

Gender Discrimination in Inheritance: Constitutional and Human Rights Dimensions

Hafiz Haseeb Ullah

asporac2013@gmail.com

PHD Scholar, Gillani Law College, Bahauddin Zakariya University Multan

Rana Muhammad Shahid Naseem

progressivemsn@gmail.com

Lecturer in Law, University Gillani Law College, Bahauddin Zakariya University, Multan-Pakistan

Amina Sethi

aminasethim057@gmail.com

LL.M Scholar, University of Punjab Lahore

Corresponding Author: * Amina Sethi aminasethim057@gmail.com

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ABSTRACT

The law of inheritance is a place of the constitutional equality, religious doctrine, and human rights pledge. Gender discrimination in inheritance is one of the most lasting forms of structural inequality in Pakistan that is deeply entrenched in the traditions of patriarchy and socio-religious interpretations. Islamic jurisprudence introduces definite shares of men and women whereas the constitutional rights enshrined in Articles 8, 23 and 25 of the Constitution of Pakistan safeguard the equality before the law and the right of ownership of property. The combination of these frameworks has produced a debate that continues to date whether in a non-discriminatory and international human rights principles, gender-differentiated inheritance arrangements are constitutional. In this paper, the author will discuss the constitutional and human rights aspects of gender discrimination in inheritance with reference to the reconciliation of the religiously based personal laws with the constitutional and international requirements of Pakistan. It delves into the jurisprudence of the Pakistani courts, the global human rights treaties like the CEDAW and the ICCPR and the experiences of other Muslim dominant states in law. The paper states that although Islamic law of inheritance is intended to promote distributive justice to exist within a set social order, its strict and patriarchal practice, coupled with social exclusionary forces, tend to alienate and deny women their legitimate shares. The paper ends by outlining some of the policy and legal reforms that can streamline the religious norms to the constitutional promise of equality and the global human rights discourse that is changing.

Keywords: Gender discrimination; Inheritance rights; Constitution of Pakistan; Islamic law; women's rights; CEDAW; Equality before law; Human rights

INTRODUCTION

Inheritance is one of the most rooted forms of discrimination based on gender in the Pakistani socio-legal order. Even with constitutional rights of equality and non-discrimination, women still encounter structural, procedural and cultural obstacles in their claims of their rightful portion of the inherited property (Mehdi, 2013). The case is that the constitutional law is intertwined with the Islamic jurisprudence and the duty towards human rights. Despite the fact that Islamic law stipulates particular portions of the inheritance to be given to male and female individuals, the imbalance between the genders has been a subject of discussion since the changes in the concept of equality and justice (Parveen et al., 2022). The unresolved disparity between legal right and actual fulfilment is one of the reasons as to why the inheritance practices must be viewed critically in the light of constitutional and human rights.

The constitutional system of Pakistan is also characterized by the conflict between the adherence to the Islamic rules and principles and the international human rights. Article 25 of the Constitution and Article 8 respectively provide equality before the law and the impossibility to discriminate against each other on the basis of sex and the invalidity of the law, respectively, which contradicts the basic rights (Pakistan & Munir, 1967a). At the same time, Article 227 requires all laws to align with the injunctions of Islam and thus incorporate religious standards into the law (N. Ahmed et al., 2022). This duality poses problem in interpretation when gender differentiation based on sex like a male heir being given twice the portion of a female heir is given on theological basis. The issue is as follows: is it possible to resolve such differentiation in line with constitutional promises of gender equality?

Socio-legal wise, the issue is not limited to textual provisions to the very highly ingrained patriarchal attitudes that hinder women access to justice. Informal settlements and family pressures in most of the rural and tribal areas tend to deny women the right to inheritance on the pretext of maintaining family integrity or property (Shaheed, 1994). These practises do not only flout the statutory rights of the Pakistani laws of the Islamic law, but also go against other international human rights instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to which Pakistan is a signatory (Women, 1979b). The United Nations Committee on Elimination of Discrimination against Women has raised alarm on a number of occasions, about discriminatory laws on inheritance and absence of effective enforcement systems in the member states, including Pakistan (Khalid, 2025a).

