



**RESEARCH PAPER**

**Women's Land Rights across Major Religions in Pakistan: A Comparative Analysis of Islam, Hinduism, Christianity, and Sikhism**

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**ABSTRACT**

This research paper conducts a comprehensive examination of the core principles within Islam, Hinduism, Christianity, and Sikhism that influence women's rights to land ownership, situated within the complex socio-cultural context of Pakistan, highlighting both shared values and notable distinctions. To accomplish this objective, the research primarily employs primary sources, concentrating on the sacred texts of these four major religions: the Quran, the Rig Veda, the Bible, and the Granth Sahib. Each of these texts offers distinct insights into the role of women concerning land ownership. These and the other primary sources, along with secondary data, are analysed through qualitative content analysis, employing a directed approach to verify, nullify, or complement the claim that "religion makes provision for women's rights to acquire, use or inherit property." The findings indicate that the principles of Islam, Hinduism, and Christianity confer certain rights to women regarding property ownership. In contrast, Sikhism does not have specified religious laws to regulate women's land rights.

**Keywords:** Women's Land Rights, Islam, Hinduism, Christianity, Sikhism

**Introduction**

In theory, adult women in Pakistan have the same legal rights as men to own, access, control, manage, purchase, transfer, sell, or gift property, as established by the legal system (National Assembly of Pakistan, 2012). However, in practice, women are often denied these legal rights. For example, a woman may be listed as the owner of land on paper, but she may not be able to exercise her rights to control or dispose of that land. The violation or denial of these rights can be attributed to various factors, including state laws, religious codes, policies, and cultural practices (Abbas et al., 2025; Ahmad et al., 2012).

Given the concerning situation regarding women's land rights, various global institutions, organisations, human rights activists, and social movements have been advocating for these rights in both theoretical and practical contexts. They have been urging state institutions to establish and codify laws and formulate policies to ensure and protect women's rights to possess, inherit, utilise, manage, and dispose of financial assets, including land (Abbas, 2020).

As a result, many countries have ratified various international treaties and agreements, primarily through the United Nations (UN). A significant example of this is the First and Fifth Sustainable Development Goals (SDGs), which require participating states to address poverty in all its forms, ensure gender equality, and promote women's empowerment. These goals emphasise the importance of granting women ownership and control over land and property to challenge patriarchal systems, enhance the empowerment of women and girls, and promote gender equality (O. D. Udoh et al., 2020; United Nations,

2015). Despite these efforts, research (Abbas et al., 2025; Agarwal et al., 2021; Akinola, 2018; Aluko, 2015; Enokwenw et al., 2024; Folarin & Udoh, 2014; Holden & Chaudhary, 2013; Pallical & Dinker, 2025; Suhrawardy et al., 2022) indicates that women face substantial barriers in securing land and property rights. They experience marginalisation and exclusion in most cases. For instance, a World Bank report notes that women are deprived of land and property rights in half of the countries worldwide (The World Bank, 2019). The OECD's "Social Institutions and Gender Index Report (2023)" highlights that: 1) women own only 35 per cent of global land; 2) in 12 of 179 countries, regulations limit married women's land rights, often giving husbands control over marital assets; 3) in 28 countries, laws name husbands as heads of households, giving them authority over land management; and 4) over half of the countries (95 out of 178) have informal rules that create different inheritance rights for sons and daughters, as well as widows and widowers (OECD, 2023).

The situation regarding women's land rights in the subcontinent reflects similar challenges. Despite advancements in inheritance laws aimed at promoting equality, women constitute only 14 per cent of landowners and hold nearly 11 per cent of agricultural land among rural landholding households (Agarwal et al., 2021). Similarly, Pakistan exemplifies this issue, where women continue to be denied their rightful legal entitlements to land ownership. A 2014 survey conducted by the United Nations Economic and Social Commission involving 1,000 rural households in Punjab highlights that nearly two-thirds of families do not provide their daughters with any inheritance of land. Among the very few women who own land, only 36 have it registered in their names, and merely nine possess the autonomy to sell or trade that land without requiring consent from male relatives (Government of the Punjab, 2016).

