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A DOCTRINAL AND QUALITATIVE CRITIQUE OF WOMEN'S RIGHT TO INHERITANCE IN THE LEGAL FRAMEWORK OF PAKISTAN

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Abstract

The right of women to inheritance is a fundamental aspect of justice in Islamic law and a constitutionally protected right in Pakistan. Yet, the lived realities of many Pakistani women, particularly in rural areas, reflect a stark divergence from doctrinal principles. This article offers a doctrinal and qualitative critique of the law of inheritance for women in the legal framework of Pakistan. Researchers have employed a combined doctrinal and qualitative research methods, where the article analyzes Qur'anic injunctions, statutory enactments, and judicial interpretations, identifying doctrinal inconsistencies, legislative gaps, and socio-cultural impediments. The qualitative component is based on twelve semi-structured interviews with legal experts, judges, Islamic scholars, women's rights activists, and affected women, offering insights into the practical challenges women face in claiming their inheritance. The research finds that while Islamic law and Pakistan's constitutional framework endorse women's right to inheritance, patriarchal customs, weak enforcement mechanisms, and legal ambiguities continue to obstruct justice. The article concludes with concrete recommendations to bridge the gap between doctrine and practice and ensure gender-equitable enforcement of inheritance laws.

Keywords: Women's Inheritance Rights, Islamic Law (Sharia), Legal Framework of Pakistan, Gender Justice, Doctrinal and Qualitative Analysis.

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1- Introduction

The right to inheritance for women is an international, national, constitutional and Islamic recognized right. The state of Islamic republic of Pakistan provides safeguards and protections against the deprivation of inheritance rights to both males and females. Women right to inheritance in Pakistan is based on the Islamic principles, constitution and other legal statutes. Inheritance laws provide equal rights for women; however, cultural practices, social norms, and a patriarchal system often undermine their enforcement. Islamic guidelines on inheritance are explicitly mentioned in the Quran and Sunnah of the Holy Prophet PBUM. Islamic inheritance law grants women a portion of the inheritance, however this portion is usually half of what a male heir would receive (for example, a brother would receive twice as much as a sister). This idea is founded on the Quran's Surah An-Nisa, which describes the precise inheritance shares that men and women are entitled to.[1] Apart from the Islamic law, the constitution of Islamic Republic of Pakistan also Provides protection and guarantee for women's rights, including right to inherit property.

A basic provision for women's rights, including the right to inherit property, is found in the Pakistani Constitution where article 23 guarantees the right to acquire, hold, and dispose of property, while Article 24 provides further protection by ensuring that no person is deprived of their property except in accordance with law. According to Article 25, all citizens, regardless of gender, are entitled to equal protection under the law.[2] In Pakistan, women frequently encounter practical challenges while attempting to claim their inheritance, particularly in rural areas where customs take precedence over legal laws, even in spite of these constitutional safeguards. The Pakistan Penal Code (PPC) expressly covers the problem of abuse of women by their husbands or in-laws in Section 498-A.[3] Although it has nothing to do with inheritance specifically, it seeks to shield women from any form of coercion, including threats or abuses pertaining to inheritance rights. In order to protect women from dangers or injury resulting from property or inheritance conflicts, this section is a protection for them.

[1] The Holy Qur'an, Surah An-Nisa (4:7-14).
[2] Constitution of Islamic Republic of Pakistan 1973, articles 23, 24, 25.
[3] The Pakistan Penal Code 1860, section 498-A. This Section prohibits depriving a woman of her inheritance rights. It criminalizes actions that use deceit or illegal means to prevent a woman from inheriting movable or immovable property at the time of succession. The punishment for violating this section includes imprisonment for a term not less than five years and not exceeding ten years, or a fine of one million rupees, or both.

