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Political Participation Of Women In Democratic Country: A Constitutional Perspective

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Abstract:

In a democratic system, all citizens are equally treated by the state without any discrimination of gender, caste, color, or tribe. After becoming an independent country in 1947, Pakistan also adopted a democratic system but democracy in Pakistan experienced so many ups and downs. The constitution-making history of Pakistan started with the first constituent assembly, which was assigned the task of framing the constitution for the newly established country but unfortunately it was unable to complete the assigned task and was dissolved by the then Governor General Ghulam Muhammad. After that second constituent assembly was constituted which gave the constitution of 1956, this constitution was parliamentary in nature. After about two and a half years of its implementation, it was dissolved in 1958, after that another step was taken to have a new constitution for the country. Resultantly, the Constitution of 1962 was adopted, this constitution was presidential in form, but this constitution was also dissolved in 1969. Moreover, in 1973 third constitution was implemented in the country, in which there were provisions given to safeguard the constitution itself. So, the political crises remained in history, therefore, till today Pakistan is suffering from political issues, and during the whole history less measures have been taken toward ensuring women's political participation. The women's participation is the essential element for promoting a pure democratic system because women's participation at the local, provincial as well as national level is the key towards women empowerment and good governance.

This research paper aims to highlight the importance of the political participation of women in democratic country, for making research more comprehensive the Pakistani perspective have been adopted. Mainly, the data has been collected through secondary sources by reviewing the available existing literature including historical material and relevant official documents.

Key Words: *Local Government, Women Participation, Women Empowerment, Democracy.*

Introduction:

The term democracy is not a new phenomenon, but it was also used in ancient Greek political system, where they referred it to 'Rule of the People', but with the passage of time this system has also grown up. In this system, the representatives are elected directly or indirectly for a specific time period, but the tenure is also dependent on their performance if elected representatives are unable to perform their assigned duties according to law; in that case they could be impeached before the completion of their tenure for which they were elected (Singh 2014).

Democracy creates a transparent, participative, and accountable system, where citizens are empowered to keep an eye on the performance of their elected representatives, their rights are recognized by the State and enshrined in the constitution, and the Supreme Court is entrusted with the power as the guardian of the constitution with the power to oversee whether laws are implemented in real sense or not. It is also the power of the Supreme Court to declare any law null and void which it feels that it is against the fundamental rights of the citizens. It is the only democratic system that ensures all human rights and freedoms, which is the true spirit of real democracy (Singh 2014). Protection of these rights is important because these are the essential conditions for the well-being and development of the citizens. As Wilde defines "a right is a reasonable claim of freedom in the exercise of certain activities" (Haq 2009, 320).

Pakistan is a democratic country that adopted the federal form of government, since its independence in 1947 the country has experienced so many ups and downs. With the emergence of Pakistan, the country has been suffering with new experiments in the name of democracy, the first constitution of 1956 introduced parliamentary democracy and the second constitution of 1962 was presidential in form, while the third constitution of 1973 again revived parliamentary democracy in the country. On the other hand, the country had faced three martial laws imposed in 1958, 1969, 1977, and an emergency of 2007 (Khan 2009). So, since its independence country has faced many political problems, particularly related to democracy. Inayatullah (1995, 99) narrated that Under the weight of mismanagement and internal institutional imbalances and decay, parliamentary democracy collapsed three times and was replaced by military rules encompassing almost half of the country's existence.

Islamic Perspective of Women's Rights:

The Universal Declaration of Human Rights was adopted in 1948 but in Islam, the human rights were declared about 1400 years ago, in the last sermon of the Holy Prophet (Peace be Upon Him), He clearly announced the rights including freedom, equality, the sanctity of life, property, no discrimination based on status, cast, colour, tribe or gender and neighbours (Saeed and Saeed 2012).

Pre-Islamic history tells that before the advent of Islam the women were not given their due rights but the principles which were followed by the pre-Islamic society were made only to favour the males. Even women were not given any due share from the inherited property of their father or husband, they followed the principle that inherited property shall be given only to the person who has the power to fight on the battlefield and ride horse (Zahid and Ali 2018).

At the global level, women are suffering from so many problems in the shape of physical and mental abuse, according to the statistics of the World Health Organization "one out of three females become the victim of crime and violence in her life, 10 to 69 % female are physically assaulted in some part of the world" (Abbasi, Narejo and Soomro 2012, 98).

The constitution strongly condemns discriminatory action based on sex and provides equal status and protection to men and women. Article 25 (2) of the 1973 constitution states that "there shall be no any discrimination on the basis of sex" (National Assembly of Pakistan 2012, 15).

Historically, the status of women's rights in Pakistan has been raised. According to Human Development report issued by the United Nations, the status of gender equality in Pakistan is better than India. In Pakistan the status of women's rights varies from area to area, culture to culture, and more significantly in urban and rural areas, moreover, tribal and feudal systems bitterly affect the provision of women's rights in the real sense (Khan, et al. 2015).

