

Objectives Resolution, Women Politics and Islamization of State in Pakistan



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Abstract

Two years after the creation of Pakistan, the Constituent Assembly of Pakistan had adopted basic objectives and principles for making future constitution of Pakistan. The objectives resolution has provided a road map towards constitutional formation in Pakistan. The constitutional and legal roots of Islamization of State of Pakistan are deeply entrenched in Objectives Resolution. This paper is an attempt to explore a nature of objectives resolution and its role in Islamization of state in Pakistan. Existing studies on objectives resolution and process of Islamization largely focused on socio culture foundations objectives resolution and its connection with Islamization. The primary research question which has been addressed in this paper is, why objectives resolution became a tool towards Islamization of constitutions in Pakistan and how a question of gender is placed in this process. This study is focused on implication and significance of objectives resolution and process of Islamization on women politics in Pakistan.

Keywords: Women Politics, Islamization, Objectives Resolution, Constitution, Pakistan

Women Political Rights in Islam

Women rights in Islam and their political participation is a challenging task for analysis. Some says it is compatible with varied contradictions and some others are not in favor of women political participation. Conflicting attitude of constitution and society regarding women political participation, one can find that social and constitutional favors related to women issues do not co-exist. The oppressed nature of women in Pakistan has been noted by the Status of Women Commission as: "Women of Pakistan remain literally marginalized in respect of a citizen's fundamental right of political participation. It is disingenuous to say that they have an equal right with men in law. It is the equality of a lamb and a lion. Considering all the decades of discrimination, subordination and effacement from public life that women have been subjected to, even when entry into a competition is equally open, it remains for them a handicap race many times over."¹

Religion Islam has not banned the political participation and public life of women, rather than the concept of *baya* (allegiance oath) to the ruler is made necessary for both

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men and women on equality basis. However the political participation or woman as the head of the state conflicting views has been presented by religious scholars. Some religious scholars have the opinion of women political participation in the political affairs of the state on equal basis as men, while others have their opinion of women life confined to the household matters only.

However it can be easily understood from the history of Arabs and Islam. In the early time of Islam there was no restriction on women for engaging in the public life. Later on, the totalitarian regimes in Arabs have limited women role in society, that is to be considered their culture or customs which have been prevailing in the Arab society for thousands of years, but have nothing to the teaching of Islam.

Today if we look to the Arab Countries of the Middle East we can see that the modern concept of democracy or political participation of masses in the government is not only limited for the women, but also for men. In Saudi Arabia and Kuwait women have no right of vote, but men are also not allowed to participate in the governance of the country.² However in Muslim countries like Jordan, Indonesia, Turkey and Pakistan women are allowed to participate in the political life as equal to men.

Women Political Rights in Pakistan

The founder father Jinnah said the “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 a 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).

The Pakistan constitution 1973 has clearly noted importance of women in the country development. The constitution 24 article stated: “Steps shall be taken to ensure full participation of women in all spheres of national life.” Article thirty two (32) also highlighted that “The State shall encourage local government institutions composed of elected representatives of the areas concerned and, in such institutions; special representation shall be given to peasants, workers and women.” Along with these two articles, article 106 part four noted that “Until the expiration of a period of ten years from the holding of the third general election to the National Assembly, twenty seats shall be reserved for women.”³

Due to the patriarchal structure of the Pakistani society the framer of the constitution of Pakistan were more conscious of the women role in the political life of Pakistan, thus seats were reserved in the provincial assemblies of Pakistan. Those 5% seats were reserved and were elected through indirect elections.⁴ Later on due to the changing political setup of Pakistan the reserved seat for women were collapsed in the 1990's, but the continuous efforts of women activists, and political parties the reserved seat for women was again incorporated in the constitution. In the time of Musharraf the reserved seats for women in the National and provincial assemblies were increased. For

the first time in the history of Pakistan and in the local bodies' elections it reached to 33%.⁵

Objectives Resolution, Constitutions and Women Political Rights

Islamic provisions of the constitutions of Pakistan starting from 1956-73 described a detailed outlook regarding the place of women political rights. In the pre-partition times, the role of women of All India Muslim League in the political struggle cannot be denied. They equally politically participated in the freedom struggle of Pakistan. Though the objectives resolution of 1949 has cleared the role of Islam in the constitution of Pakistan, but the Islamic nature of the constitution is too complex due to multiple interpretations and sections in religion. The Objectives Resolution became the preamble of all the three constitutions of Pakistan 1956, 1962, and 1973. In the 1985 during the time of General Zia it became the part of the constitution as article 2-A.⁶

