

“Analysis on the Social Legislation and Women Empowerment in Pakistan: Comparative study of Democratic governments and Dictatorship periods (1947-2012)”

Abstract

Legislation is the key factor of the development of any country and the way to look in depth into previous development of that country. Legislation is meant to made laws for the people living in country under constitution and social legislation means the legislation which is done for women only in a sense to empower women and to give them right to consider their self as equal citizens of the state. In Pakistan, social legislation for women is in a continuous phase but progress of any country does not depend upon its social legislation, rather it depends upon the implementation of laws and by giving equal opportunities to every citizen. Unfortunately in case of implementation of these laws in Pakistan is very poor and almost seems invisible. In dictatorship periods of Pakistan, women were the individuals who were affected severely by means of restriction of their fundamental rights and also by violating their empowerment. In democratic periods of Governance, women were allowed basic fundamental rights because these periods empower women socially and economically.

Key Words: *Social Legislation, Women Empowerment, Democratic Period, Dictatorship Period, Quota, National Assembly, Provincial Assembly*

¹Department of Gender Studies, Bahauddin Zakariya University, Multan, burhanrafay@gmail.com

²Department of Gender Studies, Bahauddin Zakariya University, Multan

³Department of Gender Studies, Bahauddin Zakariya University, Multan, ushnarana01@gmail.com

⁴Department of Gender Studies, Bahauddin Zakariya University, Multan

1. Introduction

Dictator Regime	Women Legislation	Quota National Assembly	Quota Provincial Assembly	Quota Senate	Quota Local Body Government	Commissions Or Plans
Gen. Zia-ul-Haq (1977-1986)	✓	10% in 1981 20% in 1985	✗	✗	✗	✓
Gen. Pervez Musharraf (1999-2008)	✓	20%	17%	18%	33%	✓

Table1: Dictatorships Regimes

The martial law establishment of General Zia-ul-Haq “1977-1986” took a numeral of steps for women’s improvement. The selection of Commission on the current Status of Women at that time. A chapter on [women in development](#) sphere was added first time in the Sixth five year plan. In 1981, Gen. Zia-ul-Haq appointed twenty women as members in the parliament. In 1985, National Assembly elected during non-party elections provide women's reserved quota 20% by doubling previous quota.

Gen. Pervez Musharraf, Reservation of 20% women’s seats in the National Assembly, 18% seats for women in the Senate, Reservation of 33% seats for women at all tiers of local government.

1. Criminal Law (Amendment) Act, 2004 (Honor Killing Bill) enacted.
2. Reservation of quota for women in Government jobs including Central Superior Services.
3. Presidential Ordinance promulgated on 8th of July 2006, “the Code of Criminal Procedure (Amendment) Ordinance, 2006,” allowed bail for women held on all charges with the exception of terrorism and murder. Out of more than 6,000 jailed women, around 1,000 were freed.
4. Enactment of Women Protection Act, 2006 which provides a just and secure environment for women to work as equal partners for the development of Pakistan [6][7].

Dictator Regime	Women Legislation	Quota National Assembly	Quota Provincial Assembly	Quota Senate	Quota Local Body Government	Commissions Or Plans
Zulfiqar Bhutto (1970-1977)	✓	10%	5%	×	×	✓
Benazir Bhutto (1988-1990)	✓	×	×	×	×	✓
Nawaz Sharif (1997-1999)	✓	×	×	×	×	✓
Asif Ali Zardari (2008-2013)	✓	×	×	×	×	✓
Nawaz Sharif (2013-present)	✓	×	×	×	×	✓

Table2:Democratic Regimes

The democratic government of Zulfiqar Ali Bhutto “1970-1977” had broadminded attitudes towards women. All government armed forces which have been deprived to women earlier were opened to them with liberties. Approximately 10% of seats of the National Assembly and only 5% in the provincial assemblies were reserved for women representatives.

Throughout her election campaigns in her first government, Benazir Bhutto raised voice based all social issues of women, health and favoritism against women. She announced special plans to set up women's police house stations, courts and women's development banks. She also announced to cancel controversial Hudood laws that reduced and banned the rights of women.

