of their male family members. This situation enables the male members to deprive women of inheritance rights.

6. Media play a very significant role in educating women about their due rights and create awareness amongst the people of the society about this religious perspective but this awareness is neglected by the male members at all and women are given no share in property. Sometimes due to established custom, women themselves refuse to take their right of inheritance.

7. Owing to the established norm, demanding inheritance is considered as dishonoring parents. Therefore, from the fear of losing their close relations women keep quiet and do not demand their right which has been given to them by God Almighty.

8. Most of the people think that all the financial responsibilities lie on male of the family therefore, female has no right in inheritance as male member is responsible to take care of her.

9. Lust for gaining wealth is also a very major cause due to which women's right of inheritance is neglected.

10. Parents think that they are compensating their daughters by giving dowry but giving dowry is a societal custom not a religious obligation by compensation, women are deprived from inheritance right.

### Recommendations

After the detailed analysis and reaching at the valuable findings of the research, the following recommendations would be very fruitful in eradicating the malicious societal custom of depriving women of their legitimate right of inheritance:

1. The government should take measures to launch the programs that would create awareness and teach people about the Sharia rulings regarding the share of women in inheritance.

2. Media can also play their vital role in creating awareness amongst the society so, media should initiate those programs that would help in creating awareness regarding the rights and responsibilities of the people living in the society.

3. The punishment should be imposed in the society for those who go against the ruling of sharia and deprive women of inheritance.

4. The custom of giving compensation instead of inheritance should be totally discouraged by the law.

5. Non-Governmental Organizations (NGO) should play their vital role to give awareness to women about their legitimate right of inheritance and support those women who are deprived of this right. On the other hand, they should give awareness to parents about the share of daughter which is given to them by the Creator of the world.

### 7. Conclusion

The right of inheritance is granted to women by the Allah Almighty for the economic stability and safety of the women and no one is allowed to deprive them of their legitimate right or increase or decrease their share in inheritance. Unfortunately, in Pakistani society the custom of the majority of the people is against giving women their legitimate share in inheritance. These people including many educated and well aware of the Islamic injunctions ignore and neglect their responsibilities on account of their lust of wealth, cultural and economic causes without thinking about the atonement of Allah Almighty.

**Conflict of Interest**

Author(s) declare that they have no conflicts of interest.

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