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UNIVERSITY OF THE PUNJAB  
LAHORE – PAKISTAN

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## **PRESS FREEDOM IN PAKISTAN: A Courts' Paradigm.**

**Sajjad Paracha**

*In democratic societies, the decisions of the courts are generally considered as an important source of interpreting the concept of the freedom of the press and also in setting up its parameters. What have been the rulings and decisions of apex court and High courts regarding the Press in Pakistan? This paper is an attempt to answer this question. The methodology used in this paper is based on documents study in which this researcher has consulted more than 70 volumes of PLDs from 1947 to 1999 & other literature on the basis of purposive sampling.*

**Before promulgation of Press and Publication Ordinance in 1960, cases against newspapers were used to be registered under Press (Emergency Power) Act 1931. Under section 7 of the said act, the Government may require security upto Rs.3000 from a newspaper publishing anything that brings into hatred or contempt the Government.**

**In a case against Bi-weekly *Kausar* the court read the article in which it was stated that, "those responsible for running the Government, initially took charge of the affairs of state, without the sanction of a popular referendum or without ascertaining the will of the public. Those in power had no ideology in front of them and have no clear idea of how the Government should be run. The court remarked that "the ideas of what constitute sedition have changed with the**

passage of time and a good deal of latitude should be allowed to the Press so that healthy public opinion is fostered by frank and even forceful criticism on the Government in power in this age of democracy and liberty. "But the court demarcating the limits of criticism said that "liberty to criticise must not be confused with license to hold up the Government established by law to hatred or contempt<sup>1</sup>.

By dismissing the petition the court had put limitation on Press and not granted it a licence to criticise the Government established by law.

In another case against *Jarida Al-Islah* Lahore which published the manifesto of Allama Mashraqi's Party *Islam League*, that contained a passage "The Muslim have been deprived of extensive territories which resulted lose of revenue crores of rupees. The immediate consequences of the partition of the country have been the massacre of fifteen lacs of Muslims, uprooting of eighty five lacs of persons, the detention of seventy thousand Muslim women in the hands of the non-Muslims and loss of twenty one Muslim states". The court observed any person reading the manifesto with an open mind would inevitably be driven to the conclusion that none of these calamities would have befallen the Muslims, if the country had not been divided. There is a direct and serious attack upon the concept, which created Pakistan. The court held that the manifesto tends to bring into contempt the state itself and not merely some of the persons" and that the action taken by the Government was correct, and dismissed the petitions<sup>2</sup>.

Through this decision the court in the early years of the creation of Pakistan had discouraged the debate on the question of the partition of India which resulted massacre of

fifteen lacs Muslims and lose of honour of Muslim women and crores of rupees.

This decision had fortified the image of independence because it was achieved at the heavy lose of lives and money.

Regarding a case against daily *Imroze* Lahore for publishing on article, which was claimed to have a tendency to bring the Government into hatred the court observed that "it is well settled in such cases under Press (Emergency Power) Act, 1931, the impugned article has to be read as a whole in a fair, free and liberal spirit. Too much stress must not be laid on isolated sentences even if they are couched in intemperate or objectionable language, party Government is the rule in a democratic regime and there should be ample latitude allowed to rival parties to criticise those in authority. This right should not be unreasonably or unduly curtailed by judicial fiat, especially during peacetime. Healthy public opinion can only be fostered by a frank and vigorous criticism of the party in power. At the same time it must be conceded that though the connotation of the word 'sedition' has undergone considerable changes with the passage of time, the law as it stands at present, has to be applied in each particular case and the courts can't refuse to administer a certain law even if it operates somewhat harshly".

The court after perusal of the whole article found it a humorous piece of writing and not fall within mischief of Press Act. The court set aside the orders of confiscation of security with majority while justice Kayani put dissenting view<sup>3</sup>.

This decision revealed that a writing would be judged from the wholistic impression created in the minds of the readers

and not on the basis of isolated sentences. This ruling also points out that in democratic set up every Government has its rival political party or parties so their right to criticise the Government should not be curtailed and this is the way to foster a healthy public opinion.

The ruling, that the humorous piece of writing does not fall within mischief, had opened further venue for free speech i.e. one can criticise the Government in humorous and light way. Justice Kayani's dissenting note is quite understandable: since he himself was a good writer of humour, his insight had seen the seriousness of said article concealed behind the sugar quote of humour. But this was visible to a man of a calibre like A.R.Kayani and not to common people while the court judged the writing of article from the perspective of a common reader, this is why court decided in favour of daily *Imroze*. In a similar case the court remarked that it is irrelevant to consider whether the allegations made by the writer were strictly correct or not. The only question for consideration in such cases is whether the language employed by the writer, the motives of the writer would be immaterial<sup>4</sup>.

In another case the court remarked that it is true that in democracy the Government for the time being in office is virtually the Government of the party returned with a majority in the election; yet it is as much a Government established by law. Whilst that party maintains a majority, it remains in power and whilst it is in power it is the lawful Government of the centre or of the provinces. Though the Government is a Government by members of the majority party, the Government as such has its existence quite apart from the party. The court opined that a criticism of the Government in power in any province is a criticism of the Government by law established in that province, though



incidentally it may be a criticism on the policy of the majority party<sup>5</sup>.

It means that court did not give free license to criticise the Government on the ground that it is a criticism on a political party in power, rather the court had different approaches in different cases keeping in view the circumstances.

In a case the counsel for petitioner contended that the Tarjuman-ul-Quran is not a newspaper and action taken against it could not have been taken. The court held that the Journal in question contained the public news and comment and found that these news and comments tend to bring into hatred the Government<sup>6</sup>. Since the Press (Emergency Power) Act also had the definition of news-sheet as any document other than a newspaper containing public news or comments on public news etc., the plea taken by petitioner's counsel was not taken valid by court.

The courts despite of the fact that they supported the freedom of expression in the previous rulings, seem very careful regarding the sobriety of language used by the Press while criticising the Government, this impression is obvious from the following two cases.

- A. The daily Hilal-e-Pakistan published two articles; one was related to a complaint in respect of wheat, which was alleged to have rotted in the godowns of the Government. In another article it was stated that "but our leaders are, intoxicated with power. It is feared that the riots of East Bangal will disintegrate- the nation". After 1947, falsehood has come to reign. The hearing and telling of truth has come to be an offence. Peace, comfort and happiness have become confined to few lofty castles. Bribery and nepotism have paralysed our official life. The court remarked that the

Press should express itself with such dignity and exaltedness as to Press us down with the weight of its opinion, to carry away with the sanity of its outlook. The court up held the action of Government dismissing the petition<sup>7</sup>.

- B. The daily Sind, Al-Wahid published in its various issues that:
1. Governor of Sind is abusing the power vested in him and instead of working for the betterment of Sind he is out to do it harm. (13-3-1952)
  2. The Chief Secretary is nursing British ideas in his brain. He feels the officialdom has always to be given preference over the will and sentiments of the people. He bears a grudge and malice against Sindhis " (11-4-1952)
  3. We strongly demand of the central Government that they should direct the Sind Governor to refrain from his policy of "Sindhi massacre" (23-4-1952).

The court held that these passages do come within the mischief of the Press Act and dismissed the appeal<sup>8</sup>.

The courts though very careful about the language used by Press while criticising the Government had also very liberal approach and directed that a distinction has to be made between the effect of an article which merely disparaging in nature and one, which has the effect of bringing the Government into hatred or contempt. Hatred and contempt are very strong terms. 'Hatred' means abhorrence or ill will and 'contempt' means 'scorn or disdain'. A feeling of hatred

or contempt does not necessarily follow from a disparaging remark that may be made against the Government or against its executive officers<sup>9</sup>.

In this case the court clarified that any disparaging remarks do not necessarily means to bring the Government into hatred or contempt.

The court that have been hearing the cases under Press (emergency power) Act, 1931, since long, remarked that it is no longer good law and ruled that the restriction mention in it have no relations with the restriction mentioned in Article 8 of 1958 constitution<sup>10</sup>. Our this impression is supported in another case where the court observed that after the constitution of Islamic Republic of Pakistan came into force, the clauses of Press (Emergency Power) Act,1931 shall have to be read in conjunction with, and as limited by Article 8 of the 1956 constitution, which enjoins that "every citizen shall have the right of freedom of speech and expression subject to any reasonable restrictions imposed by law. The purpose of the constitution is that there should be as few restrictions on the freedom of the Press as in the light of the conditions prevailing in a country are absolutely essential. In fact, no restriction should be placed on the freedom of the Press except in times of grave emergencies, such as war, civil commotion on a large scale, and even then only in respect of matters involving the security of the state. Press is the mouthpiece of the public opinion. Its free functioning is more important now when the country has become free than it was before. It has to work as a link between the Parliament which frames legislation and the public, which express their hope and aspirations through it<sup>11</sup>.

In this case the court seems against restriction on the Press except in times of grave emergencies and on matter

involving the security of state. It means that as the country started moving towards democracy, the realisation of the fact, that Press (emergencies power) Act, 1931 was promulgated by the foreign rulers for their own requirement, became obvious.

The role of the courts for the promotion of freedom of expression becomes more clear when in a case we see that if the Government sued a newspaper on a ground that was not valid and was ruled out by court and Government provided further justification, the court held that the Government can not introduce new grounds to justify its order if these ground have not already been mentioned in the order itself<sup>12</sup>.

Similarly in another case the court remarked that it should not have left it to the court to pick out such words from the published articles which violated law rather it is the duty of one who initiated the case against a newspaper to clearly point out such words, If it is left to the court to search of offensive passages, the court and not the Government would become the accuser<sup>13</sup>. Similarly in a case the court examined some photographs, published by daily *Musawat*, Karachi that Government deemed objectionable under Press and Publication Ordinance, and remarked that if the test of objectivity is applied, these photographs would not attract the clauses of the ordinance referred to in the case and these photographs have been reproduced in several other leading newspapers as well.

The advocate General conceded that the pictures by themselves would not have justified action under the ordinance but the detailed captions given under the photographs clearly attract the provisions of the said law. The court agreed with advocate general but said that the law

required that the words contained in the captions ought to have been stated in the show cause notice<sup>14</sup>.

The democracy and freedom of the Press are so strongly and directly related to each other that when there was no democratic constitution in the country the court had to rely solely on the Press (emergency power) Act 1931, which was promulgated by colonial rulers but after the constitution of 1956 came into force, the Press while defending its cases in the courts, have been taking the advantage of such article of the constitution that guaranteed freedom of expression. But after the imposition of Martial Law on October 8, 1958, that abolished the constitution of 1956, there was no force behind the Press guaranteeing it freedom of expression. In that era of without constitution the court held that criticism on the ministers of the Government as contempt and decided against the newspaper<sup>15</sup>. Had there been constitutional guarantees of freedom of expression at the back of this criticism, the decision would have gone in favour of the Press.

Our this impression is supported in another case where the court remarked that sensitiveness on the part of the Government may damage its goodwill, and at the time when Government has launched its programme of basic democracies, it is necessary for the Government to display large - heartedness, create good will and dispel suspicion<sup>16</sup>.

This was time that then president Ayub Khan had introduced the system of Basic Democracy in the country.

### **Press and Publication Ordinance**

On April 26, 1960 then president Ayub Khan, promulgated the Press and publication ordinance. This ordinance empowered the district magistrate to authenticate the

declaration of newspaper to only such person about whom the Government is satisfied that he is not likely to act in a manner prejudicial to the defence or external affairs or security of Pakistan.

The court in a case held that mere mention of this clause in order to refuse the authentication of declaration, is not a reasonable ground<sup>17</sup>. In another case the court also held that the Government should provide an opportunity of being heard before refusing the authentication of declaration to a person<sup>18</sup>.

The court also held that the district magistrate should satisfy himself before refusing the authentication of declaration to a person. The satisfaction of the district magistrate should not be dependent upon the satisfaction of the Government rather the district magistrate had to judge before rejecting to authenticate. The declaration that the satisfaction of the Government is genuine or not. The grounds on which the Government wanted the district magistrate to refuse authentication of declaration must be communicated to the district magistrate, who after examining the ground, is competent to authenticate or refuse the declaration<sup>19</sup>.

The court observed in a case that if a newspaper is not published in the case of a weekly newspaper, for two weeks in a calendar month and in the case of a monthly newspaper, for two months, its declaration becomes null and void. No order is needed in such a case. The provisions operate automatically. If one wishes to save himself, the only course open to him is to apply to the district Magistrate. He may, if satisfied on such application, hold that the declaration has not been rendered null and void<sup>20</sup>.

The court remarked that if someone is behind the bar and thus unable to publish the paper, he could apply in writing

stating the reasons for this failure to publish their papers. The jail authorities are under a statutory obligation to supply writing material and post cards etc<sup>21</sup>.

The court held that since the reason for non-publication was not communicated to the district magistrate, hence declaration had become annulled<sup>22</sup>.

In an appeal that was made against this decision of single judge, the court remarked that a detained person cannot show to the satisfaction of the district magistrate that the newspaper has not been or cannot be published for reasons beyond the control and held that during the period when one is deprived of his liberty, the declaration of his newspaper do not become null and void and its declaration is intact and operative<sup>23</sup>.

Giving its authority on the action of Government to annul the declaration of a newspaper, the court remarked that it could be taken only after a newspaper has been directed to furnish security<sup>24</sup>.

Regarding the financial position to run the newspaper the court remarked that Press and publication ordinance required that the publisher should have the financial resources for regularly publishing the newspaper. The words financial resources are not synonymous with cash deposit. The expression 'finances' are used in the sense not only of cash resources but also used in the sense of loans, advances and grants. The bank certificate means to have the capacity of having such amount as and when required<sup>25</sup>.

In another case the court made it clear that if the keeper of a printing Press wants to become the printer of a newspaper, he would have to get a separate declaration from the district magistrate for the purpose<sup>26</sup>.

The court in another case that Government cannot refuse to authenticate the declaration to a person who is keeper of the Press and wants to become the printer of a newspaper and because if keeper is not likely to print any material which may be used for defamation then how he can be found otherwise by the same authority likely, to use his status as printer of a newspaper for defamatory purpose<sup>27</sup>.

This means that it is obligatory for the district magistrate to authenticate the declaration of printer to the keeper of the printing Press. This seems necessary for the purpose of record that which and how many newspapers are being published in which printing Press.

After the restoration of democracy in the country, the court in a case remarked that right of the freedom of Press is guaranteed by article 19 of the 1973 constitution and all the instruments of state are supposed to act in manner which may be conducive to the promotion of the object of the constitution<sup>28</sup>.

## **PAKISTAN PENAL CODE**

Delivering the decision regarding the justification of section 124-A (sedition) the court held that "the security of the State is the most sacred and the most important duty of the State. Anything that endangers the existence of the State itself is to be curbed at the earliest and therefore, where anything is said or otherwise expressed which endangers the liberty of the State, the protection given by the Constitution cannot be availed of "Every inch of the territory of the State being more valuable than the liberty of speech and expression enjoyed by any of its citizens, such liberty cannot on any social, moral, legal or political ground be used as a 'democratic' means of liquidating the democratic State that



has bestowed that liberty". Therefore the Courts have held that the restrictions imposed by section 124-A of the P.P.C. are in the interests of the security of the state and are more than reasonable".<sup>29</sup>

In a case registered against daily *Tasneem* the court opined that "the law does not excuse the publication of photographs in news paper which are seditious. The mere fact that these charts and photographs had been displayed at the exhibition held at Karachi does not absolve the accused from liability under section 124-A".

The court remarked, 'it is true that in modern civilised countries, liberty of Press is fully guaranteed, but this does not mean that under the pretence of freedom, one is at liberty to bring into hatred or contempt the Government established by law'.

If certain alleged facts are used as a peg on which to hang seditious comments the truth of the fact does not excuse the seditious commentary".<sup>30</sup>

In another case the court held that "a prosecution under S. 124-A can only be made upon a complaint by the Government as contemplated by S. 196.Cr.P.C. Where the Home secretary has signed a complaint, the complaint is valid and proper and he need not be called to give evidence about the facts on which he has based it".<sup>31</sup>

The Government in developing countries is formed with coalition of other parties, so these may not be bold enough to register the case of such type because of their instability etc. keeping this in view the common citizen should have a right to lodge a case under this section.

