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The Emergence of Pakistani Jurisprudence on Right of Inheritance for Women in Agricultural Land: An Applied Social Study

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ABSTRACT

In Pakistan, the gap between legal provisions and socio-cultural realities hinders women's ability to assert their inheritance rights, particularly in agricultural land. This study delves into the intricate dynamics of law, culture, and gender, shedding light on the experiences of women navigating the inheritance process. A mixed-methods approach, combining in-depth case studies and surveys, reveals a complex web of challenges, including entrenched patriarchal attitudes, limited legal awareness, and inadequate institutional support. Our findings underscore the need for a comprehensive strategy to address these obstacles, encompassing legal education, community engagement, and targeted support services. We propose a collaborative framework to empower women, bridging the divide between legal, social, and religious institutions to advance gender equality in Pakistan.

Keywords: *women's inheritance rights, Pakistan, socio-cultural barriers, legal empowerment, gender equality.*

INTRODUCTION

Agricultural land rights

In the heartland of South Asia where fields vibrate in golden wheat colors and the air carries the scent of fertile soil, the question of land ownership has a profound significance¹. This is especially true when seeking rights to farmland complex forms in Pakistan in tradition Submerged social norms are examined². To examine the present, it is necessary to unravel the historical threads that weave the fabric of land ownership in Pakistan. Land has been a symbol of power and stability, and its distribution reflects changes in social mobility³. An examination of historical developments reveals changes in paradigms and practices, and provides a background against which the current status of women's rights in agricultural land can be assessed⁴.

The legal landscape governing land rights is a mosaic of statutes, amendments and customary law. An examination of this framework reveals a complex dance between tradition and modernity, as regulations wrestle with changing social expectations⁵. This framework discusses women, exploring the extent to which legal provisions in agriculture protect or hinder their rights in a country where Islam has played a central role in shaping social norms, farmland rights are incomplete and they have not the slightest understanding of the principles of Islam. And invites fatigue to think about it⁶. As the sun sets over vast farmlands, it casts a shadow over the challenges women face as they find a foothold in agriculture These challenges range from deep cultural values to economic barriers to legal issues that severity to discriminatory practices. Addressing these barriers requires a comprehensive multidimensional study of the barriers faced by women⁷.

Real-life issues come to the fore in the discourse, reflecting the lived experiences of women occupying land with farmland rights Case studies provide a granular perspective, showing the

¹ Agarwal, *A Field of One's Own*.

² Chankrajang and Vechbanyongratana, "Land, Ladies, and the Law."

³ Daley and Pallas, "Women and Land Deals in Africa and Asia."

⁴ Giovarelli and Duncan, "Women and Land in Eastern Europe and Central Asia."

⁵ Zwartveen and Meizen-Dick, "[No Title Found]."

⁶ Tambunan, "Women Entrepreneurship in Asian Developing Countries."

⁷ Kieran et al., "Examining Gender Inequalities in Land Rights Indicators in Asia."

triumphs and sufferings of women claiming privilege or understanding systemic biases⁸. These stories serve as cautionary tales and beacons of hope, leading the way to a fairer ground. Beyond the legal system and social challenges lie deeper waters—the potential for empowerment through land ownership⁹. Ownership of farmland is not only a legal right but also a catalyst for economic independence, social mobility, and increased decision-making. The ripple effects of empowered women extend beyond those of individual cases change communities, and ultimately societies. The reform programs are central to seeking gender equality in access to land¹⁰. This section examines a range of interventions—past, present, and future with the goal of rethinking the scale. From legal analysis to grassroots engagement, each event contributes to an ongoing narrative of change, highlighting the collective efforts needed to reshape the agricultural landscape for women¹¹. The final chapters of this review align perfectly with the call for action in the fields and channels of power. Combining legal analysis, historical research, and real-life insights, it is clear that coordinated efforts are needed to rethink the balance of farmland rights¹². This is not just a matter of law or gender; It is socially transformative and symbolic, urging us to tear down barriers and create a more inclusive and just future.

Status of Women's Land Rights in Pakistan

The status of women remains a critical and debated aspect of the mosaic of legal frameworks relating to land rights in Pakistan. The legal environment is a patchwork of laws, customary law and religious principles, and within this strange fabric, women navigate a subtle journey to secure their rights in agricultural land¹³. However, translating constitutional principles into tangible women's rights to land ownership is a complex process. Influenced by a mixture of Islamic law and local customs, inheritance law often coincides with statutory provisions, creating legal conundrums if women have to navigate Islamic principles to play a central role in legal status women in terms of land rights¹⁴. While Islam supports women's inheritance, interpretation and

⁸ Jackson, "Gender Analysis of Land."

⁹ Giovarelli and Duncan, "Women and Land in Eastern Europe and Central Asia."

¹⁰ Jackson, "Gender Analysis of Land."

¹¹ Ahmad, "Land Rights for Pakistani (Muslim) Women."

¹² Naqvi, *My Land, My Right*.

¹³ Kieran et al., "Examining Gender Inequalities in Land Rights Indicators in Asia."

¹⁴ Ali, *The Caged Virgin*.

application can vary. While the Qur'anic provisions on inheritance are clear, these principles are sometimes overshadowed by social and cultural norms. Furthermore, the changing nature of family structures, particularly in urban areas, challenges traditional interpretations of property law¹⁵. In rural areas where agricultural land is the backbone of livelihoods, land ownership development is deeply embedded in patriarchal systems, customary practices are often decoupled from legal law, and women are marginalized in inheritance. The persistence of gendered rules in property and land distribution perpetuates gender inequality in rural areas¹⁶.

