

THE FEMINIST DISCOURSE IN PAKISTAN:

A STUDY FROM 1977-88 UNDER THE ZIA-UL-HAQ REGIME

*Dissertation submitted to Jawaharlal Nehru University
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DECLARATION

I declare that the dissertation entitled “**THE FEMINIST DISCOURSE IN PAKISTAN: A STUDY FROM 1977-88 UNDER THE ZIA-UL-HAQ REGIME**” submitted by me for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.

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CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation.

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Supervisor

For
Mummy & Papa

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Abbreviations

AASHA - Alliance Against Sexual Harassment

APWA - All Pakistan Women's Association

ASR - Applied Socio-Economic Research

CCPO - Capital City Police Officer

CEDAW - Convention on the Elimination of All forms of Discrimination Against Women

CII - Council of Islamic Ideology

COP - Combined Opposition Party

COVID - Coronavirus Disease

CPC - Criminal Procedure Code

CSO - Civil Society Organizations

FSC - Federal Shari'at Court

HRCPP - Human Rights Commission of Pakistan

HRW - Human Rights Watch

IRIN - Integrated Regional Information Networks

JAC - Joint Action Committee

JII – Jama'at-e-Islami

JIT - Joint Investigation Team

KP - Khyber Pakhtunkhwa

MFLO - Muslim Family Laws Ordinance

MMA - Muttahida Majlis-e-Amal

NADRA - National Database and Registration Authority

NCSW - National Commission on the Status of Women

NCW - National Commission for Women

NGO – Non-Governmental Organisation

NLR - National Law Review

NOC - No Objection Certificate

PAWLA - Pakistan Women's Legal Association

PLD - Pakistan Legal Decisions

PML - Pakistan Muslim League
PML-N - Pakistan Muslim League - Nawaz
PPC - Pakistan Penal Code
PPP - Pakistan People's Party
PTI - Pakistan Tehreek-e-Insaf
PWLA - Punjab Women Lawyers' Association
PWNG - Pakistan Women's National Guard
PWNR - Pakistan Women's Naval Reserve
TFC - The Feminist Collective
UFWR - United Front for Women's Rights
USAID - United States Agency for International Development
WAF - Women's Action Forum
WAR - War Against Rape
WEMC - Women Empowerment in the Muslim Context
WLUML - Women Living Under Muslim Laws
WPA - Women's Protection Act
WRO - Women's Rights Organization
WVS - Women's Voluntary Service

INTRODUCTION

It is a bitter reality that even in these modern times, women's rights are not just a matter of debate but also a matter that confuses many. Since any debate or struggle pertaining to the demand for the rights of men (not as a synonym to the whole humankind, but as a gender) is unheard of, rights of women have been misinterpreted or rather cunningly portrayed by many, as something which is 'extra', beyond normal; a privilege. While this horrid understanding represents the situation in the orthodox camp of privileged patriarchy, the understanding of what is to be called 'feminist' *i.e.*, its scope and definition, is at best hazy, amongst those who do realize the need for a struggle against religio-cultural, systemic and legal impediments, to bring women at par with men.

While most of the concepts of modernity find their roots in the Enlightenment period, the concept of feminism was nurtured, rather than conceived during that time. For, it is true that the term has found its utility from 19th century onwards (arguably, French philosopher and socialist Charles Fourier was the first to use the term *féminisme* in a sense that meant the advocacy of women's rights); the struggle is as old as the imbibed patriarchy in the society. In the modern context of nation-state, tracing back the history of women's rights movement takes us back to Olympe de Gouges' *Declaration of The Rights of Woman and Female Citizen* (1791). Because the concept of nation-state and the present form of citizenship were borrowed by almost all the colonized states from the West, the evolution of women rights movement in the West becomes indispensable for studying the feminist movement in any part of the world.

Even though the conceptual contribution of the West cannot be ignored, (which also provides a vantage point from time to time) the feminist discourse in colonized states has followed a trajectory different from the West; primarily given the fact that the women in these societies faced, what can be termed as a 'double colonization'; oppression at multiple levels, first being women in patriarchal societies and secondly as the subjects of the colonizers.

The colonization of the subcontinent resulted in two opposing reactions by the masses. On one hand it created a discourse of modernity while on the other it required further effort on the part

of the natives to safeguard their religion and culture. Wherein, without a doubt the two reactions gave birth to the two kinds of elites in the nationalist politics of South Asia, there seems to have been another, a rather genius resolution to reconcile this contradiction, adopted most commonly by both the Hindu and the Muslim middle and lower classes. The “desire to retain a sense of continuity with the past and tradition, while simultaneously acquiring modern knowledge in order to compete in the re-ordered world of politics, commerce and the economy and the contradictory imperatives of preservation of the old order, while stepping reluctantly into the new one, were reconciled by a strict public/private division in which women would guard the symbolic frontiers of identity by maintaining tradition and culture” (Saigol, 2016). Thus, women of every community have borne the onus of being the carriers of tradition.

But one cannot ignore the effect of the same colonization, (or rather the nationalism, that it resulted in), in igniting the female consciousness for the need of a collective effort in not just freeing the nation from the British but also gaining certain rights and equal citizenship in the State that would follow the independence. The mass-based nationalist struggle which provided an impetus to include the women, even if it were a temporary arrangement, introduced them to the roles which went beyond the traditional ones.

Furthermore, the foundational dissimilarity in the reality of the western and the colonized women required the colonized women to fight not just physical and systemic violence but also what Spivak terms as the *epistemic violence*¹. Given the strong religious identity of the State which was necessary to justify the Two Nation Theory, a ‘secular Pakistan’ (though tragically, short-lived) too was unable to provide an atmosphere conducive to the growth of female rights and liberty beyond a certain point. Saigol argues that “during the early years, the focus of the Women organizations as big as All Pakistan Women Association (APWA) was limited to piecemeal welfare and legislative reform via lobbying, for there were hardly any women Parliamentarian to carry on with radical legislations. Their relationship with the State was one of mutual accommodation and cooperation” (Saigol, 2013).

¹ Epistemic Violence- It is a term given by Gayatri Spivak, which could be broadly understood as the violent societal conditions that are rooted in knowledge itself.

The paper argues that it was the Zia Regime, and his policy of Islamization which was the watershed movement; the breaking point for the patience of women of Pakistan. It was during this time that disparate movements and demands were organized together into a single movement against the regime. Ironically this period of extensive and ruthless subversion was also the golden period for feminism in Pakistan, when the women rights movement was at its peak and collective consciousness, the strongest. Given this backdrop, the dissertation will try to look at the debates which encompass feminist movements in the postcolonial countries in general and Pakistan in particular. Further, it will probe into the tussle between the secular and the Islamist framework of operation which, to some extent has divided the strength of the movement, rendering it fragmented. While the focus of the paper would be on the Zia Regime, both from a politico-legal and socio-religious perspective, a brief history of Muslim women feminist discourse in Indian Subcontinent until 1947 and later that in Pakistan, too will be explored in order to properly contextualize the events that took place between 1977 and 1988.

Furthermore, the idea of Pakistan, just like the idea of any nascent postcolonial State born in the 20th century with a colonial legacy and a religio-nationalist construction, has never been a uniform one. Pakistan is a state with dual personality. It is true that it was conceived with the logic of enabling a 'homeland' for the Muslims of South Asia (the legitimacy to the claim of Pakistan, was defeated with the formation of Bangladesh), however, the two personalities of the State have always been up in arms against each other. On one hand is the Pakistan of the imagination of the modernists and intellectuals who see it just as a modern Muslim State which must come under the purview of a secular constitution which would ensure equality to all its citizens including women. On the other hand, is the idea of Pakistan, envisioned as an Islamic State run by the Shari'at Law, which required the division of labour amongst its men and women as encapsulated in the holy texts. These two competing ideas of the state have not been on the same page when it came to the legitimacy, they bestow upon the demands made by various women's rights groups on the State. Thus, it is imperative to study the discourse of feminism in Pakistan in reference to the changing, fluctuating, oscillating and ever evolving conception of the State that is Pakistan.

1) OBJECTIVE, RATIONALE AND SCOPE OF STUDY

Post-independence, the South Asian Literature on political and social issue has taken great leaps. Apart from the re-examining the Western ideas and challenging the intrinsic Eurocentrism in them, the scholarship on postcolonial studies is exemplary, providing a vocabulary for the rest of the developing world. Postcolonial feminists too have laid the groundwork, moving beyond, but also in tandem with the Western feminists, to highlight the specific condition of a women residing in a non-western society. Works of Gayatri Spivak, Urvashi Bhutalia and Chandra Mohanty are just to name a few.

Though, the postcolonial feminist literature presents itself as a foundation for the work on the rights of women in the postcolonial states, the case of Muslim states like Pakistan, whose reality still exists within the religious parameters, requires a further breakdown of the unresolved dichotomy that exists between the Islamic and the Western secular framework. This further needs for us to employ the definition of ‘secular’ that is not Eurocentric, but caters to the need of traditional societies of South Asia. For this purpose, works of T.N Madan, Akeel Bilgrami, and Rajeev Bhargava, who have extensively studied secularism from a South Asian perspective, need to be thoroughly incorporated within the feminist literature as well.

However, there is still a dearth of literature which takes into account the peculiar nature of Pakistan defined by these three contradictions; first, a Muslim majority society but with a subcontinental strain of Sufi Islam, second, a colonial past but also a neo-colonized nature of the State (relying on the ‘liberal’ State of America and the conservative Arab world, at the same time) and third, a choice between the secular tradition of the West and non-western conception of secularism. All these three conditions have left the feminist struggle, itself struggling to find a niche amongst these contradicting identities. Thus, the research is important to understand the feminist struggle situated in the reality of Pakistan, testifying to the fact that even postcolonial framework is not a size that fits all.

To understand the Pakistan Feminist discourse, keeping in mind the above-mentioned contradictions, the study also aims to exercise what Spivak terms as “*catachresis*” (with respect to political concepts in postcolonial states), or which is defined by her as "wrested from its

proper meaning" – the meaning rooted in Enlightenment concepts. Spivak insists that “a transnational study of culture, rather than being comparative, should constantly invoke the "inexhaustible taxonomy of catachresis," that is, chart the differences in national origin” (Spivak, 1993).

The “women’s movement in Pakistan did not emerge suddenly out of nowhere in reaction to General Zia-ul-Haq’s ‘Islamization’ measures, nor is it based merely on events that transpired after the creation of Pakistan”, (Zia, 1994) Thus, the scope of this dissertation is focused on the Feminist resistances during the period which is marked the Authoritarian regime under General Zia-ul-Haq and the Islamic conception of State that it entailed, but is not limited to it. It is not possible to divorce this period entirely from the preceding Ayub Regime of a modern yet authoritarian State as well as from the successive era which is marked by the extensive connectivity with the world in the era of digitization of movements. For example, the #MeToo movement which served as a catalyst for the most successful display of resistance by the feminist groups in the recent times; Aurat March.

The areas of analysis of the resistance too are varied. The feminist movement, apart from being a result of overt and audible actions, from picketing to storming the High Court to legislative lobbying was also the process of formation of a collective consciousness, the understanding of a common struggle notwithstanding the socio-economic differences. Thus, one of the main aims of the study will be to chart the literary and cultural tools via which this consciousness came into being.

2) RESEARCH PROBLEMS/ QUESTIONS

1. What does the contradictory understanding of Pakistan as an Islamic State and the State for Muslims signify for the feminist discourse in Pakistan?
2. How has the women’s rights movement been defined and redefined by the changing nature of the State of Pakistan?

3. How is the feminist discourse in Pakistan different from that of other South Asian countries as well as the Middle Eastern Muslim-majority states?
4. What were the strategies and actions taken up by the Women organization to fight the Islamization project of Zia Regime?
5. What has been the contribution of the Feminist Urdu writers, to develop a consciousness of a united cause against the authoritarian regime?

3) HYPOTHESIS OF THE STUDY

1. Feminist Discourse in Pakistan situated at the crossroads of postcolonial modernity and Islamic piety takes its lead from the dynamic nature of the State of Pakistan.
2. The women's right discourse is torn between the western human rights framework and the Islamic concept of *ijtihad*.
3. The Islamization of the State under Zia, paradoxically helped formalize and concretize the scattered feminist demands into a movement for the rights of women.

4) METHODOLOGY OF THE STUDY

The research will primarily be the qualitative analysis of the existing literature on the Feminist discourse in Pakistan and the methodology would be exploratory and analytical. Also, the approach will be deductive, for any generalizability is impossible given the special circumstances of the State of Pakistan. Primary sources would also be included in the form of the, the Constitution of Pakistan, 1972, legislations and ordinances pertaining to women

that were passed by the State of Pakistan between 1961-1988, major Supreme Court and Federal Shariat Court verdicts, and the reports on education and healthcare issued by the Planning Commission and Central Bureau of Education of Pakistan, and the Charter of the Women's Action Forum and the feminist poetry written by prominent feminist writers in Pakistan. Both available primary and secondary data will be used for analysis.

Feminism: Conceptual Framework and Debates

1.1 OVERVIEW

The Chapter attempts to define, critically analyze, deconstruct, and redefine not only the term 'feminism' but also the idea and the movement that the term represents. The aim is to start with the textbook definition, and from there to delve into the debates that allows the deconstruction of the 'given' meaning, expose the Eurocentrism and essentialism that is associated with the term, and finally arrive at a meaning which overcomes these limitations.

The first part of the chapter revolves around two primary debates. First, the centrality assumed by the White, 'First World' feminists and the marginalization of the 'Third World' women who themselves are ignorantly taken as a homogenous category (example of yet another assumption that has to be debunked in order to understand feminism in the developing world). The second debate is that of the Secular versus the Islamic. This debate has overshadowed almost every other issue in the feminist literature of most of the Muslim majority states.

The second part of the chapter briefly looks into the changing nature of the State of Pakistan over the years and what it has meant for the feminist discourse in the country. However, each phase would be discussed in detail in the following chapters.

1.2. FÉMINISME: TRACING THE ORIGIN OF THE TERM

"It is never a waste of time to study the history of a word" argued Lucien Febvre in *Civilization: Evolution of a Word and a Group of Ideas* (1930). Such an exploration into the history and context of a term becomes even more expedient when the term itself finds its origin in a particular time and space and is laden with specific meanings and racial baggage.

Charles Fourier is usually credited for using the word "féminisme" for the first time in 1830s, but the claim has come to be questioned over time. Nonetheless, the term came into popular use in the 1890s France. Hubertine Auclert of France, a women's suffrage advocate is considered the first self-proclaimed "feminist" who used the term in her periodical *La Citoyenne*. 'Soon, the term crossed the English Channel to reach the UK and later the Atlantic, to USA' (Offen, 1988). The term came to be often expressed through the vocabulary of "rights". The fight was fought to 'extend the rights' that came 'naturally' to men, to the women of the nation. However, such an understanding of feminism came to fall short in the West itself. It failed to take into account the evolving aspects of women's movements and demands which went beyond rights. Further, challenge was posed to the concept of feminism as a homogenous idea by the multiplicity of ideological forms of feminism; from liberal and socialist to radical and Marxist.

The term eventually reached the colonies. It is in these colonies, in the 'Third World', that the chapter aims to understand the meaning and scope that the term 'feminism' holds. In the colonies, like most of the -isms that have been imported from the West, feminism too was met with scepticism. The traditionalists and the conservatists saw it as an attack on the native culture and also as a tool to colonize the 'private' along with the 'public'. The modernists on the other hand, took acceptance to the tenets of feminism as far as they suited their narrative of modernity. The women's rights discourse in tandem with the nationalistic aspirations of the colonies has been discussed in the following chapter with the Subcontinent as the case under study.

However, before one can further delve into the history as well as the evolution of the term in the West and the colonies, it becomes inevitable to answer some questions. Is feminism a singular concept? Does it refer to a movement or an ideology? Does the existence of different ideological feminisms that are practiced around the world, weaken the movement or strengthen it? If the 'rights' discourse falls short to define feminism, what other theoretical concepts allow us to define feminism in its totality? How is the disease of 'white prejudice' that ails most of the western concepts when imported to the colonies, to be tackled with? How to compare the difference in the perspective of both, the white and the native women's, regarding the condition and struggle of the latter?

1.3. FEMINISM BEYOND FEMALE RIGHTS

Before asking ‘who is a feminist?’ it is worth asking ‘who is a female?’ How are the gendered identities produced? What sustains these binaries of identity? What is sacrificed to maintain this status quo, to maintain these binaries of male -female, homosexual- heterosexual? Only once these questions are identified and answered, would one be able to understand who a feminist is. Feminism aims to counter patriarchy not just at the operational level with respect to women alone but expose its epistemological roots. Nivedita Menon puts it simply in her ground-breaking work *Seeing Like A Feminist*, “To be a feminist is to understand that different identities located hierarchically as dominant or subordinate-are produced at different times and in different spaces, but also to be aware particularly of the processes of gendering. By 'gendering', I mean the ways in which people are produced as 'proper' men and women through rules and regulations of different sorts; some of which we internalize, some which have to be violently enforced..... Feminism is thus not about individual men and women, but about understanding the ways in which 'men' and 'women' are produced and inserted into patriarchies that differ according to time and place” (2012). Consequently, “in committing itself to gender as a category of analysis, contemporary feminism also commits itself to gender equality as a social goal” (Tickner, 1993). Therefore, it makes even gay relationship between men, a feminist issue.

When seen from the given perspective, the scope of the feminist project engulfs a large part of the social, political and biological existence of every human being and not just the ‘women’. Unfortunately, due to the limited scope of this undertaking, it would be impossible to investigate the making of the ‘male’ and the ‘female’ in entirety. However, the manoeuvres of the patriarchy to construct an ‘ideal woman’ in the Subcontinent would be constantly looked into, throughout the dissertation.

Limiting the definition of feminism to the attainment of legal and political rights granted by the state has worked against the larger project of female emancipation in the private along with the public sphere. Thus, the meaning attached to this word has to be “expanded to mean an awareness of women’s oppression and exploitation within the family, at work and in society, and conscious action by women (and men) to change this situation. Feminism, in this definition, goes beyond movements for equality and emancipation which agitate for equal rights and legal reforms to

redress the prevailing discrimination against women. While such movements often advance the struggle for equality, they do not tackle such basic issues as women's subordination within the family or challenge the existing framework of men-women relations in which the subordination of women is located" (Jayawardena, 1986). Therefore, "not all feminist struggles can be understood within the framework of "organized" movements. Questions of political consciousness and self-identity are a crucial aspect of defining Third World women's engagement with feminism. And while these questions have to be addressed at the level of organized movements, they also have to be addressed at the level of everyday life in times of revolutionary upheaval as well as in times of "peace"" (Mohanty, 2003). This aspect of understanding feminism is then crisply wrapped up in the definition suggested by Teresa de Lauretis:

"Feminism defines itself as a political instance, not merely a sexual politics, but a politics of experience, of everyday life, which later then in turn enters the public sphere of expression and creative practice, displaces aesthetic hierarchies and generic categories, and which thus establishes the semiotic ground for a different production of reference and meaning" (de Lauretis, 1986).

1.4. POSTCOLONIALITY AND FEMINISM

While the typical approach to study feminism is to start with the three waves of feminism centred around the western feminist discourse, this section documents the attempts made by the postcolonial feminists not only to call out the "ethnocentrism" inherent in such a categorization of the movement, but also to highlight the unique character of oppression experienced by the Third World women, (different in character from that experienced by the white women) as well as the internal heterogeneity of their experiences. For example, the 'second wave', as it is often referred to as, of the Western feminist critique, mainly engaged itself in battling the structures of patriarchy; structures which oppressed the whole of women. The motive was to identify a 'common singular enemy' and a 'specific type of oppression'. This exercise in establishing a uniformity of the cause, results in the erasure of all other sexual, socio-cultural, and racial specificities of subjection which further lead to a complete blotting-out of all other forms of subjective experiences of subjugation.

Black Feminism², and the Postcolonial Feminism³ made visible and denounced these ‘oversights’ made by the white, middle-class, heterosexual woman who “continued to see whiteness as so natural, normative and unproblematic that racial identity is a property only of the non-white” (du Cille, 1996). It was thus, a discourse *by* and *for* them. On the other hand, the parallel discourse led by the Black and Postcolonial Feminists denied the white feminists, the universalization of the categories of oppression and the oppressed, calling out their Eurocentrism and the marginalization of the rest of the world.

One of the questions that is rooted in the postcolonial discourse, asked by Gayatri Spivak in her 1988 essay by the same name is; *Can the subaltern speak?* Can those who have been silenced or alternatively spoken for, speak for themselves when allowed to? Can the women speak of their personal experiences in a way that is not shaped by the colonial or conversely, the nationalist discourse?

In order to dismantle textualities Spivak puts to use the idea of Derridean deconstruction. Spivak explains how “textuality justifies colonial expansion, and leads to ‘epistemic violence’⁴ that (mis)represents the ‘other’” (Spivak, 1988). Subaltern historiographies could now be re-read and re-written after this probe by Spivak. What this exercise also achieves is the problematization of the notions of not just power and knowledge but also that of resistance and memory. However, there exists what can be termed as a bind in Spivak’s theorization of the speech of the subaltern. Spivak, in her article asserts that “there is no unrepresentable subaltern subject that can know and speak itself” (Spivak, 1988). Note the usage of the word ‘unrepresentable’ in the statement above. According to her “subaltern is always (mis) represented by the colonialists and postcolonial.” Parallely, she contends that there cannot be an ‘essentialist subaltern subject’ who can speak against colonial/postcolonial (native) representation, for it itself is a victim of ‘epistemic violence’.

² Black Feminism- The term is usually used in an African diasporic context, with its roots in USA. It aims at of understanding problems faced by Black women along with identifying and/or uncovering liberation strategies. It also includes work that seeks to highlight the ways Black women's thought illuminate broader philosophical questions and issues.

³ Postcolonial Feminism- Developed in former colonies, this branch or rather the perspective on feminism seeks to account for the way that racism, long-lasting political, economic, exploitation of the non-white women have shaped the reality of women in the postcolonial world.

⁴ See footnote number 1.

Consequently, even when the Subaltern tries to speak, its ‘voices cannot be heard, because its language cannot be understood within the dominant discourse’ (Spivak, 1988).

Ashis Nandy too in *The Intimate Enemy* discusses the second form of colonization; “this colonialism colonizes minds in addition to bodies and it releases forces within the colonized societies to alter their cultural priorities once and for all. In the process, it helps generalize the concept of the modern West from a geographical and temporal entity to a psychological category. The West is now everywhere, within the West and outside; in structures and in minds” (Nandy, 1983). Thus, even when the subaltern is ‘liberated’, it continues to be the victim of the ‘epistemic violence’ now perpetuated by the nationalist discourse.

Partha Chatterjee in one of his articles posits “that the so-called women’s question in the agenda of Indian social reform in the early 19th century was not so much about the specific condition of women within a determinate set of social relations as it was about the political encounter between a colonial state and the supposed “tradition” of a conquered people- a tradition that, as Lata Mani (1986, 1987) has recently shown in her study of the abolition of *satidaha* [widow burning], was itself produced by colonialist discourse. It was colonialist discourse that, by assuming the hegemony of Brahmanical religious texts, the complete submission of all Hindus to the dictates of those texts, and the necessary basis of practices such as widow burning in the sanctions of the texts, defined the tradition that was to be criticized and reformed” (Chatterjee, 1989). The irony does not end here. While on one hand the colonial State criticized the treatment accorded to the women in India in the name of the traditional scriptures (a result of the Western ‘Orientalist’ discourse itself), on the other hand, the response of the nationalists to this condemnation was the construction of a tradition that was ‘reformed’ on the grounds of ‘modernity’. At this point Chatterjee exemplifies what can be termed as the ‘unspeakability’ of the subaltern [read women] of the Bhadramahila of the 20th century Bengal; an image of “ “new” woman [who] was quite the reverse of the “common” woman, who was coarse, vulgar, loud, quarrelsome, devoid of superior moral sense, sexually promiscuous, subjected to brutal physical oppression by males” (Chatterjee, 1989). In this sense “the nationalist discourse we have heard so far is a discourse about women; women do not speak here. It is a discourse which assigns to women a place, a sign, an objectified value; women here are not subjects with a will and a consciousness” (Chatterjee, 1989).

Chatterjee and Spivak has armed the researchers with a theoretical framework to critically analyze and assess the modalities of power, knowledge and violence. However, Spivak's claim that 'even if the subaltern speaks, no one will be able to hear', should be taken up as not just a challenge but an encouragement in order to spot those voices in the past and the present, even when the contemporary discourse might be guiding and hiding those voices. For only when the subaltern finds its voice can it hope to form a consciousness. It might be argued that spotting this voice situated in the dominant discourse defeats the reasoning adhered to, which claims the 'unspeakability' of the subaltern. And it is a perfectly sound argument. Still, listening to what the marginalized have to say for themselves; their sufferings, their hardships, would only help one pierce through and lay down bare, the dominant discourse itself. The perspective of the marginalized provides a vantage point which the dominant voices never will, making the search for the voices of the subaltern ever more important. Moreover, "the practice of scholarship is also a form of rule and of resistance, and constitutes an increasingly important arena of Third World feminisms. After all, the material effects of this knowledge production have ramifications for institutions (e.g., laws, policies, educational systems) as well as the constitution of selves and of subjectivities" (Mohanty, 2003). This is precisely what has been achieved in the works of Chandra Talpade Mohanty, Kamla Bhasin, Urvashi Bhutalia and others.

Mohanty in her book, *Feminism Without Borders* has achieved an extraordinary feat, by "*decolonizing feminism*" and calling out, in plain and simple words, the arrogance as well as the ignorance of the 'White feminists'⁵, whose "assumptions of privilege and ethnocentric universality on one hand, and inadequate self-consciousness about the effect of Western scholarship on the Third World in the context of a world system dominated by the West, on the other, characterize a sizable extent of Western feminist work on women in the Third World."(2003) By reductively analyzing the "sexual difference" *i.e.*, assuming a cross-culturally singular, monolithic notion of patriarchy or male dominance, ignoring cultural, religious specificities, historical context and complexities , the Western forms of feminism colonize even the struggle of the Third world women. On the contrary, what Mohanty tries to achieve through the theorization of the experience of the Third World women is "historicizing and locating political agency (which) is a necessary

⁵ White Feminism- The term is usually used to refer to the lack of understanding on the part of the privileged white women who fail to understand or undertake into account the issues of women belonging to ethnic minorities, or a woman belonging to another race.

alternative to formulations of the “‘universality’” of gendered oppression and struggles” which is problematic “based as it is on the assumption that the categories of race and class have to be invisible for gender to be visible. Claiming universality of gender oppression is not the same as arguing for the universal rights of women based on the particularities of our experiences” (2003).

While on one hand the feminist experience has been hijacked by the White Feminists in their bid to universalize the oppression, on the other hand the challenges encountered by the Third World Feminism in their socio-cultural context too have proved themselves equally difficult to be overcome. The concept of feminism has often been met with contempt and at best with scepticism in the developing countries. Different stakeholders in the agenda of women emancipation (or the opposite) have had their own reasons to doubt another “-ism” that is imported from the West. While, traditionalists and political conservatists, have resisted the idea of female equality and freedom because it poses a threat to the culture and religion, the leftist in the colonies too have not welcomed what they consider the product of Capitalism; an ideology of women of the local bourgeoisie.

In fact, “the term “‘feminism’” has been questioned by many Third World women themselves. Feminist movements have been challenged on the grounds of cultural imperialism and of short-sightedness in defining the meaning of gender in terms of middle-class, white experiences, internal racism, classism, and homophobia. All of these factors, as well as the falsely homogeneous representation of the movement by the media, have led to a very real suspicion of “‘feminism’” as a productive ground for struggle. Nevertheless, Third World women have always engaged with feminism, even if the label has been rejected in a number of instances” (Mohanty, 2003)

Kumari Jayawardena in her book *Feminism and Nationalism in the Third World* shows that “feminism was not imposed on the Third World by the West, but rather that historical circumstances produced important material and ideological changes that affected women, even though the impact of imperialism and Western thought was admittedly among the significant elements in these historical circumstances. Debates on women’s rights and education were held in 18th-century China and there were movements for women’s social emancipation in early 19th-century India. In a way, the fact that such movements for emancipation and feminism flourished in several non-European countries during this period has been ‘hidden from history’” (1986). Jayawardena, therefore tries to do away with the ‘foreignness’ associated with the term ‘feminism’,

as well as protect the project of female emancipation from being sabotaged by the rhetoric of ‘foreignness’ which came in handy to the Patriarchy.

Elaborating upon the necessity of theorization of experiences of the ‘non-white’ women, Mohanty concludes “that the challenges posed by Black and Third World feminists can point the way toward a more precise, transformative feminist politics based on the specificity of our historical and cultural locations and our common contexts of struggle” (Mohanty, 2003). This would help build not just the theory of but the foundation of a feminism truly, without borders.

The feminist literature that has been produced in the South Asia has seen an evolution of its own. In its earlier stages, the focus of the feminist scholarship was to undo or rather lay bare, the colonial knowledge system which further shed light on the nationalist and postcolonial discourse of the State. Therefore, its major burden had been the “interrogations of histories of the colonial past, decolonization, and the making of postcolonial nations” (Loomba & Lukose, 2012). Maitrayee Chaudhuri argues that “in India or more broadly, the Indian Subcontinent, it was “feminist *historical* research” that laid the grounds for theorizing feminism” (Chaudhuri, 2005).

Later on, the focus of the postcolonial feminism shifted on the need to understand the female agency, its relation with the workings of patriarchy, “feminist re-evaluations of the gender in anti-colonial nationalisms, in colonial constructions of gender and sexuality, and in the creation of the nation-states” (Loomba & Lukose, 2012). The feminist studies had to engage itself with the history of not just the anti-colonial struggle but also that of the religious identity and community, given the constant rise on sectarian and communalist violence in postcolonial states. This line of research is exemplified by the works of Urvashi Bhutalia’s ground-breaking investigation into the communal violence of the 1947 Partition and its gendered experience, *The Other Side of Silence: Voices from the Partition of India* (1998) and Kumari Jayawardena’s now classic *Feminism and Nationalism in the Third World* (1986).

1.5. FEMINIST SCHOLARSHIP IN PAKISTAN

A differing trend has been seen in the feminist scholarship produced in Pakistan. In fact, the feminists in Pakistan “were jolted into action by the Islamization process started by Zia-ul-Haq in 1979” (Mumtaz & Shaheed, 1987). The feminist consciousness in Pakistan was built in the backdrop of massive Islamization policies undertaken by The Zia regime which challenged their citizenship. The debate which Pakistani feminist scholars primarily grappled with, was the role that Islam was to play in fight for the cause of women and the choice of framework (Islamic or Secular) that would suit best the women of Pakistan in order to gain legitimacy for their struggle. Alfiya Zia (2018) has identified three waves of feminist movement in Pakistan.

The first wave was marked by the influence of international feminist scholarship mainly published in the 1980s with dealt with the entanglement of the three, Islam as a liberating religion, feminism as an ideology and the women (with their share of lived realities and experience). Relevance of such scholarship was that “it emerged in the feminist recovery of what can be broadly described as, *Harem Literature*” (Zia, 2018). Caught in the midst of a state campaign of Islamization in the 1980s led by General Zia-ul-Haq (1977–88), Pakistani women were the main victim of the religio-military dictatorship. The neighbour Iran had already experienced the Revolution and the debate discourse on the role of Islam was already well explored there, which provided a foundation for a similar debate to take its roots in Pakistan, albeit taking into account the factors that distinguished Pakistan from Iran. In this early period, women activists expressed their resistance mostly on the streets against “Men, Money, *Mullahs* and the Military” (Zia, 2018), while a more accommodating approach was adopted by the Islamic feminists who believed it in their best interests to demand their rights, remaining in the Islamic framework, quoting the Qur’an and the practicing *Ijtihad*⁶.

The second wave of influence on the feminist movement in Pakistan which Zia identifies is connected to the plethora of literature that came to fore, in the postcolonial studies in India. The critiques of postcolonial modernity, for example, Chandra Mohanty (1988), Uma Narayan (1988), exposed the Western bourgeois feminist hegemonies while Partha Chatterjee’s work

⁶ Arabic term literally translates to ‘physical or mental effort’. An Islamic term, referring to the thorough exertion of mental faculty in finding a solution to a legal question.

links the subaltern, community and religion and recognizes religion as “a constitutive force in a subaltern consciousness” (1989). The debate of the universal applicability versus the cultural specificity came to the foreground during this phase when “feminists began to translate and bridge the relevance of universal feminist agendas with local, indigenous struggles” (Zia, 2018). Further, the recognition of cultural specificity and the need to situate the liberal ideal in traditional setting led to international feminist movements and projects like Women Living Under Muslim Laws (WLUML) network, an international solidarity association formed in France in 1985 which monitors laws affecting women in Muslim communities and works towards an ambitious Muslim personal law reform project and Women’s Empowerment in the Muslim Context (WEMC).

Body of “post-9/11” scholarship that is “post-secular and post-feminist in nature and is critical of Enlightenment ideals, modernity and secularism, and is invested in uncovering the “complex subjectivities” of Islamists” (Zia, 2018), is the latest work of literature on the discourse. The interest extends to Islamist women ‘who are often posited as agentive even in their docility and whose progress must not be assessed against Western feminist goals and struggles’ (Mahmood, 2005). In its own right, the third wave is a radical extension of the first wave. Where it may seem that the first wave feminists merely flirted with the idea of the Islamic women rights framework in order to gain some legitimacy in a ‘Islamized’ Pakistan, the scholarship as well as the field experience of the women on right wing parties like Jama’at-e-Islami increased manifolds in the post 9/11 era, and the debate of Islamic versus the secular feminist undertaking actually materialized. The following segment explores the debate.

1.6. THE PIOUS FEMINISTS: ISLAMIC VERSUS THE SECULAR

Islamic feminism, the very term is subjected to disagreement and contest. As soon as one encounters the term a hoard of questions, engulfs the reader. Can such an idea as feminism be framed in Islamic terms? Is Islam, or for that matter any religion, compatible with feminism? The women who work towards the advancement of women, but cover themselves under a veil, can be called as feminists? For that matter, is feminism always to be defined within the western framework of secularism? If a social welfare activist situates themselves within the broad

objectives of the Islamic State of Pakistan, will they be seen as fighting for the feminist cause or pushing the state's gendered agenda. Is the agenda really gendered? If a religion is indeed patriarchal, is there no hope for improving the situation, no option for salvation? Are not the gains made by the secular feminists in the name of Universal Human Rights sacrificed or rather compromised when the movement diverts its energy to situate those rights in Islam? These are the examples of a few questions that have appeared more than once in various writings and have had varied responses.

The following section aims at understanding what the term Islamic Feminism stands for, through works of various scholars who have dedicated their research to the emerging movement that Islamic feminism is.

1.6.1. ISLAMIC FEMINISM

Islamic feminism must be understood essentially as a postmodernist, scholarly project that refuses to recognize any singular interpretation and or dominant patriarchal narrative of Islam (Moghissi 1996; Mojab 1999; Badran 2001; Mir-Hosseini 1996). Like Secular Feminism, it is not a singular, homogenous movement. The common thread that runs across the theory is the search for emancipation within the patriarchal structuring of Islam. The lens can be either progressivist, modernist, traditionalist, pragmatist, neo-Islamist, or fundamentalist.

