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**RESEARCH PAPER**

## Critical Discourse Analysis of Pakistani Inheritance Law and Justice System for Women

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### ABSTRACT

This research aims to analyze and develop an understanding of discourse of the Pakistani Inheritance law and justice system, where the interpretation of women inheritance rights may have potential to be manipulated. Analysis is done by using Norman Fairclough's model of Critical Discourse Analysis (CDA). Several practical factors of legal interpretation (which are also considered in legal drafting) are covered. The legal language bears power behind discourse that is reflected through specific lexical choices. This research analysis recurrent themes within Pakistani law of inheritance. Pakistani women often find themselves inadequately represented in statistical data concerning land ownership. This unfortunate situation places them at a significant disadvantage across all levels of society. The ownership and control of land play a pivotal role in determining power dynamics, prompting the government to intervene after the split in order to reduce the influence of landowners and reshape rural power structures. Data was gathered from both primary and secondary sources, particularly from Lahore's civil courts and legal drafting. The analysis entails identifying themes related to power dynamics within legal discourse. The Case management of civil cases has been analyzed to access the patriarchal structure.

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**KEYWORDS** Feminism, Pakistani Law of Inheritance, Patriarchal Structure, Women Rights

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### Introduction

The law of inheritance is often seen as a sensitive and controversial issue in Pakistan, particularly when it comes to women's inheritance rights. The purpose is thus to highlight such instances where a clear manipulation of rights is seen and a perspective of truth is 'framed' in order to reach a desired verdict. The decline of the Pakistani justice system is partially due to the creation of an 'objective' truth from multiple 'subjective' truths (of either parties or individuals present in a case trial). Pakistan placed fifth out of six in the South Asian region and 130th out of 139 nations on the World Justice Project's 2021 Rule of Law Index. Furthermore, Pakistan was ranked 126<sup>th</sup> out of 139 for providing fundamental rights and 124<sup>th</sup> for civil justice. These statistics suggest that the Pakistani judiciary system has, no doubt, over the years seen an increase in its systemic shortcomings, and that the justice system in Pakistan leaves much to be desired. Although the Islamic law of inheritance provides for equal distribution of assets among heirs, including women, in practice, women often face significant challenges in claiming their rightful share of inheritance. Pakistani society's patriarchal norms often prioritize male inheritance rights over women's, leading to women being denied their inheritance or facing resistance. The slow legal system and lack of knowledge about their rights further hinder their ability to claim their inheritance.

Salah Ud Din (2010) in his research "Economic Importance of Islamic Law of Inheritance" examines the economic implications of the Islamic law of inheritance, which is based on the principles of equity, fairness, and social justice. He emphasized starting off by discussing the basic principles of Islamic inheritance law, including the concept of fixed shares for various heirs and the prohibition of bequests to heirs. The author notes that these principles are based on the Quran and the Sunnah, and are designed to ensure the equitable distribution of wealth and property among family members. The author explores the economic benefits of the Islamic law of inheritance, arguing it encourages efficient resource allocation and investment in productive assets. They suggest legal reforms, education, awareness campaigns, and Islamic finance for further development and application in modern societies.

The effective enforcement of laws and the protection of individual rights are fundamental functions of the legal system. Legal discourse research has shown that judges and law enforcement can influence the law by using language. (Soboleva, 2013).

**Table 1**  
**History Reforms in the Law of Inheritance**

<b>Time Period</b>	<b>Reform</b>	<b>Key Features</b>
1937	Muslim Personal Law (Shariat) Application Act 1937	In reaction to the persistent request for the substitution of customary law with Muslim Personal Law
1962	West Pakistan Muslim Personal Law (Shariat) Application Act 1962	Agricultural land was included in this legislation, which gave Muslim women the right to inherit any property, including it, in accordance with fixed shares based on their relationship to the deceased.
1961	Muslim Family Law Ordinance (MFLO)	Inheritance-related issues are covered in Section 4 of the MFLO, which states that a son or daughter's children may inherit the portion of their grandfather's property that they would have received if their parent had been living.
2011	Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011	Implemented with the intention of alleviating the marginalization of women's inheritance rights.
2012	Punjab Partition of Immovable Property Act 2012	To prevent the division of jointly owned property from occurring deprived of the awareness of female co-owners.

