

**Devolution of Power under 18<sup>th</sup> Constitutional Amendment and Its Impact on  
Women's Empowerment**

**(Locus; Rawalpindi – Islamabad)**



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**CERTIFICATE**

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## **Dedication**

I dedicate this piece of work to my loving and caring Father and Mother and to the brave women of the Pakistan who survive in a society where oppression on women is a matter of routine.

## **Acknowledgement**

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## **Abstract**

This study aims at explaining the practical implications of devolution plan which became law as a result of 18th constitutional amendment in 2010. The study is based on primary data collection as well as desk review. The primary data was collected from October 2017 till the month of August 2018. This study also focuses on seeing women's status in the locales in pre and post- devolution times. The two major questions asked in this research includes, a) whether this devolution plan has empowered women of the selected locales, b) has the devolution plan has increased women's political and economic participation. This study follows the qualitative strategy of research. The units of data collection for the current study were, a) common women from both of my locales, b) women councilors of Rawalpindi and Islamabad and c) Chairman of the Senate Committee on Devolution Process. It employs In-Depth interviews from different stakeholders as the main method to collect primary data. It uses descriptive research designs. The primary data was collected from two locales, one from Rawalpindi and Islamabad.

# Chapter 1

## 1.0. Introduction

In recent years many scholars have claimed that federal governments in most countries hold all the power. These scholars assert that it is a need of the time that the federal governments need some lower administrative bodies like municipal councils to transfer the power to the common people of the society. They point out that decentralization of power is the true essence of democracy and solves problems of the people according to their will and need. Devolution is a concept which many countries like USA, UK and Canada have adopted, implemented and experienced. Scholars have given multiple definitions of devolution to date.

According to Larson „devolution“ is direct community transfer. According to (Larson 2004), “It is the transfer of every kind of rights and assets from the center to local governments or communities.” Building on Larson’s idea Sayer et al argue “All of these processes occur within the context of national laws that set the limits” (Sayer *et al*, 2004, p3). Another definition of the concept of devolution is put forth by Ferguson and Chandrasekharan. They define it as “The transfer of governance responsibility for specified functions to sub-national levels, either publicly or privately owned, that are largely outside the direct control of the central government” (Ferguson and Chandrasekharan, 2004, p3). It gives authority to lower administrative tiers to formulate their own policies and prioritizes them according to the communal needs.

In order to understand the contingencies of the devolution program in Pakistan one needs to look at the political developments in the country preceding this state policy. On October 12, 1999, there was a Coup d’état in Pakistan headed by the than CNC General Pervaiz Musharraf. General Musharraf put in place a Martial law government and over threw the elected civilian government of Prime Minister Nawaz Sharif. After becoming the chief executive of the country General Musharraf suspended the Parliament and the Constitution, and established a National Security Council. His role was “legitimized” in November 1999 by a Supreme Court judgment, whereby he agreed to hold general elections in the country with in the month of October, 1999. He failed to fulfill his promise to the nation. In June 2001, the Chief Executive of the country ordered the administration of a new oath to the senior judges of Supreme Court. After the renewal of their oaths the Chief Justice of the Supreme Court Swore General Pervaiz Musharraf

as the President of Pakistan. After becoming the President of the country General Musharraf promised the nation that he would drastically reform Pakistan and ensure that it did not remain a corrupt, poor and economically lagging part of the world. Following up on his promise General Musharraf introduced an ambitious plan to politically and fiscally devolve central powers to a series of new local governments. The president instructed the National Reconstruction Bureau (NRB) to launch this devolution Initiative by no later than August 14, 2001 (Policy Review, 2002p1).

In April, 2010 Pakistan's National Assembly and the Senate of Pakistan unanimously passed the 18<sup>th</sup> Constitutional Amendment. As a result of this amendment seventeen ministries were devolved to the provinces and then to local bodies. The present study has analyzed the impact of the 18<sup>th</sup> Amendment Act on women's empowerment. 77 meetings were held by the Parliamentary committee on Constitutional Reforms by the end of 2009 till the mid of 2010. As a result of 18<sup>th</sup> amendment, 69 articles out of 280 articles of the constitution of 1973 were amended. In these amendments 20 articles were substituted, 7 were inserted and 4 were deleted (Dr. Leslie Seidle and Zafarullah Khan, 2012).

Empowerment is a multidimensional concept. It means giving legal power to an individual or a group of people. Power resides everywhere in the society and taking over power is empowerment. (Morgan 1988 and Hartsock *et al* 1981), define empowerment as a process which breaks the boundaries between the public and private spheres of influence.

Women's empowerment does not mean only to empower women in terms of dominating men but also in terms of getting control over their own lives and being able to get rights equivalent to men. Women's empowerment is an important concept in all fields of life whether it is politics, religion, social, cultural, psychological, or personal field. Scholarship growing out of the domain of feminism and development in the last quarter of 20<sup>th</sup> century has positioned the concept of empowerment in the forefront of academic exercise. It has been argued by many scholars that political empowerment is the base of women's social, economic and legal empowerment (Siddique 2006).

(Krook 2006), has pointed out that many international bodies recommend nation states around the world to get a minimum of 30% of quota to women in all elected positions (Krook

2006 and Towns 2010). United Nations, the Inter-Parliamentary Union, African Union, Southern African Development Community, Commonwealth, Council of Europe, European Union, Organization for Security and Co-operation in Europe, and Organization of American States recommend and urge member states to get a minimum of 30 percent women quota in all elected positions. Women's representation in politics is also a very important part of The Millennium Development Goals. Owing to this women's political empowerment has become an issue of immense interest globally (I. Lindberg *et-al* 2015). Like devolution, empowerment as a concept is also been defined by different authors in different ways. Some have addressed women's empowerment with reference to rights, resources, and voice (say of women in all domains), (World Bank 2001). Other scholars like Chen, tend to define this concept as being based upon women's hold on resources, perceptions, relationships, agency and achievements (Chen, 1992 Kabeer, 1999,). In another study Parveen has explained women's empowerment in terms of economic power and their access to resources (Parveen, 2008). All of these definitions notwithstanding, Mason and Smith talk about empowerment as power within the household (Mason and Smith 2003). Building on Mason and Smith's idea many researchers have emphasized the need for increased autonomy and improved social status for women with in the household in Pakistani context. {Sathar and Kazi (1997), Siddiqui, *et al.* (2006)}.

The position of women's representation in contemporary times in National Parliaments worldwide is only 22%. This shows extreme underrepresentation of women in political processes globally. Various causes cited by scholars of politics to explain this situation include female restricting social norms, ethics and political philosophies. It needs to be noted here that women's political representation is necessary for equal rights of women in any society. It is also important because it serves as a conduit for intra -women communication, which in turn allows women to understand their problems and resolve them collectively.

The situation of women's political participation in South Asia is rather tricky and thus immense amount of care is required to understand its complexity. South Asia has produced many women in powerful political positions like Prime Ministers, Indra Gandhi, Benazir Bhutto and Sheikh Haseena Wajid. Owing to the quota system the representation of women in the Parliaments of South Asia is also reasonably high. This however does not mean that South Asian women are empowered as a general rule (Siddique, 2006). In Pakistan there is 19.3% women's

representation in the National Parliament. This is third highest in south Asia, higher than two thirds of Muslim countries and also higher than the average of larger Asia which is 18.3%. The number of sitting women members of Pakistan's National Assembly is 69 out of 342 seats. Out of these 9 women Parliamentarians have been elected through general elections while, 60 have come to the Parliament on women's reserve seats. One woman member has been elected on the seat reserved for minorities. The number of women in Senate currently stands at 17 out of 104 total seats, all of which are reserved seats (4 seats are reserved for women to be elected by each provincial assembly and one from federal capital). Moreover **137** seats are reserved for women in provincial assemblies **61** seats in Punjab Assembly, **37** in Sindh, **25** in Khyber-Pakhtunkhwa, and **14** seats in Baluchistan Assembly. Seats reserved for women are allocated to political parties as per their general seats in National Assembly on the basis of list system.

Despite the apparently impressive numbers given in the preceding text Pakistan is highly noncompetitive within the comity of nations along the axis of female empowerment. Pakistan has been ranked **145<sup>th</sup>** in Gender-Related Development Index (GDI) **127<sup>th</sup>** in Gender Inequality Index out of **187** countries around the globe. Thomson Reuter Foundation's Survey of the year **2014**, tells us that Pakistan is among the 5 worst countries of the world along numerous significant axis. The areas of critical deficiencies pointed out by the survey include sexual and non-sexual violence, health threats, tradition and/religion and harmful practices rooted in culture. Also pointed out by the survey are the areas of lack of female access to economic resources and overall perception of danger on part of women. These results of Reuter's survey are confirmed by researches conducted by scholars working on women's issues in Pakistan. Some of these authors like Siddique (2015), Ali, Akhter (2012), and Shami (2003), are in their respective works have argued that major causes of creation and perpetuation of women's subjugation in Pakistan are honor killings (Karo Kari), dowry killings, Purdah, **WattaSatta**, **Swara**, **Wani**, and Marriage to Quran.<sup>1</sup> These scholars argue that women are not allowed to work out of the boundaries of the home. It is also pointed out that women's access to economic, political and social rights and resources are severely limited or denied in the country.

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<sup>1</sup>"[Wattasatta] means that you will give a daughter and receive the same in return. It also implies that if our daughter will be in pain, we will treat your daughter the same way." (Jacoby and Mansuri, 2008, p.2)

Wani is a tradition in Pakistani Punjab in which a girl forcibly married in compensation of crimes committed by their male family members. SWARA/SARPAISA is a Pakhtun tradition which involves bride price being paid by the groom/groom's family to the family of the bride.

## **1.1. Current Trends in Women's Participation in the Political Process**

In order to assess the current trends in women's political participation, we may have to focus on three key questions: 1) How many women were awarded the party ticket for the contestation of an election? 2) What was the total representation of women in provincial and national assembly's?, and 3) Of those women who won seats in these assemblies, how many were elected to general seats, and how many were elected due to reserved seats? The available literature indicates that although women actively participated in the 13th National Assembly, they were not given due credit in the form of nominations from the respective political parties. While a total of 3.5% of women candidates was nominated by the political parties, 96.5% of the candidates were men. In this context, Yusuf (2013) has stated that the low level of representation of women in the election indicates low confidence on the part of political parties towards them, which contrasts starkly with the level of political activism seen among women. Similarly, the UNDP (2005) stated that the proportion of women who have been occupying decision-making positions in the political parties has decreased. Women have been considered as a passive vote bank, and political parties tend to use them mostly for representative functions at public gatherings, meetings, and campaigns and although political parties have women's wings, these tend to fulfill largely representative functions, and have not influenced the decision-making process within political parties. So, structural discrimination in party organizations has influenced women's representation when it comes to the contestation of elections. Still, it is an important development that women stood in larger numbers for national assembly general seats in the 2013 election compared to the 2008 election.

Moreover, the participation of women in elections from diverse areas like FATA and Dir was also a positive sign of an increase in women's political participation. Some women from low-caste groups and from economically deprived areas of Sindh also participated in the election of 2013. These women from marginalized and economically underprivileged groups sought to make their voices heard in the mainstream political system to draw attention to those issues being neglected by male politicians, such as education, health, and women's rights. This lack of attention to issues affecting women in particular indicates a low level of commitment from political parties to empower women politically. And yet, at the same time, social activism among women for greater political participation is on the rise. Mainly this is because of international

treaties and human rights conventions, which Pakistan has signed. Therefore, various international organizations like United Nations Women (UN Women), United Nations Development Program (UNDP), Oxford Committee for Famine Relief (OXFAM), United States Agency for International Development (USAID), Japan International Cooperation Agency (JICA), National Democratic Institute (NDI), and some others, have been working jointly with the national and local level organizations Yusuf (2013) to promote effective participation of women in the field of politics. Despite this rather mixed track record on the promotion of women's political empowerment, particularly with regard to women's roles in political parties, Pakistan has been a trend-setter for other Muslim countries when it comes to providing a positive example for women's political participation. Benazir Bhutto, for instance, was the first ever woman prime minister of a Muslim country in 1988. Similarly, Fahmida Mirza was the first woman speaker of a national assembly in the Muslim world. In addition to this, around 100 women members entered into the upper and lower houses of the Pakistani national legislative assemblies in 2013. After the election of 2008 the Pakistan People Party (PPP) - led coalition also brought women into the cabinet. Several women worked as ministers in key posts like social welfare, and the special education ministry was led by Samina Khalid Ghurki. Similarly, Sherry Rehman, Ashiq Firdous Awan, and Hina Rabbani Khar served as ministers for Information and Broadcasting, Health, and Foreign Affairs respectively. Some of these women politicians subsequently switched to other ministries as well. However, the current cabinet has fewer women ministers with only two women serving in this capacity. One is Anusha Rehman Ahmed Khan, who leads the Ministry of Information and Technology, while, Saira Afzal Tarar is State Minister for National Health Services. But, their visibility in terms of performance and decision-making is not prominent compared to their male counterparts. Although discriminatory practices on the basis of gender are hurdles to accelerating the pace of women's empowerment in the domains of politics, the statistical representation of women in legislative bodies has shown progressive trends. It shows that almost 20% of the total members of legislative bodies are women (see Table 1). However, this level of representation of women in legislative bodies includes the effects of the women's quota, which came into effect during 2002.



Legislature (Assemblies and senate)	Women elected on reserved seats		Women elected on general seats		Women on minorities seat		Women representation out of total	Percentage of women's representation
	No. of total	% of total	No. of total	% of total	No. of total	% of total		
National	60/342	17.5	9/272	3.3	1/10	10	70/342	20.5
Senate	17/100	17					17/100	17
Punjab	66/371	17.8	9/295	3.0	1/8	12.5	76/371	20.5
Sindh	29/168	17.3	2/130	1.5	0/9	0	31/168	18.5
KPK <sup>25</sup>	22/124	17.7	0/90	0	0/3	0	22/124	17.7
Baluchistan	11/65	16.9	1/51	2.0	0/3	0	12/65	18.5
OVERALL	205/1170	17.5	21/847	2.5	2/33	6.0	228/1170	19.5

Region/ Province	Male Voters	Female Voters	Total Voters	Female %	Male%	Female%
Baluchistan	1,915,388	1,421,271	3,336,659	42.6%	56.03%	48.79%
FATA	1,142,234	596,079	1,738,313	34.3%		
ICT	337,900	288,064	625,964	46.0%		
KPK	7,008,533	5,257,624	12,266,157	42.9%		
Punjab	27,697,701	21,561,633	49,259,334	43.8%		
Sindh	10,490,631	8,472,744	18,963,375	44.7%		
Total	48,592,387	37,597,415	86,189,802	43.6%		

Source: European Union Election Observation Mission to Pakistan (2013)

So, the quota for women's political participation has played a vital role in bringing women into decision making positions at the local, provincial, and national levels. However, at the same time, those women who have entered politics thanks to the quota and the allocation of reserved seats come from influential political families. So those women who are entering politics via reserved seats are not from the same or similar socio-economic and political background as the majority of Pakistani women, a limitation of true representation that needs to be taken seriously. Therefore, one has to conclude as True et al (2014) have stated that "quotas for women will not achieve the desired results."

## 1.2. Problem Statement:

The issue of devolution and 18th amendment is too broad to be discussed in its totality. Therefore the current study has been narrowed down to studying the impact of 18th amendment on women's empowerment in my two locales namely Rawalpindi and Islamabad. The phenomenon of women's empowerment has been looked at from the vantage point of their participation in the local political structure and their involvement in the economic sphere. The study also examined social and cultural values and economic realities that lead to the discrimination against women in politics and economy. To facilitate things for the reader I have narrowed down my broad area of interest into the following research problem.

## **“Devolution of Power under 18<sup>th</sup> Constitutional Amendment and its Impact on Women’s Empowerment. (Locus Rawalpindi – Islamabad).”**

Since this is a qualitative piece of research the word “**impact**” needs to be understood as **experiential impact**, I have operationalized my topic as stated above into following research questions.

1. Has the devolution program resulted in higher female political participation at the local government level?
2. What is the relationship between female political participation and their involvement in the economic sphere in my locales?
3. What is the nature and outcome of the articulation between women’s politico-economic participation and devolution with reference to female empowerment in the research locales?

### **1.3. Objectives of the study:**

- To study the evolutionary trajectory of female participation in the domain of local politics & economy in the locales as compared to pre-devolution times.
- To understand, describe and explain any changes that might (or might not) have occurred in these domains with reference to women in post devolution times in the locales.
- To study the impact of politico-economic changes (or lack thereof) in post devolution times on female empowerment in the research locales.

### **1.4. Definitions of key terms:**

The topic of the current study and research questions as stated in the preceding text contains some key terms like devolution, empowerment and political participation. These terms have been defined in the forthcoming text.

#### **1.4.1. Devolution:**

According to Jacobs and Chavhunduka, 2003, the concept of devolution and its meaning has changed over time and space. Chigvenya in 2010 defined devolution as the transfer of political power from central to local political authorities. Local authorities thus, are not fully

autonomous but they have the power to take their own decisions. In other words devolution is the transfer of decision making power for the good of the people from the center to local level. However I will be using the definition of Ferguson and Chandrasekharan, according to their view “Devolution is the decentralization of governmental powers of specific departments to sub national tiers, whether these tiers are owned by government or any private authority. These sub national tiers work autonomously without the direct control of the central government.(Ferguson and Chandrasekharan, 2004).I plan using the definition of Ferguson and Chandrasekharan in my research. This decision is based on the fact that it is a very holistic and multidimensional perspective on devolution which covers my research question and objectives.

### **1.4.2. Empowerment:**

“Empowerment is a process of change that focuses on expanding the range of choices that people can make. As such, it cannot be understood as a single dimensional formula for change, either as process or outcome. It must instead be understood in particular contexts taking into account the specific needs of the people intended to be empowered” (Kabeer, 1998). According to Karl “Empowerment is a process of awareness and capacity building leading to greater participation, to greater decision-making power and control, and to transformative action” (Marilee Karl, Women and Empowerment, 1995, p.14). I find the definition of Karl more appropriate for proposed research. It is because my indicators to see empowerment are political and economic participation and decision making. So Karl’s definition is more appropriate for my research objectives and to answer its questions.

### **1.4.3. Political Participation:**

Political participation is of two types one is political participation directly from electoral process and the other is the one that occurs in the social context. In the first kind of political participation supports different party’s interests. The latter is for the purpose of communal betterment. Both of these types can be further differentiated as either supportive of the system, or critical of the system (Trinkle 1997). I shall prefer using the latter part of the definition in which political participation refers to the betterment of the community. However according to my view, communal development is the ultimate product of political participation.

## Chapter 2

### Methodology and Methods

#### 2.0. Methodology:

The term methodology is related to the investigation of methods and assumptions about the means by which the knowledge is created. Methodology tells us about the “logic of enquiry” and also informs about the strengths and limitations of the “techniques and procedures” (Grix, 2010, p.32). He also notes that methodology refers to the way a research should be conducted and enables the researcher to decide the best suited methods for the purpose of research.