The court in a case regarding Section 153-A, which makes punishable the promotion of hatred and enmity, held that if acts mentioned in section 153.A were not offences, public order will be prejudicially affected. The explanation attached to the section does not bar the pointing out the objectionable matters which are promoting feeling of hatred or enmity and the restriction on the liberty of the speech and expression imposed by section 153-A is, therefore reasonable, and they do not offend against fundamental rights guaranteed by the Constitution.<sup>32</sup>

In a case registered under section 292 that is regarding sale etc. of obscene books etc. the court remarked that what is obscene cannot be determined by opinions of majority of witnesses nor is the opinion of any particular witness, a true test whether a particular book/material is obscene or not, It is the duty of the court to decide on the facts of each case whether the material is obscene or not. Whether a picture/ photograph/article is obscene depends upon surrounding circumstance and facts in each and every case.<sup>33</sup>

Section 292 of Pakistan Penal code prescribes punishment for the person who sells/distributes/publicly exhibits any obscene book, etc or any other object and not the person who purchases any obscene book or sees obscene object. The exhibition or displaying of a foreign/objectable film is an offense yet the act of seeing such film is not punishable. Lest this Judgement is misunderstood, let it be added that from the moral point of view, the court have not approved the act of seeing obscene, immoral, objectionable film on TV/VCR, the court simply interpreted and applied the law of the land as it is. Court is obliged to administer Justice within the corners of the code and according to the cannon of the law regardless of consequences. The court was convinced that unless amendment is made in the relevant law restraining

act of seeing foreign/obscene/uncertified films, the person seeing such films on TV/VCR is not criminally punishable. So, the Legislature may in its wisdom make suitable amendment to bring the seeing of such films on VCR within the purview of criminal liability".<sup>34</sup>

The court had suggested in this decision to make amendment to bring the seeing of such films on TV/VCR within preview of criminal liability. It was 1990 at the time when court suggested so. But now after the lapse of ten years, we observe that the transmission through satellite are becoming popular day by day "which brought the world into our very own homes, that bowled us over completely, and for the first time gave Pakistanis a taste of what is now known as global culture. People were astounded to see the round the clock CNN coverage of the Gulf war for the youngsters the MTV music videos were something beyond their imagination, as were programs like Baywatch, the Bold and the Beautiful. For most people the spate of films from Zee TV were a dream come true".<sup>35</sup> Now the suggestion of the court to bring the "seeing of obscene film within the preview of criminal liability" seems to have become obsolete.

The court in a case registered under section 499 (defamation) clarifying the concept of defamation, commented that "if an allegation is true its publication will not be defamation in spite of the fact that is intended to harm the reputation of the person against whom the imputation is made provided the publication is for the public good. If however, the imputation is not true but is believed in good faith to be true and the publication is for public good, it is not the violation of law".<sup>36</sup>

In the same case the court commenting on the concealment of source of information on the part of the journalist, said

that "the law of the land did not give people connected with Journalism any special rights with regard to secrecy on the question of the source of their information and that they could not refuse to give information on relevant points on the ground that they were thereby infringing Journalistic etiquette. The idea entertained by some people connected with Journalism that they can keep back information from a court about a matter which can be validly inquired into by that court is entirely erroneous. If a person connected with Journalism appears as a witness in court, he can refuse to answer only those questions the asking of which the law does not permit and no others".<sup>37</sup>

The court further held that, "the law draws no distinction in this respect between ordinary persons and those connected with Journalism and it is clear that in law a journalist is bound to bestow the same amount of care and attention as any one else. From common-sense point of view, it would appear that those who publish newspapers have to be more careful before publishing an imputation which on the face of it is defamatory because what a man says will be read by few while what appears in a newspaper will be read by many".<sup>38</sup>

In another case commenting on the sensationalism the court remarked "this is not a healthy sign. This type of Journalism must be avoided by responsible Journalists in the interest of public at large. An editor should be most watchful not to publish defamatory attacks upon individuals unless he first takes reasonable pains to ascertain that there are strong and cogent grounds for believing the information, which is sent to him, to be true".<sup>39</sup>

The court further remarked that "the false reports published in newspaper can cause irretrievable and irreparable

damage to the reputation and social status of a citizen and can bring bad name to the country. For this reason, it is necessary and desirable that journalists should be most watchful not to publish defamatory attacks upon individuals unless they first ascertain that there are strong and cogent grounds for believing truthfulness of the information which is sent to them. In the present case, both journalists and publishers have departed, derelict, and deviated from their duty thrust upon them by their vocation, namely, the Press, which is the fourth organ of the state in addition to the judiciary, legislature, and Executive. The Printer, Publisher, Editor, and proprietor of a newspaper are as much responsible for a defamatory, damaging and disparaging news report published in their columns as if they were the original author and motivator. In the case of defamation, there is no special privilege of a journalist. No doubt, honest criticism ought to be made and is recognised in any civilised system of law as indispensable both for publisher and citizen. However, doctrine of fair comment on matters of public interest is based on the hypothesis that the publication in question is one which broadly speaking is true in fact and should serve public interest. It goes without saying that the occasion of fair comment cannot be allowed to be used as a cloak for ventilating some personal vendetta against anyone because if this was allowed to be so, then fair comment would be relegated to the unfair - nay, unlicensed - comment".<sup>40</sup>

The court opined that "a newspaper man or a Journalist who publishes a defamatory statement which is not true, is in the same position in the eye of law as any other member of the public and is not specially privileged. On the other hand he has greater responsibility to guard against untruth for the simple reasons that his utterances have a far larger publication than the utterances of a common man and such

utterances are more likely to be believed by the ignorant by reasons of publication in Press. The duties of an editor, journalist or a newspaperman need not be over-emphasised; they are clear. He should be most watchful not to publish defamatory attacks upon individuals unless he first takes reasonable pains to ascertain that there are strong and cogent grounds for believing the information which is sent to him for publication, to be true, that proof is readily available and that in particular circumstances, his duty to public requires him to make the facts known, if he acts in disregard of these precautions he is likely to be held liable for defamation".

The court quoted a case in which it was held that "it is no defence to a civil suit that the person who published the libel or a slander did not originate it but heard it or received it from another. Nor is it a defence that it was a current rumour and the person publishing it bonafide believed it to be true. It was remarked that as great an injury may arise from the wrongful repetition as from the first publication of slander".<sup>41</sup>

Clarifying a technical question that whether an action against a newspaper which is not published within the jurisdiction of a court is justifiable or not, the court was of the view that "it is sufficient in such case if it is shown that newspaper had its circulation or was available for sale at a particular place in order to give Jurisdiction to a court at such place to entertain an action for publishing a libel and it need not be proved strictly that some one actually read it there. Therefore, if the Plaintiff has an option to institute such a suit both at places where the newspaper is published or where it has its circulation".<sup>42</sup>

Giving the judgement regarding defamation before publication, it was remarked that "the court is invested with power and Jurisdiction in appropriate case, to restrain publication of defamatory material. The occasion for exercise of such power could arise only where material before court, prima facie, established that Press had threatened, or was likely to commit any act likely to cause injury. Mere apprehension on the part of an individual was not enough. Restraining Press to publish any such material against anybody would amount to pre-censorship, which, in absence of any reasonable restrictions imposed by law for any of the purpose specified in Article 19 of the 1973 constitution, would be violation of freedom of speech and Press".<sup>43</sup>

In a case regarding publication of libelous allegation by newspaper as statements of two political rivals leveling allegation and counter allegations against each other, the court held that newspapers are protected under the law and the constitution.<sup>44</sup>

In a case registered against weekly *Afaq* under 53 (1)d of Defense of Pakistan Rule 1971 which states, "Where in the opinion of Government any document contains any confidential information that is likely to assist the enemy, the Government may by order prohibit the further publication, in case of newspaper or periodical, the publication etc. of any subsequent issue thereof", the court held that "the provision in question authorises the Government to prohibit the further publication, sale or distribution of such document, or in the case of newspaper such issue thereof, which contains prejudicial material and such issue of the newspaper can be prohibited to be published subsequently, meaning thereby that the issue of the newspaper which contains prejudicial material can be prohibited to be published again or in other words such prejudicial material

cannot be allowed to be published subsequently. But it does not mean that the publication, sale or distribution of the newspaper or periodical itself can be prohibited irrespective of the fact whether any of its subsequent issue contains prejudicial material or not".<sup>45</sup>

## CONTEMPT OF COURT

Article 204 of 1973 constitution provides that Supreme Court or a High Court shall have the power to punish any person who abuses, interferes with or obstructs the process of the court or disobeys its order or scandalizes the court or a judge contempt or does anything which tends to prejudice the determination of a matter pending before the court<sup>46</sup>. Because the power under this article the contempt of court Act 1976 is also there (which has repealed the contempt of court Act 1926) and courts can make use of it. Section 480 to 487 of the code of criminal procedure deal with certain classes of contempt of court, also a criminal contempt of the kind mentioned in section 228 of the Pakistan Penal code may be tried by a High Court<sup>47</sup>.

The Jurisdiction to punish contempt was enjoyed by the Supreme Courts before 1962 constitution under the common Law of England. It was an inherent Jurisdiction, which authorized the courts to deal effectively with all that had a tendency to hinder the normal course of justice or affect the dignity of the court. The reason for the existence of this jurisdiction was that unless courts were armed with such a jurisdiction they could not properly function. Prior to the constitution of 1962 what was contempt of court was deducible from case -law. No hard and fast rule could be laid down as to the circumstances under which a certain act would amount to contempt of court. Constitution of 1962 and article 204 of 1973 constitution has removed that general



uncertainty as to what would be contempt of court but article 19 of 1973 constitution providing that ... there shall be freedom of the Press, subject to any reasonable restrictions imposed by law... in relation to contempt of court<sup>48</sup>. On the other hand the explanation to the article 204 states that fair comment made in good faith and in the public interest on the working of the court or any of its final decisions after the expiry of the period of appeal shall not constitute contempt of court. This explanation to the article 204 and exception to freedom of the Press mentioned in article 19 of the 1973 constitution has fortified the importance of the courts decision in determining as to what is and what is not contempt of court.

The punishment of the contempt of case is simple imprisonment for, a term, which may extend to six months or fine upto one thousand rupees or both. But here we intend to deduce from the court rulings regarding contempt of court, the extents and limits of the freedom of the Press.

The very first case against any newspaper after the creation of Pakistan was of contempt of court. In this case the court remarked. Judges loathe to take proceedings for their judgements. They do not claim to be infallible and realise more than anyone else that like other human beings they are liable to err. If therefore, those who are competent to express an opinion on their decisions assert that a Judge has gone wrong on a particular question and the opinion is expressed on an appropriate occasion, no Judge would ever object to the criticism even though he may consider it to be erroneous or unjustified. But if motives are attributed to a Judge and it is alleged that he gave a wrong decision intending to favour a particular party or to oblige or please or in fear of a particular person or authority, the position is different, because the suggestion then is that the very fountain of

Justice is tainted and consequently that the judgements that stream out of that fountain are impure and contaminated. In such cases it is the bounded duty of the court to step in to remove a potential menace to the confidence of the public in their Judges. When a Judge is reviled or defamed in the Press, he cannot contradict the publication nor can he take proceedings in his individual capacity to vindicate his reputation, because the very taking of any such action would bring the administration of Justice into disrepute. To punish the contemper *brevi manu* is the only course open in the circumstances and though such proceedings appear to invite the objection that the Judge sits in judgement in his own cause, that is not the correct position because such proceedings are taken not to protect the court as a whole or the individual Judges of the court from a repetition of the attack but to protect the public and especially those who either voluntarily or by compulsion, are subject to its Jurisdiction, from the mischief they would incur if the authority of the tribunal were undermined or impaired. Attacks upon the judges excite in the minds of the people, a general dissatisfaction with all judicial determinations and whenever man's allegiance to the laws was so fundamentally shaken it is the most fatal and dangerous obstruction of justice calling out for a more rapid and immediate redress than any other obstruction; not for the sake of the judges as private individuals but because they are the channels by which the king's Justice is conveyed to the people. "Prevention of apprehension to, and restoration of a damaged, public confidence in the administration of Justice is thus the true reason for the power to commit summarily for contempt in such cases. In the present case the publication in question tends to impair the confidence of the public in the impartiality and competency of the Judge and is calculated to give an impression to the public at large that cases before that Judge or in the court of which he is a

Judges are not decided on the merits but on extraneous considerations. That being the tendency of the article, it is difficult to conceive of a more serious attack on the reputation of the court or a more serious damage to the public confidence in the administration of Justice by this court which is the highest court in the province. Some actions to rehabilitate the position of the judge in the public esteem and to restore public confidence in the administration of justice by the court is therefore called for. Such action becomes all the more necessary because the court noticed a tendency among a section of the Urdu newspapers to indulge, for sensation's sake, in wild and unfounded criticism of all authority and to publish most irresponsible and intemperate attacks on courts. While this court does not in any way wish to restrict the liberty of the Press, the court warned the Press that when they criticise the judgement of courts or publish anything regarding courts they tread on dangerous ground and act at their own peril. While no judge would take exception to any free and fair criticism of his judgements, any attempt to misrepresent the proceedings before the judges or any attack on their integrity or impartiality will not be tolerated, for the simple reason that it is not for the Press or the public to criticise judicial determination of Judges. If every member of the public and any newspaper irrespective of whether it was competent to express any opinion in the matter or not were to criticise decision of Judges, the position will be Intolerable and the whole system will be brought into disrepute and obloquy. As the article in question amounts to contempt of court in more than one way, we cannot but take a serious view of the matter to prevent a repetition of such false accusations.

The position should be distinctly understood that judges merely interpret and apply but do not make the law, and in the absence of a statutory direction are not concerned with

its moral, ethical or religious aspect. If people feel that the Law does not accord with their views they should persuade the legislature to amend it but they have no right to find fault with or revile the Judge if in a case properly raised he rules that the law is not what they would wish it to be<sup>49</sup>.

In this detailed judgement the court whole heartedly realized the limitations of the judges that they too are human being and are liable to err. The court allowed those who are competent to express their opinion and even judicial acts of judges are not above criticism provided that the criticism is in good faith<sup>50</sup>. But to see a verdict of a judge from doubtful eyes as he has intentionally favoured a particular party is contempt and in this situation the court has to step in because a judge cannot contradict the publication of the Press in his personal capacity. If the action against such newspapers is not taken, it will excite the minds of the people and a general dissatisfaction regarding judicial system would be fatal for the society as a whole.

In another case the court remarked that if the report amounts to a comment or expression of opinion on matters subjudice or has the tendency to influence the readers' opinion on those matters by suppressing or misrepresenting material steps in the proceedings, it will then amount to an interference with the due course of justice by prejudicing mankind in respect of an issue and thus constitutes contempt of the court in which the proceedings are pending<sup>51</sup>.

Making the concept of contempt more clear the court held "It is a misconception to think that publication of briefs, pleadings or petitions even without comment can, in no circumstances, amount to a contempt. Such publications, if one-sided may well have the undesirable effect of

prejudicing the party whose version is not also placed before the public"<sup>52</sup>.

Elaborating further what constitutes contempt the court remarked that "It is now well-settled that all publications, which are calculated to or have the tendency to either excite prejudice against parties or their litigations while it is pending or to interfere with the due course of justice, will constitute contempt"<sup>53</sup>.

In the previous case though allowed those competent to comment on courts decisions but in the above case the court made it clear that to express opinion on matters subjudice or if a report that intends to influence the readers opinion by suppressing or misrepresenting the facts amount to an interference with due course of justice and would constitute contempt of court. In the cases where the accused have taken full responsibility for a publication that amounts contempt of court without any reasoning and delay and offered unqualified apology, the courts took lenient view<sup>54</sup> but where the apology was not made at the earliest opportunity, or the attitude of the accused was such as to indicate any genuine remorse or contrition on his part for the offence committed by him. The plea that he did not intend to bring the court into disrepute or contempt was clearly not honest or truthful<sup>55</sup>.

The court took serious view and held that where the accused insisted that he was in the right and contended that what he had done was within law, he should be punished<sup>56</sup>.

In a case the court held that court can refuse to accept an apology which it does not believe is genuine. It can even, when it accepts the apology, commit an offender to prison or otherwise punish him. Furthermore, there cannot be both justification and apology, the two things are incompatible.

The court observed that apology is not genuine otherwise the justification would not have been pleaded<sup>57</sup>.

In another case the court held that the question of intention cannot be taken as a plea of defense, for it is not necessary that in publishing an article in a newspaper, there should be proof of deliberate intention to bring a court into contempt. If the effect of the article is in fact to bring a court into contempt in the eyes of the public, contempt has been committed<sup>58</sup>.

