

UNVEILING REGIONAL DISPARITIES AS THE TRUE OBSTACLE FOR WOMEN'S ACCESS TO JUSTICE

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Abstract

This study explores the deep-rooted cultural, legal, and institutional barriers that hinder women's access to justice in Pakistan despite an expanding framework of gender-protective legislation. Drawing upon constitutional provisions, statutory laws, and field data from reports by organizations such as the Aurat Foundation, SDPI, and Awaz CDS, the paper analyses how patriarchal traditions and regional disparities perpetuate discrimination in marriage, inheritance, and family law. Practices such as Vani, Swara, Watta-Satta, and symbolic marriage to the Quran persist across provinces, particularly in Sindh and Baluchistan, despite prohibitive laws. Although reforms including the Punjab Family Amendment Act (2015), anti-dowry legislation, and workplace-harassment laws mark progress, their implementation remains weak due to illiteracy, societal pressure, and limited institutional responsiveness. Quantitative evidence shows a continuing prevalence of customary marriages and women's exclusion from property inheritance. The review highlights the gap between legal rights and lived realities, emphasizing the urgent need for awareness at the grassroots level, harmonization of provincial laws, and stronger enforcement mechanisms to ensure equitable access to justice and protection of women's fundamental rights.

INTRODUCTION

An analytical study of the cultural, sociopolitical, and domestic status of women defines their opportunities and capacity to excel. Research deals with the fundamental, constitutional, and substantive rights of women in Pakistan facing barriers of custom and regional differences and what would be the possible ways to achieve them (Onie et al., 2024). Initiating from the right of life to education, inheritance, free movement, marriage, and profession females are suppressed in Pakistan in reality apart from established and declared rights in the Constitution to regional Acts and Ordinances, and overshadowed by customs and local practices (Abid et al., 2025).

Regional cultural variations are often wrongly associated with Islamic principles, stemming from historical neglect to codify personal law, a legacy of British colonialism, and regional customs, a precedent set by the Warren Hastings Plan in 1772 adopting indigenous customs to mitigate resistance to British rule (Travers et al., 2022). In the 19th century, British authorities in South Asia adopted a decentralized approach to family law to compile local customs and prioritize codified laws, which discrepancy persists despite legislative efforts to clarify and codify rights to date (Buxbaum et al., 2024)

(<https://www.scribd.com/document/798791187/Topic-Title>).

Therefore, under Section 5 of the Punjab Act, it was provided that the rule of decision shall be any custom of any class of persons that is not contrary to justice, equity, and good conscience and has not been declared void by any competent authority, and that the personal law of the parties professing Islam or Hinduism will be given preference. (D. C. Buxbaum (ed.) (Derrett et al., 2021)

Though Pakistan signed many conventions regarding the rights of women, gender equality, and discrimination against women (Gondal et al., 2023). There is no special annual report dedicated entirely to gender equality in Pakistan that is submitted to the United Nations (Lohana, K., et al., 2021). Pakistan does, however, make periodic reports to the UN on its progress on many human rights concerns, including gender equality, as required by international laws and accords (Zaheer et al., 2025).

These studies often address a wide range of problems, such as legislative proposals, policy efforts, programs, and challenges linked to gender equality, women's empowerment, and the preservation of women's rights. They also frequently include information about education, healthcare, political involvement, employment, and abuse against women.

The UN evaluates these reports and provides feedback and recommendations to the different nations to assist them in closing gaps and improving their efforts to promote gender equality and women's rights (Lwamba et al., 2022). Therefore, a fifth periodic report which was due in 2017, had been submitted in 2023, in which Pakistan has tried its best to cope up with all the daunting issues faced by women, and many amendments were made by Govt of Pakistan in the form of legislation in many sectors from marriage registration, assurance of women rights in inheritance through a systematic online procedure, capital punishments for the accused of rapes and laws for the protection of rape victims and witnesses, prohibition of child and forced marriages, declaring customary marriages void, protection against workplace harassment, etc. But still, lack of awareness, education, and many other

obstacles are refraining women from accessing their basic rights (Akhtar et al., 2022).

The women in Pakistan are broadly facing a conservative mindset of immediate family and society which results in confining them to a house or refraining them from getting good education, working independently, or exercising their right to marriage (Imran et al., 2023). The majority of women are still unable to create their own identity they are being named or valued due to some male relation of the family. She is considered to be someone's daughter, sister, mother, wife, or even widow (Williams et al., 2023). Illiteracy and economic and sexual frustration of all genders made workplaces, educational institutions, malls, amusement places, and even houses, unsafe for everyone, especially for females of all ages (Bawri et al., 2024).

