

Article

EVALUATING ECONOMIC RIGHTS OF WOMEN IN AZAD JAMMU AND KASHMIR: CHALLENGES AND OPPORTUNITIES**Dr. Sardar M.A. Waqar Khan Arif***

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Keywords: Women rights, women employment, economic rights, equality, non-discrimination**Abstract:** *The idea of socio-economic empowerment of women is not a new concept. Advocates of women's right have decades long struggle behind this but still women are categorized as a "vulnerable class of individuals" across the globe. Developing countries that are already battling with falling living standards, scant resources and fragile social protection systems are also facing grave challenges regarding women's rights. In this context, the situation of Azad Jammu and Kashmir (AJ&K) Pakistan is no different where women are facing various kinds of vulnerabilities, discriminations, and violence. The Constitution of AJ&K vows for protecting fundamental rights of its citizens without any discrimination. In addition to this, the government of AK&K has adopted various special laws and provisions to protect women's right and has initiated several programs for their empowerment. Despite of this, the socio-economic conditions of women in this region are anything but satisfactory. This study assesses how weak implementation of laws, orthodox cultural practices, misconceptions regarding religious principles, lack of awareness and knowledge among people and poor planning and execution strategies can be considered as prime reasons behind this. This article also analysed dilemmas of women and highlighted different challenges faced by them in exercise of their economic rights.***Received:** 18th February, 2022**Accepted:** 11th March, 2022**Published:** 31st March, 2022**INTRODUCTION**

It is unanimously agreed fact that the progress of country is dependent on its resources and individuals. Investing in basic requirements that include adequate standard of living, food, shelter, sanitation, education, and health is the basic strategy adopted globally to uplift the development of a country, thus endowing in education, health and economic sector has become significant objective of development. Economic stability is considered vital for the progress of country, for this reason the significance of employment and other fiscal rights can't be denied. Hence it can be concluded that progress of country strategically depends on education, economic growth, and wellbeing of public, etc. for this the fair distribution of state resources and indiscriminate dissemination of opportunities

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among individuals in necessary. Interim Constitution of AJ&K (IC AJ&K), 1974 pledges to uphold the notion of fundamental freedoms, and guarantees fundamental rights to the subjects on basis of equality, fairness, and justice. Article 4 of constitution deals with fundamental rights, it specifically includes provision to take such special measures as necessary for the protection of women and children.

Women make almost half of total 4.361 million population of AJ&K, (AJK Official Portal), and no effective progress of territory is possible until empowerment of women is taken seriously. However, women are facing serious challenges in AJK in almost every sphere of life and thus their economic rights are not an exception. Present research is limited to address the situation and challenges that woman are facing with respect to exercise of their economic rights, it will present a brief view of laws and strategies adopted by the government in this regard. The paper will also discuss the key issues adversely impacting the government policies and will brainstorm different proposals to tackle these challenges.

LITERATURE REVIEW

Women's rights and challenges related to their economic empowerment have become the subject of growing research; hence extensive research has been carried on the subject in past, especially since last few decades. Some of the crucial and most relevant among these have taken here as a literature review, this includes Toseef Azid's book titled as "Economic Empowerment of Women in the Islamic World: Theory and Practice" (2020). The book discusses the concept of socio-economic empowerment of women in Islam. There exists a common misconception about Islam that it subjects women to unequal or discriminatory treatment especially in terms of their economic rights however there is no truth in that. In Islam there is no room for discrimination, men and women are considered genuinely equal in eyes of law, and not merely identical in terms of their rights and duties. Hence rights of both men and women are equally protected based on notion of fairness and justice to ensure right balance. The book offers detail discussion on economic role of women in Muslim world.