2012	Punjab Land Revenue (Amendment) Act 2012	The Revenue officer is obligated to promptly notify all co-owners of jointly held land after approving an inheritance mutation, without requiring a private partition plan submission.
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In addition, a variety of governmental and legal impediments impede women from acquiring and holding property. For instance, current inheritance rules are sometimes convoluted and challenging to understand, and many women lack the resources to challenge the current system or are uninformed of their rights. In addition, registering land is sometimes a time-consuming and expensive procedure, and many women cannot pay the registration fees. The lack of access to and ownership of land makes many women susceptible to exploitation and poverty. The Pakistani government has implemented programs to promote gender equality in property ownership and access, such as the Benazir Income Support Programme (BISP) and the Women's Property Rights Act of 2008. However, women still face significant barriers to property acquisition due to the complex legal and administrative frameworks.

## Literature Review

### Sharers in Inheritance

Sharers and Residuaries are the two types of heirs recognized by Islamic law. Residuaries are the people who are entitled to the estate's residual assets after Sharers have been given their allotted share of the estate. Sharers are those people.

There are 12 Sharers recognized in this context, namely: (1) Husband, (2) Wife, (3) Daughter, (4) Daughter of a son (or any lineal descendants), (5) Father, (6) Paternal Grandfather, (7) Mother, (8) Grandmother on the male side, (9) Full sister, (10) Consanguine sister, (11) Uterine sister, and (12) Uterine brother.

### Women's Rights of Inheritance in Pakistan

In many instances, female heirs, particularly in rural areas of Pakistan, are disadvantaged when it comes to receiving their rightful share of inheritance, often in favor of male family members. This discrepancy primarily arises from their lack of awareness regarding women's legal property rights. To rectify this situation, the Enforcement of Women's Property Rights Bill was enacted in 2020, aiming to secure women's rightful inheritance. Furthermore, under Section 498A of the Prevention of Anti-Women Practices Act (2011), any act that deprives women of their inheritance is deemed illegal. Violation of this law carries severe penalties, including imprisonment for 5-10 years or a fine of Rs. 1 million, or both. These circumstances can exhibit differences in unique situations. In Pakistan, women possess property rights on par with men in theory. However, the extent to which they can effectively exercise these rights remains a subject of discussion. This research highlights several socio-cultural obstacles that hinder women from obtaining their deserved property share.

### Rights of Inheritance

Islam ensures women receive their rightful share of inheritance, and these rights are safeguarded by various applicable laws in Pakistan, including the Muslim Family Laws Ordinance, 1961, the Muslim Personal Law Shariat Application Act, 1962, and the

Partition Act, 1893. Unfortunately, the equitable distribution of inheritance, especially for women, has historically been a challenge in our society. In the past, women were often coerced into relinquishing their property rights in favor of male family members. The justification for this unlawful practice was that since women receive dowries and incur significant wedding expenses, they have no legal entitlement to claim a share of the inheritance. However, through various legal precedents established by Pakistan's superior courts, the surrender of rights in favor of a male heir of the deceased has been declared illegal. Section 498A of the Prevention of Anti-Women Practices Act, 2011, explicitly states that "Depriving women of their inheritance through deceitful or illegal means shall be punished with imprisonment, which may extend to ten years but not be less than five years, or with a fine of one million rupees, or both." The table below presents a summary of women's entitlement to property shares as per inheritance laws. It is crucial to emphasize that property division in Pakistan adheres to Shariah principles. Depending on factors such as the number of legitimate heirs, their genders, their interrelationships, and specific circumstances, property distribution can take various forms. Nonetheless, it typically adheres to the following formula as a primary guideline: 'X' in this context signifies the total estate left by the deceased, after settling any outstanding debts, mortgages, or other financial obligations owed by the deceased to any party, regardless of the nature of the debt.