Asif Ali Zardari, The development of women's status was acknowledged as one of the sixteen goals written in the Pakistan next 20 years (2010 Plan) and is a dangerous policy document. Later on the document misplaced women while listing 21 major areas of interests of women. Similarly, another major policy document, “HDPRD (Human Development and Poverty Reduction Strategy)” in 1999, tells women as an effected group for poverty elimination but lacks gender structure.

The government’s highest priority is to deal with discriminatory laws against women which include:

1. The National Commission on the Status of Women Bill, 2012
2. The Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011
3. The Criminal Law (Amendment) Act, 2010
4. The Pakistan Penal Code (Amendment) Act, 2010
5. The Protection against Harassment of Women at the Workplace Act, 2010The Criminal Law (Amendment) Act, 2009
6. The Guardians and Wards (Amendment) Act, 2008
7. Domestic Violence (Prevention and Protection) Act, 2009

The government of Pakistan under the leadership of Nawaz Sharif having the strong conviction that state of Pakistan could not make progress without creating equal opportunities to women which were 50% of society was taking suitable actions to enhance women rights to help them to be appeared equal to men. Nawaz Sharif's governments also signed the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and direct the government to take actions to ensure women's rights as advised in the CEDAW [6][7].

2. Background of Study

2.1 Empowerment and political mobilization of women

Democracy plays an important role in the development and progress of the country. This democracy could be possible only when we gave women equal opportunities to participate and act into society like male parts of the society to perform for the betterment of country. Women constitute half of the world's total population presumably, but here in Pakistan women is 48% of the total population but she is not playing her equal roles as being equal part of society, she is not considered important part of society. Political legislation needed to empower women equally into all spheres of life. The traditional norms wanted to see women as others; they don't consider women as equal workers to societal development or equal part of society. It is believed that all political activities or job is considered as part of public sphere and simply public sphere is not made for women rather she is made to work at private sphere to work at home as a non-paid worker. Social change is an important factor in every society and this change could be possible only by empowerment. Empowerment does not mean to lag women or other people behind, but to go to a progressive level with others. Women empowerment in Pakistan is not good quantitatively and similarly women lives qualitatively. If women do jobs then they paid very low as compared to male members of society. The societal and cultural norms about women don't allow them to gout of home to do jobs. Women from the past is regarded as secondary part of the society and considered that she is not made to involve into social or political issues like males rather she is made to care only for home. The situation for the equal rights of women was critically evaluated under period of Zia due to his Islamization and considered women suppress and submissive part of society as in Law of Evidence the evidence of women is considered half of the man, and it is considered a discrimination against women. Women are considered as made for the domestic sphere or to do domestic works only, because of their low literacy rate. In Pakistan literacy rate is very low in case of women as they were not allowed to get education, so they have no way to know about their rights or opportunities to get equality as male members. In labor or work force, the share of male in economic labor is 71% while only 21% is of women. Women itself considered her weak due to societal prejudices and societal norms. Due to her this weakness she herself consider her not an important part of society. There is need to realize her that she is an important factor in development [1] [2].

2.2 Socio-Cultural Factors to Women Empowerment

Gendered social structure of any society plays an important role in submissive and discriminated status of women, as women constitute of half of world's total population but not considered as equal to male or dominated part of

