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 four walls of the houses as prisoners. There is no sanction anywhere for the deplorable condition in which women have to live. You should take your women along with you as comrades in every aspect of life.

—Quaid-e-Azam Mohammad Ali Jinnah, Public Address, Aligarh, 1942

No human security discourse will be complete without addressing the issues related to women. Women comprise half of a country’s population, a biological phenomenon endowed by nature. Ideally, they are meant to represent an equal number of actual and potential consumers of a nation’s wealth, productivity and other entitlements. A country with an imbalance in this ratio, other than that inflicted by natural calamities or warfare, is largely found to be intricately related to and impacted by differing social, economic, political and cultural practices. Pakistan is amongst those countries where human interventions have tampered with only nature’s balance. According to the 1998 Census, the female population in Pakistan is only 48 percent. Various other national and international documents verify this pattern, grouping them as the most disadvantaged and neglected section of the population. There is enough evidence to suggest that females are accorded a lower status in society and remain marginalised in all spheres of life compared to their male counterparts.

One of the major contributing factors to this trend is embedded in the sustained and systematic barriers to women’s access to public space leading to marginalisation. As discussed in successive sections, such a situation has resulted in massive deaths of women. Domestic violence, exclusion of females from inheritance, honour killings, forced marriages,
and sexual harassment at workplace are some of the contributing factors. Further, exclusion of women from the public sphere has pushed women into specific spaces, denying them access to sources of knowledge and information, health, education, gainful employment and political participation. Any document on Pakistani women’s socio-economic status shows that female literacy is dismally low, malnourishment and anaemia is widespread, especially amongst women in reproductive ages, leading to one of the highest maternal mortality rates in the world. Morbidity, amongst females of all ages, is an unnoticed and a silent killer.

These factors, signifying women's low status, are intrinsically related to three underlying structures at the social, legal and policy levels: patriarchy; traditional customs and norms; and parallel judicial systems. These factors often reinforce each other through the collusion of various formal and informal institutions that exert disciplinary force on women in both the public and private spheres.

In order to understand the complexities of this enmeshment, this chapter first looks into the concepts of dominating colluding structures. It examines how patriarchy controls women’s behaviour through violence and how the phenomena of legal pluralism and the functioning of formal and informal laws collectively perpetuate violence against women and reinforce existing discriminatory gender relations. A large section of the paper focuses on the process of Islamisation which has institutionalised all forms of violence and cultural practices and has relegated women to being chattels, solely possessed and controlled by males. Mention of the marginalisation of minority nationalities, religious minorities and those groups struggling for democratic rights is also made.

4.1 THE CONCEPT OF PATRIARCHY
The concept theorised by Kandiyoti\(^1\) explains the different practices that operate in classical patriarchal societies. One of them is *Purdah* on veiling. In Pakistan *purdah* is a source of respect and honour for men. In this highly patriarchal society, irrespective of rural or urban areas, patriarchy is embedded in the culture and makes its presence felt in most matters pertaining to family, religion, law, politics and social cultural practices. Society, including women, in general, accepts the

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dominance of men. Women are considered their property, and even distant male relatives have the right to control the sexuality of female family members. *Purdah*, as a concept and practice, is one of the overarching factors on which is premised the whole notion of exclusion and inclusion, of private and public spheres, and the man and woman divide. Such segregations also create division of labour, demarcation of *purdah*-based boundaries, and ultimately, determine the ascribed roles. Women in this scenario are completely under the control and submission of men and their virginity is the source of respect for families. Thus, if a woman breaks the ethos of the prescribed conduct or honour, she is liable to be punished, and in extreme cases, killed. Because women have been subjected to parental suppression, marital violence, honour killings, and other barbaric customs. They are denied education, proper nutrition, legal and social rights and the right to decision-making regarding the size of the family and other domestic matters. Women are trafficked, forced into selling sex and sexual abuse. Female domestic workers, or government and corporate employees alike face domestic violence and harassment at the workplace. And, as such, their role in the public sphere remains marginalised.

4.2 THE NOTION OF VIOLENCE

Another interrelated aspect which extends from the notion of patriarchy is the pervasive practice of violence, in general and cultural violence, in particular. Culture, by definition, should not be seen as a negative phenomenon though there are aspects of culture that are associated with violence because of the nature of the act itself. In this context, the theory of Johun Galtung on cultural violence, defines very aptly its nature and various structural forms. According to Galtung,\(^2\) cultural violence is used to legitimise violence in its direct or structural form. Symbolic cultural violence is an abstract notion and does not in reality kill or maim. It legitimises actual physical acts of direct violence and allows for the perpetuation of structural violence within institutional structural frameworks.

The theoretical connotations of Galtung's concept emphasise that violence always works in a triangular relationship but the image produced is different. Direct violence is an event, structural violence is a process and cultural violence is an invariant permanence. Before any act of violence actually takes place there is always a collusion of

institutions and cultural sanctions through people's behaviours that allow a particular event to take place. In Pakistan, at the institutional level, existing laws, the role of law-enforcing agencies like police and the judiciary, the family structures, the selective use of religious ideology, and furthermore the media, all work collectively to produce a hyper-masculine agenda.

4.3 DISCIPLINARY POWER

Layder summarises the notion of disciplinary power as theorised by Foucault thus "disciplinary power puts people under continuous surveillance rather than subjecting them to specific physical punishments. The method of punishment by torture disappeared, to be replaced by a pervasive and impersonal system of surveillance, which concentrated attention on the psychology of the individual. In the prisons, army, barracks asylums and monasteries, this system of disciplinary power was extended to hospitals and schools and eventually to the factory system. The disciplinary power moved the focus of control to individuals themselves. By this, they were constantly under surveillance and begin to oversee themselves; to regulate their own behaviour in the light of it's assumed visibility to others." In Pakistani society, women are habituated to accepting certain rules, which are in fact the effects of disciplining power, where an individual's act is considered in a particular way or in the way society wants her to act.

In order to understand the sources of the institutions of power, Gramsci's theory of hegemonic power is relevant here. Although a Marxist, Gramsci's work was a deliberate attempt to unify social theory and political practice. Gramsci argued that the domination of the capitalist class is not secured by economic factors alone. It essentially required political force and more importantly, an ideological apparatus, which secures the consent of the dominating classes. In capitalist societies, these apparatuses are effectively the institution of civil society, the church, the family and even trade unions.

The importance of Gramsci's theory is that it helps us to understand how hegemonic power is created and practiced. He explains the structures of domination and tells us how force, negotiations, and

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consent create hegemony, based on which the discourse of sexuality is developed. In the context of Pakistan, when General Zia-ul-Haq, the military dictator, came in power in 1977, he negotiated with feudal lords, on the one hand, and the religious parties on the other, to forward programmes upholding ‘Islamisation’. He was able to do this through a combination of force, negotiations and consent and was able to establish a hegemonic structure by strengthening and legitimising conventional and traditional morality. Thus, Chaddar and Chardevari, which is ‘Veiling and Seclusion’, became the slogan and women became the target of highly repressive laws.