Women's right to Inheritance plays a vital role in their economic development, the principles of Islam in this regard are based on notion of fairness and justice to ensure full protection of economic rights and interest of individuals. The implementation mechanism of these rights needs to be strengthened to effectively protect fiscal wellbeing of women. (Rubab, 2018). Dowry is a growing concern for protection of socio-economic interests of community at large in general and of women specifically. Dowry can be detrimental to socio-economic empowerment of women and can be a leading cause towards domestic violence. In many threatening circumstances "women commit suicide as a solution to dowry related domestic violence" (Abdul Jabbar et., 2017)

There are various delusions attached to concept of women employment in Islam, ignorance among people and misconceptions regarding the status of women in Islam are leading causes behind this. The situation can be even more challenging for Muslim majority states like Pakistan (and AJ&K), where there exist orthodox cultural practices that unlawfully restrict women from exercising rights given to them by Islam and mentioned in laws of state subsequently. The government needs to strengthen the implementation mechanism of these rights. Similarly, the territories especially those where large population resides in rural areas and where due to cultural practices women of such areas tend to subject poverty and gender discrimination, it is the responsibility of government to take such initiatives as to generate modes facilitating better economic conditions of rural women and to spread awareness among people regarding their rights and duties. Efficient involvement of women at household as well as at workplace is crucial for economic wellbeing of women and development of territory. Islam has presented ideal model to ensure economic empowerment of individuals and development of state. (Parveen and Rubab, 2013).

The report published by AJ& K Bureau of Statistics, 2020 gives detail indicators on prevailing situation in AJ&K in many crucial areas of socio-economic development. Data shows that while government has taken some concrete steps still there is much more to do in order to ensure protection of socio-economic rights of women. SDG VNR, 2019 report shows that government of AJ&K has shown great spirit with respect to effective implementation of Sustainable Development Goals (SDGs). Hence among other SDG targets, the economic empowerment of women and strategies to tackle the issue of gender disparities also remains one of the top priorities of government. Various policies have been initiated by the government to achieve the desired target. The Constitution of AJ&K ensures protection for rights and interest of individuals. Constitution declares Islam to be state religion and requires laws to be drafted in light of teachings of Islam. It extends protection of fundamental rights to women on basis of equality, fairness and Justice. (Azad Jammu and Kashmir Interim Constitution, 1974).

METHODOLOGY

For the purpose of this study, a qualitative research methodology was adopted. An analytical method was followed to analyze relevant provisions of law on the subject. The sources as used for this study included books, articles, reports, international conventions and declarations, technological sources, statutes and relevant legislature.

RESULTS

Economic Rights of Women in Islam and AJ&K Legal Regime

Like other spheres of life women in AJ&K are facing various challenges in exercise of their economic rights too. As discussed earlier women make almost half of total population of AJ&K, hence no significant fiscal development of territory is possible until their economic empowerment is taken seriously. In states with Muslim majority, the economic challenges and discrimination against women is often associated with religion, as there exist a common misconception about Islam that it suppresses the rights of women to advance the freedom of men. The AJ&K Interim Constitution (1974) declares Islam to be the state religion under article 3, similarly article 3-C includes the provision of “Islamic way of life” and undertakes to take such steps as to enable the Muslim subjects, to order their lives in accordance with the principles of Islam. Likewise, Article 31 deals with legislative powers its clause 6 states that “No law shall be repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah and all existing laws shall be brought in conformity with the Holy Quran and Sunnah.” Thus, every law is to be drafted and interpreted in the light of principles of Islam. Hence it is important to address misconceptions regarding status of women and their economic rights in Islam before analyzing the situation of their economic empowerment in territory. The idea of socio-economic rights of women in Islam is different from West and most of other civilizations and religions, and hence lack of adequate understanding about principles of Islam give raise to delusions regarding rights of women, moreover like many other parts of the world there exist patriarchal cultural practices in AJ&K too, these discriminated practices don’t reflect the teachings of Islam. Similarly, challenges like scant resources, ineffective implementation of laws and poor execution strategies also remain challenging in order to safeguard the rights of individuals particularly the vulnerable groups of society.