Legal instruments such as the Land Revenue Act and provincial laws continue to shape the legal status of women in terms of land rights. Although these laws provide a legal framework for land ownership, the mechanisms of implementation and enforcement are critical to ensuring equal access for women and are often shaped by complex land tenure systems the labor one creates additional barriers for women seeking to assert their rights¹⁷. In recent years, more and more people are recognizing the need to address gender inequality in the land they own. Legislative provisions and amendments have been proposed to strengthen women's land rights in recognition of the important role of women in agriculture and the rural economy. However, the effectiveness of these regulatory changes depends on effective implementation, oversight and community understanding¹⁸. In the case of land rights, women's formal empowerment extends beyond formal law. Access to legal aid, awareness campaigns and education programs are key components of the comprehensive plan. Women must be given not only legal rights but also the knowledge and tools to demonstrate these rights in a social context that can withstand change¹⁹. The judicial system plays an important role in determining the legal status of women's land rights through precedents and interpretations. Important decisions that support and support women's rights can set the stage for broader social change. Conversely, inconsistent or discriminatory legal decisions can reinforce existing inequalities²⁰.

¹⁵ Engineer, *The Rights of Women in Islam*.

¹⁶ Ali, Mottaleb, and Aryal, "Wealth, Education and Cooking-Fuel Choices among Rural Households in Pakistan."

¹⁷ Ahmad, "Land Rights for Pakistani (Muslim) Women."

¹⁸ Chankrajang and Vechbanyongratana, "Land, Ladies, and the Law."

¹⁹ Lim, *Land, Law and Islam*.

²⁰ Weiss, *Moving Forward with the Legal Empowerment of Women in Pakistan*.

The legal status of women in land rights in Pakistan is intrinsically linked to broader socio-economic factors. Women's empowerment is not only a legal but also a cultural and economic challenge²¹. Economic opportunities for women, access to education, and changes in social attitudes toward gender roles are critical to transforming women's land rights. The legal status of women in land rights in Pakistan is a dynamic and multifaceted issue²². This requires a comprehensive approach that addresses legal, cultural and economic issues. By creating an environment that recognizes and protects the rights of women in agricultural land, Pakistan can not only fulfill its constitutional promise of equality, but with untapped potential of women as contributors to sustainable development will also play a role²³.

Cultural and Religious Context, Particularly Islam

Cultural and religious context based on the complex fabric of Pakistani society, especially Muslim, greatly influence women's land rights status. Culture, a dynamic force, often shapes norms and practices associated with legal and religious aspects²⁴. Islam as the dominant religion not only provides a spiritual framework but also greatly influences the social concepts of gender roles, property and property rights. Culturally, Pakistan is a system of traditions, customs and kinship fancy. In rural areas where agriculture is the backbone of livelihoods, community relations and family expectations strongly influence land ownership patterns²⁵. These cultural norms are often intertwined with religious beliefs, creating a complex network in which women continue to demand land rights. Islamic principles, as found in the Koran and Hadith, affirm justice, equality, and emphasis on individual rights. Islamic property law is especially important in terms of land rights²⁶. The Qur'an provides clear guidelines for the distribution of property, including provisions for women's inheritance and inheritance. However, the interpretation and application of these principles may vary under the influence of cultural practices and local traditions²⁷.

²¹ Lim, *Land, Law and Islam*.

²² Tripp, "Women's Movements, Customary Law, and Land Rights in Africa."

²³ Jejeebhoy and Sathar, "Women's Autonomy in India and Pakistan," December 2001.

²⁴ Kousar, Makhdum, and Abbas, "Secured Land Rights, Household Welfare and Agricultural Productivity."

²⁵ Tambunan, "Women Entrepreneurship in Asian Developing Countries."

²⁶ Ali, *The Caged Virgin*.

²⁷ Lim, *Land, Law and Islam*.

Islam attaches great importance to justice and fairness in the distribution of wealth, including land. The concept of ‘kawama’, often translated as caretaker, emphasizes the responsibility of men to nurture and protect women. Although the concept is interpreted in different ways, it can be used to advocate for women’s economic rights, including land ownership²⁸. Cultural and religious issues can sometimes be enabling and barriers to women’s land rights. On the one hand, Islamic education provides a foundation for women’s rights, and emphasizes their role as economic contributors and decision-makers. On the other hand, cultural practices and interpretations may impede the actual exercise of these rights, leading to gender inequalities in land ownership. The rural-urban divide further exacerbates the cultural and religious aspects of women’s land rights. Modern legal systems may undermine the influence of traditional customs in urban areas, while in rural areas; Deeply ingrained cultural values often prevail. Bridging this gap requires not only legislative change but also cultural sensitivity and community engagement²⁹. Efforts to address women’s land rights culturally and religiously must be based on community-based approaches. Projects that operate within local customs while promoting nuanced understandings of Islamic principles have the potential to be more sustainable and effective. Community leaders and religious scholars can play an important role in shaping attitudes and being powerful advocates for women’s rights in the Islamic system³⁰.

For Pakistan, cultural, religious and gender intersections require a comprehensive approach to women’s land rights. Educational programs that raise awareness of Islamic principles of property rights and projects that challenge discriminatory cultural practices can help level the ground³¹. Furthermore, fostering dialogue among voices—including religious scholars, legal scholars, community leaders, and women themselves—is necessary to navigate the complexities of cultural and religious influences. It is important to recognize that cultural and religious values are not static; they evolve over time. Modern interpretations of Islamic teachings, combined with a growing awareness of women’s rights, offer a way to redefine cultural practices³². Legislative

²⁸ Zwartveen and Meinzen-Dick, “[No Title Found].”