Although both Islamic teachings and Pakistan's state laws clearly define inheritance shares for male and female heirs, common practices often contradict these principles. The Quran explicitly affirms that both men and women are entitled to a share of what their parents and relatives leave behind.[4] Legally, women in Pakistan have the right to inherit family property; however, in reality, they seldom claim their entitlements. Despite the protections under Shariah and national law, women are frequently deprived of their rightful shares, especially in cases involving land, where their inheritance is often completely withheld.[5] Lack of education, patriarchal practices, and the occurrences of a swap marriage system (where forced exchange marriages are promoted to defer inheritance) are the key factors that limit the ability of these women to get their share of their entitled inheritance.[6] In rural areas, where traditional customs dominate, women are frequently denied their lawful inheritance, sons tend to enjoy the right of receiving almost all the assets left by their parents, while women generally do not receive or are obliged to surrender their legal share in inheritance and, even sometimes, they are being asked to forgo their right inheritance in the favor of their males,[7] which significantly impacts their socio-economic well-being and independence.

Most women in Pakistan lack financial freedom which further impedes their access to inheritance. Literacy rate of women in Pakistan is 49.6% which indicates their limited access to education. Lack of education and unpaid labor leave many women financially dependent on male relatives. Their economic vulnerability makes it impossible to demand their rightful shares.[8] In desperation, some accept small payments or gifts in exchange for renouncing their rightful shares.

Several surveys reveal that many women across rural and urban areas are unaware of their legal and religious rights. In districts with high illiteracy rates, women struggle to navigate the legal system.[9] The scarcity of female lawyers and judges in these regions further deters them from

[4] The Holy Qur'an, Surah An-Nisa (4:7).
[5] Rubya Mehdi, *Gender and Property Law in Pakistan: Resources and Discourses* (Vanguard Books 2002). https://www.vanguardbooks.com/book/gender-and-property-law-in-pakistanresources-and-discourses/ accessed 25 April 2025.
[6] M Ahmad, M Batool and SF Dziegielewski, 'State of Inheritance Rights: Women in a Rural District in Pakistan' (2016) 42(5) *Journal of Social Service Research* 622-629.
[7] E Ahmad, A Bibi and T Mahmood, 'Attitudes towards Women's Rights to Inheritance in District Lakki Marwat, Pakistan' (2012) 51(3) *The Pakistan Development Review,* 197-217.
[8] Rashida Patel, *Socio-Economic Political Status and Women & Law in Pakistan* (Faiza Publishers 1991)
[9] Hidayat Ur Rehman, Gohar Ali & Ilyas Khan, 'The Status of Women's Legal Right to Inheritance in District Buner' (2022) 7(1) *Journal of Islamic and Religious Studies*, 1-16.

seeking help. Unfortunately, legal recourse is often slow, expensive, and intimidating, discouraging women from pursuing their claims.[10] In addition, male relatives may manipulate legal documents or succession certificates to exclude female heirs. The long-established patriarchal cultural beliefs commonly work against women's inheritance rights by favoring male inheritance. Women face obstacles to inheritance rights because of structural impediments and patriarchal attitudes along with conventional customs. [11] Due to dominant patriarchal mindset in Pakistan, land and property remain deeply tied to male identity. Deep-rooted cultural beliefs prioritize male heirs over female ones which further contribute to deprivation of women's right to inheritance.[12]

It is quite ironic that women in Pakistan are denied their inheritance rights under the guise of Islam, even though it was Islam that pioneered the notion of women's property rights in human history.[13] Prior to Islam, inheritance was passed solely through male descendants. Islam fundamentally transformed this unjust practice by enhancing the status of women.[14] In many rural areas, community councils (jirgas) pressure women to sign away their claims "for the sake of family harmony."[15] These informal forums often place social standing above legal rights, forcing women into unfair settlements. One such practice was the tribal customs of *"Chaddar"* (a token gift of cloth) and *"Parchi"* (a paper document) where they are used to coerce women into forgoing their inheritance. Although the practice is declared un-Islamic and Illegal in March 2025 in a unanimous decision of the Federal Shariat Court, yet Jirgas system are still left to reform.[16]

The right of women to inherit is an inherent entitlement granted to them unequivocally by Shariah law and the Constitution of Pakistan; however, the existing cultural norms in both study areas often oppose the acknowledgment of this right.[17] Research conducted in Punjab revealed that societal norms, cultural expectations, and customs compelled women either to remain silent on