**Table 2**  
**Women's Property Share/Rights Under the Pakistani law of Inheritance**

Individual Woman	Inheritance Right
Daughter	$\frac{1}{2}$ of the brother's share (in case she has brothers) $\frac{2}{3}$ <sup>rd</sup> of X equally divided among all sisters (in case she has one or more than one sisters)
Mother	$\frac{1}{2}$ of X (if she is the only child of her parents) $\frac{1}{6}$ <sup>th</sup> of X (if the deceased had children) $\frac{1}{3}$ <sup>rd</sup> of X (if the deceased had no children and parents are the only heirs)
Wife	$\frac{1}{6}$ <sup>th</sup> of X (if the deceased had brothers) $\frac{1}{8}$ <sup>th</sup> of X (if she has children) $\frac{1}{4}$ <sup>th</sup> of X (if she doesn't have any children)

### **Inheritance & Succession Law of Pakistan**

Inheritance laws and succession laws are crucial in Pakistan, a predominantly Muslim country with a constitution that enforces Islamic law. Inheritance laws ensure beneficiaries receive a share of the deceased's estate, especially in cases where there is no will or the will does not cover all the assets. Succession laws aim to rectify potential unfair treatment of dependent individuals. Currently, only the Succession Act of 1925 and the Muslim Family Law Ordinance of 1961 address inheritance and succession in Pakistani law. These laws are deeply rooted in Islamic principles, incorporating factors such as familial relationships, gender, and religious adherence into the country's legal landscape.

### **Inheritance and injustice**

The study conducted by Livia Holden and Azam Chaudhary in 2013, titled "Daughters' Inheritance, Legal Pluralism, and Governance in Pakistan," explores various perspectives regarding daughters' inheritance. It delves into how daughters are presented in court, the impact of legal pluralism on governance in Pakistan, and the

influence of custom, non-state law, and positive law on power dynamics and governance perceptions. Applying a Foucauldian perspective, the research examines the formation, timing, and transformation of statements, with a particular focus on mechanisms that may perpetuate gender-based discrimination within inheritance laws. The paper highlights the role of everyday arguments in shaping court narratives and judges' viewpoints in legal discourse. It identifies micro-elements contributing to legal discourse, focusing on non-state law and positive law as interconnected aspects.

Similarly, in 2020, Qazi Attaullah and Lutf Ullah Saqib addressed analogous concerns in their research work. Their study, titled "Women's Right to Inheritance in Shari'ah: Flaws in Society and the Judicial System of Pakistan, Not in the Law Itself (A Realistic Jurisprudential Approach)," delves into the ongoing discourse surrounding women's inheritance rights across diverse legal systems. They emphasize the unique importance that Shari'ah places on women's rights. By conducting a comprehensive examination of the work of classical Muslim fuqahā, they establish the widely acknowledged fact that Shari'ah's recognition of women's rights transcends legal boundaries and remains unrestricted, both theoretically and practically. Remarkably, no other existing legal system or its jurisprudence can confine Shari'ah in this particular aspect. Among the array of rights, the right to inheritance holds a central position. As Pakistan functions as an Islamic state, it adheres to Shari'ah principles for the protection and promotion of these rights. However, due to informal societal imperfections and formal deficiencies within the judicial system, the effective implementation of these rights becomes precarious at the grassroots level. Nevertheless, this cannot be attributed to a fundamental failure of Shari'ah by any reasonable interpretation. Their research strongly contends that the shortcomings lie within society itself and the prevailing judicial structure, rather than within the principles of Shari'ah. They extensively rely on the work of both classical and contemporary Muslim fuqahā' to substantiate this incontrovertible hypothesis. Furthermore, historical Islamic jurisprudence is predominantly cited to support their viewpoint. The authors delve into Pakistani societal norms and the judicial framework to further clarify this issue. Their investigation employs discourse analysis as the chosen methodology.

Pakistan's women face challenges in land ownership due to legal, religious, and traditional norms. Despite literature on land use and inheritance rights, women's property rights are often overlooked due to biased interpretations and male-centric customs. Lack of political resolve and data on women's land control contribute to this issue.