4.4 CULTURAL VIOLENCE AND INFORMAL LAW

The Jirga/Panchayat system came into existence in connivance with the British colonial rulers. In return for their loyalty and allegiance, they granted tribal and feudal elites absolute power over the lives of ordinary people. In the feudal system, the supreme heads of the communities (Biradaries) make their own laws, and direct their own system of justice (jirgas and panchayats) in which honour is perceived differently from formal laws. In Pakistan, the Jirga system operates at the informal level in all the four provinces of the country, especially in rural areas. This custom is labelled as Sia-kari in Balochistan, Karo Kari in Sindh and Southern Punjab and Tora Tor in NWFP. Some of the features of its operation may differ from the Jirgas in other parts of the country but the principles and structures follow the same pattern. Its deep impact and influence is also felt in the cities which are, relatively speaking, extensions and composites of the rural settings. The most notable feature of such a system is that all Jirga members are male. Women are not even allowed to put their plea before the Jirga or participate. Women may be summoned, if at all, to hear the judgment of the Jirga.

In the Jirga system, the concept of honour, tied to women, plays a central role. These judicial systems, whether formal or not, suppress women and relegate them to a status of property that can be negotiated. Both the tribal system of retribution and the formal legal system, subject women to cruel treatment and judgments are passed which are highly unfavourable to women. As state institutions—the law enforcement apparatus and the judiciary—deal with such crimes against women with extraordinary leniency, and as the law provides many loopholes for murderers to get away in the name of honour, the
tradition of honour killings and the customary practices of *swara* or *vani* (exchange) continue unabated. In Pakistan, hundreds of women, of all ages, are killed or exchanged as commodities for a variety of reasons connected with perceptions of honour. Estimates show that as high as 31,000 women specific crimes were recorded in the past five years. As many as 4,777 women were killed in the name of honour alone. These figures, in reality, are higher considering that a large number of them are simply not reported. An addition to the above is yet another form of *jirga* system which is operational in the Federally Administered Tribal Areas (FATA), which is controlled by the Frontier Crime Regulations (FCR). The Constitution of Pakistan acknowledges these *jirgas* as substitutes for the Supreme and High Courts, meaning that the judiciary or judicial systems and the law applicable to the rest of the country are not relevant to them. Feudal lords, politicians, police officers, the bureaucracy and the parliamentarians, all join hands to keep the tribal justice system alive and flourishing. There can be no appeal against it. This is because all collectively and individually benefit from such a system.

4.5 PARALLEL JUDICIAL SYSTEM IN PAKISTAN

During his eleven years of autocratic rule in Pakistan, Zia-ul-Haq, was the first to introduce parallel legal systems in the country. He introduced the Federal Shariat Court, the Shariat Appellate and the Hudood Ordinances, which continue to be practiced to date. Incorporating the Islamic jurisdiction into the existing formal law system, he established a parallel hierarchy of civil and criminal jurisdiction alongside the ordinary court system. The present Constitution, with the recently inserted Article (2-A) gives authority to all constitutional courts to practice parallel jurisdiction, which, resulted in contradictory judgments and a schizophrenic judiciary.

The Federal Shariat Court has jurisdiction to decide cases arising out of Hudood Laws, such as the *Zina* (adultery or fornication) Ordinance. On the one hand, Islam has made women legal entities but

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6 Nasira Iqbal, ibid.

they are most adversely affected by the Hudood laws. In particular, the Qanoon-e-Shahadat ordinance reduces the female weight of the is testimony witness to half that of man in financial matters. Implementation of these laws has adversely affected the psyche of women. However, the most damaging additions the Zina ordinance and Zina-bil-jabr (rape), which have crippled women’s right to justice and defence. The crimes of both Zina and Zina-bil-jabr are liable to the punishment of Hudood, which is stoning to death, or a hundred lashes in public. Such punishments not only opened the door for further sexual exploitation but of women also reduced them to second-class citizens.

In the case of rape, the Hudood law has been so constituted that the victim invariably ends up being punished. The crime can only be proved on the evidence of four saleh (pious), male Muslim witnesses who had seen the commission of the crime. If a raped woman brings a charge against the offender and fails to produce four such witnesses, as is very likely, she can be convicted and punished for zina, adultery, as well as, kazab, false allegation, or both. This, in effect, means that if a rape takes place in the premises of a non-Muslim who witnessed the crime, the verdict will be rejected on the basis of the religion practiced. Lack of evidence and intermittent use or misuse of the terms “rape” and “fornication” for absolving oneself of the crime also weigh heavily in favour of men. Given the nature of these laws and the existing culture, it is very unlikely that a man can be accused of rape. The accused is almost always a female whose chances of finding four male witnesses to prove her innocence are negligible. There have been several cases where the woman was accused and convicted of either Zina or Zina-bil-jabr. Sadly enough, not only male rapists but also parents, the police or others have used this ordinance, for example, by registering cases of Zina against ‘errant’ daughters. In situations where the formal law is hardly ever applied, the jirga and panchayat systems prevail. The feudal leaders pass judgment in disputes amongst residents based on customary practices, which are often illegal accounting to Shariah and Common law principles. These traditional systems are especially harsh on issues that directly deal with the control of women’s sexual and moral lives. Women, in short, are considered mere commodities to earn respect or money for the family.8

In 1981, a Hudood Ordinance relating to qisas, (retaliation) and diyat (compensation), was passed. It stipulated that in the case of

8 Nasira Iqbal, op. cit.
injury to or killing of a woman the value of compensation paid to her or her relatives will be half as much as that for a male victim. Similarly, the Evidence Act of 1983 stipulates that evidence given by a woman in a court will carry half as much weight as that of a man. Under the Hudood Ordinances, it is impossible to convict a burglar who enters the house of a non-Muslim and commits theft, rape or assault without the witnesses of two to four saleh Muslim males. If a non-Muslim woman, for example, is raped, her appeal in the court and the charge against the accused will go unnoticed lest four saleh Muslims come to her rescue. Thus, the main brunt of the Hudood ordinance is borne by the weak and the underprivileged, the poor, religious minorities and women in particular. The whole purpose of providing justice and protection to every citizen of Pakistan is exactly what seems to be missing. It is interesting to note that qisas and diyat which was introduced as a Hadood Ordinance, was withdrawn and again reintroduced and, it was renewed 21 times until the Shariat Court declared that it should be made into a law. It was eventually put before the parliament and made into an Act in 1997 and is now part of the Pakistan Penal Code. Before 1997, the Pakistan Penal Code (PPC) contained provisions whereby causing the death of a person due to grave and sudden provocation was defined as culpable homicide not amounting to murder. In 1997, changes in the law related to murder and bodily harm took place. The qisas and diyat (death sentence and "blood-money") laws replaced the old PPC. This change contains no provision for the plea of sudden provocation. In practice, the introduction of qisas and diyat law has created major problems for women.