The rise of Islamic Feminism has to be understood in the context of the Post-Revolution Iran, for it was here that the movement gained momentum. The Qur'an became virtually the Constitution of the Islamic Republic of Iran. And with the exile of a number of leftist activists and the repression of ideological dissent, feminists hardly had choice but to find a way to fight for their rights within the Islamic framework. "Women, both secularists and religiously oriented, grew increasingly concerned by the imposition and spread of a conservative reading of Islam by Islamist movements and found the need to respond in a progressive Islamic voice. Within Islamist movements women grew disaffected as they discovered their second-class status and dispensability once certain goals were won (echoes of earlier secular nationalist women)" (Badran, 2005). Thus, the Islamic feminists is aimed at "stretching the limits" (Mir-Hosseini, 1996).

Tohidi (1998) in her book mentions two sets of pressures, which the women in the Muslim world have to counter “one stemming from the internal patriarchal system and the other emitted by those forces seen as external, threatening people’s national and cultural boundaries.” She describes, “the recently growing phenomenon of ‘Islamic feminism,’ as one of the counter strategies; a movement of women who “have maintained their religious beliefs while trying to promote egalitarian ethics of Islam by using the female-supportive verses of the Qur’an in their fight for women’s rights, especially for women’s access to education.”

Islamic feminists have constantly made attempts to cite and discuss the progressiveness of the Qur’an specially keeping in mind the social situation in Arabia around the 7th century. This approach itself may seem contradictory. When interpreting text like the Qur’an which is treated as a word of God, often the context is ignored, whether it is to assert the progressiveness or the repressiveness. Thus, the patriarchal make-up of the Arab society, which might be treated as only a context; non-essential background to the ‘basic principles’ (Badran, 2005), by the progressive Islamic feminists, could be taken up as the word of God, on how a society should look like, by the fundamentalists. This exegetical approach is then shared by three competing forces; the conservative apologists, Muslim feminists who attempt a progressive reading of the Qur’an and the *Hadith* and lastly, the radical feminists who are convinced of the intrinsic patriarchal nature of Islam and prove their point through the reading of the Qur’an itself. The contradiction would be further discussed in the chapter.

Islamic Feminists cite the verses the Qur’an prescribes equality of the genders. For example,

“And of His signs is this/that he created mates for you/ from yourselves/ that you might find tranquillity in them/ and he put between you love and compassion.”

(Dawood 1974, Sura 30, Verse 21)

Similarly, Riffat Hassan, a prominent Pakistani Islamic theologian, challenges the claims that “human rights can only be discussed in secular terms, and not within the framework of religion. Hassan (2004) enumerates the ‘general rights’ the Qur’an bestows upon women to highlight the

concept of equality and rights in the holy book. She divides these rights as right to life, right to freedom, right to justice, right to respect, etc.” (Ahmed-Ghosh, 2008). To prove her point, she quotes a Qur’anic verse which establishes equality between a married man and woman.

“They are your garments/and you are their garments”

(Dawood 1974, Sura 2, Verse 187)

Deniz Kandiyoti’s (1988) concept of “bargaining with patriarchy,” is well adopted by Nayereh Tohidi. In her paper *Islamic Feminism: A Democratic Challenge or a Theocratic Reaction?* she argues that women find “a path of compromise and creative synthesis” (Tohidi, 1997), by renegotiating gender roles.

Farzaneh, an academic journal of women’s studies and research and the women’s magazine *Zanan*, both published in Tehran have played an important role in bringing to light the debates around feminism in Iran. These debates have further contributed in defining the discourse of Islamic Feminism. Through Islam leaning magazines like *Zanan*, and liberal magazines like *Jameh-e Saalem*, “feminist lawyers like Mehrangiz Kar and Shirin Ebadi elaborate the problems and legal tangles that women confront not just in the form of the law but also its implementation” (Moghadam, 2002). Given that the Iranian law is derived from the Qur’an and Shari’ah, these debates hold true for any state which governs itself according to the Islamic and Qur’anic dictates, like Pakistan.

Islamic feminist scholars like Mir Hosseini and Tohidi argue “by subtly circumventing the dictated rules (e.g., re-appropriating the veil as a means to facilitate social presence rather than seclusion, or minimizing and diversifying the compulsory hijab and dress code into fashionable styles), engaging in a feministic *Ijtihad*, emphasizing the egalitarian ethics of Islam, reinterpreting the Qur’an, and deconstructing Shari’ah-related rules in a women-friendly egalitarian fashion (e.g., in terms of birth control, personal status law, and family code to the extent of legalizing a demand for ‘wages for housework’)” (Tohidi, 1998), Islamist feminists have been successful in laying bare the clerical and State agenda.

The debate that has been at the centre of the Islamic Feminism is that concerning the agency behind the veil. While almost every scholar has touched upon the theme, the most intriguing analysis which elaborates upon the need for the women in Islamic States to veil and the countereffect that

it has upon the discourse of their rights, is made by Palestinian scholar Lama Abu-Odeh in her paper *Postcolonial Feminism and the Veil: Thinking the Difference*. Abu-Odeh identifies how the female bodies have been reduced to the battlefield for the clash of the civilizations in the postcolonial states. She notes how “on the one hand, the western attire which covered their bodies carried with it the "capitalist" construction of the female body: one that is sexualized, objectified, thingified, and so on. However, because capitalism never really won the day in postcolonial societies, but managed to cohabit successfully with pre-capitalist social formations (traditionalism), these women's bodies were also simultaneously constructed "traditionally”” (Abu-Odeh, 1993). The co-habitation “within the female body of this double construction (the capitalist and the traditional) was experienced by these women as highly conflictual” (Abu-Odeh, 1993).

She refuses to engage in “intellectual elitism and accuse these women of false consciousness and of not knowing their own good”. In fact, she recognizes that, the insistence of the local women to adopt the veil is more out of necessity. “The contemporary veil seeks to address, among other things, sexual harassment on the street. It seeks to protect women on their way to work and to school. Its female subjects are socially conspicuous *a priori*; they are not women who are staying locked indoors. It has come to remedy the uncomfortable daily lives of single, young women, who are leaving the house seeking work and education”. What Abu-Odeh is concerned about and warns against is what she terms as the “rhetoric of the veil” which assumes that “women should ideally be inconspicuous. They should be locked indoors, out of men's way so as not to seduce them. They should not go out to work; their rightful place is in the house as wives and mothers, not as wage workers”. Thus, we observe that the women whose aim is to veil themselves for the empowering effect that it bestows, “find themselves seriously disempowered when the veil carries its "logic" to the workplace” (Abu-Odeh, 1993).

1.6.2. SECULAR FEMINISM AND THE CASE AGAINST ISLAMIC FEMINISM

Secular feminists, unlike the Islamic feminists, base the rationale for women’s rights on a human rights discourse, at the same time aiming for secular democracy, which is believed to be the most conducive for the sustenance of those rights. “Although religious reform is salutary and necessary,

it is important to recognize its limitations. Women's rights and human rights are best promoted and protected in an environment of secular thought and secular institutions". (Moghadam, 2002) Moreover, the Islamic States are in control of the family laws, which leads to the perpetuation of the idea of a 'perfect' family based on gendered roles of the members of the family.

An important task of the secularists and the secular feminists is to do away with the equation of secularism with Westernization in the East, specifically in the Islamic world. Secularism is not about the negation of any religion as most are made to believe. In fact, secularism sets the human rights discourse within the cultural and political setting. As Zia (2018) states that "more than any organizational definition, such as a separation of church and state or the autonomy of governance and religious institutions, secularism, for the section of the women's movement that is committed to it, has come to mean an expectation of public institutions to maintain a minimal neutrality or reference to religion, particularly in matters relating to women's and minorities".

Secular Feminism had often been enveloped in the nationalist struggle in Middle East as well as South Asia. Therefore, Badran argues that "to say "secular feminism" would also mean Egyptian feminism, Iranian feminism, Turkish feminism or any nation-based feminism" (Badran, 2005). The movement towards Islamization (and later the Islamic feminism) has rendered what was earlier 'national' as 'anti-religious' as 'anti-Islamic'.

Secular feminists have been extensively critical of the approach adopted by the Islamic Feminists, whose urge to situate the women rights under the Islamic framework has compromised the achievements that have been made by the secularists. If the gendered roles prescribed by the Qur'an that came into existence 1400 years ago, are to be taken literally (even if it is to focus on the empowering aspects) the "modesty" prescribed by them would first restrict the mobility of the women and later prevent their access to education, economic development and political inclusion. Most of the Islamic Feminists have tried to exonerate the Qur'an by claiming that the biased interpretation of the Qur'an is the result of the local patriarchal cultures that have misread the text for their benefit. For example, Hassan contends that "the equal rights are seldom realized in Muslim societies because of infiltration of local customs, Christianity, Jewish, Hellenistic and Bedouin biases" (2004). She forgets that all the cultures and religion that she mentioned, predated Islam and Qur'an. Similarly, Badran asserts that "the tension between

culture and religion is flattened out in favour of patriarchal culture and simplistic cultural readings of religion” (Badran, 2005). What Islamic feminists fail to realize is that no religion or religious practice operates in a vacuum. In fact, the culture exists prior to the religion. It is the expansionist tendencies of the religion, and its ability to assimilate with the local culture which explain the endurance and expansion of a certain religion. Thus, the reality exists in the amalgamation of the culture and religion. It is this reality which has to be countered and altered in the favour of women. Unfortunately, the Qur’anic ideal (if one takes them to be utopian, which itself is a matter of debate) cannot be sieved through the reality and separated from culture. Blaming the culture for the patriarchy goes only so far. In fact, Karmi (1996) in her article has reversed the debate. The conventional wisdom that the advent of Islam had improved the status of women when compared to the rights in the pre-Islamic world, is questioned by her. She is ready to entertain the possibility that the patriarchal system which demeans the woman in Arab countries is derived from or legitimized by Islamic law itself. Moreover, the verses in Qur’an, which explicitly portray the inferior character of the women, are hardly taken up as a matter of enquiry by the Islamic feminists. For example, one of the verses in Qur’an reads

“Men have authority over women because Allah has made them superior to the others, and because they spend off their wealth to maintain them. Good women are obedient. They guard their unseen parts because Allah has guarded them. As for those from whom you fear disobedience, admonish them and send them to beds apart and beat them. Then if they obey you, take no further action against them”

(Dawood 1974, Sura 4, verse 34).

Thus, just as it is in favour of the fundamentalists to ignore the women empowering verses and parts of the Qur’an, the Islamic feminist turn a blind eye to the parts that demean the women. Both of these scholars expose themselves to criticism by the other, consequently doing little to change the *status quo*.

One of the Pakistani scholars on Islamic Feminist, Asma Barlas (2013) has tried to address the lines in the Qur'anic text that speak of male authority. Barlas aims to exonerate Qur'anic teachings which support female subordination by bringing in the contextuality of Qur'an. She focuses on, "the fact that the Qur'an's first audience was a 7th century tribal Arab patriarchy in which men did exercise certain types of authority." (Barlas, 2013) It means a focus on the idea that the Qur'an could not have specifically reiterated, it cannot be blamed for either professing or not professing the patriarchal norms if they were the only norms that existed when the book came into existence. In her 2008 paper she attempts to distinguish between the "historically contingent" "patriarchal" parts from the "prescriptive" parts of the Qur'anic teachings and dubs the latter as the 'principles' of the Qur'an. While the effort that must go in the 'principle' based reading of the Qur'an would be immeasurable and thus commendable, the question of who is to separate these "principles" from the rest, props up. Thus, it brings us to the next challenge that the Islamic Feminist face, that of interpretation or, *Ijtihad*.

How far the feminist reading of Qur'an is or will be accepted by the hegemonic narrative, when this interpretation, that is *Ijtihad*, allows the followers more than one understanding of the same text? What will happen when the feminist interpretation clashes with the popular (read male clerics') understanding? Will the feminists prevail? Hammed Shahidian argues that "these attempts are futile, given the strength of conservative, orthodox, traditional, and fundamentalist interpretations, laws, and institutions" (Shahidian, 1997). Similarly, Mojab in her article *Women Undertaking Ijتهاد (Independent Religious Interpretation): Hoping for a Feminizing Democracy* stresses that "the ruling religious elite can [easily]dismiss, delegitimize, or prohibit radical or feminist reinterpretations" (Mojab, 1999).

Haideh Moghissi (1998) warns against the valorization of the Islamic Feminism, as fighting for the human rights remaining within Islamic framework, or for that matter any other religious framework, ensures the exclusion of the minority women from attaining those rights. Moghissi contends that "Islam is essentially incompatible with the cultural pluralism; the prerequisite of the right to individual choice" (Moghissi 1998). In fact, the exclusion extends to Muslim women as well. The "emphasis on the achievements of those believing women who reinterpret the Qur'an obscure the political, ideological, and religious differences among Iranian women and mask the valiant efforts of socialists, democrats, and feminists to work toward secularism". (Moghissi,

1997). Further, it [Islamic Feminism] obscures the fact that in a country like Iran, Islam is not a matter of personal spiritual choice but rather a legal and political system” (Moghadam, 2002).

1.6.3. THE BEST WAY OUT

Following the detailed analysis of both the Secular and the Islamic feminist framework of attaining the women’s rights in the Muslim majority nations, one is compelled to ask which way is the best way out. The answer, like any of the political debates is not easy. Firstly, it would be erroneous to look at the female rights debate in isolation. The debate is complex because apart from being ridden by local and global politics, it is confronted with the varied interpretations of Islam, the colonial past, the postcolonial analysis, and most importantly the competing understanding of what feminism stands for. Apart from these complexities there is the danger of assuming all the Muslim societies and the condition of women within them as similar, *i.e.*, considering them as a homogenous entity. One has to delve into the culture specific norms, economics, polity, to be able to successfully chalk out the best path for attaining women rights, in any particular nation.

Secularists argue that in order to perpetuate the perfect family as prescribed by religion, *i.e.*, along the gendered lines, the Islamic states, adhere to strict family laws. In addition to it, the rules of religiously prescribed “modesty” enable the state to check women’s mobility and consequently her access to education and economic participation. This further inhibits their political participation. Thus, making any attempt to attain women’s rights in a state run by the Islamic laws, impossible. This is true, however, only to an extent. For even the secularists cannot deny that the sceptical, in fact hostile treatment the secular feminist receive from the State as well the society, is to an extent mellowed down in the case of Islamic feminists. The secular feminists who are outright declared by the State as the agents of the West, find it impossible to bring forth any meaningful change. In fact, they even find it hard to gain favour from the women themselves. On the other hand, when the demand of female rights is based on the right provided by God, the feeling of betrayal that is evoked in the women in Islamic states for claiming their rights and looking out for themselves, is to an extent cured.

At the same time, it would be wrong to claim that the Islamic Feminists do not venture to go against the State. Feminists in Iran, in an attempt to counter the Islamic fundamentalist regimes have founded journals and magazines that raise voice against the repressive policies and demand

the rights bestowed upon them in the Qur'an. *Zanan* and *Farzaneh* are two of the most famous feminist magazines in Iran. The critical voice of these periodicals has clearly been perceived as a threat by the Islamic patriarchal states, who have time and again passed the order to shut down these ventures. Now here is where the problem lies- how can one hope to achieve equal rights enshrined in Qur'an when the State which claims to be run by the Qur'an, does not allow even the freedom of expression in the first place?

The ground reality of the subjugation of women, their lived experiences vary not just from the Western women. The community which dictates the social norms and local and national politics also varies from one region to another, from urban to rural, across class, tribes and racio-ethnic identities. The usefulness of contextualizing the feminist demands in Islamic framework is identified by the secular feminists along with the Islamic feminists, leading the scholar like Margot Badran to emphasize upon the interdependency of the secular and the Islamic strands of feminism in the Islamic nations.

Feminist Discourse in Pakistan: A Historical Background

2.1. OVERVIEW

Like in most of the colonized nations, the feminist struggle in India too merged primarily with the nationalist politics. The trajectory of the women's movement, whether it was consciously feminist or not, started with the political awareness attained due to nationalist movements. These movements might not have had a feminist or women's rights component in its exclusive form, but "the active participation of large numbers of women in religious or national causes, ultimately led to an awareness of women's own subjugation and stirred the desire for personal and political emancipation" (Saigol, 2016). Thus, when one tries to look for the overt expression of resistance and demand for women's rights in order to study the feminist discourse, it might prove to be a disappointing venture. Given the need of the times, women in the subcontinent have not have had the chance to fight for their rights on an exclusively feminist platform. Their struggle was merged with the more general policy arena; the movement for national independence. Surprisingly, neither of these characteristics can be termed as unique to women of the Indian subcontinent. Fatima Mernissi (1987,1996) speaks of the first Arab feminists being men (which we will later learn was the case in the subcontinent too), and Kumari Jayawardena (1986) has written at length about the close links between the feminists and nationalist movement in the late 19th and early 20th centuries in Asia.

In short, any discussion regarding the evolution of women's rights movement can only be comprehensively understood in its political backdrop. While both Hindu and Muslim female activism cannot be separated by a concrete line, especially during this period of collective struggle against the British, a certain history of Muslim women empowerment is wanting, especially when two of the constituting nations of South Asia are Muslim majority as well as Islamic states. Although no particular date could be attributed to evolution of rights and more importantly the

consciousness of those rights, a certain landmark event can always be pointed out for the ease of study. While the aim of this study is not, of course of ironing out the creases of the complex and multi-layered phenomenon/ideology that is feminism, it is only prudent that we set a certain limitation to the period of study as we go back in history, but not without taking into account and referring to the relevant information, beliefs and events that may have preceded this period.

This chapter is divided into two periods that have marked the struggle of Muslim Women in the subcontinent. The first period is 1857-1947, while the significance of the concluding year is self-evidentiary given the partition of the sub-continent, the year 1857 has been significant in the history of India not just as the year marking the First War of Independence, but also as the “failure of the predominantly Muslim-led rebellion against British colonial power and the subsequent discrimination against Muslims, who were held responsible by the British. Post-1857 Muslim intelligentsia was forced to reassess its community’s position in society and to redefine its future” (Mumtaz & Shaheed, 1987). It is important to understand the threat which was perceived by the Muslims of British India; they realized that while it was important to gain knowledge of modern and secular sciences, it was also important to save one’s community from intrusion by the ‘outsiders’ and for that, what was necessary was not just securing the ‘private’ (read ‘the women’) from the foreign gaze but also educating the women so that any scope of intervention is checked at the doorstep. However, the two requirements were quite contradictory. For, educating women would mean allowing them to go beyond the ‘private’, therefore compromising the identity and sanctity of the community. This contradiction is evident in the social reformation of the period as well, where on one hand a number of schools mushroomed for Muslim women throughout the subcontinent, it was the art of keeping the home, the religious and spiritual education which was deemed appropriate for the women rather than the modern and secular sciences that were highly esteemed for the survival of the community when it came to their male counterpart. Thus, educating men in Western Sciences to make them competent in the modern world, and educating women in the spiritual and religious, were both, two sides of the same coin. Both ensured the survival of the Muslims by redrawing the line between the ‘public’ and the ‘private. The difference was that this time this division suited the modern world, in a modern context.

The second period is 1947 – 1977, the years of the independent State of Pakistan, from the times of Mohammad Ali Jinnah to that of Zulfiqar Ali Bhutto. The period is marked with the progression

of the State from its secular claims to ‘modern’ authoritarianism to the overt use of Islam via the rhetoric of Islamic Socialism. The respective regimes responded to the claims of women to equal citizenship, as per their own political acumen as well as in tandem with both the national and international need and optics to ‘grant’ those rights to women. Further, women groups and organization like All Pakistan Women’s Association (APWA) adjusted their tactics and mode of operation in order to be represented in the all-male world of politics, even if most of the times it meant a compromise of the ethos of an equal citizenship within a modern State to gain only certain concessions. The State though recognized women as equal citizens in terms of the universal adult franchise, still treated them as inferior beings, owing not just to its tilt towards Islam but also to the patriarchal nature of the society itself.

2.2. CLAIMING THE FEMALE BODIES: THE COLONIAL ATTEMPT AND THE NATIONALIST FIGHTBACK

Women throughout the world have been the repository of not just morality but also tradition and culture, especially where that particular culture is facing certain external ‘threat’. At the same time, even the colonial power also seeks to legitimize its rule by establishing a need to reform the society. For the reformation of the general backwardness of the brown and the black societies as a whole, the emphasis on the abysmal condition of women in these societies always comes in handy. While the study is in strictly colonial terms, the tactics of legitimization have hardly evolved, in the sense that the USA still required the rhetoric of the ‘oppressed women’ when it tried to gain a ‘legitimate’ foothold in Afghanistan. The threat to women somehow seemed to have disappeared when USA struck a truce with Taliban recognizing it is a formal actor in Afghan politics.

As much as the colonized attempted to protect and preserve the inner sanctum of home, ‘the colonial state was eager to invade and open up the private lives of the native to scrutiny and intervention’ (Saigol, 2013). This “home-nation” connection and the transparency of the private is noted by Grewal; “here transparency implies an ability to govern through the knowledge rather than through domination” (Grewal, 1996). Thus, more the colonial rulers endeavoured towards making transparent that which was opaque about the colonized, the more assiduously did the colonized attempt to ‘protect’ that which they deemed private and sacred. However, the logic of

using the women in the society as means of furthering one's interests was not limited to the imperialists alone, in fact it has been used without any hesitation, by the patriarchs of the nationalist movement as well.

The 'battle between an intrusive colonial state attempting to open up the private spaces of the colonized, and a beleaguered religious sensibility eager to maintain a semblance of difference, was fought over the bodies of women. Thus, women became the pawns between an aggressive imperial state and ferocious cultural nationalism.' (Saigol, 2013)

2.2.1. THE NATION AND ITS WOMEN

The 'imagined community' which is nation, as Anderson (1983) puts it, also requires an imagined glorious past and along with it a new conception of Indian womanhood. As Chakravarti (1989) has argued, a mythical Hindu golden past was created by rewriting Indian history. Hindu women in this reconstructed and romanticized past, were idealized as strong and powerful, free from the seclusion (which was) imposed upon them after the 'contaminating exposure' to Muslim influences from outside. In such a reworking of history, recasting of women, the horrors of sati, and the drudgery of women's lives were shaded and written out of existence.

Inderpal Grewal (1996) and Uma Chakravarti (1989) both in their respective works bring attention to the fact that both, imperialism as well as nationalism are essentially patriarchal; both these ideologies are obsessed with the articulation and preservation of a specific notion of femininity. Nationalism and Imperialism 'seek to ensure the survival of pure race. Strong, racially pure, and able-bodied soldiers can only be produced by chaste, racially pure, moral and nationally appropriated mothers. Such mothers were the foremost requirement for the preservation of nation's honour' (Saigol, 2013). Both, the imperial and the nationalist patriarchies could prove masculinity and power by the extent to which women's bodies had been regulated in specific ways.

Moreover, 'the feminization of the colonized male at the hands of the colonial power was matched by the vigorous assertion of masculinity in the home; a masculinity proved and redeemed only by and equally exaggerated femininity' (Saigol, 2013).

2.3. GENDERING EDUCATION: BREAKING THE DICHOTOMY OF CONSERVATIVE AND MODERN

The idea of an educated woman in the ‘progressive’ British India was backed by anything, but the idea equal opportunity for both the sexes. The colonized male subjects in the subcontinent had, what some might not hesitate to call, an existential dilemma at their hands. Their private lives were under scrutiny and they were faced with a choice between either maintaining their identity and culture (which often was done at the expense of the female rights and choices) or prove themselves modern and progressive enough, to ‘let’ their women be educated in modern institutions. But one thing was clear, that not only the British interference within the ‘private’ sphere (read women) of the community had to be checked, (for this was the only sphere available to the native men to exercise their dominance) but also the accusations of being regressive and backward had to be countered. The response to this conundrum was rather a genius one, which killed two birds with one stone. On one hand the education of women would institutionalize the specific notion of indigenous yet modern ‘femininity’ and on the other hand it would shut the British up, for good. Thus, when the education to women could not have been further delayed, ‘what’ would comprise an educated and an ideal woman was for the nationalist men (be it Hindu or Muslim) to decide. The contradictory and conflicting purposes of education were attained by dividing education by gender: a traditional, domestic and religious education for women and a secular, scientific education for Muslim men. Muslims could now claim that their women were going to school and receiving an education while comfortably ensuring the kind of knowledge that was being imparted to them (Saigol, 2013).

The religious conservatives were not in the favour of even the Muslim men getting secular education in the Western and western-styled institutions, so it hardly comes as a surprise that the *mullahs* and the *maulvis* refused to accept any role for women other than the one prescribed in the religion, that is, keeping the husband happy and bearing children. Their role did not require any kind of education other than that of ‘*deen*’ (religion) and spirituality. One such example of knowledge deemed necessary for women was in the form of a prescriptive book by Maulana Ashraf Ali Thanawi; *Bihishti Zewar* (Heavenly Ornaments). The book is a classic example on convincing women of the particular role that is bestowed upon them by Islam. The popularity of the book can be understood by the fact that “the book has been a best seller in Pakistan since it

was first published, whose special 'marriage' editions are available at common bookstalls” (Jalal, 1991). It details in almost embarrassingly explicit fashion, how a good Muslim woman should behave. For, e.g., it advises a woman “not just to cover her body and every ‘single hair on her head’ but also the ones that break and remain inside the comb” and that the “nails that are cut off should be placed where the strangers are unlikely to see them otherwise, she would have sinned” (Thanawi, 1923). The book lays down the rules to the most mundane activities of everyday life like walking, speaking, dressing, bathing, looking, writing letter to the husband. Similarly, Nazeer Ahmed Dehlvi’s *Meerat-ul- Uroos* (The Bride’s Mirror) (1869) elaborates upon who is a ‘good’ Muslim woman. This book too became the part of the syllabus for the education of girls.

In an attempt to discover view that would counter the one presented by the likes of Thanawi, it is only natural that one would look into the ideas of the greatest Muslim social and educational reformer Sir Syed Ahmed Khan *vis a vis* female education, for he was the foremost advocate of English education amongst the Muslims as a way of retaining class privilege among the nobility. However, to the disappointment of many, the reformer who urged Muslims men to gain not just modern but a secular education, conveniently left off the Muslim women in his scheme of things. In fact, it was not just a passive omission from his model of education and modernization, rather an active fending off the women, from what was to be an exclusive male territory. His speeches on women’s education and training “reflect immense nationalist anxiety and schizophrenic splits, typical of the agonized colonized man, desperate to hold on to the last bastion of male superiority in the home while entering the modern and scientific world of statecraft, politics and commerce as an unequal partner” (Saigol, 2013). It is evident from one of his statements where he says,

“I cannot approve of the modern system of education devised for the education of young women. Developing institutions for the women’s education and fashioning them along the lines of European women’s institutions is inappropriate for contemporary conditions in India. Therefore, I strongly oppose the measures. I am also not in favour of the kind of knowledge being imparted to women as it does not suit our condition and our women do not need this knowledge for centuries to come.”⁷

(Sir Syed Ahmed Khan, Lahore Speech, 1888)

⁷ Sir Syed Ahmed Khan, Lahore Speech, 1988

In the very same speech in Lahore 1888, Syed Ahmed Khan suggests, what the women in India should be taught instead.

“The knowledge that was useful for girls in the olden times, is ill useful today. The knowledge was for religious purposes and moral training. This was the best method of education as it produced virtue, kindness, sympathy, love and good moral character. Such an education was useful for both worldly and spiritual matters and to this day this is the most useful education.”

(Sir Syed Ahmed Khan, Lahore Speech, 1888)

He further goes on to marvel at the very idea of teaching women modern subjects,

“I cannot understand what is to be gained from teaching women the Geography of Africa and America, Algebra and Trigonometry or about the battles between Ahmed Shah and Mohammad Shah, wars between Marathas and those of Delhi.”⁸

(Sir Syed Ahmed Khan, Lahore Speech, 1888)

In his essay, *The Nationalist Resolution of Women Question*, Partha Chatterjee argues that the home was not only the shelter for the beleaguered colonized self but a spiritual centre which women were expected to guard through high standards of virtue and morality (Chatterjee, 1989). Sir Syed Ahmed’s views on female education is in complete resonance with the idea pitched by Chatterjee. The ‘emphasis on the spirituality and morality was an oblique reference to the control of the female sexuality. In nationalist moral discourses, sexuality and spirituality tend to merge and women are trained to interpret sexuality within a spiritual realm, while the domain of the body, of desire, of pleasure are debased’ (Saigol, 2013).

Mohammed Iqbal is often considered as one of the rationalists and even a modernist, who opined that nationalism for Muslims is “sort of mental agreement in a certain view of world.” However,

⁸ Ibid.

still, Iqbal's view on feminism and women rights was in some respect even more demeaning than what some mullahs and the maulvis held. Averse to the idea of female education, European suffragettes in his opinion were 'superfluous women'. In his private notebook Iqbal notes,

“[superfluous women] are compelled to “conceive” ideas instead of children. Recently they have conceived the inspiring idea of “votes for women.” This is really an attempt on the part of the superfluous woman, or, if you like an attempt on her behalf, to create “interests” for her in the sphere of politics. If a society cannot allow their women to produce and bring up children, they must give them something else to be occupied with. The Suffragette movement in Europe is at bottom a cry for husbands rather than votes. To me it is nothing more than a riot of the unemployed”

(Iqbal& Iqbal, 1961, 2006).

While on one hand he brands the suffragists as “superfluous” and “unemployed” for not having children (equating female employment with catering to the needs of husband and children) on the other hand, he regards the modern ideas of universal adult franchise as “coercive”, stripping the women of not just their agency and but also the consciousness of their position in the society.

Maulana Thanawi, Sir Syed Ahmed Khan unfortunately had the same ‘reforms’ to offer when it came to the question of female education. The only ‘difference’ the two ‘ideological adversaries’ may have showed was, that while most of the conservatives urged women not to leave home at all and educate themselves in the spiritual methods via reading the Qur’an at home, the reformists offered a concession in the sense of letting women attend modern educational institutions, only to be provided the same domestic education that had been recommended by the most outspoken champions of tradition, religion and indigenous culture. The ‘falsehood of the tradition/modernity dichotomy generated under colonial conditions, becomes abundantly clear in Sir Syed’s impassioned appeals to the Muslim elite classes to prevent their daughters from imbibing a Western, modern, secular education’ (Saigol, 2013).

2.4. EDUCATING THE MUSLIM WOMEN

Given the cynical analysis of the need to educate the women, some may conclude that, had the British not threatened an intrusion in the private lives of Indians, women may never have been considered for formal education. On the other hand, some may argue that without that intrusion, the threat to the culture and identity would have been absent and women would have had a better chance to be educated as they would have been spared the burden of carrying the tradition on their shoulders. Unfortunately, it is impossible to verify something that may have happened. But what did happen was that while the main proponents of modern education like Sir Syed Ahmed Khan did not consider women as capable or in need of modern education, some members of the Muslim community worked tirelessly and put sincere effort to provide an equal chance at education to the women of their community. While history suggests that the ‘gendered education’ had a heavy hand in the scheme of the things, the efforts of both these camps are important to understand the evolution of the education of Muslim women in British India.

The first wide scale and institutionalized attempt to educate Muslim girls in India (other than the traditional home schooling of the religious texts) was made by *Anjuman-e- Himayat-e- Islam* (Society for the Promotion of Islam) in 1885 when it opened five elementary schools in Lahore. The stated purpose of the organization was the ‘preservation of Islamic values’, evident from one of its reports.

“Preachers are supported and sent here and there to preach against the Christian religion and to use every effort to bring back to the Muslim fold any who has been converted”.

(As quoted in Mumtaz & Shaheed, 1987).

Nevertheless, the fact remains that it played an important role in opening those avenues for girls that never existed earlier. And finally, for whatever reasons the idea that women should be educated, was gaining acceptance.

The 1896 All-Male Muslim Educational Congress saw tremendous attempts on the part of Muslim women to lobby for women’s education and entry in politics. A separate all-girls school was

established by Wahid Jahan, wife of Sheikh Abdullah in 1906 at Aligarh. In 1913, ‘*Purdahnashin*⁹ *Madarsa*’ was established in Calcutta. The following year, the Bhopal’s Begum also founded an all-girls school. With the turn of the century, Muslim women had now begun entering educational institutions. However, “it was not easy to dislodge deeply entrenched social mores as at the Mohammedan co-educational college at Madras, girls were required to wear their *burqas* (veils) and at Aligarh male teachers sat behind a curtain” (Lateef, 1990).

In 1903, the words of Chand Begum, who wrote a paper for the Congress, echoed the Mohammedan Educational Congress in Bombay where she called upon the Muslim women to “follow fervently the female reform movement which was advocating modern education amongst Muslim women, and to say goodbye to the immovable maulvis” (As quoted in Mumtaz & Shaheed, 1987). The progress however, was slow. By 1924 just fewer than 3% women had received modern education.

The role of literature and periodicals in highlighting the need for the education of Muslim women is worth mentioning. One of the major literary works of 1905, Khwaja Altaf Husain Hali’s novel *Chup Ki Dad* (Voices of the Silent) was one of the earliest works which portrayed oppression faced by women. Hali argued for female education, even though he was in favour of imparting this education at home. The newspaper, *Tahzib-un-Niswan* (Women’s Reformer) which was founded by Mumtaz Ali and his wife Mohammadi Begum, took up the issues which were central to the cause of women like that of female education, polygamy, age of marriage, the importance of a girl’s consent to marriage, etc.

2.5. WOMEN IN POLITICS

It is important to keep in mind, the context in which the women in Indian subcontinent were gradually entering politics. From centuries of being the bearer of morality, kept safe , away from the gaze of the world , locked in the confines of home, women were now entering the world of politics, even if not at an equal footing with men, (for the encouragement of women to come out of their houses and show in masses in the protests and conferences was little more than political

⁹ Translates to ‘veiled’ in Urdu.

expediency on the part of the nationalists, and certainly not an attempt to undo the inequality of which women have had been at the receiving end for centuries), they had found their voices, even if it were for the nationalist cause and not their own emancipation. While, “the industrialized countries’ women were trying to wrest the rights from men in their own class, in the sub-continent the struggle for women’s rights coincided with the nationalist struggle in which Indian men were trying wrest their rights from the colonial power. Perhaps for this reason, Muslim women’s demands for their rights met with less opposition among men of their own class than in the industrialized world where men were more clearly the protagonists” (Saigol, 2013).

During the Khilafat Movement, a large-scale mobilization took place (including that of the women). Even though it was not an exclusive feminist issue, it was this experience of coming out of the houses and the mobilization that allowed women to step into the public arena and develop a political consciousness. In fact, in a colonized nation the discourse female rights are often merged in the greater nationalist discourse.

