

The Property Sharing and Distribution System for Women in Baluchistan, Pakistan

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Abstract. The area wise Balochistan is largest province of Pakistan and the government of Balochistan is putting lot of efforts to promote the condition of women in employment, education and income. In Balochistan, women experience a variety of troubles to obtain their rights. The key problem is their unfair and imperfect right to discover resources. The common community norms and culture of Balochistan normally ignore women's rights in society. This study results discovered the best way out for female assets distribution between current social and Islamic laws in Balochistan. A qualitative technique has been assumed to accomplish this objective. It is established that the common populations of the female are ignored from assets in the social system of society. While in Islamic system the shares are fixed for every class of female. In Islamic practices men are accountable for giving protection and protection to their children and wives. The study explained two property sharing systems of Balochistan society. The research tells about the Islamic land or property sharing system and data shows that this system is competent to give justice between woman and man in property distribution. The Islamic law of inheritance regarding properly distribution solved the discrimination against women Balochistan. So, it is suggested to implement Islamic law of heritance among the community of Balochistan. The implemented of Islamic law in Balochistan province will protect the women and they will be more safe economically. In addition, the Islamic inheritance law will provides more independent and dominancy to women in Balochistan society.

Key words: Woman, Sharing, Property, System, Islamic, Balochistan, Solution.

Introduction

Shifting of assets from one generation to other generation through legacy provide an important source of assets to middle-aged and the young. The shifting often comprises a key basis of earning and older age safety in the shape of residence rights in developing countries. The official social safety set-up at national level is approximately absent and wealth market is deficient. The inheritance assets in addition give a possible foundation of deal in schooling for family who become orphans at an early age. Still it is unspecified that parents gather assets only for old-age expenditure, as the hypothesis of life cycle says, and have no exacting wish to left little bit to children (Abdullah et al., 2014: 29-52; Mohajan, 2012:).

In Pakistan each law and guideline is stand on Islamic law. However, there are a little customs and traditions beside Islamic laws, which are normally used. The cultural and social practices in Pakistan do not permit female to enjoy their official right which is provided by Islam. The Pakistani female has to face large number of troubles that make

them in a particularly unsafe position both economically and socially (Abdullah et al., 2015: 363-383).

Traditionally, gender act as a main character in the allocation and sharing of inheritance land (Abdullah et al., 2014: 29-52). In social system, men are giving the key part of the land or assets. In Islamic law, a daughter and son do not divide the equal percentage of the assets as an inheritor. According to Islamic law, the son will find a part of assets, which is, equals to the share of two daughters (Ahmed, 2007; Hossain and Tisdell, 2005: 439-453). However, in some rural area female are not given their due share in the inheritance (Green, 2015: 467-470; Parveen, 2007: 53-69).

The West Pakistan Muslim Personal Law (WPMPL) also acknowledged as Shariat Act 1962 and Muslim Family Law Ordinance of 1961, concern for the civil rights of legal inheritors. However, there is no definite act in the structure that serves to prevent denial of inheritance rights to female. Whereas Islamic inheritance law promises the rights to female but the society does not makes such kind of security (Saifi, 1980; Koenig et al., 2003: 269-288).

The inaccessibility and denial of shares regarding distribution of assets to female is maximum in Balochistan, as check on choosing of profession is 66 percent, selection of spouse 77.1 percent, crisis in keeping links with others 64.97 percent, choice of traveling 66.13 percent and the rejection of the right to inheritance assets is 100 percent. The Balochistan have no legacy law for female, where mainly boys are part of the family. In Balochistan there also have been incident of men family using power or resorting to kill, when female family approach a court of law to say their share in inheritance land or property or decline to give up their official rights. The Pakistan Courts have been made the rights of female to inherit land or property. Nevertheless, less case is usually convey to the notice of courts (Zaman, 2014: 1-20; Sourav, 2015: 5-13).

Owing to widespread denial of this right, of property sharing system, the women of province feel insecurity in the society especially when they have no mean of income. Nevertheless, the interplay of cultural practices and patriarchal intent still creates numerous hurdles for women. This research analysis how female are distinguished in the community system of land or assets distribution in Balochistan. This study will validate that Islamic inheritance law gives female highest share in assets as compared with the social property sharing system in the Balochistan.

Material and Methods

In this study, qualitative method was used and information was collected from women of Balochistan. The researcher compared societal and Islamic property sharing systems for women in Balochistan. The Islamic inheritance system guaranteed more shares in property for women of Balochistan.

40 infected women were selected as sample for this study. The woman of study belongs from different geographical and cultural tribes of Balochistan. All the women were interviewed for research work. For the identification of the women of this study, a primary naming procedure was carrying out through the revenue department of Balochistan. When the families of female were recognized, the researcher approached those women. But, due to the susceptible environment of the study theme, it was hard to engage female of Balochistan without any private relations.

