

WOMEN INHERITANCE: A CASE STUDY ON BALOCHISTAN

Law

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ABSTRACT

This paper comprises five sections.

Section- I covers detailed introduction, including statement of the problem, its significance, scope, limitations, research methodology and Inheritance Laws in Pakistan.

Section -II comprises Account of the Case 'Story' – What Really Happened. This section defines the ground realities that how laws are misused to favour male dominated society.

Section III reflects analysis – The Whys & The Hows [very Important part of whole case]. This sections reflects why do most laws fail to bring change in the society. In this section a brief analysis and findings of gender discrimination in Pakistan have also been included. In this section an effort has been made to explore why laws are not practically implementable.

Section IV- depicts reflects discussion, results and suggestion. An effort has been made to provide in-depth knowledge about effective law making and assessing legislation; using Legislative Theory's Problem-Solving Methodology

Section V- This section encompasses conclusion of the study and the lessons learned. This section reflects set of workable and viable recommendations.

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Significance and Scope of the Study.

“Woman is the builder and moulders of a nation’s destiny, though delicate and soft as lily, she has a heart, stronger and bolder than that of man, she is the supreme inspiration for man’s onward march.”

Women constitute approximately 60% population of a nation. If she is given the task for the development of the country she can make a wonder. She is more dedicated, more hard working, more sincere, more devoted to the cause. Many social evils like; dowry, illiteracy among the females, killing of girl child in the womb, ignoring the hygienic values, police etc. can well be tackled by the active involvement of women and giving them economic empowerment. Unfortunately, in our society they are deprived of their basic rights of inheritance. Our women have a very great part to play in the progress of our country as the mental and physical contact of women with life is much more lasting and comprehensive than that of men. Provided they are come out of the economic slavery.

Every effort has been made to search out the causes of the failure of laws in our beloved country and why there could be no good governance for the oppressed, poor and needy people. We have law in books but not in field. Through this research paper a concept of enacting effective and viable laws is discussed, which will bring prosperity and well being in the lives of nation. This gives immense significance to this study. For every effort or authority will fail to bring peace and prosperity in the country, if we have in effective and non-implement-able laws.

As regards scope of the study, the focus of attention is the causes of failure of laws and remedial measures. Knowing that the entire parliamentary, judicial and executive system could not be examined through this single research paper. Therefore, only selected case law is studied to know why the laws could not give economic empowerment to women and could not bring socio-economic change in society.

Limitations

Despite socio-legal nature of the issue, the research study has been conducted with due regard to reliability, authenticity, and verifiability of primary data. Also utmost effort has been done to closely observe the ground realities in analyzing the data as well as evolving viable set of recommendations. However, the outcome may lack precision owing to certain limitations. The time constraint was the major impediment faced during the research.

Accessibility and availability of the legal experts was also difficult to manage while getting appointments for interviews and visits, owing to busy professional. The problem was compounded by law & order situation, which restricted mobility for research purpose. However, whatsoever limited time was available for interviews and visits, it was utilized as effectively as possible. Although, qualitative data was managed, yet secondary data obtained from various sources was also relied upon in complementing the same. Additionally, most of the Government authorities do not maintain their data, so much so that the latest and updated information on laws was mostly unavailable on their official websites. To facilitate background knowledge on the subject, literature was available on limited scale.

Review of the Literature

The relevant literature was reviewed and it was found that significant work had been done on good governance. However, it was felt that still there is a need to explore ways and means for enhancing the effectiveness of laws to bring good governance in Pakistan. Through this paper utmost effort has been done to complement the earlier efforts and filling the gaps in such studies.

Research Methodology

Owing to the socio-legal and political nature of the problem, both quantitative and qualitative research methodologies had been adopted. The research process, for the purpose of primary and secondary data, involved visits of Bar Associations, Human Rights Organizations, Administration and Police Authorities, Law Schools, Tax Authorities, Labour & Employer organizations, and Parliaments.