society. Political empowerment of women is not an important factor to make women socially, politically or economically independent, rather it is important for the sake and progress of society. Mother plays an important role in the nurturing of children, as same women plays an important role in the development of society. Empowerment of women makes women independent economically but political empowerment of women makes her independent politically in taking her decision to cast vote according to her consent, making her strong to contest elections, make her autonomous in decision making and regulating actions in favor and betterment of society, makes her independent to join any political party and can express her political thought which constitution of Pakistan also allows her to do. Gendered setup and discrimination for women varies from culture to culture and all this variation depends upon socio-cultural and economic background of that region in which women are treating discriminately. They are considered vulnerable because they have no decision making power and this affects her status a lot both in society and family. Due to legal, socio-cultural and political obstacles, women of Pakistan are always considered as second class citizen. Due to women's low representation and weakness in society, she is restricted to take part in any political or social activity. She is just bounded to take care of home, not made for political or economic representation, because society considered that it is male dominated region not for females, and women are made only for domestic sphere not for public sphere. Due to male dominancy in political, legal or economic structure women is not considered able to take part in political activities, also old traditional norms play an important role in the submissive status of women. All these hurdles and stereotypes about women weakness makes women weak in itself, she is made vulnerable by societal norms to take risks and not considered her able to take risks or do risky works. Socialization of women and institutional development of women also plays an important role in women participation. Societal norms make parents helpless and force them to teach their daughters in a submissive and restricted manner, also institutions play an important role in this regard by prevailing the concept of male dominancy in political participation. Women in some parts of Pakistan even don't have right to respect their own identity, they just used as trash bins, not considered as equal part of society. Under representation of women in political participation is due to social structure of society and community which don't want to see women on top as equal to men they just wanted to see her inferior. Cultural barriers are making women weak and excluding her from political and economic empowerment procedure. Old traditional norms and patriarchal system also lagging women behind politically and economically because in past omen were not literate and have no sense about their rights, but now literacy is common among women so due to their education they demanded their equal rights which males don't want to give them. There is need to consider women in society by giving her their equal rights and gave them chances to participate in social and political development of society, because any society cannot go to a progressive level until their women are bounded within four walls of the boundary. By giving her chance to participate and to express her own ideas regarding development she will feel as equal member of society and can play an important role in the development of society. The nations who are going to a progressive level are only getting prosperity because their women are standing with them to support them [3].

2.3 Islam and Women Empowerment

Now a day in Pakistan, empowerment of women whether politically, socially or economically is most sensitive and debatable issue in developing nations also. The foundation of Pakistan is based on Islam and being an Islamic state, Islam gave women equal rights to men and considered her an important and equal part of society. In case of education, politics or decision making process or about any social concern Islam gave women equality and equity and treated her as an important part of society. Women empowerment plays an important role in the reduction of poverty and can take country towards sustainable developmental process morally or economically. For the sake of well-being and betterment of society, political and economic empowerment of women in an essential phenomenon and plays an important role in development. Empowerment of women in Muslim countries is the issue which take full attention all over the world not just in Muslim countries because Islam is the only religion which gave women equal rights and equal status to move or to live in society, but the ill-fated fact is that, Muslim women in every region regarding empowerment is on the least recognized level. Quran and Islam gave women equal rights and also protect their rights of women regarding worship, freedom to express opinion, freedom regarding to choose own life partner, freedom to get education, freedom to perform and to participate in social roles. Islam gave women equal status in every field of life starting from the rearing and procreation of human kind as being a mother equal to the status of father also Islam gave mother more importance by laying heaven under her feat. This is the way Islam considers women as equal part of society. Islam gave women the right to express her opinion, gave freedom to choose her life partner, and gave freedom to take part in social affairs by giving her decision making power. But unfortunately in Pakistan, the male dominated part of society using their power over women in a wrong sense by making her more inferior. Mullahs avoid the fact of gender or women equality by negative preaching of Islamic patterns. Fourteen hundred years ago, women were considered and treated like sub-humans, parents sold their daughters due to societal structures and buried their daughters alive due to society and considered her a burden on family and society. Then Islam acme and improve the status of women by giving her equal rights and removed male dominancy over women, Islam gave women the right to get education, right to own and manage property, by giving her inheritance rights, and by making her an important and respected part of society. Half of the world's total population consisted on women. According to United Nations Development project's report, to remove gender inequality from society is an important key factor for development. There is need to enhance the co-operation of Government with other institutions to work for the betterment of society and to achieve gender equality by empowering women and made possible the implementation of Islamic laws given by Islam for women development. There is a lot of miss-conception created about Islam and women rights by religious scholars, while Islam gave women equal rights 1400 years ago and society till in 21st century failed to acknowledge such equal rights given by Islam for women [4] [5].

