

# EVALUATING 2015 LEGAL REFORMS RELATED TO LAND INHERITANCE AND THEIR IMPACT ON WOMEN

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March 2016







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# Acknowledgements

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This project was completed under the able guidance of Ms. Fauzia Viqar at the Punjab Commission on the Status of Women (PCSW). Ms. Fauzia's team and the helpline staff also offered invaluable support. The research team appreciates the cooperation of the LRMIS team, particularly Mr. Muhammad Ahmed Rajwana and Mr. Jehanzeb Khan. DCOs and Board of Revenue staff in the six districts we visited also deserve a kind mention, as well as numerous other officials whose insights were invaluable in addressing this analysis and identifying meaningful avenues of reform for the empowerment of women in Punjab.

This project would not have been possible without the funding and guidance provided by DAI and the Urban Unit. Mr. Anwar Hussain at DAI and Mr. Abdul Razzaq at the Urban Unit provided logistical support and constructive feedback at every step.

The research team would also like to thank Ms. Moneeza Burney and Mr. Shahrukh Aslam for their able research assistance and hard work.





# Executive Summary



# Executive Summary

*This report attempts to contextualize the plight of women in Punjab through a detailed examination of the existing literature from Pakistan and South Asia. The key finding is that the interplay of informal and formal institutions which are discriminatory towards women serve to mutually reinforce each other and perpetuate patriarchy both within the household and at the level of the state. Reforms targeting women's empowerment are contingent upon social attitudes and household power dynamics.*

The literature unequivocally establishes the significant impact that ownership and control over land can have, as it mitigates the imperatives of patriarchy by giving women more financial independence and increasing their say in household decision making. By examining the current state of laws regarding inheritance of land by women in Punjab, this study hopes to contribute to a better understanding of the key constraints facing these women and aims to propose a set of structural (long-term) and targeted (short to medium term) reforms to improve key outcomes related to land inheritance by women in Punjab.

## Data Analysis

PCSW research team visited six DCOs across Punjab. These DCOs were selected on the basis of their geographical spread as well as willingness of DCOs to share the required data. The following districts were visited: Lahore, Sheikhpura, Bhakkar, Toba Tek Singh, Attock and Sargodha. While data from Lodhran and Hafizabad districts was obtained from the LRMIS team. Data regarding official record of land ownership by disaggregated by district and gender was obtained from the LRMIS as it was at the end of March 2016.

In Punjab, there are approximately 11 million female land owners<sup>1</sup>. This means that only 10.6% of the total Punjabi population are female land owners and only 21.8% of the total female population of Punjab are land owners. It should be pointed out here, however, that ownership reflected in the LRMIS or the Patwari's registers as official record means that formal legal recognition exists for property rights. However, the challenges posed by informal institutions such as cultural and social norms may mitigate against legally guaranteed rights. The literature review revealed that a number of social challenges limit the ability of a woman to exercise control over property that may legally be in her name (see FDG findings from Rawalpindi in the section on FDG Findings). She may be completely dependent on a male relation for management of her assets and in a significant proportion of cases, may be entirely unaware of her rights over legal assets.

## Pre-Post Analysis

The 2015 reforms had a clear positive impact on the number of inheritance related cases in Punjab; this implies that a certain percentage of women are also benefitting from these enhanced clearance rates. The only anomaly is the Sargodha district but there are significant historical reasons behind this. The primary being that Sargodha district consists mainly of old landed families who have by hook or crook kept the land within their families (Cheema & Naseer, 2010). This has led to embedded institutions and cultural values which strongly favour the eldest male son of each landowner whose patriarchal role also includes financially taking care of the rest of the family – including his mother, siblings and nieces and nephews.

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<sup>1</sup> Table has been generated using data from Land Revenue Management Information System (LRMIS)

## Analysis of Land Ownership Records in LRMIS

The analysis was able to yield the following interesting observations:

1. The most female land-owners out of the female population of each district are located in Rawalpindi (65.8%) and the second most in Mianwali (59.4%).
2. The total area of land owned by women in Punjab is much lower than the area of land owned by men.
3. The total number of women who own land is also significantly lower than the number of men who own land in Punjab. This is also true when considering weighted-by-population ratios between men and women.
4. In terms of ownership statistics, the worst districts are in South Punjab where women land owners are fewer and own the least amount of land. Only 26% of the female population are land owners in Multan City, for example.
5. The general trend seems to be that the ratio of landholdings of females to males is 0.4 which is less than half which is less than Islamic regulations. Bahawalpur, Chakwal and Rawalpindi seem to be the most gender friendly districts.
6. Rawalpindi has the largest percentage (40%) of female landholdings; whereas Jhelum has the second largest (38%).

## Inheritance and Land

The total number of inheritance related cases from June 2015 to the end February 2016 (8 months) in all of Punjab were 13, 853. While one can infer general trends with regards to ownership from this data, one cannot use it to distinguish between ownership and control. Just because land is in the name of a female does not necessarily mean that she has control over it. With this important caveat in mind, we can examine the district-wise distribution of mutations of land between men and women

1. The highest number of inheritance-related cases were reported in Sialkot (7.4% of all cases in Punjab were reported in Sialkot) and second highest in Kasur (6% of all cases were reported in Kasur)
2. 47.6% of the inheritance cases in 2015 were filed by women at the LRMIS Service Centre.

3. Gujrat leads the way with 70% of inheritance cases dealing with females whereas in Vehari only 4% of inheritance cases involve females.
4. A total of 248,017 kanals were allotted to women in inheritance cases across all districts of Punjab.
5. The most land inherited by females was in Rawalpindi and the second highest in Sialkot.

## Inheritance Related Complaints

The PCSW's GMIS team has been compiling data on the number of inheritance related complaints lodged by women at the toll free helpline. Some stylized facts from this data are presented below:

1. The number of Inheritance-related complaints were quite low across all districts as were generally complaint calls across all categories to the Toll-Free Helpline for all the given years.
2. All inheritance-related complaints were filed by women across all districts for all the given years.
3. The most number of inheritance-related complaints (56%) from females hailed from the district of Lahore.
4. The second highest number of inheritance-related complaints (31%) from females hailed from the district of Bahawalpur.

## Qualitative Analysis

From an examination of the data presented above and the copious literature on the subject of women's empowerment, it is obvious that land ownership records alone cannot be depended upon to understand the full breadth of issues that affect women's empowerment in Punjab. To address such gaps, the second part of this project included carrying out in-depth interviews and focus group discussions with numerous stakeholders across six districts of Punjab.

Through interviews and focus group discussions with a broad base of stakeholders, the research team was able to identify specific categories of constraints that are mitigating female agency and empowerment in Punjab by keeping access to land ownership and control out of the hands of women.

These categories along with brief explanations are presented below, for a more detailed discussion please go to the section on Qualitative Findings on pages 32 - 42 of this report.

### **1. Cultural Constraints:**

Educating females is a necessary, but not sufficient condition, for the empowerment of women in Punjab. The onus rests as much with men as it does with females and until men are sensitized to the ideas of gender parity and equality under the law there will be no meaningful change within Punjabi society. There were numerous instances of women, who participated in an FDC, citing social and family pressure as the biggest consideration when deciding to formally dispute their inheritance share. This implies that there is a need to sensitize Punjabi society as a whole to become more accepting of women who defend their rights and this can only be achieved by reforms and interventions that target both men and women across Punjab.

### **2. Documentary and Procedural Requirements:**

Under the current law, if a male heir presents a document signed by female heirs waiving the right to their inheritance, this is sufficient for the authorities to award the entire inheritance to the male heir. But as reported in the section on FDGs, these signatures can often be acquired through coercion or deception. Currently the burden is on female heirs to prove that they were coerced or misled, this makes it almost impossible for them to prove given that if a woman was misled, she would obviously not be recording evidence of such an act. If the burden of proof were shifted to male heirs; i.e. prove that such signatures were not obtained through coercion or deception, then this may reduce the instances where such exploitation occurs.

### **3. Graft, Corruption and Lack of Oversight:**

There were numerous reported examples of commonplace malpractice related to inheritance of land. The most egregious of these is the practice of making women sign documents that do not read or understand. Specific awareness should be raised regarding this issue through media and in government office notice boards so that women become sensitized to such abuses and can be vigilant in preventing them. There is currently no mechanism in place to keep lawyers in check and prevent them from exploiting vulnerable groups such as female clients.

Especially within the context of land inheritance related cases, the research team came across reports of numerous instances where women were deliberately misguided by their lawyers for the purpose of racking up more billable hours and, in one case, for the purpose of appropriating a woman's land for the lawyer himself. It is proposed that a special government helpline for reporting such abuse be created and that this helpline be sufficiently empowered to impose some form of sanction on offending lawyers. The mere existence of such a helpline may reduce the incentive for exploitation for lawyers with female clients.

#### **4. Laws and the Legal System:**

While the legal reforms related to inheritance of land by women have realized significant benefits for women, there is still scope for further reforms that address the following issues:

- (i) The lack of separation between criminal and civil courts
- (ii) Overburdened courts and the lack of manpower in the cadres of judges
- (iii) Changes in burden of proof regarding cases where women sign away their claim on inheritance
- (iv) Retrospective payment of land revenue after dispute settlement
- (v) Specific provisos for uneducated women
- (vi) Unifying systems for land records across Punjab in both rural and urban locations

#### **5. Increased presence of female staff in Government of Punjab premises:**

In almost all cases, women participating in the project indicated that they would be more comfortable dealing with government officials if they were female. Increased female representation in government departments and offices is already a policy prerogative for the Punjab Government, but the research indicates that prioritizing female representation in offices related to the inheritance process can have a significant positive impact on the empowerment of women in Punjab. This sentiment was also echoed by BoR officials in one-on-one interviews. One ADC, who was a female, reported that since she had assumed her responsibilities, the number of women who visited her office had started to increase and continues on an upward trend even now.

## Policy Recommendations

This report contends that there are two levels of constraints operating to mitigate women's agency in Punjab. These can be described as either systemic or structural level challenges or as specific issues which can be addressed directly through targeted reforms. The idea is to address a reform agenda that goes beyond stop-gap fixes and attempt to eradicate some of the historically intractable problems facing women in Punjab through both immediate and longer term reforms and policy initiatives.

### Proposals for Targeted Reforms and Interventions

- Burden of Proof Regarding Cases Where Women Sign Away Their Claim on Inheritance
- Inclusion of Specific Provisions for Uneducated Women
- Retrospective Payment of Land Revenue After Dispute Settlement
- Unifying System for Land Records Across Punjab
- Increased Monitoring of Enforcement of Inheritance Right Committees
- Targeted Awareness Campaigns
- Enhancing Operations of the PCSW Helpline

## Systemic or Structural Level Proposals

- Enhancing Capacity of Lower Level Courts
- Evolve and Disseminate New Cultural Norms
- Separation between Criminal and Civil Courts
- Encourage Investment in Female Education and Mobility
- Evolve Mechanisms for Oversight of Lawyers with Female Clients
- Increase Female Representation on Gov Premises



# Literature Review

# Literature Review

## 1.1 Marginalization of Women

*A growing body of literature from Pakistan and other developing countries points to the importance of empowering women and ensuring gender equality. An analysis of this literature points to a lack of ownership or control over assets as the root cause of the relatively weak position of women in various forms of social and economic activity<sup>2</sup> (Government of Punjab); this is a finding echoed in literature from all over South Asia and not just applicable to Pakistan. This suggests that there may be some informal institutional mechanisms that systematically deprive women of their basic rights across the diverse political and economic landscape of South Asia. Informal institutions like cultural norms can and do transcend national boundaries and could be one explanatory factor for the question of women's status in South Asian society. However, cultural norms can be significantly harder to change than formal institutions such as the legal system and may require an entirely different approach from a policy-making standpoint.*

On the question of asset ownership by women, we find that Pakistan is one of the worst performing countries in South Asia with Punjab being the better performer amongst the provinces. Land is one of the oldest forms of asset that an individual can hold – in Punjab, it determines a family's political and social standing, the level of patronage available, as well as financial stability. This is why in most academic circles social groups are defined on the basis of ownership and access to land and marginalized groups are defined as those individuals who possess neither of these qualities (Mohmand & Gazdar, 2006).

The marginalization of women in the public sphere can be illustrated with a number of disturbing statistics relating to women's access to healthcare and education in Pakistan. Statistics on poverty in Pakistan also show that the group most affected is women and children. The adult literacy rate in Pakistan for females is just 47% (as compared to 70% for men) and the infant mortality rate is only 72 out of 1000 births which is even lower for female children (50.55 per 1000 births)<sup>3</sup>. This link is an incredibly strong one and poverty in Pakistan is said to have a "woman's face" (Asian Development Bank, 2002; p.16). Amartya Sen's hypothesis that there are a hundred million 'missing women' in the world is backed up by the gender ratio in Pakistan of 92.9 females per 100 males (Government of Pakistan), a ratio that is significantly lower than the international average, which is 102.2 females per 100 males (Nussbaum, 2000; p.3).

The potential benefits from the inclusion of women within the economic sphere are well documented.; additional income from privately owned land would increase the intra-household bargaining power of the woman. By contributing a share to the household income, her status rises and she cannot be treated with the same disdain as before. Agarwal quotes Kumar (1978) whose studies show that 'children's nutritional status tends to be much more positively linked to the mother's earnings than the father's' (Agarwal, 1994; p. 29). This demonstrates that land income for women who are mothers would help not only themselves but also their children in a direct and proven way; hence this is a favorable policy in terms of general welfare, over and above considerations of gender alone. A household, even with marginal land holdings is likely to have a 'significantly lower risk of absolute poverty than landless households' (Ibid, p.31). Hence ensuring the inheritance rights of women whose husbands may have passed away is critical to ensuring a healthy environment for her children to flourish in; this is especially critical in cases where in-laws choose to not to raise their granddaughters. Preventing such scenarios can restrict the deepening of the crisis women face within Pakistan.

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<sup>2</sup>Government of Punjab, Growth Strategy 2018

<sup>3</sup>Pakistan Social and Living Standards 2013-2014

## 1.2 Gender and Land

The question of access to land for women has been considered frequently by observers and academics in Pakistan. Constrained access to land negatively impacts women's empowerment in Pakistan, which results in their lack of development in all spheres of life. Although land redistribution is a big issue in terms of raising rural households in Pakistan out of poverty (Gazdar, 2003; p.1) it is even more important when we consider women's empowerment. To own land is the only means they may have to economically empower themselves which will ultimately lead to their development not only in the economic sphere but also within the spheres of social and political development (Agarwal, 1994).

In agrarian economies, arable land is the most important commodity; it is 'productive, wealth-creating and livelihood-sustaining' (Agarwal, 1994; p.17). It is not necessary that land owned by a woman, needs must be employed in agriculture to be productive; even a small patch of non-arable land can significantly increase the range of possibilities for a self-employed person. Such land could also be used for grazing cattle and growing small subsistence amounts of food to supplement any other income. This could mean the difference between reaching the threshold level of a central capability or being stuck below it.

Haris Gazdar in his article, "The Land Question" asks why the issue of land redistribution is not at the forefront of political discourse within Pakistan; even though statistics show that 50 percent of rural households in Pakistan do not own any land (Gazdar, 2003; p.1). While Gazdar's question was not specifically addressing gender questions, it is inevitable that any land reform programme initiated in the future would need to ensure the inclusion of women or risk missing out on key benefits of the redistribution process, i.e. the inclusion of marginalized and vulnerable groups. This belies a more general trend within the literature, and the international aid and donor policies that rely on it, that is aptly described by Agarwal (Agarwal, 1994, p.3): 'programmes for health and nutrition are more readily perceived in welfare terms than programmes which call for gender-redistributive land reform'. This suggests that it may be better to demonstrate overall welfare gains from specific policy reforms rather than relying on a narrative of gender balance alone to push for new reforms and pro-gender policies.