CEDAW articles 14, 16, and 17 are accessible through both official country reports and alternative shadow reports. Collaborative initiatives involving the government and civil society organizations aim to promote these principles; however, persistent obstacles hinder their effective implementation. The CEDAW country report of 2007 sheds light on the historical absence of women's land inheritance rights in Pakistan. Despite rural women comprising 48.6% of the rural population, their representation in official reports and documentation remains inadequate, reflecting a limited commitment to addressing their concerns within the national agenda. Meaningful change cannot be solely achieved through policies and agreements; it requires the practical realization of theoretical concepts. Unfortunately, the situations reported in CEDAW documents often do not align with the ground realities.

The primary objective of the article is to examine the intricate position of Muslim women within various domains, including religion, society, politics, family, and the

nation. It aims to uncover how these women navigate through conflicting discourses to assert their identities both as daughters and as citizens. The article places special emphasis on the evolving gendered identity and the status of citizenship, marked by the tension between Shariah laws and constitutional statutes in Pakistan. Furthermore, the study delves into the social construction and regulation of women's sexual autonomy in Pakistan, shaped by legal, religious, and political influences during a specific historical period. The article focuses on the intricate relationship between the processes of building a nation-state and the cultural-political endeavor of Islamization. It explores how courtrooms serve as arenas for shaping perceptions about the nation, Muslim women, and citizenship. A central theme in the article is to clarify how the assertion of women's sexual independence disrupts the traditional notion of the heterosexual, middle-class nuclear family, and consequently, the concept of the nation-state. The complex role of women in different spheres, including the family, community, nation, and state, has had a substantial impact on the feminist dialogue within the legal field.

Khan and colleagues (2012) conducted a case study in District Bahawalpur, Pakistan, with a focus on the empowerment of women, a crucial issue in developing nations. Women constitute an integral part of society, yet their involvement in decision-making and economic activities remains limited. Microfinance emerges as a significant catalyst for enhancing women's decision-making by engaging them in economic pursuits.

Bhattacharya (2014), in her research, underscores that Pakistani society shares similarities with other conservative and male-dominated nations, where the prevailing patriarchal structure seldom permits the other half of the population to prosper and assert their rights. As a consequence, this recurring pattern generates a society that marginalizes women, and Pakistan serves as a prominent case in point. The cultural norms in Pakistan align with those observed in other traditional, male-centric countries. Within such contexts, the prevalent patriarchal system frequently obstructs the advancement and advocacy of women. This trajectory ultimately culminates in a society where women are relegated to a disadvantaged status, with Pakistan prominently illustrating this phenomenon.

Ahmed et al. (2020) explored the objectification of women in Pakistani print and electronic media advertisements. Barthian semiotic analysis on two levels of significance was used for analysis. The results showed that Pakistani advertisements focus on the physical appearance and depiction of women body. Butt (2023) investigated the syntactic complexity of editorials in Pakistani online English newspapers. According to results various production units and syntactic constructions were found in data, for example, the sentence structure of *The Nation* newspaper was more difficult as shown in their production unit length which associates with the greater level of proficiency. On the other hand, the highest level of subordination was evident in *Daily Times* that shows more complexity in the beginning as well as at the intermediate proficiency levels. Ahmed et al. (2020) explored the objectification of women in Pakistani print and electronic media advertisements. Barthian semiotic analysis on two levels of significance was used for analysis. The results showed that Pakistani advertisements focus on the physical appearance and depiction of women body.

Awan (2020), in his study titled "The Role of Civil Society in Empowering Women in Pakistan," shed light on the socioeconomic status of women in Pakistan. Civil society in Pakistan has actively been involved in promoting the social, economic, and political empowerment of women. Despite the presence of a dynamic print and electronic media,

an extensive network of non-governmental organizations dedicated to women's issues, and political parties addressing such concerns, a significant portion of the female population still encounters obstacles in achieving equal standing. It's important to recognize that the concept of women's empowerment is intricately linked to both the transformation of the patriarchal structure of society and a comprehensive interpretation of religion (Islam). It's noteworthy that while the increased emphasis on providing equal educational and employment opportunities has contributed to the well-being of women, it has not yet had a substantial impact on their overall welfare. Even with greater representation in legislative bodies, women have not been able to put forth effective solutions for addressing women's grievances and challenging circumstances yet they have not succeeded in outlining a comprehensive framework for enhancing the socioeconomic and political roles.