In this case the court clarified that the overall effect of a publication on the mind of the reader matters and not the intention of the reporter. Similarly the court also clarified that revision of the orders of a subordinate court by an upper court does not allow anybody to criticize the intention of the lower court that it had acted in bad faith or had shown partiality to one or the other party. But in case of lack of confidence in any court, there should be a valid reason. The court held that there are other means of redress for those who feel aggrieved. They are always at liberty to approach the proper authorities with their complaints but they are not at liberty to air their views in the Press<sup>59</sup>.

In a case the court held that to anticipate a reserved judgement in the Press may embarrass the court because the final order may be otherwise. The court observed that nothing is more incumbent upon the courts of justice than to preserve their proceedings being misrepresented<sup>60</sup>.

Regarding the fixation of responsibility for publication the court made it clear that the Editor, the manager, the printer, publisher and actual author of a report all are legally responsible in the fullest measure for the publications<sup>61</sup>.

In another case the court observed that it is of no avail to the editor to plead ignorance of the publication, for in law he is responsible for everything that is printed in his newspaper<sup>62</sup>. And it is no excuse or justification to say that it is a quotation from somebody else. Even the repetition of contempt is a contempt<sup>63</sup> and each publication constitutes a separate contempt in itself<sup>64</sup>. In a case one who tried to wriggle out of the situation by throwing blames on others, the court dealt with on a different footing<sup>65</sup>.

In a case the court made a reference of a case *G.S. Gideon vs. The state* (PLD 1963 S.C. 1) where the appellant had been convicted for contempt in his absence. It was observed in that case, that although there is no precise procedure prescribed to regulate proceedings in the High Court for contempt, yet it was necessary that the fundamental rules for the ascertainment of truth should be followed and the contemner should be given the fullest opportunity of defending himself<sup>66</sup>.

Though the courts have been taking lenient view, where unqualified apology has been tendered but in a case remarked that an apology does not provide the contemner with an absolute excuse for the offending publication nor does it entitle him to a discharge as of right, for, it cannot remedy the evil caused. The court cleared that let no one be under the impression that the Press enjoys any special privilege of traducing the Judges nor should there be any impression that after one has grievously slandered and scandalised a Judge of a Supreme Court he can come to the court and get away with it by merely tendering an apology. Such a tendency must be curbed in the public interest itself<sup>67</sup>. The court where it intended to take lenient view had increased the fine and reduced the imprisonment to the period already undergone by the accused<sup>68</sup>. In a case the

court directed the editor to publish the apology entirely on the front page at prominent place in bold print without carrying any part of it to other pages<sup>69</sup>. In another case taking the lenient view sentenced the accused till the rising of the court<sup>70</sup>.

But generally, the courts regarding contempt cases are so sensitive, this is obvious from the above cases. This is also obvious from a case where the court sentenced the accused just after four days of a publication<sup>71</sup>. This sensitivity is more visible when we seen in a case, in which a judge was alleged by a publication that he has committed contempt of court, the court remarked that if such petitions are encouraged then no Judge of a Superior Court would be able to function freely because as and when he decides a case against a litigant there will at once be filed an application of this type<sup>72</sup>.

It is the general spirit of justice that one who himself is a party in a case, cannot be the part of the body deciding that particular matter. But in case of contempt against a judge the court is not ready to treat that judge as a party and remarked there is nothing wrong on the part of a judge who has been scandalized taking part in the proceeding for contempt<sup>73</sup>.

Truth and facts are the basic requirement of justice but regarding the matter of contempt of court the English Law becomes so narrow that in a case the court remarked that a long series of cases is to be found in the law reports laying down that truth is no justification for contempt<sup>74</sup>.

Since there is no fix formula for contempt proceedings and the technical accuracy is not required<sup>75</sup>, the court in a case was reluctant to accept the apology on the ground that "there is neither precedent nor principle that one court has been scandalised and another superior court pardoned it.



This would be defeating the very object of a proceeding for committal for contempt<sup>76</sup>. While in another case the court presided over by an acting Chief Justice, accepted the appeal lodged against the decision of the same High Court presided over by the permanent Chief Justice<sup>77</sup>.

In a case of contempt, the court made it clear that this is no plea on the part of an editor that he has published a news or article on the assurance of any lawyer<sup>78</sup>.

The court observed that all the cases of contempt of court are committed due to the lack of education and training of the journalists and suggested that "while making assignments for court coverage, proper education and training in that branch of journalism and its ethics should be kept in view by the chief editors; and with regard to the old and experienced reporters a short training facility in the same subject is provided to them as a refresher course. There would still be much better performance and results if the concerned sub-editors are also advised by the editors to keep in view an immediately visible and discoverable nexus between the headlines of the news and the detailed contents together with facility of their further training and vigilance by the chief editor. It is hoped and expected that with this and other steps which the publisher and/or the chief editors may deem to be necessary, the situation would improve to further considerable extent. It is also hoped that thus the occasion for issuing notice of contempt by the courts regarding their functioning and court proceedings, may not arise at all.<sup>79</sup>

The Supreme Court in its judgement directed the Government to take out from its clutches the subordinate judiciary on the magisterial side till 23rd March, 1994, by issuing necessary notification<sup>80</sup>. But Government continued

to stall the implementation of this decision and used the print media as one of the devices to criticize and oppose the process of separation.

The court for the very first time realized the importance of the print media and hoped the newspapers would play their role independently as a strong component in the fourth pillar of the state.<sup>81</sup>

As we have seen that before the promulgation of PPO, 1960, the cases were dealt under Press (Emergency power) Act, 1931, but after partition the courts supported the doctrine of free Press because it fostered healthy public opinion in a newly independent state, but also demarcated the limits on the Press that liberty to criticise the Government must not be confused with license to hold up the Government established by law to hatred or contempt. After the promulgation of 1958 constitution the courts decided the cases more liberally in favour of the Press and ruled that Press (Emergency power) Act, 1931, is no longer a good law, it has no relations with the freedom guaranteed in the constitution. The same was the attitude of the courts in respect of Press freedom after the enforcement of 1962 and 1973 constitutions. But during the period when there was no support of constitutional guarantees at the back of Press freedom, the courts had no ground to support the media. In the periods of Martial laws when the jurisdiction of the courts was restricted, the Press did not find any support from the courts. Although the courts gave benefit to the Press on technical grounds if any flaw on the part of the Government was committed in respect of procedural technicalities in taking action against the Press.

A very clear shift visible in courts decisions is that before PPO 1960 & PPO, 1963, the courts used to take the facts into

consideration very keenly, but after the enforcement of constitution right from 1956 onward 1973, the courts mostly decided the cases on the basis of procedure and technicalities of the case, the benefit of which definitely went to the Press instead of Government which committed procedural shortcoming while taking action against Press.

The attitude of courts seem very liberal towards Press whenever Press was in confront with the Government. While deciding the cases of defamation, the behaviour of the courts happened to be strict towards Press and rather suggestive. But in the cases of contempt of courts, the behaviour of the courts was very strike and uncompromising. In these cases we find no leniency in the attitude of the courts and it compelled the Press to bow rather to kneel before the court. The law of contempt of court needs through reconsideration in the larger interest of the Press freedom and society as a whole.

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# Socio-Structural Obstacles to Improve Female Health in Pakistan: Towards a Theoretical Model\*

Muhammad Hafeez

*Abstract:* An ever-growing body of literature underscores the significance of socio-economic and cultural factors as underlying the health statuses of populations. Similarly, gender is increasingly being acknowledged as an important contributor of the health of males and females. Gender differences are socially produced and accordingly result in different health outcomes of both sexes. However, the correlation between gender and health of populations is not adequately understood. This paper represents an attempt to develop a model to explore the mechanisms through which poorer female than male health status is produced in Pakistan.

*Keywords:* gender, health, women, inequalities, Pakistan

## Socio-economic Structure and Health

Although advances in medicine and modern clinical practices have been important to the health and well-being of both sexes, an ever-growing body of literature underlines the

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\* This paper is based on PhD research done at the National Centre for Epidemiology and Population Health, the Australian National University, Canberra, Australia during 1996-2000. The data and information were collected from urban and rural communities in Punjab, Pakistan in 1998.

significance of socio-economic and cultural factors as underlying the statuses of populations' health (Macintyre 1997, Marmot 1997, Chenet 2000, Graham 2000). Socio-economic, cultural, and biological factors are noted as important determinants of population health, but their inter-relationships are complex (McCarthy and McCain 1992). Health status in developed countries is much better than that in poor countries, but some developing nations, like China, Sri Lanka, and Costa Rica, record health indicators, and life expectancies at birth, nearly as good as those in developed countries (UNICEF 1998, World Bank 1993). Caldwell (1986) has identified nearly a dozen countries around the world achieving health statuses far beyond what their national levels of per capita income would predict. In other words, it is not just economic improvement that produces health. A conducive social environment may be equally important to good health outcomes in a population (Wilkinson 1998). While the correlation between socio-economic status and health is strong, the mechanisms through which the social environment effects on health are not adequately understood.

Along with age, gender is the most salient human attribute in almost all societies. The first piece of information to know concerning all human interactions is the sex of the individual concerned, because most following interactions are shaped on gender information. Although this gender basis of human interaction is now undergoing change, most inter-human dealings still reflect the gender of the actors and gender structures. To make interaction relatively easy, different dress codes are applied to men and women. The sex of an individual is clearly an important reproductive distinction, but that distinction has been overly highlighted in contemporary societies. Undoubtedly, a clear distinction between males and females is functional for society, but

stereotyping of males and females has gone too far, and a whole body of beliefs has accumulated around persons' sex. These beliefs and attitudes have a strong bearing on the comparative health of males and females (Stronks 1996).

## **Sex, Gender, and Health**

After nearly three decades of work on gender and related issues, sex and gender are still confused, and are generally used to mean the same. Sex normally means biological differences between males and females. Gender, on the other hand, conveys "socio-culturally constructed components attached to each sex. Moreover, biological differences - whatever they may be - are basically constant across historical time and space" (Chafetz 1990:28), but gender systems change over time and differ across societies. As a consequence, the health of males and females varies.

All societies are divided into male and female domains and Pakistan is no exception. This dichotomy suggests that males are different types of creatures having varied roles, responsibilities, and entitlements (Charles 1993, Moore 1988). Although there is a great variation in roles and entitlements but certain consistencies are found around all societies of the world. For example, domesticity is the domain of females and public life is mainly occupied by men. The places or tasks associated with maleness are usually more valued than those linked with femaleness (Hess 1987, UNICEF 1990, Donnan 1997, Hakim 1998, Doyal 2000). It may be noted that these gender based inequalities impact the health of both men and women, but this paper focuses on female health.

Nathanson (1975:57) presented three theoretical explanations towards sex differences in illness. The first

argument suggests that women report higher morbidity than that among men because it is culturally appropriate and acceptable. Secondly, the sick role of women is more compatible with their other social roles. Thirdly, women experience more sickness because their socially assigned roles are more stressful than those assigned to men. These explanations have been criticized due to their partial focus on women and it is suggested that these explanations have failed to explore in equal depth the social roles of men and women (Popay and Groves 2000:70).

Gender is increasingly being recognized as a major source of social and health disadvantage for females in almost all societies around the world (Denton 1999, Fischbach 1997, Furhrer 1999, Hafeez 1999, Hill 1995, Kronfield 1999). Females are systematically disadvantaged through socially produced differences between the sexes (Moghadam 1992, Sathar 1994, 1996, Mahmood 1995, 1996). Gender seems to permeate all aspects of individual and social life, shaping social processes at micro and macro levels of human activity. Gender is so pervasive in people's lives that its effects often go unnoticed. Our psyche, stereotypes, and pre-dispositions do not allow us to appreciate the dynamics of gender in shaping our attitudes, motives, and behaviours. And we just take these behaviour patterns as 'given' and do not see how they relate to differential health outcomes in populations.

Female status in Pakistan is low (Patel 1991, Weiss 1999) and this "low social, economic and legal status of women is intimately tied to the well-being of their children" (Agha 2000:199). To understand the role of gender in-health, one has to look in depth at local social processes through which the health of the two sexes is differentially influenced.

The role of wife/mother is a hard one, and to prepare girls for it they are socialized to attach high social value to altruism from childhood. Similarly, giving birth is a painful process and the image of painful mothering is applied to the whole of their lives. Although this socialization pattern may help prepare females for a tough wife/mothering role, it certainly contributes towards making their lives relatively uncomfortable as well (Lindsey 1994, Lorber 1997, Mathews 1999, Okojie 1994)

The analysis of health differentials between males and females is as complex as are gender systems themselves. Females are considered a sicker sex because of gender-based beliefs about the reproductive biology of women, and accordingly some complaints of illness among females are considered 'normal' and are attributed to their biology. Consequently, the threshold for labelling women as 'ill' is higher than that among men. Females in Pakistan are more likely to delay seeking medical help until an illness reaches an advanced stage (UNICEF 1990, GDFHS 2000, Vlassof 1994, WHO 1999, Hafeez 2000b). At times, these delays lead to medical complications and death. Medical complications emerge through lack of access to and use of available health care services, and accordingly the major reason for high maternal mortality is complications of obstetric problems (Midhet et al. 1998).

## **Women and Gender Studies in Pakistan**

After nearly three decades of discourse on gender in developed world, the term gender is now becoming a buzzword in Pakistan. Although a lot of work is done on gender and gender-related issues, gender is still equated with the disadvantage of women. Accordingly, the Western academic discourses have shifted from 'Women Studies' to

'Gender Studies', but 'Women Study Centres' are even now being established in Pakistan. For example, at the largest and the oldest university of Pakistan (the Punjab University, Lahore), a Women's Study Centre was established as recently as 1998 (personal communication). Pakistani media, both private and public, and policy are increasingly heard talking about women and their social disadvantage. Apparently, Pakistani policy is yet to be sensitised about the impact of gender structures on men's and women's health. Given the continuing low status of Pakistani females, this paper deals with women's health disadvantage in Pakistan. The dominant framework of research on gender inequalities in health and illness has been, and to some extent remains, social role theory (Lennon 1987, Lindsey 1994, Popay and Groves 2000:69). Little attention has been given to develop theoretical models to explain structure based gender differentials in health.

The emphasis of gender literature from developed world is now on social construction of gender identities and on the relationships between the two sexes, the focus of this paper, however, shall be on the disadvantage of women because it is more pertinent to Pakistani social and economic situation. A closer examination of Pakistani policy on women suggests a lack of clarity about the road map of improving their social and health status. However, the mention of policy weakness is not aimed to undermine Governmental and Non-Governmental Organizations' actions to alleviate sufferings of women. For example, the efforts to enhance literacy and education among women and girls are laudable. The national endeavours to enhance participation of women in politics and also increasing employment opportunities for women are appreciated. However, this paper makes an important contribution to highlight deep-rooted social and health disadvantage of women in Pakistani social structure.



From Pakistani perspective, the identification of the domains of social and health disadvantage of females is an important task in its own right and can potentially contribute towards improving their health and social status (Ahmed 1999, Kazi 2000, Khalid 2000). Aiming gender equity as a policy goal is an important pursuit and should remain so. But most Pakistanis would believe that the notion of "gender" overpoliticizes the "natural" differences between males and females, and hence become counter-productive. According to them, these gender differences are not avoidable. Rather they are considered natural and hence are desirable. Given the domination of this traditional perspective, addressing the gender-based structural conditions of women's social and health disadvantage becomes even more important to bring sustainable change in female health and social status.

### **Feudal Patriarchy and Shift in Change of Gender Structures**

In the 1970s, liberal tendencies appeared to be occurring too fast, and to be beyond the absorption capacity of rigid structures. Normative and gender structures were stretched beyond their limits of flexibility. The change in gender structures coupled with the modernizing image of women did not fit well with the traditional ideology of orthodox feudal and religious-political elites. Patriarchal communities in Pakistan did not approve of women competing with men for employment, transport, and other public goods, although there was little competition for educational facilities because of segregated schooling. Knowing the patriarchal constitution of Pakistani society, the beneficiaries of patriarchal traditions (i.e. feudal landlords and the religious-political elite) converged into a powerful lobby to influence state policies to revive weakening age-old patriarchal gender

structures. The electronic media, especially television, were used to re-inculcate traditional values, behaviours, and attitudes. The popular TV serial '*Waris*' is a good example.