Agarwal (1994) stumbled onto one of two common narratives that issues related to gender and development are grouped into. The first narrative "argues for gender equality on intrinsic grounds, as a valued goal in itself, an essential aspect of human dignity and social justice ('the right thing to do')". While the second narrative, of which Agarwal (1994) is an example, "offers an instrumental rationale which rests on well-documented evidence that increasing gender equality in valued resources and opportunities is an effective means to the achievement of other development goals ('the smart thing to do')" (Naila Kabeer and Luisa Natali, *Gender Equality and Economic Growth: Is there a Win-Win?*, IDS, February 2013, p. 6). If capitalism and the institutionalized pursuit of self-interest has taught us anything, it is that we cannot rely solely on moral arguments to achieve meaningful change at an instrumental level; by reframing the question in terms of general welfare and returns on investment, it may be easier to mobilize wider support for pro-gender policies without undue politicizing of the issue.

A survey conducted in 2014, of a thousand households in rural areas of Punjab, showed that only 36 women owned land in their own names, and out of these only 9 had the power to sell or trade without the permission of their male relatives, and that in nearly two-thirds of households, daughters did not inherit land at all (United Nations Economic and Social Commission for Asia and the Pacific, "Report of the State of Women in Urban Local Government, Pakistan", 2001; p. 6). More worryingly, a study conducted by the Food and Agriculture Organization (2015), indicates that in 20 years the status of women has actually deteriorated; with barely any women across Pakistan owning or holding land (FAO Report, United Nations). These numbers point to a worrying trend within Pakistan where the economic deprivation of women has been strengthened over time rather than moving in the opposite direction. Urgent reforms and initiatives are required to address the gender gap in land ownership; above and beyond its intrinsic value such reforms are necessary if Pakistan is to realize its economic potential during a critical phase of its existence.

## 1.3 Inheritance and Land

All sources, both originating from religious and secular spheres, agree that woman's right to inheritance is valid. Women's right to inheritance plays a vital role in the socio-economic and political empowerment of women, but The literature suggests that the main vehicle for women to gain access to land is through inheritance; however, dominant patriarchal values and reified notions of Islam have led the state to introduce legislation and policies which have been openly discriminating against women. Women are often denied the right to inheritance due to a deep-rooted patriarchal system, biased interpretation of divine directives, laws of the land and above all inefficient mechanisms for the implementation and enforcement of laws which are open to abuse and delaying tactics. These discriminatory policies serve to further strengthen informal institutions which are also dominated by patriarchal concerns. As argued earlier, while it is a challenge to change informal institutions, there can be no excuse for avoiding reforms within the realm of formal and legal institutions to ensure the social and economic inclusion of women within Punjab to serve as a model for the rest of Pakistan and South Asia as a whole. By closing legal loopholes and eliminating discriminatory practices we can begin the longer process of changing social attitudes and the patriarchal mindset. Walby (1991) defines patriarchy as 'a system of social structures and practices in which men dominate, oppress and exploit women'. The idea that patriarchy is essentially a system of social structures argues against the notion of biological determinism and suggests that the cure to patriarchy may be within the domain of policy makers and thought leaders within each society.

Under the Islamic inheritance laws, a woman is entitled to half of what the brother would inherit, i.e. the division between a brother and sister would be two-thirds and one-third respectively. The traditional explanation for this inheritance policy is that after marriage, a woman leaves her family and joins the household of her husband,

and hence does not need the same degree of financial and property support that a man would need – who would have to support his own wife and children (Agarwal, 1994; pp. 281-294). Such laws can be misused for perpetuation of patriarchal domination by systematically excluding women from ownership over a key asset like land.

There are some informal institutional mechanisms that have evolved in South Asia for the protection of women such as the inclusion of land as part of the dowry provided by the father of the bride; however, in the absence of any supportive policies by the state we find that such institutions have become weakened over time in their intended goal. For example, Agarwal (1994) points out that even though most women from landed families are given land by their fathers as part of their dowries, unfortunately this land, despite being legally in the name of the woman, is for all intents and purposes the asset of her husband and/or in-laws (Agarwal, 1994; pp. 281-294). This situation is possible because of the dominant social attitude towards women and the lack of legal, constitutional and institutional support available to them.

The interplay of informal and formal institutions and their detrimental effect on the status of women can be illustrated with a more detailed examination of how the land given as part of a dowry often ends up out of the reach of the women for whom it was intended. To understand the problem, it may be useful to draw a distinction between joint ownership by husband and the wife and sole ownership and control by a woman. Under joint ownership (which is the norm within South Asia) the effective control over assets usually rests with the male or husband; in such scenarios, women are effectively kept in the dark about the status of any assets and any revenues that flow from it. This situation is further exacerbated by the fact that most households underinvest in female education, thus making it difficult for women to become fully aware of their rights and gain the confidence to take interest in 'business matters' (Drèze and Kingdon, 2001)<sup>4</sup>.

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<sup>4</sup> See also (Nandi, 2016) and (Kenayathulla, 2016) for more recent evidence.

This is particularly important when the questions of divorce or widowhood come up because, in such scenarios, the land usually goes to the husband or his family while the children may be left with the wife/mother. Because she was never in control of the asset, it becomes much easier for the husband or her in-laws to obfuscate reality and keep her land for themselves.

The complete and utter dependence that not having control over assets brings to a woman can often result in perverse outcomes such as women staying in abusive relationships due to the fact that there is no source of financial security for them in case of divorce or separation. Agarwal points out that 'there are many cases of women, married into prosperous households, being left destitute and forced to seek wage work or even to beg after widowhood'(Agarwal, 1991; pg. 31).

Another example of how social attitudes and informal institutions can exacerbate the status of women can be seen by the fact that many families do not follow proper procedures to register the births or marriages of their daughter; this in turn leads to difficulties at a later stage when it can become very difficult to establish a woman's identity after the death of her parents/guardians (LEADS, 2007). Similarly, a widow cannot inherit her husband's property if she remarries, which most parents force their daughters to do under the local culture. Widows are also forced to re-marry since in some cases their in-laws deprive them of their rightful share of inheritance and they require some source of livelihood to sustain themselves.



The essential finding here is that the interplay of informal and formal institutions which are discriminatory towards women serve to mutually reinforce each other and perpetuate patriarchy at a systematic level within both the household and at the level of the state. Even in a democratic system women are not represented properly, because most of the institutional mechanisms are still under the control of men. Women serve merely to pay lip service to the ideals of equitable gender relations without developing amongst themselves any culture of politicization or any means of empowerment. The crux of the matter is that although women can potentially obtain land from the State as part of some grand package of reforms; ultimately, the sustainability of any efforts to empower women would still be contingent upon social attitudes and household power dynamics. Ultimately, it is only through the increasing social awareness of the plight of women and working to change social norms and attitudes that financial security and access to land for women can be made a more common phenomenon (Agarwal, 2003, pp.184).



# Legal Rights

## Legal Rights

*South Asia in general and Pakistan in particular are generally classified as legally pluralistic societies. In this context, 'legal pluralism' refers to a situation where more than one legal systems exist in parallel (Chaudry, 1999). Many rules and regulations may be unwritten and informal while others can be codified as law or legislation. Citizens of Pakistan have a veritable plethora of options when it comes to conflict resolution and dispute mediation; ranging from informal to formal, based on secular, customary, religious, communal or tribal understandings.*

The traditional understanding of legal rights over land relate to ownership over land and exclusive access to its production (Meizen Dick et al 1997; Schlager & Ostrom, 1992). However, the question of land ownership is not a simple one when it comes to women and access to land in Pakistan; especially given its ability to define power relations within society (Khalid et al, 2015) which makes this a highly sensitive issue.

A better way to understand the question of legal rights over land would be to consider who has effective control over the asset. Property rights often concentrate on the rights held by households, rather than differentiating between individuals based on gender, age or other intra-household characteristics (Bromley, 1991). In South Asia gender equality in legal rights to property ownership does not guarantee gender equality in actual ownership, nor does ownership guarantee control (Agarwal, 1994b). This observation was confirmed during the discussions with lawyers practicing inheritance related cases in Lahore and Rawalpindi under this project.

In spite of considerable progress in legal reforms and pro-women legislation related to land ownership and inheritance in Punjab over the recent past, the mechanisms to ensure that such legal rights translate into true ownership and meaningful control over land by women remain relatively underdeveloped and constitute the key constraint on the success of any pro-women legal reforms. In practice, women in Punjab are still required to deal with a number of social and procedural barriers in realizing their legal claims and exercising control over their property (Agarwal, 1994).

## 2.1 Historic Analysis of Regulations

The constitutional document of 1973 upholds women's rights in all spheres of public and private life. For example, Ali (2000) explains legal and constitutional women's rights in Pakistan as follows: "In the context of the application of women's human rights in Muslim jurisdictions, it is interesting to note that there is an equality norm deeply entrenched in the constitution of Pakistan inspired by the equality norm of human rights instruments adopted by the United Nations. Women are granted complete equality under the constitution of Pakistan and this norm of non-discrimination is reiterated in many of its provisions, both in the chapter on fundamental rights, as well as in the policy principles. Article 25 is the main constitutional provision, affording equality before the law and equal protection under the law. Article 25 has been successfully invoked in areas that fall within the public sphere, such as rights to education and employment, in contrast to upholding women's equality within the private sphere where equality is more difficult to achieve". Access to and ownership of land are considered to be part of the private sphere, in which customary laws and practices still find room to flourish. Thus gendered practices of land access and ownership continue, resulting in an unequal and legally pluralistic situation.

Taking an overview of the legal aspect of the constitution, civil laws specify gender equality in terms of access to and ownership of land and property. For example, Article 23 grants equal rights to both men and women to hold, own, use and dispose of property in any part of the country. Thus, under the Pakistani constitution, adult women have the right to hold, use, transfer, sell or dispose of property, either for consideration or as a gift, and can contract in any manner, just as men can (Ahmad, 2010). Furthermore, Article 24 of the constitution enables the state to intervene in individual property rights if they are seen to be damaging the rights of marginalized groups in a particular area. The National Policy for Development and Empowerment of Women 2002, also provides for the empowerment of women, removal of inequalities and imbalances in all sectors of socio-economic development and the protection of rights of women.

According to inheritance laws, land is considered immovable property<sup>5</sup>, therefore, in order to inherit land one must go to the revenue office, the *tehseeldar* or the *patwari* to get the title of the land changed to one's name. The new owner gets a succession certificate that gives them all legal rights to that piece of land. In practice, this process can be cumbersome at best and downright discriminatory towards women in the worst scenarios.

The following statistics that were generated using the Gender Management Information System (GMIS), launched by the Punjab Commission on the Status of Women and Urban Unit in March 2016, reveal some disturbing facts. A negligible number of women applied for legal aid through Punjab across all districts across all years. Only 9 laws have been effectively regulated across all of Punjab that concern child and forced marriages from the years 1856–2015. 12 laws have been implemented in Punjab since Pakistan's inception that address gender-based issues in access to justice and discrimination in legislation. Only 8 judges in all of Punjab have been trained on gender sensitivity while handling cases and that too only 2 per year since 2011 (GMIS Data). In 2012, women were allotted land by the Government of Punjab in 27 out of the 35 districts of Punjab.

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<sup>5</sup> An item of property that cannot be moved or shared without destroying it.

## 2.2 Islam and Property Rights

Islam is the state religion and contains very clear guidelines about property ownership and access. Thus, property laws in Pakistan need to be considered in parallel with religious laws. The Shariat Application Acts of 1948 and 1962 also state that all descendants should get their due share, which is half for daughters as compared to sons, wives are entitled to  $1/8$ th if they have children and  $1/4$ th if they do not. The law and scriptures grant women significant inheritance rights; yet local customs tend to ignore or obfuscate these rights in order to systematically exclude women from land ownership.

In Islam, there is no controversy over the fact that women are allowed to inherit. The issue that arises is primarily based on the share that the woman inherits as well as the actual control that she can exert over her asset even if her name is the one listed on the title deed. The reasons behind this are two-fold: a) her brothers may not want to divide up their father's land so as to keep it within the family and b) that the woman already received her share from her father in the form of her dowry.

Islam has provided a solution for reason a) that the brothers may buy out their sister's share and give her financial compensation for doing so (Metcalf, 2015). Islam also addresses the second point by making a distinction between dowry and inheritance; under this interpretation, dowry is considered a gift whereas inheritance is a right.

In 2010, the Awaz Foundation Pakistan: Centre for Development Services conducted an in-depth study to measure the customs and practices prevailing in South Punjab regarding women's inheritance rights. Their results show that the majority of women knew their rights and that they felt that society and the state supported them in obtaining their rightful share. The majority of women stated familial reasons as to why they did not pursue their rightful inheritance share. Nearly all respondents said that they did not wish to annoy or offend their mothers or brothers because in times of marital crisis it is they who would support them and their children. Therefore, it is too big of a risk for them to take a chance in asking for their rightful share. All women said that they would normally accept what is given to them by their brothers without challenging their decision. The majority of women felt that the reason their brothers act this way is because they want to prevent a transfer of wealth to their in-law's family (Awaz, 2010).

## 2.2.1 Women's Land Rights in Islam

### Mother's right in inheritance

1. If deceased has no children, and has no brother and sister more than one then mother will inherit  $1/3$
2. If deceased has mother, a son/daughter, grandson/granddaughter, or more than one brother/sister then mother will inherit  $1/6$

### Daughter's right in inheritance

1. If deceased has only one daughter, then she will inherit half of the property
2. If deceased has more than 2 daughters and no son, then both of them will inherit  $1/3$  of the total property
3. If deceased has daughters and sons, then daughters will inherit half the share that the sons get

### Wife's right in inheritance

1. Widow will inherit  $1/8$  of the property
2. If deceased has more than one wife, then  $1/8$  will be distributed among all the wives
3. If the deceased is issueless the wife/wives will inherit  $1/4$

## **When a Muslim dies there are four duties which need to be performed. These are:**

1. Payment of funeral expenses
2. Payment of his/her debts
3. Execution his/her will
4. Distribution of the remaining estate amongst the heirs according to Sharia

## **Female sometimes inherits same or more than male counterpart:**

In most of the cases, a woman inherits half of what her male counterpart inherits. However, this is not always the case. In case the deceased has left no ascendant or descendent but has left the uterine brother and sister, each of the two inherits one sixth.

If the deceased has left children, both the parents that is mother and father get an equal share and inherit one sixth each. In certain cases, a woman can also inherit a share that is double that of the male. If the deceased is a woman who has left no children, brothers or sisters, and is survived only by her husband, mother and father, the husband inherits half the property while the mother inherits one third and the father the remaining one sixth. In this particular case, the mother inherits a share that is double that of the father

## **Female usually inherits half the share of that of the male counterpart:**

It is true that as a general rule, in most cases, the female inherits a share that is half that of the male; for instance, in the following cases:

1. Daughter inherits half of what the son inherits
2. Wife inherits  $\frac{1}{8}$ th and husband  $\frac{1}{4}$ th if the deceased has no children.
3. Wife inherits  $\frac{1}{4}$ th and husband  $\frac{1}{2}$  if the deceased has children.
4. If the deceased has no ascendant or descendent, the sister inherits a share that is half that of the brother.



## 2.3 Current Legal Reforms

The Government of Punjab centralized powers for revenue collection with the Board of Revenue in 2011<sup>6</sup>. The Board of Revenue is now solely responsible for recovery of Government Dues/Agricultural Income Tax, Land Revenue, Water Rate, Ushr, Mutation Fees, Stamp Duty, Registration Fee, Copying Fee, Arrears relating to Banks, Agricultural Development Bank of Pakistan and Cooperative Societies. It is also empowered to frame Laws/Rules/Policies relating to the revenue matters and to provide guidelines for maintenance and updating of Record of Rights, Periodical Record for use of the Right-holders/Revenue Department. Beyond this, the Board of Revenue also notifies new administrative units such as divisions, districts, sub-divisions and Kanungo/Patwar Circles.

It is also important to understand the structure of the Board of Revenue in order to contextualize these findings with regards to the duties and responsibilities of the revenue officer. The organizational structure is presented in Figure 1 below.