### Results and Discussion

Pakistan's national law has made significant advancements in safeguarding women's inheritance rights. Although agricultural land was excluded from its scope, the Muslim Personal Law (Shariat) Application Act of 1937 was a notable advancement in recognizing women's rights to inherit property. A number of additional amendments were made possible by the West Pakistan Muslim Personal Law (Shariat) Application Act of 1962, which also expanded inheritance rights to agricultural land. The Muslim Family Law Ordinance (MFLO) of 1961 also attempted to change the inheritance and divorce laws pertaining to orphaned grandkids. The Prohibition of Anti-Women Activities (Criminal Law Amendment) Act of 2011 made it unlawful for men to use dishonest or illegal ways to deprive women of their legitimate inheritance. The courts have also actively defended this right and shown sympathy for women who have been refused a portion of the family's assets. Even when a substantial amount of time has gone between the times the shares were given up and when the woman disputed the deed, the Court has permitted women to contest the deed in circumstances of voluntary relinquishment. Nevertheless, it is clear that Pakistan's national legislation has made tremendous advancements in safeguarding women's inheritance rights. Women's rights have also received backing from the courts, which have actively worked to uphold them. It is believed that more legislation would strengthen women's inheritance rights.

**Table 3**

**Understanding of Basic lexical choices in law language related to Inheritance**

<b>Description of Key Terms</b>	<b>Significant Role</b>
Succession	Process to establish who the heirs are
Mutation	Process through which land is transferred into the names of ALL the legal heirs.
Partition	The process involves transferring each individual heir's portion to their own name.
Patwari	An individual in the local authority who maintains the ownership records for a specific area as well as to undertake the collection of land taxes
Tehsildar:	A tax officer and revenue inspectors collect taxes from a tehsil for Land Revenue, under the supervision of a Tahsildar, also known as the Executive Magistrate.
LRO	Land Record Officers which have been hired after the digitization of land record system. They are civil servants and have the same grade as a Tehsildar.

ADLR	Assistant Director Land Records
Khaata	Strip number (patti number) of the land parcel
Gardwari	A document containing owner, cultivator, land/khasra number, area, crop, irrigation source, revenue, and rate of revenue is required as proof of ownership twice a year.
Lumberdar	The registered representative of a village community for the payment of the government dues.
Patwar khana	Revenue official office/headquarters
Pattidar	Landowner who owns land on same strip number (see Khaata above) as you.
Gridawar/Qanoongoh Patwar Circles	For administrative convenience, a group of approximately ten are combined to make a new unit called
Gridawar Circle	A system which is headed by Qanoongo. Two to three Gridawar Circles constitutes a Revenue Officer's Circle and it headed by Naib Tehsildaar (Deputy Tehsildaar).
Death certificate	To establish that the deceased is deceased
Succession certificate	To establish the legal heirs of the deceased.
Family Registration certificate(FRC)	To establish the family tree of the deceased.
Fard	Record of land ownership

### Pakistan Land Administration Hierarchy

In Pakistan, the land administration hierarchy is extremely regulated and intricate. The Patwari, who is in charge of maintaining the land records and documenting any changes in property ownership in his region, is the lowest level of government official. The Qanoongo then double-checks the Patwari's record to make sure nothing was missed. The Tehsildar is in control of the Tehsil, oversees the Gridawar/Qanoongo and Patwari, and is in charge of approving mutations. The Assistant Commissioner and the Additional Deputy Commissioner are both responsible for the Tehsildar (Revenue). The District Officer, also known as the Deputy Commissioner manages taxes and land in the District, overseeing income and real estate issues. The Board of Revenue oversees the province's land management system, ensuring proper management and regulation of land ownership and taxation. Punjab's land records have been digitalized, reducing corruption and bribery. The procedure has been simplified by adding LRO and ADLR posts, biometric identification for heirs, and introducing the Family Registration Certificate. However, women often face difficulties in land record mutation due to societal restrictions and limited mobility. Allegations of male family members bringing unidentified women to sign affidavits persist. As the male family members may make sure they secure additional fruitful half of the land and provide their sisters a smaller amount of valued divisions, there is a potential of cooperation between revenue authorities and family members. Notwithstanding these difficulties, it has become increasingly difficult for male members to exclude their sisters from the process as a result of the digitalization of land records. This is because it is more challenging to mimic other women because the biometric verification cannot be changed. The judge will often find in favor of a woman if she can show enough proof that she is the legally entitled heir of the dead. Despite the fact that changing property records can be difficult for women, digitalization of land records has generally made it difficult for male members to exclude their sisters from the process. Additionally, the presence of sufficient evidence can help women to successfully contest the case.



