

STATE POLICIES AND WOMEN'S RIGHTS IN PAKISTAN (1947–2024): A HISTORICAL REVIEW

Asad Ullah

MPhil Scholar, Department of History and Pakistan Studies, University of Sargodha,
Sargodha, Punjab, Pakistan
mianasadullah1515@gmail.com

ABSTRACT

The paper sketches this trajectory from the egalitarian idealism of post-independence and constitutional battles, to patronizing sorts under authoritarian periods (recalling in particular that of Zia-ul-Haq's phase of Islamization), to partial openings and reform agendas under democratic ones. It discusses contest between patriarchal social practices, religious exegesis of texts and modernist imaginations which have subsequently evolved men-made laws institutional systems and judicial rulings pertaining to women. Leveraging historical and bibliographic as well as primary evidence, the article contends that state policies toward women in Pakistan have "oscillated between an enabling and regulatory stance" over time due to – even if not some complicity with – larger political economic, ideological and global trends. Finally, the research emphasizes that despite considerable advancements made by women's rights activists, gender equality depends on political will, change in society and a state that fulfills its role to ensure justice based on constitutional rights.

Key words: Women's rights, State policies, Gender equality, Women's movements, Family laws

1. Introduction

The state's influence on women's rights has been far from uniform or linear. Some early reforms, for example, the Muslim Family Laws Ordinance 1961, were celebrated as historically significant successes for women in family law (Mumtaz and Shaheed 1987:45). However, these reforms were ultimately diluted through the introduction of Islamic prescriptions under General Zia-ul-Haq in the 1980s with the passage of discriminatory laws like Hudood Ordinance that whittled down women's legal rights (Zia 2009, 54–56). Civil society, in particular women's rights groups such as the Women's Action Forum (WAF), acted as a counterforce that challenged state-induced conservatism and arguably called for women's constitutional rights to be more fully upheld (Jafar 2005, 57).

In the post-2000 era, and in connection with democratization, globalization, and transnational human rights regimes, successive governments have been compelled to introduce gender-sensitive legislation including the Protection against Harassment of Women at the Workplace Act (2010) or the Domestic Violence (Prevention and Protection) Acts at federal and provincial levels (Critelli 2012, 177). Nonetheless, with the prevalence of honor killings, lack of accountability amongst those who carry them out, and opposition from conservative religious factions show that women's rights in Pakistan are tenuous at best and easily swept away by political convenience or social conservatism (Weiss 2014, 92).

This paper aims to attempt a historical sweep of the 77-year period from 1947 which culminates with the year 2024 by which time Pakistan should mark its first century. Viewed within broader political, ideological and structural contexts it exposes contradictions in state policies around advancing and undermining women's liberation. It argues that the history of women's rights in Pakistan illustrates not only tensions between law, religion and politics but also women's movements' resistance to state narratives and struggles for gender justice.

This is an historical-legal review which brings together: (a) primary legal materials (constitutional clauses and federal/provincial statutes); peer-reviewed literature; NGO and

monitoring reports; authoritative journalism. The periodization they have followed is chronological but intersperses their analysis of legal change with political contexts (e.g. the Zia era's Islamization; post-2000 reforms under Musharraf; legislative activism in the 2010s). Primary sources are used to analyze the Hudood Ordinances and their amendment; the federal Protection of Women (Criminal Laws Amendment) Act 2006; national legislation on workplace harassment (2010); acid crime laws (2011); provincial domestic violence acts (for Sindh in 2013; for Punjab in 2016, etc.); as well as work on constitutional gender mapping and parliamentary representation.

2. Literature Review

The issue of women's rights in Pakistan has been closely linked with the political and ideological state orientation, as well as emerging jurisprudence on Islamic law. According to Ayesha Jalal (1990), the creation of Pakistan's political economy and defense-based state pattern generated a context in which social matters, such as gender rights were often made subservient to security considerations. This paved the way for policies that alternated between progressive retreats and blows depending on which authorities were in power.

Anita M. Weiss (2014) points out that the state has continuously managed flux of both religious readings and modernist stress by controlling implementation of policies in an attempt to control discourse on women's rights. Her book shows that women's empowerment in Pakistan is intrinsically related to the state's ambitions to reconcile Islamization with international human rights norms.

Khan (2018) offers an analysis of women's activism and social transformation in Pakistan by connecting policy changes to local actions. She exposes how, in the face of regressive politics, women have deployed civil society and transnational feminist movements to confront patriarchal state formations.

Yasmin Saikia (2002) places the women's movement in Pakistan within the larger South Asian context, arguing that state policies regarding women cannot be examined without reference to regional histories of Partition violence, nationalism and militarization – all have defined gender relations.

