

# Women in Pakistan

Status in Socio-Cultural and Politico-Legal Domains

By

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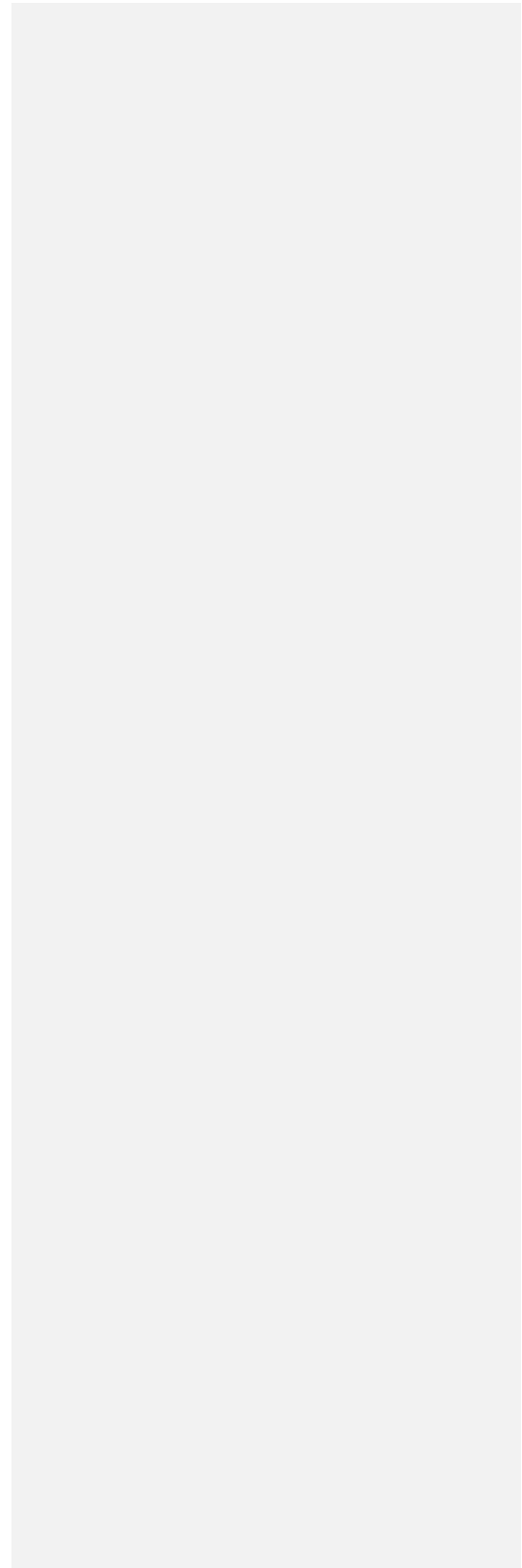
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## **DEDICATION**

**To**

**My Parents,  
Brothers and Sisters**

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## PREFACE

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The culture, violence, politics and law are interlinked and mutually conditioning domains of a society. The four aspects play an important role in determining the respective status of different groups in a particular society. Men and women are two important groups universally inhabiting all the societies. The cultural, social, political and legal aspects of society differentially affect the status of men and women in it. Pakistani society is not an exception to this universal fact.

Pakistani culture is combination of various ethnic, religious and sectarian sub-cultures where women's place and status is very rigidly limited. Pakistan is a patriarchal society where men dominate women in all aspects of social life. The social, political, economic and religious structures and processes serve as the main sources to strengthen and consolidate the authority of Pakistani men in larger part of the society. The same social structures and processes, as dominated by men, do not equally provide for Pakistani women's personal and social development and legal protections. Pakistani women lag behind men in their educational, health, economic and political status. The lower level of personal and social development makes them more vulnerable to different forms of violence and crime as compared to men. The prevailing and overarching patriarchal culture through socialization and strict control reduced any chance of raising voice for protest and retaliation by women to almost none. Rather, the socialization received throughout life makes women internalized the submissiveness and obedience as patriarchal bargaining strategies to maximize their interests within the existing social structures.

The power dynamics show the differential social and cultural upbringing and status of individuals and groups in a society. Pakistani culture through its manifestations in the form of social institutions is responsible for prevailing gender inequalities in the country. Women have to face socio-cultural constraints and they are culturally pushed to stay in home remain mostly busy doing unpaid domestic chores. This way of social organization curtails their chances to enter the public, economic and political spheres of the society. Although, the discriminating social and cultural framework can possibly be altered through focused legal reforms but the law serves the interest of the groups who dominate the law making institutions. As a consequence of their low level of participation in public and political life, Pakistani women are marginally represented in law making institutions. Therefore, the laws formulated in the men dominated institutions are not sufficient to launch the reforms needed for altering the harmful aspects of culture conditioning of differential status of men and women, making the later more vulnerable to violence and crime.

The vicious cycle starts with cultural conditioning of social institutions, assigning differential status to men and women in them, leading to unequal distribution of political power, resulting in formulation of discriminatory laws which again end up in preserving and fostering a culture that differently conditions the status of men and women in society. Therefore, there is a dire need to study, explore and alter the four aspects of culture (in its manifestations in social institutions), violence, politics and law to improve the status of women by curbing the prevailing discrimination and violence against women in society.

Pakistani women's poor education, health and workforce participation leads to their subordinate status making them vulnerable to violence and crime. It further reduces women's chances to reach the decision making and authority positions in society. Thus, women are marginally represented in political and legislative forums. The laws and policies formulated in these political institutions are not sufficiently serving women's interest to improve their educational, social and economic status in society. Therefore, the need is to break this vicious cycle by deliberately giving an equal participation to Pakistani women in political and legislative institutions for formulation of gender sensitive policies and laws that may ensure women's improved participation in social institutions by legally curbing discriminatory social practices and violence against women in broader society.

This book is written as an effort to explore and analyse these interlinked aspect of Pakistani society for better understanding of students and scholars. The book focuses on the impact of culture, social institutions, violence, politics and laws on women in the context of Pakistani society. It provides detailed description of structures and processes with the help of statistics, suitable case studies, and other texts to portray overall status and role of women in social, cultural, political and legal domains of Pakistani society.

**Dr. Naima Tabassum**

**Commented [d1]:** the name is added



## **ACKNOWLEDGEMENT**

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Human beings are social animals. We, as human beings, cannot live in isolation. We are social beings, living and building social networks around us. The people embedded in our social networks are the precious social capital making us enable to perform better. They work as our life support system. There are several people in my social networks who always encouraged me to do good and meaningful things in my life. Their support has also enabled me to accomplish the project of writing this book.

I am fortunate to have most loving parents, very good teachers, precious siblings, supportive co-workers, and a plenty of valuable students. First of all, I want to thank my family; my father, mother, sisters, brothers, niece and nephews, whose support enabled me to reach this place in my life. I could not be what I am, without their precious emotional and moral companionship. I pay gratitude to all my teachers. The most important one of them is Prof. Dr. Yakin Ertürk, who is my academic mother. I feel honour to acknowledge the grooming of my mind and skills on the topics of women, feminism, and research under her guidance.

Being a teacher, I always want to remain as a perpetual learner. This cannot happen without the presence of students in the life of a teacher. I am thankful to all students, I have ever taught, for giving me a forum for discussions, explorations and learning during teaching. I acknowledge the support of Ms. Farkhanda Warsi for helping me to get some case studies and statistics composed on computer to be reproduced in this book. I am also thankful to all the authors, scholars, and organizations consented for their research material to be included in this book.

Of course, this task could have not been completed without the most precious inspirer, contributor and stakeholder of this book that is Pakistani women. Pakistani women give me inspiration and courage to continuously bear, struggle, compete and win the world. Their lives provide me opportunities to build hypotheses, make observation of real life and conclude and recommend better prospects for an egalitarian society.

I am especially thankful to the Higher Education Commission of Pakistan (HEC) for providing me this opportunity to conceive and accomplish this book under its unique initiative of the Textbook and Monograph Writing Scheme. I am thankful to all the reviewers of the book for providing valuable comments and feedback.

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## **LIST OF ABBREVIATIONS**

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|         |  |
|---------|--|
| AJ&K    | Azad Jamu and Kashmir                            |
| AJK     | Azad Jamu Kashmir                                |
| ASF     | Acid Survivor Foundation                         |
| ATA     | Anti Terrorist Act                               |
| ATC     | Anti Terrorist Court                             |
| B.A     | Bachelor of Arts                                 |
| BS      | Bachelor of Science                              |
| ECP     | Election Commission of Pakistan                  |
| FAFEN   | Free and Fair Election Network                   |
| FATA    | Federally Administered Territory                 |
| FIR     | First Information Report                         |
| GB      | Gilgit Baltistan                                 |
| HDI     | Human Development Index                          |
| HEC     | Higher Education Commission                      |
| HEIs    | Higher Education Institution(s)                  |
| HOD     | Head of Department                               |
| HRCP    | Human Rights Commission of Pakistan              |
| ICT     | Islamabad Capital Territory                      |
| ID Card | Identity Card                                    |
| KP      | Khyber Pakhtoonkhwa                              |
| KPK     | Khyber Pakhtoonkhwa                              |
| KTN     | Kawish Television Network                        |
| MPA     | Master in Public Administration                  |
| MPhil   | Master of Philosophy                             |
| MQM     | Mutahida Qaumi Movement/Muhajir Qaumi Movement   |
| MS      | Master of Science                                |
| NA      | National Assembly                                |
| NADRA   | National Database and Registration Authority     |
| NCHD    | National Commission for Human Development        |
| NEMIS   | National Education Management Information System |
| NGOs    | Non Government Organization(s)                   |
| NIPS    | National Institute of Population Studies         |
| NWFP    | North West Frontier Province                     |
| P.B.U.H | Peace Be Upon Him                                |
| PCO     | Pakistan Census Organization                     |
| PhD     | Doctor of Philosophy                             |
| PML(N)  | Pakistan Muslim League (Nawaz)                   |
| PML-J   | Pakistan Muslim League-Junejo                    |
| PPC     | Pakistan Penal Code                              |
| PPP     | Pakistan People's Party                          |
| PPPP    | Pakistan People's Party Parliamentarian          |
| PTI     | Pakistan Tehreek-e-Insaf                         |
| SMS     | Short Messaging Service                          |
| VAW     | Violence Against Women                           |

# CHAPTER - 1

---

## ABOUT THE BOOK

This book is aimed to provide the contextualized knowledge in comprehensive way regarding social, cultural, legal and political structures and processes determining and effecting status of women in Pakistan. This chapter aims to give a nut shell introduction to the background, purpose, methodology and structure of this book. It highlights the aim of writing the book and clearly explains the types of primary and secondary data, methods of its collection, and techniques employed for analysis used in writing this book.

As the multidisciplinary field of women's studies is relatively new in Pakistan, it is forced to accommodate the existing lack of context specific researches, studies and books to include in curriculum for students by relying on foreign authored books or the sporadic topic specific material produced by NGOs and interest groups to satisfy donor's interests. Therefore, there is a need to invest in and produce the local contextualized knowledge based on Pakistan's national ideologies, philosophies, and local realities with an honest criticism of that all.

Accordingly, the intention of writing this book was to provide basic text resource for teaching and learning at postgraduate level in women's studies departments of universities in Pakistan. Accordingly, following the outline provided for several courses offered in Higher Education Commission (HEC) of Pakistan's approved curriculum of post graduate level in women's studies, the book mainly deals with the broader areas of social institutions, socio-cultural and legal violence, the political system, and legal framework determining and conditioning women's place in Pakistani society. In general, this book covers a variety of aspects taught in women's studies discipline. In particular, it addresses following four courses offered in HEC approved curriculum for MS in women's studies according to the prescribed course outline: 1) Violence, human rights and justice; 2) Women, Islamic laws and human rights; 3) Women and the law in the context of Pakistan; and 4) Politics and feminist theory.

Besides this main aim, the book is also helpful for teaching and learning of the following courses offered at the level of BS in women's studies: 1) Introduction to women's studies/gender studies, 2) Feminist/gender theories, 3) Women and gender in Islam, 4) Women, gender and law in Pakistan, 5) Women gender and politics (with focus on Pakistan). These courses are already prescribed in HEC approved curriculum for 4 years graduate level degree of BS in women's studies. Further, the book is helpful for teaching and learning of a course on "Gender Studies" as prescribed in HEC approved curriculum of four years BS in Sociology. It also helps the teaching and learning of the courses of sociology as it offers a great deal of critical analysis and discussion on social institutions, culture, and social problems. It also can be utilized for teaching some parts of the curriculum set for the discipline of social work as well.

The scope of this book includes exploration and comparison of theoretical knowledge and empirical evidences regarding cultural violence against women, laws and law enforcing institutions and women's participation in politics to highlight a potential relationship between the three aspects. The geographical scope includes whole of the Pakistan including all provinces. A time to time comparison of culture, crime, violence, laws, human rights conditions and the political systems within provinces is also made to make the arguments more clear. The time span of the study covers from post independence period till today. Utmost effort is taken to ensure giving local and context specific primary and secondary data collected through interviews and surveys (from secondary sources as well as done by authors) and examples and case studies (available in literature and researches) for supporting arguments and explanations.

The theoretical contribution of the book to existing knowledge is to explore a potential relationship between women's political participation and legislative appropriation to curb violence against women in the country. There is no book covering the topics of culture, social institutions, violence, Pakistani laws and the political participation of women in Pakistan in an interlinked and integrated way. The three aspects are dealt separately either in the form of research articles or in the form of edited books in a large bulk of available literature. The aspect of violence against women is explored in works published in the form of research papers which are dealing with separate types of violence. Ali, Árnadóttir and Kulane (2013) have studied dowry practice and its negative consequences on women in Karachi. Similarly, Anjum, Malik, and Khan (1995) dealt with dowry in marriage arrangements in Faisalabad. Gulzar, Nauman, Yahya, Ali, and Yaqoob (2012) wrote on dowry system in Pakistan. Bukhari (2010) wrote on violence against women (VAW) in Southern Punjab. Jilani and Ahmed (2004) in a chapter of edited book wrote about VAW and legal responses. Andersson et al. (2010) dealt with the barriers to disclosing and reporting violence in Pakistan. NGO reports written by Azhar (2012) and Perveen (2013) provide a nut shell summary of statistics on violence cases. Shaheed, Warraich, Balchin, and Gazdar (1998) in an edited book wrote on law practices and strategies related to women in Pakistan. The report on the Commission of Inquiry for Women (1997) published by the government of Pakistan is also providing patches of information on a variety of topics related to women. These are few works to name and give the reader an idea of existing literature on this topic.

The same sporadic material is available on women's political participation. Bano (2009) wrote on problems of women in parliament in Pakistan. Syed and Tabassum (2014) wrote on women's political participation in Pakistan. Several studies discuss different aspects and levels of women's political participation in Pakistan (Shaheed, Zia, & Warraich, 1998; Shirkat Gah, 2009; Syed, Tabassum, & Afzal, 2015; Tabassum, 2011; Tabassum, Afzal, & Tabassum, 2015; Tabassum, Afzal, Taherani, & Tabassum, 2014). The link between women's political participation and the amendments of laws has also been discussed (Syed, Tabassum, & Afzal, 2013). The legal system and laws are also separately dealt in isolation from political aspects in different research papers. Weiss (2012) wrote on legal empowerment of Pakistan. In the legal descriptions, we find Weaver (2007) writing on shariah laws. Chadbourne (1999) wrote on Zina ordinance in Pakistan. Abbas and Riaz (2013) wrote on legal protection for women. Most of these studies are either written on theoretical or descriptive explorations or on secondary data.

The author has adopted both quantitative and qualitative approaches to data collection and analysis for writing this book. It is based on primary and secondary data. The quantitative and qualitative secondary data is collected through an extensive review of the available reports, researches, articles, books, newspapers, and data already collected by the government and non government institutions such as different ministries, Population Census Organization, Election Commission of Pakistan, police and other legal and law enforcing institutions, Pakistan Bureau of Statistics, and education department, in the form of national level demographic, health, economic & social surveys, compendium of gender statistics for various years, reports and other research papers. The secondary data collected from these sources includes case studies, statistics, photographs, images, life histories, interviews, etc.

The primary data is used from the data bank of the authors collected and utilized in the former researches done on the topics of violence against women, socio-cultural practice fostering crime against women, and the political participation of women at different levels in Pakistan. Three main primary data sets to be utilized here are as follows: 1) the researcher has already conducted a survey with the help of a close ended questionnaire designed as five point Likert Scale developed by the researcher with prior pretesting and reliability check through (Alpha) to explore the attitudes towards socio-cultural practices and causes of crime and violence against women in Pakistan. The data is already collected and entered in the computer and available for statistical analysis to suit the purpose of book as and when required. 2) The researcher has already collected and compiled time series data from different secondary sources and has analyzed it to be used in the research papers written on women's political participation at different forums. 3) The researcher has already done her PhD research work and wrote thesis on women's political participation in local government in District Hyderabad. The primary data collected through In-depth interviews with 53 women

councillors at different tiers of local government has already been thematically analyzed for the thesis work. It can further be thematically analyzed to be used to build the basic arguments of this book. The choice of data and technique of analysis are made according to the aim of particular chapter.

The book has been written with a clear idea of its potential readers in the mind of author. Almost all the public and private universities in Pakistan are offering graduate and post graduate programs in women's studies or gender studies. University of Sind, University of Punjab, Karachi University, Fatima Jinnah Women University, Allama Iqbal Open University, University of Baluchistan, Shah Abdul Latif University Khairpur, Quaid-e-Azam University, SZABIST, Bahauddin Zikarya University, University of Peshawar are to name a few. These departments and institutes, if provided with indigenous literature produced by the local writers and producing knowledge based on local realities rather than the one produced in European or Western context, may teach and student may learn effectively. This book if provided to the libraries and institutions will provide easy access to postgraduate students and scholars to a sufficient body of context specific work on impact of violence, law and politics on Pakistani women's status and human rights conditions in a single integrated volume. In short, all the teachers and students of the women's studies discipline, researcher in the same field, NGOs or the professional organizations doing research or projects related to women in Pakistan are the target readers of this book.

Although, the book is designed to give a comprehensive picture of women in social, cultural, political and legal domains of Pakistani society, but still each chapter has been designed with a separate aim, as already stated above, to focus one particular aspect determining women's status in society. The book is divided into following five major parts: 1) introduction to women's studies, 2) women, culture and social institutions, 3) women and violence, 4) women and politics, 5) women, constitution and law in Pakistan.

The Part-I of the book is aimed to give a brief introduction to women's studies. It briefly explains the nature, scope and contribution of women's studies as a field of study. The link between women's studies and different disciplines is explained to show the multidisciplinary and interdisciplinary nature of this discipline. The especial focus has been on history, sociology, anthropology, criminology, political science, economics, international relations, media studies and literature. These disciplines are discussed here in terms of their contribution to and reshaping from women's studies. It also discusses the challenges women's studies is facing in Pakistan. This part of the book also defines some basic concepts and terms frequently used in women's studies along with a nut shell description of some feminist theories.

The Part-II of this book aims to describe and evaluate women's status in Pakistani culture and social institutions. It highlights women's status as determined by the specific patriarchal culture prevailing in the country. One of the chapters in this part of the book identifies some basic demographic trends to show the sex ratio and women's proportion in Pakistan's national, regional, and age wise population segments. This part of the book describes Pakistani women's status and role in the social institutions of marriage, family, education, health and work in different chapters.

The Part-III of the book is designed to comprehensively discuss the violence against women in Pakistani society. It begins with defining the basic terms of violence and violence against women along with description of different types of violence. This part of the book gives a brief overview of the prevalence of crime and violence against women on the basis of available statistics about reported cases of different types of violence in the country. Besides treating violence in general terms, some of the chapters included in this part of the book specifically focus on violence in family and marriage (domestic violence, forced marriages, etc.), in public and workplace (sexual harassment), and through some prevailing socio-cultural practices (like honour killings and *Jirga*) and acid violence in the context of Pakistan. Finally, this part of the book ends by highlighting social, cultural, political and legal causes of persisting violence and crime against women in Pakistani society. The barriers women faced in reporting the crime done against them to law enforcing agencies are also dealt at the end of this part of the book.

The Part-IV of the book is related to women and politics in Pakistan. It discusses women's status, role and participation level in formal and informal in the country. This part of the book begins

by defining basic concepts of gender, power, gendered order, and the sharing of power among genders in Pakistan. It further briefly highlights the feminist challenge to traditional political theory to indicate the ignorance of the latter towards women. One of the chapters included in this part of the book specifically discusses the share of women's power and say in decision making within family and household. The discussion was taken to the next level by highlighting women's absence and unfavourable treatment in informal traditional decision making councils of *Jirga*, *Panchayat* and *Faislo* at communal and regional levels throughout the country.

This part of the book also dealt in detail with the status and role of women in formal decision making and legislative forums of the country. Here the author has brought forward the major patterns of women's proportion as voters and as political party members in the country. It further discussed the history of women's political participation in senate, national assembly, provincial assemblies and the local governments in Pakistan. In narrating the history of women's political participation the book highlights two different periods of women's participation in formal politics in Pakistan. The first period of women's marginal representation was from 1947 to the year 2000. The second period marked with increased representation of women in formal political forums was from the year 2000 onwards. Finally, this part of the book identifies the factors effecting women's marginal or increased political participation in different periods of history in Pakistan. The recent gains of women's increased political participation, especially the new law amendments to protect women from violence have also been discussed here.

The Part-V of the book is dealing with constitutional and legal provisions effecting women's status in the country. It discusses the fundamental rights ensured for women in the constitution of Pakistan. It also highlights the policy measures the constitution has directed the state to take for the full participation of women in all aspects of social life. This part of the book also focused on citizenship and family laws and their effect on Pakistani women. A separate chapter is allocated to the Islamic law, its sources, and the specific laws promulgated in the name of Islam in Pakistan. Here several Islamic laws (e.g. *Hudood Ordinances*, *Zina Ordinance*, law of evidence, *Qisas* and *Diyat* law, etc) are discussed in details. It also discusses in detail some newly promulgated laws to protect women. This part also highlights the prevailing popular perceptions regarding the insufficiency of law to protect women from violence and crime in the country.

The main theme running throughout the book is a potential link between culture, violence, law and politics to determine women's status in the country. First, the culture determines women's lower status from family to state through socio-cultural practice, norms and patriarchal organization of society. This unfavourable culture and assigned lower status curtails women's access to and participation in different institutions like education, health and work. It filters the resources, opportunities and social capitals when reaching to men and women in different proportions. Besides that, this situation of women makes them vulnerable to crime and violence. Several types of violence are in turn condoned by the cultural setup to keep the status quo of gendered order maintained. The formulation of proper law and its proper implementation to all human beings on equal basis may help to improve women's position. But, unfortunately, the decision and law makers in formal and informal political institutions are dominantly men. The absence of Pakistani women from membership positions in formal and informal avenues of political and authority positions led to the policies and laws that are not to serve the interest of women. Rather, the laws formulated in male dominated institutions happen to consolidate the power of men over women. It means women's political participation is crucial to formulate better laws for the protection of women from violence in the country. In short, it is important to pay attention to ensure women's equal participation in all basic social institutions (especially in political forums) to improve women's condition in Pakistan.

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## CHAPTER - 2

### INTRODUCTION TO WOMEN'S STUDIES

Women's studies is a field of study that brings women to the centre of all knowledge and inquiry. It focuses on the status of women in society. It also explores the strategies and policies that may help to improve women's conditions in society. The subject of women's studies has been introduced as part of academic world just before a half century earlier. Therefore, there is still need to generate and link the new scholarship related to all aspects of social life. It is a multidisciplinary subject that is linked to almost all fields of knowledge and inquiry. It is closely linked with different disciplines of social sciences such as sociology, economics, criminology, political science, etc. The women's studies courses and programs are also introduced in Pakistan just a few decades earlier. These programs and courses are still considered as a side business to the main academic mainstream of the universities. Women's studies is facing certain challenges to get established as a major discipline of study, linking and transforming all other already established academic disciplines. Accordingly, this chapter introduces the reader with the subject of women's studies, its history, basic assumptions, and relationship with other disciplines (especially with sociology, criminology, law and political science).

#### 2.1. WOMEN'S STUDIES AS SUBJECT OF STUDY

Women's studies may be defined as interdisciplinary field dealing with the topics related to women, gender and feminism. Women's studies, as a discipline, can be defined as a field of study focusing on the subjects and issues related to women, their role and contribution to society and in history. It explores and examines women's status along with possibilities of improving their conditions in society. To achieve this end, women's studies assume a multidisciplinary nature that encompasses all the relevant fields of knowledge that can highlight and in turn determine or impact the lives of women in any society. It includes any piece of knowledge that highlights the status, role, rights, contributions, and participation of women in different aspects of social life such as in personal, social, cultural, economic, political, religious, recreational, scientific, technological, etc. In short, women's studies includes the scholarships that deal with position and treatment of women in broader society. It views the world from a particular lens of women. This field of study breaks the traditional notion of men as "humans" and women as "others". It aims to remove the inherent androcentric bias pervading in all knowledge human beings possess in today's world.

Women's studies, as a discipline, focuses on to investigate the experiences, perspectives, standpoints, and contributions of women. It places the women at the centre of inquiry. The main stance of the women's studies is that the world cannot be understood comprehensively without understanding women's experiences, perspectives and contributions. Any effort to understand the phenomena related to our societies without inclusion of women's lives in that will lead to incomplete and biased knowledge. The multidisciplinary nature of women's studies advocates for adoption of methods and materials for analysis of different social institutions to re-interpret the social facts and realities already established with the male dominated ideologies and a gender blind glance. It highlights the different effects of the social institutions and processes on men and women resulting in hierarchically different conditioning and privileges men and women are entitled to in our societies.

One of the important contributions, the discipline of women's studies have made to the academic knowledge, is the introduction of gender as a basic concept and essential category to understand every social reality. Women's studies has also brought attention to the concept of gender and the broader field of gender studies focusing on the different influence and impact of

social construction of gender on the lives of men and women. Women's studies places gender as central aspect of human existence.

Till the late 1960s there were no formal courses offered on women's studies in colleges and universities. Whatever the curriculum and courses were being taught under different already established disciplines were also based on men's experiences, explorations and interpretations of human existence. Women were either absent from all the knowledge banks or they were sporadically appearing as shadowy, marginal, supportive, subordinate and as "other" figures. It was only after the late 1960s, when the following basic questions started appearing in academic discipline within academic books and class rooms: where are the women?, how women feel and think about it?, why it is different for women?, and why not women?. It took almost half a century, when today's women's studies departments get established and women's studies programs and courses are being offered in formal academic institutions all around the world.

These women's studies programs emerged out of the feminist movement of the late 1960s and 1970s. The basic assumptions behind these programs include that women's experiences are worth learning. Women's lives and conditions can be improved by studying their experiences. The introduction of these programs was very political. The aim behind this political effort was to help change the way women and men both think of women and their lives, and take initiatives to build a more better, healthy, and happy society for all human beings.

## **2.2. WOMEN'S STUDIES AND OTHER SOCIAL SCIENCES**

The growth of women's studies courses and programs has generated two additions to the scholarship and knowledge. On the one hand, the increasing consciousness on women and their lives has led to introduction of the courses and sub-fields of studies within already established disciplines, such as women and literature and sociology of women. On the other hand, it has led to generation of scholarship and knowledge of an interdisciplinary nature that breaks and blurs the boundaries of already established disciplines. The results are apparent as the inclusion of women's studies as a treasure of knowledge based on women's experience, perception and contributions is rapidly transforming the nature, theory and practices of already established disciplines.

The bulk of this interdisciplinary knowledge has led to the introduction of a variety of women's studies related programs and courses to be offered, including courses like women and culture, women and work, women and law, women and politics, etc. These courses utilize the theories and practices from other disciplines to explore and explain women's lives. Therefore, it is evident that women's studies as a multidisciplinary field of study is linked with all fields of knowledge and science. Some of the important fields of social science closely linked with women's studies will be discussed in the following paragraphs in detail.

### **2.2.1. Women's Studies and History**

History is a discipline that studies the chronological history, the important events, gradual change and development in different societies. The discipline of women's studies is linked with the discipline of history. It is important to explore the historical processes responsible for different status of women in different societies. It is also important to highlight the factors in history effecting to reduce women to the subordinate and submissive positions in various societies. The different impacts of historical developments and the role of women in history also demands to be studied in detail.

Traditionally, the discipline of history builds on the subject matter related to the visible public sphere including mostly men occupying this public space, their political struggles, formal political parties, wars, economy, disasters, etc. It completely ignores the private sphere of domestic world where majority of the women spend a large part of their lives. The history written by keeping the men in centre and women in veil somewhere on the edges of the history is not complete and truthful record of social and historical events. The need is to rewrite the history by including women's standpoint to complete what was missing from it in past.

### **2.2.2. Women's Studies and Sociology**

Sociology is the study of human behaviour and society. It studies the social structures and the dynamic processes going on in any society. It focuses on different institutions, groups, their behaviours, and processes of change continuously shaping and reshaping a society. The discipline of women's studies is closely linked with the field of sociology. Keeping in view the importance of women in society, the sociology of gender and the sociology of women are emerging as important sub-field studied under the umbrella of sociology. Women's studies demands a closer look to explore women's status and role in several social institutions (e.g. marriage, family, media, politics, work, religion, education, etc.) and the social processes effecting women's lives.

Culture is an important phenomenon to be studied in the discipline of sociology. It is equally important for women's studies. The culture of a particular society plays an important role in determining women's status and lives in that society. It affects almost all aspects of a woman's life ranging from her nose pin hole, dress, food, work, marriage, family life, public space appearance to power and position assigned to her in the parliaments and state machinery of several countries.

### **2.2.3. Women's Studies and Anthropology**

Anthropology is the study of culture. This discipline focuses on different cultures prevailing in past and present civilizations. This discipline is linked with women's studies when exploring and comparing the status of women in different societies. It also sheds light on the minute details of a woman's life conditions determined by cultural values, norms and practices prevailing in a particular society.

### **2.2.4. Women's Studies and Criminology**

Criminology is the study of crime, criminals and the law enforcement agencies to curb and control the crime in a particular society. Women are also involved in crimes either as perpetrators or victims throughout the globe. There is a large category of crimes called as gender based violence or violence against women. Violence and crime against women have attained an international recognition as a human rights issue. Several socio-cultural practices are also resulting in crimes against women in different societies. The infrastructure, processes and rehabilitation facilities for women and girl prisoners are also important subject of study. At the same time, the discipline of women's studies when focusing on crimes and violence against women or women as the criminals is forced to borrow the literature, material, and techniques from the discipline of criminology.

Penology is an important element of criminology. The laws, legislative processes, the legal procedures and the law enforcing infrastructures and institutions are the focus of penological studies. These all aspects of penology are said to be differently affecting men and women in society. The laws are mainly formulated by men dominated political and legislative institutions. Therefore, they are more likely to serve the interests of men as compared to women. The legal procedures are also complex and lengthy enough for women to access the justice. The study of laws, legislative processes, and justice systems for respective impact on women in a society is an important aspect of women's studies.

### **2.2.5. Women's Studies and Political Science**

The power dynamics are visible in each and every social encounter. There is an ongoing process of power sharing among human relations and interactions in all sorts of situations; ranging from the power dynamics among children playing in a play ground, between husband and wife in marriage relations, to the regional and international politics between northern and southern countries. Women and men are the two important characters comprising each social encounter. The power dynamics between these two genders is the most important feature of social life.

The traditional political theory is talking about formal political institutions such as political parties, states, parliaments and the foreign policies to control the powers of the other countries. On the one hand, the discipline of political science, in its traditional way of dealing with the knowledge,



considers politics as a men's domain. Politics is mostly considered to happen in the public sphere. On the other hand, the same political theory forgets to bring into light the politics of gender; the hierarchical sharing of power between men and women within both private and public spheres in society. It fails to highlight the politics of segregating women inside the private sphere of home and excluding them from public sphere; thus, also excluding them from holding the formal power and authority.

The discipline of political science focuses on the structures, institutions, and sharing mechanisms of formal and informal power among people, groups, states, regional blocs or at global level. The power dynamics at all levels in society are differently affecting women's lives. Women's studies also focuses on women's role and status in formal and informal decision making. It explores and criticises the patriarchal structures of society in which men almost universally and historically dominate women. One of the most important criticisms made by women's studies on women's exclusion, absence or marginal representation in formal political institutions (e.g. parliaments) has awakened the global concerns about the need of women's equal share in political forum for the better and egalitarian society.

### **2.2.6. Women's Studies and Economics**

Human beings have to manipulate natural resources to earn and secure livings for their survival. Economics is the study of these resource, their management, manipulation, and modes of production for economic survival of human beings at both micro and macro levels. Women's access to economic resources, their control over money and property, their labour force participation, gender gap in income and wages, the double burden of unpaid work at home in addition to paid work outside home, their unpaid services as labour in family business and agriculture, their disadvantageous conditions in formal industrial sector, the problems of sticky floors (i.e. the segregation at lower levels of work hierarchy) and glass ceiling that hinders women's access to highest administrative and executive office are some of the areas simultaneously studied under both economics and women's studies. Women's studies is concerned with the different access to and control over resources and opportunities by men and women and the dire consequences of different division of labour on women's overall status in society.

### **2.2.7. Women's Studies and International Relations**

The field of international relations has long remained gender blind in its scholarship. The feminist works to show the inequality between women and men in the discipline of international relations and the similar phenomena studied under this discipline were late comers. The long persisting practice of excluding women from diplomatic services and the marriage bar on women for entering such services were the aspects women's studies or the scholars of international relations with a feminist perspective had highlighted. There are few women present in different state's executive power positions. The less representation of women in executive offices of the states with a consequent men's domination in at this level results in a masculine domination of foreign policy, interstate relations, and overall international relations.

### **2.2.8. Women's Studies and Media Studies**

There are different patterns of representation of men and women in print and visual media. Mostly men are presented as active agents with all power and authority in a decent way. While women are mostly represented as sex objects, illogical, sensitive, emotional and as a beautiful object that may help to sell good by attracting the people. Besides producing different gendered images, the media is also addressing men and women as different groups of audience having different interests. For this purpose, media is presenting different types of programs for men and women as different groups of audience. The emotional dramas about the domestic affairs and politics, and the morning shows are spreading in electronic media as the programs for women audience. These programs also determine the prevailing fashion, and trend for women's clothing and hobbies in daily lives. On the other hand, men are considered to be more attracted towards sports and news channels.

The different representation of men and women in media and the different impact of media on both the genders is a focus of women's studies. It borrows theories and methodologies from the discipline of media studies to apply for the purpose of highlighting that how media is affecting women's status and position in society.

### **2.2.9. Women's Studies and Law**

The discipline of law is mostly focusing on courses offered to teach different laws and legal procedures in any society. The laws formulated in a men dominated legislative institution may not equally be advantageous for men and women. Therefore, the discipline of women's studies also looks at the laws and legislative processes from the perspective of the women and their status in society. Using the material and methodologies developed for the field of law, the discipline of women's studies highlights the differential impact of laws and legal procedures on women as compared to men.

### **2.2.10. Women's Studies and Literature**

The main body of the existing literature comprise of the works written by men in past. Majority of the literary works considered as classics were produced by male writers. Women's writing were never given such an importance in past. Therefore, their writings vanished with the passage of time from the available and historically lived records. Now the feminists scholars are doing efforts to bring in front the classic works of women writes done in past and were buried under the dust of history due to the dominant ideological acceptance to men's view point. The scholars placed and working in the discipline of literature are also getting influenced by the feminist perspectives. They are taking efforts to highlight the presentation of women in literature, and thus conditioning their lives in social world.

## **2.3. CHALLENGES TO WOMEN'S STUDIES IN PAKISTAN**

Women's studies, as a discipline of academic studies, has not emerged out of women's movement in Pakistan. Rather, its beginning may be traced back to an initiative taken by the Ministry of Women's Development in 1989 for the establishment of separate departments in five universities as a five year project. Therefore, the discipline is relatively new in Pakistan. It is observed that the newly established field of women's studies in Pakistan is facing several challenges to maintain itself as an academic field of research and learning. Some of the main challenges are discussed here. First, the traditional notions towards and social acceptance for such a field of study in a classic patriarchal society like Pakistan are difficult to break and achieve, respectively. Second, there is lack of understanding about the interdisciplinary nature and scope of the women's studies. Third, the women's studies departments and institutions are still in their formative stages and lacking in resource material required for specialized teaching, learning and research on this subject. This challenge can easily be understood with the lack of indigenous material developed to satisfy the needs of curriculum. Finally, there is still need to explore, understand, and establish the crucial link between women's studies and the social development of the society and country. It is required to accept and understand the importance of the subject of women's studies that has a critical lens to view the society and emphasize its reformation for the purpose of equitable and sustainable social development. This critical and reformatory stance brought forth by the generation of knowledge from scholars, who keep the women's perspectives in centre, has challenged and to some extent changed the theoretical, ideological, practical and social construction of several societies around the globe. A detailed discussion on these challenges is given below.

### **2.3.1. Fighting Against the Traditional Notions**

One of the important challenges for women's studies is to fight against the traditional notions already established against the discipline of women's studies in Pakistan. First, women's studies or gender studies are challenging the already established traditional knowledge and practices. The

discipline strives to change the unfavourable established notions and remove the confusions. The traditional knowledge was produced and promoted by individuals and groups in which women were not equally represented. These ideologies and practices have a strong foothold in our society. Any criticism and suggestion to change these traditional practices is usually faced with resistance at all levels of our feudal and patriarchal society.

Second, the discipline is still confused to chose between the labels of “Women’s Studies” or Gender Studies” to be more acceptable and attractive in our societies. Once an In-charge of the women’s studies department in a public sector university shared her concerns about enrolment of students in the department by saying that usually male students consider this discipline as “the study of women” (*Maiann jee study*), that should be done by women. Therefore, this discipline is not considered suitable for male students to study. Later, the department In-charge and university administration got the department renamed removing “women’s studies” by including the words “Gender studies”. Although, the title of Gender Studies entails a more holistic and encompassing approach and acceptance for society and students but still they are concerned about the potential of the degrees earned from these departments for providing them a successful career in labour market after leaving university.

Third, anyone talking about equity among men and women is condemned and looked from the religious and traditional leaders as someone promoting the western culture and doing a conspiracy for making women rebellion from the prevailing social norms. The NGOs working on such issues are not availing good reputation from the above named sectors of our society. Such little incidences and examples show that people still have unfavourable traditional notions about the discipline of women’s studies which create barriers in its social acceptance and achieving full potential in Pakistan.

### **2.3.2. Lack of Understanding about Nature of Women’s Studies**

Another important challenge the women’s studies discipline has to fight with is to the already established sealed boundaries between various social science disciplines. We have already discussed that women’s studies is a multidisciplinary subject that breaks the traditional disciplinary boundaries among social sciences. There is need to understand the multidisciplinary nature and scope of the subject and to promote and establish the linkages with those scholars working in other social science disciplines.

### **2.3.3. Lack of Indigenous Material and Resources for Curriculum**

The academic field of women’s studies is relatively new in Pakistan. It is experiencing the existing lack of context specific researches, studies and textbooks for students. The discipline relies on foreign authored books or the sporadic topic specific material produced by NGOs and interest groups. Therefore, there is need to take deliberate initiatives to produce local contextualized knowledge based on Pakistan’s national and local realities.

Women’s studies departments and institutions have been established throughout Pakistan. But still these institutions are lacking in contextualized knowledge in the form of books. The most reliable Pakistan specific formal resource list available to teachers, researchers and scholars in the discipline of women’s studies is the HEC approve curriculum (2011-2012) for this discipline and the suggested list of readings and books in it. If we just go through that resource list, it is found that very few books or research articles listed are written by Pakistani writers. Most of the listed books are written in other countries and by foreign authors. Thus, newly established women’s studies or gender studies institutions are heavily relying for teaching and learning purposes on foreign authored books and researches written mostly in European/Western context or junks of knowledge produces by donor focused NGOs in Pakistan. It is need of time to produce scholarly research work and textbooks in this field to give rise to indigenous resource bank for students and researchers to consult and further contribute to the rapid development of this discipline.

The general books on gender studies and feminist theories are mostly written by foreign authors. Johnson (1997) wrote on the features of patriarchy. Millet (1970) wrote on sexual politics

from a radical point of view. Dr. Riffat Haq, Head of Gender and Women's Studies Department in Allama Iqbal Open University, in a roundtable in a study group on gender issues organized by Institute of Policy Studies, aptly iterated that "The subject and related theories evolved in the west and are generally being understood from those perspectives. The subject is being taught in Pakistan on the same pattern and with almost the same content as in Europe and other countries". She further suggests that the absence of indigenous content produced by the indigenous writers nullifies all the effects of this academic excursion. Therefore, it is a dire need of time that indigenous and contextualized material be developed on this subject by the local authors to contribute knowledge from the perspective of Pakistani society and its indigenous peculiarities and values framework.

#### **2.3.4. Implications on Social and National Development**

It is observed that women's studies discipline has not yet been seen in the perspective of its implications on and link with the national and social development in Pakistan. It is important that women's studies should be given due credit for its potential to give input and provide resource for policy formulation and implementation of social development initiatives for achieving equal benefits for all segments of society, especially for the underprivileged and marginalized.

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## CHAPTER - 3

### SOME BASIC CONCEPTS AND THEORIES

During the different periods of feminist movement, growth of the women's studies programs and courses, and production of knowledge based on women's experiences and perceptions, feminist scholars found themselves with inadequate vocabulary that they have been inherited with from knowledge banks produced by men in past. Even sometime the feminist writers found themselves not satisfied with the meaning of existing terms. Therefore, they deliberately took measures to coin new terms, redefining the existing words, and reformulating the explanations of the existing terminologies and vocabulary. Therefore, this chapter is aimed to introduce the reader with some basic terms and concepts that are crucial to understand the subject matter of women's studies. It further intends to provide an understanding of different feminist theories. These terms are frequently used in the materials used to teach and learn in women's studies courses. The understanding of these basic terms and concepts will also help the reader to easily understand the material and arguments presented in this book. The feminist theories discussed in this chapter will make the reader understand the theoretical background of the discussion done in forthcoming chapters. These theories will highlight the basic assumptions on the causes and consequences of women's existing status in society, violence against women, and exclusion from the avenues of power and authority and the unfavourable legal framework that determines their life condition in society. The orientation to these theoretical assumptions will help the reader to understand the forthcoming chapters of the book.

### 3.1. BASIC TERMS AND CONCEPTS

#### 3.1.1. Androcentrism

The term "Androcentrism" refers to practice of considering man or man's interests and point of view as central. It regards men and male sex as central and primary. It is a consciousness or world view that centred or focused on men and masculinity but neglecting and excluding women. It is a practice or consciousness that places men's point of view as central to the world view. It views, defines, explores, explains, interprets and records everything according to male lens. Pilcher and Whelehan (2004: 1) defined the term androcentrism in following words:

"[A]ndrocentrism literally means a doctrine of male-centeredness. Androcentric practices are those whereby the experiences of men are assumed to be generalisable, and are seen to provide the objective criteria through which women's experiences can be generalize and evaluated".

Androcentrism highlights the practice of emphasizing on masculine interest and point of views in all aspects of social life as the standard and ideal type. It leads to the implication of conditioning women's practices as not normal and ideal which need to be re-conditioned in accordance with what has been defined by keeping masculine interest in centre.

#### 3.1.2. Gender

Gender refers to "a way of denoting "cultural constructions"" about appropriate roles for women and men (Scott, 1986: 1056). Krauss (1974: 1706) explaining gender as referring to "political socialization the child will receive, the law which he or she will need to abide by, the differential distribution of social values, and the micro and macro power relations of men and women". Gender refers to the socially assigned roles, behaviours, activities, attributes,

characteristics, qualities, patterns, and responsibilities considered as appropriate to men and women in any given society. Gender is a social construct that is manifested through masculine and feminine roles. It is an analytical category that demarks a line between biological sex and the socially assigned behaviours and competencies to these sexes. The phenomenon of gender highlights that becoming men and women and adopting the masculinity and femininity, respectively, in their behaviours and roles is a result of interlinked functioning of social, cultural, and psychological factors. People learn to be men or women and to behave in a feminine or masculine way continuously through socialization from birth to death. We can say that the genders and their respective behaviours as masculine and feminine are the cultural redefinition, reformulation and interpretation of what is biological sex. Gender is a variable and it changes in different time periods, geographical, social and cultural conditions. So this cultural re-interpretation of the biological sex through assigning masculine and feminine roles to two different genders is done to some extent differently in different societies. It shows that gender is not natural rather it is cultural and social construction. In short, we can say that gender is an artefact of social, cultural and psychological factors which are attained during the process of socialization of an individual. The phenomenon of gender as a social construct in relation to the power and power sharing between men and women is also discussed in Chapter 18 of this book.

### **3.1.3. Sex**

Sex is natural. It is a biological, physiological, anatomical characteristic possessed by a person. It does not appear as something resulting or assigned by social or cultural practices of a human being. Rather, it is a biological characteristic that a person naturally possesses at the time of birth. It refers to the biological and physiological composition of a human's body with special reference to the composition of the genitalia possessed by the particular person. Sex refers to the physiologically and biologically different composition of genitalia possessed by a male and female body. It highlights the differences in the role of men and women in procreative function. In short, sex is the biological and physiological difference in the body of men and women especially identified by the different genitalia possessed by them at the time of birth. It highlights the physiological identities of men and women.

As being the natural and biological category, sex is universal. It is similar in all different societies. While this universally and naturally defined feature of male and female sex of a person is later re-defined as gender through socialization and learned socio-cultural practices and behaviours classified into two different categories of roles (femininity and masculinity) to be performed by men and women.

### **3.1.4. Gender Stereotypes**

Pilcher and Whelehan (2004: 167) explained that "a gender stereotype can be defined as a standardised and often pejorative idea or image held about an individual on the basis of their gender." It is considered as a typical picture that emerges in mind when considering about certain group of people in society. United Nations Human Rights Office of the High Commissioner (2016) defined gender stereotypes as "a generalised view or preconception about attributes or characteristics that are or ought to be possessed by, or the roles that are or should be performed by women and men." The office further states that "[g]ender stereotyping refers to the practice of ascribing to an individual woman or man specific attributes, characteristics, or roles by reason only of her or his membership in the social group of women or men." Gender stereotypes are generalizations about attribute, characteristics and roles of men and women as two broadly categorized social groups based on gender in a society. The function of gender stereotypes is to classify people into different group categories such as men and women to reaffirm the traditional roles assigned to them. The gender stereotypes can be positive and negative. United Nations Human Rights Office of the High Commissioner (2016) explains that:

"A gender stereotype is harmful when it limits women's and men's capacity to develop their personal abilities, pursue their professional careers and make choices about their lives and life plans. Harmful stereotypes can be both

hostile/negative (e.g., women are irrational) or seemingly benign (e.g., women are nurturing). It is for example based on the stereotype that women are more nurturing that child rearing responsibilities often fall exclusively on them.”

The UN office relates the negative impact of gender stereotypes on human rights. It identifies that a gender stereotype becomes wrong when it violates any person’s human rights. It further gives an example of popular failure to criminalize the marital rape as considering the women as the sexual property of men.

### **3.1.5. Sexism**

The term “Sexism” refers to the practice of discrimination or differential treatment on the basis of one’s sex. It shows the unfair and unequal treatment of people on the basis of their gender. The term itself appears neutral and the discrimination may be considered to happen against any gender. But it is universally recognized that such discrimination is occurring against women in most incidences. Therefore, the term sexism highlights the pervasive bias against women in social structures and cultural processes of any society. It refers to the practices, behaviours, attitudes, and institutions established with the basic assumption of male’s superiority.

### **3.1.6. Patriarchy**

The literal meaning of patriarchy is “the rule of father”. It means male domination. In its traditional and conventional meanings, patriarchy is a hierarchical relationship among men in pre-modern feudal societies. It has variously been defined by several scholars. Some explain patriarchy as a hierarchical system among men within the mode of production in feudal societies (Walby, 1990: 19). Some other scholars consider it as a rule of men as head of households (Barrett, 1988: 10; Walby, 1990: 19). It is also defined as the rule of father or male head of a social unit such as family or tribe (Pilcher & Whelehan, 2004: 94). Kandiyoti (1988) also highlights the phenomenon as senior men’s authority over everyone else including younger men.

Feminist scholars have challenged this traditional concept of patriarchy for its consideration as the relationship between men and as its lack of defining unequal position of women in almost all societies on earth. Therefore, feminist scholars have redefined the traditional phenomenon of patriarchy as a system of gender inequality, the domination of men over women, rather than simple feudal relations among men. Feminists identified patriarchy as real basis of women’s subordination to men (Beechey, 1979: 5). Feminists argue that patriarchal society is organized upon the principle of male domination in which the power especially lies with the position of senior male.

### **3.1.7. Feminism**

Pilcher and Whelehan (2004: 48) highlight the basic concept of the term feminism as “understood to denote a political stance of someone committed to changing the social position of women”. They further highlight that “[t]he term has taken on the sense of one who believes that women are subjugated because of their sex and that women deserve at least formal equality in the eyes of the law” (Pilcher & Whelehan, 2004: 48).

The term feminism refers to the political beliefs and stands that women have historically remained subordinate to men. This school of thought also emphasizes the activism for freedom and empowerment of women in all fields of life. It refers to the idea that women are in disadvantageous conditions and they believe that these conditions should not remain same, rather should be changed for the betterment of society. It advocates for a political activism and practices that may aim to change the situation of women. There are several types of feminism. Each of the feminist school believes in women’s disadvantageous conditions, but highlights and emphasizes some different cause of this subordinate and submissive position of women. Some of them view the unequal laws and opportunities, some focus on economic modes of production, some look at the reproduction as the basic cause of women’s vulnerable conditions as compared to men in almost all the existing societies on earth.

## **3.2. SOME BASIC FEMINIST THEORIES**

### **3.2.1. Liberal Feminism**

Liberal feminists condemn society's false beliefs and value systems that underestimate women's physical and intellectual capabilities as compared to that of men. The scholars belonging to this school of thought argue that these social and cultural practices favoured men for their achievements and dominance in the public sphere of society where they compete and control for most of the social and economic resources. The same social system based on false beliefs regarding inferiority of women discriminates against them by excluding them from public sphere and creates obstacles in their access to the resources. They blame customary, traditional and legal constraints excluding women from public world, thus, responsible for their subordination and victimization. They suggest the solution of this problem in equality of men and women to be established by social, political and legal reforms to equally effect women and provide access to resources, skills and rights.

Although, liberal feminism with its individualistic approach did not focus on any broader social system (e.g. patriarchy) as the root cause of women's victimization, but the basic ideas of this perspective can be explained in the context of a patriarchal society. In patriarchal societies, the whole culture is dominated by men. The social, economic, legal, political, and ethical structure of society is framed by and to serve the interest of this hegemonic masculine group. Each trait of the culture endowed men with a bit of authority to rule at least some people and binds women to comply and associate their interest with at least one of the men in that society. This hierarchical power structure established by the discriminating social and cultural framework enables men and legitimized their role to use force over those women whom they are allowed to control. The women socialized to accept this system are taught to create least resistance to such violent force when applied to them. That is the social formula working behind the violence against women identified by liberal feminists. The solution is possible by social reforms to the existing social cultural, economic, political and legal structures of society for giving improving women's status in society.

### **3.2.2. Radical Feminism**

Contrary to liberal feminism, radical feminism identifies patriarchy as a broader social and political system that is responsible for women's subordination to men and violation of their rights as human beings. The scholars belonging to this school of thought explained patriarchy as a system of male supremacy over female and, thus, explained it as a congenial condition for oppression and suppression of women. This school of thought mostly focuses on the basic concepts of biology, sex and reproduction. They pay attention to and explain men's practices of controlling women's sexuality, their reproductive ability and analyze its potential for oppression of women (Firestone, 1970; Millett, 1970). Unlike liberal feminists, radical feminists do not see any possibility of reform in this social setup that is defective by design (Tong, 2009).

One of the basic principles of a patriarchal order highlighted by the radical feminists is that male should dominate women. Accordingly, they further explain men's domination of women as established by the political nature of sexual relationship between them (Millett 1970). This domination of men established through sexual relationship is reproduced by socialization within the patriarchal family. Therefore, we should consider sex as a status category or a social class defining one's authority or subordinate position. Firestone (1970) also finds the root cause of women's victimization and violation in biological reproduction. French (1985) also considered sexism as the basis of all "isms" and discriminations and dominations. According to French (1985), if men's domination over women is condonable than all sorts of dominations and stratifications are just.

They consider that the subordination of and violence against women cannot end till the day patriarchy will not be eliminated. The reforms (as suggested by liberal feminists) can only alter the form of patriarchy that we can see in variations of the same gender system in developed and developing countries, but do never create equality of both sexes or genders. The only solution to this problem suggested by this school of thought is to outright over throw this patriarchal order and biological reproduction in it.



### **3.2.3. Marxist Feminism**

Marxist feminism focusing on till now neglected aspect of economy in the discourse of violence and subordination of one gender to other in society. It explained not only patriarchy but also the role of capitalist mode of production in women's oppression. The capitalist society is established with a hierarchical relationship in which some of the groups (e.g. women) are oppressed in order to escape a collapse of society. The whole social order is based on suppression, oppression, conflict and vulnerability of certain exploited groups. In this way this perspective combines the sexual reproduction with the capitalist mode of production to give a relatively more comprehensive explanation for women's vulnerable condition to violations and exploitations. It says that the patriarchal devaluation of women's work and skills was exploited in the capitalist system to reduce them in more vulnerable conditions while benefiting men (in sexual class) and capitalist (in economic class). Therefore, patriarchy and capitalism are two interlinked systems together fostering violence against women due to their sexual subordination and economic devaluation of work. The only solution is to break both social orders, simultaneously.

The main focus of these scholars' work is on gender wage difference, women's segregation in dirty, dangerous and degrading jobs, women's double burden of domestic reproduction and paid work, and feminization of poverty. Main proponents of this school of feminism were Fredrick Engels, Maria Dalla Costa and Selma James (1972), Juliet Mitchell (1971), Zillah Eisenstein (1979) and many others.

### **3.2.4. Socialist Feminism**

Socialist feminism also focused on patriarchal capitalism for explaining women's victimization and oppression. It highlights the roots of women's subordination in men's control of women's labour power maintained through women's deprivation from some necessary economic and productive resources and by limiting and controlling women's sexuality for serving men and upbringing children. It shows the inseparability of patriarchy and capitalism in formulating a social order with women's lower status in patriarchal hierarchy. Young (1981: 58) emphasized on analysis of "sexual division of labour" instead of class analysis to highlight this gender bias of patriarchal capitalism. This sexual division of labour leads to segregation of men and women in public and private spheres and reducing women to lower wages, harassment, and unpaid domestic work.



## CHAPTER - 4

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### WOMEN AND CULTURE IN PAKISTAN

Culture is an important factor that critically determines women's status and conditions in a society. The cultural structure and practices determines the structure of basic social institutions and the roles, responsibilities and powers each group of people has within them. Women's status in social institutions from marriage and family to the politics and work determines their overall conditions in a society. This chapter portrays the cultural and contextual background in which the violence, crime, law and politics determine women's conditions in Pakistani society. It focuses on the dominant culture and women's status in the country.

#### 4.1. DEFINING CULTURE

Culture is simply defined as the men made part of the world around us. It encompasses all the material and non material things and ideas that are not naturally given. Rather, it includes the things and ideas which are an outcome of human creativity, manipulation, or innovation. Culture can be of different types. Material culture encompasses all the tangible things that exist in a society as they are made up of different materials. Non material culture encompasses all the abstract ideas, concepts, and beliefs existing and prevailing in a society. Cultural lag occurs when one aspect of a culture progress faster than the other aspect of the same culture. If the material culture changes too fast than non material culture, in this incidence, the society and people experience stress and difficulty in ideologically accepting and accommodating the rapidly coming new material changes in society. Culture can also be ideal or real culture. Ideal culture is one that is the ideal type of a particular culture. It is the way a culture is thought to be, but in reality that may not exist in its full spirit. Real culture is one that is the real culture of a society in practice.

Cultural transformation is a process of change in a culture through addition or adoption of new cultural traits. The changes in a culture take place with the passage of time when a culture comes in contact with another culture and adopts some traits from that culture. Cultural transformation has different processes or stages through which changes occur. The processes or stages of cultural transformation or change are known as cultural Diffusion, Amalgamation, Acculturation, and Assimilation. Cultural Diffusion refers to a process in which when two cultures come in contact or exposure to each other the cultural traits of one culture start to be adopted and practiced in the other culture, slowly and gradually. This slow and gradual flow of cultural traits between different cultures with the passage of time results in sufficient traits of both cultures being adopted by each other and resulting in a cultural amalgamation. A society at the stage of cultural amalgamation neither looks like its original culture nor does it become similar to the other culture from which it has adopted a sufficient number of traits.

Acculturation is the process of adopting the cultural or social patterns of another group. The world has become a global village and due to advancement and fast means of communication one group borrows elements from foreign cultures and incorporates them into its own. This transition of culture affects both of the interacting cultures but the both groups remain distinct. Assimilation is the stage where the process of acculturation steps forward and two cultures gradually come to resemble each other by adopting attitudes, values, behaviour and patterns from each other. It is a gradual process in which people of diverse cultures are absorbed into the dominant culture of that area.

## 4.2. STATUS OF WOMEN IN PAKISTANI CULTURE

Pakistan is a part of Indian sub-continent. Therefore, Pakistani culture owes from Hinduism (from pre-Islam period) and Islam due to its historical and geographical inheritance. To understand Pakistani culture and women's place and status in that culture, one needs to first understand that Pakistan has a broader national culture that is acceptable and prevailing in all regional or provincial divisions within the country. Each of the regional and provincial divisions within Pakistan also has some particular features added to that national Pakistani culture, thus, becoming little different from the culture of other regions and provinces in the country. Kinship, patriarchy, hierarchy, tribal and feudal social organization, class and caste base divisions, rural and agrarian majority are some of the dominant features of Pakistani culture.

Pakistan is geographically located in a region that has been called as "Patriarchal Belt" (Caldwell, 1982). Here the life options (such as education, health facilities, skill development, labour force participation and power and political participation) for women are limited and out of access. They have less control over resources. This type of culture (that is found in Pakistan, Afghanistan, Bangladesh and India) has been referred as "a culture against women" (Moghadam, 1993: 108-109).

Pakistani society emphasizes on family, kinship, and blood and caste based ties in its culture. It is predominantly tribal and feudal in its social organization. Caste and class are also cross cutting dividing lines. Pakistani family is a group of people related by blood ties (or some times by adoption) living together and striving for the socio-economic well being of the whole group. The family is patrilocal in which lineage and authority follows the male line. Pakistani man (i.e. father, grandfather, elder brother, or husband) is considered as the head and controlling and providing power centre of the socio-economic and public private life of the family as a group and of each member separately. The men family members, especially heads, have the authority to decide about the life of other family members; such as about their education, mobility, and marriage.

The different popular types of family prevailing in rural and urban areas of Pakistan are nuclear, semi nuclear, joint, and extended families. Nuclear and semi nuclear families are more limited to the urban areas. While joint and extended families are found in both urban and rural areas of the country. The joint and extended families also entail a large family size with several generations living together some time sharing and some time not sharing the same resource pool and kitchen.

Women find relatively more autonomy and authority in the urban nuclear and semi nuclear families. Thus, women in these types of families may have relatively better access to education, health facilities, and paid work outside home in urban areas of the country. On the other hand, women in joint and extended families in rural and urban areas find a larger group of people around them for controlling, accountability and check. Therefore, they find less room for their autonomous action and control over resources. Accordingly, the rural and urban women in joint and extended families living with larger number of family members may have poor educational, health and economic status as compared to their urban counter parts.

Irrespective of the family type, Pakistani men is considered the de facto head of the family and defining symbol or icon of the identity of whole group. The identity of women and young men members of the family is defined through their relation with the men head of the family. A woman outside home is being referred with the identity of her male head patriarch.

According to prevailing social and cultural ideology in the country, Pakistani women are considered the bearers of the family honour. The honour is associated with the purity and virginity of the women members of family that needs close vigilance of them to be protected and safeguarded. Women are not considered strong and capable enough to do this protection and guarding, individually. Therefore, men are socially assigned with the task of protecting and safeguarding the family honour; thus, allowed to control women. They successfully do it through their patriarchal decision making and controlling authority over women within and outside family.

Although, family is considered as the basic unit of social organization, but Pakistani family is not complete without reference to its kinship ties to extended group such as blood relative, *biradri*, caste, and tribal origins. This is the second important feature of Pakistani society that places an excessive emphasis on kinship ties and networks for social, economic and political purposes as basic social unit of all social organizations. Consanguineous marriage or to give and take women in marriage to the different families within extended kinship group is the basic strategy to preserve the boundaries and identity of the particular kinship group.

The division of labour among women and men members within family is marked. This division of labour also entails the segregation of women in the private sphere of home and designating the public sphere outside home as the place for men. Women are assigned with the private sphere of home to live in performing unpaid domestic chores there. They do washing, cleaning, cooking, stitching, knitting, weaving, processing and storing food and other items, child rearing, elderly care, and in case of rural areas looking after the cattle, preparing fuel from cattle dung, and helping in family agriculture as well. They are also given the duties of maintaining social networks by attending marriages, child birth, and funeral ceremonies time to time.

Pakistani men are assigned with the public sphere to spend their most of the day time. This is the place for their social networking, economic activity, and political alliances. Men are considered as the bread winner of their family. They are considered the providers for women, young children and elderly members of their families. They compete in the public sphere with other men to win livings for their family. Pakistan's majority population lives in rural areas and their dominant profession is agriculture. Majority of the men are involved in agriculture. The emphasis on the kinship, caste, *biradri*, and tribal networks also penetrate the economic life of the country. In agriculture or small business mostly people are being employed or hired by the employer on the basis of connection with some kin.

There is a traditional notion that women do not work (i.e. paid work outside home). Therefore, the women's participation in activities of economic production are being condoned or ignored. In rural areas, family women serve in family agriculture as support or unpaid workers. Although, these rural women do much work for generation of economic resources for the family in agriculture during plantation, picking the ripe yield from the field, and in cattle farming by milking and looking after cattle. In the rural areas, although now a growing number of women is getting engaged in paid work outside home. They also use and utilize their money to fulfil the needs of family but still their economic contribution to family and country is seen as secondary one.

Pakistani women's dress code is also an open statement of social, religious, and above all cultural discourse. The criteria for a suitable dress for majority of Pakistani women is based on its ability to fulfil the religious requirement of covering the (*Sattar*) the whole body, the environmental requirement of ability to cope with the hot weather (as mostly cloths for daily use are made up of cotton to suit the hot weather) and social requirement of being culturally acceptable (in its colour, and design; for example the use of *dupata* or *chaddar* is considered necessary irrespective of regional differences while the embroidery, cutting and stitching patterns may differ in different provinces).

Majority of the Pakistani women wear *Shalwar* (a loose trouser) to cover the lower part of the body from lower abdomen covering legs to the ankle, *Qameez* (a relatively long shirt to more or less above or below the knees) for covering upper part of the body from shoulders to the knees, and *Dupata* or *Chaddar* (a long piece of cloth to cover the head, hair, shoulder and again upper part of the body till abdomen). The three dress items mentioned above are almost universally used in all regions but the different regions have their own cutting and stitching patterns to suit the respective culture. For example, Baluchi women are used to wear extra loose *shalwar* along with a *Qameez* having particular Baluchi embroidery and a long pocket on the front part of the long shirt that is not common in other provinces. On the other hand, Pakistani men's wear is less different in all provinces. Pakistani men's dress code include *Shalwar* and *Qameez* (of different cutting and stitching than those for women) but not a *Dupata* or *Chaddar*, therefore, the head and hair of majority of Pakistani men remain uncovered, while few men cover them by wearing *topi* (traditionally knitted caps).

**Table 4.1: Women's mobility by purpose and province in Pakistan**

|  | National |      |      | Punjab |      |      | Sindh |      |      | NWFP/KPK |      |      | Baluchistan |      |      |
|--|----------|------|------|--------|------|------|-------|------|------|----------|------|------|-------------|------|------|
|  | All      | U    | R    | All    | U    | R    | All   | U    | R    | All      | U    | R    | All         | U    | R    |
| <b>Unaccompanied Trips for Health Reasons</b>    |          |      |      |        |      |      |       |      |      |          |      |      |             |      |      |
| When required                                    | 77.9     | 75.9 | 79.7 | 71.7   | 71.0 | 72.3 | 89.2  | 84.8 | 93.7 | 73.2     | 68.5 | 77.7 | 87.7        | 87.9 | 87.5 |
| Once or more a week                              | 4.0      | 5.9  | 2.3  | 2.9    | 4.3  | 1.7  | 4.5   | 6.4  | 3.0  | 8.4      | 11.4 | 5.5  | 1.6         | 3.7  | -    |
| Less often                                       | 9.7      | 12.9 | 6.8  | 11.9   | 15.5 | 8.7  | 5.85  | 8.4  | 2.5  | 14.7     | 17.0 | 12.4 | 2.9         | 6.4  | -    |
| Never  | 8.1      | 5.1  | 10.9 | 13.3   | 9.1  | 17.0 | 0.6   | 6.0  | 6.0  | 3.5      | 2.8  | 4.1  | 7.6         | 1.8  | 12.5 |
| <b>Unaccompanied Visit to Friend / Relatives</b> |          |      |      |        |      |      |       |      |      |          |      |      |             |      |      |
| When required                                    | 31.5     | 33.5 | 29.6 | 43.0   | 44.1 | 42.0 | 25.6  | 30.3 | 20.7 | 31.8     | 32.6 | 30.9 | 2.5         | 4.6  | 0.7  |
| Once or more a week                              | 15.3     | 12.6 | 27.5 | 8.4    | 10.2 | 6.8  | 17.3  | 8.4  | 27.5 | 24.7     | 21.2 | 34.4 | 22.6        | 15.8 | 28.3 |
| Less often                                       | 46.0     | 49.1 | 43.1 | 35.8   | 36.8 | 34.8 | 54.8  | 59.3 | 50.2 | 43.0     | 46.0 | 40.0 | 70.4        | 78.4 | 53.7 |
| Never  | 6.9      | 4.5  | 9.2  | 12.6   | 13.4 | 16.2 | 1.5   | 1.8  | 1.2  | 0.3      | 0.0  | 0.7  | 4.2         | 0.9  | 7.0  |
| <b>Unaccompanied Trips for Shopping</b>          |          |      |      |        |      |      |       |      |      |          |      |      |             |      |      |
| When required                                    | 31.9     | 36.5 | 27.5 | 44.4   | 45.3 | 43.6 | 30.5  | 40.2 | 20.1 | 17.0     | 20.0 | 14.0 | 11.4        | 23.1 | 1.5  |
| Once or more a week                              | 1.5      | 2.2  | 1.1  | 1.7    | 1.9  | 1.7  | 1.5   | 2.4  | 0.6  | 1.4      | 2.8  | -    | 1.2         | 1.8  | 0.7  |
| Less often                                       | 32.3     | 38.2 | 26.8 | 23.0   | 39.1 | 27.5 | 43.7  | 45.1 | 42.1 | 26.0     | 32.8 | 19.6 | 21.9        | 30.4 | 14.0 |
| Never  | 34.1     | 23.0 | 44.4 | 20.6   | 13.4 | 27.0 | 24.2  | 12.2 | 37.0 | 55.3     | 44.2 | 66.2 | 65.2        | 43.5 | 83.5 |
| <b>Unaccompanied for Religious Activities</b>    |          |      |      |        |      |      |       |      |      |          |      |      |             |      |      |
| When required                                    | 38.4     | 44.9 | 31.8 | 31.4   | 38.4 | 24.7 | 43.4  | 46.8 | 39.2 | 41.7     | 48.0 | 35.4 | 55.0        | 63.8 | 46.5 |
| Once or more a week                              | 2.8      | 4.2  | 1.3  | 1.9    | 3.6  | 0.5  | 4.5   | 6.2  | 2.4  | 4.8      | 5.6  | 4.0  | 0.5         | 1.2  | -    |
| Less often                                       | 19.3     | 22.2 | 15.9 | 17.8   | 23.8 | 12.3 | 28.9  | 30.3 | 27.2 | 25.2     | 24.0 | 26.5 | 0.5         | 1.2  | -    |
| Never  | 39.3     | 28.0 | 50.7 | 48.5   | 33.9 | 62.3 | 22.9  | 16.4 | 31.2 | 28.1     | 22.4 | 33.8 | 43.7        | 33.7 | 53.4 |
| <b>Unaccompanied Visit to Children's School</b>  |          |      |      |        |      |      |       |      |      |          |      |      |             |      |      |
| When required                                    | 19.1     | 25.0 | 12.8 | 27.3   | 36.0 | 17.7 | 13.9  | 19.3 | 7.2  | 11.9     | 14.9 | 9.0  | 9.4         | 9.2  | 9.5  |
| Once or more a week                              | 2.3      | 3.6  | 1.0  | 3.6    | 5.5  | 1.6  | 0.9   | 0.8  | 1.0  | 1.3      | 1.8  | 0.9  | 1.2         | 2.6  | -    |
| Less often                                       | 17.7     | 23.7 | 11.2 | 17.8   | 25.5 | 9.4  | 20.4  | 28.5 | 10.4 | 18.8     | 21.4 | 16.3 | 12.0        | 13.0 | 10.9 |
| Never  | 60.6     | 47.7 | 74.6 | 50.9   | 32.7 | 71.0 | 64.6  | 51.2 | 81.2 | 67.7     | 61.6 | 73.6 | 77.1        | 75.0 | 79.4 |

Source: Shaheed (2002: 41).

Some men also put a small square piece of cloth usually printed with check or lines (a scarf) on their shoulders and sometimes on head and face for protection from heat and sunlight in summer season. In winter, they use a large *Shawl* (a *chaddar* of thick cloth) to put on their shoulders for protection from cold. Mostly, Pakistani women's clothes are made up of colourful (multicolour with dark shades of red, green, yellow, pink, blue, etc.) and printed clothes (usually prints of flowers and other traditional patterns); while men's wear are made up of simple, mostly one colour (usually white black, gray, blue, sky blue, etc.), plain (rarely printed) clothes.

There is a tradition for women to cover themselves (above their clothes) when ever going outside the house. It is usually being referred as *Purdah*. Pakistani women use different items to cover themselves outside their homes for the purpose of veiling. The different types of veiling items used by women include *Burqa*, *Chaddar*, Shuttle cock *burqa*, *niqab*, scarf, *Abbaya*, etc. The adoption of different types of veiling items depends on several regional, social, economic, cultural, ethnic, and time period and age related factors. *Burqa* was common in rural and urban areas in past. *Chaddar* was common in past as well as in present among older and middle aged women in both rural and urban areas. Shuttle Cock *Burqa* is common among women of Afghan and *Pakhtoon* origin. The use of scarf and *Abbaya* has become popular in last more than a decade due to a close cultural exposure and exchange with Middle Eastern Arab Muslim countries (due to frequent travel for *Haj*, *Umrrah*, and labour migration on a never precedent large scale) among young and middle aged Pakistani women.

The mobility of Pakistani women is restricted. Women are not allowed to freely go outside home wherever they want as men do. The Pakistani women, especially in rural areas, needs to inform within the family and take permission before their visits to outside home. They are also not allowed to make unaccompanied visits frequently outside home. It is necessary to find some companion from within household for their visits outside home. These companions or escorts can be some elder men, elder women, young boy, etc. The Table 4.1 is showing the results of a national survey conducted by Farida Shaheed (2002: 41) on women and governance highlighting some important trends of women's mobility by different purposes (e.g. for health facility, friends, relatives, shopping, religious activities and children's school) without any companion. The broader trend shows that women pay unaccompanied visits to outside home for any sort of reason never, less often or when ever required.

Marriage is almost universal in Pakistan. Pakistani families prefer to get their girls and daughters married at an early age. The ideal age of girls for marriage is considered between 18 to 25 years. This early marriage and consequent responsibilities of child bearing and rearing effect girls' educational attainment. Mostly marriages are arranged by parents and other elders in the family. Girls are not expected to make choice for mate. The practice of making choice in marriage by girls is traditionally not considered good among social circles. But as the time is passing and society is modernizing with greater influence on young generation from media. If young girl and boy had any choice of their own for mate then this choice is also managed to reach the marriage bond through the consent of parents and elders.

Pakistani women are acting as the main performer of the traditional and cultural rituals on festivities or ceremonies. In a way, these are the social and recreational activities for women in the absence of some formal and particular centres of recreation outside home (e.g. cinema or theatres are few in number and women of the middle and lower class rarely go there). They play an important role in marriage, child birth and funeral ceremonies. At the time of someone's marriage in the family, they play an active part in preparing all the dowry related items; they sing songs and perform several rituals at the occasion of marriage. While men look after the financial matters related to dowry and marriage ceremonies. Similarly, the women also perform rituals at the time of child birth. At funerals, women get together continuously or periodically to attend the ceremonies arranged by family for collectively reciting *Quran* for the peace of deceased's soul. *Mellad* (the celebrations arranged on the occasion of the birthday of Prophet Muhammad (P.B.U.H.)) are also the occasions for women's gatherings. Now the *Mellad* ceremonies for men are getting popular as well.

Dowry is a social practice traditionally considered as essential for marriage related arrangements. Parents of a girl child start to collect or save for the dowry of their girls since the day

of their birth. Dowry is considered as gifts for bride from maternal side at the time of marriage. But now a days it is growingly becoming a burden on parents of girls; as they are expected to give cloths, utensils, crockery, gold and silver, even house, car and money as bank balance to their daughters at the time of marriage. It is one of the problems due to which several girls left remain unmarried and sitting at their parents' home.

After marriage, a woman's status and position in the new house rely on having children, especially sons. There is son preference in Pakistani society. The birth of a son is celebrated most while with the birth of a girl child parents feel burden on their shoulders (especially, in terms of, finding a suitable mate and the financial arrangements for the dowry they have to give the girl). The status of a married woman becomes more privileged and better in a new house with the status of her husband in family hierarchy of male patriarchs and the number of sons she bears.

#### **Text Box 4.1: The Endless Cycle of Disregard**

This particular household comprises of 5 members-parents and 3 children. The sons aged 15 to 10 attend school in the nearby town, while daughter Bina does not. Bina attended the village school up to grade 3 when she developed an ear infection resulting in temporary loss of hearing. She could no longer attend school. Bina's mother (who is uneducated herself) tried curing the infection with local remedies such as pouring goat's milk and ash in her ears, taking her to a spiritual healer outside the village, but nothing worked. Her parents were genuinely concerned with Bina's loss of hearing and thought that this would seriously jeopardize her future prospects of marriage as no one would "take away a deaf girl". The thought of Bina being a constant drain on the family's resources was disturbing. Her father finally took her to the city hospital for treatment and she fully recuperated after a few months. Even though she got her hearing back, she was never sent to school again to avoid excessive visibility outside her house and hence avoid an evil eye. Bina now helps her mother with household chores.

Like other women in Rajanpur, Bina's mother gives her two sons and husband (who work as daily wage labourers in the city) a more nutritious breakfast than herself and her daughter. The men eat eggs, butter and *roti* with tea, whereas the women eat only *roti* with tea. Both Bina and her mother are of the view that the boys need more food and strength because they study and use their minds and the father because he works and brings home cash. They believe that the men work harder whereas the women work at home, in the fields and take care of the livestock.

Bina is a beautiful girl but with lustreless blue eyes and matted gold hair which speak of undernourishment and neglect. In her own make-belief world like many other girls, Bina waits for her prince charming to feed and clothe her well- quite oblivious of the vicious and endless trap of disregard. Being uneducated and unhealthy herself, Bina will continue the race of The UNEDUCATED-The UNHEALTHY.

Source: Ibraz & Fatima (1993: 911-912).

The discrimination among son and daughter starts at their birth and remain continued throughout their life till death. The investment in education of boys is preferred as compared to daughters. The education is given to boys with an intention to reap its reward by increase in socio-economic assets of the family gained through his job or better employment. The investment in girl's education is not considered that much important as ultimately she will get married in another family and the reward of this investment will be reaped by the other family. Whatever the education is being given to girls in today's Pakistani society (especially in urban areas) is mostly intended to have a good bid for finding a good mate for their marriage.

With their life decisions taken by their elder male and lack of education adding up with the traditional notion that "women do not work", Pakistani women are also lagging behind their male



counterparts in labour force participation in paid labour market. In the rural areas they are mostly engaged in unpaid work of family agricultural land, and if in paid work they are mostly engaged in handicraft (such as *relli*, *applique/cut* work) making. While women in urban labour force usually are segregated in manufacturing sectors at lower tiers of assembly line workers in garments or other factories. They are also engaged in service sector or are working as professionals in teaching, medical or banking sectors.

Due to controlled mobility, lack of education and decision making authority, the majority of Pakistani women are not able to develop their social capital and human potential to a maximum degree. Therefore, they remain less represented in the positions holding power, authority and autonomy to make decision for the betterment of the whole women slot. They are less represented in upper echelons of bureaucratic hierarchy, or as self employed, business women, or in management positions of private sectors. Very few of them are present as elected members in formal political institutions (e.g. parliament). They are less represented among religious leaders. They are also less represented in the law enforcing agencies. They are less in number as police force, lawyers and judges.

Similarly, the political sphere is traditionally considered as men's field. For long time, women were ideally excluded from this sphere. They are only allowed to be active as political worker to support some of their male heads or patriarchs. Women are not free to vote according to their will. Their voting patterns is the result of several family, kinship, *biradri* and other apolitical alliances related pressures that they face through their family heads.

Majority of women in political parties are segregated to the level of workers. Their representation in the executive committees of the parties is less as compared to their male counterparts. The introduction of gender quota in political forums has brought a number of women to the political arena but still it is not a reflection of the condition of majority of Pakistani women. Those who have reached to the political offices from local government to the parliament are still a selection, on the basis of their kinship, caste, education or elite status, done by the male party heads.

The state machinery has also been dominated by the men. Therefore, the representation of women in policy level decision makers, ministers, parliamentarians, cabinet members, legislatures, and at highest state offices as president or prime minister is less as compared to men.

### **4.3. PATRIARCHY: AN OVERARCHING CULTURE IN PAKISTAN**

The above discussion of Pakistani women's role and status in Pakistani culture clearly shows an overarching patriarchal culture that can be explained as a culture of men's domination over women in all fields of life across the country. Patriarchal social organization of the country is not unique to Pakistan; rather it is universal in all presently existing societies throughout the globe. There is neither any one single known society that can be categorized as complete matriarchy (women's domination) nor as free from patriarchal control of men. The thing that makes societies different from each other is the degree of control men can exercise and the degree to which women find space for their autonomous action. The same difference can be observed in urban and rural, western and eastern, modern and modernizing, or most developed and least developed countries or societies.

Pakistan is an eastern, modernizing, less developed and dominantly rural and agricultural country. Therefore, the patriarchal organization of the country is similar to that of "classic patriarchy" (Kandiyoti, 1988). It satisfies the majority characteristics of an ideal patriarchy. The patriarchal setup of Pakistani society and the degree of men's domination and women's lack of autonomy in all fields of life are different from modern, developed, industrialized and urban societies of west.

In social, cultural and religious organization of Pakistani society, the "men" and "elders" are given much importance and supremacy over women and younger ones. They are the ruler patriarchs of smaller groups (e.g. family). They rule or exercise control over all the women and

young men within family. Their alliances at community, regional, and national levels are the basis of formal political order in the country. Majority of Pakistani women remain spending major part of their lives in the private sphere of home and the decisions that affect their life options are usually taken by men head of the family. This social organization curtails women's chance to access and acquire marriage by choice, education, utilization of health services, appearance in public sphere, and participation in labour force. Therefore, their social capital remains less developed and they remained segregated in the limited sphere of home.

All the institutions of power and authority like political offices, army, law enforcing agencies, and the modes of economic production are mostly hold and controlled by men. The overall society is modelled in a structure where men are the power bearers and patriarchy is an overarching culture of domination of men over women as part of Pakistani culture.

#### 4.4. SOCIO-CULTURAL FACTORS EFFECTING WOMEN'S STATUS

There is a variety of social and cultural factors that affect women's status in Pakistani society. Shaheed (2002: 49) has aptly identified certain factors that have been identified, by the women respondents of a survey, as being responsible for negatively affecting women's status in Pakistan (see Table 4.2). The identified factors include insufficient or no education of women, their confinement to home and the institution of *Purdah*, limited roles for women counterproductive, less financial autonomy and ownership of assets, traditional values, presence of few women in positions of authority, and their less participation in the decision making at the communal level (Shaheed, 2002: 49).

The lack of education is a crucial factor responsible to reduced Pakistani women to a lower socio-economic status. The lack of education negatively affects women's access to power and authority positions from house to the state. The statistics presented in Table 4.2 show that majority of the respondents in each of the provinces, ranging between 97.8% to 83% respondents, have identified lack of education as a factor negatively affecting women's status in Pakistan. *Purdah* and confinement of women in home is considered as the second most important negatively effecting factor for women's vulnerable conditions in the country. A large majority of the respondents, ranging from 85.1% to 46.4%, in all provinces were found identifying that this factor also negatively conditions women's status in the country.

**Table 4.2: Major factors negatively effecting women's status**

| Reasons                                      | National     | Punjab     | Sindh      | NWPF       | Baluchistan |
|--|--------------|------------|------------|------------|-------------|
| Insufficient / No education                  | 89           | 83         | 97.8       | 91.3       | 93.2        |
| Are confined to <i>purdah</i> and home       | 64.6         | 65.6       | 46.4       | 65.6       | 85.1        |
| Limited roles for women counterproductive    | 41.8         | 38.8       | 51.6       | 42.3       | 37.7        |
| Lake of financial autonomy                   | 37.6         | 31.7       | 37.2       | 46.8       | 46.1        |
| Lack of own assets                           | 35.9         | 33.4       | 58.7       | 19.7       | 32.2        |
| Traditional values                           | 34.3         | 36         | 24.6       | 48.9       | 24.5        |
| Lack of females in position of authority     | 21.4         | 15.2       | 51         | 6.9        | 18.2        |
| Lack of decision making on community matters | 9.8          | 7.1        | 16         | 7.2        | 13.1        |
| <b>Total Number</b>                          | <b>1,609</b> | <b>760</b> | <b>325</b> | <b>288</b> | <b>236</b>  |

Source: Shaheed (2002: 49).

Pakistani women's limited counterproductive role is considered by 37.7% to 51.6% of respondents in all provinces as a factor that is responsible to reduce women to a lower status than men. The lack of financial autonomy is considered by 31.7% to 46.8% of respondents in different

provinces as a negative factor effecting women's status. Similarly, the lack of women's ownership to assets is also considered reducing women's socio-economic status in society. The responses in respect of this factor are showing the regional divide on the opinion. For example, only 19.7% of the respondents from Khyber Pakhtoonkhwa province consider the lack of ownership to assets as negatively affecting women's status as compared to the 58.7% of the respondents in Sindh considering the same factor having negative effects on women's status in the country.

The negative impact of traditional values in conditioning women's status in Pakistan is accepted by 24.5% to 48.9% respondents in different regions. The acceptance to lack of women in positions of authority as a factor reducing women to lower status is also showing regional differences. Only 6.9% of the respondents in Khyber Pakhtoonkhwa province are accepting this factor as crucial for women's status as compared to a higher percentage of 51% respondents in Sindh accepting the same as a critical factor effecting women's status in Pakistan. Women's absence from decision making at communal level is considered by the least percentage of respondents in each province as responsible for negative effects on women's socio-cultural status in the country.

In short, the above description of the culture and women in Pakistan with reference to different aspects of socio-economic life of different regional and geographical areas within country shows that there is a variety of factors playing important role in reducing women to a lower and subordinate status in the country. The factors negatively affecting women's status as discussed above may include overall patriarchal culture of society, patrilocal family structure, son preference at the time of child birth, different segregation of men and women in public and private spheres, different division of labour among men and women in family, differential assignment of paid and unpaid work, women's lack of education and lower labour force participation, their restricted mobility due to *purdah*, harmful cultural and traditional practices, linking their status with their male patriarch (i.e. father, husband and sons), attaching the notion of family honour with their bodies, low decision making authority for their own life decisions, and over all low participation in the decision making at family, community and state levels. The lack of gender sensitive laws and law enforcing institutions, barriers in women's access to justice, and improper implementation of the existing laws are also making women vulnerable to violence and crime. Several chapters in this book specially focus on some of the social, cultural, political and legal factors in detail.



## CHAPTER - 5

### WOMEN AND DEMOGRAPHIC COMPOSITION IN PAKISTAN

Demography is the study of structure, composition and dynamics of any population. Demographics include statistics showing patterns of a particular population or particular groups within that population. Although, the analysis of gender disaggregated data can show the patterns of gender disparity in different aspects of population dynamics in Pakistan. The number of women in overall population is less than men in Pakistan. The Population Census Organization (PCO) of Pakistan in statistics for 1998 census shows men to women ratio in population as 108: 100 (Nasar, Pasha, Hanif, & Ismail, 1998: 10; Population Census Organization, 1998a; Tabassum, Afzal, & Tabassum, 2013). This ratio shows a story of less number of women than men in the country. The reasons behind the reverse ratio are several social and cultural barriers to women's survival in the country. This section of the book will focus on different aspect of population compositions such as general, age wise and regional sex ratios. It also highlights women's proportion in children, youth, middle aged, and elderly population of the country.

#### 5.1. MEN TO WOMEN SEX RATIO IN PAKISTAN

The term "Sex Ratio" refers to the proportional distribution of sexes in a given population that is expressed through number of males per 100 females in a population. It helps in understanding the gender wise composition of any population. A closer look on statistics available for sex ratio in Pakistani society shows that the number of women in total population of Pakistan is less than men.

According to the 1998 census statistics, Pakistan had a total population of almost 132,352,000 people; including almost 68,874,000 men and 63,478,000 women. It means that women comprised 48% of the total population of the country (Government of Pakistan, 2014: 5). Looking at more recent statistics, it can be inferred that Pakistan has not progressed much in respect of the sex ratio. The statistics provided in Table 5.1 show that sex ratio of 48.0% in 1998 could only progressed to reach 48.2% in the year 2005 and remained constant till the year 2008 and then, finally, reached to 48.3% in the year 2009 and remained same till the year 2013.

**Table 5.1: Proportion of female and male population of Pakistan (1998-2013)**

| Year | Female (000) | Male (000) | Both Sexes (000) | Proportion of Females |
|------|--------------|------------|------------------|-----------------------|
| 1998 | 63,478       | 68,874     | 132,352          | 48.0                  |
| 2005 | 75,215       | 80,828     | 156,043          | 48.2                  |
| 2006 | 76,881       | 82,574     | 159,455          | 48.2                  |
| 2007 | 78,570       | 84,342     | 162,912          | 48.2                  |
| 2008 | 80,280       | 86,130     | 166,410          | 48.2                  |
| 2009 | 82,009       | 87,935     | 169,945          | 48.3                  |
| 2010 | 83,753       | 89,755     | 173,509          | 48.3                  |
| 2011 | 85,509       | 91,586     | 177,095          | 48.3                  |
| 2012 | 87,279       | 93,431     | 180,711          | 48.3                  |
| 2013 | 89,061       | 95,288     | 184,349          | 48.3                  |

Source: Government of Pakistan (2014: 5).

