

Customary Practices and the Issues of Women Property Rights: Case Study of South Punjab (2007-2014)

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Abstract

The world is facing gender related problems in which women's are discriminated against in almost all walks of life. The present research is focusing on the issues of women. i.e, exchange marriages, women property rights and their maintenance after divorce in South Punjab. The objective of this study is to unveil the structural constraints in the society which have hampered the freedom and the autonomy of women. These constraints are operational in the domain of legal-judicial and administration-policing social system of the state that has made the access of women difficult to get the redress and relief against the violation of their rights. In this research, an interpretative mode of research is being used to unfold the relationship of different variables. Some of the variables have their connections on the bases of their influence on the nature of the women's right in the social setup of South Punjab. Among these variables, independent ones are customary practices prevailing religious doctrines and the sources of materials means. The particular nature of the study and scientific approach of the research, it seemed appropriate to apply quota sampling technique for the selection of court cases. The especially court cases has been segregated to project women image of this region. In this study categories of the cases on the basis of different variables collected from targeted three districts as judgments pronounced and established under family and session court under districts Multan, Muzaffargarh and Dera Ghazi Khan during the period from (2007 to 2014). This study includes ten cases, all related to the rights of women and customary practises. This study had also tried to show the how far judicial decisions were in favor of women to make them capable to empower in the emerging challenges of the time. The study in its analysis tried to show the effectiveness of prevailing family laws to enhance status of women.

Keywords: Women Rights, Dera Gazi Khan, South Punjab

Introduction

The present study sets out to present women's property rights and traditional practises. To analyze the role of customary practices in the region of South Punjab as hindrance and obstacle to not the grant to women's rights, is a study of gender perspective, will help to thrash out the nature of social inequality. The impact of customary practises on women's rights has eroded their status as a member of society I want to research the socioeconomic status in South Punjab in order to judge the essence of society and to see how it has held the genders apart. They would be able to get their fair share of society by adjusting their understanding of right with the prevailing opinion of society The customary practises in South Punjab and in particular provide a stable and foundation to the anti-rights women's campaign. Only through the provision and realisation of these human needs can family be achieved. If the family is destroyed, then these important processes will go awry. As the most fundamental unit of society, the family can be disordered. When the marital bond is broken, the cornerstone of the family is weakened. Who doesn't want a healthy family but a creative jobs and quiet citizens? That is why society has a vested interest in happy and fulfilling family life.

Culture

There is a unifying sense of being Pakistani too but regional loyalty is more powerful than the sense of being Pakistani the marriage considered as a social and emotional bond between two individuals and families Wedding ceremony is characterized by the Mehndi, Dowry, extravagant parties from both brides and grooms families and the family oriented with strong sense of family bond, generally preference is given to boys over girl sand the 98% of the daily diet of most Pakistani consists of four item Roti, Rice, Vegetables and meat. Nehari, Halwapuri, Korma, Haleem, Biryani, and other Pakistani dishes are available. The locals are huge fans of sports and games. Hockey, cricket, football, Kabadi, kushti, and wali ball are common among the masses. Chiniot's wooden furniture, Sialkot's sporting products, and Multan's and Hyderabad's embroidery are all world-renowned. Pathans, Balochis, Sindhis, and Punjabis are the four main ethnic groups in Pakistan. Urdu speakers make up a significant portion of the population, having migrated to Pakistan from various parts of India at the time of partition. Old mud houses with electric bulbs and transistors, veiled women and fashion shows, and cars coexist with modern ideas and technology. Pakistan's cultural heritage is extremely important. Mughal architecture includes the Shah Jahan Masjid in Thatta, Shalimar Garden Badshahi Masjid, and Lahore's ShahiQila. Moen-jo-daro, Harappa Indus valley civilisation, and TaxilaGundhara Festivals, Ramada Chand, EidRaat celebrations, Milaad un Nabi, Muharram Ashura, Jasn-e-Baharan, IndependenceDay, Defense Day, Parade Education is a very significant and necessary part of our lives; without it, our lives would be meaningless and we would be living like wild animals. Education teaches us how to live and move in society, and it assists us in making our lives and society healthier.(Mumtaz. March 11, 2010)