Khawar Mumtaz and Farida Shaheed (1987) have taken up the examples to explain the subsuming of the female rights politics within the nationalist politics where the statements and acts of female emancipation that might have been objected to, had they been performed in their own right, were given a pass when they were perceived as the practical needs to participate in the anti-colonial struggle. One of those examples is of Bi Amman who in 1917 broke with tradition and addressed the annual meeting of the all-male Muslim League in place of her son, Mohammad Ali, who was arrested by the British, from behind the veil and later lifting it in an address in 1921. Mumtaz and Shaheed explain how “Bi Amman’s act is important firstly, as a symbol of Muslim women removing the veil, which had confined them for centuries, to enter into the political reality of their times and secondly, and perhaps more importantly, as an example of special circumstances. Bi Amman had not removed the veil as a symbol of women’s emancipation. She removed her veil simply because it was bothersome to the work which was political in nature and not feminist. It was for these special circumstances that her actions evoked such little negative response. Had her act been seen as a defiance of male authority, it is probable that neither her age nor her reputation would have saved her from disparaging or hostile remarks” (Mumtaz and Shaheed, 1987).

Later in 1929, “while presiding over the session of the All-India Women’s Conference, she publicly removed her veil. A resolution against *purdah* was passed at the same meeting” (Caton,

1930). However, two exclusively political successes came for the cause of Muslim women's rights in the form of Shariat Law in 1937 and in 1941 when a subcommittee appointed by Muslim League for identifying and addressing the causes of inferior position of women in the community.

All the religious communities were governed by their respective customary laws, either written or oral. The British did not see it as necessary to force their legal system in the private lives of their subjects. Still, the law went on to deprive Muslim women of their rights to inherit property, following the lead of customary law. When Muslim women protested, the Muslim Personal Law, the Shariat Act was passed by the central legislature in 1937. The objective of the Act was to clarify,

“..questions regarding succession, special property of females, betrothal, adoption, marriage, divorce, maintenance, dower [dowry], guardianship, minority, bastardy [illegitimacy], family relations, legacies, gifts, partition, etc. The rule of decisions, in cases where the parties are Muslims, shall be Muslim Personal Law, although there may be custom or usage to the contrary ... the Bill aims at uniformity of law among Muslims throughout British India in all their social and personal relations. By doing so it recognizes and does justice to the claims of women for inheriting family property who, under customary law, are debarred from succeeding to the same. The Bill in this respect does the same thing for Muslim women as my honourable friends Messrs. Deshmukh, Hosnani and Gupta's bill wants to do for Hindu women”

(Legislative Assembly debates of 1939 as quoted in Mumtaz and Shaheed (1987)).

The Bill further,

“aroused considerable public interest and the Muslim community, by urging support of the bill, could claim to have furthered the interests of women and unified the community at the same time”

(Legislative Assembly debates of 1939 as quoted in Mumtaz and Shaheed (1987)).

Central Legislative Assembly member G.V. Deshmukh stated that,

“the provisions of the Shariat Act also set a positive precedent for Hindu women. Hindu members who met with little success while proposing Hindu women’s right to property felt that the Shariat Act could facilitate similar measures within their own community”

(Legislative Assembly debates of 1939 as quoted in Mumtaz and Shaheed (1987)).

Yet, the legislation, “while ostensibly in the interests of women, retained male privilege in matters such as divorce or inheritance. This was hardly surprising in a context where the notion of individual women’s rights could not supersede communal or family ties” (Kazi, 1999) and more importantly, this act also excluded agricultural land.

Another major achievement for the Muslim women’s issue was when in 1942, Jinnah himself recognized the need for women support, formed a sub-committee comprising of female members from the Muslim League’s Central Committee in order to draft a programme for social, economic and cultural upliftment of women.

2.6. WOMEN RIGHTS ACTIVISM IN THE STATE OF PAKISTAN (1947-1977)

Once Pakistan came into existence, as an independent State after the partition of British India, it was a logical trajectory for women’s rights demands to be consolidated in a single and coherent movement. The expectations were that under the leadership of *Quaid-e-Azam* Jinnah, women will have a stake and voice not just in the society but also at the political level. However, these expectations never really materialized the way they could have after the anti-colonial struggle was over and women finally had a chance to put forward their grievances in their entirety. The primary reason for this failure was the tussle between the secular and the Islamic organization in the political arena, both of which aimed at defining the State and society in their own right. While politically, Islamic parties such as Jama’at-e-Islami have never been able secure the popular mandate, they have been able to sway the governmental policies in the name of Islam of the democratic as well as the Martial Regimes throughout the history of Pakistan. The primary causality in viewing and formulating the policies from a religious lens, have been the women of

Pakistan. This has also prevented the women's rights movement from being a unified force, for the cleavage in the movement was not just based on economic hierarchy, as was expected, but also along the lines and debate of secular/Islamic. Further due to the under-representation of women in the National Assembly, many female rights activists settled for whatever concessions that were made available to them, while others demanded a more radically approach towards ensuring equality and equal citizenship.

Thus, the nature of the Pakistani State coupled with the religious politics, has been the steering factor for feminist discourse at macro level, while the politico-social fracture within the societies have been the dictating factors for the feminist activism at the ground level. The following section takes a look back into the history of the feminist activism, organization and the State response to the demands of the women of the country.

2.6.1. THE EARLY YEARS AND THE POLITICS OF CONCESSION

History is witness to the fact that when women are called upon in times of crisis, social norms are forgotten and women take up arms. But all this is undone as soon as the crisis is over and women are advised to take back their traditional roles in the society. Thus, after the immediate crisis is over it is most crucial that women do not lose their organizational capacity. This was exactly what was ensured by the leading political female figure of independent Pakistan, Begum Ra'ana Liaquat Khan. She made sure that "the women who had been mobilized during the nationalist movement and subsequently the Pakistan movement, directed their energy and organizational capacity towards the refugee problem by starting Women's Voluntary Service (WVS) in 1948 and appealing women to come forward. Women took up wide ranging responsibilities from managing first-aid, organizing food distribution, dealing with health problems, epidemics, clothing to providing moral and emotional support. Interestingly the organization had the support of the State, for women were directing all their energy into relief works and social welfare which was seen as an extension of women's traditional roles. However, such an appreciation by the State was not extended to the other two organizations that too were established in 1949 by Begum Ra'ana Liaquat Khan; Pakistan Women's National Guard (PWNG) and Pakistan Women's Naval Reserve (PWNR). Under these programme women were given training to use guns, learn marksmanship, signalling, first-aid and typing. Viewed in the light of the partition massacres when helpless

women had been brutally treated, the idea was not entirely unrealistic” (Mumtaz & Shaheed, 1987).

The scheme was attacked viciously. The local press published photographs of the National Guard women being trained by men and marching with their heads uncovered, created a huge controversy. Most of the girls were forced to leave the National Guard. As a compromise, a dupatta was added to the uniform. However, PWNG and PWRN could not survive for long and were dissolved in 1954.

2.6.2. WOMEN’S RIGHTS ORGANIZATION AND LEGISLATIVE SUCESSSES

One of the most important women organizations at a pan-Pakistan level was, All Pakistan Women’s Association (APWA) formed yet again by Ra’ana Liaquat Ali in 1949. APWA was conceived as “a voluntary, non-political organization open to all women of Pakistan above sixteen years of age, irrespective of class, caste, colour or religion. Its objectives were set out to be: the welfare of Pakistan’s women, creating social, educational and cultural consciousness amongst them and improving opportunities for participation in economic development” (Saigol, 2016). The relationship between APWA and the government was complementary, and had remained such for a long time. The main reason for this relationship was that APWA was perceived as a non-threatening organization as it was not affiliated to any particular political party. Thus, from civilian to military administration, the organization had had no marked impact on its functioning. However, this very amicable relationship of the APWA is often criticized, for it failed to perceive the threat and speak against it in the military regimes which preyed upon the rights of the minorities and later the women.

Nevertheless, it would be unfair to under-emphasize the achievements of the organization, for though politically neutral organization, the leadership of the organization was well aware of the importance of political reform in achieving the goal of women empowerment. “APWA had a women’s rights and legal section which, besides giving free legal advice to needy women, carried out research and made recommendations to the government. APWA fought for the establishment of Family Laws Commission which finally drafted the Family Laws Ordinance in 1961. As early as 1953, APWA recommended the reservation of at least 10 seats for women in the National and

Provincial Legislatures for at least ten years” (Mumtaz & Shaheed, 1987). Even after maintaining a primarily non-political image, the APWA could not dodge the ire of the clerics. “The *Majlis-e-Ahrar*, a right-wing orthodox party, labelled them as prostitutes” (Saigol, 2016).

The biggest victory during this phase of accommodative reformation came in the form of the 1951 Muslim Personal Law of Shari’ah. After this law was passed, women could receive the right to inherit agricultural land. However, the victory came after a prolonged struggle on the part of the women activists and the two female legislators, Begum Jahanara Shah Nawaz and Begum Shaista Ikramullah, who had tried to push the Bill as early as 1948, but were unsuccessful. The constant failure to do so, infuriated the women legislators of Punjab Assembly who then trooped into the Assembly Chambers. The issue, after the public protest came in the eyes of the Muslim League Women’s Committee. Finally, Prime Minister Liaquat Ali Khan took note of the unusual event and the Muslim Personal Law of Shari’ah finally saw the light of the day.

- **MUSLIM FAMILY LAWS ORDINANCE (MFLO), 1961**

APWA once again led the charge against the discriminatory practices against women in a marriage to help bring about MFLO in 1961. The debate was triggered in 1955 with Prime Minister Bogra marrying for a second time in spite of remaining married to the first wife. APWA called out the Prime Minister for such an indecency, and forced him to (to avoid further embarrassment) set up a commission to recommend legal and policy reforms for women. Finally, the ball was in Ayub Khan’s court of Ayub Khan when President Iskander Mirza proclaimed martial law in 1958. He proclaimed the Muslim Family Laws Ordinance in 1961. Although the Ordinance was nowhere near perfect, it was nevertheless a significant piece of legislation which aimed at regulating of divorce and marriage (to deter polygamy) by prescribing procedures for both.¹⁰ One of the central

¹⁰ A man who wished to have a second marriage was obliged to obtain the consent of his first wife. He had to give reasons to an ‘arbitration council’, with which the final decision rested. In the matter of divorce, the Ordinance eliminated the customary and much abused practice of declaring-by-repudiation divorce (pronouncing the word *talaq* thrice). In order to obtain a divorce, the husband was required to send a written notice to the Chairman of the Local Council. Also, the Ordinance raised the minimum marriageable age of girls to 16 (from the earlier 14 years as prescribed under Child Marriage Restraint Act 1929), and tried to safeguard the women’s right to *haq mehr* (dower) by laying down the entire amount of dower to be payable on demand. See, Rashida Patel’s *Woman versus Man: Socio-Legal Gender Inequality in Pakistan*, 2003.

clauses of the Ordinance was the compulsory registration of all marriages certified by a the *nikahnama* (marriage contract). In other words, both marriage and divorce had to be registered.

It was not a very radical reform. In fact, it was rather moderate in comparison with reforms in the same field in other Muslim countries like Turkey. “If a husband remarried without the permission of either the first wife or the arbitration council, the new marriage remained valid. Similarly, a divorce not following the prescribed procedures continued to be valid, despite being considered a punishable offence” (Mumtaz & Shaheed, 1987).

The Ordinance, while most argue did not have teeth, was vehemently opposed by the maulvis and the mullah as it took away from them that which they had considered their domain, *i.e.*, the family. Their power of interpreting the religion was taken away from them by the codification of the laws pertaining to the private sphere.

However, Ayub Khan’s half-hearted commitment to women’s rights came to light when the principle of female suffrage on the basis of women’s territorial constituencies, adopted in the 1956 Constitution, was abolished in Ayub’s Constitution of 1962. The indirect election of women by the elected members of the Assemblies that was instated in its stead further weakened the position of women in politics. Thus, “the six women sitting in the Assemblies were merely token representatives and were in no position to voice the problems or issues of women as a group. They remained beholden to the President for their appointment” (Mumtaz & Shaheed, 1987).

Another instance, when the question of women’s rights crossed Ayub’s path was during the Presidential Elections of 1965. Mohatarma Fatima Jinnah was elected by Combined Opposition Parties (COP) to fight the elections against Ayub Khan, who in his defence got seven Maulanas to give *fatwa*¹¹ against a woman aspiring to be the Head of the State. Interestingly, the COP included the sworn enemy of women’s rights, Maulana Maududi’s Jama’at-e- Islami citing ‘extraordinary circumstance’. This incident alone portrays how the question of female rights was a triviality, a means to push one’s own agenda, for the ruling class, as well as the conservatives in the opposition.

¹¹ legal ruling on the point of Islamic law given by Islamic legal scholars.

2.7 THE BHUTTO ERA AND THE CONSTITUTION OF 1972

Bhutto's Pakistan People Party (PPP) manifesto was of a special appeal to women, as it promised them equal rights with men. It is said that due to the efforts of the likes of Begum Nasim Jehan at the time of election, women broke the age-old tradition of obeying their men and voted for the PPP. However, whether or not the Bhutto government was successful in its promise to elevate the position of women in society and politics is debatable.

One of its first tasks was the formation of a Constituent Committee, including two women- Nasim Jehan and Ashraf Abbasi- to draft the new Constitution. The 1973 Constitution gave women more rights than any other Constitution of Pakistan.¹² Also, a constructive step towards including women as a part of the State was the opening of Government Services through administrative reforms of 1972. However, despite women members' persistence, one of the most long-standing demands, that of female suffrage for reserved members of seats for women was rejected and under the 1972 Constitution too, women were to be indirectly elected by all the members of the Provincial Assemblies.

While on record, the Constitution of 1972 has remained one of the most progressive Constitutions of Pakistan, most of the rights granted to women were practically non-justiciable. The traditions and the customs of the patriarchal society required force on the ground level to enforce the laws, which it failed to do. Furthermore, the inability of the Bhutto government to ensure direct election of the female members to the Assembly ensured that no substantial voice was rendered to the women in the government. In fact, the steps that were taken by the government were rather cosmetic¹³ which hardly meant any improvement in the lives of the women who did not belong to the elite political class.

It was during this period in 70s that the "APWA's emphasis underwent a change. Women's integration in the developmental processes, a push for a permanent commission on the status of

¹² Article 25 of the Fundamental Rights gave citizens "equality before the law and equal protection of the law, provided an additional safeguard for women by stipulating that there will be no discrimination on the basis of the sex". Article 32 of the Basic Principles of the State Policy guaranteed "reservation of seats for women in the Local Bodies" Article 35 stipulated that "the state shall protect marriage, the family, the mother and the child". Article 228 was amended to accept principle of at least one women member on the proposed Council of Islamic Ideology (CII).

¹³ For example, it was the first time a woman, Ra'ana Liaquat Ali, was appointed Governor of Sindh, while another Ashraf Abbasi was elected the Deputy Speaker of the National Assembly.

women and special attention given to working among rural women marked this change. This shift was characterized by moving away of APWA from a purely social welfare stance towards ensuring women participation in development” (Mumtaz & Shaheed, 1987). To its credit, the Bhutto government gave full support to APWA. It is however, not to be assumed that Bhutto government did not face any opposition from the women rights’ activists. The Women’s Front; comprising of students of University of Punjab took out a procession on 8th March 1975 in Rawalpindi on the occasion of International Women’s Day in order to collectively identify and criticize the demeaning position that women had held in the society. Although lathi charged by the police, undeterred they continued to criticize Bhutto’s government for being a feudalistic government which saw women as private property and committed systemic violence against them. In fact, it was the first to raise the slogan, ‘*Women and politics are one.*’ There is no denying the fact that the tilt of the Bhutto government towards the feudal aristocracy as well as the Islamic Socialism (which never really materialized into Socialism, but very well into religious appeasement) prevented it from taking active steps towards women empowerment.

2.8. CONCLUDING REMARKS

The nationalist battle, fought between the imperial rulers and anti-colonial crusaders found, in women’s bodies, an arena of ideological conflicts.

Notions such as ‘the Muslim society’, ‘Muslim identity’, and ‘Muslim femininity’ are nationalist essentialisms designed to homogenize diverse communities and erase the difference that was now being perceived as a threat to the emerging Muslim nationalism based on religion. Postcolonial nationalisms, especially those based on religion, ‘cannot allow women’s equal citizenship because this will undermine the religious ideology of gender hierarchies which regard men as superior to women. When the nationalism is based on religion, it cannot ignore the gender injunctions of religion because those injunctions mark the boundary between them and us’ (Saigol, 2013).

Nevertheless, in spite of the pretext, once the avenues to education were open, the ‘educated Muslim women pulled their weight in favour of the Pakistan Movement. Encouraged by Jinnah’s ‘modernist’ interpretations of Islam, not to mention the outright opposition to the demand of

Pakistan by some of the most notable orthodox and fundamentalist of the religious guardians, Muslim women saw no contradiction between their gender interests and their role as symbols of the Muslim 'nation'" (Jalal, 1991). However, once that independence was ensured, the elite women in Pakistan (if not the majority of women) led the way for the realization of women's rights. However, the trajectory and the nature of the feminist discourse was not uniform and was majorly influenced and led by the State of Pakistan. The female politicians and activist groups, which majorly relied upon concessions and politics of the changing government were soon to experience a reality worse than a nightmare under the rule of Zia-ul-Haq, which on one hand, denigrated them to second class citizens but ironically on the other hand gave them courage enough to organize themselves like never before.

Islamization And Women's Resistance During Zia Regime

3.1. OVERVIEW

Democracy was only in its nascent stage, yet to flourish in Pakistan after almost 24 years of centralized governance. It was then, that the country was divided and East Pakistan separated as Bangladesh. Bhutto's government came closest to what could be termed as a democratic regime. Democratic, at least in its procedural form. However, this procedural level of democracy too was short lived and was violently destroyed by the advent of a conservative, hyper-religious, patriarchal man who happened to be the Chief of Army Staff of Zulfikar Ali Bhutto; General Zia-ul-Haq. Zia has been notoriously known in the Pakistani history as not just a conservative, but also a thorough pragmatist who did not shy away from using religion to maintain the legitimacy of his rule and at the same time systematically dismantling democracy ten blows at a time. Women and minorities, (especially the religious and linguistic minorities) were without a shred of doubt, the worst hit parties in the new scheme of things. If the anti-Ahmediya Law passed by the Bhutto government had meant a discrimination against the non-Muslims and 'lesser Muslims' via the State itself, the Zia regime refused to accept their rights not only as citizens but also as humans. The Constitution of 1972 gave equal rights to women, which had made women activist bodies more or less complacent. However, after 1977 they came face to face with the consequences of not just their complacency but also their silence which was adopted when the minorities were being systematically attacked, even before 1977. On one hand the law of the land had completely been dismantled by the State in the name of Islam, the society too was being prepared for the 'moral' policing of the women. While the condition of the women in the rural part of the country never really changed since the independence, 1977 came as a shock to the women in the urban areas. It was rather in a nebulous fashion that the women felt the impact of the changing psyche of the society. Taken in isolation, any single incident may not seem much of a departure, but together these incidents marked a 'subtle shift in attitude and changing social atmosphere' (Mumtaz and

Shaheed, 1987). Mumtaz and Shaheed in their book share with their readers a certain number of examples to give a fair idea of the changing social atmosphere in the urban spaces. One of the examples that they cite is of a “woman who entered a well frequented bakery in upper class residential Lahore in the winter of 1978-79 and was accosted and allegedly slapped by a total stranger man for not having her head covered!” (Mumtaz and Shaheed, 1987).

3.2. CHADAR AUR CHAARDIWARI: THE SYSTEMATIC DISENFRANCHISEMENT

While the society was changing in the wake of the campaign of, what can be termed as the ‘Islamic Morality’, the State (which zealously promoted the moral policing) did not shy away from legitimizing these acts by passing ordinances which did not just reduce women to second class citizens but rather treated them as sub-humans, devoid of basic human rights. Even though the Hudood Ordinances were the epitome of the terror regime which marked the bleak phase under General Zia, the process started with slightly less controversial (although in no way, less demeaning) dictates. The following section tries to chronologically understand how the society was slowly poisoned against its women and the dangers of them having the same rights as men were made ‘evident’. Those who did not agree with this reasoning of the State were silenced in the name of the religion (a religion which originated in a different land and society some 1400 years ago). If someone dared to question the State, s/he was labelled as un-Islamic and anti-national and was consequently, treated as such.

3.2.1. THE SOCIAL ‘ISLAMIC’ DICTATES

The first directive by the government for all the women government employees, followed by similar directives to the female teachers of educational institutions, (who in turn were expected to set an example for their female students) ordering them to wear the ‘Islamic dress’ came in as early as 1980. The ‘Islamic’ part of the dress meant that anything that the women wore should be covered by a *chadar*¹⁴. It hardly comes as a surprise that the government’s attempt to Islamize the dress

¹⁴ Chadar (also spelled as Chador) is a Hindustani word widely used in South Asia, borrowed from Medieval Persian (which itself is suspected to be borrowed from Sanskrit चच्छाद) which refers to a covering and has retained its

code was only limited to the women. These directives did not carry any instructions with regards to the male students and teachers. As has been the ‘custom’ of all patriarchal societies, the onus to carry the ‘tradition’ fell on the shoulders of the ‘weaker’ sex. However, it is important to understand that this does not mean that the dress that was ‘prescribed’ was alien to the Muslim Pakistani women. In fact, most of the women in the rural and the sub-urban areas did already wear the kind of attire that was mandated. What was problematic though, was the mandate that signalled towards the repercussion of not following the code; the absolute negation of women’s choice over her own body.

The directive of March 15, 1982 (as printed in *The Muslim*, 16 May, 1982) rolled out for the colleges which came under the jurisdiction of the Federal Government read as follows,

“The Federal Government has decided that in all institutions under its control, girls from class IX upward will henceforth wear proper dupatta as head cover, rather than the thin strip of cloth which is generally in use at present. It has further been decided that all female staff in schools and colleges will be modestly dressed and will wear a chador over their dress”.

The inspiration of the model Islamic society was clear; the ideals of this nascent ‘Islamic’ nation were the matured ones, *i.e.*, Saudi Arabia and Iran. In April 1982, the wife of the late Iranian President, Khanum Siddiqeh Rajai, on a visit to Pakistan maintained that women were to be allowed to participate in the collective affairs as long as “‘they wear a chadar’... Women in Iran took part in all revolutionary activities while wearing chadar”. She went on further (in a way that only appears to the liberal eye as a shameless bragging of the moral policing in the society) and added ‘we do not force anyone to wear a chadar, but we have created such an atmosphere that a woman who does not wear a chadar will be convinced by her family, her neighbours, by the people of her city and village to do so. And if she still insists on her own ways, she will have to face opposition of the people, but the government never interferes in such affairs’ (*The Muslim*, 19 April, 1982). What she failed to mention was that this ‘opposition’ could come in the form of a

original meaning to an extent. Thus, chadar refers to any piece of loose, singular clothing that is used to cover the whole body.

slap from a stranger in a high-end bakery, let alone the plight of the women who dared to break the convention in rural areas.

Another group of questions that were raised post this promulgation, pertained to the debate of religion versus culture (with a twist of hegemonic cultural assertion). Was the prescribed *shalwar-qameez*¹⁵ and *dupatta* the only cultural dress? And the answer seems that ‘it was to be so, if not earlier’. Thus, an attire which was (it is true) worn by a majority of women of Punjab (the hegemonic culture in the Pakistani political sphere) was to be the ‘national’ or rather ‘nationalist’ dress code while other traditional attires of the left-off Muslim majority provinces were to be ignored altogether. Moreover, *sari*¹⁶, which was the cultural dress of the Urdu speaking migrants from India, was dubbed as ‘Hindu’ and banned while *shalwar-qameez* and *dupatta*, (ironically, worn by a major chunk of Hindu population in India) were declared to be ‘Muslim’.

One of the first rebuttal to these injunctions came in the form of an article in an English daily, Dawn by an Islamic scholar Rayhana Firdaus who argued that “in the eyes of God and in the eyes of Qur’an the personality and the status of women in Muslim Society are exactly the same as those of men” (Dawn, 1981). This rebuttal, although in favour of the women, was problematic in its own sense. It came with the painful realization that any debate from then on, with regards to the societal norms was to be fought on the Islamic grounds itself. In order to be heard by any political figure and taken seriously, women would now have to fight their fight on the ‘religious’ ground.

As the former Iranian first lady had suggested, a society which would ‘convince’ the women to be dressed and behave ‘appropriately’, was being designed. Unlike her advice though, the government too was very much ‘involved’ in the matters of the conduct of women. The dictates were not limited to the dress code but extended to the presence of women in the public sphere, which not only included their presence on the television and movies but also their participation in spectator sports.

¹⁵ Also spelled as *salwar-qameez*, is a composite, two-piece outfit worn in a number of South Asian countries both, by men and women, comprising of loose trousers and a long shirt. Women often pair it with a third piece of clothing termed as ‘*dupatta*’ or ‘*chunni*’ which is just a single piece of cloth worn about the shoulders to maintain the ‘decency’ by further covering the already covered bosom.

¹⁶ A traditional, single piece of unstitched drape, varying in length from almost 4 to 8 meters, typically wrapped around the waist with one end draped over the shoulder. The *sari* is worn in various styles across the Subcontinent.

As early as 1980 the government issued a number of circulars to the Pakistan Television which aimed to ensure that ‘no attempt was made to exploit the fair sex for commercial purposes.’ Now the line of reasoning which was given by the government (as cited by Mumtaz and Shaheed) was to ‘prevent the exploitation and misuse’ of women for commercial purposes. However, as Mumtaz and Shaheed argue, “the government seemed less concerned about obscenity or the misuse of women in advertising than projecting a particular image of women, defined by sewing machines, detergents and other items of housework” (1987). In fact, in the years to come, certain directives were issued by the government which virtually equated the female visibility with obscenity. The result was the rise of the likes of Doctor Israr Ahmed. He was a member of the Council of Islamic Ideology (CII) as well as the *Majlis-e-Shoora* (Federal Court). He was strictly against working women and believed that they should be retired and be confined to the four walls. He was not the one to stop there and was not hesitant to state his stand against the punishment for men who raped women. He rather backed those men who organized to police the streets with sticks in their hands (needless to specify in order to beat-up whom). In one of his state-run television programmes, *Al-Huda* and an Urdu daily, *Jang*, he expressed similar views which attracted the ire of women. WAF condemned his statement and demanded the withdrawal of his programme from the national television. On 18 March 1982, a small group of these women led demonstration in front of the Karachi PTV Station. The result was that *Al-Huda* went off-air on 20 March. As expected, the government did not want the women to have the satisfaction that their activism led to the show’s withdrawal and so they maintained that the withdrawal was pre-scheduled. This victory was of a great symbolic importance for the WAF as well as women in general. The removal of Israr Ahmed from the television screen meant that the government did not expect such an organized response from the ‘weaker’ sex and thus was not yet prepared to meet such a public criticism.

It only fits its *modus operandi* that the State did not stop there. A lot was in store to make women confirm to what was Islamic according to the men. The new education policy which was proposed by the government came in the form of a Presidential Proposal, which advocated the establishment of an exclusive Women's University. It was also proposed that a sum of Pakistani Rupee 250 million would be earmarked for such segregated universities. Yet again, even before the policy was formalized, WAF as well as APWA passed resolution rejecting such a proposal. Apart from the fear that such a step would lead to further marginalization and segregation of women in the society, it was pointed out how it would be a wastage of capital resource which otherwise could

have been used to promote basic education in Pakistan, given the abysmal overall literacy rate of 26.2% (as enumerated in the Population Census of 1981). Further, it was feared that in an attempt to economize the education, science and technological courses which required larger capital, would hardly be made available to the all-women colleges and universities. And the fears were not unfounded, for 'even before such a university materialized, the discrimination against the women began... female students applying to Punjab University in science were told by the authorities to apply in their 'own' institutions like the Lahore College for Women' (Mumtaz and Shaheed, 1987). While it was always maintained that women would have a choice between the segregated and the co-educational universities, the choice was never real. What was real though, was the inevitability of the difference in the quality of education that the two variants were expected to provide. Another level of discrimination, a systematic effort to deter women from taking up professional courses was seen in the form of a much higher 'grade requirement' for women as compared to their male counterpart, in order to gain admission in the prestigious medical universities of Pakistan. Fortunately (for the women) or unfortunately (for the mullahs who, in retrospect, seem to have focused all their strengths in making the lives of women a living hell), before Zia could make segregated universities a reality, he died in a plane crash. However, it did not put a stop to the agenda of mullahs, and an all-female college, Jinnah University for Women, Karachi was upgraded to an all-female university along with the establishment of another all-female university, Fatima Jinnah Women University, Rawalpindi, in 1998.

When women could not dress, study, walk or talk in the way that they wanted to, it was only fitting (and in fact hardly comes as a shock) that the State now was to have an issue with women playing spectator sports. The intention of the government first came to light when after a three months' preparation for the First Asian Games to be held in Japan, the female players were, at the last moment, asked to go back to their homes without a written directive, implying the informality and the casual nature in which female sports were now to be taken. Yet again, a probe by the WAF revealed that the main lobby which pressurized the government in such a sudden stance was of the maulvis, who had been campaigning against women taking part in international competitions (for jumping and running in shorts in front of men too was un-Islamic). When a clarification was sought by WAF, in February 1982, the Federal Minister of Sports and Culture, Arab Niaz said that although the government was keen to promote sports, it was to be 'Islamic'. Mumtaz and Shaheed in their book, rightly comment on this explanation and say, 'when translated this meant that women

could play sports only within boundaries which contained an all-female audience, and that it was un-Islamic for women to play any sports in front of someone who was neither her husband nor her *mehram*¹⁷. And they weren't far from the truth. Zia himself attested to this, as printed in one of the dailies, *Pakistan Times*, dated 20 April 1982. One of the reasons, that the government was unwilling to provide any written directive which would formalize this exclusion of the women sports teams and players from participating in international events like the New Delhi ASIAD Games of 1982, was that it (the government) was still not willing to portray an ultra-conservative image in the international sphere even when it heavily relied upon this same conservatism to legitimize the undemocratic regime within the country. Moreover, the International Olympics Association had warned Pakistan that it would be formally expelled, if it excluded women on the basis of sex. Naturally, the government went on to look for a loophole, which it found in the name of 'incompetence'. As noted by Mumtaz and Shaheed (1987), for the President of Pakistan Olympic Association, Syed Wajid Ali, 'Pakistani sportswoman were not competent to play at international competitions.'

It was the women's rights organizations which (WAF supported by *Tehrik-e- Khawateen* and others) protested and staged a demonstration at Lahore Airport when the male teams were leaving for New Delhi. The sportswomen urged their fellow sportsmen to support them by raising slogans like *Mard bano, saath do, maulviyon se mat daro* (Be a man, support our cause, don't be afraid of the maulvis), but to no avail. In 1984, the Pakistani government hit yet another low and revealed its hypocrisy.

It was a Hockey match between Pakistan and Malaysia in Karachi and the all-women spectator game was being recorded by a male crew. Interestingly, the crew was not Malaysian but Pakistani! This inconsistency in the government's stance was inconceivable, for why would the State wish to televise a game, in which even male spectators were not allowed? The reality was that the coverage of the hockey game was to be sent to other Asian countries. So, technically the Pakistani *na-mehram* could not watch the women play, but foreigners could, as long as it served the 'liberal' image of the country.

¹⁷ Also spelled as 'Mahram', in Islam, is a member of one's family with whom marriage would be considered *haram* (illegal).

3.2.2. LEGALLY REDUCING WOMEN TO SECOND CLASS CITIZENS

The legal assault on the status of women came in the form of a number of ordinances. The most derogatory and barbaric of these laws for the women were the Hudood Ordinances, the Law of Evidence and the proposed Law of *Qisas* and *Diyat*. While the first two laws were promulgated during Zia's lifetime, the third law was his legacy which although implemented after his death, was as much Zia's evildoing.

Pakistan's criminal legal system was based on the principles of Anglo- Saxon law. The Penal Code, the Criminal Procedure Code (CPC) and the Evidence Act were a legacy of the colonial era. While the old laws and systems remained almost intact, procedures and punishments for certain offences were taken out of the purview of the old criminal legal system and were put under what came to be known as the Hudood Ordinances. These Ordinances, (the word Hudood literally means, 'limit' in Arabic), pertained to the maximum punishment that was to be awarded to the perpetrator, the criminal. Promulgated in 1979 these laws were a collection of five criminal laws, collectively called the Hudood Ordinances. These ordinances were –

1. The Offences against Property Ordinance
2. The Prohibition Ordinance
3. The Offence of Zina Ordinance
4. The Offence of Qazf Ordinance
5. Execution of Punishment or Whipping Ordinance

While the first two Ordinances did not solely affect women, the third and fourth Ordinances, which were related to rape, adultery and the false accusation of adultery (*qazf*) proved to be worse than a death sentence for the women of Pakistan.

Before the promulgation of the Hudood Ordinances, Pakistan's legal system was a cocktail of colonial legislations, inherited usages and Personal Laws (mostly for family matters). A Law Reform Commission was set up in 1958 which cautiously pointed out the dangers of involving religion and consequently religious scholars of "old learning" who according to the Commission would obstruct any reform. However, this was not to be a concern for Zia. He wisely rode the

wave of the *Nizam-i-Mustafa* movement¹⁸ to ouster Bhutto. In fact, the lobby of the Maulvis and the conservatives along with the rhetoric of ‘Islamization’ were the backbone to the legitimization of his undemocratic regime.

- **ZINA ORDINANCE: THE TRIVIALIZATION OF RAPE AND ADULTERY**

Before one tries to understand the new laws pertaining to rape and adultery that were opposed to the basic human rights of women, it is important to understand the laws that existed before the promulgation of Hudood laws, *i.e.*, the colonial British laws. They were carried forward with little or no alteration by the judicial system of independent Pakistan.

Under the “pre-Hudood legal system rape was a crime punishable for men alone. Under the old criminal law women could not be charged for the offence of rape. Consent of a child under the age of fourteen was immaterial. It was presumed that a child below the age of fourteen if subjected to sexual intercourse was raped. A child below the age of seven could not be punished for any offence. Children between the age of seven and twelve could only be punished if it were established that the child was mature enough to understand the crime being committed. Rape on wife was an offence.¹⁹ Wherein, adultery was a crime under these laws, sex between unmarried consenting adults was not an offence. Punishment for adultery was either imprisonment for five years or fine or both” (Jahangir & Jilani, 2003). As women were taken to be the property of men, and not the other way round only the male could complain of his adulteress wife. If the husband decided to withdraw the case, the accused was free to go. Because the female in the relationship was always treated as being susceptible to influence with no will of her own, the woman partner to adultery was not to be punished under the old criminal system. “By denying women the right to complain of adultery and simultaneously exempting them from the punishment for adultery, the

¹⁸ The term itself refers to the System of the Prophet Muhammad. The movement was a Nine-party popular alignment in Pakistan which was started by the Jama’at-e-Islami in 1977 to overthrow the secular government of Zulfikar Ali Bhutto and establish an Islamic system of government in Pakistan.

¹⁹ Section 82, 83 PPC

British legislators relegated women to the status of secondary but protected citizens. The Hudood ordinances removed the protection, without raising the secondary status” (Jahangir & Jilani, 2003).