There are some other definitions of the term methodology; one of them is “the logic underlying all the decisions made by a researcher during the entire course of a research project”. The methodology employed in any research project ensues out of researcher’s epistemological position, research strategy employed by him / her, and the demands of his/her research questions, or propositions. The methodology employed in a research project determines the research design to be used. In the current research, I intend using the qualitative research strategy and a methodology rooted in a combination of positivism and interpretivism. It is because the qualitative research strategy will enable this research to unfold the various dynamics of devolution and women’s empowerment. However qualitative research strategy will gather people’s insight regarding my proposed research topic.

Very often people use these two terms namely methods and methodology as synonymous. These terms however are different and should be dealt with as such. According to Sarantakos 1998, “methods are the techniques which a researcher uses to collect data for instance interviews, observations, content analysis etc.” and methodology is the “science of methods and it is overall umbrella of the research” (Sarantakos, 1998, p.34).

#### 2.1. Qualitative Research Strategy:

As mentioned earlier the current study employed qualitative research strategy. Qualitative research is aimed at gaining a deep understanding of a specific organization or event, rather than creating a surface description of a large sample of a population. It aims at providing a

comprehensive understanding of the structure, order, and broad patterns found among a group of people. It is also called ethno methodology or field research. It generates data about human groups in social settings. Qualitative research does not introduce treatments or manipulate variables, or impose the researcher's operational definitions of variables on the participants. Rather, it lets the meaning emerge from the participants. It is more flexible in that, it can adjust with the contingencies of the natural setting of the targeted population. Concepts, data collection tools, and data collection methods can be adjusted as the research progresses.

## **2.2. Research Design:**

Research design is a construct that allows the researcher “to answer two basic questions namely, does the research provide answers to the basic research objectives, if yes, how well it does so” (Majumdar, 2005, p.119). According to Majumdar, research design comprises the strategy and structure of data collection and it should be conceived in a manner that it would enable the researcher to find answers to his/her research questions as precisely and accurately as possible. Given operationalization of my research topic, I have used descriptive research design because it was best suited for my research and also it was best to answer my research questions. A descriptive research design is one that allows the researcher to “obtain a precise and accurate description of the characteristics of the phenomena or a particular social group being studied to determine the frequency with which some events or characteristics occur in the population or sample of the study and the associations that exists among them. A descriptive research design also allows investigation of some social and psychological aspects of a group or people of a community” (Majumdar, 2005, p.114).

I have decided to use a descriptive research design in my project because as indicated by my research questions and objectives I want to understand the structure, dynamics, and repercussions (for women) of devolution under 18<sup>th</sup> amendment. I have also analyzed the association between the devolution of power, women’s political participation and economic involvement of pivotal interest to this research was to see how this relationship has affected the lived social experience of the women (positively or adversely) in my research locales. The descriptive research design has also allowed me to achieve all of my objectives as stated herein.

### **2.3. Units of Data Collection:**

A researcher uses various units of data collection to obtain data relevant to his/her research. These units can be individuals, group of people, processes or entities. In order to answer my research questions exhaustively I have used to explore the following units of data collection.

1. Women from both of my locales
2. Members of selected Union, Tehsil and District Councils in my locales
3. National Politicians
4. Documents, to include research papers, government reports, reports of the multilateral organizations etc. About the issue being investigated.

### **2.4. Locales of the study:**

The study deals with multiple locales necessitated by the number of units of data collection as enumerated above. These multiple locales are 2 UC's including one UC in Rawalpindi and the other one is in Islamabad. From both of my locals I have interviewed common women of the locals as well as the women councilors of respected UC's.

As already mentioned given my topic and UDC's this is a multi-locale research. Although the broader geographical area of my research is Rawalpindi – Islamabad but since this is a qualitative piece of research so it is quite difficult or almost impossible to capture all the selected locales. To see the existing differentials between economic and political classes of Rawalpindi and Islamabad, I have selected further two UC's from my selected locales. I have selected one UC from my research locale Islamabad and the other UC which I have selected and collected data from is Rawalpindi. I have selected these respective UC's because I was intended to compare the impact of devolution on women across classes. As Islamabad represents the upper economic class and as oppose to that Rawalpindi represents the middle or lower middle economic class.

#### **2.4.1. Locale 1, Rawalpindi:**

Rawalpindi is popularly known as the twin city of Islamabad. It is located on Potohar Plateau and has an area of 259 km square. It is socio-economically tied with Islamabad and a

large number of people commute to Islamabad daily. My first locale was Union Council 44 of Rawalpindi from which I have interviewed common women of the constituency. The more specifically I have gathered my data from the area of Dhoke Khabba of UC 44. In Dhoke Khabba I mainly focused on two streets which were street number 7 & 8. I have also interviewed 2 women councilor's of the said UC. I have collected data from Rawalpindi to analyze the impact of devolution over the axis of economic class. From Rawalpindi I have selected a union council inhabited by middle and lower middle class people so that I can have a clear picture of the existing differentials of post devolution times between the women of capital city and the province of Punjab. Following picture is the pictorial representation of my local in Rawalpindi UC44.



Source: Field Work

#### **2.4.2. Locale 2, Islamabad:**

Islamabad is the capital city of Pakistan. It is located 14 kms North East of Rawalpindi (the latter is considered as the twin city due to its close proximity with the area) on the North Eastern fringe of the Potohar plateau of the province of Punjab lying at altitudes ranging from 457 to 610 meters. To the North of the city lies the Margalla Hills. The area of Islamabad is 906.50 square kilometers. From this locale I have sub locale I have selected a union council



where people from upper and upper middle class live. In Islamabad I have collected my data from the sector F6 which comes under the constituency of UC25. More specifically my exact locale was F6/3, from F6/3 I have captured two streets, which are street 4 & 5.



Source: Field Work

## **2.5. Methods of Data Collection:**

The methods that I have used for my thesis research includes census forms, interview guides. The factors underlying the selection of these methods were the nature of data to be collected, time available and the objectives of the study.

### **2.5.1. Census Forms:**

Census forms are “a way of enumerating family units and their membership or a sample of such unit near the beginning of fieldwork” (Pelto & Pelto, 1978, p.193). Census is used to gather profile of the each family member of every household in the selected locales.

I have used census forms with my UDC1. I have used this technique for it has allowed and helped me to create a demographic profile for my two research locales. The information obtained



through the census forms has also been used as a sampling frame to select a sample from UDC 1 to whom interview guides were administered during my fieldwork.

### **2.5.2. Interviews:**

There are three types of interviews that can be used to collect data namely structured, semi-structured and unstructured.

### **2.5.3. Interview Guide:**

Interview guide is a tool of data collection in which researcher puts together a finite number of broad areas of interest to him/her. Having done this the researcher formulates one or two questions for each area to be asked as the point of departure for the discussion of that area. The back bone of the interview guide is the concept of **probe** the interviewer asks the questions he/she has formulated for each area and obtains the detailed information about the same. The researcher obtains this information by formulating subsequent question on the basis of responses he/she gets from the interviewee (Ulla, 2006). The control of the interview in case of interview guide rests primarily with the interviewee. I have used interviews guide specifically to solicit information from my UDC 1, 2 and 3. The rationale underlying this choice of this interview type was that it has allowed me to obtain in depth data about the issues of my interest. Utilization of interviews guide has also allowed me to gain an emic perspective on the issues was being investigated.

**Table 1**

Number of participants interviewed from each UDC

UDC 1 Common women from both locales namely Rawalpindi and Islamabad	<b>22</b>
UDC 2 Women Councilors of UC25 and UC44	<b>4</b>
UDC 3 Chairman of Senate Functional Committee on Devolution	<b>1</b>
<b>Total</b>	<b>27</b>

#### **2.5.4. Sampling Procedure:**

“A sample is small proportion of the population that is selected for observation and analysis. By observing the characteristics of the sample one can make certain inferences for the selected population from which is was drawn.” (Best and Kahn, 2006, p13)

There are two types of sampling procedures one is called probability sampling and the other one is referred to as non-probability sampling. For the purpose of the current research I have used the following sampling techniques.

##### **2.5.4.1. Stratified Random Sampling:**

“Stratified random sampling is a probability sampling procedure in which the target population is divided into a number of strata, and a sample is drawn from each stratum. The resulting sub-samples make up the final sample of the study. The division of the population into strata is based on one or more significant criteria such as sex, age, ethnic background, race or economic status” (Sarantakos 2005, p.145). I have used stratified random sampling for in-depth data collection from my UDC1. It was quite difficult to cover the whole UC’s population so I have divided these both UC’s into strata’s along the axis of economic class. Due to that I have

randomly selected desired samples from these strata's. The number of respondents chosen as sample for UDC1 was reached at using the principle of saturation which is standard practice for determining sample size in the qualitative research.

#### **2.5.4.2. Purposive Sampling:**

Purposive sampling is also known as judgmental sampling. In this sampling technique researchers purposively choose subjects who, in their opinion, are considered to be relevant to the research topic. In this case the judgment of the investigator is more important than obtaining a representative sample. The process of sampling in this case will involve identification of the informants and arranging times for meeting them.

I have used purposive sampling for the sake of data collection of UDC 3 and I have interviewed women councilors of the respective locales to have an emic view to identify the problems of the common women of the locales. I have also record an interview of Senator purposely who has remained the Chairman of the Devolution Committee of Senate for last 3 years. It helped me to understand the dimensions of legislation process and local politics and its impact on the common women. It has also enabled me to see how politicians see the articulation between devolution and women status. The principle of saturation as stated above was also used to determine the sample size in UDC3.

## Chapter 3

### Review of Literature and Analytical Framework

#### 3.0. Review of Literature:

For the purpose of my research thesis I have reviewed 25 pieces of literature. I have tried to cover 5 intellectual domains on the basis of my research objectives and research questions. These domains are (a) Anthropology/Sociology and law and women's empowerment, (b), Gendered discrimination against women, (c), Theories of empowerment and women's empowerment, (d), Devolution, and (e), Women's political participation and empowerment along with its (nature, dynamics and its articulation with culture).

#### 3.1. Anthropology/Sociology of Law and women's Empowerment:

Starr and F. Collier (1992) studied the history and current status of Legal Anthropology, Power, Ideology, and Culture. The authors have argued that there is a strong connection between legal institutions and historical processes of creating and maintaining hierarchies and inequalities. Anthropology of law is set to move from law as conflict towards law as power, its creation, its distribution, and its transmission. Legal anthropology has moved away from a vision of law as social control and a relatively narrow concern with the judgment of judges to a broader concern with conflict, negotiation, and the management of political resources. The authors describe successive transformations in the anthropological study of law and law-like systems across cultures and through time. In their analysis the anthropology of law is something which is almost 20 years old. It has aimed at coining a cross-culturally applicable definition of law. Social scientists who have contributed immensely towards this goal include scholars like Bohannan 1969, Gluckman 1969, Moore 1969, Nader 1965.

Another sociologist of law named Wooden (1997) has discussed the concept of legal pluralism, social existence of legal norms, non-state laws, state laws, and religious laws in his work at some length. The author defines legal pluralism as the condition wherein a community coins follows multiple frameworks of law. Legal pluralism is the existence of multiple legal systems within one (human) population and/or geographical area. There can be state and non-state laws in any country at the same time. Wooden further argues that in a legally pluralistic

society different legal systems having different roots co-exist and interact with each other. In the process of this interaction there arise normative clashes which make the understanding of rights and delivery of justice in the society problematic and complex. He also states that, if a country's legal system provides two different types of law then the legal system cannot be referred to as a unified system. This lack of legal unification is very clearly visible in case of marriages. In a society with legal pluralism the law often defines marriages with reference to different types of marriage contracts, formalities and modes of termination. Author further elaborates that legal pluralism works within the boundaries of state law. The author points out that the question that arises here is as to how the custom based gender discriminating laws can be eradicated from societies.

The author also discusses transnational stateless legal systems. He asserts that law without the state is law made primarily outside of state power. The author refers to this as transnational stateless law, stateless law or private legal orderings. Author argues that this notion is proposed to avoid the problems that arise when scholars of law use terms like system of laws or set of legal norms.

### **3.2. Gender Discrimination against Women:**

De'reeze (1989), describes gender as a social construct that defines what it means to be a man or a woman in a given society. The concept of gender is often used to describe the role of women and men which may vary by culture, ethics, race and caste. The author points out that the last couple of decades have witnessed a heightened effort with in the international academic community to promote gender equality and women's empowerment. This is so because the empirical data from all around the world indicates that generally speaking women have been located in the domestic domain. Owing to this fact in most cultures women are given the responsibility of being home keepers which in turn places women in a situation where they have very little access to economic resources as compared to men. The author asserts that the subjugated and disadvantaged status of women manifests itself in higher life expectancy of men as compared to women and other such elements.

Qureshi (2014), addresses the issue of discrimination against women in the domain of education in Pakistan. He argues that, the social organization, norms and values are the factors

that contribute towards discrimination against women in terms of their pursuit of education in the country. He suggests that equal and just allocation of societal resources can help in ending the menace of gender discrimination in the education sector. This fact notwithstanding, it is pointed out that in Pakistan in the last decade or two there has been a sharp increase in the number of private educational institutions both in rural and urban areas. It shows that the people of Pakistan are seeking quality education and this motivates them to join private educational institutes. Another important scholar writing on these issues is Haque (2000). He holds the view that importance of women's education is pivotal in enabling them to deal with the oppression that customs and traditions cause for them. Building on this scholarship Sathar (2000), asserts that in contemporary Pakistan large number of married women desire to continue their education but due to safety, security and travelling issues they are unable to do so. Sathar opines that this trend among married women necessitates that empirical studies be conducted on the issue of women and education. It is important to figure out if there is education demand differential between genders and if it so then factor causative of this phenomenon ought to be studied carefully. She is of the opinion that the necessity to answer this question becomes extremely important in the backdrop of the Millennium Development Goals that call for elimination of gender inequality in the context of education.

Connected with Sathar's argument there is the work of Rosen, Zweig and Schultz (1982), who have argued that parents put more money in the education of sons as compared to daughters. It has been seen that in many of the developing countries, parents think that if they invest in the education of their son there is a greater chance that their sons will repay that investment. As opposed to that, investment in daughter's education has little chance of repayment. This is so because in the traditional cultures (developing countries) dependence on daughters in old age is considered shameful. In such societies when a female gets married she is only responsible for her in laws. Furthermore if a woman chooses to stay single for any reason for parents to accept help from them is not socially acceptable.

Pokharel, (2008) gives the perception of women in discrimination in various aspects in a male dominated society. The study was designed as a descriptive study based on sample survey. The total of 200 women was selected randomly for this study. The study findings show that there is a discrimination against women in various aspects. Women are aware of discrimination in the

societal and household levels. They perceive more discrimination in the societal level comparing to household level. Married women perceive more discrimination in mobility, property, occupation, and education. Similarly, unmarried women perceive more discrimination in mobility and way of behaving. They consider gender and customary practices as major factors responsible for discrimination. Discrimination in decision making for family, property right in the form of less expense in education, food and health care for girl child than boys is old practice in rural areas of Nepal (Bhadra 2002). Women in rural area are considered as relatively uneducated and rarely involved in formal meetings and planning phase. Women are discriminated to make decisions in formal meetings and also to involve in political participation due to illiteracy (Pandey, 2006). Women are excluded in planning and decision making process of the community forestry due to lack of education and awareness (Shrestha 2004). Besides education, workloads also make women less available in attending meetings. Household responsibilities make women less available for the extra meeting or social events where information is exchanged (Bhattarai, 2006).

The impact of gender discrimination can be assessed by studying effects of wages, hiring, promotion practices or rated salary raise scales for female employees. There are stereotypes, which are of the view that the women should be paid less. Men should get priority on women during the whole career of her job. Even in developing countries female employees face the discrimination in pay. They are not given justified pay in comparison to the work they do. Gender discrimination is the phenomena that can be observed in every society. Females bear equal burden of work as men do but even then they are paid less than their colleagues. Pakistan Social and Living Standard Measurement (PSLM) survey (2004-2005) supports the findings of Farooq & Sulaiman (2009) that the females are under paid as compared with their co-men workers. This discrimination can be eliminated through the proper investment in education sector that can help women to be acquainted with the required knowledge and skill for the particular job.

Channar et al, (2011) analyzed the effect of gender discrimination on the employee's satisfaction and motivation, commitment and enthusiasm and stress level. They found that in private sector women are more discriminated than they are in public sector. Gender discrimination lowers the job satisfaction and commitment. Women are less committed and

enthusiastic toward job if they are discriminated on the ground of gender. Gender discrimination and stress level is highly positively related. If there is gender discrimination then women are more likely to do work under stress.

On the other hand it is observed by the Zainal (2009) there are several other factors that hurdle the women promo ability besides manager's perception including the work and family life conflicts. He further added, in assessing the phenomena of glass ceiling in Malaysia there are many factors that can affect the female employee promotion, but he focused on manager's perception toward women promotion. Gender bias environment is faced by women all over the world. Even in developed countries women face the challenges to their survival in job. Sub-continent is underdeveloped as compared to the European world. Women have to do take care of their kids and home besides their job. They are highly educated but they don't get a chance to avail the status in top management. The same scenario is investigated by the (Jain & Mukherji, 2010).

While reviewing literature I have also found that intra-household behavioral patterns are an important cause of gender discrimination. McElroy and Horny in their 1981 writing discuss two major approaches found within the literature on household behavior. One strand talks about a household collective model while the other approach focuses on intra-house hold resource distribution. The former is defined as a model represented by a household where an altruistic head (parent) maximizes the joint welfare of the entire household, subject to its resource constraints. The latter focuses on the outcomes of intra-household resource redistribution in terms of the bargaining power of the members of the household. It is argued that various factors like intra-household behavior, family size, and education level can determine the degree of bargaining power of an individual. This includes the wage earned by an individual, inheritance received and also the societal definition of gender roles.

Luitel, (1992) and Bhadra (2002), have argued that discrimination against women not only depends on household behavior but also on class, age, race, ethnicity and sexual preferences. Building on Luitel, Bhadra and Scott 1989, point out those two important determinants of gender roles in a society are its social and political context.

Ogato, (2013) critically reviewed the gender equality and women's empowerment endeavors in least developed countries (LDCs) and proposed policy and strategy measures for



achieving millennium development goals (MDGs) in Ethiopia. Author used human ecological approach. Human ecology generally refers to the study of the dynamic interrelationships between human population and the physical, cultural and social characteristics of the environment and biosphere (Lawrence, 2003, Ogato, 2013). Ethiopian women are economically, socially, culturally and politically disadvantaged in the enjoyment of equal rights, in accessing opportunities, decision-making processes, and basic resources. In other words, although a number of policies are rising that support and encourage women's participation in development, women's access to and control of productive resources, information, training and education, employment and in decision-making are limited. The general objective of this paper is to assess the quest for gender equality and women's empowerment in least developed countries to achieve MDGs and identify policy and strategy implications for Ethiopia. This paper adapts a human ecological approach and a comprehensive review and analysis of the existing literature was made in order to obtain both theoretical insights and secondary data on the review themes. The collected secondary data and information were qualitatively analyzed through narration and description and presented under relevant themes. The findings of the study reveal that promising efforts are being made by the Federal Democratic Republic of Ethiopia to address gender equality and women's empowerment issues in the process of achieving millennium development goals. Nevertheless, a lot has to be done for more effective gender equality and women's empowerment thereby the millennium development goals (MDGs) and sustainable development objectives will be achieved in Ethiopia. Adaptation of the good practices of gender equality and women's empowerment from different successful countries, proper implementation of the ratified international conventions on gender equality and women's empowerment, and development and implementation of appropriate national gender policy will improve the condition of Ethiopian women in the years to come.