Objective Resolution has cleared the ambiguity and debate within the country to define the role of religion Islam in the constitution life of Pakistan. It clearly noted that Sovereignty belongs only to God and the political leadership of the country will exercise their powers as a sacred trust as being the representatives of God. It further noted that "Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teaching and requirements of Islam as set out in the Holy Quran and the Sunna".⁷

Objective Resolution became the preamble of the first constitution of Pakistan in 1956, which was a reflection and clear indication that Pakistan would be a Muslim state. Third part of the said constitution outlined the role of Islam in the country along with Islamic provision of the constitution.⁸ Article twenty five 25 of the constitution focused on the State capacity relating to Muslim lives in the country. It was the state responsibility to promote the moral standard of Islam in the society by enabling the masses to learn and understand the teaching of Quran and Sunna. The organization of mosques, Zakat and waqaf was also the state responsibility.⁹

The induction of these Islamic provision in the constitution has lifted the decision to that extent as whether a law was not acceptable to Islamic teachings or not, in the domain of Parliament. Constitutional article 198 states that "In the application of this article to the personal law of any Muslim sect, the expression Quran and Sunna shall mean the Quran and Sunna as interpreted by that sect."¹⁰

Commenting on the constitution Dr. Mustafa Ahmad said: "The 1956 constitution thus called for a regular process of Islamisation the pace and direction of which was retained in the hands of the National Assembly. The 1962 constitution of Pakistan continued this movement and contained provisions to the effect that any law will not be unacceptable to true religion of Islam and all existing laws should be kept in conformity with Islamic teachings. Part ten of the constitution of Islamic Republic of Pakistan relating to Islamic sacred institutions occupied a number of innovative ideas. Constitutional article 199 providing for the formation of an effective Advisory Council called Islamic Ideology,

whereas constitutional article 207(1) focused an Islamic Research Institute. The major functional aspects of these selected institutions were to giving advice to provincial and national assemblies, the Governors and President as to whether a proposed legislation was in accordance with basic Principles of legislative affairs".¹¹ He further added: "therefore, in 1956 and 1962 constitutions of Islamic Republic of Pakistan the function of Islam within the country was a strictly reduced to only one. This place was preserved in the constitution of 1973 with some important changes, including the declaration of Islam as the state religion. Furthermore, articles related to Islam were placed in Part nine of the Pakistan's constitution. As per Article 227 of the 1973 constitution, it was the responsibility of the state to bring all existed laws in accordance to the teaching of Islam with the help of the council of Islamic ideology, and no law against Islamic teaching was to be passed by any assembly."¹² The procedure of carrying all presented laws in conformism with the commands of Islamic teachings was to be accepted only in the manner provided for in Part IX of constitution entitled "Islamic Provisions" of the constitution of Pakistan."¹³ In terms of Islamic provision of the constitution, no role of judiciary has been seen. Constitution seems a combination of secular and religious combination which remains a main cause for judicial crises and interpreting women role in legislation and politics.

Islamization of the 1973 Constitution

The time of General Zia is considered one of the most important period for Islamization process in the country.¹⁴ Though the military dictator brought the process of Islamization for his government legitimacy but his time is considered as Dark Age for women. His concept of Chadara aur Chardiwari has limited the role of women only to the household cares, which was not accepted to the women of Pakistan and large street protests have been carried out by women activists against his restriction on the women public life.¹⁵ Valentine Moghadam while presented the comparative study of Pakistan, Iran and Afghanistan noted "a disorienting collision of tradition and modernity which calls cultural identity into issue and politicizes gender relations and the position of women".¹⁶ She says that "women are perceived as the bearers of culture and repository of traditions and thus become a gripping signifier of a community's religious cultural-identity".¹⁷

Islamisation' in Pakistan, as was subsequently made evident, was therefore in real fact the imposition of General Zia's image of the 'rightful place' of a woman in a Muslim society and in search of the establishment of an Islamic society through these images. The articles in the constitution of Pakistan according formal equality to women were held in abeyance while a number of laws appeared on the edict book that were discriminatory to women.¹⁸ These measures obviously contradict the over-arching constitutional norm of equality.