The Hudood laws changed all of the above. Women could now be “charged for the offence of rape. Rape on one’s wife was not [deemed to be an] offence. Children, regardless of their age, could now be convicted for Zina or rape, *i.e.*, *zina-bil-jabr*. Consent of a child could now be put forward as a defence by the accused [in case of a sexual intercourse with a child]. Wherever consent could be established, the offence was to be converted from rape to zina, *i.e.*, adultery” (Jahangir & Jilani, 2003). On one hand, the establishment of the rape was made almost impossible for the victim, by the new Law of Evidence, on the other hand, the accusation of rape (which could not be proved in the court) was taken as the admission to the guilt of adultery. And in case the rape resulted in pregnancy, there was nowhere to hide. So, the woman, who has been raped, would also be stripped off her dignity by the court, which possessed the right to charge her for adultery. It is in this context that anyone who is new to the study of legal system of the Hudood Ordinance, should keep in mind that the Zina Ordinance, was supposed to deal with both the case of rape and adultery (for often rape was transformed into adultery due to the lack of evidence). Thus, while Zina refers to adultery, the term *zina-bil-jabr* is used to refer to rape.

- **PROCEDURE AND PUNISHMENT ESTABLISHED UNDER THE ZINA ORDINANCE**

Offences of Hudood were to be tried by the normal criminal courts at the subordinate original level. Presiding judges were supposed to be Muslims, except in cases where the accused was a non-Muslim, a non-Muslim judge could preside. The appellate court was the Federal Shariat Court (FSC) which was established in 1980. The judges of the FSC were all Muslims. Three out of total eight judges were to be *Ulemas*²⁰ with no formal training in law. While non-Muslims were to be tried under Hudood, non-Muslim lawyers or judges were not to be allowed to appear or preside at the FSC. Appeals from the FSC were to be held at the Supreme Court Shariat Bench. As a matter of fact, the FSC has an additional jurisdiction; to declare any law repugnant to Islam, except the Constitution, Muslim personal law, fiscal law and for a limited period, procedures of any Court.

²⁰ Muslim scholars with specialist knowledge of the Islamic law, theology and scriptures.

Also “two levels of punishment and, correspondingly, two separate sets of rules of evidence are prescribed. The first level or category is the one called the Hadd which literally means the “limit’ and the other “Tazir”, which means “to punish”” (Jahangir & Jilani, 2003).

- **HADD FOR ZINA**

Hadd punishments are fixed and leave no room for consideration of any mitigating factors or extenuating circumstances while sentencing. Interestingly, when deciding on the Hadd punishment for the offender, the testimony of women was not to be accepted, (she could testify in the case of a tazir punishment, even then her testimony would have held half the value to that of any man). Even when the victim herself was a woman, her testimony against the perpetrator held no value. According to the *Quanoon-e-Shahadat* or the Law of Evidence, 1980, before the imposition of Hadd punishment in the case of Zina and rape, at least four eyewitnesses were required. Eye witness were to be male Muslims, except where the accused was a non-Muslim. In such case eye-witnesses could be a non-Muslims. Jahangir and Jilani (2003) aptly sum up the absurdity of the procedure of the Hadd punishment as follows; “rules of evidence for Hadd are illogical to say the least. Testimony of a female Muslim is totally unacceptable. Testimony of non-Muslims is allowed only when the accused is a non-Muslim. Non-Muslims should hope and pray for a non-Muslim to steal from them. Evidence for Hadd punishments does not include expert opinions, medical evidence or documentary proof. Only two forms of proof are recognized. Confession of the accused or eye-witness evidence of a specified number and type of witnesses..... A gang of men can thus rape all the women in a women’s hostel, but the lack of ocular evidence of four Muslim males will rule out the imposition of Hadd punishments.”

Furthermore, punishments of Hadd were fixed, leaving no room for the discretion of the judge to determine the quantum of punishment. It was mandatory to award Hadd, if the required proof was available. For example, if the accused confessed, the court had no option but to award Hadd. And what could be worse for a woman who in reporting her rape, and not being able to prove it, finds that she had confessed to adultery? Apparently, it was not enough for the State to question mental capacity of the woman when it came to providing evidence for a crime witnessed. So, it went a step further to contradict its own stance on her cognitive capacity by admitting her testimony when

she was the 'supposed' offender. Her "confession" was evidence enough to award her *hadd* punishment.

The laws reek of patriarchy at yet an abhorrent discrimination between the male and the female offender. Courts recognized puberty of a girl at menstruation, but not for a male even when he had performed the sexual act. In two court decisions it was held that despite having committed rape, the offenders were not adults. "It has been interpreted that sexual act by itself will not be enough to establish male puberty. The prosecution must show that the accused is capable of reproducing. If this interpretation is taken seriously, then most accused will not only escape the Hadd punishment but also Tazir punishment for adults" (Jahangir and Jilani, 2003).

One of the heart-wrenching cases which showcased the barbarism of this ordinance was that of a Jehan Mina. She was a fifteen-year-old rape victim, who was awarded hadd for zina on account of the pregnancy incurred due to the rape itself. Her father had died and her mother subsequently remarried. Mina was sent to her aunt from where she returned pregnant. On learning this, her uncle filed a complaint, alleging rape. Interestingly, the accused led no defence (that is how much they were sure the verdict will go in their favour). They were, as expected, acquitted due to lack of evidence. Jehan Mina however, was convicted. The same 'lack of evidence' which acquitted her rapist, converted her from the victim of rape to the perpetrator of zina; her pregnancy was the confession. She was punished with 100 stripes. On appeal to FSC, the sentence was lowered to tazir, but the conviction stood.

Rape, under all systems of law, is very difficult to prove. In Pakistan, after the promulgation of Hudood laws, even a complaint of rape became too risky to be undertaken. This is clearly demonstrated through the Jehan Mina case.

These ordinances also proved themselves as handy tools to discredit love marriages, punishing the perpetrators for their daring. Further, they made it easy for a man to hold a woman to her 'fidelity' who he may have already divorced verbally, but whose marriage to another person he could not bear. In all of the above cases, the case of kidnapping was registered by the parents or husband of the girl, against the man who she married. More often than not, the marriage was made impossible to prove. In the case of a divorcée who might have married again, the divorce itself was almost never proven, thus making the second marriage illegal. But someone, of course had to be charged.

Thus, the male and the female who loved each other enough to marry, (for love without marriage has always been a prospect unimaginable in South Asia) were to be punished for committing rape on each other. The evidence, ironically, would be their claim to marriage which they made in their defence but could not prove. So, the marriage that could not be proved in the court is taken as a proof of sexual intercourse! And if by any chance the marriage resulted in pregnancy, hadd punishment was the way to go, for most of the local level courts. Thus, apart from tearing apart the concept of love and the institution of marriage, the law also shredded the concept of ‘consent’ to pieces. One of the cases that garnered much publicity in the light of response it generated from the women’s organization like Shirkat Gah (which till then was a small and unorganized group of elite women who met once in a while) was that of Allah Bux and Fehmida vs. the State in 1982²¹. It led to the emergence of one of the most successful women’s rights organizations in Pakistan, *i.e.*, Women Action Forum from the erstwhile Shirkat Gah.

Fehmida’s father had filed a complaint saying that Allah Bux, the school bus driver, had abducted his school-going daughter. The police found both, Allah Bux and Fehmida living together. The two claimed to be married. The prosecution then contested the date of the marriage to suggest that Fehmida, who was pregnant at the time, had conceived before marriage and therefore the two had committed zina before marriage. The court agreed, and Allah Bux was sentenced to stoning to death while Fehmida was sentenced to 100 stripes. However, on appeal both the accused formally retracted the ‘confession’. The case was sent for retrial. On retrial, they were acquitted. But one has to understand that the important question in their case was not that of their guilt but the fact that in spite of having no witness to the ‘rape’, let alone four male adults of good repute required by the law, they were charged with the offence. So, the court, it seemed could punish, against the ordinance, on its own cognizance but not acquit. This case heralded an era of collective consciousness for the women of Pakistan.

²¹ PLD 1982 FSC 101 Allah Bux and Mst. Fehmida

- **TAZIR FOR ZINA**

Trial courts have hastily and callously passed extreme sentences of hadd in many cases. While trial courts have been dangerously incompetent in awarding hadd repeatedly, appellate courts have awarded harsh sentences while converting hadd to tazir. Tazir in this sense, is simply a fallback position form hadd. Lack of evidence for hadd punishment does not exonerate the accused of criminal liability. In fact, the accused is still liable for tazir, if the crime is proved ‘beyond a reasonable doubt’; a phrase that has been used to fulfil the sadistic aspirations of the court to see each and every of the accused and even accuser (especially when it’s a woman), whipped and lashed in the public.

An example of court’s ‘magnanimity’ in awarding tazir punishment instead of hadd, was the notoriously infamous case of Safia Bibi²². Safia Bibi was a blind girl who worked as a domestic help in a local landlord’s house. She allegedly got pregnant due to rape committed on her by the landlord and his son. Her silence had to be broken once she was admitted to a hospital for delivery. Safia’s father filed a rape complaint. The Sessions Court of Sahiwal convicted “Safia of zina and sentenced her to 3 years rigorous imprisonment, 15 lashes and a fine of Rs 1000. Her co-accused, the alleged rapists were acquitted owing to “want of evidence”” (Jahangir & Jilani, 2003). Safia Bibi’s ‘self-confessed pregnancy’ was treated as evidence of adultery by the judge, who in his own opinion gave Safia ‘a light sentence’. This particular case aroused public sympathy because Safia was blind. It was the constant effort of WAF Lahore chapter that publicized the case and led to it becoming a public embarrassment in the international community. It was the first instance when the FSC, using its *suo motu* powers, asked for the case to be transferred. Finally, the FSC acquitted her but “the judgment of the FSC laid down no principle of law under which future reference could be made under similar circumstances” (Jahangir & Jilani, 2003).

²² NLR 1985 SD 145 Safia Bibi.

- **THE QAZF ORDINANCE**

Qazf refers to the offence committed by an individual who has falsely accused another person of zina, and the person who had been accused was acquitted by the court. Before one comes to the conclusion that the punishment under the offence of qazf would have worked as a deterrence to the false accusation of zina, certain things have to be kept in mind. First, the offence of zina in practice was hardly ever proved on bases of the evidence. Thus, the punishment that was awarded was often given when the court was convinced ‘beyond a reasonable doubt’. This meant that even when the offence was not proved, the court often awarded the tazir for zina to the accused. In turn, it shielded the complainant from being liable to be booked under the qazf. Secondly, the ordinance went as follows, “whoever has committed the offence of false accusation of zina (fornication and adultery) either written, verbal or "by visible representations", with intent to cause harm, and without producing four witnesses in support of the accusation before the Court, or who "according to the finding of the Court", as a witness has given false evidence of the commission of *zina* or rape, or as complainant has made a false accusation of rape” (The Offence of Qazf (Enforcement of Hadd) Ordinance, 1979) is said to commit qazf.²³ It is important to note that the operative words here are ‘*with intent to cause harm*’. Even when in certain cases, the accused of zina were acquitted by the court, it was impossible to prove the ‘intent’ to cause harm on the part of the accuser. Moreover, women falsely implicated of zina by their husbands had no legal remedy under this law, even when wives were not specifically excluded from this ordinance. The FSC had interpreted the law as such in the *Dur-e-Shehwar*²⁴ case. Therefore, one can notice how these laws were structurally stacked against the women. Qazf would not stick if the accusations made insinuate qazf, but not prove it. On the other hand, such insinuations were enough to get a person arrested on accusation of Zina. In order to be awarded hadd for qazf, it was necessary that the accused either confessed to the offence themselves, or commit qazf in court itself. Hadd could also be awarded if the accuser could produce in front of the court, two Muslim adult male witnesses (other than the victim of the *qazf*).

²³ The Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 - Ordinance VIII of 1979

²⁴ For detail, NLR 1986 SC 240(2) Haji Bakhtiar Said Muhammad.

FSC had directed the police to lodge a complaint of qazf against one of the witnesses in a zina appeal against Jiwan Khan²⁵ who had testified against Khalid Perveiz and Mst. Naziran. He deposed having seen Khalid and Naziran committing Zina. On his testimony, both were convicted for zina by the trial court. On appeal they were acquitted. They were able to prove that they had married each other. Upon acquittal Naziran, on the instructions of the court, filed a qazf complaint against Jiwan. The trial court awarded Jiwan a hadd sentence of 40 stripes instead of the prescribed 80. On appeal, Jiwan was acquitted as the court was not satisfied that he had made the allegations maliciously. It was felt that as Khalid and Naziran had eloped and married, Jiwan may genuinely not have known their marital status. Strangely enough, Jiwan knew that the accused had put up a defence of being married before he testified. This strange interpretation ruled out the fact that the witness must surely have been aware of the defence of valid marriage taken by the accused, before he gave his testimony.

In another case of qazf, that of Muhammad Bashir, the FSC ruled, “In zina cases, mere failure of the prosecution case would not automatically establish the case of qazf against the complainant/witness., unless it is further proved that the complainant/witness made that imputation of zina with an intent to harm the reputation or hurt the feelings of such persons. Similarly, mere disbelieving certain witnesses in zina cases would not necessarily mean that such witness committed qazf, unless it is further established that such a witness made such an imputation with the intent to hurt the feelings of the person.”²⁶ Thus, the only law which could have prevented the institutionalization of vendetta on the part of the ‘injured’ ego of the divorced husbands and fathers and the rapists, was rendered spineless.

While only a few hadd punishments have been given for the offence of zina, none of it was ever awarded for qazf. Furthermore, even under the lack of evidence, the court hardly shied away from awarding tazir for zina. Jahangir and Jilani observe that “the charade of Zia’s Islamization becomes apparent when we look at the career of hadd punishments. These were, perhaps never meant to be carried out, but their harshness has an intimidating effect. Had this been done, Zia’s Islamization would have received a far more severe resistance.....Women activists have often fallen into the pitfall of simply agitating against the harshness of hadd punishments, without realizing that had

²⁵ Criminal Appeal No. 225/L of 1983 Jiwan Khan

²⁶ Criminal Appeal No. 128/L of 1984 Muhammad Bashir

the hadd punishments been dispensed with, the insidious punishments of tazir would continue. Owing to this narrow focus, the injustice in application of tazir punishments has gone unnoticed, although tazir punishments have had wider application and greater arbitrariness.” (2003)

- **AN EYE FOR AN EYE? THE LAW OF QISAS AND DIYAT**

The feeling/ need for retribution, following a bodily or emotional harm is natural to all human beings. In fact, in many of the societies, the concept of an eye for an eye was formally accepted. This concept could be found in Islamic societies by the name of *Qisas*, where justice was served when the victim party would avenge the harm done by inflicting a similar injury on the perpetrator. Similarly existed the concept of compensation *i.e.*, the monetary value of the harm done was calculated and the convict party was expected to pay the victim the amount agreed upon (*Diyat*). However, they were ancient practices that were practiced by a few middle-eastern tribes. Along with many other obsolete practices they too find a mention in the Qur'an.

After the adoption of the British Penal Code in the Indian Subcontinent, such practices (even if they were practiced by a considerably small number of tribes and communities) effectively went extinct. The idea of reviving this form of 'justice' came to the fore, under no one else but the 'enforcer' of *Nizam-e- Mustafa*, General Zia-ul- Haq. In December of 1980, the CII drafted the Law of Qisas and Diyat but it was never passed in the National Assembly, even when passed by Majlis-e-Shoora as early as 1984 during the Zia regime. President Ghulam Ishaq Khan however, passed an ordinance to this order in 1991, and in 1997 under the Sharif government, it became the law.

Alterations were made in “Chapter 16 of the British-era Pakistan Penal Code relating to offences affecting human body. Sections 229 to 338 of PPC, related to bodily hurt and murder were repealed and replaced with new provisions. Some provisions of the Criminal Procedure Code, 1898, were amended and legal heirs of a deceased person were authorized to enter into compromise with the killer even at last moment before execution of sentence. The Ordinance defined Diyat as “compensation specified in section 323 payable to the heirs of the victims.” Similarly, Qisas is defined as “punishment by causing similar hurt at the same part of the body of the convict as he

has caused to the victim or by causing his death if he has committed *qatl-i-amd*²⁷ in exercise of the right of the victim or a wali”” (Shah, 2013).²⁸

To put it clearly in the words of a Supreme Court Judge

“In Islam, the individual victim or his heirs retain from the beginning to the end entire control over the matter including the crime and the criminal. They may not report it; they may not prosecute the offender. They may abandon prosecution of their free will. They may pardon the criminal at any stage before the execution of the sentence. They may accept monetary or other compensation to purge the crime and the criminal. They may compromise. They may accept qisas [punishment equal to the offence] from the criminal. The state cannot impede but must do its best to assist them in achieving their object and in appropriately exercising their rights.”²⁹

(Federation of Pakistan through Secr. Min. of Law vs. S. Gul Hassan Khan, PLD 1989 SC 633)

The law essentially “privatized” the crimes. By leaving out the State as the injured party, the laws proved to be fatal for women when it came to intra-family violence. As a result of the law, “not only are women victims of domestic violence and their heirs susceptible to pressure and intimidation to waive qisas, but the concept of monetary compensation can be meaningless in a situation where payments flow from one member of the nuclear family to another” (Davies, 1994).

This law tilts the scales of “justice” against the rights of the women. It is often seen by women’s rights organizations and human rights groups as not only an institutionalized form of violence against women but also a legal instrument to institutionalize customary barbaric practices such as

²⁷ Arabic for premeditated or wilful murder

²⁸ See, <https://www.dawn.com/news/1043236>

²⁹ Federation of Pakistan through Secr. Minister of Law vs. S. Gul Hassan Khan, PLD 1989 SC 633

karo-kari (honour killing). This systemic violence against women can be understood with respect to two different scenarios.

The first case is that of spousal killings. The law removes any deterrence which would prevent domestic violence; especially the violence against (and even the murder, i.e., *Qatl-e-Amd*³⁰ of) the wife perpetrated by the husband. The reason is that *Qatl-e-Amd* is not liable to qisas in cases “when any *wali* [heir] of the victim is a direct descendant, how low-so-ever, of the offender” (Pakistan Penal Code, Section 306(c)). To put it in simple terms, if the husband and the murdered wife have a child together, the child, i.e., the heir of the murdered party will also be the decedent of the murderer, and the murder of the wife will not be liable to qisas. Even if that were not the case, the law of compensation would require the accused father to pay the monetary amount to his own children and it would be nothing less than absurd. Thus, in most cases, men walked away scot-free after murdering their wives.

However, “section 311 of the PPC empowers the court to convict a person under the principle of *fasad-fil-arz* (mischief on earth), even if a compromise did take place, keeping in view the facts and circumstances of the case, and [empowers the court to] sentence him up to 14 years of imprisonment” (Shah, 2013). This tazir punishment [in such a case] depended upon the discretion of the presiding judge.

The second case of this systemic violence is that of honour killings. Similar to the case of murdering one’s wife, the ‘privatization’ of murder by any other family member in the name of honour results in legal absurdity. The heir and the accused in most of these cases are the same. According to the data provided by the Human Rights Commission of Pakistan (HRCP) in one of its reports, “the persons accused of honour killings between 1998 and 2002 involved 462 persons who were brothers, 395 persons who were husbands, 217 persons who were relatives, 103 persons who were fathers, 60 persons who were involved, 58 persons who were sons and 44 unknown persons” (Irfan, 2008).

The attitude of the courts in seeking justice for the victims of honour killings has also come under radar. As observed in the Human Rights Watch (HRW) 1999, the courts take up an apologist position in such cases. For example, the HRCP reported a case in which a man was tried for killing

³⁰ Wilful murder

his daughter and a young man. “The sessions (trial court) judge sentenced the father to life imprisonment and a fine of Rs. 20,000 (U.S.\$ 500). The case came before the Lahore High Court, which reduced the sentence to five years’ imprisonment and a fine of Rs. 10,000 (\$250). In its judgment, drastically reducing the defendants’ sentence, the appellate court indicated that his actions were justified because his victims were engaging in immoral behaviour that could not be tolerated in an Islamic state such as Pakistan” (Human Rights Commission of Pakistan, 1997).

Under Zia-ul-Haq, when these laws were proposed “the testimony of women was not to be accepted in the execution of qisas, which meant that a woman accused of committing an offense requiring retribution was not ‘allowed’ to testify on her own behalf. Moreover, when the victim was a woman, the amount of diyat was to be halved” (Jahangir, 1990). However, in the law that was passed in 1990 and subsequently 1997, it was left upon the judiciary’s discretion to decide the amount of diyat and the validity of a woman’s testimony. The amount was to be decided “subject to the Injunctions of Islam as laid down in the Holy Qur’an and Sunnah”³¹. A report by the Human Rights Watch published in the year 1999 observed that “since traditional interpretations of Islamic law contemplate the diyat for a woman victim to be half of that for a man, the gender-neutral language of the current codified law on diyat is practically meaningless. Moreover, the law of inheritance, which governs the distribution of diyat among heirs, is also discriminatory to women, as the shares of female heirs are typically smaller than those of their male counterparts” (HRW, 1999). HRCF further noted in their report that “heirs entitled to . . . diyat, were mostly assumed by the law to be male. It was observed that where the blood money [diyat] had to go to a female, the courts, which were responsible for fixing the amount, tended to be less liberal.” (1997)

3.3.A LONG MARCH: RESPONSE OF WOMEN RIGHTS ORGANIZATIONS

What did then the Women’s Rights Movement achieve, when clearly, none of the policies and laws decided upon by the government seemed to have changed or even mellowed down given the harsh reality of the lives of Pakistani women? Why is the women’s rights movement of 1977-1988 hailed as a turning point in the history of feminism in Pakistan? Furthermore, one may wonder if

³¹ Pakistan Penal Code Sections 323 and 304(b)

it is not the misplacement of the facts, i.e., the attribution of the emergence of women organizations to this particular time period, wherein the history of Pakistan has seen the likes of female leaders like Rana Liaquat Khan and the organizations like All Pakistan Women's Association that had come into existence soon after the independence of Pakistan.

These questions might not have any straightforward answers. In fact, it is possible that if one tries to count the 'achievements' of the female rights groups, they may not be able to go beyond three or four. For example, one of the biggest wins for the women rights bodies was to get Doctor Israr Ahmed off air; However, they were not able to get him off Zia's Majlis-e-Shoora. Similarly, the protest against the Ansari Commission³² may have had a role to play in the rejection of certain recommendation of the commission that not only crushed the political rights of the women but also reduced the status of women in active politics to puppets of their male counterparts.

But to analyze the 'achievement' of these women's rights groups, one has to remember that the history is witness to the fact that it has always been difficult to influence the policies of authoritarian fascist regimes from the margins of the society. Given that the Zia government depended upon Islam to legitimize its rule, the scope of protest without being labelled as 'anti-Islamic' and 'anti-national' was almost non-existent. Previously existing women organization without doubt, had been active in pushing forward the agendas that benefitted movement. But, as has been observed in the previous chapters, their stance was complacent rather than aggressive. However, it would be a grave mistake to equate this complacency with weakness. The political environment, although did not accept women in the role of men, (as was evident by the example of clamping down of PWNG and PWNR) was not averse to the existence of womenkind, as it seemed to be the case under Zia regime. On a serious note, the previous regimes including the authoritarian decade of Ayub Khan did ascertain a few piecemeal reforms to improve the marital, social and educational status of women in the society. Whether or not women should have been

³² . The Ansari Commission was assembled in 1983 to inform the President as to which aspects of contemporary society were repugnant to Islam. It recommended a number of controversial measures. These included: disqualifying women from ever being the head of state; requiring a woman to be at least fifty years of age (a man need only be twenty-five) and securing her husband's permission before becoming a member of the Majlis-e-Shoora; guaranteeing that 5% of the general membership of the Majlis-e-Shoora for the next ten years be reserved for women (to be appointed by the President); prohibiting women from leaving the country without a male escort; and refusing to allow an unmarried, unaccompanied woman to serve abroad in the foreign service. Subsequently several of the recommendations of the Ansari Commission were adopted, for example non-party elections and greater power to the Head of the State. However, those restricting the participation of women in the house were not adopted completely.

satisfied with such minor reforms depended upon the cultural makeup of the society which defined the expectations of the minorities and the women's rights groups. And not just the cultural expectations but also the weighing in all the pros and cons of the proposed reform informed these organization whether to resist or push a certain change.

The political backdrop of 1977 was different. Women had nothing to lose, there were no pros. Whatever had been earned and fought for was taken from them in an instant under the name of religion. When their mere existence seemed to have been 'un-Islamic' the cons to resist the regime were few. Also, the advantage of working closely along with such conservative institution did not amount to much. Even then, it does not mean that these organizations did not try to engage with the authorities. For, when their whole existence was under threat, it was imperative that they try all the tricks in the bag, to reclaim their identities. Moreover, what distinguishes this period from the previous one was the fact that while the earlier organizations could have been termed as a collective of women working for the betterment of the women of the country; the organizations that cropped up in this later period were essentially, women's rights organizations. The operative word here being 'rights'. These organizations did not limit themselves to the identity of different collectives. In fact, given the common cause and the common 'enemy' they merged into a movement. This women's movement emerged in direct opposition to state repression. A certain kind of evolution then could be noticed in the way the movement dealt with the State. In the early 1980s, it was primarily "focused on the state apparatus, seeking to counter state proposals to rescind women's legal rights and reduce their presence in public arenas. Every day brought new measures that needed to be responded to" (Shaheed, 2010). The most episodic of the protests to counter these dictates was the one organized against the *Quanoon-e-Shahadat* or the Law of Evidence Act draft which was introduced in the Parliament in 1983. The draft bill prescribed that in "all cases other than those covered by the Hudood Ordinances and any other 'special law', two male witnesses, and in the absence of two male witnesses, one male and two female, would be required to prove a crime" (Mumtaz & Shaheed, 1987). Effectively, declaring the worth of female cognitive faculty half of that of her male counterpart.

Punjab Women Lawyers' Association (PWLA) called for various women's rights organization to march down the Mall Road in Lahore to the Punjab High Court on 12 February 1983, protesting against the aforementioned draft bill and present a memorandum against it to the Chief Justice.

Women from all walks of life, teachers, students, factory workers, who were associated with these organizations gathered for the march. The State however, was well equipped. 300 of the female protestors were surrounded by around 500 policewomen, who claimed that the protestors were in violation of the Section 144 imposed in the area. Habib Jalib, the famous anti-government poet and one of the few male feminists of the time was also present in the march. He was apprehended by the police to set an example in order to deter women who were reciting his poems throughout the march; poems that espoused women's rights. Counter to what was expected, this forceful handling of a peaceful protester acted as a provocation. And in what can only be termed as only madness (in the most wonderful way), the women started running towards the High Court, all the way being lathi charged, apprehended, beaten up and dragged by the hair. The climax of this revolutionary episode came when even after the arrest of around fifty women, many managed to reach the High Court and there male lawyers received them with garlands.

Did it stop the Law of Evidence from being passed? No. It was finally promulgated in October 1984. But this protest, and many others like it, did achieve something. The original draft was watered down and it was a victory in itself. It also "exposed the drafters of the bill as part of the fundamentalist lobby. By watering down the Bill, it was apparent that either the recommended law was not truly Islamic or that the fundamentalists had compromised on their beliefs under pressure. In either case, the fundamentalists lost face" (Jahangir & Jilani, 2003).

More importantly, it was the collective consciousness amongst the women which these protests managed to forge. Episodes like these offered assurance to women that they were not alone in their suffering. Moreover, even when a certain protest is against a particular policy and demands the redressal of a particular grievance, social movements that emerge from them are always all-encompassing and become a platform to share individual experiences. The February 12 incident demanded that women be taken seriously. And the sheer force that was present to resist the march showed that the State too was not unaware of the ferocity of these women. Shaheed observes that "counter-intuitively, the movement born in opposition managed to put women permanently on the national agenda of diverse political actors, the state apparatus and even amongst its opponents in the politico-religious parties, such as the Jama'at-e-Islami" (Shaheed, 2010).

As mentioned above, the activists did not hesitate to engage with the authority, if it meant even the slightest improvement in the status of women. The WAF Convention Report (1982) concluded

that “the constant barrage of negative laws and policies being promulgated or proposed made it imperative to focus all attention on preventing further retrogressive steps, which meant addressing those in state power”. So paradoxically, “despite their rejection of the regime, activists still depended on those in power to achieve success – that is to amend or drop the measures being proposed. Their ability to do so depended on how much nuisance value they could muster on the streets, international embarrassment, and allies within or with access to the corridors of power” (Shaheed, 2010).

Broadening of the base was also done at different levels, to make women aware of their rights and providing them legal aid in face of the draconian Hudood laws imposed upon them. For e.g., Karachi chapter of WAF organized symposiums, like “*Human Rights and Pakistani Women*” as early as 1982. Simultaneously WAF ran workshops on education, law, consciousness-raising and health. Ms. Nigar Ahmad and Ms. Shahla Zia established the *Aurat* (Woman) Foundation in 1986 as a publication and information service³³. Their primary aim was to educate women in their citizenship rights, at the same time they also provided information about issues of women in form of surveys and data to the government bodies.

Asma Jahangir and Hina Jilani, both Supreme Court lawyers, in 1980 laid foundation of Pakistan’s first all-women’s law firm. The AGHS Legal Aid Cell for Women, in Lahore, Punjab, too offered shelter and legal aid to thousands of battered and abused women. Asma Jahangir had also served as the Chairperson of the Human Rights Commission of Pakistan (HRCP), and UN Special Rapporteur on Extra-Judicial, Arbitrary, and Summary Executions.

Rashida Muhammad Hussain Patel was the founder of another women’s free legal aid organization, the Karachi-based Pakistan Women Lawyers Association (PAWLA) Legal Aid Cell. It was an NGO founded in 1981. Patel was the leading figure in bringing about the Family Law Ordinance of 1961 in Pakistan. She as a leading human rights activist.

The fight for the rights of women was not just limited to the English educated, secular, middle class women, as claimed by many adversaries of the movement, to discredit their demands. Rural based groups like, the *Sindhiani Tehrik* (The Sindhi Women's Movement) was established in 1982

³³ Few of its most successful social and political campaigns have been ‘*Information Programme for Grass Roots Action and Organization*’, ‘*Programme for Strengthening Citizens for Advocacy and Action*’, and ‘*Programme for Affirmative Legislation and Policies*’.

itself, to mass mobilize rural women to seek protection of their rights. Their demands focused on the abuse of bonded labour by feudal landlords, rape of lower class and minority women as well as the wage-gap between the men and women.

Women were engaged in a struggle not with the State alone, but also with the society which enabled such a state to gain legitimacy. It was an all-out war against the repression and the dehumanization of self that women had to go through. The struggle was apparent not just in the political and legal realm but also in the cultural and literary sphere. The following section delves into the details of the resistance and the revolution that was brewing in the literary and the cultural world against the military state. It was through poetry, theatre, dance, art and culture that a few activists decided to deal directly with the society and challenge its hypocrisy, double standards, and most importantly, its silence.

3.4. HUM GUNHEGAAR AURATEIN: THEATRE, DANCE AND POETRY AS A FORM OF RESISTANCE

In his study of prisons and the history of punishment, Foucault illustrates “the parade of the chain-gangs in the nineteenth century, and the way those convicts flaunted the symbols of their incarceration and punishment as ornaments, intended to make their suffering seem trivial and display their defiance while making a mockery of their punishment in front of the public. Each town it passed through, the chain-gang brought its festival with it; it was a saturnalia of punishment, a penalty turned into privilege... it aroused in the convicts not so much the compulsory marks of repentance as the explosion of a mad joy that denied that punishment. To the ornaments of the collar and chain, the convicts themselves added ribbons, braided straw, flowers or precious stuffs. The chain was the round and the dance, throughout the evening that followed the riveting, the chain-gang formed a great merry-go-round, which went round and round the courtyard...” (Foucault, 1979). Gary Boire in his article on prison theatre writes about this spectacle that Foucault describes: “worst of all, the spectacle rapidly threatened to explode into carnivalesque subversion: this public spectacle triggered a response opposite to that intended” (Boire, 1990).

It was through their plays, poetry and dance, that the women in Pakistan depicted the society they inhabited. The nature of their work was such that one could not ignore the rebellion evident in it; rebellion against the society which for them was akin to a prison. They too flaunted the ‘symbols of their incarceration’ through their work. It was an act of defiance not only by the virtue of the story these forms of art told but also by the virtue of them being performed at all, in a society where performing cultural arts were labelled as ‘anti-national’.

Since the *raison d’être* of the Pakistan was the two-nation theory, there was constant need on the part of the Pakistani Muslims to detach themselves from the “Indian” culture. It became kind of a necessity and later obsession to negate common history with India to a point of absurdity. This further served as an excuse for the authoritarian rule for curbing most of the art forms and censoring extensively, whatever was not banned completely. Thus the ‘cultural genocide’ as Madeeha Gauhar (1997) calls it, reached its zenith during Zia’s military dictatorship.

3.4.1. ALL WORLD’S A STAGE: ALTERNATIVE THEATRE IN PAKISTAN

“It’s all right, daughter; after all we are prisoners, even prisoners of laughter and merrymaking, why do you bother with them? I remember my father used to stop us from laughing at home, he said that the angels of goodness turn away from a house where they hear the sound of young girls laughing and Satan enters the house instead.” (Barri/The Acquittal)

This dramatic image from the play *Barri* performed by the alternate theatre group Ajoka during the peak of the military rule, elucidates a world built upon structures of inequality; in Mohanty’s words, “a world transversed with intersecting lines of power and resistance” (1991). This play, performed by Ajoka Theatre illustrated the “way the state controls the people/subjects, especially the women, and how women become the victims of crimes committed in violent and subtle ways by the prison officials during their incarceration, also dramatizing the way women resist and strive to reclaim their subjectivity by questioning the very forces that silence them” (Mubarak, 2015). Baz Kershaw (2004) stresses the fact that “in any system designed by some to control others, there will always be a space for resistance, a fissure in which to forge at least a little freedom. Such spaces and fissures, according to Kershaw, can be best described as “dramaturgies of freedom that can also dissect the body of ideology”” (Kershaw, 2004). This space of resistance was found by the imprisoned women in the form of literature, art and theatre. Theatre out of all these art forms

could be made accessible to a major section of the society; society where the literacy rate was meagre especially amongst its women. Moreover, its censorship was more difficult as compared to the literature and movies that were published/ aired or on more formal platform like magazines, newspapers / cinema and television.

The 'alternative theatre' as it came to be known, rose parallel to the already existing commercial theatre which was ridden with a nauseating sense of humour. The only achievement that could be attributed to the commercial theatre was making its audience "oblivious to the social problems of the day. Its sole objective was to lull the masses to slumber during their highly entertaining comedy" (Mubarak, 2015) which also included elements of catchy, senseless songs and lascivious dances. What was even more disturbing was that women in these plays were often portrayed as whores, avaricious, and lecherous. So, how did the martial law affect this form of theatre? It did not. For the theatre in this corrupt form, hardly questioned the government. On the contrary, it maintained a sense of normalcy, all it had to give up was the incorporation of dance numbers; dancing was banned for the reason already discussed.

Claire Pamment in *Theatre in Pakistan*, observes that, in alternative theatre, politics replaced art, "the stage has turned into a pulpit, feeding 'slogans' to select invitees. At the other end of the theatrical spectrum, the commercial stage was offering slapstick repartee, nourishing an audience hungry for entertainment" (Pamment, 2006). One of the defining features of the 'alternative theatre' was that many of their productions were in the local languages to make them accessible to the masses, unlike the commercial theatre which were mostly produced in Urdu, making it accessible to the elites alone. Moreover, as this 'alternate' theatre did not shy away from performing on the streets and embracing the traditional form of drama in the subcontinent, '*nukkad natak*'³⁴, the message and awareness they aimed to spread was rather facilitated by this form of theatre. These plays 'demonstrated what can be defined as a socialist/materialist-feminist dynamic which is distinct in its take as it identifies and locates oppression in terms of the complex pattern of gender, class, race, ideology, etc., and at the same time, seeks to transform the society" (Aston, 1995).

