

**ROLE OF WOMEN PARLIAMENTARIANS IN  
LEGISLATIONS: A HISTORICAL STUDY**

DATA ENTERED



Submitted by

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**MS-History**

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**2017**



Accession No TH:18915 *W/16*

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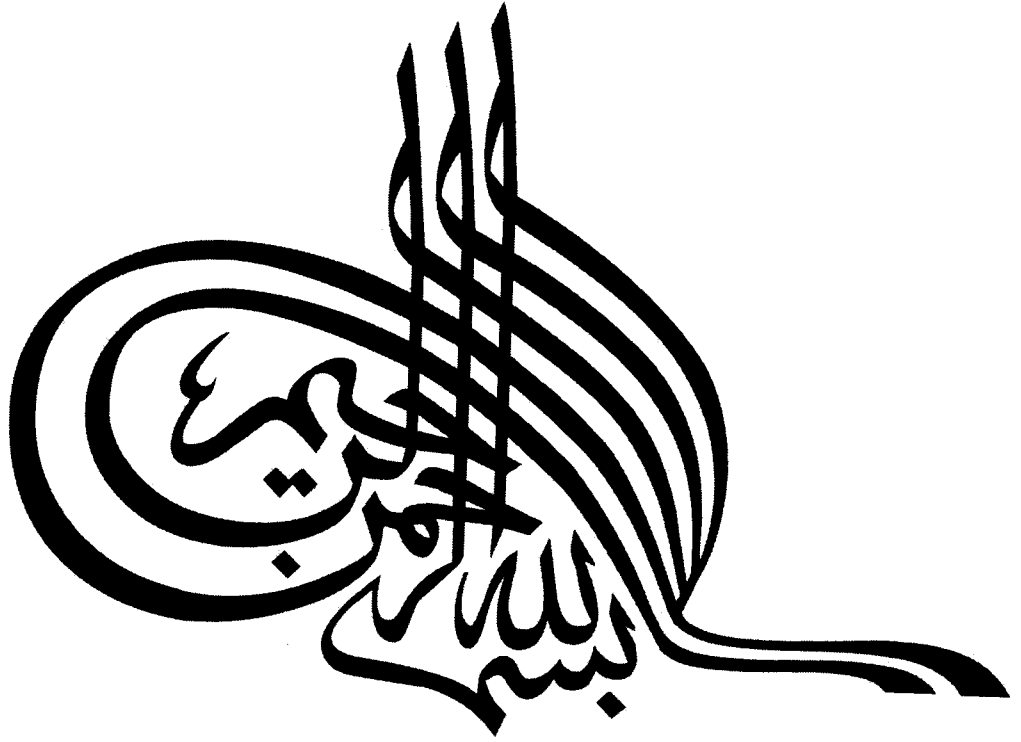
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**2017**



*In the name of Allah,  
the Most Beneficent,  
the Most Merciful*

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**Role of Women Parliamentarians in Legislations:  
A Historical Study**

By

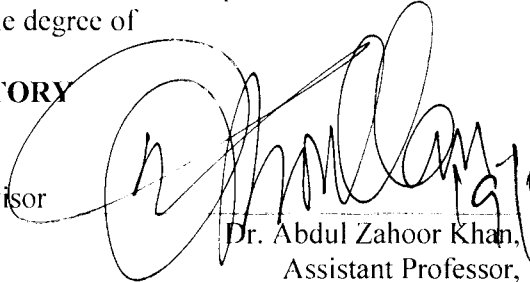
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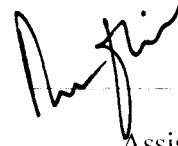
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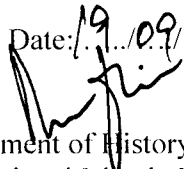
  
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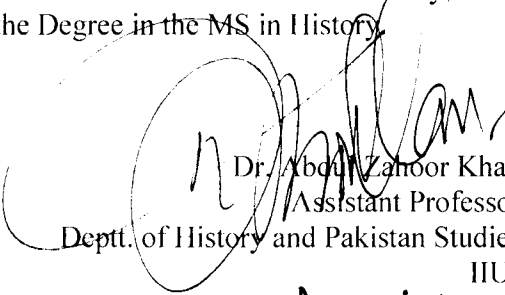
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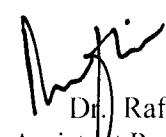
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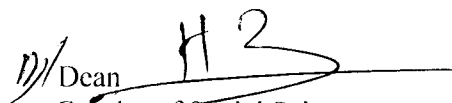
  
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DEDICATED

To

**ALLAH Almighty**

AND

HIS the most beloved  
Last Holy Prophet-**Muhammad** (PBUH)

## **DECLARATION**

I hereby declare that this thesis has been written by me and that all the research work carried out herein is of my own except where particularly indicated.

**SAMAND ZAHRA**

**Regd. # 68-FSS/MSHIS/F-14**

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## ACKNOWLEDGEMENTS

Thanks to **ALLAH Almighty** who is the most merciful, Creator of all perceivable and non-perceivable, Worthy of all value, without HIS help I am nothing.

Prime respects and honors to the **Last Holy Prophet-Muhammad (S.A.W.W.)**-Prophet of Revolution and Mercy for all the worlds, who made promising the man to recognize his Creator (**ALLAH**).

Special thanks to my Research Supervisor- *Dr. Abdul Zahoor Khan*, for supporting me and providing me all necessary instructions and make my work possible and valuable. His keen interest, kindness, style of guidance, expert opinion and suggestions were helpful for my work.

I would like to pay special thanks to my sisters and friend Shahida Nasreen and my loving brother Ali Raza. Their support was very helpful in every phase of my studies and writing my thesis. In particular, personal encouragement has often been a great moral booster to carry me through the stress and strains of an intensive period of this study.

I would like to express my gratitude to my teacher Dr. Akhtar Hussain, Dr. Rafia Riaz and other faculty members of Department of History & Pakistan Studies for their help and suggestions.

My special thanks to Mr. Muhammad Altaf Malik-Subject Specialist (History), and Ph.D Scholar, Department of History & Pakistan Studies, IIUI. He provided all necessary data and suggestions, which were no doubt very helpful for me.

**SAMAND ZAHRA**

## ABBREVIATIONS

AASHA	Alliance Against Sexual Harassment
ANP	Awami National Party
BBC	British Broadcasting Corporation
BISP	Benazir Income Support Programme
CBS	Columbia Broadcasting System
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CNIC	Computerized National Identity Card
DNA	Deoxyribo Nucleic Acid
FATA	Federal Administered Tribal Areas
FBR	Federal Board of Revenue
FSC	Federal Shariah Court
HEC	Higher Education Commission
HRCP	Human Right Commission of Pakistan
HRW	Human Right Watch
ICT	Information Communication Technology
ITU	Information Technology Unit
JI	Jamat-e-Islami
KPK	Khyber Pakhtun Khwah
LFO	Legal Frame work Order
MD	Managing Director
MMA	Muttahidda Majlis-e-Amal
MNA	Member of National Assembly
MoWP	Ministry of Women Development
MQM	Muhajir Qaumi Movement
MPA	Member of Provincial Assembly
NA	National Assembly
NADRA	National Database and Registration Authority

NCHD	National Commission on Human Development
NDC	National Drug Code
NDI	National Democrat Institute
PA	Provincial Assembly
PAEC	Pakistan Atomic Energy Commission
PCSW	Provincial Commission on the Status of Women
PML-N	Pakistan Muslim League (Nawaz group)
PML-Q	Pakistan Muslim League (Quaid-e-Azam group)
PIPs	Pakistan Institute of Parliamentarians
PPP	Pakistan People's Party
PTI	Pakistan Tehreek-e-Insaf
SECP	Securities and Exchange Commission of Pakistan
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNO	United Nations Organizations
UNESCO	United Nations Educational Scientific and Cultural Organization
WAF	Women's Action Forum

## INTRODUCTION

Gender inequality has existed since ancient times and men have more basic rights and freedom than women. We can see that from primordial and prehistoric times, women were treated as low and were limited to domestic work. Many feminist movements started to throw light on gender inequality in late 1880s when the word feminism first introduced and still many institutions are fighting for women's equal rights.

Today in developed countries women are enjoying all basic rights but the situation is not same in developing countries. There have been laws by various governments across the world to ensure the rights of women, like UN millennium project is all about women rights. This is shown from the developed countries that how much they are civilized the way they treat the women. In developing countries like Pakistan, the men's opinion is very much strong in treating the women inferior. Many NGO's and different human rights organizations are working hard to realize that women are also part of the society on equal grounds.

Although political empowerment is also women's right, many females are entering in politics and using their right of vote, but still women do not enjoy the same rights as men in politics. They enjoy less political rights than men. Women make up more than half of the world but only 22.1 percent are in world's parliaments. It has also been observed that the women who break political barriers with the help of family and have political background have succeeded in politics with the help of their family. Political empowerment of women has been increased and female politicians know their rights to great extent.

Women are above 50 percent of world population and unfortunately they are delivering secondary role in society, especially in developing countries like Pakistan. Women face many

problems to enter and participate into all fields, especially in politics worldwide. There are many barriers for instance cultural, social and economic barriers in their advancement. There is need of women's equal participation in politics and in policy making. Uninterrupted efforts should be made to enhance women's participation and involvement in legislative body through gender quota throughout the world. Many countries accepted quota system seats to ensure the legal rights of women. In Pakistan women proportions have increased in politics also.

Although the increased number of women in politics does not show the quality of decision making, it needs more effectual role of women in legislation. Women participation in Pakistani parliament is symbolic, because in Pakistan women do not have significant role in social, economic and political policy formulation and that's why decision making bodies does not offer them to show their concerns in the entire political matters. In Pakistan governance system is male dominated and this is fundamental for women to maintain their value through participation in policy making on behalf of legislation.

Woman is an important member of the society and political empowerment of women was also need of the hour even in Pakistan movement. We see that how female politicians and social workers took an active part in Pakistan movement and later on after the creation of Pakistan how women involvement became need of parliament. There was also need of women parliamentarians while passing the acts related to women rights as women parliamentarians can judge the problems of women and can put forward the solutions regarding those problems. The present research focuses over political empowerment issues, and investigates the hurdles in the way of political involvement of women in Pakistani society. This study will also focus that how gender discrimination has been hurdle in women advancement and innovation. How women started to take part in politics and how they took part in legislation regarding women rights and

while implementing the laws related to women rights. Role of women in specific legislation would also be examined in uplifting women's status.

In Pakistan the human rights particularly women rights are suppressed in the presence of traditional values. Pakistan is an Islamic country and Islam gives basic rights to women, but in Pakistan women are considered inferior that's why they have lower status and lower participation in politics. Actually Islam as a religion does not bring into being any jump over in the way of advancement and prosperity of the women. This is the individualization of Islam that is a problem and keeps a woman away to take part into politics and in other social activities. The progress is slow, even though governmental and non-governmental organizations are putting their efforts for women equality in every sphere of life.

There are many reasons behind the weaknesses of women, like lack of opportunities, and poor economic conditions. Majority of women have limited access to education because of lower income and other traditional barriers. They do not have access to justice and even if regarding their rights acts are passed but most of the women are not aware of those acts, due to lack of sources.

Law or act is a set of rule; law or act is usually used for the protection of the community. Act is a constitutional plan passed by legislature that is referred to as a "bill" until it becomes an act. Parliament of Pakistan which is also termed as Majlis-e-Shoora is a legislative body of Pakistan. It consists of two houses, Senate and National Assembly. Pakistani parliament reserves female quota seats to show the legal representation of women in governmental institutions. Women constitute more than half of the world population today, with the passage of time there is an increasing awareness which helps to get a gender-balance society emerged. This advancement further helps in addressing the different issues of status of women through their participation in

policy making institutions in general moreover politics and legislature in particular the entire globe over.

A feminist may claim their legal rights through legal ways. Feminist social science is an unavoidable social science, because it is based on feminist social rights, laws and regulations. Role of political woman is very important for passing the bills related to women rights, because female politicians know the legal ways to protect their rights.

In Pakistan men usually act as decision maker in all affaires of home as well as outside over and above women are just for home cleaning, cooking and caregiver to family. Nevertheless this is essential for women to show their active part in all fields of life.

## **Statement of the Problem**

In the parliament of Pakistan, there is maximum representation of women. Parliament of Pakistan is a law making institution and female members of this institution are very active. Present research investigates that which the parliamentary bills are passed for the welfare of women. On the subject of women's rights bills, female parliamentarians remained more dynamic and full of life. Since 1996 till 2012 different regimes have attempted differently to protect the women's rights through parliamentary legislations, however in this study women parliamentarians' role for women rights protection through parliamentary legislations from 1996-2012 is analyzed.

## **Scope and significance of the Study/Research:**

Women contribution in politics is very important. In Pakistan women are half of the population but possess lower position to men. Political empowerment comes with educational, social and economic empowerment. The study explored the political and legislative opportunities in Pakistan and how women can access these opportunities. Therefore this study dealt with political empowerment of women in Pakistan. Women are equal beneficiary of the public policies, governance process and empowerment. This study is merely an attempt to describe that how many acts were passed in the parliament of Pakistan related to women rights from 1996-2012 and how women parliamentarians supported those bills while passing and implementing those acts.

Law is an instrument for enforcement of its moral and ethical standard. Law makes a society well and civilized. It reflects the status of women in the society. It was important to put forth the way feminism functions in the parliament of Pakistan.

## **Review of the Literature**

Gender discrimination and women empowerment in different fields of life is produced in different kind of literature. The cause to review the literature was to fill the missing gap left by the available literature, so the present research tried to fill up those gaps which were left blank. To review the topic with relevance to Pakistan. As it was a need to find out that which hurdles faced by women in the society and in political ground and in legislation related to their rights. In *legislation on women and family in Pakistan: trends and approaches* by Khalid Rahman and Nadeem Farhat, they discussed the parliamentary acts related to family, they also discussed how women parliamentarians took active role while passing those bills and how they tried to implement them. The present research discusses that implementation was successful or not? How female parliamentarians took role in implementing the women right acts into the society (Rahman & Farhat, 2003). In *Gender, politics and institutions: towards a feminist institutionalism*, Mona Lena Krook and Fiona Mackay discussed that institutions should realize the importance of gender relations and to which ground feminist perspective can influence the politics. How far female are important for political proceedings. But researcher also filled the gap that how female parliamentarians are important for legislation about women rights and how they help to generate the laws about women rights.

Farzana Bari in her article *Analysis of Parliamentary proceedings (2002-2007)*, explains whether women legislations represent the interests of women, and up to what extent women legislators succeeded in reflecting women's concerns in public policy. In her another article *Gender technology and development* she argues that women without their representation in parliament cannot work on the rights of the women and she also argues that women parliamentarians need collective voice that can enhance their capacity.

Saira Bano in *Women in parliament in Pakistan: problems and potential solutions*, discussed that due to limited representation of women in politics is very alarming and they have to cover step by step a long distance for ideal parity of politics. It is very necessary to increase women representation and special participation through legislative grounds. She discussed about gender quota can be effective and how this can increase women's participation in Pakistani politics. The numerical quota of women representation is not the indicator of progress. She gave the background of women need and representation in the parliament and she is important in politics. She discussed in detail the role of Pakistani women in parliament. Mill in his book *The Subjection of Women* differs with the argument that women are less capable than men. In fact men are unaware of women capabilities, because they do not permit women to show their capabilities and share their views. One cannot restrict the views of others and also cannot control the idea of women. He further argues that education has the power to change this prevalent inequality and can develop the independent thoughts in women and he also supports female ideas in every field of life (Mill, 1993).