Nasira Iqbal points out that the amendments in the chapter of PPC, dealing with the offences affecting the human body regarding honour killings, still allows compounding of female murders of female family members with the permission of the court. According to section 338-F, it permits the courts wider powers to interpret the provisions of the chapter in accordance with their own understanding or interpretation of the injunction of Islam. Further, under Section 306 and 307 of the PPC, murder is not punishable by qisas (death). One such clause is that a wali (guardian) cannot be convicted. Therefore, if a husband murders

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10 Nasira Iqbal, op. cit.
his wife leaving behind a child, the man cannot be convicted or sentenced for the normal penalty of death under section 302 of the PPC. Instead, a lesser punishment of diyat is enforced since he is the wali of the children.\textsuperscript{11}

Even the punishment of diyat can also be compensated by the family members and they can pardon the family member completely. The state cannot interfere, therefore, the crime is against an individual and not against the state. Section 309 clearly provides for waiver of the right of qisas by a wali of the victim. According to Hina Jillani, these laws facilitate such killings, which have become private offences against the individual, not the state. Given these provisions in the PPC, the question is who will bring and pursue the charges of such murders? If a father or brother kills a woman, the family of the girl will not pursue the case, as in their eyes no wrong has been done. If a husband kills in the family home and his family members are witnesses, they will not testify against him and so there is no chance of bringing the killer to book.\textsuperscript{12} These provisions are further reinforced by Section 310 of the PPC, which provides for compounding offence of Qitl-i-Amd (intentional murder also pardoned after mutually agreed compensation).

There are many examples where women are used as commodities to settle disputes. Although in recent years the court has banned such practices, the practice of vani and swara continues.

As the laws must be reviewed according to Islam and special emphasis must be given to the question of morality, justice is inevitably dispensed in the light of popular cultural values that have pronounced male bias. Obviously, the problem is compounded and intensified when morality is gendered. In Pakistan, as in other societies, morality is posited completely on a gendered notion of the world. Women and particularly women's bodies become the site on which morality is constructed. The power of the clergy stems from discourses based on their own selective interpretations of religious texts. Although religion has very serious implications for women, they have never been in the position to define or interpret religion. It is men who control religion in Pakistan. According to traditional interpretations of Islam, men are superior and women have no choice other than to accept this power


\textsuperscript{12} Amnesty International, Pakistan: Violence against women in the name of Honou, London: Amnesty International Secretariat, pp. 45.
relationship. Thus, we see how women as a group have been deliberately excluded from this.\textsuperscript{13}

Unfortunately, the formal laws, as well as the parallel judicial systems (the informal), have left no room for justice for women. The selective use of religion and patriarchy, in the family, and its endorsement by parallel judiciary systems provide a license to men to inflict violence and murder on their spouses/sisters/daughters in the name of honour, not only on grounds of “illicit relations” but for multiple other reasons. Such acts are openly committed because men know that the law can neither penalise them nor society condemn them.\textsuperscript{14}

4.6 WOMEN AND THE PROCESS OF ISLAMISATION

For centuries religious movements have influenced political and social processes in South Asia. These movements, especially Islamic fundamentalist ones, attempted to impact on social and political freedoms, through state policies. The ultimate objective of Islamist parties, especially right wing ones has been to homogenise all aspects of life in accordance with the Islamic code of ethics. Changes in social and economic structures that have been taking place in the backdrop of modernity, have pitted Islamic traditional values against modernisation processes, leading to Islamist revivalism and movements. Induction of Islamic movements has often been associated either with asserting political power or legitimating it through the manipulation of religious and cultural opinions.\textsuperscript{15} The aim seems to be to establish an Islamic society or a state through constitution based on the Qur’an and the Sunnah, guided by the Sharia as the principle of law. Such a conduct gives specific roles to males and females, leading to gender-based segregation. Women’s role and their behaviour, both in the public and private domains, become the main focus in establishing behaviour and hence form the nuclei of concern.

In the Indian Sub-continent, since 1941 Jamaat-e-Islami has remained one of the best organised religious cadres, and has emerged as a popular political party. It has gained enormous momentum primarily through inculcating the Islamic ideology amongst the masses.

\textsuperscript{14} Nasira Iqbal, op. cit.
for the reconstruction of the social, economic and political fabric with
the intention of translating religious ideals into political power. Pakistan
came into being in 1947, with the Muslim League forming its first
government. Many religious clerics, who occupied dominant positions
in the Muslim League, opposed the secular and moderate views of the
founder of the nation, Quaid-e-Azam Mohammad Ali Jinnah. The idea
of politics separated from religion was not acceptable to them. The
agitation that took place led to the inclusion of Islamic injunctions in
existing laws. Throughout the 1950s and 1960s, agitation for the
conversion of the country to an Islamic state continued. Throughout
this period, the religious groups consolidated a power by co-opting
feudal lords, the bureaucracy and the military and used the religious
card to legitimise their position within the formal state apparatus.

Field Marshal General Ayub Khan, president of Pakistan during the
period 1958-69, laid the stepping stone for using Islam for political
gains at the state level in a rather arbitrary manner. His intention was
to appease the Jamaat-e-Islami, as well as to secure his own position
and control as the head of the state. As a relatively progressive dictator,
he took some progressive steps towards the enhancement of women’s
socio-economic status. Nurturing religious lobbyists while pursuing his
own progressive ideals, however, led to many contradictions in his
regime. General Ayub was the first head of the state who encouraged
women to explore new possibilities in the fields of education and work
and had an aversion to reactionary elements, holding them responsible
for the backwardness of the masses and the country. One significant
step taken during his regime was the enactment of the Family Laws
Ordinance 1961. The main aim of the Ordinance was to discourage
polygamy and to regulate divorce by prescribing procedures for men
and women, compulsory registration of all marriages establishing a
standard marriage contract. The Ordinance provided for punishment if
a husband remarried without the permission of either the first wife or
the arbitration council. A significant clause of the Ordinance pertained
to raising the minimum marriageable age of girls from 14 to 16 and of
boys from 18 to 21 years.16

On the other hand, the inheritance laws soon after independence
continued to operate within the Islamic framework where a women’s
share of property was half that of men. These laws clearly affected only

16 Khawar Mumtaz and Farida Shaheed, "Women’s Rights and Organizations", in Women in
women from propertied classes. More importantly, the inheritance laws followed by Family Law Ordinance contained no sanctions if they were abused nor did the law focus on the family as a critical site for reproduction of gendered ideology. Ayub Khan's family laws are still part of the constitution. However, when the question of women being the head of the state came up, he too colluded with the Jamaat-e-Islami and declared women cannot be the head of the state.

Zulfiqar Ali Bhutto who became Prime Minister in 1972 based on the results of the general elections held in 1970, also used Islam for political purposes when he came under pressure from the religio-political parties and one of the major foreign aid donors, Saudi Arabia, for increased Islamisation in lieu of support for the country's first ever democratic constitution. Bhutto adopted the slogan of Islamic socialism which signified a socialist ideology operating within an Islamic state. He raised the issue of Roti Kapra and Makan (food, clothing and shelter) and initiated certain reforms that stressed egalitarianism and social justice under Islamic slogans. The amalgamation of the two ideologies led to contradictions and ambiguities as in the Ayub era. It was, however, apparent that the steps taken by him to implement certain Islamic laws were half-hearted and only a means to increase his popularity, although it was Bhutto who, for the first time, directly addressed the populace at their level, especially women, and made them aware of their basic rights. Women were given positions in the civil administration and were also declared eligible for positions in the foreign services. It was during Bhutto's regime that the United Nations declaration was signed, a Commission on Women was setup, as well as a women's institute. He also promised universal education for both genders. However, little was done to ensure that these measures would acquire significance or permanence. Moreover, Bhutto's declaration of the Ahmedia community as non-Muslims, banning alcohol in public places, and declaring Friday as a holiday were a direct sop to the Islamists forces. Had Bhutto not been deposed and hanged, he was likely to have either repealed the discriminatory laws or left them in abeyance.