³⁴ Literally meaning, the street(corner) theatre in North India and Pakistan.

- **THE AJOKA THEATRE**

Madeeha Gauhar, the founder of the Ajoka theatre group, in her article *Crossing Frontiers: Shared Concerns in Alternative Theatre* recalls how, “it was not easy to find a cast, a venue, and of course an audience for such a subversive piece of theatre. We had to settle for my mother's house lawn as no theatre hall, government owned or private, was available because of stringent censorship laws. Performing in an open space was also not possible as the city was mostly in the grip of section 144, which banned congregations of more than four people. The performance could not be advertised, hence we had to depend on word-of-mouth publicity... as soon as the agencies got wind of this private activity, they appeared on the scene and started questioning the visitors and noting down the registration numbers of their vehicles” (Gauhar, 1997).

Ajoka's first production *Jaloos* was written in context of West Bengal by Badal Sircar. It was a play which highlighted the political exploitation and betrayal of the masses by political and religious leaders; even when the play was set in eastern India it did not lose its relevance in the Pakistan of the 80s. *Barri/ The Acquittal* was the landmark play in the history of Ajoka which made it synonymous to resistance. Shahid Nadeem in this play graphically painted the abject conditions of Pakistani jails and the torture designs for the inmates. The central theme of the play was the gradual development of feminine consciousness amongst the female inmates. By portraying the power dynamics between politician, policemen, the clergy and the patriarchs, prison cell of the play was transformed into a metaphor of the society. The play, as Fawzia Afzal Khan notes, “serves then, as a secular critique of the official Islamist doctrine that forces all women to accept its repressive regime; it also questions the very basis for the separate creation of the Pakistani nation-state as distinct from India” (2005).

A list of prominent plays written by Nadeem roughly during the first decade include, *Choolha* (1989), *Jaloos* (1984), *Dekh Tamasha Chalta Bunn* (1992), *Itt* (1988), *Jhalli Kithay Jawey* (1990), *Marya Hoya Kutta* (1987).

- **TEHREEK-E- NISWAAN**

In 1979 a group of women in Karachi led by Sheema Kirmani “formed the *Tehreek- e- Niswan*, a cultural action group comprising of performing artists, activists, and writers. Kirmani was a classical dancer and actress, who continued with her profession, teaching, and cultural activism through dance and theatre during the Islamization period. Tehreek’s initial focus was on organizing seminars and workshops with titles such as ‘*Violence on Women*’ and ‘*Chadar and Chaardiwari*’ (‘Veil, Women, and Four Walls’). The organization sought to address both sexes (particularly men) in its consciousness-raising campaigns regarding the social, political, economic and cultural discrimination against women, and their low status in society. Within a year of its inception, Tehreek-e-Niswan moved away from seminars towards cultural and creative activities like theatre and dance to convey its message” (Imran & Munir, 2018). It began organizing *mushaera* “(formal recitations of poetry, primarily in Urdu) that allowed it to draw in women from various walks of life. Women from the different communities were involved in participation at every level and many of them even submitted their poems to Tehreek-e-Niswan for recitation at these events.

The first theatre production of the group, *Dard Ke Faasley* written by Amrita Pritam was Tehreek’s first theatre production. The plays that the group produced not only questioned the reduced status of women in the society but also the general fascist tendencies of the authorities that stifled dissent, for the two could not be separated.

“You will obey your father and mother-in-law.

You will consider your husband your lord.

You will feed him first and yourself later!

You will not utter a word if your husband or in-laws are cruel to you.

You will look after the house and the hearth”.

“Do you accept? Do you accept all this?”

“She accepts! She accepts!”³⁵

³⁵ Translation from *Aurat, Tehrik e Niswan*, Karachi

The following lines are from *Aurat* (Woman) written by Safdar Hashmi, and adapted by Tehreek-e-Niswan. Unfortunately, these lines do not seem to depict the situation of women specific to the Islamization period. The role expected of the women has always been limited and all the alarm bells go off with the slightest hint of agency on their part (even when the charade of asking for her consent is maintained both in the real life nikah proceedings and the excerpt from the play mentioned above). It was during the performance of this play at the University of Karachi in 1983 that a religious political party threatened to shoot at the troupe for bringing the two sexes together on stage. Kirmani, in an interview given to Huma Yusuf revealed her fears at the time. "I was scared for my life," Kirmani confessed "but I knew that this was the exact situation in which the show had to go on." (2008)

3.4.2. THE DANCE OF DEFIANCE

“Dance as an Art is about harmony, about love, about beauty. It is about trying to create a better world. And that’s what all of us are in search of. I think that one of the reasons for so much violence in Pakistan is that young people have no platform, no means, no medium to express their feelings; if only they could sing, if they could dance, if they can dream and create their dreams on stage they will feel differently – they will find more harmony and more joy in their lives……. When a woman stands on stage with confidence and dignity, she is saying, ‘here I am – I am proud of my body and I do not fear you’. This is the power that makes the establishment fear Dance – and this is what makes me chose to dance”

(Sheema Kirmani, Interview, In Plainspeak, July 1, 2014).

The split identity of the Muslims of Pakistan, first, as a community, a nation which depended on the homogenization of traditions and customs and filtering out of any practices and traditions which were regional rather than religious, to claim a separate identity and second, as a part of a greater civilization, as a part of the sub-continent which finds it hard to deny the commonality of its history, its language, and its culture; has had a catastrophic effect on the performing arts,

especially dance. One can observe the translation of this split furthermore; with orthodox Islam denying most of the expressive art forms involving body and the Sufi Islam, celebrating the divine in the form of poem, songs, dance; a celebration of the union of the devotee with the God.

This split in the identity was evidently tried to be done away with, during the Zia regime. Consequently, “the cocktail of the Islamist ideology, vested interests of military and civilian (feudal) ruling elites, and the profound anti-cultural bias of the Muslim middle class left behind in Pakistan after partition, resulted in a contempt for dance and theatre, which came to be seen as ‘borrowing’ elements of ‘Hindu’ culture and life” (Afzal-Khan, 2005).

Kirmani in an interview in 2014 recalls how “Gen Zia then banned dance and introduced the NOC – No Objection Certificate, an official document that had to be obtained before any public performance of any kind. This document required police clearances of performers, censorship of scripts etc. plus it stated the ‘dancing, obscenity and nudity not allowed’. So, it became almost impossible to hold a dance performance” (Kirmani, 2014). Artists who dared to include dance in any of their performances did so under the threat of their life and imprisonment. Kirmani who was also a prominent Bharatnatyam and Odissi dancer was a prominent example of defiance in the face of such threat.

Apart from solo dance performances, the incorporation of folk songs and dances in plays was prominent in the alternative theatre. The importance of dance, as a political statement is as much evident from the words of Kirmani as from Helen Gilbert’s where she notes “dance is a theatricalized activity that also acts as an alienating device in Brechtian sense.... it not only acts as an expression of individuality but also as an equalizer, a physical and social force which erodes hierarchies...” (1996).

At one point in the play *Barri*, the inmates sing a folk song which mocks and defies all the instruments of authority while performing a traditional dance:

“The Mullah’s (religious cleric) belly is big

Hit the mullah’s head with a stick.

The mullah’s beard is long

*The mufti's pajama is wide.
And in his hands a water-pot.
The officer's face is unsightly
The judge's court is a sham.
Their coin is not authentic.
The policeman's uniform is unbecoming
The whole world is afraid of him, I will break his stick.
The friends dance in a circle,
Heer's bed is large
Ranjha's pillow too small."*

As Boire (1990) notes, "this is a sort of folk humour and witty repartee that most postcolonial prison theatre consistently employs. Such gimmicks and dances aptly project Foucault's illustration of the basic methodology of the body as text, the reversal of the fool's festival, the scapegoat ritual, a mocking mime, folk humour which mimics official ceremonies, etc."

3.4.3. RECLAIMING THE BODY THROUGH POETRY

The female body has forever been a site on which meanings have been carved out. Social law, morality, values, lived experiences and even nationalisms are inscribed on it. Dress, behaviour, and eating habits fix a certain/form of essential femininity "in terms of certain culturally visible signifiers, all of which are mapped onto the body" (Chatterjee, 1993). The female body becomes a "politically-inscribed entity, its physiology and morphology shaped by histories and practices of containment and control" (Bordo, 1993).

"Tropes such as "mother or daughter of the nation" illustrate how a woman's reproductive function and body are instrumentalized in the interests of the state so that reproductive sexuality is admitted along homogeneous national (or ethnic) lines" (Silva, 2003). The responsibility conferred by the nation upon its women is summarized by Floya Anthias and Nira Yuval-Davis as that to "reproduce its citizens, to ensure that the cultural codes are transmitted, to maintain the sanctity of

one's ethnic/national group and to act as signifiers of ethnic/national differences" (1989). When the "female body is deployed as a metaphor for the nation, the materiality of that body is effaced" (Spivak, 1988). What follows then, is the reduction of the female body to its reproductive capabilities and organs and the erasure of her totality and individuality. Female sexuality and morality, rather than being private affairs move into the public discourse.

Simultaneously, tradition, 'of which the women become an emblematic' (Mani, 1989) is portrayed as the central structure of nationalistic existence; but one whose burden is borne by the women alone. Women then find themselves 'entangled in a seamless web of three prescriptive forces, *i.e.*, religion, tradition, and culture. The coercive role of religion, culture, tradition, or the state over the role of the female body, which depends upon the exclusive identification of woman with the reproductive or copulating body, has to be contested' (Spivak, 1988).

Ironically, where on one hand the nationalist imaginings are written on the bodies of women, the nation is deaf to their voices. Thus, we find that women's bodies, instead of their voices are the locus of debates around 'progress' and 'modernity'.

Anita Anantharam (2009, 2012) argues that, "during moments of nationalism the multiplicity of women's voice does not disappear, nor are these voices simply "out there" waiting to be reclaimed". "When women bodies are displaced, ignored or outright silenced, they are refigured back into the public body by various strategies" (Anantharam, 2012); and one of these strategies is to register their triumphs and failures and circulate them in poetic metaphors. A detailed analysis of how poetry has been strategically used by women to find a critical voice; and to consciously drag themselves away from the margins of the nationalist and societal imaginings, is inevitable in the understanding of feminist movement in any social space.

Poetry when compared to other forms of literature is more efficient and effective, for in a very few words, it facilitates intimate self-expression. It allows an author to give voice to 'sensitive' issues like sexuality and marriage in the guise of metaphor, symbolism, and literary convention. Furthermore, poetry serves as a vehicle to convey, and consequently understand the popular sentiment/resentment; an alternative or a subaltern voice as opposed to the formal narrative. According to Rich (1986) poetry is "the art of so many others, uncanonized in the dominant culture--[and it] is not produced as a commodity, but as part of a long conversation with the elders

and with the future. Such artists draw on a tradition in which political struggle and spiritual continuity are meshed. Nothing need be lost, no beauty sacrificed”. Audre Lorde too insists that “poetry is not a luxury” but a necessity “through [which] we give name to those ideas which are-- until the poem-- nameless and formless, about to be birthed, but already felt” (Lorde, 1984).

3.4.4. FEMINIST POETRY IN PAKISTAN

According to Kalra and Butt (2019) “the poetic tradition of articulating resistance has retained its political potency in Pakistan for two reasons: first, the oscillation between military and democratic regimes has meant that poetry plays a role in mocking and mobilizing against unpopular regimes; and, second, the imposition of Urdu as the sole national language meant that, even after Bangladesh separated, the question of regional languages was not yet resolved and thus literature was implicitly politicized....because poetry can be set to music and sung, its use for political influence cannot be underestimated”.

It had not been an easy journey even for the female poets who would adhere to the traditional forms/style of writing sticking to the idea of an ideal women as imagined by the patriarchal society, one can only imagine the odds of getting published for a feminist poet who “treated poetry as a tool of resistance in a climate of social repression and refused to conform to both socio-cultural and literary traditions, and reacted to oppression by calling attention to the way in which female experiences were policed and controlled by the state” (Silva, 2003). Even so, it could not stop these women from getting their work published, even if it were in a limited number of weeklies and monthlies like *Aurat*. If even that were not possible, they got their poems out, simply by reading them out in mushairas organized by women’s rights organizations like Tehreek-e-Niswan. Thus, in a male-dominated literary and social landscape, even the act of writing and publication of poetry transformed a masculinist tradition into a feminist mode of resistance; even when the subject of the poetry may not have been ‘feminist’ per say.

- **LANGUAGE AND STYLE**

Where on one hand, the act of writing by the female poets itself was no short of a rebellion, the style in which they expressed their experiences, their pain, their prohibitions, was equally revolutionary. Women, especially in traditional Urdu poetry did not have much scope to express themselves. In fact, the absence of female experience and the voice of women in literature cannot be made more evident in any other way than evaluating a particular form of poetry prevalent in South Asia; '*rekhti*'.

Rekhti is mainly a sexualized form of poetry, "a body of verse written in an exaggerated 'feminine' voice, full of linguistic, social and bodily details specific to women" (Naim, 2001). Ironically, it was written almost exclusively by men³⁶. Thus, female experiences imagined by the men were passed off in female voice, propagating the idea of an ideal woman who was wholly and completely a being of the masculine and patriarchal expectation and imagination. Once again, 'appropriation and control of the female body and bodily inscriptions were reinforced as the prerogative of patriarchy' (Silva, 2003). Therefore, even though this form dealt with women, it 'did not provide a space for feminist intervention. The patriarchal overtones, bolstered by sexist and stereotypical images of women, precluded any possibility but crude entertainment. Urdu poetry had hitherto been a male preserve in which women figured merely as objects of worship or wantonness' (Prabha, 1994).

It is clear then, that the style of writing poetry that these poets chose was as important as their content, for it were a statement in itself. The choice was to either adhere to the more traditional and restrictive forms of writing such as *ghazal* and *rubai*, and register the discontent and revolt remaining within those forms or to break free of the literary clutches, (along with the social ones), which too were of the patriarchal making and adopt free verses which were rather more liberating. For example, one of the leading feminist writers of Urdu Ishrat Afreen chose the style of *ghazal* for the expression of female identity, on the other hand Kishwar Naheed who began her literary career writing in traditional forms, confessed that she found them (the metered forms of poetry) increasingly restrictive for the expression of any radical thought and that she found clarity of expression in rejecting the "hidebound" formalism of the conventions. There is a loftiness of style,

³⁶ The two principal writers of this form of poetry were "Rangin" Saadat Yaar Khan and Mir Yar Ali "Jan Sahib"

which is ingrained into the *ghazal* form, which does not always go well with the poetics of resistance.

Perhaps the greatest challenge to Urdu intellectuals was thrown by Sara Shagufta, who violated all conventions and norms in her poetry. Her poetry “shuns metrical patterns, repetition, alliteration and smooth lyrical sounds; all the devices commonly found in traditional Urdu poetry which when employed make the poem more “beautiful”. Instead, she relied on a multi-coloured collage of words and imagery which reflected meaning as if through a prism of deliberate obscurity and defiance” (Ahmad, 1991).

Another dimension of expression is the language that the writers choose to write in. While Urdu was the obvious choice, given the fact that in a nation with multiple spoken language, *the lingua franca* (even when it is the mother tongue of a very small percentage of the population) serves best the purpose of reaching a wide audience, the Persianization of the vocabulary was often kept in check by these writers. Their poetry did not aim to be the luxury of the elites rather they were to be the song of the masses. Fahmida Riaz ‘had given the most thought to the issue of language and its links with the working people. She deliberately chose words which were of rustic and/or of Indic origin, instead of their literary, Persianized equivalents (always preferred by the earlier poets) which are naturally less accessible to the masses and tend to make poetry elitist. The ‘political’ attempts to move Urdu in the direction of Arabic and Persian by the Pakistani government and those to Sanskritize Hindi by the Indian State, have had the effect of drawing these two mutually intelligible languages and their users apart. There is, she [Riaz] claims, no need for language to reflect religious ancestry and connections in any way. She finds greater vitality in the language of peasants and working people as it is less remote from reality than classical Persian and is constantly sustained by it’ (Ahmad, 1991). Riaz in her pioneering book *Pakistan: Literature and Society*, published in 1986, articulated the need for a focus on regional languages. However, at the same time, she also notes how Punjabi has not been able to articulate resistance against Zia. Whilst “wanting to articulate a coalition of regional languages, Riaz herself was actually mostly interested in Sindhi in relation to Punjabi, with one articulating resistance and the other oppression” (Kalra & Butt, 2019).

- **FORMING IDENTITY THROUGH LIVED REALITIES**

By “writing” the body, these women have not been merely raising, celebrating, or registering sexual difference but they have affected a political intervention and commitment to transforming the patriarchal structures of dominance. Poetry written by women, ‘not only discard the archetypical masculinist but also nationalist experiences and narratives. The unitary, linear, "rational," hierarchical language of the masculine (and not coincidentally, also the language of the state) is vigorously confronted and thrown into crisis, [by the feminist poetry]’ (Silva, 2003) and is replaced by a possibility of multiple identities to exist, which could also be an interwoven matrix of class, caste, ethnic and sexual multitudes. One such challenge to the patriarchal morality and the idea of women comes in the form of a poem written by Fehmida Riaz, which shames the society and religion for stereotyping the image of a woman and restricting it to her physical features, thus stripping her off of any other identity. The female figure that she chooses to prove her point, *Aqleema*, says a lot about her critical stance towards the role of religion in defining the duties of women and also the excuse that religion proves itself to be, in order to rob women of any agency. *Aqleema*, in Islamic mythology and other Abrahamic traditions is considered to be the daughter of *Aadam* and *Hawwaa*; *Adam* and *Eve*. She starts her poem by explaining how in spite of being the daughter of the first man and woman, she is different from her brothers (who are much revered) with respect to “her pelvic area”, “the bulge of her chest”, and “her uterus”, thus highlighting her reproductive and sexual utility which makes her “the captive of her own body”. Towards the end of the poem, Riaz leaves her readers thinking. In fact, she leaves her readers and God himself, in shame, when she claims that “above that pelvis, those breasts, and the complicated uterus, is her head” and requests Allah to “have conversation with her”, for she is a thinking being too, who exists beyond her body.

Riaz was also the fearless “editor and publisher of the magazine, *Awaaz* which had fourteen court cases of sedition filed against it, one of which carried a death penalty. Her book, *Badan Darida*, (The Body Lacerated) caused tremendous controversy because of its uninhibited and vigorous exploration of female sexuality. A woman in traditional Urdu poetry is a concept, not a person...an ideal with rosy cheeks, shining black eyes concealed under long eyelashes and a shapely swaying body. Fehmida rejects this passive virginal model in favour of a living, throbbing, vocal and passionate reality” (Ahmad, 1991). The voice of the “lover” in her poems is distinctly feminine.

The political nature of her poetic expression is made evident from the last lines of the introductory essay of *Badan Darida*, where she addresses the provocation, her poems may cause and asserts that “when one is prohibited from living life according to one’s heart, then why bow your head down and walk away? Why not make that place of slaughter a field of battle? Wage war until the last breath. So, I too could not bow down my neck. My poems are such a battle as if, by reading them in a loud voice, I survived my own slaughter. From this perspective, *Badan Darida* is a battle-cry. If by reading them people are roused or startled, then what’s the harm in that?” (Riaz, 1974).

One of her poems *Chadar aur Chaardiwari* (Veil and the Four Walls), in fact became the battle cry for the women who fought against the tyranny of the Zia’s military regime. The poem echoed throughout the march led by women rights activists towards the Punjab High Court in 1982, against the controversial Quanoon-e- Shahadat or the Law of Evidence. The poem was a direct answer to the prescriptive media campaign organized by the government; ‘Chadar aur Chaardiwari’. The poem is structured as a direct address to patriarchy for it starts with the lines, “Sire, What use is this black Chadar to me?” This “indictment veers from the traditional poetic forms. The poem’s length and free verse create an incantatory effect, the repetitions punctuating the compelling accusations against the coercion of women. Punctuation is used sparingly, contributing to the breathless urgency of the tone. The sarcastic repetition of the word, "sire" followed by references to the repressive attributes of the veil, stress that the chadar symbolically stamps women with a particularly negative emblem” (Silva, 2003). The starkness of black in the lines: "With this black chadar cover the shroud less body lying/in your chamber" conjures up the traditional imaging of evil and death-like character, alternatively it suggests the death of morality and justice amongst the people who claim to be the arbitrator of these very entities. Riaz then tracks a series of oppressions perpetrated by men. For instance, the sexual abuse of "handmaidens", where the veil, which is supposed to have a putative protective function, offers no protection. Thus, those who prescribe it are the first ones to violate it. Towards the end of the poem Riaz turns the tables, and questions who is in the need of a morality check; the women or the ones who violate them? She declares that "Not I, but you need this chadar now/ For my person is not merely a symbol of your lust" (Riaz, 1991).

Other poems by Riaz like ‘Stoning’ makes the reader picture the agonizing pain and helplessness caused to the disproportionate punishment awarded for transgressing the archaic laws proclaimed

under the Hudood Ordinance. However, her work was not limited to the direct confrontation with the centre of power. In fact, her work aims at a complete revamping of female agency, making it not only reactive but also constructive. In one of her *nazms*, *Ishq, Awara Mizaj* (Love, the Wanderer), one observes a shift in how the poet understands love; a shift from a love that caused pain to the writer to an altered belief that did not immortalize love, rather focused on its fickleness. A poetic piece like this, works in two ways; first it challenges the concept of love, monogamy (for women) and the conditions such a psychology causes; the state of constant despair and violence in a marriage. This in turn challenges the traditional, ‘accepted’ and ‘expected’ form of man-woman relationship. Secondly, it provides the women with agency to love; as trivial as it may sound, the concept that a women may experience love of her own accord and define what it means for her ‘self’, is rather not present in South Asia. A similar attempt to redefine or rather expose love can be seen in the poem ‘*Anticlockwise*’ written by Kishwar Naheed. Naheed in her poem “challenges the capacity of society, God, and Islam to restrict her movement” (Anantharam, 2012). She observes how the woman in a heterosexual relationship is not only confined but also controlled by her lover. The opening lines of the poem invoke the imagery of a woman who is sitting down at her lover’s feet as if in prayer. Hence, reiterating the notion of husband as *majaazi khuda* (shadow of God). Still, the next line goes on the turn the tables, and dismisses this kind of expected power dynamics between the lover and beloved. The lover now seems to fear his beloved’s power when it could not be shackled by familial norms and social expectations.

The tone of the poem shifts to that of total defiance towards the end, where she declares the following,

*“Even after you have tied the chains of domesticity
Shame and modesty around my feet
Even then this fear would not leave you
For though I cannot walk
I can still think”* (Translation from Rukhsana Ahmad, 1991)

These lines “raise the issue of an embodied resistance from within—both conceptually and literally” (Anantharam, 2009).

Naheed's political choices remain firmly intertwined with women's empowerment through activism in her work. She held a "powerful position above her peers as the editor of a prestigious monthly, *Maah-e-Nau* (The New Moon), for several years. The publication acquired a reputation for editorial independence and literary quality. Whilst Kishwar was the editor, she was charged with various offences on thirty different occasions. One of these was a charge of obscenity, brought against her after she published an abridged version of Simone de Beauvoir's 'The Second Sex'" (Ahmad, 1991). The work was labelled as pornography. One of her poems, *Teesre Darje Walon Ki Pehli Zaroorat* (The First Need of Third Class Citizens), was written soon after the promulgation of the Hudood Ordinance. The lines

"Those who could not speak in our city have taken many paths

Their heads ought to be cut and decorated

For there will not be a trace of them for us to see later on"

(Naheed, 1985 As Translated in Anantharam, 2012)

"express the urgency of women's organization to confront the State's tyrannical control over all aspects of individuated self-expressions" (Anantharam, 2012). Naheed ends the poem with an unveiled, unmasked, straight forward observation, "We the people have become, in our very own country, exiled". (Naheed, 1985)

However, it would not be a mistake to note that the poem which defines Kishwar Naheed to the readers of feminist poetry around the world is *Hum Gunhegaar Aurtein*, (We the Sinful Women). The poem is a direct conversation with the power bearers both, of the State and the society. Unlike Riaz's *Chadar Aur Chaardiwari* which has a tongue in the cheek tone to it, *Hum Gunhegaar Aurtein* adopts a more serious stance to challenge the authority.

"It is we the sinful women

Who don't sell ourselves

Who don't bow our heads

Who don't fold our hands together [for either asking mercy or revering those in power]"

(Translation from Rukhsana Ahmad, 1991)

The use of the term ‘*gunhegaar*’ which literally translates to ‘guilty’ used by the poet to describe herself and the likes of her is characteristic of the frustration and anger which inhabits these women for being labelled as sinful for literally even existing. Instead of defying the label, Naheed embraces it and explains what exactly they are guilty of.

Not all the poets have been as straightforward in their defiance as the two discussed above. While even Riaz and Naheed have abundantly used metaphors, simile and other poetic device to veil their meanings in order to pass the censorship, some like Afreen and Gazdar have mastered the art of metaphors; the art of creating and transforming them in order to resist the patriarchal meaning attached to them. For instance, in one of Afreen's *ghazal*, the images of jewels and jasmynes are not deployed to valorise the beauty of woman. In fact, they do just the opposite. A few lines translated by Ahmad go as follows.

*“Why do women keep their jewels locked in trunks
To whom will they bequeath their legacy of grief?”*

*Those who were themselves worthy of worship
Why do they clutch stones between jasmine fingertips?”*

(Translation from Rukhsana Ahmad, 1991)

Afreen achieves the effect of subversion by "locking up" jewels rather than revealing them, and clutching stones between "jasmine fingertips." The “association of words- grief, hungry, and barefooted- alloyed to the conventional tropes forcefully captures the fate of the young girls, no different from their mothers” (Silva, 2003). As Shirley Chew (1996) argues: “[Aafreen] inhabits a form which has traditionally excluded her, and yet working from within the form so that she can penetrate the long history of male privilege and power with which it is associated”. Her recognition of the cruelty to which women are subjected to, is unambiguous and strong and “her use of traditional metaphors heightens this sense of oppression by clinching the mechanics of that oppression with unfaltering clarity. She identifies how that which is upheld as heroic, pure and virtuous womanhood actually destroys and consumes women” (Ahmad, 1991).

Saeeda Gazdar in her poem *Baarah Farvary 1983* (Twelfth of February 1983) recounts the barbaric act of violence against the women that took place on the same date. This poem although condemning the State is not directly addressed to it. In fact, the writer is in conversation with her peers, whom in the very first lines she warns of the perils of giving birth to a girl child.

*“On the birth of their daughters, parents will now seek deadly injections for them,
For law and power is in the hands of those who write,
Speak out and adjudicate against flowers, knowledge and freedom”*

(Translation from Rukhsana Ahmad, 1991)

In a way similar to Aafreen’s ghazal mentioned earlier, Gazdar's use of "flowers" may be read as a metaphor for women, evocative of the imaging of woman in the traditional ghazal. Similarly, the employment of the words "China doll"³⁷ and "hand maiden" later in the poem highlights the fragility of the women that is often cited by the men in order to deny them equal rights and opportunity. What she achieves through these imageries is to make evident the hypocrisy of patriarchy, for in the later part of the poem she goes on to describe the brutality with which the State, the men attack women when they try to find their voice, ‘when patriarchy is destabilized through women's activism, gratuitous violence occurs without any consideration for the so-called "delicateness" of women’ (Silva, 2003).

- **REDEFINING COMMUNITY AND THE NATION**

As discussed towards the starting of the section, the lives, experiences and the lived realities of the women have been relegated to the back of the nationalist imaginings in almost all the nations of the world. The reduction of the female body, to her reproductive parts, assigning her the role of ‘mother and daughter’ of the community and the nation at large has left women with no agency and hardly any gateway to express their understanding of the ‘self’, the community and the nation; an understanding which belongs to them and not the one in which they are the ideal, passive, mute and deaf ‘mothers’ of the nation. Poetry has given women a space to unveil their thoughts, which

³⁷ See Appendix 2

have hitherto been caged into the physical and mental veil of morality. The voices of women have no place in the imaginings of the nation, although the imaginings of nation itself are written all over the female body. In poetry however, “women reinvent themselves, carving out of their day-to-day experiences, a carefully constructed feminist theory of community” (Anantharam, 2009).

The act which seems to define women, for the hegemonic nationalist construct- childbirth, has been directly attacked by many of the women writers. For example, Saeeda Gazdar in "Twelfth of February 1983" demands, if "this [is] the only use of my body/that my womb should nurture a child?" While on one hand, to give birth to a son is a cause for celebration of the power of procreation, men are conferred with society's esteem, and the womb is valorised when it produces the male 'inheritors', the birth of a daughter signifies a fracture, and is treated as a source of physical and psychological trauma. The particular tensions faced by a woman during the course of childbirth are encapsulated in Ishrat Aafreen's *Rihaai* (Liberation) and Zehra Nigah's *Insaaf* (Hudood Ordinance). These poems speak of the objectification of childbirth as a function of patriarchy. The image of a "severed head" giving birth to a "thousand heads" in Aafreen's *Rihaai* is a poignant protest against the ceaseless pregnancies endured by a woman. These poems are also a comment on the 'the social conditioning that denies a mother the right to enjoy her daughter because her status within her nation and community are determined by producing male children. Patriarchal control of female experiences recuperates notions of tradition, religion, and legal and state processes' (Silva, 2003). By questioning the authenticity of the emotions that are lived and experienced by women, given the patriarchal clutch on their everyday life, these poets question the whole concept of nation and nationalism.

Furthermore, the idea of a community too has been redefined by these women; ideas which may not sit right with the need of a religiously homogenized society laying claims to a nation. In his work *Mirror of Urdu: Recompositions of Nation and Community between 1947-1965*, Aijaz Ahmad discusses “the way in which Urdu speakers imagined themselves as belonging to a community that transcended the exigencies of geographic boundaries, of India and Pakistan. Given this, the incorporation of Hindi vocabulary, folk-songs (*geets*), regional dialects of Sindhi and Punjabi in the poems of Riaz and Naheed could be understood as a working within and through these extended notions of community and nation. Riaz's *Meghdoot* (The Cloud Messenger) interweaves the stories of two different classical traditions of South Asia—Perso-Arabic and

Sanskritic—and brings them both into dialogue within the space of this poem” (Ahmad, 1993). This also universalizes the theme of love, by bringing it into a larger South Asian context, rather than a unitary religious framework; the framework that has often been adopted by the elites of Pakistan to set the nationalist narrative. Feminist poetry reflects and registers memories that go beyond political geography, national belonging, and the hegemonic narratives of history.

Lastly, poetry has shown women a way to question the diktats of religion, and God himself. In “*Who Ek Zan Napaak Hai* (She is a Woman Impure), Riaz, confronts and questions the ideological and religious attributes of a “fixed” or *a priori* identity of a woman. Unlike what the religion expects her to be, the central figure of the poem is passionate, sensual, proud and what one may also believe, shameless. The speaker refuses to succumb to the religious diktats and for this the trope of veil is consciously invoked:

*“No veil of shame conceals her body
No trace it bears of sanctity.
No prayer crosses her lips
No humility touches her brow”*

(Translation from Rukhsana Ahmad, 1991)

Other poems by Riaz like *Baakirah* (Virgin), *Main Kaun Hun?* (Who Am I?) and *Adhoore Aadmi Se Guftgu* (Dialogue with an Incomplete Man) not only refuse to conform to the notion of the ideal woman, they set out to defy it and to claim a new identity. Riaz in the beginning of her poem, *Ae Wali-o- Rab Kon-o- Makaan* (O God of Heaven and Earth), describes the beauty of the world in the form of blue sky and the green grass, demonstrating the miraculous world God has created. However, as the poem proceeds, the writer turns the focus on the inhibitions faced by the writer in an effort to connect with the same God.

*“What is this hesitation in my worship?
Why do my prayers become meaningless on my lips?
As if all within me was desolate and uninhabited
If only someone would come, if only someone would come and knock*

How can I open the locked doors of my heart?"

(Translation from Rukhsana Ahmad, 1991)

Rather than ascribing the elements of anger and tyranny to God (which she has done in her other works) Riaz here adopts a melancholic tone. It is about the perplexity of the central character who is unable to connect with the God, who evidently is "Great"; a lamentation which is evident because of the lack of communication between the central figure and God.

While most of the feminist poets that have been discussed above are in fact women, it would be an error to conclude that all the work produced by female writers (who were actively writing during and after the Zia regime) can be termed as 'feminist'. In fact, some of the most famous female poets like Parveen Shakir and Adaa Jafrey have gladly adopted the patriarchal metaphors and ideals to describe the male-female relationship/ dynamics in their works. Their work by no means challenges the masculinist style of thinking, rather it strengthens the 'traditional' style of poetry by validating and maintaining the patriarchy implicit in it. For example, one of the ghazals of Jafrey mentions the following metaphor

*"That which has befallen the flower,
knows not the wistful (vagabond) gale"*

Adaa Jafrey (1988)

The *sher* (couplet) represents the feelings of the flower which is the delicate female protagonist, after her encounter with the vagabond, carefree gale *i.e.*, (the men in the relationship), who has apparently left for good. Thus, repeating the age-old device of attributing the characters of helplessness, and immobility to the women in the relationship, while the she pines after the husband/lover who is free to move about, both physically and emotionally, as he pleases.

Similarly, it would be equally problematic to presume that a male poet cannot be a feminist writer. Unfortunately, example of male feminist writers in the South Asia can be counted on fingertips. But the likes of Kaifi Azmi in India and Habib Jalib in Pakistan have revolutionized the idea of female agency in the literary world. One of the poems which was written by Jalib and sung in the

historic march of 12 February 1983 was *Aurat*. Note that the poem here does not pretend to be a voice of the women as is done in the case of *rekhti*. On the contrary it is addressed to women (without a trace of condescension), by a feminist man. Therefore, not ripping them of their agency even when speaking up for their rights.

*“You were made to dance in the gatherings
And trapped behind these walls hitherto you have been

Come let's demolish these walls and leave these gatherings
To seek justice, let's march together on these streets”*

Habib Jalib (1993)

Chantal Mouffe in the article *Every Form of Art has a Political Dimension* asserts that “one cannot make a distinction between political art and non-political art, because every form of artistic practice either contributes to the reproduction of the given common sense – and in that sense is political – or contributes to the deconstruction or critique of it. Every form of art has a political dimension” (Mouffe, 2001). The observation becomes more relevant in the subcontinent, given the culturally and linguistically rich societal make-up. Moreover, the style of poetry that is prevalent in the form of *ghazals* and *geets*, is easily adapted into songs, that can be sung by the masses. Therefore, in a society, especially the one that does not have a high literacy rate, resistance may never come in the form of facts and books, rather it would be omnipresent in the form of poems, songs, plays, art and theatre.