²⁹ Kousar, Makhdum, and Abbas, “Secured Land Rights, Household Welfare and Agricultural Productivity.”

³⁰ Engineer, *The Rights of Women in Islam*.

³¹ Engineer.

³² Tambunan, “Women Entrepreneurship in Asian Developing Countries.”

reform with nuanced understanding of these cultural and religious factors can act as a catalytic change, creating an environment where women's rights to land are recognized and protected.

However, the road to change is not without its challenges. Resistance to cultural change and entrenched gender norms are barriers to change initiatives. Striking a balance between cultural sensitivity and the demand for gender equality requires careful guidance. Understanding and addressing cultural and religious issues is essential to advancing women's land rights in Pakistan, especially in the light of Islam³³. This involves the delicate dance between respecting cultural traditions and ensuring that these traditions are consistent with the principles of justice and equality enshrined in Islamic teachings³⁴. As Pakistan seeks to develop, so this delicate balance will be crucial to pave the way for gender equality in land access. It is a journey that requires collaboration, dialogue, and a commitment to reshaping cultural and religious narratives to create a more inclusive and equitable future³⁵.

RESEARCH METHODOLOGY /PLAN

This study employs a mixed-methods research design to comprehensively analyse the agricultural land rights of women in Pakistan from a legal perspective. The study integrates both qualitative and quantitative methods to provide a holistic understanding of the research topic.

Study Design:

The research design includes both desk-based research and fieldwork. The desk-based research involves a thorough review and analysis of existing literature, legal documents, constitutional provisions, and policy frameworks related to women's agricultural land rights in Pakistan. This forms the foundation for the legal analysis. Fieldwork includes interviews and focus group discussions with key stakeholders, including women farmers etc. These qualitative data collection methods allow for an in-depth exploration of women's experiences, perspectives, and challenges regarding agricultural land rights.

³³ Jejeebhoy and Sathar, "Women's Autonomy in India and Pakistan," December 2001.

³⁴ Kieran et al., "Examining Gender Inequalities in Land Rights Indicators in Asia."

³⁵ Jafar, "Women, Islam, and the State in Pakistan."

Methods:

- **Legal analysis:** A systematic analysis of relevant legal provisions, constitutional guarantees, and international provisions are conducted to understand the legal framework governing women's agricultural land rights in Pakistan. Islamic principles and interpretations are taken into consideration.
- **Quantitative data collection:** Survey questionnaires is administered to a representative sample of women farmers to gather quantitative data on their access to and control over agricultural land. Descriptive statistics and inferential analysis is conducted to examine patterns and correlations within the data.

The research methodology/plan outlined above provides a comprehensive approach to investigate the agricultural land rights of women in Pakistan. It combines legal analysis, qualitative exploration of women's experiences, and quantitative examination of access and control over agricultural land. This mixed-methods approach ensures a robust understanding of the research topic and facilitates evidence-based recommendations for policy and legal reforms.

HISTORICAL CONTEXT

Historical Evolution of Land Ownership in Pakistan

In the ancient roots of Pakistani agricultural societies, women played an important role in land acquisition. Historical records and archaeological evidence suggest that women were actively involved in agriculture and had some control over the land. The role of women in ancient societies was often multifaceted, encompassing responsibilities that extended beyond the domestic contributions to the establishment of agriculture and land management³⁶. The medieval period in Pakistan was dominated by feudal systems, which greatly influenced the development of landowners. In general, the influence of feudal lords in this hierarchical system resulted in an increase in landownership among the predominantly male elites. During this period, women's roles were shaped by prevailing patriarchal norms, which prevented them from owning and controlling

³⁶ Brohi, *Gender and Land Reforms in Pakistan*.

land³⁷. Feudal dynamics during this period cast a long shadow over women's land rights in Pakistan, historical imbalances include contemporary challenges Understanding this historical context is crucial to uncover complex issues present in female land ownership. The colonial period in Pakistan was marked by land degradation and land tenure transformation. British colonial policies, including the introduction of private property and land revenue systems, had a profound effect on land distribution³⁸. The impact on women's land rights was subtle, with some gaining new rights as a result of changes in property law, while others faced eviction. The colonial legacy continues to influence landownership structures, and understanding this era provides insights into the historical roots of gender disparities in landownership in contemporary Pakistan³⁹.

In Pakistan, socio-economic reforms were attempted after independence, with an emphasis on addressing historical injustices. Land reform programs aimed at redistributing land equitably and had aspirations to empower women. However, the actual impact of women's land rights varied in these early years. When legal provisions were introduced to protect women's property, translating these laws into tangible effects faced challenges Social and cultural norms also played a role in shaping the outcome, complex legal reforms negotiating with more penetrating traditions to pursue gendered terrain the publication was made⁴⁰.

The evolving legal framework for women's land rights in Pakistan reflects social changes, cultural norms, and dynamic legal reforms. In recent years, legal reforms have attempted to overcome gender inequalities and women in dealing with the land they own, with a focus on advancing women's rights⁴¹. Changes in property law and property rights have become necessary with the creation of the legal environment. The effectiveness of these legal provisions, however, depends on their implementation and the widespread social recognition of women's land rights. Historical analysis of these legal systems reveals steps upwards to achieve gender equality in land ownership and highlights ongoing challenges in ensuring effective implementation⁴².

³⁷ Gazdar, "The Fourth Round, and Why They Fight On."

³⁸ Easterly, "The Political Economy of Growth without Development."

³⁹ Weiss, *Moving Forward with the Legal Empowerment of Women in Pakistan*.

⁴⁰ Zia, "The Reinvention of Feminism in Pakistan."