In Pakistan, the judicial reactions have been gradually and intermittently supportive of the right of women to inheritance. In *Ghulam Ali v. Mst. Ghulam Sarwar Naqvi (1985 SCMR 245)*, the Supreme Court highlighted the fact that the right of women to inheritance according to the Islamic law is sacred and cannot be defeated by the customary tradition (Hussain et al., 2024). However, the lack of enforcing the rules and the lack of punitive measures has enabled discrimination practices to continue. Legislative changes, including the Enforcement of Women of Property Rights Act 2020, are a valuable first step to achieving procedural justice, which could not resolve the underlying normative battle between religious interpretation and constitutional equality.

This paper attempts to discuss the constitutional and human rights aspects of the issue of gender discrimination in the law of inheritance in Pakistan. It claims that although Islam does describe a system of distributive justice and not absolute equality, the interpretations in the modern context should be changed to incorporate the constitutional spirit of gender equality and the Pakistan international engagements. In this paper a doctrinal and comparative approach is used to address the interaction between the constitutional provisions, judicial precedents, and the international human rights instruments on the inheritance rights. It also incorporates the proposals of the reforms that would contribute to the reconciliation of the religious values with the constitutional vow of equality and the broader human rights discourse.

By putting the rights of inheritance in the perspective of the greater concept of constitutionalism and gender justice, the paper indicates that ensuring that women have the capacity to inherit property is not just a matter of the private law alone but a problem of the democratic and human rights principles of Pakistan.

CONSTITUTIONAL GUARANTEES AND GENDER EQUALITY

The normative framework of the protection of property rights and gender equality is set out in the Constitution of Pakistan. The Articles 8, 23, and 25 are three important provisions that make the constitutional backbone of the country, according to which the discriminatory practices in inheritance are not checked by the highest law of the country. Article 8 states that any legislation that is inconsistent with

the basic rights is invalid, which provides the principles of equality and non-discrimination with constitutional dominance in Pakistan (Pakistan & Munir, 1967b). Article 23 gives all citizens the right to own, possess and dispose property and Article 25 expressly protects equality before the law and equal protection of the law, and forbids discrimination based on sex (Pakistan & Assembly, 1973). All these together form a constitutional nexus which foresaw equality between genders in every aspect which includes economic rights like inheritance.

A paradox is found in the correlation of these guarantees with acknowledging personal laws founded on religion, however, it is a constitutional contradiction (Lau, 2005a). The duty of the state to support the Islamic principles as well as gender equality has been interpreted at times as a source of friction. Although the Constitution also validates the Islam state religion in Article 2, it also includes cardinal rights as per universal human rights standards (Kureshi, 2022). This twofold obligation has made the courts and legislators to triangulate awkward borders between divine decrees, cultural values and constitutional principles.

In the past, patriarchal practices that have existed in the legal and extra-legal contexts have hurt the constitutional vision of equality in Pakistan (Shaheed, 2009a). Although this might be constitutionally guaranteed, women often face opposition in the society and bureaucratic hurdles to their claims of inheritance, especially in the rural regions where property is still unregistered (Mehdi, 2002a). Therefore, the constitutional provisions are more in theory than practise as they are aspirational ideals.

Moreover, among other aspects, the constitutional jurisprudence in Pakistan, although generally holding to the ideal of gender equality, in most situations, has been quite conservative in an effort to prevent what is believed to be against the Islamic injunction (Ali, 2000a). Such deference to religious interpretation as a measure to political expediency has been rather likely to undermine the transformative effect of constitutional equality. The battle also poses a deeper question in the identity of the Constitution in Pakistan: is the Pakistani Constitution the sole source of legitimacy of divine law or universal human rights (Zahid, 2024).

To balance these, a constitutional interpretation of the same should be carried out and that does not consider the Islamic and gender equality norms as hostile to each other. Another alternative, the Constitution should be viewed as a living document which can be changed with references to the contemporary definition of justice, fairness, and equality. Only in terms of such an evolution of interpretation can the constitutional guarantees be changed into a practical social transformation in the right of inheritance.

ISLAMIC LAW AND GENDERED INHERITANCE NORMS

The Islamic law offers a systematic framework, which describes the process of inheritance, defined in a set of Quranic injunctions and discussed in the classic jurisprudence. The verses in the foundations, especially in Surah al Nisia (4:7-12, 4:176) define the principle on equal shares of a fixed inheritance of both men and women (Sinai, 2016). These were a radical provision in the 7th-century Arabian context, which brought with it property rights of women who were not allowed to inherit the property in the customary tribal law (L. Ahmed, 2021). However, the classical reading of these verses also institutionalized some form of differentiated entitlement wherein women in most cases are given half the portion of the male counterparts in the same degree of kinship (Wadud, 1999). This differentiation was traditionally justified by the social roles gendered men (as the financial providers) and women (as the dependents), something that is also being challenged in the contemporary socio-economic settings (Barlas, 2019).