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<sup>6</sup> <http://www.pakistantoday.com.pk/2011/04/20/national/punjab-govt-abolishes-eto-r-and-ddo-posts/>

The respective duties of revenue officers and officials of the Board of Revenue are presented below:

Member (Revenue) is the Chief Controlling Authority for revenue matters in the Province

Commissioner is appointed by the Government for each Division and exercises control over all the Revenue Officers and Courts in his division

Deputy Commissioner is appointed by the Government for each district. He is vested with the ex-officio powers of Collector of the district. All Revenue Officers and Revenue Courts in the district are subject to his control and superintendence

Assistant Commissioner exercises the powers of the sub-divisional Collector

Tehsildar is vested with the powers of Assistant Collector, 1st grade

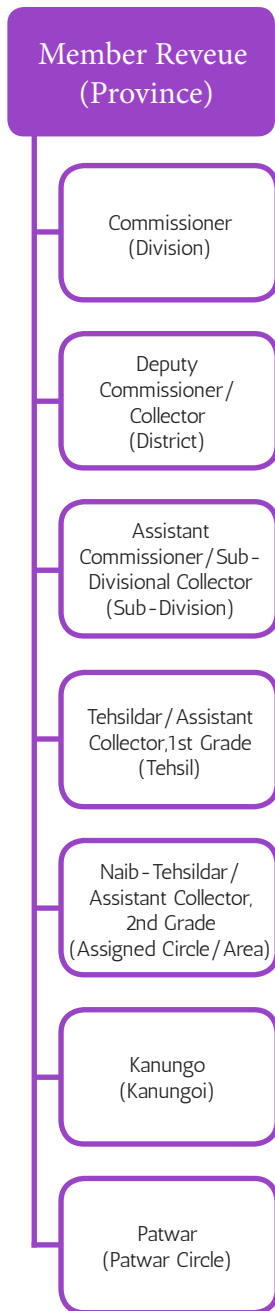
Naib-Tehsildar is vested with the powers of Assistant Collector, 2nd grade

Kanungo supervises the work of the Patwaris in the Kanungoi

Patwari is the lowest functionary of the Revenue department. He maintains and updates the records pertaining to his Patwar Circle

Patwari carries out field survey / crop inspection twice a year in the months of March (Rabi) and October (Kharif)

Figure 1: Structure of the Board of Revenue Punjab [Source: Punjab Board of Revenue Website]



Lambardar or headman is a person who is appointed by the District Collector under the Land Revenue Act 1967. His duties include collection of land taxes of and revenue estate (mauza)

As part of the comprehensive Punjab Women's Empowerment Package (PWEPP) of reforms, the Punjab Land Revenue Act was amended in 2012 to ensure the rights of women to inheritance by eliminating legal loopholes and discriminatory procedural practices. A number of changes were introduced to procedures related to mutation of land to facilitate the inclusion of women. First, the Revenue Officer is now required to record statements from at least two respectable people concerning the heirs and their rightful share upon the death of a land owner. Second, penal action was sanctioned against delinquent officers who might collude with other parties and deprive the rightful heirs of their share<sup>7</sup> (PCSW, 2012).

In 2015, the government introduced a law through which they have tried to lay the onus on the revenue officer of the district by giving them the power to directly decide the question of the partition of the property after the death of the owner without anyone having to file a civil suit; this would ensure that female heirs do not forego their rights in favour of male heirs.

In case a civil suit is filed, it is legally the responsibility of the Revenue Officer to visit the disputed area, investigate and then make a decision. In this way, the government is trying to ensure that female heirs get their rightful share (whether in terms of land or financial compensation<sup>8</sup>) (PCSW, 2015).

A toll-free helpline has also been introduced which women can use to lodge their complaints if their rightful share has not been awarded to them – especially if it is due to the negligence of the Revenue Officer.

While these legal amendments are generally positive for women and their empowerment, the underlying issue remains rooted in the implementation and practice of law. Widespread corruption at the lower courts and the exploitative practices of opportunistic lawyers who string along clients for long durations and rack up staggering billable hours end up limiting the gains from such legal reforms. As a vulnerable group, women fighting for inheritance are particularly susceptible to malpractice by lawyers in a predominantly patriarchal society like Punjab.

Furthermore, while a review of the law and subsequent amendments reveals that many avenues for legal recourse are available to women, we find that many women remain unwilling, or are forced by familial pressures, to ask for their fair share of inheritance (Metcalf, 2015). The socially constructed rationale for this behavior by men considers that their sisters have been given their fair share as dowry and hence, no longer hold a valid claim to their father's assets. Hence any reform targeting legal and bureaucratic procedures alone may be insufficient for bringing about meaningful change, so long as women remain unwilling to pursue their legal rights due to social norms and institutional pressures. This implies that any such reforms must also be coupled with strategies for bringing about changes in social attitudes and for overturning centuries of patriarchal programming in the larger context of Punjabi and Pakistani society.

### **2.3.1 Legal Reforms Pertaining to this Issue (in chronological order).<sup>9</sup>**

#### **Transfer of Property Act 1882 sub section 6(1)**

Muslim women or man cannot withdraw their right of inheritance.

#### **Amendments in Miscellaneous notifications, 1908**

Under section 9 (a) of the Stamp act, 1899 (II of 1899) and section 78 of the Registration act, 1908, GOP is pleased to exempt the following instruments from the payment of stamp duty and Registration fee.

1. Partition deed in respect of agricultural land in rural areas.
2. Tamleek(gift in favor of legal heirs) of agricultural land in rural areas.

#### **According to Muslim Family Laws Ordinance 1961, Section 6**

In the presence of son and daughter grandson and granddaughter are also legal heirs.

#### **Amendment in the Punjab Land Revenue Act, 1967**

Section 135-A

1. After the inheritance Mutation has been sanctioned and without any application, the Revenue Officer shall issue notice on all joint land-owners of the holding to submit, within thirty days, a scheme of joint holding.

The RO shall decide the case of partition within one hundred and eighty days from the date of application and from the date of the application or from the date of the sanctioning of the mutation of inheritance.

### **Amendment in the Punjab Revenue Rules, 1968**

Attestation of Inheritance Mutation:

The Revenue Officer shall:

1. Record the statements of at least two respectable persons, preferably Lambardars or members of the Local Government
2. Will obtain their signatures or /thumb impressions on the Register of Mutation
3. Will receive copies of Computerized National Identity Card and Form-B or other similar documents of the deceased and his legal heirs

### **Amendment in the Punjab Revenue Rules, 1968**

District Enforcement of Inheritance Rights Committee has been established to monitor the situation if any person has been deprived by his legal share.

### **Amendment in the Punjab Pension Rules, 2009**

The Punjab government, on the directions of the Punjab Ombudsman, has amended the Punjab Pension Rules, which provide that divorced daughter and unmarried sister of a deceased government employee will also be entitled to family pension till life after his widow, infants and unmarried daughters.

### **Punjab Partition of Immovable Property Act 2012**

Has been enacted for expeditious partition of immovable property and alleviate the suffering of joint owners specially women due to protracted litigation.

An owner of the immoveable property may file a suit for partition giving details of property, citing all other co-owners as defendants, attaching all relevant documents in his reach or possession

### **Waiver of Registration fee on documents pertaining to Inheritance property, 2012**

Registration fee on documents pertaining to partition of inherited property has been waived off vide notification No. 1823 - 2012 / 1202 - ST(I) Dated 13 - 08 - 2012.

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<sup>7</sup> Pcsweb.punjab.gov.pk

<sup>8</sup> Pcsweb.punjab.gov.pk

<sup>9</sup> Gathered from the Punjab Revenue Department and the Punjab Finance Department

**Waiver of Fee on inheritance property:**

Fee waived for inheritance property through partition, only Token charges amounting to Rs.500 per mutation

**Suit for Declaration**

For being declared as legal heir Suit for Declaration can be filed in Civil Court.

**498A PPC. Prohibition of depriving woman from inheriting property:**

Whoever by deceitful or illegal means deprives any woman from inheriting any movable or immovable property at the time of opening of succession shall be punished with imprisonment for either description for a term, which may extend to ten years but not be less than five years or with a fine of one million rupees or both

**2.3.2 Process of Mutation (Old)**

Mutation is change or alteration of any entry in the revenue records. The Patwari maintains a register of mutations in which he records all the acquisition of rights reported to him. The entries in the mutation have evidentiary value. The Patwari records the name of new owner in the register of mutations replacing the name of the previous owner. Patwaris are required to update their master records every 4 years with all these changes. This cumbersome process for updates causes significant delays in the settlement of legal disputes over land at the best of times, however, in many cases the Patwari can lag behind by as many as 7 to 8 years between updates. This creates significant space for corruption and collusion between the patwaris and would-be land grabbers.

According to **Sec. 42 land Revenue Act 1967**.<sup>10</sup>

If the deceased left property and its record are available in the Land Revenue Department, then the following procedure shall be adopted by the Revenue Officer. Mutation is not a deed of title and do not determine the rights of the parties.

**Procedure of Mutation:**<sup>11</sup>

1. A person acquiring a right by inheritance, purchase, mortgage, gift or otherwise is bound to report the Patwari about the acquisition.
2. Patwari shall record such report in his daily diary and furnishes a copy of this record to the applicant within a week.

3. If Patwari fails to enter mutation the person who has been refused, can make written report to the Revenue officer.
4. The revenue officer is liable to check the correctness of all the entries entered the record of rights. The revenue officer shall attest the mutation in the presence of the person whose right has been acquired.
5. The revenue officer will check the correctness of all the entries made by Patwari and will attest and identify the claimant by recording evidence of two respectable persons preferably from Lambardar or Members of the Union Committee, Union Council or Town Committee. Signatures or thumb impression shall be obtained by the Revenue Officer on the register of mutation from these respectable.
6. The revenue officer shall make order within three months from the date of entry in the mutation register.
7. If the order by the revenue office is not made within 3 months he shall explain the cause of delay to the collector in the prescribed manner.

### 2.3.3 Suit for Partition (Old)

1. After inheritance mutation Partition suit will be filed in civil court.
2. When there is a dispute as to the title or share in the immovable property, the Court shall decide it before.
3. The Court shall finally dispose of the suit within six months from the date of the institution of the suit.
4. An owner to whom any land is allotted for partition shall be entitled to possession; a Revenue Officer shall make proceedings on application at any time within three years from the date of partition instrument.

### 2.3.4 Women and Procedure for Mutation

1. As per the Law of Inheritance is in the form of Record, Registry, Lease, Sub-Lease, a woman shall file a case before the Civil Court and will obtain a DECLARATORY DECREE of being a legal heir.
2. In the light of declaratory decree issued by the Court the legal heirs can file their application to the ADC to get registered their inheritance Mutation.
3. After the Inheritance Mutation is Registered they can also file their case of Partition of joint holding land in Civil Court (in partition case a Court can award a preliminary decree by dividing shares)

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<sup>10</sup> [http://www.punjab.gov.pk/board\\_of\\_revenue](http://www.punjab.gov.pk/board_of_revenue)

<sup>11</sup> <http://lrma.punjab-zameen.gov.pk/>

4. If she, is entitled to take possession of any Immovable property, has either been dispossessed or is made unable to take possession of that property; she can obtain that possession by filing the suit under Section 8 & 9 of the Specific Relief Act, 1877 in Civil court.

### 2.3.5 District Level Enforcement of Inheritance Rights Committee

There shall be a District Enforcement of Inheritance Rights Committee in each district who will examine/review the whole transaction of transfer of mutation in cases where any legal heir complained. It consisting of the following:

(i)	Deputy Commissioner (District Collector)	Chairperson
(ii)	District Attorney	Member
(iii)	District Public Prosecutor	Member
(iv)	Additional District Collector	Member
(v)	Assistant Commissioner of Sub-Division	Member

If the committee is satisfied that any person was DEPRIVED of his inheritance rights BY THE REVENUE OFFICER, or any OTHER PERSON with MALA FIDE INTENTION or owing to negligence, it shall recommend to the competent authority for initiation of criminal prosecution or disciplinary action against the Revenue Officer or any other person responsible for it.

The GMIS team was able to acquire a limited amount of data related to the functioning of the committees; some stylized facts from their findings are presented below:

1. 7 cases were registered against delinquent officers and they were subsequently punished.
2. These delinquent officers hailed from the following districts: Attock, Dera Ghazi Khan, Jhang, Mianwali, Rajanpur, Rawalpindi and Sahiwal.
3. None of the reported delinquent officers were females.



### 2.3.6 Precautions before buying a Property

Original title document in favor of the vendor must be obtained along with other relevant documents including mutation in favor of the vendor, a fresh copy of fard, aks shajra and no-objection certificate or non-encumbrance certificate as the case may be. If the vendor is selling the property in the capacity of an attorney of the owner, then it must be ensured that the power of attorney is duly registered with the relevant sub-registrar.

### 2.3.7 Process of Mutation (New)<sup>12</sup>

The Land Revenue Management Information System (LRMIS) has the potential of revolutionizing the process of keeping and maintain land records in Punjab. The benefits of a computerized system of land recordkeeping can offer numerous advantages over the older manual system. There are fewer delays in the processing of mutation cases, less scope for corruption, no risk of battered or missing records and the ability to assess meta trends using data analytics to help address future policy. The new process for mutation is considerably simpler for citizens than the older process. There are fewer steps and far fewer delays involved. The process has been streamlined as explained below:

1. After the death of a land owner, a succession certificate is issued by the Union Council. The heirs can bring this succession certificate to any Service Centre of the LRMIS.
2. The SCO receives the succession certificate and deploys a field team to verify the rightful heirs.
3. The field team has 15 days to complete their verification. Without verification, the process cannot move forward.
4. Once the legal heirs have been verified, the SCO office calls the rightful heirs to their office to transfer the land and record their thumbprints and CNIC numbers.

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<sup>12</sup>With valuable insight from Mr. Ahmed Rajwan

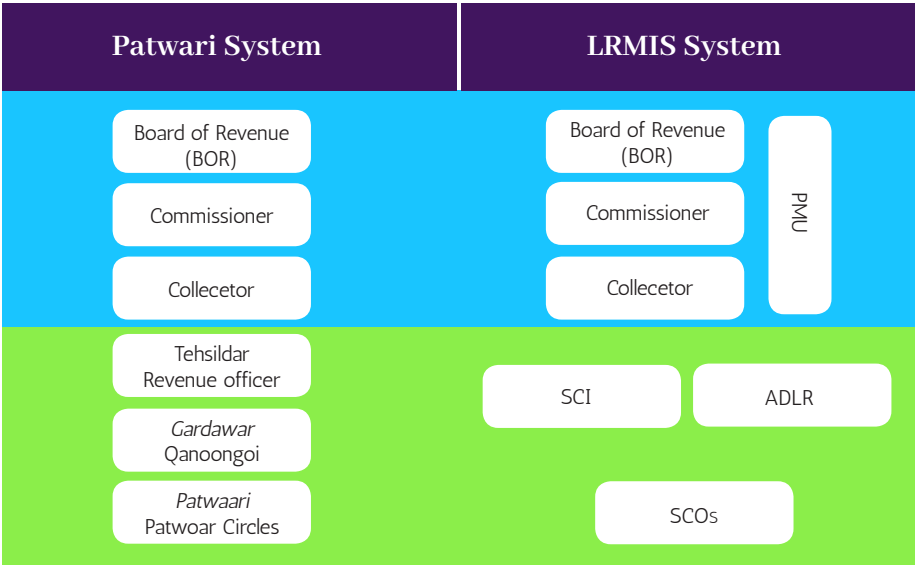


Figure 2: Comparison of Old and New Systems of Mutation[Source: LRMIS]