Primary data relies mainly on structured and unstructured interviews of Parliamentarians, Jurists, Legal Professionals, Legislative Drafting Experts, Administrative, Police and Revenue Officers, and Social Activists. The major sources of secondary data are the briefs, websites contents, research reports, newspapers, documents, and publications obtained from the relevant offices and websites. In addition to the above, use of telephone and internet was also employed for authenticating and supplementing the relevant primary and secondary data. The basis of analysis and findings has been primary and secondary data, coupled with general observations.

Executive Summary

Women's right to inheritance plays a vital role in the socio economic and political empowerment of women folk, but unfortunately women are often denied right to inheritance due to deep rooted patriarchal system, biased interpretation of divine directives, ineffective laws of the land and above all inefficient mechanism for the implementation & enforcement of law. Article 23 of the Constitution of Pakistan 1973 states that, "every citizen shall have the right to acquire, hold, and dispose of property in any part of Pakistan". It further guarantees the "rights to property and equality of citizen as fundamental rights" and also to strike down any custom having the force of law as far as it is inconsistent with the fundamental rights.

Normally, the women of Pakistan are deprived off their inherited property rights. They are not provided with any opportunity to claim their religiously guaranteed right to inherit the property. In some parts of the country they are even forcibly married with the Qur'an. The motivation for this does not seem to be religious fervor, but rather a desire to keep the family property and not to divide it. This is a very pathetic situation and needs to be addressed immediately.

The rational of these immoral and illegal acts lies in illiteracy, non-awareness of women dignity, unfriendly & repressive socio-political environment, the carelessness of the government to guard & promote their rights, and institutional failure. The ineffective laws are helpless to compensate the victim women.

Inheritance in Pakistan is governed by Islamic Shariah as codified in the Family Laws Ordinance 1961, the West Pakistan Muslim Personal Law (Shariat) Application Act (V of 1962) and the Succession Act, 1925. Under Islamic law, inheritance should immediately take place upon the death of a person. However, in practice the division can stretch on for years, even generations; if the property in question is under litigation or dispute. Consequently women do not automatically receive their share of inheritance, and could not get the property for use of their own free will. Land size is a strong determinant of social status and power, so there is strong desire to keep property within the family. Women's lack of information about legal, economic or political rights; violence that is imbedded in customary practices, inaccessibility to protection & justice, and restricted mobility; collectively deny women opportunities of owning and accessing assets & resources.

Additionally they do not understand the complicated nature of land registration systems. Equally they are not aware of judicial recourse that is available to them.

CASE STUDY OF WOMEN INHERITANCE IN PAKISTAN

By specifying clear cut entitlement and specific shares of female relatives, Islam not only elevated the position of women but simultaneously safeguarded their social and economic interests as long ago as 1400 years. The Quran contains only three verses [4:11, 4:12 and 4:176] which give specific details of inheritance shares. Using the information in these verses together with the traditions of the Prophet Muhammad (SAWS) as well as methods of juristic reasoning. "Allah commands you regarding your children. For the male a share equivalent to that of two females." [Quran 4:11]. Thus God has clearly mentioned the right to inheritance to female, which can never be denied by any legal instruments.

Contrary to Islamic teachings, the women of Pakistan are deprived off their inherited property rights. They are not provided with any opportunity to claim their religiously guaranteed right to inherit the property. In some parts of the country they are even forcibly married off with the Qur'an. The motivation for this does not seem to be religious fervor, but rather a desire to keep the family property and not to divide it. In an agricultural society, if the daughter is married to the Qur'an (legally!), she can not marry any man and therefore the family lands will stay intact. The girl becomes a spinster. This is a very pathetic situation and needs to be addressed immediately. These inhuman customs of our society had taken back their rights of women to inherit the property.

Inheritance And Empowerment Of Women

Women's right to inheritance plays a vital role in the socio economic and political empowerment of women folk, but unfortunately women are often denied right to inheritance due to deep rooted patriarchal system, biased interpretation of divine directives, laws of the land and above all inefficient mechanism for the implementation & enforcement of law. Article 23 of the Constitution of Pakistan 1973 clearly states that, "every citizen shall have the right to acquire, hold, and dispose of property in any part of Pakistan". It further guarantees the "rights to property and equality of citizen as fundamental rights", and also to strike down any custom having the force of law as far as it is inconsistent with fundamental rights. Generally the land

distributed to poor by the government always registered in the name of male member of family. Thus keeping the females out from the ownership of property.