The feudal landlords, politicians, and industrialists had common interests in the maintenance of traditional structures. In the 1980s, they collaborated and joined forces with the government to work for the restoration of declining traditional control. The orthodox religious elite provided greatly needed legitimacy to their actions. The combination of these four forces, the state, feudal landlords, industrialists, and religious-political elites, produced the most powerful social coalition in the history of Pakistan. They systematically influenced social processes and the social psyche of the people, instigating a tradition-oriented 'social revolution'. To ensure revival of traditional control, they adopted a dual voluntaristic and coercive strategy. The voluntaristic measures included persistent acculturation through the media. Coercive actions included widespread violence against women and unjust implementation of *Hudood* laws.

In 1979, the *Hudood* laws, concerned primarily with gender and sexuality, were introduced. These laws were meant to protect and benefit women, but their unjust implementation resulted in restraining their rights in courts of law, and it became harder for women to seek justice against excesses perpetrated by men. A recent high profile government report concluded that these laws hampered women's social and legal status and constrained their rights to attain justice through normal court procedures (RCIW 1997). Recently, the Chief Justice of Pakistan has highlighted the need to review discriminatory laws against women in the country (*Nation* 1999).

Recent reports have suggested a growing trend of domestic and public violence against women (RCIW 1997; Fikree and Bhatti 1999; Human Rights Watch 1999). Violence against women ranges from mental torture to beating and murder. The incidence of stove burning is reported to have risen sharply in recent years (Human Rights Watch 1999). As there are no systematic data on violence against women, most studies are based on newspaper reports. According to the Human Rights Council of Pakistan, in an eight-month period during 1999, "of the 372 women who reported domestic violence, 272 died as a consequence of the battering" (quoted in Fikree and Bhatti 1999:196). Although these figures are alarming they represent only extreme cases coming to the attention of the Human Rights Council. Nevertheless, they do highlight the severity and intensity of the battering of some women in Pakistan.

The custom of *karo kari* (honour killings) is continuing unabated. During 1999, of 264 honour killings, 162 victims were women (*Dawn* 2000). Honour killing of a woman is still not treated as 'murder'. The judiciary looks at 'honour killings' as having mitigating circumstances (RCIW 1997) and takes a lenient view of them, which only encourages more of them. Honour killings may be functional in local social systems, but such killings, mostly of women, produce a critical negative image of females.

In the past several years, newspapers have given extensive coverage to stories of violence against women. They increasingly have reported stove burnings (kitchen accidents), *karo kari* (honour killings), abductions, and gang rapes. Although such coverage has enhanced awareness of the problem, it has had a serious negative effect on the Pakistani social mind. Such stories have produced social apprehension about the security, safety, and future of

females. Noting the significance of the negative contribution of the media, an Islamabad-based NGO called 'Sahil' requested media people to 'keep a low profile' while reporting such stories (*Nation* 2000). The suggestion was not to publish such stories prominently and sensationally, as many people were believed to have been influenced negatively by them. Pakistani media generally publicize stories about violence against women sensationally, and Sahil noted that such coverage might have encouraged some men to indulge in violence against women. Such sensational publicity also creates a negative and vulnerable image of females

Because the dominant social and gender structures are generally unfavourable to women, people seem to be more concerned about the futures of their daughters than of their sons. Their gender-based feelings are generally shared with relatives and friends, contributing to a cycle of growing discrimination against girls. First, they prefer that a girl should not be born in the first place. There may be implicit (praying) or explicit (sex-selective abortion in some cases) measures taken to avoid the birth of girls. Secondly, people may discriminate in providing health care to their children. According to the 1990-91 PDHS, for the 10-year period preceding the survey 22.0 boys and 36.5 girls per thousand live births died aged 1-4 years (NIPS 1992:118). The differential seems high, but consistent reporting of higher female than male mortality among children aged 1-4 years indicates the female mortality disadvantage (Arnold 1997, Hakim et al. 1998, Tinker 1998). This male-female child mortality differential is generally attributed to differential access to and use of health services. It is likely that the 66 percent higher mortality among girls than boys aged 1-4 years is largely the result of differential gender-based health care practices (NIPS 1992, United Nations 1996, Tinker 1998,

Wallerstein 1998). This gender differential in mortality appears dramatic, and some more conservative estimates report as little as 12 percent higher mortality among girls than boys aged 1-4 years (MHDC 1999). There may be a variety of degrees of gender differential in reports of child mortality, but the common factor is that girls' mortality is higher than boys'.

### **Consequences of Gender Structures for Females**

In Pakistan, gender structures are pervasive at household and social levels (Donnan and Selier 1997). Gender structures, just like social structures, influence the health of males and females (Broom 1999). In the context of a low social valuation of female gender, girls from lower socio-economic strata experience particularly severe discrimination in education and health. In 1995, literacy among adult Pakistani males was 50 percent, compared with 24 percent among adult females. The adult female literacy rate in 1995 was thus 48 percent of that of males, even lower than in India and Bangladesh (see Table 1).

In terms of female primary school enrolment as a percentage of male enrolment, the 1995 statistics ranked Pakistan at the bottom among South Asian countries, below even Nepal. The picture for other levels of school enrolment was similar. Data for 1992 showed that female mean years of schooling as a percentage of the male mean was also the worst (23 percent) in the region. Widespread discrimination against girls and women underlies high levels of illiteracy among females (UNICEF 1998).

Table 1 Gender related profile of Pakistan in the context of South Asia

	India	Pakis tan	Bang ladesh	Nepal	Sri Lanka	South <sup>b</sup> Asia (Wtd Avg)	Devel oping Coun tries
<b>Female population as a % of male</b>							
1998	94	97	93	85	102	93	97
<b>Male literacy rate (%) 1995<sup>a</sup></b>	66	50	49	41	93	63	79
<b>Female literacy rate (%) 1995<sup>a</sup></b>	38	24	26	14	87	36	62
<b>Adult female literacy as a % of male</b>							
1970	41	35	35	12	80	40	NA
1995	58	48	53	34	94	57	78
<b>Female primary school enrolment as a % of male</b>							
1970	64	37	48	20	92	60	79
1993	81	61	82	67	99	79	88
<b>Female mean years of schooling as a % of male</b>							
1980	32	25	29	33	79	32	33
1992	34	23	29	31	79	33	55
<b>Female life expectancy at birth as a % of male</b>							
1970	97	99	97	97	103	97	103
1997	100	103	100	100	106	100	105

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Maternal mortality per 100,000 live births 1990-96	437	340	850	1500	140	480	384
<b>Total fertility rate</b>							
1960	6.0	7.0	6.7	6.0	5.4	6.1	6.0
1997	3.1	5.1	3.2	5.0	2.1	3.4	3.1
% decline 1960-97	48	27	52	17	61	44	48
<b>Contraception use by women aged 15-49 years (%)</b>							
1970	12	4	22	1	8	12	18
1990-95	41	18	49	29	66	39	56
<b>Earned income share of females as % of male 1995</b>	34	26	30	50	55	33	48
<b>Female economic activity rate as a % of males 1995</b>	46	36	73	68	55	48	64
<b>Gender-related development index 1997</b>	0.424	0.399	0.342	0.327	0.700	0.415	0.564
<b>Gender empowerment measure 1992</b>	0.228	0.179	0.305	NA	0.286	0.226	NA

Source: MHDC 1999

a Source: UNICEF 1998

b The South Asian figures include Bhutan and Maldives.

Note: The Gender-related Development Index (GDI) adjusts the Human Development Index (HDI) for gender equality in life expectancy, educational attainment, and income. For more information on HDI, see MHDC 1999.  
NA Data not available

The MHDC based in Islamabad has developed a 'Gender Development Index' (GDI) to compare women's situation across countries. The GDI is based on women's health and education status in relation to men's. Pakistan's record is not only poorer than those of most countries in the world, it is even worse than that of neighbouring relatively poor India, while Sri Lankan women enjoy the greatest emancipation in South Asia.

Another gender-related development measure constructed by the MHDC is called the 'Gender-Empowerment Measure'. This is based on statistics for variables such as schooling and income. Data for 1992 show that Pakistan was rated the poorest (0.179) among the countries for which data were available in South Asia, against a regional average of 0.226 (MHDC 1999:200). A more detailed comparison of the gender-related profiles of Pakistan, other countries in South Asia, and developing countries in general is given in Table 1. The data show that the maternal mortality rate in Pakistan was lower than in other countries except Sri Lanka. This may, however, reflect significant under-reporting of maternal deaths due to poor recording of causes of death. This argument receives some support from 1989 data, which estimated that there were 600-800 maternal deaths per 100,000 live births (NIPS cited in Mubarak 1990:29). According to the 1995-96 Pakistan Integrated Household Survey (PIHS) conducted by the Federal Bureau of Statistics (hereafter FBS) (1997:43), the MMR in Pakistan is around 650 deaths per 100,000 live births.

### **Effect of Gender Structures on Health Services Use**

According to a 1996 United Nations report, *Too Young to Die: Genes or Gender*, the most important source of gender discrimination in health is differential access to health



services. Educational, nutritional and feeding discrimination is reported from South Asia, but these discriminations have had limited differential effect on the health of males and females (United Nations 1996). Gender-based discrimination in immunization is also reported to be minimal. It is argued that differentials in the use of curative health services are both larger and more widespread. The differential parental use of health care is the main mechanism through which boys survive more frequently than girls do (Booth and Verma 1992, United Nations 1996).

As noted earlier, in Pakistan, 1981-90 data show that 36.5 girls and 22.0 boys per thousand live births died aged 1-4 years (NIPS 1992), 66 percent higher mortality among girls than boys. According to Hakim et al. (1998), during 1992-96 mortality rates were 18 boy and 23 girl deaths per thousand live births in this age group, suggesting a gender-based mortality differential of 27 percent. The variation in the extent of differentials in mortality is understandable, but all surveys show higher female than male mortality among children aged 1-4 years. Such differentials are usually attributed to gender-based discrimination in child rearing practices and parental use of health care services (NIPS 1992, AVSC 1997a, Tinker 1998, Wallerstein 1998).

Hospital data from the Islamabad Children's Hospital show that nearly one-quarter fewer girls than boys were brought for health care between January 1989 and September 1990 (Mahmood and Mahmood 1995:701). If people from the relatively high literacy city of Islamabad discriminate against girls regarding health care, it is highly likely that people from other parts of Pakistan also use health services differentially for their sons and daughters. According to another recent report, statistics from large public hospitals in Pakistan reveal that a significantly larger proportion of boys

than girls are brought for care at government health care facilities, even after adjusting for the excess of 104 males per 100 females among children aged 0-4 years (United Nations 1996:15). Given this pattern of health services use, a significant differential in survival between boys and girls aged 1-4 years should come as no surprise.

From birth, a female child is considered a guest in her parents' house, because she will move to her in-laws' home after her wedding (Hakim and Aziz 1998). Girls come to know about their transient status at home when very young. Some parents prefer to invest in education and training of their sons, because it will add to their home in a variety of economic and social ways. On the other hand, some parents invest in their daughters' education, training, and health to improve their marriage prospects.

To sum up, the major reason for poorer female than male health is the inequitable use of health services. Although educational, nutritional, and feeding discriminations are reported, their differential effect on the health of males and females is limited. Discrimination among boys and girls regarding immunization is reported, but the differential use of curative services is emphasized. Parents are more willing to utilize all possible resources for their sons, when ill, than for their daughters.

## **Gender Inequalities and Female Health**

A large body of literature shows a close relationship between gender inequalities and mental and physical health of men and women (Annandale and Hunt 2000, Doyal 1995, Stein 1997). These studies have not only looked at mortality but also at more qualitative aspects of life like illhealth and mental ailments (Ibraz. 1993). It is suggested that many

problems faced by women are not the direct product of their biology. Rather they are the product of social discrimination and because of gendered activities pursued by them in their daily lives (Belle 1990, Kitts and Roberts 1996). Anxiety and depression are much more common among women than among men (GDFHS 2000, Khalid 2000). Yet there is no concrete evidence to suggest that women are constitutionally more susceptible to such problems than their male counterparts (Busfield 1996).

### **Poverty**

Poverty and income inequality are inversely related with population health (Rodgers 1999, Waldmann 1999). Poverty in Pakistan is reported to have increased during the past decade (Government of Pakistan 2000, 2001) and gender disparities of income and wealth make Pakistani women even more vulnerable. Pakistani women suffer more than men due to low nutrition levels and lesser access to health care (Tinker 1998). Acute gender division of labour in Pakistan often denies basic human needs like time for rest and recuperation (Bhatti 1999, Fikree 1999, Karim 1994, Winkvist 1997). Most Pakistani women have little social support and a large majority of them are being abused by men (HRW 1999, WHO 1996). The physical and psychological security needs of Pakistani females grow in a highly discriminated home and social environment whereby they are trained to belong to the less valuable group (female) and result in their low self-esteem which is linked with the state of mental health (Papanek 1990, World Bank 1989). These women are socialized to be altruistic and are encouraged to work for the well being of others at the cost of their own health.

Given the disadvantaged social circumstances for Pakistani females, their health is expected to remain poorer than that of their male counterparts (ICRW 1989). However, on certain important indicators, female health has improved in the last few decades (Hafeez 2000a). The life expectancy at birth is a good example. Pakistani women have now caught up and their life expectancy is at par with that of men at 63 years (UNICEF 1998) but their lives suffer from illhealth much more than their male counterparts (Tinker 1998, Hafeez 1999). Pakistani social structure provide unequal access to a large array of social, economic, political, and psychological resources to women having a direct/indirect impact on their health. A substantial proportion of their illhealth can be linked with their daily lives full of gendered routines whose social and economic value remains low. These gendered responsibilities obviously can be modified through adjustments in social policy and social structure.

### **Change in Gender Structures**

Masculine and feminine behaviours are inextricably linked to either sex or female gender (Annandale and Hunt 1990). Being a traditional society, gender structures in Pakistan are rigid. There is a "need for policies to free up individuals from the constraints of rigidly defined gender roles" (Doyal 2000:937). It may be noted, however, that any change in gender relations is likely to challenge masculine identities of Pakistani men and they are likely to react. Machismo is an important and socially valued attribute. For example, to impress upon his peers, a young boy from a low socio-economic background carved burn marks of his name's initials with a lit cigarette (Personal communication with the person). To tackle this obstacle, it is imperative to address material, institutional, and structural inequalities in larger social structure. However, to improve female health, change

in patterning of gendered divisions in social structure is extremely important. At the same time, effort must be made to enhance and recognize the value of their domestic activities. For example, they may be paid for doing domestic work. Such a strategy demands significant changes in social and economic organization of Pakistan.

### **Gender-based Concerns in Pakistani Perspective**

Recent scientific work has established both a theoretical basis and strong empirical evidence for a causal impact of social relationships on health (House et. al. 1999:161). Gender systems of a society provide a framework of social relationships and impact on people's health (Stronks 1998, Berkman 1999). The question arises, how do gender systems come to influence health and health care behaviours? Gender stratification structures are so rigid, discriminatory, and important that people start thinking about the sex of a child even before conception. People pray for the birth of sons. The births of sons are celebrated and rejoiced, while female births are accepted quietly, or mourned if there are two or more living daughters already (Hafeez 2001).

The source of differential attitudes towards sons and daughters can be traced to gender-based concerns. Boys and girls raise their own types of concerns for their parents. These concerns relate to aspects of the children's future lives. Education, employment, security, and marriage are some of the major issues with which parents are usually concerned (Hafeez 2000). Educational and employment concerns arise more with sons. Parents like to invest in sons' education to improve their employment prospects. These concerns are more positive in nature because of their potential future rewards. As sons are expected to remain part of their

families, they are considered assets and worthy of investment. According to Hakim and Aziz (1998:729), "A son is regarded as a permanent part of the family and an asset who will reinforce the family power and status"

On the other hand, daughters are mainly associated with security (protection of female honour, chastity, and modesty) and marriage (Hafeez 2000). These twin concerns are more negative in nature. They are consumption, rather than investment, oriented concerns. Daughters consume and take resources away in the form of dowry and their moving to live with the families of their in-laws. In recent years, because of high dowry demands (Sathar and Kiyani 1998), concerns over daughters' marriages have probably intensified.

The concerns about sons are more economic in nature, while those about daughters are both economic and social in nature. Although economic concerns are usually more important than social concerns, households may have greater ability to adjust and adapt to economic realities. People can cope with a low standard of living, but social concerns are encompassing and stick in people's minds. At the same time, people have little control over concerns created by the larger society. For example, physical insecurity, especially of females, is perennial in Pakistan, and there are few measures individuals can take to improve the situation. Increasing incidences of abduction and rape have produced a worrying state (RCIW 1997), and parents are concerned over the security of girls and women.