According to the estimates of National Institute of Population Studies (NIPS), the total population of Pakistan is estimated as almost 184,349,000 persons; including almost 95,288,000 men and 89,061,000 women in the year 2013. It means still women comprised only 48.3% of the total population in the year 2013 (Government of Pakistan, 2014: 05).

An analysis of region wise composition of population shows that women are also less in number than men in total population of different regions or provinces of Pakistan. Punjab is the most populated province of the country. According to NIPS estimates for the year 2013, Punjab had a total population of almost 100,174,000 people; including almost 48,819,000 women and 51,355,000 men in the province in 2013. It means women are 48% of the total population of Punjab province. Second most populated province is Sindh. It had a total population of almost 44,080,000 people; including almost 20,897,000 women and 23,183,000 men in the same year. It also shows almost similar ratio (i.e. 47.4%) as that of in Punjab province; that women are found less in number than men in total population of Sindh province (Government of Pakistan, 2014: 3)

Khyber Pakhtoonkhwa province had almost 24,788,000 people; including almost 12,160,000 women and 12,628,000 men in total population in the year 2013. It means the ratio of women in Khyber Pakhtoonkhwa (i.e. 49%) is better than Sindh and Punjab, but still women are less in number than men in this province as well. Baluchistan is the province with largest area of land of the country but the smallest population among all provinces to inhabit it (Government of Pakistan, 2014: 3). Baluchistan had almost 9,495,000 people in its total population; including almost 4,430,000 women and 5,065,000 men in the year 2013 (Government of Pakistan, 2014: 3). It shows a lowest ratio of women (i.e. 46.6%) in total population as compared to other provinces in the country. Federally Administered Tribal Area (FATA) had almost 4,410,000 people; including 2,099,000 women and 2,310,000 men. FATA had almost 47% women in its total population. Islamabad Capital Territory had 1,401,000 people; including almost 654,000 women and 747,000 men (Government of Pakistan, 2014: 3). It means Islamabad capital territory also had only 46% women in its total population. On the basis of available statistics, it can be inferred that women are less in number of total population in all regions and at national level in the country.

Sex ratio in Pakistan shows a reversed condition of the biologically expected demographic pattern. In the year 2013, Pakistan had a sex ratio of 107 men per 100 women. The regional situations regarding sex ratio are different but showing the same pattern of unequal proportion of men and women in the population of the country.

**Table 5.2: Region wise male female population and sex ratio in Pakistan (1998)**

| Area               | Population (000) |        |        | Sex Ratio |
|--------------------|------------------|--------|--------|-----------|
|                    | Both Sexes       | Female | Male   |           |
| <b>Pakistan</b>    | 1,32,352         | 63,479 | 68,874 | 108.5     |
| <b>Punjab</b>      | 73,621           | 35,527 | 38,094 | 107.2     |
| <b>Sindh</b>       | 30,440           | 14,342 | 16,098 | 112.2     |
| <b>KPK</b>         | 17,744           | 8,655  | 9,089  | 105.0     |
| <b>Baluchistan</b> | 6,566            | 3,059  | 3,507  | 114.6     |
| <b>FATA</b>        | 3,176            | 1,524  | 1,652  | 108.4     |
| <b>Islamabad</b>   | 805              | 371    | 434    | 117.0     |

Source: Government of Pakistan (2014: 3).

According to the report of compendium on gender statistics of Pakistan 2014, the province of Punjab had a sex ratio of 105.2 men per 100 women in the year 2013. The province of Sindh had a sex ratio of 110.9 men per 100 women. Khyber Pakhtoonkhwa had 103.8 men per 100 women. Baluchistan province had a sex ratio of 114.3 men per 100 women. FATA had 110 men per 100 women. Islamabad Capital Territory had 114.2 men per 100 women in the year 2013

(Government of Pakistan, 2014: 4). Irrespective of the regional differences, the broader pattern appears to be that women are less in number as compared to men in total population of each region. Baluchistan (with 114.3 men to 100 women) and Islamabad capital territory (with 114.2 men to 100 women) had the widest gap of sex ration in the respective populations of the areas in the country. Khyber Pakhtoonkhwa (with 103.8 men per 100 women) and Punjab (with 105.2 men to 100 women) are showing the least gender gap in sex ratio within the country.

**Table 5.3: Region wise male female population and sex ratio in Pakistan (2013)**

| Area               | Population (000) |        |        | Sex Ratio |
|--------------------|------------------|--------|--------|-----------|
|                    | Both Sexes       | Female | Male   |           |
| <b>Pakistan</b>    | 1,84,249         | 89,061 | 95,288 | 107.0     |
| <b>Punjab</b>      | 1,00,174         | 48,819 | 51,355 | 105.2     |
| <b>Sindh</b>       | 44,080           | 20,897 | 23,183 | 110.9     |
| <b>KPK</b>         | 24,788           | 12,160 | 12,628 | 103.8     |
| <b>Baluchistan</b> | 9,495            | 4,430  | 5,065  | 114.3     |
| <b>FATA</b>        | 4,410            | 2,099  | 2,310  | 110.0     |
| <b>Islamabad</b>   | 1,401            | 654    | 747    | 114.2     |

Source: Government of Pakistan (2014: 3).

The sex ratio shows that the overall environment and survival conditions are not congenial for women in the country. Son preference is also evident from these statistics. The number of missing women in population is also an important issue. According to the above discussed sex ratio in the year 2013, almost seven women are missing as compared to each 107 men in Pakistan.

## 5.2. GENDER WISE COMPOSITION OF POPULATION IN PAKISTAN

Pakistan is a country with a large segment of its total population comprised of young people. Therefore, the majority of the women and men are young in Pakistani population. The fact is evident from an analysis of median age (the most frequently occurring age of people in a population at a time) of the population. The median age of overall population in the country was 22.4 years in the year 2013. The median age for Pakistani women was 22.3 years as compared to 22.2 years for men (Government of Pakistan, 2014: 10).

The total population of any country can also be divided into demographic segments of different age groups such as children (0-14 years age), young (15-29 years age), middle aged (30 to 59 years of age) and elderly (60 or above years of age) population. Each of the segments in population has its particular significance and role to play for the benefit of whole society. For example, the two age groups of young (15-29 years of age) and middle aged (30-59 years of age) people collectively comprise the potential working age labour force of a country. This segment of society, if utilized in a proper way, can play a crucial role in transforming the pace of socio-economic development of a country. The two groups of elderly (60 and above years age) and children (0-14 years of age) are mainly showing the segment of population who is dependent on the youth or working age population for their socio-economic necessities of life. The elderly population is the working labour force of the past that has led a country to present level of socio-economic development. The children are the workers of tomorrow. They are going to take over the responsibility of economic production and socio-economic development of the country in future. Each of the groups is comprises of both genders; men and women. Further, an effort is made to analyse the gender wise composition of each group and its implication for the whole society in following paragraphs.

### 5.2.1. Girl Child in the Population of Pakistan

The number of girl and boy children (0-14 years of age) in the total population of Pakistan also shows a negative trend for girl child. According to 1998 census, children (i.e. 0-14 year age group) comprised 42.4% of total population of Pakistan. The girl children of the same age group comprised 20.3% of total population as compared to boys of the same age group comprising 22.1% of the total population in the country. According to the recent estimates of National Institute of Population Studies, the children of 0-14 year age group comprised 34.1% of total population in the country in the year 2013. Girl children comprised 16.4% of total population as compared to boys comprising 17.7% of the total population in the year 2013. It shows that the number of children is continuously declining in the total population of Pakistan and girl children are less in number than boys in the country (Government of Pakistan, 2014: 11).

Economic Survey of Pakistan 2012-13 presents that Pakistan is the sixth populous country with 2 percent growth rate and its estimated population is 184.35 million with 48 percent of the total population comprising children. Girl child in Pakistan lives in ignored, neglected and marginalized conditions. She faces discrimination in education, health, food and work load. Their mobility becomes restricted, as soon as they cross their 7<sup>th</sup> or 8<sup>th</sup> year of age.

**Table 5.4: Gender wise percentage of children population in Pakistan (1998-2013)**

| Year | Total Population<br>(in thousands) | Percentage of children population aged 0-14 years |      |            |
|------|------------------------------------|---|------|------------|
|      |                                    | Female  | Male | Both sexes |
| 1998 | 132,352                            | 20.3  | 22.1 | 42.4       |
| 2005 | 156,043                            | 18.9  | 20.2 | 39.1       |
| 2006 | 159,455                            | 18.5  | 19.9 | 38.5       |
| 2007 | 162,912                            | 18.2  | 19.3 | 37.8       |
| 2008 | 166,410                            | 17.9  | 19.3 | 37.2       |
| 2009 | 169,945                            | 17.6  | 18.9 | 36.5       |
| 2010 | 173,509                            | 17.2  | 18.6 | 35.8       |
| 2011 | 177,095                            | 16.9  | 18.3 | 35.2       |
| 2012 | 180,711                            | 16.6  | 18.0 | 34.6       |
| 2013 | 184,349                            | 16.4  | 17.7 | 34.1       |

\*Children population comprises of people in their 0 to 14 years of age.  
Source: Government of Pakistan (2014: 11).

One of the most prevailing discrimination against girl child is early marriage. Child marriage is very common in Pakistan mainly among girls. The girls under the age of 14 years are frequently got married in Pakistan. According to UNICEF, from 1987 to 2000, child marriages accounted for 32 percent of all marriages in Pakistan. The risk of death among underage girls is five times higher than women in their twenties during pregnancy. Inaccessibility of education in Pakistan, especially among girls is alarming due to social and cultural constraints. It is a common thinking that the education of a boy child is more important than a girl child as the boy will be the bread earner of future.

### 5.2.2. Women and Youth in Pakistan

The gender composition of the population aged 15-29 years shows a similar pattern as that of the children in Pakistan. According to 1998 census, 26.7% of the total population was belonging to this young age group (15-29 years). There were 13.1% young women and 13.6% young men of the same age group in the country. Contrary to the shrinking segment of the children population in Pakistan, the segment of young population in this age group enlarged with the passage of time



from 1998 to 2013. The segment of young people (15-29 year age group) enlarged to comprise 30.2% of the total population of the country by the year 2013. Young women comprised 14.6% of the total population as compared to 15.6% young men of the same age group in total population of Pakistan in 2013 (Government of Pakistan, 2014: 12). It is visible that a gender gap existed among number of young population in the country showing a negative pattern towards young girls and women in the country.

The young women although comprising a large part of the population are faced with several kind of gender discrimination. They are found to be facing barriers in accessing the educational and health facilities. Their labour force participation rate is marginal as compared to that of men. They face several forms of violence within family and marriage. They also face the evil of sexual harassment when entering the public sphere outside home for education or work. Several of these problems faced by young women are dealt in detail in other chapters of this book.

**Table 5.5: Gender wise percentage of young population of Pakistan (1998-2013)**

| Year | Female | Male | Both sexes |
|------|--------|------|------------|
| 1998 | 13.1   | 13.6 | 26.7       |
| 2005 | 13.8   | 14.9 | 28.7       |
| 2006 | 14.0   | 15.0 | 29.0       |
| 2007 | 14.1   | 15.1 | 29.2       |
| 2008 | 14.2   | 15.2 | 29.4       |
| 2009 | 14.3   | 15.4 | 29.7       |
| 2010 | 14.4   | 15.5 | 29.9       |
| 2011 | 14.5   | 15.5 | 30.1       |
| 2012 | 14.6   | 15.6 | 30.2       |
| 2013 | 14.6   | 15.6 | 30.2       |

\*Young population comprises of people in their 15 to 29 years of age.  
Source: Government of Pakistan (2014: 12).

### 5.2.3. Women and Middle Aged Population of Pakistan

The middle aged segment of population refers of people having their current age between 30 to 59 years. This segment of population is also very crucial as making a sufficiently large part of available workforce to boost the economic development of the country. The similar gender pattern is visible in this segment of population as that of among children and youth. This segment of middle aged (30-59 years of age) population comprised 24.4% of the total population of Pakistan in the year 1998; including 11.6% women and 12.8% men of the same age group in the total population of the country.

This segment of the population also enlarged with the passage of time from 1998 to 2013. The enlarged segment of middle aged population comprised 29.6% of the total population of the country in the year 2013; including 14.3% women and 15.2% men in total population. Women again seem to be less in number in this segment of working age population (Government of Pakistan, 2014: 12).

**Table 5.6: Gender wise percentage of middle aged people in Pakistan (1998-2013)**

| Year | Female | Male | Both sexes |
|------|--------|------|------------|
| 1998 | 11.6   | 12.8 | 24.4       |

|             |      |      |      |
|-------------|------|------|------|
| <b>2005</b> | 12.9 | 13.7 | 26.6 |
| <b>2006</b> | 13.0 | 13.9 | 26.9 |
| <b>2007</b> | 13.2 | 14.1 | 27.3 |
| <b>2008</b> | 13.4 | 14.2 | 27.6 |
| <b>2009</b> | 13.6 | 14.4 | 28.0 |
| <b>2010</b> | 13.7 | 14.6 | 28.4 |
| <b>2011</b> | 13.9 | 14.8 | 28.8 |
| <b>2012</b> | 14.1 | 15.0 | 29.2 |
| <b>2013</b> | 14.3 | 15.2 | 29.6 |

\*Middle aged population comprises of people in their 30 to 59 years of age.  
Source: Government of Pakistan (2014: 12).

#### 5.2.4. Women and Elderly Population in Pakistan

Elderly population can simply be defined as the segment of population comprising of persons aged 60 years or above. This segment of Pakistani population also shows the similar negative pattern towards elderly women. The number of elderly women is less than men among total elderly population in Pakistan. This segment of society comprised 6.1% of the total population; including 3% elderly women and 3.1% elderly men in the total population of Pakistan (Government of Pakistan, 2014: 13).

**Table 5.7: Gender wise percentage of elderly population in Pakistan (1998-2013)**

| <b>Year</b> | <b>Female</b> | <b>Male</b> | <b>Both sexes</b> |
|-------------|---------------|-------------|-------------------|
| <b>1998</b> | 2.5           | 3.0         | 5.5               |
| <b>2005</b> | 2.7           | 3.0         | 5.6               |
| <b>2006</b> | 2.7           | 3.0         | 5.7               |
| <b>2007</b> | 2.7           | 3.0         | 5.7               |
| <b>2008</b> | 2.8           | 3.0         | 5.8               |
| <b>2009</b> | 2.8           | 3.0         | 5.8               |
| <b>2010</b> | 2.8           | 3.1         | 5.9               |
| <b>2011</b> | 2.9           | 3.1         | 6.0               |
| <b>2012</b> | 2.9           | 3.1         | 6.1               |
| <b>2013</b> | 3.0           | 3.1         | 6.1               |

\*Elderly population comprises of people in their 60 and above years of age.  
Source: Government of Pakistan (2014: 13).

### 5.3. WOMEN AND MAJOR DEMOGRAPHIC PATTERNS

There are certain major demographic patterns related to Pakistani women. First, women are less in number than men in overall population of the country and all provinces. The progress in reducing the gender gap in sex ratio is slow as the pattern is continuing till today. Second, the majority of Pakistani men and women are young as the median age is 22.4 years for the overall population. Third, the number of girl children is less than the number of boy children. The proportion of girl child is 16.4% as compared to that of their male counterparts as 17.7% in the year 2013. Fourth, the young population of the country is increasing day by day. Accordingly, the number of young women is also increasing. But still the proportion of young women (i.e. 14.6%) is less than young men (i.e. 15.6%) in overall population of the country in the year 2013. Fifth, the number of middle aged population is also showing a rising trend. Accordingly, the number of middle aged women is increasing in society. But still the statistics for the year 2013 show that proportion of

middle aged women (i.e. 14.3%) is less than middle aged men (i.e. 15.2%). Sixth, although, the number of elderly women is still lower than men in the country but it is showing a rapidly rising trend as compared to that of elderly men. Finally, the number of girl child is showing a decreasing trend but the number of women in young, middle aged and elderly segments of overall population of Pakistan is increasing day by day.

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## CHAPTER - 6

### WOMEN AND MARRIAGE IN PAKISTAN

This chapter focuses on the institution of marriage, its functions and different types in Pakistani society. The main focus is on the institution of marriage in Pakistan. The effort is made to highlight the status of women in different types of marriage existing in Pakistan. It touches upon the role women are performing in marriage and the conditions they are faced with in different forms of marriages.

#### 6.1. DEFINING MARRIAGE

The literal definition of marriage in dictionary refers to “a formal, usually legally recognized, agreement between a man and a woman making them husband and wife” (Hornby, 1995: 718). It generally refers to the state of being married. Henslin (1997: 429) has defined marriage “as a groups’ approved mating arrangement-usually marked out by a ritual of some sort (the wedding) to indicate the couple’s new public status.” Similarly, Bryjack and Soroka (1997: 294) define marriage as “socially approved sexual union between men and women that is presumed to be permanent and is recognized as such both by the couple and by others”. Marriage is a universal practice that exists in all existing societies. But the forms and rituals of marriages may vary according to the cultural patterns of different societies.

Henslin (1997: 24-25) identify six basic functions of marriage as economic production, socialization of children, care of the sick and elderly, recreation, sexual control of members, and above all the reproduction for continuity of human race. Bryjack and Soroka (1997: 294) also explains that “[t]he universal practice of marriage is the way societies typically regulate the exchange of products and services between men” and women and solve the fundamental problems of regulating sexual access, division of labour and the responsibility of child care between men and women.

#### 6.2. WOMEN AND MARRIAGE IN PAKISTAN

Marriage in Pakistan is largely considered as the union of a man and a woman as a couple or family through established religious rituals (e.g. *Nikah* for Muslims) and legal procedures. In socially and religiously accepted meaning the marriage in Pakistan is a heterosexual union of one man and one woman through religious and legal processes. The same sex marriages (man to man or woman to woman) or cohabitations (living together without marriage) are neither accepted nor allowed in Pakistani society.

“Pakistan, being a predominantly Muslim society, is characterized with the universality of marriage” (Government of Pakistan, 2014: 28). In Pakistan marriage is considered as social and religious duty and responsibility for every men and women. It is established as a religious duty as an act repeatedly been recommended in Holy *Quran* or as “*Sunnah*” that every Muslim men and women is normally expected to follow. It is union of a man and a woman through *Nikah* that is considered as a religiously and legally accepted contract of union defining rights and responsibilities of each member.

Marriage in Pakistani society is also important from sociological point of view; as marriage is considered necessary for establishing a new house or family, to produce new off springs for continuity of human race, and for providing a close and longer emotional and social companionship

to individuals for a healthy life. It is also important to fulfil the economic needs of the dependents or weak members of the society; such as women, children and elder dependents within family and society.

The social organization of marriage can be explained through prevailing patrilocal family structure in the country. The marriage bond brings different consequences for men and women. Marriage entails the movement or permanent shifting of the woman (the bride) from her maternal home to the man's (the groom) house to normally live with her husband; sometimes alone with her husband or sometimes with other members who include her husband's family (e.g. groom's parents, unmarried sisters, or brothers, etc.). Whereas, the man continues to live in his maternal house and needs no shifting to that of bride's. The idea of "*Ghar Jama*" the men shifting to women's house after marriage is not socially accepted as a good characteristic to suite the men's honour in Pakistani society. But still, this kind of arrangement exists in exceptional cases due to some personal reasons of the respective couples.

This social arrangement demands more tolerance, flexibility and adaptability from women than men. The women are socialized in and expected to take deliberate efforts for successful adjustment in a new environment of her husband's house. On the one hand, the woman bears the pain of leaving her old and long companions and the environment and living arrangements she was adjusted in her maternal home. On the other hand, she faced the stress and burden of learning the rules, culture, social arrangements and the responsibilities of her husband's house. It also takes time and continuous efforts for the woman to make her own place in her husband's family.

### **6.2.1. Women and the Process of Mate Selection in Pakistan**

In Pakistan, mates are usually been selected among close relatives, families, and *biradri(s)*. The marriages are very common among blood relatives, close kin or within *biradri* or caste. It does not mean that all the marriages are arranged through these ties. There are marriages that are done outside these ties in friends, neighbours, and or people who come in contact through work or other social contacts.

In Pakistani society, mate selection is done through family elders, relatives or professional match makers (mostly women and sometimes men). Usually mates are not selected by girls or boys who are to get married. Their choice is not much accepted or permissible in mate selection. Especially, if girls or women openly declare or show their choices for marriage it is considered a shameful or dishonouring act that damages family honour. Women's declaration of choice results in a range of responses from suppressing their voices within family to sometimes sever acts such as honour killings. With the passage of time and raised consciousness among people the rigidity towards this condemning attitude towards girl's and boy's choice in marriage is getting relaxed especially in urban areas. The choice of the man in marriage is getting more acceptable as compared to that of the woman. In such cases an effort is usually to accommodate the choice of either men or women in an arrangement done by parents or family elders.

### **6.2.2. Women's Status in Different Types of Marriages in Pakistan**

The marriages in Pakistan can be categorized or classified into different types. The marriages in Pakistan can be classified or categorized on the basis of age, free will and choice of the couple. It is also important for this classification that the marriage is being done to whom and is being arranged through which way. Some of the prevailing types of marriages in Pakistan are Child Marriage, Late marriage, Arranged marriage, marriage by choice, Force marriage, Consanguineous or cousin marriage, Exchange marriage, etc. Each type of marriage entails different status, advantages and disadvantages for Pakistani women.

As far as the age at the time of marriage is concerned, Pakistani people prefer to get their girls or daughters married at a young age. They are generally considered as a burden or duty that needs to be put off or fulfilled as soon as possible. The search for a suitable mate for a girl starts at an early age as compared to for boys; as for boys parents at least wait for them to find a good employment or get economically established before entering a married life and successfully taking

responsibility of wife and children. This practice of starting and preparing for marriage at early age has implications for girls' education and employment. Usually, girls are considered to have completed their education at an early stage. They are asked to take interest in and learn the domestic affairs (such as cooking, cleaning, knitting, stitching, washing, etc.) in order to be ready to run the house of their husband successfully, in near future. In this way, ending up with the low level of educational achievement, they are also not encouraged to find a job or employment outside home.

At the time of mate selection, the search of a younger bride as compared to the age of the prospective groom is also a common practice in Pakistani society. This difference in age may range from few years to decades. In such marriages the bride with her relatively young age as compared to that of the groom finds it more difficult to get adapted to the changing life and the transition from the role of a pampered daughter to a responsible and mature wife and mother.

As contrary to the young age of women at marriage, there is also a practice of marrying elder women to a younger boy in rural areas of Pakistan, in exceptional cases. The reasons behind this practice may vary from case to case as to not finding a suitable mate or a suite for the women in whole *biradri* kinship, to protect property from going outside the family in case of her marriage, or to settle some disputes between two families, etc. In such marriages, the women remain bound in such an unmatched and inadaptable marriage while the younger boy when gets matured is usually allowed to get married with another woman of his own age group. While the elder woman finds this marriage arrangement difficult to get adjust or accommodate with a boy who is much younger than her in age.

**Figure 6.1: Rituals performed during an incidence of child marriage**



\*The photograph is taken in District Tharparker, Sindh, Pakistan.  
Source: The photograph is taken and contributed by Mr. Manoj Genani.

In rural areas of Pakistan, marriages are usually done at an early age of men and women. The child marriage is also very common in rural areas than in urban areas of the country. Child marriage refers to a marriage bond between a couple of man and a woman in which either bride, groom or both of them are younger at the time of marriage than the legally defined minimum age limit for marriage in the respective country or territory. According to the Child Marriage Restraint Act 1929, legally accepted minimum age at the time of marriage is different for Pakistani men and women in Pakistan. The minimum age for marriage of a Pakistani girl was defined in the Act 1929 as 16 years and the same is 18 years for a boy. Recently, with the passage of the Sindh Child Marriage Restraint Act 2013, the minimum legally allowed age for marriage has increased to 18 years for both boys and girls.

Despite the legal bar on marriage before the age of 18 years of girl and boy, still a number of marriages occur before the age of bride and groom reaching this minimum age limit. Such couples face problems in their marital life adjustments. They are not mature enough to take the responsibility of married life and their new born children. The early marriage also led to early pregnancies of the young or under aged girls. According to the report of Pakistan Bureau of Statistics on compendium of gender statistics of Pakistan 2014, "child bearing starts with the onset of teenage as 9 percent of young women age 15-19 are in matrimonial bond 7 percent are mothers and an additional 3 percent are pregnant with their first child" (Government of Pakistan, 2014: 28).

As child marriage is common in rural areas, similarly the motherhood at a young age is also more common in rural than in urban areas of the country. The early marriage and child bearing at a young age are also linked with the poor educational level of the women in rural areas of Pakistan. "Young women with no education are more than ten times as likely to have started childbearing by age 19 than those who have completed secondary school (16 versus 1 percent)" (Government of Pakistan, 2014: 28). This causes miscarriages and poor maternal and newborn's health.

**Table 6.1: Child marriage negatively effects girl child in Pakistan**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 184       | 86.8    | 86.8          | 86.8               |
| <b>Do not know</b> | 12        | 5.7     | 5.7           | 92.5               |
| <b>Disagree</b>    | 16        | 7.5     | 7.5           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

The child marriage is also a discussion of controversy between religiously accepted age of marriage as well as the legal age of marriage. The popular perceptions among educated people are also showing an unfavourable attitude toward child marriage in Pakistani society. The survey conducted by the researcher shows that majority of the respondents (i.e. 86.8%) are found agree with the idea that child marriage negatively affects the girl child in Pakistan. Another 7.5% respondents showed their disagreement with this idea. Only 5.7% of the respondents were found neither agreeing nor disagreeing rather unaware about this statement.

Late Marriage refers to a delayed marriage. When any man or woman delays their marriage due to educational, professional or any other reasons and got married in a more mature age than as young. Late marriage is not much common in Pakistan. Especially it is not much acceptable for women as compared to men. As much the age of a women in the country get higher her prospects of marriage become lesser and lesser. While men, if economically settled in a better way, may still have better prospects to find a much younger wife even in a mature or old age.

Besides the age of bride and groom, it is also an important thing to note that marriage may occur by free will or force applied by someone else. In this way marriages may be categorized as marriage by choice and forced marriages. Marriage by choice refers to the marriage arrangement

in which the man and woman get agreed and enter a marriage bond by their own free will. The marriage by choice can be arranged in different ways. It may happen by free will and free choice of mate by man and woman in the couple. They may come in contact with each other, start liking and then decide to get married with each other. This is what commonly known as love marriage in Pakistan.

The other way to get married by choice is that the man and woman become ready to get married by their free will and then they accept a mate selected by someone else within family or relatives and accepts him or her either just by looking at the prospective mate once or twice or not at all. This may usually be known as the arranged marriage in Pakistan. This is the most common form of arranging marriages in Pakistan. In this way, the girls or boys are first shown photographs of the selected candidates to be the prospective spouse or they are allowed to meet personally with their prospective mates, who had already been found out by their family members, under the supervision of family and elders. If the girl or boy also gave consent for marriage with this prospective mate then their marriage is being arranged by their elders. In this type of arranged marriages, the will and consent of the girl is given least importance. If the family and elders are accepting the prospective man as a suitable mate for the girl then the marriage is being arranged and the girl is being convinced or asked to oblige her parents by accepting this marriage bond.

At the same time, it does not mean that all the arranged marriages are done by free will or consent of the bride and groom. Almost all the types of forced marriages are also being arranged by the elders of family, tribe or community. The term forced marriage refers to a marriage that is not being done by free will of the bride and groom rather is being forced by someone else. Different forms of forced marriages can be identified in Pakistan. For example, *Watta Satta*, *Vani*, *Swara*, *Walwar*, and marriage with *Quran* fall in this category of marriage arrangements.

*Watta Satta* is a traditional practice of giving a bride to a groom in marriage in exchange of another woman from the family of groom to be given in marriage to a man in the bride's family, at the same time or at some other time in future. Mostly this arrangement is applied to preserve the purity of kinship, *biradri* and caste based networks prevailing in Pakistani society. In this arrangement, the women suffer a lot. First, in such arrangements the age of both couples to be exactly suitable to their respective mates is mostly not possible. Therefore, one or both couples may suffer the odd age combinations. Second, each woman is considered the surety of security and privileges for other women in their respective families. If one woman suffers from maltreatment in one family, the other woman given in this exchange automatically being pressurized or suffers the same maltreatment. This exchange of women as token sureties tends to give rise to violence against women in the country.

*Vani* and *Swara* are also the customs prevailing in different provinces (Khyber Pakhtoonkhwa and Baluchistan) of Pakistan, especially in pashtoon families. These are the marriages arranged by men or *Jirga(s)* to settle a dispute between two families or tribes by exchanging women as compensation or blood money. Women's will in such exchanges of giving women as compensation for settlement of dispute is out of question. Women given in such marriages suffer a painful and hostile environment in the family they are given to. Their status in such marriages is no more than as a slave that has been earned as compensation to the resource and human life damages caused by her maternal family.

*Walwar* is tradition of buying a bride for money. In such marriages women's free consent, choice, and free will is not considered. Rather, the young girls are given in marriage to men who pay highest money for them. These marriages are arranged between the parents of girl and the groom but the women involved in this marriage was given worth no more than a commodity to be sold for money.

Marriage with *Quran* is a type of marriage said to be arranged by feudal families for their daughters. In this type of marriage feudal families get their daughters married to *Quran*. This is also known as *Haq Bakhshwai*. Women lost her chances of marrying a man and having children, by this ideological and symbolical marriage to the holy book of *Quran*. Such women are considered sacred. But socially they lost all the rights. The most common reported reason behind such marriages is to prevent sharing and division of money and property outside family in case of the marriage of that



women. The information and statistical data regarding the cases of this type of marriages is almost unavailable because these marriages are done very secretly.

Pakistani society is giving much importance to the kinship ties. Therefore, consanguineous marriages (also known as cousin marriages) are considered the best tool to preserve the purity of decent. In this type of marriage the mate for girls and boys are usually searched within extended family, kinship or caste based ties. The statistics provided by Pakistan Demographic and Health Survey (PDHS) 2006-07 show that almost 90% of the women aged 30 to 34 were married to their close relatives (NIPS, 2007). It is only 33 percent of married women, who were not related to their spouses before marriage. It clearly shows that consanguineous marriage is characteristic feature of Pakistani society. This type of marriage is more common in rural areas and in joint and extended families (Government of Pakistan, 2014: 28).

In rural areas and also in part of the urban areas, where the *biradri* system is still so strong, getting married with someone from outside the *biradri*, kinship or caste ties, especially with disregard to the consent of *biradri* and family elders, is not appreciated or rather discouraged and punished with the reaction of social exclusion or threat of expulsion from the kinship network. The men getting married from outside the kinship ties is more acceptable but the rules and prospects for girls to have a mate or life partner from outside the kinship or caste networks are more rigid.

In overall muslim population of the country, muslim men and women are preferred and encouraged to get marry with a muslim counterpart. The marriage with non muslim counterpart is not appreciated much. Muslim men are even allowed to get married with a "*Ehle Kitab*" woman, but muslim women are not allowed to get married with such a man. *Ehle Kitab* refers to the Christian, Jew men and women who follow a religion in which they believe on any one of the four divine books (*Quran*, Bible, *Taurat*, and *Zabur*). The bride or groom belonging to any other religion needs to first accept Islam and then to get marry with a Muslim men or women in the country.

In broad socially accepted meaning, marriage in Pakistan is a matter of marriage of a man and a woman. Therefore, homosexual marriage (referring to marriage between two persons of same sex) is neither allowed nor acceptable. The prevailing heterosexual nature of marriage does not allow any room for social, religious, and legal acceptance to homosexual marriage. Rather, it is considered as a social evil threatening the social order and religiously a great sin seeking the wrath of Allah. Similarly, the cohabitation (referring to living of a man and a woman together without marriage) is not allowed.

The bride's parents arrange for dowry. The term dowry refers to the gifts to bride from her parents. Now a day, the meaning of what dowry includes has changed. It has become enlarged to include clothes, shoes, gold, silver, crockery, machinery (like chopper, blender, fridge, washing machine, air conditioner, etc.), vehicle (car or motorcycle), sometimes property (like house, land etc.). This changing meaning of dowry has become burden on the parent who have girls. It takes a life time for the parents to gather the money and good for their daughters' dowry that has socially become an essential element of marriage arrangements in Pakistani society. Some of the girls remain sitting in the parents' home just because their parents were no able to give sufficient dowry to them.

As soon as the marriage ceremonies start, it creates lot of colour, fun and enjoyment along with lots of responsibility, engagement, economic burden. The marriage ceremonies in Pakistan are full of colour and cultural rituals. Men usually take the decision making role and the responsibility of economic arrangements that need to be done outside homes. Women are more involved in the rituals held inside the house. There are several rituals of *sangeet*, *dholki*, *mehndi*, *mayoon*. Women are main actors and performers of these rituals and ceremonies. They sing, dance, wear colourful dresses, jewellery, and put all the efforts to create the environment of celebrations within home.

*Nikah* is essential for the marriage to be held between a Muslim man and a Muslim woman. *Nikah* is done by a religious person (*Molvi* or *Nikah Khwan*) by asking thrice to each, the bride and groom, for their consent to get married to each other clearly stating their names, father names, and the *Mahar* (Dower-money to be given to bride by groom) in presence of other persons as evidences. The bride and groom sign *Nikah Nama*, the official document for occurrence of marriage.

Polygamy refers to marriage of one man to more than one woman. Polygamy is allowed in Pakistan with the prior written consent of the first wife. It is socially, religiously and legally accepted practice in Pakistani society. From religious point of view, a Muslim man can have four wives at one time in marriage. Although, in religious teachings, more than one marriage at a time was allowed with the reasons to give safeguard and protection to widows, helpless, or orphan women. Legally, a man can do second marriage with prior permission of his first wife in Pakistan. From social aspects, the second marriage is also allowed when the man did not have children from their first wife. If we look at the statistics available in respect of polygamous marriages in Pakistan, although, it is allowed but is still not a common practice; as according to Pakistan Demographic and Health Survey 2006-2007 only 6.8% of currently married people are living in a polygamous marital union (Government of Pakistan, 2014: 28).

On the contrary, polyandry (the marriage of one woman to more than one man) that is allowed in some of the African societies is neither allowed nor in practice in Pakistan from religious and social point of view. Pakistani society places much importance to the purity of kinship, decent and lineage. Therefore, polyandry is neither religiously nor socially acceptable. Besides that, widow women and men in Pakistan are also religiously and socially allowed to get married again after the death of his/her wife or husband.

### 6.2.3. Gender and Age Wise Marital Status of Population in Pakistan

There are gender differences in the marriage patterns for men and women in Pakistan. Women in Pakistan are more likely to get married than men in the country. If we look at the statistics provided in compendium on gender statistics of Pakistan 2014, as presented in Table 6.2, it shows that the proportion of women in the categories of married, widowed and divorced is higher than men, while the number of women in the category of unmarried is sufficiently lower than men.

**Table 6.2: Age and gender wise marital status of population in Pakistan (2012-13)**

| Age Group | Unmarried |        | Married |        | Widow |        | Divorced |        |
|-----------|-----------|--------|---------|--------|-------|--------|----------|--------|
|           | Male      | Female | Male    | Female | Male  | Female | Male     | Female |
| All ages  | 37.44     | 26.68  | 59.08   | 64.33  | 3.06  | 8.45   | 0.32     | 0.43   |
| 15-19     | 97.92     | 89.57  | 1.94    | 10.17  | 0.00  | 0.03   | 0.01     | 0.06   |
| 20-24     | 78.38     | 49.71  | 21.10   | 49.43  | 0.06  | 0.26   | 0.15     | 0.30   |
| 25-29     | 41.25     | 18.29  | 58.01   | 80.45  | 0.20  | 0.56   | 0.38     | 0.57   |
| 30-34     | 14.33     | 5.33   | 84.67   | 92.86  | 0.43  | 1.06   | 0.45     | 0.69   |
| 35-39     | 4.68      | 2.55   | 94.11   | 94.12  | 0.64  | 2.64   | 0.52     | 0.66   |
| 40-44     | 2.29      | 1.42   | 96.29   | 93.77  | 1.03  | 4.28   | 0.37     | 0.54   |
| 45-49     | 1.23      | 1.09   | 96.24   | 89.52  | 1.97  | 8.62   | 0.55     | 0.77   |
| 50-54     | 1.28      | 1.21   | 94.42   | 81.67  | 3.86  | 16.69  | 0.42     | 0.42   |
| 55-59     | 0.71      | 0.86   | 92.69   | 73.87  | 6.08  | 24.89  | 0.50     | 0.38   |
| 60+       | 0.62      | 0.94   | 79.31   | 46.36  | 19.63 | 52.33  | 0.44     | 0.32   |

Source: Government of Pakistan (2014: 19).

The data present shows that only 26.6% women of all age groups were unmarried as compared to 37.4% men in the year 2012-13 in the country. The percentage of women in the category of married is higher (i.e. 64.3%) as compared to that of men (i.e. 59%) in the country. The percentage of widowed women (i.e. 8.45%) is almost three times higher than that of men (i.e. 3%). Divorce is socially and religiously considered as a most evil act in Pakistani society. Therefore, the number of divorced population is very low in the country. The percentage of divorced women (i.e. 0.43%) is also higher than men (i.e. 0.32%).

Another important pattern is that of gender differences in the age at marriage. Pakistani women get married earlier than men. It is visible that 10% of Pakistani women of 15-19 years age

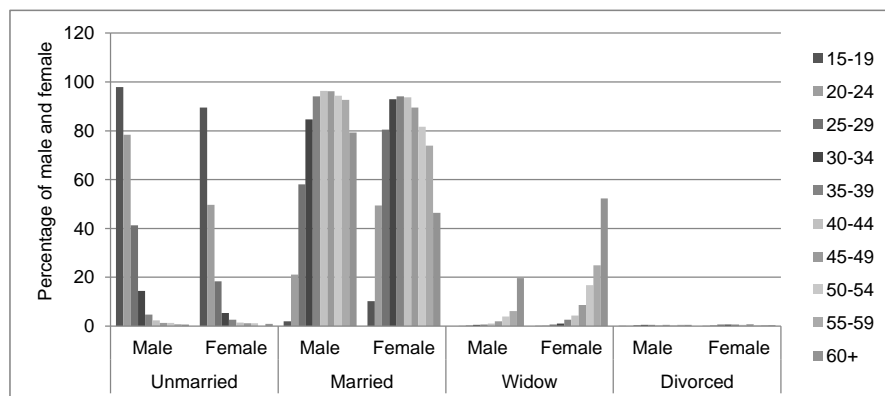
group were found married as compared to only 1.9% of men of the same age group in the year 2012-13. Similarly, almost half of the women (i.e. 49.43) of 20-24 years age group are married as compared to a sufficiently less than a quarter (i.e. 21.10%) of men in the same age group. At the age of 20-24 years almost 78% men remain unmarried while almost 50% women have got married (Government of Pakistan, 2014: 19).

It is observed that by reaching the age group of 25-29 years of age, almost 80% of women got married as compared to 58% of men in Pakistan. It shows that Pakistani men and women prefer to get married by reaching the age of 30 to 34 years of age; but still Pakistani women are preferred to get married earlier than men. Women are more involved in the case of marriage at a very young age (i.e. here 15-19 years) or in cases of child marriage as compared to men in the country.

### 6.2.4. Women in Different Marital Statuses

The different marital statuses as discussed above also entail different status, rights, responsibilities and living conditions for women within family and society. Unmarried young girls (daughters) are considered as unaware and naive on the basis of their age and social experience of marriage. They are considered weak and need to be guarded by men and senior married women of the family within and outside the family. A close check and vigilance is kept on their movements and activities as an essential function of the family system. They are socialized to remain obedient, serving without questioning anything, remain dependent on not only men but also on senior women of the family. Therefore, they also remain accountable to the senior men and women.

**Figure 6.2: Gender wise marital status of population in Pakistan (2012-2013)**



Source: Statistics taken from (Government of Pakistan, 2014: 19).

Married women's status within family is dependent on the status of their husbands, the husbands' behaviour towards them and the birth of living sons. They are considered to remain engaged in doing all the domestic work by themselves from early morning to late night. The old age married women are considered responsible to maintain the rule of the patriarch within the family. There is another hierarchy of power between married women defined on the bases of their status as daughter-in-law and mother-in-law. Married women's relationship with their in laws is another important aspect that affects the quality of their life. Dowry is one of the issues that may affect the married women's relationship with their in-laws. Sometimes, the dowry issue may lead to sever forms of violence against married women (e.g. beating, throwing out of home, burning, murder, etc.).

Widow and divorced women are less in number in population. They are entitled to a less privileged social status in society. Widows are considered as somewhat sacred. They are religiously and legally allowed to marry again. But there are some unwritten but prevailing social sanctions that apply to widow women in Pakistani society. They are mostly expected to wear simple and light colour dresses. Sometimes, they are compulsorily wearing white colour *dupata*. They are also not given preference in marriage ceremonies to perform rituals with the bride as their widowhood is considered as a bad omen that may affect the future married life of the new to be bride.

Divorce, although religiously and socially allowed, is not seen as a good thing in Pakistani society. It is more or less considered as an error, gross violation or mistake by a person in Pakistani society. Women bear more part of this social stigma attached with divorce in Pakistani society. People always look at them as a guilty person, searching for their mistake that led them to the divorce and blaming them as the cause behind happening of this misdeed.

Chaudhry (2004: 670) in his research on the violence against women in district Toba Tek Singh in Punjab province by collecting data on divorce cases from the union councils, and municipal committees, highlighted the main causes of divorce as suspected infidelity of wife, husband seeking second marriage, lack of understanding between husband and wife created by husband's mother, pregnancy due to suspected illicit relations in absence of husband, suspected infidelity of husband, conflict arising out of exchange marriage, wife's taking stand against husband's accusation of infidelity, small quantity of dowry, suspected killing of son by wife, wife's serious sickness from Tuberculosis, conflict between father's of couple, drug addiction by husband, in fecundity, conflict on property between couple's parents and misbehaviour of wife with in laws. Although this list of reasons for divorce is taken from a small cases of divorce in a particular district but can give the reader an idea of the reasons behind majority of the divorce cases in country.

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## CHAPTER - 7

### WOMEN AND FAMILY IN PAKISTAN

This chapter is aimed to define family, discuss its various forms and women's status in these families. The main focus of the chapter is on the prevailing forms and organization of the institution of family in Pakistan. It highlights the status and role of women in different types of families in Pakistan. It also thoroughly discusses the possibilities of female headed households in the patriarchal society of Pakistan.

#### 7.1. DEFINING FAMILY

For centuries, throughout the world people are living in families and maintaining family as one of the most important and oldest social institutions. The family is a fundamental social group in society typically consisting of one or two parents and their children but it may take many several forms in different places of world.

The literal dictionary definition of family refers to "a set of parents and children, or relations, living together or not" (Fowler & Fowler, 1997: 487). Sociological definition of family refers to "a primary social group consisting of parents and their offspring, the principal function of which is provision for its members". The term has also been variously defined by several scholars. According to Maciver and Page "The family is a group defined by sex-relationship sufficiently precise and enduring to provide for the procreation and upbringing of children". Horton and Hunt also define family as "a type of kinship grouping which provides for the rearing of children and for certain other human needs". Elliot and Merrill defined family as, "a biological social unit composed of husband, wife and children".

Henslin (1997: 429) identifies that family is universal to that extent that almost all the groups on earth organize their members into families but still the families around the globe in different societies show a variety of structures according to the membership, criteria for membership and the authority system within it. He identifies the need of a broader definition of family to suit all these possible varieties. Accordingly, Henslin (1997: 429) defined a very broader definition of family in these words: "A family consists of two or more people who consider themselves related by blood, marriage, or adoption". The family is established by custom in every society and it provides a structure to that society.

#### 7.2. WOMEN AND FAMILY IN PAKISTAN

In Pakistani context, the family refers to a group of people related by blood ties (and rarely by adoption) living together in a premises for companionship, emotional satisfaction, as a religious obligation, and sharing resources and maximizing the life options and security for social well being of each member of the group. The typical Pakistani family is patrilocal (where the lineage follows from men). This section focuses on different types of families in Pakistan and women's status according to the nature of family type in which they live. It will also focus on women's role and status in patrilocal family prevailing in Pakistani society.

##### 7.2.1. Women and Different Types of Family in Pakistan

The prominent types of families found in the country are nuclear family, semi nuclear family, joint family, and extended family. Family size is usually large in rural areas of the country. Nuclear

family comprises of married couple with their unmarried dependent children. This type of family is more popular in urban areas of the country where growing urbanization, industrialization, commercialization and excessive rural urban migration has resulted in rapid modernization as compared to the rural areas of the country. This type of family gives women the more power, autonomy, and mobility due to the social set up of cities. As a wife, she is the second one to male head of the family in decision making and managing the family affairs. But still Pakistani people are very much close to their traditional values. They care for their parents and consider it a privilege to serve their old aged parents. Therefore, the western ideal type of urban nuclear family has also been largely modified into a semi nuclear family to include the old age parents of male patriarch in that patrilocal nuclear family.

Semi nuclear family in Pakistan is comprised of married couple along with their unmarried dependent children and both or anyone of the parents of the male head of the family. This family has benefits for both women in the way as grandparents (especially the grandmother) share the responsibility of look after of the children with the mother (especially in case of the families where women work outside home). Similarly, it is beneficial for old age parents and especially old age women who do not have much social life outside home. They get engaged in socializing and looking after their grand children and remain active. Although, in majority cases the elder persons living with the couple are any or both of men's parents, but in some cases there can be women's mother or both parents. Still the joint family system is prevailing in some parts of urban areas and in most part of the rural areas in the country. This type of family is comprises of usually three to four generations of persons related by blood having multiple married couples, living together in one premises (sometimes shared, sometimes partially divided within it) and sharing the same kitchen and economic resource pool. In this type of family both or the surviving grandparent, their unmarried daughters and married and unmarried sons along with their wives and married and unmarried children and their grand children live together. In this way several brothers live together with their wives and children and their children live together with their cousins in the same premises. In this family third and fourth generations usually experience living with their cousins together in the same premises.

Extended family comprises of the blood related people living in close vicinity or in one extended marked premises (that is internally divided) as separate nuclear or joint families running their separate kitchens and resource pools. This type of family may comprise of more than four generations. All generations may have experienced living with their cousins at the same time to some extent. The extended family settlements are usually found in rural areas, where not only families but sometimes the whole ward in the village or whole village is comprises of close blood relatives living in close vicinity.

Women's status in the joint and extended families prevailing in rural areas is different as compared to that of urban nuclear and semi nuclear families. The joint and extended family created a relatively bigger social circle around women for being controlled, accountable and checked by a larger number of people. Therefore, the women living in these two types of families experience less decision making power, autonomy, and control over resources of either shared or separate economic pool.

Single member family is rare in Pakistan. It is not much acceptable except for those people who migrate for employment to the urban cities from rural areas and live there alone for earning to send back to their families. Even this type of single member family is not acceptable women, commonly. Women living alone due to any reasons do not receive social acceptance and face difficulties.

### **7.2.2. Women's Status in Patrilocal Family in Pakistan**

In accordance with the nature of patriarchal society of Pakistan, the institution of family is predominantly patrilocal in nature, where the headship and lineage follows the male line of inheritance. Men heads of families are the controlling and managing power centre of the Pakistani family in socio-economic, public and private affairs. Women are considered as the associates of these successive male inheritors. The women are to be identified by their men's name and have

no particular identity of their own. The documents of lineage (*Shijirah*) usually do not show the women in successive generations (daughters) and if shown the traces of their lineage end with their name and not persuaded further. The lineage and status among men also progresses in a hierarchical way. The father's control over family is usually being inherited to the elder son, and then to other sons or to elder sons' sons in next generation. The authority of eldest male is accepted and continues till he died or become direly frail. The control over resources, power to make decisions about family members' lives lies with the male head and precedes the same lineage line.

The status of the women and children in family is being determined by their relation or association with the male head patriarch; such as his mother, wife, daughters, sisters, and daughters in laws. Older women are given more authority and autonomy due to two reasons: 1) the male patriarch considers it as a religious duty to serve their older mother or relatives and 2) as a result of their long successful subservience to and preservation of the patriarchal order of the family and posing no more threat to it. Young daughters are always remain controlled and under the sever vigilance of older or middle aged women members of the family. The decisions of their education, mobility and marriage are usually been taken by men (by father, elder brother or grandfather) in consultation with the old and middle aged women of the family.

### **7.3. WOMAN AS THE HEAD OF HOUSEHOLD IN PAKISTAN**

Pakistan is a patriarchal society with patrilocal family as a dominant form of family organization. The headship of family may be determined through the ability and power to control over the resources and people within family by monopolizing the decision making power about these resources and people. The patrilocal family means a shift of the women from her maternal home to her husband's house. During the young age of the women in her maternal house, this prospective shifting from the maternal house to husband's does not let her get settled and empowered within her maternal home as controller of resources or decision maker. The women within the maternal home are considered as responsibility to be cared by family members and family head rather than the bearer of responsibility of the family. Therefore, they were not assigned much power and control over resources and people.

The shift from the house of parents to her husband's house leads to breakage or weakening of social networks for women. It also takes time to get settled in the new house where everything and every person are stranger for the newly married women and rebuild the social networks for her support and security. This break from the familiar environment of the parent's home to husband's home does not allow women to easily get control of resources and people or to sufficiently and quickly trusted for family decision making in husband's house. Thus, women again find themselves, deprived of the control and power necessary to be assigned with the headship of the family as a group.

In a patrilocal family within a patriarchal social organization, the men's (as father or husband) ability to control the resources and people does not leave much room for women to get empowered enough to achieve the status of family head through acquiring sufficient control over resources and people within family. But still the exceptions in the traditionally accepted household structures due to certain reasons may lead to give a status of family head to a small number of women in Pakistan. The reasons for changed family structure may be migration, divorce, widowhood, separation, etc. In such cases, especially due to migration of men for economic purposes, women are left behind in the home to take the additional charge of all the responsibilities of the male head of the family in addition to their own duties of home maker.

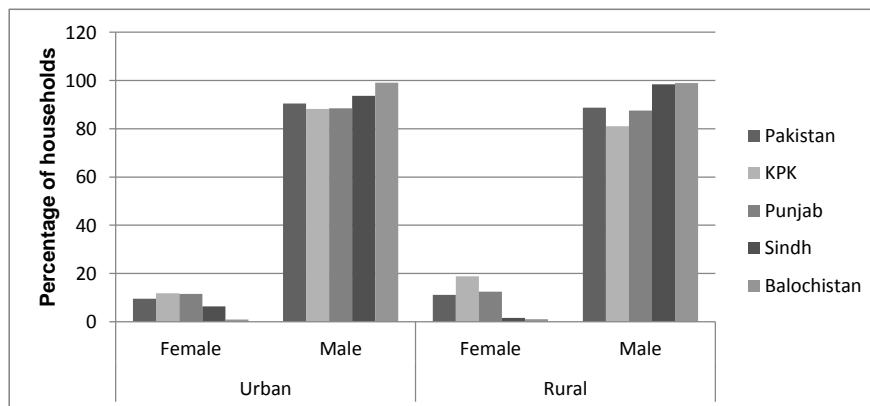
**Table 7.1: Percentage of households by headship in Pakistan (2011-2012)**

| Provinces/Areas    |       | Female      | Male        |
|--------------------|-------|-------------|-------------|
| <b>Pakistan</b>    |       | <b>10.6</b> | <b>89.4</b> |
|                    | Urban | 9.5         | 90.5        |
|                    | Rural | 11.2        | 88.8        |
| <b>Punjab</b>      |       | <b>12.2</b> | <b>87.8</b> |
|                    | Urban | 11.5        | 88.5        |
|                    | Rural | 12.5        | 87.5        |
| <b>Sindh</b>       |       | <b>4.1</b>  | <b>95.9</b> |
|                    | Urban | 6.4         | 93.6        |
|                    | Rural | 1.6         | 98.4        |
| <b>KPK</b>         |       | <b>17.7</b> | <b>82.3</b> |
|                    | Urban | 11.8        | 88.2        |
|                    | Rural | 18.9        | 81.1        |
| <b>Baluchistan</b> |       | <b>1.0</b>  | <b>99.0</b> |
|                    | Urban | 0.9         | 99.1        |
|                    | Rural | 1.1         | 98.9        |

Source: Government of Pakistan (2014: 24).

The above stated conditions are also proved true from the statistical data provided by Pakistan Social and Living Measurement Survey 2011-12 as cited in the report on compendium on gender statistics in Pakistan 2014 (Government of Pakistan, 2014: 24). The data presented in Table 7.1 reflects that Pakistan is predominantly a patriarchal society where family is normally headed by men as patriarchs. The statistics presented here show that only 10.6% of households were found being headed by women in comparison to 89.4% households headed by men in the year 2011-12 in the country. Although, female headship of households or family is now growingly becoming visible due to labour migration of men than any significant socio-cultural or attitudinal shift (Government of Pakistan, 2014: 24).

**Figure 7.1: Gender wise percentage of household headship in Pakistan (2011-12)**



Source: Statistics taken from (Government of Pakistan, 2014: 24).



Despite an overall low rate of female headship across the country, there are some provincial and geographical (rural/urban) differences in patterns of female headship in the country. The provincial statistics show that KPK was having highest proportion of households headed by the women (i.e. 17.7%) followed by Punjab with 12.2% households headed by women. Sindh and Baluchistan are showing relatively lower proportion of the households headed by women, as 4.1% and 1%, respectively. The report on compendium on gender statistics of Pakistan 2014 highlights that “[s]ince male’s migration is common spectacle in KP and Punjab as compared to Sindh and Baluchistan, the female headship of household has been more visible in the former two provinces as compared to latter provinces” (Government of Pakistan, 2014: 24).

Besides the provincial differences, the proportion of households headed by women in rural and urban areas of the country is also different. In the year 2011-12, women are found heading more number of households in the rural areas of the country (i.e. 11.2%) as compared to the number of households headed by women in urban areas (i.e. 9.5%).

The number of households headed by the women in different provinces is also different. The highest proportion of the households headed by the women across the country is being observed in the rural areas of KPK (i.e.18.9%). It is followed by the proportion of households headed by women in rural areas of Punjab (i.e. 12.5%). Simultaneously, the urban areas of KPK and Punjab also show a higher proportion of female headed households across the urban areas of the country, i.e. 11.8% and 11.5%, respectively. Sindh and Baluchistan remained far behind in this regard. Baluchistan also has a higher proportion of female headed households in rural areas (i.e. 1.1%) as compared to that of in rural areas (i.e. 0.9%) in the province. It is only in the province of Sindh where a reverse pattern of higher proportion of female headed household (i.e. 6.4%) in urban areas as compared to a lower proportion of female headed households (i.e. 1.6%) in rural areas is observed.



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## CHAPTER - 8

### WOMEN AND EDUCATION IN PAKISTAN

Education is the best social capital that may increase a human's productive and social status. The nations determined for their social and economic development acknowledge that the best investment is in education of their people. It is also true for Pakistan at the level of prevailing verbal discourse in broader society. For example, there is a saying that "if you need a strong nation than give me strong mothers". It is also said as proverb that "to educate a man is to educate an individual while to educate a woman is to educate an extended family (*Khandan*)". But the available statistics show that the actual situation in respect of women's education in Pakistan is not so promising. This chapter is focusing on different aspects of women's educational aspects in country.

#### 8.1. WOMEN'S EDUCATIONAL STATUS IN PAKISTAN

Pakistan has constitutional and international commitments to achieve education for all without any discrimination to sex, race, caste, region, etc. According to Article 37-B of the Constitution of Pakistan (1973), the state is responsible for: "eradication of illiteracy and provision of free and compulsory education up to secondary level, with in minimum possible time" (United Nations Educational, Scientific and Cultural Organization, 2012: 18). Still the educational status of women all over the country is poor. An effort is made to review the educational status of Pakistani women in the following passages through focus on gender gaps in literacy level, school enrolment, school dropouts, available educational facilities, and educational achievement at different educational levels.

##### 8.1.1. Women and Literacy in Pakistan

The term "Literacy" is defined as the basic ability to read and write a simple passage written in local language. Literacy is considered basic to all learning (United Nations Educational, Scientific and Cultural Organization, 2012). Commonly, a person is considered literate if she or he is able to make simple and basic mathematical functions of counting, addition, and subtraction and can read a simple passage written in local language. These basic skills of numeracy and language are considered essential for social life.

Ibraz & Fatima (1993: 906) commented that "Pakistani women lag behind not only to their male counterparts in terms of literacy but female literacy rates in Pakistan remain as one of the lowest in the world". Unfortunately, still a sufficiently large number of Pakistani citizens are not literate. Therefore, Pakistan stands lower than other neighbouring countries in terms of literacy rate. Out of the total 187 countries included in the Human Development Index (HDI) for the year 2011, Pakistan ranked 145 (United Nations Educational, Scientific and Cultural Organization, 2012: 18). The literacy ratio in Pakistan is lower and if looking at the gender gap in terms of literacy, it is even worst among rural women. "There are a few clearly discernible patterns to this deprivation – for illiteracy is nothing but: more women are illiterate than men; more rural than urban citizens cannot read and write; and greater proportions of tribal and agrarian communities and ethnic minorities are illiterate" (United Nations Educational, Scientific and Cultural Organization, 2012: 5).

**Table 8.1: Literacy ratio by sex in Pakistan (1981 and 1998)**

| Administrative Units | 1998 census  |              |              | 1981 census  |              |              |
|----------------------|--------------|--------------|--------------|--------------|--------------|--------------|
|                      | Both Sexes   | Male         | Female       | Both Sexes   | Male         | Female       |
| <b>Pakistan</b>      | <b>43.92</b> | <b>54.81</b> | <b>32.02</b> | <b>26.17</b> | <b>35.05</b> | <b>15.99</b> |
| Rural                | 33.64        | 46.38        | 20.09        | 17.33        | 26.24        | 7.33         |
| Urban                | 63.08        | 70.00        | 55.16        | 47.12        | 55.32        | 37.27        |
| <b>KPK</b>           | <b>35.41</b> | <b>51.39</b> | <b>18.82</b> | <b>16.7</b>  | <b>25.85</b> | <b>6.48</b>  |
| Rural                | 31.29        | 47.65        | 14.69        | 13.18        | 21.73        | 3.82         |
| Urban                | 54.33        | 67.48        | 39.10        | 35.77        | 46.96        | 21.88        |
| <b>FATA</b>          | <b>17.42</b> | <b>29.51</b> | <b>3.00</b>  | <b>6.38</b>  | <b>10.93</b> | <b>0.79</b>  |
| Rural                | 16.80        | 28.59        | 2.75         | 6.38         | 10.93        | 0.79         |
| Urban                | 39.27        | 59.69        | 12.01        | -            | -            | -            |
| <b>Punjab</b>        | <b>46.56</b> | <b>57.20</b> | <b>35.10</b> | <b>27.42</b> | <b>36.82</b> | <b>16.81</b> |
| Rural                | 37.95        | 50.40        | 24.78        | 20.01        | 29.56        | 9.38         |
| Urban                | 64.48        | 70.94        | 57.23        | 46.72        | 55.23        | 36.72        |
| <b>Sindh</b>         | <b>45.29</b> | <b>54.50</b> | <b>34.78</b> | <b>31.45</b> | <b>39.74</b> | <b>21.64</b> |
| Rural                | 25.73        | 37.89        | 12.23        | 15.57        | 24.54        | 5.21         |
| Urban                | 63.72        | 69.75        | 56.66        | 50.77        | 55.77        | 44.23        |
| <b>Baluchistan</b>   | <b>24.83</b> | <b>34.03</b> | <b>14.09</b> | <b>10.32</b> | <b>15.20</b> | <b>4.32</b>  |
| Rural                | 17.47        | 25.75        | 7.94         | 6.18         | 9.82         | 1.75         |
| Urban                | 46.86        | 58.14        | 33.08        | 50.77        | 55.77        | 44.23        |
| <b>Islamabad</b>     | <b>72.88</b> | <b>80.64</b> | <b>62.39</b> | <b>47.8</b>  | <b>59.10</b> | <b>33.50</b> |
| Rural                | 62.52        | 75.09        | 48.78        | 32.5         | 48.10        | 17.70        |
| Urban                | 77.25        | 83.20        | 69.68        | 57.60        | 68.80        | 46.80        |

Source: Statistics taken from (Pakistan Bureau of Statistics, 2016a).

Here our focus is to look at the patterns of gender disparity in literacy ratio in a historical manner. The 1998 Census statistics, as provided in Table 8.1, show an overall literacy rate of 10+ age group of population as 43.92% at national level. The overall literacy ratio of the same population age group in different provincial and geographical territories was as follows: NWFP 35.41%, FATA 17.42%, Punjab 46.56%, Sindh 45.29%, Baluchistan 24.83%, and Islamabad 72.88%. FATA and Baluchistan had least proportion of the literate population than other provinces and territories as 17% and 24.83% respectively. The 1998 census statistics also show the wide gender gap and poor conditions of overall literacy ratio among women in the country. It shows that the overall literacy ratio among Pakistani women of 10+ age group is only 32.02%. It is lower than the overall literacy ratio of the male population of the same age group (i.e. 54.81%). Besides this poor condition of overall literacy ratio in the country and a wider gender gap, the provincial statistics show a worse condition.

Punjab and Sindh provinces have higher literacy rate, but still a wider gender gap exists in literacy rates among men and women. In Punjab, the overall literacy rate among women was 35.10% as compared to 57.20% among men. Similarly, in Sindh it is 34.78% among women as compared to 54.50% among men. Baluchistan and NWFP (now Khyber Pakhtoonkhwa) provinces had lower literacy rates. In Baluchistan, the overall literacy rate among women was only 14.09% as compared to 34.03% among men. In NWFP women had a literacy ratio of 18.82% as compared to almost three times higher literacy ratio among men as 51.39%. Islamabad and FATA, two federally administered territories show the two extremes of literacy ratio within Pakistan. On the one hand, in the capital city of Islamabad, the overall literacy ratio among women was 62.39% as compared to 80.64% for men. Islamabad had the highest literacy ratio for women and men throughout the country. On the other hand, in Federally Administered Tribal Area (FATA), the overall literacy ratio among women was only 3% as compared to 29.51% among their men counterparts in the year 1998 (Population Census Organization, 1998a).

If we look at more recent data provided by Pakistan Social and Living Standards Measurement (PSLM) Survey 2013-2014 and presented in Table 8.2, it is visible that Pakistan still lags behind in literacy among women. With a 58% of overall literacy rate, a large segment of the population is still illiterate. With 47% literacy rate among women, still more than half of Pakistani women citizens are illiterate. In Baluchistan province, still only a quarter of total women population is literate (Government of Pakistan, 2015).

Besides the provincial difference, the gender disparity in education also exists in rural and urban areas across the country (Naz, 2011). It is claimed that “the existence of gender discrimination in the context of education is obvious in rural-urban structures throughout the country” (Naz, Daraz, Khan, & Sheikh, 2013: 139). The condition of rural women in terms of literacy remained very poor. According to 1998 census the literacy ratio among rural women in Pakistan was only 20% (see Table 8.1). It means only one out of every five rural women across Pakistan was literate in 1998. It was also lower in comparison to the rural men counterparts, whose literacy ratio as 46.38% was more than double. The literacy ratio of rural women was also lower as compared to urban women whose literacy ratio was 55.16% in 1998.

The literacy ratio among rural women in four provinces and federally administered territories also showed a poor situation in 1998 census. The ratio was low in all provinces and geographical territories. According to 1998 census statistics the overall literacy ratio of rural women in Punjab was 24.78%, It means that less than a quarter of rural female population in Punjab was literate in the year 1998. Sindh stood lower than Punjab with only 12.23% overall literacy ratio among rural women. NWFP (KPK) with 14.69% and Baluchistan with only 7.94% literacy ratio among rural women stood very lower in terms of literacy ratio among rural women. The literacy ratio of rural women in FATA was lowest all over the country as only 2.75% in the year 1998. Only Islamabad had 48.78% of literacy ratio among rural female population.

**Table 8.2: Gender and province wise literacy rate (10 years and above) in Pakistan**

| Province /Area     | 2012-2013 |           |           | 2013-2014 |           |           |
|--------------------|-----------|-----------|-----------|-----------|-----------|-----------|
|                    | Male      | Female    | Total     | Male      | Female    | Total     |
| <b>Pakistan</b>    | <b>71</b> | <b>48</b> | <b>60</b> | <b>70</b> | <b>47</b> | <b>58</b> |
| Rural              | 64        | 37        | 51        | 63        | 36        | 49        |
| Urban              | 82        | 69        | 76        | 81        | 66        | 74        |
| <b>Punjab</b>      | <b>71</b> | <b>54</b> | <b>62</b> | <b>71</b> | <b>52</b> | <b>61</b> |
| Rural              | 66        | 45        | 55        | 65        | 43        | 53        |
| Urban              | 82        | 72        | 77        | 82        | 71        | 76        |
| <b>Sindh</b>       | <b>72</b> | <b>47</b> | <b>60</b> | <b>67</b> | <b>43</b> | <b>56</b> |
| Rural              | 59        | 22        | 42        | 53        | 21        | 37        |
| Urban              | 84        | 70        | 77        | 80        | 63        | 72        |
| <b>KPK</b>         | <b>72</b> | <b>35</b> | <b>52</b> | <b>72</b> | <b>36</b> | <b>53</b> |
| Rural              | 69        | 31        | 49        | 70        | 32        | 49        |
| Urban              | 78        | 52        | 66        | 81        | 55        | 68        |
| <b>Baluchistan</b> | <b>62</b> | <b>23</b> | <b>44</b> | <b>59</b> | <b>25</b> | <b>43</b> |
| Rural              | 55        | 15        | 37        | 54        | 17        | 36        |
| Urban              | 81        | 47        | 65        | 74        | 45        | 59        |

Source: Government of Pakistan (2015: 50).

More recent statistics available in Pakistan Social and Living Standard Measurement (PSLM) Survey 2013-14, as presented in Table 8.2, show that overall literacy ratio among rural women in Pakistan has reached to 36%. Province wise details also showed that Punjab has

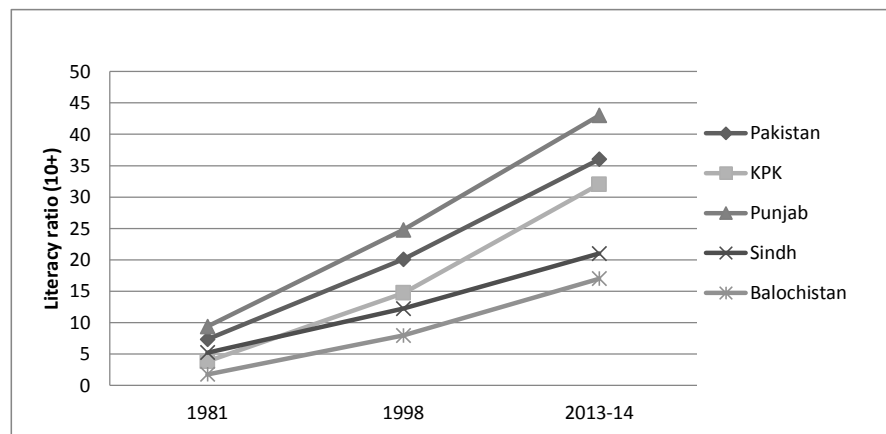
achieved 43% of literacy ratio among rural women followed by Sindh with 21%, Khyber Pakhtoonkhwa with 32%, and Baluchistan with only 17% of literacy ratio among rural women.

The progress of literacy ratio among women in the country is slow. Women’s literacy ratio at national level was 15.99% in the year 1981 which progressing through 32.02% in 1998 finally had reached to 47% in the year 2014. It means half of the female population is illiterate in Pakistan. Punjab had 16.81% literacy ratio among women in 1998, progressed through 35.10% in the year 1998 and finally reached to 52% in the year 2014. Sindh had relatively higher literacy ratio among women (i.e. 21.64) in the year 1981. It was higher than any other province and higher than the overall national literacy ratio (i.e. 15.99%) for women in the country.

Sindh progressed slower than Punjab in terms of female literacy. Sindh could only progressed to achieve 34.78% literacy ratio among women in the year 1998 and finally achieved 43% in the year 2014, that was ten percent lower than that of Punjab in the same year. The Khyber Pakhtoonkhwa province progressed from 6.48% literacy ratio among women in the year 1981 to 36% in the year 2014. Baluchistan always had a lowest literacy ratio in the country. It progressed from 4.32% literacy ratio among women in the year 1981 to only 25% in the year 2014.

The same situation is visible in statistics regarding rural women’s progress in terms of literacy ratio in the country. According to 1981 census statistics, the overall literacy ratio among rural women in Pakistan was only 7.33%. The 1998 census statistics showed only a 13% increased as the literacy ratio among rural women reached to only 20.09% that was still very low. A little progress was observed in next sixteen years as the Pakistan Social and Living Standard Measurement Survey of 2013-14 showed an overall literacy ratio of rural women reaching to only 36%. It means still just a little more than one third of rural women in Pakistan are literate.

**Figure 8.1: Progress of literacy ratio among rural women in Pakistan (1981-2014)**



Source: Statistics taken from (Pakistan Bureau of Statistics, 2016a) and (Government of Pakistan, 2015: 50).

There have been some initiatives taken for the increase in literacy ratio among women in Pakistan. *Nai Roshni*, literacy initiative by National Commission for Human Development (NCHD), Women’s literacy and empowerment program are to name a few. Despite the massive initiatives launched by government such as through NCHD still women’s literacy is far behind than what was desired by Millennium Development Goals.

## 8.1.2. Women and Formal Education in Pakistan

Pakistani women's condition in terms of formal education sector can be assessed by analysing the gender gap in number of available educational institutions, enrolment, and achievement at different educational levels in the country. Technical education sector is an important avenue to show women's participation in skill development programs.

### 8.1.2.1. Gender gap in educational facilities

The number of educational facilities (i.e. educational institutions) for women in public, private and semi government sectors is less than men. The National Education Management Information System (2015: 60; hereafter NEMIS) highlights that there were only 61,223 institutions (from pre-primary to degree college level) for girls in comparison to 105,451 institutions for boys and 59,037 institutions serving as mixed gender institutes in the year 2014 (NEMIS, 2015). It means 46.71% educational institutions are for boys, 27.12% for girls and 26.15% are mixed institutions.

**Table 8.3: Gender wise educational intitutions in Pakistan (2013-14)**

| Province /Area     | Boys   | Girls | Mixed | Total  |
|--------------------|--------|-------|-------|--------|
| <b>Pakistan</b>    | 105451 | 61223 | 59037 | 225711 |
| <b>Punjab</b>      | 30281  | 31599 | 39112 | 100992 |
| <b>Sindh</b>       | 39315  | 9554  | 9982  | 58851  |
| <b>KPK</b>         | 18617  | 10753 | 6099  | 35469  |
| <b>Baluchistan</b> | 9305   | 3635  | 822   | 13762  |
| <b>AJ&amp;K</b>    | 3450   | 2730  | 1953  | 8133   |
| <b>GB</b>          | 882    | 421   | 361   | 1664   |
| <b>FATA</b>        | 3375   | 2310  | 174   | 5859   |
| <b>ICT</b>         | 226    | 221   | 534   | 981    |

Source: NEMIS (2015: 60).

Only Punjab province has almost equal number of educational institutions catering the needs of boys (i.e. 29.98% institutions) and girls (i.e. 31.28% institutions). Sindh, Khyber Pakhtoonkhwa, Azad Jamu & Kashmir, Gilgit Baltistan, and FATA regions have less number of educational institutions for girls in comparison of boys. Sindh has the lowest proportion of educational institutions for girls. In Sindh province 16.23% educational institutions are allocated for girls in comparison to 66.804% for boys in addition with 16.961% mixed gender institutions. In Khyber Pakhtoonkhwa 52% educational institutions are for boys in comparison with 30% for girls and 17% mixed educational institutions. Baluchistan has 67.6% educational institutions for boys in comparison of 26.413% for girls along with 5.9% mixed institutions (NEMIS, 2015: 60).

**Table 8.4: Educational institutions by province, level, gender and location (2013-14)**

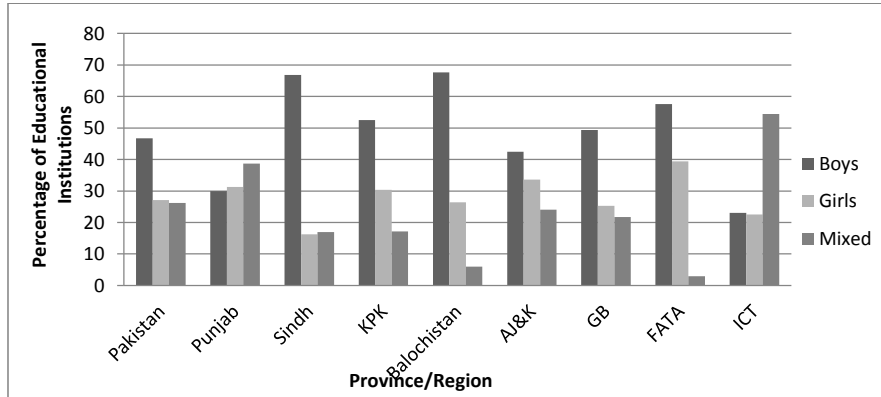
| Level           | Urban |       |       |       | Rural |       |       |        | Total |       |       |        |
|-----------------|-------|-------|-------|-------|-------|-------|-------|--------|-------|-------|-------|--------|
|                 | Boys  | Girls | Mixed | Total | Boys  | Girls | Mixed | Total  | Boys  | Girls | Mixed | Total  |
| <b>PAKISTAN</b> |       |       |       |       |       |       |       |        |       |       |       |        |
| Pre-Primary     | -     | 2     | 347   | 349   | 3     | 1     | 69    | 73     | 3     | 3     | 416   | 422    |
| Primary         | 7288  | 4644  | 6220  | 18152 | 77581 | 39317 | 10441 | 127339 | 84869 | 43961 | 16661 | 145491 |
| Middle          | 1510  | 1592  | 10415 | 13517 | 7817  | 7391  | 14195 | 29403  | 9327  | 8983  | 24610 | 42920  |
| High            | 2821  | 2532  | 8632  | 13985 | 6407  | 3907  | 6314  | 16628  | 9228  | 6439  | 14946 | 30613  |

|  |       |      |       |       |       |       |       |        |        |       |       |        |
|--|-------|------|-------|-------|-------|-------|-------|--------|--------|-------|-------|--------|
| Higher Sec.                              | 430   | 482  | 992   | 1904  | 833   | 591   | 849   | 2273   | 1263   | 1073  | 1841  | 4177   |
| Inter college                            | 173   | 173  | 289   | 635   | 66    | 106   | 141   | 313    | 260    | 307   | 435   | 1002   |
| Degree Coll.                             | 263   | 313  | 73    | 649   | 126   | 47    | 15    | 188    | 501    | 457   | 128   | 1086   |
| Total                                    | 12485 | 9738 | 26968 | 49191 | 92833 | 51360 | 32024 | 176217 | 105451 | 61223 | 59037 | 225711 |
| <b>PUNJAB</b>                            |       |      |       |       |       |       |       |        |        |       |       |        |
| Pre-Primary                              | -     | -    | 12    | 12    | -     | -     | -     | -      | -      | -     | 12    | 12     |
| Primary                                  | 2093  | 2157 | 3155  | 7405  | 18391 | 18524 | 7589  | 44504  | 20484  | 20681 | 10744 | 51909  |
| Middle                                   | 751   | 955  | 6449  | 8155  | 3352  | 4697  | 11260 | 19309  | 4103   | 5652  | 17709 | 27464  |
| High                                     | 1717  | 1636 | 4787  | 8140  | 3107  | 2548  | 4684  | 10339  | 4824   | 4184  | 9471  | 18479  |
| Higher Sec.                              | 219   | 304  | 428   | 951   | 367   | 396   | 531   | 1294   | 586    | 700   | 959   | 2245   |
| Inter college                            | 111   | 104  | 111   | 326   | 33    | 74    | 102   | 209    | 144    | 178   | 213   | 535    |
| Degree Coll.                             | 139   | 203  | 3     | 345   | 1     | 1     | 1     | 3      | 140    | 204   | 4     | 348    |
| Total                                    | 5030  | 5359 | 14945 | 25334 | 25251 | 26240 | 24167 | 75658  | 30281  | 31599 | 39112 | 100992 |
| <b>SINDH</b>                             |       |      |       |       |       |       |       |        |        |       |       |        |
| Pre-Primary                              | -     | 2    | 298   | 300   | 2     | 1     | 41    | 44     | 2      | 3     | 339   | 344    |
| Primary                                  | 3408  | 1476 | 2248  | 7132  | 32484 | 6291  | 428   | 39203  | 35892  | 7767  | 2676  | 46335  |
| Middle                                   | 440   | 346  | 2936  | 3722  | 1271  | 496   | 416   | 2183   | 1711   | 842   | 3352  | 5905   |
| High                                     | 607   | 531  | 3023  | 4161  | 760   | 186   | 129   | 1075   | 1367   | 717   | 3152  | 5236   |
| Higher Sec.                              | 88    | 72   | 303   | 463   | 142   | 25    | 14    | 181    | 230    | 97    | 317   | 644    |
| Inter college                            | 12    | 27   | 66    | 105   | -     | -     | 2     | 2      | 27     | 48    | 73    | 148    |
| Degree Coll.                             | 6     | 6    | 32    | 44    | -     | -     | 1     | 1      | 86     | 80    | 73    | 239    |
| Total                                    | 4561  | 2460 | 8906  | 15927 | 34659 | 6999  | 1031  | 42689  | 39315  | 9554  | 9982  | 58851  |
| <b>KHYBER PAKHTOONKHWANA</b>             |       |      |       |       |       |       |       |        |        |       |       |        |
| Pre-Primary                              | -     | -    | -     | -     | -     | -     | -     | -      | -      | -     | -     | -      |
| Primary                                  | 752   | 518  | 448   | 1718  | 14116 | 8060  | 1378  | 23554  | 14868  | 8578  | 1826  | 25272  |
| Middle                                   | 152   | 105  | 596   | 853   | 1517  | 1021  | 1564  | 4102   | 1669   | 1126  | 2160  | 4955   |
| High                                     | 217   | 152  | 496   | 865   | 1318  | 603   | 1048  | 2969   | 1535   | 755   | 1544  | 3834   |
| Higher Sec.                              | 95    | 57   | 199   | 341   | 259   | 120   | 282   | 661    | 344    | 177   | 481   | 1002   |
| Inter college                            | 32    | 28   | 50    | 110   | 8     | 16    | 17    | 41     | 40     | 44    | 67    | 151    |
| Degree Coll.                             | 53    | 52   | 15    | 120   | 108   | 21    | 6     | 135    | 161    | 73    | 21    | 255    |
| Total                                    | 1291  | 912  | 1804  | 4007  | 17326 | 9841  | 4295  | 31462  | 18617  | 10753 | 6099  | 35469  |
| <b>BALUCHISTAN</b>                       |       |      |       |       |       |       |       |        |        |       |       |        |
| Pre-Primary                              | -     | -    | 1     | 1     | 1     | 9     | 10    | 1      | -      | 10    | 11    | 11     |
| Primary                                  | 735   | 275  | 177   | 1187  | 7256  | 2578  | 188   | 10022  | 7991   | 2853  | 365   | 11209  |
| Middle                                   | 96    | 91   | 151   | 338   | 589   | 414   | 110   | 1113   | 685    | 505   | 261   | 1451   |
| High                                     | 178   | 118  | 110   | 406   | 395   | 121   | 37    | 553    | 573    | 239   | 147   | 959    |
| Higher Sec.                              | 13    | 16   | 9     | 38    | 19    | 2     | 4     | 25     | 32     | 18    | 13    | 63     |
| Inter college                            | 8     | 3    | 8     | 19    | 2     | 1     | 4     | 7      | 10     | 4     | 12    | 26     |
| Degree Coll.                             | 12    | 14   | 12    | 38    | 1     | 2     | 5     | 13     | 16     | 14    | 43    | 43     |
| Total                                    | 1042  | 517  | 468   | 2027  | 8263  | 3118  | 354   | 11735  | 9305   | 3635  | 822   | 13762  |
| <b>AZAD JAMU &amp; KASHMIR</b>           |       |      |       |       |       |       |       |        |        |       |       |        |
| Pre-Primary                              | -     | -    | 6     | 6     | -     | 15    | 15    | -      | -      | -     | 21    | 21     |
| Primary                                  | 196   | 118  | 85    | 399   | 2198  | 1682  | 582   | 4462   | 2394   | 1800  | 667   | 4861   |
| Middle                                   | 26    | 38   | 225   | 289   | 515   | 450   | 616   | 1581   | 541    | 488   | 841   | 1870   |
| High                                     | 50    | 51   | 161   | 262   | 358   | 288   | 172   | 818    | 408    | 339   | 333   | 1080   |
| Higher Sec.                              | 10    | 6    | 22    | 38    | 12    | 29    | 9     | 50     | 22     | 35    | 31    | 88     |
| Inter college                            | 8     | 8    | 42    | 58    | 13    | 11    | 11    | 35     | 21     | 19    | 53    | 93     |
| Degree Coll.                             | 50    | 34   | 5     | 89    | 14    | 15    | 2     | 31     | 64     | 49    | 7     | 120    |
| Total                                    | 340   | 255  | 546   | 1141  | 3110  | 2475  | 1407  | 6992   | 3450   | 2730  | 1953  | 8133   |
| <b>GILGIT BALTISTAN</b>                  |       |      |       |       |       |       |       |        |        |       |       |        |
| Pre-Primary                              | -     | -    | -     | -     | -     | -     | -     | -      | -      | -     | -     | -      |
| Primary                                  | 33    | 40   | 35    | 108   | 514   | 155   | 125   | 794    | 547    | 195   | 160   | 902    |
| Middle                                   | 23    | 29   | 32    | 84    | 165   | 103   | 83    | 351    | 188    | 132   | 115   | 435    |
| High                                     | 19    | 13   | 19    | 51    | 113   | 57    | 48    | 218    | 132    | 70    | 67    | 269    |
| Higher Sec.                              | 2     | 4    | 8     | 14    | 3     | 5     | 1     | 9      | 5      | 9     | 9     | 23     |
| Inter college                            | 1     | 2    | 3     | 6     | 4     | 4     | 5     | 13     | 5      | 6     | 8     | 19     |
| Degree Coll.                             | 3     | 4    | -     | 7     | 2     | 5     | 2     | 9      | 5      | 9     | 2     | 16     |
| Total                                    | 81    | 92   | 97    | 270   | 801   | 329   | 264   | 1394   | 882    | 421   | 361   | 1664   |
| <b>FEDRALLY ADMINISTERED TRIBAL AREA</b> |       |      |       |       |       |       |       |        |        |       |       |        |
| Pre-Primary                              | -     | -    | -     | -     | -     | -     | -     | -      | -      | -     | -     | -      |
| Primary                                  | -     | -    | -     | -     | 2576  | 2010  | 39    | 4625   | 2576   | 2010  | 39    | 4625   |
| Middle                                   | -     | -    | -     | -     | 406   | 201   | 54    | 661    | 406    | 201   | 54    | 661    |
| High                                     | -     | -    | -     | -     | 340   | 78    | 77    | 495    | 340    | 78    | 77    | 495    |
| Higher Sec.                              | -     | -    | -     | -     | 24    | 8     | 4     | 36     | 24     | 8     | 4     | 36     |
| Inter college                            | -     | -    | -     | -     | 5     | -     | -     | 5      | 5      | -     | -     | 5      |
| Degree Coll.                             | -     | -    | -     | -     | -     | -     | -     | -      | 24     | 13    | -     | 37     |
| Total                                    | -     | -    | -     | -     | 3351  | 2297  | 174   | 5822   | 3375   | 2310  | 174   | 5859   |
| <b>ISLAMABAD CAPITAL TERRITORY</b>       |       |      |       |       |       |       |       |        |        |       |       |        |
| Pre-Primary                              | -     | -    | 30    | 30    | -     | -     | 4     | 4      | -      | -     | 34    | 34     |
| Primary                                  | 71    | 60   | 72    | 203   | 46    | 17    | 112   | 175    | 117    | 77    | 184   | 378    |
| Middle                                   | 22    | 28   | 26    | 76    | 2     | 9     | 92    | 103    | 24     | 37    | 118   | 179    |
| High                                     | 33    | 31   | 36    | 100   | 16    | 26    | 119   | 161    | 49     | 57    | 155   | 261    |
| Higher Sec.                              | 13    | 23   | 23    | 59    | 7     | 6     | 4     | 17     | 20     | 29    | 27    | 76     |
| Inter college                            | 1     | 1    | 9     | 11    | 1     | -     | -     | 1      | 8      | 8     | 9     | 25     |
| Degree Coll.                             | -     | -    | 6     | 6     | -     | 3     | 1     | 4      | 8      | 13    | 7     | 28     |
| Total                                    | 140   | 143  | 202   | 485   | 72    | 61    | 332   | 465    | 226    | 221   | 534   | 981    |

\*The number of institutions include public, other public, and private sector institutions.  
Source: NEMIS (2015: 60).

Figure 8.2: Gender wise percentage of educational institutions (2013-14)

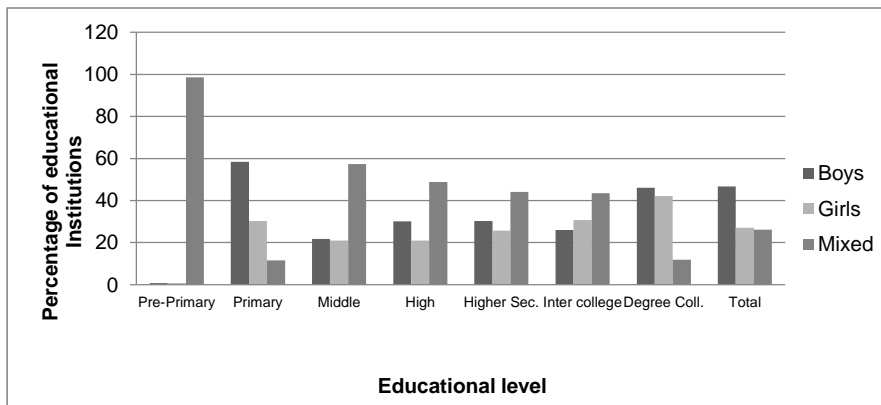




\*Percentages include educational institutions from pre-primary to degree college level.  
 Source: Statistics are taken from NEMIS (2015: 60)

The number of educational institutions for both gender shows a decreasing trend as the educational level increases. There is need to further look at the gender wise proportional distribution of the educational institutions at different levels of education. The statistics provided by NEMIS (2015) show that there were total 46.71% educational institutions for boys in comparison of 27.12% for girls alongwith another 26.15% mixed gender educational institutions at national level during 2013-2014. At the pre-primary level almost 0.71% institutions are for boys. The same proportion of institutions are for girls for pre-primary education. The majority of pre-primary educational institutions (i.e. 98.5%) are as mixed gender institutions for both boys and girls.