Mumtaz and Shaheed in their book *Women of Pakistan: Two steps forward, one step back*, discussed that how female participation became the need of time and how female participant's work is important in the parliament. He described that the women increased the vote bank of Muslim leaders. In 1940, Mr. Jinnah announced, "Women are supposed to create a sense of general political consciousness. They should stand shoulder to shoulder with men in practical politics". This clearly describes importance of women (Mumtaz & Shaheed, 1988).

Mahmood discussed in an article that women faced many political and domestic hurdles to politically empower their status, he also discussed that in South Asia many governments time to time tried to enhance women role in politics. (Mahmood, 2009).

Farzana Bari discussed that women role in politics remained limited and she faced many internal and external hurdles in political participation. However, the paper was not enough to cover all the social factors behind under representation of women in politics (Bari, 2005).

Saira Bano examined and analyzed the role of Pakistani women in decision making institutions and how their participation is very important. Regarding gender discrimination and facing many problems due to this, Pakistani government tried to give importance to women status in the society and a vital change occur when legislation started on this issue. She focused political and institutional role of women is how much important. She discussed why women participation is politically and institutionally very important. (Bano, 2009).

Every policy need to be operational and government should give importance to both genders but there should not be only symbolic participation of women in parliament of Pakistan. The success of every policy is based on successful implementation of that policy.

After going through the literature it is clear that government never condemn the women participation politically. Government allowed women to equally participate in every field of life. It is essentially needed to aware the women of their rights and as well as how to use these rights through legal ways.

## **Research Question**

What is the role of women parliamentarians in forwarding acts related to preserving of women rights, 1996-2012?

## **Subsidiary Questions**

Which acts are passed from 1996 to 2012 related to women rights?

How women parliamentarians take interest in debates about those acts?

How women parliamentarians are helpful in implementation of those acts?

Which are the most active women parliamentarians and what is their party affiliation?

## **Objectives of the Study/Research**

The basic objectives of this study are following:

- (a) To identify the role of women parliamentarians regarding women right act.
- (b) To highlight which acts are passed from 1996 to 2012 related to women rights.
- (c) To dig out the significance of those acts.

## **Research Methodology**

The present research is based on primary and secondary sources, which were accessed through parliamentary records and through the official website of Pakistan Parliament. Parliamentary acts and debates are considered as primary sources, and secondary sources are books and journals accessed through different libraries. This is qualitative research based on descriptive method and analytical approach.

## **Chapter No. I**

### **HISTORICAL BACKGROUND OF WOMEN STATUS**

Generally, in order to study the history, historians divided history into different phases and this categorization is based on difference of language, races, chronology etc. Historians give the complete picture of women status in all phases. The topic is related to women political rights and parliamentary role so it is important to find out the role of women preceding their struggle for political rights and what exactly led them to get their rights with legal way and how they raised their voices for this purpose.

#### **Pre History**

The pre-historic is the era before recorded history, before the mankind became literate is generally known as pre-historic period. On the basis that how man survived into the society, this period is further divided into three parts. (Dani, 1984)

##### **i- Paleolithic Age**

People were living in tribes or clans and they were engaged in hunting and gathering food. They had limited activities to do. There no well political activities are found in that period until 400,000 B.C. It was from 50,000 B.C, when women got only domestic level decision making. (Boulding, 1976)

##### **ii- Neolithic Age**

It was the way from hunting to well settle agricultural way of life. Women were in same situation as in Paleolithic age, they were limited to their domestic work, agriculture and to some extent they were busy in economic activities. (Frye, 1965)

### **iii- Metallic ages**

Now man entered into a new era after hunting and agriculture, the use of metal started. Even in this age no women political activism found but to some extent women role increased. From 2300-1500 B.C, in Harappa civilization, women were found to be active in panchayat decisions. In Vedic time it is also written that women were politically active in panchayat. But as time passed this role diminished. (Frye, 1965)

## **Post-History**

It is the recorded history, which gives us evidence of how human life became civilized. As to search out the status of women in post-history, it is necessary to find her status in West, East and before the emergence of Islam, how they were treated and after the Islam how their status changed.

### **i- Eastern History**

It was the time from 2000 B.C, when the Indus Valley Civilization was at its height and wealthy city states were having temporary leaders. Condition of women was better than past. Women were appearing as priestess but not so active in political activities. Some queens were governing different provinces conquered by their husbands. Some royal women were very active to advice their husbands in international tasks. About 1300 B.C Assyria's first ruler was a woman named Queen Sannuramat. She ruled over there for a long time after the death of her husband. Queen Zabibi, Samsi, Atossa, Atermisia, Pheretime and many other elite class women were active in politics, temple services and education. Egyptian queen Tausert ruled as Pharaoh between 1600-1200 B.C. Ahotep also ruled as Pharaoh. Women were involved in political activities. In India laws were discriminatory towards women. Kshatrian women in Northern India were educated

and were active in politics. So the whole condition was same everywhere, only high class women enjoy the actual power of decision and take part in political activities. (Elise, 1976)

## **ii- Western History**

In Roman Empire women condition was good, they take part in administration affairs, court laws and different other political activities. In Christian community Thecla, Helina, Cornllia and some of other were famous women were active for charity work and raised voices for women rights at the decline of Rome. In the modern Nations of Europe, women had limited role. Women of Germany and Britain enjoyed royal political power. Barbarians introduced laws for women and these laws improved women status. Step by step women got their status and improved their condition. (Beckman, 2003).

In renaissance period women took active part in almost all fields of life. Isabel was a famous warrior queen of this time. Elizabeth Tudor made England very strong. European women got education and many other talents. At that time education was promoted to equally value the mankind. In 1600 century, women started different movements and women became active in all fields of life. They started to express their views openly as a result of this all, new thinkers appeared known as 'Feminist Scholar'. After the start of Feminist movement, a modern world emerged that empowered woman. (Hecker, 2004)

## **Women Status according to the United Nations Organizations**

After the World War II a mediator of peace came into being in the shape of United Nations, which played a vital role for women rights. The charter of United Nations specified equal rights for women. Different campaigns were started to encourage the women of whole world. The agenda of the United Nations was to give basic rights to all women even if their country had not given them. Women demanded civil rights for them. In 1946 United Nations set up a

commission on the status of women. This commission was established to serve women's political, social and educational rights and as well all legal rights for women. (UNFPA, 2006).

In 20<sup>th</sup> Century women rights according to the law were make compulsory. Women political rights were further enhanced by the charter of United Nations and many treaties were signed under this umbrella but the position of women in politics remained minimal and started to change gradually. In the 20<sup>th</sup> century the main concern of women's movement was to get equal political rights as comparison with men political rights. Beside this all women's political participation increased in many countries including Pakistan. (UN, 2000)

### **International Treaties**

Many treaties were there to boost up women to get Women's political rights , like United Nation charter 1945, Universal Declaration of Human Rights (UDHR) 1948, International Convention of Political Rights of Women (1952), and the Convention on Elimination of All Forms of Discrimination against Women. In 1946 a commission on the status of human rights was established elaborated these:

- (i) On 20<sup>th</sup> Dec 1952 a convention on the political rights of women was adopted by National Assembly.
- (ii) Another convention on the nationality of married women was adopted by the National Assembly on 29<sup>th</sup> January 1957.
- (iii) (iii) A convention on consent to marriage adopted on 7<sup>th</sup> November 1962 and the recommendation on consent to marriage was adopted on 1<sup>st</sup> November 1965. (CEDAW, 1969)

## **The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1969**

All women activists and different organizations worked hard to give women a different identity; it was not easy to make women a different group of the society as a result of this all The Convention on the Elimination of all Forms of Discrimination against Women was held. International Convention on Civil and Political rights in 1966 and International Convention on Economic, Social and Civil rights 1966 did not guarantee to prohibit discrimination against women. (Elson, 2006) The establishment of Commission on the Status of Women guaranteed the non-discriminatory attitude of the society. Rigorous effort was made on the part of women and different instruments were paved for effective mechanism for women rights in the form of CEDAW. Following were the different instruments:

- i. Convention on the suppression of Exploitation of Prostitution of others, 1949.
- ii. ILO convention 100, 1951.
- iii. Convention on political rights of women, 1952.
- iv. Supplementary convention, 1956.
- v. Convention on the nationality of married women, 1957.
- vi. Convention on consent to marriage, 1962.
- vii. Declaration on protection of women and children in emergency, 1974.

At 18<sup>th</sup> UN General Assembly called for a declaration eliminating discrimination against women and 22 countries originated the resolution in 1963. (Elson, 2006)

## **Historical Background of Women Status in Islam**

Pre-Islamic women were in depriving condition, having no rights, no social and political role in the society. Social evils were on high peak. Advent of Islam uplifted the status of women. In Islam women enjoys the same status as man, according to Islam both women and men are equal partners of life. In Islam we can get the importance of women through Quran, Hadith and Sunnah. The Quran says “And for women are rights over men similar to those of men over women” [Al-Quran 2:228].

It also says that “They (your wives) are your garment and you are a garment of them” [Al-Quran 2:187]. So the garment hides our nakedness, the husband and wife serve each other’s chastity. Before the advent of Islam, Arabs used to bury their daughters alive. After the advent of Islam women were given the basic rights. Although the Prophet of Allah preached Muslims and told them to respect women. The Prophet-Muhammad (PBUH) was very sympatric and kind to women, even in his last sermon on the mount of mercy he emphasized that be respectable to women and be kind to her. Islam gave full respect to women. Islam gave independence to women, she has right to get education, to express her views, she is entitled to inherit in her position, even she has right to choose husband of her choice. The Prophet-Muhammad (PBUH) also allow to divorce or widow to re-marry. (Hosseini, 2013) He emphasized on the rights of women rather she is mother or daughter, wife or sister. Islam considered women equals to man spiritually and intellectually. The basic distinction between them is physical appearance on the basis of labor or the division of labor. Men are allotted to earn money and women are required to stay at home and take care of her family. These two tasks are given to both, to make healthy and prosperous society. (Jabri & Abed, 2009)

To see the status of women in Islam we can have examples of Hazrat Khadijah (R.A) and Hazrat Ayesha (R.A) the wives of the Last Holy Prophet- Muhammad (PBUH). One was the business

woman and other was consultant. Islam uses two concepts Adl and Ihsan. Adl is justice and it can be represented by a scale of balance treatment to every human being. Ihsan thus shows the sympathy to others. If just these two things would give to women then there will be a healthy society. As well as social and political rights of women are also important but Islam secured women in every field. If he is the father she is the mother, she is sister he is brother, he is son and she is daughter, like all so on. She is equal to personal and common responsibilities; both have same rewards for their action and deeds. She has equal opportunities to earn independently. Islam never gave statistical rights that these are only for men and these are only for women. (Tamara, 2016)

Islam gives importance to women as the Prophet-Muhammad (PBUH) acknowledged that paradise is under the feet of mother. She is declared to the three-fourth of her son love and one-fourth left for son's love to for father. It is not Islam who considered woman to be evil, it is not the Islam who considered woman inferior, nor even in the history of Islam, woman is never considered inferior creature. Even Quran jointly addressed to Adam and Eve that both were equally in error. (Haq, 1977)

### **Political Rights of Women in Islam**

In Prophet-Muhammad (PBUH) Era and during the Caliphate period women were not accustomed to freely participate in politics. (Muhammad, 2010) Women political role was very limited, they legally participated in Bay'ah and through this they consulted in all Shoora manners. Hazrat Aysha (R.A) played role as a regional judge in caliphate of Hazrat Abu Bakar (R.A), Hazrat Omar (R.A) and Hazrat Usman (R.A). There were some women who participated in political activities like Hazrat Um e Salma (R.A) was consulted by Prophet (PBUH). Her

wisdom helped the Prophet-Muhammad (PBUH). He (PBUH) often received the women delegations and sort out their problems. He listened to women issues. (Ahmed, 2003)

Islam never condemn social and political activities of women, she can participate at national and international level political activities. Islamic history recognizes that during the caliphate of Omar Ibn-al-Khitab (R.A), a woman argued with him and she proved her point of view right and caliph accepted her point of view. Hazrat Hafsa (R.A), the daughter of Hazrat Abu Bakar (R.A) was famous in public matters and she used to participate in armed conflicts. (Chric, 2011) Islam has given privileges to women which she can enjoy freely. The status of women in Islam is very unique. She has freedom to express her views; her views cannot be rejected on the basis of gender. Women fully participated in serious discussions with Prophet-Muhammad (PBUH) himself and also with other Muslim leaders. Second Caliph Omar (R.A) appointed a woman to oversee the affairs in market place. Muslims women also participated in wars and fought battles. (Rahman, 1986)

### **Women Status in Sub-continent**

When Western women were active to get their political rights, women in Sub-continent were in different situation. The status of women of sub-continent can be examined in the British Rule. Because in sub-continent women prominent role can be seen in British rule.

After the battle of Plessey (1757), the condition of men and women became worst in sub-continent. Muslim women were restricted to their home only and Hindu women were facing women infanticides polygamy, purdah and sati. British government brought some political reforms but the social condition remained same. After the war of independence in 1857 caused worst condition in sub-continent. Establishment of Indian National Congress brought some women in public life. In 19<sup>th</sup> Century some thinkers like Sir Syed Ahmad Khan, Rabindranath

Tagore, Swami Vivekananda, Bankim Chandra, Chatterjee and Dadabhai Naoroji think about women social and political importance. (Agarwal, 2001)

First of all question of women education was raised by Sir Syed Ahmad Khan. In sub-continent the first woman was Ramabia, who directly addressed to women. Educational women empowerment was started through opening the girls' schools in sub-continent. Anjuman-e-Khawateen-e-Islam was established in 1908 for spreading educational and social awareness in women. In 1917 congress demanded that women have right to vote and in 1928 women got this right. Shariah act 1937 and the Muslim Dissolution Act 1939 were very important as these acts allowed women to obtain divorce. (Mumtaz & Shaheed, 2005)

### **Political Participation of Women in Pakistan Movement**

As we look back to the Pakistan movement and we could not ignore the role of Muslim women. No doubt their participation was un-ignorable. In this task Muslim women could not be ignored. They were not symbolically participating, but they were showing their keen interest in Muslim politics. Begum Muhammad Ali, Miss Fatima Jinnah, Begum Jahan Ara Shah Nawaz, Begum Nawab Ismail Khan and many other Muslim women were taking interest in Muslim politics and as well as in Muslim League activities. Muslim women also organized the All-India Muslim Women's conference, there were also different organizations established in different provinces and those were working for social uplift of Muslim women. In the organization of the Muslim political party, Muslim women were not sitting idle. In Khilafat movement Bi Amma the mother of Ali brothers, came out and she spoke to many gatherings from behind the purdah, her daughter Amjadi Begum also contributed a lot. (David, 1996)

Muslim women also started work for Pakistan movement under a legal way as well. Begum Hafiz-ad-Din wife of Nawab of Surat, she took interest to organize Muslim women under the

