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The struggle for women rights: A study of emergence of feminism in Pakistan, (1947 to 2010)

Abstract

The study contributes to the body of literature related to the women issues as it highlights the patriarchal structures that caused to raise a voice for the feminist debates in Pakistan. The research study focuses on the evolution of the women rights movements in Pakistan. It also highlights the role of women rights activists and how the priority areas of feminist activists have changed in the local context with the advent of internationalization of feminist movement. The impact of feminist movement on the legal frame work has also been deliberated upon. The paper explains the feminism with reference to theory to transnational feminism in the Pakistani context. The study concluded that feminism evolved as movement of struggle for the equal social, political, economic and legal rights for women as men in Pakistan. Many women struggled for the equal rights of women. The women faced the discriminatory legislative policies, Hudood ordinance, in Pakistan. However, the role of activists was remarkable to change the scenario to get the legal rights for women in Pakistan.

Keywords: Feminist movement, Role of activists, equal rights for women, Pakistan,

Conceptualizing Feminism

“The notion of feminism is described as the promotion of the equality of both gender male and female and their equal rights in society where they live, and the apprehensions in the course of theory and action, not on the basis of sexual or biological orientations and roles but their individual participation and assistance on the basis of equality in society” (Allan 1993).

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Further Mackinnon (1989) argues for the implicit and parallel argument in feminism is that the direction and expression of sexuality has organized society into two sexes; women and men and this division underlies totality of social relations. Sexuality is the social process through which social relations of gender are created, organized, expressed and directed, creating the social beings known as women and men and their relation create society.

Contributions Of Women Rights Activists Soon After Independence

Soon after the independence Pakistani Muslim women played a vital role to coup with the existed challenges (rehabilitation of refugees, provide services to the deprived people) although at that time they were not specifically addressing the only concerns of women yet ultimately contributing to establish a large group of women. To some extent they worked for the women as established women's centers and arrange resources for their economic participation. In that time APWA (all Pakistan women association) headed by Ran'a Liaqat Ali played a significant role, arranged a group of active and daring women and served for the betterment of women at large scale. Khan and Javed (2004) state that "Begum Rana Liaqat Ali established a 'Craftsman Colony' in Karachi in 1949 for the purpose of women empowerment to provide skills to poor women to make them economically independent".

Moreover Fatima Jinnah in 1949 also contributed for women through Girl Guide Organization with Begum G.A Khan and was concerned to work for health, poverty mitigation and for the treatment of refugees. Fatima Jinnah was marked as a mentor for women's participation in politics. She was the first lady who was nominated for presidential election as a candidate. "In the field of politics women of Muslim League committee participated very actively in the assemblies for women rights" (Khan and Javed 2004).

Efforts By Women's Groups In Pakistan For The Evolution Of Women's Rights

In 1948 the primary active women's groups pressurized government in an organized movement and led Muslim personal law of Shari'a and legalized the inheritance right to the women. In 1955 women's groups collectively raised their voices against second marriage. Forced government to protect a woman marriage's rights and limit a man from polygamy while violating the basic rights of his existing wife or wives. As Shami discusses "UFWR and APWA as two very active women group for the empowerment of women politically under which a commission was created under the supervision of Chief Justice of Pakistan to revise the laws according to Islam about marriage, divorce, maintenance and custody of children. The report by commission is presented in 1956 which was cancelled due to various pressures and some conformist religious fundamentals. But after five years Muslim Family Laws Ordinance, 1961 forms the laws of equality (for women) under the Muslim Personal Law of Shariaa.

Muslim family law ordinance, protect the marital rights of women, according to MFL (Muslim family law ordinance) a married man is obligated to register *nikha*

(marriage contract) , in case of divorce submit an application with the signature (permission) of his existing wife or wives to the area nazim's office. So by this legislation men were obligated to get permission from their existing wife/wives. Again there was a resistance from so called religious orthodox that such provisions are violating the Islamic law. The critique on MFL was that, Islam has not imposed any type of restriction on man for up to four marriages. Unfortunately such critical groups again fail to perceive the actual spirit of the concept of polygamy in Islam. No doubt Islam gave right to man for upto four marriages but along with this provision man is also obligated to follow obligations by Islamic law. Some verses describes the limitation for polygamy in *Quran* but unfortunately so called religious groups skip this section of verse and focus on the part of the permission for more than one marriage.