⁴¹ Qadeer, *Pakistan-Social and Cultural Transformations in a Muslim Nation*.

⁴² Roomi and Parrott, "Barriers to Development and Progression of Women Entrepreneurs in Pakistan."

As societies developed, patriarchal norms gradually emerged, affecting women and often restricting access to land. Cultural practices fused with patriarchal systems posed challenges for women seeking to assert land rights. In general, social expectations and deeply entrenched gender roles relegated women to subordinate positions in terms of inheritance and inheritance. This historical approach to patriarchal values laid the foundation for contemporary challenges women faced in securing land rights⁴³. Understanding this historical shift is critical in developing strategies to address entrenched patriarchal influences that continue to prevent women from participating equally in land access.

Urbanization has brought about major changes in living conditions, affecting land ownership. Women's access to land was influenced by family structure and urban economic changes. The nature of property in urban areas, which often the prevailing legal framework poses challenges and opportunities for women. Legal responses to these changing dynamics have played an important role in women's land rights as they are organized in cities. This historic agreement reflects the convergence of legal reform with broader socio-economic change, and echoes the ongoing issue of women's land ownership in urban Pakistan⁴⁴.

The contemporary situation of women's land rights in Pakistan marks a complex interplay between historical legacies and contemporary challenges from discriminatory cultural practices to differences in the implementation of legal provisions, women continue to face obstacles. Economic and social inequalities further compound the challenges especially for women from marginalized communities. But in the midst of these challenges, there are also opportunities for change⁴⁵. Corporate advocacy, legislative reform, and growing awareness of the importance of gender-inclusive access to land provide avenues for improvement. Examining historical processes provides a lens through which to sit and address the multifaceted challenges and opportunities shaping women's land rights today.

⁴³ Jabeen et al., "Impacts of Rural Women's Traditional Economic Activities on Household Economy."

⁴⁴ Mueller, Gray, and Kosec, "Heat Stress Increases Long-Term Human Migration in Rural Pakistan."

⁴⁵ Jabeen et al., "Impacts of Rural Women's Traditional Economic Activities on Household Economy."

Changes or Continuities in Women's Land Rights Over Time

The roles of women in land ownership in the fabric of Pakistani history weave a diverse narrative at different times. Ancient records indicate that women were actively involved in agricultural activities and may have had land ownership or management roles. As societies developed, so did policies of women's participation in the land, influenced by cultural, economic, and legal changes⁴⁶. Understanding these historical processes is essential to unpacking the complexities of contemporary women's land rights. The current situation of female land ownership speaks of feudal estates. The feudal period established power dynamics, hereditary traditions and cultural values, which shaped theories of land ownership⁴⁷. These trends continue, and are reflected in the current challenges and opportunities for women. The impact of feudal systems on gender mobility and access to land remains palpable, underscoring the enduring impact of historical power imbalances on women's land rights.

The colonial period brought waves of disruption to traditional land ownership structures in Pakistan. The establishment of new legal systems and the reorganization of social standards brought about dramatic changes in women's role in land acquisition. After independence, the country underwent reforms that sought to address historical injustices⁴⁸. The legal and social changes of this period shaped the course of women's land rights, which reflected a complex interplay of historical upheavals and reform efforts. In the context of land ownership, the fight for gender equality has become legitimate⁴⁹. Legal reform, driven by aspirations for gender equality, aims to remove barriers to women's access to and control over land. Legislative changes and reforms aimed at increasing women's access to land have been introduced. Examining the impact of these legal provisions provides insight into the development of women's land rights and the effectiveness of legal mechanisms in promoting gender equality⁵⁰.

⁴⁶ Mumtaz and Salway, "Understanding Gendered Influences on Women's Reproductive Health in Pakistan."

⁴⁷ Mumtaz, Mitha, and Tahira, *Pakistan*.

⁴⁸ Shaw, "The Arranged Transnational Cousin Marriages of British Pakistanis."

⁴⁹ Shaw, *Kinship and Continuity*.

⁵⁰ Hussain, *Remoteness and Modernity*.

Urbanization opened a new chapter in the issue of women's land ownership. Economic and social dynamics in urban areas have been reshaped, affecting how women own and control land⁵¹. Urbanization presents unique challenges and opportunities, reflecting the changing face of women's geographic engagement in a rapidly urbanizing Pakistan. Understanding these dynamics is important in designing policies to meet the evolving needs of women in urban settings. Cultural change plays an important role in shaping women's empowerment, especially in relation to land ownership. Cultural values evolved over time, affecting women's status and rights to own and control land. These ongoing changes reflect the active negotiation of cultural attitudes, social expectations, and women's abilities⁵². Examining these developments provides valuable insights into how cultural change has reinforced traditional gender roles or paved the way for greater gender integration in land ownership.

The intersectional perspective acknowledges the relationship between social categories such as gender, class, and religion. In the case of women's land rights, it is of utmost importance to understand how these transitions affect change or continuity. Examining these complex interactions, shaped by class structures, religious values, and gender roles, frames the opportunities and challenges women face in accessing and controlling land, yielding nuanced understandings of the multifaceted nature of women's land ownership⁵³. Local realities are heavily influenced by global trends and international influences, including women's land rights. As Pakistan undergoes increasing globalization, it is important to examine how global influences shape local responses and policies. Interactions between global perspectives, economic systems, and cultural norms influence women's land ownership development. This insight sheds light on changes and dynamics within the local landscape, providing insight into the broader context in which women's land rights unfold⁵⁴.

Economic changes and changes in agriculture have a direct impact on the role of women in land ownership. Changing trends in agricultural practices, economic structures and rural livelihoods affect how women access and manage land. This thesis examines trends and highlights

⁵¹ Hussain and Jullandhry, "Are Urban Women Empowered in Pakistan?"