Muslim League. Most of the time she talked to her husband but he gave her no response than she approached Quaid-i-Azam and he was in favor to value the importance of women and was in favor that Muslim women should play vital role in future politics. (Bano, 2009) Finally in annual session of Muslim League held at Patna in December 1938, the questions of organization of Muslim women under Muslim league rose. Begum Habibullah presented the resolution and emphasized that Muslim woman should not only stay at home but should know the events of modern world and should use their energies to protect their rights. It was for the first time that Muslim women appealed for their rights and requested to get political platform for them. After the Patna session Muslim women organized committees in Provinces. (Mumtaz & Shaheed, 2005) In Punjab they had already Punjab Provincial Muslim Women's League. But its main duties were educational and social, it rarely participated in politics. Fatima Jinnah and Begum Shah Nawaz get honor to attend the Round Table Conference in London in 1930. In the elections of 1946, two Muslim women elected on general seats, Salma Tassadaq Hussain and Jehan Ara Begum. (Pearson, 1983) During the 1937-38 Punjab Muslim Student Federation was formed, and its work was also outstanding. Many sessions were held under this Federation. Girl students Federation gave invaluable co-operation to the women's subcommittee. (Jalal, 1994) By the time Muslim women had united and were ready to make any sacrifice for the creation of Pakistan. Muslim women and girl students also took active part to collect the funds for the arrangements of elections of 1946. (Mirza, 1969) After the re organization the new League started its work. Its first task was to open primary girls school at Lahore and as well as to open an industrial home. The Muslim session held in 1940 was a historic session and Muslim women had fully supported the separate demand of Muslim and also talked about the fundamental difference of Muslim and Hindus. (Ali, 1967) The Punjab Provincial Women's subcommittee also worked hard to

popularize the Muslim demand. Muslim Women Organized many meeting sessions and conference to express their ideas. Provincial subcommittee also appealed Muslim women to come out and organize themselves under the League. District and primary committees responded the appeal very well and the message of League was delivered to almost even all remote areas. (Mirza, 1969) On 22 March 1940 the first day of annual session, a number of Muslim women gathered to support the idea of the session. Begum Muhammad Ali also spoke in favor of resolution and she also said that she was glad to see that Muslim women were given the opportunity to participate in politics. In her speech she marked the resolution as "Pakistan Resolution". Miss Fatima Jinnah in her speech felt relax on participation of women in politics. She appreciated women for such activities. Muslim women were ever there with the League even in every step. Even they held strikes in tense situations. Although they were arrested but they did what so ever gave support to the Muslims League. Muslim women entered in League heartedly. While discussing the role of Muslim women, we cannot ignore the Muslim girl students in Pakistan movement. (Mittra & Kumar, 2004)

On 11 October 1945, a meeting of central subcommittee was held in collaboration with the Provincial subcommittee and in this meeting it was decided to collect funds for the Muslim League and also oppose those who opposed the idea of League. Under this meeting it was decided to send a delegation to North Frontier Province to prepare their Muslim women for the coming election and also to raise funds. All-India Muslim women's subcommittee's purpose was to organize provincial subcommittees and to aware Muslim women with political consciousness. (SRCSW, 2003)

## **Political Empowerment of Women in Pakistan**

Historical reforms for Muslim women in subcontinent were started by Sir Syed Ahmad Khan who tried to bring education for women. (Begum, 1985) The founder of Pakistan Quaid-i-Azam was also in favor to empower women. He printed out all women who actively took part in Pakistan Movement. After the creation of Pakistan as leading women took part in political reforms. Begum Shaista Ikramullah became the member of Constituent Assembly. Constituent Assembly presented women rights charter for discussion. Begum Shah Nawaz and Begum Shaista advocated women rights. (Role of women, 1958)

In 1955 a special commission was established that dealt with marriage and family laws. As politically women were empowered to some extent at that time and Begum Sarwat Imtiaz became the Numberdar of a village of Chichawattni in 1959, as begum Rana Liaqat Ali Khan became part of United Nations session with attending it and as well as she remained ambassador in Italy, Holland. (Mittra & Kumar, 2004) The commission on marriage and family law was established in 1955. She governed Sindh also. Fatima Jinnah the sister of Quaid-i-Azam took active part in politics. As for the sake of democracy, she contested elections of 1965. Elections were held on 2 January 1965 having four contestants including Ayub Khan and Fatima Jinnah. Being a woman, there was lack of resources and was a short time for Fatima Jinnah to held campaign. She went moving through the streets, cities, different rural areas to deliver her message and proclaimed Ayub Khan to be an un-democratic leader. (Ziring, 1994) As with her passion, she made public enthusiastic and drew huge crowds across the country. There were some major issues that Fatima Jinnah faced, lack of financial resources, indirect elections through the Basic Democracy System were some major problems. However after a great competition Ayub Khan was elected as President of Pakistan. (Ahmad, 2004) Because of women

contestant these elections are of great importance. She contested for highest political party apposed Fatima Jinnah being a women contestant, and declared that a woman could not hold the highest office of a Muslim country. Later they modified their point and supported her. Ayub Khan won the elections but role of women in elections remained unforgettable and elections showed that Pakistani people are not against women to enter in politics. (Saeed, 1990)

In Ayub Khan Era (1958-69), all political activities were ban and women were not so active in politics. Women suffrage on the basis of territorial constituencies was abolished in the constitution of 1962. Women role in local government remained nil. In 1948 Democratic Women's Organization was established and it demanded equal rights for women. (Ziring, 1981)

When Zulfikar Ali Bhutto became the president of Pakistan, constitution making committee was established and only two women were included in that committee, Nasim Jehan and Ashraf Abbasi. Constitution of 1973 guaranteed the equal rights for women without any discrimination. Under the Article 25, 27 and 34 provided reserve seats for women in local bodies. One woman was included in Council of Islamic Ideology. Few women were enjoying political representation. In 1976 Women Right's Committee was established. (Nazneen & Sultana, 2014)

A number of women entered into politics of Pakistan. They participated in all fields of formal politics. As the member of legislative body, they can be law-makers, they can make budgets, they can interact with other politicians through many discussions, and even more they can be administrative of the government. The constitution of Pakistan reserves the seats for women, both for National and Provincial Assembly. The constitution of 1956 and 1962 provided six seats for National Assembly and the constitution of 1973 reserved ten seats. Later on these seats increased to twenty. (Legislation on women, 2010) After then these seats revived and increased by General Pervez Musharraf in 2002. (Adeney, 2007)

In 1956 a 3% quota was approved in parliament. Under the constitution of 1956 in Article 44(2) (1) provided the reserved seats for women, 10 seats for the period of 10 years. So according to that quota women can apply to the Provincial Assemblies. Women are elected on their reserve seats in National and Provincial Assembly through a system of proportional representation and the seats are proposed to the parties according to the seats they won in elections. (Blank, Clary & Nichiporuk, 2014)

In present Federal Cabinet of Pakistan has only one seat for women as a Federal minister. On August 21<sup>st</sup>, 2002 the legal frame work order (LFO) was promulgated by General Pervez Musharraf, it increased 17% quota for women in all law making bodies. As compared with National Assembly the women representation increased in 12<sup>th</sup> National Assembly. According to LFO's formula of 17% quota, 60 out of 342 seats were reserved for women in the National Assembly, 17 out of 137 in the Punjab, 29 out of 168 in Sindh, 22 out of 124 in KPK 11 out of 65 in Baluchistan. 17% quota was allocated to the success of the party. (National Assembly, 2010)

As according to the Election Laws Act 2011, voter registration was made on the basis of Computerized National Identity Card (CNIC) issued by NADRA. CNIC were issued on the priority basis that's why women voters increased to 86% in 2012 elections because of Benazir Income Support Programme, this was a stipend paid programme for household women and CNIC was must to avail this opportunity. Because off this many women were registered to NADRA and female voter lists were revised in KPK and FATA. BISP helped the inaccessible and in secure areas to be urban areas. Due to this whole process most of the women became eligible voters. This was a great outcome of BISP. After that all political women empowerment it remained challenging and only eight women got direct seats in 2013. Reserve seats also

remained nominal. Women got less support from society to enter into politics. Even women parliamentarians introduced bills with co-support of men. In 2013 PPP introduced a bill to the National Assembly to allocate 10% seats for women. It became compulsory for every party to give seats to women, and the bill was approved after a year. (Saeed, 2003)

### **Provincial Commission on the Status of Women**

Federal Women affairs Ministry was devolved to the provinces. To promote women rights on provincial level and mandate of women activists, The Provincial Commission on the Status of Women played a vital role. Major role played by PCSW as to review women empowerment legislation, its main task was to counter gender discrimination and to ensure gender equality on provincial level. Because of having fastest access to the complaints, it responded very quickly rather than NCSW. PCSW worked deeply with having direct and quick access to the cases but it was difficult for NCSW. The working condition of PCSW in Punjab is becoming effective and have right of civil court powers to investigate registered complaints but its work in Baluchistan and Sindh is not satisfactory. (PCSW, 2014)

PCSW is working but lack of resources, lack of political backing is the main problems. PCSW is unable to fulfill its agenda. Specially KPK commission is facing many problems due to un-effective staff and has no political support. To empower the women status government is taking serious steps, previous governments remained so supportive. Throughout the provinces PCSW is trying to improve its work. In KPK Pakistan Tehreek-i-Insaf is trying to empower women. ANP protect many rights of women in KPK, like inheritance and property rights. Women activists also working to gain political rights. (Khan, 1998)

## **Struggle for Women Rights Legislation in Pakistan**

The constitution of 1973 is free from any gender discrimination and it guarantees equality to all citizens. The legislative progress is very slow but it is progressing in best way. Government remained un-successful to fully implement the law due to rigid and extreme oppose from Islamists. In 1961 only one law guaranteed the women some benefits and women rights and that was Muslim Family Laws ordinance. It offers matrimonial rights like marriage registration and local authorization for divorce. (NCSW, 2002)

General Zia-ul-Haq institutionalized gender discrimination and enforced Hudood laws. In his regime state-sanctioned discrimination was started and women were considered women to be second class citizen. Zia's Islamization became the cause of a worst reaction of women's movement. Women activists reacted to Hudood Ordinances, many women were threatened and attacked; because of this all women were threatened and attacked, due to these women strengthen their status in the shape of different organizations and institutions. Women's Act Forum (WAF) was launched by Shirkat Gah. All women activists were against the evidence law of Hudood Ordinance. Human Rights Commission of Pakistan (HRCP) became very active after the death of General Zia-ul-Haq in 1988, and worked against discriminatory laws. (HRCP, 2007)

Arrival of democracy was the actual change for women and presented opportunities for women. First female prime minister of a Muslim country was Benazir Bhutto, it was an honor for Pakistan and it was a bridge for Pakistani women. In her second tenure, there was UN convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) was acceded by government. Further more women in Distress and Detention Fund Act were passed to provide financial assistance to women. The democratic tenure faced interventions through military before completing its duration. NCSW was formed in 2000 when Pervez Musharraf

came up with his “Enlightened Moderation” and at that time NCWS recommended to repeal Hudood Laws. For promotion of his moderate policies he relied on Islamists parties. Democracy revival in 2008 and 2013 raised hope when centre-left PPP and then the centre-right PML (N) to power, that state would pro-actively empower the women to strengthen the society. Present government is also trying best to make progressive women’s right protection through laws. (CEDAW Reports, 1989)

### **National Assembly Standing Committee on Women’s Development**

The NASCWD which is the Standing Committee for the Ministry of Women Development (MoWD) was established for women empowerment. NASCW has also constituted the following sub-committees:

- i. To examine pending Women's Rights Legislation and to make them considerable.
- ii. To consider and analyze problems faced by women elected representatives in Local Government and to make recommendations.
- iii. To review the Gender Reforms Action Plan.
- iv. To examine the Women Crisis Centers to see the progress, functions and problems and make workable recommendations for their effectiveness.
- v. To solve the problems and challenges faced by the First Women's Bank Limited.
- vi. To strengthen the Gender Crimes Cell.

NASCWD has given the several recommendations and action points on a number of issues regarding women rights. (Ministry of Women Development, 2003)

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## **Chapter No. 2**

### **SECOND MILITARY REGIME AND WOMEN EMPOWERMENT**

#### **Political background**

General Muhammad Zia Ul Haq was one of the martial law administrators and he became sixth president of Pakistan. In 1976, he was appointed Chief of Army Staff under Prime Ministership of Zulfikar Ali Bhutto. Zia period was the period of Islamization and Shariah was imposed in the country. He controlled the media as media played an important role in creating favorable public opinion in building of any system. Ulema were called to express their views regarding this concern and they freely express the opinion and to guide government on Islamic grounds. In the beginning law and order was enforced to establish Islamic society. He mainly tried to impose Sharia. (Ali, 2007)

After the death of Zia-ul-Haq, in 1988, elections were held for the sake of democracy. In these elections Pakistan People's Party got back the power and its leader Benazir Bhutto became first female Prime Minister of Pakistan. Government of PPP lasted till 1999 and it introduced parliamentary system. There was a political fight between the two parties; one was Centre-right conservative party and the other side Centre-left socialist party led by Benazir Bhutto. (Shafqat, 1996)

The country significantly saw stagflation in this period, and the later on government was dismissed by president Ghulam Ishaq Khan. General elections in 1990 allowed Islamic Democratic Alliance, led by Mian Muhammad Nawaz Sharif to form democratic system of government first time in the history of Pakistan. The Nawaz government tried to overcome

stagflation in the country by privatization and economic liberalism. Initial problems were made by Ghulam Ishaq Khan who tried to treat Nawaz Sharif like Benazir Bhutto but Nawaz was restored by Supreme Court and together with Benazir Bhutto, president Ishaq Khan was expelled from presidency. (Philip, 1996)

Benazir Bhutto was elected Prime Minister of Pakistan after the general elections in 1993. She tried to strengthen the foreign policy, expand the atomic powers and banned Indian media in Pakistan. Despite of all popularity, her government was dismissed by Farooq Ahmad Khan Leghari. There was a tough competition between Pakistan People's Party and Pakistan Muslim League (N) in general elections of 1997. Nawaz Sharif became prime minister of Pakistan. His government initiated nuclear tests. (Zaidi, 1997)

Due to these tests, World condemned Pakistan but Pakistanis was appreciated by the Muslim world after becoming nuclear power, Pakistan became 7<sup>th</sup> nuclear power in the world. After this great achievement, Nawaz government faced another challenge of Kargil war. This war was between India and Pakistan on the dispute of district Kargil of Kashmir. (Sarkar, 1999) This was also condemned by international community and it was great event in the history of Pakistan. In 12 Oct, 1999 Nawaz Sharif tried to dismiss General Pervez Musharraf and military coup was initiated. (Sarkar, 1999)

## **Detail of Women MNA'S in that Period**

### **Tehmina Daultana**

She is from Punjab. She did M.A History from Punjab University Lahore. She also did two professional courses namely NDC in 2004 and other in political science from America. She entered in politics by joining PML (N) in 1987 she became General Secretary of women and youth wing of PML and then vice president of that wing. She remained MNA till 1999. She was

the minister of state for women development, social welfare and special education from 1996-1999. She was daughter of a political figure. When for the first time, Tehmina Daultana asked for the party ticket then she was denied by her own male family members. Then in 1993 she got the ticket. After getting the ticket everyone expected her defeat, but when results were declared she won the seat. She is considered to be revolutionist by some politicians. She favored her party in every step. She also participated in different news talk shows and shared her views that it is very difficult for women to voluntarily enter into the politics but women have to be strong. When a woman decides something then she can do that. Women can play a bigger role, because she is peacemaker, home maker and child producer. If all women come out they can change the Pakistan. (Daultana, 2012)