The "Quran contains specific verses where the evidentiary value of one woman must be corroborated by that of a second woman (in certain financial transactions reduced to writing).¹⁹ The law of evidence²⁰ in Pakistan however, had made no reference to any

such conditions and the evidence of female and male witnesses had always been considered equal”.²¹

The Islamization period of the 1970's soon made this equality a thing of the past and women's position as a witness became think for a number of reasons. “Under a Presidential Order, a number of strong amendments were made in the law of evidence by the Qanoon-i-Shahadat Order 1984. Section 17 of this law in dealing with the fitness and number of witnesses provides that, in matters pertaining to financial or future obligations, if reduced to writing, the instrument shall be attested by one men, or two man and two women, so that one may remind the other, if necessary, and evidence shall be led accordingly; and (b) in all other matters, the Court may accept, or act on, the witness of one man or one woman, or such other evidence as the circumstances of the case may warrant”.

Section 17 has come under “harsh analysis, not least as representing a misunderstanding of the Quranic verse on which it is supposed to be based. Verse2:282, it is argued, suggests requirements for witnessing of financial transactions compact to writing, the tone being recommendatory and not mandatory; secondly it relates to monetary notes or debt notes. There is very tiny justification in basing such a broad-based rule of substantive law on it to include financial or future obligations”. Literal interpretation of verse 2:282 goes against the spirit and purpose behind it”. A study conducted by Mumtaz and Shaheed noted: “Seen in the context of seventh century Arabia the verse is an indication of the inclusion of women in matters of economic communication where women may not have been so active. Satirically, the same verse is being used in 20th century Pakistan to exclude them.”²²

The Qanoon-i-Shahdath order of the 1984 has generated a mass debate in Pakistan regarding the capability of witness according to Islamic laws.²³ Khalid noted that: “One example of this lies in the Criminal Law Amendment Act 1997 where one form of proof of homicide is by evidence as provided by section 17 of the Qanoon-i-Shahadat, 1984. In other words, a large margin of approval is given to the judiciary, who may or may not share the same opinion on the interpretation of the Islamic law of evidence. One judge may, for instance, hold a woman's testimony equal to that of man's, another may hold the repeal view. It is interesting to note however, that in the 13 years of its existence on the statute books, section 17 of the Qanoon-i-Shahadat has not been invoked in a court of law even once. This speaks volumes for the 'operative' Islamic law evolved over the years.”²⁴

In accordance to Mumtaz and Shaheen: “At the same time, the very detail of its nonstop existence on the statute books makes the Qanoon-i-Shahadat similar to the proverbial sword of Democles hanging over the heads of the millions of women in Pakistan. That the law has never been invoked to devalue the evidence of a woman is no assurance that it never will in the future be put to such use, leaving women in a very unsure and definitely exposed position with regard to their legal personhood.”²⁵

The Hudood Ordinances of Zia has modified the colonial criminal laws with incorporated the injection of Islamic sharia.²⁶ with scope of Islamic law restrained very much to the sphere of personal status law. The Ordinances divide punishment into two categories: *tazir* and *hadd*. “Hadd means a punishment, the measure of which has been definitely fixed in the Quran or Sunna. *Tazir* is a punishment other than *hadd* where the court is allowed caution both as to the form in which such punishment is to be inflicted and its measure. The Hudood Ordinances, however, depart from general Islamic jurisprudence by making provisions both for the form and evaluate of punishment”.

Thus in the light of section 7 of Enforcement of Hudood Ordinance, 1979, the proof of theft in connection with Hadd takes one of the following forms, either “(a) the accused pleads guilty of the commission of theft liable to Hadd, or (b) at least two Muslim adult male witnesses other than the sufferer of the theft, about whom the Court is satisfied, having consider to the requirements of *tazkia al shuhood*, that they are truthful persons and refrain from major sins (*Kabair*), giving evidence as eyewitnesses of the occurrence; Likewise, section 8 of The Offence of Zina (Enforcement of Hudood) Ordinance 1979, proof of zina or *zina bil jabr* liable to Hadd may be submitted in one of the two forms, namely, that (a) the accused makes before a Court of expert jurisdiction a confession of the offence; or (b) at least four Muslim adult male witnesses, about whom the Court is satisfied, having regard to the necessities of *tazkia al-shuhood*, that they are truthful persons and refrain from major sins (*Kabair*), giving evidence as eye witnesses of the act of dissemination necessary to the offence.”²⁷ In the light of section 8(b) of this law, proof of *zina or zina-bil-jabr* is liable to *Hadd* is the same: “(b) at least four Muslim male adult witnesses about whom the Court is satisfied having consider to the requirements of *tazkiyyah al-shuhood* that they are truthful persons and abstain from major sins (*kabair*), given proof as eye witnesses of the act of penetration compulsory to the offence: Provided that, if the accused is a non-Muslim the eye-witnesses may be non-Muslims.”²⁸