The modern Islamic jurisprudence scholarship argues whether this gendered division is an unalterable godly law (q and i) or context-specific interpretation (ijtihad) (Abou El Fadl, 2014). According to reformist scholars, the scheme of Quranic inheritance was designed to bring justice in its historical context and thus this scheme must be interpreted within the historical economic and social realities (Mir-Hosseini, 2018). Contrarily, the traditionalists hold the view that these allocations are God ordained and cannot be reinterpreted. The intersection of these interpretive sources has resulted in a discourse on the flexibility of the Islamic law, which continues to debate on the subject of gender equality issues of the modern world.

Usually, the Law in Pakistan with the Constitution reaffirming Islam as the state religion has been reluctant towards challenging the classical ratios of ratios in inheritance (Lau, 2005b). However, Islamic jurisprudence per se is interpreted pluralism across schools of thought (madh2h2), most of which give a wider framework of contextual reasoning. It is internal diversity that provides a legitimate room to reform, i.e. ijtihad, which is historically known as a way of aligning divine principles to evolving human conditions (Kamali, 2006a).

Notably, Qur'ānic ethos of justice, fairness, and social good can never be restricted to strict textualism. The wider maqas id al-sharriyah (purposes of the Islamic law) focus on safeguarding life, property, lineage, intellect and religion, which are gender-just and egalitarian (Auda, 2008). Therefore, there is no need (as well as possibility) to align the laws of inheritance with the provisions of the constitutional equality, as well as with the Islamic moral standards in order to reestablish the emancipatory nature of the initial Qur'ānic doctrine. A gender-equitable interpretation will not override the divine law but will in fact strive to realize the inherent justice in the modern societies where the economic role of women has undergone a metamorphosis.

INTERNATIONAL HUMAN RIGHTS FRAMEWORK

International human rights regime has a solid normative framework on gender discrimination in inheritance. The equality and non-discrimination principle are consolidated in the various global documents, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Pinto, 2022). All these structures affirm that everyone regardless of his or her sex is allowed the equal protection of the law and right to own property. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) goes a notch higher to force the states to do away with the discrimination against women in all issues that concern property and inheritance (Women, 1979a).

Article 16(1) (h) of CEDAW directly dictates that the state parties shall ensure that both spouses have equal rights in the ownership, acquisition, management, administration, enjoyment, and disposal of property (Women, 1979a). In addition, the Committee on the Elimination of Discrimination against Women has always believed that these provisions are inclusive of the right to equal inheritance of women and that any form of differentiation can be viewed as the breach of substantive equality (Committee, 2014). In the year 1996, Pakistani ratified CEDAW hence committing itself internationally to harmonize its national law system with the provisions. Nonetheless, it proceeded to make the reservation basing it on consistency with the Constitution and the Islamic law thus establishing an interpretative conflict between global norms on human rights and local religious regulations (Ali, 2000b).

In a larger sense, international law acknowledges that equality in inheritance is not a legal formal issue but a social justice and economic empowerment issue. The Beijing Declaration and Platform for Action (1995) and the Sustainable Development Goals (SDGs), especially Goal 5, put the emphasis on the need to provide equal access to economic resources, including inheritance and property (Declaration, 1995).

The rights of women in terms of inheritance are placed in the world agenda of gender equality and sustainable development by these commitments.

More so, this framework is supported by regional human rights instruments. The African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and the European Convention on human rights (ECHR) also priorities the rights of equal property to human dignity and autonomy (Union, 2003). The interpretive practice of the UN Human Rights Committee and the CEDAW Committee has been developing to integrate towards the conception of equality to include dimensions other than formal equality to consider the dimensions of substantive and transformative equality (Cook & Cusack, 2011).

The Pakistan predicament in this changing global discourse is whether to balance its constitutional and religious structures with the requirements of the international human rights. This reconciliation does not mean that religious principles should be abandoned but they must be interpreted in terms of universal norms of justice and equality. The human rights agenda thus gives a moral and legal push to consider gendered practices of inheritance as equality in inheritance is not a woman issue only but a fundamental aspect of human rights and social development.