Islam is a complete code of life; it has presented exemplary model to safeguard the rights and interests of individuals. Hence it has ensured right balance between rights and responsibilities of male and female. Thus, they have equal rights when it comes to protection of right to life, safeguard to reputation and privacy, security of assets, and equality before law etc. while they share distinct rights in terms of share in inheritance, right to divorce, and right to maintenance etc. Likewise, they have equal obligation to play their role toward the betterment of society according to commands of Almighty, the duties assigned to them are distinct with respect to their fiscal obligation towards family, the duty concerning evidence in case of Hudood while they have similar obligation in relation to wellbeing of society, and equal responsibility to avoid social evils, etc. Thus, Islam has based the principles on rules of fairness to certify genuine equality between male and female. The position and idea of economic empowerment of women in Islam has been the subject of repeated arguments with the fallacy that the religion somehow enforces gender inequality. Hence, in terms of inheritance there exist a misunderstanding that Islam has shown discrimination towards women in terms of dividing share, however there is no truth in that. In Islam the male member from his resources is responsible to fulfil economic needs of the family and to pay dower (Mehr) to his wife, while a female has no such responsibility, and she can utilize her financial assets according to her will keeping in view the guidelines of religion.

Discriminatory Cultural Practices in AJ&K (with respect to women’s right to inheritance and dower)

The constitution of AJ&K pledges to protect the economic rights of women, it has thus drafted laws to protect women’s right to inheritance and dower, however the effective implementation of these laws remains a question. Hence the discriminatory cultural practices often neglect the teaching of Islam and laws of territory subsequently. Thus, women in AJ&K are frequently deprived of right to inheritance, and the practice of Dowry is common. Dowry is often believed to be a substitute of inheritance. However, dowry is a cultural practice while inheritance is religious requirement (Rubab, 2018). Moreover, the cultural practice of dowry at times put excessive burden on bride’s family thus making it difficult, especially for low-income families, to marry of their daughters. Similarly, the cases of subjecting brides to torture for brining “insufficient” dowry are also not rare (Abdul Jabbar et. 2017). Besides the dominant role of dowry and other customs, there are certain other factors too that significantly contribute in depriving women of their right to inheritance this include little legal consciousness, slow court procedure due to burden of cases, and inadequate female staff in judicial and revenue departments etc. Likewise in terms of dower too the cultural practices are given preference over the principles of religion and laws of territory.

Islam has guaranteed exceptional protection to wife in terms of her right to dower, she has the right to demand it (if not paid already) or she may willfully forgive it. However, the cultural practices in AJ&K often unlawfully restrict women from demanding dower and such demand by her is associated with greediness and is seen as absurdity. Similarly, incidents of illegally taking dower away from her are also common. In pre-Islamic days, certain amount was paid to the guardian of bride as her sale price and was commonly referred as bride-price. Islam abolished this practice. Still, in some areas of AJ&K and Pakistan this ill practice is continued. The reasons behind selling girls in context of marriage may vary from poverty to greediness, Islam prohibits from trading humans as commodities. There is another cultural practice called “rasmana” or “walwar” which is also popularly called bride-price. Nevertheless, some people maintain that it shouldn’t be confused/translated as sale price of bride or selling her in context of marriage, they suggest that its purpose only is to financially support bride’s family as to relieve their burden of wedding expenses, and bride’s family occasionally receives only a meager portion of the “head-money”. However, some researchers and human rights activists consider this practice detrimental to the rights of women who usually experience hard post-marriage life and are generally treated as slaves, some maintain that the practice is harmful for men too who, owing to these values much higher than their financial status, are subject to great difficulties in arranging it (TNN, 2017). A report shows that while this custom is practiced in Baluchistan and some other provinces of Pakistan, no case of such practice has been reported in AJ&K (NCSW, report).

Traditional Attitude towards Women Employment: Challenges and Prospects

No development in society is possible without women’s contribution in it, this requires their efficient involvement not only in household but also at workplace. A report published by AJ&K Bureau of Statistics, in 2020 titled as “AJ&K at a Glance” shows ratio of employment of male and female in different sectors which is as follow.