Stereotype regional beliefs and misinterpretations of religious beliefs have cultivated the minds of generations that domestic violence or abusive relations are part of life and those who raise voices against them are intolerant (Koury-Stoops et al., 2024). Though Govt of Pakistan took considerable steps in legislating these issues by imposing heavy fines and imprisonment. But still, women who exercise their rights used to face bashing and social boycotts from all corners of society (Akhtar et al., 2022).

The Punjab Family Amendment Act 2015, mandates the filling of all the entries of Nikkah nama subject to fine and penalizes the person who is not licensed to solemnize nikkah. Registration of nikkah is now a must and should be computerized. The Government of Pakistan (GoP) follows a progressive and well-defined agenda for gender equality and women empowerment in the country. Guiding principles for promoting and protecting women are also embedded in provisions of the Constitution of Pakistan. Prohibition of Child and Forced Marriages Acts are passed but there are conflicts of provisional laws as to the age of the minor and some slight differences sometimes create remarkable disputes and justice cannot be served accordingly such as in Dua Zahra's case the age of minor was different in-laws of Punjab and Sindh therefore her parents suffered a lot to get justice.

Contracting marriage for females under age 16 has been illegal in Pakistan since 1961 under The Muslim Family Law Ordinance (MFLO), which also requires mutual consent for marriage, aiming to improve women's status and counter traditional practices (Fatima et al., 2025). Despite legal measures, regional data from PRHS-II reveal significant variations in age at betrothal and

marriage, with Sindh showing the highest rates of early promises, including some before birth (Ulfat et al., 2025). Approximately 31% of rural women in Pakistan married before the age of 16, with 57% promised marriage before this age, showing a disparity in the law's treatment of child betrothals, which remains unaddressed.

Table 1. Prevalence and Distribution of Traditional Marriage Practices in Pakistan

Marriage Practice / Custom	Purpose or Description	Overall Prevalence (%)	Provincial Distribution	Key Sources
Vanni / Swara / Sang Chatti / Badal / Bazo	Marriages arranged to settle blood feuds	12.0%	Baluchistan: 22–24% Sindh: 5–17% Punjab: 0–4%	Aurat Foundation (2013); SDPI (2010); Awaz CDS (2006); USA Today (2014)
Watta-Satta / Pait Likhai	Exchange marriages or pledging a fetus	58.7%	Sindh: 66–78% (highest) Punjab: 44–47%	Aurat Foundation (2013); Awaz CDS (2006)
Bride Purchase / Sale (Bought Marriages)	Marriage where the bride is purchased	7.9%	Baluchistan: 10–17% Sindh: 3–13% Punjab: 0.5–4%	Awaz CDS (2006); SPARC (2007)
Badle-Sullah	Marriage to settle disputes other than murder	1.0%	Baluchistan: 3% Punjab: 0.3–3%	SDPI (2010); Aurat Foundation (2013)
Marriage to the Quran	Practice of symbolically marrying a woman to the Holy Quran (to prevent inheritance claims)	0.1%	Baluchistan: 1%	SPARC (2007); SDPI (2010)
Traditional (Consensual Family Marriages)	Marriages arranged with family approval and mutual consent of couple	20.3%	Not specified	Derived from Awaz CDS (2006)

Twelve percent of marriages were the result of Vanni, Swara, Sang Chatti, Badal, Bazo i.e., to settle blood feuds; 58.7% were Watta-Satta / Pait Likhai i.e., exchange marriages and pledging a fetus; in 7.9% case bride was bought; 1.0% marriages were Badle-Sullah i.e. to settle dispute other than murder and 0.1% women were married to Quran. The traditional marriages, where the wishes of both families and consent of the couple to be married are also considered, constituted 20.3%. The prevalence of Vanni, Swara / Sang Chatti / Badal / Bazo was the highest in Baluchistan (22-24%) followed by Sindh (5-17%) and the least in Punjab (0-4%). The other practices in Baluchistan were selling the bride (10-17%), Badle-Sulah (3%), and marriage to Quran (1%). Watta Satta was most prevalent in Sindh (66-78%), where 3-13% of brides were bought. In Punjab also Watta-Satta was common (44-47%), where 0.5-4% of brides were bought and 0.3-3% of marriages were Budle-Sullah.