Because people have greater adaptability to economic realities, they are not as anxious about material comforts as about social problems. Owing to lack of adaptability, social concerns are a potential source of tension and worry. In

other words, people are more worried about the futures of their daughters than about those of their sons. This gender difference has an adverse effect on the health of both parents and female children.

Figure 1 shows a model of female health in Pakistan. The model shows a typology of people's concerns and their impact on the health of females. It attempts to show that a resurgence of traditional social values and emergent materialism, coupled with lawlessness, has produced a social environment that has caused special concerns regarding females. People are unprecedentedly concerned with their daughters' security and marriage prospects. As most people lack resources to address these social issues, they remain anxious about them. Such gender-based concerns have a negative bearing on the health of both males and females, but more so on that of females.

There are two sections of the model. The lower section shows the typology of gender-based concerns. It suggests that the social system of Pakistan has re-embraced tradition and also acquired the norms of a material culture. The traditional values have reinforced sex segregation, and placed a high social value on female modesty. At the same time, corruption and political instability have produced a poor law-and-order situation, resulting in an increased incidence of abduction and rape (RCIW 1997).

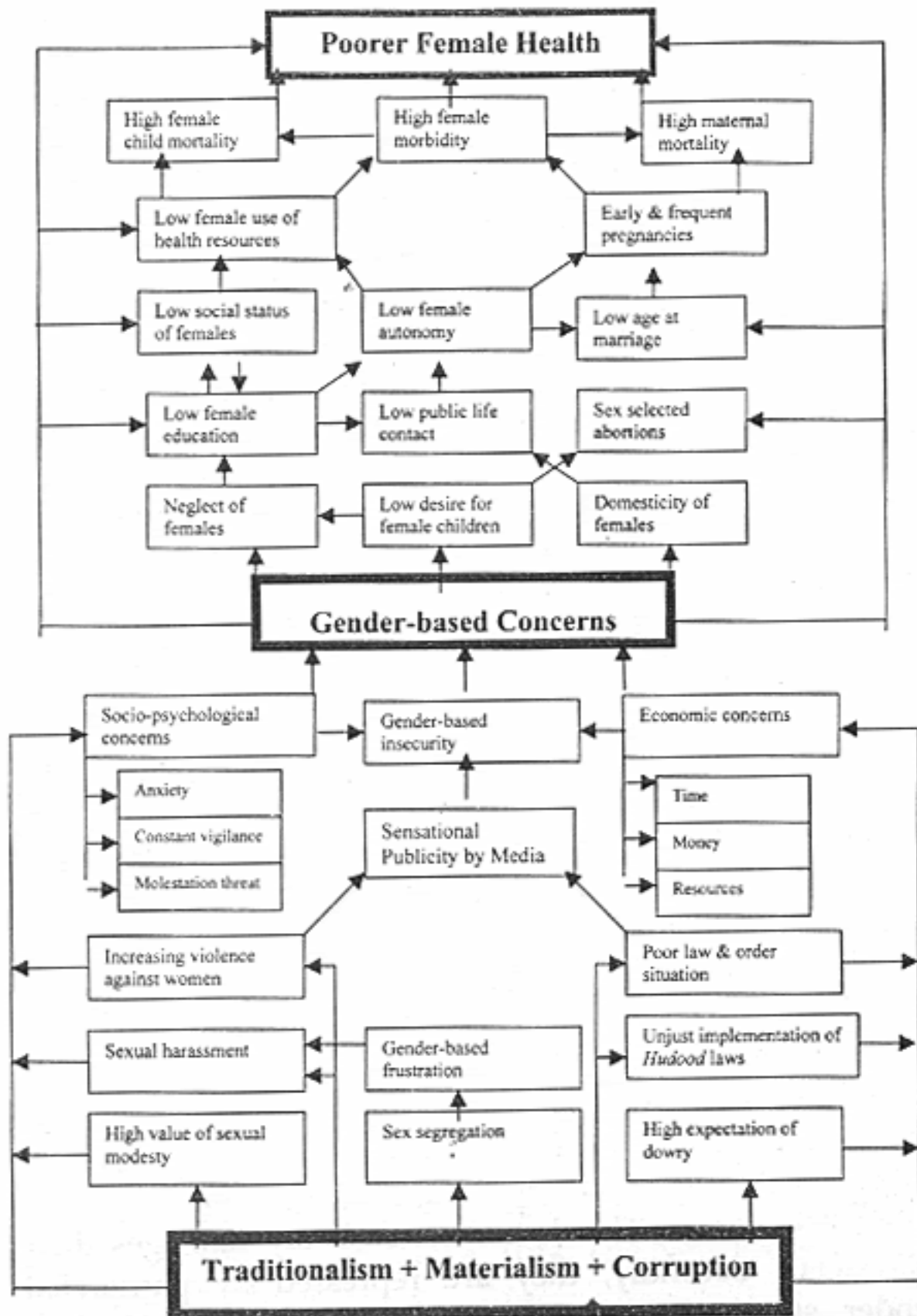
The upper section of the model shows the mechanisms through which gender-based concerns affect health. Because people are more concerned about the futures of their daughters, they want to avoid concerns associated with female children.

One way of avoiding those concerns is to avoid the birth of female children in the first place. Praying not to conceive a female child is the first action. A small minority are able to indulge in sex-selective abortion after using ultrasonography to ascertain the sexes of unborn children, although rare in Pakistan. "In a hospital-based

concerns are a potential source of tension and worry. In



Figure 1  
Gender-based concerns and female health model



survey of 30 private and public hospitals in Pakistan, 11 percent of maternal deaths were attributed to induced abortion" (Fikree et al. cited in Tinker 1998:7). And finally, when a female child is born, some people mourn her birth. Once a female baby is born, she may not receive equal treatment from her family and society to a male baby. Some people discriminate in the allocation of food, health services, and leisure. Many parents do not provide adequate health services to girls. They are discriminated against in both the quantity and the quality of services made available. As a result, girls experience higher morbidity, leading to higher mortality among daughters than sons aged 1-4 years.

The overall social status of females, both parents and children, is a lot lower than that of males. Males enjoy much more autonomy and freedom to move around than females. Females are provided with fewer educational and training opportunities than males. Because people are more concerned about the futures of their daughters than of their sons, they like to relinquish responsibility for their daughters by arranging early marriages (Mahmood and Nayab 1998). This results in early and frequent pregnancies, leading to high fertility and contributing to a high maternal mortality rate (Sathar 1987, World Bank 1989, Mahmood and Nayab 1998, Midhet et al. 1998).

In summary, greater gender-based female than male concerns create psychosocial pressures for both sexes, but females are affected doubly. First, they learn very early in childhood that by virtue of being girls, they have a lower status than males. This lower status badly damages their self-esteem. Secondly, they are repressed by patriarchal gender structures. This double burden influences their health negatively throughout their lives.

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## **Civil Service System of Pakistan: A Gender Analysis**

**Nasira Jabeen**

### **Abstract**

Women in management is now a universal phenomenon. However, they are not equally represented along the hierarchical levels of organizations. Under-representation of women in senior management positions is well documented in the management literature. This paper explains the under-representation of women in civil service of Pakistan through a gender analysis of the federal civil service system. Based on the premise that organizational structure has significant influence on the advancement of women manager the structure of Federal Civil Service has been critically examined. Analysis of three major structural dimensions i) power structure, ii) opportunity structure and iii) numerical representation points to the most subtle forms of biases built in the structure and policies of the organization as a major impediment in women's reach to the top management positions. The paper suggests for a fundamental change in the bureaucratic structure by removing structural barriers to women's entry and advancement and granting them due representation in decision making bodies to counter the male construction of gender in the civil service.

## **Introduction**

During the last half of the 20<sup>th</sup> century women's role in the global market has undergone a great deal of change resulting in an overall increase in their work participation. This phenomenon has occurred not only in developed and industrial countries but in the developing countries as well. Nevertheless, despite the upward trends in women's participation in the labour force, their share in administrative and senior managerial positions is extremely low. Based on the premise that organizational structure has significant influence on advancement of women managers the paper presents a critical review of structure and personnel policies of Federal Civil Service of Pakistan. Drawing upon Kanter's (1977) framework for organizational structure three broad structural dimensions of the organization i) Power Structure ii) Opportunity structure and iii) Numerical Distribution are examined to reveal gender differences. While power structure determines the level of women's access to power and authority in an organization, the opportunity structure determines the extent to which women have access to opportunities for personal growth, development, and career achievement. The numerical distribution of women in organization reflects their overall representation at different levels of the organization. It is presumed that organizations, where these factors are unfavorable to women as compared to men, would be less positive to women managers and more likely to hinder their career advancement. This paper reviews the civil service system of Pakistan to examine the extent to which these structural factors are conducive to the advancement of women civil servants.



The paper is organized into four sections. The first section briefly discusses salient features of the civil service system. The second section explains the management of the personnel functions in the Federal Government. The third section provides an overview of women's numerical strength in the civil service as a whole, at different hierarchical levels, and in various important decision making bodies. The last section presents the implications of the organizational structure for women in the civil service.

## **Salient Features of the Civil Service System**

### **The Secretariat System**

The Government of Pakistan, under the 1973 Constitution, provided a ministerial form of organization. There are about 25 Ministries; each is responsible for different portfolios. Each ministry is composed of one or more Divisions whose functions and responsibilities are defined by the Rules of Business 1973 made by the Federal Government. Each Division, in turn, is composed a Central Secretariat, subordinate offices of the Division, Attached Departments, and Autonomous Corporations (Ali & Ali, 1996).

The Central Secretariat of each Division provides staff support for making policy decisions. A Secretary who is one of the Senior Civil Servants heads the Division. The other officers in a Division are Additional Secretary, Joint Secretary, Deputy Secretary, and Section Officers who are career civil servants.

The concept underlying the Secretariat System is the dichotomy of policy making and policy implementation. While the Central Secretariat of a Division gives policy

directions, the Subordinate Offices, Attached Departments, Autonomous Corporations are responsible for policy implementation in their respective domains. The strict dichotomy of policymaking and policy implementation accords Secretariat Staff more status and prestige as compared to the Officers of the Attached Departments and autonomous corporations. Consequently, secretariat officers have brighter prospects of promotion than their counterparts in other departments.

### **Preference for Generalists**

The civil service system has built-in preference for generalist administrators, because of its secretariat system of authority. The secretariat system favors generalists over specialists. Specialists who even head the line departments report to secretaries in the secretariat who are generalists.

The systems of recruitment of officers through CSS examinations who mainly fill the top positions in the secretariat also reinforce preference for generalists. The basic qualification required for appearing in the CSS examinations is a Bachelors degree in arts or science (BA/BSc). The CSS selection system tests candidates' general educational ability through examination in compulsory and self-selected subjects followed by psychological test and interview. The CSS selection system is heavily biased towards liberal arts education and fluency in the English Language. A common pre-service training in the Civil Service Academy for probationers of all service cadres also reflects its generalist orientation.

Besides recruitment and training, several other organizational factors further reinforce the preference for

generalists. Once officers are selected they are subject to frequent transfers in the field, which adhere them to acquiring, general rather than specialized knowledge and experience in a single particular field.

### **The Cadre System**

The civil servants are classified into various occupational cadres who, prior to administrative reforms in 1973, were referred to as "services" and after, as "groups". The candidates selected through CSS examination system are assigned to different occupational cadres prior to pre-service training. The status, prestige, and promotional aspects of officers are determined by their membership with the originally assigned occupational group.

For instance, the District Management Group a lineal descendant of Civil Service of Pakistan (CSP) and Indian Civil Service (ICS) still maintains a prestigious position among all occupational groups as member of this group predominantly occupy top positions in the secretariat.

### **Rigid and Formal Pattern of Rank Hierarchy**

The pay and benefits of civil servants are determined on the basis of their formal ranks in the civil service hierarchy. Under the 1973 administrative reforms, the ranks in the civil service were classified into 22 national pay grades. Grades 1 to 4 were designated for unskilled tasks; grades 5 to 15 for clerical personnel; grade 16 for superintendents; and grades 17 to 22 for officers. The fundamental pattern of grades has remained the same despite several revisions since inception.

## **The Quota System**

In 1947, after gaining independence, Pakistan inherited a civil service with disproportionate representation from different regions due to a number of historical, social, economic, and political reasons. East Pakistan (now Bangladesh) despite having the majority of the population had relatively low representation in the higher bureaucracy as compared to West Pakistan. On the other hand, even within West Pakistan bureaucracy was not regionally representative as Sind, NWFP, and Baluchistan had lower representation than Punjab.

Soon after the independence, the political leadership of Pakistan realized the importance of a regionally and ethnically representative bureaucracy and introduced the quota system in 1949. Each province was allocated a certain percentage of posts at the time of recruitment to the Federal Civil Service. Though the quota system was initially introduced for five years with the expectation that within this period it will serve its purpose, it is still in place despite the fact that virtually every reform committee/commission has recommended its dismantlement. Although the quota system has served its purpose, as the representation of various provinces in the civil service is more or less proportionate to their populations, its elimination, however, seems politically impossible due to the expected reaction from smaller provinces (Daily Jang, July 1, 1998)<sup>1</sup>. The table

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<sup>1</sup> The last extension in the time limit of constitutional provision for quota expired in 1993. However, since then, the government kept the quota system intact through Presidential orders. Recently, an opposition member from a smaller province Sind has moved a resolution before the National Assembly for extension of quota system for twenty more years (The Daily Jang, London, July 1, 1998). The resolution has been accepted, and the speaker has constituted a

given below illustrates provincial/regional quotas for allocation of different civil service posts for the year 1993:

**Provincial/Regional Quota  
For the year 1993**

**Table 1**

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Punjab	50%
Sind (Rural)	11.4%
Sind (Urban)	7.6%
NAFTA	4%
NWFP	11.5%
Azad Kashmir	2%
Balochistan	3.5%
Merit	10%

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Source: Federal Public Service Commission Annual Report, 1993

### **Management of Personnel Functions**

The Civil Servants Act 1973, incorporating the structural changes under the 1973 Administrative Reforms, provides the legal framework for the public personnel system of Pakistan. This act regulates personnel aspects such as recruitment and selection, training, job classification, compensation, promotion, discipline, and performance evaluation, for all the employees of the federal government including members of the Central Superior Services (CSS).

The public personnel functions are performed by two major federal agencies, the Establishment Division and the Federal

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parliamentary committee to deliberate the issue and report to the National Assembly. To restore the quota, the parliament has to make an amendment. The quota issue has recently become more complicated as the Supreme Court of Pakistan has declared the quota system as unconstitutional and un-Islamic.

Public Service Commission. While the Establishment Division, as provided in the Rules of Business 1973 is responsible for all the major public personnel functions, the Federal Public Service Commission acts as the central recruitment and testing agency. The commission is responsible for conducting competitive examinations, tests, and interviews for recruitment to various grades of civil service. The following are some of the major personnel functions of Public Personnel System.

### **Jobs Classification**

The civil service jobs are classified in several ways. For the purpose of the administration of salary and benefits, the 1973 Administrative Reforms introduced a unified grade system to classify all civil service jobs into 22 unified grades also called National Pay Scales (NPS). Grades 17 to 22 are assigned to jobs/positions carrying executive responsibilities ranging from entry level to top management. Grade 16 is assigned to supervisory level jobs whereas grade 5 to 15 are meant for clerical and skilled jobs, and grades 1 to 4 are designed for unskilled jobs.

The jobs in grades 17 to 22 are further classified as cadre and ex-cadre. Cadre jobs/posts belong to the Central Superior Services (CSS) that are filled at entry level (grade 17) through annually conducted CSS examination. The ex-cadre jobs/posts are mainly professional in nature such as doctors, engineers, educationists, and economists that are filled when such jobs/posts stand vacant in different ministries and departments. The ex-cadre jobs as the name indicates do not belong to any occupational group or cadre. The cadre and ex-cadre distinction has serious implications for personnel system of the Federal Government. The incumbents of cadre

posts are career civil servants and as such have brighter career prospects in terms of reaching to the top positions in the secretariat. Table 2 exhibits the number of cadre and ex-cadre civil servants in grades 17-22 for the year 1993.

**Federal Government Civil Servants in Grades 17 - 22  
For the year 1993**

**Table 2**

Grades	17	18	19	20	21	22
Cadre	1868	1901	1124	650	189	67
Ex-Cadre	4907	1831	799	263	18	7

Source: Civil Service Census Report, 1993

The table illustrates that while ex-cadre civil servants outnumber cadre civil servants at the entry grade 17, their number declines in the higher grades because of having limited prospects of progression.