The inference from the above law is that: “No characteristic is drawn between proof for zina and zina-bil-jabr. Therefore, the presence of 4 adult male Muslims must be ready to give witness before a rapist is punished under Hadd. If the required average of proof for Hadd is not met, the case may be tried under *Tazir* where the average of proof in entirely a matter of discretion for the judge. Most rape trials in Pakistan since the circulation of the Hudood Ordinances are tried under *tazir*, given the almost impossible standard of proof for *hadd* punishments. A further hurdle that complainants of rape face is that where a sufferer of rape is unable to prove the offence and the court finds that she consented to sexual intercourse, the charge may be converted to zina (adultery or fornication), and the complainant herself becomes the accused. Furthermore, if the complainant is pregnant as a result of rape, this is taken as proof that sexual intercourse outside of marriage has taken place. In a number of cases the alleged rapist has been acquitted because of lack of conclusive evidence, whereas the woman complaining of

rape has been convicted of zina having failed to found that her pregnancy was the result of rape”.²⁹

Women Parliamentarians perceptions regarding women status

Islamization and women politics in Pakistan has a long history since colonial period. In 1949 when objectives resolution was presented in Constituent Assembly of Pakistan, at that time two women named Begum Shaista Ikramullah and Begum Jahan Ara Shahnawaz. They endorsed a ruling party view over objectives resolution. Begum Shaista Ikramullah was a niece of Hussain Shaheed Sarwardi and mother of law of Jordan Crown Prince. She was first Muslim women who got Ph.D degree from University of London in 1940. Begum Jahan Ara Shahnawaz and Begum Shaista Ikram both worked on Islamic Personal Law of Shariah³⁰ and got approval of women property rights in heritance from the legislature in 1948 despite severe resistance from conservatives. Under this law equal pay for equal work, equality of status and equal opportunities had been provided to women³¹. For women rights, these two women worked on different sectors ranging from legislature to literature. For awakening women consciousness Begum Shaista wrote a book from *Purda to parliament* and it was published in 1953.

The status of women and women politics turned into most stressful condition in 1980s. Islamization and Hadood ordinances were used to subjugate women politics in Pakistan due to multiple political reasons. In 1988, Benazir Bhutto became first women Prime Minister of Pakistan but women politics remained behind the public sphere due to domination of Islamization process and constitutional constraints. In 2000, a new wave of women politics and post-neoliberal interpretations of Islam emerged on political sphere. Institutions like National Commission on Status of Women were established to bring women in mainstream politics. Considering the social barriers for direct elections of women, reserved seats were allocated to women representation in parliament. After inclusion of women into mainstream politics through reserved seats, women struggled with in dominant cultural and religious milieu.

On 21st November 2008, Dr. Fahmeeda Mirza, a sitting member of National Assembly has established a Women Parliamentary Caucus (WPC) for greater participation of women in parliamentary affairs and empowering them politically³². From the platform of this caucus, women parliamentarian took part number of legislations regarding women political rights, but so far social issues and challenges are there in implantation. To address these multi layered challenges, WPC had organized different events for promotion of awareness over women inclusion in politics³³. Ms. Maryam Nawaz is another woman political leader who stood up after the exile of Nawaz Sharif during Musharaf Period. She is a daughter of Nawaz Sharif and led public rallies with Maulana Fazlu Rehman of Jamiat ulema-e- Islam (JUI-F) during Pakistan Democratic Movement (PDM) in 2020. While commenting on the role of women, Maryam Nawaz Sharif said that women are our heroes. They are the agent of social change. We should celebrate the struggle of our women heroes like Benazir Bhutto (first women Prime Minister of Pakistan), Malala Yousafzai (Nobel laureate), Maryam Mukhtar (First Women Pilot)

and Sharmeen Obaid Chaney (Academy Award Winner). She further elaborated that Islamic history is full of exemplary services of women struggle in every field.³⁴