Employed Labor Force			
(Percentage)			
Employment by Sector	Male	Female	Total
Agriculture	15.34	4.08	19.42
Industry	25.98	1.19	27.17
Services	47.18	6.23	53.41
Total	88.50	11.50	100
Employment Status	Male	Female	Total
Employers	0.33	-	0.33
Own Account Workers	37.92	2.98	40.90
Contributing Family Workers	3.86	2.62	6.48
Employees	46.39	5.90	52.29
Total	88.50	11.50	100

Table 1: Azad Jammu & Kashmir (AJK) Labor Force Survey 2017-18

There exists a common misperception that Islam invalidates women’s right to work, and this delusion is often related to some Muslim countries experiencing fragile situation of women employment. This viewpoint however is not true, among the economic rights guaranteed to women by Islam, the right to work has an important place. Nevertheless, here too idea of protection of right is significantly different from many other religions and civilizations. Hence in Islam, earning is not primary duty of woman, and this responsibility lies on male members, man is bound to meet the financial requirements of family and woman is responsible for duties like upbringing of children, and to safeguard husband’s assets etc. However, this doesn’t mean that Islam excludes to address women role in employment sector. Islamic concept of women employment allows her to engage in financial activities but not at cost of her family welfare, it ensures that this economic activity does not in any way deprive her children from her affection and attention. Moreover, it should always be kept in mind that family system of Islam directs both male and female to respect each-others lawful desires and to be kind, understanding, and mindful in their affairs. (Parveen &Rubab, 2013).

Islam encourages the economic role of men and women for the benefit of religion, family, and society at large. It appreciates hard work and rewards the individuals for their struggles made in accordance with the teachings of religion. Women are efficiently participating in labor force and are engaging in economic activities in many Muslim majority countries. Saudi Arabia has one of the largest markets and women here also have significant economic power, holding approximately \$12 billion as cash funds. Women currently are engaged in the

manufacturing and retail sector of economy. Moreover, around 55% of the university graduates are female. Around 40% of the employees in finance and real-estate sector are female, in Kuwait. Female workforce participation rate in Qatar is 43%. (Azid et. 2020). Muslim women can also effectively engage in economic sector, of course the directions given by Islam in this regard must be followed. Hence, Islam must not be considered as a barrier to economic empowerment and employment of women, rather it has presented brilliant model to effectively protect their socio-economic wellbeing. An opinion mentioned in Toseef Azid's research states that "the forces that constrain women in the Muslim world are not religion, but culture, social norms, and simply lack of opportunities due to low levels of economic development".

In AJ&K there exist various socio-legal and cultural factors that are adversely impacting women's right to work and are thus affecting the development of territory. The state legislation pledges to safeguard women right to employment, however effective implementation of this remains a challenge. Thus, earning opportunities are not quite favorable toward women, the problem of workplace harassment and unequal wages too remains significant, moreover in non-government sector availing maternity benefit is also challenging, institutions mostly are not welcoming toward new mothers and expelling women out of non-government jobs because of pregnancy is not rare. The issue of non-provision of day care centers prevails in most of non-government as well as government sectors, this also contributes to the sufferings of working women.

Indicator	AJK	National (All Pakistan)
8.3.1 Proportion of informal employment in non-agriculture employment by sex	Total: 73.3% Male: 73.4% Female: 30.5%	Total: 73.6% Male: 73.7% Female: 73.0%
8.5.2 Unemployment rate by sex, age and persons with disabilities	Total: 11.2% Male: 9.4% Female: 30.5%	Total: 5.94% Male: 4.97% Female: 8.95%
8.7.1 Proportion and number of children aged 5-17 years engaged in child labor by sex and age	Ages 10-14 Total: 0.3% Male: 0.2% Female: 0.5%	3.7 Million