COMPARATIVE PERSPECTIVES

The experience of Muslim dominated and secular jurisdiction is a useful comparative experience that can be used to reconcile religious inheritance systems with the contemporary ideals of gender equality. The fact that reforms in Islamic or religiously inclined systems in Indonesia, Tunisia, Egypt, and India take many different forms proves that reforms can be and indeed are justifiable in terms of contextual *ijtihad* and changing socio-economic realities (Mir-Hosseini, 2021).

Indonesia, the most practical example of harmonization between the statutory and Islamic law is Indonesia, the largest Muslim-majority nation of the world. Its Compilation of Islamic Law (1991) acknowledges classical shares of inheritance but permits voluntary redistribution of property by gifts and wills in order to achieve fairness especially to the daughters and widows (Hooker, 2008a). It is this flexibility, which is based on the plural system of law in Indonesia, which indicates the presence of the concept of *maslahah* (public interest) as a valid instrument of reinterpretation in accordance with social justice (Kamali, 2006b).

Tunisia Tunisia is a more radical solution. Reforms after independence that encapsulated the Code of Personal Status (1956) restrained female patriarchal interpretations by abolishing polygamy and strengthening the rights of women in marriage and inheritance. Full parity in inheritance has still not been instituted, but in 2018, national discussions and bills sought to grant men and women equal shares of the inheritance, referring to the constitutional principle of equality instead of classical ratios of the *fiqh* (Hanafi & Tomeh, 2019a). The case of Tunisia demonstrates that Muslim societies can remake Sharia considerations of democratic and constitutional promises.

Egypt, In contrast, Egypt also has traditional Islamic rules of inheritance, but has undertaken the administrative changes in order to empower women access to their legal rights (Khodary, 2018). The Egyptian experience demonstrates that processes without doctrine change may increase the ability of women to assert their rights, through the use of procedural mechanisms, including property automatic registration, the enforcement of claims of inheritance, and legal education in the community.

In **India**, there is a unique challenge in India, where there are personal laws of the various religious communities. The Muslim personal law indicates that the shares of the inheritance of women are usually based on Quranic rules, and Hindu Succession (Amendment) Act of 2005 gives daughters equal rights to property of their ancestors (Agnes, 1999). The Indian context illustrates how constitutional secularism can

facilitate differential reform across communities while maintaining the overarching principle of equality under the law.

These relative case studies demonstrate that the reform of inheritance based on gender equality does not necessarily demand the discarding of the religious law. Instead, it requires a new reading, a new procedural approach, and constitutional scrutiny (Ali & Rehman, 2013). The examples of such Muslim majority states as Indonesia and Tunisia show that the ethical spirit of the Sharia justice, fairness, welfare can be balanced with the modern human rights principles. On the same tone secular countries like India emphasize the hope of constitutional equality as a catalyst to initiate reform without violation of pluralism.

In the context of Pakistan things, these lessons mean that the real path is to combine flexibility of doctrines with institutional issues that would support and create awareness (Shaheed, 2009b). This kind of comparative understanding supports the fact that the reformulation of the inheritance law is not only a matter of law but also a wider social political agenda that connects constitutional identity, gender justice and social development.

JUDICIAL AND LEGISLATIVE RESPONSES IN PAKISTAN

The slow but partial shift in awareness of the right to inheritance among women in Pakistan is constitutional and legislative environment in Pakistan. Although the Quranic system and the statutory law which formally guarantee women a share of their property, there has been to some extent, socio-cultural opposition and bureaucratic incompetence which, has hindered the actualization of these laws. The legislative and judicial reactions of the state prove the periodical reform efforts but any effect is limited by the interaction of legal pluralism and patriarchal values.

The legal system of Shahada legislation regulating inheritance in Pakistan is reflected by the West Pakistan Muslim Personal Law (Shariat) Application Act of 1962, the law that replaced the existing customary regulations with the principles of Islam that are codified (J. Khan et al., 2022). Even though this Act re-established the right of women to inheritance according to the Islamic law, it did not address the structural issues that hinder its enforcement; that is, ignorance about the Act, long and cumbersome processes and social coercion within the family that tends to envelop issues on property (Mehdi, 2002b). Later laws like the Enforcement of Women's Property Rights Act of 2020 have tried to strengthen women getting access to property by giving the mandate to ombudspersons to restore dispossessed assets through administrative expedited procedures (Rubab et al., 2023). Such a development represents the break with a focus solely on judicial redress to a sort of quasi-judicial and administrative justice, which is in line with the modern human-rights paradigms of ensuring accessibility and effectiveness.