### **Begum Nusrat Bhutto**

Begum Nusrat Bhutto was from Isphahan (Iran). She was wife of Prime Minister of Pakistan, Zulfikar Ali Bhutto. She served as first lady of Pakistan from 1971-77. She became the chairperson of Pakistan People's Party from 1979-83. She remained MNA from Larkana in 1988 and she remained on that seat from 1993-96. She was again elected MNA on that seat but she left for Dubai due to her illness. She was very fortunate women and very honorable women. Being Pakistani women she hosted Islamic Summit conference. She was also supportive in making of constitution of 1973. (Imtiaz, 2011)

She was very motivated for enhancing the economic participation of women. She chaired a committee which launched income generating program for all over the Pakistan, under the People's work program. She was very calm lady and give strength to party leaders to work with her. She motivated her children specially Benazir Bhutto. She herself was a lesson for women because she was a brave lady. She suffered a lot in her life. She suffered from death of her

husband and death of her two sons and one daughter Benazir Bhutto. She suffered from head injury with lathis of police when her husband was in prison. She showed her patience when she last time met her husband when he was going to be hanged out in dawn. She woke early at 4:30a.m but her husband was hanged out before 2 hour and body was removed. (Keleny, 2011)

She remained very active in restoration of democracy in Pakistan in 1981. She took active part in political activities of her party. She was suffering from a disease named Alzheimer's before that she was suffering from cancer and in 1982 she went to London for medical checkup. She withdrew from public life, and her last days of life were very tough and she stayed on ventilator. She died at the age of 82 in 2011. She is buried in Garhi Khuda Bakhsh next to her husband Zulfikar Ali Bhutto. (Munoz, 2014)

### **Mohtarma Benazir Bhutto**

She was from Sindh. She was daughter of Zulfikar Ali Bhutto and Nusrat Bhutto. She got her education from Harvard University of Oxford. In 1982 she became chairperson of Pakistan People's Party. She belonged to a strong political family. She was influential leader of Pakistan. She stabled the party after the death of her father. After completing her education when she came back to Pakistan and a hard life was waiting for her. (Bokhari, 1993)

She was arrested many times. In 1984 she was permitted to leave Pakistan, and then she was settled in London and after one year on the death of her brother she came to Pakistan and was again arrested. Meanwhile she was released and went back. In elections of 1988 she became Prime Minister of Pakistan. She later was dismissed from her office and re-elected in 1993. In 1996 she was again dismissed by President Leghari. Once again she left homeland and lived in London with her children. (Bokhari, 1993)

Again in 2007 she came back to Pakistan. She was the first women democratically elected the head of the Muslim state. She was also the first chairperson of any renowned political party. She was Pakistan's first female Prime Minister. She was one of the active members of Council of Women World Leaders. She introduced job quota for women and set up first Women Bank. Appointment of female judges in high courts and establishment of female police stations is one of her big achievements. She sacrificed her life for the cause of democracy. (Ali, 2000)

On 27 Dec, 2007 when she finished her address in Liaqat Bagh Rawalpindi and entered to her bullet proof vehicle to hand to the crowd a gunman fired at her neck. She got serious injury and died because of her injury. She was buried next to her father in Garhi Khuda Bakhsh, in her family grave yard in Larkana. (Nawaz, 2008) After her death Benazir Income Support Program was started by PPP.

**(i) Syeda Abida Hussain**

Syeda Abida Hussain is a Pakistani politician from Jhang. She remained Federal Minister, Ambassador, and minister of information, education, science and technology. She is an activists and worked for the betterment of women. She handled different more ministries. She was the first women to chair the district council of Jhang and the first women to be elected in National Assembly. (The News, 2015)

**(ii) Fehmida Mirza**

She is from Sindh. She is daughter of Qazi Abdul Majeed Abid and wife of Zulfiqar Mirza, a well-known politician of Pakistan. She has graduated with medical degree from Liaqat Medical College, Sindh, in 1982. Her father Qazi Abdul Majeed Abid was the first Muslim president of

Hyderabad. Her father held different ministries in provincial and federal cabinets from 1982-90. She became part of parliament in 1997. (The Parliamentarians, 2011)

She is one of the women elected on non-reserve seat. She was elected as MNA for three times in 1997, 2002 and in 2008 from Sindh. She was first female speaker of National Assembly of Pakistan. (BBC, 2008) She is also first female parliamentary speaker of Muslim world. She got leadership record for her inspiring records in New York. A prominent American think tank presented the 2012 leadership awards. The East West Institute's Board chairman presented the awards to parliamentarians. The chairman said that there are few inspiring women in the world those are model for other women. They are participating in political decisions and Fehmida Mirza is one of them. She was in favor that women MNA and MPA's should be in strong contacts and work together for the betterment of women legislation and implementation. Women parliamentarians are in dire need of training to have an active role in policy making. (Zahid, 2015)

### **Legislation Related to Women Rights in this Period: Offence of Zina (Enforcement of Hudood) Act 1979**

The following act of Majli-i-Shoora (parliament) received the assent of the president on the 16<sup>th</sup> April, 1979. (Appendix A)

#### **(i) Background of the Act**

The major step of Zia-ul-Haq government was promulgation of Islamization and in order to fulfill this he promulgated Hudood Ordinances. After the completion of drafts in 1979 Hudood ordinance was enforced in the form of a speech by Zia-ul-Haq in National Assembly. The drafts of laws about Hudood were first prepared in Arabic language with consultation of Dr. Ma'ruf al-Dawalibi. Later they were translated into English and Urdu. (CIAR, 2009)

## **(ii) Need of Amendment**

The council of Islamic ideology was established in 1962. It was decided that members of this council would not be less than 8 and more than 20. Members should know Islamic principles of Quran and Sunnah. The council completed examining laws from 1836-1999, and submitted more than twenty reports based on these laws which were examined by the council. The laws issued in 1979 are part of the review. The council drafted most of Hudood ordinances. During 29 September 1977 and 20<sup>th</sup> December 1978, council held 15 meetings in different cities of the country and prepared Hudood and other ordinances. Shocking cases of women violence were reported during the period of these acts. (Zaheer & Shamreez, 2012)

The NCSW take keen interest to respond to several incidents by visiting and finding the facts related to those incidents. Legal aids were arranged, lobbying was done with law makers to ensure that the perpetrators were punished. Social practices and mechanism was deeply examined by three ways to which it was effecting the women position in the society. It researched the legal system, women crises centers, and gaps and weaknesses in police and how they responded to women violence. This era also saw the great change in the attitude of the legislatures regarding women rights. (Mirza, 2011)

The coalition government of Pakistan People's Party proved to be very progressive regarding these issues. In spite of all difficulties six laws were passed, and these law include: the anti-sexual harassment act, Anti Women Practices Act, Acid Crimes and control Act, National Commission on the Status of Women act and the Domestic Violence Bill was passed by Senate and the Women in Distress and Detention Fund Act and the Offence of Zina (Enforcement of Hudood) act amendment was passed by National Assembly. The NCSW was closely involved in

legislative process it contacted to expertise to review the acts and further to look forward for more acts.

Due to discriminatory nature of the Hudood laws, it was dare need to amend the law as suggestions were taken that which clause should be amended and how because this was very sensitive issue. So it was amended very carefully. (Alavi, 2015)

### **Legislative Process**

An Act to amend the offence of Zina (enforcement Hudood) Ordinance, 1997 Amendment of section 10, ordinance VII of 1997

In sub-section 3 following new sub-section was added after amendment, “When Zina-bil-Jabar was liable to Tazir committed by two or more persons in by common intention, each of such persons shall be punished with death”.

Syed Zafar Ali shah moved the bill as:

“That the Bill to amend the offence of Zina (enforcement of Hudood) Ordinance, 1997[The Offence of Zina (Enforcement of Hudood) Amendment Bill, 1997], be taken into consideration at once.”

Naveed Qamar and Maulana Shirani apposed. Mr. Speaker gave the floor to Maulana Shirani. He said that according to the constitution of Pakistan, as mandatory that every act should be according to the Islam (Quran and Sunnah), and should have the support of majority. This act was very important so it demanded proper time.

He said that forcefully sexual-intercourse in this act is going to be amended and the rapist will be punished. He further said that according to the Shariah, there are two things, one is Hadd that is defined according to the Quran and Shariah and no one can change this punishment. If anyone can increase it or decrease it, then the house will spoil the constitution.

According to the Quran and Sunnah, there is Hadd that is defined for unmarried (stripes) and for married is stoning to death. According to the teachings of Islam Hadd is defined so this parliament cannot change this punishment. According to this amendment the punishment for gang rape is death. According to Shariah punishment should be given to the rapist not to accused one. Accused is free from punishment. If unmarried then there will be different Hadd that is not death and if married then Hadd will be Rajam. If rape eye witnesses are not available then Hadd will be different. That's why I am requesting to the house that we are not here to make fun of Islam. We are not here to ruin the Constitution. This is our duty to run this house according to constitution and according to Quran and Sunnah. So this is my request to the house that we should take time for this act to think over it and the Ulema those are here should also think about it. We have to forward this to the Council of Islamic Ideology and to take advice from them and then to amend this. If this all is not possible then we should amend it like this. If in zina-bil-jabr according to the Shariah eye witnesses are available then for unmarried punishment is death then according to me it will be cruelty. For unmarried Rajam is defined according to Shariah, and for accused there is no punishment in Islam.

Then Syed Naveed Qamar was allowed to speak. He said, 'though it is very short bill and somehow care is not taken when these kinds of bills are enacted, here is a situation where we want to deter gang rape and the onus of proof of furtherance of common intention has been put back on the victim. So it is for the prosecution of the victim side to decide and to prove in a court of law that there was common intention. If you really are serious about the laws and about deterring people from committing such heinous crimes then for God sake do not make them difficult to prove in a court of law.'

These laws should be made to deter people. I do not think anybody will be convicted under this law as has been drafted. So I would request the honorable Parliamentary Secretary, I wish the minister or the adviser concerned were here so that he could listen to these kind of suggestions. But make these laws as to become enforceable, it becomes a practical law and not just a law which is there to tell the world that we are doing everything about crimes like gang-rape but in practically no one will ever be either convicted through this law or not court of law in the world will ever be able to give punishment under this law.

Baboo Ghulam Hussain said that we should take time and should formulate report in two to three days and report should be formulated by eminent lawyers and Ulema. Because this is a controversial issue and if we amend this like this way media will enhance this, so it is better to draft and amend this. After this Mr. Nawab Muhammad Akbar Khan Bugti was allowed to speak, he said that in sub clause (2) and (4) that is the last part. It says, when Zina-bil-Jabar liable to Taazir is committed by two or more persons in furtherance of common intention each of them shall be punished with death. Some time it all done in a sudden. But the act of rape, the very act of the rape that should be taken into account and in such cases in the past we have read in the newspapers that the women on whom rape id being forced and perpetrated she has also suffered punishment through the courts.

Now I do not understand as to why this innocent women on whom rape is forced upon her and in several cases or in some cases she becomes pregnant as a consequence thereof, she is taken in court and liable to a punishment in Zina when she is not willing partner that would not be rape. Now in case of rape that is when one or more people force themselves upon a women and consequence of which she becomes pregnant, she should not be taken to task, she would not be

punished for something in which she has no say. Now that is something to which I object and I think this section needs to be amended accordingly.

After that Sardar Yar Muhammad Rind was allowed to speak, he said that he does not know Shariah as Maulana Shirani knows, but the bill is going to be amend in very short time, I just want to ask that how would you give witnesses according to the Shariah or according to science. You all know well that how law is used in Pakistan and you are going to hang someone on which basis. Here people will use this in political matters. Maulana Rehmat Ullah was asked to speak and said this is very sensitive issue and it should not be taken so easy. This is not necessary to amend this today, it should be given time and proceeding should provide in Urdu to everyone. I agree with Maulan Lakhwi and Maulana Shirani.

Ejaz Shafi said all of you should not see this bill according to discriminatory angle. If women is raped then there is punishment and if a man is raped then what to do? But we are talking about the Act that was passed in 1997 and was implemented from that year to till now. This amendment is not against Shariah. You all are questioning about witnesses, for witnesses there is law available. We are not going to amend that law.

We are going to amend Hudood Ordinance. There are two types of Hudood, in one Hadd evidence is different that will be according to evidence law. If according to this law Hadd is required then that will be applied. If according to witnesses Taazir is required that will be applicable. Today government is just enhancing that the criminals do gang-rape and just walk in the streets of the society easily. Four to five people raped a woman and got bails from the jails and lived freely in the society.

He pointed out Maulana Shirani that this is proper time and in this time we are enhancing the punishment. Most of the time leader of a gang raped women then after that went on to robbery

and tried to rape more women. If we decide this punishment then that gang will never rape any woman because of death punishment. We are living in the Islamic society and this is responsibility of the state to secure the people. We are lucky that people like Maulana Shirani are here.

Mr. Speaker moved the motion to the house. "That the Bill to amend the offence of Zina (Enforcement of Hudood) (amendment) Bill, 1997 be taken into consideration at once." The bill was then moved to house clause by clause. (Official Report, 1997)

### **Effects of the Bill**

Offence ordinances were promulgated in the name of Islam. After implementation of these laws, the ordinances were opposed by many non-government organizations and human right advocates. Many provisions of the Act were not well defined. As a result of accusation, it has a negative effect on who were imprisoned. To get bail was a difficult task and it was an easy task to file a case against women in charge of adultery. They spend many years in jails and were criticized by their family and become social out casts. This also took place that whenever a woman complained of rape, it was hard for her to prove that this intercourse had been against her will and turned the rape on its head by exposing the victim to the risk of punishment for adultery. Government appointed many commissions to repeal it. (Zia, 2010)

In 2003 NCSW ordered to investigate the review of special committee that was a special commission established for Hudood ordinance. The most recently National Commission for the status of women in 2003, demanded to investigate the review of commissions special committee on Hudood Ordinances. Hudood laws which were implemented in 1979 which had profound major impact on the society of Pakistan but also drew attention of educated women of Pakistan to investigate feminist issues. The process of Islamization was strengthened through the support

of extreme fundamentalist approach to the religion. Zina ordinance was a gender discriminatory act, i.e. a blind girl was victim of a rapist but she could not recognize him. She was sent to jail as her pregnancy was considered evidence of fornication. (Kennedy, 1988)

Before the implementation of Hudood ordinance when men could be punished for adultery hardly countable cases were registered but after the implementation of these ordinances many cases were registered and accused due to false complaints. (LJCP, 2010)

Promulgation of the Zina Hudood ordinance was very challenging for women, Pakistani feminists started to aware women. A proper awareness campaign was started by the educated women of middle and upper class. Sindhari Tehreek was started in Sindh and it was started in rural area.