The rationale of these immoral and illegal acts lies in illiteracy, non-awareness of women dignity, unfriendly & repressive socio-political environment, the carelessness of the government to guard & promote principles of women dignity and institutional failure. The ineffective laws are helpless to compensate the victim women. Unfairness to women is embodied in the social fabric of traditional tribal society of Pakistan. These forms of women rights violations range from dowry (Walwar), deprivation from inheritance from property kidnapping, rape, gang-rape, domestic violence on wives, daughters, sisters and even on mothers, forced marriages of girls in childhood, barter of women in the name of marriage or as compensation to settle feuds and clashes taking place among men. Abuse of women in its every kind is, unfortunately, increasing with the channels of time.

Women are considered the property of the males in their family and the owner of the property has the right to decide its fate as he wishes. The concept of ownership of women has turned women into such a commodity, which can be exchanged, sold out or bartered and even killed by the owner. This worsening situation can only be reformed with the empowerment of women through exclusive ownership in property.

Section I: Case Abstract – Setting the Stage

In general, women in Pakistan live in a world governed by strict religious and tribal customs that accord them a secondary status. Pakistani society essentially views a woman as needing to be supervised by her father and brothers before marriage, and her husband after marriage. This commodification of women forces them into a life of submission, discouraging independent thinking and actions. Normally, the women of Pakistan are deprived of their inherited property rights. They are not provided with any opportunity to claim their religious, social and legally guaranteed rights to inherit the property. In some parts of the province they are forcibly married off with the Qur'an, to save the property from distribution.

Inheritance Laws in Pakistan

Inheritance in Pakistan is governed by Islamic Shariah as codified in the Family Laws Ordinance 1961, the West Pakistan Muslim Personal Law

(Shariat) Application Act (V of 1962) and the Succession Act, 1925. Prior to the Shariat Acts introduction, in the sub-continent custom defined inheritance and courts referred to personal laws only in the absence of a local custom. The law provides for the distribution of shares according to the personal law of each religious community in the country (Christians, Parsi, Hindu etc.). The Quranic principle underlying the Islamic law of inheritance is "blood relationship is cause of title to succession." The law elaborates shares of grandmothers, son's daughter/s, uterine sisters, full sisters etc., and the circumstances under which they can receive inheritance.

Wills under the law are not legally binding however gifts of movable or immovable property can be made during a person's lifetime. Under Islamic law, inheritance should immediately takes place upon the death of a person, however the property has to be free from all encumbrances. In practice the division can stretch on for years, even generations, if the property in question is under litigation or dispute. Women do not automatically receive their share of inheritance. Land size is a strong determinant of social status and power, so there is the desire to keep property within the family. Women's lack of information about legal, economic or political rights, violence that is imbedded in customary practices, absence of available and accessible protection and justice to women, and restricted mobility; collectively deny women opportunities of owning and possessing assets & resources. A very important barrier in women empowerment is their lack of knowledge about their economic rights under the law. As stated above they do not understand the nature of land registration systems, documentation, transaction procedures; involved in taking possession of land or retaining their share. Equally they are not aware of judicial recourse that is available to them.

Pakistan ratified CEDAW in 1996 and has committed itself to removing discrimination against women through legislative and administrative measures. While the Convention does not explicitly address women's right to inheritance, it implicitly does so through Article 15 which secures their legal status and grants them the property rights. The National Policy for Women's Development and Empowerment, promulgated in 2002, acknowledges women's disadvantaged position and aimed at empowering women irrespective of caste, creed and religion. Among its primary objectives, is to remove inequalities, protect women's human rights and to eliminate negative customary practices.

Comparing Pakistan with the regional countries, it is understood that situation in Southern Afghanistan, remains the same. This area has a closed geographical and ethnic affinity with Pakistan. It is observed that, generally, in Pashtoon tribe, the females are not provided with the rights of inheritance. The same practice lies with the tribes of bordering areas of Iran, where majority of Baloch tribes live. They also do not deliver the inherited property to their females. Instead they get it from their sisters; in the name of Allah. Even the ladies do not get their due share from the "Diyat Amount." (financial compensation to the murdered family). However, the situation in India is quite different, where tribes have been converted to the educated and cultured communities. They generally give due inherited share to their females. Even in Pakistan, in big cities, the females get their property share from their brothers, as a normal practice. There are also some suits pending in the Civil Courts, where females have claimed their inherited share from their brothers; through due course of law.