Similarly, another member of parliament Ms. Robina Khalid that women can play an active role towards building peaceful society due to their soft attitude but unfortunately, they are excluded from political sphere. While elaborating peacebuilding measures, she said that women are always excluded and even they are marginalized in parliamentary proceedings. She further said that place of nurturing a peaceful child is women cradle.³⁵ Another member of parliament Ms. Nuzhat Sadiq focused on peaceful and tolerant nature of Islam and highlighted the geo-politics of terrorism. She expressed that in a state of crises women have a critical role. They should be included in decision making process.³⁶ After 2002 elections women representation in Pakistan's parliament has increased but this increase has not yet been translated into women active politics at grassroot level. Women parliamentarians are working on their party agenda despite protecting women rights. This increased number of women in parliament have opportunities and challenges. Those parliamentarians who contest elections, they consider reserved seats women parliamentarians an un-equal creature. This unevenness in parliament favored male domination.³⁷

Another women parliamentarian Mrs. Ayesha Sayed that women must not be neglected otherwise we should not achieve inclusive and peaceful society. She expressed that woman are more responsive if any responsibility may given to them. She has the opinion that in existing cultural setup women can perform better in nation building. As a mother women can play active role in in establishing peaceful society. While commenting on women politics in global development agenda, she said that women need inclusiveness for achieving sustainable development goals. Being affiliations with Jamat-i-Islami, she said that her political party believe on democracy and women empowerment.³⁸ Ms. Sitara Ayaz, a women senator from Senate of Pakistan (Upper House) believed that women should be bold and strong for establishing inclusive and sustainable society. Women should be role model for future generations. She said that there is a need to abolish discriminatory social norms and values.³⁹ For strengthen democracy, inclusion of all social groups in decision making is necessary. These ideas were highlighted by Ms. Yasmeen Rehman, a women parliamentarian. She said that social inclusion and active participation are running parallel to each other. She said that there is a need to change all social norms that create hurdles towards social inclusion.⁴⁰ On the question of women politics, women parliamentarians are considering 'ignorance' a main hurdle. Constitution of Pakistan provides equal right to all without any gendered decimation. Ms. Ayesha Syed, another women parliamentarian said that women can understand the issues of fellow women far better than men. On the basis of this argument, she believed that women must have an equal share in parliament. She said that women parliamentary services are better than their male counter parts.⁴¹

Atiya Anayatullah, a women politician has the opinion that women should be given better status in society. Empowering women means empowering a society and finally it

means empowering humanity. All the barriers in women political inclusion must be vanished otherwise it will turn towards humanitarian disaster.⁴² Dr. Ayesha Isani said that women inclusion in political sphere is facing lot of financial, political and social issues. It could not be resolved while gossiping in closed walls. These barriers start from the walls of home to the roads and street. She said that culture of harassment is the main hindrance in women inclusive role in politics.⁴³ Asma Sardar from Khyber Pakhtunkhwa highlighted the gendered rights in political sphere. She said that every gender is respectable. For nation building we should think beyond gender lines.⁴⁴

The women currently represented in the Pakistani parliament are representatives of a middle / upper class who are in no way inferior to women in other part of the Muslim world in terms of their education, their standard of living and their income. According to the last completed census, the gender balance in Pakistan is strongly male-dominated. In parliament, women are significantly underrepresented at 22 to 30 percent in relation to their share in the total population. The difference in employment is just as clear. According to the World Bank, only 20 percent of the workforce in Pakistan in 2012 was women. This rate is even worse at management level. Only three percent of management positions in Pakistan - in politics, administration and business - were held by women.

Among the few women politicians who have achieved the highest dignity in the history of the country, two personalities stand out who have enjoyed the greatest admiration and approval to this day - also among the male population of Pakistan. These are Fatima Jinnah and the Prime Minister, Benazir Bhutto. They were important pioneers of the women's rights movement in Pakistan, are used to this day as important role models and figureheads for Pakistan, and are briefly presented below. Fatima Jinnah Fatima Jinnah, also known as the "mother of the nation", was a close companion of her brother Muhammad Ali Jinnah, the "father of the nation". She is considered to be one of the founders of the women's rights movement in Pakistan, was an important representative of the Pakistan movement that led to the separation of Pakistan from India, and stood during the presidential election campaign.