To obtain a holistic vision, the researcher selects both extensive literature and empirical data. The partially structured meeting channel was applied as a instrument for data collection. Information was composed by interviews as it is the finest method to judge individual experiences. According to the research the interview guide was designed. The

interview guide was build up a pleasant situation for sharing own details which was essential to build the interview fruitful. The interview also consists common questions about the subject to plan the respondents for further investigation. The important part of interview comprised semi prepared main questions which target the real points of this study. The end section of the interview was based on common recommendations to gather the important ideas of the women of Balochistan. Moreover, the interview point was planned rationally in such a way that highest information was collected without any damage to the respondent's interests. The English was used as an unknown language for most of the respondents. Whereas the tool was also translated into Urdu and local languages where required.

The data of interviews were analysis carefully and soon, the information was finished anonymous by giving fictitious to obey the ethical considerations.

Results

The research showed that educational space between females and males are dropping slowly. However, our studies showed that laws associated to female rights remained useless because of ethnically negative idea toward female heritance rights, and some socioeconomic factors. Historically in Balochistan female are given less significant as compared to men. In Balochistan, women have lot of troubles to get their rights. The main matter is their unfair and partial rights to discover income. The culture and social norms normally disregard female rights in Balochistan. Women of Balochistan are extra depressed than men in their access to healthcare, education and economic resources. Traditions and socio cultural norms not allow the female of Balochistan to achieve their economic freedom. The Women of Balochistan are categorized within their household. The family members are happy with the delivery of male baby because they believe that male baby would assist and give economic support in the old family members. While the daughters are thinks to be a non- stable member of the family. In rural area of Balochistan, the majority female are landless. A few female of Balochistan have land under their name.

During general fieldwork, the investigator known a number of socio-economic factors which women faced when demand for their inheritance. The following factors included lack of knowledge about Islamic law among women of Balochistan, emotional affiliation of female with brothers and social pressure put on women by family etc. The data showed that a common woman of Balochistan refused their right of inheritance property in favor of male relative due to social norms and values.

It was believed that females were prepared to consider that if women asked for their share in the inheritance property. They were actually overruling the rights of their brothers. When a question was asked from women of Balochistan give up their inheritance from families in support of brothers. The one respondent said that, "Those women are not considering excellent who request for property sharers from brothers. This statement showed that the thought of inheritance property was totally misunderstood by lots of female of Balochistan residing in far-off areas. They were totally unaware about Islamic law of inheritance for property sharing. This misunderstanding had led female to think that women could not inherit land or assets.

The data showed that no one of the respondents had a inclusive information of the female right of land inheritance throughout a valid source. The conclusion acknowledged that only less applicants of the research were little bit aware about the law linked to inheritance. However, a common lack of awareness was noticed with regard to the female right of land inheritance in Islam.

The results revealed that the socialization development of female additional consequences in their impossible emotional affiliation with brothers. The female from a very early age, are told that brothers are important to them because brothers can give them a supreme form of safety. Moreover, female are told that their brothers are be the waris of the family. Therefore, female have to keep an excellent relationship with her family man members. The findings showed that many women of Balochistan want social safety from brothers. It was observed that the tendency to surrender property in goodwill of brothers was common between female of Balochistan. This kind of practice of surrendering was found in highly educated women as well.

Some women of Balochistan are enforced by families to give their inheritance assets handover to brothers. While, several brothers take the inheritance assets and go from the life of their sisters who have no closer male relative compelled to bear them or able of doing so.

The women of Balochistan after marriage go from their father's residence and live with husbands. The data showed that most of male family members hide vital papers about the land or property from their sisters. In majority cases, we find that female cannot demand their assets against brothers due to lack of significant acknowledge and official risk, and the majority women of Balochistan are not aware of their inheritance laws. During investigation, it was observed that if woman of Balochistan gets her land or property, behavior of her family became rood. Therefore, the women are not concerned in obtaining their land or property. It is though for women that if they file cases regarding their rights so than they have to face hazard by the society. The data also showed that the man frequently shifted the share of property that belongs to the women without telling them. Most of, Balochistan female do not know about the parental and husband's property.

Data collected and analysis showed that misconception of Islamic knowledge also participates a vital task in depriving the women of Balochistan from right of inheritance assets. The fieldwork also painted that a lack of knowledge was the main reasons behind the misconception of great knowledge. Islam does not restrain female from taking part in financial activities.