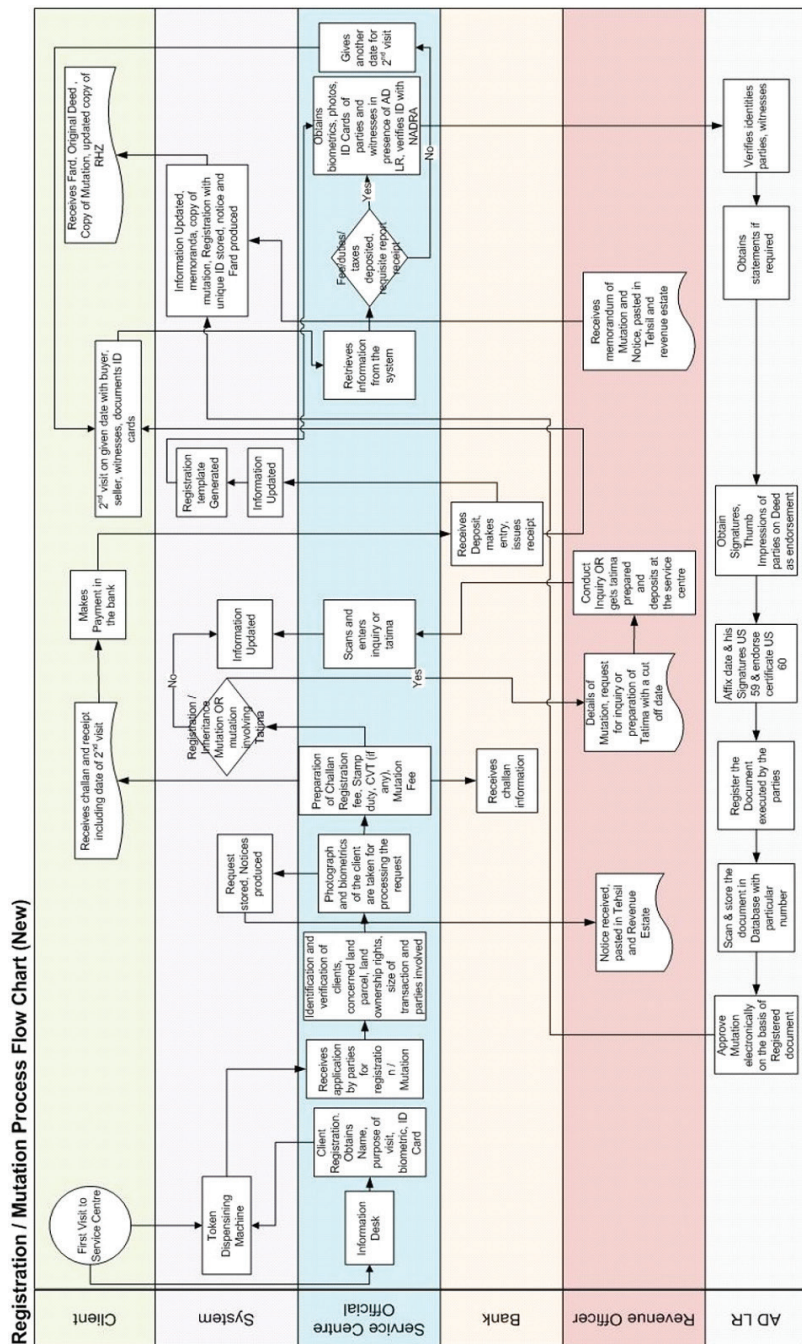


Figure 3: New Process of Mutation under LRMIS System [Source: LRMIS]





Figure 4: Old Process of Mutation (Still applicable in non-LRMIS tehsils) [Source: LRMIS]

# Data Analysis

# Data Analysis

## 3.1 Pre and Post 2015 Land Data

*PCSW research team visited six DCOs across Punjab. These DCOs were selected on the basis of their geographical spread as well as willingness of DCOs to share the required data. The following districts were visited: Lahore, Sheikhpura, Bhakkar, Toba Tek Singh, Attock and Sargodha.*

Data from Lodhran and Hafizabad districts was obtained from the LRMIS team that collected it as part of a pilot project.

The information gathered from the visits to six DCOs is presented below:

Table 1: Pre & Post 2015 Inheritance Mutations

District	1st Jan – 31st Dec 2014	1st Jan 2015 – 29th February 2016
Lahore	455	1,235
Sheikhpura	150	251
Bhakkar	1,407	1,464
Toba Tek Singh	1,295	1,731
Attock	2,101	2,230
Sargodha	1,398	1,398

From the above table, it can be seen that the 2015 Reform has had a clear impact across Inheritance cases in Punjab. The only anomaly seems to be Sargodha district but there are significant historical reasons behind this.

The primary being that Sargodha district consists mainly of old landed families who have by hook or crook kept the land within their families (Cheema & Naseer, 2010). This has led to embedded institutions and cultural values which strongly favour the eldest male son of each landowner whose patriarchal role also includes financially taking care of the rest of the family – including his mother, siblings and nieces and nephews.

Table 2: Pre & Post 2015 Reform Inheritance Mutations (LRMIS)

District	1stJan – 31stDec 2014	1stJan 2015 – 29th February 2016
Lodhran	1,124	1,666
Hafizabad	334	783

Figure 5: Pre-Post Comparison of Total Number of Mutation Cases in 6 Sample Districts

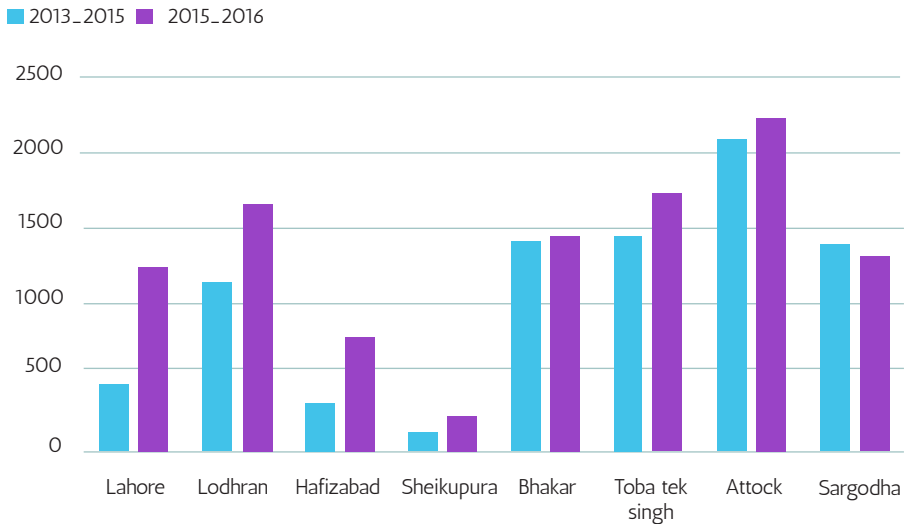


Figure 5: Pre-Post Comparison of Total Number of Mutation Cases in 6 Sample Districts



## 3.2 Data Trends and Snapshot of Current Scenario

Every effort was made to obtain the most complete and up to date data that was available to the research team; however, this data is subject to quality control of various DCO offices and the LRMIS team respectively<sup>13</sup> and may vary in terms of quality and accuracy.

### 3.2.1 Gender and Land

In Punjab, there are approximately 11 million female land owners.<sup>14</sup> This means that only 10.6% of the total Punjabi population are female land owners and only 21.8% of the total female population of Punjab are land owners. It should be pointed out here, however, that ownership reflected in the LRMIS or the Patwari's registers as official record means that formal legal recognition exists for property rights. However, the challenges posed by informal institutions such as cultural and social norms may mitigate against legally guaranteed rights. The literature review revealed that a number of social challenges limit the ability of a woman to exercise control over property that may legally be in her name (see FDG findings from Rawalpindi in the section on FDG Findings). She may be completely dependent on a male relation for management of her assets and in a significant proportion of cases, may even be unaware entirely of her rights and legal assets. Because of this reason, it is contended that quantitative data alone may not yield a sufficiently deep answer to the question of key impediments to women's empowerment in Punjab. However, such analysis can and does allow us to discern certain broad trends to evaluate the degree to which targeted reforms and policies hit their mark.

Analyzing the district-wise distribution of population allows us to identify and target specific policy goals for specific districts. A district makes sense as the unit of analysis as it is the highest tier of local government and targeting interventions at this level is logistically and administratively more feasible than trying to tailor policy at a lower level.

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<sup>13</sup> If not mentioned, the statistics reflect the trends for the year 2015.

<sup>14</sup> Table has been generated using data from Land Revenue Management Information System (LRMIS)

District	Total Population (Estimate 2015)	Female Population (Estimate 2015)	Female Land-owners
Attock	1,759,410	881,264	216,023
Bahawalnagar	2,844,797	1,371,770	113,465
Bahawalpur	3,357,666	1,592,956	40,720
Bhakkar	1,451,009	700,757	224,057
Chakwal	1,495,541	780,357	359,004
Chiniot	1,331,871	639,165	104,271
Dera Ghazi Khan	2,267,503	1,089,284	443,318
Faisalabad	7,492,775	3,591,642	297,974
Gujranwala City	4,693,297	2,250,345	263,366
Gujrat	2,826,251	1,410,018	786,005
Hafizabad	1,149,512	551,531	130,550
Jhang	3,911,672	1,877,415	233,347
Jhelum	1,293,001	647,006	421,356
Kasur	3,278,708	1,562,239	275,652
Khanewal	2,854,516	1,374,477	256,986
Khushab	1,249,881	626,895	207,776
Lahore City	8,719,868	4,126,535	114,678
Layyah	1,546,912	747,880	244,111
Lodhran	1,617,084	776,385	175,060
Mandi Bahud-din	1,601,562	781,667	122,279
Mianwali	1,458,136	726,306	431,766
Multan City	4,301,254	2,043,895	538,054

Table 3: Female Landholders by District (LRMIS)

District	Total Population (Estimate 2015)	Female Population (Estimate 2015)	Female Land-owners
Muzaffargarh	3,637,546	1,742,756	681,260
Nankana Sahib	1,523,042	731,060	138,990
Narowal	1,745,834	867,854	81,659
Okara City	3,081,529	1,470,405	257,371
Pakpattan	1,775,618	853,552	75,607
Rahim Yar Khan	4,334,653	2,075,781	578,700
Rajanpur	1,522,993	721,458	352,896
Rawalpindi	4,642,197	2,265,179	1,492,421
Sahiwal	2,543,608	1,227,694	185,923
Sargodha	3,679,051	1,784,472	263,820
Sheikhupura	3,203,020	2,196,887	206,400
Sialkot	3,758,404	1,831,190	309,978
Toba Tek Singh	2,237,798	1,090,188	199,088
Vehari	2,884,774	1,389,114	190,812

1. The most female land-owners out of the female population of each district are located in Rawalpindi (65.8%) and the second most in Mianwali (59.4%).
2. The total area of land owned by women in Punjab is much lower than the area of land owned by men.
3. The total number of women who own land is also significantly lower than the number of men who own land in Punjab. This is also true when considering weighted-by-population ratios between men and women.
4. In terms of ownership statistics, the worst districts are in South Punjab where women land owners are fewer and own the least amount of land. Only 26% of the female population are land owners in Multan City, for example.

Female LandLords

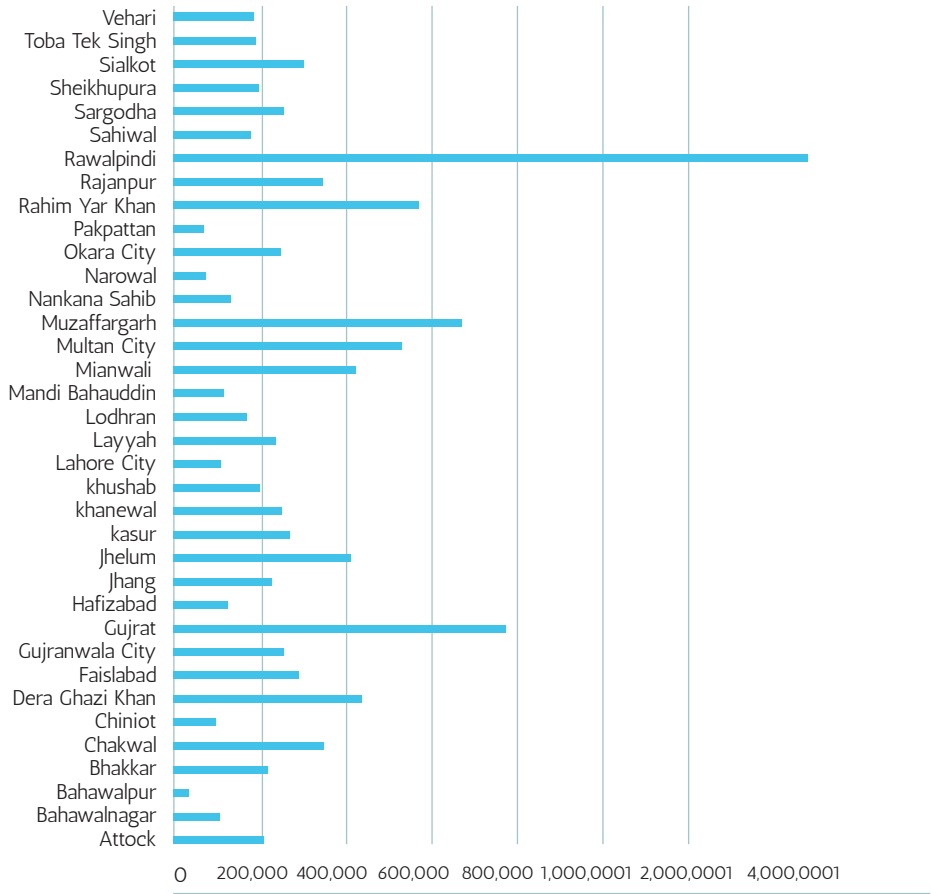


Figure 6: Total Number of Female Landowners registered on LRMIS by District

5. Average ratio of landholdings between males and females (in acres) for all districts are as follows:<sup>15</sup>

Table 4: Ratio of Male to Female Landholdings in Acres by District

District	Female Landholdings (Acres)	Male Landholdings (Acres)	Ratio	Percentage of All Land owned by Females
Attock	216,023	1,740,902	0.59	37.02
Bahawalnagar	113,465	437,525	0.29	22.52
Bahawalpur City	40,720	748,891	0.79	44.22
Bhakkar	224,057	128,208	0.37	26.86
Chakwal	359,004	1,439,212	0.62	38.41
Chiniot	104,271	144,301	0.44	30.79
Dera Ghazi Khan	443,318	652,123	0.47	31.94
Faisalabad	297,974	211,915	0.42	29.55
Gujranwala City	263,366	918,764	0.35	26.06
Gujrat	786,005	1,239,575	0.51	33.94
Hafizabad	130,550	393,068	0.34	25.2
Jhang	233,347	1,002,980	0.3	23.18
Jhelum	421,356	935,636	0.64	38.91
Kasur	275,652	738,775	0.34	25.34
Khanewal	256,986	285,086	0.35	26.09
Khushab	207,776	150,037	0.48	32.55
Lahore City	114,678	353,083	0.41	29.22
Layyah	244,111	597,304	0.35	25.82
Lodhran	175,060	690,657	0.34	25.63

District	Female Landholdings (Acres)	Male Landholdings (Acres)	Ratio	Percentage of All Land owned by Females
Mandi Bahaud-din	122,279	657,553	0.33	24.86
Mianwali	431,766	567,755	0.48	32.24
Multan City	538,054	962,297	0.4	28.51
Muzaffargarh	681,260	1,584,415	0.41	29.3
Nankana Sahib	138,990	331,631	0.36	26.49
Narowal	81,659	606,917	0.45	31.01
Okara City	257,371	660,663	0.36	26.35
Pakpattan	75,607	184,383	0.33	24.85
Rahim Yar Khan	578,700	1,363,878	0.42	29.59
Rajanpur	352,896	692,213	0.45	31.26
Rawalpindi	1,492,421	2,200,337	0.68	40.3
Sahiwal	185,923	325,473	0.38	27.61
Sargodha	263,820	753,111	0.37	27.14
Sheikhupura	206,400	816,094	0.36	26.48
Sialkot	309,978	1,014,233	0.45	30.9
Toba Tek Singh	199,088	486,008	0.37	27.08
Vehari	190,812	334,532	0.36	26.2

6. The general trend seems to be that the ratio of landholdings of females to males is 0.4 which is less than half which is less than Islamic regulations. Bahawalpur, Chakwal and Rawalpindi seem to be the most gender friendly districts.
7. Rawalpindi has the largest percentage (40%) of female landholdings; whereas Jhelum has the second largest (38%).