The influence of the Islamic laws on women was quite disastrous, Zina ordinance was very discriminatory to women, and hundreds of women went to jails due to this ordinance. It was used by these people who put away their women, who they do not want or want to get rid of their women and charged their women as Zina and put them in jail. (HRCP, 2006)

### **Role of Women over these Acts**

Legislation on women is doubtlessly very important for any state and it is concerned to provide legal frame work to state as to work peacefully and perfectly, it is considered to be one the provider. This kind of legislation provides rules and regulations between citizens and state. Legislation tried to settle down women position in the society. It is considered to be an effective method of social reformation. It can identify social problems faced by women it can also identify that how it would be implemented. Legislation tried to level up the position of women with creating tolerate behavior. Implementation takes time to make change in mind of people. At the time of legislation public attitude remained pointless and it takes time to make change in public

opinion but it is not so fully implemented in all over the country. Legal frame work is very important to make women more effective equality should be granted. (Patel, 2010)

Federal Ministry on Women Development and an independent Ministry of Human Rights, both of which were combined to another institution, The National Commission on the Status of Women (NCSW), it must not be mistaken for having the same power and standing as a Federal Ministry. With this way Pakistani women drew world attention for their rights. (Valk & Cumming, 2004)

The Zina ordinance was the main discriminatory law which drew world attention towards Pakistani women drew attention of women and women issues were started investigating. A Women's Action Forum was established to have an eye on these discriminatory laws and that was established by Mumtaz Khawar and Fareed Shaheed, they reacted Hudood ordinances and lobbied with women activists to seek women rights. (Mumtaz, 2005) After the era of Zia-ul-Haq a women ruler it was considered that she will do much for women and Benazir Bhutto tried a lot to did lot of work for women even she tried to repeal Hudood ordinance, but in the government of Benazir Bhutto a note able case of Zainab Noor became tough for government in 1994, the victim Zainab Noor lost her three body organs after marital-rape, she was sent to London for reconstructive surgery on the directives of Prime Minister, Benazir Bhutto. (Qureshi, 1998)

There was a clash between the reactions of women activists and women parliamentarians, many women like Madam Bilqis Shafi as she was from Balochistan and Madam Jamila Ahmad, Frontier and Madam Farida Ahmad favored the Hudood ordinances. Many well-known activists like Farzana Bari, Beena Sarwar, Hilda Saeed, Sheri Rahman, Majida Rizvi, Asma Jahangir, Fareeda Rafique, were in favor to abolish of Hudood ordinance from the state. (Shaheed, 1990)

## **Related Bills Introduced in the Parliament**

Social change can be made with legislation and legislative role cannot be denied. Role of women in family, society, government in community and all through in every step of life can be measure through legal defined assumption. The law makers can change the public opinion through political decisions and can provide justice, prevent violence and discrimination can provide rehabilitation for victims. (PW, 2001)

Private member bills covering incidents of rape, violence and treatment of victims were raised by parliamentarians. By the passage of time it became vital to lobby for vetting and laws for women rights, many bills were passed and more were recommended to be passed. Main focus of bills was to amend investigation and prosecution of rape offence. The reference from 2013 Supreme Court judgment was taken. Top down approach was adopted and those police officers were targeted which were involved in sexual violence, provide support to criminals, how to treat with victims in hospitals and in society, offences of rape to include punishments for child rape, repeat offenders were also included. It became mandatory that a female officer will remains with victims, a family member of woman will provide information. It was mandatory for police to inform victim about her legal rights and provide them legal aid. It also laid out that victims must have medical examination and includes DNA testing when necessary. It suggests court to use camera in trial for cases of sexual violence to protect women. Anti-rape Law (criminal Law Amendment) Bill, 2013 was introduced by Syeda Sughra Imam. (Shirkatgah, 2004)

It was focused to provide penal liability for false punishment, imprisonment and fine for police officers, staff of hospital or jail, whoso ever committed rape crime. It provided 6 months for time conclusion it allows to send an application to the High Court. It gives relaxation in witness law with sufficient consent of a woman. From PPP Shamila Farooqi in Sindh introducing a bill

focused on DNA test in rape cases. These all bills were introduced on National and Provincial Assemblies to enhance women role in the society. (Zafar, 1991)

### **Implementation of the Acts**

Islamization was part of General Zia-ul-Haq's political agenda and to promote Islamization he promulgated Hudood ordinance in 1979. Implementation of the laws unleashed reign of terror. These laws were criticized by public particularly and these were massively abused and were regulated to societal mortality. The focus of ordinances was to control women's sexuality in the state. Many women were sent to jail even if they raised their voice for their legal and Islamic rights i.e to marry with their own choice or to get rights which they want to get. If they raised their voices for their rights then they were sent to jails and this was how their guardians teach them lessons and get revenge. They were just oppressed by these ordinances. (Saleh & Mayer, 1978)

The main difficulty in promulgation of law was the law of witness, as victims of rape have to bring four pious witnesses and they were required to bring it must otherwise if they were not able to do this they were charged with punishment and due to this requirement victims tried to avoid register the case. Zina and Qazaf ordinances became highly controversial. These two were mainly misused against women. (Mehdi, 1994)

The remaining three laws did not get public importance because they were non-enforced in practice. The ordinances make easier to register case against women and this authority was mainly used by their family member if they were demanding their authority and most of the husbands used this sort of thing. It was a non-bail able law and lower courts were not allowed to give bail and due to this reason many women spend many years in jails waiting for bail and could not proof their innocence. To grant bail was the authority of High Court and if family

member give the surety bond then bail was accepted. FSC was ordered in 1980 to deal with Hudood ordinances and jurisprudence of high court on Hudood laws were transferred to FSC. The Islamization era known for worst condition of women and they were helpless in jails waiting for bail for many years. According to the report of HRCP women from age of 11-70 were imprisoned in charge of Zina. (UNDP, 2010)

This period of invisibility was very tough for women when they were in jails and they faced prison abuse as well. When custodial abuse become the common thing and women activists raised their voices against this all and women rights movement emerged. Women faced very tough time and they passed several years of hardships for the crime which they had never done because of these all situations several governments tried to repeal Hudood ordinances. Many reports were given to repeal Hudood ordinances, the report of inquiry commission 1997 and NCSW were recommended to repeal these ordinances, and both reports showed the discriminatory nature of the laws. As CEDAW also pressurize government to repeal these laws. (CIAR, 2010) Women in distress and detention fund act:

Act was to provide fund to needy women. (Appendix B)

### **Amendment in the Women in Distress and Detention Fund Act**

The women in Distress and Detention Fund Act amendment 2011 had been enacted to provide funds and assistance to the needy women. This act was passed on 13<sup>th</sup> Dec, 2011 to amend women in distress and detention fund act 1996. The bill was moved in upper house by Syed Nayyar Hussain Bokhari. Before the amendment its funds were administered by the Human Rights Wing of the Ministry of Law, Justice and Human Rights. But this ministry was evolved and Ministry of Human Rights formed in 18<sup>th</sup> amendment to enhance the human rights work actively. Funds were transferred to this ministry. (NCSW, 2010)

The mandate was to provide legal and financial assistance to women in distress and detention by the Ministry of Human Rights, with this purpose this bill was promulgated in 2010. After promulgation of law funds were transferred to new ministry. The fund have main two purposes to give financial assistance to those women which are in trial and as well to those are in Dar-ul-Aman, who need medical help, provide them books and jobs if they needed. Mainly it had a specific purpose to empower women. (Naheed, 2010)

### **Legislative Process**

Motion was put clause by clause Monday the 26<sup>th</sup> August 1996 in 28<sup>th</sup> session of National Assembly (Mian Raza Rabbani) “ that the Bill to establish a fund for women in distress and detention (The women in distress and detention fund bill) as passed by the Senate be taken in consideration.”

Mr. Gohar Ayub Khan talked about amendment : The sprite of the bill is naturally there because so many women are in jails and not treated well and have worst condition even they are not able to get legal attention and legal advisor, and the words are used in this amendment are due to retention legislation of a similar connected matters, according at the end and second amendment for similar connected matter, according at the end the word for any other cause , the now the point is that in genuine cases where is poverty and where their family members did not support them , they had children with them, their causes are not solved from many years.

They should be rewarded on genuine grounds not on political grounds. Whenever they rewarded, they are not on humanitarian grounds. They see whether they are from People’s Party or affiliated with it or workers of it, prime Minister of Pakistan should have two flags, one for people party and other of Pakistan. Prime Minister always shows that she is affiliated with People’s Party. Whenever she came here she behaved on the behalf of People’s Party not a

leader of the house. But in this aid we all are included and aid should be provided to all not to one party. Those who will be genuinely needy will not to approach the aid. Mr. Hamza: He agreed to Gohar Ayub and said that government policies are wrong and this is repeating its mistakes again and again. This law is going to be establish for poor people but this government keep the money of Zakat and Ushar to their party hands not only this, this party appointed those persons who are corrupt , so how we can think that they will help to women children.

Gohar Ayub Khan: we always look for good legislation but when a bill presenting here from Senate and according to the rules and ruling parties, no amendment can be made be made in this legislation, now Federal Government is involved how Federal Government can control District Courts. How funds will be disburse this is not mentioned in this act. People which are cause of corruption are appointed to disburse the funds.

Gohar Ayub: In section (iv) for the word two the word one, be substituted and in clause (iv) two prominent female social workers from each province to be nominated by the Provincial Government so these both women will be from People's Party, because this is government of People's Party, but People's Party get only thirty or thirty on percent vote and other 69% were against peoples party. Muslim league got one Lac more votes than People's Party vote. So this is clear that People's Party is not here with the vote of majority. As after this fund will be disperse them. Then no person will come who are already wrong for women in distress and detention, there will be political persons those will just work for show off. Misuse of board will be much rather than benefit.

Mr. Hamza: this government made wrong policies in every field, how we change than but we can tell them some fact but they are even unable to see and watch those. As women will be appointed for this purpose, we can say that they will honesty work. Shahid Khaqan Abbasi argued that in

section where two female social workers and before this one female member of National Assembly and Senate included, so representation is there already. If you will add social workers on political basis than aim will be demolish. So my request is to exclude this all. As well as to exclude the name of N.D Khan Federal Minister of law, Justice and Parliamentary Affairs, because he is very busy person and remained quite in parliament as well. He also mentioned that Minister of human rights should move the bell rather than Federal minister for law and justice, Minister of human rights is present here and he should speak over.

Mr. Gohar Ayub: amendment should be made when any bill presented to the National Assembly, we just made debate, and we are not debating society. This is a legislative body; everything that comes from Senate we accepted and passed government should take suggestion and make amendments.

Mr. Hamza: this is our Islamic duty to help women and children even to help the women of other countries but we should help through proper way but here corrupt women can not do this.

Mr. Speaker it has been moved that this bill to establish a fund for women in Pakistan and detention The women in Distress and detention funds bill, 1996 be passed. (Official Report, 2011)

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## Chapter No. 3

### THIRD MILITARY REGIME AND WOMEN EMPOWERMENT

#### Political Background

On 12 Oct 1999, it became very hard for Prime Minister Nawaz Sharif to dismiss General Pervez Musharraf from the position of Chief of Army Staff but army refused to obey his orders and General Pervez Musharraf remained on the post of Chief of Army Staff. A military coup was enacted and Nawaz Sharif was overthrown from the government and Pervez Musharraf was appointed as President of Pakistan. Musharraf being a first military President respected Supreme Court and held free and fair elections in 2002 with a vision to return democracy. PML (Q) won elections with heavy margin and got majority. PML (Q) formed government with coalition of MMA and MQM. PML (Q) nominated Zafarullah Khan Jamali as Prime Minister and this act was also approved by Pervez Musharraf and in first session of Parliament powers of Chief Executive were transferred to the new Prime Minister of Pakistan. 18<sup>th</sup> amendment was successfully passed and it granted powers to dissolve the Parliament and it was approved from Supreme Court. Within two years Jamali proved to be an ineffective Prime Minister. Musharraf accepted the resignation of Jamali Khan and asked Chaudhary Shujaat Hussain to appoint new Prime Minister in place of him. (Musharraf, 2006)

Many important events and powerful allies were there in that government. Musharraf tried to resolve Kashmir dispute with talk sessions. Foreign relations were good with the nations especially United Nations and Saudi Arabia and he honored king of Saudi Arabia with Nishan-i-Pakistan. Internally government was very strong and was working to empower women through

legislation. In 2006 women protection bill was passed and women reserve seats were increased. Women representation in Parliament was increased. Incident of Lal Masjid was a big event of the tenure that get focus of the world. This was a problematic event, state and mosque administration both sides get casualties. (Economic and Political Weekly, 2007) On 28<sup>th</sup> Nov, 2007, General Ashfaq Parvez Kayani became Chief of Army Staff after General Pervez Musharraf.

On 3 November 2007 emergency was declared across the Pakistan by Musharraf. General elections were held on 18 February 2008, in which the Pakistan People's Party (PPP) got the highest votes and won the most seats. On 18 August 2008, Musharraf announced his resignation.

(Adeney, 2007)

### **Detail of Women MNA'S in that Period**

#### **Ghulam Bibi Bharwana**

She belongs to Jhang. She has been the member of National Assembly for three times, two times on the ticket of Muslim League (Q) and one time PML (N) ticket. She has served in the committee on culture, sports, tourism, youth affairs, education and the Petroleum and Natural Resources. In Faisalabad, she spoke in a seminar arranged by UAF's departments of Rural Sociology and Institute of Home Economics. She said that we should educate rural women. She said that rural women are playing vital role in development of agriculture but their role remains un-recognized. (The Nation, 2009)

#### **Hina Rabbani Khar:**

She is from Punjab. She served as Pakistan Foreign Minister from 2011-2013. She was the first woman to hold this position. She was interviewed by Charlie Rose. She was also interviewed by

CBS News. She remained member of National Assembly and later she joined Pakistan's People's Party. (Wright, 2011)

### **Fehmida Mirza**

She is from Sindh. She was 18<sup>th</sup> Speaker of the National Assembly. She has been remained member of Central Executive Committee of Pakistan People's Party (PPP). She is from the influential Sindhi family. She did her graduation from Liaquat Medical University in 1982, and is a practiced physician. She has been a successful businesswoman and leading chief executive of her company in Karachi. She Joined the People's Party in 1997, and she is considered a democratic socialist. Dr. Fehmida Mirza ran an advertising agency, before entering to the politics. In 1997, she contested elections successfully from constituency of Badin, Sindh, and has continued to be a parliamentarian since then. She has honor that she is one of the few women elected from a non-reserved constituency. (Khazada, 2015)

### **Kashmala Tariq**

She is from Punjab and belonged to PML (Q). She has been a human rights activist. She identified laws on gender discrimination and domestic violence. She won political election outside Pakistan as the chairperson of commonwealth women parliamentarian. In an interview to news line magazine, she said that we are living in male dominated society and although faces are changed but the mentality is the same as it was two decades ago. Men in the parliament think that women should talk only on soft issues. She also worked on Hudood Ordinances. She said that all women of parliament should work together. Women should be empowered in all fields of life. She told that a woman should be strong and should fight for her rights. (The Express, 2010)

### **Attiya Inayatullah**

She belongs to Jhang and she was elected as a member of National Assembly in 1985 and 1988. She served as a minister of women's development. She got medal of Goddess of Agriculture from UNO

She worked hard for the legislation of children and women issue. She worked heartedly for family planning program to aware people. According to her this was her aspiration to see the people of Pakistan to understand this. She has been the first women, first Asian, first Muslim to has been elected as a chairperson of UNESCO. In her interview to Sabeen Mehmood in 2013 she said that there was a meeting with Zia-ul-Haq and so many politicians were there and she said to him "sir do you think that we should be civilized now". After her this clue they all think that elections should be held. According to her many male persons in the society encouraged her to empower the status of women. She been interested in constituency politics but it was only society based. (Mehmood, 2013)

### **Bushra Rehman**

She is associated to Punjab. She is a writer and has written many books. She received presidential award Sitara-i-Imtiaz in 2001. She entered into politics in 1983. She elected as MPA Punjab thrice times and then she elected as MNA. In an interview to a T.V channel, she said that the women always push worker women politicians back from feudal family and having political background have more chances to enter into politics. (Nasir, 2011)