Another study by Duflo, (2012) reviews the evidence on both sides of the empowerment–development relationship. It first shows that poverty and lack of opportunity breed inequality between men and women, so that when economic development reduces poverty, the condition of women improves on two counts: first, when poverty is reduced, the condition of everyone, including women, improves, and second, gender inequality declines as poverty declines, so the condition of women improves more than that of men with development. Economic development, however, is not enough to bring about complete equality between men and women. Policy action

is still necessary to achieve equality between genders. Such policy action would be unambiguously justified if empowerment of women also stimulates further development, starting a virtuous cycle. Author argues that empowering women does indeed change society's choices in important ways, although the usual depiction of women as always making the best decisions for long-term development is somewhat exaggerated. The conclusion here is a more unbiased, somewhat more pessimistic picture of the potential for women's empowerment and economic development to mutually reinforce each other than that offered by the more strident voices on either side of the debate.

Rehman et-al., (2011) explores how women empowerment affects Intimate Partner Violence (IPV) in Bangladesh using a cross-sectional investigation of currently married women (n=4,181) sampled via the Bangladesh Demographic Health Survey (BDHS), 2007. About one-fourth (24%) of currently married Bangladeshi women experienced both physical and/or sexual IPV in the past year. Prevalence of physical and sexual violence was 19.4% and 10.5%, respectively. Younger generation (age 15–24), illiterate, rural, and the poorest household wealth categorized women were much victimized. Current employment status predicted intimate partner violence. Household decision-making pattern also emerged as a predictor of IPV. Likelihood of all forms of IPV increases with increase of number of participation in household decision-making. Promoting women empowerment in the household without men's support may put women at more risk of IPV.

### **3.3. Theories of Empowerment and Women's Empowerment:**

Empowerment is related to the norms, values and beliefs of a society, therefore empowerment manifests itself differently in different societies. The term empowerment may have some general agreed upon qualities and definitions in the academic community, but how the word is used in organizations or among individuals may still vary.

(Krook 2006), holds the view that the most important contemporary topic of debate now days is women's political empowerment. The United Nations has prioritized this topic as a hot global issue. Similarly, other international institutions like Inter-Parliamentary Union, African Union, Southern African Development Community, Commonwealth, Council of Europe, European Union, Organization for Security and Co-operation in Europe and the organization of American states have agreed upon the fact that women should have at least 30% quota in all the politically

elected positions. This is the main reason why women's participation in political arena was made a goal in the MDG's.

Many gender related and women political participation indices has been introduced by different scholars to study the differential amounts of empowerment of women in different societies. Wang and I. Lindberg (2015) in a study have used V-Dem index to explain women's political participation. V-Dem *stands for* varieties of democracy and it is a new approach that conceptualizes and measures democracy through nine indicators. Studies that use V-Dem try to capture women's capacity of choice making, agency and participation in civil sector regarding decision – making processes. V-Dem project is the largest dataset on democracy and relevant issues. This initiative involved collecting data for 173 polities of the globe for more than 400 indicators from 1900 to 2012 (for 60 countries also for 2013-2014). This index has of late included three additional indicators namely civil liberties, civil society participation, and political participation. The index is based on the previous judgments of almost thousand experts of different countries who provided ordinal ratings for dozens of indicators for the period 1900 to 2012. Wang and Lindberg have used the ECM model in their work. It is an error correction model and belongs to a category of multiple time series models most commonly used for data where the underlying variables have a long-run stochastic trend, also known as co-integration. The results reveal that the short run impact of economic development on improvement of women's political participation is significant. In the long run the effect of women's civil society and political participation is significant. In short run as well as the long run women's civil liberties have an insignificant impact on their empowerment.

In more recent times the most commonly used indices of women's empowerment are Gender-Related Development Index (GDI) and Gender Empowerment Measure (GEM). GDI is an index designed to measure gender equality and GEM is a measure of inequalities between men's and women's opportunities in a country. These indices were developed by UNDP in 1995 to set out the Human Development Index which is a composite statistic of life expectancy, education, and per capita income indicators. These indicators have been used to rank countries into four tiers of human development. GEM measures gender inequalities in three areas namely political participation, decision making and power over economic process. GDI measures the gender gap and covers three areas namely long and healthy life, knowledge and a decent standard

of living. GEM and GDI have now been replaced by another measure that is Gender Inequality Index. This is an index for measurement of gender disparity. This has led to the development of the Inequality-adjusted Human Development Index (IHDI) (UNDP 2015). The GII measures the difference between men and women regarding distribution of resources. It measures the human development cost of gender inequality, thus the higher the value of *GII* the more the inequalities between females and males. The authors conclude that this is an alarming situation for human development.

Batliwala, (2007) argues that the concept of women empowerment differs country to country and culture to culture. He points out that the concept of women's empowerment emerged from several important critical debates generated by the women's movement throughout the world during the decade of 1980. At this point in time Third World Feminists were highly discontented with the than prevailing models of women empowerment like WID, WAD and GAD. In an earlier work (Batliwala 1993) defined empowerment as a process that transforms the power between different social groups. Since feminist activists were among the first to use this word widely, it also had a specific gendered meaning: the transformation of the relations of power between men and women, within and across social categories of various kinds. Batliwala has also argued that in south Asia empowerment ought to be understood as a process that shifts social power in three critical ways. One, by challenging the ideologies that justify social inequality (such as gender or caste), secondly by changing prevailing patterns of access to and control over economic, natural, and intellectual resources, and thirdly by transforming the institutions and structures that reinforce and sustain existing power structures such as the family, state, market, education, and media. The framework put forth by him emphasizes that the ideological and institutional changing dimensions were critical to sustaining empowerment and real social transformation.

Empowerment has been a topic of debate for the last 2 decades. Morgan (1988), Hartsock et al, (1981) sees empowerment as a process that breaks the boundaries between the public and private sphere of influence. These scholars argue that different domains like ethnicity, culture and norms are spaces where power can be practiced. These authors further link the notion of empowerment with the notion of community. The perception or notion of community as put forth by them assumes an organic wholeness. The study explains that the ideology of empowerment has tried to escape this dilemma by confining positive power to **power of** rather

than **power over**. Empowerment is a process that overcomes the boundaries between the individual and the communal. Empowerment can be felt momentarily or can be transformative and thus permanent, when it is linked to a permanent shift in the distribution of social power.

The community is perceived as a natural social unit. The authors believe that, if there is unity among people as individuals and as groups, in struggles against racial discrimination, and sexism then discrimination are impossible. The authors further link empowerment with ethnicity, culture and identity. Ethnicity relates to the politics of collective boundaries, dividing the world into “us” and “them” usually around myths of common origin or destiny and engaging in constant process of struggles and negotiations. Authors conclude on a note that to fill the gap of gendered empowerment the concept of transversal politics ought to be implemented. Transversal politics will help the women to get empowered and it will reduce the power gap between men and women.

According to Baari, (2005) women represent more than half of the world population. Their contribution to the social and economic development of societies is also more than half as compared to that of men by virtue of their dual roles in the productive and reproductive spheres. Yet their participation in formal political structures and processes, where decisions regarding the use of societal resources generated by both men and women are made, remains insignificant. Presently, women’s representation in legislatures around the world is 15 percent. Despite the pronounced commitment of the international community to gender equality and to the bridging the gender gap in the formal political arena, reinforced by the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Platform of Action, there are only twelve countries where women hold 33% or more seats in the parliaments (UNDP Report, 2005). Author stated that the structural and functional constraints faced by women are shaped by social and political relations in a society. The common pattern of women’s political exclusion stem from (a) social and political discourses (b) political structures and institutions (c) the socio-cultural and functional constraints that put limits on women’s individual and collective agency. Similarly there are some other factors like political factors, ideological factors, economic factors, socio cultural factors and quota system create hurdle for women to participate freely in politics. The study suggested that Research, documentation and dissemination of successful

experiences in the world is needed to promote women's participation in politics and development.

Shinkai Karokhail, (2007) who is the founder of (AWEC) Afghan Women Education Center and a Member of The Afghan Parliament in her work she has explained the traditional legal structures like Shura and their impact on the lives of women in Afghanistan. She cites some case studies that show violence and discrimination against women under traditional legal structures to prove her point. One of the case studies that she cites discusses a girl who was forced to drink acid just because of not bringing dowry with her. Her husband and mother in law forced her to drink that acid and she died of drinking it. Karokhail argues that her case studies also show how traditional legal structures provide clean chit to men for their crimes and legitimize the use of women as compensation for male crime. She in her writing also explains the role of CDCs (Community Development Councils) and the impact of these CDCs on Afghan women. These CDC's address women related issues and work towards increasing the involvement of women in decision making at the council level. She points out that at the time of creation of the CDCs the Afghan people welcomed this initiative for they looked at CDCs as indigenous and home grown institutions. She also highlighted the need of statutory law working with the traditional law to minimize discrimination against women. In her work she insists on the need to bring about change in the existing traditional legal system in Afghanistan. This suggestion of hers however raises an important question namely which persona should be allowed to question the traditional legal system?

Marianne Elliot, (2007) in her work used the question raised by Karokhail as her take off point. She and some other authors have put forth two new questions namely a) how that change can be achieved and b) what would be the most appropriate strategies for achieving this goal. Another issue of concern for Marianne Elliot is to figure out how this change would be measured. In line with Karokhail's and Elliot's concerns Amnesty International has also been researching the dilemma of Afghan women's life. Amnesty conducted a research in 2003 that concluded that most of the Afghan women wanted change. They expressed very clearly that they were very unhappy on account of prevailing legal system. Boeson in 2004 confirms the findings of Amnesty International. He asserts that the traditional legal structures in Afghanistan do not allow women to participate in politics. Kandiyoti while discussing Afghan women's political

problems asserts that the Afghan culture is very rigid for women. She uses the word rigid to mean that the Afghan culture places severe restrictions upon women's mobility in the public domain. So the desire for change has emerged among Afghan women because of this rigidity. Her argument is that wherever cultures are rigid they give birth to a desire for retaliation and this is precisely what is happening among the Afghan women (Kandiyoti, 2005).

Kandiyoti also points out that, local powerful men try to shift the attention of people towards issues not related to women like infrastructural development etc. This, she says is the patriarchal attempt to shift the focus from women's issues to elsewhere (Kandiyoti, 2005).

The issue as to who is the best person who could be used for enhancement of women's political participation in Afghanistan has generated two different lines of reasoning. Some say, women can only be empowered by engaging with other women. The other line of reasoning however suggests that, there is a need to engage the local powerful people to facilitate women in participating in politics. ARUE (2005) hosted a workshop in Afghanistan (Kabul) to discuss the outcomes that could be achieved by implementation of both of these approaches. One group of scholars was actor centric. Their argument was that since Afghanistan was a very patriarchal society where men rule and run most of the development project in the community. Men need to be urged to support women's presence and participation in the meetings of the traditional ruling structures.

Kandiyoti favors the second approach and argues that only physical attendance of women cannot make any difference. Women will be empowered only when women will have a say in decisions of the meetings.

### **3.4. Devolution:**

The results of a study conducted by Nhede (2013) in Zimbabwe reveals that, out of ten provinces of this country six provinces showed interest in devolution of power. The author argues that in any democratic state people's view must be given special importance because people are the final users of any product or service provided by the government. The supporters of devolution argue that devolution of power to lower bodies always enhances the quality of governance and its transparency. This is so because people understand the benefits of devolution and want the power to be transferred to the lower tiers of government. The author says that

Zimbabwe is no exception to this rule. Nhede points out that despite the popular support to the devolution program in Zimbabwe there were people who were against it. People who were against devolution had a stance that it will scatter people. The major argument of people who were not in favor of devolution in Zimbabwe was that it would weaken the social affiliations of Zimbabwean citizens.

According to the author merely announcement of the policy of the devolution will not bring about any change. She is of the opinion that what is really important is to see how much of power would be transferred to the local bodies from the central government. It is argued that making policies is important but what is more important is the implementation of the policies. Nhede also points out that devolution as a general concept with space and culture specific changes is good for any country's progress, however the real issue is to determine as to how much the devolution helps the local people and raises their living standards. It also needs to be seen as to what percentage of the citizens actually use the benefits of the devolution program.

Building on the literature presented in the preceding text Farha Pervez Saleh, (2007) in her work has tried to locate Pakistani Women with in the processes of devolution, democratization and political participation. She points out that, the newly adopted system of devolution in Pakistan involves delegating power from the center to the provinces, from the provinces to the districts, from districts to union councils. The devolution of power in Pakistan she points out has created three tiers namely the district government, tehsil government and union council. Under the devolution program in the country she says, it was decided that 33% of the seats in each of the three tiers would comprise women. LFO (Legal Framework Order) also calls for allotting 17.5% seats to women in the legislative bodies. The literature reviewed in this domain with reference to Pakistan also indicates that during the Musharraf era government of Pakistan did uplift the political status of Pakistani women through various legislative initiatives. It did so by increasing the number of women participants in the domain of politics. Saleh's argument however, is that despite government efforts to increase women's representation in politics Pakistani women cannot be called empowered women in the true sense of the word. It is because women representatives are not fully autonomous, because they are not generally elected members and they work under the influence of their party. So for that these women cannot work for women's empowerment because of influence and low decision making say.



### **3.5. Women's Political Participation and Empowerment:**

Ms. Asma Afzal Shami, (2009) in her research titled "Political Empowerment of Women in Pakistan" tries to portray the status of Pakistani women. The author argues that when the nationalist movement of Pakistan started, women were an integral part of the movement. This was due to the fact that Muslim League wanted to increase the number of people in their rallies. It was also because Muslim League was interested in increasing the vote bank of the party. To achieve these two goals Mr. Muhammad Ali Jinnah in 1940 broke the cultural barriers and liberalized and supported women so that they could participate in general politics. This participation however, did not last long. Right after the independence of Pakistan women's political participation went down. This fact notwithstanding, individual women continued their emancipatory struggle and went on participating in national politics.

In Pakistani politics Miss Fatima Jinnah, Begum Rana Liaqat Ali Khan and Begum Fida Hussain are some important names with reference to active politics. These women broke the cultural shackles and participated actively in national politics. As a result of these women's struggle Pakistani women got a law made that enabled them to get their share in the patrimony according to the Islamic Sharia. Although the law of inheritance has been on the books of statutes for several decades now, most of the Pakistani women do not claim their share in patrimony owing to the patriarchal pressure. Begum Shaista Ikram Ullah and Begum Jahanara Shah Nawaz are two other women who raised their voices in support of women rights during the Pakistan movement and beyond. However the number of women appointed on the reserved seats in the legislatures remained unchanged. Begum Jahanara during her lifetime held a view that the representation of women in the parliament was just a dummy presence.

In author's opinion General Musharraf's era was more supportive of women as compared to the time of his predecessors. He increased women seats in both local and general elections. He also increased women seats by 20% in the Legislative Assembly and 33% in local bodies. Another initiative taken by General Musharraf was that he sent many women as ambassadors of Pakistan to other countries. This initiative served as the start of the beginning of a process that questioned the domestication of women in the country. It is argued by Saleh that, it is now the duty of women representatives in the parliament to build on this initiative, highlight the problems of Pakistani women in the assemblies and put forth legal and policy suggestion to address those

problems.

Azra Asghar Ali, (2012) has also addressed women's representation in the mainstream politics of Pakistan in her work. She argues that women's representation in the legislative bodies globally is numerically wanting. She points out that since 50% of the global population comprises women therefore no democratic country can survive while ignoring them. She also argues that in the developing countries the cultural traditions confine women to the domestic domain. This cultural fact stops women from participating in national politics since it falls in the public domain. She is of the opinion that unless this cultural tradition is routed out women's political participation will not increase and thus there they will not get empowered.

According to Ali, empowerment can be understood as a social phenomenon which enables certain groups to control the societal resources and thus gain control over the general dynamics of the society. For her empowerment is not a thing but a function. Thus the groups that are empowered in any society are capable of bringing about the social change and impact various spheres in a social formation. In the context of Pakistan, women as a group are lagging behind in terms of controlling their own lives and thus bringing about the desired empowering change in the lives of women. She asserts that over a period of time the number of women in the political domain may have increased but this has not translated into women's empowerment.

She goes on to say that given the facts presented in the preceding text it would be fair to say that the Pakistani women are not empowered and this state of non-empowerment has many causes. The major causes of women subordination in Pakistan are a) despite the increase in women's representation in the parliament these bodies are still numerically controlled by men, b) the Pakistani culture restricts female mobility and sees women belonging to upper classes as the only ones who can participate in the public domain. Another reason for the disempowerment of the women is the fact that many women are not independent agents. Ali suggests that if the state of Pakistan is serious about women's empowerment, the state institutions will have to engage with the women from different economic classes with different needs, interests and capacities.

Ali like Saleh also traces the role of Muslim women in Pakistan movement. She points out that Begum Shah Nawaz was one of the most inspirational names for women before partition. She participated actively in many reformist movements of that time. She was also an ardent political worker and member of All India Women's Conference. She openly asked for 10%

women quota and she succeeded to win 3% quota for the women in 1935 in the franchise committee.

Ali also points out that many political philosophers of times gone by, like Plato, Aristotle, Hobbs and others in their works show the proclivity for placing women away from public and political domains. They constructed the identity of women as domestic beings. According to these scholars men are ontologically better suited to rule and take part in active politics than women. History tells us that women underwent many hard times to earn their civic rights that were taken away from them in the ancient world. History also tells us that till very recently women had to put up against severe male resistance to granting them their basic human rights.

When discussing the structure and dynamics of the global development exercise that emerged in the post-world war II Ali has some interesting points to make. Ali argues that immediately after the Second World War women around the world generally and European women particularly had very little control over the social, political and economic resources of their respective countries. This in turn resulted in marginalization of women in the development process.

Asgar Ali concludes her argument by asserting that despite the fact that Quaid i Azam was very supportive of female emancipation, women's political participation and modernization of women's life we do not see the materialization of his desires in the lives of women in Pakistan. She goes on to argue that the poor status of the Pakistani women today is a product of low female literacy rate, low political participation rate and lack of economic independence. The preceding text shows that the reviewed literature for the most part is based on secondary data and thus does not give us a multidimensional and holistic understanding of the phenomenon of political participation of women at local levels. The current study is step towards filling up that gap in the existing literature. The literature reviewed here also points out the fact that the research done on devolution in the Pakistani context deals with micro level policy issues and is qualitative in nature. The current research opens a window on qualitative aspects of devolution in Pakistan. It is a micro level study thus it fills up the gap of micro level studies on the issue in the Pakistani context. None of the research reviewed in the preceding text analysis the relationship between devolution and gender in Pakistan. This thesis tries to fill up that gap.