Table 2: Azad Jammu & Kashmir (AJK) Policy Brief 2019

In rural areas the issues like long distance to workplace, lack of effective transportation facilities, illiteracy accompanied with cultural barriers and lower economic opportunities increase their miseries. Such women are often more exposed to discrimination and poverty. Majority of AJ&K population resides in rural areas. Developing significant methods as to employing rural women will not only benefit them fiscally but will also help economy of territory. Investing in cottage industry, handicrafts or like methods where rural women can earn working from home can be an option, similarly mostly rural women are found engaged in agricultural activities, but they tend to have very less knowledge on how to utilize their agricultural skills to generate good income from it. Developing policies and initiatives that can help them utilize agricultural skills for economic development can also draw fruitful results. However, participation of women shouldn't remain limited to agriculture, handicrafts or like fields only and their active engagement should be encouraged in other crucial areas like medicine, teaching, science, and technology etc.

Initiatives and Actions by AJ&K Government on Economic Rights of Women: Status and Trends

Over the course of time government has made many significant efforts to improve the condition of women. Various Constitutional provisions, and recent policies with respect to promotion and protection of their economic rights are as follow:

1. Constitutional Provisions

- a. Article 4 of AJ&K Interim Constitution, 1974 provides for fundamental rights and extend the protection of rights to women on basis of fairness, justice, and equality.
- b. Paragraph-I of Article 4 protects right to life and guarantees security of person.
- c. Paragraph-III of Article 4 prohibits forced labor and human trafficking
- d. Paragraph-VIII of Article 4 deals with freedom of trade, business, or profession, and ensures the protection of this right
- e. Paragraph-XIV of Article 4 ensures the protection of property rights of individuals

- f. Paragraph-XV of Article 4 deals with equality before law and pledges to ensure equal protection of law, its clause 2 prohibits discrimination on basis of gender while clause 3 specifically allows the territory to make special provisions for the protection of women and children
- g. Paragraph XVII Article 4 deals with Safeguard against discrimination in services
- h. Article 3, establishes principles of policy its clause D speaks for representation of women
- i. Article 3-F directs the state to take appropriate measures to enable women to participate in all spheres of life.
- j. Article 3-I directs the state to make such provisions as to secure just and humane conditions of work ensuring that children and women are not employed in vocations unsuited to their age or gender, and for ensuring maternity benefits for women in employment

2. Recent Polices and Programs

- a. Sustainable Development Goals Support Unit in AJK
- b. AJ&K Commission on the Status of Women
- c. Women Development Strategic Plan 2016-2020
- d. Ehsaas Undergraduate Scholarship Program
- e. Ehsaas Cash Emergency Programme
- f. Benazir Income Support Programme
- g. Kamyab Jawan Programme
- h. Sehat Sahulat Program (Healthcare Convenience Program)
- i. AJ&K Policy Framework for Empowerment of Women

DISCUSSION

Notwithstanding all the challenges, government of AJ&K is committed to uplift the socio-economic condition of its subjects and to tackle the issue of gender disparity. Government has thus incorporated various mechanism to ensure wellbeing of women and their economic rights, are among its primary focus. In this regard, government's commitment towards achieving 2030 target set by SDG is also a crucial step. Along with its broader aim to achieve global peace, harmony and wellbeing of individuals, the promotion and protection of socio-economic rights of women has been granted special place in SDGs. For effective implementation of SDG 2030 agenda, SDG support units have been established in AJ&K. In order to successfully reach the goals, unprecedented increase in development budget has been witnessed, thus in 2016-17, the overall development budget of AJK was PKR 12.55 billion whereas the allocation for 2017-18 was increased to PKR 23.00 billion, which is remarkable. For the financial year 2018-19, the allocation has been further increased to PKR 25.500 billion (VNR2019, AJK). The concern of SDGs towards women economic rights is impressive. In order to uplift socioeconomic condition of vulnerable groups that include children, orphans, women, and the disabled the Social Welfare and Women Development (SW&WD) Departments have been established. Women economic empowerment centers in 3 districts of AJ&K have been established by the WD Department to improve economic condition of women, which provides training and facilities to homebased working women. The success of project can be analyzed from the fact that over 1500 women have already received skills training that will enhance their incomes and will also significantly contributed to the economic uplift of AJ&K (VNR2019, AJK).

