
Political Empowerment of Women in Pakistan

_____ Mrs. Asma Afzal Shami

“No nation can rise to the height of glory unless your women are side by side with you; we are victims of evil customs. It is crime against humanity that our women are shut up within the four walls of the houses as prisoners. There is no sanction anywhere for the deplorable condition in which our women have to live. You should take your women along with you as comrades in every sphere of life.”

(Muhammad Ali Jinnah, 1944)

With the advent of the Pakistan Movement, women's participation in the freedom struggle became a dire necessity, both for increasing the Muslim vote bank and for displaying numerical strength at the Muslim League's political rallies. In 1940 Mr. Jinnah announced, “Women are supposed to create a sense of general political consciousness. They should stand shoulder to shoulder with men in practical politics.”¹ This saw the removal of cultural and social restrictions on their traveling for purposes of attending political gatherings. Unfortunately, in spite of the Quaid's personal views, 1948 saw an abrupt end to this temporary political freedom. However, a few determined women continued to play very important roles in the political empowerment of the women of Pakistan. This article seeks to record and eulogise their successes, while simultaneously analyzing the effects of their failures on the body politic of Pakistan.

The first such lady was Miss Fatima Jinnah who was an inspiration to the women of Pakistan and continues to be held in high esteem even today. She formed the Women's Relief Committee, which played a vital role in the settlement of refugees in the new state of Pakistan.² After the Quaid's death,

she assumed the mantle of the *Protector of Public Interest*. She fearlessly pointed out the lapses of the rulers on a regular basis, and continuously beckoned the Nation back to the Quaid's cherished principles. In 1964, after Khawaja Nazimuddin died, the Combined Opposition Parties (COP) nominated Miss Jinnah as their presidential candidate.³ By agreeing to challenge Field Marshal Ayub Khan at the height of his dictatorial power, she not only electrified the Nation, but also took a massive step towards the political empowerment of women. This, one courageous decision, *raised the threshold of political ambitions amongst the female politicians of the Subcontinent to the very highest levels*. It may well be worth researching what role her decision may have had on motivating Mrs. Indira Gandhi to become Prime Minister of India a few years later. Her candidature also put an end to the knotty question of a woman's right to become the head of a Muslim State, as even the Jamat-i-Islami gave her its grudging support, *albeit under the concept of it being "the need of the hour."*⁴ Surprisingly, the APWA and its leaders, including Begum Raana Liaquat Ali Khan and Begum Fida Hussain, opposed Miss Jinnah and actively campaigned for President Ayub Khan.⁵ This was all the more unfortunate as Begum Raana Liaquat Ali Khan had been taking a leading role in women's movement ever since the creation of Pakistan.

In 1948, in the immediate aftermath of Independence, two very determined lady members of Pakistan's Constituent Assembly, Begum Shaista Ikram Ullah and Begum Jahan Ara Shahnawaz, managed to achieve a phenomenal level of political success for the women of Pakistan.⁶ Through dedicated and focused hard work, they succeeded in getting the Muslim Personal Law of Shariah passed under which women were granted the right to inherit property, including agricultural land.⁷ The irony is that, even after this law became fully effective in 1951, it was seldom practiced, as it could not change the deep-rooted male custom of denying this right to their women, especially in the interior of the country. Although, in an even greater irony, Islam had granted women the right to inherit property fifteen hundred years earlier. Muslim men in the subcontinent have continued to negate this as they feel they must protect their property from falling under the control of the men of another family into which their sisters and daughters were to

be married. Therefore, the achievement of these two ladies was truly phenomenal as they had debated and ensured the passage of this law in an Assembly largely populated by the landed gentry, in a country dominated by male chauvinism.