The challenges surrounding women's land rights can be attributed to a multitude of factors, including religious codes, state legislation, cultural practices, and prevailing policies. While human actors primarily formulate state laws, cultural practices, and policies, religious codes are often believed by their adherents to be divinely revealed and aim at safeguarding women's land rights. Considering this context, an important inquiry emerges: "Do religious codes ensure and protect women's right to landownership?" This research endeavours to address this question by utilising primary sources, specifically the sacred texts of four prominent religions—the Quran, the Rig Veda, the Bible, and the Granth Sahib. These and the other primary sources (e.g., reports of the World Bank, the United Nations, and Government of Pakistan, and the laws enacted by the Government of Pakistan) along with secondary data, are analysed through qualitative content analysis, employing a directed approach to verify, nullify, or complement the claim that "religion makes provision for women's rights to acquire, use or inherit property" (Adekile, 2010). This study has several limitations. Firstly, it specifically examines agrarian land while recognising the existence of various land types, including residential, commercial, urban, agricultural, and forest land. Secondly, it explores the fundamental principles of the four major religions—Islam, Christianity, Hinduism, and Sikhism—within the context of Pakistan, where Muslims represent approximately 96.46 per cent of the population, and non-Muslims account for less than four per cent. The land rights of non-Muslim women are regulated by the Succession Act of 1925 rather than by their respective religious codes. The paper is structured into three primary sections, excluding the abstract and introduction. It includes an examination of women's land rights across major religions (namely Islam, Hinduism, Christianity, and Sikhism), the regulation of non-Muslim women's land rights in Pakistan through the Succession Act of 1925, and a conclusion.

## **Women's Land Rights in Major Religions in Pakistan**

### **Women's Land Rights in Islam**

According to prevalent discourse, Islam is often criticised for the poor land rights of women within Islamic contexts (Abbas et al., 2025; O. D. Udoh et al., 2020). This perspective may indicate a limited understanding of Islamic teachings and their historical context. Historically, Muslim women had property rights long before many Western societies recognised them (Bishin & Cherif, 2017). During the Ottoman era, Christian and Jewish women sought inheritance rights through Islamic courts due to their own laws not providing such protections (Kuran, 2004). Understanding women's land rights in Islam requires examining their status before Islam; in pre-Islamic Arabia, women generally had no social status or property rights and were often viewed as property themselves, with sons inheriting their fathers' property et. al., 2018).

Upon the emergence of Islam in the Arabian Peninsula, several pre-Islamic practices were abolished, and women were granted property rights along with other legal rights, thereby enhancing their social standing in society (Abbas et al., 2025). Islam is viewed by its adherents as a comprehensive guide to various aspects of life, including family matters and property rights. Inheritance is a significant aspect of these matters, and the Quran addresses the inheritance rights explicitly by saying

Allah commands you regarding your children: the share of the male will be twice that of the female. If you leave only two or more females, their share is two-thirds of the estate. But if there is only one female, her share will be one-half. Each parent is entitled to one-sixth if you leave offspring. But if you are childless and your parents are the only heirs, then your mother will receive one-third. But if you leave siblings, your mother will receive one-sixth—after the fulfilment of bequests and debts. Be fair to<sup>1</sup> your parents and children, as you do not 'fully' know who is more beneficial to you. This is an obligation from Allah. Indeed, Allah is All-Knowing, All-Wise (4:11).

In Islam, property distribution among inheritors is based on their relationships and advantages, rather than personal discretion (Sait & Lim, 2006). The Quran states that both men and women are entitled to fixed shares of inheritance from parents and relatives, regardless of the amount: "Unto the men (of a family) belongeth a share... and unto the women a share, whether it be little or much" (4:7).

The rights of women in inheritance are highlighted in the sayings of Prophet Muhammad (PBUH), which promote non-discrimination based on gender. Abu Huraira (RA) reported that the Prophet (PBUH) stated, "If somebody dies among the Muslims leaving property, it will go to his heirs; if he leaves a debt or dependants, we will take care of them" (Sahih Bukhari, Volume 8, Book 80, Number 755). Anas bin Malik also reported the Prophet (PBUH) saying that those who avoid giving inheritance to their heirs will be deprived of their inheritance in Paradise on the Day of Resurrection (Sunan Ibn Majah, Volume 3, Book 22, Number 2703). During his final address at Hujjat-Tul-Wida, the Prophet (PBUH) underscored these principles as

All people are equal, as equal as the tooth of a comb. There is no claim of merit of an Arab over a non-Arab or of a white over a black person: only God-fearing people merit a preference with God. Thus, men and women are equal.