**Figure 8.3: Gender and educational level wise educational institutions (2013-14)**



Source: Statistics taken from NEMIS (2015: 60)

The level of primary education is very important for achievement of targets of Education for All. Pakistan has been striving to provide free and compulsory primary education to all the citizens. But still the gender gap exists at the level of primary education. There are only 30% of primary

schools for girls in comparison to 58% primary schools for boys. Another 11% of primary schools are also serving as mixed gender schools for both genders (NEMIS, 2015).

### 8.1.2.2. Gender gap in enrolment in educational institutions

Besides the availability of educational institutions, another important indicator that can help to assess the status of both genders in educational sector is the enrolment of men and women in these educational institutions. The differences in overall enrolment rate at different levels of educational activity in different regions show the broader patterns of women and men's access to education. The data presented below shows a gender gap between the enrolment of boys and girls in different provinces or regions.

**Table 8.5: Gender wise enrolment in educational institutions in Pakistan (2013-14)**

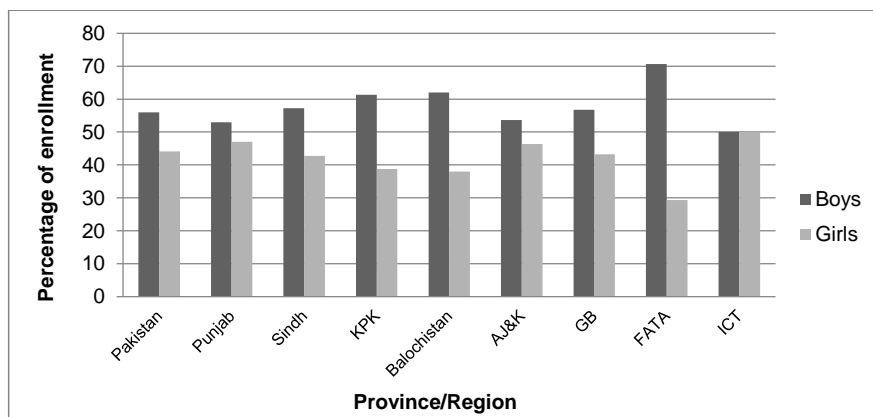
| Pakistan           | Boys       | Girls      | Total      |
|--------------------|------------|------------|------------|
| <b>Pakistan</b>    | 20,661,433 | 16,279,635 | 36,941,068 |
| <b>Punjab</b>      | 10,416,834 | 9,265,407  | 19,682,241 |
| <b>Sindh</b>       | 4,235,540  | 3,159,017  | 7,394,557  |
| <b>KPK</b>         | 3,831,112  | 2,420,148  | 6,251,259  |
| <b>Baluchistan</b> | 846,832    | 518,222    | 1,365,054  |
| <b>AJ&amp;K</b>    | 499,597    | 431,639    | 931,236    |
| <b>GB</b>          | 132,678    | 101,079    | 233,757    |
| <b>FATA</b>        | 537,126    | 222,680    | 759,806    |
| <b>ICT</b>         | 161,714    | 161,444    | 323,158    |

\*The numbers include educational institutions from Pre-Primary to Degree College level.  
Source: Statistics are taken from NEMIS (2015: 78)

According to NEMIS (2015) statistics for the year 2013-2014, there were 20,661,433 boys in comparison to 16,279,635 girls enrolled at different levels of educational institutions in Pakistan from pre-primary to degree college level. The gender gap continues to persist in the enrolment of girls and boys in educational institutions in different geographical areas.

Girls' enrolment at all levels of formal education remained lower than boys. The data available from Census 1998 identify that female enrolment rate was only 30% as compared to that of 41% male enrolment in formal educational institutions (Population Census Organization, 1998a). The report of national education management information system provides recent statistics in this regard (NEMIS, 2015: 78). Overall female enrolment from pre primary to degree college level in the country is 44% as compared to that of their male counterpart (i.e. 55.93%) in the year 2014 (NEMIS, 2015). Female enrolment is lower at all educational levels. Girls' enrolment decreases as the educational level increases. It is observed that only 28% of the girls, first enrolled in class one, could pass 10<sup>th</sup> class from public schools in 2013-14 (NEMIS, 2015: 81).

**Figure 8.4: Gender wise percentage of enrolment in Pakistan (2013-14)**



\* Percentages include enrolment in institutions from pre-primary to degree college level.  
 Source: Statistics taken from (NEMIS, 2015: 78)

### 8.1.2.3. Female students and school dropout

Leaving school without completing the primary level of education is one of the major barriers in the way to achieve universal primary education in Pakistan. The phenomenon of leaving school without completing the basic level of education during the term period is called school dropout. There is gender difference in school dropout among male and female students. The school dropout rate has remained stable at 8% among 10-18 years age group students in 2013-2014 and 2011-2012 (Government of Pakistan, 2015: 16). The report on Pakistan Social and Living Standard Measurement Survey (2013-2014) also highlights that the school dropout at the national level prior to completing primary level of education is 9% for female students as compared to 8% for male students.

There are differences in gender wise school dropout rates in rural and urban areas. In urban area the total dropout rate was 7%; including 5% for female students and 8% for male students before completing primary education in the year 2013-2014. The same report shows that this gender gap enlarges in the rural areas where the total dropout rate is 10%; including 12% for female students as compared to 8% for male students (Government of Pakistan, 2015: 46).

It is evident from Figure 8.5 that only 28% of the females enrolled in class one in 2004-05 could reach the class 10<sup>th</sup> successfully in the year 2013-2014. It means that the accomplishment level from class one to class 10<sup>th</sup> among girls is little more than a quarter. It shows that only 56% of the total enrolled students in class one could reach to class 5. After passing class 5 only 44% of the total students once enrolled in class one were able to reach class 6. In this way the decreasing trend of class enrolment from one to ten continues. The total number of girls enrolled in class 1 in 2004-05 was 1,263,293. It reduced to only 28% (i.e. 349,462) students who reached to class ten in 2013-14 (NEMIS, 20015: 81).

Figure 8.5: Female enrolment (public) by year and class (2004-05 to 2013-14)

| Class   | 2004-05           | 2005-06          | 2006-07         | 2007-08         | 2008-09         | 2009-10         | 2010-11         | 2011-12         | 2012-13         | 2013-14         |
|---------|-------------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Class1  | 1263293<br>(100%) | 1,459,241        | 1,461,958       | 1,488,363       | 1,355,143       | 1,302,628       | 1,253,225       | 1,313,990       | 1,304,705       | 1,292,399       |
| Class2  | 948,526           | 1088881<br>(86%) | 1,151,235       | 1,151,136       | 1,161,867       | 1,126,278       | 1,071,438       | 1,048,736       | 1,057,045       | 1,099,406       |
| Class3  | 824,045           | 897,710          | 957450<br>(76%) | 995,827         | 1,023,642       | 1,031,814       | 991,356         | 944,431         | 907,086         | 934,913         |
| Class4  | 758,260           | 805,716          | 806,992         | 839146<br>(66%) | 890,392         | 909,384         | 904,588         | 880,267         | 827,164         | 817,459         |
| Class5  | 634,408           | 681,298          | 660,326         | 661,881         | 713617<br>(56%) | 749,264         | 753,625         | 767,848         | 752,385         | 727,026         |
| Class6  | 488,611           | 536,712          | 548,022         | 534,455         | 525,295         | 554064<br>(44%) | 600,407         | 607,902         | 606,226         | 625,850         |
| Class7  | 403,774           | 454,897          | 471,641         | 477,026         | 480,838         | 478,773         | 503856<br>(40%) | 539,051         | 547,674         | 563,359         |
| Class8  | 358,567           | 384,627          | 412,820         | 427,717         | 438,831         | 443,156         | 445,453         | 476079<br>(38%) | 505,048         | 519,528         |
| Class9  | 279,524           | 303,494          | 373,779         | 361,518         | 373,198         | 379,379         | 392,812         | 408,146         | 416475<br>(33%) | 473,021         |
| Class10 | 250,731           | 260,036          | 228,539         | 281,881         | 311,024         | 308,395         | 312,873         | 315,428         | 350,180         | 349462<br>(28%) |

Source: NEMIS (2015: 81).

### 8.1.3. Women and Technical Education in Pakistan

#### 8.1.3.1. Women and technical education institutions

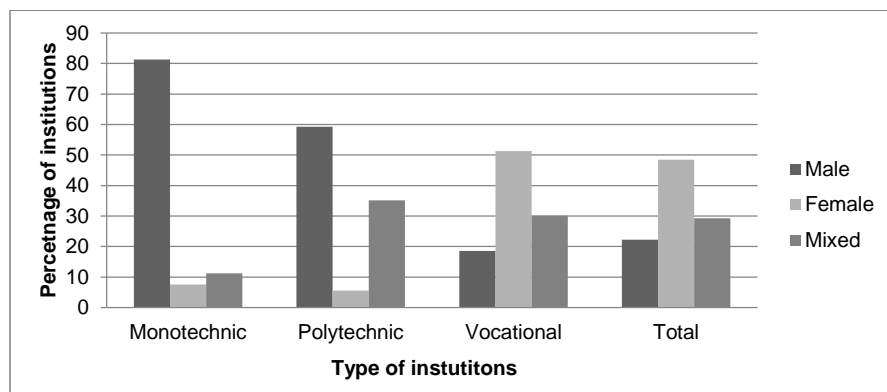
The gender disparity also exist in different levels and types of technical education provided to men and women in Pakistan. NEMIS (2015: 70) statistics show that only 7.5% of total monotechnic institutions are for girls as compared to 81.25% for boys. Similarly, only 5.5% of total polytechnic institutions are allocated for girls as compared to the 59.25% for boys. The number of vocational educational institutions is higher for girls (i.e. 51%) as compared to for boys (i.e. 18.5%). It shows that women have less number of monotechnic and polytechnic institutions available for them in Pakistan. There is a large number of vocational institutes where women may learn the skills like swing, embroidery, cooking, typing, short hand, and as beautician, etc.

**Table 8.6: Gender wise number of technical institutions (2013-14)**

| Level              | Male | Female | Mixed | Total |
|--------------------|------|--------|-------|-------|
| <b>Monotechnic</b> | 130  | 12     | 18    | 160   |
| <b>Polytechnic</b> | 32   | 3      | 19    | 54    |
| <b>Vocational</b>  | 578  | 1594   | 937   | 3109  |
| <b>Total</b>       | 740  | 1609   | 974   | 3323  |

Source: (NEMIS, 2015: 70).

**Figure 8.6: Gender wise percentage of technical institutions in Pakistan (2013-14)**



Source: Statistics taken from (NEMIS, 2015: 70).

According to the reports of NEMIS (2015: 70), women comprise almost one third (i.e. 37.84%) of the total enrolled students in all these technical institutions in the year 2014. The enrolment of women in monotechnic institutions is only 4.9% as compared to 95.09% of boys. The proportion of enrolled girl students is only 12.2% as compared to that of 87.731% of boys in polytechnic institutions. Although, the number of vocational institutions for girls is higher but still the enrolment of female students (i.e. 49.02%) in these institutions is less than that of boys (i.e. 50.97%).

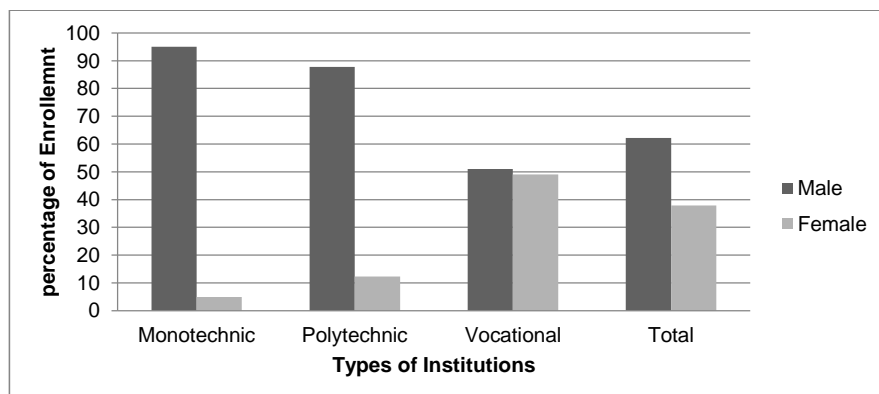
**Table 8.7: Gender wise enrolment in technical institutions (2013-14)**

| Level              | Male   | Female | Total  |
|--------------------|--------|--------|--------|
| <b>Monotechnic</b> | 68286  | 3522   | 71808  |
| <b>Polytechnic</b> | 6693   | 936    | 7629   |
| <b>Vocational</b>  | 116828 | 112348 | 229176 |
| <b>Total</b>       | 191807 | 116806 | 308613 |

Source: NEMIS (2015: 70).

In short, a negative pattern of enrolment of women in technical institutions is found as compared to that of men. The number of women enrolled in all levels of technical institutions (i.e. monotechnic, polytechnic and vocational institutions) is less than men. Women's enrolment at the monotechnic and polytechnic institutions is nominal as compared to that of men. At the same time, their enrolment in vocational institutions is just a little lower than that of men.

**Figure 8.7: Gender wise percentage of enrolment in technical institutions (2013-14)**



Source: Statistics taken from (NEMIS, 2015: 70).

Besides the existing gender gap in educational institutions and the students' enrolment, there is also a gender gap in existing number of male and female teachers in technical institutions in the country. The number of women teachers in technical institutions is also less than men teachers. There are 32.11% women teachers in all technical institutions as compared to that of 67.88% men teachers in these institutions in Pakistan.

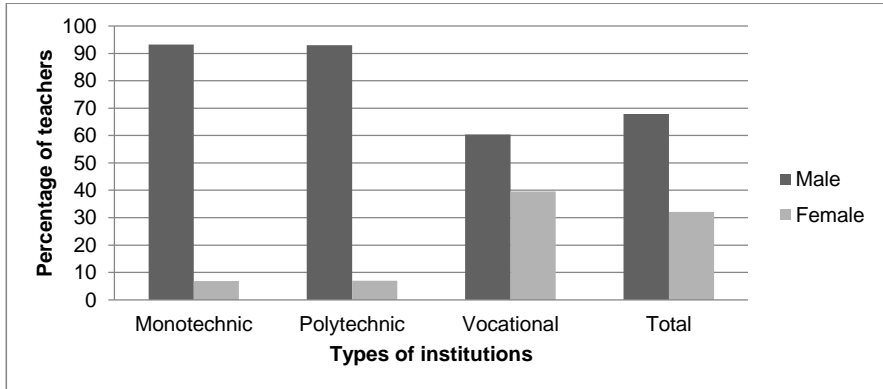
**Table 8.8: Gender wise number of teachers in technical institutions (2013-14)**

| Level        | Male         | Female      | Total        |
|--------------|--------------|-------------|--------------|
| Monotechnic  | 3127         | 229         | 3356         |
| Polytechnic  | 346          | 26          | 372          |
| Vocational   | 7645         | 5004        | 12649        |
| <b>Total</b> | <b>11118</b> | <b>5259</b> | <b>16377</b> |

Source: Statistics taken from (NEMIS, 2015: 70).

It is observed that only 6.8% women teachers are working in monotechnic institutions as compared to 93.17% of men teachers. At the polytechnic institutions, only 6.98% women teachers are serving as compared to 93.01% men teachers. At the vocational institutions, there are 39.56% of women teachers as compared to 60.43% of men teachers in Pakistan in the year 2013-14. Pakistani women are far behind than men in terms of learning technical skills from technical institutions. Eventually, it reduces their chances to find the jobs of technical nature. They are also not able to start their own small scale business or work like technicians, etc.

**Figure 8.8: Gender wise teachers in technical institutions (2013-14)**



Source: Statistics taken from (NEMIS, 2015: 70).

The above discussion of women's literacy ratio, access to and participation in formal educational sector and technical institutions has shown that women's condition is poor at different levels of education. This lack of education results in poor development of social capital, awareness and confidence. Pakistani women with their less education also find themselves less aware about their health issues, opportunities in work sector and legal and constitutional provisions that are provided to safeguard their rights in society.

## CHAPTER - 9

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### WOMEN AND HEALTH IN PAKISTAN

Underinvestment in female education, coupled with underinvestment in health has negative effects on Pakistan's social development (Ibraz & Fatima, 1993: 906). Women's health is another important aspect that may have impact on quality of their life. This chapter will focus on health related indicators and their impact on women's lives. It also explores the link between women educational level and their respective chance for availing better health facilities.

#### 9.1. WOMEN'S HEALTH CONDITIONS IN PAKISTAN

Pakistani women's situation is poor in terms of health conditions, their health related awareness and education, available health facilities and their access to these facilities. The statistics available from 1998 census and Pakistan Demographic and Health Survey reports can be helpful to understand Pakistani women's status in terms of health related indicators. Ibraz and Fatima (1993: 906) commented on past high fertility rates in Pakistan that "[w]hile basic literacy is denied to women, a strong cultural focus and value on their reproductive roles is reflected in fertility rates which are one of the highest (6.8 children per women)".

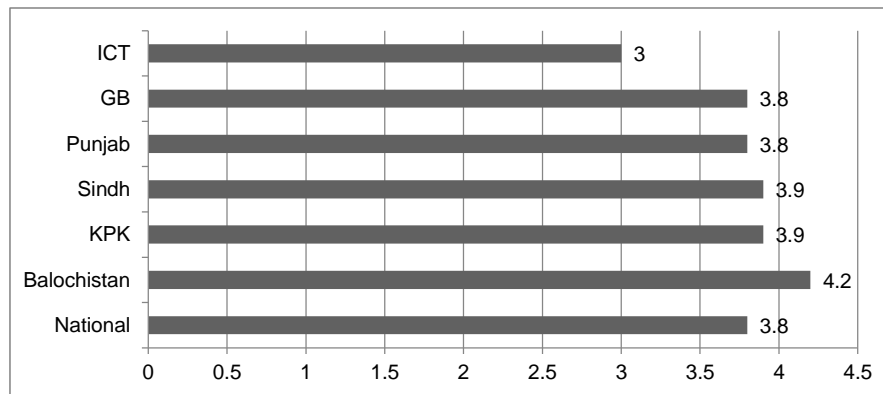
##### 9.1.1. Fertility Rate among Pakistani Women

The term fertility refers to the ability to produce new offsprings. Fertility rate is expressed as number of births per 1000 women in population. The statistics presented in a report on Pakistan Demographic and Health Survey for the year 2012-2013 show that the total fertility rate per women was 5.4 in 1997, coming down to 4.1 in 2006-2007, and finally reaching to 3.8 children per women in 2012-13 (NIPS, 2013: 11-13). The total fertility rate at national level in Pakistan was 3.8 in 2012-13 showing that a Pakistani woman, on average, is likely to give birth to 3.8 children (i.e. average four children) during the period of child bearing age in her life span. The regional and area wise fertility rates were also different. The highest fertility rate was observed in Baluchistan (i.e. 4.2 children per woman). It was followed by the same fertility rate in two provinces of KPK and Sindh as 3.9 children per woman. Further, Punjab and Gilgit Baltistan had the total fertility rate of 3.8 births per woman. The lowest fertility rate (i.e. 3.0 children per woman) was observed in Islamabad Capital Territory in the year 2012-13 (NIPS, 2013: 11-13).

There are specific age related patterns observed in fertility rates in Pakistan. Age specific fertility rates show that child bearing among women begins as early as 15 years of age in Pakistan. This phenomenon of early child bearing should also be read in associations with the early marriage patterns in Pakistan, as discussed in chapter 6. Early marriages results in early childbearing. Still the early child bearing is sufficiently lower among women of the age group between 15 to 19 years. The most fertile segments of women population in Pakistan are from 20 to 34 years of age. The age wise fertility rate for women in the last three years before 2013 presented in NIPS report (2013: 12) show that the fertility rate among women in age group of 20-24 years is 190 births per 1000 women.



**Figure 9.1: Total fertility rate by region/area in Pakistan (2012-13)**



Source: Statistics taken from NIPS (2013: 13)

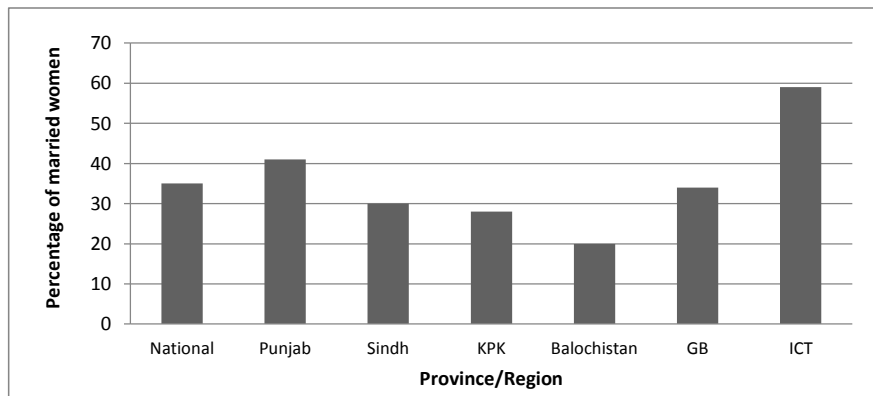
The report further shows the fertility rate among women of 25 to 29 years age group as 224 births per 1000 women. The fertility rate among women in the age group of 30-34 years is 158 births per 1000 women. The segment of female population in their age between 25 to 29 years is the one that has a peak fertility ratio (NIPS, 2013: 12). The fertility rates are higher among rural women as compared to the urban women in Pakistan. The total fertility rate in urban areas of the country is 3.2 births per woman as compared to 4.2 births per woman in rural areas (NIPS, 2013: 12).

It is observed that women’s educational and literacy status is linked with their health conditions. If we look at the regional fertility rates with the regional literacy rate, as discussed in last chapter of this book, it is observed that there is a link between the literacy rate of the women and their fertility rate. The province of Baluchistan with lowest literacy rate (i.e. 25%) across Pakistan in the year 2014 is also found to have the highest fertility rate of 4.2 births per woman in the year 2012-13. Similarly, KPK is also having a literacy ratio of 36%, which is lower than that of Punjab (i.e. 52%) and Sindh (i.e. 47%). Accordingly, KPK is experiencing a higher fertility rate of 3.9 births per woman, as compared to that of 3.9 births per woman in Sindh and 3.8 births per woman in Punjab. These statistics show that women with better educational level may help in maintaining a lower level of fertility rate at national level. The rate of using contraceptive among married women is another important factor linked with women’s fertility rate. It is discussed in the following section and shed light to women’s maternal health in Pakistan.

### 9.1.2. Use of Contraceptive among Pakistani Women

The rate of using contraceptive is low among Pakistani women. Besides that the rates are also determined by the educational level of women in different regions. The rate of using contraceptive among married women has shown an increasing trend in past. According to Pakistan Demographic and Health Survey report of 2012-13, the rate of using contraceptive among married women was only 12% during 1990-1991 and showing an increasing trend when reaching to 30% in 2006-2007, and finally to 35% in 2012-2013. Overall, the rate of using a contraceptive method among currently married Pakistani women is only 35% in the year 2012-2013; out of them 26% are found using modern methods while the traditional contraceptive methods are applied by 9% of women in the country (NIPS, 2013: 15).

**Figure 9.2: Rate of contraceptive use among married women (2012-13)**



Source: Statistics taken from NIPS (2013: 15).

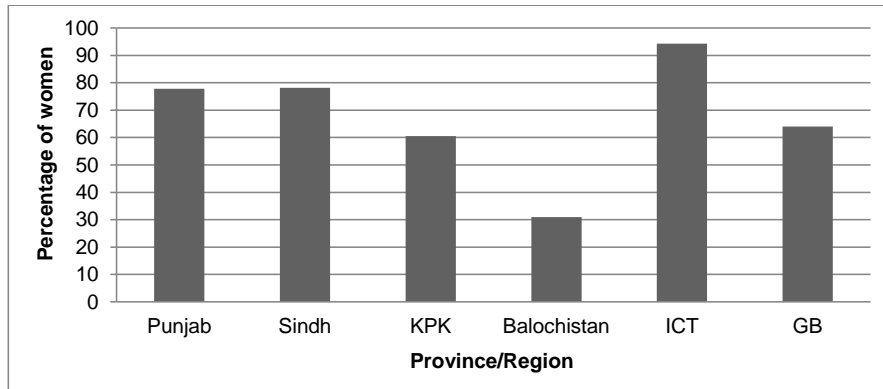
The proportion of using contraceptive among married women varies in different regions, rural/urban geographical location, age groups and educational level in the country. The proportion of women using contraceptive in rural areas (i.e. 31%) is lower than that of among urban women (i.e. 45%) in Pakistan in the year 2012-13. Different regions and provinces in the country also have different proportion of currently married women using contraceptives. The ratio of contraceptive use among currently married women in Punjab is 41%, in Sindh 30%, KPK 28%, Baluchistan 20%, Islamabad Capital Territory 59%, and GB 34% in the year 2012-13. It shows that the use of contraceptive among women is lower in the regions with low literacy rate; for example in Baluchistan (20%) and KPK (28%) (NIPS, 2013: 17). The proportion of using contraceptive is higher as the age of women gets higher. The Pakistan Demographic and Health Survey 2012-13 shows that the proportion is only 10 percent among currently married women in 15-19 age group as compared to 48% among married women in the 35-40 years of age group (NIPS, 2013: 17).

The rate of using contraceptive is also linked with the educational level of women. It is observed that increase in the educational level of married women results in increased rate of using contraceptive. The rate is 30% among uneducated women. The rate increased to 41% among women with primary or middle level education. While the rate of using contraceptive get further increased to reach 44% among women with secondary and higher levels of education (NIPS, 2013: 17).

**9.1.3. Women’s Access to Antenatal Care in Pakistan**

Maternal health care provided during pregnancy and delivery of child is also an important factor to influence a woman’s health conditions. It is not universal in Pakistan to consult with a skilled provider for antenatal care during pregnancy or child birth.

**Figure 9.3: Antenatal care provided by skilled persons in Pakistan (2012-13)**



Source: Statistics are taken from NIPS (2013: 21)

According to Pakistan Demographic and Health Survey 2012-13, 73% of Pakistani women consulted a skilled health provider at least once for antenatal care for the most recent birth in last five year period. The antenatal care provision by skilled providers is highest among women of less than 35 years of age (i.e. three quarters). The chance of availing antenatal care provision by skilled provider is also higher among women living in urban areas (i.e. 88%) than among women living in rural areas (i.e. 66%) (NIPS, 2013: 20-21).

The percentage of women receiving antenatal care for their last live birth during last five years was also different in different province and regions. Baluchistan had the lowest percentage of women receiving antenatal care (i.e. 31%). Punjab and Sindh had their 77.8% and 78.2% of the women receiving antenatal care, respectively. Gilgit Baltistan and Khyber Pakhtoonkhwa had 64% and 60.5% proportion women receiving antenatal care, respectively. Islamabad Capital Territory had the highest proportion of women receiving antenatal care (i.e. 94.3%) (NIPS, 2013: 21). It is also visible that antenatal care also has links with literacy level of the regions. As Baluchistan has a lowest rate of female literacy rate it also has the least number of women provided with antenatal care by skilled providers.

The antenatal care utilization by women also varies according to the level of women's education. The rate is lowest among women with no education or illiterate (i.e. 59.9%). As the educational level increases the chances of antenatal care utilization also get higher. The proportion of women with primary level of education (i.e. the women who have completed education from classes 1 to 5 in formal schooling) receiving antenatal care is 81.4%. The group of women with middle level of education (i.e. who completed 6 to 8 classes in formal schooling) had 91.0% among them who had utilize antenatal care during their last child birth till 2012-13. The antenatal care utilization provided by a skilled provider at least once during last live birth in last five years among women with Secondary (9 to 10<sup>th</sup> classes in formal schooling) and Higher (class 11 and above levels of education) level of education is higher. These women almost had universal provision of antenatal care as 95.3% and 97.2%, respectively.

Tetanus Toxoid injections are given during pregnancy to prevent neonatal tetanus. The provision of Tetanus Toxoid is also only 64% among pregnant women for last live births in last five years (NIPS, 2013: 20-21).

**Table 9.1: Deliveries by skilled health providers and in health facility (2012-13)**

| Region              | Percentage delivered by a skilled provider | Percentage delivered in a health facility | Number of births |
|---------------------|--|---|------------------|
| Punjab              | 52.5                                       | 48.5                                      | 6,859            |
| Sindh               | 60.5                                       | 58.6                                      | 2,740            |
| Khyber Pakhtoonkhwa | 48.3                                       | 40.5                                      | 1,654            |
| Baluchistan         | 17.8                                       | 15.8                                      | 590              |
| Islamabad           | 88.1                                       | 86.4                                      | 47               |
| Gilgit Baltistan    | 43.7                                       | 42.6                                      | 87               |

Note: The statistics are gathered from women age 15-49 who had a live birth in the five years preceding the survey.

Source: Statistics taken from NIPS (2013, 21).

#### 9.1.4. Women's Access to Skilled Health Provider and Health Facility

According to Pakistan Demographic and Health Survey 2012-13, only 52% of the total births in Pakistan are delivered by a skilled health provider, including doctors, nurses, lady health visitor, and mid wife. It means, in almost half of the cases (i.e. 48%) women found themselves forced to give births to children without the presence and assistance of any skilled health provider (i.e. doctor, nurse, midwife or lady health worker) (NIPS, 2013: 22).

The proportion of women who delivered their babies without any skilled health provider varies in different provinces and regional areas. The proportion of women who gave birth to their babies without being attended by a skilled health provider is 21.9% in Islamabad Capital Territory. Punjab shows a higher proportion of 47.5% women who are not being attended by any skilled health care provider at the time of child birth. Sindh is performing better with 39.5% women who did not have chance to be attended by a skilled health provider at the time of child birth. Khyber Pakhtoonkhwa had 51.7% of women who were not attended by skilled persons during their last child birth. In Gilgit Baltistan, 56.3% women were not being attended by skilled health provider at the time birth of their babies. The highest proportion of women (i.e. 82.2%) delivered their babies without help of any skilled health provider in Baluchistan.

A large number of women giving birth in the presence of skilled health providers in Pakistan are actually being attended by Traditional Birth Attendants (NIPS, 2013: 21). According to the Pakistan Demographic and Health Survey (2008), almost half (i.e. 52%) of all deliveries in which assistance by any skilled person is provided are actually attended by Traditional Birth Attendants (NIPS, 2008: 116).

Similarly, only half of the deliveries (i.e.48%) take place in any health facility leaving more than half of the women (i.e. 52%) delivering their babies at home or somewhere else. The proportion of women who could not deliver their babies at health facilities also varies in different provinces and regions. The region wise proportion of deliveries not done at a health facility is as follows: Punjab 51.5%, Sindh 41.5%, KPK 59.5%, Baluchistan 84.2%, ICT 13.6%, and GB 57.4% (NIPS, 2013: 21-22). The rate of deliveries done at health facility is lowest in Baluchistan.

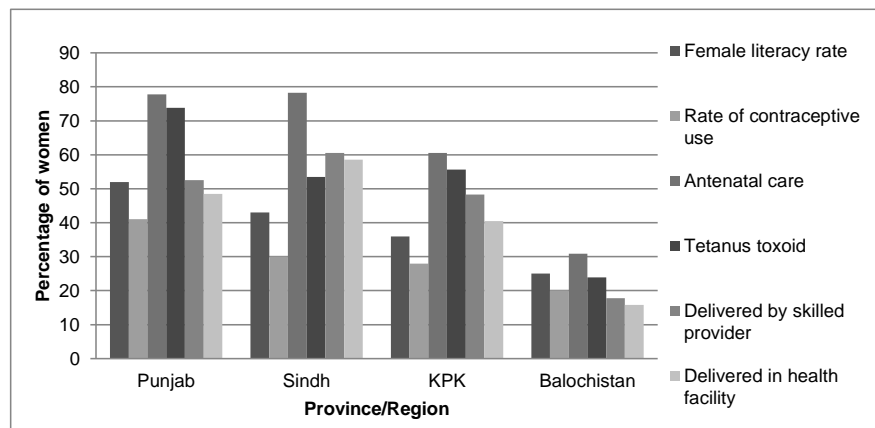
#### 9.1.5. Maternal and Child Mortality

The vulnerable conditions of maternal health indicators result in a high chance of maternal mortality. It was 276 maternal deaths per 100,000 live births; it means 1 out of every 89 women in Pakistan died of maternal causes in the year 2008 (NIPS, 2008: 177). Ibrah & Fatima (1993: 906) have identified that maternal mortality rates in Pakistan (600 to 100,000 live births in the year 1993) was amongst the highest in South Asia. Although, the current maternal mortality rate has sufficiently reduced from the highest rates of past, but still it needs to be improved. "The low priority to female education and a higher reproductive burden resulting in multiple pregnancies, coupled with more cultural value being assigned to males and subsequently to their health" are considered among

other factors behind high female mortality (Ibraiz & Fatima, 1993: 906). The solution of the problem of high rates of maternal mortality lies in women's better education, health awareness and easy access to health facility and trained skilled health provider all over Pakistan.

Child mortality rate is an indicator that shows any country's socio-economic level of development. It also shows the mental and physical conditions of majority of mothers and the maternal health and trauma they are experiencing. To collect the correct data on child mortality is also difficult in Pakistan due to socio-cultural conditions. Such as Pakistan Demographic and Health Survey report 2012-2013 notes that "in some communities, particularly in Pakistan, some women are reluctant to discuss their dead children, which could lead to underestimation of childhood mortality rates" (NIPS, 2013: 19). The estimated infant mortality rate reported is 74 per 1,000 live births in the year 2012-13. It means one out of every 14 children born alive dies before reaching their first birthday. It is also mentioned that over 60% of the deaths under five years age of children occur during the neonatal period (i.e. 55 per 1000 live births) and another 21% occur during the post neonatal period (i.e. 19 per 1,000 live births) (NIPS, 2013:19).

**Figure 9.4: Comparison of women's literacy and health indicators (2013-14)**



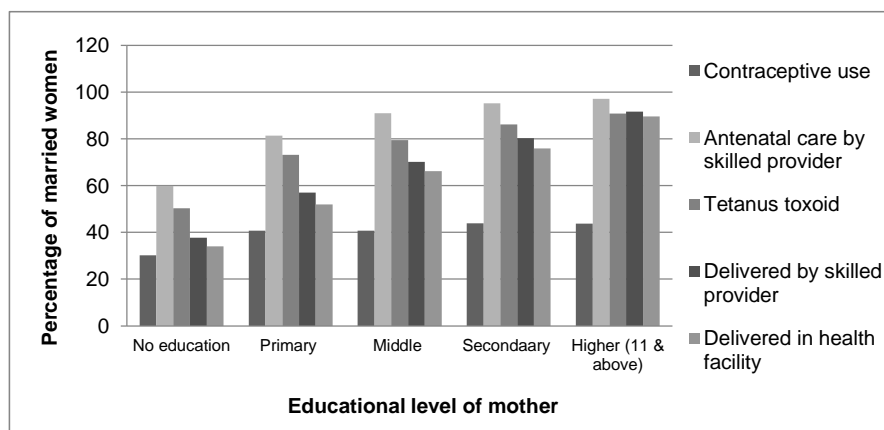
Source: Statistics taken from Government of Pakistan (2015:50) and NIPS (2013:17-22).

## 9.2. LINK BETWEEN WOMEN'S EDUCATION AND HEALTH

It has already been discussed that there is a link between women's overall educational status and health conditions. The chance of a woman for delivering a baby while attended by a skilled health provider in a proper health facility is also linked with the educational and literacy status of that individual women and the overall rate of female education and literacy of the particular region. The regions or provinces having lower literacy rate are also experiencing the higher number of child birth incidences occurring without the assistance of skilled health providers and outside a proper health facility. Baluchistan province having the least literacy rate (i.e. 25%) among female as compared to other provinces of Pakistan also has the least proportion of women delivering their babies when attended by a skilled health provider (i.e. 17.8%) (Government of Pakistan, 2015; NIPS, 2013). Similarly, women in Baluchistan seem to have least chance for delivering their babies at a proper health facility/unit (i.e. only 15.8%) (NIPS, 2013).

The individual woman's educational level also matters to determine her access to and utilization of services of skilled health providers and proper health facilities. It is observed that the chances for women to be attended by a skilled health provider at the time of child birth sufficiently increase with the increase in the level of their formal education (NIPS, 2008: 2013). The available statistics show that only 37.7% of the mothers with no education are being attended by the skilled health provider as compared to 92% of the mothers having more than secondary level of education (NIPS, 2013: 22). Almost 62% of women with no education are not able to receive assistance of a skilled health provider during delivery. Similarly, a sufficiently large proportion of women with primary level of education (i.e. 43%) are not receiving assistance from a skilled health provider at the time of delivering their baby.

**Figure 9.5: Link between women's educational level and health indicators (2012-13)**



Source: Statistics are taken from NIPS (2013: 17-22)

The women with middle level (i.e. completed class 6-8), secondary level (i.e. completed class 9-10), and higher levels (i.e. completed 11 or above) of education have relatively reduced chance of not being attended by a skilled health provider during delivery. As almost 30% of women with middle level of education, 20% with secondary level of education, and 8% with higher levels of education are not being attended by skilled health provider at the time of child birth (NIPS, 2013: 21).

There are several socio-cultural factor the need to be further explore for having their potential impact on women's health conditions in Pakistan. Pakistani women having low level of their education, economic empowerment and decision making power are mostly prefer to apply traditional cures (*Totkay*) with herbs, spices, or other kitchen stuff than consulting the proper medical professional. When deciding to consult with someone for the treatment of a woman in family for some disease, the first preference is given to quack like traditional *hakims* (who cure with herbs), or some religious or spiritual healer (e.g. *Peer* who cure with *jhar phoonk*).



## CHAPTER - 10

### WOMEN AND WORK IN PAKISTAN

Human beings are essentially creative in their nature. They work on natural resources to manipulate them and create things necessary for their livings and survival. The human labour or any activity done by utilizing physical and mental efforts of a person to do some task or achieve some results like producing some value good or service is called work. This chapter focuses on women's proportion in workforce, their participation in paid or unpaid work, and as formal and informal workers in different industry and occupations in Pakistan.

#### 10.1. PROPORTION OF WOMEN IN WORKING AGE POPULATION

Women in labour market in Pakistan are less represented than men. It can be observed by having a detailed look on proportion of women in working age population, their labour force participation rate, and their segregation in different work sectors. The available potential female labour force in the country can be ascertained by looking at the proportion of women in working age group population (i.e. 15 to 59 years of age). The total population of working age group (i.e. aged between 15-59 years) comprises 59.8% of the total population in the year 2013; including 28.9% women and 30.8% men. Women are also seen less in number in working age group of population, thus making a relevantly smaller group of persons potentially available for providing labour for the economic growth of the country (Government of Pakistan, 2014: 13).

**Table 10.1: Percentage of working age (15-59 years) population (1998-2013)**

| Year | Female | Male | Both Sexes |
|------|--------|------|------------|
| 1998 | 24.7   | 26.4 | 51.1       |
| 2005 | 26.7   | 28.6 | 55.3       |
| 2006 | 27.0   | 28.9 | 55.9       |
| 2007 | 27.3   | 29.2 | 56.5       |
| 2008 | 27.6   | 29.5 | 57.0       |
| 2009 | 27.9   | 29.8 | 57.7       |
| 2010 | 28.2   | 30.1 | 58.3       |
| 2011 | 28.5   | 20.4 | 58.8       |
| 2012 | 28.7   | 30.6 | 59.3       |
| 2013 | 28.9   | 30.8 | 59.8       |

Source: Government of Pakistan (2014: 13).

#### 10.2. GENDERED DIVISION OF PAID AND UNPAID WORK

Work can be of two types: paid and unpaid work. Paid work is the work or human labour done in exchange of wages. A person doing paid work receives the value of his or her labour as money or in kind. People doing work as garments factory worker, doctor, engineer, teacher, or in any other profession where they are receiving regular and fixed wage in terms of money for their services are examples of paid work. On the other hand, un-paid work is the work done by a person



without receiving a wage. The human labour done by a woman to perform domestic chores (e.g. cooking, cleaning, and child rearing) is the example of un-paid work. Sometimes, family women also do unpaid work in family agriculture and business.

The traditional and stereotypical notions about men as breadwinner and women as home maker are at the base of women's segregation in unpaid work inside home for reproduction, child bearing and housekeeping as compared to men's concentration in the paid work outside home. It is observed that, men are more segregated in paid work; where very few of the Pakistani women enter as paid worker by breaking the barriers of the traditional notions and socio-cultural discrimination. At the same time, women and weaker segments of the society (like elderly and children) are more involved in doing unpaid work in home, agriculture, cattle farming and family business.

The gender differentials in paid and unpaid works also led to differently conditioning men and women's economic, social and political standing in society. Women's universally expected involvement in un-paid domestic work leads to feminization of domestic work all over the globe. Even if both the man and woman in a couple work outside home in paid labour market, when return to home, women are expected to perform all the domestic chores. The men helping women in domestic chores of cooking, cleaning and washing is a less frequently occurring phenomenon.

As more and more women are entering the paid labour market, the universally stereotypical division of paid and unpaid work among men and women is leading to double burden or double day for women. The women who works outside home are expected to do all the domestic work after coming back to home or on weekends. The process of modernization that has brought women in paid labour market on the same time has failed to make men conditioned to do the domestic labour and child rearing equally with women. Therefore, women doing work outside home in paid labour market do the domestic chores by themselves within the limited time of a day, thus bearing the burden of double days' work.

### **10.3. WOMEN AND PAID WORK IN PAKISTAN**

The level of women's participation in paid work will be discussed in this section by focusing on women's labour force participation rate, employment rates, participation in different industrial sectors and segregation at different levels of occupational hierarchy in Pakistan.

#### **10.3.1. Women's Labour Force Participation in Pakistan**

Labour force participation rate can be defined as the percentage of economically active population to the total population aged 10 years and above. The labour force participation rate is an important indicator to assess women's empowerment and control over money and resources. The 1998 census showed a total 31.98% labour force participation rate in 1998; including 59.24% for men and 2.23% for women labour force participation rate. It showed a direly low level of women's labour force participation in Pakistan. This labour force participation was further critically low in the case of rural women (i.e. only 1.88%) as compared to that of rural men (i.e. 60.19%). The urban labour force participation rate was 2.89% for women and 57.53% for men at national level in 1998 (Pakistan Bureau of Statistics, 2016b).

There were regional differences in women's labour force participation rates in Pakistan. KPK had overall 29.09% labour force participation of both sexes in 1998. It is 1.64% for women and 55.52% for men in KPK. The labour force participation rate of rural women in KPK was only 1.12% as compared to that of their urban women counterparts of 4.18% in the census of 1998. Punjab had an overall labour force participation rate of 31.98%. It was 2.06% for women and 59.76% for men in 1998. The rural women in Punjab had higher labour force participation rate (i.e. 2.38%) as compared to that of their urban counterparts (i.e.1.90%). Sindh had an overall labour force participation rate of 32.73%. It is 2.96% for women as compared to 58.83% of men in Sindh in 1998. The rural Sindh women's labour force participation rate was 2.51% as compared to that of rural Sindh men's labour force participation rate of 59.66%. The urban Sindh women's labour

participation was 3.39%. Baluchistan also shows the similar pattern. Women's labour force participation rate was only 2.07% as compared to 65.88% among men in Baluchistan in 1998. The female labour force participation in rural areas was 2.04% and for women in urban areas was 2.18% in Baluchistan.

**Table 10.2: Labour force participation rate in Pakistan (1981 and 1998)**

| Administrative Unit | Total Labour Force | Labour Force Participation Rate 1998 |              |             | 1981 Census |
|---------------------|--------------------|--------------------------------------|--------------|-------------|-------------|
|                     |                    | Both Sexes                           | Male         | Female      |             |
| <b>Pakistan</b>     | <b>28,734,533</b>  | <b>31.98</b>                         | <b>59.24</b> | <b>2.23</b> | <b>27.6</b> |
| Rural               | 18,677,566         | 31.94                                | 60.19        | 1.88        | 28.5        |
| Urban               | 10,056,967         | 32.07                                | 57.53        | 2.89        | 25.4        |
| <b>KPK</b>          | <b>3,443,432</b>   | <b>29.09</b>                         | <b>55.52</b> | <b>1.64</b> | <b>26.3</b> |
| Rural               | 2,805,229          | 28.86                                | 56.22        | 1.12        | 26.5        |
| Urban               | 638,203            | 30.13                                | 52.55        | 4.18        | 24.7        |
| <b>Punjab</b>       | <b>16,602,907</b>  | <b>31.98</b>                         | <b>59.76</b> | <b>2.06</b> | <b>27.8</b> |
| Rural               | 5,337,918          | 31.65                                | 57.77        | 2.38        | 25.5        |
| Urban               | 11,264,989         | 32.14                                | 60.75        | 1.90        | 28.7        |
| <b>Sindh</b>        | <b>6,923,766</b>   | <b>32.73</b>                         | <b>58.83</b> | <b>2.96</b> | <b>27.7</b> |
| Rural               | 3,342,209          | 32.56                                | 59.66        | 2.51        | 29.4        |
| Urban               | 3,581,557          | 32.88                                | 58.07        | 3.39        | 25.4        |
| <b>Baluchistan</b>  | <b>1,579,215</b>   | <b>36.45</b>                         | <b>65.88</b> | <b>2.07</b> | <b>27.6</b> |
| Rural               | 1,208,818          | 37.23                                | 67.8         | 2.04        | 28.5        |
| Urban               | 370,397            | 34.13                                | 60.29        | 2.18        | 22.3        |
| <b>Islamabad</b>    | <b>185,213</b>     | <b>30.68</b>                         | <b>51.89</b> | <b>5.01</b> | <b>27.3</b> |
| Rural               | 56,321             | 28.23                                | 52.35        | 1.86        | 26.1        |
| Urban               | 128,892            | 31.89                                | 51.68        | 6.70        | 28.2        |

Source: (Pakistan Bureau of Statistics, 2016b).

Women's labour force participation rate in Pakistan did not progress much till today. According to Labour Force Survey 2013-14, the crude labour force participation rate is 32.2% in Pakistan. The crude participation rate is 48% for men and 15.8% for women (Government of Pakistan, 2014: 76). There are rural and urban difference in the participation rate of women and men in labour force. The crude participation rate in the rural area is 47.1% for men and 20.0% for women. The labour force participation rate observed in urban areas of Pakistan is 49.7% for men and 7.7% for women. The highest crude participation rate is being observed among urban men (i.e. 49.7%) as compared to that of rural men (i.e. 47.1%). On the contrary, the highest crude participation rate in case of women is found among rural women (i.e. 20%) as compared to those of urban women (i.e. 7.7%) in the country. It means that women are more active in economic activity in rural areas as compared to those living in urban areas.

The provincial differences are also important to note. Punjab has the highest crude labour force participation rate (i.e. 35.6%); that is 50.3% for men and 20.9% for women. The highest crude participation rate among women throughout the country is observed among rural women of Punjab (i.e. 26.3%). The crude participation rate among Punjabi urban women (i.e. 10.1%) is also highest one among urban women throughout the country. On the contrary, the lowest crude labour force participation rate among women is observed in the province of Baluchistan (i.e. 5.4%); that is 6.2% for rural women and only 3% for urban women in the province.

Each provincial area has its own rural urban differences in crude labour force participation rate. KPK observes 10.6% rural women's crude labour force participation rate as compared to that

of 39.4% of rural men in 2013-14. The crude labour force participation rate in urban areas of KPK is 6.1% for women as compared to 45.1% for men. The crude labour force participation rate for women in rural Punjab (i.e. 26.3%) is highest among women in all over the country. It is still lower as compared to 50.1% for rural men in the same province. The same rate in urban Punjab is 10.1% for women as compared to 50.6% for men in the year 2013-14.

**Table 10.3: Gender wise crude labour force participation rate (2013-14)**

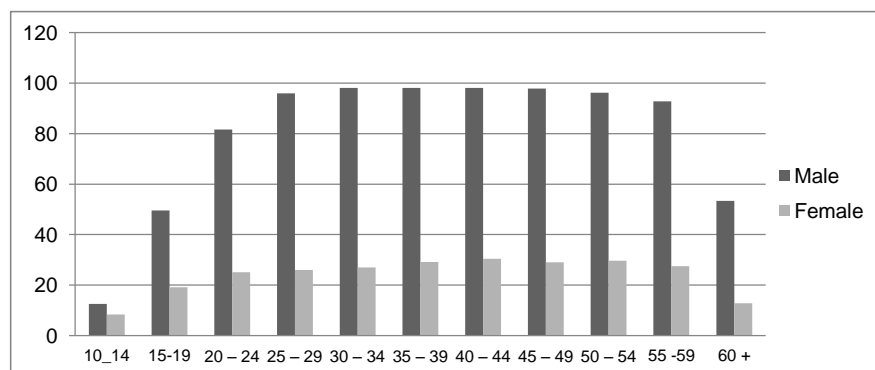
| Province/Area      | Rural |        | Urban |        | Total |        |
|--------------------|-------|--------|-------|--------|-------|--------|
|                    | Male  | Female | Male  | Female | Male  | Female |
| <b>Pakistan</b>    | 47.1  | 20     | 49.7  | 7.7    | 48    | 15.8   |
| <b>KPK</b>         | 39.4  | 10.6   | 45.1  | 6.1    | 40.5  | 9.8    |
| <b>Punjab</b>      | 50.1  | 26.3   | 50.6  | 10.1   | 50.3  | 20.9   |
| <b>Sindh</b>       | 47.5  | 14.3   | 50.1  | 4.7    | 48.8  | 9.6    |
| <b>Baluchistan</b> | 41.5  | 6.2    | 42.2  | 3      | 41.7  | 5.4    |

Source: (Government of Pakistan, 2014: 76).

The province of Sindh has 14.3% crude labour force participation rate of women in rural areas as compared to 47.5% of men. While the same province has only 4.7% of crude labour force participation rate for urban women as compared to 50.1% of men. Baluchistan has the lowest rate of women’s crude labour force participation all over the country. The crude labour force participation rate for rural women is only 3% as compared to 42.2% for rural men in Baluchistan. The same rate for urban women is only 6.2% as compared to 41.5% for urban men in the province in 2013-14 (Government of Pakistan, 2014: 76).

The statistics presented in Table 10.3 clearly show that irrespective of the geographical differences of rural and urban, provinces or regions, overall Pakistan has women’s crude labour force participation as significantly lower than men. Women’s labour force participation at national level is sufficiently low. It is shown that men’s total crude labour force participation rate in different geographical regions range from 40% to 50% as compared to females total crude labour force participation rate ranging between 10% to little more than 20%.

**Figure 10.1: Gender wise labour force participation rate in Pakistan (2013-14)**



Source: Statistics are taken from Government of Pakistan (2014: 79).

Besides the rural urban and provincial differences women's participation in labour force is also lower in all age groups. On average, it is three times lower than men. On the one hand, women's age specific labour force participation rate is ranging between 8.4% to maximum 30.4% in all age groups between 10 to 60+ years of age. On the other hand, men's age specific labour force participation rate ranges from 12.5% to 98.1% in all the age groups, as depicted in Figure 10.1, from 10 to 60+ years of age. Pakistani men's labour force participation rate is highest in the age groups between 25 to 54 years of age. Pakistani women also experience highest labour force participation during the same age groups. Still women's labour force participation in these years of age is less than one third of the labour force participation of men in the same years of age in the country.

The age specific labour force participation rates show that only 19.2% of women in the 15-19 years age group are participating in labour force as compared to 49.6% of their men counterparts. The segments with peak rates of male and female labour force participation are from 25 to 59 years of age. Men's labour force participation rate in these age specific segments ranges between 92.8% to 98.1%, as compared to women's labour force participation rate ranging between 26.0% to 30.4% in the same age specific segments of population (Government of Pakistan, 2014: 79). Women's labour force participation when reached to its peak in these specific age groups is only the one third of men's labour force participation in the year 2013-14.

**Table 10.4: Gender wise number of employed people (in Millions) (2013-14)**

| Province/Area      | Rural |        | Urban |        | Total |        |
|--------------------|-------|--------|-------|--------|-------|--------|
|                    | Male  | Female | Male  | Female | Male  | Female |
| <b>Pakistan</b>    | 27.62 | 11.10  | 15.50 | 1.94   | 43.12 | 13.04  |
| <b>KPK</b>         | 3.85  | 0.97   | 0.98  | 0.09   | 4.83  | 1.06   |
| <b>Punjab</b>      | 16.15 | 8.43   | 8.38  | 1.41   | 24.53 | 9.84   |
| <b>Sindh</b>       | 5.78  | 1.47   | 5.50  | 0.41   | 11.28 | 1.88   |
| <b>Baluchistan</b> | 1.84  | 0.23   | 0.64  | 0.03   | 2.48  | 0.26   |

Source: (Government of Pakistan, 2014: 80).

### 10.3.2. Women's Participation in Paid Employment

There is gender gap between men and women's chance to get employed in the country. At national level, only 13.04 million of women are employed as compared to 43.12 million of men. The gender gap persist in rural and urban employment rates. In rural areas 11.10 million women are employed as compared to 27.62 million of men. In urban areas 1.94 million of women are employed as compared to 15.50 million of men. The similar gender disparity in employment rates exists in all the provincial territories. The highest number of women as employed is seen in rural areas of Punjab (i.e. 8.43 million) in the year 2013-14. Baluchistan province with the lowest number of employed women had an overall 0.26 million women employed in the province in the same year. Further, only 0.03 million women in urban areas and 0.23 million women in rural areas of Baluchistan are found employed in any work sector in the year 2013-14 (Government of Pakistan, 2014: 80).

Overall Pakistan's situation shows that the number of employed females is three times less as compare to employed male. It shows that 76.78% men as compared to 23.21% women are employed in overall population of Pakistan. It is observed that the employment opportunities are higher for women in rural areas than for women in urban areas. Probably, the main reason of this difference is that rural women are busy in agriculture and livestockes. On the whole, at country level, employed women are less in number than employed men and this situation is also linked with the low literacy rate among women. It highlights the social and cultural barriers in women's social and economic development in Pakistan. The employment rates among men and women further get

critical when looked at in the context of different industrial sectors and occupational hierarchy within them, as dealt in detail in the following section.

**Table 10.5: Distribution of formally employed persons in industrial divisions (%)**

| Major Industry Divisions                           | 2012-13 |       |        | 2013-14 |       |        |
|--|---------|-------|--------|---------|-------|--------|
|  | Total   | Male  | Female | Total   | Male  | Female |
| <b>Total</b>                                       | 100.0   | 100.0 | 100.0  | 100.0   | 100.0 | 100.0  |
| <b>Agriculture/forestry/hunting/ &amp; fishing</b> | 43.7    | 34.5  | 75.7   | 43.2    | 34.0  | 73.9   |
| <b>Manufacturing</b>                               | 14.1    | 15.0  | 10.7   | 14.2    | 14.8  | 12.4   |
| <b>Construction</b>                                | 7.4     | 9.5   | 0.2    | 7.4     | 9.5   | 0.3    |
| <b>Wholesale &amp; retail trade</b>                | 14.4    | 18.1  | 1.5    | 14.7    | 18.6  | 1.6    |
| <b>Transport/storage &amp; communication</b>       | 5.5     | 7.0   | 0.2    | 5.5     | 7.1   | 0.2    |
| <b>Community/social &amp; personal services</b>    | 13.3    | 13.9  | 11.5   | 13.2    | 13.7  | 11.5   |
| <b>*others</b>                                     | 1.6     | 2.0   | 0.2    | 1.8     | 2.3   | 0.1    |

\* others (includes mining & quarrying, electricity, gas & water, financing, insurance, real estate & business services and extraterritorial organizations and bodies)

Source: (Labour Force Survey cited in Government of Pakistan, 2014: 81)

### 10.3.3. Women's Segregation in Different Industrial Sectors

The gender wise proportion of persons engaged in different industrial divisions as formal and informal workers is different. Majority of the women employed are working in agriculture, forestry, hunting and fishing sectors. The gender disaggregated statistics show that 74% of the employed women as formal workers are segregated in these industrial sectors in the year 2013-14. The number of men employed in these sectors is much less than women; as only 34% men are employed in these industries. The number of men is higher than women in manufacturing, construction, wholesale and retail trade, transport, storage and communication, community and social services. Women's employment as formal workers is sufficiently low in construction (i.e. 0.3%), wholesale and retail trade (i.e. 1.6%), and transport/ storage and communication (i.e. 0.2%) in the year 2013-14 (Government of Pakistan, 2014: 81).

The employment as formal worker provides more security in terms of wage, tenure and social security benefits as compared to employment as informal worker in any industry. The gender gap in the number of employed people in different industrial divisions varies in terms of formal and informal workers. The statistics of male and female employment as informal service provider or worker show that majority of women (i.e. 58.6%) are engaged as informal workers in manufacturing industry in the year 2013-14. While only 17% men are engaged in informal service in this sector. The statistics show that more women (i.e. 31.3%) than men (i.e. 13.6%) are involved as informal worker in community and social service industry. The number of men is higher than the women as formal workers in the same sector. Women's employment as informal workers is low in construction (i.e. 1.4%), wholesale and retail trade (i.e. 8.1%), and transport/ storage and communication (i.e. 0.6%) in the year 2013-14 (Government of Pakistan, 2014: 81).

**Table 10.6: Distribution of informally employed persons in industrial divisions**

| Major Industry Divisions                         | 2012-13 |       |        | 2013-14 |       |        |
|--|---------|-------|--------|---------|-------|--------|
|  | Total   | Male  | Female | Total   | Male  | Female |
| <b>Total</b>                                     | 100.0   | 100.0 | 100.0  | 100.0   | 100.0 | 100.0  |
| <b>Manufacturing</b>                             | 22.1    | 18.5  | 56.1   | 21.5    | 17.1  | 58.6   |
| <b>Construction</b>                              | 17.3    | 18.9  | 1.2    | 16.8    | 18.6  | 1.4    |
| <b>Whole sale &amp; retail trade</b>             | 33.8    | 36.4  | 8.7    | 34.3    | 37.4  | 8.1    |
| <b>Transport, storage &amp; communication</b>    | 10.6    | 11.6  | 0.7    | 10.9    | 12.1  | 0.6    |
| <b>Community, social &amp; personal services</b> | 15.4    | 13.8  | 33.1   | 15.4    | 13.6  | 31.3   |
| <b>*Others</b>                                   | 0.8     | 0.8   | 0.2    | 1.1     | 1.2   | -      |

\* others (includes mining & quarrying, electricity, gas & water, and finance, insurance, real estate & business services)

Source: (Labour Force Survey cited in Government of Pakistan, 2014: 87)

#### 10.3.4. Women's Segregation in Occupational Hierarchy

There is a wider gender gap in male and female's differential participation at the different levels of occupational hierarchy. Women are marginally represented in the management group, while they are segregated as the lowest tier workers in agriculture, fishery and forestry. The data provided by Pakistan Bureau of Statistics show that only 0.3% of the employed women are represented in managerial cadre while 62% of the employed women are segregated in the agriculture, forestry, and fishery as lowest tier of workers. Men's engagement in the management cadre is higher (i.e. 2.1%) as compared to that of women (0.3%). The gender gap in employment as service and sales workers is also marked one. Only 2.2% of women are employed as compared to 20.4% men employed in this occupation. The employment level of women as professionals is higher (i.e. 6%) as compared to that of men (i.e. 4.1%) in 2013-2014.

**Table 10.7: Distribution of employed persons by occupational groups (2013-2014)**

| Major Occupational Groups                                   | Informal sector workers |       |        | Formal sector workers |       |        |
|---|-------------------------|-------|--------|-----------------------|-------|--------|
|   | Total                   | Male  | Female | Total                 | Male  | Female |
| <b>Total</b>  | 100.0                   | 100.0 | 100.0  | 100.0                 | 100.0 | 100.0  |
| <b>Managers</b>   | 1.9                     | 2.1   | 0.3    | 1.7                   | 2.1   | 0.3    |
| <b>Professionals</b>  | 3.5                     | 2.7   | 10.0   | 4.6                   | 4.1   | 6.0    |
| <b>Technicians &amp; associate professionals</b>            | 2.9                     | 3.2   | 1.2    | 2.8                   | 3.3   | 1.2    |
| <b>Clerical support workers</b>                             | 0.4                     | 0.4   | 0.1    | 1.5                   | 1.9   | 0.2    |
| <b>Service and sales workers</b>                            | 34.4                    | 37.1  | 11.1   | 16.2                  | 20.4  | 2.2    |
| <b>Skilled agricultural, forestry &amp; fishery workers</b> | 0.1                     | 0.1   | -      | 37.6                  | 30.2  | 62.1   |
| <b>Craft &amp; related trades workers</b>                   | 28.5                    | 25.1  | 57.5   | 14.2                  | 14.9  | 11.8   |
| <b>Plant/machine operators &amp; assemblers</b>             | 9.9                     | 10.9  | 1.2    | 6.0                   | 7.7   | 0.4    |
| <b>Elementary occupations</b>                               | 18.4                    | 18.3  | 18.6   | 15.5                  | 15.4  | 15.8   |

Source: (Labour Force Survey cited in Government of Pakistan, 2014: 83-87)

The statistics on the participation of informal sector workers in different industrial divisions also shows that 57% of the women informally employed workers are engaged in craft and related trades as compared to only 25.1% of the men. Women are again marginally represented (i.e. 0.3%) as managers in the informal service sector.

On the basis of above given arguments and statistics it can be inferred that women in paid employment as formal worker are more segregated in agriculture. Women are segregated in the agriculture and related industry and occupations in Pakistani labour force. Ibraz (1992: 1296) has identified that "[t]he intensive participation of women in the production and processing of crops is productive in that it also saves money that would otherwise be spent in hiring labour. The processed crops not only meet the household consumption needs but are also income generating when sold in the market for cash". Ibraz (1992) shows division of men and women's activities in the crop production and processing. Women perform a sufficient work in spreading manure, harvesting, weeding, threshing, winnowing, packing and transporting, collecting chaff and hay, winnowing at home, and storing during the crops of wheat, maize, pulses mustard, Taramira, sesmea seeds, peanuts and fodder or barely, etc. (Ibraz, 1992:1297-1298).

Ibraz (1992: 1299) also identified certain works as specifically women's activities in cattle farming. They categorized cleaning of cattle shed, disposal of dung, heating milk, churning milk, processing butter into ghee, selling milk and ghee within the village and harvesting fodder as predominantly or exclusively women's work. Chopping of fodder, preparation of cattle fodder, and feeding in manger are the works done by men and women together. The grazing, bathing and milking are found as the activities performed by men (Ibraz, 1992: 1299).

**Table 10.8: Employment status wise distribution of employed persons (2013-2014)**

| Employment status                  | Informal sector workers |       |        | Formal sector workers |       |        |
|------------------------------------|-------------------------|-------|--------|-----------------------|-------|--------|
|                                    | Total                   | Male  | Female | Total                 | Male  | Female |
| <b>Total</b>                       | 100.0                   | 100.0 | 100.0  | 100.0                 | 100.0 | 100.0  |
| <b>Employers</b>                   | 2.1                     | 2.3   | 0.1    | 1.1                   | 1.4   | 0.1    |
| <b>Own account workers</b>         | 41.9                    | 42.3  | 37.9   | 35.5                  | 40.6  | 18.8   |
| <b>Contributing family workers</b> | 9.6                     | 9.3   | 13.0   | 24.1                  | 14.9  | 54.6   |
| <b>Employees</b>                   | 46.4                    | 46.1  | 49.0   | 39.3                  | 43.1  | 26.5   |

Source: (Labour Force Survey cited in Government of Pakistan, 2014: 85-88).

Irfan, Anwar, Akram, and Waqar (2013: 221-224) in their research on occupational gender segregation and its determinants in Pakistan labour force market have analysed the impact of age, gender, training, province and education on occupational segregation. They report to found positive relationship between occupational segregation and education and training. They suggest that if education will be improved among men and women, the occupational segregation may be reduced.

### 10.3.5. Women and Employment Status

As women are least represented at the level of managers, the same gender gap at the level of hierarchy of employment status is visible. The statistics available are showing that only 0.1% of the women are working as employers as compared to 1.4% men engaged as formal workers in the year 2013-14. Only 18.8% women are working as "Own account workers" as compared to 40.6% men engaged as formal workers in the same year. There are 26.5% of the women working as employees as compared to 43.1% men in formal sector workers. Women are less than men as employers, employees, and own account workers. The majority of them is found as segregated in the category of contributing family workers (i.e. 54.6%) as compared to only 14.9% men in the year 2013-14.

**Table 10.9: Share in status groups of wage and salaried employment**

| <b>Employment status</b>                           | <b>2009-2010</b> | <b>2010-2011</b> | <b>2012-2013</b> |
|--|------------------|------------------|------------------|
| <b>Total wage and salaried employment</b>          |                  |                  |                  |
| Both Sexes   | 36.5             | 36.9             | 39.7             |
| Male   | 40.7             | 41.2             | 43.8             |
| Female   | 20.8             | 21.6             | 24.9             |
| <b>Regular paid employees with fixed wage rate</b> |                  |                  |                  |
| Both Sexes   | 53.2             | 54.2             | 50.2             |
| Male   | 54.3             | 55.4             | 51.8             |
| Female   | 44.8             | 46.5             | 39.8             |
| <b>Casual paid employee</b>                        |                  |                  |                  |
| Both Sexes   | 29.4             | 28.7             | 31.2             |
| Male   | 31.2             | 30.7             | 33.5             |
| Female   | 16.4             | 15.7             | 16.8             |
| <b>Paid worker by piece rate or work performed</b> |                  |                  |                  |
| Both Sexes   | 16.8             | 16.3             | 18.0             |
| Male   | 13.8             | 13.2             | 14.1             |
| Female   | 38.7             | 37.6             | 42.9             |
| <b>Paid non-family apprentice</b>                  |                  |                  |                  |
| Both Sexes   | 0.6              | 0.7              | 0.6              |
| Male   | 0.6              | 0.8              | 0.6              |
| Female   | 0.2              | 0.2              | 0.5              |

Source: (Pakistan Labour Force Surveys cited in Government of Pakistan, 2014: 99).

The gender composition of these categories of employer, own account holder, contributing as family worker and employees is different in informal work sector. Women and men both are more segregated as employees or own account holders. Still the number of women in these categories is lower than men in same categories of informal work sector.

The employment status according to the nature of wage and salary they receive also shows that women are more segregated in the work sectors where the wage and salary conditions are poor and vulnerable. The available statistics in Table 10.9 show that women are less represented than men in the category of total wage and salaried employment. This category is based on more formal terms and conditions of employment and salary. Only 24.9% women are employed in this group as compared to 43.8% men in the year 2012-13. Women are again less (i.e. 39.8%) in the group of "Regular paid employees with fixed rates" as compared to men (i.e. 51.8%). Women are found highly segregated in the category of the workers who do not find any fix salary rather just earned as "paid workers by piece or work performed". The statistics show that 42.9% women are segregated in this sector of wages per piece or work performed as compared to only 14.1% men in the year 2012-13 (Government of Pakistan, 2014: 99).

### **10.3.6. Gender Wage Gap**

The term wage refers to the monetary compensation paid by an employer to an employee in exchange of any work done by the later. The gender wage gap or gender pay gap refers to the difference in the average pay or earning of men and women for the same work done. The report on Labour Force Survey 2013-14 states that the gender differentials in wage are apparent due to the gender composition of the labour groups (Government of Pakistan, 2013: 36). The report highlights that the average monthly wage varies with the degree of white-collarness of different occupations. On the one hand, women comprise a much lower proportion of employed worker force. On the other hand, they are more segregated in the lower tiers of occupational hierarchy as compared to the managerial or administrative levels. This fact indicates that women are segregated



more in the occupations possessing a lesser degree of white-collarness, thus they are earning less average monthly wage at broader level.

The Labour Force Survey reports for various years highlight that gender gap exists in the average monthly wage earning of men and women workers in different industrial sectors; including the sectors where large proportion of employed women are segregated (e.g. agriculture and manufacturing) (Government of Pakistan, 2013: 36; Government of Pakistan, 2014a: 36). The survey report for the year 2012-13 shows that the overall average monthly wage for employed women was Rs. 7,869/- as compared to Rs. 12,804/- for employed men in the year 2012-13. Despite women's segregation in agriculture and other related sectors (i.e. 74% of the employed women in 2013-14), the average monthly wages earned by women workers is Rs. 3,863/- as compared to Rs. 7,873/- for men in the year 2012-13. Similarly, the monthly average wages earned by women in manufacturing industry is reported as Rs. 4,958/- as compared to Rs. 11,734/- for men in the same year (Government of Pakistan, 2013: 37). The same pattern is observed in the survey report for the year 2013-14. Women's average monthly wage is Rs. 4,236/- as compared to Rs. 7,995/- for men. The average monthly wage for women was found as Rs. 4,953/- and for men as Rs. 12,716/- in manufacturing industrial sector (Government of Pakistan, 2014a: 36).

Besides the industrial sector wise gender gap in earned wages, the same survey reports also highlight the gender gap in wages at different levels of occupational hierarchy. The wage differentials are mainly linked with the gender composition of the particular occupational group. The report states that "[t]he more a group is masculine, the less it is likely to find females in high paid assignments and thus higher is the average wage of male as compared to that of females" (Government of Pakistan, 2013: 37). The Labour Force Survey reports for the year 2012-13 and 2013-14 show that the average monthly wages are less for women as compared to that of men in different occupational groups. The reports specifically show gender differentials in average monthly wages for men and women in each occupational category.

According to the Labour Force Survey report for the year 2012-13, in the category of "Legislators/senior officials and managers" women earn lower monthly average wage of Rs. 34,619 as compared to men who earn Rs. 38,114/-. A much wider gender gap exists in the category of "Professionals"; in which women's monthly average wage is Rs. 15,051/- as compared to that of Rs. 24,326/- for men. In the category "Technicians and associate professionals" women are found earning a monthly average wage of Rs.13,429/- as compared to that of Rs. 19,802/- for men. The category of "Clerk" shows a monthly average wage of Rs. 13,720 for women as compared to that of Rs. 19,030 for men. Women working in the category of "Service workers/shop and market sales workers" earn a monthly average wage of Rs. 9,516/- as compared to that of Rs. 11,052 for men in the same occupational group. The category of "Skilled agricultural and fishery workers" comprising the highest proportion of employed women workers in Pakistan shows a widest gender gap in men and women's average monthly wage. Women employed in this occupation are earning a monthly average wage of Rs. 3,337/- as compared to that of Rs. 9,703/- earned by men. The women in category of "Craft and related trades workers" earned an average monthly wage of Rs. 4,564 as compared to that of Rs.11,031/- earned by men in the same group. The category of "Plant/machine operators and assemblers" offers women workers an average monthly wage of Rs. 6,862/- as compared to Rs. 11,730/- for men. The women engaged in "Elementary (unskilled) occupations" earn Rs. 4,310/- as compared to that of Rs. 8,826/- by men on average monthly basis (Government of Pakistan, 2013: 37).

The Labour Force Survey Report for the year 2013-14 also shows similar patterns of gender differentials. The overall average monthly wage for women was Rs. 8,210/- as compared to Rs. 14,079/- for men in the year 2013-14. It is observed that women managers earn a monthly average wage of Rs. 36,698/- as compared to Rs. 53,637/- for men at the same level. Women professionals earn a monthly average wage of Rs. 18,036/- as compared to Rs. 28,396/- earned by male professionals. Women technicians earn on average Rs. 13,934/- as compared to Rs. 21,168/- for men per month. Women earn on average Rs. 14,879/- as compared to Rs. 20,085 by men in the category of clerical support staff. Women employed in service and sales work earn on average Rs. 8,699/- per month as compared to that of Rs. 11,892/- for men in this sector. The widest gender wage gap is again observed in the occupations related to agriculture, forestry, and

fishery. The women in this category of occupations earn on average Rs. 4,880/- per month as compared to Rs. 10,727/- by men. In craft and trade work, women earn an average monthly wage of Rs. 4,647/- as compared to Rs. 11,939 for men. Men earn higher on average as plant or machine operator (i.e. Rs. 9,129/-) as compared to that of women (Rs. 12,139/-). There is also gender gap in average monthly wage of men (i.e. Rs. 4,570/-) and women (i.e. Rs. 9,365/-) in the elementary occupations.

### **10.3.7. Gender Discrimination, Sticky Floors and Glass Ceiling**

The three important concepts in terms of understanding women's participation in paid labour force are gender discrimination, sticky floors, and glass ceiling. Gender discrimination at workplace refers to an undue, unfair, and unequal advantage or disadvantage given to an employee on the basis of his or her gender. This discrimination is mostly observed to unfavourably effecting women in the work sector. The cultural conditions create an environment around women that when they come outside home to work in labour market they are not treated equally as men who is participating in labour market with equal education and skills. Channar, Abbassi, and Ujan (2011: 177) in their research study on gender discrimination in workforce and its impact on satisfaction, motivation, commitment and enthusiasm of employees found that female employees are more discriminated than men in private sector organizations. They also find that the gender discrimination women face at workplace also decreases their satisfaction, motivation, commitment and enthusiasm but increases the stress level among employees.

Sticky floors, is a term referring to women's segregation in the lowest tiers of the occupational hierarchies. They are segregated in the less paid industrial sectors as informal workers which make them economically weak and insecure in terms of employment tenure. They also face difficulties in leaving these lowest tiers of occupational hierarchies to get promoted to the middle or higher level management and administrative positions. The term glass ceiling refers to the idea that women despite having equal education and skill, as that of men, still face certain invisible, unreachable and untouchable barriers in reaching to the highest tiers of occupational hierarchy.

Ahmed and Hyder (2008: 837-838) in their research on the hypothesis of sticky floors and occupational segregation in Pakistan studied following three main aspects of gender discrimination in work market: wage differentials, sectoral gender differentials in public and private sectors, and gender sectoral segregation in labour market in Pakistan. They utilized the data from Labour Force Survey 2005-06 and concluded that glass ceiling and sticky floors exist in Pakistani labour market and effect women's participation in labour force. Ahmed and Hyder (2008: 837-838) highlight that the gender wage gap exists between men and women in Pakistan and it increases at the bottom level of occupational hierarchy. Women in higher paid jobs are not in a disadvantageous condition in terms of wage difference. The research further shows that the occupational segregation also exists in Pakistan. Women are concentrated in few particular occupations in Pakistani labour force. They highlight that the gender wage differentials increased or widened in the private sector as compared to the public sector. They suggested that this might happen due to the lack of regulations in private sectors as compared to public sector. They inferred that the lack of education is a main factor that contributes towards the gender occupational segregation in Pakistan.



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## CHAPTER - 11

### DEFINING VIOLENCE AND ITS TYPES

Culture of a society encompasses its all aspects in an interlinked manner. Pakistani society with its all cultures and sub cultures within different provinces, as discussed in previous chapters is dominantly patriarchal in nature. It is not something limited to Pakistan. Patriarchy, in its various manifestations, is a universal characteristic shared by all human societies across regions presently existing on earth. This social order, as a culture of male domination over female and younger or weak members of the group, allows men to exercise formal and informal power and control over women and children. The world has also been divided into two broader spheres; the public sphere outside home where most of the social and economic resources are lying is assigned to men and the private sphere of home which needs some channel to bring these needed resources inside for survival of all members (of family) is assigned to women.

The women, children and weak elderly usually find themselves excluded from the public sphere, deprived of access to economic and social resources, ascribed with a lower social status, and lack of autonomy even to decide for their own personal and bodily matters. Socialization, received from birth to death, within such a social order makes men and women internalized this hierarchical power relation and forced them to adapt and perform according to their respective roles. The result is a combination of broader legitimizations of men's authority and power to control women and their lower socio-economic and political status along with internalized acceptance to the existing social order by women. The implications of this coexisting but different realities for both gender also leads to different implications for them. On the one hand, it enables men to get their interest served either by mutual agreement or by force and violence. On the other hand, it associates a stigma for women to any loud resistance to this suppression or violence even when it becomes fatal to mere existence as a human being. In this way, the existing social order provides congenial environment for violence against one gender (i.e. women) by the other (i.e. men or men dominated social institutions). This chapter focuses on the basic types of violence against women in Pakistani society.

#### 11.1. VIOLENCE AGAINST WOMEN

The term violence against women has two major elements: "violence" and its occurrence "against women". For better understanding, we need to first understand the term "violence", its nature and what it includes. Second, we need to understand what forms and implications it has when it comes to happen with a woman. Both the things are separately dealt in detail in the following sections.

##### 11.1.1. Defining Violence

In common daily usage, the term "Violence" is understood as physical force to harm, damage, injure or abuse someone. Before understanding the term violence, we need to understand two relevant terms; "violate" and "violent". The word "violate" connotes to treat (someone or something) with disrespect and disturb (Thompson, 1997: 1564). The literal meaning of the term "violent" as provided in dictionary also refers to "using or tending to use aggressive physical force" against something or someone. In legal terms, it is identifying to "an unlawful exercise of force" (Thompson, 1997: 1564).

The term "Violence" is derived from the word "Violent". Violence refers to "violent conduct or treatment" of someone or something. It can further be elaborated as "the quality of being violent" with someone or something (Thompson, 1997: 1564). Galles and Straus (1975: 5) defined the term violence as "an act carried out with the intention or perceived intention of physically hurting another person". It can also be defined as the exercise of power in order to impose one's will on a person or to have one's will with a thing (Babur, 2007: 9).

Pilcher and Whelehan (2004: 173) defined the term in its narrow and broader conceptualizations in the following way: "Violence may be narrowly defined, as in the legal sense of it being the unlawful use of physical force by an individual against others. A broader approach defines violence as behaviour which harms others, either physically or emotionally." One example of this broader conceptualisation is the idea of a 'continuum of violence' (Kelly & Radford 1998) within which a range of harmful behaviour from physical acts of murder and rape to verbal acts of sexualised and racialised abuse is included. In short, violence is a behaviour pertaining to treat someone with disrespectful, illegal, aggressive physical force and disturb that individual. The aim of such violent behaviours towards any individual or group is usually to establish and maintain control over that person or group.

### 11.1.2. Defining Violence Against Women

When the violence, as defined above, comes in the circle of gender relations, it becomes a pervasive and prevalent problem worldwide, touching all aspects of women's lives from home to the workplace (Schular, 1992). Pilcher and Whelehan (2004: 173) argue that "[w]hether a narrow or more broader concept of violence prevails, however, it remains the case that violence is gendered. In other words, it exhibits patterns of difference between men and women, being especially associated with the behaviour of men". Connell identifies a range of ways in which men 'predominate across the spectrum of violence' (2000: 22), whether as members of the armed forces, as violent criminals under the law, as abusers of family members, or as participants in and audiences of the various contact sports which centre around the use of physical force" Pilcher and Whelehan (2004: 173).

It is men's violence against women that has especially been the concern of feminist researchers (Pilcher & Whelehan, 2004: 173). Now, it is easy to understand the term "violence against women" (VAW) in the light of above explanation provided for the words violate, violent and violence. Whenever any such unlawful, disrespectful, aggressive and violent act is primarily and specifically directed to a woman intending to disturb, disrespect, harm or subjugate her is called violence against women. It is any violent act primarily or exclusively committed against women.

There is a variety of expressions and terms which are used interchangeably to express whatever here is meant to symbolize violence against women. "Male violence against women", "sexual violence", "gender violence", and "gender based violence" are to name a few. There is no universally agreed definition of the term "violence against women" except what is available in United Nations' documents. Different definitions of the term violence against women are given from UN documents as following to facilitate readers' understanding:

1. At the UN World Conference on Human Rights in 1993, gender violence was defined as "violence which jeopardizes fundamental rights, individual freedom and women's physical integrity".
2. The Article 1 of the United Nations' Declaration on the Elimination of Violence against Women has defined the term as "any act of gender- based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life".

The Article 2 of the UN Declaration on the Elimination of Violence against Women further elaborates in its text in following words that what includes violence against women:

“Violence against women shall be understood to encompass, but not limited to the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non spousal violence and violence related to exploitation.
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- (c) Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs.”

In short, violence against women includes any form of physical, sexual and psychological abuse and sexual exploitation perpetrated by a range of offenders from any individual person, family members, community groups, to even the state, both in public and private sphere.

## **11.2. TYPES OF VIOLENCE AGAINST WOMEN IN PAKISTAN**

There is a variety of the behaviours adopted while dealing in a violent way with a woman, as well as, women suffer from a large variety of effects these violent behaviours leave on them. This section will be dealing with several types of violence against women in Pakistan.

The types of violence against women refer to any particular methods used to disturb, disrespect or subjugate any woman or group of women for establishing and maintaining control over them and mould their behaviour to serve perpetrator's or anyone else's interest. The common forms of violence can be categorized as verbal abuse, physical violence, psychological violence, sexual violence, emotional violence, cultural violence, economic violence, and legal violence. These types of violence are briefly defined in the following sections.

### **11.2.1. Verbal Abuse**

Verbal abuse simply refers to use of unkind or painful words. It means a behaviour someone adopts by using spoken or written word with an intention to cause harm or disturbance to someone else. Physical abuse is easy to identify while the verbal abuse is difficult to be proved. It may often be condoned as a way one talks. For example, name calling, abusing for mistake, insulting, threatening, etc.

### **11.2.2. Physical Violence**

Physical violence occurs when a person violently uses any part of his body or an object to control or amend any other individual's action. It commonly refers to coercion. For example, beating, kicking, and cutting, etc. Physical violence may result in a range of consequences for victim ranging from minor scars and injuries, physical disability, lose of some bodily part (e.g. eye, etc.), and disfigurement, to loss of one's' life.

### **11.2.3. Psychological or Mental Violence**

Psychological violence occurs when someone adopts a systematic pattern of malicious or explicit non physical acts against another individual with an intention to cause fear in and achieve control of that individual. For example, it may include, threatening, stalking, verbal aggression, social isolation or exclusion, treating with contempt and dishonour, depriving of freedom, etc. Psychological violence may result in degrading physical health, lack of concentration, emotional disturbance, or suicidal thoughts among the victims.

#### **11.2.4. Sexual Violence**

Sexual violence refers to the behaviour that forces a person to unwillingly get involved in any sexual activity. It may include from touching (for sexual pleasure), grabbing, fondling, forcing a person to perform degrading and painful sexual acts or to have forced or violent sexual intercourse, etc. Psychological and physical violence often occurs prior to sexual violence. In turn, sexual violence effects on victim's physical, psychological and emotional integrity and balance.

#### **11.2.5. Emotional Violence**

Emotional violence occurs when a person acts in a way by saying or doing something that makes the victim feel stupid, worthless or deceived. Psychological and emotional violence are sometimes considered same or closely related to each other. It may include name calling, blaming, causing humiliation, jealousy, and fear, or may feel a threat on valuable and important possessions and people. It results in loss of emotional balance or excitement of any particular feeling like anger, love, or insecurity that affect human performance in daily routine life or at work.

#### **11.2.6. Cultural Violence**

Cultural violence refers to any act or behaviour practiced as a part of a culture or tradition of any society but, at the same time, harms or damages the interest of an individual or a group of individuals within same society. When such cultural and traditional practices discriminate against and harm the interest and rights of women as human being also become part of violence against women. Cultures of various regions in the world are different. They have different value frameworks. There is a variety of practices in different cultures that effect women in a negative way. Let's take example of Pakistani culture, where women are suffering from a variety of such harmful cultural practices. These practices include: *Karo Kari (Siah Kari)*, Dowry, *Watta Satta*, *Vani*, *Swara*, *Walwar*, etc. Several of these practices will be discussed in detail in next chapters of this book.

#### **11.2.7. Economic Violence**

Economic violence means a behaviour by which a person controls, misuses or exploits any other person's financial or productive resources without the latter's consent. It may includes: either forcing or not permitting a person to work outside home, controlling an individual's chances or choices for joining a particular profession, misusing fund, money, or income of a person, discriminating against someone in share of property, money, and inheritance, etc.

#### **11.2.8. Legal Violence**

Legal violence refers to institutionalization of the discrimination done to an individual or a group through the legislative structures, the laws formulated in that structure and the law enforcing agencies implementing these laws in broader society. It involves state violence. Normally the legislative forums, the laws and the law enforcing agencies are part of state machinery. If these institutions systematically harm any person or groups' interest that is considered as a result of the lack of political will among political actors and state. Pakistan has experienced discrimination against women in all the above said three areas. The legislatures have always been dominantly men as women are least represented in the parliament and assemblies throughout Pakistani history. The laws formulated especially in the name of so-called islamization have widely been criticized for gross violations of women's human rights (e.g. *Zina Ordinance*). The gender insensitive attitude of police and law courts along with complex and lengthy legal procedures have always been considered a problem resulting in victimization of women.

There are problems in identifying the several of above listed types of violence against women in the country and collection of authentic, reliable and comprehensive data in this regard. First, the incidences of violence against women remain rarely reported. When reported and brought to be included in the statistics often referred to understand the severity of the problem, failed to express and include several forms of violence. Most of the cases reported and counted in statistical data sets are of physical or some popular types of cultural violence. The incidences of verbal,

psychological, emotional, economic violence and a large variety of cultural practices are condoned by the society as not violence in typical term rather a normal part of the daily routine of a patriarchal society. Thus, a large variety of these types of violence neither get reported, nor counted and successfully escape from observation of a common person.





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## CHAPTER - 12

### VIOLENCE AND CRIME AGAINST WOMEN IN PAKISTAN

The term crime refers to an act committed by someone which includes an offence and is punishable by the law. It can be defined as an act or a negligence that is harmful for individual person, any group, or community and is forbidden and punishable by the law. In short, any act in violation of law is called crime. There is a large variety of crimes occurring every day. It includes from simple theft of some money or cell phone to hurts to human body or social order by large scale terrorist activities. The crimes can be classified into different categories according to the nature of the crime committed. Crime against property, crime against human body, cyber crime, white collar crimes, and organized crimes are few of the major categories of crimes prevailing now a day.

#### 12.1. WOMEN AND CRIME IN PAKISTAN

Women in Pakistan suffer a large variety of crimes and violence against women in Pakistan. Rabia Ali (2001: 8) states that “[v]iolence, or the threat of violence, at home, in the fields, or in the street, is a daily reality for the vast majority of Pakistani women”. The social and cultural structure of society along with a weak and crippled legal system legitimizes a large variety of crime and violence against women. Its variety includes from the act of using abusive language to the severe crimes of murder of women (The Commission of Inquiry for Women, 1997). There are reports portraying the existing state of discriminatory and violent acts or processes going on against women in our society (Azhar, 2012; Perveen, 2013).

A large number of crimes are being committed against women in Pakistan annually. The stigma attached to report the crime against women and its implication for the reputation and honour of the individual woman and family sufficiently reduced the number of incidences reported to anyone even within the family. Accordingly, the count of the reported crimes dropped to a minimum level when it comes to report to a law enforcing agency. These implicit facts have implications for collecting and reporting data on issues of violence against women in Pakistan and other societies. These considerations regarding locating and gathering data on violence against women need to be kept in mind when reading and analyzing the statistics reported and reproduced in a variety of reports.