3. Methodology

3.1 Research

Gender inequality is a common issue throughout the world. So being citizen of Pakistan researchers thought to make research on legislation for women in constitution of Pakistan and my research topic was “Social legislation and women empowerment in Pakistan”. Women were always treated like a commodity in society. Fundamental rights provided in constitution for women are neglected brutality in society. The state of Pakistan is signatory to many international treaties and commissions of human rights. In sixty eight years of freedom there is only little legislation came to occur for women. Quaid-e-Azam said “A nation cannot touch the glory of success that does not bring their women up and stand with shoulders to shoulders.”

3.2 Question construction

Researchers constructed questionnaire on the topic “Social legislation and women empowerment in Pakistan”. There were twelve question in questionnaire all questions were quantitative. The questions were made according to topic theme to know from society about social legislation and women empowerment. What society thinks and what society wants from upcoming governments for women empowerment. Researchers set up three themes in questionnaire in which put different questions in themes according to their relevance.

1. Social Legislation
2. Women Empowerment in Pakistan
3. Comparison between Democratic periods and Dictatorship Periods

3.3 Sampling

Researchers used random sampling from different group of peoples. The area of research was Multan. Students from different universities and youth age group because the understanding of upcoming generation abuts women are quite different than the previous generations. It is necessary to know that how much females are aware to their rights provided by state.

3.4 Targeted population

Data collected by hundred participants in which sixty filled by females and forty filled by males. The ratio of female was high because the basic constructive element of my research is to know the view of women of Pakistan that are they aware of laws guaranteed to them by constitution of state. I selected targeted population in shape of group of ages. Questionnaires were filled by the age groups of 15-30. Mostly students belong to different universities enrolled in social sciences.

3.5 Barriers

Researchers faced some problems are given below:

1. Do not aware about their fundamental rights.
2. The concept of Islamization.
3. Women empowerment considered to be a western agenda.
4. Peoples questions about the implementation of existing laws in constitution of Pakistan for women.
5. Lack of knowledge of Social legislation.

4. Interpretation

Interpretation is the layout of describing the gathered data through any technique or tool. The tool used is described in the theoretical Framework. In this research the tool used for the description is thematic and is explained diagrammatically by using Set theory and its outcomes are seen by Venn diagram.

4.1 Social Legislation

Questions	Option No 1	Option No 2	Option No 3	Option No 4
Q.1	Yes (74) M-29 F-45	No (26) M-10 F-16		
Q.2	Give equal rights to women (51) M-18 F-33	Give equal status to women (15%) M-6 F-9	Both (34%) M-15 F-19	
Q.6	Benazir's Government (11) M-6 F-5	Nawaz's Government (5) M-3 F-2	Musharraf's Government (31) M-6 F-25	Zardari's Government (53) M-24 F-29
Q.10	Ayub Khan (23) M-10 F-13	Yayiah Khan (14) M-2 F-12	PervezMusharraf (63) M-27 F-36	

Table3: First theme explaining knowledgeregarding Social Legislation

Pro-women legislation is a revolutionary measure in the parliamentary history of Pakistan which can emancipate women if a strong and effective implementation mechanism is developed. MPA Samia Amjad said new laws on domestic violence would empower women in their homes. She said civil society had raised awareness among the public on women’s issues.MPA Sajida Mir said the controversial Hudood Ordinance and Qisas and Diat laws had let down women in society but the recent legislation would help women regain their status.Lawyer Rabia Bajwa spoke on Anti-Women Practices (Criminal Law Amendment) Act of 2011, Acid Control and Acid Crime Prevention Act of 2010, and Women in Detention Fund Act 2011.Human Rights Commission of Pakistan Secretary-General IA Rahman congratulated women parliamentarians on the passage of pro-women laws calling it a breakthrough in Pakistan’s parliament history. He said though women faced a lot of resistance in assemblies, they should continue their struggle until some implementation mechanism was developed.Justice Nasira Javed Iqbal (retired) said there was no women’s representation in the Election Commission of Pakistan. She also spoke on domestic violence calling it a heinous crime. She urged provincial assemblies to pass laws on domestic violence with the implementation mechanism package [6].