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<sup>15</sup> Table 3 has been generated using data from Land Revenue Management Information System (LRMIS)

Pereto Chart of Total Female Landholdings

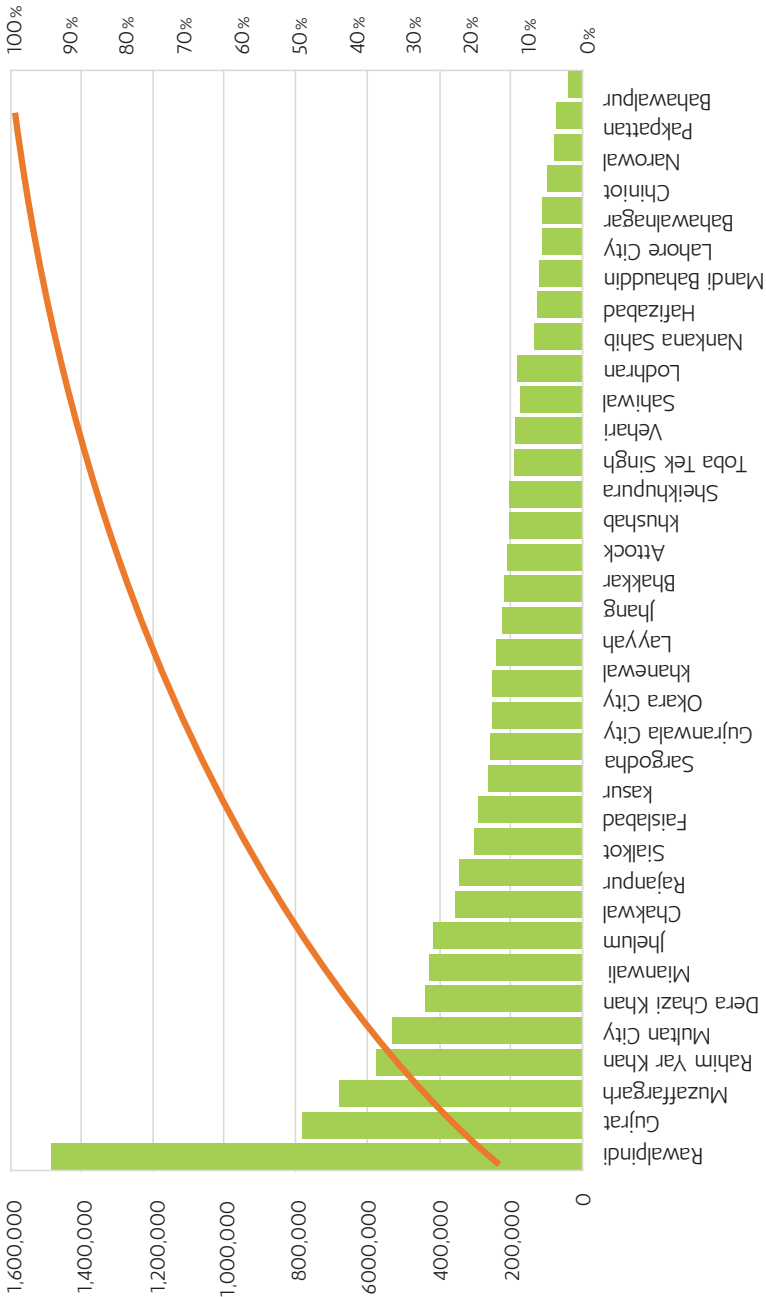
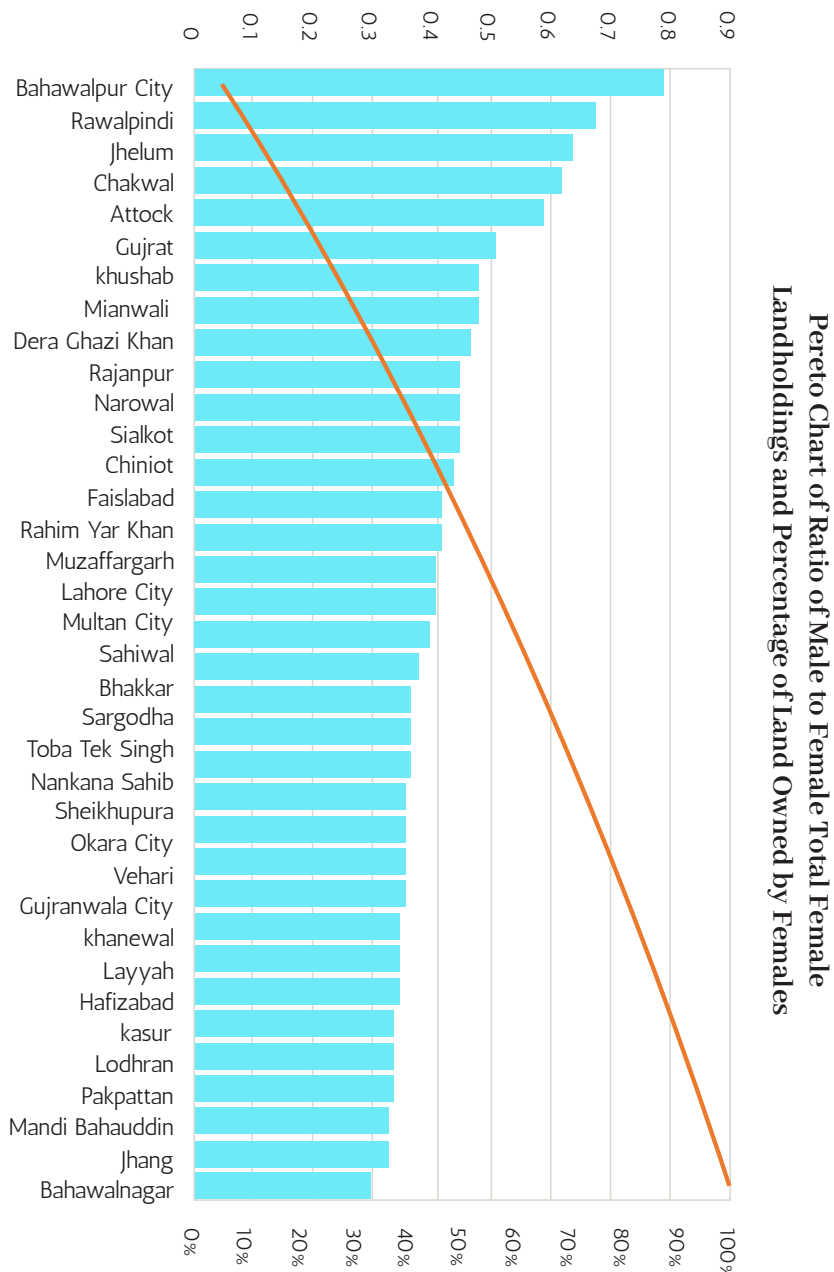


Figure 7: Pereto Chart of Total Female Landholdings



Figure 8: Pereto Chart of Ratio of Male to Female Landholdings and Percentage of Land Owned by Females



# Percentage of Landowners who are Female

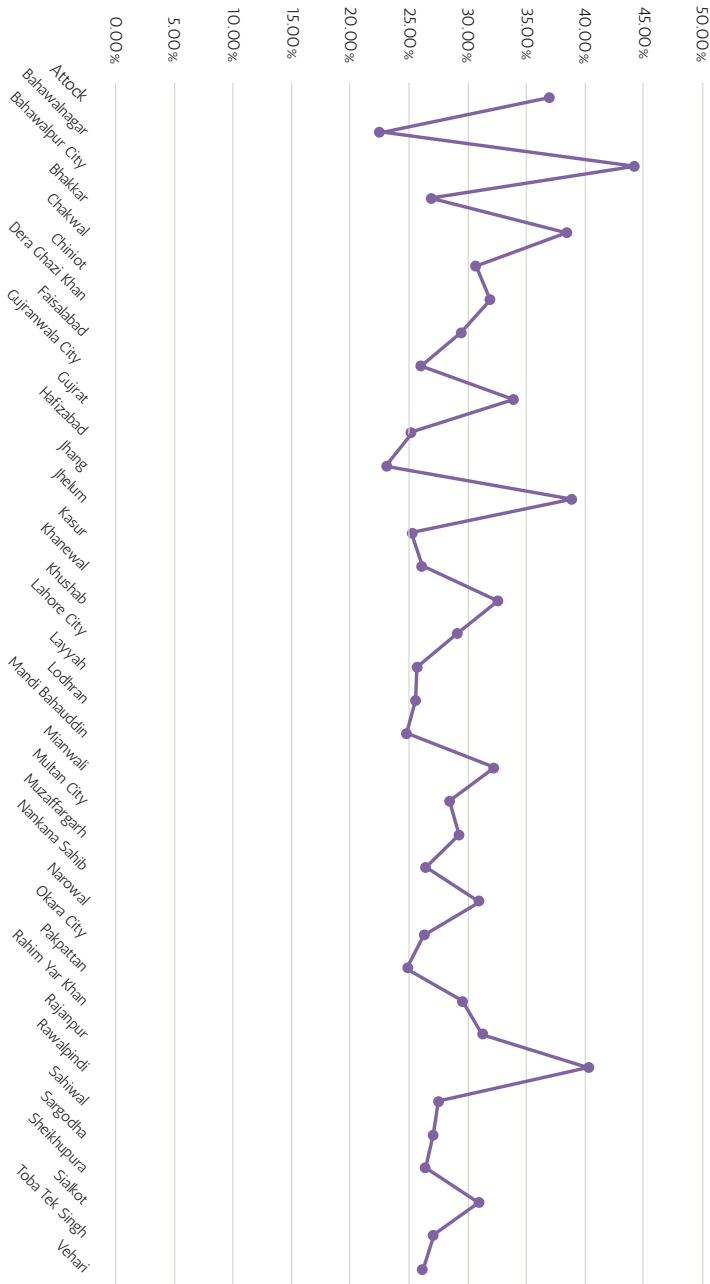


Figure 9: District-wise breakdown of percentage of landowners who are female

### 3.2.2 Inheritance and Land

The total number of inheritance related cases from June 2015 to the end February 2016 (8 months) in all of Punjab were 13, 853. While one can infer general trends with regards to ownership from this data, one cannot use it to distinguish between ownership and control. Just because land is in the name of a female does not necessarily mean that she has control over it. With this important caveat in mind, we can examine the district-wise distribution of mutations of land between men and women.

Table 5: Total Number of Inheritance Cases by Gender by District

District	Inher- itance Muta- tions (Total)	Male Inher- itance Cases	Female Inher- itance Cases	% of Female Inher- itance Cases	Land Inher- ited by Females (kanals)
Attock	585	298	287	49	5,225
Bahawalnagar	277	277	136	49	7,284
Bahawalpur	450	230	221	49	7,318
Bhakkar	147	79	68	46	36,475
Chakwal	339	183	156	46	5,431
Chiniot	92	46	46	50	2,289
D. G. Khan	85	48	37	44	1,604
Faisalabad	466	247	219	47	3,749
Gujranwala City	568	488	80	14	12,022
Gujrat	403	121	282	70	5,922
Hafizabad	372	201	171	46	6,194
Jhang	625	419	206	33	8,576
Jhelum	200	106	94	47	1,601
Kasur	818	728	90	11	7,152

District	Inheritance Mutations (Total)	Male Inheritance Cases	Female Inheritance Cases	% of Female Inheritance Cases	Land Inherited by Females (kanals)
Khanewal	101	49	52	51	2,119
Khushab	31	16	15	47	761
Lahore City	362	185	177	49	2,332
Layyah	373	190	183	49	5,059
Lodhran	286	152	134	47	3,032
Mandi Bahuddin	477	253	224	47	4,417
Mianwali	145	77	68	47	1,873
Multan City	190	99	91	48	3,015
Muzaffargarh	578	295	283	49	6,593
Nankana Sahib	249	129	120	48	4,799
Narowal	680	612	68	10	4,099
Okara City	359	237	122	34	4,769
Pakpattan	178	93	85	48	3,335
Rahim Yar Khan	576	294	282	49	8,015
Rajanpur	75	38	37	49	2,664
Rawalpindi	407	208	199	49	33,512
Sahiwal	237	123	114	48	5,046
Sargodha	557	279	279	50	8,501
Sheikhupura	641	340	301	47	7,221
Sialkot	1,028	524	504	49	10,266
Toba Tek Singh	706	353	353	50	7,831
Vehari	190	182	8	4	3,215

1. The highest number of inheritance-related cases were reported in Sialkot (7.4% of all cases in Punjab were reported in Sialkot) and second highest in Kasur (6% of all cases were reported in Kasur)
2. 47.6% of the inheritance cases in 2015 were filed by women at the LRMIS Service Centre.
3. Gujrat leads the way with 70% of inheritance cases dealing with females whereas in Vehari only 4% of inheritance cases involve females.
4. A total of 248,017 kanals were allotted to women in inheritance cases across all districts of Punjab.
5. The most land inherited by females was in Rawalpindi and the second highest in Sialkot.

### Breakdown of Inheritance Mutations by Gender

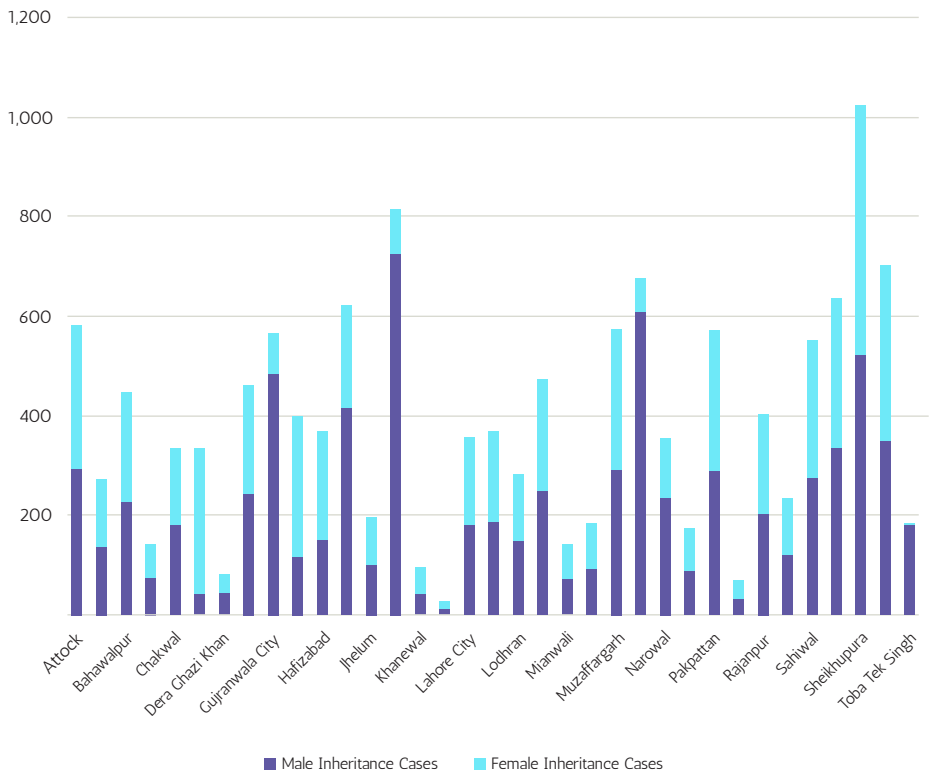


Figure 10: Breakdown of Inheritance Mutations by Gender

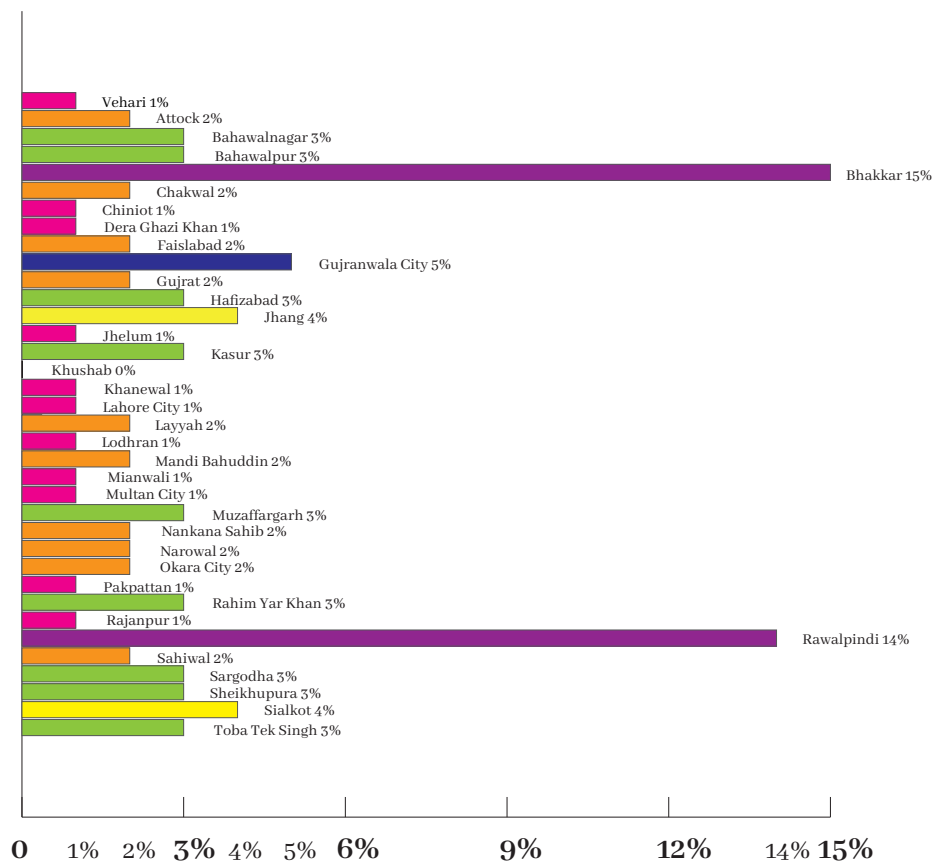


Figure 11: Amount of Land inherited by Women (in Kanals) – Percentages indicate the district-wise breakdown of all land inherited by females

### 3.2.3 Inheritance Related Complaints

The GMIS team has been compiling data on the number of inheritance related complaints lodged by women at the toll free helpline. Some stylized facts from this data are presented below:

1. The number of Inheritance-related complaints were quite low across all districts as were generally complaint calls across all categories to the Toll-Free Helpline for all the given years.
2. All inheritance-related complaints were filed by women across all districts for all the given years.
3. The most number of inheritance-related complaints (56%) from females hailed from the district of Lahore.
4. The second highest number of inheritance-related complaints (31%) from females hailed from the district of Bahawalpur.