⁵² Evans, "Continuity and Change in Pakistani Politics 1."

⁵³ Shaw, "The Arranged Transnational Cousin Marriages of British Pakistanis."

⁵⁴ Akhtar, "'We Were Muslims but We Didn't Know Islam.'"

the ways in which economic change challenges or reinforces traditional gender roles, and affects women's empowerment in agriculture. In the contemporary context, women continue to face challenges and opportunities to obtain land rights. Discriminatory cultural practices, differences in the implementation of legal provisions, and economic differences present barriers. At the same time, advocacy groups, legislative reforms, and a growing awareness of the importance of inclusive land ownership for both men and women bring mechanisms for improvement this picture includes negotiations that are den of historical heritage, legal change, cultural change and economic realities to lay the foundations for interventions and program delivery that address multifaceted challenges and create opportunities possibilities for women in land ownership play a role⁵⁵.

Cultural and Societal Norms Influencing Land Ownership Patterns

Cultural construction plays an important role in shaping gendered notions of land ownership in Pakistan. Historically, cultural norms have imposed specific roles and responsibilities based on gender, influencing perceptions of who should own and control land. Deep-rooted beliefs about the division of labor and social expectations often mean that men are the primary decision makers who provide land These cultural factors contribute to a gendered land ownership landscape, where women face systemic barriers to achieving and controlling this priority⁵⁶. Cultural expectations generally dictate that land passes through the patrilineage, favoring male heirs. This influence of family and cultural norms creates an environment where women can be marginalized in pursuit strategies⁵⁷. Understanding the complex interactions of family structures and cultural expectations provides insights into the determinants of land ownership development⁵⁸.

Local expectations exert considerable pressure on landowner policy. Cultural norms in particular communities can shape collective decisions about how land is allocated and managed. These expectations often influence individual choices, and deviations from community norms can lead to social reactions. This cultural tension produces a landscape in which conformity to

⁵⁵ Asgary, Anjum, and Azimi, "Disaster Recovery and Business Continuity after the 2010 Flood in Pakistan."

⁵⁶ Akram, "Women's Empowerment in Pakistan."

⁵⁷ Kabeer, Khan, and Adlparvar, "Afghan Values or Women's Rights?"

⁵⁸ Jejeebhoy and Sathar, "Women's Autonomy in India and Pakistan," December 2001.

established community expectations of land ownership is central to the overall formation of the landscape. Cultural values of land ownership are often associated with religious issues⁵⁹.

In Pakistan, where Muslims predominate, social perceptions of property rights are influenced by interpretations of religious doctrine. Intertwining religious and cultural beliefs often shape legal frameworks and social expectations regarding land distribution. Understanding these conventions is crucial in light of the complex interplay of cultural norms and religious teachings that affect women's complex land rights. The rural-urban divide creates differences in cultural values of land ownership⁶⁰. In rural areas, where traditional customs may be strong, cultural expectations about the landscape may more closely follow historical norms. In contrast, in urban areas experiencing modernity, cultural change can challenge or reshape traditional expectations. Recognizing these differences is important for understanding the cultural influences on women's approach to land ownership and control. Patriarchal norms strongly influence the dynamics of gender power in land ownership systems. In many cultural contexts in Pakistan, patriarchal constructions suggest that men lack authority and decision-making power over land⁶¹. This gendered power gap perpetuates inequalities in access to and control over land, embedded in cultural norms that relegate women to subordinate roles in landlord structures.

Traditional practices and customs are important aspects of cultural values that affect land heritage. These rituals often have cultural significance and help communicate in specific ways in the landscape. Understanding the cultural customs associated with land inheritance provides insight into the more embedded practices that shape land ownership culturally. The social stigma associated with female land ownership creates significant cultural barriers. Cultural norms that stigmatize women's claimed rights to own and control land can lead to exclusion and discrimination. Overcoming these cultural barriers requires challenging deeply embedded stereotypes and advocating for cultural change that recognizes and emphasizes the role of women as landowners⁶². Modernization brings cultural changes that have an impact on land ownership

⁵⁹ Ali and Gavino, "Violence against Women in Pakistan."

⁶⁰ Bukhari and Ramzan, "Gender Discrimination."

⁶¹ Malik and Courtney, "Higher Education and Women's Empowerment in Pakistan."

⁶² Javeed and Lefen, "An Analysis of Corporate Social Responsibility and Firm Performance with Moderating Effects of CEO Power and Ownership Structure."

values. As societies modernize, cultural perceptions of gender roles may change, challenging traditional beliefs about land ownership.

Conversely, as modernity adapts to changing economic and social conditions, cultural norms can also create tensions. Understanding these dynamics is important in order to look at the complexity of cultural change in the context of women's land rights. Education plays a transformative role in shaping cultural norms of land ownership⁶³. Enhanced education and cultural awareness can challenge discriminatory practices and promote more equitable values. These initiatives empower communities to question traditional gender expectations and ensure a cultural context in which women are recognized as equal participants in the land they own. Promoting education and cultural awareness becomes a catalyst for reshaping cultural norms towards a more inclusive and gender-equitable landownership paradigm.