## **Legal Framework**

A legal framework exists that explores the constitutional and international commitments to ensure equal rights and protections for women, including the right to own and inherit property. We consider the Muslim Personal Law (Shariat) Application Act of 1937 as well as different programs and laws designed to advance women's rights in Pakistan. Studies reveal that, in spite of these initiatives, women's rights to inherit, own, and manage agricultural land are still largely unenforced. The legal framework is examined, focusing on the need for governments to take action to ensure equal rights and protections for women, including the right to own and inherit property. The legal framework explores the constitution and international commitments regarding the property rights of women in Pakistan. The policy framework provides various initiatives and policies aimed at promoting women's rights in Pakistan, particularly regarding inheritance and land ownership. Despite these efforts, the legal framework highlights that women's right to inherit, own, and control agricultural land remains mostly unenforced, with studies showing that many women feel it is unacceptable to demand such rights from their families. The issue of women's access to and control over land in Pakistan is a complex and multifaceted one, with various barriers that prevent women from realizing their legal rights. This essay will provide a comprehensive analysis of the barriers that women face in accessing and controlling land in Pakistan, including cultural and legal implications. It will also discuss the inheritance shares of women in Sunni Islamic law and the acquisition of property rights, specifically focusing on the system of revenue and land administration.

## **Socio-cultural implications of the language of Inheritance and Islamic Law**

Socio-cultural and administrative obstacles undermine women's inheritance rights despite Islamic recognition of these rights. Women's access to land is also essential for their social and economic status. Land ownership provides women with a source of income and security, and can empower them to participate in decision-making processes. However, the challenges that women face in accessing and controlling land are exacerbated by their limited access to education and resources, which in turn affects their ability to assert their legal rights. Furthermore, women may face significant cultural and social barriers, including violence and harassment, which further limit their ability to assert their rights and access land. In Sunni Islamic law, women are entitled to specific shares of inheritance as daughters, wives, and mothers. The shares that women receive can vary depending on the sect and family structure. For example, the mother is entitled to 1/6th of the estate if the deceased had children and other siblings, and 1/3rd of the estate if the deceased had no living children or siblings. The wife's share is typically 1/8th of the estate if she has children and 1/4th if she does not. Lastly, the daughter's share is 1/2 of the estate if she is the only child, 2/3rds if she is one of two or more daughters and there are no brothers and 1/3rd if she has one male sibling. The system of revenue and land administration is an essential regulatory system that ensures taxes are collected, land is properly managed, and inheritance is distributed according to legal regulations. In Pakistan, an up-to-date land record is necessary for determining private ownership and taxation, and a detailed land survey is important to measure the exact location and size of the land owned by an individual. Every five years, a Record of Rights is created, which contains a Jamabandi, a Register of Mutations, and other pertinent data. The hierarchy of revenue officials involved in land ownership includes the Patwari, Qanoongo, Tehsildaar, Assistant Commissioner, Additional Deputy Commissioner (Revenue), Deputy Commissioner or District Officer, Commissioner, and the Board of Revenue, which is a Provincial body consisting of members headed by the Senior

Member Board of Revenue (SMBR). The processes involved in land ownership include succession, mutation, and partition. Succession is the process used to establish who the legal heirs are to the land, followed by the process of mutation.