### 3.6. Conceptual Framework:

Conceptual framework is the overall framework of any study with special focus on the relationship of ideas, concepts, or variables that a researcher uses in her / his analysis. (Maxwell 2005). Based on the statement of the problem, the conceptual framework helps the researcher to make sense of her/his research data effectively (McGaghie, Bordage, & Shea, 2001). Sometimes, scholars tend to use the term theoretical framework (which is the broader framework based on a single theory propounded by a previous theorist on the subject) in their thesis or dissertation. However, the scope of such framework might be limited. For instance, in several cases, the theoretical framework just gives an insight about a particular phenomenon without its practical application. Researchers face difficulties in defending, their stance on practical grounds. Nevertheless, it is still widely used in academia.

Another way to approach the issue of data analysis is what is referred to as a conceptual framework. This a composite of concepts borrowed from different Meta and mid-level theories. This is more useful in my opinion because it allows the researcher to address the multiplicity of dimensions of the phenomenon being investigated. The researcher here is not limited to and constrained by the theoretical precepts of a single model.

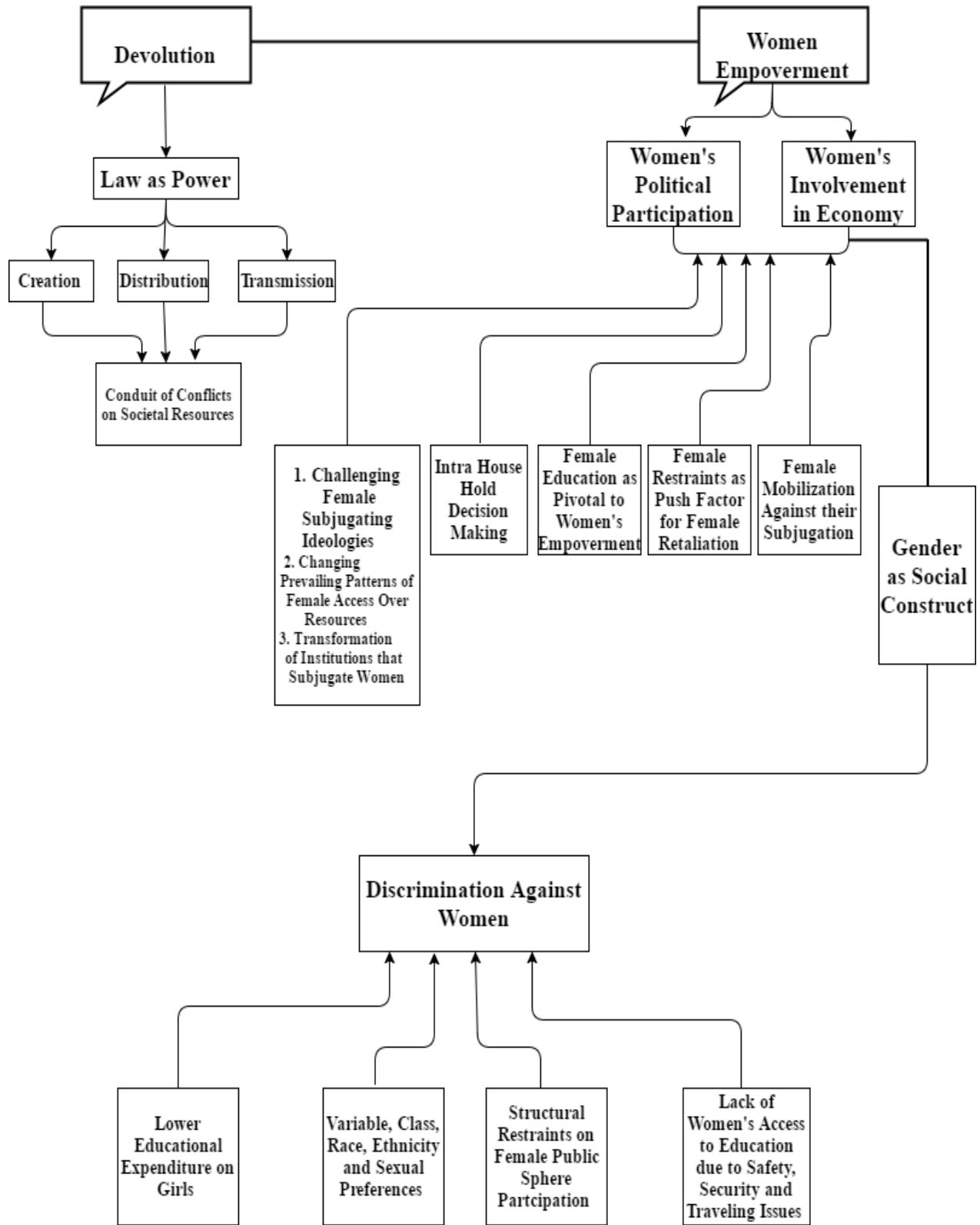
In the forthcoming text, I start off with explaining the meanings of various concepts borrowed from various scholars discussed in the review of literature and then I try to establish a connection or a link between those concepts and my collected data presented in the coming chapters.

I have borrowed the concept of **law as power** from Starr and Collier. I have tried to look at three main components of law as power namely creation, distribution and transmission of law. I will study the structure and dynamics of these three components as they exist in my field in post devolution time. The idea here is to figure out if devolution has changed these structures and dynamics or not. I have also borrowed another concept of Starr and Collier namely **law as the conduit of conflict negotiation over societal resources**. Here I have seen if the three components of law as power are serving as sources of societal conflict resolution or not. I have compared the role of these three components in post devolution times with that of pre devolution in my research locales.

Coming down to the issue of women's empowerment I have mainly focused on women's political participation and their involvement in the productive sector. My argument is that the higher the political participation and economic involvement the women have the more empowered they are. I have borrowed a concept from Haque that **female education is pivotal to women's empowerment**. I have used this concept to see how female education is contributing (or not) towards empowering women in my locale. My stance is that it is. I intended to use MeclEoy and Horney's concept **degree of decision making at the intra-household level**. I have seen how differential levels of decision making within the household cause female empowerment and if the devolution process has increased women's household decision making role in my locales. I have also used Kandiyoti's concept of **social restraints on women acting as push factors for female retaliation**. I have used this concept to study the relationship between the social restraints and the female fight against the same with reference to women's empowerment in my locale and also tried to see its connection with devolution at grass roots level. I also used Ali's concept of **female mobilization against their subjugation** to understand the degree of women's mobilization against their subjugation in the post devolution times in my locale. I used this concept to see the gambit of women's collective effort in my field to challenge the patriarchal control. Another concept that I have borrowed as a tool of analysis in my research is borrowed from **Baltiwala**, the concept being the **critical triadic perception of empowerment**. I have used this concept to see how devolution has enabled women (or not) in my locale to challenge female subordinating ideologies, prevailing patterns of female access to resources and transformation of female subjugating institutions.

Another concept that I have borrowed from De'reeze is that of **social construction of gender**. I have used this concept to understand the positionality of the women in my spaces of data collection. Following De'reeze I have seen how social engendering leads to discriminatory behavior towards women and see if devolution has had an effect on these undesirable behavioral patterns (or not). I also used Roeson and Schultz concept of **lower educational expenditure on girls**, Sathars concept of **security, safety and travelling concerns**, Bhadra's concept of **variable class, race, age and sexual preference and** Boeson's concept of **social structural restraints on women**. I further used all four of these concepts to analyze the phenomenon of discrimination against women in my field and its positive and negative connections with the process of devolution.





**Pictorial Representation of Conceptual Framework**

## Chapter 4

### Thematic Presentation of Data

The current chapter is divided into 2 parts, in part one I am presenting the demographic profile of both of locales in tabular as well as the narrative form. In part two I am presenting my primary data obtained from both of my locales in a thematic format.

#### Part One

#### 4.0. Demographic Profile

**Table: 1**

Total Populati on	Male	Female	Education				Age				Religion	Marital Status			
			Male		Female		Male		Female			Male		Female	
			1- 12	12 above	1- 12	12 above	15- 35	35 above	15- 35	35 abo ve		Single	Married	Single	Married
170	82	88	23	59	31	46	43	27	31	46	Islam	45	37	34	52

Source: Census form of the locale Islamabad

The above data was collected from the locale with in Islamabad. The total population in this locale comprised 170 people out of which 82 are male and 88 are female. The above table gives us detailed information about the male and female education, their marital status age and religion. The table shows that 45 male are single and 37 are married and 34 women are single and 52 are married. It also shows that from 15-35 age groups we have 43 males and 27 are above 35 years of age. In this cohort we have 31 females and 46 women are above the age of 35.



**Table: 2**

Total Populatio n	Male	Female	Education				Age				Religion	Marital Status			
			Male		Female		Male		Female			Male		Female	
			1- 12	12 abov e	1- 12	12 above	15 to 35	35 above	15 to 35	35 abo ve		Single	Married	Single	Married
100	58	42	34	59	31	46	43	27	31	46	Islam	45	37	34	52

Source: Census form of the locale Rawalpindi

Table 2 here shows the demographic profile of the second locale of this study mainly 2 streets in Dhoke Khaba. The total population of this locale is 100. Out of these 100, 58 are men and 42 are women. The table shows that 34 males and 27 females hold the education between 1 up to 12<sup>th</sup> grade. 19 males and 11 female members have above 12 years of education. 33 males and 26 females are within the age cohort of between 15-35 and 23 males and 16 females are above the age of 35. The marital status of males and females shows that 26 males and 17 females are single and 32 males and 25 females are married.

## **Part Two**

### **4.1. Themes emerging out of primary data:**

To facilitate the understanding of the reader I have divided my primary data into three clusters namely the sampled women from (Dhoke Khaba) Rawalpindi and (F6) Islamabad, the female members of the union councils from both locales and Chairman of the Senate Committee for Devolution. Within each cluster I am presenting the data obtained in thematic format. I will start with cluster 1 which is sampled women from Rawalpindi and Islamabad.

### **4.2. Cluster One:**

#### **4.2.1.1. Women, Islam and Education:**

All of the sampled women from this cluster were asked about the articulation between women, Islam and Education. 11 women were interviewed from locale one (Dhoke Khaba) Rawalpindi and the same numbers of women were interviewed from Islamabad. The dominant voice on this issue was that, Islam allows women to seek education equal to men, however the male dominant society doesn't allow women to seek education equal to male members of the society. As per 85% of my respondents, culture and the society both stop women from getting educated by using various techniques, it is so because education empowers women and reduces their dependency on male members of the society and male dominancy would be questioned as female education increases. So the male members of the society usually use religious card to stop women's mobilization, they also refer to the immoral social environment of the society and thus restrict women from going out to work or to get education.

After having given the societal logic for stopping women from getting educated when it came to expressing their personal opinion on the issue majority of my respondents said that in Islam women have liberty to seek education equal to men but they should follow the instructions of modesty and "Pardah"<sup>2</sup> when they go out of the house. This was essential for women so that when they are outside of the house men would treat them with respect and dignity. One of my respondents said that, "Aurat ko Islam apni mrzi ki taleem hasil krny ki azadi deta hy.Magr kch

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<sup>2</sup>Pardah is a religious and social practice of female seclusion in some Muslim and Hindu communities. (Source; WikiPedia)

boundries mai rehty huay. Aur wo boundries ye hyn k aurat parday ka intzam kar k ghr say bahar niklay.”

**Translation:** *Islam allows woman to seek education as per her will but there are certain boundaries for her. These boundaries are like she must have to cover herself properly before leaving the house.*

Another respondent said generally the same thing but with slight variation, “Muashray myn taleem hasil karnay se aurat ko roka nahe jata balkay is baat ko tasleem kia jata hai k parhi likhi aurat ziada ehsan tareeqay se ghar chala sakti hai.”

**Translation:** *Our society doesn't stop women from getting education. Actually society acknowledges the fact that, an educated woman can better run the house.*

Another respondent said that, “Hamara religion, culture or society teeno aurat ko limited azadi detay hain, aur aurat k education haasil karnay ko bhi accept kartay hain”.

**Translation:** *Our religion society and culture gives limited freedom to women, and also allow women to seek education and accept it as well.*

The above quote notwithstanding there also was a minority voice on this issue. According to this voice, religion allows women to be educated without any restrictions, the women who were of the opinion said people who quote religion for various kinds of restrictions on female mobility are doing it for social reasons and using religion to justify it. Owing to this miss use of religion women are less educated. I was told that one of the major reasons why girls and women's education is neglected in our society is the parental perception about who takes care of parents in their old age. They were of the opinion that the parents think that, their daughters would be getting married after 15 years or so and thus not be living with them and taking care of them in old age. Thus they prefer to invest in son's education rather than their daughter's education. Due to this reason women are less educated and the society remains male controlled and dominant. This idea is very clearly manifested in one of respondents response, “Betion nay shadi k bad Maa Baap k ghar say chalay jana hota hay. Jab k bhurhapay mein beton ko Maa Baap k sath rehna hota hy aur unki daikh bhaal karni hoti hay. Tou waldain betion k bajaye beton ki taleem pay ziada kharch karty hain.”

**Translation:** *Daughters have to leave their parent's house after the marriage, whereas the sons have to live with them to look after them in their old age that's why parents spend more on the education of their sons rather than their daughters.*

Another respondent supported this argument and said, “Hamari society mein aurat ka job karna aur taleem hasil karna bhi pasand naheen kia jata, bohut si families tou is cheez ko bhee allow naheen kartein k larki ko 5<sup>th</sup>, 6<sup>th</sup> ya matric k baad agay taleem bhi dilwai jaye. Un k nazdeek aisa karnay se larki awaara ho sakti hai Maa Baap ki izat kharab kar sakti hai.”

**Translation:** *Our society doesn't appreciate women who are educated or who do jobs. Many families do not allow their daughters to get education up to 5<sup>th</sup>, 6<sup>th</sup> grade. If some girls manage to pass matric they are not allowed to gain further education because parents think that, if they allow further education to their daughters the daughters can go lose character and damage the honor of the family.*

#### **4.2.1.2. Socio, Cultural Disparity amongst Genders:**

It comes across very clearly in my data that socio cultural disparity does exist in the society along the axis of male and female. 97% of my respondents said that society has different standards for male and female and different ways to deal with both. Male members of the society are privileged as compared to women. The two very important male privileges they said were a) they can move around according to their own will without any restriction and b) they can choose whatever occupation they want to pursue in the public domain. As per one of my respondents, Mard aur aurat k liay muaashray k mukhtalif mayyar hain. Aurat ko bohut say logon jin mein shohar, Baap, Bhai ko jawab deh hona parhta hay agar wo ghar say bahar nikalti hein tou.”

**Translation:** *Our society has different standards for male and female. If females go out they are answerable to numerous men to include husband, father or brother.*

They said that women are restricted within the domestic boundaries mostly, and if a woman wants to go out she must take permission from the men and the elders of the family. This permission is qualified and conditional. In support of previous argument another of my respondents said, “Hamaray culture mein aurat ka akelay bahar janay ko bura sumja jata hai.”

***Trnaslation:*** *In our culture, it is considered bad for women to go out alone.*

What that means is that, they can't go out alone they must be escorted by a male member of the family and they can't come back late night for if they do so people raise questions on their moral character. As compared to this if men come home late they are considered hard workers and their character is never questioned neither is their integrity doubted. As one of the respondents said, "Hamara muaashra aurat ko khas hadood mein reh kr bahar janay ki ijazat deta hai, matlab wo raat ko dair say ghar vapis naheen aa sakti."

***Translation:*** *In our society women are allowed to go out within certain boundaries like they are not allowed to come home late night.*

These restrictions as per my respondents result in, less opportunities of work, education, entertainment and mobility for female members as compared to male members of the society. This is illustrated very well in the following quote, one of my respondents stated that, "Mardon k muaashray mein aurton k liay har tarha ki opportunities kam hain aur naa he aurton ko mardon ki tarha bahar azadi say ghumnay ki ijazat hay. Opportunities kam honay ki waja se aurtayn itni empowered naheen hain jitna k is muaashray k mardon ko hain."

***Translation:*** *This male dominant society there is fewer opportunities for women. Neither are woman allowed to go outside freely like men nor are women empowered as much as men because of fewer opportunities available.*

Having said that, it needs to be pointed out that there was a marginal voice on this issue too. 3% of my respondents opined that there is no such socio cultural disparity in the society. They said that, males and females have equal opportunities in the societal framework and it all depends upon woman's courage as to how they avail those opportunities. As one respondents said, "Islam nein mard or aurat ko aik jaisay haqooq dieeay hein or muashra bhee is cheez ko accept karta hai wo manage kr sakti hai ya naheen yay us aurat ki apni skills pay depend karta hai aur wo skills yay hein k aurat kitni confident hay aur khud ko kitnay behtar tareeqay say protect kar sakti hay".

*Translation: Islam has given equal rights to men and women and society also accepts this but it depends upon the skills of women. These skills depend upon her confidence and how she manages and protect herself.*

#### **4.2.1.3. Women’s role in Investment, Consumption and Management Decision Making:**

To get a clearer picture of women’s status in my locales I have asked from my respondents as to who held the investment, consumption and management decision making power within the household. According to 95% of the female respondents, male members have the authority of investment and decision making of every kind. Whether that decision is domestic or it is outside of the domestic domain, males are the leaders in this regard. I was told that men do ask for suggestions from the female partners but final verdict on any matter is that of the male family members. To substantiate this argument I am adding the response of one of my respondent which is, “Ghar k sarbrah hamaray muashray mein mard hotay hein aur faisla saazi bhi mardon ki hay meeras hy. Aurat say mashwara kar lia jata hay magar hatmi faisla mard hee kartay hein.”

*Translation: Heads of the household in our society are men and thus decision making is the right of men. Women are consulted, but the final decision makers are the men.*

Another respondent said that, “Hamari society mein mard hee ghar ka head hota hay. Ideally mard aur aurat ko mil kar ghar ko chalana chaheey magar aisa hota naheen.”

*Translation: In our society men are the heads of the household. Ideally men and women should run the household together but it doesn’t often happen.*

There was an alternative small voice on this issue. 5% of the respondents stated that women have active part in all kinds of household decision making. As per them it is women who make domestic as well as outside decisions and not men. “Decision making aur ghar ko chalanay mein aurat ko ikhtiyar dia jata hay jesa k mein ny abhi ghar lena tha tou mein nay khud pasand kia aur khareeda.”

*Translation: In decision making and running the household women have been given full authority as I was planning to purchase house so I have selected it and purchased it myself.*

I have presented the majority and minority voice on decision making as a general domain in preceding text. It needs to be pointed out however that, within the general domain of decision making my respondents differentiated between investment consumption and management decisions. The dominant voice with reference to the investment decisions was that, the male family members and important men of the society are the decision makers. As far as the consumption decisions are concerned, my respondents said that, in domestic consumption female members are the leaders according to 70% of the respondents, but when it comes to consumption outside of the domestic domain then male members do it totally. As per one my respondents, “Karobari mamlaat ko mard he daikhtay hein. In mamlaat mein aurat k dakhil ko pasand naheen kia jata. Jab k ghardari k decisions aurat khud leti hay aur usko behter bhi smjha jata hay.”