While these half-baked steps were implemented in an attempt to give Pakistan an Islamic cast, it was not until early 1979, two years after the overthrow of Zulfiqar Ali Bhutto in a military coup, that the process of Islamisation based on the orthodox Muslim law formally implemented by General Zia-ul-Haq. The military dictator deposed the Prime Minister and had him executed through the manipulation of the judicial process. Zia did so for legitimising his one-man rule and power under political and strategic compulsions. The task was accomplished by using Islam through the implementation of Shariat Law. It meant the dismantling of the entire legal structures under which the country’s civil institutions had operated since colonial times. The Islamisation process was to involve also regulation of all aspects of social and economic life, from personal morality to civic rights. Although Islam also used for disciplining the lives of the entire Muslim populace in Pakistan, most of the social problems Zia-ul-Haq had set out to resolve through Islam are still present, and have perhaps even been multiplied.

When Zia-ul-Haq announced the process of Islamisation, he neither acknowledged nor accepted that it was a continuation of the former government’s process. Thus the real process of Islamisation was the one which he implemented, in early 1979. The model of Islamisation was based on the teachings of a veteran theologian, Maulana Maududi, also the chief of Jamaat-e-Islami (Party of Islam), who had authority over the other Maulanas in the Sunni sect and was ideologically linked with the Wahabi ruling elite in Saudi Arabia.¹⁹ His model is considered to be purist and the most reactionary, in that it proposed to establish a society similar to the society in the Medina of Mohammad around 621 A.D. It calls for the spread of Islam through force. Islam has been used for centuries by kings, princes and dictators in search of legitimacy; it has been exploited for the perpetuation of dominance, for stemming the tide of rebellion and revolution.²⁰ This was the paramount reason for choosing this model. Maududi’s teachings were more politically-oriented and proselytising than reformist. For instance, Jamaat-e-Islami, led by Maulana Maududi, was in the forefront of support for the candidature of Fatima Jinnah in the 1965 election. Maududi had then asserted that she was contesting the election to uphold the basic rights of the people for which the whole nation would support her. Ironically

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the supporters of the same ideology and other fundamentalists, in a rally of about two thousand maulanas, unanimously opposed the candidature of Benazir Bhutto on the grounds that Islam did not permit a woman to rule in an Islamic state in any position.\textsuperscript{21}

The Jamaat-e-Islami and other reactionary political parties strongly support complete segregation of the sexes and the subordination of women to men. They upheld the ideology that a woman’s place is within the four walls of the house and that women should be banned from entering any public or political domain.\textsuperscript{22} They believe that women, being the source of most social ills, should be barred from taking part in decision-making processes at any level; that women cannot keep a secret, are physically weaker than men, are vulnerable during menstruation, and were created for the pleasure of men and procreation.\textsuperscript{23} Such anti-women attitudes, which were already present in Pakistani society, were propagated forcefully and were given disproportionate support during the Zia-ul-Haq regime through the immense social and political power given to fundamentalist leaders, especially the Jamaat-e-Islami, which had an extensive organisation.

With the introduction of the Nizam-e-Islam (literally, Islamic system), Islam was made the state religion. Interventions in the moral and normative lives of the citizens received top priority. The coercive power of the state was extended through the introduction of an Islamic penal code, and hudood or Quranic penalties for a number of offences. Tenets that had a terrorising effect were implemented, such as public flogging and hanging, amputations of hands, and death by stoning. Nevertheless, no amputations of hands were carried out and most sentences to death by stoning were commuted, with the exception of one or two cases where fanatic men took the law into their hands. However, there were a few public hangings and an orgy of public and quasi-public floggings of men and some women for offenses like stealing, petty corruption, drinking and alleged sexual offenses, as well as for cases of political dissent.

Zia’s regime also contained its own contradictions: being heavily dependent on aid provided by international agencies for incorporation of women in development, for the first time in Pakistan’s history, a

\textsuperscript{23} S.A. Maududi, Ibid.
women’s division was set up, headed by a woman activist, committed to undertaking serious research on gender. A space was created during this time that continues even today for professional women to be co-opted by the state through grants for development projects. At the same time, they, alongside other Pakistani women, lost many of the limited rights granted to them previously.

After the sudden death of Zia-ul-Haq in 1988, Benazir Bhutto’s party came to power pledging to eliminate all forms of discrimination against women. However, before any such actions could be taken or policies formulated to ameliorate the status of women, her government was dismissed on 6 August 1991 by President Ghulam Ishaq Khan. The president did so through the Eighth Amendment, which gave the president the executive power to dissolve parliament any time and call for fresh elections. Thereafter, Nawaz Sharif was sworn and was then ousted in less than two years. Another round of shuffling of the government took place between Benazir and Nawaz Sharif until the military coup in 1999, spearheaded by General Pervez Musharraf. Between 1988 to 1999, the Islamised structure implemented and then consolidated in the eleven years of Zia’s regime continued unabated. However, in 2002, a referendum took place through which General Musharraf became the president of the country. This was the 3rd referendum in the history of Pakistan, all through it had gone beyond the actual spirit of the constitution. Military dictators typically draw on this pattern of coming to power by first taking over the state through a coup, then conducting a referendum for legitimising themselves as presidents. Ayub Khan had initiated a referendum under the banner of basic democracy, Zia used religion and held a referendum for that purpose and Musharraf used the referendum technique as the only viable route to genuine democracy.

Musharraf allowed general elections to take place in 2002 and for the first time in the history of Pakistan, six religious political parties under the banner of the ‘United Action Front’, the Muttahida Majlis-e-Amal (MMA), joined hands and won elections to govern in the provinces of Balochistan and NWFP. They did so by winning 45 of 272 general seats in the national assembly. The MMA’s victory in the two provinces was greatly influenced by the course of the US-led war in Afghanistan. These parties were able to garner mass support of disgruntled youth, including the generation that had matured under Zia’s Islamic rule and were heavily influenced by the Islam Zia professed. They also benefited immensely because of the lowering of the voting age from 21 years to 18
years which allowed for mobilising the sizeable student bodies of the affiliated madrassas.

After coming into power, the MMA's first move was making Muslims more Muslims by further reinforcing and pursuing the Islamic ideology that Zia-ul-Haq had legislatively and constitutionally implemented legislatively and constitutionally. On the 2nd of June, 2003, the NWFP assembly unanimously passed the Shariat Bill to uphold the practice of Islamic injunctions and Shariah Law. Special emphasis was given on women's position in accordance with the teachings of Islam. The MMA was endeavouring to implement Maududi's concept of women's role in the public and private sphere, yet again. They wanted complete implementation of the Hudood Ordinances and were totally against its repeal, on idea put forward by the women's commission. Notwithstanding their plea these were introduced and enacted as Ordinances issued by the executive head. For this reason they did not go to the parliament and were supposed to be terminate after three months. But all of them are still in effect because Zia-ul-Haq gave them constitutional protection.