Section II: Account of the Case 'Story' – What Really Happened

In this regard, we have selected a case study to explore the causes of the issue and to seriously work for the reforms. Brief facts of the case study⁺⁺⁺ are that the Syed N.H Shah and Syeda A.Nazily are the children of Syed R. Ahmed, who lived happily in Quetta in their own home. Their father belonging to middle class could hardly feed his children. Due to poor economic resources he could afford to impart education to one of his children. He decided to give admission to his son in English medium school, and to his daughter just a normal government school. This discrimination gave birth to injustice and difference of personality development between the children. The son being studying in English medium school was very proud and considered himself as superior to his sister. He started thinking that he is the only children of his father, and the sister has no rights; whatsoever it may be. Syed R.Ahmed was expired on 5th April 1977 Syeda A. Nazily could not complete her education. Having got just a normal education level he could not get marry to well off or influential family, instead she was married to a poor person. Soon after the death of father, Syed N.H. Shah took after the control of the property and assets of his father and disallowed his sister to enter into her father house. It is to be noted that with the passage of time and due to rapid urbanization, the

⁺⁺⁺ In The Court Of Civil Judge-V, Quetta.

Suit for declaration, possession through partition cancellation of mutation and permanent injunction.
Syed Iqbal Raza Naqvi and others Versus Syed Nazar Hussain Shah and others (Civil Suit No.144/2006.)

price of property was escalated and now it could be sold in millions of rupees. She requested to distribute the inherited property so that she could buy her own home, as she could not afford to live on rent. Her brother flatly refused to distribute the property, as it was the inherited property and could not be sold. She complained and requested that if the property could not be sold, then she may be allowed to live in a single room in her father's house. He replied that she had no right in the property of their father. She was very poor and could not afford to have conflicts with her brother, because litigation is a costly affair. Moreover this could put a bad impression in her in-laws that she had no respect and rights in her father's family. She decided to subdue against the coercive behaviour of his brother. At that time she had very less financial resources and could not meet the ever increasing economic needs of her family. She got ill, but she did not tell any person about her ailing condition. She knew that if she disclosed her diseases to her family, they would take her to hospital; where they had to pay enough money. Consequently she died on 30.07.2003, without receiving any proper medical care. On the other hand her brother was enjoying life with his family; using the financial resources of their father.

After her death, her children contacted their uncle and demanded the share to the extent of their mother. Being refused, they approached the Tehsildar Quetta City Quetta for obtaining the record of the property, where it reveals that their uncle (Syed N.H. Shah) filed an application dated 21.08.1995 for grant of Fard for the purpose of House Acquisition before Tehsildar Quetta and on the same day he also got Fatwa from a religious scholar in which he disclosed that he was the only child of his father. He also submitted an affidavit in this regard, and on this basis the mutation of inheritance bearing mutation No.239 old No.363 was effected in his name. Thus Syed N.H. Shah through his malafide intention did not mention the name of his sister being legal heirs of late Syeda R. Ahmed before the revenue authorities just to deprive her from the lawful right of inheritance; which is illegal immoral and unreligious. It was a surprised check and mate to the children of Syeda A. Nazily, they requested their uncle to clear the position, but to add insult to injury, they were thrown out of the home.

Being aggrieved from the fraudulent behavior of their uncle, the children of A. Nazily filed the instant suit, for declaring them the legal heirs of late Syeda A. Nazily and the joint owner of the suit property left by their grand father. They also prayed for the partition of the inherited property.