The cadre jobs (CSS) classified into different occupational groups based on different functional areas. The following are the main occupational groups:

1. District Management Group
2. Police Group
3. Secretariat Group
4. Income Tax Group
5. Custom and Excise Group
6. Accounts Groups
7. Information Group
8. Postal Group
9. Commerce and Trade Group
10. Foreign Affairs Group

11. Office Management Group
12. Military Lands and Cantonment Group
13. Railways Group
14. Economists and Planners Group

The above occupational groups are further grouped into All Pakistan Unified Grades and Federal Unified Grades. The members of occupational groups that belong to All Pakistan Unified Grades<sup>2</sup> serve both federal and provincial governments while the members of the Federal Unified Grades serve Federal Government only. All Pakistan Unified Grades include the District Management Group, the Police Group, the Secretariat Group, and the Tribal Areas Group. All other occupational groups belong to the Federal Unified Grades (Husain, A., 1992)

### **Recruitment and Selection**

There are several different ways through which Federal Civil Servants are recruited. Grades 1 - 15 positions are filled by the concerned ministries and departments through their own selection procedures. The recruitment to the positions in grades 16 to 22 is primarily done through the Federal Public Service Commission. There are three avenues of recruitment to grade 17 to 22, namely direct recruitment, military recruitment, and initial recruitment.

The direct recruitment is made, through CSS examination, to various occupational groups. The CSS examination is

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<sup>2</sup>The federal government maintains effective control over provincial administrations through members of these groups. They occupy important positions in provincial secretariats, districts and divisional administration despite the fact that law and order is a provincial subject. The members of provincial civil services view these aspects of federal service as infringement of provincial autonomy.



administered by the Federal Public Service Commission, Military recruitment refers to the induction of military officers into the Central Superior Services on the recommendation of high-powered commission chaired by the President of Pakistan. Military recruitment is done both on permanent basis and on contract basis. Initial recruitment is made to the ex-cadre positions, professional in nature, by the Federal Public Service Commission.

The Federal Public Service Commission annually conducts the CSS competitive examination to recruit officers in grade 17 to various occupational groups. The basic qualification for appearing in this examination is a Bachelor's degree in any subject areas. The age limit for appearing in CSS examination is 21 to 28 years. Both men and women are eligible for this examination.

The candidates who qualify from the written portion of CSS examination are called for psychological test designed to assess their personality characteristics and aptitude for various civil service occupations.

The candidates who qualify from the written examination and have taken the psychological tests are invited to appear for interview before the Viva-Voce Board, which consists of the Chairman and Members of the Federal Public Service Commission and also one or more representatives of the Establishment Division. The members of the Board have before them, the report of the psychological test, a copy of written result, and a record of both academic and extramural career of each candidate (Government of Pakistan, 1996; Raheem and Husain, 1980).

The final result of the CSS examination is compiled on the basis of the written examination as well as a Viva-Voce. Therefore, the final selection of candidates to each occupational group is made on the basis of their position in the merit list and the regional and provincial quotas allocated to various occupational groups.

### **Training and Development**

The Federal Civil Service has comprehensive pre-service and in-service training and development programs. While the pre-service training is meant for only direct recruits who join the civil service through CSS examination, the in-service training is offered to all the civil servants at various stages of their careers. The pre-service training comprises of one-year common training program at the Civil Service Academy, Lahore for all successful candidates of CSS examinations, called probationers, and one year specialized training conducted for probationers in each occupational groups.

The rationale of a common training program is the education and socialization of probationers who have diverse educational, social, and regional background. This training helps them to equalize their educational level and provides them with an opportunity to develop strong bonds as batchmates despite belonging to different occupational groups.

In-service training to federal civil servants is offered at different stages of their career through a network of training institutions. National Institute of Public Administration (NIPA) in each province offers advance courses and various short courses in administration and development for grade 18-19 officers. Grade 19-20 officers attend advanced training

courses at the Administrative Staff College, Lahore. Besides these, there are several institutes run by different departments that offer specialized training courses to their employees. Training at the NIPA and Pakistan Administrative Staff College is linked with the promotion of civil servants.

### **Performance Evaluation**

The main component of the performance evaluation is the Annual Confidential Report (ACR), which is completed by senior officers on their subordinates. The ACR consists of three parts. Part I contains personal information about the officer reported upon for example his/her qualifications, training, and position held. Part II contains evaluation of personal qualities such as intelligence, judgment, initiative, ability to plan, persistence and behavior with public, interest in economic development, observance of security measures, and punctuality. Part III of the ACR forms consists of a general assessment of the officer. The reporting officer, in this part, provides a pen picture of the personality, assesses the effectiveness of the work of the officer, and makes recommendations about his/her fitness for promotion. The ACR as its title suggests is strictly confidential, however, adverse remarks on any portion, must be communicated to the concerned officer who can make representation against these remarks.

### **Promotion**

As discussed earlier, there are two types of posts in the Federal Civil Service, cadre posts and non-cadre posts. The cadre posts in grade 17 and above are linked up in a well-defined career path in each occupational group. However,

contrary to cadre posts, ex-cadre posts do not follow strict career path and even some posts are dead-end jobs with no promotion prospects.

The cadre posts for promotion purposes are classified into two categories: 1) non-selection posts, and 2) selection posts. While the Departmental Promotion Committee on the basis of processes promotions to non-selection posts seniority-cum-fitness, promotions to selection posts are processed through the Central Selection Board on the basis of fitness. Posts carrying grade 18 and below are non-selection posts. Whereas, posts in grade 19 and higher are selection posts. Promotion to the non-selection posts is based on seniority-cum-fitness-requiring five years service and a minimum score of 50 marks in confidential report calculated in accordance with a multiple step formula<sup>3</sup> (Khosa, N., 1989).

Posts in grades 19 and higher are selection posts and requirements for promotion to each grade are clearly specified in the promotion rules. Promotion to posts grade 19 requires: 1) 12 years of service; 2) minimum score of 60 marks in the confidential reports; 3) relevant experience to the posts to which promotion is being made. The score on two criteria "quality and output of work" and "integrity" in confidential reports is an important factor in determining the comparative merit of the officers.

Promotion to posts carrying grade 20 requires: 1) 17 years of service; 2) a minimum score of 70 marks in the confidential

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<sup>3</sup> The quantification of annual confidential reports (ACR) for promotion purposes was introduced in 1982. An elaborate multi-step procedure has been provided in the Civil Establishment Code to calculate overall score of a civil servant being considered for promotion. Different minimum scores are required for promotion to different grades.

reports; 3) relevant experience; 4) completion of training at NIPA or an equivalent course attended at another institution. Quality and output of work and integrity as reflected in the score on these items in the confidential reports is given importance.

Variety of experience acquired by officer is also given a considerable weight in the decisions to promote to the grade 20 posts. Variety of experience includes work experience in field administration, autonomous bodies and corporations, attached departments, different ministries, divisions, and foreign missions.

Posts in grade 21 are senior management positions involving important policy making or extensive administrative jurisdictions. Promotion to these posts require: 1) 20 years of service; 2) a minimum score of 70 marks in the confidential reports; 3) relevant experience; 4) training at Pakistan Administrative Staff College/National Defense College. As in the case of grade 20 posts, quality and output of work and integrity and variety of experience are crucial in promotion to grade 21 posts. However, "top management potential" is an added factor considered for promotion to these posts. The "top management potential" include officer's maturity, balance, and ability to assume top management positions even at a short notice (Khosa, N., 1989, p: 250).

Grade 22 posts are the top most management positions. The incumbents of grade 22 positions are called Secretaries who head a division, ministry, provincial secretariat, or a corporation. The secretaries are appointed on the recommendations of the ministers concerned instead of the Central Selection Board as in case grade 19, 20 and 21.

## **Salary and Benefits**

The Federal Government on March 1, 1972 introduced a scheme of National Scales of Pay, Allowances and other fringe benefits. There are 22 National Pay Scales as illustrated previously. The NPS 17 to 22 are officer grades. The civil service rules, besides salary and benefits, also provide pension scheme, benevolent grants, and group insurance to provide social security to the civil servants.

The underlying principle of salary and benefits administration in the Federal Civil Service of Pakistan is strict adherence to the rank in the hierarchy. The rank instead of nature of the job and labor market consideration determines the salary and benefits attached to different civil service positions. For example, the grade 17 civil servants in different occupational groups receive the same salary and benefits despite performing jobs of a different nature. However, different occupations carry different non-monetary benefits and level of prestige.

## **Discipline**

The Civil Servants Act, 1973 and Efficiency and Discipline Rules govern the procedure for disciplinary action against civil servants. There are various grounds of disciplinary action such as inefficiency, misconduct, corruption, and subversion. The minor penalties that can be given are, withholding of promotion or salary increments. The major penalties include demotion to a lower rank or post, compulsory retirement, removal or dismissal from service. The civil service rules lay down the detailed procedure for

disciplinary action such as appointment of inquiry office, penalties, and appeal system.

### **Numerical Distribution of Women In the Civil Service**

Women in Pakistan were never prohibited to join the civil service, however, prior to 1973; their entry was not open to all the services. Women were not allowed to join certain prestigious services namely Civil Service of Pakistan, Foreign Service of Pakistan, Police Service of Pakistan. These services were considered unsuitable for women based on the perception that women might face difficulties to cope with the job environment in these services, which involve public dealings, frequent postings and transfers, assignments in hard areas, and field postings home and abroad.

However, under the 1973 Administrative Reforms, when all the different civil services were organized into occupational groups, women were allowed to join all occupational groups except the Police Groups. Hence, these reforms are generally regarded as a major breakthrough for women's entry into the civil service. However, despite the fact that women's entry was never prohibited to the civil service and 25 years have passed since women were allowed to join thirteen out of fourteen occupational groups, their representation in the civil service is still extremely low both in terms of number and power.

Women, according to the Federal Government Civil Servants Census Reports 1993, constitute 5.36 per cent of the total Federal Civil Servants in grades 1-22. In managerial grades 17-22 total shares of women is 7.82 per cent. Within ex-cadre

and cadre managerial positions<sup>4</sup>, women representation is 11.47 per cent and 2.89 per cent respectively. It is clear from these figures that while women's participation in managerial jobs in the civil service is very low, it is even lower in the central superior services (cadre posts).

It is not only that overall representation of women in managerial grades (17-18) is low, but they are also either underrepresented or not represented at all in top managerial positions, prestigious occupational groups, and other important bodies which relegate them to low position in the power structure of the civil service (Government of Pakistan 1995; Government of Pakistan, 1997).

Table 3 exhibits women's representation in various managerial grades 17-22 for both cadre and ex-cadre posts. The table indicates that women are not only marginally represented in various grades but their representation at top managerial grades 20 and 21 is very start and they are non-existent at grade 22. While in Ex-cadre posts women can be seen up to grade 20, beyond

That they are not represented at all.

**Women's Representation in Federal Civil Services  
Grades 17 -22 for the year 1993**

**Table 3**

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	Grade					
	17	18	19	20	21	22
Cadre	2.62	3.31	3.8	1.69	1.05	0.0
Ex-cadre	13.40	8.73	8.51	4.56	0.0	0.0

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<sup>4</sup> Cadre posts refer to managerial positions in (grade 17-22) under Central Superior Services organized into 14 occupational groups. While ex-cadre posts refer to grades 17-22 positions in federal secretariat, attached departments, autonomous corporations that are not filled through CSS examination.



Source: Federal Government Civil Servant's Census Report, 1993

It is mainly because the cadre officers enjoy more power and prestige in the civil service system of Pakistan as compared to those who belong to ex-cadre category, which is, also reflected in the label, "CSS officer"<sup>5</sup>, used for these officers. However, not all the cadres/occupational groups carry the same prestige and power. Four out of fourteen occupational groups namely; District Management Group, Police Group, Foreign Service, and Secretariat Group enjoy relatively more prestige and members of these services groups/cadres mostly fill the senior management positions. Among these four Groups District Management and Secretariat Group take the lion's share of top slots (21-22) in the civil service hierarchy (see table 3). In other words, the District Management Group (DMG) dominates the civil service hierarchy, as most of the Secretariat Group's officers originally belong to the DMG before induction into the Secretariat Group.

The representation of women in the DMG and Secretariat group is low (table 4&5) as compared to other occupational groups. Even women who belong to these groups have not been able to reach to the top, as there is not a single woman in the grade 22. In grade 21, there is only one woman who belongs to the Income Tax group, which is the exception not the rule. Women are also not represented in important civil service bodies such as Public Service Commission, Central Selection Board, and Departmental Promotion Committees.

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<sup>5</sup> Css stand for Central Superior Services

**Representation of Occupational Groups  
In Top Management (Grade 21 -22)**

**Table 4**

Occupational Groups	Grade 21	Grade 22
	%	%
Secretariat	38	49
District Management	9.2	18
Foreign Service	11.6	8
Police	5.8	12
Income Tax	7.3	3
Other Occ. Groups	19.4	0
Ex-Cadre	8.7	10

Source: Federal Government Servants Census Report 1993

**Women's Representation in Federal  
Civil Service by Occupational Group and Grade**

**Table 5**

Occ. Group	Total	Grade					
		17	18	19	20	21	22
1. Accounts	14	7	5	2	0	0	0
2. Commerce & Trade	4	1	3	0	0	0	0
3. Custom & Excise	16	5	9	2	0	0	0
4. District Management	18	6	5	6	1	0	0
5. Economists & Planners	8	4	3	1	0	0	0
6. Foreign Service	18	1	9	6	2	0	0
7. Income Tax	25	4	12	8	0	1	0
8. Information	14	9	2	2	1	0	0
9. Military Land & Cantonment	3	1	1	0	1	0	0
10. Office Management	7	6	7	4	0	0	0
11. Police	0	0	0	0	0	0	0
12. Postal Service	5	3	2	0	0	0	0
13. Railways	9	2	5	2	0	0	0
14. Secretariat	17	0	0	10	6	1	0
15. Ex-cadre	898	658	160	68	12	0	0

Source: Federal Government Civil Servants Census Report 1993

## **Structural Implications for Women Civil Servants**

There is no legal bar on the entry and progression of women in the civil service of Pakistan rather the Article 27 of the 1973 Constitution protects women from discrimination by stating "no citizen otherwise qualified for appointment in the service of Pakistan should be discriminated against in respect of any such appointment on the ground of sex" (Government of Pakistan, 1973; Khosa, 1992; Mehmood, 1994). However, a gender analysis of the civil service system suggests that while apparently there exists no discrimination against women, the very nature of the system and power structure within the federal bureaucracy puts women at a disadvantaged position and encourages, discrimination against women in more subtle and complex ways. Although in 1973, the government has paved the way for the entry of women and their advancement in the civil service by allowing women to join all occupational groups. In the light of the constitutional provision, which prohibits sexual discrimination in appointment in the civil services, no effort so far has been made to bring fundamental changes in bureaucratic structure and system to make the civil service gender neutral.

Occupational segregation on the basis of sex is deep rooted in the bureaucratic structure of Pakistan despite the fact that women are eligible to join all occupational groups (except Police) of the Central Superior Services (CSS). Even, the constitutional provision prohibiting sexual discrimination allows for occupational segregation by stating "However, specified posts may be reserved for members of either sex if such posts entail the performance of duties and functions which can not be adequately performed by members of the

other sex " (Article 27, Constitution of Islamic Republic of Pakistan 1973).

Certain occupational groups in the federal civil service have traditionally been regarded as suitable only to men because of perceived masculine nature of the jobs and functions involved in these groups. The most prominent in this category are the district management, foreign service, and police. Women were not permitted to join these services prior to the 1973 Administrative Reforms. Although there are no such restrictions on women and their presence is quite visible in the so-called masculine and prestigious occupations of civil service, women representation is still very low as compared to other occupational groups.

A possible reason for low representation of women in the prestigious groups might be gender biases in the selection process. Psychological tests may have potential bias towards masculine characteristics and tend to stream the candidates into different occupations on the basis of their personality characteristics. Not all the women who may otherwise be competent may have the same psychological profile as required for the so-called masculine jobs.

The Federal Public Service Commission (FPSC) responsible for recruitment and promotion of civil servants comprises of a Chairman and 10 members who happen to be all male. For example, from the year 1993 to 1999 not a single woman was given the membership of the FPSC (FPSC, 1993-1999). In view of the statistics given in the annual reports of the FPSC regarding distribution of candidates according to sex it may not be unreasonable to believe that low success rate of women vis-à-vis men may be an outcome of gender bias against women embedded in the all-male FPSC. The table 6

clearly exhibits that while women's passing percentage is higher than that of men's in the written and oral examination it declines in the final selection when compared to the male candidates.