If we seem into the cause of the social way of land sharing in Balochistan, we saw that it results from the error and distortion of the Islamic property system. However, mostly people have not fallowed the Islamic property sharing laws. Despite of above, some of people used small part of Islamic property sharing law in their daily life. Finally, it became a normal culture between the people of Balochistan, primary some population of Balochistan think that the social system of land or assets distribution is the Islamic property sharing law. Though, the Islamic land distribution system is extremely diverse from the social property sharing system in Balochistan. Actually Islamic law regarding inheritance is based on justice while the social property-sharing model is based on unfairness between female and male. The Islamic inheritance law will build women financially more powerful. The female will be more safe and autonomous economically. When a female of Balochistan has a confident share in the land or property, then women will be less reliant on their husbands and other male family members. The female will be financially more powerful because they have a share in the land. The female are not bonded to waste money for the family. So, her land or property will stay her economic safety in case of divorce or any problem.

The data derived from the interviews revealed that the women of Balochistan generally claimed their inheritance property only when they have an economical problem and have no other way out. The data showed that one of the interviewees demined the

inheritance property because her husband was out of job. She take a decision alone of her own will. She says that, "I claimed my share with the main reasons of poverty. I do not have money to send my children to school and cannot even provide them with proper nutrition. What's bad than hearing your children cry due to hunger and disease" As a outcome, she thought to get her inheritance, she had to breakup from family. Other conditions when the female emphasized for their demands were either when women were widowed, divorced or have force from husbands or in-laws. In cases of joint family system, the women generally demands inheritance property due to pressure from in-laws.

The Role of government in Inheritance property distribution system in Balochistan for women

Balochistan is largest province of Pakistan and the government of Balochistan is demanding to increase the position of female and gender parity in employment, teaching and income. Women of Balochistan have been taking part in the parliamentary election since long. Sequences of laws have been approved to guarantee female rights in Balochistan.

The Inheritance property distribution system in Islamic law for women

The inheritance is the fird of Islamic fiqa which deals with inheritance and also called Mirath. When a Muslim die than it is important to insure that the wealth and property, belong to the deceased, are distributed at per Shariah Law. After initial expanses (Burial expanses) and payment of all debts and other dues, up to one third of the remaining may be expanded (disperse) according to well (if any). Thereafter, the remaining are to be distributed to all the legal heirs as per Shariah.

According to Holy Quran the female and male have fixed right in inheritance. Allah says, "The things left from parents and relatives, there is a fixed share for male and female" (The Quran). The, Allah also states that in the below verse about female and male shares, "The share of boy is equal to the share of two girls. If the family has only girls and the numbers of girl are more than one, then girls get two-thirds of the inheritance. While if family have only one girl than she will get half of the inheritance". It is explain in different verse if family has only one son than he is the owner of all property (Al-Hibri, 2002: 40-99).

The Holy Quran also explained the share of deceased is property among the parents. The parents can receive sixth each in inheritance if deceased has children. While if deceased has no children and parents are there then deceased mother can get third portion in his inheritance. If the deceased has brother and sister than again mother share is sixth portion (The Quran).

The Holy Quran also explained the share of husband and wife. The husband will get half of wife inheritance if they do not have children. Moreover, if she has children, a quarter of what she leaves shall be for husband after payment of any legacies. If the husbands die than quarter of his inheritance, go to his wife if they do not have children. While if they have children, than inherit one-eighth go to wife after payment of any legacies (The Quran).

The Holy Quran explained the share of brother and sisters. If brother die without children and have only female sibling, than she will get half of what deceased left. While sister die without children than her brother will get all of inheritance. Nevertheless, if brother die and have two or more female siblings, than each sister will obtain two-thirds of his inheritance, which he left. In case of male and female sibling, the male sibling share will be equal to two female. The brother can obtain all the assets of the sister if she does not have parents and any child. While the sister can obtain only half of the assets if the brother dies and he does not have parents or any child.

The inheritance property of deceased will be distributed in closed relative. The Prophet (PBUH) stated, "Distribute the assets of deceased in inheritors according to their share while some thing is left over's than distribute in nearest man relatives" (Al-Owzah, 1994: 51-81). According to the Holy Quran and Prophet (PBUH) narrations, the inheritors can category into two types. The first type is called *ashabul furud*. These inheritors have fixed share in the total assets. The model has father and mother, wife or husband. The second type is called *asaba*. These inheritors have share in assets after the inheritors of the first type have got their share (Al-Hibri, 2002: 40-99). In some condition one human being can obtain share from both categories in unusual situation. In some case father is consider *ashabul furud* when son have no children, while in some case father is consider as *asaba* and he is allowed to the rest of the assets. If the son is there, then the brothers and sisters of the deceased will not get any share. The daughters are considered to be *asaba* when son is alive while if the son is not alive than daughter will be considered as *ashabul furud*. The husband's share will be one-half on the wife's assets when they have no children (Barlow and Akbarzadeh, 2006: 1481-1494). Similarly, the wife gets 1/4 if there are no children but 1/8 if there are children.