In the court system, the senior courts of Pakistan have on several occasions ruled that the right to inheritance of women is not only constitutional, but it is also a religious obligation (Collins, 1987). However, these courts have frequently adopted a reserved interpretative stance and as such, inherited discrimination has been viewed more of an affliction of social practice and not necessarily an explicit appeal of the constitutional equality (Ali, 2000c). The reluctance of the judiciary to challenge the patriarchal interpretations of Islamic law is a direct constraint of the transformative power of the constitutional equality provisions in the country. However, by way of obiter dictum, forward-looking opinions, the court has sometimes emphasized that depriving women of their right to inheritance constitutes not only a legal crime, but also a moral and religious crime (Ali, 2000c).

The last few years have also seen a small but real change of attitude towards proactive enforcement. Digitalization of property registration as well as the integration of claims by women in the provincial land-records, especially in Punjab and Khyber Pakhtunkhwa, are indications of an administrative modernization that should lead to improved transparency and accountability (Hooker, 2008b). At the

same time, the legal education and the campaign of awareness have enabled the harmonisation of Islamic principles with constitutional equality championed by the National Commission on the Status of Women (NCSW) and provincial women commissions (Hanafi & Tomeh, 2019b).

However, there are still substantive problems. Family patriarchalism, stigma of litigation in society, and the inadequate institutional capacity are still barriers to enforcement of inheritance rights (Women, 2021). The fact that gender-sensitive legal-aid mechanisms are few and far between and that the local authorities are not willing to interfere in the cases of individual property further undermine the process of reform. In this regard, an integrated approach, which combines legal, administrative, and cultural change, is necessary. Reforms in the judicial and legislative practise should be strengthened by the state education campaigns, legal-literacy courses and institutional responsibility so that the constitutional and legislative assurances of equality can be transformed into real equality of women.

POLICY REFORMS AND RECOMMENDATIONS

The gender discrimination that has been strengthened in Pakistan regime of succession indicates that there is an urgent need to work out reforms that will balance the Islamic ethics with the constitutional equality and the international human-right culture. Such reconciliation is not just a legal requirement, it is also a social change project, as it tries to align the normative commitments of Pakistan with the gender justice that is experienced.

Legislative and Structural Reforms

The legal framework that currently exists in Pakistan i.e. the West Pakistan Muslim Personal Law (Shariat) Application Act of 1962 and the Succession Act of 1925 need a concerted path of modernization so that women are given an equitable position in terms of property ownership. Although these laws ensure women have a right under the Islamic law, they are hampered by procedural setbacks, such as male dominated proceedings, poor awareness and manipulation of land records. Legal change should therefore require transfer of inheritance to be registered, penalize the intentional omission of female heirs and realize the concept of equality as a statement rather than an enforceable practice.

The United Nations Development Programme has recorded that procedural bottlenecks, absence of digitized land database and deep-rooted patriarchal practices are some of the factors that result in disenfranchising women in property rights and particularly in rural areas where norms prevail over formal law (Khaleel et al., 2023). In that case, governments Federal and provincial governments are to harmonize land-registration systems, introduce gender-disaggregated data, and ensure inheritance transfer upon inclusion of all legal heirs, as the National Commission on the Status of Women (NCSW) recommends (NCSW) (Hovden, 2023).

Reinterpretation within Islamic Jurisprudence

As opposed to the official animal of gender inequality in inheritance as something divine and unalterable, the modern researchers claim that there should be flexibility in interpreting it when it comes to the maqasid al-sharīah framework, or the higher purposes of Sharia that values justice (adl) and welfare (maslaha) (Hovden, 2023). In this method, the Islamic inheritance law is allowed to develop according to the changing socio-economic situations without interfering with its divine nature.