##### 12.1.1. Reported Crime Incidences against Women in Pakistan

According to available reports on statistics of the crime against women during the period from 2008 to 2012, the total number of crimes reported against women during the reported period reached to peak in 2009 and 2011 with 8,548 and 8,539 reported cases, respectively. It is followed by a little reduced figure in 2010 with 8,000 reported cases, in 2008 with 7,571 cases, and in 2012 with 7,561 reported cases of violence against women. It means the number of reported crimes ranged from 7,000 to 8,500 during the period from the year 2008 to 2012 (Azhar, 2012; Perveen, 2013). These figures are sufficiently high and when looked with previously defined lack of data make the reader enabled to understand the frequent occurrence of crime against women in the country.

The statistics of reported crimes against women in the country, as shown in Table 12.1, include a variety of forms of violent acts done to women resulting in causing social, physical, psychological, sexual, economic, and life losses. They include cases of physical violence (e.g. burning, acid throwing, domestic violence, torture, etc.), sexual violence (e.g. sexual assaults, rape, gang rape, marital rape, incest, child marriage, etc.) psychological violence (e.g. sexual

harassment, etc.), cultural violence (e.g. honour killing, *vani*, *swara*, etc.), economic violence (e.g. land encroachment, harassment at workplace, etc.) and other crimes like abduction, kidnapping, custodial violence, trafficking, murder, etc.

**Table 12.1: Year wise number of crimes committed against women in Pakistan**

| Types of crime              | 2008 | 2009 | 2010 | 2011 | 2012 |
|-----------------------------|------|------|------|------|------|
| <b>Abduction/Kidnapping</b> | 1784 | 1987 | 2236 | 2089 | 1607 |
| <b>Murder</b>               | 1422 | 1384 | 1436 | 1575 | 1745 |
| <b>Domestic Violence</b>    | 281  | 608  | 486  | 610  | 989  |
| <b>Suicide</b>              | 599  | 683  | 633  | 758  | 575  |
| <b>Honor Killing</b>        | 475  | 604  | 557  | 705  | 432  |
| <b>Rape/Gang Rape</b>       | 778  | 928  | 928  | 827  | 822  |
| <b>Sexual Assault</b>       | 172  | 274  | 74   | 110  | 58   |
| <b>Acid Throwing</b>        | 29   | 53   | 32   | 44   | 83   |
| <b>Burning</b>              | 61   | 50   | 38   | 29   | 71   |
| <b>Miscellaneous</b>        | 1970 | 1977 | 1580 | 1792 | 1134 |
| <b>Total</b>                | 7571 | 8548 | 8000 | 8539 | 7516 |

Source: Statistics taken from Azhar (2012: 8) and Perveen (2013: 4).

#### 12.1.1.1. Abduction or kidnapping of women

The term abduction refers to the act of taking away someone illegally by using force or deception (Hornby, 1995: 2). The word kidnap or kidnapping are literally referring to take somebody away by force and illegally, especially in order to obtain money in return for releasing them (Hornby, 1995: 650). Both the terms are also legally defined in Pakistan Penal Code. The section 361 of PPC defines kidnapping from lawful guardianship as “whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, said to kidnap such minor or person from lawful guardianship”. Similarly, the crime of abduction is defined in section 362 of PPC as “[w]hoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person”. It is a crime that is also reported to occur against women in a large number in Pakistan. It is visible from Table 12.1 that the reported cases of Kidnapping and abduction were 1,784 in the year 2008, and 1,987 in the year 2009. The reported cases of kidnapping and abduction were at peak during 2010 and 2011 with 2,236 and 2,089 reported cases, respectively, and then again declined in 2012 to 1,607 reported cases (Azhar, 2012; Perveen, 2013).

Kaukab and Shad (2014: 2549-2552) have conducted a detailed study of kidnapping as a particular form of violence against women in Punjab province. They have compiled and presented data on abduction or kidnapping cases reported from 2001 to 2010 in different districts of Punjab. The data shows a total of 12,679 reported cases of abduction and kidnapping in Punjab during the said period. The highest number of reported cases of abduction and kidnapping of women are observed in Lahore (with 2773 cases), Faisalabad (with 1850 cases), and Rawalpindi (with 1243 cases) during 2001-2010 (Kaukab & Shad, 2014: 2550). They highlighted that Kasure, Sheikhpura, Nankana Sahib, Faisalabad, Jhang, Sargodha, Chakwal, Rawalpindi, Sialkot and Multan are the cities where the rate of such cases is high. They concluded that this high rate of reported kidnapping and abduction cases in these cities is “due to advancement in media, awareness of law education, awareness of personal rights and access to the strong social lobbies” (Kaukab & Shad, 2014: 2549). They identified that most of the people do not prefer to contact law enforcing agencies and also do not have access to latest technologies of communication and these are the main reasons for lower rate of reported cases of abduction and kidnapping in other districts

of Punjab. They drew readers' attention towards the fact that a large number of abduction and kidnapping cases remain unreported and unrecorded (Kaukab & Shad, 2014: 2552).

#### **12.1.1.2. Murder and suicide among women**

Murder is simply an act of a person taking the life of another human being. It means to kill somebody illegally and deliberately. The term is literally defined as "the illegal deliberate killing of a human being" (Hornby, 1995: 765). The available statistics in Table 12.1 show an overall rising trend of the reported cases of murders of Pakistani women from 2008 to 2012. The number of reported cases of murder of women in the year 2008 was 1,422 cases. The lowest number of such cases was reported in the year 2009 as 1,384 cases. The number of cases reported for murder of women again rose in the year 2010 up to 1,436 cases, in 2011 to 1,575 cases, and in 2012 to 1,745 cases (Azhar, 2012; Perveen, 2013).

Besides the incidences of murder, a sufficient number of cases are reported for suicide among Pakistani women during the same period. As contrary to the act of murder, suicide is commonly known as an act of taking one's own life. It is literally defined as "the act of killing oneself intentionally" (Hornby, 1995: 1195). Suicide is considered a crime from legal and religious perspective. Islam condemns the act of suicide as *Haram* (i.e. an act forbidden by Allah). The Table 12.1 shows that the number of annually reported cases of suicide among Pakistani women ranged from 575 to 758 cases during 2008 to 2012. The year wise number of reported suicide cases among Pakistani women was 599 in the year 2008, 683 cases in 2009, 633 cases in 2010, 758 cases in 2011, and 575 cases in 2012 (Azhar, 2012; Perveen, 2013).

It is observed that the number of reported cases of murder of Pakistani women is almost three times higher than the number of reported cases for the incidences of suicide by women in the country. The causes behind commitment of the two types of crimes may also differ. Murders are usually done to harm someone else for revenge, or gaining some monetary, property or other related interests. While, suicide usually results from some psychologically and emotionally disturbed conditions of a person (i.e. the victim). It may happen due to some prior other kind of violence, such as domestic violence, harassment, emotional or sexual abuse, etc. These conditions may be created by some individual, group or social condition that leads the victim to attain a mental state in which she feels her life as useless or to take the life as the last option to get rid of problematic conditions.

#### **12.1.1.3. Sexual assaults, rape or gang rape**

Sexual assaults and rape or gang rape are two categories of crimes reported to be occurring in a sufficient number against Pakistani women. The dictionary definition of rape is "to force somebody to have sex when they do not want to" (Hornby, 1995: 963). The rape is legally defined in Pakistan Penal Code 1860 as an act committed by a man when he has sexual intercourse (i.e. penetration) with a woman against her will, without her consent, with consent taken by imposing a fear of death or hurt, by deceitfully making her believe that she is married to that man, or with a woman under sixteen years of age. The word "Gang" is defined as an organized group of criminals (Hornby, 1995:486). On the basis of above definitions of terms of rape and gang, the crime of gang rape can be understood as an act of rape done by more than one person at a same time as an organized group in which each individual was well intended to do the same crime. The Table 12.1 shows that cases of rape and gang rape are occurring in a large number during 2008 to 2012. The number of reported rape and gang rape cases was 778 in the year 2008, 928 cases in 2009, 928 cases in 2010, 827 cases in 2011, and 822 cases in 2012 (Azhar, 2012; Perveen, 2013).

Assault is literally defined as a violent act or an act of attacking somebody physically and violently with a criminal intention (Hornby, 1995: 60). It simply includes the use of criminal force to some person. When this criminal force is applied against a woman to sexually exploit her is called a sexual assault. Mostly the acts of sexual offences done against women but could not be categorized under the legal definitions of rape (as penetration) are commonly considered as sexual assaults. Pakistan Penal Code has explained no specific category to comprehensively addressing

all acts including sexual assaults against women. Rather, the code explains punishments for similar categories of crimes under the head of “assault or criminal force to woman with intention to outrage her modesty” and “assault or use of criminal force to woman and stripping her of her clothes” in section 354. The Table 12.1 shows that the cases of sexual assault are reported in a much smaller number than rape and gang rape cases during 2008 to 2012. The number of reported cases of sexual assaults was 172 cases in the year 2008, 274 cases in 2009, 74 cases in 2010, 110 cases in 2011, and 58 cases in 2012 (Azhar, 2012; Perveen, 2013).

There are several other forms of violence occurring against women in Pakistan. These forms include domestic violence, burning, sexual harassments, acid throwing, and several anti women social and cultural practices like honour killing, exchange of women to settle disputes, *vani*, *swara*, etc. The number of reported cases for domestic violence almost got doubled from 2011 to 2012 with 610 to 989 reported cases, respectively (Azhar, 2012; Perveen, 2013). The cases of burning of women are small in number but show the existence of such a heinous crime against women in Pakistan. The number of reported cases of burning of women was 61 cases in the year 2008, 50 cases in 2009, 38 cases in 2010, 29 cases in 2011, and 71 cases in 2012. The number of acid attacks on women was also showing a rising trend with 29 cases reported in 2008, 53 cases in 2009, 32 cases in 2010, 44 cases in 2011 and 83 cases in 2012. The number of reports of honour killing cases was highest in 2011 with 705 cases throughout the country. The number of reported cases of honour killing was ranging from 778 cases to 928 cases during 2008 to 2012 (Azhar, 2012; Perveen, 2013). There is another large variety of crimes like *vani*, *swara*, *watta satta*, *walwar*, incest and other crimes against women that are not frequently reported and recorded. The following few chapters will describe some of the major categories of violence and crimes against women in detail.

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## CHAPTER - 13

### VIOLENCE AGAINST WOMEN IN FAMILY AND MARRIAGE

Women in Pakistani society mostly spend their time in the private sphere of home. As we have already discussed about the lower labour force participation rate of Pakistani women, they mostly remain engaged in the unpaid labour as home maker within their home. The socially assigned place of private sphere of home is considered a safe haven for them. But unfortunately, this sphere is also not without conflicts, politics, and struggles. When such struggles and conflicts occur within the private sphere of home among family members severely and negatively affects women and other weaker members of the family (e.g. children and elderly). This chapter focuses on the violence against women in family and through the institution of marriage. It highlights the potential of violence against women in different prevailing marriage arrangements in Pakistani society.

#### 13.1. VIOLENCE AGAINST WOMEN IN FAMILY

This section explores certain forms of violence against women occurring within the family. It describes domestic violence and incest as the violations of women's human rights occurring within the private sphere of home by some family members or blood relatives. The violence occurring in the domestic context of home by some family member is known as domestic violence.

##### 13.1.1. Domestic Violence in Pakistan

The term domestic violence is self explanatory and understood in the common daily usage as behaviour of committing some violent acts against a person in a domestic context. The Domestic Violence Act promulgated in 2012 in Pakistan defined domestic violence as "all acts of gender based or other physical or psychological abuse committed by a respondent against women, children, or other vulnerable persons, with whom the respondent is or has been in a domestic relationship". Domestic violence may include a variety of forms of violence. It may involve verbal abuse, physical abuse, psychological abuse, cultural or traditional abuse, economic violations, emotional abuse, sexual violence, neglect, marital rape, incest, disfigurement, murder, etc. Scolding, call names, mocking and making fun, blaming, threatening, wife beating, stove burning, detainment, denying the freedom of movement outside home, depriving from economic resources, and many other acts when done by a family member or a person living together with the victim in a domestic relationship is called as domestic violence.

A plenty of relevant literature highlights the fact that domestic violence is a common occurrence in Pakistan (Asif, Zafar, Maann, & Ahmad, 2010; Aware Girls, 2014; Chatha, Ahmad, & Sheikh, 2014; Khan, Ali, & Khuwaja, 2009; Pakeeza, 2015; Qayyum, 2013; Shah et al., 2012). On the one hand, women, children and other socially underprivileged individuals within family are usually victims of such violence. On the other hand, men and the privileged allies of the male patriarchy (that may include some women as well) within the family are usually serving as the perpetrators of domestic violence. Traditionally, the violence occurring within family in most incidences is considered a personal or family matter that needs to be resolved within the family and does not need interference from outsiders or, in most cases, legal and law enforcing institutions.

Domestic violence, considered as a common happening associated with the fate of women lot and the weak. It is assumed as a familial and personal matter which need to be resolved within the private sphere of home and is rarely considered worth reporting to law enforcing institutions. Mostly, the victims of domestic violence avoid talking about such incidences outside

the home to other people in neighbourhoods, friends, and community due to shame, dishonour and family reputation. Also the superior status of men within family and society is a reason that discourages women victims to report such crimes done against them. On the contrary, the prevailing perceptions of men's patriarchal authority within family, supported by religious and cultural interpretations, condone a large number of incidences of domestic violence as an exercise of men's controlling power to aligning the behaviour of family members on the right lines.

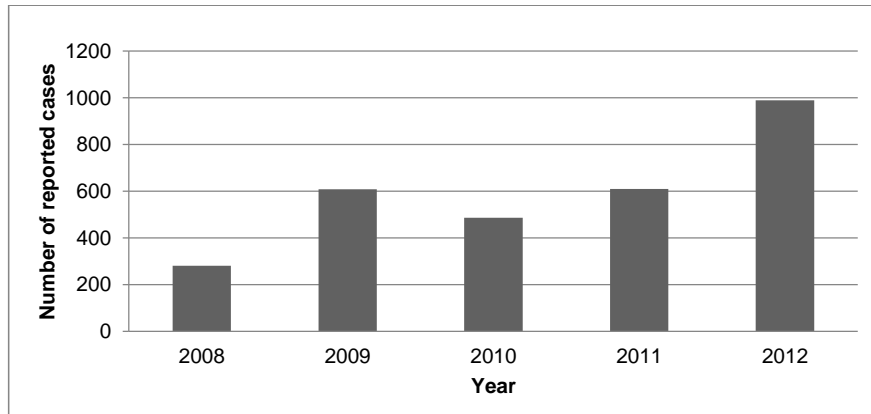
A research study done by Sana Ashraf Chatha and her fellows (2014: 229-237) on domestic violence among married women in urban Lahore gives insight about domestic violence in Pakistan. Exploring respondent women's exposure to various types of domestic violence in past six months, the study shows that 31.8% women accept that they have been verbally insulted by their husbands, 16.6% reported to be slapped by their husbands, 9.3% reported to be beaten by their husbands, 7.3% reported to be injured by their husbands, 13.3% reported to be thrown out of house, 0.7% reported to be forced to surrender their property in favour of their husbands, 7.3% reported to be not allowed to meet their parents, 4.6% reported to be coerced to conceive, 1.3% reported to be coerced to abort a pregnancy, 1.3% reported to be not allowed to seek antenatal treatment during pregnancy from an appropriate facility, 16.6% reported to be not allowed to seek an appropriate facility for safe delivery.

The same research also explores the perception of women respondents on the intensity of violence in respect of different forms of violence against women. Majority of the women consider slapped by the husband (92.1%), beaten by the husband (96.7%), and thrown out of the house (90.1%) as extreme violence. On the contrary, only 27% of the respondents consider the verbal insult done by their husbands as extreme violence as compared to 21% considering the same as moderate violence, and 30% considering it as mild violence. Another 22% are not considering the verbal insult done by their husbands as violence at all. At the same time, 21% of the women also report not considering violence, if they are forced to surrender their property to their husbands. It is also found that 54.3% of women respondents advise to keep silent and take it as fate if women are forced to surrender their property in favour of their husbands.

A research study conducted by Tazeen Ali, Gunilla Krantz and Ingrid Mogren (2012: 577-585), exploring the perspectives prevailing among women on violence within family in Karachi, explains violence from the standpoint of the women victims. They explore three major related themes: 1). Situations provoking violence and their manifestations, 2). Actions and reactions (consequences) to exposure to violence, and 3). Resisting violence. The findings of this research study show that violence may occur as a consequence of arranged marriage, expectation of dowry, husband's reserving the right to violate his wife, financial constraints within family, and misinterpretation of religion. The study shows that women consider that they can sustain this violence within family by hiding the violence, accepting male aggressive behaviour, and obeying the master and tolerating violence. The study shows that the violence within family is done by close family members. The study also highlights the consequences of violence against women in family. It shows that this violence negatively affects women's physical and mental health. Children also experience violence in family. Continued domestic violence may result in situations like divorce, burning, murder, or suicides. The divorce is not an option available to majority of the women. Therefore, domestic violence provokes suicidal thoughts among women or committing suicide when no other option left.

A research study done by an organization named Aware Girls explored the public attitudes on domestic violence. It shows that majority of the respondents (i.e. 52.17%) hold the perception that husband can beat his wife if she disobey. Another 26.09% respondents were agree with the opinion that husband can beat his wife if she do not take care of him, and 21.4% of the remaining respondents agree that husband can beat wife if she goes out of home without his permission (Aware Girls, 2014).

**Figure 13.1: Number of reported cases of domestic violence in Pakistan (2008-12)**



Source: Statistics taken from Azhar (2012) and Perveen (2013).

Khan, Ali, & Khuwaja (2009: 55) has claimed in their research based on available literature that “main reasons reported of domestic violence included financial constraints (60%) and in-laws (15.3%). Violence was significantly associated with low socioeconomic status and low income and educational attainment”. There is lack of statistical data to give a picture of accurate cases of domestic violence occurring all over the country. The lack of reporting the crime by victim and the prevailing perceptions of the men’s authority to exercise power (even to the extent of domestic violence) are the reasons for non availability of accurate statistics on domestic violence in Pakistan. Still the available statistics show that the number of reported cases of domestic violence was 281 cases in the year 2008, 608 cases in 2009, 486 cases in 2010, 610 cases in 2011, and 989 cases reported in the year 2012 in Pakistan. The number of reported cases is a marginal proportion of the number of incidences occurring in reality (Azhar, 2012; Perveen, 2013).

Shah et al. (2012: 49) conducted their research on violence against women in Khyber Pakhtoonkhwa based on data all the female fatalities reported due to domestic violence during 2009-2011. They showed that the manner of death in 96.1% (i.e. 293) cases of fatalities was homicidal, in 1.6% (i.e. 5) cases as suicidal, and in 2.3% (i.e. 7) cases the manner of death was unreported (Shah et al., 2012: 49). The research highlights the causative agent of women’s death in 77.1% (i.e. 235) cases as firearm, in 10.2% (i.e. 31) cases as strangulation, in 3.6% (i.e. 11) cases as sharp weapon. The other causative agents reported are heavy cutting instrument, poisoning, drowning, electrocution, and burns. They highlight that 59.7% of these cases occurred in rural areas as compared to 40.3% cases in urban areas of the province. The research highlights the age specification of the victims. They highlighted that majority of the women victims (i.e. 42.3%) were between 17 to 32 years of their age. the proportion of cases reported in this age group was 50.4% in the year 2009-10, and 37.4% in 2010-11.

### 13.1.2. Incest

Incest is a type of violence that is related to both, the marriage and family. The definition of this term available in dictionary refers to sex between people who are very closely related to each other (e.g. brother and sister, or father and daughter) (Hornby, 1995: 600). It refers to sexual intercourse between people closely related to each other and they are socially, religiously and legally forbidden to marry or to have such a sexual relationship. Rasheed and Zaman (2012: 2) also identify that “[t]raditionally, incest was defined as any forced contact, sexual in nature, which is perpetrated against a person who is a close or blood-relative”.



With the passage of time, the cases of incest are increasingly being reported in Pakistan. It is depicting a scary and vulnerable situation of especially girl child in the family where the perpetrators of incest crime are having a prestigious and high authority position. Tanveer Junejo (2004: 236) in her research has cited several incidences of incest in Pakistan from the newspapers. Rasheed and Zaman (2012) in a comprehensive study on incest in Pakistan have analysed forms of incest reported, law cases of incest, and the law provisions in Pakistani laws related to this type of crime. They report from the statistics gathered by an organization Sahil that there were 138 cases of incest reported in the year 2011 (Sahil, 2011 cited in Rasheed & Zaman, 2012: 1). These research studies sufficiently show the existence of the incest crime in our country.

Incest cases are rarely reported in our society to wrap up family respect. Mostly victims are discouraged by their family to raise their voice against it. Perveen (2013: xxi) have highlighted the reason of the underreporting lying in the nature of this crime and the difficulty in its being reported in the following words:

“An extremely disturbing revelation from emotional perspective is the act of incest. The inconvenient truth of the difficult position and predicament of child survivors of such an abuse by blood relations are only seen to be mentioned in a few reports of some NGOs as well as in English newspapers/magazines only; while it is avoided to be presented in national reports to trigger the conscience of vast majority of the society to admit it as a crime as well as in policy of the state” (Perveen, 2013: xxi).

Perveen (2013: 13-14) has reported 12 cases of incest from Punjab in the year 2012 and stated that non reporting from other regions of the country does not mean that the offence does not exist or is less prevalent in Pakistan. She claims that the number of incest cases is much higher but remains under reported due to socio-cultural reasons (Perveen, 2013: 19). Further, she highlights that the number remains low “because of the stigma attached with family members’ involvement” (Perveen, 2013: 13). There is neglect on the part of the legal framework in defining and prescribing punishments for such particular types of crime. In Pakistan, incest is not included in the Pakistan Penal Code as a specific category of crime. Such cases when reported are dealt under section 376 of PPC that is related to the punishment of rape.

## **13.2. VIOLENCE THROUGH THE INSTITUTION OF MARRIAGE**

Heterosexual marriage is considered universal in Pakistan. In case of lack of understanding between husband and wife or any other problem occurring between couple or their respective families may have effect on their married life. Pakistani women with their socially accepted lower status are more likely to suffer violence, in case any such problem occurs between the couple or their families, as compared to their husbands who have been assigned with superior and controlling position in family and couple.

Different traditional and customary forms of marriage (e.g. *watta satta* or exchange marriage, *vani*, *swara*, etc.) and related rituals (e.g. dowry) have also been source of crime and violence against women in Pakistani society. Marriages arranged by parents, elders or families with limited opportunity to show individual’s personal will and consent are culturally the most common and widely accepted form of marriage in Pakistan. Still there are chances of violence against women in arranged marriages. Ali et al. (2012: 579) have highlighted in their research that arranged marriage has been considered by women as a situation provoking violence within family. They argue that in an arranged marriage husband might not accept his wife and as a result pay little attention to her, spending most of his time outside home. He may have affairs outside home, and shows good moods when outside home (Ali et al., 2012: 579).

### **13.2.1. Endogamous Marriage**

Endogamous Marriage is also known as consanguineous marriage or cousin marriage. It is a common practice of marrying girls and boys within their own ethnic, racial and caste based

social group or *biradri*. The members and families in such groups more often have similar ancestral origins, extended blood ties or some other language, belief, religious sect or caste based or some time profession based similarities. The main aim of this type of marriage is to keep the culture and identity of the group intact with the passage of time. It keeps the group membership closed for outsiders to a maximum level. One can understand the level of prevalence of this type of marriages in Pakistan from the available research studies. Hussain and Bettles (1998: 261) have highlighted, on the basis of the data from Pakistan Demographic and Health survey of 1990-1991 and the from ever married women in Karachi, that approximately 60% of marriages were consanguineous unions; 80% of these marriages were between first cousins. They further highlighted that this type of marriage is more common among illiterate or with primary level of education and lived in rural areas.

The endogamous marriage may be claimed as not always a forced marriage. As the pattern of this type of marriage is being taught to the children through socialization process within the reference group, when reaching to their marriage age they are well adjusted to look for a best suitable mate for themselves within the group. It is a process of limiting one's options for mate selection and internalization of this condition through socialization in order to serve the purpose of group interest. Therefore, it may also be considered as a kind of violation of person's fundamental freedom and choice. But this kind of violation has largely been condoned through social acceptance as culture and tradition.

### 13.2.2. Forced Marriages

Forced marriage is defined as a "[m]arriage without the valid consent of both parties and where coercion or force is involved" (Kelly & Regan, 2006: 6). It refers to a marriage agreement made happened between two people by forcibly compelling either or both persons to accept it without his or her will (Hossain & Turner, 2001; Noor, 2004). It is a form of violence effecting women in Pakistani society. There is a variety of forced marriages culturally practiced in Pakistan. The element of culture plays an important role in persisting legitimization of these types of marriages in broader society. Several customary or traditional practices provide social acceptance to different forms of forced marriages (Jilani & Ahmed, 2004). A number of culturally accepted practices of marriage arrangements can be categorized as forced marriages in Pakistan. For example, *Watta Satta*, *Swara*, *Vani* and *Walwar* are to name a few. These forms of forced marriages are discussed in detail in the next sections.

### 13.2.3. Watta Satta: The Exchange Marriage

*Watta Satta* is an exchange marriage. It refers to "exchange of women in marriage between two families" (Ali, 2001: 6). It is a common practice of exchanging women in marriage between families. In this type of marriage arrangement a family decides to give a bride to a groom on the condition that a woman must be given to a man in bride's family in marriage. It mostly happens in Sindh and Punjab provinces. In most incidences the *watta satta* marriage is practiced in groups where endogamous marriages are common. It serves as a common practice to maintain the ethnic, racial or caste based identity and culture of a group through endogamous marriage. Although, being a preferred practice in closed groups, it also happens to occur outside the endogamous marriage system. This practice limits the life options of the four persons' involved in this dual exchange marriage. Each couple involved finds their options limited and conditioned with the circumstances and conditions of the other couple. In this type of marriages, the chances are higher that if one woman is not treated well in one family the other will receive the same treatment or find her martial relations severing in the other family. Ali (2001: 22) sums up this phenomenon in following words:

"The custom of *Watta Satta* is yet another marriage transaction in which a man can acquire a wife by offering a woman that belongs to him –a daughter or a sister – in exchange. Such an exchange can also link the fate of one woman to the fate of the other; thus if one is divorced or killed, the other is likely to suffer the same fate in retaliation" (Ali, 2001: 22).

The Table 13.1 is showing educated people's perception regarding the social practice of *Watta Satta* marriage as source of crime and violence against women. It is found that 91.5% of the educated male and female respondents consider the social practice of *Watta Satta* or exchange marriage as resulting in victimization of women in Pakistani society. Only 5.7% of the respondents are found disagreeing with this idea. While another 2.8%, a negligible minority of respondents, who showed their lack of knowledge in this regard.

**Table 13.1: *Watta Satta* marriages result in victimization of women in Pakistan**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 194       | 91.5    | 91.5          | 91.5               |
| <b>Do not know</b> | 6         | 2.8     | 2.8           | 94.3               |
| <b>Disagree</b>    | 12        | 5.7     | 5.7           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by author.

The dilemma of our society is that exchange marriage done in the name of *Watta Satta* is a culturally common and acceptable practice in Pakistan at larger scale. Majority of the people agree that this practice has the potential for resulting in violence and crime against women and girls in the country (Jilani and Ahmad, 2004: 194). But still this harmful practice is culturally condoned and widely supported by *biradri*/clan system prevailing in the country.

#### 13.2.4. Vani and Swara Customs

*Vani* and *Swara* are customary practices mostly occurring in Punjab and Khyber Pakhtoonkhwa provinces. These customary practices are supporting forced marriage of under aged persons (especially teen age girls) in tribal and feudal societies of Pakistan (Abbas & Riaz, 2013: 183). These practices are aimed at giving women, often young girls or girl child, to settle disputes among men and tribes regarding damage of human life, honour, and finances. Sometimes, unborn girls are also promised to be given in marriage after their birth, it is called "*pail*" (Ali, 2001: 4). Although, the practice is being named differently in different part of the country, but such incidences are occurring all across the country. It is named as *Swara* in Khyber Pakhtoonkhwa, *Irjaee* in Baluchistan, *Sung-chatti* in Sindh, and *Vani* in Punjab (Abbas & Riaz, 2013: 174; Zia, 1998: 72).

**Table 13.2: *Vani* is crime against women**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 196       | 92.5    | 92.5          | 92.5               |
| <b>Do not know</b> | 14        | 6.6     | 6.6           | 99.1               |
| <b>Disagree</b>    | 2         | 0.9     | 0.9           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by author.

Rabia Ali (2001: 6) has defined *Vani* as "the bestowal of a girl in marriage to one of the murdered man's relations". *Vani* is being practiced in Punjab. It is an exchange of women or young girls between two parties to settle their dispute often pertaining to financial loss or murder (Noor, 2004). These women are given by one party as compensation for the damage done to the other party to settle the dispute and avoid the latter's revenge.

The above given Table 13.2 is showing educated people's perception regarding the social practice of *Vani* as source of crime and violence against women from the primary data collect through survey conducted by the author. The Table 13.2 shows that the majority of educated people (92.5%) agree with the idea that the social practice of *Vani* has the potential to result in crime and violence against women in Pakistani society. Only 1% of the respondents disagree from this idea. Another 6.6% respondents showed their lack of knowledge in this regard.

*Swara* is the custom practiced in Khyber Pakhtoonkhwa province for the similar exchange of women and girl to the victim's family often as blood money in murder cases (Jilani & Ahmed, 2004; Noor, 2004; Shah, 1998; Zuhur, 2005: 16). Ali (2001: 5) has defined the term *Swara* as "a woman given in compensation to the aggrieved party to settle dispute in NWFP". It is further defined by Community Appraisal and Motivation Programme (2012) as "[t]he giving of young women and girls in marriage as a method of resolving conflict, this is also known to as *Badal-i Sulh* and *Vani*". It means these women are given as *Khoon Baha* (blood money). Rabia Ali also has defined "*Chatti*" as "a woman given in compensation to the aggrieved party to settle dispute in Punjab" (2001: 3).

Role of *Jirga's* (the local councils of elders for communal decision making) is also important in legitimizing, condoning and realizing the harmful practices of *Vani* and *Swara* in society. Usually *Jirga* plays important roles in deciding such arrangement and settlements. The real life examples of *Jirags'* decisions of giving three women as *Vani* in Rajanpur district of Punjab and a woman as *Swara* in Pakistan are narrated in the case studies presented in Chapter 15 in Text Box 15.8 and Text Box 15.11 as reproduced from Awaz Programme (2015: 6). Some other examples may also be read in Text Box 15.4, Text Box 15.09 and Text Box 15.10 in this book.

**Table 13.3: *Swara* is crime against women**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 190       | 89.6    | 89.6          | 89.6               |
| <b>Do not know</b> | 18        | 8.5     | 8.5           | 98.1               |
| <b>Disagree</b>    | 4         | 1.9     | 1.9           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by author.

The above given frequency Table 13.3 is showing educated people's perception regarding the social practice of *Swara* as source of crime and violence against women from the primary data collected by the author. Majority of the respondents (i.e. 89.6%) agree that the social practice of *Swara* is a crime against women and girls in the country. Another 1.9% of the respondents disagree with this idea. Only 8.5% respondents were unable to show any agreement or disagreement in this regard.

The social practices of *Vani* and *Swara* are source of crime and violence against women and young girls. Such practices violate women's fundamental human rights as provided in religion and state laws. These practices violate the rights of women granted in and protected in Islam and Constitution of Pakistan. First, these women are considered as a commodity or commercial good, rather than free human being, who can compensate the victim party's monetary, financial, or human lose caused by a prior conflict. The girls given to victim's family live there a cursed life. Second, these girls and women are given without their consent to the victim's family. Families while offering these girls as incentive to victim party for not taking revenge, they do not consider or ensure the free will of the concerned girl. Third, when these women once given, usually in their very early ages, lived in the family given to as a blood money or compensation, always associated with the damage or human lose done to this family, and treated in a humiliating and inhuman way. Abbas and Riaz

(2013: 173) argue that the rights violated by these practices include the right of life, safety, inheritance and marriage with free will.

### 13.2.5. Walwar

*Walwar* is a social practice being practiced in Baluchistan (Jilani & Ahmed, 2004: 194; Zia, 1998: 72). This social practice is related to selling girls in marriage for money (Jilani & Ahmed, 2004: 194). The girl is married to the man who offers highest price for her. This practice is victimizing for young girls who are sold under this practice. It violates their human right of marriage with consent. They are considered as a good purchased rather than a human being throughout their lives.

The frequency Table 13.4 is showing the results of a survey conducted to explore educated people's perception regarding causes of crime and violence against women. It shows the perceptions on the particular social practice of *Walwar* and its potential as crime against women. It is found that majority (i.e. 84%) of the respondents agree that the social practice of *Walwar* is causing crime against women in the country. Another 5.7% of the respondents were of the opinion that *Walwar* is not causing crime against women in the country. While only 10.4% of the respondents had shown their lack of knowledge in this regard.

**Table 13.4: *Walwar* is crime against women**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 178       | 84.0    | 84.0          | 84.0               |
| <b>Do not know</b> | 22        | 10.4    | 10.4          | 94.3               |
| <b>Disagree</b>    | 12        | 5.7     | 5.7           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by author.

The real life examples of selling a woman in marriage for money to the Mengal tribe in Baluchistan can also be read in a case study presented in Chapter 15, narrated in Text Box 15.7, as reproduced from Rabia Ali (2001: 14). The said case study also highlights the interlinking nature of the crime of *Walwar* with the victimizing patriarchal authority of men within home and community and other crimes like honour killing and etc. Besides that, the case study presented in Text Box 15.4 can also give example of bartering a woman for money by her father and brother with her husband as a compensation for their damaged honour caused by the prior accusation of illicit sexual relationship that the husband has imposed upon her.

### 13.2.6. Marriage with Quran

Another form of forced marriage is "Marriage with *Quran*". It is also known as *Haq Bakshwan* (Jilani & Ahmed, 2004: 195). In this evil social practice, the victim women are passed through a ritual of getting married to *Quran*, the holy book, and considered married to it for rest of their life, withdrawing their right to getting married to a man. There is no religious or legal background supporting this practicing of women's marriage with *Quran*. But still it is considered a solemn and holy customary practice rarely being practiced in feudal families. The main reason or motif behind this practice is considered as to keep the family property intact that may have a chance to be given off as share of the concerned female family member in case of her marriage to a man (Iqbal, 2007; Jilani & Ahmed, 2004; Noor, 2004; Yefet, 2009: 365).

**Table 13.5: Marriage with Quran is crime against women**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 190       | 89.6    | 89.6          | 89.6               |
| <b>Do not know</b> | 14        | 6.6     | 6.6           | 96.2               |
| <b>Disagree</b>    | 8         | 3.8     | 3.8           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by author.

This practice is a violation of women's rights to free life, marriage, choice of partner, inheritance. These practices are considered holy and sombre. They are done very secretly and rarely reported to the law enforcing agencies. That is why there is lack of information and statistics available regarding actual incidences of this practice ever happened in the country. The frequency Table 13.5 shows educated people's perception regarding criminal nature of the practice of women's marriage with *Quran*. It is found that majority of the respondents (i.e. 89.6%) agree that a woman's marriage with *Quran* is a crime against her. Only 3.8% of the respondents disagree with this idea. Another 6.6% of the respondents showed their lack of knowledge in this regard.

### 13.2.7. Dowry

Besides force marriages, the most common custom or tradition of dowry is also a source of trouble for women and girls and their parents. In Urdu language it is called *Jehez*. Dowry is defined as the "[p]roperty or money brought by a bride to her husband" (Thompson, 1997: 408). What items or assets Dowry should include? Kelly and Regan (2006: 6) claim that "[d]owry involves a payment, in goods or money, given by a bride's family to the groom or his family". Shazia Gulzar and her colleagues (2012: 784) called dowry as 'gift items' given to facilitate the beginning of practical life of a newly married couple. Tabinda Anjum and her fellows (1995) called dowry as financial assistance in terms of clothing, utensils, furniture, etc. In recent times, the idea of dowry has changed from just inclusion of mere 'gifts' given to the couple to encompass a long list of a variety of things including payments, dresses, grocery, crockery, furniture, spoons, pillows, bedcovers, bungalow, car, or motorbike (Ali et al., 2013: 87). The list of dowry items is getting larger and larger day by day.

Why dowry should be given to newly married couple? The purpose of offering such gifts is changing with the passage of time. Shazia Gulzar and her colleagues (2012: 784) highlight that basically dowry is defined as gift items given with an intention to contribute towards a suitable beginning of life of newly married couple. Tabinda Anjum and others (1995) are also of the view that dowry is aimed to provide some initial financial assistance to the couple. But the scope of current practice of dowry has changed from mere assistance to help start of a new life and has assumed the form of a business to encash the investments done in the upbringing of the son.

Dowry practice is negatively affecting the broader society, married couples and their families and individual woman in the country. The compulsory nature of dowry and its financial worth is rising high to the extent that it has become a burden on parents, families and the overall society, especially those falling in lower socio-economic strata. Sometimes families, especially parents, try hard to manage sufficient dowry for their daughters even by arranging money through loan, selling assets, or by any other means. This rising financial investment in dowry tradition and its show off to the society is fostering greediness in broader society. The women also suffer most from this tradition. First, a large number of women and girls stay unmarried due to insufficient dowry arranged by their families. Besides that the worth and status of the women, who got married and take dowry with them to their husband's home, is assessed according to the financial worth of that dowry. Those bringing less than expected or demanded dowry face mental and physical pain and violence. Ali et al. (2013: 84-85) argue that dowry has a link with domestic violence and abusive treatment by in laws. Further, the report of commission of inquiry on women (The Commission of Inquiry for Women, 1997: 39) highlights that dowry related violence may include burning, hanging, or killing of women.

The dowry practice is wide spread in Pakistan that it may be called as universally practiced to some extent in every marriage occurring in the country. It has become an essential part of every marriage arrangement. Majority of the people realize the negative effects of this tradition of dowry. The below provided frequency Table 13.6 shows that majority of the educated persons (i.e. 75.5%) are agree that dowry is a tradition that has potential for giving rise to several forms of crime and violence against women and girls in the country. Only 12.3% of the respondents do not agree with this idea. Another 12.3% of the respondents also showed their lack of knowledge in this regard.

**Table 13.6: Dowry fosters crime against women in Pakistan**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 160       | 75.5    | 75.5          | 75.5               |
| <b>Do not know</b> | 26        | 12.3    | 12.3          | 87.7               |
| <b>Disagree</b>    | 26        | 12.3    | 12.3          | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by author.

Gulzar and fellows (2012: 784) argue that the tradition of dowry is prevalent in the country to the extent that despite having a negative feeling for this tradition, still majority of the Pakistani people irrespective of their educational or economic status practice it. It is clear that this tradition should be banned in the country (Gulzar et al., 2012: 785) for curbing violence against women and families and promoting good practices in society. Still Pakistan even has laws, but that are insufficient to curb this evil practice.

### 13.2.8. Marital Rape

Marital rape refers to a forced sexual intercourse in a married couple without consent of victim. There is sufficient evidence available that marital rape exists in Pakistani society (Shah, Nasreen, & Ali, 2010: 53-63). It has been used as a tactic to establish hegemonic power and control over one of two person related in marriage by the other one.

Women are mostly the victims of this violation. It may cause negative mental and physical effects on the concerned woman. Besides this mental and physical torture she also suffers from inability to express to or make understand of this dismal condition to anyone within family or society. The women, who try to report these incidences to anyone within family or friends, are mostly persuaded to be convinced that this is normal in marriage and happens with all the women lot as their destiny. Rather, they are mostly being advocated that in marriage they have lost all rights on their body and sex to their husband and should not refuse the demands of her husband anytime irrespective of she wants or not. These women are persuaded to be cooperative with their husbands in this regard. In severe cases where women try hard to report and raise voice against such practices on regular basis, they are also accused by the family, relatives and community of not accepting their marriage and husband.

This is kind of violation of human rights within marriage system that is mostly not considered as violence on religious and practical ground. While raising the issue, majority of the people (especially men) question the possibility of finding any practice in marital relations that may be called as marital rape. There is lack of voice in researches or statistics coming regarding marital issues. As said above, there are evidences that marital rape exists in the country (Shah et al., 2010) but Pakistani law is not recognizing this practice as an offence against women in marital relations in any of the Pakistani laws (Asian Development Bank, 2000; Iqbal, 2007; The Commission of Inquiry for Women, 1997).





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## CHAPTER - 14

### VIOLENCE AGAINST WOMEN IN PUBLIC AND WORKPLACE

Beside the marriage related harmful practices and domestic violence in the private sphere of home, Pakistani women also experience violence in public sphere and workplace outside home. Sexual harassment of women is one such type of violence frequently occurring in different contexts ranging from the private sphere of home to the public sphere of workplace (Jilani & Ahmed, 2004; Kamal, 1998; The Commission of Inquiry for Women, 1997). Sexual harassment is a growingly recognized problem in all societies. But still there is no comprehensive and universally agreed upon definition of the phenomenon. The confusion arises because of difference of view regarding different situations whether they are harassing or not. There is wide difference in recognizing any situation or act as sexual harassment by men and women. Although, the concerns have started arising for the harmful effects of this problem, but still some people do not recognize it as a problem at all.

#### 14.1. SEXUAL HARASSMENT OF WOMEN IN PAKISTAN

The available definition of this term can give us an understanding of the problem of sexual harassment. "Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances" (Australian Human Rights Commission, 2008: 3). Kelly and Regan (2006: 5) defined it as "unwanted sexual attention, requests for sexual favours or unwanted verbal, non-verbal or physical behaviour of sexual nature". The main features which make an act sexual harassment include: 1) the act must be unwelcome or unwanted, 2) the reasonable response to these acts should arise that the victim felt harassed, offended, humiliated, and/or intimidated. Therefore, accordingly it does not include sexual interactions, flirtation, attraction or friendship which is invited, mutual, consensual, and/or reciprocated (Australian Human Rights Commission, 2008: 5).

Sexual harassment is a form of sexual discrimination that has been socially and legally recognized as harmful and unlawful in most of the countries. It is considered as a display of power which is intended to intimidate or degrade someone. Higher Education Commission in its document Policy Guidelines against Sexual Harassment in Institutions of Higher Learning explicitly identify this link between sexual harassment and power play in the following words "[s]exual harassment is offensive sexual behaviour by persons in authority towards those who can be benefitted or injured in an official capacity. Therefore, it is primarily an issue of abuse of power, not sex" (Higher Education Commission of Pakistan, n.d.: 5).

When such harassment takes place at workplace it is particularly denoted as Sexual Harassment at workplace. It is not a new problem. It exists since women have started working outside homes. It is becoming an increasing concern of modernizing and modern societies as more and more women are now entering the labour force and paid labour market. Sexual harassment at work place is usually understood as words, gestures, acts or unwelcomed sexual advances including all above listed one intending to cause hostile work environment. It has further been defined in following ways. Anila Kamal (1998: 3) explains that:

"Sexual harassment at workplace can be broadly described as repeated and unwanted verbal or sexual advances, sexually explicit derogatory statements or sexually discriminating remarks made at the workplace. These would be offensive to a worker involved, particularly if they caused the worker to feel threatened, humiliated, harassed, and would interfere with the worker's job performance, job

satisfaction, commitment, and undermine job security, or create a threatening or intimidating work environment” (Kamal, 1998: 3).

The Protection against Harassment of Women at the Workplace Act (2010) defines sexual harassment at workplace in following word:

“harassment” means any unwelcome sexual advance, request for sexual favours or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment.”

Kamal, Hassan, and Khalil (2002: 29) defined sexual harassment at work place in following words:

“Sexual harassment at workplace is any repeated and unwanted verbal, physical or gestural sexual advances, sexually explicit derogatory statement or sexually discriminatory remarks made by someone in the work place which are offensive to the worker involved, which cause worker to feel threatened, humiliated, harassed or which interfere with the worker’s job performance, undermine job security or create threatening or intimidating work environment” (Kamal et al., 2002: 29).

Sexual harassment may take various forms. It can involve unwelcomed touching, hugging, kissing; staring or leering, suggestive comments of sexual nature about a person’s clothing or body or jokes; sexually explicit pictures, screen savers, posters, or banners; unwanted invitations to go out on dates or requests for sex; intrusive questions about one’s private life or body, unnecessary familiarity, such as brushing up against someone, insults or taunt of a sexual nature or sexually explicit emails or SMS messages. It may also include physical assaults or its attempts, indecent exposure, sexual assault, stalking or obscene communications (Australian Human Rights Commission, 2008: 3-5). It may also include groping, patting, pinching, slapping, pulling cloths; indecent gestures or exposures of body parts. Its written form may also include suggestive or obscene letters, notes, invitations etc.

Social Policy and Development Centre (2014: 29) has identified that 34.4% women travellers in the public transport of Karachi experience staring/leering, another 33.7% face deliberate contact/groping, 11.9% bear sexual comments/remarks, 9.2% receive obscene gestures, 4.4% were being followed/stalking, 4.1% reported making animal sounds, kissing or whistling noise, 2.4% experience blocking of their way. The below presented Text Box 14.1 is providing a list of types of sexual harassment actually reported in Higher Education Institutions of Pakistan.

Sexual harassment may take place in a variety of public and private places such as at workplace, at educational institutions, at street, at leisure, or even at home. It may occur in public places, for example markets, public transport (e.g. taxi, buses, trains, etc.), streets, parks, offices, workplaces (including public as well as private sector organizations), academic institutions (universities, schools and other institutions), crowds, theatres, hospitals, etc. It is also possible to happen in private sphere of home and in private gatherings. There are ample evidences available that this type of violence exist in Pakistan at workplace (Kamal et al., 2002), at educational Institutions (Musharaf et. al, 2015), and at public transport (Social Policy and Development Centre, 2014).

Social Policy and Development Centre (2014: 28) has identified that women users of public transport in Karachi have identified that they experience sexual harassment inside the bus, inside *chingchi*, and at bus and *chingchi* stop.

**Text Box 14.1: Listing of Sexual Harassment In HEI'S**

(Actual reported cases)

- Asking female students to visit personal offices of their supervisors/authorities in-charge after office hours to discuss their grades and assignments.
- Asking female students to meet supervisors/authorities in-charge out of the HEI premises with the promise of improvement in grades.
- Financial and sexual gratification from graduate students (PhD, MPhil, Masters) by their supervisors.
- Intimidation of faculty/staff by students/colleagues in order to tarnish the reputation (character assassination) of faculty/staff.
- Harassment by senior students of the junior students, female students or minority students.
- Unwelcome sexual advances -whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life;
- Comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess; Displaying sexually suggestive objects, pictures, or cartoons.
- Unwelcome staring, whistling, brushing against the body, sexual gestures, or suggestive or insulting comments
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities (even if males are discussing this, it is done deliberately in front of female students or colleagues)
- Using derogatory abuses which refer to mother or sister bodies
- Acts of sexual connotation relating to the same, as a common usage in conversation
- Forcing students to publish their research work in Supervisor's name.

Source: Higher Education Commission of Pakistan (n.d.: 5-7).

Social Policy and Development Centre (2014) in its report on sexual harassment in public transport in Karachi has showed that the phenomenon prevails widely on the streets of Karachi. It is found that majority of the women students, workers, and homemakers have reported to experience sexual harassment on public transport sometimes or many times. It is reported that 49% students, 48% of working women, and 28% of homemakers have reported to experienced harassment sometimes, while 20% of students, 28% of working women and 16% of homemakers have reported it on many times. Another 13% of students, 9% of women workers, and 23% of homemakers have reported to experience it once. Only 18% of students, 15% of working women and 33% of homemakers, have reported to never experienced sexual harassment on public transport in Karachi (Social Policy and Development Centre, 2014: 27).

Warda Musharraf and her fellows (2015: 8-12) in their research on student's abuse in medical colleges of Karachi have found that sexual harassment is usually faced by 20.7% of students with 24 years of age. They report that 32.4% of female students have reported to face sexual harassment as compared to 6.9% of male students. The occurrence of incidences of sexual harassment also differ in public and private organizations; as 66.3% of the students in government institutions have reported to experience sexual harassment as compared to only 33.3% of students in private institutions. Musharraf et al. (2015) also reported that all the participant students of their research study reported that there is no existence of harassment cells in their institutions.

**Text Box 14.2: Sexual Harassment: Types and Examples**

(Actual reported cases)

1. By Teacher
  - Male Teacher asked the Female student, if you want "A" grade, you need to take your final exam at my home.
  - Male head of the department forced the female subordinate employee that if she wants her contract extended she needs to spend time with him after office hours
  - Male HOD deliberately touching or hitting the body of female employee by file or pen/pencil.
  - Male Teachers referring to female bodies and reproductive cycles to embarrass female students during class lectures.
  - Various complaints recorded of staring at female students especially at their bodies
  - Needy female students were given financial support by Faculty member in exchange for sexual favours
  - Students complaints of teacher telling vulgar jokes during classes which have sexual innuendos
  - Complaints against male supervisor/teacher spending long hours locked away in office with a young female colleague or student.
2. By Students
  - Female student dressing or behaving provocatively while in a meeting or in the presence of the male faculty or supervisor in a one-to-one situation.
  - Female student asked the teacher to provide the final grade list of all students. When the teacher refused to do that, the student registered a complaint against the teacher that he tried to hold her hand in parking lot while asking her to meet in private for grade list.
  - Female student visiting male teacher in his office unnecessarily and spending long hours and initiating intimacy for benefits (of grades, employment or even monetary).
  - Students sending in written notes, letters, emails with requests for intimacy- in exchange for grades.
  - Character assassination of female teachers to gain political, academic, or financial gains (case of specific HEI teacher who was removed from duty because of harassment by politically motivated students).
  - Dressing culturally inappropriately to emphasize body parts (both males/females).
3. By Employees
  - Using vulgar language to address females (student, faculty and other employees)
  - To touch their intimate parts in the presence of women
  - Younger faculty member was blocked by Dean of the relevant faculty to get higher education (PhD/MPhil).
  - Junior faculty was transferred to other department against their will by the authorities as punitive measure for not complying with undue request for (sexual) favours
  - Administrative Staff asking the female students to pay them for providing the students for their documents in time,
  - Giving extra favours to young female faculty/staff in nominating their names for international/domestic trips for their attention.
  - Threatening the females students by using forge/fake documents and pictures to black mail them into compliance.
  - Anonymous letters/pamphlets/e-mails defaming or character assassinating of employees/teachers/students.
  - Providing material to newspaper/magazine to tarnish the reputation of faculty/employee/students.

Source: Education Commission of Pakistan (n.d.: 6-7).

Who are the perpetrators and victims of this social evil? It may happen with men or women. But it is the fact that mostly women are the victims and men are the perpetrators in this regard. Sexual harassment affects all women irrespective of their age, marital status, physical appearance,

background, or professional status. Social Policy and Development Centre (2014: 27) in its study on sexual harassment in public transport identify that 75% of the women experienced it from fellow passengers, 20% from conductors, and 5% of the women from drivers

It is noted in the report of the commission of inquiry on women (1997: 82) that “society has internalized and condoned many existing forms of sexual harassment”. It is also a fact that majority of the people in Pakistan are unaware of this social evil. Therefore, when they come across with something for which they do not know the name they are less likely to report this unnamed practice to anyone. This is a topic about which people do not like to or prefer to talk. Therefore, when it happens to someone (especially youth) he or she considers it as something accidentally happening to him/her, till the time it gets sever. Therefore, the literature and data available on sexual harassment of women at workplace is also rare in our society (Kamal, 1998). The Text Box 14.2 provides the actual reported cases of sexual harassment done by teachers, students and employees in Higher education Institutions of Pakistan.

Sexual Harassment is unlawful in any situation. The seriousness of the problem has also led Pakistani legislatures to formulate new laws to clarify what includes sexual harassment and then setting procedures for its complaints, procedures, and punishments. Pakistani parliament has passed two Acts on sexual harassment in 2010. 1) The Criminal Law (amendment) Act 2010, and 2) The Protection Against Harassment of Women at the Workplace Act 2010.

Nauman and Abbasi (2014) have identified some predictors of sexual harassment in their research study on banking sector in Lahore. They identified physical attractiveness, privacy in office setup, and work ethics as significant predictors of sexual harassment of women in banking sector of Lahore (Nauman & Abbasi, 2014). On the contrary, Malik, Malik, Qureshi, and Atta (2014) have identified the impacts of sexual harassment on self esteem and job satisfaction of in-training nurses. They claimed that sexual harassment is a predictor for low esteem and low job satisfaction among nurses in different hospitals of Faisalabad and Lahore (Malik et al., 2014). The experience of sexual harassment leaves negative impact on victim’s life. The results for a women can be leaving job, being dismissed, losing promotions, and creating a hostile and stressful work environment around her, mental and physical illness. The victims may feel tension, anger, and anxiety. It also interferes in job performance and results in low job satisfaction. It is also found that sexual harassment may result in absenteeism and turnover intentions among the victims (Merkin & Shah, 2014). Anila Kamal and her colleagues (2002) in their research study about five women workers’ experiences of sexual harassment found that sexual harassment has devastating psychological, physical and emotional effects on victim women. It destroys trust that is essentially required for a healthy work environment. Kamal et al. (2002) suggest that taking action can empower a women victim.

#### 14.1.1. Case Studies on Sexual Harassment of Women

Below are some case studies on sexual harassment of women in Pakistan reproduced for the better understanding of the students and readers about this phenomenon.

##### **Text Box 14.3: Sexual Harassment Case Study 1**

Beena is an educated, divorced woman with a Master’s degree in Public Administration (MPA). She is the only daughter of her parents and has one younger brother. She got married after her masters but due to non-adjustment with her husband got divorce after 18 months and started living with her parents. At the age of 32, she joined as a Personnel Relation Officer in a multinational company. Although she was not that young but was quite pretty- tall, fair and very smart, and fashionable. Her parents are quite rich and liberal.

Her boss, Asif, offered her a good salary. She immediately mixed up with her colleagues and with her boss who had an impressive personality and was well-known among his social group. He was in the late 40’s and married with two children. Asif and Beena

started getting close to each other, by sharing tea and lunch time with each other. Asif also raised her salary. Beena liked to dress-up well and she was also told that it was part of her job to look reasonably attractive. During work, Asif often commented on her beauty, her clothes, and praised her that he does not like his wife because she is too conservative and refuses to accompany him to social gatherings and Beena to accompany him to social gatherings and parties. Beena simply ignored the demand although she felt discomfiture at his suggestion.

After few days, Asif again asked her to come with him to part. Beena under his pressure, agreed to go with him. But in heart she did not like the way things were going Beena deliberately tried to distance from him. She did not like his attitude towards wife, nor she appreciated Asif's comments and remarks about her own appearance and as they increased in frequency, she became extremely uncomfortable and tense about the whole situation.

One day Asif came to her room and caught hold for her hand, complaining that she was ignoring him these days. She immediately withdrew her hand and went out of her room without saying anything. After some days he again insisted her to come to a party with him. He came very close to her physically and said that she is looking very sexy today. But she said that she is not feeling well and wanted to go home early and went away. In the evening, he called her at home and again insisted to come to the party but she said she is suffering from fever and would not be able to come to the party. She was again very worried and tense and was not able to concentrate on anything and it was badly affecting her job and her work. Her parents also noted these changes and when they enquired she assured them that nothing was wrong. She thought that if her parents came to know about the whole situation, they would want her to leave the job and she did not want to be financially dependent on them. She did not go the office for next two days and did not share anything with anyone. Eventually she thought of sharing her problem with her friend who advised her that she should directly talk to her boss and tell him that she is not that kind of a woman.

Next day she went to the office and when she was preparing herself to talk to him, Asif, suddenly came to her room. He was looking very happy and she immediately got worried and tense to see his attitude and behaviour. He said that he had a news for her and told her that after two days they had an official meeting in Lahore. He said that they are going to spend two days together and in the end he told her that he wants to spend a night with him for both of them in Lahore. He said that they are going to spend two days together and in the end he told her that he wants to spend him, pushed him away and went out of the office. She went home and told her parents the whole episode published in a newspaper. Her parents said that she should not do such a thing because it will only ruin her reputation. But she was not ready to hear anything, and wanted to go to the police at any cost. Her parents calmed her down and said they will think of some other way. Her father talked to the director of the organization and complained about Asif. The director listened to her father sympathetically and showed his concern and promised that he would take an effective step. So he called an explanation from Asif and gave him warning. Her father and she insisted that Asif should be fired or expelled but they did not succeeded in doing so because he work at a high status job.

After this experience Beena left the job. She was very frustrated for not doing anything about Asif. She was in extreme anger and remained in stress for two weeks. Then she went to professional psychologists and asked them what she should do because her parents were not letting her report to the police. She developed extreme mistrust and hatred

for men first because of her husband and then because of her boss. The psychologists helped her and tried to bring her out of that condition and advised her to go some other place for some days. She then went to England and nowadays is living with her aunt.

Source: (Kamal et al., 2002: 29-42).

#### **Text Box 14.4: Sexual Harassment Case Study 2**

Amna belongs to a low-class family. She lives with her mother and two younger brothers. About three years ago her father died of double pneumonia due to lack of proper medical treatment after her father's death their life became even worse because his pension was too small to support the family and they also had to pay the rent of the house. At that time, her brothers were studying in school while she had appeared for intermediate exams. In order to continue their living, Amna decided to quit her education and applied for a telephone operator job in the office of a property dealer. She was 17, years old at that time and was very young, innocent, and had an attractive face but not one of very beautiful girls. The pay the property dealer offered was quite good and since she was very needy of money, she immediately joined the office.

Her boss Rashid was around 40 years old ordinary looking man. It was a small office with few men workers and apart from Amna there was only one female worker who was a middle aged woman. After some days Rashid started asking Amna for staying over after office hours. The usual time of the office was till 5 pm but out of compulsion Amna started staying till 6:30 to 7 pm. During this time she started noticing that Rashid was trying to get close and frank to her. She was very timid and shy person and she never shared a single word with any of her male colleagues. She used to sit in a small cabin which was located on one side of a hall of the office. After 5 pm, her boss started coming to her cabin and talked to her about his personal life. He told her that he is still unmarried and lives with his friend. He used to sympathize with her about her father's death and her hard life. He also complimented on her attractiveness and on her appearance and also talked about such other private matters.

As Amna was a very timid girl, she did not know what to do. She just kept quiet and told no body, not even her mother so as not to worry her. In the meantime, she was noticing that her boss's frankness was increasing every day. She was very worried and tense and was not in a position to share her sufferings with anyone.

One day she was just leaving the office at about 5:40 pm. everyone else was gone, only the guard was sitting outside the office when suddenly Rashid came in her cabin and asked her to sit down and talk. He was very close to her physically. She got afraid and tried to run but he held her hand and compelled her to sit. Then he closed the door of the cabin and started demanding sexual favours. Amna started weeping and then suddenly Rashid snatched away her dupata and raped her. After half an hour he left the office, leaving her fainted in the cabin. Sometimes later she woke up and saw that the whole office was in darkness even the guard was gone. Somehow, she reached home and told everything to her mother who could not do anything except cry.

After this incident, Amna suffered from high fever for seven days. She was in extreme stress and tension and was badly affected both physically and psychologically. She became very quiet and did not want to talk to anyone, not to her family members even. She was very frightened and scared and would not leave the house. She started seeing reflection of her harasser in every other man and developed mistrust towards men in general and due to this mistrust she does not want to marry.

She did not go to police or shared it with anyone. They just kept quiet because of their reputation and told the researcher that complaining would be useless as no one will listen to them. Around two months later, Amna somewhat got better. Because of financial

reasons, she was again compelled to get a job. This time, however, she started working in a house where her mother was already employed as a servant. The mistress of the house where her mother was working was very nice and when Amna's mother told her about her daughter's traumatic experience, the mistress of the house took Amna to a Psychologist.

Source: (Kamal et al., 2002: 29-42).

### **Text Box 14.5: Sexual Harassment Case Study 3**

At the time of the incident Laila was 25 years old. She is a married woman with a son. She is very pretty and dresses-up quite well. Her husband is a mechanical engineer and they have good marital relations. She and her husband belonged to educated and upper-middle class families. She has done master's in business administration and some computer courses. When her son was 3 years old, she put him in kindergarten and decided to do a job which her husband happily allowed. After some days she heard about a vacancy of marketing manager in a private computer firm. She applied for the job and fortunately got it.

It was a small private firm and all the members of the staff used to work in a big hall. Overall the environment of the organization was friendly, intimate, and family like. After some days, another person, Tariq, also joined the firm as a computer engineer. Tariq was 26 years and unmarried. He was handsome and smart and other girls in the firm were impressed by his personality. He quickly mixed up with them as well as with other male colleagues.

Laila was a reserved kind of a girl and did not like to mix up much with anyone in the firm, which Tariq did not like. He started making passes at her, and sometimes came to her desk to talk to her (often when others were not around) but she responded him very reservedly. Laila started observing that he was trying to get closer to her and this made her tense and uncomfortable.

One day Tariq called on her desk and threatened her that she should change her attitude towards him and accept his offer of becoming a friend as other girls of the firm, otherwise he would make her do that through some other way. She could not do anything because her colleagues were also there so she banged the phone, but this event made her very upset. She wanted to share it with someone but she could not do so because she was very scared and tense. Tariq also threatened her that if she made any complaint about him to anyone then she will have to repeat and this even worsened her condition. Her husband noticed that and asked the reason but she did not tell him anything. She wanted to tell him but because of the threat she was very much scared to do so. One day when she was coming home from office in her car alone, she noticed that Tariq was chasing her. Naturally she got very scared and did not know what to do. He was on a motor bike but after few minutes he disappeared. She was in extreme stress and did not want to go to the office next day but to avoid her husband's suspicion as well as her boss's and colleagues she went to the office. When she was coming back he again chased her and she got very frightened. Tariq disappeared after something and when she reached home she was visibly so much upset that her husband asked the reason but she said she is just not feeling well. Although her husband was very sympathetic and considerate she did not dare to tell him because she thought that he might blame her for what has happened. She did not go to the office next day. But all day long she received a series of calls threatening her that if she said even a word to anyone she will regret it.

She was not able to concentrate on her work, was very tense, and in extreme stress and was unable to sleep. Her boss was also complaining of her inefficiency and poor work performance. First she thought of scolding Tariq but she knew that it won't work. She did not go to the office for a week and sent an application. Her husband was constantly asking her about her condition and one day she told him about the whole episode. Her husband was very also worried and asked her why she hadn't told him before. He was very angry and



talked to his wife's boss. Her boss was very kind and concerned. He called explanation of Tariq and immediately fired him and wanted to call the police but Laila did not want to go to the police. She was very scared and in extreme stress. Her husband got himself transferred to Lahore and she resigned from that firm. Laila also consulted a psychologist to restore her normal condition.

Source: (Kamal et al., 2002: 29-42).

#### **Text Box 14.6: Sexual Harassment Case Study 4**

This incident happened in a biscuit factory. Zara was 22 years old and had an ordinary looking face and appearance. She was working in that factory to financially support her family. She was B.A and was unmarried. She had three brothers and three sisters. Her father was a government servant. The working hours of the factory were from early morning till late evening.

Sohail, the supervisor of the factory was newly appointed and was a man in late 30's. He became frank with women subordinates and some of the women workers also became frank with him but other girls in the factory were not happy with him. Zara was in the group who did not like Sohail. He was very strict and rude with the male workers of the factory but when he talked to women workers his attitude suddenly changed and he tried to come as close to them as possible. Most of the workers were unhappy with him other than few women workers.

Sohail was a very handsome man and when he observed that some women workers were not impressed by him he started teasing them. He would give lots of work to them and would mostly criticize their work. He paid their salaries as late as possible but was very nice to those women who liked him. Due to this reason, some other girls of the factory also changed their attitude towards him because they did not want these kinds of troubles. Zara was really offended by this situation and more against him. Her attitude was not hidden to other factory workers as well as from the supervisor. She openly criticized him in front of others. As a result, Sohail started troubling her even more. This caused stress in her and she was very disturbed and was unable to work properly but she could not afford to quit her job because of her financial problems. She was very much frustrated because she was compelled to do work with a man whom she hated. Some colleagues advised her to change her behaviour but she did not agree. She wanted to complain about the supervisor to higher authorities but some of her colleagues did not let her do so. Her supervisor started keeping her for overtime without any credit but she was compelled to obey him just to keep her job.

One day Zara was leaving for home with few colleagues when the supervisor called her in his office. She immediately became scared but her colleagues consoled her and suggested her to listen to Sohail but she asked one colleague to come with her. They together went inside but Sohail told her colleague to leave and she unwantedly leave the room. When were alone Sohail came close to Zara and held her tightly. He put his hand on her mouth strongly and said if she tried to scream he would kill her. He then started tearing off her clothes and raped her. The girl protested and screaming. When other girls heard her voices they got panicked and started also screaming. Sohail got panicked ran out of the factory. Zara was very upset extremely distressed. She went home somehow and told her mother the whole story. Next day she and her father and colleagues went to the police. They went on strike, however, Zara left the job. She has developed hatred for men and does not intend to marry. She faced extreme psychological and physical problems due to this trauma. She lost her appetite due to which she lost her weight and physical strength. Her confidence was badly shattered. Other people's sympathies

offended her. She went in psychological stress and stopped facing people and developed deep feeling of insecurity and fear. Then she went to psychologists to get their help. The organization made hectic efforts at higher level and got the supervisor transferred.

Source: (Kamal et al., 2002: 29-42).

#### **Text Box 14.7: Sexual Harassment Case Study 5**

Farah's family consisting of her parents and two younger sisters and one brother, resided in a servant quarter of a rich businessman, in whose her mother worked as a servant. Farah has studied up to fifth grade and she is the only one in family who went to school. When Farah was 21 years old, her mother asked her to help her in the work at the businessman's house. Their employer was a married man with one daughter and two sons in their teens. Each member of the household had his/her own life. Father remained busy with his work; mother liked to go to parties and was not much interested what her children were doing. Their eldest son, Sajid, was not one of those teenagers who came home late in the midnight and kept bad company. He was a habitual smoker and had many girlfriends.

Farah was very pretty and attractive. Sajid started noticing her and looked for chances to talk to her but she just kept quiet and only especially when he would find her alone. Although Farah's mother did not like the boy and warned Farah to be careful, Farah did not dare tell her anything due to shyness.

One morning Farah was cleaning the house and her mother was washing dishes in the kitchen. No one was at home except Sajid, who was sleeping in his room. Farah went upstairs to clean boy's room. She did not know that Sajid lying in this bed. She at once tried to get out of the room but Sajid dragged her inside the room and closed the door behind her. Farah tried to get away but he started tearing off her clothes. Farah started screaming with her full strength, she became hysterical and exerted her maximum effort to get away from him. When her mother heard some faint voices of screaming she became very worried and fearful. She went upstairs to look for her daughter and when she heard screams coming from Sajid's room, she became very frightened and started pushing the door which was locked. She cried for help but no one listened. Farah in her effort to get away from him bit Sajid's hand and because of the pain he immediately let go of the girl and Farah ran to the door and opened it. When the boy saw her mother at his door he got panicked and went outside of the house.

Somehow the mother managed to take her to the servant quarter. After half an hour, Sajid mother arrived and when Farah's mother told her the whole story she refused to believe her and instead ordered them to leave the servant quarter immediately. When Farah's father came to know about the event he became very angry and depressed and wanted to go to the police but since they had no evidence and thought that it will ruin their own reputation, they left the servant quarter and went to their relatives house.

Farah was badly affected by the whole incident and has become very fearful and scared of men. Her relatives advised her mother to take her to a psychologist, from whom she is taking counselling these days.

Source: (Kamal et al., 2002: 29-42).

## **14.2. GIRL CHILD ABUSE**

We are living in the world where the rights of children are still trampled upon and countless children continue to be the victims of violence and abuse. Child abuse is a worldwide issue that can be defined as unwanted and inappropriate sexual solicitation of or indecent exposure to a child by an older person; genital touching or fondling; or penetration in terms of oral, anal or vaginal intercourse or attempted intercourse. Sexual abuse involves a range of activities including non-contact and contact offenses. Child abuse especially with a girl child occurs both within the family and outside home. In both cases the abuser is usually acquaintance to the child. In most of the cases children who are victims of sexual abuse show emotional or behavioural changes that may indicate distress. Physical injuries from child sexual abuse can completely heal by the time, but the psychological effects persist throughout life time. Eventually produces negative psychological problems such as poor self-esteem, personality disorder, behavioural problems, depression and anxiety.

In a male dominated society like Pakistan, violence against girl child is a major issue. Women and even girl child have lots of restrictions in their lives and are violated by men within family, extended kin and outside family. In Pakistan, girl child is being abused in variety of forms like, domestic abuse, sexual harassment, rape, child marriages, and female circumcision, abduction, etc. Although, frequent incidences of girl child abduction, abuse and killings have been reported in Pakistan. For example, there was minor 13 years old girl gang raped on July 12, 2016 in Karachi. The two brothers along with one other person flee after doing such a crime to the girl. Another similar incident happened with a six year old girl child who was raped by 16 years old boy in Hyderabad. But still there is a broader silence about the issue as if this evil does not exist or it is not decent to talk about it. Girl child, who are victimized of sexual act, are mostly killed by the offender and who survive, leads a challenging life and not given the respectable place in society.



## CHAPTER - 15

### VIOLENCE AGAINST WOMEN BY SOCIAL AND CULTURAL PRACTICES

Society and culture provides a framework and structure in which people live their lives. People make their utmost efforts to get accommodated in and adapted to the prevailing social environment of a particular society to survive and safeguard their interests. Men and women as social beings become in large part of their personality what a particular society makes them through its prevailing social process of socialization and control. People learn to repeat the practices that serve their interest and earn some reward for them. The social and cultural practices that protect the interest of dominant segments (i.e. hegemonic) of the society are fostered. With the passage of time these practices become entrenched and embedded in the basic structures of the society. In the tribal, feudal and patriarchal society of Pakistan, men are the de facto dominant group from family to the state. The social practices serving their interest, even when harmful for other weaker and subordinate segments of society, are fostered for longer periods of time and difficult to be eliminated.

#### 15.1. HARMFUL SOCIAL AND CULTURAL PRACTICES IN PAKISTAN

There are some customary social and cultural practices that are fostering crime against women in Pakistan. Tabassum, Tabassum and Afzal (2015: 23) in their research highlight the social practices of child marriage, *watta satta*, *walwar*, *vani* and *swara* as the causes of crime against women in the country. In the previous chapters, we have also discussed some other social practices of dowry and marriage with *Quran* which negatively affect women's interest in Pakistani society. Most of these social practices have already been discussed in detail in the chapter on marriage related violence. In this section we will focus on honour killing and *Jirga* as potential sources of causing violence against women in Pakistani society.

##### 15.1.1. Honour Killing: Karo Kari

The practice of killing men or women or both in the name of honour is often known as *Karo Kari* in Sindh, *Siyah kari* in Baluchistan, *Kala Kali* in Southern Punjab and *Tor Tora* in Khyber Pakhtoonkhwa. Women are rarely found involved in committing honour killings as perpetrators. It is considered that some women by violating the limits on their mobility and social contacts with opposite gender has potentially or allegedly involved in disapproved sexual activity, thus, have damaged the honour of their family men.

#### Text Box 15.1: Karo Kari, Kala Kali, Tor Tora

*Karo kari* refers to honour killings in Sindh where the victims are accused of illicit relationship (*karo* being man; *kari* being woman)

*Kala kali* refers to honour killings in Punjab where the victims are accused of illicit relationship (*kala* being man; *kali* being woman)

*Tor tora* refers to honour killings in NWFP where the victims are accused of illicit relationship (*tor* being man; *tora* being woman)

Source: (Ali, 2001)

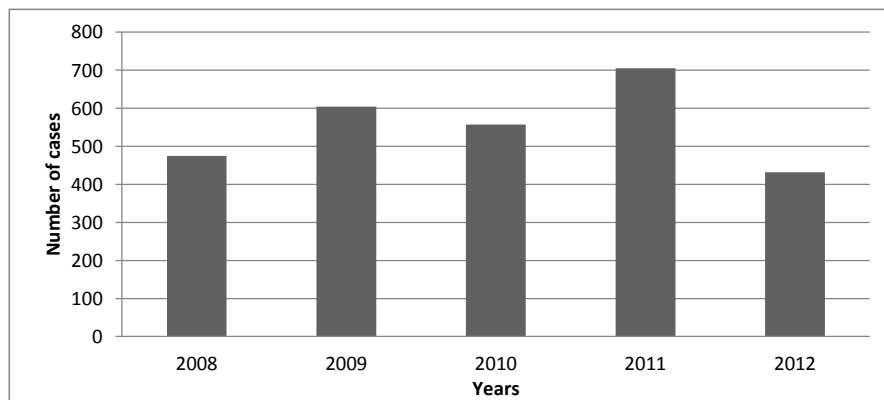
In present times, it is not necessary that the conduct of such a disapproved sex needed to happen for paving ground to kill a woman in the name of honour. Ali (2001: 22) claimed that “[m]ere suspicion, rumour, hearsay is sufficient to condemn a woman to death for adultery”. She further explains citing from Nafisa Shah that

“[t]here are no evidentiary requirements to establish guilt, no furnishing of proof through eyewitnesses, and, of course, the woman is never asked or permitted to defend herself. It is enough for a man simply to have dreamt in his sleep that his wife had been unfaithful to kill her upon awaking”.

The men with assumed damaged honour can only regain the lost reputation and honour by killing the women or women and men accused for that act together. Ali (2001: 8) states that “[t]he killing of the “adulterous” female...is intended to erase shame, restore honour, and enforce a social code that defines and controls women’s lives”.

In most of the cases women are found the sole victims of such killings. While men, if sometimes caught, usually managed to escape or negotiate a settlement. Such killings are not limited to any particular group of women; they may happen with married women, unmarried women, girl child who have yet not reached puberty, the old age women, pregnant women, women having a number of young children, educated and uneducated women, women residing in rural far flung areas or in main urban centres. The perpetrators or the killers are mostly men family members of the victim women; especially husband in case of married women, and father and brothers in case of unmarried women. Rabia Ali (2001: 8) has aptly wrote that “[i]n Pakistan, when a man takes the life of a woman and claims that he did so because she was guilty of immoral sexual conduct it is called an ‘honour killing’, not murder.”. The killer is being sympathized as a victim whose honour was damaged and he has killed the woman as a defence to his honour.

**Figure 15.1: Number of reported cases of honour killing in Pakistan (2008-12)**



Source: Statistics taken from Azhar (2012) and Perveen (2013).

Similarly, Shaikh, Kamal, and Naqvi (2015) in their research on opinion of university students on honour killing in Islamabad and Rawalpindi show that majority of the respondents negatively responded to the questions when they were asked about honour killing cases in Lahore. Responding to the statement that “this woman deserved to be killed”, 83.0% male respondents and 94.6% female respondents rejected this idea. The statement that “Family did the right thing by killing this woman” is negatively responded by 89.9% male and 95.8% female respondents. The

statement that “Killing women/girls in the name of honour is justified” is condemned by negative responses given from 80.3% male and 91.8% female respondents. When showing their negative responses regarding the statement that “Killing in the name of honour is always justified”, 79.9% male and 87.1% female respondents declared this act as completely unjustified. The high percentage of the respondents negatively responded and rejected all the above ideas justifying the act of honour killing.

**Table 15.1: Honour killing gives rise to crime against women more than men**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 176       | 83.0    | 83.0          | 83.0               |
| <b>Do not know</b> | 24        | 11.3    | 11.3          | 94.3               |
| <b>Disagree</b>    | 12        | 5.7     | 5.7           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by author.

The Table 15.1 is showing educated people’s perception regarding the potential of social practice of honour killing as giving rise to crime and violence against women more than men in Pakistani society. It shows that 83% of the respondents agreed that honour killing has the potential to damage the interest of women more as compared to men in society. Another, 5.7% of the respondents disagrees with this phenomenon. While 11.3% of the respondents neither agree nor disagree with this idea because of their lack of knowledge in this regard.

**Text Box 15.2: Statistics on Honour Killing in Pakistan**

...[T]here is a growing perception that the curve of violence against women, including their murder on the grounds of ‘honour’, has been steadily rising. Various statistics cited by human rights organisations as well as government agencies support this perception. The Government of Sindh has reported an annual figure of 300 for such killings, which corroborates the findings of the Sindh Graduates Association (cited in Amnesty International’s 1999 report on honour killings in Pakistan) placing the number of killings at 132 for just the first three months of 1999. This would suggest at least one honour killing a day in Sindh. According to the Human Rights Commission of Pakistan [HRCP] the situation was no different in the year 2000 where for the first quarter alone it had received reports of 119 killings in Sindh. In the Punjab the HRCP placed the number of reported cases for the first three quarters of the year at 2014. Finally, speaking at a seminar on violence against women organised by the Pakistan Women Lawyers Association in Karachi, the Inspector General Police of Sindh stated that in the year 2000 nearly 1000 women were killed in Pakistan out of a total world figure of 5000 honour killings.<sup>2</sup> If this figure is correct, then nearly 25 per cent of the women killed for ‘honour’ were killed in Pakistan.

Although it is difficult to ascertain the accuracy of these statistics as these are compiled mostly from press reports and therefore do not include cases that go unreported, one can proceed on the assumption that several hundred women are being murdered in Pakistan every year in the name of ‘honour’.

Source: (Ali, 2001: 8-9).

The allegations posed to women’s sexuality in cases of honour killings are mostly framed or designed ones rather than truth. In honour killings, the crucial thing is to define the conduct of a woman that may dishonour men or communities’ honour. Ali (2001: 8) states that the definition of

the conduct has enlarged "its scope beyond perceived or proven adultery to encompass virtually any autonomous decision or action on the part of a woman that affects her social or sexual existence". The family men looking to get rid of some problematic women within a family (e.g. a wife when seeks divorce or separation, when men has to get married again, or to prevent the property to be shared with that women) also manipulate her conduct as to damage particular man and family's honour. Jilani and Ahmed (2004: 151) identify the manipulations of the concept of honour for purposes and conditions that are not included in what the original customary practice of honour killing encompasses. The reasons are most often economic, social or personal gains of some man than any matter of so-called honour of man or family.

#### 15.1.1.1. Case studies on honour killings

The phenomenon of honour killings, its causes and social dynamics can be better understood by reading and analysing some of the real cases occurred in Pakistan. Rabia Ali (2001, 10-14) has provided some of the classic case studies of honour killing cases that may give the reader an opportunity to see the variety of social factors working behind such incidences. These case studies are also reproduced here for the readers.

##### **Text Box 15.3: Honour Killing Case Study 1**

Her name was Nargis, she was 25. It was 2 in the afternoon. Shakoor, her husband, had asked her to prepare a meal for a guest. He had invited Suleman, from the same village, to eat with him. Shakoor and Suleman's families had a dispute over a pocket of land. The local wadero, said the villagers later, had made mischief and incited Shakoor against Suleman. So on that afternoon, on the pretext of sharing a meal with him, his brothers brought Suleman home and shot him outside the house. Nargis was making tea and roti. She heard the gunshots and ran to the door. She started to scream. "No, no, don't kill him! He's innocent!" she wept. Other villagers came running, too. Her husband was shouting: "I have killed him; he was karo with my wife". She was crying. She ran back into the house. Shakoor followed her; he had an axe in his hand. She grabbed a copy of the Qur'an from the shelf, held it to her breast, pleaded with her husband, begged him not to kill her, she said she was blameless, he hacked her to death. He had married her only a month earlier. There's the FIR, filed at the nearest police station, and the post-mortem report. There was a razinama, a reconciliation arranged by the wadero, and Shakoor was freed by the police. Nargis and Suleman are dead. The wadero said Shakoor and his brothers should pay Suleman's family Rs. 15,000 for gouging out his eyes and cutting off his nose.

Source: (Ali, 2001: 10).

##### **Text Box 15.4: Honour Killing Case Study 2**

Iffat Bibi was 25. She had a son. Her husband's name was Mokarram Ali. One day, he accused her of having an affair with his cousin, Haider, threw her out and sent her back to her father's house. Some months later, he changed his mind. He'd made a mistake, he said. He declared his wife was 'achhi' or clean. He wanted her back but her father refused. The father had found another man who was willing to pay more money for his daughter. Mokarram Ali could have his wife back for Rs. 150,000 but he did not have that kind of money. "You called her kari with your cousin," said the father. "Get your cousin to pay me compensation." A jirga was held. All the men were there. Iffat Bibi was not. She was never asked what she wanted for herself. The wadero decided that Haider would hand over his own fiancée to Iffat Bibi's brother as compensation. Thus another woman's fate was decided. All the men were satisfied, except Haider. Mokarram Ali was now permitted to visit his wife in her father's home. She got pregnant again. Her brother still wanted Haider's



woman, promised as compensation to his family. Haider refused. Iffat Bibi's husband had retracted his accusation and taken her back. If she was not kari, how could he be karo, he asked. To get Haider's woman in compensation the brother would have to kill his sister as kari. Iffat Bibi was sitting in her father's courtyard nursing her child when her brother hacked her to death with an axe. We do not know what happened to the child.

Source: (Ali, 2001: 11).

#### **Text Box 15.5: Honour Killing Case Study 3**

Zainab, 40, had been married to her husband Ghulam Mustafa for twenty two years. Her father had given her to Ghulam Mustafa in exchange for the latter's sister as a wife for him. Zainab was different. She had been to school, and after she raised her six children, she decided to get a job; she had been working for three years as a Lady Health Visitor at a primary health centre in the small town of Kot Mithan. Then her daughter Rabia decided to marry a man of her own choice, Sajawal Abro, and raised a storm of opposition in her family. Her mother supported her and, in the end, helped her marry Sajawal. Zainab's husband, father and brother took the matter to court where they claimed that Rabia had been kidnapped by Sajawal Abro. Zainab testified in court against her family and on her daughter's behalf. On returning home her husband shot and killed her. He claimed that he had 'found' her with one, Abid Abro, and killed her as kari. Zainab's father supported her husband's accusation. Abid Abro and his family claimed he'd been away in Larkana for three days prior to the killing. The whole town knows, they said, that Zainab had been killed as kari because Abid Abro, who was the head of the Abro clan, had supported Sajawal's marriage to her daughter Rabia. Zainab was dead and received a kari's burial: there was no ritual bathing or funeral prayer – she was buried in a hole in the ground with no stone to mark the grave or remember her by. She was a kari, said her father, and karis do not deserve any better. But Zainab's three sons believe their mother was innocent and their father murdered her. They went to the spot where she was buried, prepared a grave for her and covered it with flowers.

Source: (Ali, 2001: 13).

#### **Text Box 15.6: Honour Killing Case Study 4**

Rahmatay was 12 years old. Her father had promised her in marriage to Naveed in exchange for Naveed's sister as a wife for his son. But the men in the two families subsequently got embroiled in a bitter dispute. Naveed and his brothers wanted revenge, perhaps land or money. Naveed informed Rahmatay's father that he was coming the next day to marry his daughter. The father could not refuse: Rahmatay had already been bartered away for another woman. So the child was dressed in bridal pink, and readied for her wedding. The village mullah balked at performing the nikah because the girl was too young. Naveed put a gun to his head. Rahmatay was married and taken away. That very night, her 'wedding' night, Naveed pumped five bullets into her young body and killed her. She had confessed to being kari with her cousin, he said, and so she deserved to die.

Source: (Ali, 2001: 12).

#### **Text Box 15.7: Honour Killing Case Study 5**

Saba, 35, was married to Ali Akbar. One day, Ali Akbar's cousin, Kashif, on the report of his 16-year-old son, accused Saba of being kari with one, Abdullah. According to some people of the village, Kashif and Abdullah had been embroiled in a long running

dispute and Abdullah wanted to get even with Kashif. Ali Akbar refused to believe Kashif's accusation against his wife but Kashif was more resourceful: the local wadero, Nurul Hassan Junejo, would decide on a settlement, through a faislo. Saba, now branded a Kari, was taken and held in the wadero's home where she was physically abused and lost the child she was carrying. At the faislo, while Ali Akbar continued to insist that his wife was innocent, the wadero imposed a Rs. 110,000 fine on Abdullah, the alleged karo, to be paid as compensation to Saba's relations (presumably, as is customary, with a percentage for the wadero himself). Abdullah fled from the village. Ali Akbar went to the Superintendent Police to ask for help in getting his wife back from the wadero. But the wadero was more powerful: the police arrested Ali Akbar instead, releasing him only after they made him put his thumbprint on blank paper to use as a divorce document. Upon his return to the village, Ali Akbar's relations told him he was shameless and "without honour" and they turned him out and sold his house. Meanwhile, with the assent of the wadero, Saba's brothers made a deal with the Mengal tribe in Baluchistan to sell their sister in marriage for Rs. 80,000. Ali Akbar went to the brothers, the Qur'an in hand, and pleaded to have his wife back. They refused. He went to the Mengal sardar and, again hand on the Qur'an, asked him to forbid his tribesmen from buying his wife. The Mengal sardar, Mohammad Amir Mengal, talked to Wadero Nurul Hassan Junejo who told him that Ali Akbar was "without honour". So Saba, who lost her home, her husband, and her child, was sold into 'marriage' to another tribe. Ali Akbar is still trying to get her back.

Source: (Ali, 2001: 14).

### 15.1.2. Jirga, Panchayat, Faislo: Informal Decision Making Councils

There are traditional and customary informal arrangements of settlement of disputes without taking the matter to state's established legal institutions. The aim of these customary or cultural arrangements is to settle the disputes and create the peace and harmony in broader society. These institutions are variously named in different geographical areas in the country. For instance, the informal traditional and cultural courts or legal systems popular in Pakhtoon and Baluch communities, mostly living in Khyber Pakhtoonkhwa and Baluchistan provinces, are called "*Jirga*". The similar village level institutions established in the province of Punjab for informal settlements of disputes are called "*Panchayat*". The Sindh province has the prevalent institution of "*Faislo*" for settling such disputes at local level among local communities.

These traditional and cultural informal decision making institution are working on all levels of social life. The similar *Jirga*, *Faislo*, or *Panchayat* can occur within an extended family to settle the family matters when family elders sit together, listen to all parties and reach to a settlement. The similar institution may occur at community or neighbourhood level, at the level of peasants working under a landlord, and among different families or tribes.

At neighbourhood level a *cahngo murs* or respectable person can be the heads of such institution, at the level of peasants the landlord is the decision maker, at the level of tribes the *Sardars* are the patrons. The headship and memberships of the decision making councils are given to men according to the patriarchal authority they exercise on the group for which the decision is to be made. They are a kind of patron and the patriarchs who made their will worked to keep the peace and order in a society. In this way of organization of these informal institutions women are being excluded and the decision taken there are made without consideration to women's view point. Women are not only absent from the decision making heads but also from the audience of these institutions observing and listening to the proceedings of these institutions.