[10] Javeria Khan, Asma Khalid & Adeela Rehman, 'Women's Inheritance Rights in the West Pakistan Muslim Personal Law, Shariat Act 1962: An Analysis of Practices' (2022) 3 *Journal of Gender and Social Issues* 63-74.
[11]
[12] Farhana Aziz Rana, Muhammad Hassan Zia & Muhammad Sufyan Zia, 'Cultural Paradigms and the Evolution of Women's Inheritance Rights in Pakistan: A Trajectory Analysis' (2023) 8 *Global Legal Studies Review* 110116.
[13] Abdul Rasool and others, 'Hurdles to Women's Inheritance Rights Among Various Societies of Pakistan (A Sociological Investigation)' (2021) 2(4) *European Journal of Agricultural and Rural Education* 33 https://www.scholarzest.com
[14] Ibid.
[15] Mahtab Ahmad, Moazma Batool & Sophia F Dziegielewski, 'State of Inheritance Rights: Women in a Rural District in Pakistan' (2016) 42(5) *Journal of Social Service Research* 516–532.
[16] *Ibid* 3.
[17] Iram Rubab, *Women's Right of Inheritance: Practices and Challenges in Punjab* (MPhil thesis, University of Home Economics Lahore 2019) Page 146 https://www.researchgate.net/publication/351991371

this matter or, in instances of assertiveness, to feel apologetic for their position. Furthermore, male dominance plays a significant role in undermining a woman's confidence to assert her legal rights to inheritance.[18] Additionally, a fragile legislative framework, insufficient understanding of Islamic laws, and a tendency to be overly polite in legal processes contribute to women's decisions to forfeit their legal inheritance rights. Education acts as a powerful force in transforming the inheritance landscape.[19] Supported by various studies, education shows a positive link with women's empowerment, enabling them to contest discriminatory practices and assert their legal rights.[20] A productive way forward includes awareness campaigns focusing on media outreach, community involvement, and the participation of religious institutions should inform women across Pakistan about their rights to inherit.[21]

This research article aims to critically examine the doctrinal foundations and practical enforcement of women's right to inheritance in Pakistan by analyzing relevant Islamic legal principles, constitutional and statutory provisions, and judicial interpretations, while also exploring the socio-cultural and institutional barriers that hinder the realization of these rights through qualitative inquiry. The study seeks to identify the gap between law and practice and to propose concrete legal and policy reforms to ensure gender-equitable access to inheritance in accordance with both Islamic injunctions and Pakistan's constitutional framework.

2- Research methodology:

This research employs a non-doctrinal research methodology through doctrinal and qualitative research methods and approaches. The doctrinal analysis examines primary sources such as the Qur'an, the Constitution of Pakistan, statutory laws (e.g. Muslim Family Laws Ordinance 1961, Shariat Act 1962), and key judicial precedents to evaluate the legal position of women's inheritance rights. To complement the doctrinal review, a qualitative empirical research method is included

[18] Amina Nisar and Rafidah binti Mohamad Cusairi, 'Islamic Inheritance Rights for Women in Pakistan: Exploring Legal Safeguards and Social Challenges' (2025) 15(1) *Journal of Islamic Thought and Civilization* 146, Page 160 https://doi.org/10.32350/jitc.151.09
[19] Hazir Ullah, Umar Daraz and Raza Ullah, 'Women's Right to Inheritance: Challenging Cultural Barriers through Education in Khyber Pakhtunkhwa, Pakistan' 2023 Pakistan Journal of Social Issues, Page 143.
[20] Hazir Ullah, Umar Daraz and Raza Ullah, 'Women's Right to Inheritance: Challenging Cultural Barriers through Education in Khyber Pakhtunkhwa, Pakistan' 2023 Pakistan Journal of Social Issues, Page 143.
[21] Amina Nisar and Rafidah binti Mohamad Cusairi, 'Islamic Inheritance Rights for Women in Pakistan: Exploring Legal Safeguards and Social Challenges' (2025) 15(1) *Journal of Islamic Thought and Civilization* 146, Page 161 https://doi.org/10.32350/jitc.151.09