### **The potential Loopholes in the interpretation of law language**

The interpretation of the inheritance law language in Pakistan may create flaws that can compromise women's inheritance rights. The traditional methods, such as oral transfers, covert announcements, and lack of dialogue, can exclude legitimate heirs. To address this, the government has started digitizing land records and setting up Arazi Record Centers. However, Barrister Shah highlights the various forms of inheritance fraud that often remain unaddressed, such as counterfeit gift deeds and changing a woman's ID card to display her husband's name after marriage. To address these issues, a unified database that permits inheritance mutation only once is recommended. Legal heirs have a lifetime right to contest the mutation, and both civil and revenue courts are open to them. The patwari and DC are the ultimate decision-makers, drawing on local knowledge. Legal discourse analysis is a methodological approach that examines language and text to reveal power relations, ideologies, and social practices. In the case of the Pakistani law of inheritance, it reveals the law's gendered nature, bias towards male heirs and class discrimination. The law is more favorable to wealthy individuals, ignoring the broader social and economic implications of inheritance patterns. This highlights the need for legal reforms that address gender and class discrimination and address broader social and economic inequalities.

### **Pakistani Constitution**

The legal framework for inheritance law in Pakistan is established by the Pakistani Constitution. Article 25 of the Constitution ensures equal treatment and protection for every citizen, regardless of their gender, religion, or ethnicity. It asserts that all citizens are equal under the law and have the right to equal protection. Furthermore, the Constitution safeguards the inheritance rights of women. Article 14 of the Constitution guarantees the fundamental right to human dignity for all individuals and explicitly prohibits any form of discrimination based on gender. Additionally, Article 25(2) mandates the adoption of measures to promote the full participation of women in various aspects of life, including politics, education, and the economy.

### **Themes present in the Discourse of Pakistani law of inheritance**

The themes that are present in the discourse of Pakistani law of inheritance include Patriarchal structure, Family honor, Community obligations, Social status, and Religious obligations. The law of inheritance follows a patriarchal structure, in which male heirs are given preference over female heirs. Sons, brothers, fathers, and uncles are considered primary heirs, while daughters, sisters, and mothers are secondary heirs. The law of inheritance is closely linked to the concept of family honor and reputation. Inheritance is seen as a way to maintain the honor and dignity of the family by preserving its assets and ensuring its continuity. The law of inheritance does not only apply to the individual but is also seen as a way to fulfill the obligations and responsibilities towards the wider community. The inheritance of wealth and property is seen as a way to contribute to the overall well-being of the community. Inheritance is also linked to social status and hierarchy. Inheritance of higher status or wealth confers a higher social standing and status, while a lack of inheritance may lead to social marginalization and exclusion. The law of inheritance is primarily based on Islamic principles and customs and is seen as a way to fulfill one's religious obligations towards one's family members.

In recent years, the efficiency of Pakistan's justice system as well as the rule of law within the country has seen a continuous improved yet a decline in justice provision could be seen in terms of case management. This research therefore focuses on one aspect that accounts for this: the deliverance of justice for female litigants, and legal discourse as an obstacle or facilitator of it. A qualitative method approach was followed and fifteen cases were selected for a comprehensive analysis. Getting equal inheritance shares for Pakistani women is challenging due to cultural, legal, and social factors. Islamic law often favors male heirs, patriarchal norms prioritize men, lack of awareness and family resistance hinder women's rights, legal complexities and fees pose barriers, religious interpretations vary, customs override laws, and social stigma discourages women from asserting their rights. While legal reforms and advocacy efforts are ongoing, achieving gender equality in inheritance remains a significant challenge in Pakistan. In many Pakistani families, it is considered customary for sons to inherit more because of deeply ingrained patriarchal norms. So a family might allocate a larger portion of the inheritance to a son to maintain the family's social standing. A woman being aware of her legal rights to equal inheritance might not know that she is entitled to a share of her father's estate equal to that of her brothers. When a woman asserts her right to an equal share, she might face resistance from family members who believe in traditional gender roles. For instance, brothers might object to sharing equally with their sisters. Pursuing equal inheritance can be legally challenging and expensive. A woman might need to hire a lawyer, provide extensive documentation, and go through a lengthy court process to claim her share. Different religious scholars may interpret Islamic law differently. Some may argue for more equitable interpretations, while others may uphold traditional practices that favor males. Cultural practices can override legal provisions. A community might adhere to a customary practice where sons receive a larger share based on tradition rather than Islamic law. Women who assert their inheritance rights may face social stigma and backlash from their community. These findings of research highlight the multifaceted challenges that Pakistani women face when seeking equal inheritance shares, stemming from a combination of legal, cultural, and social factors.