Due to absence of women in decision making council, often it results in the discriminatory and inhuman behaviours with and treatments of women in both the offender's and victim's families. These informal justice systems foster several socio-cultural practices that are harmful for women such as *Vani*, *Swara*, *Karo Kari*, *Peit likhi*, etc. It has commonly been observed that these local tribal councils legitimize the exchange of women as property or commodity to settle the dispute

among two parties. In this way, it reinforces and preserves the patriarchal core of considering women as subordinate to and property of men to be utilized for his interest. In frequent occurrences, the *jirga* decisions allow the parties to give and receive their respective women as the compensation from the offender men or family to the victim men or family. There is no age limit for the women to be used to settle matters in such a way. Not only the women ranging from the young girl child to the old aged ones, but the unborn girls are also being promised to be given in exchange before their birth as *Peit Likhi*. In such cases, these tribal councils seem to be a war among men raged on the bodies of their women.

A similar socio-cultural practice related to *jirga* or settlement of disputes is also of “*Nanawatay*”. Even to pledge for asking forgiveness women are forced to take measures. Aawaz Programme (2015: 4) has also narrated that how women are utilized to be playing crucial role for acquiring forgiveness for their family men’s deed. The report identifies the concept of “*Nanawatay*” that refers to enter someone’s house to seek or pledge for forgiveness before the victim party may take the revenge. It is highlighted that usually women are sent for *Nanawatay* to settle the dispute. In this manner women take holy *Quran* and *Chaddar* with them and after reaching the home of victim party they put their *chaddar* in the feet of the victim party asking for forgiveness for their men. In this way the victim party is ethically and morally supposed to not refuse the request (see Aawaz Programme, 2015: 4).

**Table 15.2: Jirga plays important role in fostering anti-women social practices**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 178       | 84.0    | 84.0          | 84.0               |
| <b>Do not know</b> | 16        | 7.5     | 7.5           | 91.5               |
| <b>Disagree</b>    | 18        | 8.5     | 8.5           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

These informal institutions or councils also play important roles in settling the alleged matters of fornication, rape, and honour killing. Usually, when some matters of illicit sexual relations are brought to *Jirga(s)* for settlement, these institutions are ordering for the compensation on the rule of “eye for eye” means the illicit sexual relations to be compensated with illicit sex with some women of offender’s family. This may lead to the incidences of rapes or gang rapes on orders of *Jirga*. The long popular case of Mukhtara Mai’s gang rape was allegedly claimed as a result of *jirga*’s verdict for compensation of her brother’s allegedly illicit sexual relation with a woman of mastoi tribe in Meerwal.

The survey conducted by the author on educated people’s perception regarding the causes of crime and violence against women in Pakistan shows similar patterns to support the arguments discussed above. The popular perception on *jirga* system among Pakistani women and men are explored on two aspects. The first aspect was to explore the potential of *jirga* system to foster anti women socio-cultural practices. The second aspect of the phenomenon was to explore the acceptability of the informal decision making councils in Pakistan. The Table 15.2 shows the findings of the survey data analysis regarding the potential of *jirga* in fostering anti women social practices in the country. It shows that majority of the respondents (i.e. 84%) are agree that *Jirga* plays important role in fostering anti women social practices in Pakistan. Only 8.5% of the respondents disagree with this phenomenon. Another 7.5% respondents were unaware.

**Table 15.3: Jirga should be accepted as decision making authorities in Pakistan**

|  | Frequency | Percent | Valid Percent | Cumulative Percent |
|--|-----------|---------|---------------|--------------------|
|--|-----------|---------|---------------|--------------------|

|                    |     |       |       |       |
|--------------------|-----|-------|-------|-------|
| <b>Agree</b>       | 60  | 28.3  | 28.3  | 28.3  |
| <b>Do not know</b> | 18  | 8.5   | 8.5   | 36.8  |
| <b>Disagree</b>    | 134 | 63.2  | 63.2  | 100.0 |
| <b>Total</b>       | 212 | 100.0 | 100.0 |       |

Source: Survey conducted by the author.

The Table 15.3 shows findings of the survey in respect of people's perceptions on the *Jirga's* acceptability as decision making authority. It shows that majority of the respondents (i.e. 63.2%) contend that *Jirga* should not be accepted as formal decision making authorities in Pakistan. Another 28.3% accepted that *Jirga* should be accepted as decision making authorities in Pakistan. While only 8.5% showed unawareness. The role of women in these institutions will also be discussed in chapter 19 of this book.

#### 15.1.2.1. Case studies of Jirga, Panchayat, Faislo

There are some case studies or examples showing the way *Jirga* system works and effects women's life and status.

##### Text Box 15.8: Jirga Case Study 1

On July 6th 2013, a *Jirga* in village Bangla Gabool, 5 km from Rajanpur district in Punjab, ordered Noor Hassan either to give his three sisters in marriage along with Rs. 10,00,000 to the victim's family as compensation for the murder of Mukhtar Hussain, or remain submerged in water for a considerable time to prove himself innocent. Otherwise the victim's family claimed that they would have the right to kill him in revenge.

Source: Aawaz Programme (2015: 6).

##### Text Box 15.9: Jirga Case Study 2

On the orders of a *Jirga*, two minor girls have been married, one to a 40-year-old man and the other to a teenage boy, to settle a karo-kari dispute. The dispute between two groups of Jatoi tribesmen was settled by the *Jirga* presided over by Amjad Ali Khan Jatoi, an elder of Jatoi tribe, in Kaloo Jatoi village in Lakhi Ghulam Shah taluka. The 2 men, Sujawal Jatoi and Imdad Ali Jatoi were accused of having illicit relations with Nihalani and Shareefan. Both women were killed a month ago. The *Jirga* declared Sujawal and Imdad guilty and ordered them to marry two girls of their family into the family of the complainant. Thus the Nikah of 12 year old Sadia, daughter of Sujawal, and 40 year old Nasrullah was solemnized as was also the marriage of 9 year old Shami, daughter of Imdad's brother Mohammad Umer, to Nasrullah's brother Misri, 15. (Shikarpur, 22 September, 2010)

Source: Pakistani Women's Human Rights Organization (n.d.).

##### Text Box 15.10: Jirga Case Study 3

**Vani victim recovered, 13 booked:** Police arrested 13 persons for giving a four-year-old girl in *Vani* to settle a dispute between two families in Battagram. Police said that they also recovered the *Vani* girl and arrested the bridegroom, his father, father of the bride, a cleric and

eight members of the jirga. The jirga had allegedly declared the girl *Vani* and had married her to a boy of the opponent family to settle a feud.

Police stated that enmity had started between the two parties when a man filmed a married woman of the opponent family with his cellular phone and sent the footage to other people. The brother of the woman had gone to the house of the man when he came to know about the issue, but the culprit had fled the scene. The brother of the woman had then assaulted the sister-in-law of the accused when he didn't find the culprit in his home. After the assault tension gripped Nilee Shang Kachkoot area and the elders held a jirga to settle the dispute. The jirga imposed a fine of Rs. 300,000 on the man who had made the video and asked him to hand over his daughter to the rival party as *Vani*. (Mansehra, 9 April, 2011)

Source: Pakistani Women's Human Rights Organization (n.d.).

**Text Box 15.11: Jirga Case Study 4**

16-year-old Tahira died last year of acid burns inflicted allegedly by her husband. However, despite the formulation of the Acid Control and Acid Crime Prevention Bill (2010), her poverty stricken parents could not obtain justice. Police refused to get involved and the local male-dominated *Jirga* suggested the couple's son should marry one of the offender's sisters to settle the dispute ('*Swara*').

Source: Aawaz Programme (2015: 6).

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## CHAPTER - 16

### WOMEN AND ACID VIOLENCE IN PAKISTAN

Besides the use of physical force, there is a variety of substances, tools and practices used to hurt a person in case of violence. Acid is such a chemical substance that is frequently utilized in countries like Pakistan, India, and Bangladesh to hurt and disfigure someone, especially woman, for the sake of revenge or some other cause. This is one of the worst forms of violence against women because the physical hurts caused by acid throwing may have severe kind of consequences on social, emotional, economic and practical life of the victim. The particular pattern of the larger proportions of all acid attacks done to women victims is suggestive of gendered nature of this type of violence. It has growingly been considered as major form of gender based violence against women in Pakistan. This chapter explores the phenomenon of acid violence, its nature, causes, and consequences in the broader context of violence against women in Pakistan.

#### 16.1. ACID VIOLENCE

Acid violence can simply be defined as the use of acid with a criminal intention of hurting another person. Acid Survivors Trust International (2016) on its website defined the acid violence in following word:

“Acid violence is the deliberate use of acid to attack another human being. The victims of acid violence are usually women and children, and attackers often target the head and face in order to maim, disfigure and blind. Acid has a devastating effect on the human body. Often permanently blinding the victim and denying them the use of their hands. As a consequence, many everyday tasks such as working and even mothering are rendered extremely difficult if not impossible. Acid violence rarely kills but causes severe physical, psychological and social scarring, and victims are often left with no legal resources, limited access to medical or psychological assistance, and without the means to support themselves... Acid violence is a worldwide phenomenon that is not restricted to a particular race, religion or geographical location. It occurs in developed and developing countries including South Asia, East Asia, Sub-Saharan Africa and the Middle East and there is anecdotal evidence of attacks in other regions” (Acid Survivors Trust International, 2016).

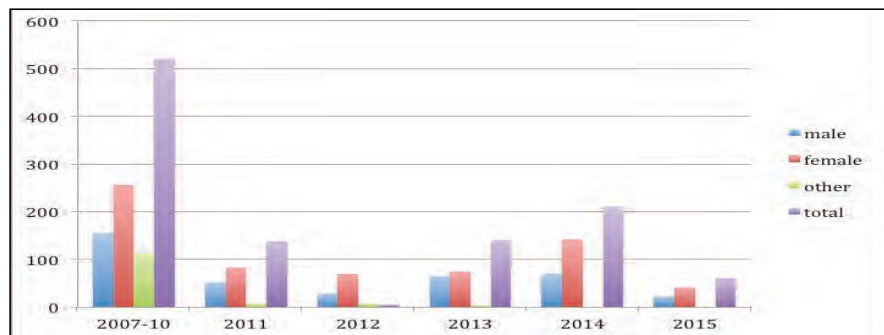
#### 16.2. ACID VIOLENCE IN PAKISTAN

Pakistan like its neighbouring countries (Bangladesh and India) is facing high level of acid violence. But there is lack of data available regarding actual cases of acid violence occurring in Pakistan. For long none of the government or non government organizations, including police and courts, in Pakistan had ever collected or provided statistics in this regard.

The need to collect and analyse the data on acid violence has recently gained the focus of attention from certain specific organizations. Acid Survivor Foundation has provided a report on the situation analysis of acid violence in Pakistan in the year 2015. The report compiling and citing from Human Rights Commission of Pakistan's reports for the period 2010 to 2015, identify that there were “30 victims in 2010, 75 in 2011, 96 in 2012, 67 in 2013, 84 in 2014, and 49 in the first 8 months of 2015” (Acid Survivors Foundation, 2015: 8). Similarly, the reports of Aurat Foundation also provide some statistics on acid attacks on women in Pakistan (Azhar, 2012; Perveen, 2013).

According to the reports of acid attacks compiled and analysed by Perveen (2010: 9), there were 29 incidences reported of acid throwing on women in the year 2008, 53 cases in 2009, 32 cases in 2010, and 44 cases in the year 2011. Perveen (2013) reported 71 incidences of acid attacks occurring to women in Pakistan during the year 2012.

**Figure 16.1: Year and gender wise number of cases of acid attacks in Pakistan**



Source: Reproduced from Acid Survivors Foundation (2015: 9).

### 16.2.1. Acid Violence against Women in Pakistan

The graph as reproduced from Acid Survivors Foundation Pakistan's Report in Figure 16.1 is showing gender wise number of cases of acid violence occurring during the period from 2007 to 2015. It is easily observable from Figure 16.1 that the cases of acid violence are much higher among women than men. Women are the most frequent victims of the acid attacks. This may be due to excessive importance attached to the beauty and appearance of women in our society. Women's fair complexion, good looks, beautiful appearance have been considered as social capitals and the assets that every girl is socialized to desire to possess for negotiating their future life option in mate selection and marital life. On the other hand, every man wants to enjoy the companionship or relationship with such women or desire for such women to come under their possession as their wives. This is a theory that may explain the more frequent acid attacks to disfigure a woman who refuse to welcome the advances and measures the men take to bring these women under their possession through marriage proposals or offers for permanent or timely companionships.

#### **Text Box 16.1: Acid Crime Incidence Case Study 1**

"In July 2014, Two alarming acid crimes occurred in Baluchistan within 24 hours where the victims were sprayed with acid-filled syringes. In the first Incident, two motorcyclists threw acid on four women outside a jewellery shop in Killi Kamalo area of Quetta's Sariab Road. This was soon followed by another incident where two sisters, aged 12 and 14, were sprayed with acid in Mastung district, 45 kilometres from Quetta. In both incidents, the perpetrators fled the crime scene and police were unable to find any evidence that led to them".

Source: Form HRCP (2015: 218) as cited in Acid Survivors Foundation (2015: 9).

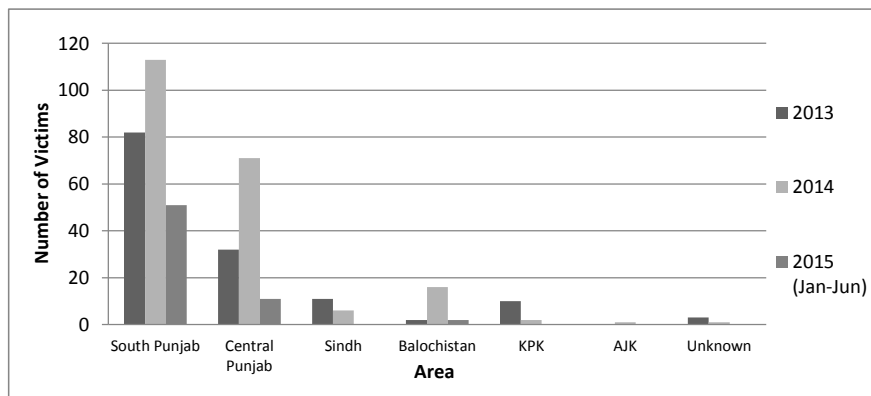
**Text Box 16.2: Acid Crime Incidence Case Study 2**

“In September 2014, Shabnam Bibi, 16, was attacked with acid by two men in Jhang district of Punjab when the girl’s family rejected the marriage proposal of one of the attackers. The girl was severely injured in the attack with 90% of the burns affecting her face, causing damage to her eyes. The girl’s mother was also injured in the attack. Police have arrested one attacker while the other has gone into hiding.”

Source: Form HRCP (2015: 219) as cited in Acid Survivors Foundation (2015: 9).

There is a geographical pattern of acid violence that can be observed both at national and international level. Although, the incidences of acid attacks are occurring all over the globe but these incidences are more frequently occurring in South Asian region, more specifically in the countries like Bangladesh, Pakistan and India. The graph presented in Figure 16.2 is based on the statistics presented in the situation analysis report of Acid Survivor Foundation (2015). It shows that most of the reported cases of acid attacks had happened in Punjab during 2013 to 2015. Although the number of acid attacks in southern and central Punjab are highest but this particular type of violence is occurring more in southern Punjab (Acid Survivor Foundation, 2015).

**Figure 16.2: Area wise number of acid attack victims in Pakistan (2013-2015)**



Source: Statistics taken from Acid Survivors Foundation (2015: 12-13).

Who are the victims of acid violence? Although, acid violence is not specifically women related type of violence but still it has aptly been indicated as gender-based violence. Young Pakistani women are the group of population at highest risk of acid violence as majority of the cases of acid attacks (both victims and survivors) have already happened to women and girls between the ages of 17 and 30 years (Acid Survivor Foundation, 2015: 10). Besides women children and male aged below 17 have also been attacked with acid (Acid Survivor Foundation, 2015: 10). The data provided by Acid Survivor Foundation (2015: 10) as reproduced in Table 16.1 clearly shows a gendered nature of in this crime more effecting women as compared to men.



**Table 16.1: Number of acid attacks on different categories of victims (2007-2015)**

| Years     | Women/girls | Men/boys | Transgender | Unknown gender | Total |
|-----------|-------------|----------|-------------|----------------|-------|
| 2007-2015 | 675         | 386      | 5           | 165            | 1251  |
| 2012      | 61          | 26       | 0           | 17             | 104   |
| 2013      | 74          | 63       | 0           | 3              | 140   |
| 2014      | 139         | 69       | 0           | 2              | 210   |
| 2015*     | 40          | 21       | 0           | 0              | 61    |

\*Data for the period from January to July 2015 only.  
Source: (Acid Survivor Foundation, 2015: 10).

It is observed that the number of acid attacks done on women is much higher than the number of the acid attacks on men. The number of acid attacks on women was 675 as compared to that of 386 attacks on men during the period from 2007 to 2015. The number of reported cases of acid attacks on women was 61 as compared to that of 26 cases on men in the year 2012. The number of such attacks on women rose to 74 cases as compared to 63 cases on men in the year 2013. The highest number of cases against women as 139 cases is reported in the year 2014. The gender gap in the number of acid attacks in this year is also wide; as only 69 cases against men are reported as compared to 139 against women. The first half of the year 2015 had witnessed 40 acid attacks against women as compared to only 21 cases against men in Pakistan. The report also shows that there were five cases of acid attack on transgender during the period from 2007 to 2015 (Acid Survivor Foundation, 2015: 10).

**Figure 16.3: Advertisement published for awareness against acid crimes**



Source: Daily Jang November 26, 2015.

Besides the cases of acid attacks reported to specifically occurring with either men or women, there are a number of cases that have occurred with a person whose gender has not been specifically identified in the available reports of the incidences. Looking at the broader patterns of more frequent acid attacks on women as compared to that of against men, it can easily be said that the majority of the cases occurred against a person of unknown gender would be done against women as well.

Who are the perpetrators in acid violence? They are mostly the husband, or former husbands, in laws, step fathers, sister or any other female relatives' husband or in laws, the men who has been refused for a marriage proposal for the victim women or her relative. In case of husbands and step fathers, these women already had been faced with domestic violence and abuse that culminated in the incidence of acid attack. There can also be family disputes that may have led to the acid attack on women.

There is a variety of reasons behind acid violence. The apparent reasons behind acid attacks vary according to the gender of victims. Acid Survivors Foundation (2015: 11) identify that there are three main reasons behind when a women or girl is being attacked with acid. These are 1) an escalation of pre-existing domestic abuse by a husband; 2) a broader family dispute; and 3) a proposal of marriage has been declined. Further, it is highlighted in the foundation's report that there are certain particular trends that can easily be identified. In cases of the acid attacks happened to unmarried women, the main reason behind the incidence is mostly a refusal of marriage proposal. For the acid attacks on married women, the incidence of acid throwing is usually found to be followed by a long history of domestic violence or disputes related to marriages within family, land allocations within the extended family, or enmity between wives in polygamous marriages (Acid Survivor Foundation, 2015: 11).

There are direly negative consequences of acid violence on victims' social, psychological and economic life. Acid violence leads to negative impact on men and women's social position in overall society. Such attacks have severe impact on the physical appearance of the victim. It affects their ability to freely move in public, as if the acid has caused much lose on face, then it may create a first horrifying effect on people who may at first instance react to give a fearful response. There are also gender wise pattern of consequence on acid survivors. For males, it has dire consequences on their ability to be economically active and support their families for survival. The consequences for female survivors include precluding them from marriage or remarriage, socially limiting them, require them to be economically active to support themselves, etc.

### 16.2.2. Case Studies of Acid Violence in Pakistan

Following are few case studies reproduced from acid Survivors Foundation (2015: 36-38) for the understanding of reader regarding the nature, causes and consequences of acid violence against women in Pakistani context.

#### **Text Box 16.3: Acid Crime Victim Case Study 1: Manzoor Attiq**

Manzoor Attiq, a young girl of 22 years, was married to Maqsood Ahmad in the village of Gujranwala. She is also the mother of a 2 year old daughter. She had been experiencing domestic violence from her in-laws since she got married, but the cruelty reached its peak on 26th April 2006, when her mother in law, sister in law and brother in law threw acid on her. After this brutality they locked her in a room. At 6 o'clock in the evening they took her to the hospital at which point the acid had melted her skin and bones badly.

Attiqa was admitted to a Government hospital and her parents left no stone unturned for her treatment. They have also sold all of their valuables to pursue the legal case against the criminals. However, they have not been successful and instead have received false legal cases against themselves from opponents. After two years Manzoor was not able to eat and drink properly due to her melted lips and contracture of neck. Luckily a doctor named Ijaz referred her to ASF-Pakistan on 1st March, 2008. At ASF she has received multiple surgical

procedures to release contractures and reconstruct her lips and face. Now she looks better and can eat and drink properly. ASF-P is also following up with legal support by getting in touch with the lawyer. The return of Manzoor's daughter to her has been discussed as well as the punishment of the criminals. She has attended her second surgery and is getting ready for the third one.

Source: (Acid Survivors Foundation, 2016)

#### **Text Box 16.4: Acid Crime Victim Case Study 2: Maria Shah**

Maria Shah was a young woman living in Fujdari, Shikarpur, and Sindh. She was training to be a midwife and also working in a local clinic. On 15 January 2009 she was in the clinic in the late afternoon, with her father and cousin, when Arslan Sanjari, threw acid over her face and body. Arslan Sanjari was a *rickshaw* driver from the local area and for some time being taking Maria to and from her school and college. He had developed an interest in Maria and had asked to marry her. It seems that she had on a number of occasions refused.

Immediately after the attack Maria was taken by her father to the Shikarpur Civil Hospital for first aid. She had extensive injuries to her eye, face, neck, and body. Her brother visited the police station and immediately lodged an FIR. News spread of the attack and a reporter from a local television channel, KTN News went to the civil hospital. Their reporter interviewed Maria, who gave details of the attack and named Arslan Sanjari as her attacker. Several hours after the attack she was transfer to Karachi for more specialist treatment. Despite being at the civil hospital for several hours, the police did not visit the hospital to interview Maria. Arslan Sanjari was arrested. The same reporter from KTN News visited the police station and interviewed Sanjari. In the interview Sanjari admitted that he had attacked Maria with acid from his car battery, angry that she would not marry him. The interviews were broadcast.

Tragically Maria died 25 days later from her injuries. Her statement still had not been taken by the police. However, during the investigation Ms. Shah's father, cousin and the doctor in whose clinic she was attacked gave evidence about the attack, implicating Sanjari. Sanjari was charged with murder (s300 PPC), assault with intent to outrage a woman's modesty (s354 PCC), assault with intent to dishonour a person (s355 PCC), and section 6 of the Anti-Terrorist Act. The case was originally allocated to the normal court system. This led to very lengthy delays in the case being brought to trial. Ultimately the case was transferred to the Anti-Terrorist Court in Shikarpur.

Prior to the trial, the cousin and doctor who had previously given evidence that Sanjari was the attacker resiled from their statement, apparently under pressure from the perpetrator, leaving only Maria's father as an eye-witness. Faced with the two witnesses resiling from their earlier accounts, the prosecutor sought additional evidence. The journalist was interviewed and gave evidence to a magistrate, confirming what had been said to him by both Maria and Sanjari in the interviews. Copies of the interviews were obtained and were used as exhibits. At the trial in September 2015, the prosecution relied on the evidence of Maria's father, police, medical evidence and the evidence of the journalist. The interviews were viewed. Sanjari's defence was that contrary to her father's evidence, that of the reporter and the recorded interviews, Maria had wished to marry, had been prevented by her family and had thrown acid over herself in order to commit suicide. His lawyer argued that the interview with Maria should

be excluded as, in the absence of medical evidence. Confirming her mental state, it could not be seen as a dying declaration. Sangari did not give evidence and was not cross-examined.

The Anti-Terrorist Court judge accepted the prosecution case and rejected Sangari's account. He found that the evidence of Maria's father and the statements of the two resiling witnesses were broadly consistent. He commented that the phenomenon of resiling witnesses was a frequent issue in Pakistan, drawing attention to witness intimidation and fear of enmity as a result. He commented on any small discrepancies were unsurprising given the five years since the incident. He also saw the interview with Maria and the evidence of the journalist was useful. The ATC judge found that Maria had been murdered. He also found that the attack amounted to terrorism, as the television report would have created "Panic and a sense of insecurity in the area" in which the attack happened. Sanjari was convicted of the charges and was sentenced to death on 5 September 2015.

Source: (Acid Survivor Foundation, 2015: 35-36)

#### **Text Box 16.5: Acid Crime Victim Case Study 3: Zahra Bibi**

Zahra Bibi, a young woman from Rahimyarkhan District, had been married against her will and under pressure from her parents, to a local man, Nayar Abass. After the marriage she fled her home with the man she had wished to marry, Sajjad. After she fled, her father, Hafeez Ullah lodged an FIR, claiming that she had been abducted by Sajjad. A local police officer was involved investigating that allegation. Zahra Bibi, however, managed to obtain a court divorce and was able to marry Sajjad. The kidnap allegations were withdrawn when it became clear that Zahra Bibi had divorced and married of her own free will. As a result, Zahra Bibi was estranged from her family for several years. In May 2012 Zahra Bibi was attacked with acid, resulting in terrible injuries. She needed her daughter to help her. On 20 May she returned to her parent's home. The next day, on 21 May 2012, Zahra Bibi was attacked with acid, resulting in terrible injuries. She was admitted to hospital but died 38 days later, on 29 June 2012. The circumstances of the attack and later events were disputed.

Zahra Bibi's husband, Sajjad, said that, having left Zahra Bibi with her parents, he travelled to a mosque to seek work as a *Quran* teacher. He stayed there that night and the next day he heard the news of the attack on Zahra Bibi. He decided to return and speak to the police. His account was that he was then detained and was held until his wife's death, when he was charged with her murder. He believed that his wife had been attacked by her family and her previous husband, Nayar Abass, in revenge for her elopement and marriage. He believed the police officer, who had previously investigated the kidnap allegation, was acting in league with his wife's father and former husband.

Zahra Bibi's family and the police gave a different account: accusing her husband Sajjad having been at the house, having attacked her with acid and then having fled. Various family members gave evidence confirming this. The Police denied that Sajjad had been detained in May 2012. They instead said that that Sajjad had fled after the attack but that they had found and arrested him after Zahra Bibi's death.

The police claimed that Sajjad had confessed and given details of where he had left the acid container. After Zahra Bibi's death they collected a bottle found close to Zahra Bibi's family home, outside the local mosque. The bottle was never fingerprinted or sent for forensic analysis. Importantly, the police alleged that shortly after the attack, Zahra Bibi had made a dying declaration, implicating her husband as her attacker. Crucially, this "dying declaration" was not witnessed by the medical staff caring for Zahra Bibi. During the investigation, Sajjad deposed his evidence, denying that he was present and the attack, and implicating Zahra Bibi's

family, former husband and the investigating officer. His account was supported by two witnesses, who confirmed that he has been working at the mosque on the day of the attack. He declined to give evidence at the trial and was not cross-examined.

The case was heard. After some delay, by the Bahawalpur ATC. The judge accepted the prosecution evidence, including the "dying declaration", and convicted Sajjad under s300 of the PPC (murder) and section 6 of the ATA (terrorism), awarding the death penalty. The case was then heard before the Lahore High Court, Bahawalpur Bench. The Court overturned the conviction finding, amongst other things, that the dying declaration was not valid. Criticism was made of the police investigation and lack of forensic evidence. As a result of the High Court finding investigations have now been commenced into the conduct of investigating police officer, doctor treating Zahra Bibi before her death and the prosecutor who presented the case before the Anti-Terrorism Court.

Source: (Acid Survivor Foundation, 2015: 37-38)

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## CHAPTER - 17

### CAUSES OF VIOLENCE AGAINST WOMEN IN PAKISTAN

It is necessary to look and review the framework and structure of all social institutions, social processes, and the whole social fabric to identify the causes that foster crime and violence against women in Pakistan. It needs to look at the social structure, culture, religion and its manipulation, politics and power dynamics, presence and nature of legal provisions, the quality of law enforcing institutions, implementation of law, access to justice, and morality and ethics of society. This chapter is dealing with several of the factors which affect the prevalence and persistence of a variety of crimes and violence against women in Pakistani society.

#### 17.1. FACTORS EFFECTING VIOLENCE AGAINST WOMEN

Some of the studies have highlighted the social factors that are affecting crime and violence against women in Pakistan. Syed, Afzal and Tabassum (2015) in their research on sociological factors effecting crime and violence against women have identified several causes of crime and violence against women in Pakistan. They have identified the prevailing culture of patriarchy and anti women social practices, women's segregation in home, their lack of education, their marginal representation in political forums, the practice of not reporting the crime against them to police, insufficient laws, and unfavourable attitude of police and law enforcing agencies all are interlinking reasons that lead to persistence of crime and violence against women in Pakistani society.

Similarly, Tabassum, Tabassum, and Afzal (2013) in their study on social practices fostering crime against women and the law also highlighted a variety of reasons behind crime and violence against women. The reasons identified include patriarchy and male domination, over emphasis on the sanctity of private sphere of home and family honour, gender insensitive social institutions, discrepancy in crime reporting, complex legal system, lack of women in politics, and their unawareness about rights (Tabassum, Tabassum, & Afzal, 2013: 317-320).

This chapter will discuss some of the factors already highlighted in above mentioned researches along with several new elements crucially responsible for women's vulnerable condition and frequent occurrence of crime and violence against them in Pakistan in detail with the help of primary data analysis. The social, cultural, political and economic causes of crime and violence against women are separately dealt in different following section.

##### 17.1.1. Social Causes of Violence Against Women

There is a variety of social factors which are responsible for women's lower status in society and thus, their more vulnerability to different forms of crime and violations. The social factors crucial in this regard include patriarchal structure of society, women's lower socio-economic status, their segregation in private sphere of home, lack of education and awareness, and their low control on economic assets like property and income.

###### 17.1.1.1. Patriarchy

Patriarchal society with its distinct feature of men's domination over women allows establishing and maintaining such a control by every man over at least some of the women. Different forms of abuse and majority of violent acts against women are very effectively condoned in such patriarchal society. This claim is valid for almost all the societies inhabiting earth because patriarchy is a universal characteristic of all existing societies. Violence survives from one society

to other because of its function of maintaining control of those successful in establishing power over others who are successfully reduced to weaker position and status. Pilcher and Whelehan (2004: 173) have highlighted that violence has been identified as a key mechanism in the subordination of women by men (for example, Brownmiller, 1976; Radford & Stanko, 1996; Walby, 1990). It means, violence against women exists and persists in all societies because of its function of maintaining and reinforcing control of men by subordination of women. This control, authority and superior position of men and the violence to maintain them all are results of the broader patriarchal culture.

**Table 17.1: Patriarchy (male domination) is responsible for women's victimization**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 170       | 80.2    | 80.2          | 80.2               |
| <b>Do not know</b> | 14        | 6.6     | 6.6           | 86.8               |
| <b>Disagree</b>    | 28        | 13.2    | 13.2          | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

The above frequency Table 17.1 shows that the majority of educated people (i.e. 80.2%) consider patriarchy (i.e. male domination over women) as responsible for women's vulnerable conditions in society. Another 13.2% respondents disagree with this phenomenon. Only 6.6% respondents have showed their lack of knowledge in this regard. Syed et al. (2015) in their research also highlight the relationship between patriarchy and several other causes of crime and violence against women. Their intention is to highlight the fact that the prevailing overarching culture of patriarchy (i.e. male domination over women) is the basic factor that leads to all other responsible factors. The patriarchy is found responsible for prevalence of anti women cultural practices. The patriarchy is also found linked with women's segregation in home. The segregation in home leads to women's less education, awareness and political participation. In patriarchal societies, when women have less social capital and are less represented in politics, this leads to insufficient and gender insensitive laws and their implementation mechanisms. Syed et al. (2015) have aptly identified the association between all above stated causes and patriarchy through statistical test applied on their survey data.

#### **17.1.1.2. Women's lower socio-economic status**

As we have already seen in previous chapters that women are ascribed with a lower socio-economic, educational and health status in Pakistan. Family stands as the basic social unit of society. Their lower status starts from within family. Pakistani women in the family are supposed to do long working hours for domestic chores, having to work in fields and family businesses, eat less and later than men in family, having no control on economic resources such as money and property. They look after, feed, and milk the livestock but do not have any control on their sale and purchase or the money earned from selling milk and other dairy goods. Pakistani women are less educated as compared to men. They are less represented in the paid work outside home. Their participation in the fields of modern technology and knowledge are curtailed due to lack of education among them and their compulsory and young marital life that demands most of their time in bearing and rearing children inside home. This situation also led to their less participation in and male domination of all the social and political institution of the country. The male domination of all institutions from family to state also impacts on the attitudes, perceptions, ideologies and value systems generated and fostered by these institutions, thus giving prime position to men and presenting women as lower being. The definition and framing of women's lower status starts from family, where she is deprived of the control on her own body and decisions of her life, to the state, where they are less represented and participating in legislative formulation, law enforcement, policy making and channelling the state resources for the benefit of women in the country.

### 17.1.1.3. Segregation in home and lack of mobility

Pakistani society is dichotomously divided into public and private sphere. Public sphere with most of the social and economic resources lying there has been assigned to men. Social opportunities of education, employment, social networking, and exposure to practical life outside home are necessary social capital for human development. But Pakistani women are mostly spending their life in the private sphere of home. They rarely access the public sphere where these opportunities are lying. Their only way to access the public sphere is through their family men. When living in the private sphere with low social capital, they become vulnerable to crime and violence against them. They lack education and awareness to realize the violence and crime against them and to take proper measures for its control. Their lack of social networks and reliance on family male patriarch makes them isolated and unable to report the violence and crime done against them to anyone outside the family.

The frequency Table 17.2 shows that the majority of educated people (i.e. 71.2%) consider women's segregation in the private sphere of home as responsible for women's vulnerable conditions in society. Another 13.2% respondents disagree with this phenomenon. Only 15.1% respondents have showed their lack of knowledge in this regard. The survey results aptly show that a large majority of the respondents are realizing the negative impact of women's segregation inside the four walls of home.

**Table 17.2: Women's segregation in home results in their vulnerable conditions**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 152       | 71.7    | 71.7          | 71.7               |
| <b>Do not know</b> | 32        | 15.1    | 15.1          | 86.8               |
| <b>Disagree</b>    | 28        | 13.2    | 13.2          | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

### 17.1.1.4. Lack of education and awareness

The lack of education and awareness among Pakistani women is also an important factor that severely affects the long persisting forms of violence against them in broader society. Majority of women in Pakistan, especially those residing in rural areas, are least aware about their rights and legal provisions to safeguard their rights in society. Uneducated women are not aware of the legal procedures and the institutions to be contacted for support and justice. This is a result of lower educational level and literacy rate of over all women in the country, in general, and of rural women, in particular (Population Census Organization, 1998a; 1998b). It is a fact that rural women suffer more from the crimes like honour killing, *watta satta*, *vani* and *swara* as compared to urban women due to their poor education and awareness.

The frequency Table 17.3 shows the survey results on educated people's perception regarding lack of education and awareness as an important reason that fosters crime against women in Pakistan. It shows that the every nine out of ten educated people (i.e. 94.3%) consider women's lack of education and awareness as responsible for women's victimization to anti women social practices and crimes in Pakistani society. Only 5.7% of the respondents, that is minority of respondents, disagree with this phenomenon. It is also important that no one has showed lack of awareness or knowledge in this regard.

**Table 17.3: Women's lack of education and awareness makes them victim of crime**



|                 | Frequency | Percent | Valid Percent | Cumulative Percent |
|-----------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>    | 200       | 94.3    | 94.3          | 94.3               |
| <b>Disagree</b> | 12        | 5.7     | 5.7           | 100.0              |
| <b>Total</b>    | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by author.

#### 17.1.1.5. Low economic control

Pakistani women lack control on the personal and family related economic resources. They, especially rural women, do not have decision making power and say in controlling and utilizing the economic resources like income, money, property, livestock, etc. Rural and urban women are working as unpaid workers in the family agricultural fields and family business. The money earned from these economic activities is mostly remained controlled by men. The lower labour force participation of Pakistani women has also been studied in chapter 19. The women working in the industrial urban centres are paid with low wages as compared to men. They are mostly employed in the assembly lines, and service sector jobs. They are rarely employed as managers, supervisors or on executive post of the institutions. They lack control on the monetary resources within and outside the family, therefore, they are unable to utilize these resources for their benefit, protection and access to justice in case of violence and crime against them.

#### 17.1.2. Cultural Causes of Violence Against Women

The culture of society plays an important role in determining the respective roles and status of both genders in a society. The cultural factors that play critically important role in preserving certain types of crime and violence against women in society involve the feudal and tribal organization of society, and several cultural practices and norms practiced in that society. The following section will give a brief picture of these prevailing cultural factors that result in continuous practice of criminal and violent action against women.

##### 17.1.2.1. Tribal and feudal culture

Pakistani society has a tribal and feudal culture where men dominates all the aspects of life and rule the society and communities as culturally defined patriarchs. Their ruling status is defined through traditional, unwritten and informal norms, laws and decision making procedures. The feudal and tribal system of society runs on the basis of alliance between dominant and powerful men. The powerful status of men is defined on the basis of their landholding, control on how many men and women, and the ability to expend influence and networks to how large geographical area, families, castes and *biradri* ties. In this system women and children are considered, not only as subordinate, but also as resource, property and commodity whose rights are reserved to some male patriarch (especially those in family, or community). This broader system of tribal and feudal society provides women with no power and authority, rather they remain submissive and subordinate. Their weak position makes them fall prey to violations and crime.

##### 17.1.2.2. Socio-cultural practices

Male dominated society generates, fosters and preserves the values and practices that are beneficial to them, even if they are not favourable to any women in the society. In the previous chapters we have studied some of such social practices. *Vani*, *swara*, honour killing, etc. are to name a few. Several such socio cultural practices prevailing in Pakistani society are harmful for women and victimizing them. Although, now people have started realizing them as anti women practices but still these practices are largely being exercised. The law to curb these practices is nascent and not implemented well to curb such practices to provide constitutional safeguards to women in Pakistan. Most of anti women socio-cultural practices are being rooted in culture and are usually not recognized as crime by broader society (The Commission of Inquiry for Women, 1997).

**Table 17.4: Anti women social practices are result of cultural norms**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 166       | 78.3    | 78.3          | 78.3               |
| <b>Do not know</b> | 32        | 15.1    | 15.1          | 93.4               |
| <b>Disagree</b>    | 14        | 6.6     | 6.6           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

The above frequency Table 17.4 shows the results of survey on educated people's perception on causes of crime and violence against women in the country. It is observed that the majority of the respondents (i.e. 78.3%) consider that anti women socio-cultural practices are the results of social norms prevailing in our society. Only 6.6% respondents disagree with this phenomenon. Another 15.1% respondents have showed their lack of knowledge in this regard. The survey results presented here show that people consider that prevailing social norms have the potential to foster and preserve cultural practices that might harm women.

### **17.1.3. Political Causes of Violence Against Women**

The power sharing among both genders in Pakistan is also not favouring women. Women are less represented in both formal and informal political institutions. They are less represented in higher positions of power and authority. They make a smaller number of legislatures. The major power avenues of the society remained male dominated throughout the history. This low power ascribed to women curtails their chances of influencing the major policy, law and political decision making at institutional and state level to protect their rights.

#### **17.1.3.1. Women's less representation in political institutions**

Women's absence from political system can be best observed in the gender composition of parliament and assemblies. Pakistani women remained either absent or marginally represented in formal political institutions. Pakistan has witnessed a long period of women's marginal representation in political forums till the year 2000 (Shirkat Gah, 2009; Zia & Bari, 1999). Women's equal participation in politics and legislative institutions is essential for change in women's status in overall society.

**Table 17.5: Women's marginal participation in political and law making institutions (e.g Parliament) is a reason for making victimizing laws for women**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 146       | 68.9    | 68.9          | 68.9               |
| <b>Do not know</b> | 18        | 8.5     | 8.5           | 77.4               |
| <b>Disagree</b>    | 48        | 22.6    | 22.6          | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

The statistics presented in Table 17.5 show the results of a survey conducted on educated people's perception on causes of violence. The statistics show that 68.9% people are agree that women are participating and contributing very less in political and legislative institution and it is one of the main reasons that makes them vulnerable to crime and violence in the society. The absence of women from male dominated political and legislative institutions has resulted in lack of their voice while formulating laws in Pakistan. It is contended that the increasing trend of

women's participation may have potential to change the law that can ultimately empower women by protecting them from violence and crime.

#### **17.1.4. Legal Causes of Violence Against Women**

The legal framework plays an important role to protect and safeguard the rights of different individuals and groups in a society. The laws formulated in male dominated political and legislative forums usually are not sufficient to protect the rights of women. This section discusses some of the legal causes that foster crime against women in Pakistan. The legal cause of crime and violence against women in Pakistan discussed here include insufficiency and gender insensitivity of available laws, unfavourable attitude of law enforcing agencies, existence of parallel legal systems and the prevalence and acceptance to the informal legal institutions like *Jirga*, and several legal and practical barriers in reporting the crime done to women.

##### **17.1.4.1. Insufficient laws**

In Pakistan, customary practices are fostering crime against women while Pakistani law is lacking to curb anti-women socio-cultural practices. As the results of the survey conducted on educated people's perception regarding the causes of crime and violence against women show that majority of the respondents (i.e. 71.7%) consider that Pakistani laws are not sufficient to abolish anti-women social attitudes and inequalities producing violence against women. Pakistani law and law enforcing agencies lack seriousness for women issues. The existing lengthy legal procedures and exploitation by law enforcing agencies prevent women to come forward for their rights. Another 19.8% of the respondents do not found Pakistani law as insufficient to protect women from crime and violence. The rest of 8.5% respondents were unable to decide about the sufficiency of Pakistani laws due to lack of their knowledge in this regard.

##### **17.1.4.2. Gender insensitive laws**

The existing laws and the law enforcing institutions lack the gender sensitivity. There are several laws which give unequal worth to women and men. The law of evidence assigns unequal worth to the evidence of women and men in financial matters. Similarly, law of inheritance allows unequal share to men and women in inheritance. The results of a survey conducted by author show that 65.1% respondents are in agreement that Pakistani law promotes gender inequality. Most of the laws on women issues are unable to address discrimination and the gender violence that women are facing in our society. Another 25.5% respondents disagree from these phenomena of gender insensitivity of Pakistani laws. Only 9.4% showed their lack of knowledge in this regard. The attitude of law enforcing agencies towards women victims is no less than effort to find the guilt on women's part that may have led to the commitment of crime against her.

Across the world, especially in Pakistan and her neighbouring countries women are being beaten, raped, killed and abused. It's very difficult for women to get legal protection against such violence. Law of evidence is fostering gender inequality. The difficult evidentiary requirements in the case of rape, most of the women suffer in past by getting accused of adultery when they couldn't present male evidences to prove allegation of rape done against them. The survey results also show that 62.3% respondents are agreed that the law of evidence fosters gender inequality. While 21.7% disagree with this phenomena and rest of 16% were found having no knowledge in this regard.

##### **17.1.4.3. Attitude of law enforcing agencies**

The culturally unfavourable practices, social stigmas, attitudes and inequities producing violence against women are also firmly rooted in Pakistani social institutions. There is absence of comprehensive mechanism and implementation of law and lack of political will to curb the malicious practices. The law enforcing agencies are not seriously addressing women's issues that results in further reproducing women's victimization through discriminatory laws, lengthy and

victimizing legal processes, and biased attitudes while providing justice (Cheema, 2008). The institutional framework also helps to foster all forms of violence and crimes against women. There is need of repealing all discriminatory legislation causing hindrance in the way of justice. There are several structural problems in law and law enforcing agencies having adverse consequences for the trail of cases involving violence against women.

Most of the cases of violence against women are usually unreported as considered a matter of social silence. Women victims avoid reporting these crimes due to social stigmas, shame, and fear of causing bad reputation for the family. The lengthy legal procedures and the exploitation by gender insensitive law enforcing agencies are also preventing Pakistani women from reporting these crimes. Therefore, the reports of crimes and violence against women to law enforcing agencies are usually done in a small number. When reports of these cases are made, the agencies themselves are not sensitive to handle women's issue and the women victim properly. Women suffer the unfavourable attitudes, harassment, violence, and exploitation in custody. Junejo (2004: 236-237) have discussed some cases of valence with women in the police custody in Pakistan. The fear of exploitation in custody of law enforcing agencies is one reason to cause silence on such matters (Chadbourne, 1999; Human Rights Watch, 1999; Human Rights Watch, n.d.; Jilani & Ahmed, 2004; Marcus, 1993; Weaver, 2007).

The investigation of reported cases of violence against women is further compounded by the inefficacy of the justice system in prosecuting and punishing the criminals. The complicated and multiple legal systems conflicting with each other enhance the misery of victims. The delay, long processes, and huge money required to acquire justice from the legal courts in Pakistan is disappointing for common people and curtailing their chances of consulting these institution to find justice for the crimes committed to them. The large time span and sufficient money requirements along with the complications of formal law courts are the causes that people prefer to not consult for justice or if necessary than prefer to go to traditional settlements through *jirgas*.

**Table 17.6: The law enforcing agencies (e.g. police and court) do not have favourable attitude towards women victims**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 180       | 84.9    | 84.9          | 84.9               |
| <b>Do not know</b> | 4         | 1.9     | 1.9           | 86.8               |
| <b>Disagree</b>    | 28        | 13.2    | 13.2          | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

Unfavourable attitude of police and the law enforcing agencies is one of the factors that led to women keep silence. The courts when deciding the cases of violence against women have been observed in past to have a gender bias in accepting that women are not the one who have made the situation plausible for committing the crime through sudden provocation.

The above frequency Table 17.6 shows the results of survey conducted on educated people's perception on causes of crime and violence against women in the country. The findings of the survey highlight that the majority of the respondents (i.e. 84.9%) are agree that law enforcing agencies like police and courts in Pakistan do not possess a favourable attitude towards women victims. Another 13.2% respondents disagree that law enforcing agencies has any such unfavourable attitude to women victims. Only 1.9% respondents have showed their lack of knowledge in this regard. The survey results presented here have highlighted a popular perception that law enforcing agencies do not possess a favourable attitude towards women victims of crime, thus, are unable to deal with the cases of violence against women in a proper way.

#### **17.1.4.4. Non-formal laws**

The hopelessness and dissatisfaction towards formal legal system in addition to the tribal and communal patriarchal control of the individuals lead them to consult the local tribal councils of elders (e.g. *Jirga* or *panchayat*) for justice. In remote or rural areas there is no access to judicial system; natives mostly consult these non formal assemblies to resolve their disputes. These are local informal parallel mechanisms in the absence of courts in rural and far flung areas, for the quick and low cost settlement of local disputes. Therefore, the small numbers of cases come to the formal courts as compared to most of the cases being tackled by tribal *Jirga* or *Panchayat*.

The local councils of *Jirga* or *Panchayat* are mostly dominated by men; especially the heads are resourceful regional or tribal patriarchs. The absence of women in these councils as the heads, members, complainants, or in audience usually results in pronouncement of decisions against women. The local councils usually settle the disputes among men by exchanging money or women of the both parties. In short, they consider the women as the property or asset of the men that should be spoiled to compensate or equate the damage of victim party. The decisions of these councils mostly come to serve the interests of men by settling their disputes through victimizing the women. A description of the composition and function of and treatment of women in these local councils is already narrated in Chapter 15 of this book.

**Table 17.7: Violence against women mostly not reported to law enforcing agencies**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 190       | 89.6    | 89.6          | 89.6               |
| <b>Do not know</b> | 14        | 6.6     | 6.6           | 96.2               |
| <b>Disagree</b>    | 8         | 3.8     | 3.8           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by author.

### 17.1.5. Pattern of Reporting the Violence Against Women

It is observed that mostly the cases of violence against women are not reported to law enforcing agencies. Women face several layers of social, cultural and structural barriers in reporting the crime committed against them. Andersson et al. (2010) in their research study using the household survey data and focus group discussions to explore barriers in disclosing and reporting violence among women highlight that almost one third of the surveyed women had experienced physical violence but only 35% of them could have told anyone about it. Those reported to have told someone, the listener is mostly someone from within the family. The number of the women victims who have reported the violence done against them is marginal. Andersson et al. (2010: 2) identify that only 14 women out of 7,895 women faced with physical violence could report that to police.

The results of the survey conducted by author on educated people's perception regarding causes of crime and violence against women, presented in Table 17.7, also show that majority of the respondents (i.e. 89.6%) consider that mostly cases of violence against women are not reported to law enforcing agencies. Only 3.8% of respondents disagree with this phenomenon. Another 6.6% did not show any knowledge in this regard. Similarly, the same survey also explored people's perception on the reporting patterns of anti women social practices when occurred against women to police and law enforcing agencies. The findings of the survey as presented in Table 17.8 also highlight that the anti women socio-cultural practices are rarely reported to police. The majority of the respondents (i.e.77.4%) agree that anti women cultural practices are rarely reported to law enforcing agencies. Only a minority of 8.5% respondents disagree with this statement. Another 14.2% of the respondents showed their lack of awareness in this regard.

**Table 17.8: Anti women cultural practices rarely reported to law enforcing agencies**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 164       | 77.4    | 77.4          | 77.4               |
| <b>Do not know</b> | 30        | 14.2    | 14.2          | 91.5               |
| <b>Disagree</b>    | 18        | 8.5     | 8.5           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

The results of the survey of prevailing perceptions regarding the reporting patterns of violence against women match with the statistics provided by Andersson et al. (2010) on the actual patterns of reporting the violence by the women victims. Both the studies show that women rarely report the crime against them. Whenever they do report, it is mostly done within the family. The rate of reporting the crime and violence against women to law enforcing agencies is negligibly low. This situation is highlighting a prevailing process of social silencing to prevent women from disclosing violence done to them to anyone.

#### 17.1.5.1. Barriers in reporting the violence against women

The prevailing pattern of not reporting the violence against women is a result of several layers of social, cultural, political, economic and structural barriers that women have to face when intending to report the violent incidence happened to them. The main personal causes of rarely reporting the crime and violence against women to law enforcing agencies can be the lack of education among women, their lack of access to law enforcing institution due to segregation in home, and too much of the ideological burden of maintaining the family reputation. The lower educational and economic status along with the lower authority and decision making position within family does not allow Pakistani women to independently pursue the matter without the help of their family patriarchs. The patriarchal control of men within and outside family do not allow them to take a stand and outright come out of home to report the violation mostly done to them within family, neighbourhood, extended family or tribe. At the very initial level, they mostly fail to secure permission from family elders or men to report the crime.

Andersson et al. (2010: 8) exploring that why women do not report the abuse conclude that mostly they do not report abuse within family because of the fear of bringing dishonor, worsening of the problem, separation or divorced by the husband, and loss of children. They found majority of the respondents not in favour reporting the crime to police or anyone outside the family. They conclude that women do not report crime outside the home because of the belief that it's a family problem to be solved within it, because of fear of bringing dishonor to family, no hope of finding help outside home, resistance from the family and husband, bad attitude of police, and constrained financial resources (Andersson, 2010: 10-11).

**Table 17.9: Women victims do not report crime against them due to bringing bad reputation and dishonour to the family**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 206       | 97.2    | 97.2          | 97.2               |
| <b>Do not know</b> | 4         | 1.9     | 1.9           | 99.1               |
| <b>Disagree</b>    | 2         | 0.9     | 0.9           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by author.

Family and its honour is an important factor in social life of Pakistan. The family honour is mostly associated with the body and conduct of the women in family. The men are considered the protector of this honour by controlling the body and conduct of their family women. Therefore, women victims mostly do not report crime against them to public and police because they do not want to bring bad reputation to their family. The results of the survey conducted by author, presented in Table 17.9, show that majority of the respondents (i.e. 97.2%) agree that women victims do not report about the crime and violence to anyone or police because they do not want to bring dishonour and bad reputation to their home and family. Only a negligible minority of the respondents (i.e. 0.9%) do not consider this as a reason behind women's behaviour of not reporting the crime against them. Only 1.9% of the respondents showed that they do not know anything in this regard.

Besides the fear of spoiling family honour, there are some structural and procedural problems that prevent women from reporting the violence done against them. The legal procedures are also too complex and lengthy. It needs lot of money and time to pursue the complaints once made to law enforcing agencies for reporting crime done to women. The women lack in the resources in terms of money, free mobility and time to be spent outside home. Therefore, these lengthy and complex legal procedures are also appearing to prevent women from opting to report the crime done against them to police. The exploitation in the hands of police after reporting the crime is also one of the factors that successfully silenced majority of women victims in Pakistan.

**Table 17.10: Women victims do not report crime against them due to lengthy legal procedures and exploitation by police**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 202       | 95.3    | 95.3          | 95.3               |
| <b>Do not know</b> | 4         | 1.9     | 1.9           | 97.2               |
| <b>Disagree</b>    | 6         | 2.8     | 2.8           | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by author.

The results of the survey conducted by author, presented in Table 17.10, show that majority of the respondents (i.e. 95.3%) agree that women victims do not report the crime and violence done against them to anyone or police because of the lengthy legal procedures and the consequent exploitation by police. Only a minority of the respondents (i.e. 2.8%) do not consider this as a reason behind women's behaviour of not reporting the crime done against them. Only 1.9% of the respondents showed that they do not know anything in this regard.

### GENDER AND POWER IN PAKISTAN

This chapter focuses on some basic concept necessary to understand the political processes and their differential implication for men and women in Pakistan. It focuses on gender, power, gender politics, and basic principles of sharing of power among men and women in Pakistani society. This is intended as an introduction to the forth coming chapters on women's political participation in formal and informal political institutions in Pakistan.

#### 18.1. GENDER AND POWER

Gender politics and the unequal distribution of social and political power among men and women cannot be understood without understanding two basic terms of "Gender" and "Power". These two terms are defined in the following sections in detail. A relationship between the two phenomena is also explored as resulting in a socially constructed gendered order in broader society. Then, the specific configuration of power sharing between men and women is discussed in the context of Pakistani society.

##### 18.1.1. Defining Gender

The sex of persons can be defined in terms of biological criteria set to classify them as males or females. But gender is "a social construct" referring to "what a group considers proper for its males and females" (Henslin, 1997: 281). It is the sum of "the social characteristics that a society considers proper for its males and females; masculinity or femininity" (Henslin, 1997: 282). Byrijak and Soroka (1997: 211) consider that "gender classifies people on the basis of physiological, psychological, and socio-cultural characteristics. A given individual's gender is the function of his or her identification with a given sex and adoption of a lifestyle deemed appropriate for that sex."

Gender is a socially constructed definition to classify people in society as men, women or neuter. It is defined as "a way of denoting "cultural constructions"-the entirely social creation of ideas about appropriate roles for women and men" (Scott, 1986: 1056). Byrijak and Soroka (1997: 211) aptly identify that "[g]ender-being woman or man-is a matter of cultural orientation and social practices as well as biology." It is considered as an analytical category that demarks the line between "biological sex differences and the way these are used to inform behaviours and competencies, which are then assigned as either 'masculine' or 'feminine'" (Pilcher & Whelehan, 2004: 56). It is concluded that "[g]ender is the activity of managing situated conduct in the light of normative conceptions of attitudes and activities appropriate for one's sex category" (Jackson & Scott, 2002).

Gender can also be seen as a way of legitimizing one of the most basic social stratification in human societies. It is considered "as an emergent feature of social situation: as both outcome of and rational for various social arrangements and as a means of legitimating one of the most fundamental division of society" (Jackson & Scott, 2002). Gender is not only an individual's doing but it is created through interaction (social situation with virtual or real presence of others) and at the same time structures all human interactions. Most of the time genitalia, defining people as male or female, are hidden from common inspection. Therefore, sex categorization in everyday life is done according to appearance and performance of appropriate gender behaviours associated to a particular sex category. The categorization of human beings into gender categories is not



without its political implications. The element of power and the different distribution of power are also important to be studied in an interlinked manner with the concept of gender.

### 18.1.2. Defining Power

Power literally means “the ability or opportunity to do something or to act” (Hornby, 1995: 904). Power is defined as “the ability to carry out one’s will, even over the resistance of others” (Henslin, 1997: 403). Power is generally defined as the ability of someone to work according to his or her own will. Further, Pilcher and Whelehan (2004: 115) explained that “to possess power is to have the ability to achieve whatever is desired regardless of any opposition.” Power or the ability to do something can further be categorized according to the degree of legitimacy given to the power holder for its application and its acceptance by the individuals or groups on whom the power is to be applied. The authority is the form of power legitimized by written laws. Its most common manifestation can be seen in the form of state run by an elected government or in law enforcing agencies like police and courts. The power applied without a prior legitimacy given to the power holder for its application is commonly known as coercion. Pilcher and Whelehan explained that power in its more overtly coercive form may be seen to be expressed by control with a lack of perceived legitimacy (2004: 115).

### 18.1.3. Gender and Power: Gender Stratification or Gender Order

To understand the link between gender and power, we first need to understand that how power is embedded or weaved in the concept of gender. Persons inherit their sex but they learn their gender through socialization into specific behaviours and attitudes socially considered suitable for their respective sex. It means “[gender] is a device by which society controls its members. [It] sorts us, on the basis of sex, into different life experiences. It opens and closes access to power, property, and even prestige” (Henslin, 1997: 281). Gender appears to include “political socialization the child will receive, the law which he or she will need to abide by, the differential distribution of social values, and the micro and macro power relations of men and women” (Krauss, 1974: 1706). Pilcher and Whelehan (2004: 56) in this regard claimed that “the actual physical or mental effects of biological difference had been exaggerated to maintain a patriarchal system of power and to create a consciousness among women that they were naturally better suited to ‘domestic’ roles”. It means gender itself is a political category that establishes different social values, socialization procedures and aims, and different power implications for both men and women in a society. All these procedures, values and socialization do not lead to an equal sharing of power between men and women in society rather they historically seem to be leading to assign the hegemonic power and supremacy to one gender (i.e. men) over the other (i.e. women).

This hierarchical, unequal and oppressive social order that gender roles and socialization give rise to in broader society is usually called as gender stratification or gender order. Henslin (1997: 280) defined gender stratification as “males’ and females’ unequal access to power, prestige, and property on the basis of their sex”. This hierarchical gender stratification is such a significant reality that it exists in all aspects of social life. It divides people as either male or female, irrespective of their social class, age, race, or ethnic classification. The social expectations attached to these labels (i.e. men and women) not only direct people’s behaviour but also serve as the basis of power relations. Byriak and Soroka (1997: 211) defined gender stratification as “the formation of inequality hierarchies based on sex.”

Pilcher and Whelehan (2004: 59) further explain that “‘Gendering’ and ‘gendered’ are concepts which ‘signify outcomes that are socially constructed and give males advantages over females’”. The process of gendering through socialization is implied to create the broader gender order in society. Pilcher and Whelehan (2004) defined the term gender order in following way:

“The gender order is a patterned system of ideological and material practices, performed by individuals in a society, through which power relations between women and men are made, and remade, as meaningful. It is through the gender order of a society that forms or codes of masculinities and femininities are

created and recreated, and relations between them are organized" (Pilcher & Whelehan, 2004: 61).

In short, the gender order is logically hierarchical, inequitable or oppressive to reduce to men and women to different status, conditions and privileges with women in disadvantageous conditions as compare to that of men in general.

## 18.2. SHARING OF POWER AMONG GENDERS IN PAKISTAN

In the gender contract women are considered as subordinate to men. Men are given a socially accepted superior position to control their subordinates. Since birth, Pakistani women are socialized with in family, community and broader society to be shy, timid, soft spoken, not to make arguments, reliant on men, emotional, submissive, limited in private sphere of home bearing and rearing children, and aiming to be good home keeper. On the contrary, men are socialized to be rigid, rough, logical, controlling, political, technical, breadwinner, aiming to earn better livings for family. The logical result of this type of different socialization is to channel women and men into different social and hierarchical categories of human beings. The hierarchy established by this socialization makes men controlling and dominant over the submissive and obedient women. Consequently, Pakistan women mostly do not have power even to take their own life decisions and control their own bodies. Their life decisions; like marriage, education and access to health facilities, having a child or not, are mostly taken by their respective male patriarchs.

Religious discourse also insists on women to follow their husbands and fathers to the optimum level. The same discourse also gives men the right to monitor and streamline the conduct of women by different measures if she does not follow the right path of conduct and do not obey him. Sometimes, the manipulation of religious discourse leads to such a great social evils like honour killing as a measure to control and get rid of the so-called deviant women.

In the economic sphere, women are also far behind than Pakistani men. Women have less power to control the socio-economic capital around them. Men are considered the in-charge of controlling their conduct and mobility. This controlled status curtails their chances to come out in public sphere as compared to men. Most of the economic and political resources lie in public sphere. Women unable to reach there have lesser chances to access, compete for and win these economic opportunities and resources (e.g. employment, paid work). Therefore, they remain reliant on men (e.g. father or husband) for their economic survival. They lack control on economic resources within family, like income, money, property, livestock, earning family business or agriculture. They also have less say in family and marriage related matters of their own, their daughters and other members of the family. They are also following the dictates of their male patriarchs, who are mostly husbands, fathers, or brothers within family. Consequently women lack the decision making power within family remain subordinate to the male head of family.

At communal level, traditional or formal decision making is mostly done among men without women's participation. Rather, men considering women as their property may exchange or give them to settle matters of communal nature (such as exchanges done in the name of *Vani*, *Swara* etc.). *Jirgas* are most common decision making authorities within traditional structure at communal level in Pakistan's tribal and feudal society. The composition of *Jirga* also rarely includes any women in any of its form prevailing throughout the country. This is considered as male dominated institution where influential men decide the matters of communal nature.

If we look at formal authorities or political institutions at local level, women were almost absent from the local councils/ local bodies established, time to time, in Pakistan. For long it remained male dominated institution, in which the positions of local representative(s) are mostly occupied by the most influential men of the local community. Women are included very late, through the introduction of women reserved seats in local councils. Women reserved seats served to bring women in councils but still were unable to give them power to act autonomously. Influential men brought their trusted and subordinate women to these reserved seats. The women on reserved seats, lacking in any power and authority in their own right, were following as directed by those who

brought them on these seats. Still, these women representatives in local councils are seen to be away from financial and administrative decision making in respects of local bodies and local communities. The same is the situation of women's power holding in formal political institutions at provincial and national level. At provincial and national assemblies of Pakistan, women are still working as tokens to male politicians who have inherited their political dynasties. One of the reasons behind women's lack of access and participation in the formal political forums at national level is the composition of the political groups within the country. The next section will discuss certain major features of the political groups in the country to show why a sufficient number of women do not comprise these groups.

### **18.3. ISLAMIC CONCEPTS ON WOMEN AND POWER**

*Quranic* sociology or sociology of Islam is a sub-field of the major discipline of sociology that studies the dynamics of any society in the context of what is prescribed in the holy book of *Quran* and Islam. Although, the women in different regions of Pakistan speak different languages and wear different dresses but the most powerful element similar among majority of them is the common heritage of their Islamic religion (Johnson, 1964: 7 cited in Hakim & Aziz, 1998: 728). Hakim and Aziz (1998: 728) claimed that "Islam has a far more pervasive influence in most aspects of life in Pakistan...It influences diet, marriage customs, education, and the celebrations of festivals and holidays and is an important consideration in implementing various policies."

In Pakistani society, Islam regulated all the aspects of social life. The woman as a person is depicted to be subordinate and obedient to men. Men are given more superior, dominant and authority position in all aspects of life. Family is nurtured as religious institution and the male patriarch with paramount authority is also extracting complete obedience from other family members as religious and ethical obligation. This control and obedience is fostered through religious discourse and teachings. The religious discourse narrating the duties and responsibilities of person explains and ensures complete obedience and subordination of women and young to men and elders. The women are asked to be loyal, faithful, obedient, passive, and supportive to the decisions of her patriarch men in each relationship: as daughter to father, as sister to brother, as wife to husband, etc. Men in all relations as father, husband and brother are considered the protector, care taker, controller and the leader. Women are found accountable to men in all these relationships. They are asked to follow their men. The disobedience is considered equal to sin. Therefore, as per the interpretations done by the religious clerics, men are also given the authority to apply force, if necessary, to align the conduct of their women in right way. Most of the politics done around the laws relating to domestic violence follows these religious interpretations.

On the communal level, again men are appointed as local religious leaders or caliphs in the religious history of Islam. Women are not given much authority and status to occupy these positions. This religious tradition is also said to be conditioning the status of women as not suitable to be a head of Islamic state. This controversy has remained popular in the two tenures of Benazir Bhutto as prime minister of Pakistan. In short, women are encouraged to be passive and submissive and follow their men from family the state level. They are not encouraged to take dominant public and authority positions. Rather, they are advised to be limited to the home and strive to make it a heaven for the comfort, happiness and pleasure of their men.

### **18.4. FEMINIST CHALLENGE TO TRADITIONAL POLITICAL THEORY**

Traditional political theory failed to recognize women as political actor in the political hierarchical relationship going on between men and women. The politics between two genders is not the subject of traditional political thought explaining formal political institutions and processes. Most of the classic political thinkers (e.g. Aristotle, Plato, and Socrates) and their work basically focus on state and formal political institutions outside the family as basic political actors. Women have mostly been identified as part of the family that is natural not political and is seen in terms of her sexual, reproductive and child rearing roles. It means they did not include women when explaining their philosophies and theories to guide the discipline of political science. Women's

political participation in formal politics has been explained as an exceptional phenomenon in the traditional political thought.

Feminist theorists have challenged this traditional conceptualization of women in political theory. Women and the hierarchical gender relations are the reality of social life. Any discipline giving any theories or philosophies by avoiding this large group of population and only focusing on one gender will remain flawed. Feminist scholars criticized the theory of politics for various reasons. Millet (1970) identified that the political theory treats power relationships in an unrealistic manner in large scale structures while avoiding the basic and small scale power relation between men and women. Firestone (1970) criticized the conventional political thought for their narrowness that "so profound a change cannot be easily fitted into traditional categories of thought, e.g., 'political', is not because these categories do not apply but because they are not big enough".

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## CHAPTER - 19

### WOMEN AND POWER IN FAMILY AND COMMUNITY

Pakistan is a patriarchal society. It is characterized with the male domination of women in all aspects of society. At the micro level of society, the institution of marriage and family provides dominance to men over women in the social structure. Accordingly, family is patrilocal that gives men all the rights to headship, control, power, authority and decision making within it. This chapter focuses on the sharing of political and decision making power among men and women within family and community in the broader context of Pakistan.

#### 19.1. WOMEN, POWER AND HOUSEHOLD DECISION MAKING

Pakistani society is similar to “classic patriarchy” (Kandiyoti, 1988: 274). The basic social unit of this society is family. The family is organized largely in patrilocal extended households. The patrilocal family or household gives senior male head of the household the authority to exercise power over all other members (including women, young men and children). The male patriarchs within extended or joint family usually exercise power over its all members. The members of such family usually included widow mother, wife, married or unmarried sons and younger brothers along with their wives and children and unmarried daughters and sisters (Wasim, Herani, Farooqi, & Qureshi, 2008: 30). This power structure of Pakistani family can simply be explained as “the rule of father over his family”. Authority lies with the senior male head of household, who is usually the father, and all the rest of members abide by his decisions. The property and decent proceed to this dominant male ruler’s line. Female headed households are very few in number in Pakistani society. In this way “patrilocal extended family ascribes women less authority for family decision making and this exclusion extends to the extra kin and large scale social networks” (Tabassum, 2011: 94).

Several studies have highlighted a selective and limited role of women in household and family level decision making on the basis of evidences collected from different parts of Pakistan (Arshad, Muhammad, Ashraf, & Chaudhary, 2010; Mukhtar & Mukhtar, 1991; Nosheen, et al., 2009; Pervaiz, Jan, Zafarullah, & Khan, 2012; Shaheed, 2002). The decision making process in the household is dominated by men. Nosheen et al. (2009) in their study on gender roles in decision making regarding socio-economic activities in district Chakwal clearly show that men play key role as main decision maker within family and majority of the women consulted their men for decision taken within family. The research highlights that 89.5% of the male respondents consider themselves as the main decision makers and their spouse (wives) are considered making only 3.0% of the total key decision makers. On the contrary, only 4.5% of the women (wives) respondents consider themselves as the main decision maker in the household as compared to 52.5% of them considering their husbands as the main decision maker within family (Nosheen et al., 2009: 76). The same research further highlights that majority of the women (i.e. 71%) consult their husbands to a large extent regarding decisions about family matters as compared to that of only 8% of their husband consulting wives for decision in family matters (Nosheen et al., 2009: 74).

A deeper look on women’s participation in decision making regarding important matters (e.g. their marriage, sale and purchase of property and other assets like livestock, consumer durables, conflict resolutions, the education and marriage of children) can give a more clear picture of women’s lower level of decision making power in case of financial matters.

**Table 19.1: Percentage of women being consulted in key decisions**

|             |   | Children's Marriages |      |                  |                   |      | Own Marriage |      |                  |                   |      | Purchase/Sale Property in Women's Name |      |                  |                   |      | Purchase / Sale of Family Property |      |                  |                   |      | Children's Education |      |                  |                   |      | Dispute Resolution |      |      |       |      |
|-------------|---|----------------------|------|------------------|-------------------|------|--------------|------|------------------|-------------------|------|--|------|------------------|-------------------|------|------------------------------------|------|------------------|-------------------|------|----------------------|------|------------------|-------------------|------|--------------------|------|------|-------|------|
|             |   | Great                | Some | None / Not Asked | Relevant Response |      | Great        | Some | None / Not Asked | Relevant Response |      | Great                                  | Some | None / Not Asked | Relevant Response |      | Great                              | Some | None / Not Asked | Relevant Response |      | Great                | Some | None / Not Asked | Relevant Response |      |                    |      |      |       |      |
|             |   |                      |      |                  | #                 | %    |              |      |                  | #                 | %    |  |      |                  | #                 | %    |                                    |      |                  | #                 | %    |                      |      |                  | #                 | %    | #                  | %    |      |       |      |
| National    | U | 60.4                 | 28.0 | 11.5             | 400.0             | 25.7 | 17.6         | 17.1 | 65.1             | 681.0             | 87.6 | 38.9                                   | 42.3 | 18.5             | 477.0             | 61.4 | 33.9                               | 42.1 | 23.8             | 536.0             | 69.0 | 60.5                 | 32.8 | 6.6              | 1042.0            | 67.1 | 26.4               | 39.3 | 34.1 | 638.0 | 82.1 |
|             | R | 45.9                 | 35.0 | 19.3             | 477.0             | 28.7 | 6.3          | 10.6 | 82.9             | 752.0             | 90.4 | 28.2                                   | 38.2 | 33.4             | 510.0             | 61.3 | 21.8                               | 37.4 | 40.5             | 585.0             | 70.3 | 43.4                 | 37.3 | 17.1             | 904.0             | 54.4 | 16.2               | 37.3 | 46.3 | 701.0 | 84.3 |
| Punjab      | U | 58.7                 | 36.7 | 4.5              | 115.0             | 16.0 | 14.0         | 21.1 | 64.7             | 307.0             | 85.3 | 35.5                                   | 50.5 | 13.9             | 287.0             | 79.7 | 34.9                               | 49.8 | 15.1             | 315.0             | 87.5 | 59.1                 | 36.5 | 4.2              | 490.0             | 68.1 | 33.7               | 44.6 | 21.5 | 329.0 | 91.4 |
|             | R | 44.0                 | 49.8 | 6.1              | 175.0             | 21.9 | 4.4          | 13.1 | 82.3             | 336.0             | 84.0 | 23.6                                   | 50.1 | 26.1             | 317.0             | 79.3 | 21.2                               | 49.2 | 29.4             | 353.0             | 88.3 | 39.3                 | 45.1 | 15.5             | 435.0             | 54.4 | 20.6               | 43.9 | 35.3 | 378.0 | 94.5 |
| Sindh       | U | 57.7                 | 20.7 | 21.5             | 116.0             | 35.2 | 28.8         | 23.7 | 47.4             | 156.0             | 94.5 | 48.9                                   | 36.9 | 14.1             | 92.0              | 55.8 | 39.1                               | 45.6 | 15.1             | 92.0              | 55.8 | 54.7                 | 38.1 | 7.1              | 234.0             | 70.9 | 17.2               | 38.7 | 43.8 | 116.0 | 70.3 |
|             | R | 29.7                 | 27.9 | 45.3             | 118.0             | 36.9 | 11.4         | 17.8 | 70.7             | 157.0             | 98.1 | 27.2                                   | 25.7 | 46.9             | 66.0              | 41.3 | 25.0                               | 21.8 | 53.0             | 64.0              | 40.0 | 24.9                 | 43.2 | 31.8             | 169.0             | 52.9 | 8.7                | 37.7 | 53.4 | 114.0 | 71.3 |
| NWFP        | U | 62.3                 | 26.1 | 11.5             | 122.0             | 42.4 | 11.8         | 2.9  | 85.1             | 135.0             | 93.7 | 48.8                                   | 28.8 | 21.1             | 45.0              | 31.3 | 45.1                               | 31.3 | 23.4             | 51.0              | 35.4 | 68.8                 | 25.2 | 5.8              | 191.0             | 66.3 | 16.1               | 41.4 | 42.6 | 99.0  | 68.8 |
|             | R | 59.9                 | 27.9 | 12.0             | 99.0              | 34.4 | 7.1          | 4.2  | 88.5             | 140.0             | 97.2 | 68.1                                   | 19.7 | 12.0             | 66.0              | 45.8 | 40.0                               | 34.7 | 24.9             | 72.0              | 50.0 | 70.0                 | 26.1 | 3.9              | 176.0             | 61.1 | 15.4               | 37.1 | 47.3 | 97.0  | 67.4 |
| Baluchistan | U | 66.5                 | 29.8 | 3.7              | 47.0              | 21.8 | 19.2         | 13.2 | 67.4             | 83.0              | 76.9 | 32.6                                   | 18.8 | 49.0             | 53.0              | 49.1 | 16.6                               | 14.1 | 69.1             | 78.0              | 72.2 | 64.4                 | 18.8 | 16.5             | 127.0             | 58.8 | 23.4               | 19.1 | 57.3 | 94.0  | 87.0 |
|             | R | 56.4                 | 22.4 | 21.1             | 887.0             | 33.2 | 4.2          | 1.6  | 94.0             | 119.0             | 93.0 | 9.8                                    | 9.8  | 80.2             | 61.0              | 47.6 | 8.3                                | 6.2  | 85.4             | 96.0              | 75.0 | 46.1                 | 17.4 | 36.5             | 124.0             | 48.5 | 9.8                | 15.1 | 74.9 | 112.0 | 87.5 |
| MSC         |   | 54.5                 | 38.1 | 7.5              | 144.0             | 79.9 | 15.3         | 25.0 | 59.7             | 176.0             | 95.6 | 40.3                                   | 21.3 | 38.0             | 129.0             | 70.1 | 25.2                               | 28.9 | 45.9             | 135.0             | 73.4 | 56.2                 | 31.8 | 12.1             | 162.0             | 88.1 | 34.3               | 29.1 | 36.5 | 172.0 | 93.5 |

Source: (Shaheed, 2002: 43).

The results of a national survey on women and governance done by Farida Shaheed (2002: 43) as reproduced in Table 19.1 show that there is lack of decision making power lying to Pakistani women within families and households in the country; especially in the cases of the decisions pertaining to their marriage, sale of property and dispute resolution. It is interesting to see that a majority of women, especially from rural areas, in Pakistan are not consulted for the decision about their own marriage. The Table 19.1 shows that at national level 65% urban and 82.9% rural women respondents confirmed that they were not asked or consulted when the decision about their marriage was taken. The higher proportion of rural women as compared to urban women in all provinces reported that they were not consulted when the decision about their marriage was taken. The poor conditions of the rural women in this aspect can be observed in all provinces. The proportion of rural women who were not consulted in decisions about their marriage in Punjab was 82%, in Sindh 70.7%, in NWFP 88.5% and in Baluchistan 94%. The proportion of urban women who reported to be not consulted in decision about their marriage in Punjab was 64.7%, in Sindh 47.4%, in NWFP 85.1%, and in Baluchistan 67.4% (Shaheed, 2002: 43).

It is observed that the highest proportion of women in Pakistan who reported to be not consulted in the decision about their marriage was in rural Baluchistan (i.e. 94%). The higher proportion of both rural and urban women in NWFP (i.e. 85.1% of the urban women and 88.5% of rural women) also reported to be not consulted when the decision about their marriage was taken. The situation of women in urban areas of Punjab and Sindh seems relatively better. It shows that majority of the rural women in Pakistan do not have say in matters related to their own marriage. The problem and stigma attached to women's declaration of choice in marriage has also been discussed in previous chapters.

The decision of sale and purchase of property or assets is another important aspect to show the gender gap in decision making power within Pakistani family. Shaheed (2002: 43) show that majority of the women are sometimes asked when purchasing or selling property in their name or family property. Although, women in NWFP are seen as having a stronger say in respect of purchase and sale of property, but still only 48.8% urban women and 68.1% rural women in NWFP were consulted to a great extent in decisions of sale and purchase of property in their name. Baluchistan has a lowest rate of women asked in this matter; as 48% of urban women and 80.2% of the rural women in this province were not consulted in decision about sale and purchase of property in their name. Punjab has 50% of urban women and 50% rural women who were asked to some extent in sale and purchase of property in their name. Sindh has a rural urban divide in this matter; as 48.9% urban women were greatly asked in decisions about sale and purchase of property in their name as compared to 46.9% rural women who were not asked in decision about the sale and purchase of property in their name.

The similar situation of women's lower level of participation in decision making is also observed in the case of sale or purchase of family property. At national level 40.5% of the rural women are not asked in making these decisions. In Punjab 49.8% urban women and 49.2% rural women reported to be consulted to some extent in this regard. In Sindh, 45.6% of the urban women reported to be consulted to some extent in making decisions about family property as compared to 53.0% of the rural women who were not consulted in taking decision about family property. the situation of women in NWFP is again seen better; as 45.1% of urban women are greatly consulted in decisions about family property in addition of another 31.3% of them who find reported to be consulted to some extent in this matter. Similarly, 40% of rural women reported to be greatly consulted along with another 34.7% of them reporting to be consulted to some extent in the matters of family property. Women in Baluchistan are again most deprived segment of segment in this regard. A higher proportion of 69.1% urban and 85.4% of rural Baluchi women are not consulted in the matters of sale and purchase of family property.

The livestock is also considered an asset or source of economic empowerment in rural areas. Arshad et al. (2010) in their research on rural women's participation in decision making regarding livestock in *Tehsil* Jhang identify that women are found given a relatively high level of participation in the decision making regarding the livestock management and service related activities like treatment of animals, decision about size of herd, purchase of animals, sales of animals' produced goods, and feeding of the animals. On the other hand, they are less likely to be

given participation in the activities that involve economic affairs like sale of animals, breeding of animals, fodder cultivation, and construction of animal sheds.

Besides property and livestock, the decisions regarding purchase of consumer durables (e.g. sewing machine, washing machine, fan, air-conditioner, refrigerator, deep freezer, colour television, black and white television, VCR, bicycle, motorcycle, and car) also show the gender gap in distribution of power within family. Mukhtar and Mukhtar (1991: 959) in their research have highlighted that women's ability to take decisions is limited and the majority of the decisions were taken by men in case of different items. The higher proportion of the decision about purchase of different consumer durables were taken by men, range between 35.54% to 80.20% of all the decisions, as compared to a lower proportion of decision taken by women, that ranges between 1.42% to 25.66% of all the decisions taken in case of different items. They highlight that the need for majority of the durables is felt by women but the majority of decisions (i.e. 64.6%) for purchase of the items is taken by men. Women only take one third of the total decisions regarding the purchase of different consume items (Mukhtar & Mukhtar, 1991: 955). On the contrary, women only take a marginal proportion of decisions (i.e. 3.0%) in respect of the purchase of the items for which the need was felt by men as compared to overwhelmingly high proportion of the decisions (i.e. 92.9%) in respect of such items taken by men (Mukhtar & Mukhtar, 1991: 955).

Shaheed (2002: 43) also show that women are not very frequently consulted in the matters of conflict resolution within and outside family. It is observed that 34.1% of the urban women were not consulted in decisions about conflict resolution in addition to the 39.3% of the rural women who were consulted to some extent in such matters. The majority of rural women (i.e. 46.3%) are not consulted in decisions about conflict resolution.

The matter like children's rearing and education are traditionally considered the domains of women. Shaheed (2002: 43) shows, as presented in Table 19.1, that women are given sufficient participation in the matters of children's education and marriages. The statistics show that 60% of urban women and 45.9% of the rural women reported to be greatly consulted in the decisions related to the marriage of children. Still the majority of the rural women in Sindh (i.e. 45.3%) are found least consulted in this regard. Similarly, the majority of rural and urban women are also being consulted in decisions regarding children's education. A sufficient proportion of urban women (i.e. 60.5%) and rural women (i.e. 43.4%) are reported to be greatly consulted in decisions about their children's education. Zafar, Batool and Bano (2005: 286) in their research on women's participation family decision making in rural areas of district Faisalabad have also highlighted a sufficient power exercised by women in taking decisions regarding children's education (67.5%), career of the children (61.7%), visit to friends and relatives (58%), marriage of the children (52.5%), house decoration (45%), purchase of household items (46.7%), supervision of household (43.3%) and shopping of daily items (41.7%).

### **19.1.1. Factors Effecting Women's Decision Making Within Family**

There are several studies focusing on different factors affecting women's participation in decision making within household or family in Pakistani society (Arshad et al., 2010; Arshad, Muhammad, Ashraf & Chaudhary, 2010; Faridi & Rashid, 2014; Fatima, 2014; Mukhtar & Mukhtar, 1991; Pervaiz, Jan, Zafarullah & Khan, 2012; Shahnaz & Kizilbash, 2002). Shahnaz and Kizilbash (2002: 83) in their research study on factors conditioning women's decision making regarding participation in paid employment in Punjab highlight that women's marital status (as widowed or not) and educational level are important factors to determine women's decision making ability in this regard. Their analysis shows that the widowed and divorced women have a greater likelihood to make a decision of their own for employment with the probability of 25.49% and 14.12%, respectively (Shahnaz & Kizilbash, 2002: 80). They further highlight that women with post graduate level of education have a probability of 25.29% to make an uninfluenced decision regarding their employment (Shahnaz & Kizilbash, 2002: 81).

Faridi and Rashid (2014) has also identified a number of factors that either positively or negatively affect educated women's decision making about work in Multan district. They identify that all educational levels, the presence of an educated husband, marital status, family structure,



and family expenditures have positively affected women's decision about labour force participation (Faridi & Rashid, 2014: 180). On the other hand, they have highlighted that the presence of an educated father, husband's education and income, location, from the district head quarters and the ownership of assets significantly reduces women's labour force participation (Faridi & Rashid, 2014). Arshad et al. (2010: 3) highlighted that the age of rural women, the male dominance, and traditional belief in women's authority to make decisions are the major factors that effected women's decision making power in the matters related to livestock. Pervaiz and colleagues (2012) in their study on Malaknad district showed that women are playing very limited role in agricultural decision making. Still they find that age has a positive relationship with women's decision making power. They identify that "women in household gain more decision making power as they grow older" (Pervaiz et al., 2012: 363).

Mukhtar and Mukhtar (1991: 957) identify that the urban women are found enjoying more decision making power as compared to that of by rural women. They highlight that women living in nuclear family enjoy more decision making power as compared to those living in extended families. It is observed that employed women having their own earning are found exerting more influence than unemployed women in family decisions making process (Mukhtar & Mukhtar, 1991). Similarly, Durya Fatima (2014) in her research also shows that education and employment both has positive significant effect on women's ability in to take decision in household.

Women's decision making power is found positively affected with their age, urban residence, education, marital status, employment, own income, and nuclear family structure. Pakistan is a society where majority of the women are in their young ages, living in rural areas, with lower levels of education and literacy, and marginally participating in labour force as paid workers thus owning less income and economic resources. Therefore, it is evident that very few of the Pakistani women possess the characteristics that are highlighted as positively imparting the power of decision making to women. It means the large majority of Pakistani women do not possess these characteristics and also do not hold the decision making power within their family. The decision making process in the family and household is by large dominated by men. Finally, Arshad et al. (2010: 695) have suggested that the provision of proper education facilities, creating social awareness about rights among women, training and government's attention to rural girls may help in enhancing women's decision making power in this regard.

## 19.2. WOMEN IN INFORMAL COMMUNAL DECISION MAKING

There are several informal traditional and cultural institutions for settlement of local disputes in Pakistan. Their scope is encompassing the disputes of individuals, families, groups, communities and tribes. It plays an important role in establishing and judging the social and cultural practices for their authentication. There are different names given to these local informal decision making power structures for settlement of disputes and providing "justice" and peace to local people in different provinces. These institutions in Khyber Pakhtoonkhwa are called "*Jirga*". In Punjab, these local arbitrary informal councils are called "*Panchayat*". In Sindh, the similar institution is called "*Faislo*". Shah (1998: 229) has identified the existence of such informal decision making councils at all levels of social life; such as "within an extended family, the tribe, at the village and community level, and also at the intra-tribal and inter-tribal levels".

*Jirga* is defined as tribal council (Shaheed et al., 1998: viii; Shaheed, 2002). It is the local and informal system most popular in Pakistan's rural and tribal society for the settlement of disputes. The report of Community Appraisal and Motivation Program (2012) defined *Jirga* as "a gathering of elders, convened by an intermediary (*Jirgamaar*...) between contesting parties, to hear the arguments of the parties" and the report further defined *Jirgamaar* as "[t]he leader of a *Jirga* who hears the arguments of the plaintiffs." It is popular in tribal *Pakhtoon* society. It is commonly occurring in the province of Khyber Pakhtoonkhwa and FATA.

Similarly, *Faislo* is a traditional and informal settlement system prevalent in rural and tribal society of Sindh province to resolve conflicts within local communities (Shah, 1998: 227). Nafisa

Shah (1998) identifies that the term *Faislo* is derived from the word "*Faislo*" that means decision. She also highlights that *faislo* is also sometimes called *Jirga* (Shah, 1998: 228). The institutions of *Faislo* or *Jirga* encompass a wide variety of issues to be settled under it. These issues may range from trivial matters of water distribution in fields or petty cash to the marriage, murder, or chronic tribal feuds. Punjab has a similar system of informal decision making councils known as *Panchayat* that works as a conflict resolution body for village level disputes (Nasir, Chaudhry, Hadi, Saleem, & Saqib, 2015: 1591). It is a system of village level informal courts.

The people in remote areas with no access and established writ of the state legal institutions are forced to consult these arbitrary councils for settlement of disputes and differences. Nasir et al. (2015: 1591) has found that an overwhelming majority of people in rural Punjab (i.e. 94%) prefer to rely on *panchayats* as compared to a marginal number of people (i.e. 6%) on formal courts for their matters. Similarly, the crucial importance and acceptability of the institution of *Jirga* in FATA makes the state machinery also to rely on such institutions to establish writ in these tribal areas. This is not the genuine trust on such traditional system for retaining and sustaining these traditional councils, rather, it is a lack of available state institutions, the difficult access and procedures associated with them, long delays in justice (of decades), result is not settlement rather the verdict on who is guilty or not, and too much money and expenses involved in finding justice from formal state owned institutions. Therefore, these local justice systems are fostered because it is near to home, need not much money, and provide quick settlement of disputes. These are the factors that keep the local institutions accepted by not only local men but women as well.