Protection of women rights through legal reforms

- i. Muslim family laws ordinance,1961

- ii. West Pakistan family court act, 1964
- iii. Dowry and bridal gifts(restriction)act, 1976
- iv. Amendments in family courts for khula, etc., 2002
- v. Protection of women(criminal laws amendment) act, 2006
- vi. Protection against harassment of women at the workplace act, 2010
- vii. Prevention of anti-women practices act, 2011
- viii. The acid control and acid crimes prevention act, 2010
- ix. The women in distress and detention fund(amendment)act, 2011 (The Dawn.31, May, 2015)

Among these acts four are necessarily to be mentioned here; in order to explain the women status in society of Pakistan.

Theoretical Concerns of the Problem:

- i. Patriarchy
- ii. Feminism and its Exposition

Significant of the Study

This study will provide new horizons for the researchers, doing their research in social and development sectors. Many laws have been passed in the constitution to grant the status of equality to women. This research will be helpful for the scholar"s and researchers it will describe the customary practices in the region of South Punjab, and in what ways hindrance and obstacle are painful for women"s and do not grant rights the study will help to thrash out the nature of social inequality. The influence of customary practices and as well of the patriarchy on women property rights has debauched women as subject of the society. To debar the societal pre-judices against women the major laws concerning women are given below. This research will be helpful to understand the anti-women"s practices and custom"s prevalent that are restricting the mobility in women. My studies will evaluate the position of women in the society of South Punjab to judge the nature of society which has segregated the women from men and will try to create a sense of equality among male and female. The customary practices and as well of the patriarchy on women property rights has debauched women as subject of the society. Much research has been done on the social lives of human beings over the years on various subjects, including psychology, sociology, economics, and anthropology. Gender-deference, gender-physical, psychological, and gender-physical aspects of women were all investigated in the Gender field. The developing world faces many problems because of the discrimination and chauvinism. There is, sadly, no magic bullet for progress, and issues such as poverty, unemployment, gender inequity, and social injustice always coincide with it.

Statement of the problem

Customary practices and the issues of women property rights; a study of southern Punjab.

Objectives

The present study will investigate the effects of discriminatory customary practises against women in the lives of the rural Punjab and look into the questions of women's rights.

- i. To explain the anti-women customary practices and the patriarchal (family) influences on women property rights.
- ii. To examine in what ways: customary laws adversely affect a women's rights as human being.
- iii. To find out the key issues and practices regarding inheritance rights of women.
- iv. To find out the implementations and effectiveness of women's protection bill

Literature Review

This is descriptive of nature: The study sought to determine southern Punjab's customary practises and concerns as they related to women's rights, and found it interesting. For this analysis, the researcher scoured books, research papers, research journals, new recordings, and other publications, in order to get relevant information. Reviews are correlated with both current and prospective studies. Most of the reviews focus on the current body of knowledge since they come from established experts who possess it, and draw from, already-existing knowledge. Pre-existing information is invaluable to the researcher; it helps to confirm or correct the pre-thematic themes of the analysis. In this analysis, literature review is used to improve the main theme of the study as well as helping the researcher to establish and clarify various aspects of the work. For this project, both hard and soft data has been collected and studied. In addition to the above, all versions of the courts' documents, private papers, and difficult-to-explain legal disputes and claims of judges were included in the collection. This investigation is aimed at addressing women's common and standard patterns of conduct as well as gender equality issues. In the eyes of the Sikhs of the South, a document study of marital breakup as well as a share of property rights is preservation is a major contributor to the problem for women in the Punjab. The aim of this chapter is to review the available literature on logic, which will be useful in advancing the research. The widespread availability of studies on women, law, law itself, and cultural norms regarding women differ dramatically in Pakistan. However, the bulk of these studies are not being investigated to provide a basis for this inquiry. This debate focuses on the topic of women's property rights in literature has already been carried out in the works mentioned below.