In the end, Afia Zia (2009) challenges the use of both liberal and religious arguments in women's rights advocacy. State institutions, she argues, are able to skillfully manipulate both frameworks in order to produce partial and even contradictory reforms. It is emblematic of the way the Pakistani state has been historically poised—indifferent to real gender justice.

3. Research Questions

1. How the state has influenced women's rights in Pakistan from independence (1947) to 2024? 2. Know how constitutional and legal instruments like Constitutions of 1956, 1962, and 1973 affected status of women? 3. In what respect were military governments and democratic regimes dissimilar with regard to the fight for women's rights? 4. To what extent have Islamisation policies, especially under the rule of General Zia-ul-Haq, limited or redefined women's rights? 5. How much have reform processes and women's movements converged in advancing gender equality in Pakistan? 6. To what extent has global/cosmopolitan feminism and international pressures affected state politics in Pakistan? 7. How has the broader struggle for gender justice been enabled or disabled by continuities and shifts in state policy towards women from 1947 to 2024?

4. Research Methodology

This is a historical qualitative research analysing the Policy state and women's rights in Pakistan, 1947 -2024. The historical approach works particularly well in terms of developing the history of legal, political and social status of women in relation to wider political developments of those states. It studies constitutional papers, government documents,

legislative reports and discourses by political leaders in order to examine how official actions helped define women's rights. Secondary sources, such as scholarly books, journal articles and reports by national and international organizations are also reviewed through a critical reading that contextualizes the interpretations (Jalal 1990; Weiss 2014). The study also utilizes feminist and gender theory as an analytical lens to interpret how policy was often influenced by patriarchal structures and political agendas (Shaheed 2009; Zia 2009). The approach is primarily thematic content analysis across political eras – including the earlier post-independence period, military regimes, periods of transition to democracy, and the post-2000 reforms — to dissect continuities and ruptures in state policy. Additionally, a comparative perspective is also employed to illuminate variations in women's rights across civilian and authoritarian regimes (Jalal 1991; Weiss 2014). Using blended analysis with both primary and secondary data, the study aims at providing an in-depth historical account which not only captures policy shifts but also critically reflects on their impact on gender equality and women's empowerment in Pakistan.

4.1 Early Years (1947–1977)

There were a few formal pledges to equality in the 1956 Constitution and subsequent constitutional agreements, yet socially conservative norms along with state-building needs and feeble institutional capacity served to stymie somewhat calls for comprehensive women's rights legislation. Women were few in the early gatherings and with at most some by provision of nominated membership, little to none got elected on general seats. In piecemeal fits and starts, over the course of decades, through piecemeal actions informed by welfare rather than by systemic legal overhaul, the state rendered such things illegal. The constitution, as textual and gendered work shows us, as "Maternity" and "mother", is the sound of other hands on women's matters resulting in a fixed images, through law – setting its own sights for future contests over reform with reconsidering representation.

4.2 Zia Ul-Haq and Islamisation (1977–1988)

The era of General Zia ul-Haq (1977-88) was the darkest phase in Pakistan's legal history so far for Pakistani women, as the system changed quite drastically by "Islamisation" that brought changes in criminal and family law at odds with international laws and regulations that further brought Pakistan closer to literalist Sharia interpretation. The famous such legislation was the Hudood Ordinances (1979) not only the Offence of Zina (Enforcement of Hudood) Ordinance in case of rape but also provisions relating to theft, drinking alcohol, testimony etc.

These laws made extra-marital sex a criminal offense and, in some cases, introduced evidentiary requirements which rendered conviction for rape virtually impossible to achieve without also exposing oneself to charges of zina prosecution. The Hudood system created legal and social conditions that many women's rights organizations condemned as oppressive, and it led to decades of litigation, advocacy and international criticism. (W&L Scholarly Commons)

Impact and responses: The Hudood era had several effects, such as increased legal risk for victims of sexual violence; chilling effect on reporting; polarization between conservative judges/politicians vs progressives. Women's movement groups, human rights organizations and a small number of reform-minded lawmakers mounted extended campaigns to overhaul or repeal the most severe provisions. Those campaigns would bear fruit only gradually in the decades that followed.