These systems are different from formal justice system. These systems focus on settlement of matter rather than a trial to prove anyone guilty or innocent. Shah (1998: 227) highlights that these institutions are not punitive like formal legal system rather these institutions are aimed to remove enmity and hatred by making the accused and victim got agree on the decision taken there and making them live in peace and harmony. These systems exert control on people at village or local level as a system of power and patronage. It functions through social networks and shapes the traditions and customs (the informal and unwritten laws governing society) to influence the lives of men and women. The *Jirga* and *Panchayat* system at local level in Pakistan serves to legitimize the patrimony among men as well as among men and women.

There is a need to look at the gender dimension in compositions, functions, processes and decisions of these institutions. Mostly, *Jirga*, *Panchayat*, and *Faislo* are male dominated institutions. Women are not present in the authorities to decide matters under these institutions. Besides that the women are also not able to properly presenting their opinion in these forums as *Jirga(s)* are being conducted in open space where women are not allowed to appear. The proceedings and decisions adopted to create peace in community also appear not only gender blind but also discriminatory towards women. The available evidences have showed *jirga's* potential in playing an important role in preserving and fostering anti women socio-cultural practices of *vani*, *swara*, and *karo kari* (see Chapter 15).

These institutions play important role in local level exchange of women as property or commodity (Shah 1998). It has been observed that while deciding the disputes among individuals, families or tribes, these *jirgas* frequently decide to give or receive women between concern parties as *Swara* or *Vani*, that is considered a compensation to damaged party, to settle the dispute (Abbas & Riaz, 2013: 174). Most frequently the fate of minor girls is being decided here in this manner in these cases.

Shah (1998: 228) claims that these informal institutions of settlement are strengthening the tribal system. Although, these informal systems have adopted and changed in the history but today, it is influencing the formal legal system and its acceptance in communities. But in historical adaptation and change, one thing has remained unchanged in these informal institutions and that is the commodification of women to earn settlement for their men. We can say through these institutions of *Jirga* and *panchayat* the tribal feuds or wars among men are waged on the bodies of women. The honour of men is to be preserved, increased or even violated through different ways of treating the body of their respective women.

In general, the commodification of women and children is a feature of traditional tribal and patriarchal societies, such as Pakistan. In these societies, sometimes women along with money are used as commodities to be exchanged to compensate the damages done to life, honour and property. Women and girls are given as blood money (*Khoonbaha*) in cases of murder or lose of life or as exchange to avoid revenge (*budal-e-sualh*) or compensate the damage done to property or honour. The unborn daughters are also sometimes promised to be given after birth to someone as a part of settlement agreement. Shah (1998: 228) points out that “[i]nterestingly, the use of land to settle dispute is very rare in the modern day traditional settlement.”

Shaheed (2002: 111) has cited from Afrasiab Khattak (from NWFP and former chairperson of Human Rights Commission of Pakistan), who advocated the need “to expose [the jirga’s] discriminatory nature [because] not just women are excluded from it, the poor are also excluded. For all practical purposes today’s jirga is a council of the *Khans*...Particularly in tribal areas... the jirga sits in the *hujras* or open spaces where women are not present at all so there is total segregation-a gender apartheid.” Women are not present as part of the *jirga* members. The absence of women from these decision making institutions also increases the chances of making discriminatory decisions by these institutions against women. The structure and composition of such councils may have different shapes in different societies or for different matters.

In Sindh, *Sardars* are usually the heads of tribe(s), therefore, they also head the traditional councils held for matters of broader scopes like serious inter tribal matters or feuds. Otherwise, the *sardar* appoints a man to chair/ head the *Jirga* or *Faislo*. But the matters of smaller scopes such as ordinary thefts can be decided by a headman of the particular community or by a *chango murs* (a note worthy and respectable elder). When the matter is among the sharecroppers, the *Faislo* or *Jirga* can be headed by the owner of land. When the same *faislo* happens within extended family for matters like abusive language, marriage deals or property, the family elders sit together and listen to the matter and decide about the conduct of both parties.

Most of the people who realize the unjust decisions and attitudes of the *jirga* also recommend for the inclusion of women in the composition of *Jirga*. People recommend that the people sit in *jirga* should be educated and they should include women. The unjust decisions of *Jirga(s)* are results of the situation that who are sitting in *Jirga(s)* are themselves ignorant. The women’s inclusion is usually supported on the basis that women can better understand the problems of other women.

**Text Box 19.1: Case Study of First Women's Jirga in Swat**

A girl in my town was constantly teased by boys on her way to and from school. Since this is considered an attack on family honour in our area, her father stopped her from pursuing her education. When I came to know about this I went to visit her mother and told her about Sexual Harassment Bill that was passed by National Assembly in 2010. I also sensitised her father about this law and convinced him to lodge a FIR with the local police station. We went to the police station and lodged a complaint against the two boys nominated by the girl. The police arrested them and asked their parents to settle this issue and warned them of strict legal consequences. A Jirga of elders was called by both families and the boys’ families were made to assure the Jirga that such an incident would never happen and as a punishment, the boys were banned from entering the village for life. The girl went on to continue her studies and now is in college.

Source: Aawaz Programme (2015: 8).

Shaheed (2002: 111) further narrates the view of an urban conscious women group that “[o]ur own non-formal structures are loaded against women. Women cannot find justice from them.” Keeping in view all these facts majority of the scholars and educated people recommend for reforms in *jirga* system through election of able members, and inclusion of women as members of

the council. Besides that, there are some NGOs working to establish parallel *Jirga(s)* for women. One such women's *Jirga* has been established in Swat. Although, the initiative of women *Jirga* is at very initial step but there are some evidence of its functioning (see Text Box 19.1).

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## CHAPTER - 20

### WOMEN IN FORMAL POLITICS IN PAKISTAN

Women are excluded from the power and decision making structure within and outside family due to the lower social status ascribed to them. In a patriarchal system the family heads come together to make the second political level outside home to make decisions and control people under their influence on tribal or village level. Women excluded from the power structures within home rarely achieve the status of being family head. Thus, they do not find a chance to qualify for the membership of the power alliances outside home. The men who gained power by controlling people at village or tribal level make alliances at regional level and then they also compete for further hold of regional and state power. The overall political system is dominated by small elite group where women are not present due to their poor socio-economic resources that are essential to qualify for the elite strata. This power structure favours men at all levels of competitions and selection, but excludes women from the formal political system from home to the state.

Women remained marginally represented in the formal political system for large part of Pakistani history. Recently, the situation has started improving with the affirmative action introduced in the form of gender quota reservation in all political forums. The three major venues of voting in polls, political party membership and representation in formal political forums (i.e. national and provincial assemblies, senate and local councils) need to be analysed in detail for gauging nature and extent of women's political participation in Pakistan. To serve this purpose, this chapter intends to give an overall review of the composition of political elites and women's political participation in different periods of time in Pakistan. The next few chapters will illustrate women's participation in formal political system as voter, member in political parties and, the candidate for political offices, and the elected members of the political institutions at all level (e.g. local, provincial, national levels) in detail.

#### 20.1. WOMEN AND POLITICAL ELITES IN PAKISTAN

Pakistani politics is dominated by a small group of individual elites and elite families. The political power is transferred within this elite group from one generation to the other for last several decades. According to the pluralistic nature of Pakistani society, encompassing several ethnic and regional divisions, it has a variety of elite sub-groups comprising the national level political elites. These different regional or ethnic segments of political elites compete with each other to hold the state power. They make alliances to gather more and more power base to achieve this aim. Women are rarely represented in the overall elite group, in sub-groups within the elite group, and in the alliances they make to compete for the regional and state power.

The major sub-groups in national level political elites can be classified into three categories of military elites, civilian elites, and religious elites. The group of civilian elites further includes landlords, feudal, tribal and ethnic leaders, businessman, industrialists, professionals and bureaucrats. An analysis of women's entry and status in these elite groups can show their simple exclusion from the broader group of political elites. Women are not largely allowed to join the military. The patriarchal system did not allow them to attain the positions of feudal, tribal leaders and landlords. Their achievement is not good in terms of educational, social and economic development to reach the higher strata of industrialists, businessman, and professionals. They are also not included in the religious elites. Therefore, all the major segments comprising political elites do not have much chance for women's easy access and membership. The only way for women to enter the political elite strata is to have some relationship and patronage with some men who are

already part of this elite stratum. The result is that very few women could have participated in the national level small segment of political elites competing for the formal political power at local, regional and state level for a long time.

The masculine composition of political elite renders the whole political system a masculine nature. Politics is considered as male domain. It is a dirty and corrupt field where a woman's so-called honour and sanctity does not allow her to enter. Those dare to enter this field are not considered good women traditionally. Even the traditional beliefs do not allow women to participate in this dirty sphere as voter, candidate, party member, or political office bearer. This broader composition of political system and the attached traditional beliefs curtail women's participation at all levels of formal politics in the country. The next section will give an overview of women's participation in formal politics in Pakistan.

## **20.2. WOMEN'S PARTICIPATION IN FORMAL POLITICS IN PAKISTAN**

The gender inequality also pervades all the levels of political activity in formal politics of the country. The marginal presence of women in formal politics can be measured by their representation at various levels of formal political activity and analysis of the roles they adopt at these levels. The Commission on the Status of Women highlights that "[t]wo primary methods of political participation are voting and seeking an elective office. A third criterion for judging involvement is representation in the government. The record of Pakistani women on all three counts has been rather poor" (1985: 120). The three venues of women's political participation are limited and controlled. The chance of casting vote by women is conditioned by the will of family men to get them ID cards and allow casting vote. The opportunities for seeking a political office are conditioned with the political parties' inclination for including women members and to support them for contesting in elections. Their involvement in the parliament, assemblies, and councils is conditioned with the directives of those male party leaders who have got them elected mostly on reserved seats.

### **20.2.1. Two Broader Eras of Women's Political Participation**

The historical review of women's political representation in formal political institutions at local, provincial and national levels shows their marginal participation in these forums throughout large part of post independence period in Pakistan. The recent improvement in their representation made through the introduction of enhanced political quotas for women at all the levels is a ray of hope for betterment in future.

Syed and her fellows in their researches on women's political participation in Pakistan have frequently identified that Pakistani history can be divided into two broader eras in terms of the different levels of women's representation in various political forums (Syed & Tabassum, 2014: 132-133; Syed et al., 2013: 102-108). These periods are classified on the basis of the number of women representatives elected and serving in parliament (including the upper and lower house), provincial assemblies, and local councils. The first period is characterized with the absence or the marginal representation of women at formal political institutions at local, provincial and national levels. This period started from the independence of Pakistan in the year 1947 and continued till the turn of century. The second period characterized by relatively increased participation of women in all political forums through introduction of enhanced quota allocation for women at local, provincial, and national level. This period started with the beginning of twenty first century and is in progress till today. The both periods of the women's representation in different political forums will be discussed in detailed in the following sections.

#### **20.2.1.1. Women's political representation from 1947 to 2000**

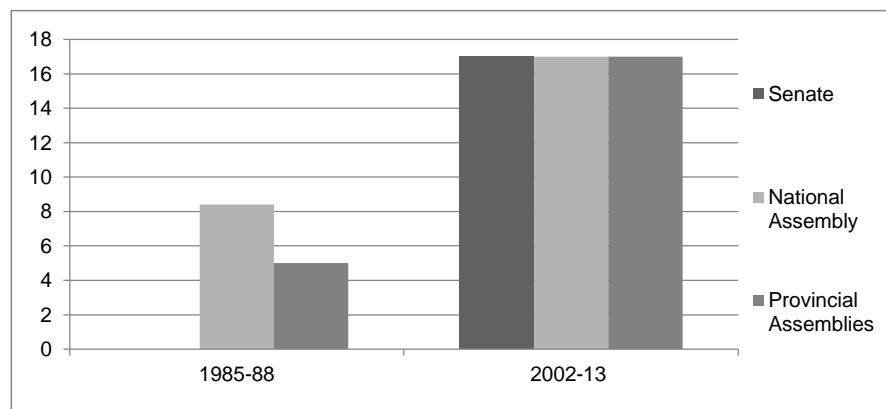
The first period of women's marginal political participation in formal political institutions can be marked from independence of Pakistan in the year 1947 to the year 2000. A nominal number of women could reach to parliament and other political forums in this period. The historical analysis shows that the first national assembly after independence included only one women member (i.e.

1.2% women representation). Each of the constitutions formulated in 1952, 1962, and 1973 also defined a marginal quota for women representatives in the parliament. The Constitution of 1956 provided 10 seats for women in parliament. This was only 3.2% of the total strength of parliamentarians. The 3% quota seats were also reserved for women in provincial assemblies. Similarly, the Constitution of 1962 allocated six seats for women in national assembly. This took women's quota to 3.8% of the total membership of the house. The general elections held in the year 1970 witnessed thirteen women getting elected on reserved seats. These thirteen women comprised 4.1% of the total elected members of the house. The Constitution of 1973 redefined the parliament as a combination of two houses of the national assembly and Senate. The Constitution of 1973 allocated ten seats for women in national assembly raising their representation to 4.7% of the total membership of the house. The newly established part of the parliament, the Senate, did yet not comprise any single seat reserved for women. The situation remained same for senate till the year 2000.

Soon after the formulation of the Constitution of 1973, the military General Muhammad Zia-ul-Haq took over the state power through imposing martial law and abrogated the constitution. He ruled till 1985. During his rule he inducted 20 handpicked women members to *Majlis-e-Shura* (i.e. the parliament). After the death of Zia, the 1973 constitution was revived with an enhancement in the reserved seats in parliament for women. The increased proportion of quota reserved seats reached to 8.4% of the total strength of the national assembly. This increased quota reservation was valid for next tree elections. Soon, the condition of allocated quota expired with the third election held in the year 1990.

After 1990, the four elections giving alternative terms to Benazir Bhutto and Nawaz Sharif were conducted without any specific quota allocation for women in Pakistani parliament. None of the consequent governments paid any attention for revival or increase of quota seats for women in parliament. The last elections of national assembly in this first era held in 1997. The national assembly had only 3% elected women. There was only one woman (i.e. 0.21%) in provincial assemblies of four provinces. Still there was no women member in Senate. Therefore, this first period is aptly called as the era of women's marginal representation in Pakistan; as it inaugurated with 1.2% representation of women in parliament, rising to no more than 8.4% during 1985 to 1990, and concluded with only 3% women in parliament after 1997 elections.

**Figure 20.1: Comparison of political quota (%) for women in different time periods**



Source: Statistics compiled and analysed by the author.

**Text Box 20.1: Legal Framework Order 2002***(Excerpt)***3. Amendment of the Constitution and removal of difficulties.**

(1) The Constitution of the Islamic Republic of Pakistan, 1973, referred to in this Order as the Constitution, is hereby amended to the extent and in the manner specified in column (3) of the Schedule.

**THE SCHEDULE**  
(See Article 3)

| Serial No. (1)  | Article/Chapter (2) | Amendments made (3)   |            |         |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
|-----------------|---------------------|---|------------|---------|-------|------------|-------------|-------------|----|----|------|----|------|----|------------|-----|-----|------------|-------|----|----|-----|-------|-----|----|----|-----------------|---|---|---|--------------|------------|-----------|------------|
| 3               | 51                  | <p>(1) For clause (1) the following shall be substituted, namely:-</p> <p>(1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims.</p> <p>(1A) The seats in the National Assembly referred to in clause (1), except as provided in clause (2A), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under-</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">General</th> <th style="text-align: center;">Women</th> <th style="text-align: center;">Total</th> </tr> </thead> <tbody> <tr> <td>Baluchistan</td> <td style="text-align: center;">14</td> <td style="text-align: center;">3</td> <td style="text-align: center;">17</td> </tr> <tr> <td>NWFP</td> <td style="text-align: center;">35</td> <td style="text-align: center;">8</td> <td style="text-align: center;">43</td> </tr> <tr> <td>The Punjab</td> <td style="text-align: center;">148</td> <td style="text-align: center;">35</td> <td style="text-align: center;">183</td> </tr> <tr> <td>Sindh</td> <td style="text-align: center;">61</td> <td style="text-align: center;">14</td> <td style="text-align: center;">75</td> </tr> <tr> <td>FATA</td> <td style="text-align: center;">12</td> <td style="text-align: center;">-</td> <td style="text-align: center;">12</td> </tr> <tr> <td>Federal Capital</td> <td style="text-align: center;">2</td> <td style="text-align: center;">-</td> <td style="text-align: center;">2</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: center;"><b>272</b></td> <td style="text-align: center;"><b>60</b></td> <td style="text-align: center;"><b>332</b></td> </tr> </tbody> </table> |            | General | Women | Total      | Baluchistan | 14          | 3  | 17 | NWFP | 35 | 8    | 43 | The Punjab | 148 | 35  | 183        | Sindh | 61 | 14 | 75  | FATA  | 12  | -  | 12 | Federal Capital | 2 | - | 2 | <b>Total</b> | <b>272</b> | <b>60</b> | <b>332</b> |
|                 | General             | Women   | Total      |         |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| Baluchistan     | 14                  | 3   | 17         |         |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| NWFP            | 35                  | 8   | 43         |         |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| The Punjab      | 148                 | 35  | 183        |         |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| Sindh           | 61                  | 14  | 75         |         |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| FATA            | 12                  | -   | 12         |         |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| Federal Capital | 2                   | -   | 2          |         |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| <b>Total</b>    | <b>272</b>          | <b>60</b>   | <b>332</b> |         |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| 5               | 59                  | <p>(1) For clause (1) the following shall be substituted, namely:-</p> <p>(1) The Senate shall consist of one-hundred members, of whom, -</p> <p>(a) fourteen shall be elected by the members of each Provincial Assembly;</p> <p>(b) eight shall be elected from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe;</p> <p>(c) two on general seats, and one woman and one technocrat including aalim shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;</p> <p>(d) four women shall be elected by the members of each Provincial Assembly;</p> <p>(e) four technocrats including ulema shall be elected by the members of each Provincial Assembly."</p>   |            |         |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| 14              | 106                 | <p>(1) For clause (1) the following shall be substituted:-</p> <p>(1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified herein below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">General</th> <th style="text-align: center;">Women</th> <th style="text-align: center;">Non-Muslim</th> <th style="text-align: center;">Total</th> </tr> </thead> <tbody> <tr> <td>Baluchistan</td> <td style="text-align: center;">51</td> <td style="text-align: center;">11</td> <td style="text-align: center;">3</td> <td style="text-align: center;">65</td> </tr> <tr> <td>NWFP</td> <td style="text-align: center;">99</td> <td style="text-align: center;">22</td> <td style="text-align: center;">3</td> <td style="text-align: center;">124</td> </tr> <tr> <td>The Punjab</td> <td style="text-align: center;">297</td> <td style="text-align: center;">66</td> <td style="text-align: center;">8</td> <td style="text-align: center;">371</td> </tr> <tr> <td>Sindh</td> <td style="text-align: center;">130</td> <td style="text-align: center;">29</td> <td style="text-align: center;">9</td> <td style="text-align: center;">168</td> </tr> </tbody> </table>  |            | General | Women | Non-Muslim | Total       | Baluchistan | 51 | 11 | 3    | 65 | NWFP | 99 | 22         | 3   | 124 | The Punjab | 297   | 66 | 8  | 371 | Sindh | 130 | 29 | 9  | 168             |   |   |   |              |            |           |            |
|                 | General             | Women   | Non-Muslim | Total   |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| Baluchistan     | 51                  | 11  | 3          | 65      |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| NWFP            | 99                  | 22  | 3          | 124     |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| The Punjab      | 297                 | 66  | 8          | 371     |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |
| Sindh           | 130                 | 29  | 9          | 168     |       |            |             |             |    |    |      |    |      |    |            |     |     |            |       |    |    |     |       |     |    |    |                 |   |   |   |              |            |           |            |

Source: Legal Framework Order 2002.



### **20.2.1.2. Women's political representation from 2000 onwards**

The second period of women's political participation in Pakistan is marked with the increased representation of women in parliament, provincial assemblies and the local councils through enhanced gender quota allocation. This period commenced with the introduction of constitutional and legal measures with an intention to pave way for women's entry in male dominated political institutions in the year 2002. Military General Pervez Musharraf after taking state power in his hands, in 1999, repeatedly showed his intention to improve women's representation in political system.

Musharraf's government introduced Legal Framework Order in 2002. The order revived the constitution with increased quota reservation for women in parliament and provincial assemblies (see Text Box 20.1). The Legal Framework Order 2002 allocated 17% seats for women in Upper house (i.e. Senate) and lower houses (i.e. National Assembly) and in provincial assemblies of four provinces. Besides that, an ever highest number of women seats were introduced for women in local governments. The proportion of seats reserved as quota for women was 33% at all tiers of local government.

The proportion of reserved seats defined in the Legal Framework Order 2002 resulted in allocation of 17 seats for women in Senate, 60 seats for women in National Assembly, 128 seats for women in four provincial assemblies and more than 40,000 seats for women at all tiers of Local Councils. The number of reserved seats for women after 2002 was the highest ever quota allocation for women in the history of Pakistan. The three national elections for national and provincial assemblies held in the year 2002, 2008 and 2013 were done with this proportion of quota allocation for women. The proportion of women representatives remained between 16% to 18% in senate and between almost 20% to 22% in national assembly during the period from the year 2003 to 2016. The elections held for local governments in 2001-02, 2005-06, and 2015 were also held with the same quota allocation. It led to the highest number of women members ever elected to and representing in the senate, national assembly, provincial assemblies and local governments.

## **20.3. INTERNATIONAL COMPARISONS OF WOMEN IN POLITICS**

The above historical review has sufficiently showed a marginal representation of women in the national politics of Pakistan. The same is visible if we compare women's representation in the both houses of parliament in Pakistan with the situation of average number of women present in different parliaments at international and regional levels. It is evident from the statistics provided by Inter-Parliamentary Union (2016) that women's representation in both houses of parliament in Pakistan was very low till the year 2003. It was very low with only 2.3% women members in national assembly and 1.1% members in the senate of Pakistan as compared to that of international average representation of women in both houses as 12.7% and a regional average representation of women in both houses in overall Asia as 13.7% in the year 1998. It simply shows that women were given a marginal representation in national level formal politics in Pakistan throughout the latter half of the twentieth century.

The situation just improved after the introduction of quota allocation for women in the year 2002. Then, Pakistan suddenly jumped to achieve 21% of women representation in national assembly and 18% in senate in the year 2003. It was sufficiently higher as compared to the world average of 15.1% of women's representation in both house and 14.2% of women's representation in both houses at regional level in Asia in the year 2003. Pakistan is experiencing this improved representation of women in national level formal politics for just a little more than a decade. But still the decade has not witnessed further progress in this regard. After thirteen years of quota reservation, Pakistan is standing with more or less similar level of women's representation of 20.6% at national assembly and 18.3% at senate in the year 2016 which is lower than the international average of women's representation in both house as 22.7%. Therefore, there is need for further improvement in women's representation in the formal politics.

**Table 20.1: International standing of women's representation in both houses of parliament in Pakistan**

| Year | International averages for women in both houses |          | Women in parliament in Pakistan |                       |            |
|------|---|----------|---------------------------------|-----------------------|------------|
|      | World (%)                                       | Asia (%) | International Rank              | National Assembly (%) | Senate (%) |
| 1997 | 11.3  | 9.7      | 95                              | 2.3                   | 3.4        |
| 1998 | 12.7  | 13.7     | 100                             | 2.3                   | 1.1        |
| 2003 | 15.1  | 14.5     | 31                              | 21.6                  | 18.0       |
| 2004 | 15.7  | 15.0     | 33                              | 21.3                  | 18.0       |
| 2006 | 16.8  | 16.1     | 44                              | 21.3                  | 17.0       |
| 2007 | 17.7  | 16.7     | 51                              | 21.1                  | 17.0       |
| 2008 | 18.3  | 17.8     | 45                              | 22.5                  | 17.0       |
| 2009 | 18.8  | 18.5     | 49                              | 22.2                  | 17.0       |
| 2010 | 19.0  | 18.0     | 50                              | 22.2                  | 17.0       |
| 2011 | 19.5  | 17.9     | 52                              | 22.5                  | 17.0       |
| 2012 | 20.4  | 17.9     | 57                              | 22.5                  | 16.3       |
| 2013 | 21.4  | 17.7     | 66                              | 20.7                  | 16.3       |
| 2014 | 21.9  | 18.3     | 68                              | 20.7                  | 16.3       |
| 2015 | 22.7  | 19.0     | 68                              | 20.6                  | 18.3       |
| 2016 | 22.7  | 18.8     | 83                              | 20.6                  | 18.3       |

Source: Inter-Parliamentary Union (2016).

Today, Pakistan seems far behind in comparison of the Nordic countries average 41.1% women's representation in parliaments but the country is still performing better than most of its neighbouring countries in Asia, like Bangladesh (with 20% women in national assembly), Indonesia (with 17.1% women in national assembly and 11.7% in senate), Turkey (with 14.9% women in national assembly), India (with only 12% women in lower and upper houses), Malaysia (with 10.4% in lower house and 21.9% in upper house), Iran (with only 5.9% women in national assembly), Kuwait and Oman (with only 1.5% and 1.2% of women representation in lower house, respectively). Still Nepal and Afghanistan are having better proportion of women's representation in national assemblies as 29.1% and 27.7% respectively (Inter-Parliamentary Union, 2016).

#### 20.4. WOMEN IN THE HIGHEST STATE OFFICES

Here the discussion of highest state office will be limited to the executive positions as prime minister or presidents in any country. There are very few women who could have reached to any of these positions in different countries across the world. Jalalzai (2004) has reported that there were total 44 different women who have occupied positions of prime ministers or presidents in different countries of the world during the period from 1960 to 2002. Out of these 44 women, 27 women served as prime ministers and 17 women as presidents of different countries. There were only seven women who have served more than once as prime minister of their countries.

Although, the period of later half of the last century is characterized with the nominal representation of women in national politics but still Pakistan is fortunate enough to have a woman prime minister, Benazir Bhutto, who have served twice in the office during this period. Her first term as prime minister was from December 1988 to July 1990 and second term was from October 1993 to November 1996. She was also the first elected prime minister of the Muslim countries of the world. She was one of the seven women who had served twice in the office of Prime minister. Although, her accession to the position of prime minister is an achievement in itself, but unfortunately, her position as prime minister of Pakistan could not do much to change or improve the conditions of the common women in the country.

Centre for Women and Democracy (2015) in a fact sheet on women presidents and prime ministers in the 21<sup>st</sup> century has identified that there were only 28 women around the world who had held the office of presidents and 32 women who have held the offices of the prime ministers since January 2000 in 193 member countries of the United Nations. It shows that the number of women occupying these executive offices within the first fifteen years of the 21<sup>st</sup> century is much higher than the number of women who could have attained these offices during the latter half of the last century. Although, Pakistan has achieved an improved status of women's representation with the introduction of enhanced gender quota allocation in formal political forums with the dawn of the 21<sup>st</sup> century in the year 2002, but there was no single woman in one and a half decades of the 21<sup>st</sup> century who could attain any of the executive positions of prime minister and president of the country. No woman could have ever reached the position of president of Pakistan till today.

The analysis of women's representation in political elites and parliament, Pakistan's international standing in terms of women's representation in these houses, and only one woman's success in reaching the executive office of prime minister show that women are still far behind in the formal politics of Pakistan. Their representation at all tiers of political activity from local councils to the parliament is marginal and limited. This situation demands more affirmative measures to be taken by state, political parties, local and regional political leaders, and the individual women themselves. The next few chapters will focus on the chronological critical analysis of women's representation in senate, national assembly, provincial assemblies and local councils separately in detail. These chapters will look for a historical and analytical discussion about varying levels of women's representation in each of these political institutions in different time periods.

## CHAPTER - 21

### WOMEN VOTERS IN PAKISTAN

Vote means “to indicate formally one’s choice of candidate in an election” (Hornby, 1995: 1333). Voter is “a person who votes or has the right to vote, especially in a political election” (Hornby, 1995: 1334). Voting refers to “the action of formally indicating one’s choice of candidate” (Hornby, 1995: 1334). Voting behaviour of individual persons is an important indicator to assess their ability to take part in formal political activity freely. This chapter focuses on women’s voting patterns by analysing the number of women registered voters, the regional difference in the number of women registered voters, and the voter turnout in elections in Pakistan. The technical and social barriers affecting women’s voting behaviour in Pakistan are also discussed.

#### 21.1. WOMEN AS VOTERS IN PAKISTAN

Women have always formed a relatively smaller part of the registered voters in Pakistan. They have remained 45% to 46% of the total registered voters throughout the country, since 1993. Shaheed, Zia, and Warraich (1998: 14) identify that the number of total Muslim voters in Pakistan in the year 1993 was 50,834,648 persons. They claimed that women were only 45.5% of these voters (i.e. 23,109,941 women) as compared to 54.5% men voters (i.e. 27,724,707 men). Similarly, the number of total registered voters in national elections held in the year 1997 was 55,026,324 persons; out of them only 24,492,975 were women voters as compared to 30,533,349 men voters (The Commission of Inquiry for Women, 1997: 9; Shaheed et al., 1998: 14). The number of total registered voters in local government elections held in the year 2005 was 63,465,805 persons; out of them 34,253,665 were men voters as compared to 29,212,140 women voters. Similarly, there were total 86,189,751 voters in the year 2012; out of them 48,593,537 were men voters and 37,596,214 were women voters.

**Table 21.1: Gender wise breakdown of voters in Pakistan (1993-2012)**

| Year       | Total voters | Male voters | Female voters |
|------------|--------------|-------------|---------------|
| Year 1993* | 50834648     | 27724707    | 23109941      |
| Year 1997  | 55026324     | 30533349    | 24492975      |
| Year 2005  | 63465805     | 34253665    | 29212140      |
| Year 2012  | 86189751     | 48593537    | 37596214      |

\*Number of total Muslim voters

Sources: Statistics taken from The Commission of Inquiry for Women (1997: 9); Shaheed et al. (1998: 14); Kayani and Rafi (2013: 22); Election Commission of Pakistan (2010).

The region wise distribution of male and female voters in the year 2012, as presented in Table 21.2, shows that women comprised a smaller portion as compared to that of men voters in each region or area. The highest number of women voters was found in Punjab. The number of total voters in Punjab was 49,259,337 persons; out of them 21,561,634 were women voters as compared to 27,697,703 men voters in the year 2012. It was followed by Sindh, where the number of total voters was 18,963,316 persons; out of them 8,471,479 were women voters and 10,491,837 were men voters. Baluchistan stood lowest in terms of the number of female voters among four provinces. Here total number of voters was 3,336,659 persons; out of them 1,421,341 were women voters in comparison of 1,915,318 men voters. Federally Administered Tribal Area had only

596,079 women registered voters in the year 2012. Similarly, Federal Area (Islamabad Capital Territory) had 288,057 women voters in the year 2012 (Kayani & Rafi, 2013: 22).

**Table 21.2: Gender wise number of voters enlisted in final electoral roll of 2012**

| Province/Area       | Men               | Women             | Total             |
|---------------------|-------------------|-------------------|-------------------|
| Baluchistan         | 1,915,318         | 1,421,341         | 3,336,659         |
| FATA                | 1,142,234         | 596,079           | 1,738,313         |
| Federal Area        | 337,907           | 288,057           | 625,964           |
| Khyber Pakhtoonkhwa | 7,008,538         | 5,257,624         | 12,266,162        |
| Punjab              | 27,697,703        | 21,561,634        | 49,259,337        |
| Sindh               | 10,491,837        | 8,471,479         | 18,963,316        |
| <b>Total</b>        | <b>48,593,537</b> | <b>37,596,214</b> | <b>86,189,751</b> |

\* There are approximately 687 Eunuchs (Khawaja Sira) in Pakistan  
Source: (Kayani & Rafi, 2013: 22)

Kayani and Rafi (2013) Identified that Khyber Pakhtoonkhwa was far behind in terms of women registered voters and the province had a record highest number of the unregistered voters as well. They further identify that the province had a record decrease in number of registered female voter of 45% from the year 2002 to 2007. But the situation improved and the province stood at third position in 2012, just after two provinces of Punjab and Sindh with the highest number of registered voters. The total number of voters is KPK was 12,266,162 persons; out of them 5,257,624 were women voters and 7,008,538 were men voters in the year 2012. The majority of women voters of Khyber Pakhtoonkhwa (i.e. 4,202,954 women out of 5,257,624 women voters) were belonging to rural areas of the province.

**Table 21.3: Percentage of registered voters and votes polled in elections for the national assembly of Pakistan (1970-2013)**

| Year | Registered Voters |     |       |       |        |       | Votes Polled |       |
|------|-------------------|-----|-------|-------|--------|-------|--------------|-------|
|      | Total             |     | Male  |       | Female |       | Total        |       |
|      | Voters            | (%) | Male  | (%)   | Female | (%)   | Voters       | (%)   |
| 1970 | 56.94             | 100 | 30.51 | 53.6  | 26.43  | 46.4  | 34.09        | 59.9  |
| 1985 | 32.54             | 100 | 17.98 | 55.3  | 14.56  | 44.7  | 17.47        | 53.69 |
| 1988 | 46.21             | 100 | 24.82 | 53.7  | 21.38  | 46.3  | 19.90        | 43.07 |
| 1990 | 47.06             | 100 | 25.36 | 53.9  | 21.70  | 46.1  | 21.39        | 45.46 |
| 1993 | 50.38             | 100 | 27.46 | 54.5  | 22.92  | 45.5  | 20.29        | 40.28 |
| 1997 | 55.07             | 100 | 30.60 | 55.6  | 24.47  | 44.4  | 19.51        | 35.42 |
| 2002 | 71.86             | 100 | 38.71 | 46.4  | 33.16  | 53.6  | 30.01        | 41.74 |
| 2007 | 80.91             | 100 | 45.3  | 56.0  | 35.61  | 44.0  | 35.61        | 44.01 |
| 2013 | 86.19             | 100 | 48.59 | 56.37 | 37.60  | 43.62 | 46.22        | 53.62 |

Source: (Election Commission of Pakistan cited in Government of Pakistan, 2014: 103).

With the passage of time the number of women voters in the country increased. Kayani and Rafi (2013: 22) claimed that the number of women registered with NADRA increased from 50% in the year 2008 to 86% of the adult female population in the country in the year 2012. They claimed that the number of women voters increased to be almost doubled in these four years and it reached

to 36,950,712 women voter in 2012. It is also noticed that the percentage of women voters as compared to that of men voters has increased very sharply. In 2012, the percentage of women voters had reached to 77%, in comparison of very low percentage of the 2002 and 2007, when it was 40% and 30% respectively.

A constant gender disparity in registration of voters is visible from the above given voter statistics of the years 1993, 1997, 2005 and 2012, in Table 21.1. The same gender disparity in numbers of registered voters is visible from the region or area wise number of male and female voters as presented in Table 21.2. The chronological analysis of the gender composition of voters, in Table 21.3, shows that the number of women voters in all the elections is less than men voters in the country. In addition to this, the number of women voting at the day of election further becomes less than that of men due to several social, cultural and technical barriers.

## 21.2. BARRIERS FOR WOMEN TO CAST VOTE IN ELECTIONS

The less number of women voters in the country suggests that women do not have equal access as compared to men to this avenue of showing their power and choice to vote for selecting their representative in the country. There are several barriers preventing women to be eligible to participate in polls for formal political institutions through casting their vote. First, they are less likely to be counted and registered as voter due to their segregation in the private sphere of home. Apart of registration related problems, there are several socio-cultural factors that also affect women's participation in the political system as voters. Some of the factors are discussed in the following paragraphs.

### 21.2.1. The Identity Card and Other Technical Issues

The condition of holding an Identity (ID) card and showing it at the time of voting is an important issue for women in several areas. In Pakistan, mostly in tribal and rural areas, it is not traditionally felt necessary for women to hold a national identity card. Therefore, a large number of women lose their chance of voting. The ID card also becomes invalid due to the changed status of a woman in case of marriage or divorce.

Table 21.4: Reasons stated for not voting in elections (%)

| Reasons  | Women Respondents |        |       |       |             | Male Control Sample |
|--|-------------------|--------|-------|-------|-------------|---------------------|
|  | All Women         | Punjab | Sindh | NWPF  | Baluchistan |                     |
| Technical reasons                              | 74.5              | 85.4   | 64.7  | 54.0  | 73.3        | 78.1                |
| Not interested in voting                       | 6.3               | 3.2    | 10.5  | 7.5   | 13.3        | 6.2                 |
| The men did not allow me to vote               | 13.0              | 4.6    | 9.4   | 31.9  | 10.0        | 3.1                 |
| All politicians are useless                    | 1.6               | 2.0    | 3.5   | 1.7   | 1.1         | 0.0                 |
| Don't understand issues debated by politicians | 1.0               | 0.8    | 5.8   | 0.5   | 1.1         | 12.5                |
| Other  | 3.7               | 3.8    | 5.9   | 4.1   | 1.1         | 0.0                 |
| Number relevant responses                      | (667)             | (344)  | (85)  | (172) | (90)        | (32)                |
| % of Universe                                  | 41.4              | 45.2   | 26.1  | 59.7  | 38.1        | 17.4                |

Source: Shaheed (2002: 131).

The Table 21.4 reproduced from a national survey on women and governance also shows that majority of the women and women who did not vote in elections are stopped from doing this by technical reasons, like ID card related issues or the issue of their names in electoral rolls (Shaheed, 2002: 131). It is observed that 74.5% of the women at national level reported that they could not vote in election due to technical reasons. Punjab shows the highest percentage (i.e. 86.4%) of such cases among women, while NWFP shows the lowest percentage (i.e. 54%) of such cases among women.

### 21.2.2. Purdah and Restricted Mobility of Women

Those having proper ID cards available to them do not vote due to the *purdah* (veil) and difficulty in reaching the polling station. The restriction on their mobility and autonomy allows a smaller number of women to go for casting vote. Naz, Ibrahim, and Ahmed (2012: 167) have identified in their research on socio-economic impediments to women's political empowerment in Pakhtoon society that 13% of the women respondents highlighted that the strict *purdah* system is a social impediment to women's political empowerment. United Nations Development Program (2005) have highlighted that

"In areas where purdah is more strictly observed, men do not allow women of their families to go out of their houses, particularly to public places like polling stations. The problem becomes particularly acute in rural and some other areas where there are no separate polling stations for women, or the staff of the polling station is male only" (United Nations Development Program, 2005: 14).

The restricted mobility of women as part of broader culture curtails their easy access to the public sphere outside home. This aspect of culture has implications for women's social, economic, and political status in the country. Women are not usually allowed to move freely outside home without any companion from within the family escorting them. Therefore, it is difficult for them to also not have an easy access to the polling station without the companionship of any of their men family members.

### 21.2.3. Men and Political Parties

In past elections it has been observed that some political or ethnic groups or some political parties in certain areas of the country had decided to not let their women to cast vote in the elections. They mutually agreed on not making their women cast vote and some time religious parties and persons were reported to be propagating from even mosques on loud speakers saying that to vote for a woman is un-Islamic and if a woman will go to cast vote, she and her men should be ready to bear the consequences. Similarly, the campaigns against women who filled their nomination papers to contest elections also harassed and forced for withdrawal from contesting elections through pressurising them by Islamic ulema's declaration (*Fatwa*), and *Jirga*.

Aurat Foundation (2001) has published a collection of such written agreements done in NWFP and FATA to stop women from contesting and voting in elections in the year 2001. Several cases are reported along with the images of the signed written agreements done on stamp papers by a large number of candidates for the positions of *Nazims*, *Naib Nazims*, councillors, leader of political parties, so-called religious leaders, and elders of the area in Kaskorona in Mardan, Malabat, Bam Khel, Alsharqi Topi, Marghaz in Swabi, Tal in Hangu, Lower Dir, and Upper Dir areas. These agreements binded the signing parties to ban women polling, not allow women to cast vote in elections on polling day, not allowing women to file nomination papers, make women to withdraw their nominations, not allowing the unopposed successful candidate to cast vote in district council elections, to withdraw women candidates already elected, boycotting the 33% women quota by not nominating and not allowing any women from respective parties to contest elections. It is further stated that if any candidate violate the agreement would pay certain amount of money, ranging from 50,000 to one million, as penalty or to be expelled from the party by a formal press statement (Aurat Foundation, 2001).

Table 21.5: Reason for voting in particular way

| Reasons for Voting                              | Women Respondents |        |       |       |       |       |       |       |      |      |             |      |      | Male<br>Control<br>Sample |
|---|-------------------|--------|-------|-------|-------|-------|-------|-------|------|------|-------------|------|------|---------------------------|
|   | ALL               | Punjab |       |       | Sindh |       |       | NWPF  |      |      | Baluchistan |      |      |                           |
|   | Women             | ALL    | U     | R     | ALL   | U     | R     | ALL   | U    | R    | ALL         | U    | R    |                           |
| Men of the house told me to vote this way       | 43.9              | 39.6   | 31.3  | 47.6  | 40.7  | 28.3  | 51.1  | 38.7  | 41.4 | 35.2 | 63.6        | 53.7 | 71.3 | 29.1                      |
| Family men always vote for this person/ family  | 14.2              | 12.8   | 7.3   | 18.2  | 22.0  | 24.8  | 19.5  | 12.1  | 11.4 | 13.0 | 6.5         | 4.5  | 8.0  | 1.3                       |
| Family has always voted for one party           | 17.4              | 17.2   | 17.3  | 17.1  | 21.5  | 23.0  | 20.3  | 25.8  | 22.9 | 29.6 | 4.5         | 6.0  | 3.4  | 0.7                       |
| Candidate likely to win                         | 4.9               | 3.8    | 5.6   | 2.1   | 7.3   | 11.5  | 3.8   | 3.2   | 2.9  | 3.7  | 5.2         | 6.0  | 4.6  | 6.6                       |
| I agree with social-political view of candidate | 3.6               | 5.7    | 7.8   | 3.7   | 1.6   | 1.8   | 1.5   | 4.8   | 4.3  | 5.6  | 0.6         | 0.0  | 1.1  | 30.5                      |
| Candidate likely to fulfil his promise          | 11.6              | 14.2   | 20.1  | 8.6   | 4.1   | 5.3   | 3.0   | 13.7  | 14.3 | 13.0 | 15.6        | 25.4 | 8.0  | 31.8                      |
| Number of relevant response                     | (942)             | (416)  | (207) | (209) | (248) | (115) | (133) | (124) | (70) | (54) | (154)       | (67) | (87) | (152)                     |
| % of Universe                                   | 58.5              | 54.7   | 57.5  | 52.3  | 76.3  | 69.7  | 83.1  | 43.1  | 48.6 | 58.5 | 65.3        | 62.0 | 67.1 | 82.6                      |

Source: Shaheed (2002: 127).



The formal reports have also been made to the returning officers to bar women from voting. The so-called religious leaders manipulated the discourse of *Jihad* and *Sharia* through *Fatwas* to prevent women and to stimulate their men to control women from participating in elections as voters or candidates.

Such preventing measures to control women's right to vote by men and masculine groups in FATA once led to casting vote no more than 37 out of the 6,600 registered women voter in Jamrud in the Khyber Agency (The Commission of Inquiry for Women, 1997: 10). Shaheed (2002: 131) also highlights this issue in national survey on women and governance by showing that 13% of the women respondents at national level who did not vote in elections claimed that they did not cast vote because the men did not allowed them to do so (see Table 21.4). It is more insightful to see the regional difference in this regard. On the one hand, the percentage of women stating this particular reason behind their act of not voting in election is low in Punjab and Sindh with only 4.6% and 9.4% of such cases, respectively. On the other hand, the number of women who did not vote in elections due to the reason that the men did not allow them to do so is much higher in NWFP and Baluchistan with 31.9% and 10% of such cases, respectively. The incidences of preventing women from voting by local men are common and have been frequently reported in past elections in Pakistan.

#### 21.2.4. Men's Decision Making Authority

The women who were able to reach the polling stations mostly do not vote by their own free will due to lack of education and awareness. They cast vote according to the will and guidance of their men family heads. The influence of family men is visible from the result of national survey done by Shaheed (2002: 127). The Table 21.5 reproduced from the national survey on women and governance shows that majority of the women (i.e. 44%) in Pakistan vote in a particular way because their family men told them to cast their vote to particular person or party. It is visible that in Baluchistan's rural areas almost 71% women cast their vote according to the wishes of their men family members. Naz et al. (2012: 168) has also shown that women consider males superiority (i.e. by 23.5% respondents), their holding of decision making power (i.e. by 15.5% respondents), and women's dependency over men (i.e. by 7.5% respondents) as impediments to women's political empowerment in *pakhtoon* society.

### 21.3. GENDER GAP IN VOTER TURNOUT

The gender disparity in registered voters and the barriers for women's voting in election result in a sufficiently wider gender gap in votes polled and voter turnout at the day of elections. It is evident from the statistics provided by the Election Commission of Pakistan (2013) regarding the polled votes and voter turnout among men and women. It is observed that voter turnout for women in phase I and II of local government elections held in the year 2005 was sufficiently lower than men.

**Table 21.6: Voter turnout in local government elections 2005 (Phase I & II)**

| Province           | Polled Votes |         |          | Turnout (%) |        |       |
|--------------------|--------------|---------|----------|-------------|--------|-------|
|                    | Male         | Female  | Total    | Male        | Female | Total |
| <b>Punjab</b>      | 11929333     | 7213699 | 19143032 | 61.48       | 43.96  | 53.45 |
| <b>Sindh</b>       | 3520466      | 1356425 | 4876891  | 47.60       | 24.31  | 37.58 |
| <b>NWFP</b>        | 2475106      | 730195  | 3205301  | 57.42       | 21.07  | 41.22 |
| <b>Baluchistan</b> | 549558       | 256814  | 806372   | 39.27       | 21.45  | 31.06 |
| <b>Total</b>       | 18474463     | 9557133 | 28031596 | 56.83       | 35.86  | 47.38 |

Source: Election Commission of Pakistan (2013).

Only 35.86% voter turnout for women was observed as compared to 56.83% voter turnout for men in four provinces. The highest voter turnout (i.e. 43.96%) for women was observed in Punjab as compared to 61.48% for men in the same province. Sindh experienced 24.31% voter turnout for women as compared to 47.60% for men. Baluchistan and NWFP witnessed the lowest turnout in the country. Baluchistan had 21.45% voter turnout for women as compared to 39.27% for men. NWFP experienced the lowest voter turnout as 21.07% for women in Pakistan as compared to 57.42% for men in the same province in the year 2005.

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## CHAPTER - 22

### WOMEN IN POLITICAL PARTIES IN PAKISTAN

Political parties are an important element of political system in any democratic society. Following the basic structures of patriarchal society, most of the political parties in Pakistan predominantly comprise men as majority of its members and key position holders. This chapter explores women's participation as sympathizers, workers, members of central executive committees and in the leadership positions in political parties.

#### 22.1. WOMEN IN POLITICAL PARTIES

The situation of women's participation in political parties did not remain promising for large part of Pakistan's post independence history. The report of the Commission of Inquiry for Women (1997: 10) highlights that women's participation in political parties "can be gauged from their numbers at the common membership level, their representation in decision making bodies of the political parties and the number of tickets given to them for general elections". It is difficult to estimate the total women membership and following of different political parties. To understand women's participation at this level of formal politics one can look for women's representation in the executive decision making councils or executive committees of different parties. The party tickets issued to women in general elections will be another set of information helpful to assess their position in the parties. These factors will be dealt in detail in following sections.

##### 22.1.1. Women's Membership in Political Parties

There is no authentic record or statistics available to show women membership of different parties in the general public. But the argument can be established on the basis of women's participation in general public meetings, protests and rallies ensured by respective parties. We can observe women's participation in political parties as workers and audience of the rallies, protests, sit-ins and other social gatherings. The history of women's political participation in Pakistan has seen a large number of women participating in Zulfiqar Ali Bhutto's mass mobilization movement against military regimes during late 1960s. Mutahida Qaumi Movement, previously in its combined form known as Muhajir Qaumi Movement, has also shown a large number of women supporters on roads and in assemblies or protest during the late 1980s and 1990s. The women sympathizers and workers are participating in an organized way in MQM. They are still very visible in the political gatherings of the party and in gatherings to listen the time to time telephonic addresses of the party head. Recently, established new political party of Pakistan Tehreek-e-Insaf under the chairmanship of Imran Khan also has shown a large strength of its female supporters. The long *Dharna* (sit-ins) in Islamabad and other party gatherings and assemblies also show a large majority of young women supporters of PTI.

##### 22.1.2. Organization of Women Wings in Political Parties

The overall representation and say of women in political parties in Pakistan remained low till the end of the twentieth century. At first, during the mass mobilization of Mr. Zulfiqar Ali Bhutto, women were brought to the front in political protest and public meetings. The newly established Pakistan People's Party was also the first to establish women wings within it. Then, other parties also followed and adopted the same pattern. Slowly and gradually, the women wings were established but with nominal role and say in decision making within almost all the political parties.

Women wings of Mutahida Qaumi Movement (MQM) are very organized ones and the women members of the party are called "*baji*" as a denoting term for their involvement in party.

### **22.1.3. Women Membership in Executive Committees**

Despite establishment of women wings, women remained marginally represented in the decision making executive committees of political parties. For example, the women membership of the executive councils of two largest political parties of the country was no more than few women in the year 1997; only 3 out of 21 in central executive council of PPP and 5 out of 47 in PML (N) (The Commission of Inquiry for Women, 1997: 10). In more recent information, we found that only 5 out of total 54 members of PPP executive councils were women in the year 2009 (Pakistan People's Party, 2009). They included Mrs. Nusrat Bhutto (the wife of founder of party), Faryal Talpur (sister of the party co-chairman), Fauzia Wahab, Samina Khalid Gurkhi and Fehmida Mirza.

### **22.1.4. Women's Leadership of Political Parties**

South Asian Politics has witnessed several women party leaders. Pakistan is also one of these South Asian countries. In male dominated society of Pakistan it has remained very difficult for women to reach the leadership positions (especially as head) in political parties in Pakistan. The political parties in Pakistan are mainly dominated by different families and the dominant men in these families. Pakistan People's Party was founded by Zulfikar Ali Bhutto and mostly remained dominated by Bhutto family. With the marriage of Benazir Bhutto, the daughter of Zulfikar Ali Bhutto with Asif Ali Zardari, later the Zardari family also come to hold power within party. Pakistan Muslim League (Nawaz) is dominated by Sharif brothers (Nawaz Sharif, Shahbaz Sharif and their children). Pakistan Muslim League (Quaid-e-Azam) is dominated by Chaudhry brothers (Chaudhry Shujat and Chaudhry Pervez Elahi). Pakistan Muslim league (Functional) is headed by Peer Pagara (the male spiritual head of Hur community. This headship moves down in the family by inheritance).

In this male dominated political background only five women could have ever achieved the position of head of any political party in Pakistan. They include: Mohtarma Fatima Jinnah, Benazir Bhutto, Nusrat Bhutto, Ghanwa Bhutto, and Begum Nasim Wali Khan. They all were belonging to and relative to prominent male political leaders and families. Most of them hold this position to continue the legacy of their male relative in their absence or after death. No women could have reached the party headship without kinship ties with dominant men political leaders. Although, these women once reached the position due to their family or kinship background, later on they have proved their merits and worth to hold these positions.

## **22.2. WOMEN CONTESTING ELECTIONS FROM POLITICAL PARTIES**

Political parties in Pakistan are not very generous in issuing political ticket to women for contesting general elections. A marginal number of women could have ever got tickets from different political parties to contest elections held in Pakistan before the year 2000. The number of tickets given to women by different political parties in 1997 elections was very low. Pakistan People's Party and Pakistan Muslim League (J) in coalition gave tickets to nine women out of total 161 persons fielded to contest in different constituencies for national assembly seats in the year 1997. Pakistan Muslim League awarded tickets to six women out of total 177 fielded candidates in the same election. Pakistan People's Party (Shaheed Bhutto Group) brought forward only seven women in that election (Shaheed et al., 1998: 72; The Commission of Inquiry for Women, 1997: 10).

### **22.2.1. Women Candidates for Elections from Political Parties**

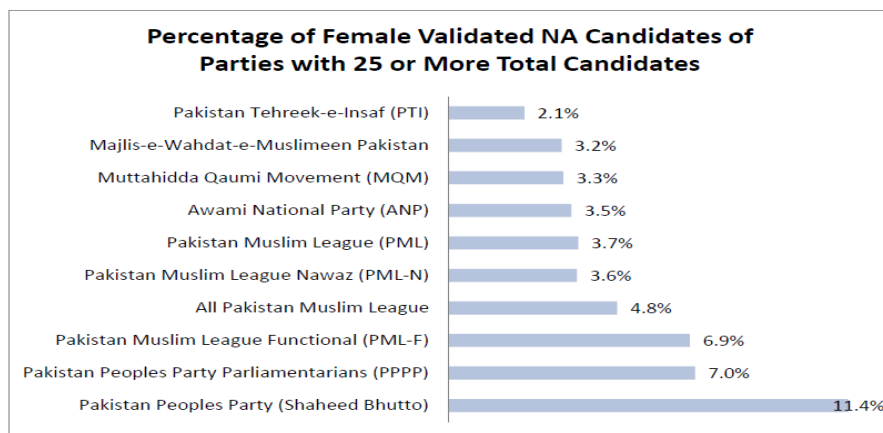
Free and Fair Election Network (2013; FAFEN hereafter) has given the gender analysis for the National Assembly Elections of 2013. It is reported that the contesting candidates fielded by 105 political parties were validated by Election Commission of Pakistan (ECP), but more than three-fourth of these parties have no women candidate contesting elections. Overall 161 (i.e. 3.5%)

women and 4,437 (i.e. 96.5%) men were validated by ECP for contesting on total 272 constituencies for National Assembly elections held in the year 2013. This figure includes the independent male and female candidates contesting in 2013 for the same election. There were total 2,433 validated independent candidates; out of them 92 (i.e. 3.8%) were women and 2,341 (i.e. 96.2%) were men independent candidates. It is reported that, out of 2,165 validated candidates fielded by political parties, there were only 69 (i.e. 3.2%) women candidates. It means a very marginal number of the tickets (i.e. only 3.2%) were given to female candidates by political parties to contest National Assembly elections 2013 (FAFEN, 2013: 1).

FAFEN also reports that 18 political parties that have launched 25 or more candidates have very few women among them (see Figure 22.1). Pakistan People's Party (Shaheed Bhutto) launched 4 women out of total 35 candidates (i.e. 11.4%), Pakistan People's Party Parliamentarians launched 16 women out of total 229 candidates (i.e. 7.0%), and Pakistan Muslim League (Functional) fielded 2 women out of total 29 candidates (i.e. 6.9%). Seven parties had fielded less than 5% women candidates and eight parties did not field any single candidate in 2013 elections (FAFEN, 2013: 2).

FAFEN (2013: 2) has categorized the political parties that have fielded candidates in 2013 elections on the basis of the number of candidates fielded by them. The criterion is fixed to show the scope and coverage a party. The first category includes six parties each of which has fielded more than 100 candidates. It was highlighted that these parties had total 1194 candidates contesting on party tickets; out of them 1158 (i.e. 97.0%) candidates were men in comparison of total 36 (i.e. 3.0%) women candidates. PPPP had fielded 7.0% (i.e. 16) women as compared to 93.0% (i.e. 213) men candidates. PML (N) included 3.6% (i.e. 8) women as compared to 96.4% (i.e. 213) men candidates. MQM fielded 3.3% (i.e. 7) women and 96.7% (i.e. 208) men candidates. PTI launched 2.1% (i.e. 5) women in comparison of 97.9% (i.e. 228) men candidates. Not a single woman was included in 165 candidates contested elections from Jamat-e-Islami Pakistan and 131 candidates launched from Jamiat Ulama-e-Islam Pakistan. It simply shows that women candidates comprised no more than 7% of the candidates launched by any political party in Pakistan in the elections held in the year 2013.

**Figure 22.1: Percentage of women validated candidates in 2013 elections**



Source: (FAFEN, 2013: 2)

Five political parties are classified in the category of parties launching more than 50 but less than 100 candidates for national assembly elections in 2013. Two of them (i.e. Mutahida Deeni Mahaz and Tehreek-e-Tahaffuze Pakistan) did not have any single women candidate. All Pakistan Muslim League launched four women candidates (i.e. 4.8%) among total 83 persons. Pakistan Muslim League brought forward only two women candidates (i.e. 3.7%) among total 54 candidates. Awami National Party also had two women candidates out of total 54 persons contesting election for national assembly in 2013 (FAFEN, 2013: 2). In the category of seven political parties with more than 25 but less than 50 candidates contesting elections; only seven (i.e. 2.8%) women candidates were launched in comparison of 239 (i.e.97.2%) male candidates. Pakistan People's Party (Shaheed Bhutto) had four women (i.e. 11.4%) along with 31 men candidates; Pakistan Muslim League Functional launched only two women (i.e. 6.9%) in comparison to 27 (i.e. 93.1%) men candidates. Majlis-e-Wahdat-e-Muslamin fielded one (i.e. 3.2%) women out of 31 total candidates (FAFEN, 2013: 3).

Twelve political parties comprised the category of parties launched more than 10 but less than 25 candidates. They included only six women (i.e. 3.5%) in comparison of 165 men (i.e. 96.5%) candidates in 2013 elections. Awami Justice Party Pakistan had three women out of ten candidates. Awami Muslim League Pakistan had one woman out of total 17 candidates. Pakistan Justice Party and Pakistan Muslim League (J) had one women launched out of total 16 and 15 total candidates, respectively (FAFEN, 2013: 3). Similarly, another 49 parties were in the category of launching more than one but less than 10 candidates for national assembly elections in 2013. These parties had only ten women candidates in comparison of 165 men candidates. Twenty six political parties had launched one candidate for national assembly election in 2013; they launched 2 women in comparison to 24 men candidates (FAFEN, 2013: 3).

**Table 22.1: Percentage of candidates from political parties (2013 elections)**

| <b>Number of Candidates Validated,<br/>Per Political Party</b> | <b>Female</b> | <b>Male</b> |
|--|---------------|-------------|
| <b>100 or more candidates</b>                                  | 3.0%          | 97.0%       |
| <b>50 to 99 candidates</b>                                     | 2.3%          | 97.7%       |
| <b>25 to 49 candidates</b>                                     | 2.8%          | 97.2%       |
| <b>10 to 24 candidates</b>                                     | 3.5%          | 96.5%       |
| <b>2 to 9 candidates</b>                                       | 5.7%          | 94.3%       |
| <b>One candidate</b>   | 7.7%          | 92.3%       |

Source: (FAFEN, 2013: 3)

In short, women's participation in political parties is mostly reduced to the lowest tiers of workers, sympathizers, and audience of political gatherings. A very marginal number of women could have achieved the headship of their political parties. The few who became head of political parties could have reached that position due to some masculine interest and party survival conditions than their own merit or qualification. Political parties in Pakistan are also not very generous to give tickets to women candidates for contesting elections. It is observed that there were a marginal number of tickets given to women candidates by political parties in the national assembly elections held in 2013. The four political parties giving highest number of tickets to women candidates include Pakistan People's Party Parliamentarians (with 16 tickets given to women candidates out of total 229), Pakistan Muslim League Nawaz (with 8 tickets given to women candidates out of total 221), Mutahida Qaumi Movement (with 7 tickets given to women candidates out of total 215) an Pakistan Tehrik-e-Insaf (with 5 tickets given to women candidates out of total 233).

### WOMEN IN SENATE OF PAKISTAN

The term “senate” is literally defined as “the upper house of the law-making assembly in some countries” (Hornby, 1995: 1068). It is an upper house of the representatives in countries where the parliament is comprises of two houses (the lower house or national assembly and the upper house or senate). Like several other countries, the senate is the upper house of Pakistani parliament as well. A wider gender gap always existed in the composition of the senate in Pakistan. This chapter is focusing on historical review of women’s representation in the senate of Pakistan and its comparison with the situations of women’s representation in the senate of other countries and regions.

#### 23.1. THE SENATE OF PAKISTAN

Senate, the upper house of the parliament, did not exist as part of political system in Pakistan before the year 1973. Therefore, the first two constitutions formulated in the year 1956 and 1962 did not mention any allocation for women’s seats in the senate. The 1973 constitution for the first time introduced a bicameral parliamentary system in the country. It established and provided for the senate as the upper house of the parliament in the country. The aim of establishing a new institution as the senate or upper house was to eliminate the chance of political domination of parliament by any ethnic or provincial group. The membership in national assembly was defined on the basis of population. Therefore, the senate was aimed to remove any domination of one province in parliament on the basis of larger population. Rather, all the federating units were given equal representation in the senate for political and legislative decision making. Although, the federating units have been given equal representation, but an important question is that is there an equal representation given to men and women in the senate of Pakistan.

##### 23.1.1. International Comparisons of Women in Senate of Pakistan

According to the statistics provided by the Inter-Parliamentary Union, to show progress of women’s representation in the senate for the latter half of the last century, the average proportion of women senators in all the upper houses or senates across the globe was 2.2% in the year 1945, 7.7% in 1955, 9.3% in 1965, 10.5% in 1975, 12.7% in 1985, 9.4% in 1995. It reached to 13.4% in the year 2000. The Asian average for women in the senate was 15.5% in the year 2000. Pakistan was not having any reservation of quota for women in the senate during this period. Therefore, women’s representation in the house was lagging behind the international and regional averages.

Pakistan was having only three women members (i.e. 3.4%) in the senate of Pakistan in the year 1997. The situation worsen in the year 1998, when only one women member was present in the senate comprising 1.1% of the total membership of the house. This was sufficiently low in comparison of international average of 9.8% and Asian average of 9.9% of women’s representation in the senate. Therefore, Pakistan was standing on 95<sup>th</sup> and 100<sup>th</sup> ranks in international ranking of the countries on the basis of women’s representation in their respective parliaments in the years 1997 and 1998, respectively.

**Table 23.1: International standing of women’s representation in senate of Pakistan**

| Year | International averages for women in senate |          | Women in senate of Pakistan |          |       |       |      |
|------|--|----------|-----------------------------|----------|-------|-------|------|
|      | World (%)                                  | Asia (%) | International Rank          | Election | Seats | Women | W(%) |
| 1997 | 9.8  | 9.9      | 95                          | 03-1997  | 87    | 3     | 3.4  |
| 1998 | 10.6                                       | 10.0     | 100                         | 03-1997  | 87    | 1     | 1.1  |
| 1999 | 13.9                                       | 11.7     | -                           | -        | -     | -     | -    |
| 2000 | 13.4                                       | 15.5     | -                           | -        | -     | -     | -    |
| 2001 | 13.3                                       | 12.1     | -                           | -        | -     | -     | -    |
| 2002 | 14.1                                       | 13.0     | 33                          | 10-2002  | 92    | ?     | ?    |
| 2003 | 15.1                                       | 14.3     | 31                          | 03-2003  | 100   | 18    | 18.0 |
| 2004 | 14.7                                       | 13.5     | 33                          | 03-2003  | 100   | 18    | 18.0 |
| 2005 | 15.0                                       | 14.4     | 42                          | -        | -     | -     | -    |
| 2006 | 15.9                                       | 15.7     | 44                          | 03-2006  | 100   | 17    | 17.0 |
| 2007 | 16.7                                       | 14.8     | 51                          | 03-2006  | 100   | 17    | 17.0 |
| 2008 | 17.6                                       | 16.5     | 45                          | 03-2006  | 100   | 17    | 17.0 |
| 2009 | 17.8                                       | 16.4     | 49                          | 03-2009  | 100   | 17    | 17.0 |
| 2010 | 18.2                                       | 15.3     | 50                          | 03-2009  | 100   | 17    | 17.0 |
| 2011 | 18.7                                       | 14.3     | 52                          | 03-2009  | 100   | 17    | 17.0 |
| 2012 | 18.3                                       | 14.1     | 57                          | 03-2012  | 104   | 17    | 16.3 |
| 2013 | 19.4                                       | 13.8     | 66                          | 03-2012  | 104   | 17    | 16.3 |
| 2014 | 20.1                                       | 14.1     | 68                          | 03-2012  | 104   | 17    | 16.3 |
| 2015 | 21.8                                       | 16.2     | 68                          | 03-2015  | 104   | 19    | 18.3 |
| 2016 | 22.0                                       | 15.1     | 83                          | 03-2015  | 104   | 19    | 18.3 |

Source: Inter-Parliamentary Union (2016).

Pakistan's international standing in terms of women's representation in parliament suddenly improved with the introduction of quota for women's reserved seats in the senate in the year 2002. Pakistan attained 31<sup>st</sup> rank in international ranking in the year 2003 with 18 women representatives (i.e. 18%) present in the senate. The percentage of women in senate in Pakistan was higher than the international average (i.e. 15.1%) and regional Asian average (i.e. 14.3%) in the year 2003. Pakistan could not retain this relatively higher place in the international ranking for long and reached to 66<sup>th</sup> rank in 2013, just after a decade. Finally, now Pakistan stands on 83<sup>rd</sup> rank with 18.3% women in the senate in comparison of an international average of 22% and Asian average of 15.1% in the month of July 2016. Although, women's representation in Pakistan has increased in the senate after 2002 but still the lower ranking of Pakistan in international comparisons highlights a need for further enhancement in the number of elected women representatives in the house. Political parties should nominate more and more women for the senate and the quota for women in the house should also be enhanced.

### 23.1.2. History of Women's Representation in the Senate of Pakistan

There has always remained a visible gender gap in participation and representation of men and women in the senate of Pakistan throughout its history. The number of women has remained significantly low to the extent of mere more than absence till the year 2000. Then, the enhanced quota allocation also improved the condition at that institution after the year 2002. Tabassum and her fellows (2014) for the first time have conducted a research focusing on women's representation in the senate of Pakistan. They claimed that despite aiming to establish equality among different provincial or ethnic groups in the country, the senate membership still followed and preserved the broader gender inequality prevailing in overall Pakistani society. It failed to give men



and women an equal representation at this supreme political forum of any democracy. The senate remained male dominated for most part of its history in Pakistan. The available data shows women's marginal representation (no more than one or two women in different periods of time) in the senate during the period from 1973 to 2000. There was no specific quota allocation for reserved seats for women in the senate till the year 2000.

The first senate was established in the year 1973 without any specific quota seats reserved for women out of its total strength of 45 members (Senate of Pakistan, 2013a). But still the forum had only one elected women member, Saima Usman Fateh, from Pakistan People's Party. She was the first elected member of Senate in the country (Women's Parliamentary Caucus, 2010a). She remained in the senate from 1973 to 1975 (Senate of Pakistan, 2013c). Another woman, Asifa Farooqi from Jhang, got elected in the senate membership in 1975 and remained in the forum till 1977 (Senate of Pakistan, 2013d; Provincial Assembly of the Punjab, 2013). She was again from Pakistan People's Party.

**Table 23.2: Gender wise composition of senate in Pakistan (1973-2012 onwards)**

| Period        | Women  |      | Men    |       | Total  |     |
|---------------|--------|------|--------|-------|--------|-----|
|               | Number | %    | Number | %     | Number | %   |
| 1973-75       | 1      | 2.22 | 44     | 97.77 | 45     | 100 |
| 1975-77       | 1      | 2.22 | 44     | 97.77 | 45     | 100 |
| 1985-88       | 0      | 0    | 87     | 100   | 87     | 100 |
| 1988-91       | 1      | 1.14 | 86     | 98.85 | 87     | 100 |
| 1991-94       | 1      | 1.14 | 86     | 98.85 | 87     | 100 |
| 1994-97       | 2      | 2.29 | 85     | 97.7  | 87     | 100 |
| 1997-2000     | 2      | 2.29 | 85     | 97.7  | 87     | 100 |
| 2003-2009     | 18     | 18   | 82     | 82    | 100    | 100 |
| 2009-12       | 17     | 17   | 83     | 83    | 100    | 100 |
| 2012- onwards | 17     | 17   | 83     | 83    | 100    | 100 |

Source: Statistics compiled and analysed by the author.

In the year 1977, the then military General Zia-ul-Haq took over the state power, imposing martial law. The constitution of 1973 remained abrogated till the year 1985. Therefore, there was no upper house constituted in the name of senate till the year 1985. In the year 1985, the total membership of the senate was raised to 87 members after the death of General Zia and the revival of 1973 constitution. But still there was no reserved seats provided for women in the senate in the revived constitution. The elections were held for the senate. But not a single women was elected to the senate during 1985 to 1988 (Zia & Bari, 1999: 50). Next elections held in 1988, resulting in only one woman elected to the Senate out of total 87 members. It took women's representation in the senate to 1.1% of the total membership of the house (Government of Pakistan, 2010: 92; Women Parliamentary Caucus, 2010b; Zia & Bari, 1999: 50). Dr. Noor Jahan Panezai from Baluchistan was the only lady to get elected to the senate and remained there till 1994. She belonged to Pakistan Muslim League Junejo (PML-J) (Senate of Pakistan, 2013e; Women Parliamentary Caucus, 2010b; Zia & Bari, 1999: 50). Dr. Panezai also became the first women Deputy Chairperson of the senate and served from March 21<sup>st</sup>, 1991 to March 20<sup>th</sup>, 1994 (Senate of Pakistan, 2013b).

Two women from Karachi, Ms. Fiza Junejo from PML-J and Mrs. Nasreen Jalil from Mutahida Qaumi Movement (MQM), got elected to the senate in the year 1994 and remained as members of the house till the year 2000 (Zia & Bari, 1999: 50; Senate of Pakistan, 2013g). In addition to these two ladies, Begum Nadira Khan Khakwani from Lahore joined the house for a short period of less than five months (from September 22<sup>nd</sup>, 1996 to March 20<sup>th</sup>, 1997) on a seat

vacated. Therefore, the proportion of women representatives was only 2.29% (except Ms. Nadira Khan) in a house of 87 members during 1994 to 2000. There was no quota allocation for the reserved seats for women in the senate of Pakistan till this stage.

The quota allocation for women reserved seats in the senate was introduced very late. It was at the turn of century, when the second phase of the political era started with a 17% of legislative quota allocated for women in the senate. Women came on these 17 percent seats along with one woman elected on general seat that is other than reserved seat for women. This was quick change and improved the whole level of women's representation in this institution to some extent. The pattern of 17% percent representation seems persistent till today and may continue till the time the quota system will remain intact. The second era of women's increased political representation in senate will be dealt in next paragraphs.

In the year 1997, Pakistan experienced the start of another military rule by General Pervez Musharraf. His regime provided legislative and constitutional allocation for women's reserved seats in the Senate along with the other political forums like national assembly, provincial assemblies and local councils. The total strength of the senate membership rose to total strength of 100 members. The constitutional measures taken specifically defined 17% seats in the senate as allocated for women members for the first time in history of Pakistan. This was including four women from each province and one from capital territory. The overall number of seats reserved for women in the house reached to 17 seats. The elections done for the senate from 2002 to date are done under the same quota allocation of reserved seats for women.

After introduction of reserved quota seats for women in the senate, the first elections for the senate were held in the year 2003. An unprecedented large number of women representatives reached to Pakistani senate, on not only reserved seat but also on general seat. There were 18% women in the senate in the year 2003 (Government of Pakistan, 2010: 92; Pakistan Institute for Legislative Development and Transparency, 2004: 16). One woman was elected on general seat in addition to the seventeen women elected on reserved seats. This made the total representation of women 18% (i.e. 18 seats out of total 100 seats) in the senate. The next elections held in the year 2009 and 2013. These elections were done with same quota allocation of 17% women reserved seats. But the two elections witnessed a reduction in number of women in the house as no one woman could win a general seat in these elections. The representation of women in the senate was again got limited to only 17 seats reserved by the compulsion of constitutional quota.

On the basis of the history stated above, the statistics given in above Table 23.1 aptly shows the marginal number of women representatives present in the senate for a long time of post independence history of Pakistan. The senate in Pakistan came into being in 1973. Women's representation in house remained limited to only one woman at a time during 1973 to 1977. There was no senate working in the country during the military rule of General Zia during 1977 to 1985. Even when the senate was revived at the end of military rule in 1985, Pakistani women were not able to find a single membership position in the senate between the years 1985 to 1988. During this period Pakistani senate was men only institution in its composition. After this short period of complete absence of women from the senate, the tradition of one woman at a time in the house started again; as only one women member at a time was holding membership of the senate during 1988 to 1994. Rising from this minimal membership of women in the senate, women gained 2 seats in the senate from the year 1994 to 2000. This was the end of first era of women's marginal representation in the senate.

The second era of women's increased representation in the senate started with the introduction of constitutional quota of 17% reserved seats for women in the house. Then, subsequent elections were done with this provision of 17% reserved seats for women in the house. This quota reservation led to election of women on not only reserved seats but also on general seat as well. This raised the number of women to an unprecedented level in the senate of Pakistan. Therefore, the country witness 18% representation of women in the senate in the year 2003, for the first and only time in the whole political history of Pakistan. The representation of women in the senate declined and reached to 17% (only on the reserved seats and not on any general seats) in the year 2006 and remained same till the year 2011. It again increased to 19 women in the senate

making their representation 18.3% in the year 2015. The situation is same till July 2016. In short, women's representation could not reach to the one fifth of the total membership in the house throughout the history of Pakistan.

### 23.1.3. Patterns of Women's Representation in the Senate of Pakistan

We can find some particular patterns of women's political representation in the senate of Pakistan emerging from the above chronologically narrated history of women's marginal and increased inclusion in the house. Tabassum and her fellows (2014) in their research study on this subject have identified some basic patterns of women's representation in the senate of Pakistan (see Text Box 23.1).

#### Text Box 23.1: Patterns of Women's Representation in Senate of Pakistan

- 1) A wide gender gap exists in women's representation in the Senate,
- 2) Women's representation in senate remained marginal throughout history,
- 3) A marginal number of women were elected on general and technocrat seats,
- 4) The quota allocation for women's reserved seats in senate was introduced very late,
- 5) The quota allocation for women's reserved seats in senate enhanced women's overall representation in senate to some extent, and
- 6) This quota allocation led to women's absence from general or reserved seats for technocrat in the house.

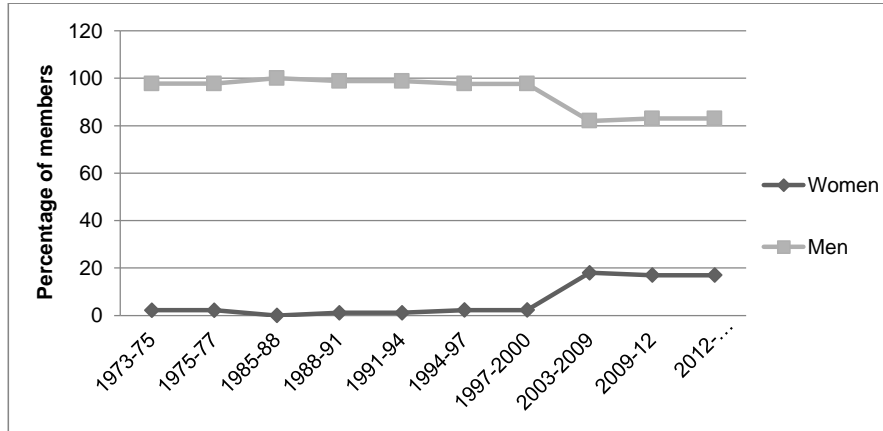
Source: (Tabassum et al., 2014: 61).

#### 23.1.3.1. Gender gap in membership of the senate

A gender wise analysis of the composition of Pakistani senate's membership has been done by Tabassum and her colleagues (2014: 61) in their research on the same subject. They analyzed the historical data available and identify that women's membership started in the senate from 1973 when it was only 2.2% of the total membership of the house in comparison of 97.7% of men's membership. The situation of the wide gender gap in membership of the senate persisted till the year 1977. Further, to add gravity to this situation, the senate remained working as a male only institution from the year 1985 to 1988 with 100% male membership. Tabassum et al. (2014) identified that Pakistani women remained absent from the senate during 1985 to 1988, as also visible from the statistics available in Table 23.1. The absence of women from the house made the senate of Pakistan as one gender institution with men only membership for the said time period. After the short period of women's absence and men only senate, again one woman entered the senate making their representation as 1% in comparison to 99% of men's representation. This situation of 1% women's representation remained continued from 1988 to 1994. During the year 1994 to 2000, women constituted 2.29% of the house with two women sitting in there in comparison to more than 97% of men members. It means, women representation from 1973 to 2000 could not raise from 2.2% to 2.29% in comparison of men's 97% to 99% membership, respectively.

Women's representation in the senate jumped to its highest level in the year 2003 when 18% women got elected in the house. But the situation is still far from gender equality, as still women's representation reached to only 18% in comparison to 82% of men in the year 2003. This situation slightly changed. The highest representation level of women again started declining from 18% to 17% by the 2009 elections. In this way, the elections of 2009 and 2013 witnessed 17% of women and 83% of men sitting in the house. This all discussion shows that there has always been a wider gender gap in the composition and membership of the senate in Pakistan making it a male dominated institution.

**Figure 23.1: Gender wise composition of senate in Pakistan (1973-2012 onwards)**



Source: Statistics compiled and analysed by the author.

### 23.1.3.2. Marginal presence of women in senate

Besides the wider gender gap, women's marginal representation remained a chronic feature of Pakistani Senate. Women were either marginally represented or completely absent from the senate throughout large part of Pakistani political history till today. Women's representation remained hovering between mere absence to 18% throughout the whole history from 1973 till today as compared to men's representation from 97% to 100%. This level of women's representation was quite far from being equal to that of men. Rather, it is very marginal as women could have never reached the one fifth of the senate's total membership ever in the country.

### 23.1.3.3. Nominal chance for women to win general seats in senate

It is also evident that throughout the history Pakistani women were marginally represented on the general seats of the senate. They were either completely absent from house or represented on one or two general seats during the period from the year 1973 to 2009. Even after the year 2000, when increased number of women entered the house on reserved seats, it was difficult for women to win on general seats. Only one woman could get elected on general seat during the period from the year 2003 to 2009. While in the year 2009 to 2012 and 2012 to onwards there was no single woman member elected in the senate on general seat.

### 23.1.3.4. Women and political parties in the senate

This matter of women's representation in the senate should also be viewed from the perspective of political parties. The senate is a house where the representatives are not being elected by direct election rather they are indirectly elected by the already elected members of national assembly. Therefore, it is easy for political parties to bring women to this political forum. But still political parties give little chance to women workers or activist for getting elected to this forum.

Table 23.3: Quota and women's representation on general and reserved seats

| Period | Quota reservation |   | Women elected on reserved seats |   | Women elected on general seats |   |
|--------|-------------------|---|---------------------------------|---|--------------------------------|---|
|        | Number            | % | Number                          | % | Number                         | % |
|        |                   |   |                                 |   |                                |   |

|                      |    |    |    |    |   |      |
|----------------------|----|----|----|----|---|------|
| <b>1973-75</b>       | 0  | 0  | 0  | 0  | 1 | 2.22 |
| <b>1975-77</b>       | 0  | 0  | 0  | 0  | 1 | 2.22 |
| <b>1985-88</b>       | 0  | 0  | 0  | 0  | 0 | 0    |
| <b>1988-91</b>       | 0  | 0  | 0  | 0  | 1 | 1.14 |
| <b>1991-94</b>       | 0  | 0  | 0  | 0  | 1 | 1.14 |
| <b>1994-97</b>       | 0  | 0  | 0  | 0  | 2 | 2.29 |
| <b>1997-2000</b>     | 0  | 0  | 0  | 0  | 2 | 2.29 |
| <b>2003-2009</b>     | 17 | 17 | 17 | 17 | 1 | 1    |
| <b>2009-12</b>       | 17 | 17 | 17 | 17 | 0 | 0    |
| <b>2012- onwards</b> | 17 | 17 | 17 | 17 | 0 | 0    |

Source: Statistics compiled and analysed by the author.

### **23.1.3.5. Late introduction of quota allocation for women in senate**

It is also observed that the legislative measure to define specific quota allocation for women's reserved seats in the senate was taken very late. On the one hand, women's inclusion in national assembly remained a concern from the very first constituent assembly established after independence. Later all the constitutions were also defining quota for women's representation in national assembly. On the contrary to concerns of women's representation in national assembly, the senate as the part of parliament was first established in 1973 constitution, but the same constitution defining quota for women in national assembly, did not pay attention to include the similar quota for women in the senate. The quota reservation in the senate remained delayed till it was first introduced in 2002.

### **23.1.3.6. Quota allocation and increased representation of women**

It was also observed that women remained marginally represented (i.e. from 1% to 2.2% of women's representation) throughout the period when there was no formal quota allocated for women reserved seats in the senate from 1973 to 2000. As soon as the constitutional measure was taken in the year 2002 for introduction of 17% quota of reserved seats for women in the senate, women's representation jumped to 18% in the year 2003. This sudden increase was the result of quota allocation of reserved seats for women as seventeen out of total 18 women elected in the house were on reserved seats.

### **23.1.3.7. Quota and women's absence from general seats**

It is also observed that the introduction and implementations of quota allocation of reserved seats in the senate is followed by a negative impact on women's chance to be elected on general or technocrat seats. Before the allocation of quota reservation for women in the senate, there were one or two women elected on general seats sitting in the house for most of the time, besides a short period of complete absence. As soon as 17% of seats were reserved for women in the house, it initially did not impact on the trend of one woman being elected on general seat in the first elections held in 2003. But soon in 2009 and 2013 elections, it was witnessed that not a single woman could enter the house on general or technocrat seat. Women were segregated to be limited to the seats reserved to them through constitution quota.

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## CHAPTER - 24

### WOMEN IN NATIONAL ASSEMBLY OF PAKISTAN

National Assembly can simply be defined as the elected decision and law making council at the state level in any country. It is a crucial part of the parliament in any country with parliamentary democracy. The national assembly is the sole institution comprising the parliament in the countries where parliament is based on single house. It is also known as the lower house. It comprises the lower house of the parliament in the countries where bicameral parliamentary system is in practice. This chapter is focusing on Pakistani national assembly for a critical analysis of women's representation in this institution. It also highlights the international standing of Pakistan in terms of women's representation in national assembly. It explains the history of varying levels of women's representation in the house in detail.

#### 24.1. WOMEN IN NATIONAL ASSEMBLY OF PAKISTAN

National Assembly of Pakistan was the sole institution constituting the parliament till 1973. After the year 1973, national assembly started working as the lower house of the bicameral system defined in 1973 constitution of Pakistan. It is the legislative council in the country. It comprises the elected representative from all provinces. Some of the representatives in the house are elected on reserved seats for women and minority. Pakistan has witnessed 14 national assemblies since independence of the country till the year 2016. All of the national assemblies, either constituted or elected, have experienced a wider gender gap in its composition. Next sections of this chapter will focus on the gender gap in representation of the national assembly in Pakistan in national and international context.

##### 24.1.1. International Comparisons of Women in National Assembly

The situation of women's representation in national assembly is also not much different from that of in the senate of Pakistan. The representation of women in national assembly of Pakistan remained lowest during the latter half of the last century. According to statistics provided by Inter-Parliamentary Union (2016), there were only 5 women members (i.e. 2.3%) in national assembly of Pakistan during 1997 and 1998. This was a very low representation of women in national assembly as compared to the international average of 13% and regional average of Asia as 14.1% women present in national assemblies of the world and in Asia, respectively, in the year 1998. This lower representation of women in national assembly resulted in Pakistan's standing at 100<sup>th</sup> rank in 1998.

The situation improved with the introduction of 17% gender quota for women in national assembly in the year 2002. Therefore, Pakistan suddenly jumped to reach the 31<sup>st</sup> rank with 21.6% of women elected in national assembly in the year 2003. Pakistan could not maintain this higher rank for long and again reached to 83<sup>rd</sup> rank in the world by the year 2016. There are 70 women present in the house of 340 members of national assembly in the month of July 2016. The proportion of women in the house is 20.6%. Although, the current proportion of women members in Pakistan's national assembly is higher than the Asian average of 19.2% women's representation in national assemblies of the region but it is still lower than the world average of 22.8% women's representation in national assemblies across the globe.

**Table 24.1: International standing of women’s representation in National Assembly**

| Year | International averages for women in NA |          | Women in NA of Pakistan |          |       |       |      |
|------|--|----------|-------------------------|----------|-------|-------|------|
|      | World (%)                              | Asia (%) | International Rank      | Election | Seats | Women | W(%) |
| 1997 | 11.7                                   | 9.7      | 95                      | 02-1997  | 217   | 5     | 2.3  |
| 1998 | 13.0                                   | 14.1     | 100                     | 02-1997  | 217   | 5     | 2.3  |
| 1999 | 13.5                                   | 14.9     | -                       | -        | -     | -     | -    |
| 2000 | 13.9                                   | 15.0     | -                       | -        | -     | -     | -    |
| 2001 | 14.1                                   | 15.6     | -                       | -        | -     | -     | -    |
| 2002 | 15.2                                   | 15.4     | 33                      | 10-2002  | 342   | 72    | 21.1 |
| 2003 | 15.2                                   | 14.5     | 31                      | 10-2002  | 342   | 74    | 21.6 |
| 2004 | 15.9                                   | 15.1     | 33                      | 10-2002  | 342   | 73    | 21.3 |
| 2005 | 16.4                                   | 16.1     | 42                      | 10-2002  | 342   | 73    | 21.3 |
| 2006 | 17.0                                   | 16.2     | 44                      | 10-2002  | 342   | 73    | 21.3 |
| 2007 | 17.9                                   | 16.9     | 51                      | 10-2002  | 342   | 72    | 21.1 |
| 2008 | 18.4                                   | 17.9     | 45                      | 02-2008  | 338   | 76    | 22.5 |
| 2009 | 19.0                                   | 18.7     | 49                      | 02-2008  | 342   | 76    | 22.2 |
| 2010 | 19.2                                   | 18.3     | 50                      | 02-2008  | 342   | 76    | 22.2 |
| 2011 | 19.7                                   | 18.3     | 52                      | 02-2008  | 342   | 77    | 22.5 |
| 2012 | 20.8                                   | 18.4     | 57                      | 02-2008  | 342   | 77    | 22.5 |
| 2013 | 21.8                                   | 18.2     | 66                      | 05-2013  | 323   | 67    | 20.7 |
| 2014 | 22.2                                   | 18.8     | 68                      | 05-2013  | 323   | 67    | 20.7 |
| 2015 | 22.8                                   | 19.3     | 68                      | 05-2013  | 340   | 70    | 20.6 |
| 2016 | 22.8                                   | 19.2     | 83                      | 05-2013  | 340   | 70    | 20.6 |

Source: Inter-Parliamentary Union (2016)

### 24.1.2. History of Women’s representation in National Assembly

The situation of women’s representation in national assembly of Pakistan was not different from that of their representation in the senate. This institution has also witnessed two periods of varying women’s representation throughout history. There were very few women who could find their way to be elected in national assembly till the year 2000. Later, the introduction of enhanced quota allocation led to increase in the number of women in the house after the year 2000.