**Translation:** *Men handle the business matters totally and it is not appreciated if women interfere in these matters. As far as domestic decisions are concerned women make all that household decisions and they do it better.*

One of my respondents said the same thing with a slightly different way, “Hamari society mein mard leta hay saray decisions. Hamara culture aggressiveness ki tarraf challa jata hay. Mard sirf hukum kurna janta hay mashwara naheen leta decision making k doran.”

**Translation:** *In our society men take all the decisions. Our culture can be violent sometimes if women interfere in men’s matters. Men only know how to order they don’t like to take suggestions from their female counter parts.*

I was told by the majority of my respondents that, women don’t have that much authority to consume the money which she hasn’t earned. Most of the respondents also said that even if a woman earns money herself she doesn’t have authority to consume it freely because head of the household who is male tells her where to spend and where not to. “Aurtayn apni marzi say kharch naheen kar sakteen khuaah wo khud kamati hein ya naheen bhi kamati.”

**Translation:** *Female members of the household can’t spend their own money or their male member’s earned money.*

That shows us the role of women as decision makers in the current male hegemonic society.

#### **4.2.1.4. Islam, Women, Politics and Economy:**

To understand the connection between Islam, women, politics and economy I put forth a couple of questions to my respondents. 90% of the respondents said that, in Islam there is no space for women to take part in politics. As opposed to the issue of politics when it came to pursuing careers in the public space 70% of my respondents said that women can go out and work but they have to obey some rules and take care of the honor of her family. In their opinion women can go out and work but still there are some restrictions on their mobilization. If a woman goes out she has to cross many hurdles. Many of the respondents highlighted the two prevailing issues which restrict women's participation in the economic domain. One issue which was stated frequently was that they felt their workplaces were spaces of female harassment by men which violated the standards of women modesty as laid down by Islam. This means that, working women don't feel comfortable in their current work environments, they feel harassed all the time in every second organization. They were of the opinion that to avoid work place harassment women should try to restrict themselves to teaching and medical profession. "Society mein work space ka mahaul nihayat hee ghair ikhlaaqi hay. Koi bhi larki/aurat safe feel naheen kar sakti aisay ghuttan zadda mahaul mein. Isi mahaul ki waja say waldain apni betion ko kam karnay kee ijazat naheen detay."

*Translation: In our society the environment of works place is not favorable for the female workers. Females do not feel safe in such environment. Parents feel reluctant and do not allow their daughters to go out and work in such environment.*

Most of my respondents also pointed out another issue in the domain of economics and paid work namely disparity in wages for the same job along the axis of gender. This also shows the socio, economic disparity in the society with regards to paid work. "Takriban tamam idaron mein mard ko aurat ki nisbat ziada income milti hy."

*Translation: Almost in all organizations male earns more wage than female workers.*

Another respondent said that, "Hamari society mein wage differentials mojud hein. Discrimination hay har jaga hee mard zayada dominant hay aur wages unequal hein."



**Translation:** *There are wage differentials in our society. There is discrimination everywhere and wages of male and female workers are not equal.*

Another respondent on the same issue said, “Division of labour aur wages ki baat ki jaye tou han mard aur aurat mein farq rakha jata hay. Awal tou job karna aurat ko hamara muashra allow hee naheen karta. Aur agar allow karay bhi to phir aurat ko us k kam k lehaz say pay bhee naheen kia jata. Kam wage par bohot sa kam karwaya jata hai”.

**Translation:** *There is a difference when we talk about division of labor and wages. Firstly our society does not allow women to do a paid job. If and when the society allows women to work they don't get paid according to their work and also they have to perform a lot of work on very cheap wage.*

As far as politics is concerned the general perception of most of my respondents was that, people don't like women participation in the domain of politics. In Pakistan the overall perception of common people about politics is not very good so building on that women's political involvement is also not considered good.

Because of this negative perception of politics the male family members don't allow their women to go out and take part in politics. Islam also stops women from going out and taking part in politics according to most of my respondents. “Islam mein aurat ki politics mein involvement ko pasand naheen kia jata balkay ijazat hee naheen di gai. Jab k hamara muashra isko allow tou karta hay magar aksariyat isko pasand naheen krti”.

**Translation:** *Islam does not like women's political participation in fact Islam doesn't allow woman to take part in politics. Our society does allow women to participate in politics but that is also not appreciated in general.*

Another respondent said that, “Hamara muashra aurat ko politics mein Janay ki ijazat naheen deta. Aur islam mein bhee aisa hee hay. Aurat ki nisbat ghar k sath hay.”

**Translation:** *Our society and Islam both do not allow women to go into politics. Women are specifically associated with the domestic domain.*

The majority voice notwithstanding there also was a marginal voice on this issue. 10% of the respondents held the opinion that Islam allows women to take part in politics but the condition is if it is a necessity and secondly she has to keep in mind the honor of her family and also see to it that, the requirements of “parda” are fulfilled. “Deen mein aurat ko siyasat mein hisa lenay ki choot hay. Magar jab wo bahar niklay to parday ka intizam kar k niklay”.

***Translation:** Religion allows women to take part in politics but the condition of modesty should be fulfilled while going out of domestic domain.*

This response was for all levels of politics including local level, provincial level and national levels.

#### **4.2.1.5. Devolution, Local Government and Women Empowerment:**

To find out the position of women before and after the implementation of devolution plan I have asked several questions. The responses to these questions have not been very encouraging. 70% of my respondents were not even aware of 18<sup>th</sup> amendment and devolution plan and they were also totally unaware of the structure and working of UC. For example one of my respondents said that, “18<sup>th</sup> tarmeen k baray mein kuch ilm naheen hay naa hee kabhi sunaa is k baray mein”.

***Translation:** I have absolutely no knowledge about the 18<sup>th</sup> amendment neither have I ever heard about it.*

Another respondent while discussing the working of UC said that, “UC ki working k baray mein mujhy koi khas ilm naheen hay.”

***Translation:** About the working of UC I have no knowledge.*

Another respondent said that, “I don’t know anything about that amendment, UC structure and UC system.”

The remaining 30% of my respondents knew a little bit about UC and its working but were also not aware of the 18<sup>th</sup> amendment. One of them said, “Mujhy UC k baray mein bohot naheen pata magar itna janti hun k Union Council logon k masaail k hal k liay hoti hay.”

**Translation:** *I don't know much about UC but I do know that, Union Council is there to solve the people's problems.*

Another response was close to this response which was, "UC logon k falah k kam karti hay aur 18<sup>th</sup> tarmeem ka kuch andaza naheen mujhay".

**Translation:** *UC works for the betterment of people and as far as 18<sup>th</sup> amendment is concerned I don't know anything about it.*

Out of the remaining 30% only 2 women stated that, the situation of women has improved a little bit in the locale after the implementation of devolution plan and UC system. They said that, this betterment can be seen in the shape of women's vocational training centers in the locale. As one of respondent said, "After Union council system most probably awareness mein izafa hua hay. Personal aur societal grooming mein behtri aai hay. Jo k zyada naheen hay magar usko mehsoos ya observe kia ja sakta hay."

**Translation:** *After union council system the public awareness has been increased. Personal and societal grooming has improved. Although it is not much but it can be felt and observed.*

This information however turned out to be incorrect after further investigation. When I inquired about the post devolution vocational centers I discovered that none was launched in my locale. Women with in this 30% also said that, the fact that we now have women councilors in the union council is also a positive and female empowering sign. They also held the opinion that, because of the women councilors women have become more involved in economic activities. One respondent said that, "Union council's mein lady councilors anay ki waja say aurton ki siyasat mein involvement kuch had takk barhi hay."

**Translation:** *The women involvement has increased due to the inclusion of female councilors in union council system.*

Those of my respondents who had some idea about the UC, its structure and working also gave some suggestions for more empowerment of women through the UC system. These suggestions were, a) the number of seats for women councilors should be increased. This will increase women's representation and that will allow these representatives to work together for women's empowerment, b) vocational training institutes should be opened specifically for

women in every UC and c) there should be diverse women councilors in every UC along the axis of class, skills and occupation so that they can transfer their experiences to other women of the locality. All these suggestions are reflected in the verbatim quotes of my respondents in the following text. “Union council mein aurton ki tadaad ko increase karna chaheey. Union Council ko chaheey k wo institutions ko strengthen karay aur valid or relevent cheezon ko focus kar k kaam karay jinka impact khawateen pay directly ho”.

***Translation:** There must be increase in the numbers of women councilors and council must strengthen those institutions which directly influence the women.*

Some other respondents came up with some different suggestions which are, “Different/diverse khawateen ko UC ka member hona chaheey. Aisay projects par kaam ko amal mein lana chaheey jin ka khawateen ko barah e raaast faida ho”.

***Translation:** Women councilors should represent diverse socio economic and occupational back grounds. These projects should be focused upon by the union council that directly benefits women.*

## **4.2.2. Cluster Two:**

In this cluster I am going to present the data collected from women councilors of the selected UC’s in thematic format.

### **4.2.2.1. Devolution VS Centralism:**

This question was asked to find out the perspective of the councilors regarding centralism and devolution. The response from all of my selected councilors was in the favor of devolution plan but with some amendments and conditionalities. One of my respondents said that, “Grass root level pay zyada masaail hein. MNA aur MPA elect honay k bad ilaqay mein naheen aatay. Gali muhallay k masaail hamein pata hein aur log bhi aa k humein btatay hein. Q k hum un k sath rehtay hein.”

***Translation:** Most of the problems are at grass root level. After getting elected MNA’s or MPA’s never visit their areas again. We know the street and neighbourhood problems of our areas very*

*well because people mostly come to us and share their problems with us. This is because we live in the community..*

Another councilor said that, “Hum har waqt logon ki dastaras mein hotay hein wo kabhi bhi humsay aa k mil k apnay masaail bata saktay hein”.

***Translation:*** *People always have access to us they can meet us anytime and share their problems with us.*

According to the councilors interviewed, devolution or decentralized power is a better way of solving local people’s problems but the local bodies system as it exists today is not rendering the services that it could if some amendments were made. In the opinion of my respondents the current local bodies system is not delivering because the chairman of the UC (Nazim) holds all the decision making power as well as funds. The other members of the council cannot have any funds without the permission and will of the Nazim. This weakens the system and the problems of the common people remain unaddressed. Having said that, they were of the view that, despite this flaw local bodies system is still better as a system than the centralized power system. One of them asserted that, “Khuah k hamaray pas koi khas ikhtiyarat naheen hein magar aam logon k liay local bodies system hee behter hay.”

***Translation:*** *Although we don’t have much authority even then local bodies system is better than the centralized system for the common people.*

In this system we at least live with these common people and we know their core issues personally.

#### **4.2.2.2. Religion, Women and Empowerment:**

To understand the councilor’s perspective on the articulation between religion and women’s empowerment I put forth several questions. As per 3 of the lady councilors women and their empowerment is totally dependent upon their family support and structure. It is evident in the assertion of one of the councilors who said that, “Mjhy meri family nein tow bohat support kia magar kuch qareebi rishtaidaron nay sakht ehtjaj ka muzahira kia. Aur wo waqt kafi mushkil tha magar meray husband ki support ki waja say mein nay siyasat bhi ki aur apna business bhi

kia. Mein ye smjhti hun k meri family ki support nay mujhay empower karnay mein bohat ehm kirdar adda kia hay. Jb k faisla saazi mein aur mera shohar mil kar kartay hein”.

**Translation:** *My immediate family supported me wholeheartedly but some of my close relatives strictly condemned and protested against my decision to go into politics. That was a very hard time for me but with the support of my husband I took part in politics as well as started my business. I think support of my family played a pivotal role in empowering me. As far as decision making is concerned we both me and my husband take collectively.*

Another councilor from Islamabad stated that, “Aaj mein jahan bhi hun ye mumkin na hota agar meri family mujhay support na karti tou. Aur ghar k taman faislay mein aur meray husband mil kar letay hein khuaah wo ghar k anadar k faislay hoon ya ghar say bahar k”.

**Translation:** *Whatever I am today is just because of my family, I would not be here if my family had not supported me. We take all of our decisions with the consultation of my husband whether these decision are intra-household decisions or of outer domain.*

All of the councilors interviewed they were of the opinion that, in our societal paradigm women can be empowered and have high mobility in the public domain only if their husbands are supportive and they trusts them. It needs to be noted that, this principle applies in both domains namely women’s involvement in economy as well as their involvement in politics. One councilor said that, women can get empowered if they are willing to get empowered. She asserted that, “Meray nazdik aap ko khud himat karni parti hay sub face karna parta hay. Apnay haq k liay apni family say bhi larna parta hay. Tab jaa karr apki is muashray mein jaga banti hy.”

**Translation:** *In my opinion you have to struggle yourself and face all kinds of adversities. You have to fight even your family in order to get your rights. Only then you can create a space for yourself in this society.*

She was of the opinion that, if a woman wants to be empowered she has to be ready to face numerous all the socio cultural difficulties when she leaves the house to go in to the public domain.

While discussing the articulation between women’s empowerment and Islam, the response of all the councilors interviewed was that, Islam allows women to go out and do salaried work as

well as running their own business. I was told by one respondent that, “Deen ko molvion nay aisa bana dia hay ya kar dia hay. Islam mein itni pabandian naheen hein jitni abhi lag chuki hein. Hazrat Khadija aik business women theen magar hamara muashra naheen pasand karta business women ko.”

*Translation: There aren't as many restrictions in Islam on women as people believe today. Our religion has been misinterpreted by these Molana's. There are not that many restrictions in Islam as much there are now. Hazrat Khadija was a business women but our society dislikes a business woman today.*

According to my respondents Islam allows women's mobility but the interpretation of Islam by Molana's today don't accept that. Molana's have interpreted Islam in a way in which women are not allowed to move around freely in the society but Islam is opposed to that.

#### **4.2.2.3. Socio Cultural Barriers and Contemporary Women (Economy & Politics):**

All of my respondents pointed out similar socio cultural barriers to women's political and economic participation in contemporary society. According to them women's involvement in these two domains is to a very large extent dependent upon the attitude of the family. If the family is supportive women can gain empowerment but if not, they will never attain it. This point is substantiated by the following quote. “Family bohat barra barrier hay aurat ki empowerment mein. Agar aurat shadi kar k aati hay chahay parhi likhi ho to bhi kaha jata hay k ghar say ni nikalnaa. Job naheen karni. Tum ghar ki izzat ho. Ya phir agar tum nay job ki to family neglect ho jaygi, bachon pay munasib dyhan naheen dia jayga. Magar meray sath aisa naheen hua.”

*Translation: Family is one of biggest barriers in the empowerment of a woman. When a woman gets married, she is asked to stay at home no matter how educated she is. She is not allowed to do job as she is the honor/respect of that household and she is told that if you'll do a job your family will be neglected. You will not be able to pay attention on your children properly. That was not the case with.*

Another assertion of one my respondents was that, “Aap k ghar walay apki strength bhi hein aur apki weakness bhi. Agar family ya husband support na karay to ye bohat barra barrier hay ksi bhi aurat k liay. Magar mein nay ye barriers toray aur aurton k huqooq k liay Aurat Foundation mein kam karan shuru kia aur baad mein apna idara “Namood E Sahar k” k nam say banay. Jo k aurton ki falah ka idara hy”.

**Translation:** *Your family members can be your strength as well as your weakness. If your family and specially your husband is not supportive it can become the biggest hurdle for any women. I've broken these barriers and started working in “Aurat Foundation” for the rights of women. After sometime I have opened my own organization named as “Namood E Sahar” which works for the female betterment.*

Another important barrier in this regard as pointed out by my respondents was, bad working environment. They stated that, by bad working environment they meant an environment which lacks security and maintenance of female honor and dignity. Due to this an average women hesitates to work in organizations in the public domain. One of the respondents said that, “In my opinion women are being socially harassed and thus a very narrow space is given to women especially while she works outside home.” Another respondent said that, “Aj kal idaaron mein kaam ka mahoul aurton k liay bilkul bhi sazgaar naheen hay. Aurtaayn safe feel naheen kartien.”

**Translation:** *In today's time the organizational work environment is not suitable for female workers. Female workers do not feel safe.*

These quotes make it very obvious that, working women feel harassed at their work places. This restricts women from going out and taking part in paid work.

When asked about the hurdles faced by women in the domain of politics my respondents were of the following opinion, “Bawajud is k, k is muaashray mein kisi bhi theek insan ka kisi bhi level ki siyasat mein hissa lena bohat he mushkil hay. Kyun k meray nazdik siyasat badmaashon ka kam hay. Even abhi in elections say pehlay meray ghar k sofay tak touray gaye ppp walon ki taraf say.”



**Translation:** Besides this, it is very difficult for any good person to take part in any level of politics because in my opinion politics is a game of dishonest and dangerous people. Before this election the furniture in my house was broken by some PPP workers.

The councilor from Islamabad narrated that, “Meri walida bhi siyosat mein theen bawajud is k mujhay b mushkilat zarur paish aaien kyun k aurat ka siaysat mein hisa lena appreciate naheen kia jata, shuru mein meray sath bhi aisa hee hua”.

**Translation:** My mother was also in politics but even then I had to face many difficulties when I have decided to participate in politics. It happened because it's not considered good if a women takes part in politics. In the early days of my political career I also had to face condemnation.

These arguments very clearly illustrate that politics is not the game of common people particularly women. Thus it can be concluded that my respondents feel that, politics is difficult terrain in Pakistan and it is difficult for women to operate comfortably at any level of politics in the country.

#### **4.2.2.4. Comparison of Post and Pre Devolution:**

A general opinion amongst my respondents was that, the condition of selected locales has not changed much due to devolution. The reasons that they gave for maintenance of status quo despite the implementation of devolution plan was the non-availability of funds and the Nazim system. According to all of my respondents Nazim or the chairman of the UC holds all the decision making power and also allocates available funds as per his own choice and will. One respondent said that, “Saara fund chairman k pas aata hay aur wo kehtay hein k hamary pas fund naheen hay. Jab k hum ny pata karwaya hay aur pata chala k chairman k pas fund ayaa magar us nay agay naheen diaa. Koi puchnay waala naheen hay. 3 saal ho gaye hein councilor banay huay magar aaj tak 1 rupay ka bhi fund naheen jaari hua.”

**Translation:** All funds come to the chairman of the UC, we receive no funds directly. The chairman always denies having funds, but when we inquired we came to know that he had the money but he did not transfer it to us. There is no accountability system here. It's been 3 years that I have been a councilor I have not received even a rupee.

It was also pointed out that, there also occurs financial corruption at the level of the chairman of the UC which in turn stops the system from delivering. This story is true for all the councilors interviewed and they all complained of the same issue. Thus my data shows that, there has been no positive change after the introduction and implementation of devolution plan in my locale. The opinions expressed about this issue notwithstanding one of my respondents did point out a minor change in one of the locales in post devolution times. She said, “Tabdeeli just ye Iee hay k sirf sweepers atay hein uniform pehn kar. Aur ilaaqay ka koora uthaty hein. Aur kuch khas tabdeli naheen i. Logon k masaail joon k toon hein”.

*Translation: The other councilor while talking about any change after devolution said, “I have not been able to fix even one street light during my tenure as a councilor, how can any other change occur without funds”?*

Building on the arguments of lady councilors presented above we can argue that, there has been no significant contribution of the devolution plan towards the betterment of the people at the local level. The situation is the same in Rawalpindi and Islamabad.