Most Sunnis adhere to the Hanafi school of law, which is common in Pakistan and the South Asian subcontinent. This inheritance law, established by Imam Abu Hanifa and his students, includes twelve shareholders: four males and eight females, based on Quranic shares (Fair, 2004; Zahra, 1999). The sharers consist of wives, mothers, grandmothers, sons, daughters, uterine sisters, and full sisters. Generally, women receive half the shares of their male counterparts. For example, a father inherits one-sixth of the estate, while a mother receives one-third. A husband inherits half of his wife's property, while a wife receives one-eighth of her husband's wealth. Daughters inherit half of what sons do. Additionally, only blood relatives can inherit, excluding adopted children (Arif & Ali, 1998; H. Khan, 2007).

There is a perception of disparities in property rights for women in Islam, particularly the notion that women inherit half of what men do. Some scholars argue that this distribution does not inherently discriminate against women. Perveen Shaukat Ali suggests that women's overall inheritance can be equivalent since they inherit from multiple sources, like their father, husband, and son (P. S. Ali, 1980). In contrast, Shaheen Sardar Ali notes that men also inherit from various sources and generally receive larger shares (S. S. Ali, 2008). Additionally, the reasoning behind women receiving half is linked to men's familial responsibilities, as they are often expected to provide for their families (I. Khan et al., 2016).

Scholars question narrow interpretations of Islamic scripture, suggesting that discriminatory customs against women arise from historical roles of men as interpreters of these texts. Muhammad Fathi Osman advocates for "ijtihad" regarding women's inheritance shares, arguing that it should adapt to changing circumstances. However, his view faces criticism, as some believe "ijtihad" isn't allowed for concepts explicitly defined in the Quran. Supporting this, Justice (R) Shaiq Usamani noted in the Mst. The Halima vs. Muhammad Alam case shows that the notion of women receiving half the share of men is often misinterpreted, viewing it as a minimum rather than a maximum, which opens the possibility for increasing women's shares in an Islamic context (Naznin, 2014).

Historically, Islam granted land rights to women in a time when their social status was limited. The Islamic law of inheritance, which developed during this era marked by practices like female infanticide, prohibited such customs and ensured women's property rights. Women typically inherited half of what men did, though some interpretations suggest this is a minimum requirement, allowing for equal shares for sons and daughters (Abbas et al., 2025). Notably, there are no explicit provisions for joint ownership of property acquired by married couples, leading to men often being the primary entitled parties. This has spurred contemporary calls for revising Islamic inheritance laws through "ijtihad" to fit modern circumstances better.

### **Women's Land Rights in Hinduism**

Women's land rights in Hinduism have undergone significant changes over time. The laws governing property rights for Hindu women have evolved, becoming more accommodating than in ancient Hindu society. In a historically patriarchal framework, women received property categorised as *stridhan* (women's property), which primarily consisted of marriage gifts such as jewels, clothing, and occasionally, landed property. However, women had limited influence over the succession of family property and did not have rights to ancestral or marital landed property. The concept of *stridhan* expanded both in its literal and legal interpretations with the emergence of various schools of Hindu law, which gradually provided women with enhanced rights to certain types of property. Legislative measures introduced in the nineteenth and twentieth centuries aimed to reduce barriers to equal property rights for Hindu women (Halder & Jaishankar, 2008).

In ancient texts such as the Manusmriti, there are indications that women's land or property rights were constrained. Manus states, "Her father protects her in childhood, her husband protects her in youth, and her sons protect her in old age; a woman is never fit for independence (Muller, 2023)." This suggests that women were perceived as dependent on male guardians. The sacred scriptures of Hinduism do not explicitly address land or property rights for unmarried women. Upon marriage, a woman could possess a limited range of property classified as *stridhan*, typically including movable assets like clothing, jewellery, utensils, or cattle, with rare instances of landed property being included. However, the Manusmriti posits that a wife and her property are ultimately under the control of her husband, indicating that women were not considered sole owners of their *stridhan* (Halder & Jaishankar, 2008).