In the same way in Pakistan, a man's life and identity are linked to his access to arable land. The physical resources that are typically provided by land include food, room for livestock, and space. It is a form of protection and strength as well. In rural and urban areas, land ownership is a key component of social status. Land provides you with both food, wages, and even work in times of need. In Pakistan, only 40% of the land is owned by 2.5% of the population in rural areas. Around two-thirds of rural Sindh households don't own any land, and only about 24% of the total area is owned by the others. In rural Pakistan, there is a great emphasis on class and kinship. There are the landless peasants, and the classes who prefer to work with their hands like cobblers, on the lower end of the social ladder. Other communities with small marginal socioeconomic statuses include building site-moving Gypsies, coal mine Gypsies, and brick kiln

labourers. For the most part, men don't own property and women never do. Women, except in cases where they have the legal right to own and inherit land, have nothing to say in terms of having it. Some males have actual ownership of real property even though women obey the letter and spirit of the Islamic and constitutional rules. Women may only sell their property with their family's permission, and all buying and selling is done by the family's male members. Women, on the other hand, have the right to obtain, hold, and dispose of property under both statute and Islamic law. Another traditional practise, according to the report, is the forfeiture of a woman's inheritance share in favour of her brothers or sons, typically by coercion or social pressures. In the absence of protective measures, women usually depend on their parents' home and brothers in times of need (bad marriages, sickness, financial strain) and thus forego their share of property as a form of potential protection. (Simi, 1999, p.)

Women are denied access and power over property due to a lack of female mobility. It is believed that in the irrigated parts of the South Punjab that women cannot leave their homes without purdah [seclusion] because they cannot physically access the land. Many, however, may leave their homes to carry water from public wells. This study concludes that women are regularly relegated to being the servants and decision-makers on property, while regulation of land and land ownership is almost unheard of. (Tirmazi, 1999, p)

Mehdi reports which showed that woman's names were registered in the property transfer papers on inheritance, but in practice, they did not get the land. The understanding is that brothers would take the land, and the sisters would receive shares of the harvest or gifts. It is not unknown in rural Punjab for brothers to inform on sisters, with the excuse that they have relinquished their portion of the land, when they enter into an agreement with the village official. Thus, in order to enter a woman's name into the papers as soon as she has been assigned, a gift in the brothers' favour is immediately entered. The study also talks about the tradition of *hakshonw-bakhwan*, where young women in the area are not allowed to marry or must have sexual relations with their own tribe in order to avoid their families losing land. Additionally, cousin marriages and swap marriages are to avoid weakening family relations by protecting the estate as well as protecting land. It is a commonly held belief that age-old tradition and ingrained cultures are to blame for age-old discrimination. In certain cases, women are said to be underrepresented in areas of legal, economic, and political influence. They are seen as vulnerable to abuse because they do not have the guarantees of justice or safety. They are often thought to have a limited range of motion. A crucial obstacle for women's retention of their property rights is their lack of information about registration systems, transactional processes, and their comprehension of land law matters. (Mehdi, 2003, p)

Methodology

Methodology typically refers to a problem-solving approach with steps, processes, strategies, and resources, and this can be considered a step-by-step solution approach. Method may be either a means or a manner of procedure, a systematic means to obtaining something, or a series of individual actions which strive to secure it. A technique can be interpreted as containing several approaches applied to a multitude of facts. In the research approach, data is obtained according to a creative process. [The] strategies, processes, techniques, and procedures employed to complete research. The analysis technique is also known as the study design or design process.

data collection, review, and interpretation, for the study is intended to discover the “useful practices and challenges of women's property rights in the region of south Punjab”.

Qualitative Method of Research

The relationship between various variables is being assessed is being done in an interpretative manner in this study. One of the factors is based on how it affects the relationship of the people of Punjab to the social order.. Among these variables, independent ones are customary practices prevailing religious doctrines and the sources of materials means. While the dependent one is the women's In Gendered role in the society, that is likely to be, segregated secluded and subjugated. The status of women's in region of south Punjab has been identified by taking the investigations into social conventions and customs through the court cases. Which are being taken as case References.

Sample of the Court Case

Keeping in view, the particular nature of the study and scientific approach of the research, it seemed appropriate to apply quota sampling technique for the selection of sample. The case select with the help of quota sampling; Reason behind using this technique because the study focused on women case that reported in south Punjab. The specialized judicial case in this area of families has been assigned to me, in order to deal with issues about women and children. For this analysis, three separate areas of Multan, Phirangamdawari, Nai, and Dera Ghazi Khan have been investigated on the basis of variables including their pronunciations and identified during family and court proceedings there from 2007 to 2014. In this study, records are used as sources of secondary corroboration. As a result of this analysis, these facts are connected to women's rights and customary practices.