#### Distribution of Candidates According to Sex

Table 6

Description	1998				1993			
	Male	%	Female	%	Male	%	Female	%
Appeared in Examination	2498	(89)	295	(11)	3694	(92)	30	(8)
Qualified in written exam.	484	(19.03)	69	(23)	671	(18)	60	(20)
Finally qualified	445	(91.9)	65	(94.2)	493	(73.4)	53	(88.3)
Selected for training	186	(42)	23	(35)	125	(25.3)	12	(22.8)

Source: Federal Public Service Commission Annual Reports, 1998, 1993.

Women success rate in the final selection decline sharply when it is compared to the male candidates. The data for the given years consistently show this pattern (FPSC, 1998 & 1993).

The all-male FPSC, which conducts viva voce interviews, may further pushes women into occupations felt more suitable for women. These subtle ways to discriminate against women were also pointed by some female civil servants during their perceptions on the federal civil service selection and promotion system. A female officer illustrated:

Although some women are now working in the district management group, they are handling public affairs very well but still those sitting in the selection boards believe in cultural taboos and perceive women unsuited for positions that involve much public

exposure and public dealings. There are some members sitting in the selection and promotion boards who are averse to the sight of a female officer. These members sometime ask quite embarrassing questions such as, why are you joining civil service, why do not you marry and get settled first. Women receive the same treatment when considered for good postings and training abroad.

Thus, gender streaming takes place at the entry point which restricts women from joining the prestigious occupational groups whose members have bright career prospects and have greater chances of reaching to the top positions in the civil service hierarchy.

Despite the gender biases in the selection process, several women manage to join the prestigious groups, District Management, Foreign Service, and Secretariat Group, and according to the Federal Civil Servants Report 1993, there were about 43 women officers in these groups. However, ironically, not a single woman could reach to the top managerial grade (grade 22), which can also be explained by the practice of occupational segregation even within the occupations. Despite being in the same occupational group, women may not have the same level of access to all the positions as their male counterparts. Women in the District Management Group have so far been largely deprived of field postings such as Deputy Commissioner. It is only recently that a woman has been appointed as Deputy Commissioner. Similarly in the Foreign Service women may not have the same opportunities of postings abroad in foreign Missions due to complexities of foreign posting rules

applicable to female officers. Once women are deprived of the field experience, it diminishes their chances of promotion to top managerial grades because of the requirement of "variety of experience" for promotion to grade 21 and 22. Having not served in the field administration and foreign Missions puts the women at disadvantaged positions while competing for top managerial grades. Thus, even in case of women officers in prestigious occupational groups, chances of their promotion to top grades are very bleak as a result of work segregation within these occupational groups.

The very composition of the Central Selection Board, which processes and recommends promotions to the senior management grades makes women officers more vulnerable.

Some female civil servants indicated the same during their interviews. One female officer pointed out:

For promotion annual confidential reports play an important role. These reports are critically reviewed and examined while taking promotion decisions in the selection board. The element of male bias is always there in the board as no female has ever been on the board. The board usually consists of retired justices, retired army generals, and senior bureaucrats who are all male. So in built biases in the promotion system trigger the impact of lowering down women's representation in the most senior level positions.

Although from 1980, a quantitative criteria has been in place to decide cases of promotion to senior positions, still the

Board has considerable discretion as stated in the promotion rules:

In addition to the circulation value and variety of experience the incumbents must possess Proven analytical competence, breadth of vision, emotional maturity, and such other qualities that determine potential for successfully holding the posts in top management. This potential cannot be judged by mathematical formula. The Selection Board will have to apply its collective wisdom to determine the same (Estacode, 1989; p: 249).

An all male Selection Board, using its collective wisdom to judge the management potential of women candidates, may have serious implications for women officers aspiring for senior positions. While women officers in the prestigious groups may also be the victims of potential male bias in the Selection Board, women from other occupational groups are potentially more vulnerable as being women and members of those occupational groups which are given less share of top managerial positions owing to the system's preference for versatile experience.

The NIPA and PASC training is linked with the promotion to grade 20 and grades 21 & 22 respectively. Both of these courses are residential and have three months duration including a foreign tour. Women with family and other domestic responsibilities may face difficulty to taking these opportunities at the earliest as it may not be possible for them to stay away from the family for such a long period. On the contrary men do not face such problems. Delays in



acquiring mandatory training may delay women's promotion to senior positions.

Another aspect of the recruitment, which is the induction the of military officers against 10 per cent share of CSS posts, also has negative repercussions for women officers competing for higher positions. Since women are not permitted to join the military in its officer ranks, with an exception of doctors and nurses, the induction of military officers simply adds to the number of male civil servants and lowers their representation, which may reduce their chances of upward mobility vis-à-vis men. Data given in the FPSC annual reports provides support to this argument (FPSC 1998, 93, 92, 91).

The allocation of civil service posts to different provinces/regions under quota system may also go against the representation of women in the civil service except in the case of Punjab and Urban Sind where women have more access to higher education due to conducive socio-cultural environment. Women in rural Sind, NAFTA, NWFP, Azad Kashmir, and Balochistan may not take their share in the given quota for respective province/region due to cultural barriers (Reference Table 1, page 7).

Women's low representation both overall and at different hierarchical levels has itself serious implications for the advancement of women in the civil service. The low visibility of women in the civil service hierarchy may grant them token status, which puts pressure on them. Women have to go an extra mile to prove themselves as competent as men in different occupations and at different levels in a male dominated civil service. Unless women move from a token presence to a balanced share in the civil service

sitions, they are most likely to face a hostile organizational environment as a result of unfavorable and biased attitudes.

### **Conclusion**

To conclude, women have an extremely low representation in the federal Civil Service of Pakistan both horizontally and vertically. This is mainly due to: 1) gender biases in opportunity structure which appears in various forms such as gender streaming, the quotas, work segregation and male-oriented structure of training; 2) low access of women to power and authority positions; 3) numerically low representation of women in the civil service which further perpetuate the system of gender inequality in the civil service. Thus, to grant women civil servants an equitable share in career opportunities would require a fundamental change in the bureaucratic structure by removing structural barriers to women's entry as well as advancement and granting them due representation in the decision making bodies to counter the male construction of gender in the civil service.

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## THE CHANGING ROLE OF GOVERNMENTS IN ATTACKING POVERTY

**M. Azhar Ikram Ahmad**

Rethinking the role of state in our changing world has led to a movement of ideas about determining the contribution of state in a growing economy. We have moved from no-intervention free market to a market-friendly approach to development and from a market-friendly approach to "effective government" approach. The state has played a very important role in "miracle" NIC's growth. Various reports show that the "effective government" was behind all these miracle growth. As the world Development Report 1997 states "the state is central to economic and social development, not as a direct provider of growth but as a partner, catalyst and facilitator". The question here is that, with the newly defined role of government, can the Third World nations develop in this new millennium? Economists have differing views. The last 50 years of economic activity has witnessed emergence of Asian Tigers within the third world nations. A perfect example is the Republic of South Korea. This third world nation raised its per capita income from under \$500 US to \$13,500 US in 1999. This sharp increase in such a short time raises two questions. Firstly; how was this increase in per capita income achieved and secondly; who were the beneficiaries of this growth?

Earlier theories of economic development, in the Third World, focused on the structural transformation and large investments in physical capital. After about five decades the transfer of surplus human capital (from traditional sector

into the modern sector) and large investments in physical capital (enlargement and enrichment of modern sector) is still continuing in most of the developing countries. In recent years governments of the third world nations have shifted their focus to market-based development strategies and moved away from planning model. This is a significant shift in ideas. A "market-friendly" approach to development is widely accepted as the basis for economic growth and technological progress. The private sector can help to make economies quick and responsive enough to compete in today's fast growing and moving international markets. The private sector can play a complementary role in reducing poverty and securing sustainable growth by relieving governments of excessive responsibilities and financial burdens. This means that the government and the private sector must move together.

The government must be an "Effective State". According to the World Bank (World Development Report) an effective state is one, which "harnesses the energy of private business and individuals, and acts as their partner and catalyst, instead of restricting their partnership."

In the World Development Report, 1997, the World Bank came out against a minimal government presence and its role in the economy. According to the World Bank development --- economic, social, and sustainable - without an effective State is impossible. For example, the government of Korea had more control over an upcoming enterprise than even in the Soviet Union although Korea was a free market economy.

Most of the East Asian countries such as South Korea and Malaysia have proven that market-based strategies and policies are effective and bring sustainable growth. Market-

based development strategies result in faster growth as compared to the planning model strategies. Countries that are staying with planning model strategies, in most cases, exhibited negligible or negative growth. Some nations had experienced stagnation or even collapsed. The examples of many socialist economies can be given in this regard. Pakistan could manage to raise its per capita income to slightly over \$400 US in 1999. Since the early 80's the country has focused on privatization of the State owned enterprises indicating the need for speeding up of the growth rate. The basic ingredient in this growth appears to be the Governments' help and guidance in the creation of domestic and foreign markets.

The emphasis in the government's help and guidance is placed on a balance between total control of the economy and complete *laissez-faire*. At different stages of development and in different situations countries will and should choose different pointers. In order to achieve such a balance governments must understand the developments that have taken place in the economic theory. They must also understand the causes and consequences of the emergence and disintegration of Asian Tiger economies. The Government of South Korea helped and guided in creating markets rather than completely supplanting or surrendering.

The dramatic failure of the grand socialist experiment had an unanticipated consequence: it lent support to extremists of the opposite ideological group, according to whom government should play almost no economic role. But the rejection of one extreme is not the affirmation of the other. The real issue that both the success of East Asia and the failure of the socialist experiment raise is, what is the appropriate role of government in market-based economic

activity? To be sure, economists have long recognized the need for selective interventions in the marketplace to remedy well-identified problems such as externalities. But developments over the past thirty years have shown that well-designed government actions can improve living standards whenever there are imperfections of information or competition or incomplete markets-problems that arise in all economies, especially in developing countries. The use of the word "can" here is crucial. Not every market "problem" calls for government action. In order to raise living standards, government actions must meet two criteria: they must address some serious imperfection in the marketplace, and they must be designed efficiently enough that their benefits outweigh their costs.

It has been argued by some economists that government is unnecessary, ineffective, and counterproductive. They list three basic flaws in the role of the government. First of all they believe that anything government can do, the private sector can do better. Secondly anything the government does, will be offset by actions of the private sector, and thirdly rather than improving resource allocations, government interventions actually make matters worse, especially because of rent seeking. Historically, East Asian countries have proven that government's market-based economic strategies have produced high rate sustainable growth. The second assumption is true only under highly restrictive conditions. As for the third, the historical evidence shows that government actions can make a difference for the better. However, both theory and evidence show that concerns about rent seeking, while real, are typically exaggerated. For rent seeking to completely dissipate the profits generated assumes perfect competition in rent seeking. The fact remains that any arbitrary intervention will necessarily improve matters. However, the



full impact and consequences of proposed action must be carefully assessed.

History, more than theory, can provide guidance on choosing the appropriate role of government and its magnitude and intensity. Even the developed nations where economies are primarily market-based, governments have played highly significant role for monitoring economic growth. In the United States for instance, growth is attributed to selective government actions. However, there is the ever-present problem of the counterfactual. Would these economies have grown even more quickly if government had not taken the actions it did? In the United States and the East Asian countries government played six important roles that have spurred development.

## **RULES OF THE GOVERNMENT ROLE**

Markets perform their central role of increasing wealth and living standards in the societies. In order to perform this function, markets require the infrastructure namely education, technology, financial, physical, environmental, and social infrastructure. The primary role of government is viewed as establishing this infrastructure in its broadest sense. Because constructing the broad infrastructure is beyond the capacity or interest of any single firm, it must primarily be the responsibility of the government.

## **EDUCATION**

The New Growth Theory emerging in the economic literature since 1990's suggests that the miracle growth of the NIC's is mainly due to human capital formation. One of the important elements of human capital formation is the provision of education. Promoting education is the first role economies of the developed nations such as the United

States and the developing nations like that of East Asia, have in common. Even before the adoption of the U.S Constitution the federal government of the United States, in the Northwest Ordinances of 1785 and 1787, recognized its responsibility for promoting public education. It set aside land in the newly formed states for this purpose. Later, in 1863, the federal government helped establish the public university system. The East Asian economies also emphasized the role of government in providing universal education, which is a necessary part of their transformation from agrarian to rapidly industrializing economies. Universal education also created a more egalitarian society in East Asia, facilitating the political stability that is a precondition for successful long-term economic development. In pursuing such egalitarian policies, the economies of East Asia, led to rest the trickle-down theories of development.

According to World Development Report 1997, "increasing the average amount of education by one year raises GDP by 9%. This holds for the first three years of education i.e. three years of education compared to none raises GDP by 27%".

Simon Kuznets had argued that economic growth was associated with an increase in inequality; Arthur Lewis had suggested that such inequality would increase savings and hence growth. The East Asian economies showed that high levels of saving could be attained in an egalitarian setting and that human capital accumulation was every bit as important as - if not more important than - increase in physical capital.

## **TECHNOLOGY**

Promotion of technology is the second role a government plays. As recently as 2001, India banned emigration of human capital related with computer technology. Developing countries, such as Pakistan, have embarked on intensive plans for developing software. Earlier in 1978 the U.S Constitution recognized the importance of science and technology by giving Congress the right to grant patent rights to protect and promote the progress of science. Even in the early part of the nineteenth century support for research went well beyond the establishment of a system of intellectual property. In 1942, for example, the U.S federal government financed the world's first telegraph line, between Baltimore and Washington. In the nineteenth century agriculture was the main stay of economy, accounting for more than 35 percent GDP in the 1870s. The remarkable productivity growth in the agriculture sector is largely attributable to the federal government's support for research and dissemination of its result. The governments in East Asia have also played a central role in the promotion and transfer of technology.

## **FINANCIAL SECTOR**

The third role of government is in supporting the financial sector. In developing countries the financial resources are scarce and at times governments are depicted as the brain of the economy deploying these scarce capital resources in the most efficient way. It is concerned with gathering, processing, and disseminating information-precisely in the areas in which market failures are often most marked. In 1863, the United States recognized the need to create national financial stability; this legislation did much to reduce the financial instability that had characterized the

economy up to that time. In later years the government created the Federal Reserve System as well as a series of financial intermediates to spur markets that had been thin or nonexistent. Similarly, East Asian government took an active role in ensuring the safety and soundness of financial institutions and in creating new institutions and markets to fill gaps in the private sector.

## **INFRASTRUCTURE**

The fourth role of the government is developing and investing in the infrastructure, including institutions as well as roads and communication systems. In both the United States and the successful East Asian economies, government created institutional infrastructures within which competitive markets could thrive. Only recently, as the formerly socialist economies have struggled to establish market economies, have we become fully aware of the importance of this institutional infrastructure, which includes property rights, contract and bankruptcy laws, and policies to promote competition where it is viable and to regulate markets where it is not.

## **ENVIRONMENTAL PROTECTION**

The fifth role of government is in preventing environmental deterioration. Although economists have discussed the need for government action to correct market failures, the concept of environmental protection has become widely accepted during the past three decades. Good environmental policies should not confuse increase in GDP with increase in standard of living, or increase in measured GDP today with increase in long-term wealth. Recent attempts at building "green" GDP recognize these points. They highlight the enormous challenges faced by countries that have not

prevented environmental deterioration. It will take generations to undo the environmental damage that has been brought in many developing and transition economies.

## SECURITY AND SOCIAL SAFETY NET

To grow at faster and sustainable rates it is necessary to avoid violent social dislocations. An "effective government" can only do this by the following measures

1. Equality before law without which development is not possible
2. Minority rights
3. Public education
4. Anti-discriminatory policies
5. Good governance i.e. bringing the government closer to people

Can all the above be provided by the private sector alone without an effective government role?

For development, economic security, personal and community security and political security are essentially required. All these type of securities have been provided in the developed world in the last few decades. We must remember that the security element that was never and will never be the duty of the "market" has been included as an essential part of various human development indexes.