LEGAL FRAMEWORK IN PAKISTAN

Background

In Pakistani agriculture, women's ownership and control of land has a special relationship with their empowerment. However, the relationship between them has still not been extensively investigated. And there have been few studies to determine the number of women who own or control land in Pakistan. The Sustainable Development Policy Institute (SDPI) conducted a national multi-stakeholder survey in 2007-09 to address this knowledge gap and explore the factors contributing to women's land ownership and empowerment⁶⁴. The study focused on the rights of women as opposed to the private farmland inheritance system. This program brief discusses and analyzes the existing legislation on property rights (women) in Pakistan and analyzes government policies and international treaties in this area to understand the government's approach to women's land rights under the ho. it can be reviewed. The brief concludes with topic-specific recommendations⁶⁵.

⁶³ Islam, "Sifarish, Sycophants, Power and Collectivism."

⁶⁴ Lau, *The Role of Islam in the Legal System of Pakistan*.

⁶⁵ Mehdi, *The Islamization of the Law in Pakistan (RLE Politics of Islam)*.

Under Article 23, the laws and constitution of Pakistan give equal rights to the citizens of Pakistan to acquire, hold, dispose of and dispose of property, but interfere if the possession or use of property is contrary property rights are considered in the broader public interest. The state is also responsible for the security of its citizens. Thus, the state can interfere with one's property rights under Article 24 of the Constitution of Pakistan to protect the rights of the dispossessed in areas of ownership and distribution, ie. women and children. Such active involvement, however, is not evidenced in the case review or in the formal legislation⁶⁶.

Applicable Civil Law

In Pakistan, adult women have the legal right to acquire, acquire, transfer, sell or dispose of property, whether by gift or gift and on any terms or in any contractual manner as a man can. As property owners, women also have the right to mortgage such properties for income. The law recognizes the right of a married woman to freely acknowledge property if she has a title deed⁶⁷. Thus, courts recognize that husband and wife have independent property rights. State laws governing property transactions such as the Contracts Act 1872, the Transfer of Property Act 1882 or the Registration Act 1908, make no distinction between sexes for adults (over 18 years of age).

The Islamic Laws of Inheritance

Although civil law regarding property ownership and transfer is gender neutral, property rights are grounded in native Islamic law. In matters of inheritance and succession, Muslim women are subject to rules which, however, give them a privileged position. The West Pakistan Muslim Personal Law (Application of Shariah) Act, 1962 deals with matters relating to property under the personal law of every citizen residing in the state⁶⁸. The inheritance is correct according to the predetermined "parts of the Qur'an". They include all assets (excluding mortgages and other encumbrances) whether movable, immovable, ancestral or personal. Under Hanafi law there are twelve spouses, four men and eight women, according to the prescribed verses of the Qur'an, and eight spouses according to Shia law. Under Hanafi law, spouses include wife or wife, mother, de facto grandmother (which may be maternal grandmother), daughters, son's daughters, uterine

⁶⁶ Patel, "Hindu Women's Property Rights in India."

⁶⁷ Hallward-Driemeier, Hasan, and Rusu, "Women's Legal Rights over 50 Years."

⁶⁸ Feldman, "Why Shariah?"

sisters and full sisters The basic rules for distribution of shares are that female shareholders get half of male shareholders So according to Hanafi law, the father will get 1/6th and the mother will get 1/3rd. The husband will get ½ and the wife will get ¼ of the husband's estate. Half of the sons were daughters. Shia law, however, allows only female heirs as heirs. Because of the fixed and unchanging nature of shareholders, many devices have historically been used to enable individuals to manage their assets as freely as they wish⁶⁹.

Gifts and bequests are important in these instruments. The courts have upheld the verbal gifts of wife and daughter. However, the gift can be challenged on the basis of marz al-mut, which means that the gift was made under near-death pressure. The courts only allow bequests up to one-third of the testator's total and the legal heirs can challenge it after the testator's death, divorces are mostly defined in money terms than in property, leaving most. Thus, the property rental system does not create a level playing field. Besides enforcing Islamic property rights, Pakistani courts recognize the concept of Tanazul (property) whereby a woman is entitled to her share in the property though the act of freely relinquishing it the property is quite common and has had few challenges in the courts⁷⁰.

The Compensatory Property Principle

In effect, inheritance for Muslim women under Islamic law is discriminatory and contributes significantly to the low status of Muslim women. In 1997, the National Commission of Inquiry explicitly recognized that women's inheritance is half that of men's, and these rights have also been ignored but the inheritance system has been vindicated in various ways. The widely held belief (repeated over and over again by the courts in many cases) is that women did not have to bear financial responsibility and therefore were given a proportionate share of property, It is also said that women were first in property rights share through Islam⁷¹. According to John Esposito, "Women's position in Islam is affected not only by the fact that the Islamic faith interacts with and informs different cultures, but also by Islamic law and tradition The main interpreters of (hadith) are men (or ." religious scholars) in these cultures." scholars) were. Communists have also

⁶⁹ Lau, *The Role of Islam in the Legal System of Pakistan*.

⁷⁰ Ashraf, Abrar-ul-Haq, and Ashraf, "Domestic Violence against Women."

⁷¹ Anderson, "Access to Justice and Legal Process."

suggested that Islam introduced a 'property compensation system' in which women were theoretically entitled to other means. Such as inheriting property by gifts, marriage and conjugal proprietors -By operation, usually set aside (not given at the time of contract of marriage) and subsequent delivery of the wife⁷².

The Muslim Family Laws Ordinance 1961

The Muslim Family Law Act 1961, which regulated various aspects of Muslim personal law, does not fully codify Islamic inheritance law. The Constitution of Pakistan under Article 227 states that religion determines all the laws of the country. The provisions of the law discriminating against women in property inheritance were therefore not challenged in law or constitutionally, even the proposed amendments were often violated by formal legal systems and religious scholars of discriminatory inheritance right types of women are justified They say. Marriage gifts, wills, divorces and settlements⁷³.