On the other hand, Syed N. H. Shah filed his written statement and contested the suit on the ground that his father Syed R. Ahmed was not in position to pay the purchase price of the house in question, consequently he being government servant made all payment to purchase the house in dispute. Therefore, the children of A. Nazily have no right to claim that the house in question is the inherited property and to be distributed accordingly. To prove his defence he did not produce a single documentary proof that he had paid the purchase price of the house in question, nor this contention was proved from any other ocular account of witnesses. He also raised a defence that his sister waived her rights in the property. However, these two pleas were declared reciprocal contradictory by the Court. The Court while discussing whether she waived her rights; declared that he must have produced any document showing that the his sister- Syeda A. Nazily has forgiven her rights in favour of his brother. Instead he concealed her name in front of the registering authority and submitted a forged & fabricated affidavit that he was the only legal heir of his father. Thus the Court declared that plea of forgiving her share in the favour his brother is of no value.

Finally the Court declared that Syeda A Nazily and Syed N.H Shah both were legal heirs of late Syed Riaz Ahmed and are entitled for their due shares in the property in question, according to the shares specified in Shria. The mutation No.239 (whereby the property in question was transferred in the name of Syed N.H Shah through Intiqal-e-Wirasat) was ordered to be cancelled with further directions to him to get mutate the property in question in both the names. The Court further declared that unfortunately the victim lady could not get her due rights in her life time, but her share in the disputed property be distributed among her children. This is a classacical example of "Justice Delayed is Justice Denied "

Being aggrieved from the Decree of the Civil Court, the Syed N.H. Shah filed an appeal before Honourable High Court of Balochistan on 18th December, 2009, which is still pending for adjudication. It is reported that he has already sold the disputed property to another man, and has received the full amount. Therefore, in any case he wants to get the decision in his favour. First he extended some threats to the victim family, failing which, he also tendered some proposals to resolve the issue out side the Court. But the children of A Nzali know that their uncle did not care his sister in her life time. She was died without receiving any medical treatment, as she could not afford to pay the medical expenses. So how he be sincere to her children. With his fraudulent tactics he wants to trap them and by paying just a few thousand

could get the property worth of millions. To avoid criminal conflict & to save themselves the children of Syeda A. Nazily now shifted to Karachi.

Section III: Analysis – The Whys & The Hows [very Important part of whole case]

Everywhere, people complain, "we have good laws but they don't get implemented". That complaint contradicts itself. How can we call a law 'good' when it does not work? The 'legislative power' that the Constitution assigns to you and your colleagues requires you to oversee the executive branch's implementation of the laws. To assess whether a bill will *work*, you must determine whether it, or other existing law, adequately provides for its own implementation.

A law 'works' only when it induces the behavior it prescribes. Whatever its proponents' good intentions, if a law fails to improve existing problematic behaviors, how can one call it 'good'?

The questions lies in the implementation of laws in Pakistan, especially of the beneficial legislation. We say that most of the laws which put responsibilities to the shoulders of citizens are most commonly enforces such as Income Tax, and Sales Tax Laws. But those laws which give relief to the deprived people, are hardly enforced. If we take the example of the instant case study, we observe that law provides the rights of inheritance to female, but it is the society and culture which negates such laws. Law, even, provides more facilities to women for getting these rights. The non-application of limitation law and non submission of court fee, is the basic and positive facility provided to the women gender, which are not provided in other cases.

The male dominated society, usually negates the rights of opponent sex. In this case a brother steals the rights of his sister. It is due to his greed towards income and property. It also shows our behavior that how we see towards opponent sex. We can not allow them to be at par with us, and share the decision making. Whatever we do, and how we do, it is our discretion. Women can never be the equal citizen of our society.

The dark side of the picture is that, we commonly know that male conceal the names of their sisters in the record of rights. But it is the duty of the state not to allow them for so. When Syed Nazar Hussain Shah approached the revenue authority to transfer the property in his name alone, by concealing the

name of his sister, it was their duty to verify the facts. After all the revenue department is the main department, it must have the mechanism of check & balance. If one person approaches them and submits some facts, it is their duty to verify those facts from other neutral sources. They can even ask the intending person to get the facts verified from Nazim, Councilor or concerned Police Officer. So that the element of concealing the names of females be reduced. But unfortunately it is not done in most of the cases. Reportedly, the revenue authority get involved with the purchasers and by taking some amount of money, they transfer the property without going into the details of the facts. The ultimate victim of this pathetic situation is the female gender.