#### **4.2.2.5. Women Councilors and Way Forward:**

After identification of the flaws in UC system, councilors gave different suggestions to make this system more efficient. One Councilor suggested that, “Meray khayal mein mujhay itna ikhtiyar ho k mein baaki khawateen ko baa ikhtiyaar bana sakun. Sirf naam ka ikhtiyaar na dayn.”

*Translation: I think I should have that much authority as a councilor that I can empower other women. The authority should not be in name.*

Another councilor suggested the same when she said that, “Behtari aisy aa sakti hy k hamein ikhtiyarat diay jayn, Funds tak rasaaai ho, Women cell ho jahan sirf khawateen k masaail ko sunna jaye.”

*Translation: Betterment could come only if we have access to the funds. There should be a women cell in which only women’s problems are dealt with.*

Another strong demand/suggestion that came from all of the lady councilors was that, women should contest elections on general seats for UC membership rather than being nominated by parties. One of my respondents said that, “Mein samjhti hun k general elections hon jis mein aam log voting karain aur humyn awam muntakhib karay, bajayay is k k chairman ya council k members just vote dain aur hamyn khairat mein seat day dayn. Reserve seats par hum elect naheen hoti select hoti hein. Tou select ho kar hum kaisay koi kam apni marzi say ya khawateen ki behtari k liay kar saktay hein.”

***Translation:** I think that, our election should be general elections in which people of the constituency should elect us by their votes rather than the votes of chairman and other council members, we don't want that sort of nominated status. When we come on reserved seat we are selected not elected. So when we are selected how can we perform according to our own choice and priority.*

Another councilor stated that, “Myn general elections larr kar seat hasil karnay ko mufeed samajhti hun”.

***Translation:** I would prefer to contest elections on general seat which is more beneficial in my opinion.*

These councilors said that, they cannot work for the betterment of the society and specifically for the betterment of women because of lack of decision making authority and funds and the third reason is the electoral process. One of the respondents said that, the chairman of the UC and other male councilors don't like to select an educated woman, they prefer to have an illiterate aged councilor who would not question them and ask for the rights if the women of her constituency. Keeping the suggestions of the women councilors in mind I would like to suggest that the govt. amends the structure and dynamics of UC in a way that the trickledown effect becomes a reality and people at the grass roots levels can benefit from this system.

After looking at the data provided by all the councilors it is obvious that, the local body system is a better system then centralized system but it needs to be altered in major ways to get results.

### **4.2.3. Cluster Three:**

Here in this cluster I am going to present the views of Senator Mir Kabir Muhammad Ahmad Shahi who was the Chairman of the functional Committee for Devolution from February 2016 till the month of March 2018. I have divided this cluster into sub themes as well which are as follows.

#### **4.2.3.1. Legislation, Distribution and Transmission of Devolution Plan:**

I have asked the Senator about the legislation debate and process of devolution in Senate, in response to this question he said, “Jab senate mein bill table hua aur is par behs hui tou mein us waqt senator naheen tha. Magar hamari party k members mojud thay jin mein Mir Haasil Khan Bazinjo bhee thay jinhood nein devolution bill ko support bhi kiaa aur is k haq mein lobbying bhi ki. Aur hamari party k tamam National Assembly aur Senate k members nay devolution k haq mein vote dia”.

*Translation: “When the bill was tabled in the senate, I was not the senator at that time. However our party members were there among whom was Mir Haasil Khan Bazinjo who supported the bill as well as performed lobbying in the favor of devolution bill. All members of our party in National Assembly and the Senate voted in favor of devolution plan”.*

According to the senator their party has supported the bill in senate and national assembly as well. The reason of their support according to him was, “Hamara sooba Baluchistan mulk mein sab say kam taraqi yafta hay aur jis ki waja soobay ko us k huqooq ka na milna hay. Hum ye samajhtay thay k devolution k qanoon k pass honay k bad hamary huqooq hamary hathon mein aa jay gi jo k abhi tak mukammal taor pay aisa naheen hua”.

*Translation: Our province Baluchistan is the most under developed province of the country and reason of that is, lack thereof the rights of the province. We were of the opinion that after the devolution becoming a law our rights will be in our hands but that has not happened yet.*

Furthermore he discussed about the devolved ministries as the result of 18<sup>th</sup> constitutional amendment and said, “18ween tarmeem k natijay mein 17 ministries ki power ko devolve kar k soobon ko muntaqil karna tha. Magar hakoomat e waqt nay constitution mein to powers devolve

kar dien magar asal mein wo ministries jo k profit generate karti thien un ki powers ko apnay pas hee rakha jiska faida federal mein hukoomat ko hota raha jo k soobay ka haq tha. Jis mein ministry of petroleum ka zikar zaruri hay. Jis say soobon aur center mein ikhtiyar ki jang shuru ho gae”.

***Translation:** As a result of 18<sup>th</sup> amendment 17 ministries were devolved to the provinces. Govt. of the time devolved those powers in the constitution but in reality it was not the case. The profitable ministries’ powers remain in the hands of federal govt. and federal govt. continuously earned that profit which was the right of the province. The ministry of petroleum is worth mentioning here. It started off clash between the provinces and the center.*

The Senator also explained the legislative process of devolution and transmission of devolved powers, he pointed out some facts due to which devolution plan has failed to make an impact at grass root levels. Some of the reasons for the devolution plan’s failure are given above while others will be discussed in the forthcoming themes.

#### **4.2.3.2. Devolution VS Centralism:**

According to the Senator, devolution plan is a better option to serve the common people as compared to centralized power plan. His words were, “Meray mutabiq, devolution plan centralized plan say aik behtar plan hay jiski waja say mein nay is committee ko chair karnay ki bhi haami bhari. Behtar is nisbat say k jaisay k mein Baluchistan mein hota hun wahan k masail yahan Islamabad betha banda behtar naheen janta jab k wo shakhs janta hay jo k Baluchistan mein rehta hay.”

***Translation:** In my opinion, the devolution plan is better then centralized power plan, because of this conviction I accepted the chairmanship of the devolution committee. It is better in the sense that, as I am from Baluchistan, so I am better informed about the problems of Balochistan than a person who is sitting here in Islamabad.*

Thus it can be concluded that in his opinion devolution plan is better than centralization because it gives you a better picture of the local people’s problems and you can give better solutions to these problems. Having said that, this doesn’t mean Pakistan’s devolution plan in his opinion is serving the public extremely well. This is because he went on to say that, “Beshak

devolution plan as a plan aik behtar plan hay magar ye us tarha logon ko serve naheen kar raha jitna k serve karna chaheey.”

*Translation: As I said devolution plan is a better plan but it's not serving the people as it should.*

#### **4.2.3.3. Women Empowerment and Contemporary Society:**

Chairman of the Senate Committee for Devolution said, “Empower hona har aik ka haq hay, khua wo mard ho ya aurat. Aur khawateen ka empower hona zyada zruri hay kyun k khawateen k liay opportunities kam hein.”

*Translation: To get empowered is the right of everyone whether male or female. However it is more important for women to get empowered because there are limited opportunities for female members of the society.*

So he accepted the fact that, there are lack of opportunities for women to get empowered. As per him, “Women empowerment ka matlab aurat ka taleem hassil karna, muaashi azaadi aur faisla saazi hay. Jo k amoomi taur pay mardon ki nisbat bohat kam hay, khaas taur pay Baluchistan mein.”

*Translation: The meaning of women empowerment is to acquire education, financial independence and power to make decisions. Usually women lag behind men in these domains particularly in Baluchistan.*

He further added that, the reason of the current condition of women is the discriminatory allocation of resources and our cultural barriers. He said, “Baluchistan mein vaisay bhi resources ki allocation baaki soobon ki nisbat kam hoti hy aur un kam resources mein say hum khawateen k liay aur kam resources use kartay hein. Kyun k wahan hamain qabeelon ka samna hay jahan aurat ka ghar say bahar jana, kaam karna ya siyasat karna acha bhi naheen smjha jata aur bardasht bhi naheen kia jata.”

*Translation: The center grants fewer resources to Baluchistan as compared to other provinces. Then out of these limited resources we use very little for the common women of Baluchistan. This is so because we have to face the tribal mindset that does not allow women to go out and work or take part in politics.*

So his stance tells us that, the prevailing culture in the society restricts women from getting empowered.

#### **4.2.3.4. Devolution Plan and Its Practical Status:**

According to the Chairman, “18<sup>th</sup> amendment k doran 17 subjects ko devolve kia gya. Meray nazdik iska sab say zyada faida chotay soobon ko hona tha jo k neglected hein. Jin mein sab say pehlay Baluchistan phir Sindh phir KPK aur phir Punjab ata hay.”

*Translation: 17 subjects were devolved to the provincial level. 18<sup>th</sup> amendment was basically for the empowerment and betterment of the small and neglected provinces. In these provinces the most neglected is Baluchistan then Sindh then KPK and then Punjab.*

He also said that, none of the provinces followed the devolution plan in their assemblies. Due to the fact the 18<sup>th</sup> amendment and its implementation has failed.

He further added, devolution plan has not been implemented and adopted as per its plan or potential. He said, “Soobon nay is mein koi zyada interest show naheen kia. Aur interest naa show karnay ki waja niyyat ki kharabi thi. Kyun k Islamabad mein jitney mazay hein utnay soobay mein tou naheen hein. Jab k Constitution mein likha hay k is tarmeem par amal daramad hona chaheey”.

*Translation: The provinces have not shown much interest in devolution plan. The reason behind it was the bad intent of politicians, because the perks and privileges that are available to them Islamabad is not available in the provinces. Despite the fact that it is written in the Constitution that this amendment had to be implemented it has not been put into action.*

So at the level of politics, politicians are not willing to change the life of common people they are only self-interest maximizers and want to enjoy the perks all alone. When our elected members will be like this how can one expect any sort of change in the lives of the general public. The chairman also said that, “In wajahat ki bina parr devolution plan bohat takheer ka shikar hua.”

*Translation: These are the political facts due to which the implementation of the devolution plan has not been up to the mark.*

The Senator during the interview also said that, “Mein nay committee ko chair kartay huay kafi mushkilat ka samna kia. Aik barri mushkil ye thi k kuch wazartayn aisi theen jin k wazeer hamesha Islamabad mein hee hotay thay aur wazarat bhi. Go k wafaq nay in wazarton ka kam devolve kar dia tha lekin actually ye wazartayn devolve nahi huien. In mein wazarat e petroleum aur HEC ka subject shamil hay.”

***Translation:*** *While chairing the committee I faced many difficulties. One of the major difficulties was that there were certain ministries whose ministers always resided in Islamabad even though the ministries’ work had been devolved to the provincial level. Thus despite the devolution plan these ministries never devolved. Two examples of such ministries are the ministry/outfits of petroleum and HEC.*

On the basis of what the senator said my assertion is that, the federal govt. was never serious about devolving authority to the provinces and that is why it was not implemented properly.

#### **4.2.3.5. Way Forward:**

The senator was of the opinion that, for the 18<sup>th</sup> constitutional amendment and devolution plan to be successful the will of the government has to be there. He said, “Sab say pehlay hakumat ko sincerety show karnay ki zrrat hay k wo waqia hee devolution plan ko implement karna chahti hay ya naheen”.

***Translation:*** *First of all the govt. must prove its sincerity and make it clear by its actions that it really wants to implement devolution plan.*

As per the senator the issue of governmental intentions is of pivotal importance here, he said that, “Soobon ko ikhtiyarat mukamal transfer kiay jayn, ye na kia jaye k nam ki devolvment ho”.

***Translation:*** *Full control should be transferred to the provinces, ensuring that the devolvment of power is actual and not an eye wash.*

Specifically talking about women and their issues he said some more amendments are the need of the time to empower the local women. He suggested “Women councilors’ election



should be general elections and women councilors should be allowed to contest direct general elections”. He said, further legislation is required to improve the local bodies system, it’s not the best but it’s a way forward for better status of women and a better Pakistan.

## Chapter 5

### 5.0. Analysis:

In this chapter I am going to apply my conceptual framework given on pages 38 to 41 to analyze and explain the data collected during my field work and presented in chapter 4. I am going to start off with the concept of Starr and Collier which is law as power. My argument here is that, the devolution has changed the three main components of law which are creation of law, distribution of law and at the end transmission of law. My data indicates that the creation of law is still in the two main legislative houses which are National Assembly and Senate. Devolution plan has not given any legislative powers to the local govt. and has not changed the trajectory of creation of law so first component of this concept is rejected in my field and it is not applicable. Coming down to the second component of the concept which is distribution of law, my data makes it very obvious that, the 18<sup>th</sup> constitutional amendment officially distributed the powers of the center to the provincial level and from the provincial level to local level. having said that my data is also strongly indicative of the fact that, that all devolved subject's powers are not transferred to the local tier of government but some of it are transferred. My data also shows that when it comes to the application of the limited powers that has been transferred to the local levels there are many difficulties which devolved ministries have to face. This means that the official devolution of the 17 ministries notwithstanding most of them continued to work from Islamabad not the provincial level. On the basis of the facts presented here my assertion is that the power was distributed officially to the provinces thus the component of distribution is applicable on my data. However since most of the distribution of power and its devolution to the provincial level was only official but not actual there for the third component of Collier it is not very strongly applicable on my data.

When looking at another concept of Starr and Collier that is, law as the conduit of conflict negotiation over societal resources my reveals that. My data shows that, the data provided by the chairman of the devolution committee and supported by the local level information is indicative of the fact that, the technically speaking although, 17 ministries were devolved to the provincial level most of these ministries continued to operate at the level of federal govt. These ministries were those which were earning more revenue than the others ministries and the central govt. did

not want to lose this revenue. This gave birth to a new power game between the center and the provinces due to which conflict arose. This happened because in pre devolution times provinces were just working within their limited resources granted to them by the center but after the amendment they knew that, that is their right and they had the right to control and use the resources of the devolved ministries but they were not able to do so. Due to this fact the devolution plan as it exists in Pakistan today has not resolved the societal conflicts, it has actually created a new conflict. Thus Star and Collier's concept of law being a conduit of conflict negotiation over societal resources has been negated by my data. Devolution plan has not helped the provinces and the federal govt. in negotiating the conflict to have control over resources.

Moving forward and coming down to the issue of women's empowerment through women's political participation and their involvement in the productive sector. My assertion is that, female education is important for them to participate in both of the said domains and this triad is connected with each other directly. To see if this connection exists in my locales I am using the concept of Haque which is, female education is pivotal to women's empowerment. I am using this concept to see how devolution plan is contributing (or not) in increasing female education. I am also trying to see if devolution plan has increased the level of female education has it empowered the women of my locale. The data presented in the preceding text tells us that, the devolution plan has not increased women's involvement in education sector, there was no evidence of newly opened school, college or university for women in my locales in post devolution times. One of the respondents said, there is a newly opened vocational training center in the locale after the implementation of devolution plan, that information was found false when later I interviewed the women councilor of the same locale. There is no evidence of any development regarding female formal education or vocational education in post devolution times in my field. My assertion here is that, no opportunities were created for women's education in the selected locales due to which women educational status has remained the same. Thus the data collected by me during the field work refutes Haque's concept.

The concept the degree of decision making within the level of household is given by MeclEoy and Horney and is directly related to women empowerment. I have tried to see if the devolution plan has empowered women to an extent that women can take intra-household decisions solely. The data obtained from the field does not support this fact. The reason for it is

that, the perception of almost all of the sampled women including women councilors is that, our religion has made male members head of the household and the decision making powers are in the hands of male members. I was told by these women that, more often than not the head of the household has the authority to take decisions of any kind. In some responses some female members said, men of their household do ask them for their suggestions but the final decision is made by men. No respondent has reported any change in decision making process at the intra-household level after the implementation of devolution plan. Some of the councilors of my locales had the view that, male and female member runs the house and takes any sort of decisions collaboratively with the consultation of each other. The reason of their mutual decision making is not the devolution plan or 18<sup>th</sup> amendment either it was their educated family background. There was only one female respondent who was exception to this common response. She said that, women are the decision makers at every level. In her household she is the decision maker at intra-household level and also in public domain. This woman made all the decision because her husband was out of the country and thus she headed the household by default and had to make all the decisions. Keeping the data presented in the preceding text in view my stance is that, MeclEoy and Horney's concept of positive relationship between the incidence of women making intra household decisions and their empowerment is correct but it is refuted by the majority voice in my locales. This interns leads me to take the stance the women of my locale are not empowered and devolution has not contributed anything towards women's empowerment where decision making.

Kandiyoti has given us this concept that social restraints on women act as push factors for female retaliation. In field data there's a long list of societal barriers on women of the locales. The most vital barrier is the domestication of women which is the mother of all constraints. Females are often associated with the domestic domain and not allowed to breach that barrier which restricts women's mobility and everything else is dependent on her mobility. Women of the locale gave the reasoning of this domestication and most of them were referring it to religious teachings. In Islam women's domain is domestic domain so that women are supposed to perform their activities within the boundary of their houses. Another reason which was frequently quoted by the respondents is the honor of the family, if a woman goes out the honor of the family is on stake. This is because women are considered as a respect, honor and dignity of the family which men of the society can't afford to be questioned. Another social constraint on woman is she has

to be answerable to many faces like father, brother or husband. If she goes out she has to ask for permission and report back when she comes back. Immoral work environment/harassment is worth mentioning here due to which almost all women of the locales feel unsafe and avoid going out and actively take part in societal activities. Violence against women is also an important social constraint. After mentioning many of the societal constraints raised by the respondents most of my respondents from common women have not started any kind of retaliation against these social constraints as a result of devolution plan.

One councilor out of four has started working in an organization named as “Aurat Foundation” to challenge these imposed social constraints on women. She retaliated and stood against these barriers and started her own organization named as “Namood E Sahar” in which she conducts awareness raising seminars for women. Her organization provides free legal assistance to the harassed women and the victims of domestic violence. She also offers vocational training courses to empower women of the locales. She was the only case I found who have retaliated in her own capacity and questioned the prevailing patterns of social constraints on women. The point is wish to make here however is that, all of her retaliatory efforts are self-initiated and there’s no link of it with the implementation of devolution plan. 18<sup>th</sup> amendment has not enabled any of my respondents to question the hegemonic hierarchy of male dominant society.

Moving further, next concept is Ali’s concept of female mobilization against their subjugation. Theoretically speaking the 18<sup>th</sup> amendment and the devolution program was supposed to integrate women at the lower level into the process of governance and by doing so it one of its aims was to mobilize and empower women at the grass root levels. The collected data shows that, most women in both of the locale had no knowledge of the 18<sup>th</sup> constitutional amendment and its practical implications. Due to lack of knowledge regarding devolution plan most common women of the locale had not seen much of female mobilization against gendered subjugation. There however few women who said that, the devolution plan devolution plan and local government system had increased women’s involvement in political and economic sphere. As per these women after the 18<sup>th</sup> constitutional amendment women of the locale had started feeling that they had some room to breathe and to increase their mobility in the political and economic sphere which was prior to devolution was totally a male domain. This argument was

based on the fact that in local government system there are reserved seats for women councilors due to which some women of the area have shown interest in local level politics. Three councilor's stance out of four was supportive of this marginal voice. They said that, since we have become councilors women of the locale as we become the women councilors women of the locale visit us often and ask us about politics/economy and show their interest in participating in both domains. The remaining one councilor thought that the politics was not a game of any respectful family so women are reluctant to participate in politics even in post devolution times. As far as the economic sphere is concerned the data indicates that, most women don't find public work places having a healthy and female friendly environment. Thus women don't feel comfortable going out and working in such environment. However there was no evidence found in the field data that any common women or any councilor has conducted any female jalsa or female gathering to mobilize them against their subjugation. No campaign has been initiated in any of my locales to enhance women's mobility in post devolution times. I assert therefore that, the concept female mobilization against their subjugation is not substantiated in my locales.