Additionally, the MMA in NWFP presented the Hisba Act, which proposed setting up of a 'vice and virtue' department to keep a check on citizen's moral behaviour and attitudes. The whole notion of the Hisba Act completely negates the fundamental rights of citizens, especially that of women. It gives powers to public officials to convict any citizen of a doing that they consider immoral. The MMA wanted to enact this provision as a law but fortunately the Supreme Court turned it down. If at any point this bill is passed, it would give unlimited powers to fundamentalist ideologues to the extent that the provincial assembly and its secretariat would also come under its jurisdiction. This would be a serious threat to civil society in general and women in particular. Despite its rejection, the MMA was allowed to informally use the rhetoric of interchangeably using Islam, culture, customs and traditions for furthering their own pursuits. The custodians of 'morality', especially the Jamaat-e-Islami's young wing, Shabab-i-Milli, have pulled down billboards or other advertisements with images of females. They have banned music in NWFP, to the extent that they forcibly took musical instruments from the musicians and destroyed them. Men and women have once again been segregated and women above the age of 12 years are forced to observe purdah. Ironically, the MMA, on the one hand, is demanding complete segregation of women from public space while on the other hand, pushing their women-
affiliates in the Parliament. Once again, the contradictions in policy and theory are obvious.

4.6.1 Social and Legal Implications
The process of Islamisation during Zia’s regime hampered the natural course of development of society. In 1980, the government issued a series of directives as part of the changes in legislation which reflected the turn toward religious orthodoxy, whereby all female government employees were to wear a chaddar. These directives were issued to educational institutions and were to be observed by both teachers and the students. Some females wore chaddar of their own accord: markets were suddenly glutted with attractive designs and colours and most models in television advertising began to display chaddars, creating a demand for commercial as well as political purposes. Others wore them under social pressures built up mostly through the government-controlled media. Many people were led to believe that this was a step towards creating an Islamic Pakistani identity. However, it was ironic to see all young school girls from lower income group families forced to wear chaddar even in the scorching summer heat whereas members of the elite, the bourgeoisie and educated professional groups were able to avoid wearing them, for which no action was deemed necessary.

Most universities in Pakistan are coeducational. Although in 1977 the election manifesto of the Jamaat-e-Islami called for the abolition of coeducation and the establishment of separate institutions of higher education for women and total segregation of the sexes in places of work, these moves did not succeed, despite pressure from the military regime. Instead a movement was launched to ‘Islamise’ every discipline from physics and chemistry to economics and psychology. The student wing of Jamaat-i-Tuleba-e-Islam, acquired the role of vigilantes to oversee such Islamisation, terrorising the faculty and fellow students, especially if erring parties happened to be female. The result was the stifling of freedom of inquiry and exodus of serious, self-respecting teachers and researchers from higher education.

The price of attending coeducational universities but electing not to cover oneself with the chaddar was psychological, and sometimes physical, harassment with deep sociological implications. Moral policing by conservatives was a direct result of the regime’s anti-women laws. Such policing was common at universities like the Quaid-e-Azam University where, for instance, the Jamaat-e-Islami harassed any
couple seen together. At the Quaid-e-Azam University, there were, as in all the other universities in Pakistan, separate hostels for males and females: the authorities built a special hostel farther away from the old one for female students with a high wall around it.

Such actions when undertaken at the national level, not only in the universities but places like offices and factories with female workers meant a hostile working atmosphere for women. Working women were targeted not only in their place of work but also outside. Women seen walking down the street without a chaddar were often harassed and were publicly pointed out as spreaders of profanity out to attract men. This forced working women to take safe jobs and filled them with guilt at the idea of leaving the house. The consequences were as desired by the junta and its Islamic ideologues: parents became reluctant to send their daughters to the university, office or factory, and gradually began to oppose the idea that girls should study in universities at all. In short, the prospect of going out to work was not very favourable for educated girls around.

There were also cases in Pakistan where young couples seen walking together were required to show their Nikahnama (marriage certificate). If they could not produce one, they were detained by the police. In parks and secluded areas intelligence officers watched young couples and harassed them. Their actions were justified as part of an exercise aimed at preventing anti-state elements from finding an appropriate place to conspire or plan terrorist action. It was always the women whose chastity and behaviour was questioned. These vanguards of Islam professed that the place of woman was at home, and that if she was without a chaddar or out on her own the consequences was her own responsibility. In the event of sexual assault, men were not blamed as it was un-Islamic for a woman to go out without a male guardian. Thus the connection between patriarchy, exploitation and oppression was ignored, and women activists were readily singled out as 'different' and irrelevant.

The media was fully utilised by the state to propagate the concept of purdah and seclusion of women. Most plays (equivalent of soap operas in the West) and advertising on television emphasised obedience and modesty of women whereas men were still portrayed in their usual 'macho' style. The content of the state-owned electronic media, especially television, was drastically altered. Programmes produced in the West were censored if they contained sexual scenes. Even shots of
touching, including handshakes between males and females were censored. However, the censors were not bothered by the fact that these programmes were part of Western cultural imperialism or that they propagated Western consumerism which could have been seen as a bad influence, as was the case in Iran and other anti-Western countries.

Mosques and madrassas form an important part of the social landscape of Pakistan. Every mohallah (neighbourhood) has at least one mosque and if there is an over-zealous maulvi (priest) of the opposing sect, a mohallah can have more than one. Mosques are armed with a high-fidelity loudspeaker which is used for five azans a day, the sermon of the maulvi before the Friday special prayers and Qur'anic recitation at short intervals. Thus, the idea of 'big brother' was being fully used to control the lives of not only men who did or did not attend the mosque but the women at home through the loudspeaker. The main emphasis was on outward conduct: prayer (building of mosques); fasting and the enforcement of moral purity during the month of Ramadhan. Mosques played an important role during the overthrow of Z.A. Bhutto in 1977. Agitators took sanctuary in mosques as soldiers or police were barred from entering them. Realising the strategic importance of the mosque, General Zia-ul-Haq's process of Islamisation awarded civil servant grades and pay to the moulavis. This increased their hold over their 'parish' as they were no longer dependent on alms.