The attitude of the government of Zulifqar Ali Bhutto was considered as moderate towards women. The services for women were all open for them which were not unwrapped before his time period. The 10 and 5 percent seats in national and provincial assemblies respectively were reserved for women. First time in his regime a woman became a vice chancellor of a university (Quaid-e-Azam University). 1973 constitution of Pakistan assured gender equality in the state. The constitution specifies that "no discrimination will prevail on the origin of sex". In Bhutto's era his wife Nusrat Bhutto played an important role to highlight women's issues and also actively participated in the first world women's conference in 1975 at Mexico on women empowerment. The time span of '1975-1985' was declared by United Nations as the "Decade of Women" because of the wide spread of movements of women in the world.

In 1975 , Nusrat Bhutto in her interview alleged, "In Pakistan women are treated like equipment or commodity," she said. "We should be heard as human beings"

In the history of Pakistan it is considered that women's movement emerged during Zia's rule , he introduced and implemented state legislations against women and used the word of Islamization in Pakistan. He targeted the liberation of women and tried to restrict them within four walls of home and raised the slogan for women '*chardar aur char dewari*'. He also involved so called Muslim scholars in that process and introduced *Hudood* ordinance as a main weapon to disgrace women. According to *Hudood* ordinance in case of *zina-bil-jabar* (rape), victim women had to prove the offender with four pious Muslim men (never accused for *gunah-e-kabera*, and obey religious practices) otherwise the victim woman was blamed as *zina* (adultery), and the punishment of *zina* offender was hundred lashes, in such scenario a victim woman of rape was treated as *zina* offender and away from her right to justice. By the victimization of this ordinance a large number of women were accused for adultery (*zina*), those who claimed for the justice of rape. Here it was not only law which victimized women by their sexuality but also provided a safe way to men to mistreat women as state was on the back of men. Consequently a large number of women were raped and accused as adultery (*zina*).

Hassan (2010) in his research paper stated a most important case which was worst consequences of *Hudood* ordinance that inflamed the feminists in time period of Zia-ul-Haq;

The case of 18 years old girl Safia Bibi in Sahiwal in which she had been punished to public lashing and 3 years imprisonment with fine as an accused of adultery. She was a helper in a landlord family where she was raped by the son and then the landlord himself; in result she was pregnant and after the birth of the child had been died later. After the case registration by Safia's father the court exonerate the landlord and his son because of the insufficient evidences to verify the rape under Hadood Ordinance (Hassan 2010,313).

Qanoon-e- Shahadat, 1984 (law of evidence) declared that the evidence of a women would consider half than man. It was again another tool by the states to discriminate women. Again *Qisas* and *Diyat*(compensation) was introduced in the name of Islamic laws but again it was not practiced in full Islamic decorum and exploited by state authorities and by people as well because according to Islam both men and women are equal and they are treated equally , their lives are equally valuable but under these laws *Diyat* (compensation money) for a woman would be half of that of a man. And in social practice male masses give their family woman for any kind of compensation to safe their money. The major critique on these laws is that both are exploited against women and treated her as a commodity. In the beginning Qanoon-e- Shahadat also inflamed women groups to raised voices against the discriminatory law. Because this law mentioned that the witness of a woman is half than that man. It was again a biased interpretation of Quranic verse. As well as on that time second wave of feminism was active and internationally women were demanding for equal rights in all sphere of life. And Pakistani government indulged itself to establish discriminatory laws against women to shut them within four walls and also snatching their fundamental rights. In the case of Qanoon-e-shadat, Zia -ul-Haq and so called religious leaders of that period misinterpreted the Quranic verses for their own means. They not only discriminate women, excluded them from public life by restricting their mobility and compulsion of *pardha* (hijab) but also promoted religious extremism and sectarian disputes for the sake of few political vested interests. The political decisions by Zia-ul-Haq conceived the concept of *jihad* to support Afghanistan against Russia and laced a large number of Afghani immigrants. In later years such actions produce Taliban in Pakistan which may lead the major cause of religious extremism.