Why Laws are failed to give property rights to women:

- Unavailability of laws. Despite the prevailing illiteracy among the citizens of Pakistan, the government has not made any effort to make the laws & rules already available to its beneficiaries.
- Most laws are written in English, which is not the mother tongue of the citizens of Pakistan, therefore, generally laws are not understood, hence not implemented.
- Most laws are enacted in haste. There is no mechanism of research for bringing new laws in field. The law schools should be kept in loop while working on laws. No institution can single handedly work on every law, for every law differs in nature, with rest of laws.
- In most of laws the drafters speak about the role and duties, so people avoid working under the specific law.
- Normally, wordings used in legislation are vague, too technical, ambiguous, and provide discretionary powers.
- Rules do not allow transparent, accountable and participatory implementation.
- Unnecessary and unbridled powers to the registering authority may lead to corrupt practices and arbitrary decisions. All the relevant agencies must work like a team.
- There is inconsistency of laws with social and cultural norms of society
- There is no mechanism of feed back and evaluation in our laws. Thus old laws and rules could not be implemented in ever changing ground realities. A statute must incorporate feed back system, as without it implementation can not be evaluated and amendments can not be incorporated.

- Our property laws are designed to serve the interest of upper class, thus the deprived and poor female could not be benefited.
- Prevailing culture of corruption and nepotism in our system.

Section IV: The Lessons Learnt – The Way from Here.

Keeping in view the facts and figure of the instant case, it is understood that sharia and law provide every right of inheritance to female. Allah has distributed and marked the share of female in the inherited property. In the His Sharia, Allah has left many items and subjects to be decided by the state according to the situation of era, but He has not left the rights of female on the mercy of male dominated society. It is not the laws but the greedy behavior of men who does not give females their due rights.

The non-enforcement and non-effectiveness of laws also create hindrance in the way to getting the rights. The process of the transfer of property is so complicated and burdensome that only a male can do this. Apparently it looks very easy, but when one goes to transfer the property, a lot of character and players come to welcome him. They know that an application for transfer the property bring brings bread and butter to their family. The heavy duty and fee for the transfer the property hinges upon the applicant. Obviously, he asks the revenue authority to reduce the amount of transfer fee. Hence the game begins. The transfer the property can not be completed without the abetment of the revenue staff. They take the money and teach different tactics to the applicant, sometimes openly and some times secretly. All this, can not be done by a female, who is either illiterate or inexperienced to this.

The basic reasons for their non-compliance of gender related laws are that they are not consistent with social and cultural norms of our society although they are for the benefit of public at large and deprived gender particularly. Most of the times economic benefits of women clash with social and cultural values our society. Therefore, there is no proper enforcement of law in letter and spirit. However, the actual reason might be proper awareness of women to highlight social and economic complications due to tradition and customs of our society.

Similarly, there are many other laws which are although existing in the statute book but nowhere in our society. Even sometimes the concerned enforcement agencies are also not aware about the existence of such laws due to different reasons which may be social, economic or political. For the proper implementation of laws, it is very important that citizens internalize the legal

values for the effectiveness of the state. All the civic acts by citizens help the state to overcome potentially crippling implementing agency problems. Law influences the behavior of citizens through expression, deterrence, and internalization. If people intentionally follow the spirit of law, there is no doubt that women be deprived from their due property rights.

It is the duty of the state to protect the rights of the deprived citizens. In our country there is no mechanism of feed back of legislations. Once a law is enacted, there is no authority to monitor the effects of that particular law in the society. Government should evaluate that why female could not get their share in the inherited property. If a lacuna exists in the law or policy, it should be rectified immediately. Unfortunately this is not done.

No we are living in the era of state of the art technologies. NADRA has done miracles in our national registration system. Taking the expertise of NADRA and allied agencies, government must order the revenue authority not to transfer the inherited property, without due diligence and verification from NADRA.

Section V: Conclusion – And the Moral Is

Allah Ta'ala lifted from women the obligation of working to provide and support themselves and their families. He made this obligation particular for men alone. Allah (SWT) commanded men to be responsible for the care of women during all stages of their life. While she is a child, she is under the care of her father. This responsibility is not lifted except by her marriage or death, nor does it cease after she reaches a certain age as occurs according to the laws in many nations. After she marries, the responsibility falls on her husband so long as she is under his care due to the contract of marriage.