Document Analysis and Case History

Courts dealing with dissolution of marriage, forced marriage, and property matters are discussed in this chapter. As a research project from 2007 to 2013 aimed at researching the status of women in Southern Punjab, these cases were tried in the courts of Multan, Muzargun Hassan, and Dhamial in Multan. The material used in this research is judicial decisions and copies of the relevant cases, so it should be considered accurate. A greater respect and consideration of women was also seen under Islamic law at various times in the history of the religion. In Pakistan, women's rights are safeguarded by laws like the Guardians and Ward Act 1890, the Child Marriage Restraint Act 1929, the Bridal Gifts Act 1976, and various others. Protections against Violence at the Workplace Protection (Criminal Laws) Act of 2002, Prevention of Harassment at the Workplace Act of 2002, and new amendments to the Criminal Protection against Harassment Act of 2002. There were a number of Muslim scholars who expressed their views at an interfaith conference on women's rights in Islam. For the other sects, it was thought that women were tools of the devil until quite recently. According to the Qur'an, a wife is Ghayr, which means that she is the husband's exclusive support and pillar of strength Since she is a real Muslim, she helps to guide him on the straight path, rather than to drive him astray, holding him away from sin. in Islamic culture, marriage, Nikah is regarded as a sacred bond. In Islamic cultures, women enjoy

an elevated status as wife and mother. Different social standards and cultural conventions didactic attempts to lower the status of women have co-existed in Pakistan to enhance the stature of women in Pakistan. Our dominant cultural and social standard has eroded women's rights and caused them to be vulnerable to a great deal of uncertainty about their role in marriage. Only women in Southern Punjab are subordinate to the social order, regardless of whether they are married or not. When Farzana Bari, one of the conference participants, was describing the research results of 'Gendered Perceptions and Effects of Terrorism in Pakistan' (a multi-disciplinary research project, conducted by Heinrich Boll), said: Not only are women the primary victims of displacement, but they still suffer the harshest repercussions.

Case No.1

In the Court of Fauzia Afzal , Judge Family Court Multan

Family suit No: 13/F

Date of Institution: 24.1.2013

Date of Decision: 15.9.2014

Muhammad Tahir versus Mst. IramBibi

Case History

This phenomenon is related to the breakdown of the union between society and commerce. Muhammad Tahir has petitioned for the dissolution of their marriage on the grounds of Khulah's desertion, to which the court has given an IramBtalan." During her lifetime, she was born and lived in Basti Lahore. She is aged at around thirty, and lives in the community of Laar. All are illiterate and her father is proletariat.IramBibi was married with Muhammad Tahir 4 years before under Muslim Sharia. She briefly explains in her story about the oppression of WataSatta system. This union was based on reciprocity (in local terms it is stated as WattaSatta). oppression he put on her. At the time she is happy but does not know how gigantic crime she is going to commit under the wattasatta system. IramBibi and Muhammad Tahir had no child. When she was a victim of domestic violence, she received a beating. He traumatized her by means of both a physical and a psychological kind. Husband was unready to fix the issues, so she asked her father, her mother, and her brothers-in-law to intervene. She had to negotiate with her family but instead chose to get a divorce due to her conduct and behaviour that was non-satisfactory to her husband. The woman applied for divorce on the grounds of irretrievable and irreconcilable differences.