Legislations by Zia-ul-Haq, created a strong reaction from the masses special women activists. Shaheed stated that "The regime of General Zia-ul-Haq (1977-1988) was quite in the opposition of women in society. The rules, laws and regulations had showed that women was somewhat suppressive, had no liberties and was not a powerful individual of society".

In 1981 , for the very first time Pakistani feminists collected on a platform and raised voices for the women's equal status. This era is also remarked as enthusiastic women's movement emerged in Pakistan. Some women activists from

Lahore , Karachi and Islamabad (Nighat Khan, Fareeda Shaheed , Khawar Mumtaz, Tahera , Nasreen Shah, Samina Rahman , Nigar Ahmad and other like minded women) started a movement against the discriminatory laws by Zia-l-Haq. The movement was named as 'women action forum' in urdu its was called 'khawateen mahaz-e-ammal'.

Women's Alliances And Role Of WAF In Current Scenario

"Somehow it is difficult to trace the each and every effort by women's groups towards the feminism in Pakistan because in the beginning their efforts for the women's development are not recorded as such. APWA(All-Pakistan Women Association), some privately owned organizations and the women wings of some political parties had done their work for women remarkably in the past" (Saigol 2012). 'Women parliamentary caucus' is also very active in women's emancipation policies and legislation and they move different bills and amendments for the betterment of women.

Women Protection Act of 2006 with the efforts of women led to dilute the Zina ordinance and it leads to investigate the rape cases under Pakistan panel Code. Women Protection Act in 2010 was declared against Islam. In modern time organizations for women and their movements are working very actively for law making in favor of women such as law against sexual harassment in the workplace and the Act of Parliament to create the National Commission on the Status of Women (Saigol 2012).

Role Of Non-Governmental Organizations towards feminism Debate in Pakistan

From the last many years NGOs are actively working for the developments in society (Tocqueville in Weiss, 2012). Civil society is an institution of state which some time supports the state's initiatives and also criticize her for the betterment of the society. In Pakistan formal sector of non profit organizations started with in 1979 , when Zia introduced legislations against women and used Islamization against women to restrict them within walls. No doubt before those women organizations were working but specifically for the welfare of the society. Since 1980s women's organizations are raising their voices for the rights of women as Aurat Foundation , Shirkat Gah and Applied Socio-economic Research Resource Centre and still such organizations are working. Presently a large number of women's organizations are actively working in all over the Pakistan and getting funds from national and international donors. It is also a fact that such NGOs are criticizing as 'western agenda' by the religious fundamentalists and orthodox but such organizations are working well and playing a role of watch dog in government policies for the equality of women in all sectors of life at national and international level.

Such human right, women right NGOs and specifically women's organizations has been playing a vital role to raise the women related issues and always instigate government and its institutions to take progressive initiatives towards women's empowerment and raised voices for the justice and equality for women. As in

1981 for the very first time women activists raised their voices against the discriminatory laws by Zia-ul-Haq, after that such groups set a trend for the all people to demonstrate against the inequity. Their efforts bring changes gradually. And now after three decades finally Pakistani women get rid from *Hudood* ordinance. Presently AASHA : alliance against sexual harassment , enforced sate authorizes for the enactment of sexual harassment bill.

Historically speaking, in Pakistan soon after the independence a large number of women activists were seen in all developmental activism and gradually played their role for the empowerment of women. But their work was not as such expanded, with the passage of time these women get organized and pressurized the state authorities to address women issues and as well as criticized the loop holes of state machineries, and called as civil society. gradually such organization worked at large level. Weiss states after 1980s , women organization flourished and greatly emphasized on women's issues and their developments and such organizations are highlighting women issues in a way to get the public attention for the welfare of women.