Next is Baltiwala's concept of critical triadic perception of empowerment. Baltiwala has argued that students of devolution of power need to see if a) devolution has pushed women towards questioning female subjugating ideologies b) if devolution has given greater access over resources to females and c) if female subjugating institutions have been transformed for the better. Her argument is that only if these three conditions are met in a devolution study can It be argued that devolution has empowered women in the locale being studied. The data from my field shows that, devolution plan has not pushed women of my locales so that they could challenge the prevailing ideologies which are subjugating women. My data also shows that, the other two conditions laid down by Baltiwala are also not met in my locales. The data as presented above indicates that, there is a lack of awareness of their rights among women in both of my locales. Women don't have enough information about their rights that's why they don't question their violation. This fact notwithstanding the devolution plan has improved the number of female faces in the local bodies as women councilors. These female council members however don't have any authority to question the prevailing subordinating ideologies nor do they have access to resources. Only Nazim or Chairman of the council holds all the power over resources and decision making. Female councilors can't get any funds directly, it depends upon the will of the chairman if he wants to release some funds then the female councilors can

consume that fund for the fixing any female issues but it doesn't happen often. Apparently these female members are women representatives but actually these are Nazim's or party's representatives.

These councilors cannot work freely and they are actually dummy representatives. They come on reserve seats so they are actually selected members rather than elected council members. If the councilors can't have access over resources and if they can't have decision making power then they cannot transform any institution either or question the male hegemonic power. Devolution plan has failed to enable women of the locales to do so. Devolution plan has empowered women but not in its true sense just their numbers in the council have increased.

De'reeze has put forth the concept of social construction of gender and its negative consequences for women. The data provided in this dissertation establishes the fact that it is a male dominant society and the female members of the society (of the locale) are far weaker than their counter parts in every aspect of life. My data indicates that, women have to face discrimination at every step of their lives whether that is domestic domain or public domain. This is because of social construction of derogatory gender as argued by De'reeze. In both my locales women as a rule are limited to their domestic boundaries, they cannot come back home late, there are wage differentials in the market, for the women there are less opportunities of work, there's unethical work environment, and there are less opportunities for women education. The data also shows that, women are not allowed to take part in politics, women's are associated with the pride and honor of the family so they are not allowed to go out and ruin that honor and so on. All of these gendered constructions act as barriers in the way of women's empowerment and enhancement of status which is in line with De'reeze's concept. The reasons given by my respondents for these derogatory gendered constructions are, a) religion demands that women be bound within the domestic domain, b) cultural values dictate that women should take back seat in their existence as social beings and c) normative cultural practice visualize women as subjugated to men. Thus the current position of the women of my locales is the same as it was in pre devolution times. My interviewed data shows that, no change has appeared in gender construction in post devolution times and devolution has not changed the social construction of gender.

I have borrowed Roeson and Schultz concept of lower educational expenditure on girls which keeps them subordinate to men. The data collected supports this concept in that, most people of the selected locales were of the opinion that, parents or elders of the family overall in the society spend less amount of money on female education. I was told that, parents normally hesitated spending money on the educations of their daughters but were not hesitant to spent money on the education of sons. The reason given by my respondents for this discrepancy in educational expenditure was that, female/daughters will not live with them throughout their lives, and ultimately they have to leave their house when they will get married. As opposed to that, male/sons will live with their families/parents till the end of parental life. Thus the parents consider it a safe investment and they think their son will take care of them in their old age. So because of this reason preference would be given to male/sons of the family in the society. After discussing about the discriminatory educational expenditures it needs to be mentioned that devolution plan has not changed that pattern of male female educational expenditure differentials. Parents retain the same mindset and devolution has brought no change in it. I have also used Sathar's concept of security, safety and travelling concerns of parents regarding their daughters. The data tells us that, as a rule of majority females of both of my locales hesitate from going out of domestic domain because of harassed environment everywhere. Parents also don't approve of their daughters going out of the house and working in the public domain. Owing to the perception that, there's female harassment in workplaces in the public domain, male members of the think that their daughters/sisters/wives will not be safe out there. Female harassment is not only associated with the workplace but also with traveling in public transport. These fears were confirmed by most of my respondents from both locales. Having said that, I need to point out that in my data there is a marginal voice which contradicts the perception given above. As per two of councilors interviewed, although the environment outside the domestic domain is not very favorable for female mobility but it all depends upon the confidence and will of the women in question. These councilors said that, It is a test of a women who goes out in a public domain. Some women they said are strong enough to cope with and handle problems created by men and others can't. thus I conclude that incase of most of my respondents Sathar's concept is applicable in that they report female mobility in the public domain is an unsafe endeavor. However the marginal voice refutes Sathar's concept about female mobility. The next concept that I have borrowed is from Bhadra. Bhadra argues that, women's harassment,



subjugation and disempowerment varies in intensity across class race and age. My data indicates that, women across the board in both of my locales feel disempowered harassed and subjugated. Thus Bhadra's concept is negated in my locale.

The last concept that I have taken up for application is of Boeson. Boeson argues that, social structural restraints keep women from coming into their own. This concept refers to those restraints which stop women from taking part in politics and economic activities. The data shows that, the devolution plan has not empowered women to the extent where they can surpass societal structural restraints and participates in the domain of politics and economy. Many of these restraints are mentioned in above text. My data does not show that, in post devolution times there has been any decrease in the intensity of the structural restraints on women regarding g their participation in politics and economic activities. The major constraints being low education, no or very little mobility, unequal opportunities, lack of family support, no or very little say in domestic and public domain decision making, in equal wages for the same work. Before proceeding further however I must point out that, the above statement stands for the majority of the women in my locales. The devolution plan has allowed a very small number of women to get politically participative since it requires women councilors to be appointed in the local govt. bodies. Similarly some of the women who are part of the local bodies are involved in political and economic activities as a result of it. Thus it would not be unfair to say that although there has been no change in the structural restraints keeping women away from political and economic activity due to devolution but a small minority by women have benefitted by devolution on this front.

## Significance of the study

The scholarship that has been reviewed in the literature section is based on secondary data. It is extremely important to collect primary data and see how it fits or does not fit with the literature reviewed to build a multi-dimensional and holistic understanding of the phenomenon being investigated. Devolution became a law in 2010 as the result of 18<sup>th</sup> constitutional amendment in Pakistan. There has been a substantive amount of research done on Devolution in Pakistan but these studies have been macro level policy analyses of the process in the genre of quantitative research. The significance of this study include a) It is a micro-level study, b) It is qualitative in nature and c) it has tried to investigate and understand the articulation between devolution and gender.

This study has also tried to figure out the lacunas in the existing Devolution plan of Pakistan which would enlighten the readers about the gender discriminatory nature of this law/plan and its role in perpetuating the subjugating experiences of women of Pakistan. This research would also pave way for future work in this area since it raises questions about the devolution plan's practical implication. The current research will be a valuable contribution towards the scanty information that is available in the already existing knowledge on the contemporary women status and its connection with devolution plan of Pakistan. Furthermore it has also tried to elaborate the empowerment of women and its relationship with women's political participation in the private as well as the public domain at the local level.

**Limitations:** The main limitation of the study is that ideally the respondents from all provinces should also have been included but it was not possible to cater them all in available given time. Besides, the time and resource constraints have limited the scope of this study; the broader area where the research was conducted was limited to Rawalpindi and Islamabad. I hope to build on this study for my PhD research in future.

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# **Appendix A:**

## **Interview guide for common women**

### **PERSONAL PROFILE**

- Tell me about your personal & educational background?

**Place of birth, parental education & occupation, numerical, educational & professional profile of siblings, political affiliation, religious affiliations.**

### **WOMEN'S RIGHTS & OBLIGATIONS**

- What rights & duties are given to women by the society, culture & religion in the domestic domain?

**R& D of mothers, wives & daughters as members of a household, marriage decisions, education, heading the household, domestic consumption; investment and management decision making, divorce, child custody.**

- What rights & duties are given to women by the society, culture & religion in the domain of politics?

**Local politics, provincial politics and national politics, investment decision making in the public domain, forming and being a part of a women's organization.**

- What rights & duties are given to women by the society, culture & religion in the domain of economy?

**Division of labor, paid work, work spaces, wages & gendered wage differentials, control over what they earn, mobility area, type**



**of work in public domain, opportunities for women to get higher /professional education, opportunities for women to learn skills that can be sold well in the public domain,**

- What rights & duties are given to women by law?

**Marriage, divorce, child custody, right to work, right to political participation. Become members of the trade unions.**

- Are there any rights that you think women should have & they don't at present?
- What do you know about the work of union council?

**Structure, type of projects, philanthropy, space of expression of women's problems.**

- How in your opinion can your union council be made more useful for women of the community?

**Change in structure, more women in the council, different types of women in the council, council should undertake different types of projects.**

- In your opinion have women's status and their political and economic life become better after the formation of union council system ?

## **Appendix B:**

### **Interview Guide for Women Councilors**

#### **PERSONAL PROFILE**

- Tell me about your family and educational background?

**Place of birth, parental occupation, religio-ethnic background, number of siblings, educational level of self, parents and siblings, why these educational levels, school, college, subjects.**

- Tell me about your political and professional career?

**How long, Current party, why politics, issues of interest, party change, reasons for joining, any positions held in party/s, any government positions held, party manifesto. (If pursuing a profession) why this profession, its connection with the political life, opinion on women pursuing professional careers, obstacles in the way of women's professional career and political participation, any change in post devolution times in both domains.**

#### **COMPARISON OF DEVOLUTION & CENTRALISM**

- What is your understanding of centralized VS decentralized power?

**Relegation of responsibility to make decision from the center to the lower levels, budgetary relocation from the center to lower levels, opportunities for citizens to participate in resource allocation at grass roots, socio political and economic empowerment of the citizenry, devolution creating non integration at the grass root levels, Devolution in Pakistan positive, negative, or both, impact of Pakistan's devolution program on Pakistani women's political and economic involvement and status.**

#### **EMPOWERMENT OF CITIZENS**

- What is citizen empowerment in your opinion?

**Legal empowerment, socio cultural empowerment, psychological empowerment, obstacles in the way of empowerment.**

### **WOMEN'S EMPOWERMENT**

- What's your concept of women's socio economic and political rights in general?

**Right to self-determination, right to life, right to freedom of expression, right to education, right to career, right to control over their bodies, right to economic independence, right to political participation.**

- What in your opinion is the current situation of women in local politics and economy overall in Pakistan?

**History of women participation in national politics, history of women participation in public labor force, history of women participation in local politics.**

- How do you understand the term women empowerment?

**Ability to make decisions for themselves, be economically independent, be able to participate in local provincial and national politics, self-confidence, positive self-image.**

- What are the sources of Women's empowerment and disempowerment in Pakistan?

**Social sources like family, religion, culture, domestic economy and law.**

- In your opinion has 18<sup>th</sup> amendment and the devolution of power in Pakistan empowered Pakistani women, please discuss?

**Particular clauses that politically and economically empower women or disempower women (political and economic lives of local women), any difference do you see in pre and post amendment times.**

- What is your opinion about the implementation of devolution plan and what reforms in the plan would you suggest?

**Empirical implementation of plan, causes for inadequate and non-effective implementation of the plan, suggestions for better implementation of plan.**

- Being a woman what problems did you face when you decided to contest the local body elections?

**Social, cultural restraints, family support (or lack thereof), home management related issues, problems during election campaigning,**

- What is your role in the union council business as a member when it comes to decision making about spending the funds, projects to be undertaken etc.?

**Sole decision maker, consultative role, gendered negotiated role, rubber stamper.**

- How much funds did your council get in the last 1 year and how much of it was spent on a project that you had suggested?

**Amount of total money received by the UC, number of projects initiated, number of projects initiated suggested by you.**

- In the last one year did you have an argument, debate or conflict with the male members of the councils on any issue, please give me the details?

**Distribution of funds, starting a project, participation in any project completion ceremony.**

- If yes, how was the conflict/conflicts resolved?

**Through mutual discussions, through Nazim/Naib-Nazim, Secretary UC, Someone else.**

- What kind of alterations in the structure and dynamics of the union council would you suggest as a woman councilor?

**In rules of business, distribution of funds, voting procedures (give details).**

## **Appendix C:**

# **Interview guide for Devolution Committee Chairperson**

### **PERSONAL PROFILE**

- Tell me about your educational and professional background?

**School, college, subjects, honors, reasons for the choices, jobs/career & reasons.**

- What has your political career been like?

**Current party, why politics, issues of interest, party change, reasons for joining, any positions held in party/s, any government positions held, party manifesto.**

- How did the idea of devolution come up in the assembly?

**Tabled by whom, rationale, issues most debated, party,**

- For how long have you been the chairperson of the devolution committee?

**When did you become the chair, why were you chosen, important accomplishments, hard times faced, conflicts in the committee, conflict resolution.**

### **COMPARISON OF DEVOLUTION & CENTRALISM**

- How do you differentiate between centralism and devolution?

**Relegation of responsibility to make decision from the center to the lower levels, budgetary relocation from the center to lower**

**levels, opportunities for citizens to participate in resource allocation at grass roots, socio political and economic empowerment of the citizenry, devolution creating non integration at the grass root levels, Devolution in Pakistan positive, negative, or both.**

- How would you compare the Ayub khan's basic democracy with Musharraf's devolution program?

**Structural differences, impact differences (political, social, economic) on citizens, implementation success or failure, consequences for women's empowerment in both.**

### **EMPOWERMENT OF CITIZENS**

- What is citizen empowerment in your opinion?

**Legal empowerment, socio cultural empowerment, psychological empowerment, obstacles in the way of empowerment.**

### **WOMEN'S EMPOWERMENT**

- What's your concept of women's socio economic and political rights in general?

**Right to self-determination, right to life, right to freedom of expression, right to education, right to career, right to control over their bodies, right to economic independence, right to political participation.**

- What do you think what is the current situation of women in local politics and economy overall in Pakistan?

**History of women participation in national politics, history of women participation in public labor force, history of women participation in local politics.**

- What are the sources of Women's empowerment and disempowerment in Pakistan?

**Social sources like family, religion, culture, domestic economy and law.**

- In your opinion has 18<sup>th</sup> amendment and the devolution of power in Pakistan empowered Pakistani women, please discuss?

**Particular clauses that politically and economically empower women or disempower women.**

- What is your opinion about the implementation of devolution plan and what reforms in the plan would you suggest?

**Empirical implementation of plan, causes for inadequate and non-effective implementation of the plan, suggestion for better implementation of plan.**



## Census Survey Form

Sr.	F.no	Name	Age	Gender		Relationship with head of the house	Religion	Marital Status						Remarks
				Male	Female			S	M	D	W	RM	Engaged	
1.														
2.														
3.														
4.														
5.														
6.														
7.														
8.														
9.														
10.														
11.														
12.														

**S: Single, M: Married, D: Divorcee, W: Widow, RM: Remarried**





### Census Survey Form

Sr.	F.No	Land holdings				Livestock			
		Own agri. Land	Leased land	Commercial Property	Poultry	Goats	Cows	Buffaloes	other
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

Remarks:

### Census Survey Form

Sr.	F.No	Land holdings				Livestock			
		Own agri. Land	Leased land	Commercial Property	Poultry	Goats	Cows	Buffaloes	other
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

Remarks:

### Census Survey Form-IV

Sr.	F.no	Family System				Moveable Assets		
		Nuclear	Joint	Extended	Other	Bike	Car	Other
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								

Remarks

Voting status		Party voted in last GE	Local Elections	Position on the local level of politics	Remarks
Yes	No				

**GE: General Election**

**Full text of 18th Amendment Bill ISLAMABAD, Apr 9 (APP):**

The National Assembly on Thursday unanimously approved the 18th Amendment Bill. Following is the full text of the bill. TO BE INTRODUCED IN THE NATIONAL ASSEMBLY further to amend the Constitution of the Islamic Republic of Pakistan WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing; AND WHEREAS the people of Pakistan have relentlessly struggled for democracy and for attaining the ideals of a Federal, Islamic, democratic, parliamentary and modern progressive welfare State, wherein the rights of the citizens are secured and the Provinces have equitable share in the Federation; AND WHEREAS it is necessary that the Legal Framework Order, 2002, as amended by the Chief Executive's Order No. 29 and the Chief Executive's Order No. 32 of 2002, be declared as having been made without lawful authority and of no legal effect, and the Constitution (Seventeenth Amendment) Act, 2003 (Act No. 111 of 2003), be repealed and the Constitution further amended to achieve the aforesaid objectives; It is hereby enacted as follows: 1. Short title and commencement:

(1) This Act may be called the Constitution (Eighteenth Amendment) Act, 2010.

(2) It shall come into force at once, save as otherwise provided in this Act. 2. Repeal, etc.- Subject to Article 264 and the provisions of the Constitution (Eighteenth Amendment) Act, 2010, (a) the Legal Framework Order, 2402 (Chief Executive's Order No. 24 of 2002), the Legal Framework (Amendment) Order, 2002 (Chief Executive's Order No. 29 of 2002) and the Legal Framework (Second Amendment) Order, 2002 (Chief Executive's Order No. 32 of 2002), are hereby declared to have been, made without lawful authority and of no legal effect and, therefore, shall stand repealed; and (b) the Constitution (Seventeenth Amendment) Act, 2003 (Act No. III of 2003), is hereby repealed.

3. Amendment of Article 1 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 1, in clause (2), in paragraph (a), for the word "Baluchistan" the word "Balochistan", for the words "North West Frontier" the words "Khyber Pakhtunkhwa", and for the word "Sind" the word "Sindh", shall be substituted. 4. Amendment of Article 6 of the Constitution.- In the Constitution, in Article 6, (i) for clause (1), the following shall be substituted, namely: "(1) Any person who abrogates or subverts or suspends or holds in abeyance, or attempts or conspires to abrogate or subvert or suspend or hold in abeyance, the Constitution by use of force or show of force or by any other unconstitutional means shall be guilty of high treason. (ii) in clause (2), after the word "abetting" the word "or collaborating" shall be inserted; and (iii) after clause (2) amended as aforesaid, the following new clause shall be inserted, namely:-

"(2A). An act of high treason mentioned in clause (1) or clause (2) shall not be validated by any court including the Supreme Court and a High Court." 5. Insertion of new Article in the Constitution: In the Constitution, after Article 10, the following new Article shall be inserted, namely: "10A. Right to fair trial.- For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a



fair trial and due process.” 6. Substitution of Article 17 of the Constitution.- In the Constitution, for Article 17, the following shall be substituted, namely: “17. Freedom of association.