### **Textual Analysis of Pakistani Law of inheritance**

Norman Fairclough's Critical Discourse Analysis (CDA) is a method of examining texts to uncover social and political power structures. It reveals how language shapes and reinforces ideologies, revealing how language can challenge social hierarchies. The Succession Act of 1925 in Pakistan governs inheritance and succession, covering aspects like valid wills, inheritance orders, estate administration, probate, and provisions for minors and unsound minds. The Act outlines rules for how property and assets are to be inherited in cases of intestate succession (when there is no valid will) and testamentary succession (when there is a valid will).

### **Conclusion**

Textual analysis from the framework of critical discourse analysis by Norman Fairclough (1995) the findings stated above suggest the presence of various social structures, the exhibition of politeness, modality, legal disparity, contradiction and metaphorical language in the legal judgments exemplifying them from statements within the legal judgment discourse. Through lexical choices it was noticed that in filing inheritance cases, females underwent a dehumanizing experiences with implicit details about their basic human rights during and after exposed to the world. Similarly, these judgments showcased the taboo and social implications behind asking for justice for a crime committed against women which defames not the perpetrator but the victim

herself. Another aspect noticed was the contradiction present between the Sharia law and the norms of Pakistan penal code implemented in the court of law. Selective inclusion of laws of sharia was seen and selective omission of aspects to issue decree in the favor of the males was noticed which revealed patriarchal superiority in the judgment passed. Understanding the complexity of legal language, what was gathered through judges' interview was that the legal language is a specialized jargon that necessitates it to employ specific vocabulary for the purpose of accurate judgments and clear orders. Lack of legal knowledge makes it difficult for comprehension for the laymen however the court does to keep the language decipherable and not too complicated so that the crux is gathered by laymen. Similarly, in terms of lexical polarity, multiple words were explained by the interviewees/judges who carried contextually varying meaning in the court of law from what normally did in common English. The majority of the participants acknowledged that a case verdict depended on the way facts were framed in accordance to the Patriarchal Pakistani structures, in addition to the facts themselves, led to the inference that the act of enclosing statements itself revealed additional information that facilitated an accurate understanding of the facts, and therefore a correct verdict. In Pakistan, women's ability to assert and manage land ownership is constrained by legal, religious, and conventional regulations. It's important to highlight that women's property rights haven't received adequate attention in the country. Despite abundant literature on topics like agriculture, land ownership, changes in land use, etc., women's inheritance rights remain one of the most neglected gender concerns due to a biased interpretation of the law and deeply entrenched male-centric practices. The results of this research also indicate that land serves as the primary and most crucial resource for sustaining livelihoods within rural communities. Given that women constitute a marginalized segment of society, there is a need to implement policies promoting land ownership to support them. Furthermore, women in rural areas lack awareness of their fundamental rights, often relying on parental guidance for understanding these rights. As a result, their upbringing and socialization define their perceived boundaries. Additionally, women tend to view their responsibilities as limited to household tasks. Village women are even unfamiliar with the concept of individual rights. To ensure the practical realization of women's rights, it is essential to adopt a comprehensive approach to land rights and access to productive resources, integrating gender-inclusive criteria. The judiciary in Pakistan has played a significant role in addressing inheritance rights for women. Over the years, various court decisions have contributed to advancing the legal status and rights of Pakistani women concerning inheritance. The judiciary has taken steps to interpret and apply Islamic law (Sharia) in a way that upholds women's inheritance rights, as provided by religious teachings. Courts have emphasized that Islamic law grants women a specific share of inheritance, and this principle should be upheld in legal proceedings. The judiciary has actively addressed inheritance disputes involving women's rights, setting legal precedents to ensure equal inheritance rights. This proactive approach involves overturning customary practices and biases, guiding legal practitioners and policymakers. Achieving gender equality in inheritance matters requires ongoing efforts from the legal system, civil society, and government.

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