where twelve semi-structured interviews are conducted with legal professionals, judges, Islamic scholars, women's rights activists, and affected women from Sindh and Punjab. The interviews explored practical challenges, religious interpretations, and socio-cultural obstacles in inheritance disputes. The data is analyzed using thematic content analysis, identifying key issues such as coercion, bureaucratic barriers, and patriarchal customs. This combined approach offers a comprehensive understanding of both the textual law and its practical enforcement, highlighting the gap between doctrine and reality.

3- Doctrinal Analysis and Critique of Women's Inheritance Rights in Pakistan

The legal right of women to inheritance in Pakistan is grounded in a combination of Islamic law, constitutional provisions, and statutory enactments. Doctrinally, these sources collectively affirm the entitlement of women to inherit property. However, the enforcement and interpretation of these rights reveal significant inconsistencies, both within the legal framework and its application.

At the core of this legal doctrine lies Islamic law, particularly the Qur'an, which explicitly defines the shares of female heirs. Surah al-Nisa (4:7, 4:11–12, 4:176) establishes women's entitlement to inheritance as divinely ordained, granting shares to daughters, wives, mothers, and sisters.[22] These provisions are not discretionary; they are obligatory and fixed under the system of *faraid* (Islamic law of inheritance). Yet, in practice, these religious mandates are often circumvented or overridden by customary norms, which contradict the doctrine of divine command.[23]

From a constitutional standpoint, Articles 23 and 24 of the Constitution of Pakistan guarantee the right to acquire, hold, and dispose of property. Article 25 further ensures equality before the law and prohibits gender-based discrimination.[24] These constitutional protections are doctrinally aligned with the Qur'anic position. However, the lack of express constitutional recognition of women's inheritance rights as *justiciable* and directly enforceable contributes to their doctrinal vulnerability, especially in rural and tribal settings.[25]

In terms of statutory law, several key enactments are relevant. The **West Pakistan Muslim Personal Law (Shariat) Application Act 1962** declares Islamic law as applicable in matters of

[22] The Holy Qur'an, Surah al-Nisa, verses 4:7, 4:11–12, 4:176
[23] N J Coulson, *A History of Islamic Law* (Edinburgh University Press 1964) 103.
[24] Constitution of the Islamic Republic of Pakistan 1973, arts 23, 24, 25
[25] Rubya Mehdi, *The Islamization of the Law in Pakistan* (Curzon Press 1994) 115.

inheritance among Muslims. The **Muslim Family Laws Ordinance 1961**, particularly Section 4, introduces the concept of representation allowing children of a predeceased son or daughter to inherit their share, a progressive measure not found in classical fiqh.[26] However, this provision has been the subject of doctrinal debate, especially in the Federal Shariat Court, where questions of its compatibility with Islamic principles have been raised.[27]

Further, the **Succession Act 1925**, which still governs procedural aspects of inheritance for both Muslims and non-Muslims in some cases, lacks gender-specific protections or simplified mechanisms for enforcement. The procedural rigidity and complex requirements for mutation, documentation, and succession certificates pose doctrinal inconsistencies with the Qur'anic emphasis on clear, accessible, and obligatory inheritance distribution.[28] Judicial decisions in Pakistan have also reflected a mixed doctrinal stance. While higher courts have, at times, reinforced women's inheritance rights[29], many decisions by civil and family courts display hesitancy, influenced by patriarchal assumptions and customary practices. This undermines the doctrinal authority of both Islamic injunctions and statutory law.[30]

While the doctrinal framework rooted in Islamic, constitutional, and statutory sources, clearly upholds women's right to inheritance, its implementation is fraught with contradictions. Customary practices, judicial inconsistency, and legal ambiguity weaken the doctrinal coherence of inheritance law. A comprehensive doctrinal reform must involve harmonizing religious and statutory principles with procedural guarantees that make women's inheritance rights not only symbolic but actionable.