(1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

(2) Every citizen, not being in the service of Pakistan, shall have the right to form or ,be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan and such law shall provide that where the Federal Government declares that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan, the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such reference shall be final.

(3) Every political party shall account for the source of its funds in accordance with law.”. 7. Insertion of new Article in the Constitution.- In the Constitution, after Article 19, the following new Article shall be inserted, namely: “19A. Right to information.- Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law”. 8. Amendment of Article 25 of the Constitution.- In the Constitution, in Article 25, in clause (2), the word “alone” occurring at the end shall be omitted 9. Insertion of new Article in the Constitution.- In the Constitution, after Article 25, the following new Article shall be inserted, namely: “25A.

Right to education.-The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.” 10. Amendment of Article 27 of the Constitution.- In the Constitution, in Article 27, in clause (1), in the second proviso, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely: “Provided-also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament)”.

11. Amendment of Article 29 of the Constitution.- In the Constitution, in Article 29, in clause (3), for the word “the National Assembly” occurring for the first time the words and brackets, “each House of Majlis-e-Shoora (Parliament)” shall be substituted and after the word “National Assembly” occurring for the second time the words “and the Senate” shall be inserted.

12. Amendment of Article 38 of the Constitution,- In the Constitution, in Article 38,- (i) in paragraph (e), the word “and” at the end shall be omitted; (ii) in paragraph (f), for the full stop at the end a semicolon and the word “;and” shall be added and after paragraph (f) amended as aforesaid, the following new paragraph shall be added, namely:- “(g) the shares of the Provinces in all federal services, including autonomous bodies and corporations established by, or under the control of, the Federal Government, shall be secured and any omission in the allocation of the shares of the

Provinces in the past shall be rectified.” 13. Amendment of Article 41 of the Constitution.- In the Constitution, in Article 41,- (i) in clause (3), the words, brackets and figure “to be elected after the term specified in clause (7)” shall be omitted; and (ii) clauses (7), (8) and (9) shall be omitted. 14. Substitution of Article 46 of the Constitution.- In the Constitution, for Article 46, the following shall be substituted namely:- “46. President to be kept informed.-

The Prime Minister shall keep the President informed on all matters of internal and foreign policy and on all legislative proposals the Federal Government intends to bring before Majlis-e-Shoora (Parliament)”. 15. Amendment of Article 48 of the Constitution.- In the Constitution, in Article 48,- (i) In clause (1),- (a) after the word “act” the words “on and” shall be inserted; and (b) in the proviso, after the word “that” the words “within fifteen days” shall be inserted and after the word “shall” the commas and words “,within ten days,” shall be inserted; and (ii) for clause (5) the following shall be substituted, namely: - “(5) Where the President dissolves the National Assembly, notwithstanding anything contained in clause (1), he shall,- (a) appoint a date, not later than ninety days from the date of the dissolution, for the holding of a general election to the Assembly; and (b) appoint a care-taker Cabinet.”. (iii) for clause (6) the following shall be substituted, namely: - “(6). If at any time the Prime Minister considers it necessary to hold a referendum on any matter of national importance, he may refer the matter to a joint sitting of the Majlis-e-Shoora (Parliament) and if it is approved in a joint sitting, the Prime Minister may cause such matter to be referred to a referendum in the form of a question that is capable of being answered by either “Yes” or “No”.

16. Substitution of Article 51 of the Constitution.- In the Constitution, for Article 51, the following shall be substituted and shall be deemed always to have been so substituted with effect from the 21st day of August, 2002, namely:- “51. National Assembly.- (1) There shall be three hundred and forty-two seats for members in the National Assembly, including seats reserved for women and non-Muslims. (2) A person shall be entitled to vote if- (a) he is a citizen of Pakistan; (b) he is not less than eighteen years of age; (c) his name appears on the electoral roll; and (d) he is not declared by a competent court to be of unsound mind. (3) The seats in the National Assembly referred to in clause (1), except as provided in clause (4), shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:-

General Seats Women Total Balochistan 14 3 17 Khyber Pakhtunkhwa 35 8 43 Punjab 148 35 183 Sindh 61 14 75 Federally Administered 12  
- 12 Tribal Areas Federal Capital 2 - 2 Total 272 60 332

(4) In addition to the number of seats referred to in clause (3), there shall be, in the National Assembly, ten seats reserved for non-Muslims.

(5) The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published.

(6) For the purpose of election to the National Assembly,- (a) the constituencies for the general seats shall be single member territorial

constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law, (b) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under clause (3); (c) the constituency for all seats reserved for non-Muslims shall be the whole country; (d) members to the seats reserved for women which are allocated to a Province under clause (3) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly: Provided that for the purpose of this paragraph the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates; (e) members to the seats reserved for non-Muslims shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the National Assembly: Provided that for the purpose of this paragraph the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates.”

17. Substitution of Article 58 of the Constitution.- In the Constitution, for Article 58, the following shall be substituted, namely:- “58. Dissolution of the National Assembly.- (1) The President shall dissolve the National Assembly if so advised by the Prime Minister; and the National Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Prime Minister has so advised. Explanation.- Reference in this Article to “Prime Minister”, shall not be construed to include reference to a Prime Minister against whom a notice of a resolution for a vote of no-confidence has been given in the National Assembly but has not been voted upon or against whom such a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the National Assembly.

(2) Notwithstanding anything contained in clause (2) of Article 48, the President may also dissolve the National Assembly in his discretion where, a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly commands the confidence of the majority of the members of the National Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the National Assembly summoned for the purpose.”.

18. Substitution of Article 59 of the Constitution.- In the Constitution, for Article 59, the following shall be substituted, namely: “59. The Senate.-

(1) The Senate shall consist of one-hundred and four members, of whom,- (a) fourteen shall be elected by the members of each Provincial Assembly; (b) eight shall be elected from the Federally, Administered Tribal Areas, in such manner as the President may, by Order, prescribe; (c) two on general seats, and one woman and one technocrat including aalim shall be elected from the Federal Capital in such manner as the President may, by

Order, prescribe; (d) four women shall be elected by the members of each Provincial Assembly; (e) four technocrats including ulema shall be elected by the members of each Provincial Assembly; and (f) four non-Muslims, one from each Province, shall be elected by the members of each Provincial Assembly: Provided that paragraph (f) shall be effective from the next Senate election after the commencement of the Constitution (Eighteenth Amendment) Act, 2010.

(2) Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.

(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years:- (a) of the members referred to in paragraph (a) of clause (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years; (b) of the members referred to in paragraph (b) of the aforesaid clause, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years; (c) of the members referred to in paragraph © of the aforesaid clause,- (i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years; and (ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the seat reserved for women shall retire after the expiration of the next three years; (d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; (e) of the members referred to in paragraph (e) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and (f) of the members referred to in paragraph (f) of the aforesaid clause, two shall retire after the expiration of first three years and two shall retire after the expiration of next three years: Provided that the Election Commission for the first term of seats for non-Muslims shall draw a lot as to which two members shall retire after the first three years.

(4) The term of office of a person elected to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled. 19. Amendment of Article 61 of the Constitution.- In the Constitution, in Article 61, for the word “ninety” the words “one hundred and ten” shall be substituted. 20. Substitution of Article 62 of the Constitution.- In the Constitution, for Article 62, the following shall be substituted,namely: - “62. Qualifications for membership of Majlis-e-Shoora (Parliament).-

(1)A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless- (a) he is a citizen of Pakistan; (b) he is, in the case of the National Assembly, not less than twenty- five years of age and is enrolled as a voter in any electoral roll in- (i) any part of Pakistan, for election to a general seat or a . seat reserved for a non-Muslims; and (ii) any area in a Province from which she seeks membership for election to a seat reserved for women. (c) he is, in the case of the Senate, not less than thirty years of age and is enrolled as a voter in any area in a

Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership; (d) he is of good character and is not commonly known as one who violates Islamic Injunctions; (e) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as well abstains from major sins; (f) he is sagacious, righteous, non-profligate, honest and ameen, there being no declaration to the contrary by a court of law; (g) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan:

(2) The disqualifications specified in paragraphs (d) and (e) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation;”. 21. Substitution of Article 63 of the Constitution.- In the Constitution, for Article 63, the following shall be substituted,namely,-

“63. Disqualifications for membership of Majlis-e-Shoora (Parliament). (1) A person shall be disqualified from being elected or chosen as, and from being, a member of the Majlis-e-Shoora (Parliament),(a) he is of unsound mind and has been so declared by a competent court; or (b) he is an undischarged insolvent; or (c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or (d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or (e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or (f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or (g) he has been convicted by a court of competent jurisdiction for propagating any opinion, or acting in any manner, prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan, unless a period of five years has elapsed since his release; or (h) he has been, on conviction for any offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release; or (i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or, controlled, by the Federal Government, Provincial Government or a Local Government on the ground of misconduct, unless a period of five years has elapsed since his dismissal; or (j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government on the ground of misconduct, unless a period of three years has elapsed since his removal or compulsory retirement; or (k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or (l) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided

family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government: Provided that the disqualification under this paragraph shall not apply to a person- (i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him; (ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or (iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or Explanation. -In this Article "goods" does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply. (m) he holds any office of profit in the service of Pakistan other than the following offices, namely:- (i) an office which is not whole time office remunerated either by salary or by fee; (ii) the office of Lumbardar, whether called by this or any other title; (iii) the Qaumi Razakars; (iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or (n) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or (o) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including .telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers; or (p) he is for the time being disqualified from being elected or chosen as a member of a Majlis-eShoora (Parliament) or of Provincial Assembly under any law for the time being inforce. Explanation.-For the purposes of this paragraph "law" shall not include an Ordinance promulgated under Article 89 or Article 128. (2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman, shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and should he fail to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission. (3) The Election Commission shall decide the question within ninety days from its receipt or deemed to have been received and if it is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant." 22. Substitution of Article 63A of the Constitution.- In the Constitution, for Article 63A, the following shall be substituted, namely:- " 63A. Disqualification on grounds of defection, etc.-

(1) If a member of a Parliamentary Party composed of a single political party in a House- (a) resigns from membership of his political party or joins another Parliamentary Party; or (b) votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to

which he belongs, in relation to- (i) election of the Prime Minister or the Chief Minister; or (ii) a vote of confidence or a vote of no-confidence; or (iii) a Money Bill or a Constitution (Amendment) Bill; he may be declared in writing by the Party Head to have defected from the political party, and the Party Head may forward a copy of the declaration to the Presiding Officer and the Chief Election Commissioner and shall similarly forward a copy thereof to the member concerned: Provided that before making the declaration, the Party Head shall provide such member with an opportunity to show cause as to why such declaration may not be made against him. Explanation.- “Party Head” means any person, by whatever name called, declared as such by the Party.

(2) A member of a House shall be deemed to be a member of a Parliamentary Party if he, having been elected as a candidate or nominee of a political party which constitutes the Parliamentary Party in the House or, having been elected otherwise than as a candidate or nominee of a political party, has become a member of such Parliamentary Party after such election by means of a declaration in writing.

(3) Upon receipt of the declaration under clause (1), the Presiding Officer of the House shall within two days refer, and in case he fails to do so it shall be deemed that he has referred, the declaration to the Chief Election Commissioner who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within thirty days of its receipt by the Chief Election Commissioner.

(4) Where the Election Commission confirms the declaration, the member referred to in clause (1) shall cease to be a member of the House and his seat shall become vacant.

(5) Any party aggrieved by the decision of the Election Commission may, within thirty days, prefer an appeal to the Supreme Court which shall decide the matter within ninety days from the date of the filing of the appeal.

(6) Nothing contained in this Article shall apply to the Chairman or Speaker of a House.

(7) For the purpose of this Article,- (a) “House” means the National Assembly or the Senate, in relation to the Federation; and a Provincial Assembly in relation to the Province, as the case may be; (b) “Presiding Officer” means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be.

(8) Article 63A substituted as aforesaid shall come into effect from the next general elections to be held after the commencement of the Constitution (Eighteenth Amendment) Act, 2010: Provided that till Article 63A substituted as aforesaid comes into effect the provisions of existing Article 63A shall remain operative.”. 23. Substitution of Article 70 of the Constitution.- In the Constitution, for Article 70, the following shall be substituted, namely:- “70. Introduction and passing of Bills.

(1) A Bill with respect to any matter in the Federal Legislative List may originate in either House and shall, if it is passed by the House in which it originated, be transmitted to the other House; and, if the Bill is passed without amendment by the other House also, it shall be presented to

the President for assent.

(2) If a Bill transmitted to a House under clause (1) is passed with amendments it shall be sent back to the House in which it originated and if that House passes the Bill with those amendments it shall be presented to the President for assent.

(3) If a Bill transmitted to a House under clause

(1) is rejected or is not passed within ninety days of its laying in the House or a Bill sent to a House under clause

(2) with amendments is not passed by that House with such amendments, the Bill, at the request of the House in which it originated, shall be considered in a joint sitting and if passed by the votes of the majority of the members present and voting in the joint sitting it shall be presented to the President for assent.

(4) In this Article and the succeeding provisions of the Constitution, “Federal Legislative List” means the Federal Legislative List in the Fourth Schedule.”. 24. Omission of Article 71 of the Constitution.- In the Constitution, Article 71 shall be omitted.

25. Amendment of Article 73 of the Constitution.- In the Constitution, in Article 73, - (i) For clause (1) the following shall be substituted, namely:-“(1) Notwithstanding anything contained in Article 70,, a Money Bill shall originate in the National Assembly: Provided that simultaneously when a Money Bill, including the Finance Bill containing the Annual Budget Statement, is presented in the National Assembly,a copy thereof shall be transmitted to the Senate which may, within fourteen days, make recommendations thereon to the National Assembly.”; and (ii) after clause (1) substituted as aforesaid, the following new clause shall be inserted, namely:- “(1A) The National Assembly shall, consider the recommendations of the Senate and after the Bill has been’ passed by the Assembly with or without incorporating the recommendations of the Senate, it shall be presented to the President for assent.”.

26. Amendment of Article 75 of the Constitution.- In the Constitution, in Article 75,- (i) in clause (1), for the word “thirty”, the word “ten” shall be substituted; (ii) for clause (2), the following shall be substituted,namely:-“(2) When the President has returned a Bill to the Majlis-e-Shoora (Parliament), it shall be reconsidered by the Majlis-e-Shoora (Parliament) in joint sitting and, if it is again passed, with or without amendment, by the Majlis-e-Shoora (Parliament), by the votes of the majority of the members of both Houses present and voting, it shall be deemed for the purposes of the Constitution to have been passed by both Houses and shall be presented to the President, and the President shall give his assent within ten days, failing which such assent shall be deemed to have been given.” ; and (iii) in clause (3), after the word “assented”, the words “or is deemed to have assented”, shall be inserted.

27. Amendment of Article 89 of the Constitution.- In the Constitution,in Article 89,- (i) in clause (1), before the words “National Assembly” the words “Senate or” shall be inserted; (ii) in clause (2), in paragraph (a),- (a) in sub-paragraph (i), for the words “four months” the words “one



hundred and twenty days” shall be substituted; and for the semi-colon at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely:- “Provided that the National Assembly may, .by a resolution extend the Ordinance for a further period of one hundred and twenty days and it shall stand repealed at the expiration of the extended period, or if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution: Provided further that extension for further period may be made only once.”;and (b) in subparagraph (ii), for the words “four months” the words “one hundred and twenty days” shall be substituted and for the semi-colon and the word “;and “ at the end a colon shall be substituted and thereafter the following provisos shall be inserted , namely:- Provided that either House may by a resolution extend it for a further period of one hundred and twenty days and it shall stand repealed at the expiration of the extended period, or if before the expiration of that period a resolution disapproving it is passed by a House, upon the passing of that resolution: Provided further that extension for a further period may be made only once. (iii) for clause (3), the following shall be substituted, namely: - “(3) without prejudice to the provisions of clause (2),-“ (a) an Ordinance laid before the National Assembly under sub-paragraph (i) of paragraph (a) of clause (2) shall be deemed to be a Bill introduced in the National Assembly; and (b) an Ordinance laid before both Houses under sub-paragraph(ii) of paragraph (a) of clause (2) shall be deemed to be a Bill introduced in the House where it was first laid.”

28. Substitution of Article 90 of the Constitution.- In the Constitution, for Article 90, the following shall be substituted, namely:-“90. The Federal Government.- (1) Subject to the Constitution, the executive authority of the Federation shall be exercised in the name of the President by the Federal Government, consisting of the Prime Minister and the Federal Ministers, which shall act through the Prime Minister, who shall be the chief executive of the Federation. (2) In the performance of his functions under the Constitution, the Prime Minister may act either directly or through the Federal Ministers.”.

29. Substitution of Article 91 of the Constitution.- In the Constitution, for Article 91, the following shall be substituted, namely: - “91. The Cabinet- (1) There shall be a Cabinet of Ministers, with the Prime Minister at its head, to aid and advise the President in the exercise of his functions. (2) The National Assembly shall meet on the twenty-first day following the day on which a general election to the Assembly is held, unless sooner summoned by the President. t (3) After the election of the Speaker and the Deputy Speaker, the National Assembly shall, to the exclusion of any other business, proceed to elect without debate one of its Muslim members to be the Prime Minister. (4) The Prime Minister shall be elected by the votes of the majority of the total membership of the National Assembly: Provided that, if no member secures such majority in the first poll, a second poll shall be held between the members who secure the two highest numbers of votes in the first poll and the member who secures a majority of votes of the members present and voting shall be declared to have been elected as Prime Minister: Provided further that, if the number of votes secured by two or more members securing the highest number of votes is equal, further poll shall be held between them until one of them secures a majority of votes of

the members present and voting. (5) The member elected under clause (4) shall be called upon by the President to assume the office of Prime Minister and he shall, before entering upon the office, make before the President oath in the form set out in the Third Schedule: Provided that there shall be no restriction on the number of terms for the office of the Prime Minister. (6) The Cabinet, together with the Ministers of State, shall be collectively responsible to the Senate and the National Assembly. (7) The Prime Minister shall hold office during the pleasure of the President, but the President shall not exercise his powers under this clause unless he is satisfied that the Prime Minister does not command the confidence of the majority of the members of the National Assembly, in which case he shall summon the National Assembly and require the Prime Minister to obtain a vote of confidence from the Assembly. (8) The Prime Minister may, by writing under his hand addressed to the President, resign his office. (9) A Minister who for any period of six consecutive months is not a member of the National Assembly shall, at the expiration of that period, cease to be a Minister and shall not before the dissolution of that Assembly be again appointed a Minister unless he is elected a member of that Assembly: Provided that nothing contained in this clause shall apply to a Minister who is member of the Senate. (10) Nothing contained in this Article shall be construed as disqualifying the Prime Minister or any other Minister or a Minister of State for continuing in office during any period during which the National Assembly stands dissolved, or as preventing the appointment of any person as Prime Minister or other Minister or a Minister of State during any such period.”

30. Amendment of Article 92 of the Constitution.- In the Constitution, in Article 92, in clause (1),- (i) for the brackets and figures “(7) and (8)” the brackets and figures “(9) and (10)” shall be substituted.