It is important to note that except for the right-wing section of the ruling elite and the minority Islamists such as the clergy, these laws enforced under the Shariat Court were strongly opposed by most of the Pakistani population. The Shia clergy, representing about 25 percent of the Muslim population, opposed these laws on the grounds that they were being implemented in a half-hearted fashion and that the society as a whole had not yet reached the full Islamic society stage to warrant such laws. Intellectual groups, most of them educated in the West, especially women, vehemently opposed these laws as backward and discriminatory. They felt that these laws provided a raison d'etre for the forces in the society which were bent upon retarding the country's development and pulling it back to the old days of Islamic "glory" (in fact, Islamic imperialism). They pointed out that the regime did not adopt any stringent measures to ameliorate the socioeconomic conditions nor eliminate the bitter ethnic conflicts which took its toll as a result of the policies adopted under Zia's regime. No concerted attempt was made for controlling endemic corruption, nepotism and
despotism in the country. The health sector which affected the lives of millions of children and women, was neglected. So much so, promotion of family planning by the Z.A. Bhutto’s government was retarded by many fundamentalists who claimed it to be un-Islamic. Thus, the laws implemented during Zia-ul-Haq’s regime hampered the natural course of development of the society and more so psychologically in that, had there been no such process, the country would have been more advanced. For instance, no legislation was passed on the pressing issue of corruption, and the question of poverty was left untouched as it was deemed to be the result of the will of God. The high crime rate was neglected, and in fact, it could be associated with state-sponsored terrorism carried out to legitimise the regime. If the quality of life for women were to be improved in these areas, attitudes and customs that reinforced inequality and discrimination should have been removed. Since then, especially during Musharraf’s regime, some selective leverage to human rights has been allowed, concurrent to the deeply entrenched parallel judiciary which pits against any ‘modernity laden’ stance, especially in the case of women. The rhetoric of the predecessors continues, manifest in the contradictory ideologies pursued.

4.6.2 Women Accused under the Parallel Judiciary

Portrayal of the few cases that follow testify to the various forms of patriarchal discourses articulated in both formal and informal judgments. These describe how the clergy, the bureaucracy, the state and a patriarchal culture collude and how hypermasculine agendas are formulated to afflict atrocities on women. According to UN office for the Coordination of Humanitarian Activity (UN OCHA), in the year 2002, there were about 2,200 women in prison in the country. Most of these were either awaiting trial or had been convicted under the Hudood Ordinances. All the cases mentioned below were reported in Amnesty International publications and/or in the Annual Reports of the Human Rights Commission of Pakistan.

Cases filed Under Hudood Ordinances

1. In 1982, Safia Bibi, a blind girl who worked as a domestic servant, was raped by a landlord and his son, as a result of which Safia Bibi delivered an illegitimate child. She was subsequently convicted and awarded punishment under the Zina Ordinance, while the men involved were allowed to go free.
2. In April 2002 Zafaran Bibi was declared guilty of adultery by a local *jirga* in Kohat (NWFP) and sentenced her to death by stoning. She kept on stating that her brother in-law had raped her. Women activists campaigned on her behalf throughout the country. An appeal was lodged before the Federal Shariat court. In June, Zafaran Bibi was acquitted by the FSC after her husband stated that the child born was his own.24

3. In December 2002, Faiz Mai in Mailsi, was raped and tortured allegedly at the behest of the influential people of that area. Her head was completely shaved-off after the rape. She was then arrested under the Zina Ordinances for committing adultery.25

**Cases Registered Under Honour Killing**

1. In 1999, Samia Sarwar, belonging to an affluent family, daughter of a gynaecologist and a father, who was member of the chambers of commerce in the NWFP province, was shot dead. She had wanted a divorce from her husband who had allegedly abused her. The parents were against the divorce. Samia approached AGHS, a legal cell in Lahore, and took refuge in this centre. The mother wanted to see her daughter to which Samia agreed. The meeting was to take place in front of a lawyer. That day the mother got her daughter killed with the help of the accompanying driver, in the premises of the legal cell in the presence of the lawyer. The senate in the NWFP declared it to be 'honour killing' and justified the act as one in line with their culture and traditions. Owing to vast media coverage and international pressure, the Government of Pakistan condemned the act. No judicially appropriate action has been taken against the culprits.26

2. In June 2002, Mukhtaira Mai was gang raped by a tribal *jirga* of the Mastoi tribe in the village of Meerwala, in Southern Punjab. The gang rape was committed as a retribution/punishment in response to the allegation that Mukhtaira's brother had harassed a woman of the Mastoi tribe, which the brother maintained was

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a fabricated story. Mukhtaira was raped by four people and was asked to walk away half-naked afterwards. A journalist highlighted the story and the culprits, as a consequence, were arrested.\(^{27}\)

3. In December 2002, Shamshad Kehar (also known as Ruqqaiya), a teenager, was stoned to death in Aagni village near Larkana. The girl was accused of dancing in a family wedding to please a boy. As a punishment, her hands were chopped off and the girl was stoned to death by a mob. Her dead body was thrown in the canal. The SHO (Station Head Officer) of that area was suspended on charges of having being bribed and being a party to the crime.\(^{28}\)

Cases filed Under ‘Swara’ and ‘Vani’

Swara and Vani are two of the most common practices carried out in rural areas. The informal jirgas use this customary practice to settle disputes where women are given as compensation or exchanged in lieu of murder.

1. In 2002, in a village in Swabi, Bakht Meena, now aged 24, had been promised to her cousin in marriage when she was a child. The girl refused to accept the decision of elders once she had become an adult, despite the emotional pressure exerted by the family. Later, her fiancé got married to some other girl for whom Bakht Meena’s brother developed a liking. He abducted her to some unknown place. The incident had a direct impact on Bakht Meena. The jirga decided that Bakht Meena would have to marry her ex-fiancé as compensation for the crime committed by her brother. Bakht Meena now lives a life of a capture in her husband’s family.\(^{29}\)

2. In March 2006, in Kooza Bazdara, Palai Post, Batkhela, Malakand Agency, Habibullah’s daughter Meena, was supposed to be accompanying a bride to her new home as one of the bridesmaids. People soon discovered that she was missing from the entourage and started looking for her. The family suspected that she had eloped with her 18 year old maternal cousin, Kabir Hussain. It is alleged that the boy and girl had planned a

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meeting at one of her aunt’s house. Meena and Kabir were linked together and Meena’s parents were pressurised to either kill both of them or give compensation for the loss of their honour. A jirga on the 13th of March decided that two girls be given as swara. Kabir’s only sister was already engaged. Therefore, the other two brothers, Akbar Hussain and Ali Hussain, offered their daughters, Aneesa and Saira, both aged two years as compensation. No monetary compensation was demanded or accepted in return for the loss of honour. The two minors will be given to the enemy’s family after they reach puberty.30

3. In 2006, a family refused to accept a thirteen year old girl, Bibi Jan, as swara. The girl was rejected on the grounds of being unhealthy, mentally upset and a minor. This girl was to be given up as swara in exchange for a boy named Afsar Ali who had eloped with the contending family’s girl. As Ali had no sister or a close relative who could be handed over as compensation or swara, and as Bibi Jan was rejected, the jirga of Rusthum in Mardan district ordered that a girl be bought. Ali’s family bought a girl from Nothia Bazaar in Peshawar for Rs. 53,000 and handed her over to comply with the jirga decision.31

There are hundreds of such cases. These laws and incidents have had a grave psychological impact on people in general and further affect their decisions to keep away women from any activity taking place outside the home.