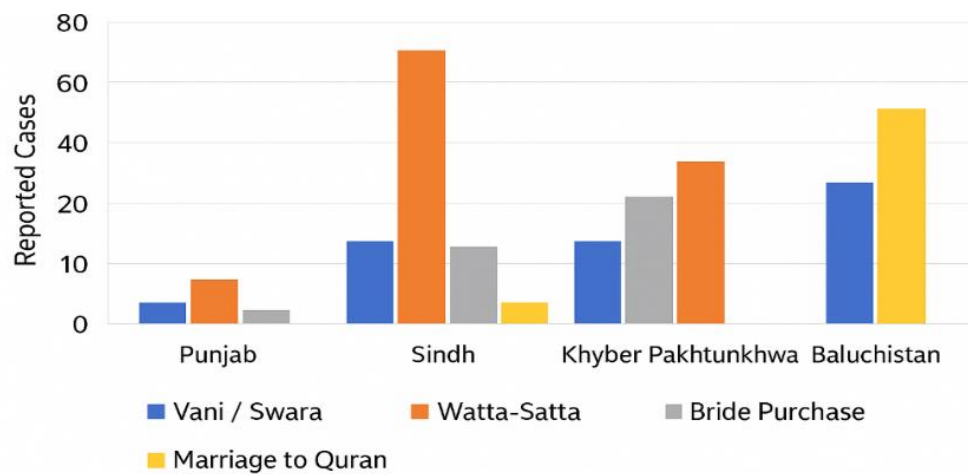


Figure 1: Prevalence of harmful traditional marriage practices by province in Pakistan.

Table 2. Reported Cases from Institutional and Media Sources

Source / Year	Region / Study Area	Reported Cases of Vanni Swara	Reported Cases of Watta-Satta	Other Observations
Aurat Foundation Annual Report (2013)	Punjab	12 cases of Vanni	2 cases of Watta-Satta	—
	Khyber Pakhtunkhwa	10 cases of Vanni	1 case of Watta-Satta	—
	Sindh	72 cases of Vanni	None reported	—
	Baluchistan	None reported	—	—
Awaz Foundation (2004, 2006)	13 Tehsils of Southern Punjab	22 cases of Vanni (2.8%)	251 cases of Watta-Satta (33.2%)	Based on 7,764 participants (3,447 females, 4,317 males) using REFLECT CIRCLE methodology
International Business Times / USA Today (2014)	Nationwide (Pakistan)	132 cases of Swara (2012)	—	Cited by journalist N. Inayat and Z. A. Usafzai
SPARC (2007)	National Report	—	—	Highlights harmful traditional practices including Watta-Satta, Vanni, and marriage to Quran

The Aurat Foundation Annual Report (2013) documented 12 cases of Vani and two cases of Watta-Satta in Punjab, 10 cases of Vani and one case of Watta-Satta in Khyber Pakhtunkhwa, 72 cases of Vani in Sindh, and none reported in

Baluchistan (Aurat Foundation, 2014). The Sustainable Development Policy Institute (SDPI) reported similar findings, noting that most of its data were derived from Aurat Foundation's reports (SDPI, 2010). In 2004, the Awaz

Foundation conducted a study across 13 tehsils of Southern Punjab to raise awareness of discriminatory laws and practices against women, using the REFLECT CIRCLE methodology developed by ActionAid (2015). This study engaged 7,764 individuals 3,447 females and 4,317 males and recorded 779 incidents of conventional customs. Among these, 22 cases (2.8%) involved Vani and 251 cases (33.2%) involved Watta-Satta (Awaz CDS, 2006).

Further media coverage highlighted the persistence of such practices. A report published in International Business Times on 20 February 2014 cited a social activist who identified at least 132 cases of Swara across Pakistan in 2012 (Inayat, 2014). Earlier field observations by Usafzai (2004) and Hashmi and Koukab (2004) also confirmed the ongoing occurrence of Swara and Vani in several rural communities. These studies collectively underscore that despite legal reforms, harmful traditional practices remain embedded in regional customs, particularly in Sindh and parts of Southern Punjab.