[26] Muslim Family Laws Ordinance 1961, s 4.
[27] *Allah Rakha v Federation of Pakistan* PLD 2000 FSC 1
[28] David Pearl and Werner Menski, *Muslim Family Law* (3rd edn, Sweet & Maxwell 1998) 299.
[29] *Ghulam Ali v Ghulam Sarwar* PLD 1990 SC 1.
[30] Asifa Quraishi, 'Her Honor: An Islamic Critique of the Rhetoric of Human Rights' (1997) 11(1) *The Muslim World Journal of Human Rights*.

4- Qualitative Analysis: Insights from Field and Legal Experts

To understand the gap between doctrinal entitlements and ground realities in women's inheritance rights in Pakistan, 12 semi-structured interviews were conducted with a diverse group of stakeholders. These included three senior lawyers, two family court judges, two Islamic scholars, two women's rights activists, and three women who had directly experienced inheritance disputes. The respondents were selected from both urban and rural areas across Punjab and Sindh, ensuring a variety of perspectives.

3.1. Gender Disparity in Practice Despite Doctrinal Guarantees

All participants unanimously acknowledged that although Islamic law grants clear inheritance rights to women, these rights are routinely denied in practice. A Lahore-based High Court lawyer remarked: *"In almost 70% of the cases I see, women are forced to relinquish their share to maintain family peace or under pressure from brothers"*. A rural female participant from Bahawalnagar, who was disinherited after her father's death, stated: *"My brothers told me that since I am married, I no longer belong to this house. They used religious justification, saying 'a woman's rizq is with her husband.'"*

These narratives reflect how religious teachings are frequently distorted to justify exclusion, even though doctrinally such claims have no basis in Sharia. This also justified several research studies, where, in many rural areas, community councils (jirgas) pressure women to sign away their claims "for the sake of family harmony."[31] These informal forums often place social standing above legal rights, forcing women into unfair settlements. One such practice was the tribal customs of *"Chaddar"* (a token gift of cloth) and *"Parchi"* (a paper document) where they are used to coerce women into forgoing their inheritance.

3.2. Legal Ambiguities and Institutional Failures

Legal professionals highlighted serious flaws in procedural mechanisms. According to a senior civil judge in Faisalabad: *"The courts are often the last resort for women, and unfortunately, they*

[31] Mahtab Ahmad, Moazma Batool & Sophia F Dziegielewski, 'State of Inheritance Rights: Women in a Rural District in Pakistan' (2016) 42(5) *Journal of Social Service Research* 516–532.

require years of litigation. Inheritance suits are not given priority, and interim relief is almost non-existent."

Several respondents flagged the complicated and opaque procedure for obtaining succession certificates and property mutations as major deterrents. A legal aid officer from Karachi explained: *"Most women are illiterate and can't navigate the legal process. They face harassment in revenue offices, and without male support, their rights stay on paper."* This confirms that doctrinal guarantees alone are insufficient without institutional accessibility and protection mechanisms. Although both Islamic teachings and Pakistan's state laws clearly define inheritance shares for male and female heirs, common practices often contradict these principles. The Quran explicitly affirms that both men and women are entitled to a share of what their parents and relatives leave behind.[32] Legally, women in Pakistan have the right to inherit family property; however, in reality, they seldom claim their entitlements. Despite the protections under Shariah and national law, women are frequently deprived of their rightful shares, especially in cases involving land, where their inheritance is often completely withheld.[33] Additionally, a fragile legislative framework, insufficient understanding of Islamic laws, and a tendency to be overly polite in legal processes contribute to women's decisions to forfeit their legal inheritance rights. Education acts as a powerful force in transforming the inheritance landscape.[34]

3.3. The Role of Customary Practices and Social Norms

Six out of the twelve respondents directly mentioned the role of customary practices that override religious law. The concept of *haq bakhshwana* was cited by three rural women and two legal experts. One female activist from Hyderabad explained: *"Women are forced to sign gift deeds or affidavits stating they are voluntarily giving up their shares. In reality, they are intimidated or emotionally manipulated into doing so".* The practice of prioritizing family reputation and male inheritance continuity over Sharia-mandated shares emerged as a consistent theme. An Islamic