In 1955 Prime Minister Mohammad Ali Bogra took a second wife,⁸ which instigated women organizations to launch a campaign against his second marriage.⁹ The United Front for Women's Rights (UFWR) was formed under the leadership of Begum Jahan Ara Shahnawaz. Under pressure from UFWR and APWA, the Government formed a commission headed by the Chief Justice of the Supreme Court, Mr. Justice Rashid, to study the existing laws of marriage, divorce, maintenance and custody of children and recommended modifications to bring them into conformity with the dictates of Islam.¹⁰ The Rashid Commission finalized its report in 1956, which included a detailed dissenting note by its religious member Maulana Ehtesham ul Haq Thanvi.¹¹ As a result of sustained pressure and dissent from the orthodox religious elements, the report was unfortunately shelved.¹² However, five years later it was to form the basis for the Muslim Family Laws Ordinance, 1961.¹³

"Equality of status, equality of opportunity, equal pay for equal work and guarantee of rights for Muslim women under the Muslim Personal Law of Shariah" were apart of the Charter of Women's Rights, prepared by Begum Jahan Ara Shahnawaz.¹⁴ The Charter was passed by the Constituent Assembly with an overwhelming majority, in spite of the fact that Mr. Zafarullah, who was chairing the meeting, opposed the bill. It was his contention that a newborn state could not afford this "luxury", especially as British Prime Minister even Mr. Churchill had refused to agree to equal pay for equal work for women in Britain.¹⁵ Therefore, the adoption of this charter was certainly a great victory for both the lady parliamentarians in particular, and the women of Pakistan in general.

However, the landmark legislation of that era was the acceptance in the 1956 Constitution, of the principle of female suffrage for the seats reserved for women, allocated on the basis of special territorial constituencies. This, in effect granted women dual voting rights – one for general seats and the other for the reserved women's seats.¹⁶ The importance and potential of this right towards the political empowerment of women was

apparently not fully grasped by the framers of our subsequent constitutions. Hence it was abolished in the 1962 Constitution, which replaced it with a system of indirect elections.¹⁷ This stipulated that henceforth the elected members of the Assemblies would elect women members for the reserved women seats. As voting would obviously be on party lines, women candidates would therefore be selected by their party bosses rather than elected by their real constituents i.e. the women of Pakistan. This in fact turned women members into “token representatives”.¹⁸ Unfortunately, this concept of indirect elections was retained in the 1973 Constitution.¹⁹

During the 1970 Election campaign, Mr. Zulfikar Ali Bhutto emerged as the clear front runner in the Punjab and Sind, particularly among the poorer segment of civil society. His message had a special fascination for women who were encouraged to believe that, in a PPP regime that would provide “Roti, Kapra aur Makaan,” they too could develop as dignified human beings in their own right.²⁰ *Thus, for the first time, women voted for the candidates of their own choice, irrespective of their husband’s desires.* This was a big step in the political empowerment of women at the grass roots level.²¹

On assuming power in December 1970, Mr. Bhutto gave top priority to drafting a new constitution. Begum Nasim Jahan and Begum Ashraf Abbasi were the two lady members of the Constitution Committee who played the same role that Begum Jahan Ara Shahnawaz and Begum Shaista Ikram Ullah had played in 1956.²² It was largely due to their efforts that the 1973 Constitution brought about greater gender equality, declaring all citizens to be equal before the law and stipulating that there would be no discrimination on the basis of race, religion, caste or sex for appointment in the service of Pakistan. It also guaranteed reserved seats for women in Local Bodies and mandated that steps be taken to ensure the participation of women in all spheres of national life. As a result, women now entered those superior services from which they had hitherto been barred such as the CSP and the Foreign Service.²³

However, as mentioned earlier, in spite of forceful demands put forward by APWA and other women organizations, and a determined effort made by Begum Nasim Jahan in the National Assembly, the principle of female suffrage for the reserved

women's seats, was not revived in the 1973 Constitution. Bhutto's Law Minister, Mr. Abdul Hafeez Peerzada, felt that as in the past the political parties had been unable to find suitable female candidates beyond the big cities, an election based on female suffrage would produce unhealthy results. He was also influenced by the fact that, although women had played a remarkable role in the 1970 Election Campaign, none of them was able to get elected. In his view this proved that the better category of women politicians were adverse to fighting a direct election. He therefore thought that the interests of women would be best served by a system of indirect elections, which would attract a better breed of women politicians.²⁴ However, Begum Nasim Jahan was of the view that as the electorate for this indirect form of elections (or more appropriately the nominating authority) would comprise entirely of males, the women parliamentarians would be reduced to being mere token representatives.²⁵