# Qualitative Analysis



## Qualitative Analysis

*From an examination of the data presented above and the copious literature on the subject of women's empowerment, it is obvious that land ownership records alone cannot be depended upon to understand the full breadth of issues that affect women's empowerment in Punjab. To address such gaps that may exist, the second part of this project included carrying out in-depth interviews and focus group discussions with numerous stakeholders across Punjab.*

The choice of FGDs and interviews as field instruments made sense for this study due to the unique benefits that each can offer. The advantages of using focus groups are manifold. They do not discriminate against people who cannot read or write (which, as this paper established from the literature, is a common problem). It can also encourage participation from people who are reluctant to share their views or may feel uncomfortable in a one-on-one interview. It encourages people to interact with one another and feed off each other's anecdotes, which may help us glean valuable information regarding this process as well as allowing us to tap into cultural norms etc. of a particular district. (Kitzinger, 1995)

One-on-one interviews are better suited to the task of obtaining information from officials. By not having other people around, it helps the interviewee gauge how he/she places them self in the narrative of the process being examined, i.e. whether they are just doing their job, are being bribed etc. (Silverman, 2010). There may also be a legitimate fear of reprisal in some cases from senior officials or other parties, which the research team attempted to mitigate through strict protocols.

## 4.1 Choice of Interview and FDG Participants and Venues

Through a detailed literature review, intensive background research and analysis of primary data from DCOs and the LRMIS, the research team was able to identify a set of stakeholders that would fulfil the logistical and budgetary constraints on this project while still addressing the widest possible selection of issues, both legal/procedural as well as social, that affect female empowerment within the context of land inheritance in Punjabi society.

The set of stakeholders identified through the process described above included the following:

### Local men and women of the district:

Preferably from the upper income groups and/or landed families. But inheritance issues plague women of all social groups so this is not a necessity. It would be preferable to get as varied a group as possible in order to get the best possible insight into the entire gamut of familial issues that underlie women's access to inheritance rights in Punjab.

### Revenue Officers of the district:

These are Board of Revenue officers that have been appointed by the Government of Punjab to resolve issues related to inheritance and mutation; the 2015 Amendment allows them to award land to the rightful heirs at their own discretion with the hope that this would speed up the mutation process. Their discretionary powers make them prime candidates to investigate the efficacy of recent legal and procedural reforms and their effect on the empowerment of women.

### Patwari:

Patwaris represent a strain of colonial continuity within post-colonial Punjab. The Patwari is the lowest officer at the Board of Revenue and is responsible for maintaining the master record of land titles for his/her Patwar circle. Patwaris have knowledge of all land records in a particular district and are directly involved in the process of mutations and updating of records. As a consequence, Patwaris could offer valuable insights into the historical issues plaguing land inheritance.

### Service Centre Officers (SCOs) and PD LRMIS:

SCOs are the first point of contact for the LRMIS. Their job includes managing the LRMIS as well as carrying out field checks. This means that SCOs could prove to be an invaluable source of qualitative information on the differential aspects of the LRMIS system for men and women in Punjab.

### Male and female lawyers:

They will be able to guide us on how the local courts are dealing with inheritance issues and how inheritance cases are usually resolved. While also providing key insights on some of the most common issues plaguing women whose inheritance cases they have contested.

Given that the project was operating under a small budget, the research team needed to narrow down the list of venues where FDGs would be conducted. Based on the primary data acquired from DCOs and the LRMIS and an extensive review of the literature, Rawalpindi, Lahore and Multan were selected as venues for FDGs. There are a number of factors that affected this selection. Lahore was selected because the most number of inheritance related complaints to the PCSW helpline hailed from this district. Rawalpindi has the largest number of female landholders in all of Punjab. And, Multan is representative of South Punjab and has been a focal point for Government of Punjab initiatives aimed at supporting women and reducing violence against them.

## 4.2 Observations from FDGs

A combination of FDGs and one on one interviews were carried out by the research team under Phase II. Given the time constraints most officials in the Punjab government face, the team was forced in some cases to employ one on one or telephone-based interviews when there was no other way to coordinate.

A brief description of each FDG is presented below, followed by detailed reports on the key findings from each event; the next section then summarizes our findings within the context of the quantitative and qualitative analysis and proposes a set of structural and targeted reforms:

1. All women who had called the PCSW Helpline with an inheritance-related complaint. This FDG was conducted on 23rd February by two female moderators.
2. A panel comprising lawyers who have worked on inheritance related cases and some of their clients (both male and female) in Lahore on 25th February.
3. A panel comprising lawyers who have worked on inheritance related cases and some of their clients (both male and female) in Multan on 20 February
4. A panel comprising lawyers who have worked on inheritance related cases and some of their clients (both male and female) in Rawalpindi on 28th February.
5. DCOs/ADCs/SDOs/Patwaris of six different districts (Attock, Sargodha, Lodhran, Sheikhpura, Bhakkar and Toba Tek Singh) were interviewed in their respective districts because these government officials are very busy and it became impossible to coordinate one date and time for them to all sit down together. But their individual experiences in their respective districts has shed a lot of light on this issue between 10th February and 10th March.
6. Service Centre Officers responsible for running LRMIS Service Centres could not be excused from their positions long enough to gather in one venue for a group discussion. Due to this constraint, their opinions and responses were collected through a combination of email correspondence and telephone calls. The response rate was generally low, reflecting the fact that they were not officially obligated to respond to these queries, however, SCOs in Hafizabad, Okara, Lahore, Sheikhpura, Pakpattan, DG Khan and Bahawalpur were kind enough to provide detailed feedback.

### 4.2.1 All Female FDG of Women who called the PCSW Helpline (Lahore)

An FDG was conducted with six women in Lahore who had called the PCSW Helpline with an inheritance-related complaint in the past year (January 2015 to February 2016). The majority of participants had read about the PCSW Helpline in a newspaper advertisement, while one woman had been referred to the PCSW Helpline by her neighbor.

From the discussion, there was a general consensus that women are not included in public transactions of the family throughout their lives; this in turn affects their current and future prospects for earning a livelihood. Most women take on these cases as a last resort when they are desperate; in other cases, they are motivated by a will to generate awareness for future generations of women regarding their due rights. The main hurdles that women seem to face in inheriting land are twofold; first, social/cultural; and second, lack of access to official documentation which could be used to prove rightful claim to the bequest by females. These themes are discussed in detail below:

#### a. Cultural Constraints

In all the cases, both parents of the women present in the discussion were deceased and they had been denied a rightful share of inheritance by a male relative – most commonly a brother or in one case, a paternal uncle. There was an unerring similarity to the tales of woe for these women, with a common claim being that a male family member had used his influence to bribe/coerce the Patwari in order to get the land transferred solely to his name. In one case, the Patwari had been a class fellow of one such male relation.

On a related note, it was also noted that due to the fire that had taken place at the Lahore Katcheri in 1995, many original records and documents had been destroyed; this opened up the space for collusion between male relatives and officials in order to falsify records and ensure the exclusion of others from the inheritance.

Another commonality across all participants was that their mothers had hailed from a lower financial background than their fathers and hence, were not afforded much respect by their in-laws.

In most cases, there was a history of mothers resisting efforts by their daughters to file cases against their brothers. One mother, during her lifetime, gave the title deed to her brother and asked him to look after her children after her death; in this scenario a maternal uncle was able to exploit the situation and was able to transfer the land to his own name. After the mother's death, the uncle made financial compensations to his male nephews and also helped them with their careers but ignored his nieces' share from the inheritance.

One participant reported that her eldest child had recently gotten married and when she went to her brother's house to invite him to the wedding he gave the condition that the only way he would attend was if she would drop the case. He was obviously hoping that she would not want to make their conflict a public matter.

When it came to commercial property such as shops or plazas, most women stressed that their fathers, during their lifetime, had made promises to their mothers regarding their financial security from these sources as well as that of their daughters; however, after the father's death, the male patriarch of the family had sold off those assets (during the lifetime of the mother) and pocketed the cash themselves.

The most commonly observed family dynamic was where one sister took on the role of the instigator in the dispute while insisting that they had the private support of the other sisters even if they could not publicly voice such support due to social pressures. All participants in the FDC were supported by their husbands in pursuing these cases. The women said that the brother or brothers were trying to create conflict between the sisters and especially if a sister was not very well off they would try to buy her off by promising to find good jobs for her children. Hence, most of the sisters felt it was too risky to jeopardize relations with the brother especially since there were very slim chances in them winning the case.

## **b. Lack of Access to (or Knowledge of) Legal Documentation and Procedures**

All participants were unaware of the existence and operations of the LRMIS and the improvements that this model offers over the system of Patwari held records. They also manifested complete ignorance of the 2015 Reforms and any concomitant facilitation that these reforms provided to women.

Ignorance of the LRMIS and its operations could be attributed to the fact that participants in this FDG were from urban parts of Lahore while LRMIS operates primarily in rural settings.

Most women also mentioned that all official documents had been kept hidden from them all their lives and one woman had even asked her brother for the sale documents when he sold off the property during their mother's lifetime. But so far they have been denied the right to see anything in writing.

### **c. Other Findings**

Another recurring theme was that the women contesting these cases were either financially well off (so they had the resources to back long cases in court) or were almost destitute; this implies that for women who are financially secure (but not rich), it is preferable to give up their legal claims on land inheritance for the sake of maintaining family unity and avoiding social stigma.

All participants were unanimous in their claims that they were contesting their inheritance primarily so that their daughters would know that they have certain rights and that their sons accept that they must look after their sisters.

There was a generally pervasive air of disappointment among participants with the quality of support and services provided by the PCSW helpline. They mentioned that the first time they had registered their complaint, someone had phoned and discussed their case with them but ultimately there was little or no follow up or meaningful intervention. This could be explained through a closer examination of how the helpline works at the moment. When the helpline receives a complaint that cannot be addressed by any means other than the intervention of revenue board officials, they get all the relevant details from the complainants and begin to pursue their cases with the relevant official. This modality offers the advantage of increasing the number of cases that the helpline can address but also limits the impact that its intervention can have. In the absence of legal and administrative channels to implement systems for monitoring and accountability the only avenue available to the PCSW helpline staff is to follow up with relevant officials over the phone or through written requests; this can lead to a significant gap between the period the complaint was registered and time when the helpline gets back to the complainant with a progress update.

Most of the women interviewed were not doing well financially and asserted that they would really prefer proper legal aid from the helpline since they could not afford to hire lawyers on their own. This presents a unique opportunity for realizing significant returns on a relatively small investment; by enhancing the capacity at the helpline and including the provision of legal aid, the impact on women and their empowerment may be an order of magnitude and would thus represent a good investment for the Government of Punjab.

## 4.2.2 Mixed FDG of Lawyers and Landowners (Lahore)

The group consisted of a four lawyers and two females who had engaged one of the lawyers for the purpose of land inheritance related cases.

Three key themes emerged from this discussion; the first theme was concerned with documentary and procedural requirements that end up making it difficult for women to dispute inheritance cases; the second highlighted the space for graft that is available to officials at multiple steps in the inheritance process; and the third theme revolved around cultural and logistical factors that were constraining women's agency and empowerment.

### a. Documentary and Procedural Requirements

Every lawyer in the discussion agreed that their female clients often found themselves with limited options as a consequence of documentary requirements for proving their rights to a share of the land being inherited. This could vary from declaration (which is the legal recognition of all heirs) to marriage or birth certificates.

The way the law works is that an appellant disputing inheritance must prove their legal claim to a share of the inheritance. There are certain documents that are required or mandatory for proving these claims. Often, women do not have access to these documents or know of their existence. This means that when they finally approach a lawyer to pursue a legal case, they cannot provide the requisite evidence needed for the court of law and any scrupulous lawyer would turn them away immediately.



The lack of separation between civil and criminal courts and judges was cited as one reason that women are hesitant to pursue legal proceedings but this was far from the only one. A woman contesting land inheritance must physically appear in court; this imposes certain costs on her. She has to arrange for transportation which is often a challenge for female clients, she may need to arrange for someone to take care of her children, there are significant financial costs related to this process also such as lawyers' fees and fuel costs.

## **b. Graft, Corruption and Lack of Oversight**

The lawyers present in the discussion were all very critical of the role many lawyers end up playing. The contention was brought up repeatedly that lawyers may not always be interested in the best outcomes for their clients, rather, they have an incentive to prolong the case and continue to rack up legal fees. In extreme cases, where the client may have been particularly vulnerable, lawyers have even signed the land to themselves instead of the client.

The role of the patwari was also brought up fairly regularly, one of the female participants asserted that her brothers had bribed the local patwari to keep her name off the register haqdaraan zameen (RHZ) and the lawyers present also agreed that this was a common complaint among their clients in cases related to land inheritance.

Another common practice after death is to bribe Union Council officials to issue a back-dated divorce, this ensures that the widow cannot stake a claim on her due share of the inheritance.

The role played by the Revenue Officer has only increased in significance as a consequence of the reforms this report is analyzing. In spite of the establishment of legal provisos and mechanisms for discipline to ensure ROs comply with new regulation, there are still major gaps in enforcement and a fundamental lack of oversight prevails as a consequence. Corruption can also be masked by claims of overburdening which is often used as an excuse for not carrying out due diligence or the exact letter of the law in mutation cases.

### c. Cultural Constraints

Women are hesitant to undertake legal proceedings, pressure from their family and community can be significant and the social stigma attached to going to court against your own family can make it a really difficult decision for a woman to take legal action. Most women will try using informal institutional mechanisms such as the intervention of family or community elders on their behalf before even considering legal or other formal avenues for the enforcement of their rights.

Participants used examples of acid throwing and the high prevalence of violence against women to argue that women are suppressed by men in Punjabi society. This same is true in far subtler fashion through the internalization of these patriarchal norms within women who then perpetuate these realities through to their daughters and so on, in a vicious cycle.

It was also pointed out that going to court is considered a threat to the 'izzat' (sanctity) of women's households, and this make it even more costly to pursue legal channels beyond the material costs listed in list item a. above.

It was also pointed out that women are still dependent on some sympathetic male to help them navigate the legal system and these male were ever present even during legal consultations; this dependency exists completely independent of the law and procedural requirements and is based solely on cultural considerations and social norms.

### d. Other Findings

Most participants agreed that in cases where there was no major dispute, an inheritance case can be concluded within a 1-3 months. In the case of disputes, the length can increase by order of magnitude to 3 or more years. There is also a significant drop off in clients' perseverance after the 2-year mark when many choose to give up.