4.3 Protection of Women (Criminal Laws Amendment) Act, 2006

The most significant step at a federal level was the enactment of the Protection of Women (Criminal Laws Amendment) Act 2006. The 2006 Act introduced changes in sections of the Pakistan Penal Code, the Code of Criminal Procedure and the Hudood Ordinance with a view to eliminating a loophole which allowed women alleging rape to be imprisoned for zina if they

were unable to prove their claims. The 2006 law re-clarified rape as a crime in the penal code (as opposed to Hudood alone), loosened evidentiary requirements, and was widely lauded by women's groups as a step in the right direction. However, academic commentary notes the 2006 Act was asymmetric; it reformed the structural injustices of criminal process for sexual offences but did not fully transform wider family-law and social constraints.

4.4 Legislative Expansion in the 2010s: Workplace, Acid Crimes, and Domestic Violence

Protection of Women against Harassment Act, 2010. This federal law established legal means to confront workplace harassment and marked the acceptance that economic participation in the United States should be afforded certain rights under law, including freedom from sexual harassment or hostile work conditions. It took the form of grievance procedures and ombudspersons.

Acid Suppression and Acid Crime Prevention Act (2011): Inspired by the horrific acid attacks, Pakistan made changes which criminalised acid throwing and restricted production and sale of lethal acids in a bid to reduce their availability for such vile purposes. The statute was a narrowly drawn legal response to a violent, sex-based form of assault.

State domestic violence laws. They formulated domestic-violence legislation as well (e.g., the Sindh Domestic Violence (Prevention and Protection) Act, 2013; to be followed soon after by those of Punjab and Khyber Pakhtunkhwa). They defined domestic violence broadly (to include physical, emotional and economic), set up protection orders and sought to provide shelters and support services — key innovations because general criminal law does not cover the privacy-sphere activity of men pounding their lovers. However, utilization was variable by province and the poorest quintile of women living in rural areas had limited access.

4.5 Political Representation and the Reserved Seats

The addition of one inch in the reserved seats for women both National and provincial has been a mixed blessing. (Ref to 4256-235) The National Assembly language Some MPs claimed that, in the case of national reserved seats although it is a law, status 342 remains proposed law and that will help with lobbying or no. However, criticisms endure: women on reserved seats are commonly chosen by party leaders (not directly elected), may have little grassroots constituency ties, and may simply to e party line rather than promote a distinctive gender agenda. The existence of women parliamentarians nevertheless is associated with more attention to gendered issues in legislation (protection bills, amendments to family laws), 40 and training/NGO support has enabled some women on reserved seats to be influential.

4.6 Case Studies (Representative Illustrations)

Rape and the Hudood afterlives. Even after the 2006 reforms, survivors can find themselves up against hostile evidentiary regimes and social retaliation. Legal reforms ensured a clear criminalization for rape but could not, however, eliminate medico-legal and social barriers.

Itaker, L., Acid attack victims and the law. The 2011 amendments to the acid-crime laws have clarified prosecution and limited access to acid, but rehabilitation and long-term economic reintegration of survivors are gaps in policy. NGOs and provincial programs have delivered crucial but uneven assistance. (Youth General Assembly)

Sindh's law in 2013 provided a template for a more expansive definition of domestic abuse and protection orders, but its impact is contingent on district-level enforcement and access to shelters and mental health support. (Youth General Assembly)

5. Recommendations (Policy and Research)

Invest in women-friendly policing, forensics, specialized prosecution and one-window support centres for survivors (legal, medical and psychosocial).

Scale up shelters and economic reintegration. Protective orders should be combined with safe housing and job-training programs to enable survivors to achieve independence.

Harmonize federal and provincial frameworks. Devise structures for co-ordination between governments which would avoid legal balkanization and ensure a common level of national protection.

Enhance accountability and data systems. Improve data gathering with respect to gendered crime and service response in order to measure the impact of policy and detect gaps.

6. Conclusion

Since the founding promises of equality articulated by Muhammad Ali Jinnah at independence through to the suffocation under General Zia-ul-Haq and his Islamization in the 1980s, women's rights have been a bellwether expression of state ideology. Yet the politically unorganised and historically divided feminist terrain in Pakistan is a site marked with extremely defensive battles, and its achievements (for instance, Family Laws Ordinance 1961, Women's Protection Act 2006, policies against domestic violence and workplace harassment) have generally been reversed by reckless implementation.

It's a paradox as old as policy itself: the state's double-pronged approach of promoting women in politics and education on the one hand but allowing discriminatory personal laws to prevail and disregarding socio-cultural resistance on the other. The historical perspective is useful to underline the width of work needed for something other than legislative change, a shift in attitudes and mentalities that translates into institutional practice. "Denial of education to women will be seen as a weakness by the West and religious fanaticism in Pakistan... sits on the edge where state is weak." In that toehold, then perhaps lies the future of women in Pakistan—between active pushback, democratic process and a steely-eyed recognition of religion's place within and beyond international norms.

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