This role of government in creating and maintaining a social safety net includes access to basic health services. In some cases these activities can be justified in utilitarian terms. They increase the productivity of the labor force and foster political stability by reducing opposition to change. They may also be justified in terms of basic values. Standards of living embrace more than the variables captured in GDP

statistics. There is a fundamental need to recognize the fact that protection and improvement of the environments, for instance improved health conditions, represent an improvement in living standards even if such an improvement is not reflected in GDP. Virtually all societies have provided social safety nets, albeit not always through the government. For at least two reasons government today may have to assume a larger role in providing safety nets than either the U.S. or East Asian government did at comparable stages in their countries' development. First, the pressure of urbanization calls for a stronger government role. In 1975 just over one third of the world's total population lived in the cities. Second, in the transition economies large firms traditionally provided much of the social safety net (such as pensions and health care). The transformation of these economies is being accompanied by the shedding of these social responsibilities by corporations facing new competitive pressures. The government is the only backstop.

To support our ideas we can look into the fact that the governments that have been thought to advocate a "minimalist" role of government have turned to market friendly development strategies and now to effective government strategy. It is strange that these countries have always been spending a greater amount on social security and welfare as compared to centrally controlled economies.

The figures in the following table clearly show that countries like USA, UK and Australia have been spending more than one fourth of total expenditures on social security. On the other hand, it seems that the countries advocating a full role for the government to play have given less priority to social security and welfare and spend more on just "governing" and "controlling".

**EXPENDITURES ON SOCIAL SECURITY & WELFARE IN US \$ AS  
PERCENTAGE OF TOTAL EXPENDITURE**

COUNTRY	1981-90	1991-95
EGYPT	11.9	10.4
SYRIA	4.2	2.0
COLOMBIA	16.7	8.3
UK	30.0	30.5
USA	29.9	28.5
AUSTRALIA	27.7	32.5

SOURCE: WDR-1997

In all types of economies government must play the six roles outlined in the earlier paragraphs. However, it must be noted that there are special problems facing developing and transition economies, in which markets are lacking, markets that do exist may function less effectively, and information problems are more severe than in industrial countries simply because of the rapid change in the economic environment. While market failure loom larger in developing and transition economies, the capacity of the government to correct this market failure is often weaker. Successful government has helped create markets (such as bond and stock markets and long-term credit institutions). They have established and enforced laws and regulations that have made financial markets more stable and increased competition in all sectors. In many cases government have acted as surrogate entrepreneurs, encouraging the establishment of firms to enter certain markets. Especially in export markets, government has provided firms with strong incentives. (Some econometric evidence suggests that many of these interventions were quite effective. For example an analysis of the mild financial restraint evidenced in most East Asian economies suggests that it did lead to more rapid economic growth.)

Most economists today accept the proposition that markets alone may not succeed in ensuring economic efficiency and may fail to protect some segments of the society from abject poverty. While most economists also agree that such shortcomings might provide a rationale for government action in principle, some argue that government interventions all too often have been counterproductive in practice. The question is, can responsible governments put in place policies that raise living standards? Experiences of East Asia and the United States reflect a resounding yes. Some critics of the role of government argue for a different perspective on the East Asian experience. They contend that all - or almost all of the growth of the East Asian economies can be accounted for by the factor accumulation. Thus, they argue, that there is no miracle but simply the inexorable working out of standard fundamentals. Increased inputs lead to increased outputs. 'Total factor productivity growth has been negligible.

Studies reporting these results have raised several technical problems. For example does anyone who studied wage setting in South Korea really believe that wages are set in a competitive process, so that the real wage equals the marginal product of labor, as most of the studies assume? Even if we take low total factor productivity growth findings at the face value, these studies do not really address the question of whether government policies made any difference. They neither ask nor answer questions such as these:

Why were savings rates in East Asia so high? Elsewhere comparable savings rate had been attained only under the compulsion of strong government force, as in the communist countries. Although econometric studies suggest that East Asia's saving rates may be partly explained by traditional



economic factors, government actions also played a constructive role.

Why were the East Asia economies able to invest efficiently at such a rapid pace? Other countries (the former Soviet Union is the classic example) have invested heavily but ended up with high incremental capital-output ratios rather than rapid growth. Government efforts to create effective financial institutions combined with the practice of providing funds to firms that proved their mettle in the competitive export markets surely contributed to the efficiency with which East Asia's capital was allocated.

How were the East Asia economies able to reduce the technological gap between themselves and the most economically advanced countries so quickly? The East Asian economies demonstrated an enormous capacity to absorb both capital and technology. Government played a major role in investing in human capital, allowing foreign investment (with some exceptions), and creating an economic atmosphere conducive to foreign investment.

How did the East Asian economies ensure that the benefits of rapid growth were shared broadly across the population? As already noted, the increases in inequality that earlier experiences had suggested inevitably accompany development simply did not occur in East Asia. To the contrary, there are reasons to believe that greater egalitarianism- a result of deliberate government policies - actually contributed to the remarkable growth in these economies.

The question raised at the beginning may let the reader think that may be, by a drastic change in the governments role, development is a must. But this is not necessarily the case.

The governments traditionally had two choices. One, the import substitution policy, which has historically proven to be a failure and second, the outward looking development strategy, a big success story as proven by the growth of NIC's. But can other countries follow the example now? The answer may be a NO! Why? Because the situation is entirely different as compared to the 1960's (The starting period for the emerging tigers) e.g.

1. The real prices of primary commodities have declined significantly and having low price elasticity, we cannot generate the exceptionally large export revenues now as the NIC's did.
2. During the 1960's Europe and USA, the 'main purchasing power holders' were passing through the second stage of demographic transition i.e. an above 2% population growth. So the demand for LDC's products was increasing at that time. But now the population growth rate in the main buyers of LDC's products is almost at replacement level.
3. The incomes of DC's are not growing at good rate as compared to the period when the NIC's grew very fast.
4. More competition, more quality consciousness and development of cheap synthetic substitutes of different primary level products has made a 'big push' very difficult.
5. Globalization has and will further increase the Multinational Corporation's grip on the world markets so 'new tigers' may not emerge.

## CONCLUSION

It is a fact that the global world of today is experiencing changes that are extraordinary in nature. Societies must accept these changes as they happen and where they happen. Societies accepting such changes will do better than those societies who do not accept such changes and that will be reflected in the levels of living of these societies. The earlier development experience by the now developed nations lacked the benefit of the insight that is now available to the now developing countries.

Some of the constants in development and theory are putting competitive markets at the center of an economy, with governments acting to assist, use, and supplement those markets, providing public investment in education and technology, and constructing appropriate institutional infrastructures, including those that support dynamic and competitive telecommunications and financial sectors. Government must perform better and provide basic safety net and protect the environment. Leadership can help articulate visions of these roles. It is, however, the desire of the people, whom government is supposed to serve, that will determine both the scope of government and its ability to be a positive and creative force. But, the most important thing is to be careful while applying different historically proven models because we must consider the difference in the conditions and circumstances that time has created.

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# Organisational Culture In Pakistan

(A study of human behaviour)

Liaqat Ali

## Abstract

Generally, organizational culture in Pakistan is authoritarian (autocratic). The bosses have a great influence on subordinates. They mind questioning and disagreement. No employee can complaint to higher authority against the attitude of his immediate boss. If any employee does so then he would suffer later on for doing so. As a result subordinates are very submissive. Overall the organizational culture in Pakistan is high-power distance, high-uncertainty avoiding, highly submissive towards bosses, strict adherence to procedures and policies and quantity assurance instead of quality assurance.

**Keywords:** Authoritarian, Democracy, High-power distance, High-uncertainty avoiding, submissive, Low-power distance, Behaviour, Superior, Subordinate, Adherence to procedures and policies and quantity assurance.

## **1.0 Introduction**

This article describes organizational culture in Pakistan. This study of organizational culture in Pakistan is based on the physical search of employees' behaviour (through questionnaire-based survey and interviews) in a big organization (a commercial bank). It also includes a little comparison of its organizational culture with its organizational culture in abroad branches. In order to ascertain the "organisational culture" profile of a big organisation, this bank was selected, as it is one of the biggest banks in Pakistan, having 1447 branches throughout Pakistan and 27 branches outside Pakistan, 7 of which are in a European country. In the European country branches, the senior staff is seconded from Pakistan and the rest of the staff is employed from that country. There are two types of conditions of employment: one for Pakistani staff and a separate one for local staff. This bank was specially selected because of its availability to the researcher and its cultural richness. Due to its cultural richness, selecting this organisation has provided an opportunity to study two types of cultures (that is, Pakistani and abroad cultures) in a single organisation.

One hundred branches of the bank were included in the study to ascertain the organizational culture of the said organization. The name of the organization (bank) is disguised to keep the secrecy of the organization. Hence a fictitious name (XYZ organisation) is used in the rest of the article. The name of the foreign country is also concealed to keep the secrecy of the foreign branches. This research shows that the organizational culture in Pakistan is autocratic, high-power distance, high-uncertainty avoiding, submissive, quantity assurance instead of quality assurance

and strict adherence to procedures and policies. A general discussion regarding XYZ's organisational culture with reference to the religion of the majority of the people of Pakistan (Islam) is also part of this article. The structure of the article is as follows. Section 2.0 provides general discussion regarding organizational culture in Pakistan. Summary and concluding remarks are given in the Section 3.0.

## **2.0 General Discussion Regarding Organisational Culture in Pakistan**

In Pakistan generally managers' (bosses) behaviour towards subordinates is authoritarian. Pakistan was a part of the Indian Subcontinent, before 1947 and was ruled by the British for a long period of time. The dominance of the managers may lie in the historical development of modern organisations in the Subcontinent. It seems that Pakistani managers have taken this behaviour from their majestic rulers. Hofstede (1980, p.129) states that "modern organisations in colonial countries were set up by the colonial rulers. Even rulers like the British, who practised democracy and lower-power distance society at home, did not practice equality between themselves and the colonial populations". The persistence of this behaviour with subordinates in the Subcontinent by the British can be seen in the following remarks of a manager in an English firm (Myers, 1960, p.169): "Ten years ago when I was first coming out to India, an old Indian hand got me aside and told me, 'now just forget about these ideas of leadership you have been learning here in Britain. Out there if the workers don't follow instructions, belt them. That will bring them around'". In the Subcontinent the places of the colonial administrators were taken by local managers who adopted

the existing management style (Kakar, 1971). The impact of this behaviour of managers in the Subcontinent can be seen from the following quote of Negandhi and Prasad (1971, p.128) "what is important for me and my organisation is not what I do or achieve for the organisation, but whether the Master's (manager's) favour is bestowed on me. This I have achieved by saying "yes" to everything the Master says or does". It seems that the religion of the majority of the people of Pakistan (Islam) has no impact on the working behaviour of people in organisations. Islam promotes very polite behaviour toward others (Quran: Surah Nisa, Chapter 4, Verse 36). In Islam there is no superior and subordinate concept: all are equal (Abdalati, 1975; Hamid, 1997).

The behaviour of managers with customers varies according to financial position and relations with the customers. Again this is a concept that can be traced back to the tendencies of managers from the period of British rule in India, where wealthy persons had more status than non wealthy persons. For example, wealthy persons were appointed as "Numberdars" (official representatives of government and hence, more respectable persons than others) by the British government, whereas in Islam there is no such concept of more or less important persons on the basis of their wealth. In Islam, a person's status is determined by his or her piety (Quran: Surah Al-Hujrat, Chapter 49, Verse 13; An-Nawawi (1989), Riyadh-us-Saleheen: Chapter 6, Verse, 69). A pious person in Islam is one who is completely religious and has a greater fear of God (Abdalati, 1975).

The root cause of strict adherence to the procedures and policies of the XYZ organisation has a link with the colonial rulers of the Subcontinent. The Subcontinent organisations are so influenced by the British models that organisational structures, administrative procedures and work methods are



all faithful copies of the original British models (Kakar, 1971).

The behaviour of subordinate staff to customers varies according to the financial position of the customers. In corporate branches the behaviour of staff to customers is different from that in ordinary branches. It is the policy of the bank to provide polite, efficient and personalised services at corporate branches to attract wealthy customers. The behaviour of staff at ordinary branches is not so polite and efficient. The behaviour of staff, however, is different in the abroad branches from that in the Pakistani branches. All the subordinates in the abroad branches are from abroad and have therefore been brought up in an environment where all human beings are treated equally, so they behave politely with all customers. Another context is that each employee will suffer later on for a complaint against his or her manager. If an employee took a complaint to a person higher than his or her own boss, then he or she would suffer later on for doing so. Again this indicates the autocratic behaviour of managers which was discussed earlier in this section. Due to the autocratic behaviour of managers, subordinates in Pakistan are more submissive than in the abroad branches. Pakistan is a high-power distance country. In high-power distance countries, subordinates learn that it can be dangerous to question a decision of the manager (Mulder, 1977). They learn to behave submissively. They do not learn to question the manager. In Pakistan people depend more on their jobs because no financial support is available from the government in case of becoming unemployed. Hence, employees are very submissive to managers in Pakistan. Therefore, they do not want to annoy their managers by disagreeing and losing the opportunity for special increments or promotion on the recommendation of the managers in their annual confidential report. The less

submissive behaviour of subordinates in the abroad branches relates to local culture. Abroad, however, people depend less on jobs, as, if they become unemployed, they are entitled to receive unemployment benefit. Hence, they may be less submissive compared to the ones in Pakistan. It shows that the culture of the abroad branches is a mixture of Pakistan and local cultures.

The biggest outside intervening condition in XYZ organisation is paternalism. The domestic system is dominant in Pakistani culture where paternalism, a value fundamental to the Pakistani domestic system, emphasises the superiority of the parent over the child and the care by the parent. The same national culture is present in the XYZ organisation in the shape of paternalistic behaviour by managers. This has a link with religion (Islam) where the head of the family (male member) is responsible and liable for the needs of, and for looking after, the rest of the family (An-Nawawi (1989), *Riyadh-us-Saleheen*: Chapter 36, Verse 120), but in Islam this concept has a different implication compared to paternalistic behaviour in the domestic system of Pakistan. In Islam paternalism is a symbol of love, affection and kindness (An-Nawawi (1989), *Riyadh-us-Saleheen*: Chapter 40 Verse, 313). In Islam everyone can question or disagree with any person or even with the head of the state without any consequences (An-Nawawi (1989), *Riyadh-us-Saleheen*: Chapter 66, Verse 6). However, the paternalistic behaviour of managers is authoritarian. Managers do not like questioning or disagreement. This paternalistic behaviour of managers can also be traced back to before the partition of the Subcontinent when paternalistic forms of authority relations were a dominant structure in the Indian context (Kakar, 1971). In paternalistic behaviour, the basic resource stems from paternal authority and rules of

paternalism, or the authoritative superior tend to govern social and organisational activity (Jain and Dwivedi, 1990).

In Pakistan, the social set up is such where the male member of the family is responsible and liable for the earnings of the family. One member is earning and the rest of the family is dependent on him. It has some link with the religion (Islam). In Islam also, males are responsible for earning (Quran: Surah Al-Nisa, Chapter 4, Verse 34; Abdalati, 1975) and females are responsible for housekeeping and looking after the children. The females cannot go out for work unless it is essential for their living (for example, when there is no male member for earning) (Quran: Surah Al-Noor, Chapter 24). Hence, the earning member has a great responsibility for continuity of earning. This is the reason that employees want to avoid uncertainty and secure future stability.

Bribery or personal relations are prevalent because of the rewards system that are few and rigid. Those who are close to the managers are bestowed with all kinds of favours (Walsham and Sahay, 1997). It also has a link with the domestic system in Pakistan. Employees want to achieve more, by hook or by crook, for the living of their families.

The above discussion shows that religion (Islam) has least impact on the working behaviour of the people in Pakistan. The working behaviour of people is greatly influenced from the colonial and domestic system in Pakistan. Whereas, it appears that the working behaviour of subordinates in the abroad branches is greatly influenced by the national culture of the country.

### **3.0 Summary and Conclusion**

This article provides an in-depth study and discussion on organisational culture in Pakistan. The organisational culture in an organisation (XYZ) in Pakistan as perceived by its employees is autocratic. Managers' influence is high due to their position in the organisation. They do not like questioning and disagreement. If an employee took a complaint to a person higher than his or her own boss, he or she would suffer later on for doing so. Hence, subordinates are very submissive and fear to disagree with managers. The importance of a customer/client in the XYZ organisation is due to his or her financial position. There is strict adherence to the procedures and policies of the organisation. The rewards in the XYZ organisation are few and rigid. This is a case of why bribery and personal relations take place. However, XYZ's organisational culture in the abroad branches is slightly different to XYZ's organisational culture in Pakistan. In the abroad branches, it is: low-power distance, low-uncertainty avoiding, more importance of customers, less submissive towards managers, and quality assurance.

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