Two prominent schools of Hindu law are the Mitakhshara and Dayabhaga. The Dayabhaga School is based on the commentary of Sage Jimootvahana, while the Mitakhshara School draws from the interpretation of Yagnavalkya's texts by Sage Vigneshwara (Kane, 1968). The regulations established by these schools form the foundational principles of Indian inheritance law. The Mitakhshara School consists of four regional sub-schools—the Dravida, Maharashtra, Banaras, and Mithila schools—and was widely practised across India, excluding the eastern regions. The Dayabhaga School, which has no sub-schools and is primarily prevalent in the eastern part of India, especially in Bengal and Assam, serves as the second most influential school of law. Notably, the Dayabhaga School diverges from the Mitakhshara School regarding inheritance rules and the status of women as heirs (Mulla, 1946).

According to Mitakhshara Law, a son is born with automatic rights and interests in the property of his family. Sons, grandsons, and great-grandsons are regarded as coparceners (an individual who acquires a legal share in an ancestral property by birth) due to their familial birth under this legal framework. In contrast, women are not recognised as coparceners by this school of thought (Patel, 2007). Under Mitakhshara, property in a joint family is divided among coparceners according to the principle of survivorship, which changes over time—rising with family deaths and decreasing with the birth of male heirs. For instance, in a family with a father and two sons, each member would hold one-third of the property, which would reduce to one-fourth for each male if another son is born. Under this system, a woman could not be considered a coparcener, and the widow of a deceased coparcener would not have the right to enforce partition of her husband's share against his brothers, thereby placing limitations on Hindu women's property rights (K. Arora & Bansal, 2024).

In contrast, Dayabhaga Law posits that sons and daughters do not have a claim to the family estate while the father is still alive, as they are not coparceners at birth. However, upon the father's death, they inherit as common tenants. A key distinction of the Dayabhaga school is that daughters receive an equal share of the property as their brothers, and they are not permitted to force the father to sell or divide the land during his lifetime. After the death of a male heir, his heirs—including women such as his wife and daughter—become part of the joint property and act on his behalf (Drall, 2022).

There are notable differences between the Dayabhaga and Mitakhshara schools regarding the status of women as property owners. Women are not considered sole proprietors of property inherited from male ancestors, as they can only sell it under specific legal conditions. Upon the death of a widow with no sons, the property would transfer to the closest male heir rather than to any female heirs. Additionally, the Dayabhaga school categorises women into five categories that determine priority in inheritance cases: wife, daughter, mother, father's mother, and father's father's mother.

During the medieval era, property rights remained predominantly under male control. During this period, Muslim authorities implemented a set of Sharia-compliant regulations for Muslims, while the customs of marriage and succession within the Hindu community were largely maintained. The status of women in India was significantly influenced by societal norms such as sati, early marriages, and restrictions on widow remarriage, which adversely affected their social standing (Halder & Jaishankar, 2008).

The traditional understanding of "women's property" in the context of *stridhan*—comprising jewellery and other transportable gifts—began to diminish, transforming into a symbol of prestige associated with dowries or *Vara Dakhshina* given to the groom. Initially, these gifts were intended as security for women provided by their families before marriage; however, over time, it became customary for the bride's family to provide the *stridhan* to the groom, known as *Vara Dakhshina*, or cash payment in exchange for the marriage of their

daughter. The desire for *stridhan* emerged as a significant social issue until the enactment of the Dowry Prohibition Act in 1961 (Ministry of Women and Child Development, 1961).

In the modern era, several laws have been introduced to improve the succession rights of Hindu women. The Hindu Women's Right to Property Act of 1937 marked an attempt by colonial rulers to create a legal framework for succession for Hindu women, granting widows rights to the property of their deceased husbands. Unlike previous practices where property was divided among surviving coparceners, the widow was granted exclusive rights to the property, albeit with limitations. The Act allowed Hindu women limited rights over the intestate property of their husbands but did not extend rights to the heirs of women in cases where the deceased had bequeathed property through a will. Additionally, the Act did not address women's rights concerning agricultural lands (Indian Legislature Council, 1937).