As per prevailing inheritance laws women in Pakistan's are entitled to have shares from the property of parents, husband, son, and sometimes siblings according to sharia but they seldom inherit family wealth, particularly land, due to historical and cultural practices favoring males to control over inheritance through the power of attorneys, relinquishment deeds of their right in favor of male members of family or compounded against dowry (Nisar et al., 2025). Females rarely retain ownership of inherited property, with three to four times more likely than those in Sindh to retain inherited land (Rubab et al., 2025).

The study, focusing on paternal inheritance in Pakistan, found that approximately 45% of women whose fathers had died inherited land or significant property, compared to only 5% inheriting from their deceased mothers. The inheritance pattern varied regionally, with higher rates in northern Punjab (58%) and lower rates in southern Punjab. The analysis focuses exclusively on the intergenerational transfer of land. Therefore, in rural Pakistan, inheritance practices remain consistent regardless of family wealth.

Most women inheriting land from their fathers either sold it or granted power of attorney over it, with only a few managing to maintain operational control; similarly, widows inheriting their husbands' land largely relinquished their inheritance rights, often to a son to support patriarchal culture and avoid backlash. Only a minority were willing to claim it but encountered obstacles such as a lack of landholdings or resistance from their family. Despite 95% awareness of inheritance rights, only a minority knew their entitled amount. Most women, approximately 72%, expressed reluctance to claim their inheritance to maintain family harmony, particularly with brothers and fathers, except for those in Talagang, where a significant portion reported relinquishing their shares voluntarily.

Marriage (nikah) holds a central position in Muslim family law, and defines a contract obliging all parties to uphold various requirements for mutual protection (Tamamiyah et al., 2025). Therefore, to avoid injustices, the Government of Pakistan has integrated safeguards for women and girls into marriage legislation, emphasizing the significance of the marriage contract (nikahnama) (Khalid et al., 2025). Reforms were called for and responded to by Aurat Foundation's Legislative Watch Program, focuses on facilitating women's access to divorce and imposing stricter regulations on pronouncement and notification of divorce by husbands (Malkani et al., 2025). Additionally, proposals suggest requiring disclosure of marital status by both parties in the nikahnama to mitigate instances of polygamy. Justice Majida Razvi writes: the Nikahnama should have some additional clauses indicating if the bridegroom is already married, has never married or a widower, or if the marriage has been terminated through divorce in any form the same should be specified (Pamula et al., 2025). Further, if there is any existing wife that should also be mentioned. In such a case the particulars of the existing wife, the name, and address should also be mentioned in the Nikahnama (HASAN et al., 2025).

Further in such cases if the bridegroom has taken permission from the first wife or the competent authority a duly attested document to that effect be produced. Further, if there are any children

from the previous marriage, detailed information regarding the said children and in whose custody the children are, and who is responsible for maintaining them (Saimima et al., 2025). The same particulars can be mentioned or asked about the wife also.” Unfortunately, the majority of women with a nikahnama have yet to read it or had it read to them (Lazarsfeld et al., 2025). Educational level emerges as a significant factor in nikahnama possession, with higher education correlating with greater likelihood (Uddin et al., 2025). The haq meher, a customary provision within the marital contract, serves as a form of severance clause wherein the husband commits to paying a predetermined sum to the wife upon divorce initiation. It often amounts to a mere symbolic gesture, with 30% of cases set at 500 rupees or less. Regional disparities diminish when considering amounts exceeding 2,500 rupees (Waraich et al., 2025).

The dowry and other marital transfers are incomplete, both in Pakistan and globally, and remain a vibrant area of economic inquiry. Though the prohibition of dowry articles settled limitations it is being observed in the substitution of inheritance. Dowry demands, akin to those in India, escalate violence against women. Pakistani experts assert that dowry expectations elevate the value of the bride, and glorification often leads to pre-marriage demands and subsequent mistreatment or violence against her by the in-laws, including extreme forms like burning or killing (Malik et al., 2025). In Pakistan, though legislative measures like the Dowry and Bridal Gifts (Restriction) Act (1976), the Dowry and Bridal Gifts (Restriction) Rules (1976), and the Dowry and Bridal Gifts (Restriction) Amendment Ordinance (1980) took place, yet despite these enactments, enforcement deemed practically unfeasible.