As for dissolution of marriage under Muslim law, this judgement completely agrees with both the Section of the Family Ordinance of West Pakistan (Family Courts) of 1961, as well as the Muslim Law of Dissolution, of 1964, which is in accordance with section 5 of the Dissolution of Marriage on the grounds of Khula (prohibiting marriage in unequal or inequitable relationships) and section 2 in Scheduled. (Dissolution of Muslim Marriages Act VIII of 1939)

Final Judgment

The plaintiff argues that she is getting married to this guy, and that arrangement was made with the defendant. He spent all his money and all of his belongings on cocaine. She was working paycheck to paycheck. She was employed as a maid in others' homes to earn a living and

provided for her basic needs. Where the marriage broke up because of her husband's misconduct, she got her revenge on him, who then lost her four months of her pregnancy in the process, and subsequently asked for a divorce. To get the divorce, the plaintiff had to first listen to him speaking about it on 24.1.2013. She sued her former employer, where she previously served as a housemaid. The plaintiff appeared at the location specified in his lawsuit, which was served on the defendant and in the media, and the defendant was proceeding as ex parteempt (not for the use of parties) as of March 18, 2013. In the instance where she claims that her lawyer failed to respond within 24 hours, the judge allowed her to produce ex parte evidence. She was cross-1 (the opposing counsel was called as a hostile PX-1 witness). The ex-parte claims of an experienced member of the plaintiff's council were heard by the court, and the record was reviewed. There are grave claims on the defendant, and these claims have been made. It turned out that the defendant never showed up in court to escape conviction. The attitude of the defendant was telling: He found his wife uninteresting. Under Islamic law, a woman must be willing to live with her husband. The complainant here has expressed her contempt for the defendant, as outlined above, cannot put up with him any longer. To God's will, there was no chance of shared domiciles for those who were married. The complainant has shown her case of dissolution of marriage and the lawsuit has therefore been granted ex-parte. To the union and the defendant both, a copy of the injunction order was mailed via registered mail. the record department after it was over.

Analysis

In the IramBibi versus Muhammad Tahir study, the conflict between husbands and wives and family roles was considered to be a significant factor. The circumstances of the lawsuit also show that it was driven by social strife, aggravated by economic disparity. He studied the conditions that prompted a wife to appear in court to seek a solution for her problems. According to IramBibi, her right to dissolve the conjugal tie rested on the fact that she had been placed in a difficult position. Trained as a family dependant on her husband, she was fully reliant on him for financial and material support.economic struggles and an examination of her life and/conditions exposed much of the unsavoury details He squandered his fortune on recreational substances and promiscuous behaviour. She attempted to contain him, but he made her life a living hell. He was abusive to his wife. Her husband was an opportunistic in that he violated her whenever she pleaded for money in order to have a roof over their heads and food on the table. She endured extreme mental and corporal abuse at the hands of her husband.She had to give up the title of head of her family because this marriage was an exchange, and no longer head any of other couples as a result. The woman was harassed at work because she neglected her family and her husband would find fault with everything she did. She was doing really badly financially because she didn't know how to handle her own money. His royalties have been used to support her opioid use so far as she hadn't received any yet. She was at odds with authority. The direction of the proceedings had taken is based on her husband's feelings.Society shamed her for taking a job. He was disciplined by his father and his sister-in-in-law, who was the sister of Muhammad, for his actions. Finally, she was forced to go to the legal resources for her solution. The court gave her her a legal recourse against the suit, on the condition that she was protected by stronger footing. The dissolution of marriage served to protect Khulah's rights for as long as she was

single. Another side of this case is that when a woman faces financial difficulties in pursuing the case, she has a much lessened capacity to exercise her civil rights. This marriage-for-only results in only the decimation of future generations, as it is not seen as a crime. As specified in the criminal code of Pakistan, such customary practises are treated as felonies. Fighting for her equal rights was tough, as she was unable to provide for herself financially was the norm for them. The governing body did not have an activist stance like city councils, where they have to be involved in making social justice.