Furthermore, this constitution provides a separate chapter of fundamental rights, there are also various articles which ensure women's rights, such as equal status, participation in national life, protection, employment benefits during maternity, reserved seats at the National, Provincial, and Local levels etc. With the passage of time new rights and freedoms are also incorporated in the constitution, i.e. Article 19(A), incorporated in the constitution of 1973 in 2010, which made the citizens more empowered because with the implementation of this right the citizens' right to have access to public related information from any governmental office which further ensures the more transparent and accountable system.

Women's Empowerment through the Right to Vote:

Generally, the term women empowerment means to enable women to make the decisions of their life independently for their welfare and better future (Saryal 2014). The Convention on the Elimination of All Forms of Discrimination against Women focuses on the provision of equal rights for women not only in written form but also in practice. Whereas in some other international treaties regarding human rights the term 'equality', even in some treaties the term 'equity' is used (United Nations 2014).

History witnessed that initially, men enjoyed rights and later on with the passage of time those rights were given to women, moreover, men were granted the rights including the right to vote and civil liberties prior to women. For instance, the right to vote was granted to men in Greece in 1864 but this right was given to women in 1952. Similarly, Denmark has had men's suffrage since 1849, while this right of women was recognized in 1915 (Wang, et al. 2017).

Unfortunately, in some countries the culture and traditions became hindrances in the way of women's participation at the national level because in those countries it is believed that the women are emotionally weak, they will not be able to make bold decisions at the government level, so they should work inside the home, and they believe that politics is the only work of male (Aziz 2013).

In the post-independence era women played a vital role for independent country, even after independence they actively participated in politics and the restoration and strengthening the democracy in the country. History witnessed that women also played their role in the movement for a separate homeland for Muslims of the sub-continent, resultantly on 14th August 1947 Pakistan came into being. It was the vision of the creator of Pakistan Quaid-i-Azam Muhammad Ali Jinnah that men and women should have equal rights and should work together. According to him "no nation can ever be worthy of its existence that cannot take its women along with the men. No struggle can ever succeed without women participating side by side with men" (Rathore 2015, 6).

The constitution of Pakistan also ensures women's participation and directs the institutions to create such environment in which women can fully participate. Article 34 reads as "steps shall be taken to ensure full participation of women in all spheres of national life" (National Assembly of Pakistan 2012, 18).

Political Participation of Women and the 1973 Constitution:

As far as women's participation is concerned local government system provides more chances for women to contest elections and even to be elected as compared to the Provincial and National Government levels. This system also provides reserved seats which further ensures women's participation in the decision-making process at the local level, which is the step towards good local governance.

Moreover, political participation refers to the involvement of the community in any formal structural institution for the purpose of influencing their policies, structure, or functioning. Consequently, efforts to eliminate obstacles to such activities, making more effective, and create new or alternative sources that align with established norms are seen as political participation. In a broader perspective, the political participation of women is not mere about their participation in the administrative and electoral process but also the whole process "including support for political groups, dissemination of political views, involving in any form of organized activities that affect or seek to effect power" (Banerjee 1998, 4).

With the implementation of 1956 constitution women were not only given the reserved seats in Parliament but also, were allowed to vote for the election of members of the National Assembly (Rathore 2015). Moreover, there were also reserved

seats for women at the national level in previous both constitutions of 1956 and 1962. Like previous constitutions, the constitution of 1973 of Pakistan also provided for reserved seats for women, which in 1985 further increased from 10 to 20 seats. Furthermore, with the passage of time, these reserved seats were being increased which are now 60 seats are reserved for women at the national level (HRCP n.d.). Apart from this, according to Article 59, there are 17 seats reserved for women in the upper house (Senate) of the Parliament of Pakistan (Senate of Pakistan n.d.).

Pakistan is a federal state, due to that reason there are two sets of government i.e provincial and national, and they both enjoy separate powers. As the Parliament of Pakistan is comprised of the National Assembly and Senate, while each province has its own provincial assembly. The total number of members of each provincial assembly is also mentioned in Article number 106 of the 1973 constitution, according to this article the total number of members of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh are 65, 124, 371 and 168 respectively, while the reserved seats for women in each province are 11, 22, 66 and 29 respectively (National Assembly of Pakistan 2012).

Article 32 of the 1973 constitution of Pakistan under the heading Promotion of Local Government Institutions states that "The State shall encourage local Government institutions composed of elected representatives of the areas concerned and, in such institutions, special representation will be given to peasants, workers and women" (National Assembly of Pakistan 2012, 18).

From the political perspective, women were made part of decision-making and implementation at the local level by introducing reserved seats in the local government ordinance 1979, in which two seats at Union Council and ten percent of seats at upper tiers were reserved for women, but with the passage of time ratio of reserved seats for women was increased to thirty-three percent in local government ordinance 2000 (Islam n.d.).