Just to keep the ancestral property within the territorial boundaries of village and barriers of caste, cousin marriages are being promoted. However, due to limited interaction and socio conditions, women are dependent on obeying the

decisions taken by their families. In this regard, a thalassemic patient got married and her children started suffering from the same disease and would die within 10-12 years (Yousafzai et al., 2025). Though the Government of Khaiber Pakhtunkhwa and Sindh took the initiative to legislate and bound the parties suffering from such disease to get themselves checked before marriage and submit the certificate with nikkah registration, non-compliance of which results in penalizing the nikkah-khawah, and avoid the birth of such kids for betterment yet because of the above-mentioned myths and customs regarding marriage and inheritance people are least bothered to opt for this option and resultantly such citizens are burden on the economy of Pakistan (Rauf et al., 2025).

Due to the observance of customs creating a suffocated climate for women in society, many acts of brutality took place in the shape of domestic violence and acid attacks on women, therefore, Govt of Pakistan took initiatives to establish 24/7 help lines in all provinces under the supervision of provincial Governments for victims and legislate for the speedy justice but again our illiterate society and compromising behaviors (on the part of women) to avoid further complexities in the lives of their dear ones discourages them to report or pursue the cases. Our lengthy justice system and non-responsive sites are the root cause of these hurdles for women to access justice (Ali ET AL., 2025).

Our legislative bodies introduced laws for the victims of workplace harassment and announced the punishments and fines as well but yet again people don't feel convenient to opt for the remedy due to cultural barriers which ultimately blame the victim (Frati et al., 2025). Shelter houses are also established in different cities of Pakistan but due to a lack of facilities and unhygienic living standards force victims to either commit suicide or compromise with the situation (Hameed et al., 2025).

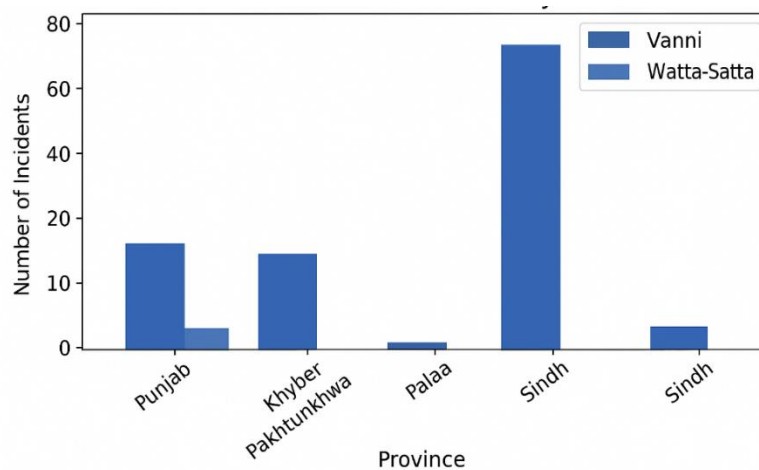


Figure 2: Institutional and Socio-Cultural Barriers to Women's Access to Justice in Pakistan

Following reforms and steps can play a vital role in the implementation of these laws to facilitate citizens. Implementation of the same laws throughout the counties without doubts. Modern and effective laws should be in the field to eliminate orthodox customs. Literacy rates should be high and equal throughout the country and education should be qualitative rather than quantitative to make a difference in the minds and lives of people. The minimum age limitation for marriage should be the same in all provinces. The far most important point for implementation of the law is that legal awareness should be given at all standards in educational institutions and people should know about their duties more than their rights. Cyber laws should be stricter and people should know their boundaries. Workshops should be conducted to teach people how to fill all the columns of marital agreements and other relevant documents. The accused of violence should be under observation and psychological sessions should be arranged for him.

Conclusion:

This study demonstrates that despite progressive legislation and constitutional guarantees, women in Pakistan continue to face formidable barriers in accessing justice. Deeply rooted patriarchal norms, discriminatory customary practices, and weak institutional enforcement collectively obstruct the realization of women's legal rights. The persistence

of practices such as Vani, Swara, Watta-Satta, and symbolic marriages to the Quran reflects a gap between law and lived reality, particularly in rural and tribal areas. While initiatives by organizations such as the Aurat Foundation, SDPI, and Awaz CDS have improved awareness and documentation, the impact remains limited without systemic reform. To ensure genuine gender justice, legal measures must be accompanied by socio-cultural transformation—through education, economic empowerment, gender-sensitive judicial training, and the integration of women into local decision-making structures. Only through coordinated action among government institutions, civil society, and religious leaders can Pakistan move from formal equality to substantive justice for women.

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