This lifting of the obligation of working for the purpose of providing for herself was in order to preserve her from being degraded, as many jobs that are sought to gain livelihood entail humiliation and hardship. But unfortunately this has been misused by men. Now they are controlling all the aspects of women.

Allah has given her the right to own and dispose of her properties without any guardianship over her. She has the right to own all forms of property, to buy and sell, give gifts and charity, and all forms of expenditure (without wastefulness) so long as it is her wealth and her acquisition. Islam gave women the right to own and dispose property, so that by this she could be a

full legal personality possessing the full right to administer her wealth. Islam provides her with specific sources to acquire wealth, like the dower, inheritance, gifts, and all other lawful means for acquiring wealth.

In the instant case Syed Nazar Hussain Shah managed to transfer all the property left by his late father, by excluding his sister. He fraudulently conspired to plan the transfer of property by furnishing an affidavit that he is the only legal heir of his father, thus deprived the share of his sister from the property of their father. He also got FATWA from the religious leader declaring that all the property to be transferred in his name. This masculine behavior to usurp the rights of female gender shows our vision towards equality and fair play.

We know that all the laws of Pakistan affirm the supremacy of the Sharia, (as the injunctions of Islam as laid down in the Holy Quran and Sunnah) as the supreme law of Pakistan. The Enforcement of Sharia Act, 1991 states that all statute law is to be interpreted in the light of sharia and that all Muslim citizens of Pakistan shall observe the sharia and act accordingly. Section 20 of the Act states that notwithstanding anything contained in this Act, the rights of women as guaranteed by the Constitution shall not be affected. The Indian Succession Act 1925, adopted as The Succession Act 1925, deals with matters connected with intestate and testamentary succession. Its provisions are uniformly applicable within Pakistan to all sections of society. We have the laws in books, but in reality the gender discrimination over rule our legal system.

Suggestions for Women's Empowerment for getting their due rights.

- Increase women's access to ownership and control of assets, particularly government distributed land and property, through the registration of title-deeds of all state-land allotted for lease or housing schemes, jointly in the names of husband and wife, and in the case of female headed households to the woman.
- Register property inherited by women, particularly in the rural areas, in their names and strictly enforce inheritance laws, ensure that inheritance cases of widows and orphans are taken up on priority basis by courts and settled expeditiously.
- Introduce legislation to ensure that a woman's share in all property and assets acquired by the spouses after marriage (excluding her inherited property, marital gifts and other dues from her husband) is

legally recognized and secured for her in case of divorce or death of husband.

- In the rural areas, political parties should carry out land reforms and impose progressively- scaled agricultural income tax, ensuring that peasant women benefit equally with men from the revenues.
- Redistribute available arable state land to landless peasants, ensuring that half the recipients are women, or are joint title deed holders with men within a household or family unit. Where they are women-headed households, they will have sole title deed to state distributed land and housing initiatives under various poverty reduction and agricultural development programmes.

List of persons interviewed for the case study.

S.No.	Name	Position	Address	Relevance
1	Mr. Abid Mehmood	Advocate Supreme Court	Room No. 86, Regal Plaza, Quetta	He is leading Civil lawyer. Dealing inheritance cases. He also teaches concerned laws in University Law College, Quetta.
2	Mrs. Sana Durrani	Chairperson Today's Women Organization	Masjid Road, Quetta	She runs NGO, and mostly deals with the women issues. She is very active and dedicated lady.
3	Mehmood Khokar	Advocate High Court	Zainab Plaza, Court Road, Quetta	He is the lawyer of plaintiff (the victim party)
4	Syed Iqbal Raza Naqvi	Plaintiff of the case		Plaintiff of the case, Son the lady and the attorney of his sisters
5	Waseem Jadoon	Advocate Supreme Court	Patel Road, Quetta	He is the lawyer of defendants (the aggressor party)
6	Javed Rahim Jamoot	Secretary Land Settlement	Board of Revenue, Civil Secretariat, Quetta	He is the Government Officer in Revenue Department.

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