Syed, Tabassum and Afzal (2015) have conducted a research focusing on the history of women’s representation in national assembly of Pakistan. It is claimed that women have never achieved an equal representation in the house as that of men. They are proportionally far behind than men and are also mostly segregated on reserved seats. The first period of women’s marginal representation in national assembly can be traced from the first constituent assembly after independence to the year 2000. The legal provisions for quota reservation for women seats in national assembly were either absent or just limited to defining a nominal quota for women throughout the first period from 1947 to 2000. The number of women entering the parliament in this period was very low. The situation of women’s marginal representation in national assembly remained similar in both military and democratic governments in this era.

The first period characterized with women’s marginal representation in national assembly started when, after a great activism shown by women in independence movement, they were given a nominal and sporadic representation in the first constituent national assembly established in the newly created state of Pakistan. There were only two women representatives selected for this assembly. They were Begum Shaista Ikramullah and Begum Jahanara Shah Nawaz. It was only 2.5% of the total strength of the house. The established politician landlord men from the era before independence were the dominant actors of that time in newly established state (Hussain, 1976; Hussain 1979: 4; Rashid, 1978: 169). They did not leave any room for women to enter the house

any further in the first decade of political history of Pakistan. Soon, the first constituent assembly with two women was dissolved and there was no women included in the second constituent assembly in 1955 (Mumtaz, 1998: 354).

**Table 24.2: Elected members of national assembly in Pakistan (1990-2013)**

| Election Year | Total | Number of Elected Members of National Assembly |         |      |         |
|---------------|-------|--|---------|------|---------|
|               |       | Female   | Percent | Male | Percent |
| 1990          | 217   | 2  | 0.9     | 215  | 99.1    |
| 1993          | 217   | 4  | 1.8     | 213  | 98.2    |
| 1997          | 217   | 6  | 2.8     | 211  | 97.2    |
| 2002          | 342   | 73   | 21.0    | 269  | 79.0    |
| 2008          | 342   | 76   | 22.2    | 263  | 76.9    |
| 2013          | 342   | 68   | 19.88   | 274  | 80.12   |

Source: Government of Pakistan (2014: 104).

The first constitution was given in the year 1956. The constitution defined the total membership of the national assembly as 310 members. The constitution also stated for provision of 10 reserved seats for women in the national assembly in its article 44(2). Besides providing these ten additional seats for women in the house, the constitution of 1956 also stated to limit this positive measure of women's reserved seats for next ten year only. The mode of women's election on these seats was defined as direct election on the basis of delimited women's territorial constituencies. In this way, the 1956 constitution provided a 3% quota allocation for women's reserved seats in the national assembly for next ten years. Unfortunately, this constitution was abrogated without any elections being held under these provisions due to the martial law imposed by the then military General Ayub Khan. Then, General Ayub Khan became the president of Pakistan in 1958.

The second constitution of Pakistan was given in the year 1962. This constitution was also showing an "additional seats" approach towards bringing women in national assembly. The total strength of the national assembly was defined as 156 members. Out of the total 156 seats, only 6 seats were reserved for women under the article 20(2) of the 1962 constitution of Pakistan. This measure took the overall quota reservation for women's seats in the national assembly to only 3.8% of the total strength of the house. The 1962 constitution also changed the mode of direct election of women on women's seats as defined in the 1956 constitution of Pakistan. The constitution of 1962 introduced an indirect mode of electing women representative on reserved seats by the electoral college of elected members of the house. Syed, Tabassum and Afzal (2015) claimed that the indirect mode of election made it impossible for any women to enter the house without the support of the landlord men politicians already dominant in the house.

The elections held in the year 1962 witnessed only 6 women sitting in national assembly on women's reserved seats; three of them were from East Pakistan and the other three from West Pakistan. None of the women could make her way to the house on any general seats in this election. Similarly, the next elections held in the year 1965 were conducted under the provisions defined in the 1962 constitution of Pakistan. Again the national assembly witnessed six women (including three from East Pakistan and three from West Pakistan) sitting there on reserved seats but again not a single women on general seats in the house.

The 1962 constitution, providing women 6 seats (i.e. 3.8% representation) in national assembly, was abrogated by a new military General, Yahya Khan, who imposed martial law on the pretext of law and order situation growing against Ayub Khan in the year 1969. Yahya's military regime introduced a Legal Framework Order for elections to be held in 1970. The total strength of the national assembly was defined as 313 seats in the Legal Framework Order. The section IV(1) of the Legal Framework Order defined a quota allocation for 13 seats specifically reserved for



women in national assembly of Pakistan. The division of these 13 seats for women was done in a way that 6 seats were defined to be filled by the elected women members from West Pakistan and the other 7 seats were to be filled by the women members elected from East Pakistan. The mode of election specified remained indirect election by an electoral college of elected members of the same house. In this way, the Legal Framework Order raised women's representation in the house to 4.1% of the total strength of the national assembly.

The next elections for national assembly were held in East and West Pakistan in the year 1970. But the province of East Pakistan separated to become a new state of Bangladesh before any session of newly elected assembly could be conducted. Pakistan People's Party led by Zulfikar Ali Bhutto had already won majority of the seats in the 1970 election held in West Pakistan (i.e. the remaining geographical area to constitute the state of Pakistan anymore). Therefore, Mr. Bhutto assumed the office of president of Pakistan. Only 6 women elected from West Pakistan under the Legal Framework Order became the members of this newly established national assembly. Despite being playing a vital role in the mass activism of Pakistan People's Party led by Bhutto, still these women were not given a chance to enter the political decision making forums as there was not a single women elected on general seat. This was the first time when a woman could occupy the seat of deputy speaker of national assembly from September 11<sup>th</sup>, 1973 to January 11<sup>th</sup>, 1977 (The Commission on the Status of Women, 1986).

**Text Box 24.1: Legal Framework Order 1970**

**Composition of National Assembly**

**Article 4**

- (1) There shall be a National Assembly of Pakistan consisting of three hundred and thirteen members of-whom three hundred shall be elected to fill general seats and thirteen to fill seats reserved for women
- (2) In conformity with the population figures appearing in the Census of 1961, the number of seats in National Assembly shall be distributed amongst the Provinces and the Centrally Administered Tribal Areas, as set out in Schedule I.
- (3) Clause (1) shall not be construed as preventing a woman from being elected to a general seat.

**Article 6**

- (3) As soon as practicable after the general election of members of the National Assembly, the members from a Province for the seats reserved for women in that Assembly shall be elected by persons elected to the general seats from that Province in accordance with law.

**Schedule 1**

**Article 4(2) National Assembly of Pakistan**

| Province                               | General    | Women     |
|--|------------|-----------|
| East Pakistan                          | 162        | 7         |
| Punjab                                 | 82         | 3         |
| Sindh                                  | 27         | 1         |
| Baluchistan                            | 4          | 1         |
| The North-West Frontier Province       | 18         | 1         |
| The centrally Administered Tribal Area | 7          |           |
| <b>Total</b>                           | <b>300</b> | <b>13</b> |

Bhutto's government gave a new constitution in the year 1973. The 1973 constitution introduced a bicameral system in which Pakistani parliament is comprised of two houses: national assembly as the lower house in addition with the senate as the upper house of the parliament of Pakistan. The 1973 constitution was silent on any quota allocation for women in the senate but it stated, in its article 51(4), for provision of a nominal quota allocation for women in national assembly. Again, following the previous "additional seats" approach, the 1973 constitution provided 10 seats specifically reserved for women out of the total 210 seats in the national assembly of Pakistan. In this way, the nominal quota allocation provided in 1973 constitution was 5% seats reserved for women in national assembly. The mode of electing women on reserved seats remained indirect election by an electoral college of already elected members on general seats of the assembly. The constitution limited this provision of 10 seats for women in national assembly for a period of next ten years or till second general election for national assembly will be held under this constitution, specifying the condition that whichever of these options will occur first.

The first elections held under 1973 constitution in the year 1977 witnessed 10 women elected on reserved seats in addition with one woman member elected on general seat. Begum Nasim Wali Khan was the only woman who contested and won election on general seat in this election. She contested this election as a replacement for her husband who was in jail at that time. This was also considered as the first time in political history of Pakistan when a woman was given ticket from political parties to contest the election (Zia & Bari, 1999: 37). Although, Begum Nasim Wali Khan won the elections but she never assumed the office because of her party's boycott from the assemblies accusing Bhutto's government of massive rigging in 1973 elections. Therefore, the national assembly formulated in the result of 1977 election had only 10 women sitting there on reserved seats.

Following the boycotts of assemblies and the accusation of massive rigging by Bhutto government, the political turmoil resulted in third martial law in Pakistan, this time imposed by General Zia-ul-Haq. Enjoying the state power, first as martial law administrator and then occupying the office of president of Pakistan for next ten years from 1977 to 1988, Zia abrogated the constitution and dissolving the senate and national assembly, established a *Majlis-e-Shoora* (Federal advisory council) in the year 1981. The members of *Majlis-e-Shoora* were nominated by General Zia himself. He included 20 nominated women in *Majlis-e Shoora*.

The 1973 constitution was revived in the year 1985, with an increased but still nominal quota allocation for women's reserved seats in the national assembly of Pakistan. The increase in the quota allocated for women's reserved seats was done by raising the number of reserved seats to that of twice than what was before. The revived constitution of 1973 defined 20 seats for women out of total 237 seats comprising national assembly of Pakistan. In this way, the proportion of the allocated quota for women's seats in national assembly reached to 8.4% of the total strength of the house. The revived constitution also increased the validity period of this quota allocation for women. It provided that this provision of 20 seats for women will remain valid till the next third general elections will be held for national assembly.

The elections held in the year 1985 were conducted under the revived 1973 constitution. Twenty women were elected on reserved seats as specified in the constitution. Besides that only one woman, named Syeda Abida Hussain, was elected on general seat. She belonged to a political and landlord family of Jhang, Punjab. Later, in the Bi-election in 1985 another woman, named Nasim Majid also got elected on a national assembly general seat from Bhawalnager, Punjab. These two ladies elected on general seats in addition to the twenty women elected on reserved seats made the total strength of women sitting in the house as 22 seats. This was the first time when a woman was appointed as minister of state in political history of Pakistan.

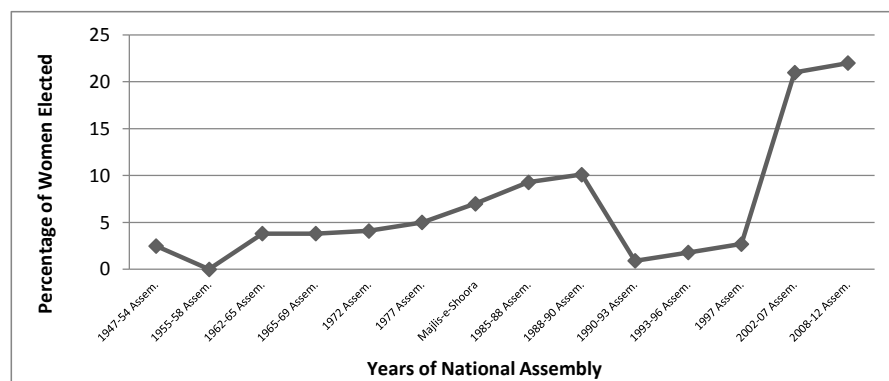
The next election held in the year 1988 with the same quota reservation of 20 seats (i.e. 8.4% women's representation) in national assembly. Twenty women got elected on reserved seats along with another four women got elected on general seats in national assembly of Pakistan. That was an unprecedented number of women who have ever got elected on general seats in national assembly of Pakistan. Following were the names of four women who got elected on general seats:

1. Ms. Benazir Bhutto from Pakistan People's Party

2. Ms. Nusrat Bhutto from Pakistan People's Party
3. Dr. Ashraf Abbasi from Pakistan People's Party
4. Ms. Syeda Abida Hussain as Independent Candidate.

The addition of four women on general seats raised women's total strength in the national assembly to 24 seats. Benazir Bhutto assumed the office of the prime minister. She was the first women and youngest prime minister of Pakistan. The other women also become deputy speaker and the ministers. This assembly was soon dissolved and the next elections were held in 1990.

**Figure 24.1: Percentage of elected women in national assembly of Pakistan**



Source: Statistics compiled and analysed by the author.

The 1990 elections were held without any specific quota defined for women's reserved seats in national assembly, as the provision of quota for women ended after 1988 elections. There was no constitutional quota allocation for women's reserved seats for next election held in the years 1990, 1993, and 1997. During this period, the alternative democratically elected governments of two terms of Benazir Bhutto and two terms of Nawaz Sharif did not pay any attention to redefine any quota allocation for women in national assembly of Pakistan. Consequently, only two Bhutto ladies were elected on general seats of the national assembly in election the elections held in the year 1990. Nawaz Sharif became the prime Minister and Benazir Bhutto served as the leader of opposition in this national assembly.

Although, the 1993 elections also held without any specific quota allocation for women in national assembly of Pakistan, but still there were four women who got elected in national assembly in these elections. The names of the four elected women were as following:

1. Ms. Benazir Bhutto from Pakistan People's Party
2. Ms. Nusrat Bhutto from Pakistan People's Party
3. Ms. Shahnaz Javeed from Pakistan People's Party
4. Ms. Tehmina Daultana from Pakistan Muslim League (Nawaz).

This was Benazir Bhutto's second term as prime minister of Pakistan from 1993 to 1997. The next elections held in the year 1997. There was still no quota reservation for women in national assembly of Pakistan. Therefore, women could enter the national assembly only on general seats through direct elections. This time, six women got elected on general seats in national assembly. Three of them were from Pakistan People's Party and the other three from Pakistan Muslim League (Nawaz). The six women representatives out of total 217 members in the national assembly gave

women only 2.7% representation after the last elections of the twentieth century held in Pakistan in the year 1997. This proportion of 2.7% representation in the year 1997 was not much higher than that was given to women in the first constituent assembly (i.e. 2.5%) in the year 1947. The irony is that, Benazir Bhutto remained in parliament twice as prime minister and twice as leader of the opposition but could not take any tangible measure to introduce and increase the quota for women's representation in political forums. In this way, the first era of women's marginal representation started and ended with a nominal representation of women in national assembly of Pakistan. This nominal representation was never sufficient to affect the legislative procedures and the law and policy making for the benefit of women in the country.

The second period of women's increased representation in national assembly in Pakistan started with another military takeover by General Pervez Musharraf in the year 1999. The military regime promised to improve the conditions of the women lot in the country. The number of women in the national assembly increased with the introduction of enhanced legislative quotas in the year 2002. The regime introduced another Legal Framework Order in the year 2002. The Legal Framework Order (2002) defined constitutional provision of enhanced quota allocation (i.e. 17%) of women's reserved seats in the national assembly (see Tex Box 20.1). This positive measure of quota allocation raised women's representation in national assembly to an unprecedented level in Pakistani history. The quota allocated for women was defined as 17% of the total strength of the house. In this way, 60 seats were reserved for women in the national assembly comprising total 342 seats. The seats of national assembly reserved for women were further allocated to each province. The division of women's reserved seats was as shown in the following Table 24.3.

**Table 24.3: Number of reserved seats for women in national assembly (2002)**

| Province        | General    | Women     | Total      |
|-----------------|------------|-----------|------------|
| Baluchistan     | 14         | 3         | 17         |
| NWFP            | 35         | 8         | 43         |
| The Punjab      | 148        | 35        | 183        |
| Sindh           | 61         | 14        | 75         |
| FATA            | 12         | -         | 12         |
| Federal Capital | 2          | -         | 2          |
| <b>Total</b>    | <b>272</b> | <b>60</b> | <b>332</b> |

The first election held under these provisions of enhanced quota allocation in the year 2002. An unprecedented number of women reached to the house. The total number of women elected in the house reached to 73 women members. Sixty women got elected on the seats reserved for women under the provision of 17% quota allocation, twelve women got elected on general seats, and one woman found her way in the house through winning a seat reserved for minority. Women's representation in the national assembly suddenly jumped from 2.7% in the year 1997 to 21.3% in the year 2002.

The next elections held under the same quota allocation for women's reserved seats in the year 2008. The 2008 elections witnessed a further increase in women's representation in national assembly. Sixteen women won general seats in addition to sixty women elected on reserved seats. The total strength of women members reached to seventy six members in the house. This finally came to 22% of women representation in the national assembly during 2008 to 2013. In this way, the proportion of women's representation slowly progressing from 2% of women members in the house constituted in the year 1947 to finally reaching to 22% of women members in the elected national assembly in the year 2008. Women's representation showed a declining trend in the elections held in the year 2103. There were 60 women elected on reserved seats along with another nine women on general seats, and one woman on minority seat. In this way women

were sitting in the house on 70 seats out of total 342 seats making the proportion of women's representation as 20.5% in national assembly of Pakistan in the year 2013.

**Text Box 24.2: Patterns of Women's Representation in National Assembly**

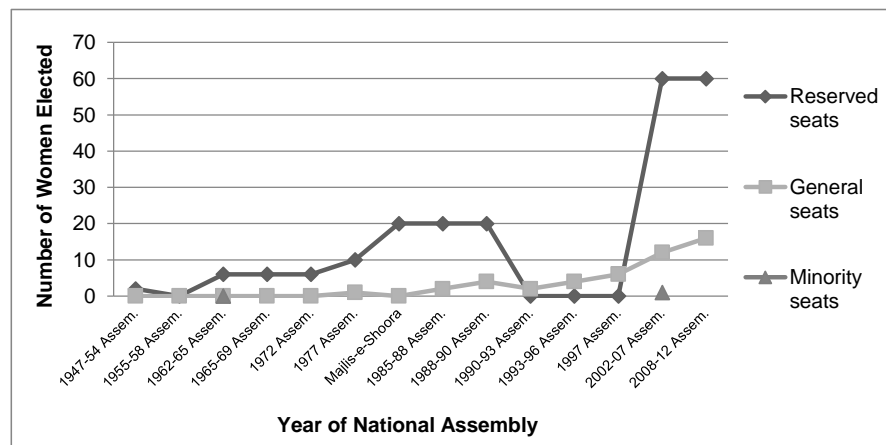
1. There was a marginal representation of women in the house for long period of history,
2. Quota reservation for women remain crucial for their presence in the house,
3. The number of women in house increased as the quota reservation increased,
4. The large number of women ever present in house were elected on reserved seats,
5. Very few women could ever win on general seats,
6. Only one women could ever get elected on minority seats till 2008,
7. The mode of election on women's reserved seats always remained indirect.

Source: Syed, Tabassum, and Afzal (2015).

**24.1.3. Patterns of Women's Representation in National Assembly**

Syed, Tabassum, and Afzal (2015) have identified some broader patterns of women's representation in national assembly in their research study. The patterns they have identified are as given in the Text Box 24.2.

**Figure 24.2: Number of elected women on reserved, general & minority seats in NA**



Source: Statistics compiled and analysed by the author.

**24.1.3.1. Marginal representation of women in national assembly**

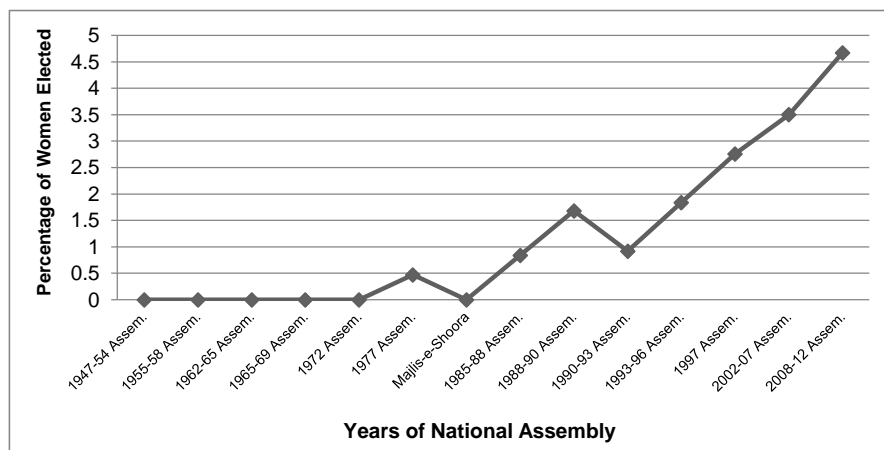
Women remained marginally represented in the national assembly of Pakistan for long part of its history from the year 1947 to 2000. It is evident that women remained absent from the house during the period from the year 1955 to 1958. They comprised no more than 5% of the total

national assembly membership till the year 1977. Their representation further increased to reach 10% by the year 1988. This gradual progress was stopped and sharply decline during 1990 to 2000; as it ranged from only 0.9% in the year 1990 to 2.7% in the year 1997. This decline was the result of laps of quota allocation for women's reserved seats in the assembly. Even when women's representation in national assembly increased at the turn of century, it could not rise further than 21.3% in the year 2002 and 22% in the year 2008. Far from being equally represented, Pakistani women could not even reach to one fourth of the total membership of the house ever.

### 24.1.3.2. Effects of quota reservation on women's representation

The allocation of quota for women in national assembly remained a crucial tool for women's entrance in the house. It is evident from the above narrated history that women are mostly present on reserved seats in the national assemblies established in different time periods. It is also evident that a lowest number of women could have got elected to the assembly during the periods without any constitutional provision of quota allocation of reserve seats for women; such as from the year 1947 to 1962 and from the year 1990 to 2000. On the contrary, the periods where the specific quota was allocate witnessed relatively higher number of women elected and represented in the national assembly; such as from the year 1962 to 1990 and from 2002 to onwards.

Figure 24.3: Percentage of women elected on general seats in national assembly



Source: Statistics compiled and analysed by the author.

### 24.1.3.3. Women's representation on reserved and general seats

For most part of Pakistan's political history, a large number of women ever elected to the national assembly have reached there through reserved seats for women. While very few women could have reached national assembly in different time periods on general seats. Their representation on the general seats was ranging from less than one percent to less than five percent during the year 1947 to 2012. There is only one woman who could have reached the national assembly on a reserved seat for minority throughout the political history of Pakistan.

### 24.1.3.4. Indirect mode of election

The mode of election for women on reserved seats remained indirect election in all the elections ever held for national assembly in Pakistan. There were very few women who could win general seats in national assembly through a direct election. Therefore, the mode of election also became a determining factor for who will be elected to the national assembly of Pakistan.

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## CHAPTER - 25

### WOMEN IN PROVINCIAL ASSEMBLIES OF PAKSIATAN

Women's representation in provincial assemblies in Pakistan is also divided into two periods. The first era is characterized with the marginal representation of women in assemblies from the year 1947 to 2000. The second era is marked after the year 2000 when enhanced quota allocation for women's reserved seats led to a substantial increase in number of women elected to these forums.

#### 25.1. WOMEN'S REPRESENTATION IN PROVINCIAL ASSEMBLIES

The first era of women's marginal representation started with the inception of newly established state of Pakistan. There is little information available about women representation in provincial assemblies from the year 1947 to 1955. The first constitution formulated in 1956, under its article 77(2) defined quota allocations for women's seat in each provincial assembly of Pakistan. The proportion of allocated quota was 3% comprising 10 seats out of total 310 seats in each provincial assembly. The mode of election, prescribed in the constitution of 1956, for the reserved seats for women was direct on the basis of territorial representation on delimited women territorial constituencies. Similarly, the second constitution given in 1962, in its article 71(2), again defined quota allocation for women's reserved seats in provincial assemblies. The 1962 constitution also reserved 3% of total seats for women in each provincial assembly. Five seats out of total 155 seats in each provincial assembly were specifically reserved for women. The constitution 1962 defined an indirect mode of election for the women's reserved seats in provincial assemblies through an electoral college of already directly elected members of the house.

The elections under the provision of this constitution held in the year 1962. Begum Mehmooda Saleem was elected on one of the reserved seats in West Pakistan Provincial Assembly from Dera Ismail Khan Division in the elections held in the year 1962. She served twice as minister in West Pakistan Cabinet (Rasheed, 2005: 23). She assumed the office of Minister for Education for three years. She also served as Minister of Health for two years. The next elections held in the year 1965 were conducted with the same quota allocation in provincial assemblies as provided in the 1962 constitution. Women got elected on 3% reserved seats in the house.

The military government introduced a Legal Framework Order in 1969. The order provided for a quota specification for women in provincial assemblies under its article 5(1) and schedule II (see Text Box 25.1). The mode of election for women's reserved seats remained indirect through an electoral college of already elected members of the assembly on general seats. But soon due to separation of East Pakistan as Bangladesh, the only remaining geographical territory to include Pakistan remained limited to West Pakistan. Now this West Pakistan province was divided into 4 provinces (including Punjab, Sindh, Baluchistan, and NWFP). A separate provincial assembly was established for each of the four provinces.

Women members were elected in each provincial assembly as prescribed in the schedule II of the Legal Framework Order of 1970. Six women members were elected in Punjab assembly out of total 186 members. Two women were elected in Sindh assembly out of total 62 members. One woman was elected in Baluchistan assembly out of total 20 members. Two women were elected in NWFP assembly out of total 42 members. Again Begum Mehmooda Saleem was one of the two women elected on general seats in NWFP provincial assembly (Rasheed, 2005: 23). She was sitting and actively serving on opposition seats in the assembly. The total strength of women in four provincial assemblies was 11 women out of total 311 seats. In this way, women's



representation in four provincial assemblies remained hovering around 3% to 4% during the period from the year 1972 to 1977.

**Text Box 25.1: Legal Framework Order, 1970**

**Provincial Assemblies**

**Article 5**

- (1) There shall be a Provincial Assembly for each Province consisting of the number of members elected to fill general seats and to fill seats reserved for women, as set out in Schedule II in relation to such Province.
- (2) Clause (1) shall not be construed as preventing a woman from being elected to a general seat.

**Article 6**

- (4) The members for seats reserved for women in a Provincial Assembly shall be elected by persons elected to the general seats in that Assembly in accordance with law.

**Schedule 2**

**Article 5 (1) Provincial Assemblies**

| Province                         | General | Women |
|----------------------------------|---------|-------|
| East Pakistan                    | 300     | 10    |
| The Punjab                       | 180     | 6     |
| Sindh                            | 60      | 2     |
| Baluchistan                      | 20      | 1     |
| The North-West Frontier Province | 40      | 2     |
| <b>Total</b>                     | 600     | 21    |

The new constitution promulgated in 1973 defined quota allocation for women's reserved seats in each provincial assembly. It prescribed twelve seats in Punjab assembly for women, five seats for women in Sindh assembly, 4 seats in NWFP assembly, and 2 seats for women in Baluchistan assembly. In this way the constitution of 1973 provided for 23 seats for women in four provincial assemblies in Pakistan. This was the 5% quota allocation for women's reserved seats in all provincial assemblies. The election under 1973 constitutions were held in the year 1977. Therefore, women's representation in four provincial assemblies remained limited to 23 reserved seats during March 1977 to July 1977. After that, the martial law was imposed by General Zia-ul-Haq. The 1973 constitution remained dormant and the provincial assemblies were dissolved during his rule.

The revival of 1973 constitution in the year 1985 led to next two elections held, in the year 1985 and 1988, with the same proportion of 5% quota allocation for women in provincial assemblies. In the 1985 elections, women were elected on 23 reserved seats along with two on general seats and two on seats reserved for minorities in four provincial assemblies of Pakistan. The two women elected on general seats were Farhat Rafiq and Sajida Nayyar Abidi from Punjab and NWFP, respectively. The two women elected on reserved seats for minority were both from Punjab. In this way, the total women membership of provincial assemblies raised to 27 women members.

**Table 25.1: Percentage of quota reservation for women in provincial assemblies**

| Assembly/Constitutions /Elections | Percentage of quota reservation |
|-----------------------------------|---------------------------------|
| 1956 Constitution                 | 3                               |
| 1962 Constitution                 | 3                               |
| 1965-69 Assembly                  | 3                               |
| 1972 Assembly                     | 3                               |
| 1973 Constitution                 | 5                               |
| 1977 Elections                    | 5                               |
| 1985-88 Assembly                  | 5                               |
| 1988-90 Assembly                  | 5                               |
| 1990-93 Assembly                  | 0                               |
| 1993-96 Assembly                  | 0                               |
| 1997 Assembly                     | 0                               |
| 2002-07 Assembly                  | 17                              |
| 2008-12 Assembly                  | 17                              |
| 2013 Elections                    | 17                              |

Source: Statistics compiled by the author.

The quota allocation for women's reserved seats in provincial assemblies also expired after 1988 election. Therefore, women's representation in four provincial assemblies remained very low during the period from the year 1990 to 1997. Only five women were elected to the provincial assemblies in elections held in the year 1990. The two women were on minority seats in Punjab assembly. The other three women were elected on general seats. Two of them were elected in Punjab assembly and one was in NWFP assembly.

**Table 25.2: Women elected on general seats in provincial assemblies (1977-2013)**

| Assembly/Constitution /Elections | Number of women elected on general seats |
|----------------------------------|--|
| 1977 Elections                   | 0  |
| 1985-88 Assembly                 | 2  |
| 1988-90 Assembly                 | 2  |
| 1990-93 Assembly                 | 3  |
| 1993-96 Assembly                 | 2  |
| 1997-99 Assembly                 | 2  |
| 2002 Assembly                    | 12                                       |
| 2008 Assembly                    | 10                                       |
| 2013 Elections                   | 10                                       |

Source: Statistics compiled by the author.

The elections held in the year 1993 witnessed a further decreasing trend in women's representation in provincial assemblies. This time only three women were elected in four assemblies. One woman was on minority seat in Punjab assembly. One of the other two elected women was in Punjab assembly on general seat from PML (N) and the other one was elected in Sindh assembly from MQM. Once again, only three women got elected in four assemblies in the elections held in the year 1997 taking women's representation no more than mere presence (i.e.

0.6% of the total membership of assemblies). Begum Hameed Gill was one who won on Christian minority seat in Punjab assembly. The other two women got elected on general seats. One of them was in NWFP assembly and the other one in Sindh assembly.

The second era of women's increased representation in provincial assemblies started with the issuance of Legal Framework Order in 2002 by the military regime of General Pervez Musharaf. The order provided for 17% quota allocation for reserved seat for women in provincial assemblies. This 17% quota actually comprised 128 seats reserved for women out of total 728 seats in four provincial assemblies. The allocation of seats in four assemblies was shown in the following Table 25.3.

**Table 25.3: Reserved seats for women in provincial assemblies (after 2002)**

| Provinces    | General seats | Women      | Non-Muslims | Total      |
|--------------|---------------|------------|-------------|------------|
| Baluchistan  | 51            | 11         | 3           | 65         |
| NWFP         | 99            | 22         | 3           | 124        |
| The Punjab   | 297           | 66         | 8           | 371        |
| Sindh        | 130           | 29         | 9           | 168        |
| <b>Total</b> | <b>577</b>    | <b>128</b> | <b>23</b>   | <b>728</b> |

The first elections under this enhance quota provision were held in the year 2002. In addition to the reserved seats, women also contested elections on general seats and the seats reserved for minorities in all four provincial assemblies. Besides 128 women on reserved seats, there were 13 women on general and minority seats present in the four houses. Women got elected on six general seats and one minority seat in Punjab assembly. Four women got elected on general seats in Sindh assembly. One woman won a general seat in NWFP. One woman reached the Baluchistan assembly by winning a general seat. In this way, women got elected on 141 seats out of total 728 seats in four assemblies. Their representation reached to 19% of the total strength of the four assemblies.

**Table 25.4: Elected members of provincial assemblies (2013)**

| Province    | Total No. of Members | Number of Elected Member |         |        |         |
|-------------|----------------------|--------------------------|---------|--------|---------|
|             |                      | Female                   |         | Male   |         |
|             |                      | Number                   | Percent | Number | Percent |
| Baluchistan | 65                   | 11                       | 17%     | 54     | 83%     |
| KPK         | 124                  | 22                       | 18%     | 102    | 82%     |
| Punjab      | 371                  | 74                       | 20%     | 297    | 80%     |
| Sindh       | 168                  | 31                       | 18%     | 137    | 82%     |

Source: websites of Election Commission of Pakistan and Provincial Assembly of Punjab as cited in Government of Pakistan (2014: 105).

In the elections held in the year 2008, women's representation showed a decreasing trend. It came down to include only nine women elected on general seats besides the reserved seats for women in provincial assemblies. The nine women elected on general seats included the two women on general seats in Sindh assembly and seven in Punjab assembly.

In the elections held in the year 2013, the provincial assemblies showed a progressing trend. Women got elected on 66 reserved seats, 9 general seats, and one minority seat in Punjab assembly. The total strength of the women members in Punjab assembly reached to 76 out of 371

members taking the proportion of their representation to 20.5% of the total strength of the house. Sindh assembly also witnessed 29 women on reserved seats and 2 women on general seats taking their total strength to 31 women members out of 168 seats in the house. The proportion of women's representation reached to 18.5% of the total strength of Sindh assembly. Khyber Pakhtoonkhwa assembly had 22 women elected on reserved seats out of total 124 seats in the house. KPK assembly has only 17.7% women representation after the elections held in the year 2013. Baluchistan assembly had 11 women elected on reserved seats along with one woman on general seat, taking their total strength to 12 seats out of 65 members. Their proportion is 18.5% in Baluchistan assembly.



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## CHAPTER - 26

### WOMEN IN LOCAL GOVERNMENT OF PAKISTAN

Local governments are the lowest tier of formal political forums that trickle down the state power to the grassroots. It is the institution that connects common people in villages and towns to participate in political decision making. This institution also has passed through different periods in respect of women's representation in local councils. The first period is characterized with the marginal representation of women in local councils from the year 1947 to 2000. On the other hand, the second era is characterized with an increased representation of women in the local councils after the year 2000.

#### 26.1. WOMEN AND LOCAL GOVERNMENTS IN PAKISTAN

Tabassum, Afzal and Tabassum (2015) in their research study on shifting trends of women's representation in local government system have identified a conflict of interest between military and democratic governments on this level of political activity in Pakistan. It is also important to note that every military government in Pakistan after taking the state power in their hand has invariably introduced and setup more or less similar types of local government systems with slight innovation in terminology or titles given or adopted in the respective systems. The aim of the military governments to take efforts for establishing and strengthening this lowest tier of political forums is to undermine and dismantle the power of already established political elites (including mainly landlords, feudals, or religious elites) of the non military eras. The military dictators saw the survival strategy in these local governments that may help them to strengthen and prolong their hold of state power in the country.

On the other hand, invariably all the democratically established governments in Pakistan have an ignorant or unfavourable attitude toward this lowest tier of political institution that has widely been considered as the foundation of democracy. Therefore, as a result of this conflict of interest between democratic and military governments, the political history of Pakistan has passed through a continuous alternative establishment of the institution of local government by military regimes and their consequent dissolution by next coming democratic governments. When the power struggle was between such bigger masculine groups (i.e. military and civilian elites) there, the inclusion and exclusion of women in these forums was completely dependent on the political will and interest of these masculine groups. This struggle has continuously hampered the strengthening of this institution as well as women's representation in these forums.

General Ayub Khan imposing the first martial law in Pakistan and dissolving the established institutions of national and provincial assemblies, in the year 1958, planned and implemented a new political institution at the grassroots level with the name of "Basic Democracies". The aim was to dismantle the vote bank of regional or local landlords by devaluing their vote bank of universal suffrage by replacing a new system in which the members of assemblies and the president were to be elected by an electoral college of 80,000 basic democrats. The basic democrats were the members of local councils including both nominated from the government departments and directly elected at local council level. This system was without any quota allocation or reservation of specific seats for women members in the councils. This system as a brain child of and fostered by military general Ayub Khan did not survive after his regime.

After getting elected in national assembly, Bhutto's democratically elected government introduced a local government law but no elections to realize the local government law were done during the period from the year 1971 to 1977. General Zia-ul-Haq revived the local government

system as soon as he took over the state power from Bhutto and hold four local government elections during the period from the year 1977 to 1988. In Zia's local government system, there were 2 seats reserved for women members in each union council while 10% seats of the district councils were also reserved for them. This provision of women's reserved seats was in all places except NWFP (Mumtaz, 2005). The four democratically elected governments after Zia's death did not hold any elections of local government. Besides not holding elections, rather the established local governments were dissolved sooner or later. Women's representation remained 2% till the year 1991. Then it was increased to 10% during the period from 1991 to 1993. Finally, in the year 1998, 12.7% seats were reserved for women in local councils in Punjab, 25.8% in Baluchistan, 2.9% in NWFP and 23% in Sindh. The elections were held under these provisions only in Punjab and Baluchistan. Unfortunately, these elected members could never hold offices.

**Table 26.1: Women's representation in local governments (1959-2008)**

| Year      | Percentage of Women Quota |
|-----------|---------------------------|
| 1959      | No quota                  |
| 1977-1988 | 2*                        |
| 1988-1991 | 2                         |
| 1991-1993 | 10                        |
| 2002-2008 | 33                        |

\*2% at Union council and 10% at District council, except in NWFP  
Source: Tabassum (2011).

The military regime of Pervez Musharaf introduced a Devolution of Power plan. The regime introduced a new local government system. The local government system introduced by Musharaf regime and last till the year 2010 was comprised of three tiers including 102 District councils, 394 *tehsil/taluka* councils, and 6,132 union councils in the country. It provided for 33% of quota allocation for women's reserved seats at all tiers of local government system. This system provided more than 40,000 seats for women councillors in local councils throughout the country. More than 36,000 women councillors were elected, while still more than 4000 seats remained vacant in elections held in the year 2002-03. A large number of seats remained vacant because women were not allowed by the religious or tribal leaders to either vote or contest election in some areas of the country. The devolution of power plan and its implementation through election of local bodies certainly gave rise to women's representation in local government from 2% in the year 1991 to 33% in the year 2002.

The next elections of the local governments held in 2005-06. Before the elections of 2005, the number of seats at union councils was revised. The number of seats reserved for women decreased to 24000 in the year 2005 from 40,000 in the year 2002. The number of seats has decreased but the proportion of women representation remained same as 33% because the total number of seats in a union council was also decreased from 21 seats in the year 2002 to 13 persons before 2005 elections. The number of seats for women decreased but the two elections held in 2002 and 2005 provided an increased opportunity for women to enter the local politics.

All the four provinces have different cultural background. Therefore, the women's representation in local governments after 2002 and 2005 elections also vary according to the opportunities available to women in the respective cultural environment of their provinces. Baluchistan and NWFP are tribal and conservative provinces. The environment for women contestants and voters was not easy to freely participate in the political process. The number of women's reserved seats occupied by women in 2002 and 2005 elections remained lower than other two provinces of Sindh and Punjab. The North-West Frontier Province witnessed 70.6% of women's reserved seats filled in the year 2002. The situation further progressed when 85% of the reserved seats were filled in the elections held in the year 2005. The province of Baluchistan initially showed

women's election on 77.4% of the reserved seats in the year 2002. The situation in Baluchistan showed a highest increase in the number of women elected on reserved seats; as 97% of the total reserved seats were filled in the elections held in the year 2005. Punjab was the province where 96.7% of women's reserved seats were filled in the year 2001 and 98.7% of women's reserved seats were filled in 2005 elections. The province of Sindh reached the highest peak of filling women's reserved seats with 99.05% in the 2005 elections.

The local government despite bringing a large number of women as councillors still does not pave way for their accession to highest portfolios of District *Nazims* and *taluka nazims*. Mostly these portfolios were occupied by men. The influential political families and men were the most prime candidates holding these offices. There were very few women who could reach to these highest positions of local government system. Those who could reach there were from highly influential political families and with support of the established male political leaders within their families. Yazdani (2004) has identified that only two women were elected as District *Nazims* out of total 16 women elected as *Nazims* or *Naib nazims* at different tiers of local government after the 2002 elections of local government. These two women District *Nazims* belonged to highly influential political families of Sindh. One of them was Ms. Nafisa Shah. She was elected as District *Nazim* of Khairpur District. She was the daughter of influential and senior political leader, Qaim Ali Shah, who has served as chief minister of Sindh province for several terms. The other women elected as District *Nazim* was Ms. Faryal Talpur. She was the sister in law of assassinated leader Benazir Bhutto who was the chairperson of Pakistan People's Party and had served two terms as prime minister of Pakistan. Ms. Talpur was also the sister of Mr. Asif Ali Zardari. Who had become the chairman of the party after Benazir Bhutto's assassination and later became the president of Pakistan as well. Faryal Talpur won her seat from Nawabshah. The place was the native town of influential Zardari family. Later, in the next term these two ladies also reached to the national assembly as members.

After elections held in 2005, four women won as District *Nazims*. They were all again from Sindh. They all were again from highly influential political families with established male politicians of highest stature in Pakistan. One of them was Ms. Faryal Talpur again. The other three were Dr. Saeeda Soomro, Raheela Magsi, and Dr. Kaneez Sughra Junejo. Ms Saeeda Soomro won from Jacobabad District. She belonged to highly influential landlord and political family. Her husband was an active politician throughout his life. He served as a parliamentarian, senator, and deputy speaker of the West Pakistan assembly. Her son was also an active politician. He had served on several highest portfolios of the political system in the country as senator, senate chairman, caretaker prime minister and interim president of Pakistan. Similarly, Ms. Raheela Gul Magsi won her seat in Tando Allah Yar District. She belonged to Magsi family. Her brother, Mr. Irfan Gul Magsi had served as minister in several departments. He had been serving as Minister of Revenue and Minister of Auqaf, Religious and Minority affairs. The third lady Dr. Kaneez Sughra Junejo won her seat from Mirpurkhas District. She was the daughter of former Prime Minister, Muhammad Khan Junejo. Similarly, the other *Nazims* and *Naib Nazims* coming to the *tehsil* and *taluka* level were also from politically influential families at their village or area level. Yazdani (2004) has identifies that only one woman could have reached to the position of *Tehsil Naib nazim* in 2002 elections but none as *tehsil Nazim*.

Tabassum, Afzal and Tabassum (2015) have brought to light the fact that although the district and *tehsil* councils as dominated by the established politicians and their families were not welcoming common women's entry to these councils in decision making positions, but the lowest tier of union councils was providing an opening for the inexperienced common women to enter the political arena and polish their skills. Yazdani (2004) has identified that 11 women got elected and were serving as *Nazims* of different union councils throughout the country after the local bodies' elections held in 2002. This was the first time that such a large number of women have achieved the headship of these councils in the political history of Pakistan. Besides the eleven chairpersons of the union councils the two women also assumed offices as *Naib Nazims* of the union councils. But still at this level the elite status was an additional feature to help any women reach this place.

At the level of women's election as councillor in the lowest tier of political activity (i.e. union council), there is a large number of women reaching to the councils comprising 33% of their total



membership. Contrary to the membership in district and *tehsil* councils and the headship of union councils as play of elite strata, the councillorship position of the union councils provided an ample opportunity for common village or town women to enter this political space. It is claimed with ample empirical evidences that the majority of the women reaching union councils as councillors are more similar to common women than elite group of established politicians (Tabassum, 2011; Tabassum, Afzal, & Tabassum, 2015). Social Policy and Development Centre (2007) in its report identified that 27% of these women councillors are illiterate. Other studies show that 45% of these women councillors were younger than 45 years of age, 73.7% were housewives, most of them are not holding any land, 79% had never contested elections by themselves ever before, and 64% of them had families in which none had ever contested elections before (Reyes, 2002). Yazdani (2004: 26) claimed that a large number of the women councillors were self-motivated. A significant number of them were school teachers or working in local community organizations (Shaheed & Zaidi, 2005). Tabassum, Afzal, and Tabassum (2015) concluded that “[m]ost of them were novice in this field, coming from middle and lower middle class families, also from rural areas, with less education, no previous political experience.” They further inferred the shifting trend of women’s political participation at this level of local government in following words:

“These trends show a break from the patriarchal trend of women’s exclusion from or elite women’s exclusive participation in politics in Pakistan. They seem to have more in common with majority of rural/urban and lower class women than the elite educated upper class women politicians of past, coming from feudal or political families or those still forming a large portion of women members of the present national and provincial assemblies” (Tabassum, Afzal & Tabassum, 2015: 21-22).

The initiative of highest allocation of 33% quota for women’s reserved seats at local level has enlarged the political space available for local women. It has brought thousands of new entrant women in formal political decision making during the last decade. This experience is providing the newly entered political women in local government with the necessary skills, trainings, and exposure for their further progress to higher political forums. Keeping in view the feature of local governments as a producer of new women politician in the country, Tabassum, Afzal and Tabassum (2015: 22) have aptly called this lowest tier of political forums in Pakistan as “nursery for producing a new generation of non-elite female politicians”.

## 26.2. PATTERN OF WOMEN’S REPRESENTATION AT LOCAL LEVEL

There are few broader patterns of women’s representation in local government in Pakistan. Some of the major patterns inferred from the above discussion are listed here. First, prior to the year 2000, women’s representation in the local governments was marginal ranging from 2% to 10%. After the year 2002, women acquired an enhanced representation in local governments. The increase in women’s representation was based on the provision of quota allocated for women’s reserved seats. Women largely remained present in these councils on the reserved seats. Therefore, the reservation of quota seats for women is a determining factor for women’s increased or decreased participation in Pakistan.

Second, there were provincial differences in women’s representation in local governments, despite equally enhanced quota allocation after the year 2002. Women were still less represented from the two provinces of NWFP and Baluchistan. These provinces seem to be more conservative and dominated by religious and tribal elites.

Third, the highest offices of *Nazims* and *Naib Nazims* are mainly occupied by men. Only few women could break this hegemony and occupy these highest portfolios. The few women reaching these highest offices in local government belong to highly influential political families with male politicians of high stature.

Fourth, most of the women *Nazims* and *Naib Nazims* were elected from the two provinces of Punjab and Sindh. Most of the District *Nazims* were elected from Sindh. These highest portfolios were not occupied by any women in NWFP and Baluchistan.

Fifth, the kinship/ *biradri* and caste have proved the main features of rising in hierarchy of local government system in Pakistan. These ties follow the male lineage. Therefore, women's chance to come to political offices through the kinship or caste ties is very low and limited to few women only.

Sixth, this tier of political activity is serving to shift the broader trend of women's political participation from elite women to opening doors for non-elite common women. Now more and more none-elite, less educated women are entering the local councils.

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## CHAPTER - 27

### FACTORS EFFECTING WOMEN'S POLITICAL PARTICIPATION IN PAKISTAN

Social and cultural conditions are crucial for effecting and determining the political position of women in society. There is a variety of factors that either positively or negatively effect to exclude or include women in the main stream formal political institutions. This chapter focuses on major barriers curtailing women's access to, entrance, and participation in formal political institutions. There are certain factors that also helped to bring an enhanced number of women in the political institutions in a short time period. Both the types of factors are discussed in this chapter.

#### 27.1. FACTORS EFFECTING WOMEN'S POLITICAL PARTICIPATION

Pakistani society has a variety of factors that effected women's political participation in both positive and negative ways. Here we will classify factors into two basic categories. The first category of factors comprises the barriers that resisted women's political activity in Pakistani society. These are the factors that have resulted in women's marginal political participation that has characterized the political scene of Pakistan from the year 1947 to 2000. The second category of factors includes those elements that have resulted in an enhanced quota allocation and increased participation of women in political forums as characterized the second era of Pakistan's political history from the year 2000 onwards.

In Pakistani society, the barriers and obstacles in the way of women to reach the political authority positions can be traced at every tier of social reality. Syed and Tabassum (2014) have identified that there is a variety of causes on micro, meso and macro levels that have led to a marginal representation of women in Pakistani politics for long time in history. The following paragraphs will discuss some of the causes that have retained women's marginal entry and representation in formal political forums of Pakistan.

##### 27.1.1. Personal Level Barriers to Women's Political Participation

At personal level, Pakistani women are socialized in a way that Pakistani women do not consider themselves as capable of contesting for and attaining a political office and serving as public figure as community or state level decision makers. This self perception is a result of their less education and exposure to the public space and the procedures there. They are also not formally trained to enter the field of politics. Keeping in view these facts, women themselves are not inclined to take interest to enter the field of politics. They are not interested in entering politics considering it an evil and dirty field that is solely for men.

##### 27.1.2. Social Barriers to Women's Political Participation

Common Pakistani women, especially those living in rural areas, are faced with lack of education. They mostly remain segregated in home. Where they remain engaged in the domestic chores and child bearing and rearing. They are also far behind men in labour force participation. They are less experienced in working in paid sector outside home. If entered in paid work, Pakistani women are more likely to be segregated either the lowest tiers of assembly line workers in manufacturing or agriculture or in service sectors like teachers, caretakers, domestic servants, doctors, in banks, etc.

Pakistani women are socialized to subsume their identity with the identity of their family men. The society also promotes a bad, dirty and corrupt image of those women who are involved in politics and public life. The ideal type role models created for women through social discourse are to be humble, chaste, silent, tolerant, flexible, invisible, honest, and pious. They are never appreciated to be too argumentative, curious, vocal, prominently visible, and presenting conflicting idea.

Majority of the Pakistani women lacks in exposure of public sphere. They lack in social networks outside home. In the public sphere they are mostly know by the name of their family men. Their lack of social capital that is essential to survive and succeed in public and political sphere is responsible for their marginal political participation.

### **27.1.3. Cultural Barriers to Women's Political Participation**

The overall patriarchal culture of Pakistani society from family to state is one of the largest barriers in the way of women's accession to any type of political and decision making authority. Patriarchal structure of family, where men are used to control the resources, household members and their lives, is also a barrier in women's entrance in the political activity within household and outside it. The extended family and the tribal communal culture places a hierarchy of men who are used to control and check women's behaviour and conduct. Women are considered and socialized as subordinate to these hierarchies of men at different levels of society. The strong hold of kinship, caste based ties is also a way to maintain these hierarchies of male domination. The religious discourse that "men should lead and women should follow" also helps in curtailing the acquisition of political power in all aspects of life. The institution of *purdah* (veil) is established and practiced to control and restrict women's mobility and entry in public sphere, thus ultimately creating barrier to their direct exposure to public and political spheres.

### **27.1.4. Religion and Barrier to Women's Political Participation**

The interpretation of religion to describe women's status, their ability to lead some group or their eligibility to become head of an Islamic state also raised barriers and controversies in respect of women's political participation. The best example of these barriers created by misinterpretation of religion can be seen in the case of women's political participation in the North-West Frontier Province of Pakistan.

### **27.1.5. Political Barriers to Women's Political Participation**

Pakistani political culture is captured by some elite groups. The formation of these elite groups can be traced back in colonial and post colonial era. In pre-independence era, the landlords were the established politicians of that time. After independence, they continued to dominate the political scene in the newly born state of Pakistan. The assemblies established were no more than a crowd of these civilian elites including landlords, feudal and tribal leaders, and religious elites. The two most established institutions, the colonizers inherited to the independent state of Pakistan, were the army and bureaucracy. The military men as the most strong power holders could not keep themselves out of the formal political system in Pakistan. Soon they get involved in politics and emerged as one of the elite group struggling for state power. The well established bureaucracy was the need of both military and civilian elites. Slowly and gradually the men from bureaucracy entered in formal politics to be another elite group contesting for political power. In this way, Pakistan's political history became a story of struggle to capture state power among these three elite groups of military, bureaucracy and civilian elites.

Women with less education, skills, labour force participation and exposure were not able to be part of any of the struggling elites. Military was not an institution open for women. Bureaucracy demands higher education and skills which Pakistani women lack. Women are not able to own land and reach the leadership position in patriarchal, feudal or tribal system. Therefore, they were not able to be part of high level of any of these elite groups. Besides women's access to the highest positions in these elite groups, these groups were also not interested in giving power share to the less privilege and disadvantaged groups of society. We have seen an example of this resistance

to inclusion of common people through local government systems by democratic governments and their ignorance to revive quota allocation for women in any political forum.

#### **27.1.6. Legal Barriers to Women's Political Participation**

There were legal barriers that prevented women to enter in political sphere as equally as men were doing. Throughout the political history of Pakistan, the women mostly present in senate, national assembly, provincial assemblies, and local governments were reaching these forums on the reserved seats provided for them. There was very marginal number of few women from highly influential families who could ever occupy a general seat in these forums. Despite this fact, the history has witnessed that there has remained a nominal proportion of seats in these forums reserved for women. Even in some periods of history there were no seats reserved for women in formal political forums and making the national assembly and senate as the sole one gendered institution with 100% men as members. Therefore, the absence of legal and constitutional quotas for women in political forums has also served as one of the barriers to women's political empowerment in the country for long.

It is also important to legally make political parties comply to ensure women's representation at all tiers of political activity. Parties should include women in their executive committees; give share in tickets for contesting elections, etc.

### **27.2. FACTORS EFFECTING WOMEN'S INCREASED PARTICIPATION**

Syed and Tabassum (2014) have identified two categories of motives for recent increase of women's representation in formal political forums in Pakistan at the turn of century. The first category includes feminist motives of women's increased political participation. The second category includes Non-feminist motives of women's increased political participation in the country.

The feminist motives of women's increased political participation were the high pressure of women's movement to give a share to women in formal political decision making. The activism done by activist and pro-women government and non government organizations was the main factor that led to increase in quota allocation for women's representation at all tiers of political forums in the country.

The non-feminist motives include the masculine interests in women's increased political participation in the country. The historical struggle between different elite groups (i.e. between military and civilian elites) was the prime motive behind recent increase in quota allocation for women's political participation. Several studies have identified the similar competing masculine interest struggling for gaining hegemony at all level of society that have led to inducting women in political spheres initially for their own group interests (Syed & Tabassum, 2014; Tabassum 2011). These competing masculine interest groups are highlighted as state, political parties, and individual kin men.

The competition between military and democratic regimes for the capture of state power also has effected on the opportunity of underprivileged groups' inclusion in politics. We have seen that all the military regimes have introduced some kind of local government systems, that is the prime avenue where women can easily find way in politics, to dismantle the established power of civilian especially landlord elites. Therefore, one of the military regimes by Pervez Musharraf introduced the enhanced quota allocation for women at all political forums including a newly established local government system with the highest ever number of seats reserved for women. It was Musharaf's strategy to make the face of his military regime more democratic to domestic and international observers.

After introduction of strict eligibility conditions posed by Musharaf to create obstacles for landlords, feudal and tribal leaders to be elected in assemblies, we witnessed the civilian elites, who were disqualified, bringing a large number of their family women to enter the politics as their substitute for time being. At local level the local government system with women's reserved seats

opened up an avenue of competition among local level masculine groups that are political parties and influential men and families. There was no already established pool of women politicians at grassroots level in the year 2002, after a large number of quota seats for women were introduced. The political parties, individual politically active men or families searched for some women who can submit to their dictates to contest election on the reserved seats for enhancing their power at the village or local level. Such women to fulfil the criteria were more likely to be found in the kinship circles of politically active men in political parties or political families.

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## CHAPTER - 28

### IMPACT OF WOMEN'S INCREASED POLITICAL PARTICIPATION IN PAKISTAN

Women's increased political participation in formal political institutions of Pakistan during last decade is growingly changing the dynamics of political institutions and their functioning. The increased political participation of women is having a variety of impacts on individual women, their entry in political parties and political institutions in Pakistan.

#### 28.1. IMPACTS OF WOMEN'S POLITICAL REPRESENTATION

##### 28.1.1. Entry of Women in Politics

For the large part of history Pakistani politics was dominated by a men and masculine interest groups as discussed earlier. Women were finding it difficult to enter the political forums. But after the increased quota allocation for women, Pakistan has witnessed a large number of women who are contesting election and entering in all forums of formal political system in the country.

##### 28.1.2. Opening Doors for Non-Elite Women's Entry in Politics

For large part of the political history in Pakistan, very few women who could enter the politics in country were mostly coming from established political families. The common women of Pakistan were only the audience who can see and listen what is happening in the parliaments and political forums from a distance. The increased quota allocation for women has opened the doors of all political forums for women to enter there in large number. The local government with its enhanced quota of 33% for women especially has opened the doors of formal politics for common women.

##### 28.1.3. Recruitment of Women in Political Parties

As soon as the increased quota for women at all tiers of political forums was introduced, the political parties have also started their struggle to capture this newly created space of women seats in the senate, national and provincial assemblies and local councils. Before the year 2002, women were being elected in a small number. Therefore, there was no such a large pool of women politicians already available to fill the highest number of seats defined in quota for women at all political forums after the year 2002. Therefore, political parties started to recruit women to make them available to fill these seats.

##### 28.1.4. Organization of Women Wings

Not only the recruitment of women in large number was started by all the political parties but they also started organizing and formalizing women wings within the party structures to manage and train their women for future elections.

##### 28.1.5. Enabling Women for an Effective Role as Parliamentarian

The increased representation of women in political forums especially in parliament proved effective to amend the existing laws and introducing new ones for improving the status of

women in the country and curbing violence against them. Women's increased representation in political forums has led to presenting their point of view in legislative process and has affected the process for the benefit of society and especially for women.

Women representative performed these important tasks of legislative amendments by intensively getting involved in the parliamentary proceedings. Their performance and impact as political actors can be analysed by looking at how many and on which issues they have introduced bills in the house. Second we can see the impact of their presence by recounting the amendments done to laws and the new laws introduced in the period after getting a large number of women elected to the senate and national assembly of Pakistan.

Mirza and Wagha (2009) have written a comprehensive report on women's performance in 12<sup>th</sup> national assembly from the year 2002 to 2007. The preface to the report expresses the level of women's performance in the house in the following words:

“[W]omen parliamentarians have actually excelled in several areas of legislative functioning as compared to their male colleagues, e.g. women have moved 27% of the total questions; 30% of the total calling attention notices; 24% of the total resolutions; and 42% of the total private members bills moved in the House during five years. This is an amazing performance and its ratio surpasses the percentage of their representation in the Assembly” (Mirza & Wagha, 2009).

During the five years, the elected women members of parliament and assemblies were enthusiastically participating in the legislative process. The women in national assembly were mostly taking up the issues of violence, health, education, environment, and governance. The issue of honour killing, violence against women, women in work, and the women's protection bill were matters raised to draw attention of parliament towards women's rights issues.

In short, the improved representation of women in parliament as legislatures and policy makers through enhanced quota reservation has provided them with a better space for raising their voice and expressing their views in different types of media (Khan, 2005; Lovenduski & Karam, 2005). It has also enabled them to formally and authentically raise their voice in legislative formulation. A variety of pro-women bills and resolutions have appeared in the Provincial and National Assemblies of Pakistan (Mirza & Wagha, 2009; Rai, Shah, & Ayaz, 2007: 45-46; United Nations Development Program, 2005). After the year 2000, the three elected national assemblies have showed an impressive participation of women members. In the 12<sup>th</sup> national assembly, the first one after the year 2002, during the years 2002-2007, women moved 42% of the total private member bills in the house (Mirza & Wagha 2009). Similarly, in the 13<sup>th</sup> national assembly (i.e. the second one after the year 2002) during March 2008 to February 2012, again women parliamentarians moved 51% (i.e. 76 bills) of the total number of private bills (i.e. 147 bills) tabled in National Assembly (Social Policy and Development Centre, 2012). In the 14<sup>th</sup> national assembly (i.e. the third one after the year 2002), has in its 3<sup>rd</sup> year from June 2015 to June 2016, a large number of 11 private members bills introduced by women along with an additional 11 private member bills introduced by women jointly with men members of the house (FAFEN, 2016: 3). The result was the passage of several acts amending existing discriminatory laws and introducing new ones for curbing women's social and legal victimization.

#### **28.1.6. Making and Amending Laws for Protection of Women**

The first period of women's marginal political participation in Pakistan from the year 1947 to 2000 witnessed a simultaneous promulgation of several discriminatory laws. The discriminatory laws introduced in this period included *Hudood* ordinances, *Qanoon-e-Shadat*, *Qisas* and *Diyat* law, etc.



After the introduction of a large number of women in parliament after the year 2002, Pakistan has witnessed a record number of pro-women legislation within a decade. These laws are aimed to curb violence against women and positively affect women's status in the country. The newly promulgated laws include law to curb honour killings, law to amend the victimizing *Hudood* ordinances, especially the *zina* ordinance, laws to curb sexual harassment of women, law on domestic violence, and the law to end anti women socio-cultural practices. These laws and Acts will be discussed in detail in Chapter 32 of this book.

**Table 28.1: Opinion on why women should contest elections**

| Reasons  | Women Respondents |        |       |      |             | Male Control Sample |
|--|-------------------|--------|-------|------|-------------|---------------------|
|  | All Women         | Punjab | Sindh | NWPF | Baluchistan |                     |
| Women's participation necessary for better performance in all fields | 23.1              | 28.3   | 7.3   | 43.3 | 25.0        | 51.1                |
| Only women can improve the situation of women                        | 63.9              | 53.0   | 82.7  | 49.4 | 70.5        | 33.3                |
| Other  | 16.0              | 24.2   | 10.9  | 7.2  | 4.4         | 26.2                |
| Number relevant responses  | (816)             | (377)  | (244) | (83) | (112)       | (90)                |
| % of Universe  | 50.7              | 49.6   | 75.0  | 28.8 | 47.5        | 48.9                |

Source: Shaheed (2002: 138).

### 28.1.7. Improvement in Status and Situation of Women

Women's participation in formal politics may help in raising women's issues such as gender based violence to the parliament, effectively advocating the need for proper legislation for protection of women from violence, and formulating policies for the effective implementation of the laws to benefit women. In a survey Shaheed (2002: 138) in a survey on women and governance has identified people's perception regarding the reason for which women should take part in formal politics in the country. The results of the survey are reproduced in Table 28.1 for detailed understanding. The Table 28.1 reproduced from Shaheed (2002: 138) shows that women usually support for women's participation in politics and elections for the sake of improving women's situation. A large majority of respondents (i.e. 63.9%) in the national survey on women and governance stated that women should contest election because only women can improve the situation of women in the country.



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## CHAPTER - 29

### WOMEN AND CONSTITUTION OF PAKISTAN

Pakistan has experienced the formulation of three constitutions in different periods of time. The first constitution of Pakistan was formulated in the year 1956. Unfortunately, soon after its formulation, the 1956 constitution of Pakistan was abrogated by Military General Ayub Khan's regime in the year 1958. The second constitution was formulated in the year 1962. Again, the 1962 constitution was abrogated by another military regime of General Yahya Khan in the year 1969. The next constitution was formulated in the year 1973. Despite several times of its suspension and amendments in the hands of two military regimes of General Zia-ul-Haq and General Pervez Musharaf it has still survived. This chapter is aimed to provide the critical analysis of 1973 constitution for its role in determining the status of women in the country.

#### 29.1. WOMEN AND THE 1973 CONSTITUTION OF PAKISTAN

The 1973 Constitution of Pakistan is committed to advance gender equality and women's legal rights through a number of its provisions. The constitution provides for several fundamental rights equally to both men and women in its first chapter. These fundamental rights provided in then constitution are equally applicable to all citizens irrespective of their gender. Besides that the constitution also provides for the especial measures to be taken for improving the condition and wellbeing of women in its second chapter on principles of policy. The two chapters of the 1973 constitution of Pakistan will be discussed in detail.

##### 29.1.1. Safeguarding the Fundamental Rights of Women in Pakistan

The first chapter on fundamental rights describes basic rights of all the citizens irrespective of their sex. The articles 8 to 27 of the constitution are important in this regard (see the Text Box 29.1). The article 8 of the constitution directs to consider any law or custom or usage having force of law and is inconsistent with the fundamental rights as void. In the article 9 of the constitution, it provides for the security of the person in a way that no one can be deprived of the life and liberty, save in accordance with law.

The article 10 of the constitution directs that any person if arrested will be informed of the grounds on which the action of arrest has been taken. It further provides that every arrested individual will have the right to consult and be defended by a legal practitioner of his or her own choice. The law enforcing agencies cannot keep the person in detention. The person arrested should be presented before the magistrate within 24 hours. Any arrest or detention continued after this time period without producing the person before magistrate is defined as illegal.

The article 12 of the constitution provides that a person cannot be punished for a crime that is not legally defined as crime in the law of the country and no punishments can ever be given to a person other than what is prescribed in the law. The article 13 of the constitution defines that the person should be punished for a crime committed by him or her only once.

Usually, women and children comprise the majority of the victims of the traditions of slavery and bonded or forced labours. Sometime, the whole family and their generations and generations found themselves caught in the bonded labour for some pending loan or interest their men or families have to pay to the landlords and employers. Owners of clans for brick making are most frequently accused of bonded labour by large number of men and children in Pakistan. Same kind of labour that is forced or bonded to some extent is also found in the peasant community as

well. The article 11 (1) & (2) of the constitution prohibits all forms of slavery, forced labour and traffic in human beings. It defines in its article 11(3) a limit of age that no child can be employed in any factory, mine or hazardous employment till his or her fourteenth year of age. This is useful for curbing practice of employing young children especially girls child in carpet weaving industry in Pakistan.

The sanctity of the privacy of home is maintained in the article 14 of the constitution. No law enforcing institution can bypass this limit without written permission from concerned legal authorities to do so. Women in Pakistan face a problem of restricted mobility and the institution of *purdah* to make it more critical. This restricted mobility has impact on their education, access to health facilities and possible opportunities for women's employment. On the contrary, the article 15 of the constitution offers a fundamental right of freedom of movements to all the citizens equally, irrespective of their gender. The article 16 of the constitution provides for the peaceful assembly of citizens. The article 17 of the constitution allows all the citizens to form unions or associations.

The article 18 of the constitution provides the equal right to all citizens for their engagement in any lawful trade, business or profession. The article 19 of the constitution provides the right of freedom of speech and freedom of information to all men and women in the country. The article 20 of the constitution allows citizens to profess, practice and propagate his or her religion. The article 23 of the constitution provides the equal rights to both male and female citizens to acquire hold and dispose of property in Pakistan. The article 24 of the constitution equally provides both genders the safeguard from forced deprivation from one's property.

### **29.1.2. Promoting Gender Equality by Eliminating Discrimination**

Besides the fundamental rights equally applicable to men and women, some of the articles of the 1973 constitution strictly prohibit a discrimination done in legal, economic, social and political aspects of life on the basis of gender or sex. The 1973 constitution, in its article 25, strictly defines for the equality of citizenship. It eliminates all forms of legal discrimination by establishing equality among all in front of law. For achieving this aim, the constitution in its article 25 (1) clearly states that "all citizens are equal before law and are entitled to equal protection of law." Besides this equality in front of law, the constitution further strengthens the notion of equality of both genders in all aspects of social life in general.

To achieve this objective, the constitution in its article 25(2) explicitly outlaws any kind of discrimination on the basis of sex, covering all aspects of social life in general. The equality in the economic earning ability of men and women is also maintained. The step taken in this regard is clear when the constitution in its article 27 provides for maintaining the equality among men and women in terms of employment and services. The article 27(1) clearly points out that any male or female citizen otherwise qualified for appointment in service of Pakistan will not be subjected to discrimination in this regard on the basis of sex, along with other factors including race, religion, caste, residence or place of birth. There is an exception to this equality of appointment for the services that are not suitable to be provided by the other gender. One of the examples for such gender specific service is the work of "Lady Health Visitors".

Besides maintaining equality in terms of law, service, and social life, the constitution in its article 25 (3) further guides the state to take necessary special measure for positive discrimination intended to ensure protection of women in Pakistani society.

**Text Box 29.1: The 1973 Constitution of the Islamic Republic of Pakistan**

**Chapter 1: Fundamental Rights**

**8. Laws inconsistent with or in derogation of fundamental rights to be void.-** (1) Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights so conferred and any law made in contravention of this clause shall, to the extent of such contravention, be void.

(3) The provisions of this Article shall not apply to-

(a) any law relating to members of the Armed Forces, or of the police or of such other forces as are charged with the maintenance of public order, for the purpose of ensuring the proper discharge of their duties or the maintenance of discipline among them; or

(b) any of the-

(i) laws specified in the First Schedule as in force immediately before the commencing day or as amended by any of the laws specified in that Schedule;

(ii) other laws specified in Part I of the First Schedule; and no such law nor any provision thereof shall be void on the ground that such law or provision is inconsistent with, or repugnant to, any provision of this Chapter.

(4) Notwithstanding anything contained in paragraph (b) of clause (3), within a period of two years from the commencing day, the appropriate Legislature shall bring the laws specified in Part II of the First Schedule into conformity with the rights conferred by this Chapter:

Provided that the appropriate Legislature may by resolution extend the said period of two years by a period not exceeding six months.

**Explanation:-** If in respect of any law Majlis-e-Shoora (Parliament) is the appropriate Legislature, such resolution shall be a resolution of the National Assembly.

(5) The rights conferred by this Chapter shall not be suspended except as expressly provided by the Constitution.

**9. Security of person.-** No person shall be deprived of life or liberty saves in accordance with law.

**10. Safeguards as to arrest and detention.-** (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the nearest magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall be made except to deal with persons acting in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies or services, and no such law shall authorize the detention of a person for a period exceeding three months unless the appropriate Review Board has, after affording him an opportunity of being heard in person, reviewed his case and reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for such detention, and, if the detention is continued after the said period of three months, unless the appropriate Review Board has reviewed his case and reported, before the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention.

**Explanation I.-** In this Article, "the appropriate Review Board" means,-

(i) in the case of a person detained under a Federal law, a Board appointed by the Chief Justice of Pakistan and consisting of a Chairman and two other persons, each of whom is or has been a Judge of the Supreme Court or a High Court; and

(ii) in the case of a Person detained under a Provincial law, a Board appointed by the Chief Justice of the High Court concerned and consisting of a Chairman and two other persons, each of whom is or has been a Judge of a High Court.

**Explanation II.**- The opinion of a Review Board shall be expressed in terms of the views of the majority of its members.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, within fifteen days from such detention, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

(6) The authority making the order shall furnish to the appropriate Review Board all documents relevant to the case unless a certificate, signed by a Secretary to the Government concerned, to the effect that it is not in the public interest to furnish any documents, is produced.

(7) Within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under a law providing for preventive detention, no person shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case:

Provided that this clause shall not apply to any person who is employed by, or works for, or acts on instructions received from, the enemy or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or attempts to commit any act which amounts to an anti-national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such antinational activity.

(8) The appropriate Review Board shall determine the place of detention of the person detained and fix a reasonable subsistence allowance for his family.

(9) Nothing in this Article shall apply to any person who for the time being is an enemy alien.

**10A. Right to fair trial.**- For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.

**11. Slavery, forced labour, etc., prohibited.**- (1) Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.

(2) All forms of forced labour and traffic in human beings are prohibited.

(3) No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.

(4) Nothing in this Article shall be deemed to affect compulsory service-

(a) by any person undergoing punishment for an offence against any law; or

(b) required by any law for public purpose:

Provided that no compulsory service shall be of a cruel nature or incompatible with human dignity.

**12. Protection against retrospective punishment.**- (1) No law shall authorize the punishment of a person-

(a) for an act or omission that was not punishable by law at the time of the act or omission; or

(b) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.

(2) Nothing in clause (1) or in Article 270 shall apply to any law making acts of abrogation or subversion of a Constitution in force in Pakistan at any time since the twenty-third day of March, one thousand nine hundred and fifty-six, an offence.

**13. Protection against double punishment and self incrimination.**- No person-

(a) shall be prosecuted or punished for the same offence more than once; or

(b) shall, when accused of an offence, be compelled to be a witness against himself.

**14. Inviolability of dignity of man, etc.**- (1) The dignity of man and, subject to law, the privacy of home, shall be inviolable.

(2) No person shall be subjected to torture for the purpose of extracting evidence.

**15. Freedom of movement, etc.**- Every citizen shall have the right to remain in, and, subject to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.

**16. Freedom of assembly.**- Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

**17. Freedom of association.**- (1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

(2) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan and such law shall provide that where the Federal Government declares that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan, the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such reference shall be final.

(3) Every political party shall account for the source of its funds in accordance with law.

**18. Freedom of trade, business or profession.**- Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:

Provided that nothing in this Article shall prevent-

- (a) the regulation of any trade or profession by a licensing system; or
- (b) the regulation of trade, commerce or industry in the interest of free competition therein; or
- (c) the carrying on, by the Federal Government or a Provincial Government, or by a corporation controlled by any such Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons.

**19. Freedom of speech, etc.**- Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offence.

**19A. Right to information.**- Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

**20. Freedom to profess religion and to manage religious institutions.**- Subject to law, public order and morality,-

- (a) every citizen shall have the right to profess, practise and propagate his religion; and
- (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

**21. Safeguard against taxation for purposes of any particular religion.**- No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.

**22. Safeguards as to educational institutions in respect of religion, etc.**- (1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

(3) Subject to law,

(a) no religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination; and

(b) no citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.

(4) Nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens.

**23. Provision as to property.**- Every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.

**24. Protection of property rights.**- (1) No person shall be compulsorily deprived of his property save in accordance with law.

(2) No property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation therefore and either fixes the amount of compensation or specifies the principles on and the manner in which compensation is to be determined and given.

(3) Nothing in this Article shall affect the validity of-

(a) any law permitting the compulsory acquisition or taking possession of any property for preventing danger to life, property or public health; or

(b) any law permitting the taking over of any property which has been acquired by, or come into the possession of, any person by any unfair means, or in any manner, contrary to law; or

(c) any law relating to the acquisition, administration or disposal of any property which is or is deemed to be enemy property or evacuee property under any law (not being property which has ceased to be evacuee property under any law); or

(d) any law providing for the taking over of the management of any property by the State for a limited period, either in the public interest or in order to secure the proper management of the property, or for the benefit of its owner; or

(e) any law providing for the acquisition of any class of property for the purpose of-

(i) providing education and medical aid to all or any specified class of citizens; or

(ii) providing housing and public facilities and services such as roads, water supply, sewerage, gas and electric power to all or any specified class of citizens; or

(iii) providing maintenance to those who, on account of unemployment, sickness, infirmity or old age, are unable to maintain themselves; or

(f) any existing law or any law made in pursuance of Article 253.

(4) The adequacy or otherwise of any compensation provided for by any such law as is referred to in this Article, or determined in pursuance thereof, shall not be called in question in any court.

**25. Equality of citizens.**- (1) All citizens are equal before law and are entitled to equal protection of law.

(2) There shall be no discrimination on the basis of sex.

(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

**25A. Right to education.**- The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.

**26. Non-discrimination in respect of access to public places.**- (1) In respect of access to places of public entertainment or resort not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth.

(2) Nothing in clause (1) shall prevent the State from making any special provision for women and children.

**27. Safeguard against discrimination in services.**- (1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth:

Provided that, for a period not exceeding forty years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan:

Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex:

Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of (Parliament).

(2) Nothing in clause (1) shall prevent any Provincial Government, or any local or other authority in a Province, from prescribing, in relation to any post or class of service under that



Government or authority, conditions as to residence in the Province, for a period not exceeding three years, prior to appointment under that Government or authority.  
Source: The Constitution of Pakistan, 1973

### 29.1.3. Special Measures to Ensure Equal Participation of Women

The second chapter of the 1973 constitution of Pakistan about principles of policy includes several articles that guide the state to take measures for women's equal participation and status in different aspects of social life in the country. The article 32 of the constitution about promotion of local government institutions also gives special attention to women's participation at this level of political activity. This article specifically states that "in such institutions special representation will be given to peasants, workers and women".

At the same time, the constitution also endorses this provision for other political and social forums of national level as well. The article 34 of the constitution advocates that state should take measures for ensuring full participation of Pakistani women in mainstream national life. The measures suggested are not limited to any specific field of social life rather includes "all spheres of national life". This encompassing right to participate in all fields of life provides women the right to participate at all levels of political activity, including the right to hold offices at all political levels.

The article 35 of the constitution regarding protection of family puts the responsibility on state for protecting the institutions of marriage and family, where Pakistani woman serves as the central linking pin. The child bearing and rearing as mother are the most important functions of the women in family for the continuity and survival of a nation. Therefore, the article 35 of the constitution further directs the state to protect the mother and child.

The article 37 of the constitution is most important one due to its broader scope to promote social justice and eradication of all social evils. The social evils that are listed to be dealt under this article include illiteracy, lack of education, barriers to access in justice, bad working conditions, lack of the skill for decent employment, prostitution, gambling, drug addiction, alcohol consumption, etc. Some of the listed problems specially harm women. The article 37 of the constitution advocates the state to take measure for prevention of these evils and protection of citizens including women. The article 37(e) specifically focuses on the work conditions the women and children of Pakistan should be provided in the country. It guides the state to make laws and take measures to ensure just and humane work conditions, especially focusing on women and children that they should not be employed in works that are not suitable for them as per their age and sex. This article also protects women's maternity benefits at the workplace and from employers.

The article 38 of the constitution highlights state's responsibility of securing the social and economic well being of citizens. The article 38(a) clearly prohibits any discrimination on the basis of sex in measures to secure well being of people through uplifting their standard of living. Similarly, the article 38(d) of the constitution held the state responsible for providing the citizens, who are not able to earn for themselves, with food, clothing, housing, and medical relief. This provision should provide to all such citizens irrespective of their sex and gender.

The same constitution is also committed with the Islamic ideology that was the founding idea for Pakistani state (Yefet, 2009: 348). It declares, in article 2, Islam as the state religion. It bounds in article 227(1) that all the Pakistani laws should be "in conformity with the injunctions of Islam as laid down in the Holy *Quran* and *Sunnah*". This accompaniment of egalitarian provisions regarding human rights along with the Islamic provisions as reflection of socio-cultural historical background and a bounding element for a pluralistic society was a necessity to legitimize the creation and very existence of Pakistan (Lau, 2007: 1299). Yefet (2009: 348) studying Pakistani women's marital rights argues that Islamic law and human rights are compatible and complementary to each other in a way that together they provide comprehensive protection to Pakistani women.

**Text Box 29.2: The 1973 Constitution of the Islamic Republic of Pakistan**

**Chapter 2: Principles of Policy**

**32. Promotion of local Government institutions.**- The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women.

**34. Full participation of women in national life.**- Steps shall be taken to ensure full participation of women in all spheres of national life.

**35. Protection of family, etc.**- The State shall protect the marriage, the family, the mother and the child.

**37. Promotion of social justice and eradication of social evils.**- The State shall- (a) promote, with special care, the educational and economic interests of backward classes or areas;  
(b) remove illiteracy and provide free and compulsory secondary education within minimum possible period;  
(c) make technical and professional education generally available and higher education equally accessible to all on the basis of merit;  
(d) ensure inexpensive and expeditious justice;  
(e) *make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment;*  
(f) enable the people of different areas, through education, training, agricultural and industrial development and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan;  
(g) prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisements;  
(h) prevent the consumption of alcoholic liquor otherwise than for medicinal and, in the case of non-Muslims, religious purposes; and (i) decentralise the Government administration so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public.

**38. Promotion of social and economic well-being of the people.**- The State shall- (a) *secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants;*  
(b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;  
(c) provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means;  
(d) *provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;*  
(e) reduce disparity in the income and earnings of individuals, including persons in the various classes of the service of Pakistan;  
(f) eliminate riba as early as possible; and  
(g) ensure that the shares of the Provinces in all Federal services, including autonomous bodies and corporations established by, or under the control of, the Federal Government, shall be secured and any omission in the allocation of the shares of the Provinces in the past shall be rectified.

Source: The Constitution of Pakistan, 1973



## CHAPTER - 30

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### WOMEN, CITIZENSHIP AND FAMILY LAWS IN PAKISTAN

There are laws that negatively or positively affect on women's status within family and as citizen in broader Pakistani society. This chapter is critically analysing the laws related to and determining women's status as citizen in the country and as a mother, daughter, sister, and wife within Pakistani family. Accordingly, it discusses in detail the Pakistan Citizenship Act 1951 and the Muslim Family Law Ordinance 1961.

#### 30.1. THE PAKISTAN CITIZENSHIP ACT 1951

The report of the Commission of Inquiry for Women 1997 highlights that Pakistan Citizenship Act 1951 has encompassed and showed both conscious and subconscious discrimination against women (The Commission of Inquiry for Women, 1997: 17). The report identifies that the section 5 of the Act was discriminatory in its original form. The section 5 is regarding the citizenship by decent. The report of commission of inquiry has reproduced the section as follows

“Subject to the provision of section 3 a person born after the commencement of this Act, shall be a citizen of Pakistan by descent if his parent is a citizen of Pakistan at the time of his birth”. (Section 5 of The Pakistan Citizenship Act 1951 cited in The Commission of Inquiry for Women, 1997: 17)

It showed that only the children born to a Pakistani father and a foreign mother were eligible to acquire the citizenship of Pakistan by decent. On the contrary it was showing that the children born to a Pakistani mother and a foreign father cannot be eligible for this right. But later the discriminatory section 5 was amended by substituting the word “father” with the word “person” by the ordinance NO. XIII of 2000 dated April 18, 2000 to remove this gender discriminatory effect of the law on women. The amended section 5 can be seen in Text Box 30.1).

The report of the commission of inquiry on women also has identified that section 10(2) of the ordinance is discriminatory (see Text Box 30.1). The section 10(2) states to provide the citizenship to foreign women who had been married to a Pakistani man. The report argues that when a foreign wife of a Pakistani citizen is provided under this law for the granting of citizenship of Pakistan, why the provision does not provided the similar parallel right to a women citizen of Pakistan for the granting of citizenship to her non- Pakistani husband.

#### 30.2. MUSLIM FAMILY LAW ORDINANCE 1961

The most important laws to effect women life and status are those designed to maintain their status and rights in private family life, as wives, daughters, mothers, and sisters spending most part of their lives within the institution of marriage and family. The Commission of Inquiry for Women (1997) identify that personal laws in Pakistan are based on both the codified laws as well as the customary laws based on religious norms. There is a variety of laws that governed the personal life of Muslim and non-Muslim citizens of Pakistan.

**Text Box 30.1: The Pakistan Citizenship Act, 1951  
(II of 1951)**

**Excerpt**

**5. Citizenship by descent.**— Subject to the provision of section 3 a person born after the commencement of this Act, shall be a citizen of Pakistan by descent if his parent is a citizen of Pakistan at the time of his birth:

Provided that if the 1[parent] of such person is a citizen of Pakistan by descent only, that person shall not be a citizen of Pakistan by virtue of this section unless:-

(a) that person's birth having, occurred in a country outside Pakistan the birth is registered at Pakistan Consulate or Mission in that country, or where there is no Pakistan Consulate or Mission in that country at the prescribed Consulate or Mission or at a Pakistan Consulate or Mission in the country nearest to that country ; or

(b) That person's parent is, at the time of the birth, in the service of any Government in Pakistan.

**10. Married women.**— (1) any woman who by reason of her marriage to a [British subject] before the first day of January, 1949, has acquired the status of a British subject shall, if her husband becomes a citizen of Pakistan, be a citizen of Pakistan.

(2) Subject to the provisions of sub-section (1) and subsection (4) a woman who has been married to a citizen of Pakistan or to a person who but for his death would have been a citizen of Pakistan under section 3, 4 or 5 shall be entitled, on making application therefore to the Federal Government in the prescribed manner, add, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty-one years of her age and is of full capacity.

(3) Subject as aforesaid, a woman who has been married to a person who, but for his death, could have been a citizen of Pakistan under the provisions of sub-section (1) of section 6 (whether the migrated is provided in that sub-section or is deemed under the proviso to section 7 to have so migrated) shall be entitled as provided in sub-section (2) subject further, if she is an alien, to her obtaining the certificate and taken the oath therein mentioned.

(4) A person who has ceased to be citizen of Pakistan under section 14 or who has been deprived of citizenship of Pakistan under this Act shall not be entitled to be registered as a citizen thereof under this section but may be s registered with the previous consent of the Federal Government.

Source: The Pakistan Citizenship Act, 1951.

### 30.2.1. Background of Muslim Family Law in Pakistan

Before independence, the British government was enacted the Muslim Personal Law (*Shariat*) Application Act in the year 1937 to ordain the practices of private family and marriage life of Muslims according to some codified laws rather than custom and traditions. The aim of the law was to remove ambiguity from that is being practiced through customary laws in the name of Islamic laws. It was done in the background of the need that most of the customary laws were in conflict with the Islamic law. For example, the *shariat* was being applied to the marriage, divorce, dower, etc., but it was not being applied to the inheritance of the agricultural property to women at that time. Islam has clearly provided a daughter a half share of property in inheritance than a son. The proportion in inheritance for women in other roles as widow, mother, and sister is also clearly defined in Islam. Although, it was clearly established principle that the matter of Muslim family will be governed by respective personal laws, but still the inheritance of agricultural property was not administered according to the rights of Muslim women's share in inheritance as given in Islam. The

inheritance of the agricultural property to Muslim women was later brought to the domain of codified laws. Jahangir (1998: 94) explains that "This embargo on inheritance in agricultural property was removed in Sindh and Punjab in 1950 and 1951, respectively, and in the Frontier Province and areas comprising the present Baluchistan province in 1962".

Another problematic customary practice of the pre-independence era was the conversion of the Muslim women to another faith for the sake of ending an unwanted and unbearable marriage. As there was no provision in *Hanafi* Muslim laws for a woman to seek dissolution of a marriage contract in which she does not want to live anymore due to no proper maintenance, maltreatment, etc. Therefore, as a solution to this problem of not having a choice of ending their marriage, Muslim women found their way by a practice of converting to another religion that ultimately leads to dissolution of their marriage. This caused anger in different Muslim communities, especially the religious leaders got ready for the codification of some of the grounds for dissolution of marriage to stop this customary practice of Muslim women's conversion. In this background of gaps and ambiguity in customary law, the British government also promulgated another law named as The Dissolution of Muslim Marriage Act in 1939. Jahangir (1998: 94) identify that the aim of this laws was "to codify grounds for the dissolution of Muslim marriage and to curb the practice of muslim women converting to another faith so as to be able to seek dissolution." She further concludes that "the Dissolution of Muslim Marriages Act 1937 was not enacted for the benefit or advantage of women, nor was it initiated out of the concern for women" (Jahangir, 1998: 94). Rather, the need to stop the conversion of women to another faith has forced the muslim religious leaders to codify such a law.

It is identified by Jahangir (1998: 93) that the Muslim family laws were not codified and based on religious practices and traditions after independence. The only codified law regarding Muslim marriage was the Dissolution of Muslim Marriage Act 1939, The Guardians and Wards Act 1890, and the Child Marriage Restraint Act 1929 in the new state of Pakistan. Most of the matters pertaining to Muslim marriages like guardian ship, marriage, maintenance, divorce, and marital rights were governed by personal laws based on religious traditions. In this background polygamy was legal and common. The prime minister of Pakistan Muhammad Ali Boghra also made a second marriage. His first wife as an active member of women's activist groups protested against this act along with her women activist friends. This compulsion led the prime minister to take serious action in this regard. Therefore, after independence, the first effort to codify the Muslim family laws for the new state appeared in the form of establishing a seven member commission on marriage and family law constituted in the year 1955. Jahangir (1998: 97) claims that the purpose of the commission was not the advantage or benefit of the women through enhancement of their rights. Rather, it was established to respond the situation in an attempt to save prime minister from embarrassment. It was not to stop polygamy rather to codify family laws through interpreting the Muslim laws.