The women's rights movement in Pakistan is still in its infancy, often due to political concerns. Women are becoming increasingly aware of their rights and are proactively enforcing them, both privately and politically. This awareness is currently still particularly affecting the urban centers of the country, but the candidacy of numerous women also has an impact in the rural regions and away from the "usual suspects", i.e. outside political dynasties and networks changed self-image, coupled with an increasing self-confidence revealed.

From a legal point of view, Pakistan has given all options for greater participation of women in political life since the last legislative period at the latest. Currently, outdated traditions in particular, combined with a still strong patriarchic, stand in the way of a comprehensive change. There are opportunities for civil society organizations to reinforce this trend in particular an increased commitment in the field of awareness

campaigns in the rural areas of the country, where women are still excluded, sometimes systematically, from access to further education and thus to politics.

Conclusion

The constitutional and legal roots of Islamization of State of Pakistan are deeply entrenched in Objectives Resolution. It has provided a road map towards constitutional formation and became a tool towards Islamization process in the country that has also affected the gender equality and especially the role of women in the politics was marginalized. Thus Objective Resolution, the process of Islamization and women political rights are interconnected to each other. The biggest constitutional challenges regarding women political participation are conflicting constitutional provisions and constitutional amendments, this constitutional distortion effect women political role in a society. The constitution of Pakistan is under the influence of three major streams; one is International agreements/commitments, second is Islamic/ religious influence and third is secular orientation. These are the constitutional paradoxes in Pakistani constitution, the misbalancing situation i.e. Islamic provision got prominence by weakening other secular provisions. This situation has created ambiguity in the constitutional setup of society. Islamic laws do not discriminate women rights, but there many issues related to women rights when constitutional provisions interact with societal norms and values as social values does not place women in mainstream of politics. In conclusion, results may be obtainable that Islam, in common with other global religions, had as its main mission, accessibility to justice, equity of mankind, and equality for all, irrespective of distinctions on gender.

The inadequate consideration of women in the Pakistani education system is one of the main reasons for a very low level of political activity by women in Pakistan so far. Since 1973, the state has stipulated in Article 25 of the Constitution that no distinction may be made between men and women. There are many reasons for the massive disadvantage of women - in Pakistan. Numerous social tensions and gender-specific behaviors originate from pre-Pakistani times and can be roughly divided into (supposedly) Islamic and other tribe-specific behavior patterns. Strict patriarchic in Pakistan cements behavior on the social side, such as the generally lower mobility of women and the lower appreciation of female education. In addition, there are efforts by some Islamist movements to defame politically active women as un-Islamic, usually an easy way to silence someone in a country with strong religiosity and little education. The fact that the role of women in Pakistan is nevertheless subject to strong regional, social and economic differences in this multiethnic and socially extremely diverse field of tension should not be forgotten.

¹ Commission on the Status of women in Pakistan, <https://www.ncsw.gov.pk/>

² International Commission of Jurists, Kuwait University & Union of Arab Lawyers (eds.), *Human Rights in Islam*, Geneva: International Commission of Jurists, 1982, 19.

³ Under of Constitutional Article 106 (4) which, states that, Until the expiration of a period of ten years from the commencing day or the holding of the third general election to the Assembly of a Province, whichever occurs later, there shall be in the Assembly a number of additional seats reserved for women equal to five per centum of the number of members of that Assembly specified in clause (1)

⁴ Article 51(5) states that (5) As soon as is practicable after the general election to the National Assembly, the members to fill seats reserved for women which are allocated to a province under clause (4) shall be elected in accordance with law on the basis of the system of proportional representation by means of a single transferable vote by the electoral college consisting of the persons elected to the Assembly from that Province. A similar clause is present in the constitution for election of women members to Provincial Assemblies as article 106(6).

⁵ The demand bringing back of reserved seats for women in the Provincial and National legislature has been voiced consistently by women's organisations in Pakistan. For instances, in 1994-95, the National Consultative Committee on Women set up by the government obtained the signatures of 148 sitting members of Parliament, in support of restoration of these seats. In July 1995, at a workshop organised by women's rights organisations the representatives of three major political parties in Pakistan, the Pakistan People's Party, the Pakistan Muslim League and the Awami National Party signed a joint declaration in support of revival of the reserved seats for women in Parliament (including the Senate where the lapsed provision had not applied).

⁶ Revival of Constitution Order, 1985 (P.O. No. 14 of 1985).

⁷ Objectives Resolution 1949 passed by the constituent assembly on 12 March 1949.

⁸ G. W. Choudhury, *Constitutional Development in Pakistan*, (1969) 2nd ed., p. 103.