The period of Gen Zia's Martial Law, which followed after the overthrow of Mr. Bhutto, was a rather lean period for women politicians. In fact, after the Bhutto ladies had been forced to leave the Country, women politicians seemed to have virtually disappeared from the landscape. However, in the wake of the promulgation of the Hadood Ordinances, this vacuum was filled by a class of educated women activists who had emerged to form pressure groups committed to protecting women's rights. These laws, wittingly or unwittingly, reduced the legal status of women through the Qanoon-e-Shahadat on the one hand, and virtually tyrannized them by the faulty interpretation of the *Zina* Ordinance on the other hand.²⁶ Whereas the first barred them from giving evidence in cases of rape, *qazf*, bodily harm or property, the second resulted in a rape victim being jailed for *Zina* unless she could produce four Muslim male witnesses to prove that she had been raped.²⁷ Thus was born the Women's Action Forum (WAF), which continues to be active even today in its struggle for ensuring basic rights for women.²⁸

Although, relatively speaking, the Musharraf era proved to be a political boom for the women of Pakistan, unfortunately it also did not restore the principle of female suffrage for women's reserved seats on the basis of special territorial constituencies as envisaged in the 1956 Constitution. The effects of this lapse can

best be judged by an analysis of the elections held in 2002. Although Gen. Musharraf very boldly increased the number of reserved women's seats to an unprecedented 20% in the Assemblies²⁹ and 33% in the Local Bodies, reportedly as many as 31% of the women in NWFP, Baluchistan and Southern Punjab were not allowed by their men to vote.³⁰ If the principle of women voting for the reserved women's seats had been included in the LFO, even MMA Party leaders would have been "encouraged" to ensure that their womenfolk went out and voted for MMA women candidates. The alternative would have been to surrender the 20% reserved women seats to their rival parties. This would also have had the advantage of making candidates for the reserved women's seats accountable to their women voters, thus forcing the candidates to devise political agendas conducive to resolving women's problems and helping them to achieve their due rights.³¹ In other words, women's demands would have been presented and fought for in the assemblies by women parliamentarians, who would have had to demonstrate their dedication and record on women issues as an essential requirement for seeking re-election.³² This would have been in stark contrast to the position that has persisted ever since the abrogation of the 1956 Constitution, whereby women parliamentarians have been beholden to their party leaders, who have virtually "nominated" them for occupying the reserved women seats.³³ Thus, even today, their political subjugation has not been fully eliminated. It is worth pondering whether women parliamentarians would have allowed themselves to be manipulated into behaving with such lack of decorum, as was witnessed during May 2003 in the Punjab Assembly, if they had been directly elected and did not have to do their master's bidding.³⁴

However, all said and done, women owe a lot to Gen Musharraf. Besides the increase in reserved women seats in the Assemblies from 2 to 20% women now also constitute 33% of the Union, Tehsil and District Councils.³⁵ In addition, many women have been sent as ambassadors to various countries. These are very bold and positive steps that herald the beginning of a whole new chapter in the political participation of women in Pakistan. It is now incumbent upon the women parliamentarians to take meaningful steps for gaining a deeper understanding of

women's issues and problems. As this knowledge and awareness increases, it is hoped that women parliamentarians will rise above party affiliations and gravitate towards forming an "intra party bond" for jointly devising appropriate measures in support of women's rights. This would be the most effective way of enhancing the political empowerment of women, as envisaged by President Musharraf in his inaugural address to the National Conference on Women's Political Participation in January 2003,³⁶ where he had stated that, "The women members of the Assemblies must rise beyond party affiliations... influence decision-making... (and) become effective in legislation to ensure that no law detrimental to their rights and interests is passed." It is heartening to note that subsequent development in the Punjab Assembly, where women members of the Opposition broke ranks with their male colleagues and joined their female counterparts from the Treasury Benches in supporting the provisions of the Punjab Prevention of Domestic Violence Bill, 2003.³⁷ Similarly, the subsequent passage of the Honour Killing Act and Women Protection Act (that has considerably reduced the anti women bias of the Hadood Ordinances) have helped bring to surface a new breed of women politicians such as Sherry Rehman PPP, Nilofar Bakhtiar PML(Q), Kashmala Tariq PML(Q) and Fauzia Wahab PPP. Their roles in the passage of these Acts have definitely proved that there is light at the end of the tunnel.