Conclusion

The topics of this study are "customary practises and women's rights in the tribal region of Southern Punjab: an investigation (2007-2014)." We have attempted to comprehensively research the role of women in our society (married women). This research is linked to Southern Punjab tradition and to female property rights. The study used document analysis as a qualitative research tool to explore the demographics of three particular regions of Southern Punjab as the basis for qualitative and investigative research. The research used an approach called non-probability sampling. Selection of population segments to be used when collecting research data about a community of people has been determined to be non-randomly innovative. Quotas were created and categorised in terms of issues connected with the status of women, including Khulah demands, right of recovery, and maintenance dower were applied in their makeup. Following the corresponding study protocol, the researcher was given access to the judicial record-rooms and districts office attestation offices in Multan, Muzaffargarh, and Khan Muhammad Complex, and from 2007 to 2014, consigned cases in the three districts. This study of family court rulings and decrees reveals women's civil rights and remedies as well as their claim to maintenance allowance and recovery of dowry land. A positive feature of the legislation is that it ensures men (husbands) in the recovery of their conjugal rights. In chapter four, the analysis indicated, through the cases analysed proof, that The law is also favouring women according to their own religious and cultural beliefs. If she dies without transferring property to her husband, a widow inherits. One way of looking at it is to say it: For widowers, remarriage entitles them to claim an equal share of property from their wives, but it prevents wives from receiving property upon the death of their husbands. One can look at the case of Shaguftabibi and Muhammad Ramzan as an example of rivalry. In southern Punjab, the woman's status is emphasised by judicial decisions. At the micro-to-macro stage, the research has investigated the merits of judicial rules of families on the status of women at the macro scale. The current study found that family court and the future potential for equality between genders were on opposite sides of the spectrum. This study showed that women have received equal treatment in the legal system, as can be seen in social status comparisons. In providing stability for the family, Nikah or family relations are as significant as roles in a religious structure.

Suggestions

Given the results from the previous research projects, some new strategies have been suggested, as well as more efficient ways to fight against gender discrimination and empower women. (Outside the house, women feel nervous, unsure, and even vulnerable.) It is of the utmost

importance that the government ensure the legislation is enforced, even in its most minimal forms, of course. On the issue of providing women with a just and supportive environment, it is suggested that locals are important." In order to motivate women, you have to have a powerful will. Women events, and female political leadership will play a key role in this regard through speaking out on women's issues in different locations and media outlets. Also, the government should offer a higher priority to solve these issues and empower women to obtain their rights. An successful tool for alleviating gender-based discrimination can be found in the usage of non-governmental organisations. The majority of people, particularly men, want to preserve the status quo regarding women's roles. That means, therefore, we must change the way people think about things. Therefore, more meetings and conferences should be scheduled for the purpose of enlightening people about women's property rights. On an individual level, level, women should be aware of their strengths, increase their awareness and realise their capabilities by educating themselves about their rights, and their value, and use this knowledge to empower themselves as well as support those who are in the same role.

Findings

WattaSatta, or swap marriage, is a customary practise that disregards women's rights and is a violation of their rights. In these situations the famine disregards women's freedom of choice, especially with regard to the system of marriages in wattasatta, families have agreed that both families in southern Punjab will not exchange or give their property to each other. In the south of Punjab, the social customs of the children's predilections prevailed when a woman gives birth to a girl baby than that time and she suffers discrimination about the care, medical care and tabuing of the women; in some cases the men divorce their wife because she bore a girl child. In certain cases, women are unable to exercise their health rights due to a lack of freedom of movement. In south Punjab, women are unable to seek medical treatment without the permission of male family members. Character assassination of women is popular, as in the case of Haq Maher, who neither provided maintenance nor detained her dowry articles in south Punjab. When She was demand for maintenance before *Khula* , *property rights that she has and the Husband also pay the rights to her as a human being husband* disheart. She had no means of income and dependent on her male family members. When a women"s registered a case in court then the baradery system strongly oppose her and socially boycott with that family because it"s the violation of customs of south Punjab. In some situations the family cannot return the dowry articles including Gold Set, furniture, electronic appliances washing machine, refrigerator, food processor, sewing machine, blankets, and garments etc.

Recommendations

- i. Government should introduce such policies that meet the goals of gender equality in all sphere of life especially the women property rights.
- ii. Government should develop a women wing that gives suggestion to government to empower women in public sphere for the women"s rights.

- iii. All social systems must be stabilised in order to regulate internal and external barriers. The government plays a crucial role in maintaining the continuity of these institutions.
- iv. The government should use the media and education to raise public consciousness about the women's property rights bill. This would make it easier for women to protect their property more effectively.
- v. Poverty is one of the major factors that contribute to such inequalities. Lack of financial assistance leads to depression, which leads to erratic behaviour among family members.
- vi. Islamic education and knowledge should be made accessible to the general public at no cost. This will assist people in understanding the distinction between good and bad that exists in our culture.

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