### **Women's Land Rights in Christianity**

Christians, who are followers of Jesus Christ, adhere to a set of religious regulations that are documented in the Bible. This includes teachings from Jesus and His apostles, as well as commands from God delivered to His prophets regarding the conduct of believers. The Bible is generally divided into the Old and New Testaments. The New Testament does not explicitly outline inheritance laws, and Christians' views on women's inheritance rights often align with those of Judaism, as both groups reference the Old and New Testaments (Bible Hub, 2024).

Eldereen K. Naseer notes that traditional provisions do not grant daughters the same inheritance rights as sons. However, many Christians advocate for gender equality in inheritance based on various Bible verses and the account of Job, where daughters receive the same rights as sons (*Bible*, n.d.). The biblical creation narrative presents women as equal to men in the eyes of God, as both were created in His image (Fox, 2000).

The Book of Numbers addresses women's inheritance rights, particularly through the story of Zelophehad's daughters. After the death of Zelophehad, a member of the Manasseh tribe who left no sons, his daughters sought to inherit their father's estate, as described in Joshua 17 and Numbers 27 (Fox, 2000). Some interpret the Torah as protecting women regarding inheritance and property rights. The daughters of Zelophehad successfully argued for their right to inherit, despite prevailing patriarchal customs (O. Udoh et al., 2019).

In terms of inheritance and property ownership, the Torah does not by itself discriminate against women; somewhat, the way these regulations are applied has been shaped by cultural norms and interpretations. Christian legal ideas have been greatly influenced by the legal structures that were first created to regulate Jewish affairs. The teachings of Jesus and his apostles recognise the dignity accorded to women, even if the New Testament does not explicitly address women's property rights. According to the Acts of the Apostles and other epistles, early Christian groups frequently shared resources. They lived in communal housing, which may have something to do with how property rights are interpreted today. Furthermore, the biblical story offers a nuanced perspective on women's inheritance rights by fusing progressive ideas with the cultural restrictions prevalent in ancient Israelite legal customs.

### **Women's Land Rights in Sikhism**

In Sikhism, there are no codified religious laws that specifically dictate women's land rights. Yet, the faith fundamentally advocates for the equality of men and women, reflecting a deeply rooted commitment to gender parity. Founded in the vibrant region of Punjab by the revered Guru Nanak (1469-1539 AD), Sikhism embraces a vision of equality where the

rights of men and women are acknowledged as being on equal footing. According to Guru Nanak, those who regard women as less valuable than men face consequences. He emphasises that women actively contribute to the promotion of kindness, happiness, and the moral fabric of society. Considering this perspective, he asserts that women should be treated with respect (H. K Aora, 2015).

The concept of the Khalsa nation, a collective identity within Sikhism, emphasises the equal participation of both genders, underscoring the importance of unity and cooperation among all members, regardless of their gender (*Sri Guru Granth Sahib Ji*, n.d.). Guru Nanak's teachings delve into various aspects of life, including the role and status of women, marking a progressive stance for his time. He eloquently articulated the significance of women, emphasising their integral role in society and spiritual life (*Sri Guru Granth Sahib Ji*, n.d.).

“From the woman is our birth, in the woman's womb are we shaped;

To the woman we are engaged, to the woman we are wedded;

The woman is our friend and from woman is the family;

Through the woman are the bonds of the world;

Why call woman evil who gives birth to the leaders of the World?

From the woman is the woman, without woman there is none”. (*Sri Guru Granth Sahib Ji*, 473 n.d.)

### **Regulation of Non-Muslim Women's Land Rights in Pakistan through the Succession Act of 1925**

In Pakistan, the inheritance and succession rights for Hindus, Christians, and Sikhs are governed by the 1925 Succession Act rather than their own religious codes. In addition to the Succession Act's provisions, Article 2 of the Hindu Law of Inheritance (Amendment) Act 2012 (Act II of 1929) has further reinforced Hindu women's inheritance rights (Government of Pakistan, 2012).

The 1925 Succession Act, a comprehensive legislation, encompasses a total of 391 sections, organised into 11 distinct parts and nine schedules, addressing the complexities of both testamentary (through wills) and intestate (without wills) succession scenarios. The Act explicitly mandates that the personal laws relevant to each religious group determine the heirs and the distribution of shares in cases of intestate succession, ensuring that cultural and religious practices are respected (Government of Pakistan, 2022).