### **Firdous Ashiq Awan**

She is from Punjab and she was elected as MNA in first time on the ticket of PML (Q) then in 2008 she was elected MNA on the seat of Pakistan People's Party. She elected again by joining Pakistan People's Party on the seat of National Assembly and was successful in 2008. (Patrick, 2013)

### **Samia Raheel Qazi**

She was born in KPK. She is daughter of Qazi Hussain Ahmad. She entered to politics in her early age. Her father was member of Jamat-i-Islami. She participated in politics in her student life and worked with student unions. In Lahore College in 1984 she was elected as chairperson of student union. In 1986 she joined Jamat-i-Islami (women wing), in 1991 she became core member of the union. She remained the director of the foreign affairs. She is also founder member of International Muslim Women Union. She is also trusty of an NGO. Women and Family Commission was in her hand to give policy. (Saifullah, 2013)

### **Sherry Rahman**

She was born in Sindh. She served as member of Senate. She served as ambassador. She is also founding chairperson and serving as president of the Jinnah Institute. She remained Federal Minister for Information and Broad Casting in 2008-9. She provides funds for suffering women and children in Sindh. According to her, government of Pakistan is taking many steps in legislative measures to protect women. She spoke on an event "Empowering Women" the way forward at the Pakistan embassy, on the occasion, the Pakistan embassy also recognized the outstanding achievements of Pakistani women including Sharmeen Obaid Chinoy, Aysha Jalal and Shaista Mehmood. In her address Sherry Rahman showed her inspiration from Benazir

Bhutto the two times remained prime minister and she wished a Pakistan where women can enjoy legal rights and can contribute in development without any discrimination. She feels happy to support women right bills passed in parliament. Women is income generator, she is decision maker. In many areas the walls of opportunities are close for women. Now it's all about the government to stable women through many legal and constitutional ways. (Rahman, 2015)

### **Act Passed By National Assembly in this Period: The Protection of Women (Criminal Law Amendment)**

The Protection of women (Criminal Laws Amendment) Act was promulgated in December 2006. The Act deals with Zina Ordinance and re-introduced them into different shape according to the Pakistan Penal Code. (Appendix C)

### **Legislative Process**

Pakistan National Assembly passed the Women's Protection Bill on November 15, repealing the Hudood Ordinance. The Bill was passed with support of Pakistan Muslim League; it amended the rape and adultery provisions of the Hudood Ordinance. This bill received votes from 188 of 342 NA members. The Pakistan Muslim League felt happy in forwarding in the Bill and Pervez Musharraf said that this was first step to protect Pakistani women. Muttahida Majlis-i-Amal (MMA) coalition of religious parties condemned the Bill as un-Islamic and they walked out of the Assembly when votes were called. When the bill was tabled in the National Assembly, it was condemned by many Islamists and it was declared as un-Islamic by Jamat-i-Islami and they called it un-protective for women and cause of vulgarity in the state. (The Daily Times, 2007)

The most important amendment of the Bill was that it breaks the link between the offences of rape and Zina. Jurisprudence of rape cases from religious to civil court. This Bill was not easy to pass, MMA threatened to resign. It was made possible with the help of Pakistan People's Party

that government pass the bill. President of PML Shaukat Aziz declared that he will resign from his seat if anyone prove that the bill contravene Quran. Only few hours before National Security Advisor called Benazir Bhutto to instruct the PPP delegation to vote with government. (Nawa-e-Waqt, 2007)

Here are views of parliamentarians over the bill:

Samia Raheel Qazi belongs to a strong political background and daughter of Qazi Hussain Ahmad. She says "We have been against the bill from the start," she declared it un-Islamic according to the constitution of Pakistan giving argument of article 227, "Islam will be the state religion and No laws will be passed which are repugnant to the Quran and Sunnah." She further said "The Hudood Ordinance was devised by a highly qualified group of Ulema, and is beyond question, five elected assemblies since Gen Zia's time have found the laws valid. The current legislation is part of an American agenda and this is not the act of a sovereign parliament, it's a military dictatorship imposing its will on the people." (The Dawn, 2006)

Many parliamentarians did not share their views and those parliamentarians which were from government coalition called it a great achievement. Haider Rizvi from MQM declared the bill as victory for government and this bill is start of fight against feudalism and fundamentalists. He further said that "When these laws come into effect, the false accusation which inflicts such cruelty and injustice on defenseless women will be brought under control, there have been 5,400 cases against women in Pakistan under the Hudood Ordinance, and a majority of them are concerned with rape and adultery cases. Previously, all women were treated as guilty now they can stand and ask for justice without any fear of legal action." (Official Report, 2006)

## **Background of the Bill**

NCSW was established to serve as watch dog to review the policies and laws affecting the women, also to recommend changes and amendments in those policies. There were many controversial aspects in Hudood Ordinances, date back to 1979, those pertaining to adultery and rape. NCSW make review of overall impact of the ordinance and how implementation effected the situation and what was condition before arrival of these ordinances over women. NCSW also gave recommendations for Women Protection Bill, also suggestions were given to amend the aspects, and those were left in Hudood Ordinances. In the ordinance Zina and Zina-bil-jabar were treated at same level and law of witness was compulsory for both. And law of witness was impossible for rape cases to bring four pious male witnesses. Government started to repeal Hudood laws according to Islamic laws in 2005 and Ulema were called to give suggestions. Council of Islamic Ideology also give recommendations. (Islamic Research Institute, 2007)

## **Impacts of the Act**

The Hudood ordinances were recommended to repeal as whole but as to circumstances only two clauses were amended Zina and Qazaf to protect women. Women activists played an important role to repeal these laws. This amendment took twenty-five years to show discriminatory nature of Hudood Ordinance. The overall impact of this act was positive. It created many hurdles towards the misuse of Zina Ordinance. Women got protection against the false charges under Hudood Ordinances.

It stopped false FIR's in the cases of Zina, because it was difficult to implicate the wrong charges of Zina. The bill was highly criticized by Islamic Fundamentalists parties and due to this no change was made for women those were living in urban areas. However, women welcomed this law. (Hassan, 2006)

Some people called this change have no difference from the previous one and criticized it and considered it as discriminatory law like Hudood ordinances. These views were expressed by some civil right groups, seeing this situation, the HRCP combined a report and describes that repealing these laws is not against women and these do not have discriminatory nature. Human Rights Watch (HRW) reported that Pakistan follows obligations of the United Nations Convention on the Elimination of All Forms of Discrimination against Women but this act is not complying with that obligation. Asma Jahangir a well-known women's rights activists stated that "sentences of stoning and amputation are still possible under the Act and that Pakistan had a long way to go with regards to women's rights". District session courts have limited working hour and location and it was harder for these courts to manage the cases and working condition was very poor in rural areas. The Protection of Women (Criminal Laws Amendment) Act, 2006 became very controversial and generated many debates that whether it is Islamic or un-Islamic (AI, 2007) it was further reported that a strike was started in December 2006 in Karachi against the act and due to the protest markets and localities were closed, public transportation was stopped and schools were closed. A number of activists joined the rally round about 5,000 from the Muttahida Majlis-e-Amal (MMA), a conservative Islamist political alliance and tried to declare Act as un-Islamic and there were reports of violence, though no details were provided. Many Clashes also occurred in Lahore and Gujranwala due to the protest. (HRCP, 2006)

### **Related Bills**

After the reaction on this act The Ministry of Women Development of Pakistan introduced many new bills to empower women through those things which were un-Islamic, such as forced marriages, Vani-Swara (i.e., giving a woman in marriage to hostile families in compensation for a relative's crime), and "marriage to the Quran" (a practice whereby girls dedicate themselves to

studying the Quran and forego marriage) were reviewed and a bill for domestic violence was forwarded to the Cabinet for approval. (USAID, 2013)

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## **Chapter No. 4**

### **DEMOCRATIC ERA AND WOMEN'S RIGHTS**

#### **Political Background**

Benazir Bhutto was assassinated in a rally when she was going back after a speech in Liaquat Bagh Rawalpindi on 27<sup>th</sup> Dec, 2007. After her death, government faced political instability but having this all situation elections were held in February 2008. At the spot many political parties denied to participate in the elections and boycotted but later all parties participated. (The Times of India, 2007) After the results of elections, PPP and PML (N) formed government with coalition and Awami National party was also included in this coalition. Yousaf Raza Gillani was appointed as Prime Minister. Asif Ali Zardari was endorsed to presidency in 2008 with the support of some political parties. (Hasnain, 2008)

#### **Detail of Women MNA'S in that Period:**

##### **Faryal Talpur**

She is sister of Asif Ali Zardari, the former president of Pakistan, and sister in law of Benazir Bhutto. She participated in elections of 2007 and became the member of National Assembly. She has been elected as mayor of Nawab Shah twice from 2001-2005 and 2005-2009. She contested from NA-207 and won this seat. Again general elections were held in May 2013 and she again won that seat. She said in a conference that despite of discrimination and having all other social barriers, women are playing vital role in the society. (Memon, 2007)

### **Khushbakht Shujaat**

She bore in India. She did master in Journalism from Karachi University. In 2008, she was elected as MNA from constituency of Karachi on the ticket of MQM. She is well known debater and her television career is also very famous. She worked a lot for women empowerment. She said that Pakistani women are very strong and independent and if their male family members support them they can achieve everything. She arranged a grand and successful possession of women in Multan. In that occasion she highlighted the role of women in all fields of life. She said that girls with education can abolish the terrorism from the country. She highly criticized the feudal system. There should be separate transport system for women according to her. (Tajwar, 2012)

### **Aasiya Nasir**

She was born in Balochistan. She became MNA in general elections of 2013 on reserve seat for minorities. She belongs to Jamiat Ulma-e-Islam (F). She raised voice for minorities, and said that according to the constitution of Pakistan men and women are equal and any one of them can hold the high office of the Pakistan and at the same time a non-Muslim cannot become the prime minister or the president of Pakistan. She said that non-Muslim girls kidnaping and incidents of forced marriages are increasing day by day. (Zaman, 2014)

### **Anusha Rahman**

She remained as a minister of state of Information Technology and Telecommunication. She served. She was also secretary organization president PML (N). She has been awarded by ITU and UN by initiating a number of projects and programs on ICT sector in Pakistan While talking to a delegation, she said that we are achieving gender empowerment through various projects of

gender empowerment through various projects like ICT for girls and giving them employment opportunities. The development is expected to encourage women handicrafts and to give their financial matters in their own hands. She inaugurated a women empowerment center in Bannu where women would be trained through computer and after getting training women will be competent to get jobs and utilize their skills. (Ghumman, 2014)

### **Farzana Raja**

She was born in Punjab. She was founding Chairperson of Benazir Income Support Program. She remained the president of young parliamentarian's forum. She served as a Federal Minister. She worked a lot for the betterment of the society and especially for the poor people. To give relief to the common people was her first priority and she enhanced the Benazir Income Support Program and she made it social protection initiative of the country. She was also honored by the Crescent of Excellence the prestigious award of Pakistan. She also worked hard for human rights and women empowerment. She recognized that women should be integrated into every level of policy making. They should be helpful and active in every field of life and all levels of the government. Women of Pakistan should have control over technology. She also talked to eliminate women violence from the society and according to her a serious attention should be given to the women health. (UN, 2009)

### **Marvi Memon**

She bore in Karachi. She served as member of National Assembly on the ticket of PML (Q) in 2008. She was also member of Parliamentary committees. She served and worked a lot for establishing Pakistan's first institute for Parliamentarians (PIPS). (Raza, 2015) She was appointed as Chairperson of Benazir Income Support Program. She worked in Parliament and

authored “My Parliamentary Diaries”. With the help of Benazir Income Support Program, She launched different scheme for the female who were experts in handicraft. (The News, 2015)

### **Mehreen Anwar Raja**

She was born in Punjab. She was twice elected as a senator and thrice as MNA. She joined Pakistan People’s Party as her first political. Benazir requested her to associate herself with National Democratic Institute (NDI) to encourage women in politics. She arranged three workshops for ladies in Dera Ismail Khan, Lucky Marwat and Haripur. In 2006 she attended Social International Conference that was held in Athens. When she was elected as MNA in 2008, she was also elected as member of standing committee on women’s development. She suffered from Parkinson since 2006 and died in 2013. She was a role model for women because she was from very conservative society. (The News, 2015)

### **Nafisa Shah**

She was born in Sindh. She is daughter of Syed Qaim Ali Shah Jilani. She was awarded as Global Role of Honor from United Nations. In 2000 she did field research on Karo Kari (honor killing) in Sindh. For her doctoral degree, she completed her thesis on “Honor Violence, Law and Power: A Case Study of Karo Kari in Upper Sindh” at the University of Oxford. She did notable work for women empowerment; her publications are also notable for women rights. She remained chairperson for National Commission for Human Development (NCHD). She arranged skillful trainings for the victims of flood for four months and Rs/- 165 million was allocated for this project. (The Dawn, 2011)

### **Shehnaz Wazir Ali**

She was born in Rawalpindi. She did master's in education. She was a social activist and remained a special assistant to the Prime Minister of Pakistan. She worked a lot for women empowerment and said that women empowerment should be priority of government. She appreciated Malala Yusaf Zai and called her the bright dimension to the struggle. She also stressed for women economic empowerment and on health condition as well. (The News, 2011)

### **Zubaida Jalal Khan**

She was born in Balochistan. She remained minister of Education from 2002-2007. She established Girl's School in her village. She used to teach in Baluchistan University. She was awarded with pride of performance by government of Pakistan on her educational services. She gave her services to reform school curriculum. She also took active interest in Madrassah reforms. (Jalal, 2016)

### **Act Passed in this Era**

On 11<sup>th</sup> march 2010, a bill to stop the harassment against women at working places was passed. This bill was named "Protection against Harassment at the Workplace" (Appendix D)

Despite the heavy criticism from religious parties, Asif Ali Zardari the president of Pakistan at that time signed the bill on 30 January 2010.

At that time it was necessary to introduce and make the laws regarding the women protection. The ratio of women was increasing towards workforce and women of both rural and urban areas were working to fulfill their economic needs. Further harassment was also defined and explained clearly by this bill in these words, "any unwelcome sexual advance, request for sexual favors 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.” According to Syed Naqvi (2015), this law was useful for the women progress and to curb the persisting gender inequality because it ensured the removal of harassment against women and aimed at providing them secure and working environment. The major issue according to writer was that whether it would be practically implemented or not. (Sexual Harassment, 2011)

Government of Pakistan ordered to implement the bill of “ Protection against Harassment of Women at Workplace 2010”, in all the government and private organizations, so that women could get proper environment for work and not face harassment. It was ordered to all the organizations to form an internal committee to which would ensure the implementation of the law. Few measures were given for the committee regarding the working and implementation of this law which are given below.