Shaheed and Hussain (2007) argued that after 1980s active women's organizations and groups started to get aid from national and international donors. The mushroom growth of NGOs was seen with the increase in donor agencies. In that period women movement was discussing women issues but not specifically with the reference of gender but after the Beijing' conference (1995), women's movement starts focusing on gender. Now gender equality is a major debate by women activists.

Tufail (2006) mentioned that "So many new organizations were emerged in 1980s for collecting special funds for the welfare of women. In 1990s women NGOs used international funding for the advantage of women and they were approximately between 25,000 to 35,000 both registered and unregistered."

In Pakistan, like many other countries women's organizations (working as NGO) are playing a role of a watch dog over the policies and plans by the state, they raised their voices on the behalf of deprived and neglected groups of the community in which most of the sufferers are women. So such women groups are a network and platform to highlight women's concerns and show zero-tolerance for the injustice towards women at any level. Presently women headed organizations for women development are serving all over the Pakistan and involved in creating public awareness, advocacy, lobbying and coordinating with government for the developments. In current year Punjab government established a women development department which is actively working in Punjab at policy level and as well as at community level. It is seen that many women development organizations over here coordinating with this department. GRAP (gender reform action plan) is another government initiative taken by previous President (Gen. Pervaiz Musharaf) is actively working for the gender equality. GRAP has strong networking with native women developmental organizations.

NGOs are serving at large level in Pakistan but unfortunately facing criticism from the some orthodox groups and blamed as western agenda. As non-profit women

organizations focus on women's equality, diagnose women's liberation and talk about feminist debates over the world. Sometime extremist people aggressively react to progressive activities of NGOs for instance, in Sawat (Khyber Pakhton Khan) some militant groups distrusted offices of NGOs working over here. In Quetta SPDI (NGO) targeted by some religious extremist and blamed as anti-Islamic organization. Such type of reactions towards NGOs is a form of backlash to feminism in Pakistan.

Women Developmental Initiatives Taken By Pakistan Government

After the darkest period of Pakistan's political history, a ray of hope emerged in the regard of democracy and women's rights development in the form of first elected woman Benazir Buhutto. She was the first elected Prime Minister in a Muslim Sate. She was very progressive for the women's empowerment; her two regimes were remarked as in the favor of women. In 1989 to address women's issues and related legislation she established Ministry of Women's Development (MWD) and Women's Studies centers in different cities of Pakistan.

First women Bank (1989) established to provide micro credits for women and to empower them economically. Presently women are running 38 branches in the country. Separate women's police station were also initiated to reduce the custodial violence on women in police station, it is again an effort to protect women's rights.

The era of Benazir was not only significant for the state's initiatives for the development of women but also encouraged the active women's groups those were working for the women's empowerment, the state was very supportive to their initiatives. A large number of women organization (NGOs) participated in Beijing 1995 and mean while enforced government to implement the international commitments. In that time there was a strong coordination between the government and non-governmental organizations to achieve women equality.

Again Nawaz Sharif era was a backlash to women's development. His time period was not progressive to address women's issues infect that was an attempt to confined women within four walls. Along with enactment of Qisas and Diyat ordinance , made restrictions on media. It was imposed on television that all women artists would be appear on television with head covering. Many women's empowerment organizations were banned and investigated by the sate authorities and claimed as anti state organizations. So Mr. Nawaz's tenure is considered as a setback to women's empowerment. Again in his there was a strong agitation from feminist groups to address discrimination against women by the state.

“To distract the communal of society from infrastructural and economical issues Nawaz Sharif follows some footsteps of Zia under Islamization” (Weiss as cited in Jafar, 2005).