4.2 Women Empowerment In Pakistan

Questions	Option No 1	Option No 2	Option No 3
Q.3	Yes (38) M-12 F-26	No (62) M-27 F-35	
Q.4	Government (12) M-6 F-6	NGOs (61) M-22 F-39	Both (27) M-11 F-16
Q.7	Customary Laws (44) M-15 F-29	Illiteracy (23) M-8 F-15	No decision-making power (33) M-16 F-17
Q.12	Only implement the laws already in constitution (13) M-6 F-7	Make new laws for women (39) M-9 F-30	Implement already laws and provide quota in every sphere of state (48) M-24 F-24

Table4:Second theme explaining Women Empowerment in Pakistan

and real emphasis on equitable distribution of development benefits especially for the lower segments of the population. This philosophy of development i.e., growth with equity is to be embodied in all national development policies. Poverty alleviation and social development has to be the central part of the overall national development. In the developing world, the menace of poverty is deep rooted, especially in the rural areas while Pakistan is no exception to it. Therefore the United Nations identified the rural women as a catalyst for change if the objective of eradicating poverty is to be attained. Invisible and industrious, neglected and under nourished, She is the pivot on which the rural household functions. She is the major contributor to the agricultural labor force producing more than 50% of the developing world's food. She is the one who tend sows, reaps, gather crops, cares for animals, plants herbs, and looks after the families but hardly ever recognized in the statistics of production while easily made a target of cultural malpractices which not only hurts her dignity but even take her life. It is very important to bring the women into the lime light so that policy makers could design their development interventions in a way that could politically and financially empower her enough to make a difference in the living conditions of herself and her family and her immediate surroundings. At the same time giving her the personal security and dignity that is her fundamental right [7].

4.3 Comparison between Democratic Periods and Dictatorship Periods

Questions	Option No 1	Option No 2	Option No 3
Q.5	Yes (11) M-6 F-5	No (73) M-32 F-41	To some extent (16) M-1 F-15
Q.8	Yes (17) M-9 F-8	No (83) M-30 F-53	
Q.9	Yes (9) M-6 F-3	No (91) M-33 F-58	
Q.11	Democratic Governments (71) M-26 F-45	Dictatorship Periods (29) M-13 F-16	

Table 5: Comparison between Democratic Periods and Dictatorship Periods

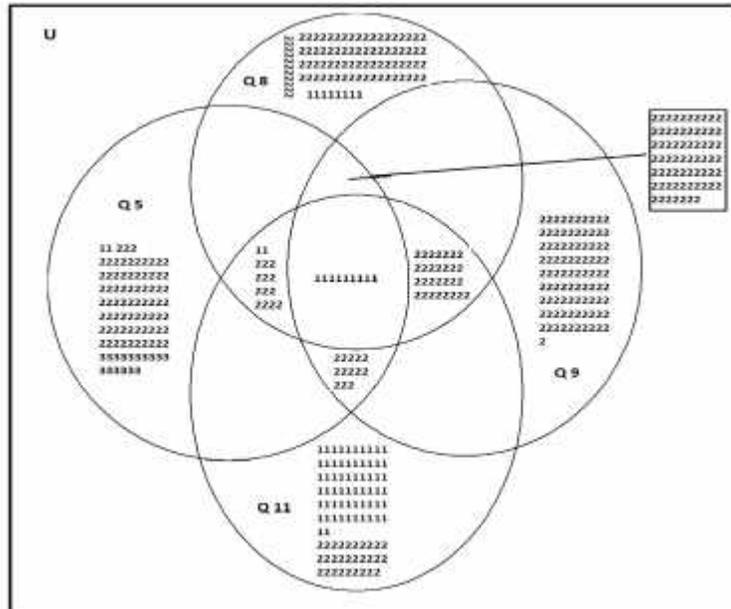


Fig.3: Relationship of Comparison between Democratic Periods and Dictatorship Periods