⁹ Ibid, article- 25(2)/(c)

¹⁰ Article 198

¹¹ Dr. Mustafa Ahmad, Interview with author, Islamabad, April 12, 2014

¹² Constitutional article 228 of the 1973. Article 230, explains the functions of Islamic Ideology which included ... to advise a House, a Provincial Assembly, the President or a Governor on any question referred to the Council as to whether a proposed law is or is not repugnant to the injunctions of Islam; ... to make recommendations as to the measures for bringing existing laws into conformity with the injunctions of Islam and the stages by which such measures should be brought into effect.

¹³ Dr. Mustafa Ahmad, Op.cit

¹⁴ Zia got power through a military coup after sidelining the elected Prime Minister Zulfikar Ali Bhutto. Fundamental Rights of 1973 were suspended by Zia and put constitution in abeyance.

¹⁵ S. Mullally. 1995. "Separate Spheres: Protective Legislation for Women in Pakistan" p. 65

¹⁶ V. Moghadam. Patriarchy and the Politics of Gender in Modernising Societies: Iran, Pakistan and Afghanistan, (1992) 7 *International Sociology* 35, at p. 39.

¹⁷ Ibid, pp. 39-40"

¹⁸ For instance, The Hudood Ordinances, 1979 and The Qanoon-i-Shahadat Order, 1984.

¹⁹ The Quran- 2:282.

²⁰ Evidence- Act, 1872.

- ²¹ Except, witnesses to marriage contracts, it is a general practice male witnesses seems as correct.
- ²² Mumtaz and Shaheed, *Women of Pakistan* (Lahore: Vanguard Books, 1987), p.110.
- ²³ Government of Pakistan, Report of the Commission of Inquiry for Women, Islamabad, 1987, 76
- ²⁴ Khalid Ahmad, Interview with author, Abbottabad, August 19, 2014
- ²⁵ Mumtaz and Shaheed, op. cit., n. 46 pp. 106-107.
- ²⁶ The Pakistan Penal Code 1860 and the Code of Criminal Procedure 1898.
- ²⁷ The above mentioned Hudood laws also discriminate against women because they fix a lower age of criminal responsibility for girls than for boys as puberty is considered the age of majority under this law. Thus a girl as young as 9 as opposed to a boy of 18 is exposed to the rigours of this law.
- ²⁸ Section 8(b) of Zina Act 1984
- ²⁹ Jealous, ex-husbands who had want to implicate their previous-ex-wives as 'punishment' for a failed marriage found this special law particularly useful; likewise families employed, it for teaching recalcitrant, daughters marrying against their wishes. It has been recorded that husbands of wives wanting to contract a subsequent marriage (s) in the presence of an present wife and wishing her out of the way have filed a case of zina against her.
- ³⁰ Nelson, Matthew J. "Inheritance Unbound: The Politics of Personal Law Reform in Pakistan and India." (2012): 219-246.
- ³¹ Jalal, Ayesha. "The convenience of subservience: Women and the state of Pakistan." *Women, Islam and the state*. Palgrave Macmillan, London, 1991. 77-114.
- ³² <https://wpc.org.pk/>
- ³³ Qudsia Akhlaq, Interview Dr. Fameeda Mirza, News Line, April Issue 2008, <https://newslinemagazine.com/magazine/interview-dr-fehmida-mirza/>
- ³⁴ Mariam Nawaz Sharif, Interview with author, Islamabad, 10 April 2015
- ³⁵ Robina Khalid, Interview with author, Islamabad, 25 April 2015
- ³⁶ Ms. Nuzhat Sadiq, Interview with author, Islamabad, 02 June, 2016
- ³⁷ Farhana Qamar, Interview with author, Islamabad, 25 July 2014
- ³⁸ Mrs. Ayesha Sayed, interview with author, 02, April 2014
- ³⁹ Sitara Ayaz, Interview with author, 23 May 2015
- ⁴⁰ Ms. Yasmeen Rehman, Interview with author, Islamabad, April 29, 2017
- ⁴¹ Ayesha Syed, interview with author, Islamabad: February 20, 2016
- ⁴² Atiya Anatullah, interview with author, Islamabad: March 25, 2016
- ⁴³ Ayesha Isani, interview with author, Islamabad: March 25, 2016
- ⁴⁴ Amina Sardar, Interview with Author, Islamabad March 16, 2016