There is a tendency among women to take legal action, many years after the death that triggered the inheritance. This is rooted in the high social costs of challenging male authority and is usually the last step available to a woman. The longer the period of time between the death and legal contestation of inheritance, the more difficult it becomes to win the case.

There is generally little or no information among women regarding the new procedures related to the LRMIS and about state services such as the Gender Helpline.

The rents from land should be distributed between all heirs but in cases where women were denied their fair share there is no mechanism to retroactively pay them for the rents they missed while legal proceedings were ongoing, even in cases where they end up winning possession or a share in the land. This means that just by extending the case, male inheritors can exploit their female counterparts.

The ethical predisposition of lower level court judges was also called into doubt by multiple participants; with lawyers and clients both admitting that it appeared that judges would make decisions based on personal preferences rather than a strict reading of the law and evidence presented.

## 4.2.3 Mixed FDG of Lawyers and Landowners (Multan)

The group consisted of a few lawyers, reporters and women who had gone through the experience of land inheritance and had encountered problems.

Two key themes emerged from this discussion; the first theme related to cultural and logistical factors that were constraining women's agency and empowerment; while the second theme was centered on a discussion of the nature of the laws and legal system.

### a. Cultural and Logistical Constraints

There was a great emphasis on the idea of cultural values determining a woman's access to property was brought up repeatedly. The image of the "daughter of a good family" not going to court or the thaana was brought up repeatedly. ("shareef aurat kacheri nahin jaati"). It was agreed that the thaana, the kacheri, and the DCO office were places where women felt unwelcome and unsafe due to the number of men present, the unruly nature of queues, the lack of "female only" help stations and the lack of female officers/officials with whom to interact

The cultural emphasis was fleshed out in two ways: (1) men perpetuating these values through force and the (actual or potential) violence and (2) women perpetuating these values through internalization. Interestingly, it was felt that these values bring more pressure to and are more deeply felt by lower middle class women who reside in urban environments.

Interestingly the majority of the group felt that education/awareness alone is not enough to bring a shift in these values ("I'm an educated woman but look at how vulnerable I am") ("I simply do not have the courage to go to court").

One female landowner related that she had assumed sole responsibility over the children because her husband was a "waste of space drug user" but she has been cut off from inheritance by both sets of parents (hers and his).

## **b. Laws and the Legal System**

The lawyers present were invited to go over the procedures that their clients are required to go over in order to lodge a legal dispute. The general process that they described was that the client provides details of the case along with a death certificate and ID after which the lawyer takes up and files the case. All lawyers agreed that the number of inheritance related cases have gone up in the past few years but they could not give an exact number. They also related that female clients come to them as a last resort after having waited for their share or after exhausting all other social and communal channels. In such cases, they can get the idea to engage a lawyer through word of mouth from a friend, neighbor, or sympathetic relation. In almost all cases, even if the client is female, the lawyer ends up dealing directly with a male who assumes responsibility for these interactions, these males can be a husband or a son. This also raises the possibility that the female may have been pressured into contesting the case, in which case the benefits of any inheritance won in a court may accrue to the male relative rather than the female herself. They also pointed out that when working on inheritance related cases on the behalf of a female client they usually end up winning in the courts, assuming no major documentary gaps exist.

The idea of legal costs was briefly brought up, with one lady claiming that another reason why she felt unable to seek legal recourse was the perceived financial burden.

It was discussed that both the wording and the application of laws was lacking:

1. Legal loopholes e.g. Sharia law does not account for widows with no offspring under Shia doctrine as opposed to Sunni doctrine where they are catered for.
2. Misapplication (or non-application) of Sharia inheritance law – such as cases of converting from Sunni to Shia to ensure the inheritance rights of daughters in cases where there are no male offspring.

Interestingly, the lawyers were defending the laws as being very well written/formed and were arguing that cultural pressure and a lack of awareness deserve far more attention. For example, no one was aware of the help line and none of the lawyers' clients knew of it or used it.

At this point, there was a bit of a heated exchange between a lady who felt like she was being mishandled by the court and the lawyers. The lady stated that it took 5 years for the court to "ok" a partition that had already been agreed to without contestation by all siblings (4 sisters). She was blaming her lawyer and lawyers in general for being lazy and corrupt while the lawyers were placing a moral onus on her for not being aware of her rights and of the legal options she could exercise.

### c. Other Findings

The notion that a woman has agency and should be proactively deploying it was met with enthusiastic agreement by some participants, but a begrudging "how do we do it" response by others; this indicates, perhaps, the degree to which women in Punjab have internalized dominant patriarchal cultural norms or the degree to which they feel cultural/social pressure to relent in their pursuit of empowerment.

There was no single root cause identified; the consensus was that a nexus of legal loopholes, cultural norms, logistical concerns, lack of awareness and self-interested government servants collectively diminished female agency in Punjab.

The FDG in Multan generated a number of interesting proposals for reforms in both the formal and informal institutional mechanisms related to the inheritance

of land and the empowerment of women in Punjab. Some highlights are presented in the list below:

1. More family courts; make existing ones more female friendly (potentially more female judges and other officials down the line)
2. A shift in cultural values through expansion of awareness initiatives – making women's issues part of school curricula, making legal options and solutions part of school curricula, having a more proactive media that focuses on women's issues.
3. Reducing "red tape" to speed up procedure and clamp down on lazy/derelict lawyers, patwaris, bureaucrats etc.
4. Women themselves need to be more proactive and aggressive in the pursuit of their own rights ("look, we took a step by showing up at this meeting, women should take a stand and confront their conditions in order to transcend them") ("enough legal options exist, the woman should strive to avail them")
5. Make inheritance rights and shares a part of the 'nikah nama'
6. Lower or waive legal fees
7. Have stricter controls over the Patwari
8. Somehow restrict the amount of power enjoyed by landed families that easily pay off officers, officials, lawyers and judges (the notion of landlord families being evil/corrupt was accepted by everyone present without contestation).

#### 4.2.4 Mixed FDG of Lawyers and Landowners (Rawalpindi)

The group consisted of a three lawyers and three females who had engaged lawyers for the purpose of disputing land inheritance related cases. The general pattern of discussion was remarkably similar to the FDG in Lahore with some additional insights highlighted below:

##### a. Cultural Constraints

As with the other FDGs, a common theme to emerge from the discussion was the deterministic role played by social norms and cultural constraints on the

extent to which women can become more empowered in Punjab. Some of the ideas that were discussed in the FDGs included the following assertions by the participants:

1. Women are still reliant on male relations to help/facilitate their legal battle and interactions with their attorneys.
2. Often, it is the male offspring of female heirs that pursue legal recourse. Success rates differ when female heirs are directly (higher) involved as opposed to cases where offspring of female heirs' dispute ownership (lower).
3. Most women also mentioned that legal documents had been kept hidden from them for their entire lifetime.
4. Only the rich or the utterly destitute appear to pursue legal avenues for land inheritance, demonstrating the differentially higher transaction costs that such recourse poses for women.
5. Mothers and elder female figures continue to play a role in the internalization of the subordinate position most women find themselves in within the household and the wider context of Punjabi society.

## **b. Legal System and Systemic Failures**

The other major stream of ideas from this FDG can be categorized under legal and systemic issues. There are numerous examples to back up such a summation:

1. One of the lawyers present in the discussion observed that there was a distinction to be drawn between ostensible ownership and actual control. This condition is referred to as "be-naami" and can be motivated by a number of reasons. One example for the widespread practice of keeping land in someone else's name is for the purpose of tax evasion. In such cases, the woman's name is used and she may sign some documents, but she has zero effective control over the decision making process related to such land. This is a disturbing trend and implies that official records of ownership may not reflect the reality on the ground, since there is currently no way to differentiate between cases of *real*, versus *ostensible*.
2. The failure to separate criminal and civil courts and judges was cited as another reason why women are hesitant in pursuing civil suits for their legal inheritance rights. By forcing women to confront and mingle with the criminal

element, the courts end up reducing their agency and the breath of options available to them.

3. The issue of collusion taking place between male heirs and patwaris was also echoed by participants in the discussion.

4. In extreme cases, one of the lawyers present, confessed that some of the more unscrupulous lawyers practicing inheritance related cases can exploit the miserable condition of their female clients to manipulate them into signing over the land to the lawyer himself.

5. A veteran lawyer present in the discussion also pointed out that in prolonged dispute cases, male heirs continue to enjoy rents from the land that is under dispute – this differentially affects women who need to cope with legal fees and a lack of livelihood stemming from such rents. He also suggested there should be some accommodation within the law for these women so that they may become entitled to these rents retrospectively, if they win the dispute.

#### 4.2.5 Board of Revenue Officials Dealing with Inheritance Mutations (Multiple Districts)

Revenue Officers in the following six districts were interviewed face-to-face by a representative of the research team: Sheikhpura, Toba Tek Singh, Bhakkar, Attock, Sargodha and Lahore. The four key themes to emerge from these discussions are presented below:

##### a. General Discussion

These interviews represent the functioning of the old guard and represent the perceptions of the actors involved therein. For the most part, Board of Revenue staff from all six districts reported procedures and practices that were consistent with the AS-IS process described by the LRMIS project team (presented as Figure 2 on pages 22 – 23 above). There were some discrepancies between the idealized process and ground realities that varied from district to district; these are presented in the bulleted list below:

1. The 15-day verification time limit for field staff was only mentioned by the Sheikhpura and Toba Tek Singh Revenue Officers.
2. All districts, with the exception of Bhakkar, reported that an advertisement (paid for by the heirs and costing up to Rs. 1,000) is normally published in a local newspaper; this serves as a legal declaration of death and is to stake their claim.



The declaration process increases the total processing time for a mutation by 15 days.

3. The Bhakkar Revenue Officer deviated from the procedure by mentioning that he follows up on cases through field visits to local gatherings of patwaris who then report to him with field data; these visits are performed on a monthly basis.

4. Only Toba Tek Singh and Attock districts stated that the house of the deceased is visited. Toba Tek Singh stated that the visit is made to confirm details while Attock stated that a visit is also made when there is conflict/contest regarding partition and that these visits involve measuring the property.

5. Lahore DCO claimed that the mutation process took between 8 to 10 days while a Lahore Patwari stated that it usually took closer to 30 days (15 days for the declaration and 15 days for due process). Lahore Patwari clarified that field visits are only conducted in cases where there was a strong suspicion that one of the heirs may be withholding key information.

6. All respondents claimed that they find and meet with all identified legal heirs before carrying out any partitions or divisions even though there is no obligation on them to do so.

When asked about how the process could pose different challenges for females than for males, most respondents stated that the involvement of a female heir does not necessarily trigger a delay or extra difficulties in the mutation process. In fact, the most common cause for delays or other issues are missing or unobtainable documents.

Respondents in this component argued that there were no differential burdens on females because, in almost all cases (with some exceptions), females are accompanied by a male relation such as a husband or a son or any other sympathetic male relation. They all agreed that these men end up speaking for the female at least half the time and in some cases, all the time. This means that females do not suffer from any systematic bias related to their socialization skills or constraints of 'purdah'. Mutation and inheritance cases, they claim, are settled on the basis of relevant paperwork and documentary evidence. It should be noted that with the exception of one respondent, everyone interviewed under this instrument was a male and hence they may not be sufficiently sensitized to the plight of women within the context of Punjabi society and are unable to grasp the true nature of the challenges posed to women living here.

## **b. Perceptions Regarding the LRMIS**

The LRMIS poses a serious challenge to the entrenched interests that have historically dominated the domain of land inheritance since colonial times. As such, investigating the opinions of BoR officials regarding the LRMIS allows us to estimate the degree of hostility that they may feel towards the new system. In turn, the degree of hostility will directly impact the likelihood of a smooth transition from the traditional system to the new computerized system for land records management. Unsurprisingly, most officials were of the opinion that the LRMIS system has not been very useful in their respective districts; a number of different reasons were presented to defend this predominant sentiment within this group:

1. First, most people in their constituencies are not aware of the existence of the LRMIS
2. Second, the LRMIS system follows a rigid and set format, which does not allow for flexibility in unique situations. One example of this systemic rigidity is illustrated by the issue of correlating names (a Syed Ahmad Ali may be refused facilitation if his NIC says "Syed" but other documents do not) – the old Patwari system is less strict in this regard and hence offers significant usability advantages over the new 'half-baked' system.

Not all officials were equally dismissive about the prospects for LRMIS, the Revenue Officer from Sheikhpura district demonstrated a progressive attitude and suggested that the LRMIS team should conduct workshops in all districts to create awareness as well as to adapt their system and processes to the unique context of each district. On the other hand, the Patwari from Lahore was generally dismissive regarding the prospects for LRMIS. He pointed out that only 1 in 10 Patwar Khanas have been computerized by the LRMIS and, as a consequence, its impact has been limited at best and confusing for customers, at worst.

## **c. Opinions on the 2015 Reforms Package**

The opinions of BoR officials regarding the 2015 reforms package were generally divided between positive and negative. Some felt that these reforms had made women more aware of their rights and hence contributed positively towards

the condition of women in Punjab. Others argued that no meaningful change took place in the condition of women as a consequence of these reforms but they did add to the burden of paperwork for Revenue Officers, making it more difficult for them to discharge their duties.

The official from Sheikhpura pointed out that these reforms failed to bring about the desired improvements because they failed to address the root cause for the exclusion of women from economic activities. Social and cultural norms continue to discourage women from playing an active role in household economic management and decision making while the domination of men perpetuated a culture of coercion and intimidation by male heirs to discourage female heirs from contesting their share of (or exclusion from) the inheritance. Officials from other district echoed these views and added that females tend to avoid resorting to legal or formal institutional mechanisms for the redressal of their inheritance related grievances. Another common theme was the prevailing belief that there continues to be a lack of awareness regarding the numerous initiatives for the relief of women in land inheritance related cases.

Representatives from Bhakkar felt that women were already given their fair share in inheritance related cases even before the implementation of the latest round of reforms, as a consequence, their marginal contribution towards the empowerment of women in Punjab has been minimal. The Lahore Patwari shared a similar opinion, that women still get what they got before the latest reforms were introduced and that this was generally fair; however, he did point out that in the past few years, changes in the laws have made it mandatory for legal heirs to be present during the process of deciding partitions and mutations. This means that more women have started confronting the inheritance process and visiting government premises as their presence is now mandatory and cannot be proxied by a male relation.

The official from Attock argued that there were some positives that stemmed from recent reforms. In particular, the implementation of quotas in government offices and their recruitment is slowly making these places more accessible for women. On the other hand, in spite of numerous efforts by the government in improving the quality of service provision, many women continued to miss out on the advantages offered by the same because of pressure stemming from cultural norms; to the extent that many women prefer to give up on their legal rights in order to avoid social stigma. ADCG Attock, related a popular argument

that she had come across numerous time, that the female's share of the inheritance has already been given to the female in the form of dowry and she is not entitled to any more inheritance from the death of a principal land owner.

The Sargodha DCO felt that the Revenue Officer's new discretionary powers have had a positive impact on the empowerment of women within the context of land inheritance in Punjab.

#### **d. Other Findings**

When probed about any interactions that they may have had with the PCSW helpline, officials present stated that they had not received any referrals from the helpline. In their experience, all dispute or complaint cases were presented to them directly by the aggrieved party in their offices. Since this project only sampled a small subset of Revenue staff in any one district, it is entirely plausible that there were cases that were pursued at these offices by the helpline, but not with the officials who participated in this research. The Lahore DCO pointed out that the Family Registration Certificate that NADRA has introduced has had a significant positive impact on the plight of women in Punjab as it makes it much harder for men to lie about the existence of female heirs.


#### **4.2.6 Service Centre Officers of the LRMIS (Multiple Districts)**

SCOs manage operations at LRMIS Service Centres all across Punjab. Due to their busy schedules and crucial duties, it was logistically not feasible to arrange a group discussion between them. Instead, the research team deployed survey instruments over email and followed up over the telephone with SCOs in Hafizabad, Okara, Lahore, Sheikhpura, Pakpattan, DG Khan and Bahawalpur. Only the SCOs in last two districts reported that they visit the house of the deceased in order to verify inheritance claims, but only in cases of major conflict and not as a matter of routine. All SCOs claimed that normally try to get in touch with all legal heirs via telephone before making any decision.