4.6.3 Agents of Change

However, the situation is not entirely hopeless. There are many cases where women have fought and struggled. There are stories of success and bravery too but these are disjointed efforts or actions which cannot be taken together to formulate a discourse that will enable women to counter the hegemonic discourse of patriarchy. Over the years, women have been increasingly participating in all spheres of life. For example, a large number of Non Government Organisations (NGOs) have mushroomed. Many of these NGOs like ‘Aurat’, and ‘shirkat Gah’, the women’s resource centre, cater exclusively to resolve women’s domestic and other problems and are pro-active in disseminating the message of

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the 'rights of women' and in finding out ways and means to struggle for their rights and exercise them. In both the government and non-government organisations, efforts are afloat to attain gender equality, and encourage women to work. Various community-level programmes have being initiated, to involve women in decision-making processes and participate actively in different developmental programmes. Large-scale awareness campaigns have been launched, especially through the media to erase discrimination against women. Currently, under Musharraf's regime, women are once again been encouraged to take up sports activities and represent Pakistan internationally. At the state level, according to the Local Government Ordinance, 2001, 33 percent of the reserved seats have been allocated to women in the parliament and the provincial assemblies. But given the traditional social status of women, their representation in the public sphere is still a subject of debate. Moreover, at the political and legislative levels, no decisive measures have yet been taken. The Hodood Laws, the laws of Qisas and Diyat and the Blasphemy law all remain intact and are disciplining the lives of the citizens as envisaged by Zia-ul-Haq. The ongoing social development efforts, however, will certainly have its impact in the long-run. But, greater efforts and commitment of the politicians at the state-level are needed, along with civil society initiatives, to bring about social changes that promote and protect human the rights and rights and dignity of women.

4.6.4 Minorities and Blasphemy Laws

While it is important to note that most targets of the ideological position adopted by Zia regime were women, they were by no means the only group to be affected. Ethnic and religious minorities and groups demanding democratic rights also came under attack. This section focuses on laws relating to religious offences, dating from the colonial period, and then describes amendments brought about during Zia-ul-Haq's Islamisation drive. It describes one specific legal change, Section 295-C of the Pakistan Penal Code, the blasphemy law. Such changes in legislation relating to religious offences, under Zia's Islamisation process, further contributed to atmosphere of religious intolerance in Pakistan in which violence against members of religious minorities had increased markedly. It is important to note that earlier religious laws, before their amendment and its implementation under Zia's regime 'did not mention malicious intent to wound religious sensitivities as a
condition of criminal offence. The earlier laws were intended to protect the religious sentiments of any class of persons'. The amended law as a newly introduced section of the PPC did not make it a criminal offence to injure the religious feelings of Muslims, but rather defined the offence in terms of insult or affront to Islam. The offences consisted in defiling or insulting the prophet of Islam, his companions and family members, and desecrating the Koran. Again, For the Ahmadiyyas, declared a non-Muslim community by Prime Minister, Zulfiqar Ali Bhutto through a constitutional amendment in 1974, the very used of the term 'Muslim' was made as a criminal offence.32

Several more sections were inserted and later amended in the PPC during the 1980s. This only provides evidence of the powers exercised by the self-proclaimed protectors of Islam and showed how such powers were misused to bring about changes to appease a few fanatic religious groups in order to maintain a stronghold and weaken minorities morally, socially and economically. In chronological order, the legal changes brought about in the PPC are as follows:

In 1980, section 298-A was inserted in the PPC, by which the use of derogatory remarks 'by words, ... or by imputation, innuendo or insinuation, directly or indirectly' in respect of persons revered in Islam, was made a criminal offence punishable with up to three years' imprisonment. In 1982, section 295-B was added. This amendment made defiling the Koran a criminal offence. It reads: 'Whoever willfully defiles, damages or desecrates a copy of the Holy Koran or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.

In 1984, a legislation was passed directed at the Ahmadiyya community which makes it a criminal offence for the Ahmadis to profess, practice or propagate their faith (Ahmadis, members of a sect founded in the 19th century, consider themselves to be Muslims but they consider their leader, Mirza Ahmad to be the last Prophet, which is against the mainstream Muslim faith and therefore, orthodox Muslims regard them as heretical). In April 1984, Zia-ul-Haq issued Ordinance XX which inserted sections 298-B and 298-C in the PPC making make it a criminal offence for the Ahmadis to call themselves Muslims, to employ such nomenclature, and appellations associated with Islam, or to use Muslim practices of worship, and to propagate their faith.

In 1986 the penal code was amended by Criminal Law Amendment Act 1986, which added the blasphemy law under Section 295-C of the

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Pakistan Penal Code. It provided the death penalty or life imprisonment for criminal offence for defiling the name of the Prophet Mohammad. It reads 'whoever by words, either spoken or written, or by visible representations, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (peace be upon him), shall be punished with death, or imprisonment for life, and shall also be liable to fine.'

Several dozen people have been charged with blasphemy in Pakistan since its implementation. The charges of blasphemy appear to have been brought arbitrarily, founded solely on the individual's beliefs or on malicious accusations brought against individuals by members of the Muslim majority community for advocating novel ideas. The available evidence in all these cases suggests that charges were brought as a measure to intimidate and punish members of minority religious communities or those practicing religions other than Islam. Hostility towards religious minority groups appeared in many cases to be compounded by personal enmity, professional or economic rivalry or a desire to gain political advantage. Most individuals now facing charges of blasphemy, or convicted on such charges, were detained solely for their real or imputed religious beliefs which is grossly in violation of anyone's right to freedom of thought, conscience and religion. A common feature of accusations of blasphemy in Pakistan is the manner in which they are uncritically accepted by prosecuting authorities, who themselves may face intimidation and threats should they fail to accept them.

4.6.5 Cases under Blasphemy law
Following legal changes introduced in 1991, the death penalty became mandatory punishment for the offence of blasphemy under section 295-C of the Pakistan Penal Code. So far, two men have been sentenced to death but their appeals are pending. While nobody has so far been judicially executed after having been found guilty of blasphemy, many accused under the blasphemy have died, either under suspicious circumstances in jail or at the hands of armed attackers. The changes in legislation relating to religious offences have contributed to an atmosphere of religious intolerance in which fanatics sometimes consider themselves entitled to take the law into their own hands. The following are some examples testifying to the sagas of the marginalised:
On 5 April, 1994, Manzoor Masih, a Christian man charged with blasphemy, was shot dead near the Lahore High Court; his two co-accused, a 13 year-old boy and an escort, were injured. A few days later, a Muslim practitioner of indigenous medicine was stoned to death by a mob which for some reason believed him to be a Christian who had burned pages of the Koran. They tried to set his body on fire while he was probably still alive and dragged it through the streets of Gujranwala. During the debate in the National Assembly following the murder of Manzoor Masih, Retired Supreme Court Judge Dorab Patel, Chairman of the non-governmental Human Rights Commission of Pakistan, declared that the blasphemy law should be amended as it contributes to religious ‘fanaticism’. He was interrupted by Member of Parliament Maulvi Azam Tariq of the Sipah-e Sahaba Pakistan (Society of the Soldiers of the Companions [of the Prophet], a Sunni Muslim organisation), who shouted that ‘anyone who commits blasphemy will meet the fate of Manzoor Masih.’

Several instances of violence were reported against members of religious minorities, which have been treated with laxity by successive governments. No concrete legislative measures have been adopted to ensure the safety of members of the religious minorities. To this end, however, Benazir Bhutto’s government in 1993, announced that steps would be taken to amend the penal code and the code of criminal procedure to curb the abuse of the blasphemy laws.