Customary law, which courts deem appropriate for deciding cases of farmland inheritance, also discriminates against women and allows for limited rights during women's lifetime These limited rights does not allow women to donate or lease land, nor does it require them to have access to water and be named in the income statement you can have it

Property Rights of Women arising out of Marriage

Pakistani law does not recognize a woman's right to property acquired during marriage. Currently, there is no intention in law of joint ownership of matrimonial property. So, irrespective of whether her work (in the form of paid or unpaid domestic work) contributed to the family's purchase of land during marriage, even if she worked on the domestic land, the woman would not own it paper in domestic land. Though in-kind contributions are not recognized under the law, if a woman can prove that she made a financial contribution, she would be able to claim property under the benami (benami) transaction principle⁷⁴. However, this is a difficult rule to prove and generally the law only recognizes a power of attorney when a person's name is on the will In the

⁷² Khan and Ara, "Women, Participation and Empowerment in Local Government."

⁷³ Ali, "Testing the Limits of Family Law Reform in Pakistan."

⁷⁴ Critelli, "Between Law and Custom."

event of a divorce, the wife cannot claim a share in her husband's estate and is not entitled to he gets a long-term fix. If she has asked for khula (divorce), her dowry must also be collected. In the case of agriculture, a divorced woman will lose the right to work on the homestead or to own any public land that may be being used by her husband's family as tenant farmers or sharecroppers⁷⁵.

High court judgments show that Pakistani courts have consistently followed the principle of inheritance as per verses of the Quran, but there has never been any inquiry as to whether the woman actually acquired property under another chapter. In deciding who was in property proceedings, the Supreme Court will generally seek to endorse definitions more favorable to women and the way they are treated in terms of criminal law (statute of limitations) or cases where in the context of. The general basis for partiality in marriage and divorce is different. This may be due to the fact that matters of inheritance and relative property rights for women are decided religiously and on the basis of the Qur'an and Hadith.

Exercising property rights requires women to access the cumbersome, expensive and slow court system. In any case, women generally have limited access to the formal rules created by the patriarchal state system. Decision-making in property cases can take a decade or more⁷⁶. Even if a case is decided in favor of a woman, it does not guarantee that the decision will be effectively implemented and women's names will be included in the income register, especially in rural settings. Eventually, fewer women would gain control of their property. In a survey of over 1,000 households in rural Punjab in 1995, only 36 women owned land in their names, only 9 women had the right to sell land without the permission of men in their families. Women are perceived as weak, illiterate and dependent, in need of protection and vulnerable in property matters⁷⁷. Thus, any decision in their favor appears to be based on patriarchal ideals rather than recognition of equal citizenship for women.

⁷⁵ Ashraf, Abrar-ul-Haq, and Ashraf, "Domestic Violence against Women."

⁷⁶ Bukhari and Ramzan, "Gender Discrimination."

⁷⁷ Farooq, "Gendered Perceptions in Punjab, Pakistan."

Global Resolutions and Declarations

Due to the link between land ownership and poverty, many international treaties focus on land rights and women's rights in this area so Article 17 of the Universal Declaration of Human Rights states, "Everyone has the right to inherit property, one and the other". Article 16 (h) of the Convention on the Elimination of All Discrimination against Women (CEDAW) ratified by Pakistan in 1996 states that the parties shall give both spouses equal rights in the acquisition of property, acquisition, management, maintenance, enjoyment and free use of property or for valuable consideration" under Article 14 (g). Measures must be taken by the allies to ensure that women "have access to agricultural credit and loans, access to market facilities, appropriate technology and equal treatment in land and agricultural reform and land reclamation programs in⁷⁸. Although Pakistan ratified this treaty, it did so under the reservation under Article 2 that it would not take measures contrary to its constitution or laws (which would include its Islamic legal provisions) hence the transfer of land rights by inheritance in Pakistan, everyone is subject to the law of citizenship. While international forums often recognize the link between land ownership and poverty. The emphasis is on ensuring women's full and equal access to land, rather than land ownership, and international UN instruments do not emphasize equal rights to property. For example, the Beijing Platform for Action (1995) refers only to "equal inheritance rights", which basically means that women should be able to exercise or assert their right to inheritance as men. It should, but it is not necessary⁷⁹. That their share of inheritance shall be equal or in the same proportion as that given to the male. It takes into account the principle of Islamic inheritance law that provides for smaller Quranic shares for women.

Land Right Subjects in State Policy

Pakistan's government policy documents do not specifically mention issues of women's ownership and access to land, although this has an important link with poverty which is recognized National Commission on Status of Women report "Policy Amendments on Women's Succession and its Implementation However." it says the program aims to "reduce inequalities and imbalances in both socio-economic development, and ensure women have equal access to all development

⁷⁸ Weiss, "Interpreting Islam and Women's Rights."

⁷⁹ Weiss.

benefits and social services" with an emphasis on education and skills training among its major areas⁸⁰. Besides, it said, "Steps will be taken to ensure access to land, agricultural and livestock extension services, support mechanisms and facilities for poor rural women." Access to microcredit should be made available to women. Construction. We..." arising for women to inherit Information rights or customary law are not addressed in draft laws on equal pay and sexual harassment in the workplace.

Beijing Forum (1998) (NPA) but not emphasized in national policy in 2002. Pakistan is currently working actively to reach the strategies of MDGs. Goal 3 is "Gender and Women Empowerment. Although the framers of the Millennium Development Goals. Though the Strategy acknowledges the link between land access/ownership/property and women empowerment, projects and initiatives through government programs address the issue anyway. The issue of access to microcredit is addressed, but in the context of income generation rather than just asset ownership⁸¹.