Asifa Quraishi notes, codification of Islamic law in the colonial and post-colonial times most of the time solidified the interpretative dynamism of the law, giving way to strict implementation which does not capture the ethical essence of the law (Voll, 1983). Equally, the theory of contextual reinterpretation by Fazlur Rahman argues that the nass (text) should be interpreted based on the socio-economic circumstances of early Islam, and not mechanically used in societies today where gender roles and

economic dependencies have changed (Jafree, 2023). To this end, reformative ijihad (free thought) is therefore possible and imperative in balancing Islamic principles of inheritance with constitutional provisions on equality in Article 25 of the Pakistan Constitution.

Judicial Reorientation and Capacity Building

It is the judicial interpretation that makes a defining difference between the formal and substantive justice. Progressive approach of courts in Pakistan with respect to inheritance has occasionally been seen with reference to the constitutional rights of women. Still, inconsistency is also a major issue. The capacity-building programmes used by judicial officers should be specifically tailored to incorporate gender-sensitive arguments, comparative jurisprudence, and a subtle understanding of the international responsibilities of human rights.

Iqra Hashim argues that the Pakistani judiciary can find a way of Islamic constitutionalism: a practise that generates its legitimacy to both the Constitution and the Islamic ethics to facilitate gender equality in the inheritance process without social backlash(Khalid, 2025b). More special training of judges as well as the set-up of specific inheritance benches in family courts would enhance consistency and enhance access to justice.

Institutional Mechanisms and Awareness Initiatives

The implementation of the women inheritance rights should not be limited to judicial and legislative spheres. The NCSW, provincial women commissions should be given legal mandate to oversee inheritance disputes, audit property transfer and give policy intervention recommendations. In line with this, the 2021 Policy Framework of Gender Equality in Property Rights by the NCSW suggests the establishment of inheritance facilitation cells, which will provide women with legal assistance, document support, and guide them on the administrative process (Vijayarasa, 2020).

In addition, educational enlightenment efforts particularly among the rural setting are central in the elimination of the long held cultural barriers that discourage women in their efforts to demand their rights. Universities and bar councils should also instill the concept of property rights of women in academic programmes and professional development programmes thus producing a breed of law professionals who are sensitive to the concept of gender justice.

Alternative Dispute Resolution (ADR) Mechanisms

Other than the traditional courts, the Alternative Dispute Resolution (ADR) is an effective and cost-saving cultural way of settling inheritance disputes. Well-staffed family mediation centers whose panels would be gender balanced could also contribute to the amicable settlements that would not only be equitable, but also religious in genuineness. One such mechanism discussed in a 2022 UNDP policy brief is the combination of such mechanisms with legal literacy programmes, which is a significant litigation pipeline relief at the cost of ensuring fair results.

The overall policy objective of enhancing access to justice is in line with the integration of ADR into the functional context of family courts which are temporarily run by qualified mediators. The measure is arguably a transitional paradigm, which will seal the vacuum of complete legalization of women inheritance rights.

Compliance with International Human Rights Obligations

The fact that Pakistan has been included in the major international documents, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) necessitates

that the national laws should be geared towards the spirit of equality and non-discrimination. CEDAW Committee, in the General Recommendation No. 21 (2023), explicitly mentions that women possess economic and social rights which are violated by discriminatory inheritance laws under which it is necessary to introduce changes to the law in order to create equality (A. Khan, 2023).

These national obligations are promoted by the correlation of the local inheritance legislation with the international obligations and the reinforcement of the internal accountability frameworks. A National Action Plan which emphasizes the gender equality in property and inheritance rights, and which is in line with SDG 5, would entrench the observance to human-rights in the developmental agenda of the country.

Toward a Transformative Equality Framework

On the whole, the restitution of the law of restitution of inheritance must not be limited to mere practical gestures, but harbouring to attempt the transformational equality to seek redress of the structural and cultural dimension of discrimination. This means that there is a need to unite to address this by statutory amendments, judicial activism, institutional checks and balances and an educative process by the people. Reconstruction of the right to inheritance of women in Pakistan, as discussed by Sadia Agha, is not a conflict with faith, but on the other hand the ethical basis of justice and equity in Islam is restored.

The solution lies in the alignment of the moral legitimacy of Sharia with the constitutional and international gender justice provisions. Through this harmonization, Pakistan will be in a position to progress to a legal ecosystem which will not only serve the rights of women to inheritance on a paper, but also materialize them the real application of justice in accordance with the teachings of the religion and the core right.