### **30.2.2. The Nature and Scope of Muslim Family Law Ordinance 1961**

The first tangible result of this struggle for codification of the family laws appeared in the year 1961 when the then military government of General Ayub Khan promulgated The Muslim Family Law Ordinance 1961. The Muslim Family Law Ordinance 1961 also adopted some of the recommendations of the Commission on Marriage and Family constituted in the year 1955. The ordinance was aiming to reform the laws governing the private lives of Muslim population in the domains of family and marriage such as divorce and inheritance to grandchildren, compulsory marriage registration, regulating polygamy, codifying the laws of dower and maintenance and divorce. The Commission of Inquiry for Women (1997: 19) identified that "Muslim Family Laws Ordinance of 1961 provided Muslim women some protection but did not extend any substantial rights to them". The Muslim Family Law Ordinance 1961 governs the main aspects of Muslim women's family lives such as succession, registration of marriage, polygamy, divorce, dissolution of marriage otherwise than by divorce, maintenance, dower, etc in the following manner as discussed in detail below with reference to specific sections of the ordinance.

The Ordinance dealt with each specific matter related to Muslim marriage and family with particular focus in different sections. The section 4 of the ordinance related to succession clearly provided that in case of the death of any of the parents, the children will receive their due share

from their grandparents. The section 5 of the ordinance makes it obligatory for all the citizens of Pakistan whose marriages are done under Muslim law to compulsorily get their marriages registered. The union councils are given the right to provide license to one person as *Nikah* registrar in one ward. The *Nikah* registrar was held responsible to keep the record register and this record was to be kept in the concerned union council. The copies of the *Nikah nama* were specifically defined to be given to the concerned parties in marriage.

**Text Box 30.2: The Muslim Family Laws Ordinance, 1961**

**(Viii of 1961)**

**(Excerpt)**

**4. Succession.**— In the event of the death of any son or daughter of the *propositus* before the opening of succession, the children of such son or daughter, if any, living at the time the succession opens, shall *per stirpes* receive a share equivalent to the share which such son or daughter, as the case may be, would have received if alive.

**5. Registration of marriages.**— (1) Every marriage solemnized under Muslim Law shall be registered in accordance with the provisions of this Ordinance.

(2) For the purpose of registration of marriages under this Ordinance, the Union Council shall grant licenses to one or more persons, to be called *Nikah Registrars*.

(2A) The *Nikah Registrar* or the person who solemnizes a *Nikah* shall accurately fill all the columns of the *nikah nama* form with specific answers of the bride or the bridegroom.

(3) Every marriage not solemnized by the *Nikah Registrar* shall, for the purpose of registration under this Ordinance, be reported to him by the person who has solemnized such marriage.

(4) If a person contravenes the provision of:

(i) subsection (2A), he shall be punished to simple imprisonment for a term which may extend to one month and fine of twenty five thousand rupees; and

(ii) subsection (3), he shall be punished to simple imprisonment for a term which may extend to three months and fine of one hundred thousand rupees.

(5) The form of *nikah nama*, the registers to be maintained by *Nikah Registrars*, the records to be preserved by Union Councils, the manner in which marriages shall be registered and copies of *nikah nama* shall be supplied to the parties, and the fees to be charged therefore, shall be such as may be prescribed.

(6) Any person may, on payment of the prescribed fee, if any, inspect at the office of the Union Council the record preserved under sub-section (5), or obtain a copy of any entry therein.

**6. Polygamy.**— (1) No man, during the subsistence of an existing marriage, shall, except with the previous permission in writing of the Arbitration Council, contract another marriage, nor shall any such marriage contracted without such permission be registered under this Ordinance.

(2) An application for permission under sub-section (1) shall be submitted to the Chairman in the prescribed manner, together with the prescribed fee, and shall state reasons for the proposed marriage, and whether the consent of existing wife or wives has been obtained thereto.

(3) On receipt of the application under sub-section (2), the Chairman shall ask the applicant and his existing wife or wives each to nominate a representative, and the Arbitration Council so constituted may, if satisfied that the proposed marriage is necessary and just, grant, subject to such conditions, if any, as may be deemed fit, the permission applied for.

(4) In deciding the application the Arbitration Council shall record its reasons for the decision, and any party may, in the prescribed manner, within the prescribed period, and on payment of the prescribed fee, prefer an application for revision to the Collector concerned and his decision shall be final and shall not be called in question in any court.

(5) Any man who contracts another marriage without the permission of the Arbitration Council shall—

(a) pay immediately the entire amount of the dower, whether prompt or deferred, due to the existing wife or wives, which amount, if not so paid, shall be recoverable as arrears of land revenue; and

(b) on conviction upon complaint be punishable with the simple imprisonment which may extend to one year and with fine of five hundred thousand rupees.

**7. Talaq.**— (1) Any man who wishes to divorce his wife shall, as soon as may be after the pronouncement of *talaq* in any form whatsoever, give the Chairman notice in writing of his having done so, and shall supply a copy thereof to the wife.

(2) Whoever, contravenes the provisions of sub-section (1) shall be punishable with simple imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees or with both.

(3) Save as provided in sub-section (5), a *talaq* unless revoked earlier, expressly or otherwise, shall not be effective until the expiration of ninety days from the day on which notice under sub-section (1) is delivered to the Chairman.

(4) Within thirty days of the receipt of notice under sub-section (1), the Chairman shall constitute an Arbitration Council for the purpose of bringing about a reconciliation between the parties, and the Arbitration Council shall take all steps necessary to bring about such reconciliation.

(5) If the wife be pregnant at the time *talaq* is pronounced, *talaq* shall not be effective until the period mentioned in sub-section 10(3) or the pregnancy, whichever be later, ends.

(6) Nothing shall debar a wife whose marriage has been terminated by *talaq* effective under this section from re-marrying the same husband, without an intervening marriage with a third person, unless such termination is for the third time so effective.

**8. Dissolution of marriage otherwise than by talaq.**— Where the right to divorce has been duly delegated to the wife and she wishes to exercise that right, or where any of the parties to a marriage wishes to dissolve the marriage otherwise than by *talaq*, the provisions of section 7 shall, *mutatis mutandis* and so far as applicable, apply.

**9. Maintenance.**— (1) If any husband fails to maintain his wife adequately, or where there are more wives than one, fails to maintain them equitably, the wife, or all or any of the wives, may in addition to seeking any other legal remedy available apply to the Chairman who shall constitute an Arbitration Council to determine the matter, and the Arbitration Council may issue a certificate specifying the amount which shall be paid as maintenance by the husband.

(1A) If a father fails to maintain his child, the mother or grandmother of the child may, in addition to seeking any other legal remedy, apply to the Chairman who shall constitute an Arbitration Council and the Arbitration Council may issue a certificate specifying the amount which shall be paid by the father as maintenance of the child.

(2) A husband or wife may, in the prescribed manner, within the prescribed period, and on payment of the prescribed fee, prefer an application for revision of the certificate 12[to the Collector] concerned and his decision shall be final and shall not be called in question in any court.

(3) Any amount payable under sub-section (1) or (2), if not paid in due time, shall be recoverable as arrears of land revenue:

Provided that the Commissioner of a Division may, on an application made in this behalf and for reasons to be recorded, transfer an application, for revision of the certificate from a Collector to any other Collector, or to a Director, Local Government, or to an Additional Commissioner in his Division.

**10. Dower.**— Where no details about the mode of payment of dower are specified in the *nikah nama*, or the marriage contract, the entire amount of the dower shall be presumed to be payable on demand.

Source: The Muslim Family Law Ordinance, 1961.

In section 6 of the ordinance, the matter of polygamy was dealt. The ordinance clearly established that if a man wanting to contract a second marriage in presence of first marriage, then he will be in need of first acquiring permission from Arbitration council. A second marriage without this permission will not be registered. The arbitrary council was defined to be constituted by the



chairman of union council comprising the representatives of each party to the marriage. It also binds the person to ensure permission from his first wife or wives. If any person contracts such a marriage he has to immediately pay the dower to his first wife or wives. If not paid, then it will be recoverable from arrears of land revenue and if any complaint be made he may also be punished with imprisonment and fine.

The section 7 of the ordinance is related to the theme of divorce. It establishes the rule that if a man wants to give divorce to his wife, he has to notify this as soon as may be after the pronouncement of the *talaq* to the chairman of union council in writing and a copy of that is need to be supplied to his wife as well. The person failing to do so was defined to be punished with imprisonment and fine. The time period of the divorce to be effective is also specified. The ordinance state that the divorce will be effective on the expiration of a period of ninety days or if woman is pregnant then after the pregnancy, which ever come later, ends. The section 8 of the ordinance is regarding the dissolution of marriage otherwise than by *Talaq* (divorce). It provided that women can use their right of divorce if it has been delegated to wife by husband at the time of *nikah*. It also provides that if any of the parties to the marriage wants to dissolve the marriage otherwise than by *talaq* then it will be done with the procedures and requirements as mentioned in the section 7 of the ordinance. The Muslim Family Law Ordinance 1961 also provided for the succession or inheritance of grandchildren from grandparents, if the father dies. But the same law does not mention or provide for any share in inheritance for the wife of the deceased person.

### 30.2.3. Weaknesses in the Implementation of the Law

The report of the commission of inquiry for women (1997: 30) aptly identifies the inadequacy of the law to curb polygamy in following words:

“No one doubts however that the practice exists on a wide enough scale. The Report of the Pakistan Women’s Right Committee that came 15 years after the Muslim Family Laws Ordinance, 1961 noted that the law had done nothing to discourage the polygamy in those years. A decade later, the 1985 report of the Pakistan Commission on the Status of Women reported that the practice was particularly widespread in the interior Sindh and Balochistan and in the tribal areas” (The Commission of Inquiry for Women, 1997: 30).

Besides the lack of rights provided to women, the flaws in the implementation of the laws are an important factor that may make any potential advantage for women as nullified. The Report of the Commission of Inquiry for Women (1997) shows such lacunas in implementation about the provided right to women in the clause 18 of *Nikah nama* regarding the delegation of the right of divorce to women. The report highlights the prevailing unfavourable perception and practices in this regard. The broader perception is that the delegation of right of divorce to wife, and to ask for the delegation of the right of divorce by a wife is something improper and contrary to Islam. It is also a popular practice of crossing out this clause in *nikah nama* without asking the bride before it is handed over to the parties.

It is also frequently noticed that the requirement of registration is not fulfilled. It happens due to prevailing illiteracy in the country, and unawareness of laws especially in rural areas of the country. The *nikah* registrars are also not maintaining the record properly. Rather, they have made their notary power a very profitable side business for themselves (The Commission of Inquiry for Women, 1997: 24). The report of the Commission of Inquiry for Women (1997: 24) has narrated about one instance reported in the year 1966 when 250 *nikah namas* were produced before the Lahore civil court out of them half were fake and without any official record available for them. Such *nikah namas* are being produced for criminal aims of the men such as temporary sex, to deceptively grab the property of their wife, or to keep their daughters bound to marry according to their wishes.

### 30.3. THE LAW FOR INCEST AS A CRIME OCCURING IN FAMILY

Incest is a specialized category of crime that is happening within family by the close relatives of the victim. This crime has largely been unreported in Pakistan due to socio-cultural

reasons along with lack of specific laws and unawareness about the available legal provisions in this regard. It is observed that there is not specific law exists in Pakistan dealing with and providing procedures and punishments in respect of this heinous crime. It is noted that if any such case is reported to the law enforcing agencies, is mainly dealt under section 376 of Pakistan Penal Code which is related to the punishment for the crime of rape. The content of the section 376 of the Pakistan Penal Code is provided in Text Box 31.1 for better understanding of the reader.

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## CHAPTER - 31

### WOMEN AND ISLAMIC LAWS IN PAKISTAN

Islam, the religion, is a very important factor that affects all the aspects of social life in Pakistani society. The Islamic perspectives on law, sources of laws and the types of punishments are important to understand the legislative history, procedures and laws in Pakistan. Discussing Islamic sources of laws, this chapter critically analyse certain pieces of laws promulgated in Pakistan in the name of Islam. The chapter has analysed these law for their potential to affect women's life in the country.

#### 31.1. SOURCES OF ISLAMIC LAWS AND PUNISHMENT

There is a constitutional binding that there cannot be any law promulgated in the country that may contradict to Islamic principles. Still, the major bulk of Islamic laws were mainly introduced in the name of Islamization during the military regime of General Zia-ul-Haq. The major set of Islamic laws that effect on women's conditions in the country includes five pieces of Hudood Ordinances, law of evidence, and *Qisas* and *Diyat* law.

There are several sources for driving the Islamic laws which are used by Muslim jurisprudence. Allah has given basic principles through revelations which determine the lives of Muslims. It prescribes the standards of right and wrong and limits to do or not to do certain things in the text provided in holy *Quran*. *Sunnah* is the other most important source to ordain the lives of Muslims. The matters not clearly answered in *Quran* and *Sunnah* can also be clarified through several other secondary sources of driving Islamic laws.

##### 31.1.1. Sources of Islamic Laws

The sources of Islamic law can be classified in two types: Primary and Secondary sources. The primary sources are unquestionable and accepted universally in Islamic world. These include *Quran* and *Sunnah*. The secondary sources of Islamic laws include *Ijma*, *Ijtehad*, *Qiyas*, and *Urf*. Each of these sources of Islamic laws is discussed in detail in the following paragraphs.

##### 31.1.1.1. Primary sources of islamic laws

There are two primary sources of Islamic laws. These primary sources include *Quran* and *Sunnah*. First and most important fountain for providing standards for all aspects of a muslim person's life is the Holy book of *Quran*. *Quran* is one of the most authentic and primary sources of Islamic law. It includes moral and judicial injunctions, many commandments, rules and principles for every field of life. Islamic laws are basically derived from holy verses of *Quran* about family, marriage, ethics, inheritance, criminal laws, and state laws, as well as penal and constitutional aspect of state level procedures. The Holy *Quran* is complete code of life beyond from any doubt and uncertainty. Most of its principles are general in nature though some of them are specifically defined. The words of *Quran* are the final revelations and no one can amend its content. It is the most authentic source of Islamic law.

The second important source to guide muslims' life and Islamic laws is *Sunnah* or the way of Holy prophet Muhammad (PBUH). The *Sunnah* consists of the saying, religious actions, and words of Prophet Muhammad (PBUH) which are not revelations of the *Quran* but narrated by the companions of Holy prophet (PBUH). In order to understand the teaching of *Quran*, the understanding of *Sunnah* is essential.

### 31.1.1.2. Secondary sources of Islamic law

The four secondary sources of Islamic laws include *Ijma*, *Ijtehad*, *Qiyas*, and *Urf*. The first secondary source of Islamic law is *Ijma*. *Ijma* or unanimous agreement means consensus of Muslim community or jurists on matters which are not clearly explained in holy *Quran* and *hadith*. *Ijma* is agreement of the jurists upon a matter in a particular age. There are many verses of Holy *Quran* in favour of *ijma* for example, "obey God and obey the prophet (PBUH) and those amongst you who have authority". Second important secondary source of Islamic laws is *Ijtihad*. *Ijtihad* refers to the interpretation of principles and commands of *Quran* and *hadith* by *faqih* or *imam*. In Islamic world there are four *imams* who formed different school of thought by interpreting the *Quran* and *Sunnah* after deep study and research. One school of thought believes that *ijtihad* ended with the four pious caliphs while others believe that it is not ended and is still continue and can be practiced.

The third important secondary source of Islamic law is *Qiyas* or analogical deduction. *Qiyas* means using logic and reasoning to establish a new judgment in the absence of sufficient material in existing sources. It means to conclude general principle from *Quran* and *Sunnah* to generalize the verses of *Quran* or *hadith*. For example, wine is prohibited in Islam, Therefore, the jurists have concluded and generalized that all things causing unconsciousness are forbidden in Islam. The fourth important secondary source of Islamic laws is *Urf*. The term *urf* means "to know" refers to the common "practice" or "*amal*" among the Muslims as their common habit or custom of a given society. Respect for custom became an important source of diversity in the implementation of Islamic law in different geographical places and periods of time to the extent that there is no violation of Islamic rules.

### 31.1.2. Types of Punishment in Islamic Laws

From Islamic perspectives, the punishment is also classified into three categories: *Hadd* punishment, *Qisas*, and *Tazir*. *Hadd* is the maximum punishment prescribed in *Quran* as stoning or whipping at public places for the crimes that include actions that are strictly forbidden (e.g. *Zina*) in Islam. *Qisas* is the punishment of a criminal that includes equal and same hurt as that to the damage caused to victim to be given to the criminal. In simple words, the principle is "an eye for an eye and a tooth for a tooth". *Tazir* is the lesser punishment, that is usually announced when the crime cannot be punished with *Hadd* due to lack of available evidences. This type of punishment is left on the discretion of judge to be prescribed and announced according to the available evidences.

## 31.2. ISLAMIC LAWS IN PAKISTAN

### 31.2.1. Hudood Ordinances

Hudood ordinances were the result of a deliberate effort made under the slogan of reforming Pakistani society and law according to Islam. It includes a set of five ordinances promulgated during the Islamization period of General Zia-ul-Haq in the year 1979 and enforced in the year 1980. The five pieces of laws comprising the package of Hudood Ordinances included the following

1. Offence against Property (Enforcement of Hudood) Ordinance, 1979,
2. Offence of Zina (Enforcement of Hudood) Ordinance, 1979,
3. Offence of Qazaf (Enforcement of Hudood) Ordinance 1979,
4. Prohibition (Enforcement of Hudood) Ordinance 1979,
5. Execution of the Punishment of Whipping Ordinance 1979.

These five laws are dealing with different types of crimes with the prescription and implementation of *hadd* and *Tazir* punishment related to them. The crimes dealt in these laws included theft and armed dacoity; rape, abduction of women and *zina*; *qazaf* (the false accusation); use and trafficking of drug and consumption of alcoholic beverages. The Execution of the

Punishment of Whipping Ordinance 1979 was to specify the mode of executing the punishment of whipping under these laws.

### 31.2.2. Zina Ordinance

The most victimizing of all laws for women ever promulgated in Pakistan was considered the Zina Ordinance of 1979. The Offence of Zina (Enforcement of *Hudood*) Ordinance (No. VII of 1979) was introduced on February 10<sup>th</sup>, 1979 as part of so-called 'Islamization' program of military General Zia-ul-Haq (Cheema, 2006; Lau, 2007). It was enforced without any democratic process or parliamentary consultation and above all without inclusion of women's viewpoint. Therefore, it became most exploiting for women and was widely resisted by the women groups in the country. The Zina ordinance was the main trigger that had stimulated a women's movement in the country with too much force.

Prior to the introduction of this Ordinance, rape cases were dealt with in criminal courts under 'the purely secular' Pakistan Penal Code (Lau, 2007: 1292). The Pakistan Penal Code was defining the crime of rape and its respective punishment. The section 375 of the PPC defined 'Rape' as a crime committed by man when he has sexual intercourse with a woman against her will or consent (see the Text Box. 31.1). Whereas, the act of '[a]dultery and fornication had not been criminal offenses at all' in Pakistan till that time (Lau, 2007: 1292-1296). The article 375 of the PPC, when defining the crime of rape, clearly used the words that "[a] man is said to commit rape". Therefore, women were simply excluded from the definition of being offenders in rape cases. This exclusion of women as the offender from this category of crime was in accordance with the cultural context. Women in patriarchal society of Pakistan could not find enough freedom and control needed to commit this crime.

#### Text Box 31.1: Pakistan Penal Code, 1860

(Act XLV of 1860)

(Excerpt)

##### 375. Rape:-

A man is said to commit rape who has sexual intercourse with a woman under circumstances falling under any of the five following descriptions,

- (i) against her will.
- (ii) without her consent
- (iii) with her consent, when the consent has been obtained by putting her in fear of death or of hurt,
- (iv) with her consent, when the man knows that he is not married to her and that the consent is given because she believes that the man is another person to whom she is or believes herself to be married; or
- (v) With or without her consent when she is under sixteen years of age.

**Explanation:** Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

##### 376. Punishment for rape

- (1) Whoever commits rape shall be punished with death or imprisonment of either description for a term which shall not be less than ten years or more, than twenty-five years and shall also be liable to fine.
- (2) When rape is committed by two or more persons in furtherance of common intention of all, each of such persons shall be punished with death or imprisonment for life."

Source: (Pakistan Penal Code, 1860).

The Pakistan Penal Code was accepting the normal evidentiary rules including women's witness for requirement of proof. The section 376 of the Pakistan Penal Code was also describing the punishment of the crime of rape. The punishment described for rape crime was

death or imprisonment "which shall not be less than ten years or more than twenty-five years" along with payment of fine.

### 31.2.2.1. Critical analysis of zina ordinance

With the introduction of the offence of *Zina* Ordinance 1979, through its section 19, the section 375 and 376 of the Pakistan Penal Code as described above were repealed. To fill the legal gap created by repeal of these two sections from PPC, the crime of rape was redefined along the punishment of the crime of rape. Besides this, the new ordinance also gave definition of another crime of *Zina* (adultery) in addition to the crime of rape. The ordinance defined the two crimes of *Zina* and *Zina-bil-jabr* (rape) in its section 4 and section 6. The two crimes defined under this ordinance were to be dealt with by Islamic (*Shariat*) courts (Cheema & Mustafa, 2008; Lau, 2007: 1295).

#### Text Box 31.2: The Offence of Zina (Enforcement of Hudood) Ordinance

(VII OF 1979)

(Excerpt)

**4. Zina:** A man and a woman are said to commit zina if they wilfully have sexual intercourse without being validly married to each other.

**5. Zina liable to hadd :** (1) Zina is zina liable to hadd if-

- (a) it is committed by a man who is an adult and is not insane with a woman to whom he is not, and does not suspect himself to be married ; or
- (b) it is committed by a woman who is an adult and is not insane with a man to whom she is not, and does not suspect herself to be, married.

(2) Whoever is guilty of zina liable to hadd shall, subject to the provisions of this Ordinance,—

- (a) if he or she is a muhsan, be stoned to death at a public place; or
- (b) if he or she is not a muhsan, be punished, at a public place, with whipping numbering one hundred stripes.

(3) No punishment under sub-section (2) shall be executed until it has been confirmed by the Court to which an appeal from the order of conviction lies; and if the punishment be of whipping, until it is confirmed and executed, the convict shall be dealt with in the same manner as if sentenced to simple imprisonment.

**6. Zina-bil-jabr:** (1) A person is said to commit zina-bil-jabr if he or she has sexual intercourse with a woman or man, as the case may be, to whom he or she is not validly married, in any of the following circumstances, namely :

- (a) against the will of the victim ;
- (b) without the consent of the victim;
- (c) with the consent of the victim,; when the consent has been obtained by putting the victim in fear of death or of hurt; or
- (d) with the consent of the victim, when the offender knows that the offender is not validly married to the victim and that the consent is given because the victim believes that the offender is another person to whom the victim is or believes herself or himself to be validly married.

Explanation: Penetration is sufficient to constitute the sexual intercourse necessary to the offence of zina-bil-jabr.

(2) Zina-bil-jabr is zina-bil-jabr liable to hadd If it is committed in the circumstances specified in sub-section (2) of Section 5.

(3) Whoever is guilty of zina-bil-jabr liable to hadd shall subject to the provisions of this Ordinance;

- (a) if he or she is not muhsan, be stoned to death at a public place; or
- (b) if he or she is not muhsan, be punished With whipping numbering one hundred, at a public place, and with such other punishment including the sentence of death, as the

Court may deem fit having regard to the circumstances of the case.

(4) No punishment under sub-section (3) shall be executed until it has been confirmed by the Court to which an appeal from the order of conviction lies; and if the punishment be of whipping, until it is confirmed and executed, the convict shall be dealt with in the same manner as if sentenced to simple imprisonment.

**7. Punishment for zina or zina-bil-jabr where convict is not an adult:** A person guilty of zina or zina-bil-jabr shall, if he is not an adult, be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both, and may also be awarded the punishment of whipping not exceeding thirty stripes : Provided that, in the case of zina-bil-jabr, if the offender is not under the age of fifteen years, the punishment of whipping shall be awarded with or without any other punishment.

**8. Proof of zina or zina-bil-jabr liable to hadd :** Proof of zina or zina-bil-jabr liable to hadd shall be in one of the following forms, namely :—

(a) the accused makes before a Court of competent jurisdiction a confession of the commission of the offence; or

(b) at least four Muslim adult male witnesses, about whom the Court is satisfied, having regard to the requirements of tazkiyah-af-shuhood, that they are truthful persons and abstain from major sins (khabir), give evidence as eye-witnesses of the act of penetration necessary to the offence ;

Provided that, if the accused is a non-Muslim, the eye-witnesses may be non-Muslims.

*Explanation:* In this section "tazkiyah-al-shuhood" means the mode of inquiry adopted by a Court to satisfy itself as to the credibility of a witness.

**9. Cases in which Hadd shall not be enforced:** (1) In case in which the offence of zina or zina-bil-jabr is proved only by the confession of the convict, hadd, or such of it as is yet to be enforced, shall not be enforced if the convict retracts his confession before the hadd or such part is enforced.

(2) In a case in which the offence of zina or zina-bil-jabr is proved only by testimony, hadd, or such part of it as is yet to be enforced, shall not be enforced if any witness resiles from his testimony before hadd or such part is enforced, so as to reduce the number of eye-witnesses to less than four.

(3) In the case mentioned in sub-section (1), the Court may order retrial.

(4) In the case mentioned in sub-section (2), the Court may award tazir on the basis of the evidence on record.

**10. Zina or Zina-bil-Jabar:** (1) Subject to the provisions of Section 7, whoever commits Zina or Zina-bil-jabar which is not liable to hadd, or for which proof is either of the form mentioned in Section 8 is not available and the punishment of qazaf liable to hadd has not been awarded to the complainant, or for which hadd may not be enforced under this Ordinance, shall be liable to tazir.

(2) Subject to sub-section 4 whoever commits zina-bil-jabr liable to tazir shall be punished with imprisonment for a term which shall not be less than four years not more than twenty-five years and, if the punishment be one of imprisonment, shall also be awarded the punishment of whipping numbering thirty stripes.

(3) When zina-bil-jabr liable to tazir is committed by two or more persons in furtherance of common intention of all each of such person shall be punished with death.

(4) Whoever commits zina liable to tazir shall be punished with rigorous imprisonment for a term which shall not be less than four years nor more than ten years and with whipping numbering thirty stripes, and shall also be liable to fine.

Source: The Offence of Zina (Enforcement of Hudood) Ordinance, 1979.

The *Zina* ordinance defined the crime of *Zina* (extramarital sex), in its section 4, as wilful sexual intercourse by man and woman outside their valid marriage. This section also explained the sexual intercourse as "[p]enetration is sufficient to constitute the sexual intercourse necessary to the offence of *Zina*".

The same ordinance also defined the crime of rape as *Zina-bil-Jabr* in section 6 as sexual intercourse by man and woman outside valid marriage against victims will or without his or her consent. On the one hand, these sections of *Zina* ordinance made '[a]ll the sexual intercourse outside a legally valid marriage' as crime (Lau, 2007: 1295). On the other hand, the ordinance categorically ruled out the possibility to recognize marital rape as offence (Cheema & Mustafa, 2008; Shah et al., 2010: 56). It was assumed that there is no possibility of the situation of forced sexual intercourse that may occur within a validly married couple without the consent of any one of the partners and there is no need of law to interfere in such a situation.

Besides the inclusion of a new crime of extra marital sexual intercourse and not taking care of forced intercourse within marriage, the new ordinance defined both men and women equally as possible offenders of the crime of adultery and rape. The Pakistan penal code before the promulgation of *Zina* ordinance was defining only men as the possible offender of the crime of rape against women. But the new ordinance, unlike PPC, included women as possible perpetrator of rape and adultery crimes. This inclusion of women as perpetrators is made through the use of words like "[a] man and a woman are said to commit Zina if they wilfully..." in section 4 of the ordinance and "[a] person is said to commit Zina-bil-jabr if he or she has ..." in the section 6 of the ordinance (see the Text Box 31.2). The inclusion of women as a perpetrator of the crime of rape and adultery in this way is usually claimed as an opening to new ways for women's victimization through false accusations of adultery (Lau, 2007: 1296; The Commission of Inquiry for Women, 1997).

The term of "validly married" used in section 4 and section 6 of the ordinance also became problematic with the potential of adding to the misery of women in Pakistani society where the functioning conditions of the systems of assembling of vital statistics is poor. The condition of proving valid marriage became a problem for women (Yefet, 2009: 375). It happens because in rural areas where almost 70% of Pakistani population lives the marriage and divorce are not usually properly registered or documented. Therefore, it became easy to accuse any women without registered marriage of adultery (Bettencourt, 2000). The same accusation was easy to be placed against a woman without a registered divorce when she remarries (Yefet, 2009: 375).

Further, the ordinance almost failed to distinguish between the two crimes of rape and adultery having different nature (Mumtaz & Shaheed, 1987: 100). The ordinance was lumping the two different crimes of rape and *Zina* (adultery) together for similar treatment for ascertaining the punishment and accepting the evidence (Mumtaz & Shaheed, 1987: 100). The ordinance defined similar *Hadd* punishment for both crimes as prescribed in section 5(2) that was stoning to death or whipping at public place. The punishment prescribed for a married person who has committed *Zina* or *Zina-bil-jabr* was stoning to death and the punishment prescribed for unmarried person who has committed any of these two crimes was whipping one hundred stripes at public place, in sections 5(2) and 6(2) (Mumtaz & Shaheed, 1987: 100). It is claimed that the punishment of stoning to death has never been practiced in Pakistan (Marcus, 1993: 8; Noor, 2004: 83).

Similarly, the ordinance also established the same criteria for requirement of proof of these two different crimes to be liable to *hadd* in section 8 of the ordinance. The criteria of proof was defined in section 8(a) of the ordinance as confession of perpetrator before the court or, in section 8(b) of the ordinance as the evidences of the crime given by at least four Muslim adult male eyewitnesses, who give evidence as eye witness of the act of penetration necessary to the offence. It is also important to note that the ordinance defined eligibility criteria for the eye witness. The criteria included the following conditions for the person who may become eligible to be the witness: 1) muslim, 2) male, 3) adult, 4) truthful, 5) abstain from major sins (*khabir*), and 6) eye witness of the particular act of penetration. This requirement of proof was also difficult to be provided by any victim of rape. The requirement of '[m]uslim adult male witnesses' as stated in section 8(b) excluded women's testimony as proof for pronouncement of *hadd* punishment in the case of *Zina* or *Zina-bil-Jabr*. There was no consideration mentioned regarding evidences based on medical examination or any other kind of proof for this punishment.

On the one hand, it was very difficult for women rape victims to fulfil harsh requirements of providing evidences of rape (Ali, 2006: 11). On the other hand, the same difficulty for women



victims became facilitating for the perpetrator to escape from punishment at all or at least from maximum *hadd* punishment (Mumtaz & Shaheed, 1987: 101). It was most likely to happen because the ordinance provided in section 10 of the ordinance that lacking the required proofs as mentioned in section 8 of the ordinance to make a *zina* liable to *hadd* will result in award of *Tazir* punishment. *Tazir* punishment can be defined as any punishment other than *hadd and Qisas*. The *Tazir* punishment is not fixed and lies at the discretion of the judge (Ali, 2006: 3). It is certainly a less severe punishment than that of *hadd* (Cheema & Mustafa, 2008). Most rape trials in Pakistan were tried under *tazir*, because of non availability of required proof for *hadd* punishment (Cheema & Mustafa, 2008; Mullally, 2005).

Most victimizing aspect was that when a woman rape victim makes an accusation of the crime she also takes a risk by laying herself open to accusations and punishment of *Zina* (adultery) (Bettencourt, 2000; Cheema, 2006; Jilani & Ahmed, 2004; Lau, 2007; Marcus, 1993; Mullally, 2005; The Commission of Inquiry for Women, 1997). In such cases, the woman could easily be punished for adultery, only on the basis of pregnancy or complaint of rape considered as confession of *zina*, if that woman fails to fulfil difficult conditions specified in the law for proving rape (Ali, 2006: 8-15; Cheema, 2006). Mullally asserts that "in a number of rape trials, the woman complaining of rape has been convicted of *zina* because she could not prove that her 'unexplained' pregnancy was the consequence of rape" (2005: 349).

The ordinance also served as a tool used by men to punish those women, who refuse to accept former's patriarchal authority to make decisions about latter's life (Cheema, 2012: 888; Cheema & Mustafa, 2008; Lau, 2007: 1313). Ali claimed that the majority of cases registered under the law are based on personal vengeance of near relatives (2006: 12-14). Mostly these charges of *zina* or adultery filed against women were made by their close male relatives, such as fathers or husbands (Lau, 2007: 1296; The Commission of Inquiry for Women, 1997; Weaver, 2007). Parents accused their daughters of *zina* just because the later got married without the former's consent (Ali, 2006: 13-14; Iqbal, 2007; The Commission of Inquiry for Women, 1997; Yefet, 2009). Similarly, husbands who wanted to get rid of their wives often easily accused them of *zina* (Lau, 2007: 1296). The women with unregistered divorce could also become easy subjects to accusations of *zina* or adultery and consequent imprisonment, when they remarry (Marcus, 1993; The Commission of Inquiry for Women, 1997). It was also used as a tactic in tribal or *biradri* politics to accuse a woman of *zina* in order to bring dishonour to her family by an adversary group (Cheema & Mustafa, 2008).

The criminal procedures related to these crimes also made it an entangling web of miseries for women. Usually, police was registering such cases filed by fathers or ex-husbands under the *Hudood* Ordinance and picking up these married couples on charges of adultery in which to acquire bail was a very difficult matter (Cheema & Mustafa, 2008; Lau, 2007: 1296; Yefet, 2009: 359). The women arrested in such way, usually suffered more prolonged exploitation in police custody (Chadbourne, 1999; Human Rights Watch, 1999; Human Rights Watch, n.d.; Jilani & Ahmed, 2004; Marcus, 1993; Weaver, 2007).

The Commission of Inquiry for Women (1997) pointed out that there were only a handful of reported cases of adultery before the promulgation of *Zina* Ordinance. When the law was changed and included women in the punishment, suddenly the allegations of *zina* also started to be reported into thousands (Ali, 2006: 9; The Commission of Inquiry for Women, 1997). Women became the large majority (almost 80%) of the people arrested and imprisoned for *zina* (Ahmad, 1998: 11). Amnesty International (1998) reported that more than one-third of all Pakistani women in prison are being accused or found guilty under *Zina* Ordinance. Thus, all these difficulties in proving the crime committed against them, along with the fear of accusation of and imprisonment for *zina*, were the main factors which silenced most of the women rape victims in Pakistan (Bettencourt, 2000; Marcus, 1993; Zuhur, 2005).

### 31.2.3. Law of Evidence

Some of the laws provided legal support for institutionalization of socially established lower status of women in Pakistan by assigning them an unequal legal status (Human Rights Watch, 1999: 21; Mumtaz & Shaheed, 1987: 99). Such laws include the law of evidence, *Hudood*

ordinances, and the law of *Qisas* and *Diyat* (Cheema, 2012; Human Rights Watch, 1999: 21). The Law of Evidence of 1984 is one such piece of legislation that is discriminating against Pakistani women.

The Law of Evidence or the *Qanun-e-Shahadat Order* promulgated in 1984 is being criticized for giving men and women unequal legal rights by assigning different worth to their testimonies (Human Rights Watch, 1999: 21; Mumtaz & Shaheed, 1987: 110). The law, in its section 17 describes the competence and number of witnesses. In the section 17(2a) of the order, it directs to find two male witnesses, and if unavailable, then one man and two women witnesses in "matters pertaining to financial or future obligations". This restriction imposed on women in respect of attestation of the witnesses in cases of monetary implications seems unmatched with the facts that women have reached to the highest state offices in the country. This way of reducing woman's attestation of evidence to as half than that of a man in financial cases is no more than irony today, when Benazir Bhutto a twice elected prime minister of the country and Dr. Shamshad Akhtar, the Governor (Head) of the highest financial institutions, The State Bank of Pakistan, were women. But the law is still persistent today.

This law, in section 17(2), also acknowledged some special provisions regarding the competence of witness in *Hudood* Ordinances. For example, in the most victimizing of *Hudood* ordinances, the Offence of Zina (Enforcement of Hudood) Ordinance 1979, women are specifically excluded from being a witness in case of adultery and rape to be liable to maximum *hadd* punishment. The *Zina* ordinance, in section 8(b), specifies conditions for proof of *Zina* (adultery) and *Zina-bil-Jabr* (Rape) liable to *hadd* (maximum punishment) in following word: "at least four Muslim adult male witnesses, about whom the court is satisfied, having regard to the requirements of *tazkiyah-al-shuhood*, that they are truthful persons and abstain from major sins (*khahir*), give evidence as eye-witnesses of the act of penetration necessary to the offence". It means, the section 8(b) of the *Zina* Ordinance was specifically asking for four Muslim adult truthful male who abstain from major sins to serve as eye-witness for the act of penetration to prove *Zina* or rape liable to *hadd*. This provision of the *zina ordinance* was accepted in the section 17(2) of the Law of Evidence 1984 which acknowledged and endorsed the exclusion of women from becoming eligible to serve as an eye-witness in the cases of rape and zina liable to *hadd*.

**Text Box 31.3: Qanun-e-Shahadat Order, 1984**

**(Excerpt)**

**17. Competence and number of witnesses:** (1) The competence of a person to testify, and the number of witnesses required in any case shall be determined in accordance With the injunctions of Islam as laid down in the Holy Qur'an and *Sunnah*:"  
(2) Unless otherwise provided in any law relating to the enforcement of Hudood or any other special law: —  
(a) in matters pertaining to financial or future obligations, if reduced to writing, the instrument shall be attested by two men or one man and two women, so that one may remind the other, if necessary, and evidence shall be led accordingly ; and  
(b) in all other matters, the Court may accept, or act on the testimony of one man or one woman or such other evidence as the circumstances of the case may warrant.

Source: (The Qanun-e-Shahadat Order, 1984).

#### 31.2.4. Qisas and Diyat Law

It is claimed that Pakistani law also provided a favourable arrangement for fostering anti-women social practices like domestic violence and honour killings (Wasti, 2010: 361). This is made possible through certain provisions in Pakistani laws that were excluding certain individuals from maximum punishments or offering and accepting compensations for harm to human body or

murder. There is another such Islamic law effecting women's life, named as the *Qisas and Diyat* Ordinance of 1990. The Criminal Law (Second Amendment) Ordinance (No. VII of 1990) is commonly known as the *Qisas and Diyat* Ordinance. It was proposed in the year 1980 but could not become a law till the year 1990. Finally, the ordinance was promulgated on September 5<sup>th</sup>, 1990. Later, the provisions in the ordinance were amended several times (National Commission on the Status of Women, 2008).

The *Qisas and Diyat* law allows compromise and compensation for bodily harm or murder. The term *Diyat* means the compensation or the blood money payable to victim's heirs and *Qisas* refers to retribution that is the punishment by causing the same hurt to the perpetrator that he or she has caused to the victim as an exercise of the right of victim or victim's *wali* (heir) (Ali, 2006: 3; Mumtaz & Shaheed, 1987: 110). In this way, the law privatized the crime as the choice of perpetrator's punishment or acceptance of compensation often depends on the choice made by victim or victim's *wali* (Human Rights Watch, 1999: 53-55; Yefet, 2009: 362). In honour killings cases usually women were killed by their husbands, fathers or other relative men in the name of family honour (Wasti, 2010). In past, the perpetrators in honour killing cases were able to escape *qisas* punishment on the basis of relationship with the victim or *wali* (Human Rights Watch, 1999: 55; Wasti, 2010).

In past, these offenders, as husband of victim and father of her children, were not liable to death punishment as *qisas* in Pakistan Penal Code due to problematic definition of *wali* in sections 306 and 307 of PPC (but this provision is now amended by The Criminal Law (Amendment) Act 2004 (Cheema, 2008; Human Rights Watch, 1999: 55; Iqbal, 2007; Jilani & Ahmed, 2004). Pakistan Penal Code, in its sections 306 and 307, was used to explain before its amendment that offenders are not liable to "*Qisas*" because of their relationship to the victim or victim's *wali*(s). For example, section 306 (b) was stating that if an offender causes death of his child or grand-child, how low-so-ever; shall be exempt from *Qisas*. Similarly, section 306 (c) states that if any *Wali* of the victim is a direct descendant, how low-so-ever, of the offender, such offender is exempt from *Qisas*. But this lacuna in law has been amended by the Criminal Law (Amendment) Act 2004, through amendments made to section 305 of PPC to curb honour killings.

The offenders as being the husband, father or the father of victim's children were not only escaping the death punishment, but also as being a family or tribe member of the victim they were usually pardoned by victim's family, as provided in section 309 of PPC regarding the waiver of the right of *Qisas* by a *wali*. If not simply pardoned, they were likely to be asked to only pay the *diyat* as financial compensation (Bettencourt, 2000; Cheema, 2008; Jilani & Ahmed, 2004, Yefet, 2009: 363). In this way the law became a tool to retain the practice of honour killing by providing a window for escape to offenders. Stephanie Palo aptly concludes that "[u]ntil the *Qisas and Diyat* Ordinance is removed from the PPC, however, perpetrators of honour killings need not fear retribution because many commit their crimes with the consent of family members" (2009: 93).

In the same way Pakistani law was also inadequate to protect women victims of domestic violence (Human Rights Watch, 1999: 53). In absence of any specifically dedicated set of laws to prohibit domestic violence, the acts of domestic violence, if rarely reported to the law enforcing agencies, were also prosecuted under *Qisas and Diyat* Ordinance (Human Rights Watch, 1999: 53). Domestic violence is a criminal act done to hurt women by family members. Therefore, the perpetrator as being the heir or descendant of heir was used to go unpunished or find leniency. The *qisas* or monetary compensation becomes meaningless because the accused is usually pardoned by the victim or victim's heirs (Human Rights Watch, 1999: 55).

Similarly, there was no specific law addressing the crime of deforming women's body, especially in incidences of acid throwing and nose cutting. The section 332 of PPC was dealing with the hurts to human body without causing death and the section 337 of PPC was describing compensation of causing hurts or the severing of an organ in terms of *qisas* and *diyat*. These provisions related to *qisas* and *diyat* for offences against the human body were to equally apply to bodily harms done to any men or woman. On the contrary, women rarely receive benefit of these laws if this harm is caused by a family member, due to a problematic definition of heirs in law (Jilani

& Ahmed, 2004). This contention is mostly true when such harms are caused to women by their relative men through domestic violence, acid throwing or nose cutting.

## CHAPTER - 32

### NEW LAWS, NEW PROTECTIONS, AND NEW CHALLENGES IN PAKISTAN

After the turn of century, with the increased participation of women in legislature, another thing also stated to change that was law for Pakistani women. This change in law started taking place with the frequent recently done law amendments and introduction of a set of new laws to protect women from social, legal and cultural victimization. This chapter is focusing on some of the newly promulgated laws to amend previously existing discriminatory laws and providing for the protection of women from violence and crime.

#### 32.1. NEWLY PROMULGATED LAWS TO PROTECT WOMEN

The list of the newly passed acts to amend or introduce new laws is addressing a variety of issues related to different forms of violence against women. The Criminal Law (Amendment) Act, 2004 (I of 2005) recognized the evil social practice of honour killing as crime. The Protection of Women (Criminal Laws Amendment) Act 2006 amended the long controversial and victimizing *Hudood* Ordinances. The Criminal Law (Amendment) Act 2010 brought the phenomenon of sexual harassment in law and further elaborated the previously existing similar law provisions. The Protection against Harassment of Women at the Workplace Act 2010 introduced new law along with providing code of conduct for curbing sexual harassment of women in work environment. The Criminal Law (Second Amendment) Act 2011 was aimed to protect women from defacement by acid throwing or any other harmful material or method. Above all of them, the Criminal Law (Third Amendment) Act 2011 recognized several anti-women social practices as crime and defined their respective punishments.

##### 32.1.1. The Honour Killing Act 2004

Before the year 2004, Pakistani law was facilitating to condone the evil practice of honour killings of women on the pretext of "sudden and grave provocation". Some of the provisions in the law were interpreted and used in a way to provide leniency to those who were killing women in the name of so-called honour (Ali, 2006: 16; Cheema, 2008; Wasti, 2010). In past, the section 300(1) of the Pakistan Penal Code was not considering any culpable homicide as murder "if the offender, while deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident". Consequently, for a long time, the courts were allowing the plea of grave and sudden provocation and men were exploiting it to escape from maximum punishment in the cases of honour killing (Cheema, 2008; Human Rights Watch, 1999: 57-58; Iqbal, n.d.; Jilani & Ahmed, 2004; Shah, 2007). This exception to section 300 of PPC was removed by The Criminal Law (Fourth Amendment) (*Qisas and Diyat* ordinance) in 1991. Even after this provision was removed from the law, still this ideology was so deeply embedded in the judicial mindset that "they ignore the fact that the provision of grave and sudden provocation no longer exists in the law" (Cheema, 2008; Iqbal, 2007; Jilani & Ahmed, 2004: 157). Ali (2006: 16-17) shows evidence from different judgements of gradual positive shift in judiciary's position.

The subject of honour killing repeatedly came under discussion in legislative institutions after the elections held in the year 2002 (Mirza & Wagha, 2009: 23-35). Unlike the situation in the year 1999, as discussed earlier, this time both the houses, National Assembly and the Senate, passed the Criminal Law (Amendment) Act 2004, commonly known as the Honour Killing Act, 2004. The promulgation of Honour Killing Act of 2004 was an effort to control violence and improve

women's vulnerable conditions to fall a pray to and being murdered in the name of honour. The act amended PPC to limit the social evil of killing in the name of honour (United Nations Development Program, 2005; Weiss, 2012: 6). For the first time in Pakistani legislative history, this act recognized the traditional social practices of honour killing known as *karo kari*, *siyah kari* and other similar customs as offences against human body and life, in the section 299(ii) of PPC.

As discussed earlier, honour killings are usually done by relative men or *wali* of women victims, in the name of family honour. As being not liable to *qisas*, they were usually escaping from death punishment. This Honour Killing Act 2004 excluded the accused from being *wali* of the victim to prevent them escape from maximum punishment and described a punishment of death or life imprisonment for one who commits this crime (Cheema, 2008). Further, it fixed an imprisonment of not less than five years to ten years for an attempt of murder done in the name of honour. The amendments were criticised by opposition and human right groups as "defective and incomplete" as not addressing the obstacles created by *qisas* and *diyat* ordinance (Zia Ullah, 2010: 30). The act needs further improvement to make it comprehensive to restrict the crime of honour killing in the country.

Beside honour killing cases, this act addresses the exchange of women in marriage or otherwise for the settlement of disputes, recognized as *Badal-i-sulh*, as discussed in social practice of *Vani* or *Swara*. It restricts the exchange of female in such settlement, either given in marriage or otherwise, and described the punishment for the person conducting such an exchange of women for settlement of disputes as rigorous imprisonment which may extend from three to ten years. This provision, if properly implemented, will certainly discourage the evil customs of *Vani* and *Swara*. Despite these improvements, the act is still not without limitations and needs further improvement (Cheema 2008).

### 32.1.2. The Protection of Women Act of 2006

Since their promulgation *Hudood Ordinances* were opposed by NGOs and human right advocates (Lau, 2007: 1296). But no significant effort had ever been successful to amend these laws. It was only after 2002 elections that the issue of amendments in these ordinances was formally and seriously raised for the first time at legislative forums (Lau, 2007; United Nations Development Program, 2005). Several bills introduced in the parliament by different parties called for repeal of these discriminatory laws (Mirza & Wagha, 2009). Finally, the Protection of Women (Criminal Laws Amendment) Act 2006 commonly known as the Women's Protection Bill 2006 as a package of suggested amendments in these Ordinances appeared and passed from both the houses in the year 2006. This whole process was not without resistance from religious groups (Lau, 2007: 1306; Weiss, 2012: 7-8). The consequently promulgated Act amending, not completely repealing, the *hudood* laws represented a compromise between different Islamic interpretations and human rights criticism of Islamic law (Cheema & Mustafa, 2008).

The amendments done were significant to protect women from further exploitation and victimization under these laws (Lau, 2007: 1307). The aim was to make laws and procedures possibly easy and facilitating for women victims, and to protect them from being a convict of *zina*, if they fail to prove the rape crime against themselves (Weiss, 2012: 6). The major amendment done through this act is that, unlike *Zina* Ordinance, it distinguished between *Zina* and *Zina-bil-Jabr* by defining different requirements of proof and different punishments for both crimes. It removed all the rape related provisions from *Zina* Ordinance and the jurisdiction of *Shariat* courts and again placed them under PPC's section 375 to be dealt with by civil courts, as they were before the promulgation of *Hudood Ordinances* (Lau, 2007: 1308, Weiss, 2012: 6). It again excluded women from the definition of possible offenders in rape cases considering that rape is an offence committed by a man against a woman. The act has also excluded the harsh evidentiary requirements of four male eye witnesses for rape cases, leaving it as required proof only for adultery cases, as actually it was defined in *Quran*. By doing this, the Act gave a relief to rape victims from burden of almost impossible requirements of proof, opening ways for consideration of other kinds of evidences like DNA test and medical evidence (Weaver, 2007).

Further, the Act restricted the exposition of women to prosecution for adultery, if they fail to prove the rape crime against them. The act inserted section 2(aa) in *Zina* Ordinance to prevent any chance of consideration of women's complaint or pregnancy as the confession of adultery on their part (Lau, 2007: 1313). A newly added section through this Act defined the term 'confession' as an oral statement, explicitly admitting the commission of the offence of *zina*, voluntarily made by the accused before a court of sessions (Lau, 2007: 1310). It also restricted the conversion of rape cases into fornication cases due to unavailability of evidences (Cheema & Mustafa, 2008; Lau, 2007: 1311). Further, to lessen the misery of women with unregistered marriage and divorce in rural areas, the word 'valid' is removed from the phrase 'valid marriage' used in the definition of *zina* provided in the *Zina* Ordinance, thus making it easy to prove marriage or divorce even if not documented (Lau, 2007: 1310). To facilitate women who are falsely accused for *zina*, the act made the crime non-cognizable (Cheema & Mustafa, 2008), so that the accused women may not suffer in prison during trial. Now the police have no authority to arrest anyone in such cases unless so directed by the court of sessions (Cheema & Mustafa, 2008). The *hadd* punishment of stoning or whipping was actually defined in *Quran* for *zina* only, not for *zina-bil-jabr*. Therefore, the act removed whipping and stoning from all kinds of punishments prescribed in *Zina* Ordinance, except that of *zina* liable to *hadd*, as it was actually provided in *Quran* (Lau, 2007: 1311).

### 32.1.3. Laws on Sexual Harassment

At the turn of century there were inadequate laws to curb Sexual Harassment in Pakistan. Some other existing legal provisions were criticized for being either not clear enough or not publicized or interpreted in a way to give benefit to the women victims. The Pakistan Penal Code's sections 509, 354 and 354-A were dealing with sexual harassment, but still these sections were unable to comprehensively address and explain this multifaceted issue. The section 509 was dealing with the "word, gesture and act intending to insult the modesty of a woman" describing a penalty for this crime as imprisonment no more than one year or fine or both. The section 354 of PPC was limited to the assault or use of criminal force to any woman with intent to outrage her modesty. It was prescribing a penalty of imprisonment up to two years or fine or both. The section 354-A was added in the year 1984 to curb the act of using criminal force to women to strip them of their clothes and in this condition exposing them to public view. The penalty described for such an act was death or imprisonment for life and a fine.

#### Text Box 32.1: Pakistan Penal Code, 1860

##### Act XLV of 1860 (Excerpt)

##### 354. Assault or criminal force to woman with intent to outrage her modesty:

Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years or with fine, or with both.

##### 354- Assault or use of criminal force to woman and stripping her of her clothes:

A. Whoever assaults or uses criminal force to any woman and strips her of her clothes and in that condition, exposes her to the public view, shall be punished with death or with imprisonment for life, and shall also be liable to fine.

##### 509. Word, gesture or act intended to insult the modesty of a woman:

Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Source: Pakistan Penal Code, 1860.

The report of the Commission of Inquiry for Women highlighting the need for publicizing these provisions to increase public awareness of their existence, also pointed out that “even so certain other forms of sexual harassment do not currently fall within its purview and are therefore not specifically punishable” (1997, 61). The law failed to cover “the indecent exposure, and written and pictorial representations” in section 509 and any “act of indecent exposure in private or acts which do not involve the use of physical force”, in sections 354 and 354-A of PPC (The Commission of Inquiry for Women, 1997, 82). The women activists were continuously recommending for proper definition of sexual harassment and its different forms in the law and the legislation to curb harassment of women at workplace (Jilani & Ahmed, 2004; The Commission of Inquiry for Women, 1997).

**Text Box 32.2: The Criminal Law (Amendment) Act, 2010**

**(No. I of 2010)**

**Excerpt**

2. Substitution of section 509, Act XLV of 1860.- In the Pakistan Penal Code, 1860 (Act XLV of 1860), for section 509, the following shall be substituted, namely: -

“509. Insulting modesty or causing sexual harassment.- Whoever, -

(i) Intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman;

(ii) Conducts sexual advances, or demands sexual favours or uses verbal or non verbal communication or physical conduct of a sexual nature which intends to annoy, insult, intimidate or threaten the other person or commits such acts at the premises of workplace, or makes submission to such conduct either explicitly or implicitly a term or condition of an individual's employment, or makes submission to or rejection of such conduct by an individual a basis for employment decision affecting such individual, or retaliate because of rejection of such behaviour, or conducts such behaviour with the intention of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment:

shall be punished with imprisonment which may extend to three years or with fine up to five hundred rupees or with both

**Explanation-1**

Such behaviour might occur in public place, but not limited to, market, public transport, street or parks, or it might occur in private places including, but not limited to workplaces, private gatherings, or homes.

**Explanation-2**

Work means, the place of work or the premises where organization or employer operates, this may be a specific building, factory, open area or a larger geographical area where the activities of the organization are carried out. Sexual advances may occur after working hours and outside workplace. It is the access that a perpetrator has to the person being harassed by virtue of a job situation or job related functions and activities.”

Source: The Criminal Law (Amendment) Act, 2010

The efforts for improvement in laws to curb sexual harassment resulted in passing two Acts from Pakistani parliament in the year 2010. The two acts were introduced to amend and elaborate the existing PPC sections to combat against sexual harassment in Pakistan. The first act is the Criminal Law (Amendment) Act 2010 (No. I of 2010) promulgated on February 2<sup>nd</sup>, 2010. This law amended PPC's section 509 (Parveen, 2011: 3-4). The section was briefly mentioning about “words, gestures or acts intending to insult the modesty of women”. The act amended this



section in order to specifically explain and elaborate the phenomenon of sexual harassment (occurring from the workplace to the home) and its various possible manifestations. It defined a punishment of imprisonment up to three years and a fine of five hundred thousand rupees or both for any person who commits the crime of sexual harassment against women. Although briefly, but this act also touches upon the possibilities of occurring sexual harassment at workplace that was again dealt in detail in another act passed soon after this one.

The second act introduced to curb sexual harassment was the Protection against Harassment of Women at the Workplace Act 2010 (No. IV of 2010) promulgated on March 11<sup>th</sup>, 2010. The law was promulgated to ensure a work environment that should be free of harassment of women in any organization. It provided a Code of Conduct defining a standard of behaviour for protection and safety of working women against harassment occurring at workplace. It established guidelines for behaviour of employees, management, and the owner of organization. Listing unacceptable behaviours at workplace and recognizing them as harassment. This act specifically elaborated three categories of significant manifestations of harassment at workplace. The three categories are abuse of authority (the person in authority demands sexual favour in return of some job benefits), creating hostile environment, and retaliation (revenge resulting from the refusal to grant sexual favour).

The employers are responsible to ensure implementation of this act by incorporation of the Code in their management policy and founding an inquiry committee within their organizations to investigate the complaints of harassment. The committee must include three members; at least one of them should be woman, one member of management, and one employees' representative. The failure to do so may cause a penalty of twenty thousand to one hundred thousand rupees to the employer. The respective governments are also bound to appoint an Ombudsman at the federal and provincial level to hear these complaints. The act also defined minor and major penalties for the person proved guilty of committing this crime. The minor penalties include; censure, withholding promotion or increment, compensation payable from pay or other resources of the accused. Major penalties are demotion to the lower post, retirement or dismissal from job, and fine. It also bounds the organization for arranging counselling, medical treatment and leave if the complainant is in trauma

In this way the two newly introduced Acts from a parliament with higher number of women elected in the first decade of 21<sup>st</sup> century got the particular crime of sexual harassment acknowledged, recognized, and defined as part of the Pakistani law. The introduction of new law was purely done to provide protection to weaker segments of population (e.g. women and children) in the work force participation in labour market in Pakistan. The proper implementation is also crucial to make any law beneficial. It is not still sufficient time passed to show the results of the newly enacted laws.

**Text Box 32.3: The Protection against Harassment of Women at the Workplace Act 2010**

***Schedule***

***[See sections 2(c) and 11]***

**CODE OF CONDUCT FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE**

Whereas it is expedient to make the Code of Conduct at the Workplace etc to provide protection and safety to women against harassment it is hereby provided as under:

- (i) The Code provides a guideline for behaviour of all employees, including management, and the owners of an organization to ensure a work environment free of harassment and intimidation;
- (ii) "Harassment" means any unwelcome sexual advance, request for sexual favours or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning

attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;

The above is unacceptable behavior in the organization and at the workplace, including in any interaction or situation that is linked to official work or official activity outside the office.

**Explanation:**

There are three significant manifestations of harassment in the work environment:

**(a) Abuse of authority**

A demand by a person in authority, such as a supervisor, for sexual favors in order for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

**(b) Creating a hostile environment**

Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment.

The typical "hostile environment" claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

**(c) Retaliation**

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee's options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behaviour is also a part of the harassment.

(iii) An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis;

(iv) A complainant or a staff member designated by the complainant for the purpose may report an incident of harassment informally to her supervisor, or a member of the Inquiry Committee, in which case the supervisor or the Committee member may address the issue at her discretion in the spirit of this Code. The request may be made orally or in writing;

(v) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The alleged accused will be approached with the intention of resolving the matter in a confidential manner;

(vi) If the incident or the case reported does constitute harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for a disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint;

(vii) A complainant does not necessarily have to take a complaint of harassment through the informal channel. She can launch a formal complaint at any time;

(viii) The complainant may make formal complaint through her in charge, supervisor, CBA nominee or worker's representative, as the case may be, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry;

(ix) Assistance in the inquiry procedure can be sought from any member of the organization who should be contacted to assist in such a case;

(x) The employer shall do its best to temporarily make adjustments so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. The employer can also decide to send the accused on leave, or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct, if required;

(xi) Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;

(xii) The harassment usually occurs between colleagues when they are alone; therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behaviour immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case; and

(xiii) The Code lays down the minimum standards of behaviour regarding protection of women from harassment at workplace etc but will not affect any better arrangement that an organization may have developed nor will it bar the grant of protection that employees working in an institute may secure from their employers through negotiation.

Source: The Protection Against Harassment of Women at the Workplace Act, 2010.

#### 32.1.4. Law to Curb Acid Attacks

The law addressing the crime of deforming women's body was also lacking before the turn of the century. Especially in incidences of acid throwing and nose cutting the situation was vulnerable. As discussed earlier, the section 332 of PPC was dealing with the hurts to human body without causing death and the section 337 of PPC was describing compensation of causing hurts or the severing of an organ in terms of *qisas* and *diyat*. These provisions related to *qisas* and *diyat* for offences against the human body were to equally apply to bodily harms done to any men or women. On the contrary, women rarely receive benefit of these laws if this harm is caused by a family member, due to a problematic definition of heirs in law (Jilani & Ahmed, 2004). This contention is mostly true when such harms are caused to women by their relative men through domestic violence, acid throwing or nose cutting.

The Criminal Law (Second Amendment) Act 2011 (No. XXV of 2011) commonly known as The Protection of Women from Disfigurement by Acid Throwing Act of 2011 was promulgated, on 28<sup>th</sup> December 2011, with an aim to curb the acid violence against women. The intention behind introduction of this law is to curb the growing incidents of disfigurement of women by acid throwing or by any other corrosive substance. The Act amended the PPC by adding the words "disfigures" and "defaces" in section 332 that was already describing the hurts to human body. It was done to include disfigurement of face or disfigurement or dismemberment of other parts or organs of human body which impairs, injures or deforms the symmetry or appearance of a person.

The corrosive substance was explained in the Act, by inserting a new section 336A in PPC, to include "every kind of acid, poison, explosive or explosive substance, heating substance, noxious thing, arsenic or any other chemical which has a corroding effect and which is deleterious to human body". The punishment specified, in section 336B of PPC newly inserted through this Act, for such crime is "imprisonment for life or imprisonment of either description which shall not be less than fourteen years and a minimum fine of one million rupees".

#### 32.1.5. The Anti-Women Social Practices Act of 2011

For long time there was a lack of law to stop forced marriages in Pakistan. Although, neither the Islamic law nor the criminal law accepts forced marriage but still similar social evils are being practiced in Pakistan (Jilani & Ahmed, 2004). Pakistani law failed to stop forced marriage. First, the law is "silent as to the right of an adult woman to marry a person of her choice and as to whether her consent to marriage is sufficient or even required as a prerequisite for its validity" (Yefet, 2009: 352).

Second, Pakistani law was failed to acknowledge the force used by parents for realizing a forced marriage as criminal act. The *Zina* Ordinance in its section 11 was only dealing with the kidnapping or abduction of women with an intention of compelling them to marry a person against their will. It prescribed punishment only for those who abduct or kidnap a woman, excluding parents who coerce their daughters, as is the case in most of the instances of forced marriages (Jilani &

Ahmed, 2004). Marriage with *Quran* was “neither a crime under Pakistani law nor a practice that warrants the involvement of law enforcement agencies” (Yefet, 2009: 366).

In this background, a new initiative to protect women from anti women social practices was started with the introduction of the Prevention of Anti-Women Practices (Criminal Law Amendment) Bill 2006 in the parliament of Pakistan. The bill was seeking an end to the anti women socio-cultural practices. The aim was to bring an end to the practices such as forced marriages, marriage in exchange for vengeance, and deprivation of women’s inheritance. The bill introduced and the efforts after that taken in legislative forums resulted in passing of the Criminal Law (third Amendment) Act of 2011.

The Criminal Law (Third Amendment) Act of 2011 (No. XXVI of 2011), commonly known as the Anti-women Social Practices Act 2011, was a relatively more elaborate effort to recognize several anti-women evil social practices like *vani*, *swara*, forced marriage, and marriage with *Quran* as crimes in Pakistani law. First, following the Honour Killing Act 2004, the act further elaborated the exchange of women to settle disputes by specifically adding in section 310A of PPC the terms of *Vani*, *Swara* or “any other custom or practice under any name in consideration of settling a civil dispute or a criminal liability” as punishable crimes. It also added to the punishment for such crimes a fine of five hundred thousand rupees along with an imprisonment extending from three to seven years.

Second, this act recognized the anti-women evil social practices of forced marriage, marriage with the Holy *Quran* and any other practice depriving women from inheriting property, by inserting a whole new chapter (Chapter XXA: Of Offence Against Women) in PPC. Beside explaining and prohibiting these evil social practices, it defines corresponding punishment to each of these crimes. It fixed a punishment of imprisonment extending from five to ten years and a fine of one million rupees or both for person who deprives a woman from inheriting property. The punishment for the crimes of compelling a woman into a forced marriage or compelling, arranging or facilitating a woman’s marriage with *Quran* is defined as an imprisonment extending from three to seven years and a fine of five hundred thousand rupees.

### 32.1.6. Law on Domestic Violence

In the same way Pakistani law was also inadequate to protect women victims of domestic violence (Human Rights Watch, 1999: 53). In absence of any specifically dedicated set of laws to prohibit domestic violence, the acts of domestic violence, if rarely reported to the law enforcing agencies, were also prosecuted under *Qisas* and *Diyat* Ordinance (Human Rights Watch, 1999: 53). Domestic violence is a criminal act done to hurt women by her family members. Therefore, the perpetrator as being the heir or descendant of heir was used to go unpunished or find leniency. The *qisas* or monetary compensation becomes meaningless because the accused is usually pardoned by the victim or victim’s heirs (Human Rights Watch, 1999: 55).

There was a prevailing resistance to formulate laws on domestic violence. The existing discriminatory and lenient laws were accompanied with a lack of interest from predominantly men legislatures to formulate laws to protect women. An instance of this attitude could be observed in formulating law on domestic violence. Although very late, when the National Assembly (lower house) of Pakistan first passed a bill related to domestic violence in the year 2009, it did not become a law and get expired due to the fact that the Senate (upper house) failed to respond to it in a timely manner (Parveen, 2011: 4; Weiss, 2012). After facing failure to pass a law on domestic violence in the year 2009, another bill on the same issue was tabled in the year 2012 (Parveen, 2011: 4; Weiss, 2012: 8). The new bill on domestic violence was introduced in Pakistani parliament in the month of February 2012. Again it was faced with opposition from different conservative sections of the legislative forums and overall society.

Despite all resistance, this time the result was positive and the bill was successfully passed from both houses to become an Act or part of Pakistani law. Finally, the Domestic Violence (Prevention and Protection) Act 2012 was passed from both the houses on 20<sup>th</sup> February 2012. Newly introduced Act was intended “to institutionalize measures which prevent and protect women,

children and any vulnerable person from domestic violence and for matters connected therewith or incidental thereto” and to curb domestic violence in general (The Domestic Violence Prevention and Protection Act, 2012). The Act in its section 4 explicitly included “all acts of gender based or other physical or psychological abuse committed by a respondent against women, children, or other vulnerable persons, with whom the respondent is or has been in a domestic relationship”. It is still criticized that despite using the term sexual abuse it does not define spousal rape or marital rape as a part of domestic violence (Shah et al., 2010: 54).

The masculine resistance to such feminist agendas in Pakistan is explicitly visible in the fact that the enforcement of this act was limited to a small geographical area. This act, in its section 1(2), limits its applicability on Islamabad capital territory only. The act also seems to have features that limit its scope. Weiss (2012: 9) points out that “[t]he bill, however, only applies to a second act of violence, making it essentially legislation that results in a protection order when a first act of violence is reported”. Despite these limitations, these acts should be considered as initial steps towards bringing women’s agendas on legislative forums and acquiring some extent of legitimacy to them in formal state institutions (Weiss, 2012: 9).

The Punjab Assembly also passed a bill on domestic violence on 24<sup>th</sup> February 2016. The bill was to become an Act after being signed by the Governor. It was titled as the Punjab Protection of Women against Violence Act 2015. The act provided to initiate a toll-free universal access number for receiving complaint and establishment of district protection committees. The complaints received are prescribed to be investigated by district level Protection Committees. The protection officers are assigned the task of informing the defendants about the complaint filed and any resistance the officer is to be punished with up to six month imprisonment or fine up to Rs. 500,000/-. Those filing false accusation will be punished with up to three months imprisonment or a fine of Rs.50,000/- to Rs.100,000/-. The victim woman was protected from being thrown out of the house, as per this law. Rather, the man could possibly be made to leave the house for two days.

The Act again became the hot battle ground for the religious political elites. They declared it as a western conspiracy to break the sacred institution of family. One of the religious leaders was found on television saying “the men leaving house for two days will never come back again”. All the religious leaders united together irrespective of their party conflicts to declare the newly introduced Act un-Islamic. Fazlur Rehman, the leader of a religious party declared that “This law makes a man Insecure”. The question is that may a man, who is already making a woman insecure in her own house, feel insecure by just expelling from the house for two days. Besides that, the law preventing an abuser man to enter the house only for two days did not consider that what will happen with the victim woman in house when the same man will return home after two days.

In response to the act and being part of consequent controversy, the Islamic Ideological Council proposed another bill suggesting that husband may “lightly” beat his wife. The bill “with the word lightly may have the potential to create an opening for all the forms of domestic violence becoming legal”. The recommendations of Islamic Ideological Council are still being seriously criticized by human rights activists and civil society.

### **32.1.7. The Law on Child Marriage**

Child marriages are not only common in Pakistan but widely spread across countries, cultures, and religions. The major causes of child marriage include poverty, illiteracy, poor social and cultural practices. Child marriage mostly occurs in poor rural areas of Pakistan and this act is being justified by few conservative groups of people on the basis of religious and social grounds. In Pakistan, laws exist to provide protective and conducive environment to children but implementation of these laws is unseen in our society and child marriages are in practice unabated. It is simply the violation of basic human rights not only of girl child, but of boy child as well. In Pakistan existing laws governing child marriage required modification in order to give security and to eradicate early marriages, abduction, sexual abuse and exploitation of children specially girl child in society. The Child Marriage Restraint Act 1929 was applicable in Pakistan after independence,

to restrain the solemnization of child marriage. It was passed on October 1, 1929 and implemented from 1<sup>st</sup> April, 1930 in this region and still remains in force in Pakistan. According to the Child Marriage Restraint Act 1929, minimum marriageable age of a girl was defined as 14 years and of a boy as 18 years. Later on the Act was being amended by the Muslim Family Laws Ordinance 1961 (VIII), stating that, a girl can get married at the age of 16 and marriageable age for boys is 18 years. However after the 18th amendment all of the provinces were given the responsibility for drafting of child marriage laws according to the issue.

The very first legislation with regard to the child marriages after the turn of the century was devised by Sindh government. The Sindh assembly managed to pass the Sindh Child Marriages Restraint Act in the year of 2013. One important step was taken by the Sindh government in this Act, is to clearly define an increase in the minimum age of marriage for girls that is now fixed as minimum 18 years. The same age is defined and fixed as minimum age of marriage for boy as well. Another positive point of this act is that the bride and groom have to produce their CNICs at the time of marriage so that their actual ages can be verified. The Sindh Child Marriage Restraint Act 2013 defines a punishment for male adult above eighteen years of age marrying a girl child as rigorous imprisonment which may extend to two years, or with fine which may extend to one hundred thousand rupees, or with both. The same punishment is defined for the person who solemnizing a child marriage and for the parents or guardian in a child marriage.

Later on, Punjab government also passed the bill related to this issue. The new law was given the name as the Punjab Marriage Restraint (Amendment) Act 2015. In Punjab Marriage Restraint Act, marriageable age for the girls is still 16 years. According to this Act, the punishment for male adult above eighteen years of age marrying a girl child is simple imprisonment which may extend to six months, or with fine which may extend to fifty thousand rupees, or with both. The same punishment is defined for the person who solemnizing a child marriage and for the parents or guardian in a child marriage. Khyber Pakhtoonkhwa and Baluchistan governments are also drafting their child marriage acts.

## CHAPTER - 33

### POPULAR PERCEPTIONS ON WOMEN AND LAW IN PAKISTAN

Despite the constitutional commitments to gender equality, Pakistani women have long been suffering from victimising social economic, cultural, political and legal conditions in the country. They are still less educated, less employed, less represented in political institutions. Not only the informal day to day conditions are vulnerable for them, rather they had been facing discrimination from state through its formally promulgated several victimizing laws. The law of evidence, law of inheritance, and *Hudood* Ordinances are just to name a few. Most of these laws that infringe women's rights were the product of an effort of "Islamization" done during General Zia-ul-Haq's military regime during the period from the year 1977 to 1988 (Iqbal, 2007; Jilani & Ahmed, 2004; Quraishi, 1997; Weaver, 2007; Weiss, 2003). This so-called Islamization or we can say 'over-islamization' disturbed the constitutional harmony by creating a contradiction between the legal frameworks established in the name of Islam and the egalitarian human rights provisions of the constitution. Thus, this disturbance resulted in victimization of women. The law enforcing institutions were also not sufficiently sensitized to take care of matters with both the genders on equal grounds.

#### 33.1. GENERAL PERCEPTION ON LAW TO PROTECT WOMEN

This chapter is focusing on the popular perceptions regarding Pakistani laws' potential for curbing violence and protecting women in society. The following discussion will show the results of a survey conducted by the author to show the popular perceptions among educated people regarding Pakistani laws' ability to protect women.

##### 33.1.1. Insufficient Laws

One of most important factors determining a women's status in a society is the adequacy of law to provide them with protection against different forms of violence and removing barriers for their socio-economic and political development to a maximum level. In the survey conducted by the authors on the subject of educated people's perception on the causes of long persisting crime against women in Pakistan, it is found that majority of the respondents (71.7%) agree that Pakistani laws are not sufficient to curb the anti women social practices that have long resulted in crime against and victimization of women in the country. Only 19.8% of the respondents were found disagree with this idea of insufficiency of Pakistani laws to protect women. The remaining 8% of the respondents showed their lack of knowledge in this regard.

**Table 33.1: Pakistani laws are not sufficient to curb anti-women social practices**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 152       | 71.7    | 71.7          | 71.7               |
| <b>Do not know</b> | 18        | 8.5     | 8.5           | 80.2               |
| <b>Disagree</b>    | 42        | 19.8    | 19.8          | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

### 33.1.2. Gender Inequality

The same survey done by author also explores people's perception regarding the discriminatory nature of Pakistani laws for women. Several laws as we have said earlier are considered as negatively affecting women in the country. The survey findings show that the majority of respondents (i.e. 65.1%) agree with the idea that Pakistani laws promote gender inequality in the country. Still a sufficiently large number of respondents (i.e. 25.5%, a little more than a quarter of respondents) disagree with the idea. Still 9.4% respondents have shown their lack of knowledge in this regard. In the following section this chapter will critically discuss the pros and cons of the several laws that are particularly affecting women's life in the country.

**Table 33.2: Pakistani law promotes gender inequality**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 138       | 65.1    | 65.1          | 65.1               |
| <b>Do not know</b> | 20        | 9.4     | 9.4           | 74.5               |
| <b>Disagree</b>    | 54        | 25.5    | 25.5          | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

### 33.1.3. Victimizing Laws: *Hudood* Ordinances

The general perception of the population regarding the hudood ordinances today is not a very favourable one. There were serious objections on the exact conformity of these laws with the punishment of *hadd* as and when provided in *Quran*. The survey conducted by the author to explore the perception on different causes of violence against women also reflects people's perception regarding different laws.

The survey findings show that majority of the people (i.e.64.2%) are agree that Hudood Ordinances have long served as a source of victimization of women in Pakistan. Another 13.2% of the respondents have showed their disagreement with this victimizing potential of the *Hudood* Ordinances. But still a significant number (i.e.22.6%) of Pakistani People are seen to be lacking in any knowledge in respect of these laws.

**Table 33.3: *Hudood* ordinances long served as source of victimization in Pakistan**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 136       | 64.2    | 64.2          | 64.2               |
| <b>Do not know</b> | 48        | 22.6    | 22.6          | 86.8               |
| <b>Disagree</b>    | 28        | 13.2    | 13.2          | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

### 33.1.4. Popular Perception on *Zina* Ordinance

The general popular perception among the educated people of today regarding *Zina* ordinance is not a very positive one. It was long criticized for its non conformity of the provisions of *Hadd* punishment with Islamic laws. The law remained a point of focus for women's movement throughout the period from the promulgation of law in the year 1979 to the turn of century after



2000. This activism has finally led to the some of the amendment done in Pakistan Penal Codes and in the ordinance for protection of women under the Protection of Women Act 2006.

**Table 33.4: Zina ordinance has long victimized women in Pakistan**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 154       | 72.6    | 72.6          | 72.6               |
| <b>Do not know</b> | 36        | 17.0    | 17.0          | 89.6               |
| <b>Disagree</b>    | 22        | 10.4    | 10.4          | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

The survey conducted by the author to explore the perception on different causes of violence against women also reflects people's perception regarding *Zina* ordinance. The analysis of survey data shows that majority of the people (i.e. 72.6%) are agree that *Zina* ordinance has long served as a source of legal victimization of women in Pakistan. Another, 10.4% of the respondents showed their disagreement with this statement regarding victimizing potential of the *Zina* ordinance. Still, there is a sufficient number (i.e.17%) of the respondent who has showed their lack of knowledge in respect of this law.

### 33.1.5. Perception on Law of Evidence

The survey conducted to explore the popular perceptions on different causes of crime also shows that the law of evidence is considered by a large number of respondents as a law that fosters gender inequality. The proportion of the respondents agreed with this idea is 62.3%. Another 21.7% of the respondents still disagree with this idea. There are some respondents (i.e. 16% of the respondents) showed their lack of knowledge in this regard. Similarly, the law of inheritance also assigns half right for woman in inheritance than that of man.

**Table 33.5: The law of evidence fosters gender inequality**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 132       | 62.3    | 62.3          | 62.3               |
| <b>Do not know</b> | 34        | 16.0    | 16.0          | 78.3               |
| <b>Disagree</b>    | 46        | 21.7    | 21.7          | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

### 33.1.6. Law Insufficient to Curb Harmful Social Practices

The survey conducted by author regarding causes of violence against women in Pakistan also shows a popular perception about insufficiency of laws to curb anti women socio-cultural practices. It is found that majority of the respondents (i.e. 71.7%) agree that the existing laws are not sufficient to curb anti women social practices. Another 19.8% respondents have showed their disagreement with this statement regarding insufficiency of the Pakistani laws. Only 8.5% of the respondents have showed their lack of knowledge in this regard.

### 33.1.7. No Law to Curb Marital Rape

There is lack of voice in researches or statistics coming regarding marital issues. As discussed in earlier chapters, there are evidences that marital rape exists in the country (Shah et al., 2010) but still Pakistani law is not recognizing this practice as an offence against women in marital relations in any of the Pakistani laws (Asian Development Bank, 2000; Iqbal, 2007; The Commission of Inquiry for Women, 1997).

**Table 33.6: There is no law to curb marital rape in Pakistan**

|                    | Frequency | Percent | Valid Percent | Cumulative Percent |
|--------------------|-----------|---------|---------------|--------------------|
| <b>Agree</b>       | 126       | 59.4    | 59.4          | 59.4               |
| <b>Do not know</b> | 50        | 23.6    | 23.6          | 83.0               |
| <b>Disagree</b>    | 36        | 17.0    | 17.0          | 100.0              |
| <b>Total</b>       | 212       | 100.0   | 100.0         |                    |

Source: Survey conducted by the author.

Showing the results of the survey conducted by the author, the frequency Table 33.6 shows that majority of the respondents (i.e. 59.4%) are agree that there is no law to curb marital rape in Pakistan. Another 17% of the respondents have showed their disagreement with this statement. Another 23.6% of the respondents also have showed their lack of awareness in this regard.

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## GLOSSARY

|               |   |
|---------------|---|
| Abbaya        | A long gown worn by muslim women as veiling item.   |
| Amal          | Practice or action  |
| Applique      | Traditional handicraft of doing patch work/cut work on cloths   |
| Badal-i-Sulh  | It means compromise or compounding for settlement of disputes.  |
| Baji          | The elder sister  |
| Baluch        | An ethnic group living in Baluchistan province  |
| Biradri       | The extended group of people established on blood relations or caste based kinship ties.  |
| Burqa         | A veiling item for women to cover whole body when in public. Mostly used by muslim in Indian sub-continent.   |
| Cahngo murs   | Local respectable person  |
| Chaddar       | A long piece of cloth to cover the head, hair, shoulder and upper part of the body till abdomen. It is relatively larger than dupata.   |
| Chatti        | A woman given in compensation to the aggrieved party to settle dispute  |
| Chingchi      | A public transport in which a local made riksahw is attached behind a motor cycle.  |
| Dharna        | Sit-in  |
| Dholki        | A ceremony of singing songs on the beats of a local made drum.  |
| Diyat         | Financial compensation given for an offence against human body  |
| Dupata        | A long piece of cloth, but relatively smaller than chaddar, women use to cover the head, hair, shoulder and upper part of the body till abdomen   |
| Ehle Kitab    | A person who follows a religion in which he or she believes on any one of the four divine books based on revelation from Almighty Allah.  |
| Faislo        | A settlement or an informal traditional settlement system common in rural and tribal areas of province of Sindh to settle local disputes  |
| Faqih         | An Islamic jurist or expert in Islamic jurisprudence and Islamic law  |
| Fatwa         | An Islamic religious decree given by mufti or ulema (the Islamic scholars who is interpreter of the Islamic law)  |
| Ghar Jamai    | The man shifting to woman's house after marriage for permanent residence.   |
| Hadd          | It literally means the limit. It refers to the punishment defined in Quran that includes stoning to death or whipping at public place.  |
| Haj           | The religious pilgrimage to Makkah by muslims (of usually long time duration that is being performed at fixed time of the Islamic year)   |
| Hakim         | The traditional quack who mostly cure the patient with herbs.   |
| Hanafi        | It refers to one of four religious schools of Islamic jurisprudence in which people follow Hazrat Imam Abu Hanifa.  |
| Haq Bakhshwai | The practice of getting a woman married to the holy book of Quran.  |
| Haram         | An act forbidden by Allah   |
| Ijma          | Unanimous agreement or a consensus of Muslim community or jurists on matters not clearly explained in holy Quran and hadith.  |
| Ijtihad       | The interpretation of principles and commands of Quran and hadith by faqih or imam.   |
| Imam          | Islamic religious leader  |
| Irjaee        | Giving women, often young girls or girl child, to settle disputes among men and tribes regarding damage of human life, honour, and finances is known as Irjaee in Baluchistan province. |
| Jehez         | Dowry   |

|                  |  |
|------------------|--|
| Jhar phoonk      | A traditional way of curing used by spiritual healers through reciting some verses and blowing wind from mouth on patient or symbolically sweeping away the disease from the patient by broom or something else. |
| Jirga            | The traditional and informal decision making councils for settlement of local disputes.  |
| Jirgamaar        | An intermediary for convening the Jirga  |
| Kala Kali        | It refers to honour killings in Punjab.  |
| Kala             | The man who is accused of illicit relationships in honour killing matters in Punjab.   |
| Kali             | The woman who is accused of illicit relationships in honour killing matters in Punjab.   |
| Kari             | The woman who is accused of illicit relationships in honour killing matters in Sindh.  |
| Karo Kari        | It refers to honour killings in Sindh  |
| Karo             | The man who is accused of illicit relationships in honour killing matters in Sindh.  |
| Khabir           | Major sins   |
| Khandan          | An extended family   |
| Khoon Baha       | The blood money  |
| Khwendo Jirga    | Women Jirga or sister's council  |
| Mahar            | Dower  |
| Maiann jee       | (Something) related to women.  |
| Majlis-e-Shoora  | Federal advisory council or the parliament   |
| Mayoon           | A ceremony as part of marriage related rituals and ceremonies.   |
| Mehndi           | A ceremony of applying Hina on bride's hands as part of marriage related rituals and ceremonies  |
| Mellad           | The celebrations arranged on the occasion of Prophet Muhammad (P.B.U.H.)'s birth or to pay tribute to him.   |
| Molvi            | Muslim religious leader  |
| Muhsan           | A male who has had intercourse within a valid marriage   |
| Naib Nazim       | Deputy mayor or deputy chairperson of local council  |
| Nanawatay        | It means to enter some one's house to seek or pledge for forgiveness before the victim party who may take the revenge.   |
| Nazim            | Mayor or chairperson of local council  |
| Nikah Khwan      | The religious person who performs the ritual of Nikah contract between bride and groom.  |
| Nikah Nama       | The official document of marriage contract.  |
| Nikah            | Religiously and legally accepted contract of marriage union  |
| Niqab            | A veiling item made of cloth or net to cove the face   |
| Pait/ Peit likhi | Promise for unborn girls to be given in marriage after their birth   |
| Pakhtoon         | An ethnic group having origin in Khyber Pakhtoonkhwa Province  |
| Panchayat        | A traditional and informal customary decision making council for settlement of local disputes in Punjab province   |
| Peer             | A person whom people believe to have special spiritual and religious powers and they follow him as leader.   |
| Purdah           | Veil or seclusion of women from the sight of men or unknown persons in muslim  |
| Qameez           | A relatively long shirt to more or less above or below the knees   |
| Qanun-e-Shahadat | The law of evidence  |
| Qazaf            | The false accusation   |
| Qisas            | A religiously defined equal and same punishment for causing the hurt (e.g. an eye for an eye).   |
| Qiyas            | It refers to using logic and reasoning to establish a new judgment or principal in the absence of sufficient material in Quran and hadith.   |
| Quran            | The holy book Muslims believe on.  |

|                     |  |
|---------------------|--|
| Razinama            | A reconciliation   |
| Relli               | A traditional handicraft work of Sindh or a traditional handmade quilt.  |
| Rickshaw            | A three wheeler public transport   |
| Roti                | A traditional round shaped bread   |
| Sangeet             | A ceremony of singing traditional songs as part of marriage ceremonies   |
| Sardars             | The heads of tribe(s)  |
| Sattar              | The body surface religiously defined to be essentially covered   |
| Scarf               | Head scarf or a square of fabric worn around the neck or head.   |
| Shalwar             | A loose trouser to cover the lower part of the body from lower abdomen covering legs to the ankle  |
| Shariat             | Islamic way or Islamic laws based on teachings of the holy <i>Quran</i> and the traditions of the holy Prophet Muhammad (PBUH) (i.e. <i>hadith</i> and <i>sunnah</i> )         |
| Shawl               | A chadder of thick cloth to put on shoulders for protection from cold  |
| Shijirah            | The documents of lineage   |
| Shuttle cock burqa  | A typical encompassing veiling item used by Pakhtoon women   |
| Siyahkari           | The practice of killing men or women or both in the name of honour is often known as Siyahkari in Baluchistan.   |
| Sung-chatti         | Giving women, often young girls or girl child, to settle disputes among men and tribes regarding damage of human life, honour, and finances in Sindh province.                 |
| Sunnah              | The practices of the Holy Prophet (P.B.U.H)  |
| Swara               | The custom practiced in Khyber Pakhtoonkhwa province to exchange women and girl to the victim's family often as blood money in murder cases                                    |
| Talaq               | Divorce  |
| Taurat              | One of the four divine books revealed by Allah on holy prophet Mosa.   |
| Tazir               | It refers to any punishment other than Hadd and Qisas.   |
| Tazkiyah-al-shuhood | It refers to the eligibility requirement of the character for a person to serve as witnesses that he is truthful persons and abstain from major sins.                          |
| Tehsil/Taluka       | Sub-district or administrative divisions of the areas within a district  |
| Topi                | Traditionally knitted caps   |
| Tor Tora            | It refers to honour killings in Kyber Pakhtoonkhwa province where the victims are accused of illicit relationship tora   |
| Tor                 | The man who is accused of illicit relationships in honour killing matters in Khyber Pakhtoonkhwa province.   |
| Totkay              | Traditional home made remedy for some health problem   |
| Umrarah             | The religious pilgrimage to Makkah by muslims (of short time duration that can be performed at any time of the year, except the days of <i>Haj</i> )                           |
| Urf                 | It refers to the common "practice" or "amal" among the Muslims as their common habit or custom of a given society.   |
| Vani                | The practice of giving women, often young girls or girl child, to settle disputes among men and tribes regarding damage of human life, honour, and finances in Punjab province |
| Wadero              | The local influential person in rural areas in Sindh   |
| Wali                | The heir   |
| Walwar              | A tradition of buying a bride for money  |
| Watta Satta         | An exchanging women in marriage referring to give a bride to a groom on the condition that a woman from groom's family must be given to a man in bride's family in marriage.   |
| Zabur               | One of the four divine books revealed by Allah on holy prophet Dawood.   |
| Zina                | The wilful sexual intercourse between man and woman without being validly married to each other.   |

Zina-bil-jabr

Sexual intercourse between man and woman who are not validly married to each other without consent or free will of woman.

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