Democratic government is known as government of people where people select their representatives by voting of their own choice. Candidates which are considered as eligible elected through voting of common people living in that area and complete the specific time of governance which is given by constitution of Pakistan. In a Democratic Government no one is allowed by the people or Government to come into power without completing this whole procedure of elections defined by constitution of Pakistan and electoral system of Pakistan. All citizens and elected candidates are equal according to law and treated equally either males or females. Rule of any political party or individual came through fair and free process and the elected candidate has its defined responsibilities which he/she should have to fulfill. Here it is the right of people to choose Government of their own choice without any threat. There are also some Dictatorship periods in the history of Pakistan but two are very famous for their rules. One period is famous for violating human rights specially of women and second is famous for taking good and bold steps towards the development of the country and empowerment of women and these dictators are General Muhammad Zia-Ul-Haq and General Pervez Musharraf. Gen. Zia-Ul-Haq is famous for violating women rights and banned on all women movements and made purdah as compulsory through the Islamization of Islamic laws. He banned all fundamental rights of women by saying that it is the responsibility of men to work as a bread winner not of women and promulgated Hudood law ordinance. Gen. Pervez Musharraf period is famous for making reserved quota to 33% for women in almost all spheres of life by giving them confidence to take part into all political and private activities. The period which had some liberal attitude towards women was the democratic period of Zulfikar Ali Bhutto (1970-1977). All fundamental rights which were

denied to women in past periods of democratic or dictatorship were given to them equally and fairly. For women about 10% of the seats were reserved in National Assembly and 5% were reserved in Provincial Assembly, with no restriction on contesting general seats as well. Gender equality was specifically guaranteed in the Constitution of Pakistan adopted in 1973. The constitution says that “there shall be no discrimination on the basis of sex alone.” Nawaz Sharif, also being a state party to the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), lead the government to take measures to ensure women’s rights as envisaged in the CEDAW where as it is still taking multiple reforms to enable women to participate in all walks of life.

Conclusion

The concepts of social legislation and women empowerment are much specified in favor of women. Women is the element with whom world is grooming day by day. Now a day’s world is providing the status to women which women deserve. Women empowerment is the most concerning issue of Pakistan since independence 1947, as from the day of freedom, Muslims were got separated from the ruling Hindus but women from then till now are under men are weal economically as they have no independent empowerment. Men are dominant over all other women in every sphere whether in case of empowerment or any other national issue. There were made laws on social issues of women and this construction of laws about women on social issues is called social legislation. Legislation is the plus point of any nation if it is doing in positive manner. Many laws were made but the actual implementation on these laws is very poor in fact seems nothing in case of implementation. There should made proper ways to implement these laws into Pakistan, so that the social condition of women should grow to upper level. Legislation in case of women issues is more important in Pakistan as it’s a male dominant society where women have no right to raise their voices against this patriarchal system, they are living in a male dominant society and very low attention was given to social legislation of women.

References

1. Asghar. A, Akhtar. J (2012), “Empowerment and political mobilization in Pakistan: A descriptive discourse of perspectives”, *Pakistan Journal of Social Sciences (PJSS)* Vol.32, No.1, pp.221-228
2. Saira Bano, (2009). “Women in Parliament in Pakistan: Problems and Potential Solutions”, *Women’s Studies Journal*, Vol. 23(1), pp.19-35
3. Dr. N. Arab, Ibrahim and Waqar Ahmad (2012), “Socio-cultural impediments to women political empowerment in Pakhtoon Society”, *Academic Research International*, ISSN-L; 2223-9553, ISSN; 2223-9944, Vol.3, No.1, July 2012
4. Chaudhary. I, Farhana Nausheen and M. IdreesLodhi (2012), “Women Empowerment in Pakistan with special reference to Islamic Viewpoint: An Empirical Study”, *Pakistan Journal of Social Sciences (PJSS)* Vol.32, No.1, pp.171-183
5. Chaudhry, I.S. and Nausheen, Farhana (2009). The Determinants of Women Empowerment 216
6. DAWN (2012), “Women’s Empowerment through Legislation”, March 07, 09:36PM.
7. Hali. SM, “Women Empowerment”, May 08, 2012, *The Nation*