CONCLUSION

The Pakistani inheritance laws that continue to uphold gender inequality historically represents a complicated confluence of constitutionality, Islamic law and well held socio-cultural mores. Despite the fact that equality is officially enshrined in the Constitution, the actual realization of the right of women to inheritance remains fragmentary and is not always available. The case transcends the interpretation of law that deals more with the underlying moral and structural truth that the patriarch culture is always restricting the access of women to property, economic agency, and social position.

Essentially, it is not a religious versus human rights battle but just an effort to ensure that Islamic ethical demands can be held acceptable to the universal justice and equality principles. Islamist principles still form the foundation of the Pakistani Constitution and offer a skeleton that can be redone and reconstrued. Placing the equality requirement beside the Preamble and the Objectives Resolution, it is possible to observe that the constitution provides this area expansive in respect of the liberalized vision of the gender justice insofar as the law of inheritance is considered. Consequently, the discussion has to change to consider religion as hindrance to change in order to liberate the egalitarian zeitgeist of the Islam religion that had historically favored the rights of women as long as their economy and social existence were involved.

The system of inheritance which existed in Quran and never existed before treated women as individuals who could enjoy some economic rights before the law. However, each new social and cultural perversion has eclipsed this positive perspective, and now the methodical robbing women of their just share has become a routine thing. The disjuncture between the mandate of Godliness and the present practice serves as an undeniable indicator of the desperate need to redefine in the light of realities in the modern era. The original vision of justice that is inherent in the Islamic law can also be rejuvenated with the help of an ethically charged and contextualized interpretation of the law that attempts to align it with constitutional egalitarianism and human dignity.

Reform in itself will not assist in abolishing administrative cultural practices that propagate gender inequality. This is the necessary but indispensable, statutory amendments and judgements should be supplemented with good institutional frameworks and educational programs that would increase the extent of knowledge of the women in regard to the right to inheritance. The state, in its commissions, its courts of justice, and its machinery of law-enforcement must have an obligation to make the process of inheriting open, free and non-coerced. Close observation of the process of transfer and computerization of land-record registries is the precondition to eliminate the systematic marginalization of female heirs.

The contribution of the judiciary in harmonization of constitution provisions as well as person laws is also significant. It is up to the judges, the attorneys, and the policymakers, however, to work out a continuous dialogue that will assist in bridging the religious and the human-rights stores. The legal and bar-association capacity-building programmes can possibly produce gender-based jurisprudence, which will transform the juridical institutions into something that is more than the traditional functions of dispute arbitrators into civil agents of social justice.

It is also the workplace of academic institutions and Islamic thinkers to do much to refocus social opinion. These actors will be able to undermine the cultural stigmas that discourage women to claim their legal quotas by anticipating the consonance between the rights of women to inheritance and the Sharia alongside the constitutional jurisprudence. Public awareness campaigns, media advocacy, and grassroots legal support programmes can gradually transform the attitudes of people, and change the perception of inheritance as a discretionary practice within the family to a legal and moral right.

Furthermore, the international human rights commitments of Pakistan provide an external normative framework as well as an internal moral trigger of change. Reconciliation of national laws with international standards of gender-equality enhance the image of Pakistan on the global scale and the credibility of its internal reform processes. The combination of the constitutional, Islamic and human-rights viewpoints can be regarded as the paradigm of balance that will honour the religious identity and will move the gender justice progressively.

Then again, equity as far as inheritance is concerned should be considered as a challenge test of constitutional and moral integrity in Pakistan. Symbolic inclusion should be replaced with systematic alteration of order that proclaims the inequities of the legal system, which is real justice. This kind of a society that denies women their rights to the economy does not only hamper their dignity, but also kills its social harmony and chokes developmental opportunities. Consequently, the giving of equal right of inheriting the property by women is not an act of charity or concession, but the law is performing as it promised in its constitution, as a religion is obliged to act, and as it is the duty of humans universally.

In conclusion, Pakistan has come to a cross-road. Either it proceeds with its existing definitions of the legal and religious constructions that lead to inequality or it embraces the perspective of change that will shine the letter and spirit of justice. The reconciliation of religion with freedom, of law with justice, will help the country to establish an inheritance system which, on the one hand, will be faithful to the religious principles of the country, and, on the other, will be a reflection of its constitutional ideals--a system which will, on the one hand, be a beacon of equality, dignity and justice to all.

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