The government fully understands that tackling the issues of gender disparities is paramount to ensure empowerment of territory and development of state subsequently. Vision 2025 thus has special focus on ending discrimination against women and giving them an enabling environment to make best use of their rights. For this State Commission on Status of women has been established at the state level and district committees formed at the local level, with broader aim to address gender disparities and improve circumstances of women. (VNR2019, AJK).

WD Department too is playing a leading role in this regard, the Women Development Strategic Plan 2016-2020, by AJ&K is focused on implementation of inheritance laws, laws related to family rights of women and legislation on women enterprise development. A crucial step towards this is an amendment introduced in Azad Penal Code (Section 498) that expressly prohibits the deprivation of women from inheriting property and punishes the violations by up to 10 years in prison, a fine of PKR 1.00 million or both. Another important step towards this is Bank of AJ&K Scheme by which interest-free loans are provided to skilled women for developing enterprises. Around 50 percent of applicants have started their own businesses through this scheme and have improved their income and living standards (VNR2019, AJK). Other leading programs concerned with economic empowerment

of women include Benazir Income Support programme, which according to a survey has covered around 0.58 million household in AJ&K (BISP, official portal). Furthermore, programs like Ehsaas Cash Package, Ehsaas Emergency Cash/Ehsaas Kafaalat programs too have played a phenomenal role, under which women of all those families would receive monthly stipend of Rs 2,000 besides an emergency cash of Rs 12,000.

Educating women and providing them the best learning environment without discrimination has been one of the prime focuses of government. The initiatives like Ehsaas Undergraduate Scholarship Program is leading effort for providing financial support to the families for education. This scholarship covers 100% of the tuition fee along with a monthly living stipend. A report on student's strength in Medical Colleges of AJ&K shows that among enrolled students 70% are female and 30% are male.

CONCLUSION

The role of women is imperative for development and progress of a nation. Women in AJ&K are suffering multi-dimensional challenges, their issues need significant consideration, and the problem can only be addressed by continuous concrete efforts. The study identifies discrimination on bases of gender, economic imbalances, inadequate employment and education opportunities, and lower access to fundamental needs as some of the major issues faced by women. The reasons behind the plight of women include but are not limited to patriarchal cultural practices, lack of religious knowledge and understanding, poor implementation of laws, weak execution and planning strategies, economic discrepancies, and lack of adequate education and fiscal opportunities. It is the need of hour to identify the loopholes and limitations in existing setup that are threatening the wellbeing of women. For this government should take progressive initiatives and develop effective policies to improve the circumstances of women. Facilitating women's right to health, and education is vital for the wellbeing of nation, likewise ensuring active participation of women in employment sector is crucial for their fiscal empowerment and development of state subsequently. Laws and policies establishing the notion of gender equality should be implemented effectively and where required additional laws and strategies should be introduced to protect the status of women and to ensure their welfare. And while the government has primary responsibility in this regard, the civil society groups, media, non-government organizations and public at large must also play their role. In this regard making investments in girl's education, organizing, awareness campaigns, safeguarding their economic interests, initiating macro-financing programmes, generating greater employment opportunities for females, Inclusion of more female physicians, creating an enabling environment where women can negotiate to exercise their rights, and taking steps to ensure safe working environment can be brainstormed. Patriarchal cultural practices common in AJ&K serve as leading hurdle in challenging socio-economic empowerment of women, role of religious scholars can be very effective in eliminating these orthodox cultural norms. Engaging the role of religious scholars in educating people on Islamic concept of gender equality, women empowerment and human development can bring fruitful results. Similarly formulating such further measures (where necessary) that can enable individuals to better exercise their rights according to teachings of religion will be helpful in best protecting their rights and freedoms.

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