1. Every organization will have to adopt that code of conducted which has been defined by the law.
2. Over the receiving of sexual harassment complaints, the committee will be bound to act immediately to address the complaints according to law.
3. Committee would be bound to ensure the justice and must complaints would be curbed by it.
4. It was the duty of the committee to educate and inform their employees about the bill so that they could be aware about the bill and its practical implementation. The purpose of all this was to ensure safe and work friendly environment for the women at their work places. (UN Women, 2011)

## **Background of the Act**

Due to unfavorable and difficult working environment for women in Pakistan, the women contribution in the development of country has been very low. Although there have been efforts of government towards increasing the role and contribution of women, but the results of government efforts are not satisfactory. The atmosphere provided for women is not supportive and satisfactory for them and as a result they have to face harassment, and immoral behavior in public places, streets and work places. It is fact that currently there are a lot of women who are working at senior positions in different private and government organizations and some of them are also have their own business. It is also fact that both private and government organizations have failed to provide a better and favorable environment to women. Women also have the right to earn to fulfill their economic and social necessities but they have to face a lot of difficulties when they go outside for work and earning. (Wasif, 2010)

Different reasons have been explored by the organizations which are hurdle in the way of women working. On the one hand they are not provided with the suitable and supportive work environment for work and on the other hand there are different social, cultural barriers which discourage women from working and employment. Women in Pakistan have to fight hard for their rights and they are not supported by their families. If they go for work then they are not properly treated and cooperated by their male colleagues. Further the management behavior is often not good with women employees. In this way they are stopped from taking their part in the development of country. With all these barriers, women still go outside and work. (Reskin, 2002)

An alliance of six organizations was formed in 2010 to stop sexual harassment of women at workplace. These organizations were Hawwa Associates, Pakistan Institute of Labor, Education and Research Mehergarh, Action AID, Bedari, and Interactive Resource Centre. This issue was

not highlighted by the media at that time and government also showed little interest. The movement empowerment movements also had no agenda in this regard. The result is that women commonly face harassment at work place. This is because it has become a major issue for women at workplace. There is no safety mechanism from the government for the women at workplace. Further there are no working policies also. The alliance of the six organizations succeeded in convincing the government in December 2010. The government assured to formulate policy frame work which would lead towards the anti-sexual harassment policy for the country. Except UN, no other organization at that time had a sexual harassment policy. This issue is very serious in Pakistan and for the analysis of this issue and measures to control it, a detailed research was conducted by AASHA. This was the sensitive issue from culture perspective. A strategy was developed On the basis of research, observations and experiences of member organizations starting with the formal workplace to address sexual harassment. All constitutional provisions, laws and policies of Pakistan and every legislation that was relevant in other countries that addressed sexual harassment were explored by AASHA. (The Nation, 2016)

A draft for the anti-sexual harassment policy was presented by Dr Fouzia Saeed from AASHA. Government even did not accept the word, sexual harassment at that time and that was why AASHA called it the Code of Conduct for Gender Justice. Senior officials of the Government and ILO worked with the alliance labor unions, private sector, civil society organizations, and academia and working women were also involved. A consensus policy was formed after organization of formal provincial and national consultations. Further it addresses sexual harassment in formal sector organizations. Besides working on making the policy, AASHA forced other 300 organizations to work for it. Although, the document was adopted by the government but it was not applied. AASHA was not only working to raise awareness about

policy matters and making but also was working over different matters related to policy about the sexual harassment. Further calendars and posters were also printed by AASHA which discouraged harassment in a humorous way. Media was also engaged in this awareness campaign and different events were also organized in this regard. This turned into a countrywide movement against the harassment as stakeholders were mobilized (AASHA, 2016).

To end the sexual harassment at workplace, a women working assembly was also organized every year by the AASHA. Women from all over the country participated in it and the basic objective of their participation was to show solidarity with the victims of sexual harassment. Informal sector was also included in the policy though policy was evolved for the formal sector. Women from private and public sectors were also included. Those officials and organizations which worked for the successful implementation of policy in their organizations were given the awards. Awards were given to them to respect their efforts relating to harassment. The code was given a legal cover by the members of AASHA due to the continuous five years efforts from the private sector. Private sector implemented the policy and worked for it. An amendment was suggested from AASHA in the 509 PPC section. This suggestion came for the protection of women from harassment. From AASHA, Dr. Fouzia Saeed was the person who drafted the legislation for the informal sector. This was further improved by legal experts in 2007 and after that different government institutions processed it. Legislation of the bill was slow and almost two years were spent on it. In the legislation process government, cabinet, parliament and the senate all were involved. The bills were at least passed from the National Assembly and Senate after long struggles and slow process. It was due to the lobby of the AASHA that made the legislation of the bill easier and possible. In early 2010 these were also passed by Senate and

became the act and law. On 9<sup>th</sup> March the president of Pakistan also signed the bills. (Rasheed, 2016)

### **Women Views Over the Act**

Women have always encountered difficult situations and barriers from different sections of society whenever they tried for the legislation of the bills relating to harassment. With all this they remained patient and determined despite of the difficulties. The efforts of women rights activists in this regard have been encouraging and praiseworthy. They showed their agitation in the streets, in front of decision makers and officials. They also have been involved in research to ensure equal status for women in society. Ms. Yasmeen Rehman, the member of national assembly and advisor of prime minister of women development, termed the bill as the success of the government. She said that it was obvious from the passing of bills that how government was committed to end harassment of women at workplace. Her remarks came during a seminar on the “Protection against Harassment of Women at Workplace Act 2010”. National Commission on the Status of Women in Islamabad organized the seminar on 22nd April, 2010. (Zakria, 2016)

On behalf of government, participants were informed by the Ms. Yasmeen Rehman that these bills were for them and government was also committed to implement such laws which could end harassment of women. She further told that government was also committed to implement the law at provincial and district in the next month. He added that the matter would also be discussed with the provincial governments. It was briefed by Ms. Yasmeen Rehman that the present political will of the government could be tested through the passing of the bill. She told that government was ready to work for the development of women and end harassment. According to her, the dream of Benazir Bhutto relating to women development was fulfilled with the passing of the bill. Business community was admired by her for their contribution in this regard.

According to chairman Federal Board of Revenue Mr. Sohail, that after the law women would get safe work environment. He told that because of the lack of health and education facilities the women of Pakistan were behind the women of developed countries. Women in Pakistan are considered lower and their income is also low and they face issues while working at workplace. He told that change was necessary and welcome step. (The Dawn, 2010)

He further added that, Federal Board of Revenue has a very strong presence of women even at the senior most level and we are circulating the code of conduct for implementation at the Federal Board of Revenue as well as all its units. The federal Secretary Women development, Ms. Batool Iqbal Qureshi, said her ministry has taken a number of steps to ensure that women get conducive working environment in all its offices. She said ministry is also reaching out to the provinces for implementation of the law at that level. Member of the NCSW, Dr. Fouzia Saeed, explained the salient features of the new law. She said it was incumbent on all the public and private sector organizations and departments to implement the law in letter and spirit by adopting the code of conduct given in the law and by establishing enquiry committees. The representative of various public and private sector organizations shared their views and the steps they have taken to implement the law within their respective departments and organizations. Earlier Ms. Nasreen Azhar member NCSW welcomed the participants and spelled out the purpose of holding this event. The roundtable consultation on “Protection against Harassment of Women at Workplace Act 2010” was largely attended by representatives of government, ministries, divisions, departments, autonomous bodies, chambers of commerce and industry, major public sector organizations and civil society and media. (Mirza, 2011)

## **Legislative Discussion**

When the incidents of harassment were on rise, the amendment in the law was proposed. Different educational institutions like Quaid-i-Azam University, Allama Iqbal Open University and International Islamic University witnessed these incidents. Because of certain flaws in the laws the victims were not given justice. Senator Farhatullah Babur raised the issue in front of standing committee of justice and law. It was briefed by him that it was proved that the senior official of Quaid-e-Azam University was involved in the harassment of a student. He told that despite the fact that the related official was suspended but law ministry later on declared that law was not to be applied in educational institutions. So the official was restored. He told that he was restored even after the charge of the girl was proved true. He stressed over the amendment of law so that its scope could be increased and educational institutions could be included as well. Further, the deficiencies of law were also highlighted by Kazim Khan who was the chairman of the committee. He told that women could be harassed in many ways but all types of harassment are not defined in the law. He also stressed over the amendment of law.

It was highlighted by the Senator Raja Mohammad Zafarul Haq that there was not only the changes in the title of the law but also there was need to enhance the scope of the law. It was briefed by Senator Ahmad Hasan that there was need to check and control the harassment incident because they were constantly increasing. A legal forum was suggested for the girl from Senator Saifullah Magsi so that they could register their complaints against harassment and get the justice. The idea of amendment of the law was also supported by different other senators including Mian Raza Rabbani, Jaffar Iqbal and Muzaffar Shah. They told that to make the law more workable and effective the amendment was necessary.

Over the matter of increasing the representation of laborers in the assemblies, the discussion over the bill was also differed by the committee. Amendment in the law was also suggested by the Senate body. The body said that there must be control over the dual nationals so that they could not become judges and government servants.

Speaking on the proposed bill Senator Sughra Imam said official secrets and national security could not be considered to be safe at the hands of the officers holding nationality of another country. She said those who take oath of American allegiance also pledge to take up arms for the country. She said the bar should not be limited only for the lawmakers and must uniformly apply to all important office holders.

Discussion on the bill was deferred on the request of Mian Raza Rabbani, who pleaded to make the bill more efficient. The committee declared as ineffective the accountability amendment bill and deferred discussion on electoral reforms. The committee decided to seek views of the sitting and former presidents of bar councils and Supreme Court Bar Association. (Official Report, 2010)

### **Implementation on Employees**

There were many instructions from the State Bank of Pakistan regarding the compliance of the law. Bank stressed that code of conduct must be followed in this regard. Further directions were given to the banks that for the safe and supportive environment for women, they must form related committees which could address the complaints of women. In the second meeting, progress of the committee was also observed. The objective of the committee was to look at the implementation process of anti-sexual harassment bill. The committee was formed on the order of prime minister of Pakistan. Work was praised by the Chairperson of watch committee, Dr Fauzia Saeed. She told that banks made their contribution in this regard. She added that for the

implementation in the provincial departments, the provincial assemblies were working on it. (The Dawn, 2010)

However, she said that after the initial impetus the work needs to go on for sustained impact. It was informed by the committee that the Higher Education Commission (HEC) has been very committed to this process and has already been working on guidelines for all the universities of the country. With the Implementation Watch Committee, and to ensure compliance with the new law, they worked with the committee. All the universities must be provided with the guidelines within a month according to the committee. Some of the private sector companies like, Engro, Lever brothers, Telenor, Lakson, and hotels like Serena and Marriott trained their people according to the committee. The role of ASHHA has been great in this process. For the implementation of law, different government institutions like, PM secretariat, Planning Commission and the Establishment Division were also working. PM instructed the ministries to compile with the law and 31, out of 44 ministries acted upon the instruction while 13 had no progress. (Learning and Information resources, 2010)

For awareness rising, AASHA trained one hundred and twenty trainers. They were from different sectors like government organizations, private sector, academia, media and law enforcing agencies. These trainees would become the resource person to bring awareness. According to I.A. Rehman, the Director Human Rights Commission there was need of positive work and progress and he praised the work which was already done in this regard. The representative of Islamabad police, Ehsan Sadiq, informed the steps of police taken in this regard. He told that three lady complaint cells were under considerations and they were working on the plans which could change the thinking of people. Ministry of women was asked to expedite the process regarding the passage of the rules and establishment of the ombudsperson.

Meeting was attended by so many important persons, including Omar Hameed Khan, PM secretariat; he is an auditor general officer in Women's ministry and FBR. Members from AASHA, deputy MD of Pakistan Television Shahid Mehmood and as well representatives from Pakistan Business Council also attended the meeting. It became an urge for private sector organizations to implement the bill and to safeguard women from workplace harassment. A three day training was held by Mehergarh for private sector organizations for effective implementation of the act. It was focused to how provide harassment free environment to women as this they can better worked for the attached organization and can give better results to that one. It was a great achievement as management level officials from big companies also attended the training and almost 30 members from Securities and Exchange Commission of Pakistan (SECP), Stock Exchange, Pakistan Manpower and principals of colleges from Islamabad also attended the training. Maliha Hussain the organizer and director of the Mehergarh, urged the participants to not only implement this act with its all clauses in the institutions but raise awareness to the employees to sort out the issues at first step. About 3600 cases were facilitated by Mehergarh related to sexual harassment at workplace from last 5 years, so it shows that women were not afraid to report the case. In the following training wife of Senator Raza Rabbani was chief guest and she distributed certificates to the participants. Dr. Fouzia Saeed distributed copies of her book "Working with Sharks" to the participants. (The Express, 2015)

### **Activists views over the Act**

Activists and many other organizations viewed that 93% of working women faced harassment at workplace but they never complaint because they afraid of their respect. Only 79 women in Punjab after the inception of Anti-harassment Act, filed the cases against male colleagues and out of these cases only 44 were fixed and 35 remained on pending. Most of the complaints

finished on agreement of compromise and some accused were convicted and some were given warnings. Some of the cases were defiled.

Farzana Bari a well-known women activist said that this law was a great achievement but law ministry and women ombudsman office. According to Mumtaz Mughal, Resident Director of Aurat Foundation, Lahore, that working situation in government sector was very alarming but it was little better in private sector. According to her, most of the government female employees faced sexual harassment at workplace and they faced many problems but never raised their voices.

Most of the activists viewed that practical enforcement of law in Pakistan is almost impossible. As society taught women to take care of their respect and they just find this way to respect and they just find this way and never complaint for harassment and thought that it will affect their respect, usually educated women raised their voices but un-educated women are not well aware of. (Anjum, 2016)

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## CONCLUSION AND RECOMMENDATIONS

### Conclusion

Before the advent of Islam social evils were on high peak. Islam uplifted the status of women. In Islam women enjoys the same status as men. According to Islam both women and men are equal partners of life. Through Quran, Hadith and Sunnah, one can know the importance of women and their rights.

Before Islam, Arabs used to bury their daughters alive. After the advent of Islam women were given the basic rights. Different social, political and financial rights were given to women. Islam has defined the rights and duties of women as mothers, sisters, daughters and wives. Islam has also defined the rights of men relating to women.

Sir Syed Ahmad Khan was the man who tried to bring education for women in the subcontinent. The founder of Pakistan Quaid-i-Azam was also in favour to empower women. Begum Shaista Ikramullah became the member of Constituent Assembly. The commission on marriage and family law was established in 1955 and in 1959 Begum Sarwat Imtiaz took oath as numberdar in a village of Chichawatni. Besides this other prominent women have also been involved in politics and hold different important positions. Fatima Jinnah even contested the presidential election of 1962.

Constitution of 1973 guaranteed the equal rights for women without any discrimination. The seats were fixed for the women in National and Provincial Assemblies and different government organization and their posts. The constitution of 1973 guarantees of equality for citizens regardless of gender, legislative progress to redress the inequalities suffered by women has been uneven at best but on very slow level. Many laws were introduced in Pakistan to empower women.

Pakistani women have been involved in different political and social activities. They participated in all fields of formal politics. They have been the member of legislative body, law-makers, and budgets makers. They can interact with other politicians through many discussions, and even more they can be administrators of the government.

In the reaction of Hudood ordinances, the women's movement started in reaction to Zia's Islamization. Women's rights activists and organizations started working to strengthen the status of women. HRCP and human rights activists played a major role to remove discriminatory laws from the state after the death of Zia-ul-Haq in 1988. After the elections the emergence of democracy gave path to them and even more opportunities were provided when a lady Benazir Bhutto became the Prime Minister of Pakistan. In her second tenure (1993-1996) she faced political instability but along with this situation she acceded CEDAW and passed women in distress and detention fund act to give financial assistance to those women which were in need of. The political era of 1990s faced much instability and governments were dismissed without completing their tenure. As further legislation remained disturbed and un-active. After the setup of NCSW in 2000, when General Pervez Musharraf introduced his enlightened moderation and introduced new changes in Hudood ordinances. He repeals these laws to stable women status.