The Road Ahead: Post Zia Feminist Discourse

4.1. OVERVIEW

The biggest challenge for the women's rights movement was ironically, maintaining the continuum after the end of the outright challenge that was posed by the Zia-ul-Haq's military regime to the rights of women. The women's rights movement in Pakistan, as is evident from the previous chapters, was reactive as well as state-focused in nature. It was an answer to the imminent threat to the social and political existence of women. As Pakistan moved towards its first civil government after a lapse of 11 years (after the death of Zia-ul-Haq in 1988) the metaphoric equilibrium that the feminist movement had achieved in that period was put out of balance and the women's rights organizations, primarily the WAF, had to now rethink their strategies of engagement with the state as well as to chalk out a new pathway to continue the movement in the democratic environment that was expected to follow, but unfortunately did not. In fact, the civil governments from 1988-1999 were weak and unstable and were consequently followed by yet another military coup by the Chief of Army Staff Parvez Musharraf in 1999. The military regime that followed was nothing like that under Zia-ul-Haq but had its own challenges. To understand the progression of the women's rights movement, it is important to understand the changing nature of the State of Pakistan post Zia-ul-Haq. Also, any success of the feminist groups cannot be assessed unless one studies the various legislations and Constitutional Amendments that were brought about by the State in response to the feminist demands and international pressure.

The chapter progresses in three parts. The first part is brief and discusses the progression of the women rights-based organization and how a plethora of organizations and NGOs propped up which dealt with the various aspects of welfare of the women of Pakistan. The second part of the chapter would deal primarily with the legislations passed and amendments made to the Constitution of Pakistan and the evolving nature of the State under the regimes of Nawaz Sharif,

Benazir Bhutto, Parvez Musharraf, Yousaf Raza Gillani and Imran Khan. The third and the final part of the chapter would discuss in detail the evolution and reach of the women's rights movement as well as the challenges that it has had to face in the present times.

4.2. ORGANIZATIONAL EVOLUTION OF WOMEN'S MOVEMENT

“Mounting the most vociferous opposition to Islamization, women's activism was state-focused, reactive, and adversarial” (Toor, 1997). WAF had defined itself as a “lobby-cum-pressure group” and was created as a “platform for individual women and women's organizations which allowed people to associate and disassociate on specific issues and campaigns. While many women's organizations were involved in the struggle, WAF, as the inter-connective entity providing strategic support, became the movement's face. Another reason for the success of WAF was that it gained credibility from the fact that it did not accept any funding other than personal donations and its commitment to a collective leadership system refused to acknowledge individual leaders, especially in the press” (Shaheed, 2019). However, this changed in the 1990s. Zia's death and the return to democracy in 1988 took away the sense of emergency. This presented a changed context for activism, with its own set of opportunities and challenges. Many of the subcommittees of WAF which were formed to tackle particular issues, evolved into NGOs in the 1990s. War Against Rape (WAR), is one such example, whose main aim was to provide legal and medical assistance to the victims of rape and harassment. The primary work of this organization established in 1989 was to spread awareness amongst women regarding sexual abuse, advocacy for the legislative reforms, provision of legal aid, medical and counselling aid for the survivors.

Another organization that was, although founded in 1985, became primarily active in the 90s was Simorgh. Simorgh as it describes itself on its website, focuses on “research and dissemination of information that will enable women and men to challenge the dominance of ideas that support social and economic divisions on the basis of gender, class, religion, race and nationality” (simorgh.org.pk) Simorgh has done some of the most important research work for the feminist cause in Pakistan.

Human Rights Commission of Pakistan (HRCP) founded by Asma Jahangir, Hina Jilani and Anis Haroon in 1986 sought the enforcement of fundamental rights as were enshrined in the Constitution, as well as the ones espoused by the international law along with a demand to return back to the democratic form of government. While most of its demands and even the membership overlapped with WAF, an evident change had taken place. HRCP was a non-government organization, an NGO that was open to the donor funds, unlike WAF which never received donations.

Nighat Said Khan's Applied Socio-Economic Research (ASR) was another NGO that was responsible for conducting ground-breaking conferences throughout the country. It focused on the issues that affected women in particular, in process establishing a link between the rural and the urban Pakistan. It held workshops and youth forums with the sole purpose of introducing women to feminist history and theory.³⁸

Aurat Foundation which was established in 1986, served yet another important purpose for the cause of the rights of women. It took the lead in garnering support with the government, the parliamentarians and the political parties, for the cause of reserved seats for women. Their commitment to the legislative sphere of women empowerment is evident from their newsletter, *The Legislative Watch*, which monitors the progress of various legislations under consideration, especially the ones that affect women.

An additional purpose that some of the NGOs like Aurat Foundation, Shirkat Gah and ASR served, post the World Conference on Human Rights in Vienna, 1993 and World Conference on Women, 1995, was to help the government prepare its reports. Post Beijing Platform for Action, the government was assisted by these NGOs in designing a National Platform for Action for setting a new agenda for gender equality.

³⁸ For e.g., in 2010 ASR held a conference for children, both girls and boys in Lahore, concluding a two-week residential summer school on 'Women Rights and Gender Inequality, Minority Rights and Equal Citizenship Rights and Peace and Conflict'

4.3. REVIVING THE LEGAL STATUS OF WOMEN

Pakistan became “party to a number of UN human rights instruments after Independence. One of the first was the 1953 Convention on the Political Rights of Women. In the late 1950s, under Field Marshal Ayub Khan (1958–69) Pakistan took the decision to ratify the UN Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriage, and modified Pakistan’s legal framework in order to modernize the country” (Weiss, 2012). The result of this modernizing approach advocated by Ayub Khan was the 1961 Muslim Family Laws Ordinance (MFLO).³⁹

However, the constitutional guarantee to women as equal citizens in the State of Pakistan was ensured in 1973. The Constitution of 1973 advanced women’s legal rights in the country on a number of fronts. It affirmed in its Fundamental Rights that the state was committed to elimination of exploitation on the bases of sex.⁴⁰

However, the Zia government was successful in overturning all these achievements by making a host of amendments to the Constitution along with passing the infamous Hudood Ordinance and the Law of Evidence which reduced the women of the country to second-class citizens. The masterstroke that Zia played which even his (un)fortunate death couldn’t undo came in the form of the Eighth Constitutional Amendment.⁴¹ The Amendment ensured that his tyranny lived on, long after he himself ceased to exist. By virtually making it impossible for the Parliament to overturn any of the Ordinances and laws that he had forcibly inserted into the Constitution under

³⁹ See Chapter 2

⁴⁰ Article 25 (1) of the Constitution guaranteed that “all citizens were to be considered equal under the law and were entitled to equal protection”; Article 25 (2) added “There shall be no discrimination on the basis of sex”; Article 27 prohibited “discrimination on the basis of sex, race, religion, or caste for government employment”; Article 34 of the principles of state policy section stated that “steps shall be taken to ensure full participation of women in all spheres of national life,”; Article 38(a) added that it is the responsibility of the state to “secure the well-being of the people, irrespective of sex, caste, creed, or race, by raising their standard of living”.

⁴¹ The Eighth Amendment to the Constitution of Pakistan allowed the President to unilaterally dissolve the National Assembly and elected governments. The National Assembly of Pakistan amended the Constitution of Pakistan in 1985 and the law stayed on the books until its repeal in 1997. Apart from changing Pakistan’s system of government from a parliamentary democracy to a semi-presidential system, all actions of the martial law government since July 5, 1977 takeover were indemnified through this act of Parliament.

the guise of religion, he rendered all discriminatory legislations against women constitutionally protected. However, piecemeal reforms in the condition of women, either due to the *suo motu* cognizance of the government, the pressure built by the women's rights groups or the International community, have been achieved in the form of various women centric legislations.

4.3.1. THE CIVIL GOVERNMENTS OF BHUTTO AND SHARIF (1988-1999)

Benazir Bhutto (1988-1990 and 1993-1996) was politically too weak to overturn the legislations introduced by Zia-ul-Haq. She never had a two-thirds majority in Parliament which was required to achieve the task. However, she did promise and allowed for a greater space to the cause of women and their freedom expression.

Under Bhutto Pakistan became a state party to the UN Convention on the Rights of the Child in 1990. It signed on to the 1993 Vienna Declaration recognizing women's rights as human rights, the 1994 Cairo Population and Development Conference's Programme of Action, and the 1995 *Platform for Action* in Beijing. In 1994, Pakistan prepared a National Report for the upcoming Beijing Conference; the Senate also established a "high-powered commission" to review the country's laws as "a step toward ending the grosser iniquities against women." (Weiss, 2012) The consequent *Report of the Commission of Inquiry for Women* noted,

"There is a widespread misconception about the place Islam accords to women, which is not just a distortion spread in the West but it exists even among the intelligentsia in the Muslim World, including Pakistan. It is believed that Islam relegates women to an inferior status; it confines them inside the four walls of their homes; and it restrains them from taking up employment outside their homes or running their own business. This is wholly contrary to fact" (Report of the Commission of Inquiry for Women, 1997).

The report was surprisingly bold enough to observe that many of the derogatory laws and customs in Pakistan are, unfortunately,

“...justified in the name of Islam or have been introduced as Islamic laws when clearly they are retrograde customs and traditions, or ill-informed interpretations that bear no relation to the divine design. This distinction has to be clarified once and for all. Ambiguity allows obscurantist elements to re-open debate on settled fundamental principles, and gives rise to insecurity among women within and to an extremely adverse image abroad” (Report of the Commission of Inquiry for Women, 1997).

In spite of the good intention, Bhutto was stuck in a feudal, patriarchal, corrupt political system which allowed her little to do on the front of actual women empowerment.

Nawaz Sharif (1990-1993, 1997-1999) on the other hand was unwilling to do anything for the cause of women. In fact, as the ideological successor of Zia-ul-Haq, he passed Qisas and Diyat Law in 1990. Even though the *Shari’ah* Ordinance promulgated by Zia in 1988 lapsed after his death, Nawaz Sharif brought back the Bill to life in 1991 in spite of the opposition from various spheres of the civil society. He introduced certain amendments under heavy criticism but nevertheless was successful in getting the bill passed. According to the new law, which now came to be known as the Enforcement of Shariat Act, 1991⁴², “the Shari’ah that is to say the Injunctions of Islam as laid in the Holy Qur’an and Sunnah shall be the supreme law of Pakistan.”

Whatever minor amendments that were made by Sharif in the Shari’ah Bill of 1991, were also solely due to the efforts and criticism made by of the women activist groups like WAF; ‘the vague and careless wording of this Shari’ah Bill will not only destroy the rights of all the vulnerable sections of our population, but it will also undermine the process of democracy in Pakistan for which the nation has fought so hard’. The Bill [eventually] ‘promised to protect fundamental rights of citizens and ensure justice without discrimination, protected the existing political system from being challenged in any court including the Supreme Court and Federal Shariat Court, and gave some assurances to minorities and women.’ (Khan, 2018)

However, Sharif was adamant on consolidating political powers with the executive in the name of Islamization through yet another *Shari’ah* Bill, *i.e.*, 15th Amendment Bill. This bill introduced in 1997 was to give the federal government full powers to enforce Shari’ah and ‘to prescribe what is right and forbid what is wrong’. It would have made the Prime Minister of the Federation, the

⁴² Enforcement of Shariat Act, 1991(Act X of 1991)

Supreme interpreter of the Qur'an and Sunnah (Injunctions in Islam); the 'Commander of the Faithful'. Women's Rights Groups knew well, what such a power would have meant for the women who would then have been under constant stare of vice and virtue police. Women's organizations, NGOs and the English Language Press vociferously opposed these measures. In yet another fateful event, before Sharif could get the Bill passed, Chief of Army Staff General Parvez Musharraf took over the power in a bloodless *coup d'état*.

Sharif's enmity with the women's rights based organizations was not a secret. The government made it technically complicated for donors to channel funds to progressive NGOs. In 1994, Sharif's government proposed an NGO Bill to regulate the working of the NGOs. Even without the Bill being passed, the government's crackdown on the NGOs that worked within the Human Rights framework was evident. They were accused of financial corruption and lack of patriotism and were asked to submit a written pledge of not being 'anti-state, anti-government and anti-religion'.

4.3.2. MUSHARRAF'S MILITARY REGIME (1999-2008)

Musharraf, during his run as the Head of the State, adopted a rather different policy from his predecessor, Zia-ul-Haq. He embarked on the road of what he himself termed as "Enlightened Moderation". In an opinion article of The Washington Post, 2004 he wrote:

"The time for renaissance has come. The way forward is through enlightenment. We must concentrate on human resource development through the alleviation of poverty and through education, health care and social justice. If this is our direction, it cannot be achieved through confrontation. We must adopt a path of moderation and a conciliatory approach to fight the common belief that Islam is a religion of militancy, in conflict with modernization, democracy and secularism." (2004)

Musharraf's need to ally with the West meant that the 'enlightened' dictator make certain reforms for the betterment of the condition of women. However, given his dependence on the religious lobby and his alliance with them, even the all-powerful ruler of Pakistan was not able to touch the Eighth Amendment which protected a number of despotic legislations in the name of religion.

Musharraf was not in the favour of disgruntling the civil society and showed initiative by incorporating key NGO figures into the government. For instance, Zubeida Jalal, who ran a school for girls in Baluchistan, became Musharraf's Minister for Education. Once again groups like Shirkat Gah and Aurat Foundation found themselves assisting the government with their technical expertise. However, it was never a riddle to the observers of the Musharraf regime that more than a commitment towards the upliftment of women, Musharraf was keen over his international image as a saviour of female rights. Anita Weiss observes that "in the latter half of 2001 and in 2002, it [the government] held provincial meetings with local stakeholders—government bureaucrats, elected officials, and activists—to create consensus on key themes to promote women's empowerment. However, the language resembles the requirements of CEDAW, using the terminology of "creating enabling conditions," which suggests that the Pakistani government's concerns were more with its international reputation than with promoting substantive domestic transformation" (Weiss, 2012).

The first steps taken by the Musharraf government were the reservation of seats for women in both the provincial assemblies and the local government. "They had reserved 180 seats for women in national and provincial assemblies⁴³, i.e., 17%, a third of seats in local government elections likewise had been reserved" (Dawn, 2002). 33% reservation in local government bodies between 2000–2001, gave an opening to women to enter politics through local bodies.⁴⁴

General Musharraf in April, 2000, launched a national human rights campaign which focused on honour killings. He observed that "such acts do not find place in our religion or law" (Constable, 2000). The prevalent law, even if it not formally legalized honour killing, was efficient enough in saving the perpetrators. Under the *Qisas* law⁴⁵ (the law of retributive punishment demanded by the victim's relatives), many categories of close relative were exempted. And even if they were not, who would demand retribution when the relatives themselves were the murderers? Similarly, the *Diyat* law⁴⁶, (the blood money law which made murder compoundable) too, ensured that the murderer was set free if the money was exchanged amongst the family members!

⁴³ The share of women's reserved seats for each party was determined on the basis of general seats won in the election

⁴⁴ However, the political expediency trumped all other concerns, and it was not long when their numbers were halved when Musharraf abruptly reduced the total number of seats.

⁴⁵ For detailed analysis, see Chapter 3

⁴⁶ Ibid.

Any bill⁴⁷ that was tabled with respect to honour killings had one demand at its centre; to make the murders non-compoundable, *i.e.*, not subject to settlement outside the court and also to do away with the waiver of *Qisas*, or the provision of *Diyat*, to compensate for the murder.

The new Honour Killing Act 2004, that Musharraf did manage to get passed was not what was expected or rather what was required to tackle with the menace of honour killing in all earnestness. Still, some law was better than none. The law, if nothing else, was an acknowledgement of the mal-practices like *karo-kari*⁴⁸, *vani* and *swara*.⁴⁹ The Act increased the *tazir* imprisonment for honour killings from 14 to 25 years and declared invalid, the custom of offering girls as compensation for dispute resolution. It hardly comes as a surprise that even after the promulgation of this law, men who killed women for ‘honour’ enjoyed impunity, because the law did not make the crime non-compoundable. The cause of this inaction was the pressure from the far-right parties who considered the *Qisas* and *Diyat* the bedrock to Islamizing the legal system. Consequently, the punishment though increased, was not yet mandatory and the courts continued to believe that if a compromise were to be reached between the families of the perpetrator and the aggrieved, the intervention of the court was not necessary. It was only in the absence of such an agreement or compromise that the courts would step in. Hence the crime of murder was still as much a ‘private’ matter as it were before the passage of the law.

Another ground reality that the Bill completely overlooked was the existence of a parallel judicial system in villages such as *jirga*⁵⁰, which encouraged and validated such crimes in the name of honour, specially making that ‘honour’ the issue of the whole village and the communities within. Hina Jilani, the then secretary-general of the Human Rights Commission of Pakistan (HRCPP) and a UN special rapporteur, in a report (2004) by Integrated Regional Information Networks (IRIN)

⁴⁷ The first draft Bill on Honour killing was a result of consultation between Shahla Zia of Aurat Foundation, Justice Majida Rizvi, Hina Jilani of AGSR, Iqbal Haider (PPP) and Anis Haroon. Another private member bill was tabled by Sherry Rehman of PPP.

⁴⁸ The term *karo-kari*, literally refer to the colour black (blackened man and woman) in Sindhi, which is also an allusion to the ‘blot’ in one’s honour, the disgrace caused to the family and oneself, which is apparently caused due to the act of the couple who decided to fall in love or elope together. The term though originates in Sindh, is often used across Pakistan.

⁴⁹ *Vani* or *Swara* is a custom where girls, often minors, are given in marriage or servitude to an aggrieved family as compensation to end disputes, often murder.

⁵⁰ A *Jirga* may refer to a group of eminent individuals in a village or a community; a dispute resolution institution whose decision is binding on the all the parties. The *jirgas* in Pakistan and Afghanistan have often seen to be deciding upon incidents from petty thievery to murders. Cases pertaining to ‘honour’ are often taken up and decided upon by the *jirgas*.

stated that “there is no law. Mere lip service is paid to the rights of women from official quarters, there is impunity from justice for those with influence or money and, the holding of more and more tribal jirgas also indicates a breakdown of the existing legal system.” (IRIN, 2004)

Musharraf established the National Commission for the Status of Women (NCSW), a statutory body under the XXVI Ordinance in July 2000. The establishment of NCSW opened the doors for debate and discussion on the laws relating to women. The Hudood Ordinances, which had till then been passed on as the Divine Laws, came under legitimate legal scrutiny. NCSW issued review reports and recommended a complete repeal of the Hudood Laws. Even the media, for the first time, could muster up the courage to put a ‘question mark’ quite literally in a sentence concerning the Hudood Laws. In his article Hassan Zaidi cites how the CEO of Geo Channel, Mir Ibrahim Rahman, organized a campaign ; *Zara Sochiye (Just Consider)*. It posed a question to its viewers, ‘The Hudood laws are presented as divine laws which cannot be touched. Do you agree?’ The purpose that such a debate served, was to bring to the public forum the views of progressive Islamic scholars like Council of Islamic Ideology’s, (CII) Javed Ahmed Ghamidi, who argued that "nowhere in the Qur’an is it stated that women cannot bear witness equal to that of men," "Of the 101 clauses of the Hudood Ordinance, 83 are against the spirit and teaching of Islam." (2006)

Musharraf in 2006, taking on his side the CII, which he had staffed with scholars of progressive disposition like Ghamidi (quoted above), passed the Women Protection Act. The CII for the purpose of amendment had argued that the laws did not come from the Qur’an and could therefore be amended. The WPA moved the offence of rape (*zina-bil-jabr*) from the Hudood Ordinance back to Pakistan Penal Code (PPC). A ‘complaint of rape could no longer be converted into a charge of zina if there is no evidence of rape, nor it could be the other way around’ (Lari & Zaman, 2011). The ‘offence of zina would not be liable for *hadd* or maximum punishment under Islamic law. Instead, *tazir*, or lesser punishment, too was removed from the Hudood laws back to PPC and a complaint could now be lodged with a magistrate if the act was seen by two male eyewitnesses. Failure to fulfil the evidentiary requirements for *zina* accusations would lead to *qazf* punishments of lashes and fine’ (Mir-Hosseini & Hamzic, 2010). In addition to this, under the WPA, a husband’s false accusation of *zina* could serve as the grounds for a woman to seek divorce from the court.

One of the biggest achievements of the WPA was the acknowledgement of marital rape. By removing from the definition of rape the phrase ‘the exception of marriage’, it made rape within a marriage a punishable offence. Also, ‘if a girl below the age of 16 is married, with or without her consent, it is to be considered rape, liable to punishment’ (Zia & Butt, 2012). The WPA also remedies ‘the contradiction of zina law co-existing with the MFLO. It is now sufficient for a woman to believe she is validly married to avoid a charge of adultery’ (Lau, 2010).

As expected, religious parties like Jama’at-e-Islami protested vehemently, calling the Act as un-Islamic, even though it was evident that the WPA was a half-hearted attempt at returning back to women their sexual agency, and that it was a work of compromise between the government and the religious lobby, not unlike the MFLO that was brought on some decades ago. Nonetheless, the Act came as a boon to thousands of women, who were imprisoned on false charges under the *hudood* laws. According to one of the reports of the Human Rights Watch, 2005⁵¹, ‘before the WPA was passed, around 1500 women were in prison whereas another 200,000 cases were under process. Five hundred women were immediately released upon the passage of the law’. By 2011, ‘the number of women in prison in Pakistan fell to 300, most of them under offences other than zina, whereas before the WPA, almost 80% of the total female prisons were charged under *zina*’ (United Nations Office on Drugs and Crime, 2011).

Apart from the weakness that was evident with respect to the implementation of the law, and the fact that the amendments have hardly reduced the incidences of rape, Khawar Mumtaz, a pioneering Women Rights activist, member of WAF and also a former Chair of the NCSW, points out some other glaring weaknesses of the Act as ‘it still discriminates against non-Muslims whose status as witness is not equal to the Muslims; and it retains the option of corporal punishment.’ (Khan, 2018)

Another Bill tabled by Musharraf in 2006 which focused on the elimination of social practices against women in the name of the societal norms and religion was the Prevention of Anti-Women Practices (Criminal Law Amendment) Bill. However, ‘the Bill was not passed and dropped in 2009 by the PPP government which claimed that the bill was insufficient and poorly

⁵¹ Human Rights Watch, Pakistan Country Summary (January 2005)

scripted and that other legislation would instead be forthcoming” (Weiss, 2012). In 2011, it did make a comeback.

4.3.3. THE CIVIL GOVERNMENTS OF PPP, PNL (N) AND TEHREEK-E-INSAAF

With the twist of fate, Musharraf had to resign in disgrace in 2007 to make way for an elected government of PPP, which took the reins in February 2008. Four important legislations were passed during the Zardari government. The

- i) Protection Against Harassment of Women at the Workplace Act 2010,
- ii) Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011,
- iii) Acid Control and Acid Crime Prevention Act 2011,
- iv) Domestic Violence (Prevention and Protection) Act 2012.

The Protection against Harassment of Women at the Workplace Act 2010, was a result of the initiative of Alliance Against Sexual Harassment (AASHA), a coalition of nine organizations, who lobbied with the ruling PPP, to bring a comprehensive bill with respect to workplace harassment. Their hard work paid off in the form of firstly, the Criminal Law (Amendment) Act 2009 which made sexual harassment a punishable offence with imprisonment of up to three years and/or a fine and secondly the Protection Against Harassment for Women at the Workplace Act of 2010 which defines harassment as: “Any unwelcome sexual advance, request for sexual favour or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply with such request or is made a condition for employment.” The inquiry committee that was to be constituted [by the organization or company that received the complaint] was to have at least one woman member out of the total of three. The Act also required government to appoint federal and provincial ombudsmen to hear complaints.

The Criminal Law Amendment Bill, 2008 (or later The Prevention of Anti-Women Practices Act, 2011), a private member Bill, which was framed and amended by MP Dr. Donya Aziz, was

unanimously passed in both the houses in December 2011, two years after it was first tabled in 2008. Dr Donya stated the object of the Bill as follows; “there were several practices and customs in vogue in the country which were not only against human dignity but also violated human rights. She stated that the Bill provided that such customary norms, which were contrary to Islamic injunctions, should be done away forthwith and the persons who continue such practices be dealt with severely by providing penal and financial liabilities” (Dawn, 2011)⁵². The Bill says, “Whoever gives a female in marriage or otherwise compels her to enter into marriage, as '*badla-e-sulh*', *vani*, or *swara* or any other custom or practice under any name, in consideration of settling a civil dispute or criminal liability, shall be punished with imprisonment of either description for a term which may extend to seven years but shall not be less than three years and shall also be liable to fine of five hundred thousand rupees.”⁵³ (PPC, Chapter XVI) The Act also criminalizes the practice of marrying women to the Qur'an to prevent them from marrying; *Haq Baksheesh*⁵⁴.

The Acid Control and Acid Crime Prevention Act of 2011 inserted changes in the PPC to penalize ‘voluntarily causing hurt by dangerous means or substances.’ The law forbids the sale of poisons without license. Most importantly, the clause that gives teeth to the legislation is which defines acid and burn violence as a crime against the State; non bailable and non-compoundable. However, it does not stop courts from freeing attackers with the fines alone.

PPP as soon as it came to power tabled the Domestic Violence (Prevention and Protection) Bill on August 4, 2009, but it soon lapsed, due to the negligence of the Senate. An identical Bill was introduced in February 2012 by Senator Nilofar Bakhtiar. After much ado, the Domestic Violence (Prevention and Protection) Act 2012, was passed. The Act defines domestic violence as “all acts of gender-based and other physical or psychological abuse” (Domestic Violence Act 2012, Section 4)⁵⁵ including stalking; harassment; verbal abuse; sexual abuse; trespassing entry into an aggrieved person’s residence without his or her consent; negligence; wrongful confinement and economic abuse, *i.e.*, deprivation of economic or financial resources. It is the first law to make domestic violence a punishable offence and provide legal and emergency relief for the victims.

⁵² See, <https://www.dawn.com/news/673444/na-passes-prevention-of-anti-women-practices-bill>

⁵³ Pakistan Pena Code, Chapter XVI 310(A)

⁵⁴ Practiced mostly in rural areas to prevent the loss of property if a woman marries someone who is not a relative

⁵⁵ Domestic Violence Act 2012, Section 4

However, as by 2012, the 18th Amendment to the Constitution was already passed, thus the law which passed was only applicable to the capital territory of Islamabad.⁵⁶ Still, the Bill set a precedent for the provinces to draft similar bills, criminalizing domestic violence. While some states like Sindh and Baluchistan were successful in passing progressive bills, law making in province of Punjab, Khyber Pakhtunkhwa (KP) was subjected to greater influence by religious parties. Punjab has passed a law which focuses on protection rather than prevention⁵⁷, and KP has yet not been able to pass one.⁵⁸

Khawar Mumtaz states the importance of passing such legislation in reference to the bill; “laws are important for setting standards and defining what is acceptable in society. Whatever fate awaits the new law will also depend on how much people turn to it for protection. But once it is in the statute books, the option of invoking it becomes available” (Ebrahim, 2009).

The Nawaz government passed primarily two women-centric legislations that added on to the already existing legislations. First one was the Anti- Rape Bill, which became the Criminal Law (Amendment) (Offences Relating to Rape) Act, 2016. The Bill ‘intended to address lacunae in the WPA to improve conviction rates and punish failure to launch or conduct criminal investigations according to procedure. The Act makes “the rape of a minor or disabled person punishable by death or life imprisonment, and the disclosure of the identity of a victim a criminal offence. The medical examination of the accused and victim is mandatory, including DNA testing. Punishment for rape can extend from 10 to 25 years in prison, with fine, or death” (Khan, 2018).

The second bill was in response to the high-profile honour killing case of Qandeel Baloch in 2016.⁵⁹ The Criminal Law (Amendment) (Offences in the name or pretext of Honour) Act of 2016, enhanced the punishment to 25 years’ imprisonment for murderers, if it was determined the crime had been committed out of reasons of honour. There were only two ways of ascertaining this, either the perpetrator confessed or the judge determined so. Thus, even if after committing a murder for

⁵⁶ The 18th Amendment of the Constitution of Pakistan, 2010, brought about many changes to the Constitution of Pakistan and to an extent reverted it to the original form of 1973. However, with respect to the status of women, the amendment meant that with the devolution of power, the legislations regarding women’s issue became the subject of provinces. The Federal Ministry of Women Development handed its role to the provinces.

⁵⁷ However, the Punjab government in 2012 ordered its police and prosecution departments to charge perpetrators of acid violence under the Anti-Terrorism Act.

⁵⁸ See, *Women in Politics and Promise of Democracy in The Women’s Movement in Pakistan*, Ayesha Khan, 2019.

⁵⁹ Qandeel Baloch was an outspoken and a bold actress and model. She was found dead at her parents’ home, in summer 2016, strangled by her own brother, who said she had brought shame upon the family.

the sake of ‘honour’, the murderer does not confess to it, or is successful in convincing the judge otherwise, the case would remain compoundable under the Qisas and Diyat law.⁶⁰

Imran Khan’s Tehreek-e-Insaaf did not pass any major legislation, in fact it did hardly anything which can be remotely termed as pro-women until late November of 2020. The two Ordinances that the government introduced were the Anti-Rape (Investigation and Trial) Ordinance, 2020 and the Criminal Law (Amendment) Ordinance, 2020, which were approved by the Federal Cabinet on 26 November, 2020. The Ordinances came in the wake of the public outrage following the ‘motorway rape incident’⁶¹ that shook Pakistan in the month of September when a woman who ran out of fuel was gang raped on the highway to Lahore, in front of her two young children. Unfortunately, the incidences of gang rape are common in not just Pakistan but the whole Subcontinent, but the furore that this particular case caused was more because of the response of the senior police official than the act itself.⁶² On the day following the report of the crime, “one of the most senior police officials in Lahore, Capital City Police Officer (CCPO) Umar Sheikh, appeared in front of the media and implied that the victim was partly to blame. He questioned why she had not taken a busier road, given that she had been alone with her children, or checked her fuel before departing. In several TV appearances he reiterated these points, also adding that the woman, who is a resident of France, seemed to be operating under the impression Pakistan was as safe as France” (BBC, 2020).⁶³

Women took to streets; some of them even brought their kids, expressing their outrage through banners and slogans. Feminist collectives like Aurat Azadi March, demanded not just apology from the CCPO but also sensitivity training for police, abolition of the two finger ‘virginity’ test for rape victims along with alteration in PPC and swift justice for the victim.

Another rape incident of a mother and daughter shook the nation yet again in the month of November⁶⁴. Days after this fresh incident, the two ordinances were passed. The Criminal Law (Amendment) Ordinance, 2020 substitutes the existing “section 375 of the PPC with a new provision to provide a new definition of rape, extending to females of all ages and male victims

⁶⁰ See, Loopholes persist in 'honour killing' bill/ <https://www.dawn.com/news/1272833>

⁶¹ See, <https://www.dawn.com/news/1578807> and <https://www.bbc.com/news/world-asia-54186609>

⁶² See, <https://indianexpress.com/article/opinion/columns/pakistan-rape-cases-imran-khan-protest-6670134/>

⁶³ See, <https://www.bbc.com/news/world-asia-54186609>

⁶⁴ See, <https://www.dawn.com/news/1590001> & <https://www.dawn.com/news/1592640>

under the age of 18 years” (Dawn, 2020).⁶⁵ The “concept of chemical castration has also been introduced in the ordinance “mainly as a form of rehabilitation, and subject to consent”. The law minister said an offender could be subjected to chemical castration that would last either for some time or for life” (Scroll, 2021)⁶⁶.

Salient features of the second Ordinance, *i.e.*, Anti-Rape (Investigation and Trial) Ordinance, 2020 include “establishment of special courts; creation of anti-rape crisis cells to be headed by commissioners or deputy commissioners who will ensure prompt registration of the FIR, medical examination and forensic analysis of evidence etc.; abolition of inhumane and degrading two-finger virginity test⁶⁷ for rape victims during medico-legal examination; putting a bar on cross-examination of rape victim by accused, thereby only allowing judge and accused’s lawyers to do so; in-camera trials; protection for victim and witnesses; use of modern devices during investigation and trial; legal assistance to victims through the Legal Aid and Justice Authority; appointment of independent support advisers to provide support to victims; appointment of special prosecutors for special courts; investigation by JITs headed by district police officers; creation of a special committee on pro bono basis to ensure overall implementation of the law; on the recommendation of the special committee issuance of medico-legal examination, investigation and prosecution guidelines, based on latest modern techniques and devices and maintenance of data of sex offenders through National Database & Registration Authority, an independent agency (NADRA). Under the proposed law a public reporting mechanism is also introduced” (Dawn, 2020).⁶⁸

In January 2022, both the houses passed the Protection Against Harassment of Women at the Workplace (Amendment) Act, 2022. The “Bill [now Act] increases the ambit and scope of the law to include certain professions and employment models that the current legislation does not expressly mention and provides protection from harassment to people engaged in all types of work – formal and informal. It also provides clarity with respect to different kinds of harassment that

⁶⁵ Under the current Pakistani laws, it is considered rape when a woman below 15 years of age engages in sex, without or without consent.

⁶⁶ See, <https://scroll.in/latest/979633/pakistan-approves-chemical-castration-for-rapists-sets-up-special-courts-for-rape-cases>

⁶⁷ A virginity test is the practice and process of determining whether a girl or woman is a virgin; *i.e.*, to determine that she has never engaged in, or been subjected to, sexual intercourse. The test typically involves a check for the presence of an intact hymen (or the vaginal laxity), typically on the flawed assumption that it can only be torn as a result of sexual intercourse.

⁶⁸ See, <https://www.dawn.com/news/1592640>

take place at the workplace in order to provide further clarity to the issue and aims to amend the definitions provided in the Act; particularly those of “complainant”, “employee”, “employer”, “harassment” & “workplace” to remove ambiguities that litigants have faced and to increase the scope of workplace to include all forms and categories of work⁶⁹.” (Tribune, 2022)

4.4. CONTEMPORARY CHALLENGES AND ORGANIZATIONAL ADAPTATIONS OF FEMINIST GROUPS

One of the main features of the feminist movement in Pakistan has been that it is the context that has shaped the reality of the movement.

The movement started with Shirkat Gah, where mostly like-minded, liberal women met regularly at each other’s house, to discuss the policies that were brought about by Zia-ul-Haq’s despotic government. The activities that they took to were simple: collecting, collating, and sharing information about the sufferings of women. In part this entailed maintaining a newspaper clippings file. The Allah Bux case⁷⁰ formally led to the birth of the Women Action Forum, WAF. The focus was now on actively challenging the rampant Islamization that was trampling over the rights and citizenship of women in the country. Thus, in this phase, women’s activism was state-focused, reactive, and adversarial. The women rights movement had a face in the form of WAF, an umbrella organization, “platform for individual women and women’s organizations which allowed people to associate and disassociate on specific issues and campaigns. WAF, which defined itself as a lobby-cum-pressure group, provided strategic support... this role was facilitated by its policy of not accepting any funding other than personal donations and its commitment to a collective leadership system that refused to acknowledge individual leaders, especially in the press” (Shaheed, 2019).

The context changed once Pakistan returned to democracy after Zia’s death. The expectations were that the black laws passed by Zia would be repealed by Bhutto, who had promised so during the

⁶⁹ See, <https://tribune.com.pk/story/2340874/bill-on-protection-of-women-against-workplace-harassment-becomes-law#:~:text=Protection%20against%20Harassment%20of%20Women,on%20its%20official%20Twitter%20handle>.