During the first period of the government of Benazir Bhutto (1988 to 1990) no further steps towards Islamisation were undertaken. The next federal Parliament, in which the Islamic Democratic Alliance (IDA, a coalition of several Islamic parties under the leadership of the Muslim League) of Prime Minister Nawaz Sharif (1990 to 1993) had a majority, passed in May 1991 passed the Enforcement of Shariah Act, 1991. It declared that ‘the Injunctions of Islam shall be the supreme law of Pakistan’ and provided for the Islamisation of education and the economy while ensuring that none of the provisions of the Act would ‘affect the personal laws, religious freedoms, traditions, customs and way of life of non-Muslims’. In elections in October 1993 the Islamic parties obtained considerably fewer seats in the National Assembly than in the two previous elections (Muslim League 72 seats, other Islamic parties 9 seats of a total of 217 seats) while the secular Pakistan People’s Party obtained a majority and formed the

33 Ibid.
government under Benazir Bhutto. At the same time, however, religiously motivated attacks on members of minority groups were on the increase. For instance, at least 13 attacks were recorded against members of the Ahmadiyya community in late 1993 and the early months of 1994. According to reports of the non-government Human Rights Commission of Pakistan, between 1987 and 1992 106 Ahmadi were charged, tried and sentenced specifically under sections 298-B and 298-C merely on grounds of practicing, preaching and propagating their faith. The Archbishop of Karachi Diocese in April 1994 said that some 25 Christians had been charged with blasphemy as of that date.\(^{34}\)

The largest and blatant attack committed, under the umbrella of the blasphemy law took place in early 1997 in Shantinagar village, which had a concentration of Christian inhabitants. The entire village was burnt to ashes by some, well-organised locals under the leadership of the Talibans. Charges of blasphemy have also been brought by Muslims against Muslims, reportedly on grounds of sectarian or personal rivalry. Among the distressing recent events are the sectarian riots that have fallen place between Shias and Sunnis, which took dozens of lives. Well-designed operations are executed where members of the opposite sect are reported to be physically wounded, and even killed in their homes, or place of worship.\(^{35}\) Extreme intolerance is demonstrated and practiced in the name of religion, which is not what is professed by any religion known. Although, Islam has been practiced in this region for centuries, the need for such laws was never felt before, especially during the pre-independence era where Muslims were confronted with large non-Muslim population. How a relatively smaller minority can be jeopardising the post-independence Islamicness of the Muslims is difficult to fathom. Needless to mention that the situation regarding sectarian riots to date has not changed much as governance and legalistic aspects are concerned.

4.7 CONCLUSION

In Pakistan, issues regarding women and violence are largely the work of hegemonic blocks of fundamentalists, feudal chieftains, and the state bodies (legislative, judiciary and executive) who control and shape the dominant discourses. These power formations have been able to maintain the status quo vis-à-vis women, through consent and

\(^{34}\) Ibid.

\(^{35}\) Ibid.
negotiations. Every regime in Pakistan, has engaged in political power play and has reinforced certain customary norms and traditional practices to shape the dominant discourses. Religion, in particular, has been used as a tool for political gains and its assertion at state-level has created contradictions and ambiguities in the state policies that govern people's lives. One example is that of the existence of parallel judiciary system under which women have been the most hard-hit. Politicians have exploited women and their roles in society as symbols for state power. Such political designs are furthered through their embeddedness in patriarchy, and they have provoked confrontation between traditional norms and values of modernity, resulting in serious threats to women's social and political freedoms. They directly challenge gender mainstreaming out of fear that women's empowerment will directly challenge patriarchal state and family structures. It is because of the fear of the modernisation process that Islamist movements are gaining strength, culminating in the bid to institutionalise their themes, concepts and practices. Such processes of assertion focus on all levels of economic, social, cultural and political life to revive Islam under the puritanical framework of Qur'an and Sunnah as its constitution and Sharia as its basic principles of law. In this struggle, pluralist values are associated with Western culture or Christian values and as seen as a threat to Islam. This trend, in particular, relates to the changing role of women, impacted by modernity within the realm of social and economic attitudes, directly challenging or questioning the common patriarchal structures of the society. In this context, the role of women and gender-based relations have become central to Islamist movements.

Such juxtaposed and contradictory governing mechanisms and schisms are spreading confusing notions of self-identity for women in particular. Although a small portion of educated and emancipated women are now placed at empowered positions, their political and social involvement remains dependent on the interests and strategies of the ruling elites. On the other hand, women social activists and workers, although struggling for an equitable system, are small in number and their struggles are by and large contingent upon imposed and exported notions of strategising a process of an alternative. Social change which can lead to state intervention and influence, will have to emerge from within, from the realities of the marginalised. In other words, effective processes of possible change will be bottom up, and not otherwise. Mass grassroots awareness and sensitisation has to evolve on a large scale on the grounds of egalitarianism based on rights which
specifically view women fellow humans who have the right to be themselves and worthy of respect devoid of hegemonistic patriarchal structure.

4.8 RECOMMENDATIONS

Cultural violence, legal pluralism and women's rights are formidable issues. Any endeavour to contribute to a possible change in the deplorable status of women will be an onerous task. To bring about change would mean targeting deeply entrenched traditional norms and structures, which have existed for decades, and which are formations resulting from collusion of legal, religious and power-controlling institutions of governance, both formal and informal. These institutions have together upheld existing pluralities, which target women and have relegated them to the status of commodities steered by multiple notions of patriarchal norms. It should be borne in mind that institutions are not prepared either physically or psychologically to accommodate women's bodies in the public sphere. This is part of the male psyche. Neither is law gender neutral. Even if a law is framed in a gender-neutral manner, its application and enforcement is not gender-based. Thus, in any process of change, the starting point would be to look for viable entry points and work with different tiers of society, as well as, at different levels, on the assumption that various institutions and hierarchies are involved in its practices and perpetuation. The following are a few specific recommendations:

- Dissenting voices need to be created by targeting politicians, people working for the legal structures, academicians, social activists, government officials and the grassroots population. The laws in the statute book need to be reviewed by civil society organisations to identify loopholes and suggest reforms. Such reviews need to be undertaken regularly and periodically.

- Mass awareness campaigns need to be initiated at the grassroots, highlighting self-motivating modes of governance, which defy people their rights to be citizens. The use of religion, as a political tool, needs to be examined to understand the large-scale exploitation of people and their subjugation to a few by the military-bureaucracy-feudal-religious clerics.

- Social activists need to be supported in their struggle for a possible social change that promotes egalitarianism and enhancement of
women's status. The focus of this support can take the form of first enlightening activists of indigenous realities which should form the basis of strategies adopted to further activism rather than adopting the international thinking and policies which are based on prerequisites and presuppositions.

- Mass media personnel need to be instructed so that they have greater understanding of the issues, the misuse of patriarchal notions; and state policies and strategies which deliberately instigated to maintain the status quo. It is imperative to inculcate understanding amongst media persons about deep-rooted issues on women's plight and exploitation. Equally important is to raising the level of awareness of women through the media by enforcing the roles of women and promoting their rights for changes in the status quo.