

ABSTRACT

“INHERITANCE AND GOVERNANCE IN MUSLIM SOUTH ASIA”

Sylvia Vatuk

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Islamic law (*shari'at*) gives women fixed shares of property through inheritance from deceased parents, husbands and other relatives. But in South Asia women customarily waive their inheritance rights, a practice that has an especially negative impact upon those poor rural and urban women who—for whatever reason—find themselves without a male breadwinner. But a woman who claims her inheritance share from a deceased parent or husband is vilified as greedy and unwomanly and risks permanently alienating her natal kin (in the first instance) or her in-laws (in the second). The governments of both India and Pakistan recognize women's Islamic rights of inheritance and the state courts in both countries will enforce them if a woman files suit against those who are preventing her access to property that is rightfully hers. However, in practice, very few women in either country even consider seeking justice from the courts in such a situation.

This paper is based mainly upon interviews conducted in Delhi in 2011 with Muslim women of diverse socio-economic strata and levels of education, supplemented by reference to the findings of researchers on the topic in other parts of India as well as in Pakistan. It seeks to explain why women in South Asian culture rarely press their Islamic rights of inheritance and why their male relatives rarely voluntarily allot them their shares. The only exceptions I have found are the occasional very devout brother, father-in-law or brother-in-law who is particularly cognizant of his religious obligation to adhere strictly to the dictates of Islamic law, by giving his female kin what is due to them according to *shari'at*.