[32] The Holy Qur'an, Surah An-Nisa (4:7).
[33] Rubya Mehdi, *Gender and Property Law in Pakistan: Resources and Discourses* (Vanguard Books 2002). https://www.vanguardbooks.com/book/gender-and-property-law-in-pakistanresources-and-discourses/ accessed 25 April 2025.
[34] Hazir Ullah, Umar Daraz and Raza Ullah, 'Women's Right to Inheritance: Challenging Cultural Barriers through Education in Khyber Pakhtunkhwa, Pakistan' 2023 Pakistan Journal of Social Issues, Page 143.

scholar from Multan added: *"Islam does not prevent women from owning land or property. What we see in Pakistan is not Islam but feudalism disguised as religion."*

This critique aligns with scholarly claims that cultural patriarchy often masquerades as religious tradition, undermining genuine doctrinal values. The right of women to inherit is an inherent entitlement granted to them unequivocally by Shariah law and the Constitution of Pakistan; however, the existing cultural norms in both study areas often oppose the acknowledgment of this right.[35] Research conducted in Punjab revealed that societal norms, cultural expectations, and customs compelled women either to remain silent on this matter or, in instances of assertiveness, to feel apologetic for their position. Furthermore, male dominance plays a significant role in undermining a woman's confidence to assert her legal rights to inheritance.[36]

3.4. Religious Misinterpretation and Community Silence

Two Islamic jurists were interviewed to explore religious views on women's inheritance. While both affirmed the obligation of fixed shares to women under Islamic law, they also admitted that the *contextual misinterpretation* of Qur'anic verses is common among the general population. One of them stated: *"The problem is not Sharia, but its misuse. The verse about sons getting double the share of daughters is tied to financial responsibility. Today, women contribute to households, so scholars must re-engage with these texts under current realities".*

Both scholars agreed that most mosques and madrassas do not proactively educate people on women's rights, despite the Qur'an's explicit guidance. This silence perpetuates ignorance and allows injustice to persist under the guise of faith.

3.5. Psychological and Economic Impact on Women

Three women interviewed shared deeply emotional accounts of being excluded from family wealth. One widow from rural Sindh recalled: *"When my husband died, his brothers took everything, land, savings, livestock. I was left with nothing for my children. They said, 'a woman's place is in the husband's home, not in land.'"* Another woman stated that her refusal to relinquish

[35] Iram Rubab, *Women's Right of Inheritance: Practices and Challenges in Punjab* (MPhil thesis, University of Home Economics Lahore 2019) Page 146 https://www.researchgate.net/publication/351991371
[36] Amina Nisar and Rafidah binti Mohamad Cusairi, 'Islamic Inheritance Rights for Women in Pakistan: Exploring Legal Safeguards and Social Challenges' (2025) 15(1) *Journal of Islamic Thought and Civilization* 146, Page 160 https://doi.org/10.32350/jitc.151.09

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inheritance led to estrangement from her family. The emotional and psychological cost of asserting legal rights often acts as a deterrent, particularly when women fear social isolation or accusations of greed.

Activists emphasized the economic disempowerment that results from denial of inheritance. One Karachi-based advocate summarized: *"Inheritance is not just about land; it's about dignity, bargaining power, and economic survival. Denying it to women denies them autonomy."* It also aligned and supported by various studies, education shows a positive link with women's empowerment, enabling them to contest discriminatory practices and assert their legal rights.[37] A productive way forward includes awareness campaigns focusing on media outreach, community involvement, and the participation of religious institutions should inform women across Pakistan about their rights to inherit.[38]

3.6. Judicial Inconsistencies and Burden of Proof

Two lawyers and a judge criticized the courts' approach in cases of relinquishment and gift deeds. Courts often require women to prove coercion, which is extremely difficult given the lack of documentation or witnesses. A senior advocate explained: *"Even when the deed is clearly suspicious, like a woman giving up hundreds of kanals without consideration—the courts still place the burden on her to prove duress."* While there are progressive judgments, their inconsistent application was flagged as a serious concern. One lawyer commented: *"The jurisprudence is evolving, but it is neither uniform nor robust enough to deter systemic denial."*

5- Emerging Themes

From the interviews, six major themes emerge:

Theme	Summary
Discrepancy between law and practice	The gap between Qur'anic injunctions and ground-level enforcement remains wide.