Discussion

The main cause of social practice of property distribution in Balochistan is misrepresentation and misunderstanding of the Islamic system. However, people of Balochistan violated the Islamic laws over the course of time. A few of them apply pieces of Islamic law of land or assets sharing in their society. Finally, it becomes a culture between the communities of Balochistan to think that the social system of land or assets distribution is the Islamic law. However, the Islamic assets distribution law is completely diverse from the social property sharing system in Balochistan. The Islamic property distribution law is based on fairness, while the social property sharing system is based on unfairness between man and women. The land or property distribution system in Islamic law will make women economically more stable. The women of Balochistan will be more safe and autonomous economically. When a female has a due share in the land or assets, then women will be less reliant on their family. Female will be economically stable as they have a part in the land or assets. Therefore, her land or assets will be helpful for her in case of divorce.

The court of law is the best way through which female could have get their right of inheritance. However, the results data showed that, due to complex legal procedures female of Balochistan was hesitant to utilize this remedy to demand their inheritance property. The troubles recognized by the investigator during contact with the respondents concluded high cost on lawyers, they are courts located very away from villages in Balochistan, and complicated procedures of the court. The limited social activity of female is another factor to rely on decision taken by her family and so being rundown of their inheritance.

The result of the research showed that a huge space existed between the law and its implementation, which remains a main problem in achieving the goals.

The result conclusion shows that it was not a single factor but a mixture of many socio-cultural aspects that resulted in the rejection of women inheritance. Thses factors are lack of knowledge, uncooperative official system, and limited social activity of female etc. It was also recognized during research data analysis that female of Balochistan were unwilling to even demands their right of inheritance due to lack of knowledge about their right.

The women hesitation also stemmed from the reality that the legal structure in

Pakistan is slow and due to the limiting movement of female, without the help of male family members female could not contact courts. During the interviews with the participants, it was noted that they chosen to surrender their assets because in a patriarchal society female do not have physical control over their lands. In this background, women of Balochistan usually wish to give up their inheritance property in favor of brothers due to the safety, which comes with it.

Bulbul (2013: 118-126) also write about Women's land rights in his book. The gender favoritism in property rights stress that dowry in South Asia is considered to be the equivalent of inheritance and so female are likely to never argue their inheritance. At the same time, the findings of the study show that disintegration of agricultural land was the fear, which forced many landlords to deny the inheritance of females in their family.

In the light of existing literature and the current study, future researches should focus on Balochistan.

If the Islamic law of inheritance is adopted in Balochistan, then there will be constancy between men and women in the society (Mohammad, 2013: 22-33). This is because female will be richer in the culture as they have assets and property. Financial constancy will power Balochistani female. Thus, they will play more dynamic part in the society. The women of Balochistan will have more opportunity to get a higher education, and women will be capable to acquire more jobs. The female will free themselves of their unlucky status of an inferior gender in the society as they are not oppressive on a male (Abdullah et al., 2015: 363-383).

Sometimes, female engaged in nonlawfull activities, because they have no property. The Islamic law for property distribution will enhance the moral of female by ensuring their property rights. Therefore, their religious faith and assurance will build up as the religion has given them economic solvency (Dangor, 2001: 109-129; Shatzmiller, 1995: 219-257). Therefore, the government of Balochistan must carry on with the Islamic law of property distribution. The government is also suggested that the citizen must be registered in registration office so that on the death, the inheritance automatically transferred.

Conclusion

The female right of inheritance is a basic right, which guarantees their socioeconomic and political empowerment. While the Shariah law and the constitution of Pakistan maintain this right, but its denial is very common in Balochistan. The study data stated that the Shariah law is able to maintain justice between male and female in property distribution. Furthermore, Shariah law is against the unfairness in property distribution. So, it is suggested to enforce the Islamic law regarding property-sharing system among the people of Balochistan. In this way, it will assist the government of Balochistan to empower female because the Islamic law provide basic rights to female in the society.

People of Balochistan must be educated about the Islamic law of inheritance. The govt of Balochistan must insure to protect the inheritance rights of female. Lack of knowledge can be resolve through awareness and in this regards media can play an important role in property distribution through Islamic law. Academic research articles also are required to highlight the issue. At end, the enforcement of the Islamic law of inheritance by the govt is also suggested. Islamic scholars of Balochistan must assist the government to explain the positive aspects property distribution.

The Shariah law is the only remedy, which is beneficial to the women because through Islamic law the women could have their share of inheritance on permanent basis. However, the legal procedure is difficult therefore, the women were reluctant to use this

remedy to claim their inheritance.

The data recommends effective awareness about inheritance rights both through accessible legal procedures and with the promotion of female education so that females be able to get their rights.

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