Sections 31 to 49 of the Act contain specific provisions aimed at safeguarding the inheritance rights of women from the Hindu, Christian, and Sikh communities in Pakistan. These provisions are intended to promote gender equality in accordance with contemporary legal standards. The key aspects of inheritance law regarding intestacy are as follows. Firstly, in circumstances of intestacy, a widow has the same rights to inherit her deceased husband's property as an intestate spouse. The widow is entitled to one-third of the entire estate if the intestate decedent leaves behind a widow and one or more lineal descendants. This right rises to half of the inherited property in situations where the intestate has no living children. Secondly, the entire inheritance passes to the intestate's child if there is only one child left. If an intestate has more than one child, the property is distributed equally among them, guaranteeing that sons and daughters are treated fairly when the estate is being distributed. Thirdly, all surviving grandchildren receive a portion of the intestate's estate if they die without children but have grandchildren. Fourthly, the

intestate's mother, siblings, and surviving children all have the right to inherit an equal portion of the estate if the intestate's father passes away. Fifthly, the law mandates that the property be divided equally between the mother and the remaining siblings where the intestate has no children but is survived by a mother and one or more siblings, and no offspring exist from any of the siblings who have passed away (Government of Pakistan, 2022).

The Succession Act of 1925 provides a framework for the distribution of property among a deceased person's legal heirs, addressing both intestate and testate succession. However, the implementation of the Act faces several challenges, including cultural factors, lack of awareness, and protracted legal processes that can hinder heirs, particularly women, from fully accessing their rights. There are calls from minority groups to amend the Succession Act of 1925 to enhance inheritance rights (APP, 2024).

## **Conclusion**

The findings indicate that the principles of Islam, Hinduism, and Christianity confer certain rights to women regarding property ownership. In contrast, Sikhism does not have specified religious laws to regulate women's land rights. However, it emphasises gender equality. Therefore, this research study verifies the claim that "religion makes provision for women's rights to acquire, use or inherit property" (Adekile, 2010). Furthermore, it emphasises the need to change religious decrees about women's land rights to align with modern social standards in patriarchal societies like Pakistan, where property—particularly land—is often viewed as a symbol of social, economic, and political power. In male-dominated systems, women frequently face restricted land rights. Promoting equal land rights for women is considered essential for fostering an egalitarian society.

Islamic doctrines did grant women land rights at a time when they were not typically recognised as having a particular status in society. An analysis of Islamic law concerning women's inheritance reveals that women have historically faced significant prejudice. While Islam permits women to inherit land, it generally provides them with half of the property rights granted to men. Although this framework may seem restrictive, it establishes a level of equality in inheritance between sons and daughters, guaranteeing women a minimum share. However, existing patriarchal structures continue to recognise men as the primary entitled parties to properties acquired during marriage, as Islamic law does not explicitly provide for shared or joint ownership of such properties.

The land rights of women in Hinduism have evolved over time. Historically, due to societal views that saw women as inferior and dependent on male guardians, inheritance rights for Hindu women were quite limited. Although modern legal reforms have aimed to enhance Hindu women's inheritance rights, sacred texts do not address the land or property rights of unmarried Hindu women.

Traditionally, Christian teachings opposed granting daughters the same inheritance rights as sons. However, some Christian communities advocate for equal inheritance rights, citing biblical passages and examples from the Old Testament, such as the story of Job, which illustrates daughters inheriting equal portions.

While Sikhism upholds general principles of gender equality, it does not impose specific religious regulations regarding women's land rights. According to the teachings of Sikhism's founder, Guru Nanak, both men and women should be treated equally.

In Pakistan, the Succession Act of 1925 governs the succession rights of women from Sikh, Christian, and Hindu communities. The legislation aims to protect property rights and prevent gender discrimination in inheritance laws. By establishing clear procedures for asset distribution and property transfer, the Act strengthens women's legal standing in



inheritance matters. As a result, women from various religious communities can more easily claim their rightful shares of family property, supporting the values of justice and equality. However, there are demands from certain minority groups to amend the succession act further to strengthen their inheritance rights.

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