[37] Hazir Ullah, Umar Daraz and Raza Ullah, 'Women's Right to Inheritance: Challenging Cultural Barriers through Education in Khyber Pakhtunkhwa, Pakistan' 2023 Pakistan Journal of Social Issues, Page 143.
[38] Amina Nisar and Rafidah binti Mohamad Cusairi, 'Islamic Inheritance Rights for Women in Pakistan: Exploring Legal Safeguards and Social Challenges' (2025) 15(1) *Journal of Islamic Thought and Civilization* 146, Page 161 https://doi.org/10.32350/jitc.151.09

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Entrenched patriarchy and custom	Cultural norms often overpower legal rights, especially in rural and tribal communities.
Misuse of legal instruments	Gift deeds and affidavits are used to exclude women without genuine consent.
Administrative and judicial failure	Bureaucratic red tape and litigation delays hinder enforcement of women's rights.
Silence of religious institutions	Religious leaders often fail to educate communities on the true Islamic stance on inheritance.
Psychosocial impact	Exclusion leads to emotional distress, family estrangement, and economic vulnerability.

a-Summary of the Qualitative Analysis

The qualitative data confirms that the issue of women's inheritance in Pakistan is not rooted in doctrinal inadequacy but in socio-legal dysfunction. Legal and religious frameworks clearly recognize women's rights, yet structural patriarchy, legal inaccessibility, and community silence continue to deprive women of what is rightfully theirs. These expert insights and lived experiences underscore the urgent need for doctrinal reassertion, judicial vigilance, and institutional reform.

6- Research Findings and Recommendations

This research article reveals a significant disconnect between the legal entitlements of women to inheritance in Pakistan and the realities they face in securing those rights. Islamic law provides unequivocal guidance on the distribution of inheritance, assigning fixed and enforceable shares to female heirs. These rights are further affirmed by the constitutional guarantees of equality and protection of property under the Constitution of Pakistan, as well as statutory provisions such as the West Pakistan Muslim Personal Law (Shariat) Application Act 1962 and the Muslim Family Laws Ordinance 1961. Despite this strong doctrinal foundation, the practical enforcement of women's inheritance rights remains inconsistent, ineffective, and often inaccessible, particularly in rural and conservative areas of the country.

Qualitative insights from interviews with legal professionals, judges, scholars, and affected women demonstrate that the formal legal framework is frequently undermined by patriarchal cultural norms, informal family arrangements, and a lack of awareness. It was found that women are routinely coerced into relinquishing their inheritance shares or excluded through the misuse of legal mechanisms such as gift deeds and waivers. These practices, while legally permitted in principle, contradict the Qur'anic mandate when used to deprive rightful heirs, especially under social pressure. The absence of public religious advocacy on this issue further entrenches these harmful norms, allowing cultural practices to override divine injunctions and statutory obligations. Moreover, procedural barriers in the legal and land revenue systems, including complex documentation and delayed mutation processes, deter women from asserting their rights.

The research suggests that doctrinal clarity alone is insufficient unless accompanied by effective institutional mechanisms and cultural transformation. Legal procedures must be simplified and made more accessible, particularly for women without legal or financial resources. Specialized civil benches or inheritance tribunals could ensure timely and sensitive adjudication of such cases. Furthermore, legal reforms should criminalize coercive waivers and fraudulent transfers intended to disinherit women, thus closing the gap between legality and justice. Finally, public awareness initiatives led by religious leaders and civil society should be mobilized to promote the Qur'anic and legal obligations concerning women's inheritance. Only by confronting the issue through both legal and social avenues can Pakistan hope to fulfill its constitutional promises and religious commitments to gender justice in matters of inheritance.