

Department of Development Studies

Policy Brief No. 27

July 2019

**Pakistan Institute of Development
Economics**

Thematic Focus: Communities and Social Change

The Impact of Pluralistic Legal System on Women's Development in Pakistan: Locales
Rawalpindi and Islamabad – **Umme Ramla Sarwar (2015-2017)**

This research is the product of field research as well as desk review conducted between Fall 2016 and Spring 2018. The thesis of the dissertation is based on pluralistic legal system comprising secular laws, sharia laws and customary laws. The research argues that owing to the existence of this pluralistic legal system the operational efficiency of Pakistani domain of law has been adversely affected. It is also argued that the presence of pluralistic legal system has severe consequences for Pakistani women related issues such as marriage, divorce, and child custody, among others.

Key Findings

1. The study identifies that Pakistan has pluralistic legal system. This multiplicity of law is creating contradictions among laws. These contradictions are affecting women badly. If one legal system gives right to women other negates that right. For example, the state law gives rights e.g. choice of marriage partner, the culture or religion restrict women to get that right; where the culture gives some right the state law or religion negates that, where religion gives some right, e.g. inheritance, culture becomes a hurdle for women to get inheritance right.
2. This study also highlights that women are greater victims of this legal pluralism because they are unaware about their legal rights. They are unaware because they do not have access to education and cultural pressure restricts them from getting exposed to their legal rights. Women are half the population of the country. A country cannot progress keeping half of its population in dark.
3. This study also signifies that courts are not functioning properly. Victim blaming, bribery, corruption, feudal influences have weakened the working of courts. For this reason, women who know their legal rights do not approach courts.

Policy Implications

1. Given the research topic and its operationalization into research questions, it can be said that the current research has theoretical as well as applied significance. The research has generated data which shows the articulation between the evolution and content of women related laws in Pakistan, women's awareness of their legal rights in the country, legal discrimination against women in contemporary Pakistan and the impact of all these on the status of Pakistani women today. This in turn has created piece of scholarship that looks at women and law in Pakistan in a multi-dimensional fashion.
2. This research also has an applied significance. The findings of this research can be used by the nation's law makers who may be able to utilize the information in the light of which legal reforms may be made in the country. The data can also be very fruitfully used by national and international non-governmental organizations working on legal reforms and women's development.