SCOs reported that conflict cases are usually registered by females but pointed out that after 2015 the number of such cases had gone down. They assign the credit for this positive trend to the success of the new computerized system under LRMIS. There was a prevailing sense among all respondents that women feel more comfortable with a visit to an LRMIS Service Centre instead of having to make numerous trips to the Patwari where they would often be frustrated in their goals. They also pointed out that the documentation demanded by LRMIS Service Centres posed less of a challenge for females than the documentary burden under the Patwar system. Under LRMIS they need to show a succession certificate and valid identification, whereas, under the Patwar system they need access to the original CNIC of the deceased parent, a succession certificate, a Family Registration Certificate from NADRA and the original deed of ownership just to get the process started. This means that the LRMIS system has had a significant and positive impact in improving women's access to inheritance related rights by reducing or eliminating some of the barriers they faced under the traditional Patwar system.

SCOs generally felt that computerizing the system of land records was to the benefit of all claimants in inheritance related cases; it allows the legal heirs to stake their claim while helping the Revenue Officer to see true and verified legacy data which, in turn, helps them make better informed decisions in these cases.

A common refrain from numerous SCOs was that their system should be integrated more tightly with the NADRA database (currently they plug in to the NADRA system for biometric verification only). In particular, they argued that linking the LRMIS with the family trees in the NADRA database would have an enormous impact on the quality of service provision at LRMIS service centers, allowing SCOs to discharge their duties more effectively and efficiently.

The background of the page is a soft, pink watercolor wash. It features a gradient from a pale pink at the top to a slightly deeper pink at the bottom, with some darker, more saturated pink brushstrokes visible in the upper half, creating a textured, artistic feel.

# Concluding Remarks and Policy Recommendations

## Concluding Remarks and Policy Recommendations

*This report, and particularly the qualitative instruments deployed in this research, reveal the nature and scope of the challenge faced by women seeking empowerment and agency in Punjab in 2016. Discussions with stakeholders related to female inheritance of land and a review of the literature reveal that formal and informal institutional pressures exist and serve to constrain the agency of women in Punjab. The interplay between informal and formal institutions further serves to mutually reinforce each other and perpetuate the dominant norms of patriarchy. This implies that while legal reforms and procedural support are important policy tools that rest with the government, the overall success of any such initiative continues to be contingent upon wider social attitudes and household power dynamics.*

This interpretation, which is supported by the research, carries certain implications for gender parity policies of the Government of Punjab. First, the importance of informal institutional constraints on the agency of women needs to be recognized and considered when devising initiatives for achieving female empowerment. This means that any reform should be multi-dimensional rather than singular in its focus; women are not the only target population for efforts related to their empowerment, the role of wider social attitudes has been well established in this research and implies that men should also be sensitized to the notion of gender parity. Second, in the domain of land inheritance, unfavorable formal and informal institutions persist; this paper has attempted to highlight as many as possible but is by no means a comprehensive account. Third, many formal institutional constraints can be improved by policies of 'improved governance' and need not be gender targeted. This means that a wider agenda of improving governance and raising the level of public service provision should automatically bring about pro-gender benefits; for example, issues

related to better record-keeping of land ownership, improving mechanisms for oversight to reduce corruption, increasing capacity of the justice system would, in each instance, improve overall governance and help every citizen of Punjab, however, these same policies would carry an inordinate benefit for women and other vulnerable groups. Fourth, certain constraints which are not institutional in nature may be easier to mitigate; particularly policies improving women's mobility and access to legal support and/or aid would be relatively easier to achieve than the more grandiose goal of changing social norms and attitudes.

The recommendations presented in the following section are based on a systematic assessment of the prevailing laws and regulations related to inheritance of land by women in Punjab in light of a comprehensive literature review, primary data, and qualitative interviews and discussions with key stakeholders. Due to the limited scope of this project, these recommendations are not an exhaustive list, however, this report does lay down the foundational understanding required to assess and measure the effectiveness of any pro-gender policy in light of specific institutional constraints prevailing in Punjab and should address policy-making beyond the list of recommendations suggested in this report.

In terms of a policy-making or reform agenda, we divide our recommendations into two distinct categories. The key difference between the two sets of policy recommendations is the time frame it would take to undertake each one, with the first category proposing a set of longer term reforms while the second proposes reforms that could be implemented on a relatively accelerated time frame.

First, this report proposes a set of structural (long-term) reforms, these are policy recommendations that address deeper or underlying challenges faced by women in Punjab. They address systematic issues which are best handled by an administratively capable entity such as the provincial government. Second, this report proposes a set of more targeted (short to medium term) reforms; these are policy recommendations that speak to the more immediate set of challenges faced by women in Punjab. They deal



challenges that can be addressed by the provincial government, but also by non-state actors such as NGOs, donors, businesses and other civil service entities.

## 5.1 Systemic or Structural Level Proposals

### • Changes/improvements in legal infrastructure

Given observations from the FDGs, it is obvious that there are a number of difficulties that women face when they take up legal disputes over land inheritance. While many of these challenges stem from social or cultural norms, there are also certain challenges which are within the capability of the government to mitigate. Specifically, the following threads emerge from across all discussions:

#### ○ The lack of separation between criminal and civil courts

This is an obvious problem as the current setup asks women to spend time in courts side by side with hardened criminals. There are major differences between the demographic distribution for civil versus criminal cases in Punjabi courts. The ambience of a court that deals with criminal cases will inevitably be more intimidating for women than courts that deal exclusively with civil cases. If the Government of Punjab wants more women to avail the legal rights that it has written into laws and amendments, then a separation between civil and criminal courts is vital in order for these laws to realize their full potential.

#### ○ Overburdened courts and the lack of manpower in the cadres of judges

Courts in Punjab are inundated with numerous cases of both civil and legal persuasion. This means that their ability to discharge their duties in a timely fashion is severely constrained. While this is a problem that affects more than just inheritance cases, it should be pointed out that such delays can have greater implications for vulnerable groups such as women who may not be able to financially sustain long running legal disputes. This also creates the space for unscrupulous lawyers to game the system and get multiple adjournments thus prolonging the case, knowing that women

contesting their rights may not be able to sustain a long standing legal dispute. It should be noted that the Supreme Court recently directed all lower courts to complete inheritance related cases within six months, however, this pronouncement has not translated into meaningful action on the ground due to a fundamental lack of capacity and infrastructure. Hence it is not enough to simply direct the courts to do their job faster; they should also be offered the requisite material and administrative support to be able to do so. On a related note, it is proposed that it be mandatory for Judges to be trained on gender sensitization so that they understand some of the unique challenges that women in Punjab face and how their decisions and workflow may differentially affect them.

### ○ Lack of oversight over exploitative lawyers

There is currently no mechanism in place to keep lawyers in check and prevent them from exploiting vulnerable groups such as female clients. Especially within the context of land inheritance related cases, the research team came across reports of numerous instances where women were deliberately misguided by their lawyers for the purpose of racking up more billable hours and, in one case, for the purpose of appropriating a woman's land for the lawyer himself. It is proposed that a special government helpline for reporting such abuse be created and that this helpline be sufficiently empowered to impose some form of sanction on offending lawyers. The mere existence of such a helpline may reduce the incentive for exploitation for lawyers with female clients.

### • Increased presence of female staff in DCO and LRMIS premises

In almost all cases, women participating in the project indicated that they would be more comfortable dealing with government officials if they were female. Increased female representation in government departments and offices is already a policy prerogative for the Punjab Government, but the research indicates that prioritizing female representation in offices related to the inheritance process can have a significant positive impact on the empowerment of women in Punjab. This sentiment was also echoed by BoR officials in one-on-one interviews. One ADC, who was a female, reported that since she had assumed her responsibilities, the number of women who visited her office had started to increase and continues on an upward trend even now.

- **Encourage investment in female education and mobility**

The case for female education has been made extensively in the literature. This project's findings also support this conclusion. In particular, the FDGs that were conducted indicate that many of the barriers that limit or constrain women's ability to realize the benefits of existing laws protecting their rights remain rooted in cultural practices such as the exclusion of females from the household decision making process. This exclusion is easier to justify in the absence of educated females; keeping women uneducated also creates the space for their exploitation by making them sign documents that they cannot understand which may often turn over ownership, rents or control over property to males in the family. From the primary data it can be seen that districts in South Punjab have the lowest recorded number of female owners and own the least amount of land in absolute terms. These are also the districts with the worst educational outcomes for women with low enrollment rates and high drop-out rates reported by the Punjab Bureau of Statistics in the 2015 Punjab Development Statistics report. The link between land ownership and education is bi-directional and mutually reinforcing.

The lack of mobility enjoyed by women was also frequently cited during the FDGs as a key constraint on their ability to become empowered and contest their claims on land inheritance. Frequent trips to lawyers, Patwaris, DCO offices and courts can become very burdensome for some women who may prefer to give up on their rights rather than face the daunting challenge of so many trips and visits. Making it easier for women to get around through the provision of women-only busses and similar initiatives would also generate other positive spill overs and reinforce a harmonious cycle where women can not only move around to ensure their legal rights but also for the purpose of productive employment, which in turn, would increase their voice and influence in household decisions while empowering them by decreasing their dependency on men for essential consumption.

## • Evolve and disseminate new cultural norms

Educating females is a necessary, but not sufficient condition, for the empowerment of women in Punjab. The onus rests as much with men as it does with females and until men are sensitized to the ideas of gender parity and equality under the law there will be no meaningful change within Punjabi society. There were numerous instances of women, who participated in an FDG, citing social and family pressure as the biggest consideration when deciding to formally dispute their inheritance share. This implies that there is a need to sensitize Punjabi society as a whole to become more accepting of women who defend their rights and this can only be achieved by reforms and interventions that target both men and women across Punjab.

Changing social norms and attitudes can be a slow and tricky process, however, it is not impossible. Crawley (2009) identifies the critical components that any campaign to change social attitudes must include:

1. A clear theory of change;
2. Clear and agreed aims and objectives;
3. Strong and explicit messages that reframe the terms of the debate;
4. The involvement of those directly affected by the campaign;
5. A Range of mass communication and interpersonal communication channels;
6. Strategies targeted at particular groups in society;and
7. A commitment to research and evaluation.

A well designed campaign has the capacity to make significant changes within its target audience but such campaigns cannot be regarded as silver bullets. They will need to be sustained for a long time before they can begin to change long-held social attitudes and biases. Such sustained commitment is what is needed from the Government of Punjab to provide momentum and substance to ideas of social change and women's empowerment.

## **5.2 Proposals for Targeted Policies**

### **• Legal Amendments**

While the legal reforms related to inheritance of land by women have realized significant benefits for women, there is still scope for further reforms that address the following issues

#### **○ Changes in burden of proof regarding cases where women sign away their claim on inheritance**

Under the current law, if a male heir presents a document signed by female heirs waiving the right to their inheritance, this is sufficient for the authorities to award the entire inheritance to the male heir. But as reported in the section on FDGs, these signatures can often be acquired through coercion or deception. Currently the burden is on female heirs to prove that they were coerced or misled, this makes it almost impossible for them to prove given that if a woman was misled, she would obviously not be recording evidence of such an act. If the burden of proof were shifted to male heirs; i.e. prove that such signatures were not obtained through coercion or deception, then this may reduce the instances where such exploitation occurs.

#### **○ Retrospective payment of land revenue after dispute settlement**

Under the current laws, any rents accruing from possession of land under legal dispute, will go solely to the person who holds possession. This means that in cases where women contest possession over land, the male heir will continue to get rents from that land for the duration of the case (which may run for years). Even if the woman is ultimately awarded the land, there is no mechanism for the retrospective payment of rents accrued during the course of the case. This creates an incentive for male heirs who control possession to delay and extend such cases so that they continue to accrue the benefits of this possession. By instituting retrospective payments, male heirs would be dis-incentivized from such behavior.

### ○ Specific provisos for uneducated women

Existing laws also make no distinction between educated and uneducated women when prosecuting inheritance related cases. However, there are material differences between the contexts that educated and uneducated women find themselves in. By taking the plight of uneducated women into account, existing laws can be amended to accommodate cases where these women may have signed documents that they were unable to read or understand and make them null and void.

### ○ Unifying systems for land records across Punjab in both rural and urban locations

Currently, there is a mishmash of different authorities and organizations that deal with land records and mutations, depending on the location of the land under question; different areas have different authorities such as Housing Societies, Cantonment Boards, Patwaris, LRMIS and BOR. The research points to an urgent need to consolidate and simplify the number of actors involved in land registration, especially in urban areas. Such a reform would benefit both men and women, however, given the higher burden that dealing with multiple actors imposes on women it would offer greater relief to women while still benefiting all heirs.

### ○ District Enforcement of Inheritance Rights Committees

During the course of this research, it was found that the District Enforcement of Inheritance Rights Committees, that were set up by the Government of Punjab for the monitoring and oversight of Revenue Officers, have not been universally sustained across all districts of Punjab. The research team came across only seven cases of disciplinary action through these committees across all of Punjab and in many districts these committees had not been convened in months. In cases where disciplinary action had been taken (on officers that had not completed a single case of inheritance mutation in favor of women) the most common defense cited by Revenue Officers was that they did not have any cases of females contesting land inheritance in their districts and hence could not have settled any cases in their favour; they also complained of overburdening and a lack of capacity.

This highlights the need to develop more comprehensive and carefully thought out performance evaluation criteria for Revenue Officers handling the mutation of land while also reiterating the need for an effective mechanism for oversight and accountability.

- **Targeted Awareness Campaigns**

While numerous structural problems serve to constrain the agency of women in Punjab, there are some common malpractices that can be reduced through a concerted effort at information dissemination. Specifically, the following campaigns should be designed and executed as soon as possible:

- **Increasing Awareness among Women in Punjab regarding Common Malpractices related to Land Inheritance**

There were numerous reported examples of commonplace malpractice related to inheritance of land. The most egregious of these is the practice of making women sign documents that do not read or understand. Specific awareness should be raised regarding this issue through media and in government office notice boards so that women become sensitized to such abuses and can be vigilant in preventing them.

- **Increasing Awareness of LRMIS among Women in Punjab**

There was a low level of awareness regarding the existence and functions of the LRMIS in most FDG participants. While this may, in part, be explained by the urban bias in FDG participants under this research, there was nevertheless a common perception that more could be done to boost awareness and utilization of this system. Ramping up LRMIS activities in urban areas would also increase its visibility.

It is proposed that tehsil level workshops be organized by the LRMIS team to increase awareness and understanding of its procedures and services both among government officials as well as ordinary citizens.

- **Enhancing Operations of the PCSW Helpline**

One of the chief complaints by women who called the helpline was that they did not get all the assistance that they needed from them. This was partly explained by the delays in getting DCOs, Patwaris and other officials to respond to the helpline staff, but is symptomatic of a deeper problem. Currently, the helpline operates in an environment of constrained capacity and no formal authority over BoR officials. This needs to change if the Government of Punjab wants to maximize the benefits that such a helpline can offer. Specifically, the following changes are proposed:

- **More funding should be allocated to the helpline for raising awareness regarding its operations and the services it provides**

Currently, it can be seen from the data that the majority of callers to the helpline were from Lahore and a few other major districts. This implies that the remaining districts should be targeted with awareness campaigns for the helpline, so that women in these districts also realize the facilities available to them and utilize them accordingly.

- **Increase the number of staff employed at the helpline**

While boosting awareness, the Government of Punjab should also be prepared to boost capacity in order to deal with the increasing number of complaints that will be coming from all over Punjab. Having a helpline for the relief of women sends a positive signal, but not providing sufficient resources to the same can discredit the helpline and make it harder for it to realize meaningful change.



### ○ Introduce provision of legal aid services

There was high demand for the provision of free legal aid among female participants in FDGs. While these women appreciated the help they got from the helpline, many felt that it did not go far enough. Particularly, they demanded that they should be given free legal aid as they cannot afford to hire expensive lawyers to fight their cases for them; given that they only pursue legal means when they have exhausted all other possibilities and are financially destitute. By providing legal aid, the helpline can significantly augment the assistance that it extends to women in Punjab.

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Prepared by Gauhar & Adeel Associates for the  
Punjab Commission on the Status of Women (PCSW)  
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