⁷⁰ See, Chapter 3

campaign. But, Bhutto in any of her terms could not find the numbers to pass the law to undo the draconian 8th Amendment and repeal the Hudood Ordinances. Nawaz Sharif on the other hand, never even pretended to care about what these laws meant for half of the population of Pakistan. In fact, like the true successor of Zia he fancied himself to be, he went on to pass the Qisas and Diyat law, which Zia was unable to pass under his regime. Thus, while the activism remained state centric, the women rights organizations thought it in their best interest to work alongside the government when Bhutto was in regime⁷¹, and challenge Sharif's right-wing government as they had formerly challenged Zia's. WAF formed a broader coalition with other human rights groups and religious minorities, which came to be known as the Joint Action Committee for People's Rights (JAC). The government in its turn tried its best to suffocate the movement by targeting various NGOs and organizations by labelling them as 'anti-national' and 'anti-Islamic', but was unable to kill the movement.

4.4.1. NINTIES AND THE PROLIFERATION OF NGOs

One of the most important developments that took place under this phase was the diffusion of the movement, *i.e.*, the movement evolved from an umbrella organization that was WAF into a large number of NGOs who unlike WAF depended upon the foreign donations to facilitate the women rights in Pakistan. 'Amongst the development community and political activists, the 1990s became known for the 'NGO-ization' or 'de-politicization' of the women's movement.

Some of the activists have themselves lamented this reality. For example, Rubina Saigol (2016) argues that 'without donor funding the movement would have retained its more political and leftist character'. Farzana Bari asserts that "it was because of the donor funding that NGOs were never able to take on the government very strongly, in terms of public protests and political actions. Instead, they evolved into service delivery and advocacy outfits, whose rhetoric was based on rights alone and therefore grew weaker in impact over the years". (Khan, 2018) Bari's concerns and observations were well founded. The fact that donors like US Agency for International

⁷¹ Women's organizations like Shirkat Gah, Aurat Foundation and ASR helped the government in preparing reports to the international events that concerned women and human rights, like the 1993 World Conference of Human Rights in Vienna, the 1994 International Conference on Population and Development in Cairo and most importantly the 1995 World Conference on Women in Beijing. Women from WAF were also the member of the 1994 Inquiry Commission on the Status of Women convened under Bhutto.

Development (USAID) funded various organizations like Aurat Foundation came in handy to the right-wing politicians who wanted to delegitimize the movement by calling the women activists of the NGOs as paid stooges of the West.

While it is true that the movement never completely disappeared, its intensity varied. In the 90s it experienced certain level of dissipation. According to Shaheed it was both due to internal and external factors. “Internally, having invested considerable energies in shaping the Beijing Platform as a governmental blueprint, many organization-based activists tried to concretize the promises made, concentrating on particular fields. This engagement shifted the agenda from a political to a more technical one, and silos of activism replaced the cohesive dynamics that existed previously.⁷² Externally, the politically informed Beijing Platform was displaced by the more technocratic Millennium Development Goals, while funding opportunities became tied to “accounts-ability” and the pre-set agendas of donors, who pushed Civil Society Organizations (CSOs) to adopt ever more corporate business models” (Shaheed, 2019).⁷³

Previously established organizations too, focused their energies in a wider arena, once the active resistance to government was not the need of the hour. Shirkat Gah, for example, diverted its attention in creating grassroots level legal consciousness; to educate women about how laws are made and how they can be changed. It worked on strengthening local groups, training paralegals, and instituting legal aid to catalyse sustained community change, at the same time seeking to influence policy making.

With the advent of Musharraf, the context changed yet again. Musharraf was adamant and took great pains to assert his “enlightened moderation” as opposed to the fundamentalist stand of his predecessor Zia-ul-Haq. This meant a division of opinion within the civil society, particularly the JAC.⁷⁴ While some of the liberal activists were relieved and hoped for a calmer future under the promising liberal leader, some like Nighat Said of ASR refused to condone the *coup d’etat*, which

⁷² See Mukhopadhyay Maitrayee, “Gender Justice, Citizenship and Development: An Introduction,” *Gender Justice, Citizenship and Development*, Maitrayee Mukhopadhyay and Navsharan Singh, eds., (New Delhi: Zubaan, an imprint of Kali for Women; and Ottawa: International Development Research Centre, 2007), 1-14; Shaheed (2017), 95-128.

⁷³ Dahanjayan Srisankarajah, “Five Reasons Donors Give for Not Funding Local NGOs Directly,” *The Guardian*, 9 November 2015, <https://www.theguardian.com/global-development-professionalsnetwork/2015/nov/09/five-reasons-donors-give-for-not-funding-local-ngos-directly>

⁷⁴ WAF formed a broader coalition with other human rights groups and religious minorities, which came to be known as the Joint Action Committee for People’s Rights.

undermined the democratic nature of the State even if in favour of a liberal leadership. Nevertheless, the most potent way to influence the government policy was from within., and the activists knew this well. Musharraf too was aware that the sure shot way of legitimizing his image of a liberal leader was to include the feminist and human rights groups in policy making rather than facing their criticism and sustain a loss of popularity, thus he incorporated key NGO figures into not just policy making forums but also his government.⁷⁵

The cooperation and assistance afforded to the government by the women's rights groups did not by any means meant a defeat. Women activist group like HRCP even then recognized the threat of Taliban, spoke against the US intervention and the role of Pakistan in the 'war on terror' in Afghanistan, when most of the civil society organizations condoned it. On 19 April 2007, after the siege of Lal Masjid⁷⁶, 'thousands of women activists and members of civil society organizations held rallies across Pakistan to protest against the Talibanization of the society, the mullah-military alliance and the tragic unfolding of events at Lal Masjid. Hundreds of protestors marched to the Parliament, demanding an end to terrorism in the name of religion and calling out the government to act against the Lal Masjid militants, both men and women. Also, women assembled in Peshawar from four different tribal agencies. Representatives of the Tribal Women Welfare Association, Aurat Foundation, Action Aid, and political parties (Awami National Party and Pukhtoonkhwa Milli Awami Party) attended a rally called by WAF'. (Khan, 2018)

More recently, groups like Shirkat Gah have changed their approach to suit the changing times. The importance of educating the next generation in the history of women rights struggle and all that is feminist has been recognized, and consequently feminist training modules have been important part of the functioning of the organization. This included an International Feminist Leadership Roundtable in 2014; a Feminist Institute in Pakistan in 2017, a South Asia meeting in 2018 and South East Asia meeting in 2019. A National Feminist Convening was scheduled for

⁷⁵ Zubeida Jalal, an activist who operated a school for girls in her village in Baluchistan, went on to be the education minister in Musharraf's Cabinet of 2002.

⁷⁶ In March 2007, women students from the female madrassa affiliated with Lal Masjid called Jamia Hafsa shrouded in black came on the streets into the busy markets, wielding sticks to force video and music shop owners to close their 'un-Islamic' businesses. Along with male colleagues they abducted three women from their homes, accusing them of prostitution. They later kidnapped a group of Chinese women from a massage parlour. They also occupied a nearby children's library in defiance of the government order to demolish illegally constructed mosques. These masked women for two months, allowed no one, not even the police to set foot on the premises, before the government finally took back the mosque in July 2007. Also See <https://www.dawn.com/news/1345068>

April and cross regional meeting for May 2019. More feminist institutions are in the pipeline. The most recent within Pakistan was the National Feminist Convening held in Lahore 6-7 April 2019' (Shaheed, 2019). Post 2019, most of these consciousness-building initiatives have suffered a setback due to the COVID 19 pandemic.

The change of regimes hardly brought any change in the circumstances for the civil society organizations. They have been looked down upon by all the authoritarian governments with suspicion. It is true that the PPP government was more tolerant of the CSOs and WROs when compared to the PML-N and PTI, none of the three was very enthusiastic about their operations. Until 2018, scores of international NGOs had been ordered to leave the country while local CSOs have been put under obligation to register with the External Affairs Division.⁷⁷ Thus, it hardly comes as a surprise that Prime Minister Imran Khan in June 2018 speaking to a private news channel, Hum News, while attacking feminist movement in Pakistan claimed that the 'movement has contributed to degradation of motherhood.'⁷⁸

4.4.2. RECLAIMING THE PUBLIC SPACE

The second decade of the twenty first century, with the rise of social media, is witnessing a new style of resistance. The focus of most of these initiatives goes beyond attaining the legal rights for women (which is a battle that has been fought continuously whether under or outside the banner of WAF). The focus is on occupying public spaces by normalizing women's right to free movement, their right to be able to talk, dress, speak and live the way that suits the women

⁷⁷ See, Saad Sayeed, "Pakistan Tells 18 International NGOs to Leave," *Reuters*, 4 October 2018, <https://www.reuters.com/article/us-pakistan-ngos/pakistan-tells-18-international-ngos-to-leave-actionaid-idUSKCN1ME1N3>; Shahbaz Rana, "Govt refuses to register 42 NGOs," *Express Tribune*, 16 February 2019; and Elain Alam, "Squeezing out the NGOs and INGOs from Pakistan," *Geo TV*, 12 October 2018, <https://tribune.com.pk/story/1911633/1-govt-refuses-register-42-ngos/>.

Kiran Stacy and Farhan Bokhari, "Pakistan orders expulsion of 29 NGOs," *Financial Times*, 13 December 2017, <https://www.ft.com/content/15d38124-de54-11e7-a8a4-0a1e63a52f9c>;

⁷⁸ See, "Feminism Degrades Role Of Mothers," Says Imran Khan, Twitter Disagrees, <https://www.ndtv.com/world-news/feminism-degrades-role-of-mothers-says-imran-khan-starts-twitter-war-1869328>

themselves. In short, it is about making the presence of women in traditionally male occupied spaces a common sight, rather than a taboo. Thus, by bring the ‘personal’ into the public spaces, the personal is made a part of the political discourse itself. Some of the examples of such collective, some of them independent and others related to left wing groups, are *Girls at Dhabas*⁷⁹, Feminist Collective, Feminist Fridays, Women’s Collective, and Women Democratic Front, Aurat Haq.

“The provincial legislature of Khyber Pakhtunkhwa in March 2019 passed a resolution, demanding an inquiry into the “foreign hands” behind the Aurat March⁸⁰ as a plot to undermine Pakistan’s social norms” (Hayat and Akbar, 2019). Given the serious nature of the resolution, one would imagine the Aurat March to have been led by major anti-state actors, after all, it rattled the establishment to such an extent that it had to pass the resolution within 12 days of the March. However, it should not come as a surprise that the Aurat March was taken out by the citizens of the State of Pakistan, the women (and some men), given the fact that most of the weak States, founded upon the divisive policies of religion, community and race, often feel most threatened by their own citizens. The women who participated in the march dared to challenge the gender roles ascribed to them by the society and sponsored by the State. The act of carrying out a march itself challenged the gendered expectations of the society and State which expects women to remain within the four walls of their homes. The state could not yet adjust to the reality of hundreds of women taking up the streets at the same time. So, these poster and pamphlet yielding women who were demanding equal rights and de-gendering the roles in society were enough to rattle the administration which thrives on patriarchy, and the officials who breathe in misogyny. In the words of New York Times columnists Muhammad Hanif, “the prospect that women might get together in large numbers in public spaces with stencils and placards and not invite a man as their chief guest has got grown (Pakistani) men asking, frothing at their mouth, what do these women want?” (Hanif, 2020)

⁷⁹ Roadside small eateries and restaurants found primarily in South Asia, originally meant as a spot for truck drivers on highways.

⁸⁰ The Aurat March or Women's March is an annual socio-political demonstration in Pakistani cities such as Lahore, Hyderabad, Sukkur, Faisalabad, Multan, Quetta, Karachi, Islamabad and Peshawar to observe International Women's Day. The first Aurat Marches were begun by women's collectives in parallel with the Pakistani #MeToo movement on International Women's Day. The first march was held on 8 March 2018 in Karachi.

The Aurat (Woman's) March has been held annually across many cities of Pakistan on International Women's Day for the last five years since 2018. Every year the support to the March grows exponentially. It has grown to be more intersectional and become bolder politically, since it first made its debut. Zia notes that "while inspired by an international series of women's marches and a global #MeToo movement, the impulse behind Pakistan's Aurat March has been organic in equal measure... [as the]...generation of men and women in urban centres who had been connecting and politicking online for a few years, converged their anger and creative energies into this offline event and decided to reclaim the streets to march against patriarchy" (Zia, 2020). Backlash that the March has had to bear comes from all sections of the society, not just the conservative but from the like-minded quarters as well. The point of contention being the slogans and the placards that have been used in these marches. One is thus forced to wonder what these placards might read. And yet again it must not come as a surprise to the reader when they discover that most of the slogans went like this; "*Apna moza khud dhoondo*"⁸¹, "*Apni roti khud banao*"⁸², "*Apna khana khud garam kar*"⁸³, "*Mera jisam meri marzi*"⁸⁴, "*Dic pics apnay paas rakho*"⁸⁵, "*Mujhey haya sikhane se pehle khud ki search history dekho*"⁸⁶. Threatening indeed! Even the idea of women asking men to do what is considered the female prerogative, no matter how vital the action is for their own survival, is paradoxically threatening to men.

Conservative critics, as expected, have condemned this kind of feminism as a violation of "our culture" and "Islamic teachings" (Shehzad, 2019). Somehow sending dick pics to girls without their consent is not against the "culture" and "modesty" but asking men not to do so is a threat to the culture. One is forced to think then what exactly the culture is that is in need of protection from the "feminazis".

The 'liberal' critics have called out the march for being focused on the sexual and personal aspect of feminism. As a response to this criticism since 2019, the organizers of the Aurat March issued

⁸¹ Look for your sock on your own

⁸² Make your own bread

⁸³ Heat your food, yourself

⁸⁴ My body, my choice

⁸⁵ Keep the dick pics to yourself

⁸⁶ Check Your Internet Search History Before Preaching Modesty to me

manifestoes every year. They include structural, material, legal and economic demands as part of its agenda.

Aurat March, held for the last five years in all the major cities of Pakistan, can be seen as symbolic of the turn that the feminist movement has taken. Its success can be gauged by making two observations regarding the impact that it has had on the Pakistani society. First of all is the fact that Aurat March has cultivated a culture of street activism lead by the newer generation of feminists in the country. Secondly, the impact of the movement can be seen from the harsh criticism and rebuke it has received from the conservative factions, which have come up with their own answer to it in the form of *Haya* (Modesty) March⁸⁷.

Here it should be noted that in the post-Zia era, it is not the first time that Pakistani women have come out to protest in public spaces. In 2005, Asma Jahangir and other human rights activists organized a marathon in Lahore to highlight the issue of violence against women. The event was met with harsh opposition by the religious alliance of the *Muttahida Majlis-e-Amal* (MMA), which considered un-Islamic such display of women's mobility and mixed-gender events. On the day of the event, these groups attempted to disrupt the marathon, while the participants were attacked by the police and dragged into police vehicles, in the process tearing off Asma's shirt.

4.4.3. FEMINISM IN THE DIGITAL ERA

Girls at Dhabas is one of the most famous feminist collectives which aims at to reoccupy public spaces by creatively using social media platform. The movement which started as a picture posted by one of the members of herself sipping tea at a *dhaba* (roadside café)⁸⁸ soon began to define the right of women and non-binary individuals to enjoy Pakistan's public spaces" (Iqbal, 2015). These marginalized sections of the society particularly aim to assert their presence and at the same time defy the role assigned to them by the society. The movement was diversified with the collective

⁸⁷ See, "Aurat March organisers demand judicial probe into Islamabad stone pelting incident" <https://www.dawn.com/news/1539954>

⁸⁸ The collective began in 2015. Sadia Khatri photographed herself at a *dhaba* and then uploaded the image on the Internet. Sensing that this could become a larger, urgent conversation challenging the traditional role of women in public spaces, she teamed up with her friends Natasha Ansari, Sabahat Zakariya, Najia Sabahat Khan, Amna Chaudhry, Mehrbano Raja, Sanayah Malik, Yusra Amjad and Sara Nisar and launched Tumblr and Facebook online pages for the growing community.

organizing biking rally for women annually as #GirlsOnBikes Campaign around the major cities of Lahore, Islamabad and Karachi.

Another “collective that owes its membership to online spaces is The Feminist Collective (TFC), which was created as a response to sexism in the left. The collective emphasizes women’s negative experiences of working with men in the left,⁸⁹ and envisions the creation of a powerful socialist feminist movement in the country. The members of the collective routinely discuss ways for feminists and queer activists to organize across Pakistan with the help of digital media” (Rehman, 2017).

4.5. CONCLUSION

This phase of feminist movement has been majorly plagued by the issue of the de-politicization of the NGOs along with the loss of their legitimacy due to donor funding. The question is ‘from a broader perspective, to what extent do the financial particulars of these NGOs overshadow the work that they have been incessantly doing to ensure the upliftment of women in the fields of education, sanitation, healthcare, and legal aid?’ Another constant point of debate during this phase of activism pertains to the form that the activism must take. Whether it is more appropriate to make the struggle state-focused and policy-oriented to bring about legal and legislative guarantees to the rights of women which have a constitutional backing; like the older activists have been doing or along with it, to push towards and embrace the politics of sexuality and society-oriented activism, aiming to change the societal norms like most of the younger generation is striving for? A generational difference is evident in the praxis of feminist activism. Farida Shaheed notes that while on one hand the “older activists believe that younger women engage in agenda-based activism unmindful of broader political dynamics, long-term goals, and impact; they consider most to be keener on joining international movements than building a national movement (for example the Aurat March which grew out of the #metoo movement) on the other hand the younger feminists believe older activists operate in exclusionary hierarchies of power, are prone to devaluing younger women’s experience and perspective, and are resistant to listening to and learning from others”

⁸⁹ See, Sonia Qadir, “Why the Left is (Still) Sexist.” Tanqeed, December, 2015, accessed December 2, 2017, <http://www.tanqeed.org/2015/12/why-theleft-is-still-sexist/>

(Shaheed, 2019). The solution is simple. In fact, there hardly seems to be a problem. Both the strategies are immensely important if any change is expected to persist in the inherent patriarchal societies of the South Asia. Organizations like WAF have been consistently fighting for bringing about new laws to guarantee women equal place in the society. However, what of the society itself? What use are the constitutional and legal rights when society constantly finds ways to find loopholes and ways to go around those laws to ensure the conduct which it deems as ‘moral’ and ‘desirable’ and ‘proper’. Thus, along with reforming the law of the State, the society where the individual is situated needs to be reformed as well. And that can be achieved only by changing the definition of what constitutes as *ghairat*⁹⁰ and normalizing what has been considered as a taboo until now. However, this does not mean that the younger generation can float by without engaging with the state at all. They need to make their concerns felt by the State along with the society in a more direct manner or they risk creating a vacuum that the state might well exploit in the future. Thus, feminist movement in Pakistan has its work cut out; to be able to connect different strands of activism and organizational bases in a manner which allows the activists ‘to cohere into a movement of critical mass, surmounting the tensions inherent in different movements such as divisions of age, class, gender identity, and physical location’. (Shaheed, 2019)

⁹⁰ Urdu word, which literally translates to the English word “honour”. However, the word is contextually loaded with the idea of morality and in extension moral policing of the women by the society.

CONCLUSION

The question that has often been asked when it comes to the feminist movement in Pakistan is; “Is it really a movement?” Can the feminist actions in Pakistan over the years be termed as a continuous, uninterrupted movement? One needs to acquaint themselves with the broad meaning of the term itself. For most, the term ‘movement’ invokes the imagery of a street demonstration with the participants holding placards to voice their demands to the authorities. While demonstrative aspect is one of the most powerful to garner national as well as international support to the cause, it is not all there is to it. In fact, it is just the tip of the iceberg. So, while the events of 12 February 1983 did bring forward the plight of women at an international level, as well as led the women rights groups to negotiate various concessions in the proposed *Quanoon-e-Shahadat*, the fight was fought every day, behind the cameras. It was the change in the attitude of the State which required a change in the strategies to fight the operation. So, while the most despotic regime of Zia-Ul-Haq required a continues street level agitation and jail time to register the voices at the periphery of the society and also to bring forth to the notice of International Community and Human Rights Organizations the outright violation of human rights in Pakistan, the more accommodative regimes could not have responded to such resistance. Even if they were not to ensure the rights of its female citizens and were to only maintain a façade of it, street level agitation would have only led to them discrediting the demands of women rights groups given the formal ‘recognition’ of those rights. So, the strategy that would have worked here was to ensure the legislations that strengthened those rights and bring their infringement under the justice system. This required lobbying. While lobbying may not be what comes to mind when one thinks of a resistance, it is what is required to hold on to and ensure the persistence of the goals and rights achieved during the phase of overt resistance. In a State like Pakistan, where the religious lobby has always had a hold of the decision-making process, the women rights groups have come to accept the fact that any hope for a long-lasting change can only be realized by constantly lobbying against (and sometimes ‘with; if political expediency requires it) with the religious conservatives. The women’s movement “has moved from being a movement, to becoming institutionalized, and

becoming a part of the establishment. The anti-thesis has therefore, been through the synthesis and is increasingly becoming the thesis. Women's groups are now institutions, feminists are members of the establishment, women's studies is rapidly being incorporated in many universities, women's lists are carried by mainstream publishers, women's issues are being addressed by governments, and key women are being included in decision making in State structures." (Nighat Said, 1999)

The emergence of NGOs in the 90s too has been a constant point of debate in marking the veracity of the feminist movement in Pakistan after Zia's death. It is a fact that unlike the WAF, most of these organizations accept fund from various entities without reservation; that some of them happen to be based in the West and specifically the USA cannot be denied. While it would be naïve to deny that some of these organizations may push certain political agendas of these donor organizations, the good done by these same organizations cannot be denied. Moreover, most of the criticism of these NGOs comes from the State and its 'nationalist' members who ironically have reservation when it comes to accept foreign funding for defence and buying weapons and at times, the very viability of their economy which is required for Pakistan to exist as a fully-functioning State.

The primary focus of this dissertation, through its varied question is to establish the fact that there exists a complex relationship between the feminist, nationalist and religious struggles in the history of the colonized world. The attack of the British on the Indian community in lieu of the practices like sati, polygamy and illiteracy amongst women, was met enthusiastically by the nationalists who not only encouraged social reformation but also the education for women. However, this attention towards female 'empowerment' was by no means to address the gender inequality of the society. In fact, "Chatterjee (1989) has argued that the lack of nationalist attention to the women's question (*i.e.*, catering to the gender discrimination faced by the women in the society they inhabit not as the subjects of the colonial rulers alone) by the latter decades of the nineteenth century indicates that middle-class Indian nationalists thought they had resolved the problem to their own satisfaction" (Ramusack & Burton, 1994). Thus, the notion of an ideal woman was not just limited to Muslim nationalism. In fact, the imagination of a perfect educated 'wife and mother' was well seated within the Hindu patriarchs. Chakrabarty showcases how the *bhadralok*⁹¹ sought to

⁹¹ literally the respectable people and more generally upper-caste, middle-class Hindu Bengali men

“transform the patriarchal extended family into the patriarchal bourgeois family based on companionate marriage. These nationalist husbands wanted their wives to obey them freely and not as servants. Their spouses were to combine bourgeois, Victorian domesticity, which the men deemed a prerequisite of a modern nation state, with the qualities of Hindu goddesses such as Lakshmi and Sita” (Chakrabarty, 1992). Thus, we see ‘education like other discourses of modernity, riddled with contradictions. It can ‘modernize’ as effectively as it can reinforce tradition, open up the world of secular knowledge as much as it can regenerate religion’. (Saigol, 2013)

What we see throughout the discussion of the female question in the colonial era is that, ‘the men allowed the women to study’, ‘the men allowed the women to take part in the nationalist mobilization’, thereby taking away from the women what should have been the first step for women empowerment; agency. One example that demonstrate this lack of agency in spite of education is given by Chakrabarty (1992), who “points up the dilemma which educated bhadramahila, the women relatives of the bhadralok, confronted. On the one hand, they were advised not to use their freedom to behave like memsahibs. On the other hand, women in their extended families warned them to retain their agency in resisting the requests of their companionate husbands to participate in the public sphere” (Ramusack & Burton, 1994). Thus, whatever is referred to as ‘agency’ for the women is so restricted and confined to the patriarchal structure that being “framed around the limited and analytically unhelpful opposition of coercion and consent”, (Mani, 1991), it is rendered useless.

The question that runs throughout the feminist discourse is the question of agency. In the context of Pakistan, the question of agency is most visible when seen through the lens of the dichotomy of Islamic and Secular feminism.

Amina Jamal’s work on the political activism of the women of *Jama’at-e-Islami* (JI) (2005, 2009, & 2013) argues that secular feminists in Pakistan have ‘otherized’ Islamist women by denying them agency and by only seeing them as pawns of male-defined construction of female rights. Jamal suggests that “this denial allows some (secular) feminists to portray the right-wing women as victims of false consciousness” (Jamal. 2005). The insistence of the Islamic Feminists on denying this charge of false consciousness is evident when one looks at the question of the veil as an exercise of agency. This opens another set of questions altogether. Can the veil be a choice? If

not, then whose understanding of ‘choice’ do we adhere to? And if yes, then is this agency working towards emancipation? What if a few women’s choice to veil restricts the choice of others not to? Is agency always equal to emancipation or rather it is anything that is done with free will? Is the will really ‘free’ or constructed by the social givens, the ones that are nearly impenetrable especially in patriarchal societies that have subdued women for centuries? Is it not possible that the agency is being instrumentalized by the patriarchal structure of the society in the name of free will?

Michel Foucault’s (1979) understands agency as a dialectical effect of freedom and constraint, suggesting that just as power is accompanied by resistance, agency too will always be accompanied by oppression. The reasoning behind the idea becomes apparent in feminist activism, which calls attention towards the need to reconsider women who had faced violence as survivors – not victims. At the same time, the emancipatory meaning attached to agency is challenged by way of those survivors of violence who decided to return/remain in the abusive relationships or the women who have continued to value and been the bearers of patriarchal institutions.

The Deleuzian concepts of non-linear agency, Bourdieu’s linking of agency with habitus, Foucault’s and Butler’s poststructuralist emphasis on subjectivity and Talal Asad’s call for a concept of agency that is suitable for specific institutions have inspired a growing body of ethnographic work, referencing Muslim woman’s docility as agentive (Khan and Ladbury, 2008). For example, Saba Mahmood insists that “docility should not be read as an abandonment of agency but more as “malleability” (Mahmood, 2001). In her book *Politics of Piety; The Islamic Revival and the Feminist Subject* (2005) Mahmood reconceptualizes the agency of the pious women in the context of contemporary Egypt. Her work “seeks to vault the structural binaries of subordination and resistance and proposes a detachment of (Muslim women’s) agency from the goals of liberal and feminist politics. Mahmood sees the docile Muslim female agent as an alternative discourse to (liberal) feminist aspirations in general” (Zia, 2018). This understanding of agency however, has concerned the modernist/secularists about the fact that reinforcing patriarchy and its institutions, including religion, would block the possibility of transformation towards feminist gains.

The attempts to become empowered by remaining within the Islamic framework have yet another side effect. Once this empowerment in the limited sense captures the imagination of the young

women, the scope for the real and meaningful change is diminished. At the same time, it makes political confrontation highly unlikely and the 'change' is more often than not accommodated to the needs of the patriarchy. Another source of concern pertaining to Islamic feminism is the near obsession with the "correct" reading of the Islamic texts. The focus on the theological arguments rather than socioeconomic and political questions has further weakened their arguments, because the dependence on Quran as reference, unwittingly leads one to ignore the universal standards of human rights, thus rendering the efforts and their impact limited at best. And without doubt, it would lead to the legitimacy of the Islamic system, help to reproduce it, and undermine secular alternatives, if not integrated with the human rights discourse. Fortunately, most Islamic feminists combine their religious reinterpretations with recognition of universal standards, such as the UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

At the same time secular feminists too have their work cut out for them. Even though secularism is not about negating religion or the nation, post 9/11 it has become an even greater challenge for secular feminists to prove their patriotism. Moreover, the secular 'liberal feminists are confronted by a new Islamic feminist discourse that refuses to view women as victims of culture and/or religion, and subverts oppressive social practices by redefining them as enabling instead. Wilful conformity with patriarchal traditions and practices is read as an act of free will. Women's activism and exercise of agency *within* the framework of patriarchy is recognized and celebrated as long as it remains within the prescribed limits of male-defined cultural and religious boundaries.' (Zia, 2018) Thus, before confronting the secular feminists for their 'Western' roots one needs to ask oneself certain question. Why is questioning the religion and the culture, which are intrinsically patriarchal and oppressive to women, considered a Western project? What other way is there to call out the patriarchal violence, when the mere act of 'calling it out' is dismissed by labelling it as "western"? Are human rights western prerogative?

Human Rights in Muslim States through feminist struggle are best guaranteed only when the trajectories taken by the feminists do not see themselves as antagonistic. Haleh Afshar sums up the working and the aims of the Islamic feminists in Iran (which should be read in a wider context of most of the Muslim majority Sates) "Islamist women have located their negotiations with the government within the context of Islam and its reconstructed meanings, whilst secular women have chosen to present their protests in terms of human rights and the

international recognition of women and their universal entitlements. What both groups seek is the lifting of constraints placed on women's social and political integration by the post-revolutionary government.” (Afshar, 1998)

Moreover, it would be wrong to assume that any revolution, resistance or movement bases itself on an already existing theory. While various theories based on earlier events and achievements can be used as a guide for the present resistance, one would hardly assume that two given situations in varying space and time can pose the same situation and challenges. Therefore, every resistance has its unique style which is guided by the ground realities. In fact, each movement gives roots, grounds and foundation to a new theory. The economic, social, political, cultural reality of women in Pakistan (who themselves experience varied level of marginalization given the division on the basis of sects, religion, class and caste) would have more in common with their counterpart in India than in Iran or Iraq. However, the religious supremacy in the law brings the experience of women [in context of rights granted to them] closer to Islamic nations. When combined together, Pakistan offers its own theory to the discourse of Feminism.

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APPENDIX 1

List of important Federal and Provincial Pro-Women Laws

1. Anti-rape (Investigation and Trial) Act, 2021
2. Criminal Law (Amendment) Act, 2021
3. The Islamabad Capital Territory Senior Citizens Act, 2021
4. The Islamabad Capital Territory Prohibition of Corporal Punishment Act, 2021
5. The Muslim Family Laws (Amendment) Act, 2021
6. The Muslim Family Laws (Amendment) Act, 2021 - (XXVIII)
7. The Zainab Alert, Recovery and Response Act, 2020
8. The ICT Rights of Persons With Disability Act 2020
9. The Legal Aid and Justice Authority Act, 2020
10. The Enforcement of Women's Property Rights Act, 2020
 - The Enforcement of Women Property Rights (Amendment) Act, 2021
11. The Letter of Administration and Succession Certificate Act, 2020
12. The Islamabad Capital Territory Rights of Persons with Disability Act, 2020
13. Islamabad Capital Territory Child Protection Act, 2018
 - Islamabad Capital Territory Child Protection (Amendment) Act, 2022
14. Juvenile Justice System Act, 2018
 - Juvenile Justice System (Amendment) Act, 2022
15. Prevention of Trafficking in Persons Act, 2018
16. Transgender Persons (Protection and Rights) Act 2018
17. Hindu Marriage Act-2017
18. Witness Protection, Security and Benefit Act, 2017
19. National Commission on the Rights of the Child Act 2017
 - National Commission on the Rights of the Child (Amendment) Act 2022

20. Right to Free and Compulsory Education Act, 2012
21. National Commission for Human Rights Act, 2012
22. National Commission on the Status of Women Act, 2012
23. The National Commission on the Status of Women (Amendment) Act, 2021
24. Protection Against Harassment of Women At Workplace Act 2010
25. Women in Distress and Detention Fund Act, 1996
 - Women in Distress and Detention Fund (Amendment) Act 2018
 - Women in Distress and Detention Fund (Amendment) Act 2012
26. The Pakistan Bait-ul-Mal Act, 1991
27. Employment of Children Act, 1991

Punjab

1. The Punjab Maternity Benefit Ordinance, 1958
2. (Punjab) Disabled Persons (Employment and Rehabilitation) Ordinance, 1981
3. Punjab Mental Health Ordinance, 2001
4. The Protection of Breastfeeding and Young Child Nutrition Ordinance, 2002
5. Punjab Protection against Harassment of Women at the Workplace Act, 2012.
6. Punjab Commission on the Status of Women Act, 2014
7. Punjab Fair Representation of Women Act 2014
8. The Punjab Reproductive, Maternal, Neonatal and child health Authority Act, 2014
9. Child Marriage Restraint 1929 - Punjab (Amendment) Act of 2015
10. Muslim Family Ordinance 1961 (Punjab Muslim Family Laws (Amendment) Act, 2015)
11. Family Courts Act, 1964 (Punjab Family Courts (Amendment) Act, 2015)
12. Punjab Partition of Immovable Property (Amendment) Act, 2015
13. The Punjab Land Revenue (Amendment) Act, 2015
14. The Punjab Protection of Women Against Violence Act, 2016
15. Punjab Restriction on Employment of Children Ordinance, 2016

16. Punjab Prohibition of Child Labor at Brick Kilns Act, 2016

17. Punjab Women Protection Authority Act, 2017

Sindh

1. Sindh Reproductive Healthcare Rights Act, 2019
2. The Sindh Women Agricultural Workers Act, 2019
3. Sindh Empowerment of Persons with Disability Act, 2017
4. Sindh Commission on the Status of Women Act, 2016
5. Sindh Child Marriage Restraint, Act, 2013
6. Sindh Protection of Human Rights Act, 2013
7. Sindh Child Protection Authority Act, 2013
8. Sindh Domestic Violence (Prevention and Protection) Act, 2013.
9. Sindh Bonded Labour System (Abolition) Act, 2015
10. Sindh Hindu Marriage Act, 2016
11. The Sindh Prohibition of Corporal Punishment Act, 2016.
12. Sindh Children Act, 1955

Khyber Pakhtunkhwa

1. Khyber Pakhtunkhwa Domestic Violence Against Women Act, 2021
2. The Khyber Pakhtunkhwa Reproductive HealthCare Rights Act, 2020
3. The Khyber Pakhtunkhwa Persons with Disabilities (Rights, Rehabilitation & Empowerment of Persons with Disabilities) Act, 2017’.
4. Khyber Pakhtunkhwa Provincial Commission on the Status of Women Act, 2016
5. The Khyber Pakhtunkhwa prohibition of employment of children act, 2015
6. Khyber Pakhtunkhwa Bonded Labour System Abolition act, 2015
7. Khyber Pakhtunkhwa Elimination of Custom of Ghag Act, 2013
8. Khyber Pakhtunkhwa Disabled Persons (Employment and Rehabilitation) (Amendment) Act, 2012
9. Khyber Pakhtunkhwa Enforcement of Women Ownership Act, 2012
10. Khyber Pakhtunkhwa Child Protection and Welfare Act 2010
11. Khyber Pakhtunkhwa Disabled Persons (Employment and Rehabilitation) Rules, 1991.