The gap between identifying systemic barriers to women's empowerment/poverty alleviation and concrete action plans is particularly stark. While government commissions and policy documents emphasize the critical importance of women's access to land and more importantly, land ownership and management, government policies and initiatives do not translate this critical need into concrete action. Similarly, when a government signed or ratified international treaties, it was slow to translate the content of those instruments into domestic law and policy Women's Research Commission report (1997, p. xi) argues that Pakistan should not deviate from international norms for long can. "(It) must adjust its domestic affairs in line with international conditions and universally accepted standards," the report said⁸².

SURVEY CONDUCTED ON 550 RURAL FAMILIES IN PAKISTAN

Respondents' perceptions of women's heritage recognition are recorded and analyzed qualitatively and quantitatively. Data and group discussions suggest that women's rights to

⁸⁰ Khan, "Situational Analysis and Mapping of Women's Human Rights in Pakistan."

⁸¹ Khan.

⁸² Ahmad, "Land Rights for Pakistani (Muslim) Women."

ownership and control over land and housing assets determine their overall living conditions, economic security and even the importance of physical security. Recognition of women's property has also been recognized as a serious social consideration. The table, provides the most basic detailed statistics based on group discussions with respondents.

Respondents' Attitudes Towards Women's Property Rights

Questions	Yes	No	Total
Will you give your daughters their legal share in property?	89 (16.18%)	461 (83.81%)	550
Should women be given legal share in property?	296 (53.81%)	254 (46.18%)	550
Should women have property in their name?	260 (47.27%)	290 (52.72%)	550
Should women be given authority to manage their property?	49 (8.90%)	501 (91.09%)	550

Interpretation of Survey Results:

1. "Will you give your daughters their legal share in property?"

83.81% answered 'no' as to whether they would give their legal share in the property to their daughters. This indicates the respondents' resistance or reluctance to pursue their daughters' legal rights in property matters. The low number of positive responses (16.18%) indicates that there are significant differences in the rights of daughters to recognize and manage property.

2. "Should women be given legal share in property?"

This question showed a balanced response, with 53.81% agreeing that women should be given a legal share in property. However, it should be noted that 46.18% expressed the opposite opinion. This indicates a divided opinion on whether it is necessary or desirable to legally ensure women's access to property rights in the population studied.

3. "Should women have property in their name?"

Responses to this question reveal an almost even split, with 47.27% in favor of women with property in their name and 52.72% opposed. Equality almost certainly means a society struggling with ideas of women's independence and ownership. This may reflect ongoing debates about whether women should have private property rights or whether property should be centralized in family structures.

4. "Should women be given authority to manage their property?"

The results show a stark imbalance, with only 8.90% confirming that women should have the right to manage assets. In contrast, a significant majority of 91.09% expressed disagreement with the concept of women having control over their property. This implies a more entrenched view of gender roles and challenges the notion of autonomy for women in the management of their property.

Discussion on Survey Results:

A high percentage of respondents (83.81%) who are reluctant to claim a legal share in their daughter's estate reflects resistance to override traditional inheritance provision. Thus this reluctance may stem from a lack of knowledge of cultural norms or legal provisions that allow women to own property. Although more than half (53.81%) agree that women should be legally given a share in property, a substantial proportion (46.18%) holds the opposite view. This section shows the debate at the local level on the importance and implications of the legitimacy of women's property rights. The nearly equal division over whether women should own property reflects an intense social discussion about women's personal property ownership. It reflects the tension between traditional collective property in families and the rights of a woman have in the inheritance of emerging between expressed. It highlights a significant barrier for women entrepreneurs in making decisions about their assets, and reinforces the power dynamics between men and women in asset management. Overall, the results of the survey show a society with broad trajectories, navigating between traditional values and changing attitudes towards women's property rights. The variation in responses highlights the need for targeted awareness campaigns,

legal education and cultural change to promote greater gender equality in property ownership and management plant.

CONCLUSION

In Pakistan, the implementation of civil law on inheritance in Islamic private law has enabled the state to enact gender-neutral laws that guarantee women equal property rights. Within the confines of Islamic personal law, legislators could adopt a more progressive interpretation, following the example of other Islamic countries such as Morocco, which provides for automatic joint ownership of all property acquired in a valid marriage. Women should be entitled to real estate as dowry (if the parties agree) Property declared as dowry should be transferred in marriage In case of dowry, not if money has to be paid exclusively for a specified period (e.g. five years). It must be pointed out that the divorce should be treated as entered in the marriage certificate, in principle it should have been causal. For this reason, there is an urgent need to decide these cases through a special court to delay the regular judicial process. The courts should not limit their judgment only to the rights of applicants but should also enact laws to enforce them. that the woman's name should be entered in the Register of Rights within a certain period of time.

At the same time, there needs to be an awareness campaign. Registering a girl's birth is important because it can affect her right to inherit property later on and women need to understand that they have to be formally registered in order to obtain a property certificate which if they have a national identity card only possible. The government can encourage registration by subsidizing stamp duty and establishing a registration fee for women. Additionally, women should have access to subsidized loans using land as a credit facility. This again encourages ownership of property in a woman's name. This rule could be waived so that small loans can be linked to proof of ownership or access to land for agricultural purposes. Contracts between landowners and women should be encouraged so that women do not lose their right to work on shared land in case of divorce. These factors may indirectly encourage women to exercise some control over the land. Since this issue cannot be seen in official government policies and programs, the real challenge is to acknowledge it as a key contributor to women's subordination, so as to prioritize it for specific action. Although

Pakistani courts have taken a supportive approach in many cases, this practice will not have long-term impact without political support.

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