Local Government:

Historically, the word governance was used in Medieval Europe, until the 15th century the word Governance in French and English was used to mean 'Sovereignty' or 'Government'. Further, another approach inspired the France during 17th century, according to this approach the government was combined with civil society. It is also assumed that the concept of governance has roots in BC. This assumption is based on the "Arthashastra work written by Kautilya in the 400s. Kautilya stated here the main elements of governance as justice, ethics and anti-autocratic attitudes. Although the concept of governance dates back to ancient times, a common and strong definition has not been reached today" (Karatas 2020, 2664).

With the greater acceptance of decentralization majority of the countries have changed their centralized power structure to a decentralized system for the purpose of effective and efficient service delivery, which is considered as a factor of good governance. The term decentralization became famous during Musharraf Era when he introduced devolution reforms. According to him, it was to decentralize the political, administrative, and financial authority and responsibility at the lower level.

The term local government can be defined and interpreted differently depending on the individual's interest. Its structure, powers, and functions may vary in unitary and federal States. Eneanya (2012, 55) defines the local government in centralized system or unitary State, "it is possible to generally interpret local government as Organisational bodies comprising regions that are subject to the central authority and which are subordinate to the centralized power only acts within the authority assigned to it by higher-level government policy or directives".

The local government is the only tier at the basic level which creates more chances of political participation of women. The concept of Local Government is not new but remained in history with different names and terminologies, history witnessed that pre-partition this system remained in practice in the name of the 'Panchayat System', where the people from the upper caste remained its members. After the partition of the sub-continent, in Pakistan, the system of Local Government was introduced with its structural form but unfortunately could not remained in practice continuously and every time new experiments were brought in the name of local government with new terminologies.

In a federal state like Pakistan, the institutions of local government are the subject matter of Provinces, under the 1973 constitution. The effective local government system is essential element for the development of any country (Mahanta and Singh 2021).

Women in Local Government:

In society the role of women is included in three different aspects, 1. Socialization, 2. Economy and 3. Reproduction. These important aspects clarify that women are trustworthy and can play important roles as responsible citizen of society. But unfortunately, when it is the matter of women's representation at the local level, their role is not as visible as it should be in local councils. This fact limits the role of women to domestic affairs only, resultantly the male enjoys the monopoly in political affairs. Democracy is the only form of government that provides equal chances of participation to different interest groups to manage societal affairs. Women also constitute almost half of the world's population. Therefore, without women's participation at the local level, the decision-making could be undemocratic and biased. Women's participation at the local level enables them to contribute towards local and national development and their presence in policy-making at the local level empowers them to formulate policies regarding their expectations, aspirations, and needs (Rameez 2018).

Mohiuddin & Ahmed (2019) narrated that women almost constitute half of the population of the world, and it has been accepted fact that women like men have similar potential to participate in politics and other professions. But unfortunately, in most countries, politics is perceived as a matter relates with men only, and women are considered unfit to play any significant role in politics. It is also another reality that in most of the countries having democratic systems the women were given political rights much later as compared to men. There are a number of reasons that create hindrances in the way of political participation of women. Firstly, the deep-rooted traditional norms restrict women with household activities and keep women away from public affairs. Secondly, the caste, class, and male-dominant society impose limitations on the political space given to women.

The third factor relates with the lack of women's political experiences and unavailability of exposure in exercising political responsibilities. The importance of local government from women's participation perspective cannot be disregarded (Amponsah and Boateng 2021).

Globally, women are underrepresented in political perspectives. It is also evident that women have more access to decision-making at the local level as compared to the provincial government or national government level. This has primarily been ascribed to the fact that women face in routine life. It is easier for women to balance household, and family responsibilities along with local government participation. Being at the local level there are more chances available for women's participation with less competition as compared to provincial assemblies and national parliament.

Conclusion:

Women are almost half of the population of the world, so without realizing their equal status in society, no country can claim its pure democratic system, because in a democracy all citizens enjoy equal rights and these rights are ensured by the constitution because without constitutional protection the rights are meaningless. So, all the developing states have incorporated fundamental rights in their constitution.

Pakistan was created on the basis of Islamic ideology, it is a democratic state having the federal form of government, so it ensures the provision of fundamental rights to all citizens without any discrimination of religion, sect, cast, tribe, gender, race, language, culture etc... for the purpose of giving constitutional protection, a separate chapter of fundamental rights have also been incorporated in the constitution of 1973, apart from this there are also some articles in the constitution which ensure the provision of reserved seats for women in the political system of the country at the local, provincial and national levels. So, it can be said that these all rights and freedoms are exercisable in a democratic state only.

Women should be encouraged to take part in national, provincial, and local government elections because, without their meaning full participation, the concept of democracy is meaningless. The awareness sessions regarding the importance of women's participation in local government must be organized, so that may know the importance of their participation in local government. Further, increasing the number of women in positions of responsibility can help tackle societal issues more effectively.

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