Hudood laws were repealed and faced many negative reactions of Islamists. After the restoration of democracy from 2008, women's laws protection remained limited because of keen interest of Islamists and governments tried to stay aloof from this kind of legislation for the sake of their seat stability.

In Pakistan women rights legislation remained in the hands of men and it changed from one end to another. In the hands of feudal society women role remained limited and status remained

inferior. The height of feudalism remained as high and protective legislation providing equal rights to women were rare. Implementation was impossible in Pakistan.

### **Suggestions and Recommendations**

Here are some of the suggestions which are necessary for the increased women political and social role.

- For effective women rights legislation debates must be considered as key and after a serious debate, legislation should be suggested to cabinet. Islamic scholar should also participate in those debates. All opinions thoroughly considered very serious and should be note down.
- Legislation must be workable and according to the norms and situation of the country. It should not be just paper work. Laws must be protective and should provide status to women.
- In Pakistan educated women should have awareness of their rights and make them responsible to educate and aware other women of the rural areas.
- There must be training session in different areas where women are more inferior for women to scrutinize disturbing factors at workplace for women and for other rights.
- With the tool of awareness we can eliminate sexual harassment.
- Women should be provided with training to deal with such situation and with safe working environment and how to get prevention.
- Government should give strict internal policies to the organizations to function effectively. Through this way organizations can produce effectiveness in their work.

## Appendix- A

THE OFFENCE OF ZINA (ENFORCEMENT OF HUDOOD) ORDINANCE, 1979  
ORDINANCE NO VII OF 1979 [9th February 1979] An Ordinance to bring in conformity with the injunctions of Islam the law relating to the offence of Zina. WHEREAS it is necessary to modify the existing law relating to zina so as to bring it in conformity with the Injunctions of Islam as set out in the Holy Quran and Sunnah; AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action; NOW THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977 read with the laws (Continuance in Force) order, 1977 (C.M.L.A Order No. I of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following ordinance:-

1. Short title extent and commencement.—(1) This Ordinance may be called offence of Zina (Enforcement of Hudood) Ordinance, 1979. (2) It extends to the whole of Pakistan. (3) It shall come into force on the twelfth day of Rabi-ul-Awwal, 1399 Hijri, that is, the tenth day of February, 1979.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context.

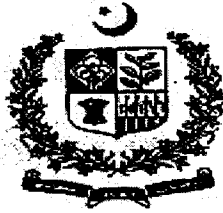
(a) “adult” means a person who has attained, being a male, the age of eighteen years or, being a female, the age of sixteen years, or has attained puberty; (b) “Hadd” means punishment ordained by the Holy Quran or Sunnah; (c) “marriage” means marriage which is not void according to the personal law of the parties, and “married” shall be construed accordingly; (d) “Mushin” means- (i) a Muslim adult man who is not insane and has had sexual intercourse with a Muslim adult woman who, at the time he had sexual intercourse with her, was married to him and was not insane; or (ii) a Muslim adult woman who is not insane and has sexual intercourse with a Muslim adult man who, at the time she had sexual intercourse with him, was married to her and was not insane; and (e) “Tazir” means any punishment other than Hadd, and

all other terms and expressions not defined in this Ordinance shall have the same meaning as the Pakistan Penal Code, or the Code of Criminal Procedure, 1898. 3. Ordinance to override other laws.- The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force. 4. Zina.- A man and a woman are said to commit Zina if they willfully have sexual intercourse without being validly married to each other. Explanation.- Penetration is sufficient to constitute the sexual inter-course necessary to the offence of Zina. 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. (2) Whoever is guilty of Zina liable to Hadd shall, subject to the provisions of this Ordinance,- (a)if he or she is a Mushin, be stoned to death at public place; or (b)if he or she is not Mushin, 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 whom 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. Court Decisions Appeal against conviction based on confession Competencies of Accused not admitted confession or related from confession-Held: An appeal would be competent at the instance of a person who has been convicted and awarded had sentence by the Court and at the time of appeal or before the finding of the appeal he retracts his confession. PSC 1984 FSC 698 6. Zina bil-jabr.- (1) A person is said to commit zina bil-jabr if he or she has sexual inter- course 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 (1) 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 a Mushin, be stoned to death at a public place; or (b)if he or she is not Mushin, be punished with whipping numbering one hundred stripes, 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 with fine, or with both, any may also be awarded the punishment of whipping 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 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 al-shuhood, that they are truthful persons and abstain from major sins (kabair), 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. Case in which hadd shall not be enforced.—(1) In a case in which the offence of zina or zina-bil-jabr is proved only by the confession of the convict, hadd, or such part 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 eyewitnesses 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. Appeal against conviction based on confession Competencies of Accused not admitted confession or related from confession—Held: An appeal would be competent at the instance of a person who has been convicted and awarded had sentence by the Court and at the time of appeal or before the finding of the appeal he retracts his confession. PSC 1984 FSC 698 10. Zina or zina-bil-jabr liable to tazir.—(1) Subject to the provisions of section 7, whoever commits zina or zina-bil-jabr which is not liable to hadd, or for which proof in either of the forms mentioned in section 8 is not available and punishment of qazf 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) Whoever commits zina liable to tazir shall be punished with rigorous imprisonment for a

term which may extend to ten years and with whipping numbering thirty stripes, and shall also be liable to fine. (3) Subject to the subsection (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 nor more than twenty-five years and shall also be awarded the punishment of whipping numbering thirty stripes. (4) When Zina-bil-jabr liable to Tazir is committed by two or more persons in furtherance of common intention of all, each of such people shall be punished with death.

**The Gazette**  **of Pakistan**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**ISLAMABAD, THURSDAY, JANUARY 5, 2012**

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**PART I**

**Acts, Ordinances, President's Orders and Regulations**

**SENATE SECRETARIAT**

*Islamabad, the 5th January, 2012*

**No. F. 9(15)/2011-Legis.**—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 30th December, 2011, is hereby published for general information:—

**ACT NO. I OF 2012**

*An Act further to amend the Women in Distress and Detention Fund Act, 1996*

WHEREAS it is expedient further to amend the Women in Distress and Detention Fund Act, 1996 (XV of 1996), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Women in Distress and Detention Fund (Amendment) Act, 2011.

(2) It shall come into force at once.

(01)

[2013(2012)/Ex. Gaz.]

Price : Rs. 2.00

2. **Amendment of section 6, Act XV of 1996.**—In the Women in Distress and Detention Fund Act, 1996 (XV of 1996), in section 6,—

(a) in sub-section (1),—

- (i) in clause (i), for the words and comma “Law, Justice and Parliamentary Affairs” the words “Human Rights” shall be substituted;
- (ii) in clause (ii), for the words and comma “Law, Justice and Parliamentary Affairs” the words “Human Rights” shall be substituted; and
- (iii) in clause (viii), for the words and comma “Law, Justice and Parliamentary Affairs” the words and comma “Human Rights,” shall be substituted; and

(b) in sub-section (7), for the words and comma “Law, Justice and Parliamentary Affairs” the words “Human Rights” shall be substituted.

IFTIKHAR ULLAH BABAR,  
*Secretary.*

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Appendix- C

REGISTERED No. M - 302  
L-7646

**The Gazette**  **of Pakistan**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**ISLAMABAD, SATURDAY, DECEMBER 2, 2006**

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**PART I**

**Acts, Ordinances, President's Orders and Regulations**

**SENATE SECRETARIAT**

*Islamabad, the 2nd December, 2006*

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 1st December, 2006, is hereby published for general information:—

**ACT No. VI OF 2006**

*an Act further to amend the Pakistan Penal Code, the Code of Criminal Procedure and other laws*

**WHEREAS** it is necessary to provide relief and protection to women against misuse and abuse of law and to prevent their exploitation;

**AND WHEREAS** Article 14 of the Constitution ensures that dignity of man and, subject to law, the privacy of home, shall be inviolable;

**AND WHEREAS** Article 25 of the Constitution guarantees that there shall be no discrimination on the basis of sex alone and that the State shall make provisions for the protection of women;

**AND WHEREAS** Article 37 of the Constitution encourages promotion of social justice and eradication of social evils;

(845)

[3578(2006)/Ex. Gaz.]

Price : Rs. 10.50

**AND WHEREAS the objective of this Bill is to bring in particular the laws** relating to zina and qazf in conformity with the stated objectives of the Constitution and the Injunctions of Islam;

**AND WHEREAS** it is expedient for the aforesaid objectives further to amend the Pakistan Penal Code (Act XLV of 1860), the Code of Criminal Procedure, 1898 (Act V of 1898), the Dissolution of Muslim Marriages Act, 1939 (VIII of 1939), the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of, 1979), and the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (VIII of 1979) and for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Protection of Women (Criminal Laws Amendment) Act, 2006.

(2) It shall come into force at once.

2. **Insertion of new section, Act XLV of 1860.**—In the Pakistan Penal Code (Act XLV of 1860), hereinafter referred to as the said Code, after section 365A, the following new section shall be inserted, namely:—

“365B. *Kidnapping, abducting or inducing woman to compel for marriage etc.*—Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced, or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for life, and shall also be liable to fine; and whoever by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.”

3. **Insertion of new section, Act XLV of 1860.**—In the said, Code, after section 367, the following new section shall be inserted, namely:—

“367A. *Kidnapping or abducting in order to subject person to unnatural lust.*—Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in

danger of being subjected, to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with death or rigorous imprisonment for a term which may extend to twenty-five years, and shall also be liable to fine."

4. **Insertion of new sections, Act XLV of 1860.**—In the said Code, after section 371, the following new sections shall be inserted, namely:—

"371A. *Selling person for purposes of prostitution, etc.*—Whoever sells, lets to hire, or otherwise disposes of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any time be employed or used for any such purpose, shall be punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine.

*Explanations.*—(a) When a female is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

(b) For the purposes of this section and section 371B, "illicit intercourse" means sexual intercourse between persons not united by marriage.

371B. *Buying person for purposes of prostitution, etc.*—Whoever buys, hires or otherwise obtains possession of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any time be employed or used for any such purpose, shall be punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine.

*Explanation.*—Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution."

422

5. Insertion of new sections, Act XLV of 1860.—In the said Code,

after section 374, the following new sections 375 and 376 under sub-heading "Of Rape", shall be inserted, namely:—

"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."

6. Insertion of new section, Act XLV of 1860.—In the said Code, in Chapter XX, the following new section shall be inserted, namely:—

"493A. *Cohabitation caused by a man deceitfully inducing a belief of lawful marriage*.—Every man who deceitfully causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief, shall be punished with rigorous imprisonment for a term which may extend to twenty-five years and shall also be liable to fine."

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7. **Insertion of new sections, Act XLV of 1860.**—In the said Code, after section 496, the following new sections shall be inserted, namely:—

“496A. *Enticing or taking away or detaining with criminal intent a woman.*—Whoever takes or entices away any woman with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any woman, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

496B. *Fornication.*—(1) A man, and a woman not married to each other are said to commit fornication if they willfully have sexual intercourse with one another.

(2) Whoever commits fornication shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine not exceeding ten thousand rupees.

496C. *Punishment for false accusation of fornication.*—Whoever brings or levels or gives evidence of false charge of fornication against any person, shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine not exceeding ten thousand rupees:

Provided that a Presiding Officer of a Court dismissing a complaint under section 203C of the Code of Criminal Procedure, 1898 and after providing the accused an opportunity to show cause if satisfied that an offence under this section has been committed shall not require any further proof and shall forthwith proceed to pass the sentence.”


8. **Insertion of new sections, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898), after section 203, the following new sections shall be inserted, namely:—

“203A. *Complaint in case of Zina.*—(1) No court shall take cognizance of an offence under section 5 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979), except on a complaint lodged in a Court of competent jurisdiction.

(2) The Presiding Officer of a Court taking cognizance of an offence on a complaint shall at once examine, on oath, the complainant and at least four Muslim, adult male eye-witnesses, about whom the Court is satisfied having regard to the requirement of tazkiyah-al-shahood, that

**Appendix- D**

REGISTERED No. M - 302  
L.-7646

**The Gazette**  **of Pakistan**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**ISLAMABAD, THURSDAY, MARCH 11, 2010**

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PART I

**Acts, Ordinances, President's Orders and Regulations**

**SENATE SECRETARIAT**

*Islamabad, the 11th March, 2010*

**No. F. 9 (5)/2009-Legis.**—The following Acts of Majlis-e-Shoora' (Parliament) received the assent of the President on 9th March, 2010, are hereby published for general information:—

ACT No. IV OF 2010

*An Act to make provisions for the protection against harassment of women at the workplace*

WHEREAS the Constitution of the Islamic Republic of Pakistan recognizes the fundamental right of citizens to dignity of person;

AND WHEREAS it is expedient to make this provision for the protection of women from harassment at the workplace;

(63)

*Price : Rs.20.50*

[2222(2010)Ex. Gaz.]

It is hereby enacted as follows:

1. **Short title, extent and commencement.**—(1) This Act may be called the Protection against Harassment of women at the Workplace Act, 2010.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context –

- (a) “accused” means an employee or employer of an organization against whom complaint has been made under this Act;
- (b) “CBA” means Collective Bargaining Agent as provided in the Industrial Relations Act, 2008 (IV of 2008), or any other law for the time being in force.
- (c) “Code” means the Code of Conduct as mentioned in the Schedule to this Act;
- (d) “Competent Authority” means the authority as may be designated by the management for the purposes of this Act;
- (e) “complainant” means a woman or man who has made a complaint to the Ombudsman or to the Inquiry Committee on being aggrieved by an act of harassment;
- (f) “employee” means a regular or contractual employee whether employed on daily, weekly, monthly or hourly basis, and includes an intern or an apprentice;
- (g) “employer” in relation to an organization, means any person or body of persons whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whatsoever and includes—
  - (i) an heir, successor or assign, as the case may be, of such person or body as aforesaid;
  - (ii) any person responsible for the direction, administration, management and control of the management;

- (k) "Ombudsman" means the Ombudsman appointed under section 7;
- (l) "organization" means a Federal or Provincial Government Ministry, Division or department, a corporation or any autonomous or semi autonomous body, Educational Institutes, Medical facilities established or controlled by the Federal or Provincial Government or District Government or registered civil society associations or privately managed a commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 (XLVII of 1984) and includes any other registered private sector organization or institution;
- (m) "Schedule" means Schedule annexed to this Act; and
- (n) "workplace" means the place of work or the premises where an organization or employer operates and includes building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out and including any situation that is linked to official work or official activity outside the office.

**3. Inquiry Committee.**—(1) Each organization shall constitute an Inquiry Committee within thirty days of the enactment of this Act to enquire into complaints under this Act.

(2) The Committee shall consist of three members of whom at least one member shall be a woman. One member shall be from senior management and one shall be a senior representative of the employees or a senior employee where there is no CBA. One or more members can be co-opted from outside the organization if the organization is unable to designate three members from within as described above. A Chairperson shall be designated from amongst them.

(3) In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that particular case. Such member may be from within or outside the organization.

(4) In case where no competent authority is designated the organization shall within thirty days of the enactment of this Act designate a competent authority.

**4. Procedure for holding inquiry.**—(1) The Inquiry Committee, within three days of receipt of a written complaint, shall --

- (a) communicate to the accused the charges and statement of allegations leveled against him, the formal written receipt of which will be given;

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