Notes and References

1. Khawar Mumtaz and Farida Shaheed, *Women of Pakistan: Two Steps forward, One Step back?* Lahore 1987, Khalid Imran Printers, p-49
2. All the leading daily newspapers covered Miss Fatima Jinnah's social work and political activities. Dawn newspaper specially carried a detailed coverage of her efforts to help settle the refugees specially the women and children.

3. Hamid Yousaf, *Pakistan in search of Democracy 1947-77*, Lahore 1980, Published by Afrasia Publications, Printed by Rippon Printing Press, p.71.
4. The question that can a Muslim woman become the head of the state was discussed in almost all the leading dailies of the country at the time when Miss Jinnah was being considered for the candidature of Presidentship. Maulana Moududi, a leading religious scholar, initially declared that it was unislamic for a woman to become the head of an Islamic state. Later he opted to second Miss Fatima Jinnah;s candidate, calling it “the need of the hour”.
5. *Dawn*, November, 28. 1964.
6. Jehanara Shahnawaz, *Father and Daughter: A Political Autobiography*, New York 2002, Oxford University Press, p-256.
7. Anis Mirza, “Women’s Role in the Pakistan Movement and the Formative Years” Paper read in the Soroptomist Club Seminar, “Women in Public Life” October, 1972 Lahore, p.4.
8. Nabeela Afzal, *Women and Parliament in Pakistan 1947-1977*, Lahore 1999, Pakistan Study Centre, University of the Punjab, p-63.
9. *Ibid.* p.63.
10. Fareeda Shaheed and Khawar Mumtaz, “*Two Steps Forward, One Step Back*”, p.56.
11. See the Report in the Gazette of Pakistan, August, 30. 1956.
12. *Ibid.* August, 30. 1956.

13. See the text of the Ordinance in the Gazette of Pakistan (Extraordinary), March, 2. 1961.
14. Begum Nasim Jehan, *Status of Women in Pakistan*, (Part II) unpublished paper, 1976, p.14.
15. Anis Mirza, "Women's Role in the Pakistan Movement and the Formative Years", paper read in the Soroptomist Club Seminar "Women in Public Life, October, 1972 Lahore" p.4. This Front was particularly active in Karachi, which was then the Capital of Pakistan.
16. Jehanara Shahnawaz, op. cit., p.140.
17. Constitutional Documents Vol. III Articles 162 and 169.
18. Begum Nasim Jehan was a great advocate of women suffrage for women candidates on reserved seats. Her argument was that women would be elected to represent the females. Her arguments are recorded in NACD, Vol. I No. 33, April, 7. 1973. p.2175-76.
19. Safdar Mahmood, "Constitutional Foundation", p.805-920.
20. Shahid Javed Burki *Pakistan Under Bhutto 1971-1977*, p.51-130.
21. Fareeda Shaheed and Khawar Mumtaz, *Two Steps Forward, One Step Back*, p.62.
22. Ibid p.63.
23. Safdar Mahmood, *Constitutional Foundation*, p.805-920.
24. NACD Vol. I, No. 33, April, 7. 1973, p.2178-79

25. Nabeela Afzal, *Women and Parliament in Pakistan, 1947-77*, p.34.
26. Fareeda Shaheed and Khawar Mumtaz, *Two Steps Forward One Step Back*, p.119.
27. Ibid. p.112.
28. Ibid. p.74.
29. *News*, December, 22. 2002.
30. *Dawn*, May, 13. 2005.
31. *News*, August, 24. 2005.
32. *Friday Times*, March, 6. 2003.
33. NACD Vol. I, No. 33, April, 7. 1973, p.2175-76
34. *Daily Times*, May, 15. 2003.
35. To reserve seats for women from 2% to 20% in the Assemblies and 33% in the Local Governments made headlines in all the newspapers and news bulletin on television. It was discussed in all the talk shows. Everyone, even the political opponents praised the President for this bold and much awaited step.
36. *News*, January 2003.
37. *Daily Times*, October, 22. 2003.