Relatively speaking, the Musharraf's regime was very progressive towards women's rights. His era has the credit to get rid of Pakistani women from the discriminatory law of *Hudood* ordinance . he made amendments in criminal act and released a large number of women from jails those were accused for *zina* and

other crimes other than that of terrorism and murders. Mushrraf's government also purposed sexual harassment bill which was later implemented by present government. During his regime he introduced local government system and increased women's quota 33% in also took measures to encourage women's participation in local government. In civil services 10% quota for women in civil services to make sure more participation of women marginalized group of the society. For the protection of women's lives right and for equal treatment, in 2004 he added honor killing (*karo kari*) under murder crime in Pakistan penal court. The more significant effort by Pervaiz Musharraf for women's security and dignity he introduced 'women protection bill' (2006). This bill is considered as landmark in the history of Pakistan. Pakistani women get freedom from the terrible legislation after three decade.

Present Scenario

Enactment of 'women harassment bill' is very important legislative measures taken by present government. For the enforcement of this law, which is in favor of women and can ensure their empowerment in public life, was highly criticized by some religious orthodox and fundamentalist. But the present government showed consistence and determination of such laws in Pakistan where most of the time women are discriminated and mistreated. Another bill is under procedure to be implemented named as 'domestic violence bill'.

"Any kind of gender psychological, physical and sexual based abuse was considered as domestic violence whether it is against any child, women or individual of society" (Weiss 2012).

Definition of Domestic violence bill shows that it will provide protection to a woman from any kind of violence and protected her dignity even in their own homes. Such legislations would provide a room to women to actively participate in public life without any threat of violation of their rights and enable them to take decision of their personal lives. By the sexual harassment bill, women are protected at workplace from any type of mistreatment. This bill not only protects women's rights at work place but also condemn any kind of harassment which women can face in any public, private place.

Recently, government passed a bill against acid throwing. As now days a large number of women are facing this crime against them, the rate of this crime is high in south Punjab specially.

Conclusion

Feminism is a movement to struggle for the equal social, political, economic and legal rights for women as men. In Pakistan many women are involved to raise voices for the rights of women. Historically women had participated in freedom movement and after that served the new nation in rehabilitation and development of legal frame work for women's rights. In 1947 state gave right to vote to women, In 1948 active women's groups pressurized government and led Muslim personal law of Shari'a and legalized the inheritance right to the women. Muslim Family law ordinance was a government step to secure women's marital rights in 1952.

Present constitution of Pakistan (1973) ensure all kind of equality for women in all sector of life , and the Mr. Buhutto's eras was a significant regime for women's emancipation. Pakistan also participated in first women's conference and Nusrat Buhutto represent the issues and concerns of Pakistani women at international. After that Pakistan's government and women's of civil society in other three world's women conferences and presented progress towards women's empowerment in Pakistan and also struggle to implement international concerns for women's development. In Benazir era government participated in Beijing with high enthusiasm and still following CEDAW. In 1994 state established 'national inquiry commission on women', nine women police stations were established. In 1996 Pakistan government ratified 'CEDAW' 'Women of Pakistan enjoying quota in parliament and senate, it has a long struggle and efforts by women's individuals and groups seeking equality for women. In Musharaf's era Pakistan women's get rid from *Hudood ordinance* (by Zia-ul-Hauq) a backlash to feminism in Pakistan. In 2000 the ministry of women development has developed 'crisis centre for women', and in 2002 an amendment in honor killing and treat such cases under murder. Presently sexual harassment bill has been passed for the protection of women at work place. In this efforts by the state and government many state institutions and orthodox groups criticized and hinder women's emancipation . Zia-ul-Hauq regime was the darkest phase for women's development and *Hudood ordinance* , *qisas* and *diyat* , and law of evidence were such state forces to restrict women's equal status in Pakistan and gave a setback to all existing developments. Now *Hudood ordinance* has been knocked over but many other factors are still there. Religious orthodox and fanatic groups criticized women's development as 'western agenda' and continue in effort to create hindrances for women's emancipation. But along with a lot of criticism women's groups, alliances and movements are in effort to raise women's issues and trying to bring gender equality in Pakistan and such feminist groups are also presenting women's concerns at national and international level.

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