Balochistan

1. The Balochistan Domestic Violence (Prevention and Protection) Act 2014
2. Balochistan Harassment of Women at Work place Act, 2014
3. Balochistan Child Protection Act, 2016
4. Balochistan Witness Protection Act 2016
5. Balochistan Person with Disability Act, 2017

APPENDIX 2

چادر اور دیواری

حضور میں اس سیاہ چادر کا کیا کروں گی
یہ آپ کیوں مجھ کو بچھتے ہیں ابد عنایت!

نہ سوگ میں ہوں کہ اس کو اور صوں
علم و الم خلق کو دکھاؤں
نہ روگ ہوں میں کہ اس کی تاریکیوں میں نخت سے ڈوب جاؤں
نہ میں نہ گار ہوں نہ مجرم
کہ اس سیاہی کی مہر اپنی جہیں پہ ہر حال میں لگاؤں
اگر نہ گستاخ مجھ کو سمجھیں

بنار ہی ہیں عجب ہیوے
جو چادروں میں بھی ہیں برہنہ
یہ کون ہیں؟ جانتے تو ہوں گے
حضور پہچانتے تو ہوں گے
یہ لونڈیاں ہیں!
کہ یرغالی حلال شب بھر رہیں۔
دم صبح در بدر ہیں
یہ بانڈیاں ہیں!

حضور کے لطف مبارک کے نصف ورثہ سے معتبر ہیں
یہ بیبیاں ہیں!
کہ زو جگی کا خراج دینے
قطار اندر قطار باری کی منتظر ہیں۔
یہ بیبیاں ہیں!

اگر میں جان کی اماں پاؤں
تو دست بستہ کروں گزارش
کہ بندہ پرور!
حضور کے حجرہ معطر میں ایک لاشہ پڑا ہوا ہے
نہ جانے کب کا گلا سڑا ہے
یہ آپ سے رحم چاہتا ہے
حضور اتنا کرم تو کیجئے
سیاہ چادر مجھے نہ دیجئے
سیاہ چادر سے اپنے حجرہ کی بے کفن لاش ڈھانپ دیجئے
کہ اس سے پھوٹی ہے جو عنونت
وہ کوچے کوچے میں لاپنتی ہے
دہ سر پٹکتی ہے چو کھٹوں پر
برہنٹی اپنی ڈھانکتی ہے
سین ذرا دغراش پھینیں

کہ جن کے سر پر پھرا جو حضرت کا دست شفقت
تو کم سنی کے لبو سے ریش سپید رنگین ہو گئی ہے۔
حضور کے جلد معطر میں زندگی خون رو گئی ہے
پڑا ہوا ہے جہاں یہ لاشہ
طویل صدیوں سے قتل انسانیت کا یہ خون چکان تماشا
اب اس تماشے کو ختم کیجئے
حضور اب اس کو ڈھانپ دیجئے!
سیاہ چادر تو بن چکی ہے مری نہیں آپ کی ضرورت

کہ اس زمیں پر وجود میرا نہیں فقط اک نشان شہوت
حیات کی شاہراہ پر جگمگا رہی ہے مری ذہانت
زمیں کے رنج پر جو ہے پسینہ تو جھللاتی ہے میری محنت
یہ چار دیواریاں، یہ چادر، گلی سڑی لاش کو مبارک
کھلی فضاؤں میں بادباں کھول کر بڑھے گا مرا سفینہ
میں آدم نو کی ہم سفر ہوں
کہ جس نے جیتی مری بھرو سا بھری رفاقت!

قصیدہ ریاض

चादर और चार-दीवारी

हुजूर मैं इस सियाह चादर का क्या करूँगी
ये आप क्यूँ मुझ को बरखशते हैं ब-सद इनायत
न सोग में हूँ कि उस को ओढूँ
गम-ओ-अलम खल्क को दिखाऊँ
न रोग हूँ मैं कि इस की तारीकियों में खिफ़फ़त से डूब जाऊँ
न मैं गुनाहगार हूँ न मुजरिम
कि इस स्याही की मेहर अपनी जबीं पे हर हाल में लगाऊँ

अगर न गुस्ताख़ मुझ को समझें
अगर मैं जाँ की अमान पाऊँ
तो दस्त-बस्ता करूँ गुज़ारिश
कि बंदा-परवर
हुजूर के हुजरा-ए-मुअत्तर में एक लाशा पड़ा हुआ है
न जाने कब का गला सड़ा है
ये आप से रहम चाहता है
हुजूर इतना करम तो कीजे
सियाह चादर मुझे न दीजिए
सियाह चादर से अपने हुजरे की बे-कफ़न लाश ढाँप दीजिए
कि उस से फूटी है जो उफ़ूनत
वो कूचे कूचे में हॉफ़ती है
वो सर पटकती है चौखटों पर
बरहनगी तन की ढाँपती है
सुनें ज़रा दिल-ख़राश चीखें
बना रही हैं अजब हयूले
जो चादरों में भी हैं बरहना

ये कौन हैं जानते तो होंगे
हुजूर पहचानते तो होंगे

ये लौंडियाँ हैं
कि यर्गमाली हलाल शब-भर रहे हैं
दम-ए-सुब्ह दर-ब-दर हैं
हुजूर के नुतफ़े को मुबारक के निस्फ़ विर्सा से बे-मोतबर हैं

ये बीबियाँ हैं
कि ज़ौजगी का ख़िराज देने
क़तार-अंदर-क़तार बारी की मुंतज़िर हैं
ये बच्चियाँ हैं
कि जिन के सर पर फिरा जो हज़रत का दस्त-ए-शफ़क़त
तो कम-सिनी के लहू से रीश-ए-सपेद रंगीन हो गई है
हुजूर के हजला-ए-मोअत्तर में ज़िंदगी खून रो गई है
पड़ा हुआ है जहाँ ये लाशा
तवील सदियों से क़त्ल-ए-इंसानियत का ये खूँ-चकाँ तमाशा
अब इस तमाशा को ख़त्म कीजे
हुजूर अब इस को ढाँप दीजिए

सियाह चादर तो बन चुकी है मिरी नहीं आप की ज़रूरत
कि इस ज़मीं पर वजूद मेरा नहीं फ़क़त इक़ निशान-ए-शहवत
हयात की शाह-राह पर जगमगा रही है मिरी ज़ेहानत
ज़मीन के रुख़ पर जो है पसीना तो झिलमिलाती है मेरी मेहनत

ये चार-दीवारियाँ ये चादर गली सड़ी लाश को मुबारक
खुली फ़ज़ाओं में बादबाँ खोल कर बड़ेगा मिरा सफ़ीना
मैं आदम-ए-नौ की हम-सफ़र हूँ
कि जिस ने जीती मिरी भरोसा-भरी रिफ़ाक़त

फ़हमीदा रियाज़

THE VEIL AND FOUR WALLS

Sire! What use is this black chadar to me?
A thousand mercies, why do you reward me with this?

I am not in mourning that I should wear this
To flag my grief to the world
I am not a disease that needs to be drowned in secret darkness

I am not a sinner nor a criminal
That I should stamp my forehead with its darkness
If you will not consider me too impudent
If you promise that you will spare my life
I beg to submit in all humility
O Master of men!
In your highness' fragrant chambers
lies a dead body
Who knows how long it has been rotting?
It seeks pity from you

Sire, do be so kind
Do not give me this black chadar
With this black chadar cover the shroudless body
lying in your chamber

For the stench that emanates from this body
Walks buffed and breathless in every alleyway
Bangs her head on every doorframe
Covering her nakedness

Listen to her heart rending screams
Which raise strange spectre
That remain naked in spite of their chadar.
Who are they ? You must know them ,Sire.

Your highness must recognise them
These are the hand - maidens
The hostages who are halal for the night
With the breath of morning they become homeless
They are the slaves who are above
The half-share of inheritance for your
Highness's off-spring.

These are the Bibis
Who wait to fulfill their vows of marriage
In turn, as they stand , row upon row
They are the maidens,
On whose heads , when your highness laid a hand
of paternal affection,
The blood of their innocent youth stained the
whiteness of your beard with red
In your fragrant chamber , tears of blood,
life itself has shed
Where this carcass has lain

For long centuries, this body spectacle of the murder
of humanity.

Bring this show to an end now
Sire, cover it up now
Not I, but you need this chadur now.

For my person is not merely a symbol of your lust:
Across the highways of life , sparkles my intelligence
If a bead of sweat sparkles on the earth's brow it is
my diligence.

These four walls , this chadur I wish upon the
rotting carcass.
In the open air, her sails flapping , races ahead
my ship.
I am the companion of the New Adam
Who has earned my self-assured love.

Fahmida Riaz

[Translated from Urdu to English by Rukhsana Ahmad]

اقلیما

اقلیما

جو ہابیل کی قابیل کی ماں جانی ہے

ماں جانی

مگر مختلف

مختلف بیچ میں رانوں کے

اور پستانوں کے ابھاریں

اور اپنے پیٹ کے اندر

اور کوکھ میں

ان سب کی قسمت کیوں ہے

اک فربر بھیر کے بچے کی قربانی

وہ اپنے بدن کی قیدی

تپتی ہوئی دھوپ میں جلتی

ٹیلے پر کھڑی ہوئی ہے

پتھر پر نقش بنی ہے

اس نقش کو خور سے دیکھو

بسی رانوں سے اوپر

ابھرے پستانوں سے اوپر

پچھیدہ کوکھ سے اوپر

اقلیما کا سر بھی ہے

اللہ کبھی اقلیما سے بھی کلام کرے

اور کچھ پوچھے!

فہمیدہ ریاض

اقلیما

اقلیما

جو ہابیل کی قابیل کی ماں-جاڑی ہے

ماں-جاڑی

مگر मुखتالیف

मुखتالیف बीच में रानों के

और पिस्तानों के उभारों में

और अपने पेट के अंदर

अपनी कोख में

इन सब की क्रिस्मत क्यों है

इक फ़र्बा भेड़ के बच्चे की कुर्बानी

वो अपने बदन की कैदी

तपती हुई धूप में जलते

टीले पर खड़ी हुई है

पत्थर पर नक्श बनी है

उस नक्श को गौर से देखो

लम्बी रानों से ऊपर

उभरे पिस्तानों से ऊपर

पेचीदा कोख से ऊपर

अक्लीमा का सर भी है

अल्लाह कभी अक्लीमा से भी कलाम करे

और कुछ पूछे

फ़हमीदा रियाज़

AQLEEMA

Aqlima,

The sister of Cain and Abel

Born of the same mother

but she is different

Different in the bulge of her thighs

and inside her womb

Why is the fate of all these

the sacrifice of a fatted lamb

Imprisoned in her own body

burned by the scalding sun

She stands on a hilltop

Like a mark etched on stone

Look at this mark carefully

above the long thighs

above the high breasts

above the tangled womb

Aqlima has a head too

Let God speak to Aqlima sometime

and ask her something

Fahmida Riaz

[Translated from Urdu to English by Rukhsana Ahmad]

اے والی ورب کون و مکاں

دُوب گئی خاموشی میں مغرب کی ازاں
کیسا سکوت ہے ، والی ورب کون و مکاں
الحمد للہ رب العالمین

سب تعریفِ خدا کی ہے ، جو ہے بہت عظیم
بارش سے نمکھرا نمکھرا شفاف فلک
نیلا نیلا حد نظر تک پھیلا ہے
سبزے کی مغل سے ڈھکی ہے نرم زمین
الحمد للہ رب العالمین

سب تعریفِ خدا کی ہے ، جو ہے بہت عظیم
کیسی سوچ نے میرے دل میں چٹکی لی
کیسے دھیان سے میری آنکھیں بھرائیں
سینے میں کیوں سناٹا سا چھپایا ہے
یہ میرے سجدے میں تذبذب کیسا ہے
لب پہ دعائیں آکے نہیں کیوں بے معنی
جیسے میرا اندر ہو سنسان اجاڑ
کوئی تو آئے کوئی تو آکر دستک دے
کیسے کھولوں اپنے دل کے بند کواڑ

فہمیدہ ریاض

ऐ वाली-ओ-रब कोन-ओ-मकाँ

डूब गई हैं खामोशी में मग़रिब की अज़ान
कैसा सुकूत है, वाली-ओ-रब कोन-ओ-मकाँ
अल-हम्द-उल-इल्लाही रब्बे-लाल-अमीन
सब तारीफ़ खुदा की है, जो है बहुत अज़ीम

बारिश से निखरा निखरा शफ़फ़ाक़ फ़लक
नीला नीला हद - ए - नज़र तक फैला है
सब्ज़े के मखमल से देखी है नर्म ज़मीन
अल-हम्द-उल-इल्लाही रब्बे-लाल-अमीन
सब तारीफ़ खुदा की है, जो है बहुत अज़ीम

कैसी सोच ने मेरे दिल में चुटकी ली
कैसे ध्यान से मेरी आँखों भर आई
सीने में क्यूँ सन्नाटा सा छाया है
ये मेरे सजदे में तज़बज़ुब कैसा है
लब पे दुआएँ आके बनी क्यूँ बे मानी
जैसे मेरे अंदर हो सुनसान उजाड़
कोई तो आए कोई तो आकर दस्तक दे
कैसे खोलूँ अपने दिल के बंद किवाड़

फ़हमीदा रियाज़

OH GOD OF HEAVEN AND SKY

Oh God of Heaven and Earth

At twilight the call to prayer sinks into silence
All praise to God ,who is very great

The rain washed sparkling sky
spreads blue as far as the eye can see
the soft earth is clad in velvety green
'Praised be God, the God of all the worlds
All Praise to God who is very great'

What thought is this which wrings my heart
What realization fills my heart with tears
Why is there an eerie silence in my bosom
Why is this hesitation in my worship
Why do my prayers become meaningless on my lips
As if all within me were desolate and uninhabited
If only someone would come and knock
How can I open the locked doors of my heart ?

Fahmida Riaz

[Translated from Urdu to English by Rukhsana Ahmad]

وہ اک زن ناپاک ہے

وہ اک زن ناپاک ہے
بہتے لہو کی قید میں
گردش میں ماہ و سال کی
دہی ہوس کی آگ میں
اپنی طلب کی چاہ میں
زائیدہ ابلیس تھی
چل دی اسی کی راہ میں
اس منزل مہوم کو
جس کا نشان پیدا نہیں
سنگم وہ نور و نار کا
جس کا پتا ملتا نہیں
اے لہو کے جوش سے
پستان اس کے پھٹ چکے
ہر نوک خارِ راہ سے
بندِ لحم سب کٹ چکے
اس کے بدن کی شرم پر
تقدیس کا سایہ نہیں

لیکن خدائے بھر و بر
ایسا کبھی دیکھا نہیں
فرمان تیرے سب روا
ہاں اس زن ناپاک کے
لب پر نہیں کوئی دعا
سر میں کوئی سجدہ نہیں

فہمیدہ ریاض

وہ اک جن-ع-نا پاک ہے

وہ اک جن-ع-نا پاک ہے
بہتے لہو کی کد میں
گردش میں ماہ-او-سال کی
دہلی ہوس کی آگ میں
اپنی تلب کی چاہ میں
جاڑدا-ع-ڈبلیس تھی
چل دی اسی کی راہ میں
اس منجیل-ع-مؤہوم کو
جس کا نیشاں پدا نہیں
سنگم وہ نور و نار کا
جس کا پتا ملتا نہیں
ابلیس تھی
چل دی اسی کی راہ میں
اس منزل مہوم کو
جس کا نشان پیدا نہیں
سنگم وہ نور و نار کا
جس کا پتا ملتا نہیں
اے لہو کے جوش سے
پستان اس کے پھٹ چکے
ہر نوک خارِ راہ سے
بندِ لحم سب کٹ چکے
اس کے بدن کی شرم پر
تقدیس کا سایہ نہیں

لےکن خدایا-ع-بہر-او-بر
ایسا کبھی دیکھا نہیں
فرمان تیرے سب روا
ہاں اس جن-ع-نا پاک کے
لب پر نہیں کوئی دعا
سر میں کوئی سجدہ نہیں

فہمیدہ ریاض

SHE IS A WOMAN IMPURE

She is a Woman Impure
imprisoned by her flowing blood
in a cycle of months and years
Consumed by her fiery lust
in search of her own desire
this mistress of devil,
followed his footsteps
into a destination obscure
unmarked, unmapped before,
that union of light and fire
impossible to find.

In the heat of her simmering passion
her breasts have ripped
By each thorn on her wayside
each membrane of her body ripped
no veil shame of conceals her body
no trace it bears of sanctity

But, O Ruler of lands and oceans
Who has seen this before?
Everywhere your command is supreme
Except over this Woman Impure
No prayer crosses her lips
No humility touched her brow

Fahmida Riaz

[Translated from Urdu to English by Rukhsana Ahmad]

ہم گنہگار عورتیں

یہ ہم گنہگار عورتیں
ہیں

جو اہل حیثیت کی تمکنت سے

نہ رعب کھائیں

نہ جان بیچیں

نہ سر جھکائیں

نہ ماتھے جوڑیں

یہ ہم گنہگار عورتیں ہیں

کہ جن کے جسموں کی فصل بیچیں جو لوگ

وہ سرفراز ٹھہریں

نیابتِ امتیاز ٹھہریں

وہ داورِ اہل ساز ٹھہریں

یہ ہم گنہگار عورتیں ہیں

کہ بیچ کا پرچم اٹھا کے نکلیں

تو جھوٹ سے شاہراہیں اٹی سٹے ہیں

ہر ایک دہلیز پر سزاؤں کی داستاںیں دکھی سٹے ہیں

جو بول سکتی تھیں ، وہ نہ بانیں کٹی سٹے ہیں

یہ ہم گنہگار عورتیں ہیں

کہ اب تعاقب میں رات بھی آئے

تو یہ آنکھیں نہیں بچیں گی۔

کہ اب جو دیوار گر چکی ہے

اسے اٹھانے کی ضد نہ کرنا !

یہ ہم گنہگار عورتیں ہیں

جو اہل حیثیت کی تمکنت سے نہ رعب کھائیں

نہ جان بیچیں

نہ سر جھکائیں ، نہ ماتھے جوڑیں !

کشورناہید

हम गुनहगार औरतें

ये हम गुनहगार औरतें हैं
जो अहल-ए-जुब्बा की तमकनत से न रोब खाएँ
न जान बेचें
न सर झुकाएँ
न हाथ जोड़ें

ये हम गुनहगार औरतें हैं
कि जिन के जिस्मों की फ़रसल बेचें जो लोग
वो सरफ़राज़ ठहरें
नियाबत-ए-इम्तियाज़ ठहरें
वो दावर-ए-अहल-ए-साज़ ठहरें

ये हम गुनहगार औरतें हैं
कि सच का परचम उठा के निकलें
तो झूट से शाहराहें अटी मिले हैं
हर एक दहलीज़ पे सज़ाओं की दास्तानें रखी मिले हैं
जो बोल सकती थीं वो ज़बानें कटी मिले हैं

ये हम गुनहगार औरतें हैं
कि अब तआकुब में रात भी आए
तो ये आँखें नहीं बुझेंगी
कि अब जो दीवार गिर चुकी है
उसे उठाने की ज़िद न करना!

ये हम गुनहगार औरतें हैं
जो अहल-ए-जुब्बा की तमकनत से न रोब खाएँ
न जान बेचें
न सर झुकाएँ
न हाथ जोड़ें!

WE SINFUL WOMEN

It is we sinful women
who are not awed by the grandeur of those who wear gowns
who don't sell our lives
who don't bow our heads
who don't fold our hands together.

It is we sinful women
while those who sell the harvests of our bodies
become exalted
become distinguished
become the just princes of the material world.

It is we sinful women
who come out raising the banner of truth
up against barricades of lies on the highways
who find stories of persecution piled on each threshold
who find that tongues which could speak have been severed.

It is we sinful women.
Now, even if the night gives chase
these eyes shall not be put out.
For the wall which has been razed
don't insist now on raising it again.
It is we sinful women
who are not awed by the grandeur of those who wear gowns

who don't sell our bodies
who don't bow our heads
who don't fold our hands together.

Kishwar Naheed

[Translated from Urdu to English by Rukhsana Ahmad]

किश्वर नाहीद

انٹی کلاک وائزر

میری انکمیس ، تمہارے تلوے بھی بن جائیں
تو بھی تمہیں یہ خوف نہیں چھوڑے گا
کہیں دیکھ تو نہیں سکتی
جسموں اور فقروں کو
خوشبو کی طرح محسوس تو کر سکتی ہوں
میری ناک اپنے تحفظ کی خاطر
تمہارے سامنے رڑ رگڑ کر
بے نشان بھی ہو جانے
تو بھی تمہیں یہ خوف نہیں چھوڑے گا
کہیں سونگھ تو نہیں سکتی
مگر کچھ بول تو سکتی ہوں
مرے ہونٹ تمہاری مجازیت کے گن
گا گا کر

خشک اور بے روح ہو بھی جائیں
تو بھی تمہیں یہ خوف نہیں چھوڑے گا
کہیں بول تو نہیں سکتی
مگر چل تو سکتی ہوں
مرے پیروں میں زوجیت
اور شرم و حیا کی بیڑیاں ڈال کر
مجھے مفلوج کر کے بھی
تمہیں یہ خوف نہیں چھوڑے گا
کہیں چل تو نہیں سکتی

مگر سوچ تو سکتی ہوں
آزاد رہنے ، زندہ رہنے
اور مرے سوچنے کا خوف
تمہیں کن کن بلاؤں میں گرفتار کرے گا

کشورناہید

ऐन्टीक्लॉकवाइज़

मेरी आँखें तुम्हारे तलवे भी बन जाएँ
तो भी तुम्हे ये खौफ़ नहीं छोड़ेगा के मैं देख तो नहीं सकती
जिस्मों और फ़िक्रों को
खुशबू की तरह महसूस तो कर सकती हूँ
मेरी नाक अपने तहफ़फ़ुज़ की खातिर
तुम्हारे सामने रगड़ रगड़ कर बे निशान भी हो जाएँ
तो भी तुम्हे ये खौफ़ नहीं छोड़ेगा के मैं सूँघ तो नहीं सकती
मगर कुछ बोल तो सकती हूँ
मेरे होंठ तुम्हारे मजाज़ियत के गुण गा गा कर
खुशक और बे रूह हो भी जाएँ
तो भी तुम्हें ये खौफ़ नहीं छोड़ेगा के मैं बोल तो नहीं सकती
मगर चल तो सकती हूँ
मेरे पैरों में ज़ौजियत और शर्म-ओ -हया की बेड़ियाँ डाल कर
मफ़लूज कर के भी
तुम्हे ये खौफ़ नहीं छोड़ेगा
के मैं चल तो नहीं सकती
मगर सोच तो सकती हूँ
आज़ाद रहने, जिंदा रहने और मेरे सोचने का खौफ़
तुम्हे किन किन बलाओं में गिरफ़्तारी करेगा

किश्वर नाहीद

ANTICLOCKWISE

Even if my eyes become the soles of your feet
even so, the fear will not leave you
that though I cannot see
I can feel bodies and sentences
like a fragrance.

Even if, for my own safety,
I rub my nose in the dirt till it becomes invisible
even so, this fear will not leave you
that though I cannot smell
I can still say something.

Even if my lips, singing praises of your godliness
become dry and soulless even so, this fear will not leave you
that though I cannot speak
I can still walk.

Even after you have tied the chains of domesticity,
shame and modesty around my feet
even after you have paralysed me
this fear will not leave you
that even though I cannot walk
I can still think.

Your fear
of my being free, being alive
and able to think
might lead you, who knows, into what travails.

Kishwar Naheed

[Translated from Urdu to English by Rukhsana Ahmad]

حدود آرڈیننس

(ان لڑکیوں کے نام جو حدود آرڈیننس کی سزا کاٹ رہی ہیں)

(۱)

میں اک چھوٹے سے کمرے میں
آزاد بھی ہوں اور قید بھی ہوں
اس کمرے میں ایک کھڑکی ہے
جو چھت کے برابر اونچی ہے
جب سورج ڈوبنے لگتا ہے
کمرے کی چھت سے گزرتا ہے
مٹھی بھر کر کرنوں کے زرے
کھڑکی سے اندر آتے ہیں،
اک رستہ سا بن جاتے ہیں
میں اس رستے پر چلتی ہوں
اور اپنے گھر ہو آتی ہوں
میرا باپ ابھی تک میرے لئے
جب شہر سے واپس آتا ہے،
چوڑی کنگھی لے آتا ہے،
آپا میرے حصے کی روٹی،
چنگیر میں ڈھک کر رکھتی ہے

(۲)

پھر چڑیوں کو دے دیتی ہے
میرے دونوں بھائی اب بھی
مسجد میں پڑھنے جاتے ہیں
احکام خداوندی سارے
سنتے ہیں اور دہراتے ہیں

ماں میرے غم میں پاگل ماں
بس پتھر چنتی رہتی ہے
یا دانہ چگتی چڑھیوں سے
کچھ باتیں کرتی رہتی ہے
وہ کہتی ہے جب یہ چڑیاں
سب اس کی بات سمجھ لیں گی
چونچوں میں پتھر چگ لیں گی
بچوں میں سنگ سمولیں گی
پھر وہ طوفان آ جائے گا
جس سے ہر منصف ہر منبر
پارہ پارہ ہو جائے گا

(۳)

اور میری گواہی وہ دیگا
جو سب کا حاکم اعلیٰ ہے
جو منصف عزت والا ہے

زہرا نگاہ

हुदूद ऑर्डिनेंस

मैं एक छोटे से कमरे में
आज़ाद भी हूँ और कैद भी हूँ
इस कमरे में एक खिड़की है
जो छत के बराबर ऊँची है
जब सूरज डूबने लगता है
कमरे की छत से गुज़रता है
मुझी भर कर किरणों के ज़र्रें
खिड़की से अंदर आते हैं
एक रास्ता सा बन जाता है
मैं इस रास्ते पर चलती हूँ
और अपने घर हो आती हूँ
मेरा बाप अभी तक मेरे लिये
जब शहर से वापिस आता है
चूड़ी कंधे ले आता है
आपा मेरे हिस्से की रोटी
चंगेर में ढक कर रखती है

फिर चिड़ियों को दे देती है
मेरे दोनों भाई अब भी
मस्जिद में पढ़ने जाते हैं
अहकाम खुदावन्दी सारे
सुनते हैं और दोहराते हैं

माँ मेरे ग़म में पागल माँ
बस पत्थर चुनती रहती है
या दाना चुगती चिड़ियों से
कुछ बातें करती रहती है
वो कहती है जब ये चिड़ियाँ
सब उसकी बात समझ लेंगी
चोंचों में पत्थर चुग लेंगी
पंजों में संग समो लेंगी
फिर वो तूफ़ान आ जायेगा
जिस से हर मुंसिफ़ हर मनबर

पारा- पारा हो जायेगा

और मेरी गवाही वो देगा
जो सब का हाकिम असली है
जो मुंसिफ़ इज़ज़त वाला है

ज़हरा निगाह

HUDDOD ORDINANCE

(To the girls imprisoned under the Hudood Ordinances)

In this tiny cell
I am both fettered and free
There's a tiny window
almost as high as the ceiling
When the sun is about to set
it passes just above it
A handful of rays
beam through the window
they form a kind of path
for me to tread on
so I can go home
Even now my father brings me
bangles and combs from the city
Amaa (elder sister) leaves my share of rotis
covered in the bread basket

Then she feeds it to the birds
Both my brothers still go
to the mosque to study
all God's commandments
they hear and repeat
Ma, crazed by her grief for me
spends her time picking pebbles
or she stays , talking to the birds
as they peck at the birdseed
She says when these birds
understand what she's telling them
they will pick pebbles in their beaks
grasp stones in their claws to hurl
And such a storm shall rage
that every judge and every pulpit
will shatter into smithereens

And He shall be my witness
Who rules the world
Who is both just and gracious

Zehra Nigah

[Translated from Urdu to English by Rukhsana Ahmad]

غزل

لڑکیاں ماؤں جیسے مقدر کیوں رکھتی ہیں
تن صحرا اور آئینہ سمندر کیوں رکھتی ہیں

عورتیں اپنے دکھ کی وراثت کس کو دیں گی
صندوقوں میں بند یہ زیور کیوں رکھتی ہیں

وہ جو آپ ہی پلوچی جانے کے لائق تھیں
چمپا سی پوروں میں پتھر کیوں رکھتی ہیں

وہ جو رہی ہیں خالی پیٹ اور ننگے پاؤں
بچا بچا کر سر کی چادر کیوں رکھتی ہیں

بند حویلی میں جو سانے ہو جاتے ہیں
ان کی خبر دیواریں اکثر کیوں رکھتی ہیں

صبح وصال کی کرنیں ہم سے پوچھ رہی ہیں
راتیں اپنے ہاتھ میں خنجر کیوں رکھتی ہیں

عشرت آفرین

غزل

لڑکیوں کو ماؤں جیسے مقدر کیوں رکھتی ہیں
تن صحرا اور آئینہ سمندر کیوں رکھتی ہیں

اورتوں اپنے دُ:خ کی وراثت کس کو دے گی
صندوقوں میں بند یہ زیور کیوں رکھتی ہیں

وہ جو آپ ہی پوجے جانے کے لائق تھیں
چمپا سے پتھروں میں پتھر کیوں رکھتی ہیں

وہ جو رہی ہیں خالی پیٹ اور ننگے پاؤں
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راتوں اپنے ہاتھ میں خنجر کیوں رکھتی ہیں

عشرت آفرین

GHAZAL

Why do girls follow the destinies of their mothers?
Why are their bodies deserts, their eyes the ocean deep?

Why do women keep their jewels locked in trunks
To whom they will bequeath their legacy of grief?

Those who were themselves worthy of worship
Why do they clutch stones between jasmine fingertips?

Those who remained hungry and bare-footed
Why do they never let their chadors slip?

When tragedy strikes behind closed doors
Why is it only the walls that often know.

Shining upon our union ask the rays of the morning sun
Why are the nights armed with daggers when they come?

Ishrat Aafreen

[Translated from Urdu to English by Rukhsana Ahmad]

عورت اور نمک

کیا ماں ایسی ہوتی ہے
تمہارے بچے بھیکے کیوں پڑے ہیں
تم کس کنبے کی ماں ہو
ریپ کی - قید کی - بٹے ہوئے جسم کی
یا اینٹوں میں چنی ہوئی بیٹیوں کی
بازاروں میں تمہاری بیٹیاں
اپنے لہو سے بھوک گوندھتی ہیں
اور اپنا گوشت کھاتی ہیں
یہ تمہاری کون سی آنکھیں ہیں
یہ تمہارے گھر کی دیوار کی کونسی چٹائی ہے
تم نے میری ہنسی میں تعارف رکھا
اور اپنے بیٹے کا نام سکھ راجح الوقت
آج تمہاری بیٹی اپنی بیٹیوں سے کہتی ہے
میں اپنی بیٹی کی زبان داغوں کی
لہو تھوکتی عورت دعات نہیں
چوڑیوں کی چور نہیں
میدان میرا حوصلہ ہے
انگارہ میری خواہش
ہم سر پہ کفن باندھ کر پیدا ہوئے ہیں
کوئی انگوٹھی پہن کر نہیں
جسے تم چوری کر لو

سارہ شگفتہ

عزت کی بہت سی قسمیں ہیں
گھونگھٹ ، تھپڑ ، گندم
عزت کے تابوت میں قید کی میخیں ٹھونکی گئی ہیں
گھر سے لے کر فٹ پاتھ تک ہمارا نہیں
عزت ہمارے گزارے کی بات ہے
عزت کے نیزے سے ہمیں داغا جاتا ہے
عزت کی کئی ہماری زباں سے شروع ہوتی ہے
کوئی رات ہمارا نمک چکھ لے
تو ایک زندگی ہمیں بے ذائقہ روٹی کہا جاتا ہے
یہ کیسا بازار ہے
کہ رنگ ساز ہی پھیکا پڑا ہے
خلا کی بھٹیلی پہ پتنگیں مر رہی ہیں
میں قید میں بچے جنتی ہوں
جاڑ اولاد کے لئے زمین کھلنڈری ہونی چاہئے
تم ڈر میں بچے جنتی ہو اسی لئے آج تمہاری کوئی نسل نہیں
تم جسم کے ایک بند سے پکاری جاتی ہو
تمہاری حیثیت میں تو چال رکھ دی گئی ہے
ایک خوبصورت چال
جھوٹی مسکراہٹ تمہارے لبوں پہ تراش دی گئی ہے
تم صدیوں سے نہیں روئیں

औरत और नमक

इज्जत कि कई किसमें हैं
घूँघट, थप्पड़, गंदम
इज्जत के ताबूत में कैद की मेखें ठोंकी गई हैं
घर से ले कर फुटपाथ तक हमारा नहीं
इज्जत हमारे गुजारे की बात है
इज्जत के नेजे से हमें दागा जाता है
इज्जत की कनी हमारी ज़बाँ से शुरू होती है
कोई रात हमारा नमक चख ले
तो एक जिन्दगी हमें बे-ज़ाइका रोटी कहा जाता है

ये कैसा बाज़ार है
के रंग साज़ ही फीका पड़ा है
खला की हथेली पे पतंगें मर रही हैं
मैं कैद में बच्चे जनती हूँ
जायज़ औलाद के लिए ज़मीन खिलंडरी होनी चाहिए
तुम डर में बच्चे जनती हो इसलिए आज तुम्हारी कोई नस्ल
नहीं
तुम जिस्म के एक बंद से पुकारी जाती हो
तुम्हारी हैसियत में तो चल रख दी गई है
एक ख़ूबसूरत चाल
झूठी मुस्कुराहट तुम्हारे लबों पे तराश दी गई है
तुम सदियों से नहीं रोईं

क्या माँ ऐसी होती है
तुम्हारी बच्चे फीके कयों पड़े हैं
तुम किसी कुनबे की माँ हो
रेप की, कैद की, बटे हुए जिस्म की
या ईंटों में चिनी हुई बेटियों की
बाज़ारों में तुम्हारी बेटियाँ
अपने लहू से भूख गूँधती हैं
और अपना गोश्त खाती हैं
ये तुम्हारी कौन सी आँखें हैं
ये तुम्हारे घर की दीवार की कौनसी चिनाई है

तुमने मेरी हँसी में तारुफ़ रखा
और अपने बेटे का नाम
आज तुम्हारी बेटे अपनी बेटियों से कहती है
मैं अपनी बेटे की ज़बाँ दागूँगी
लहू थूकती औरत धात नहीं
चूड़ियों की चोर नहीं
मैदान मेरा हौसला है
अंगारा मेरी खाहिश
हम सर पे कफन बांध कर होती हैं कोई अंगूठी पेहेन कर नहीं
जिसे तुम चोरी कर लो

सारा शगुफ़ता

WOMAN AND SALT

There are many types of respectability
The veil, a slap, wheat
Stakes of imprisonment are hammered into the coffin of respectability

From house to pavement we own nothing
Respectability ahs to do with how we manage
Respectability is the spear used to brand us
The selvedge of respectability begins on our tongues
If someone tastes the salt of our bodies at night
For a lifetime we become tasteless bread
Strange market this
Were even the dyer has no colors
The kites on the palm of space are dying

I deliver babies in imprisonment
The earth should be playful for legitimate offspring
Because you deliver children in fear today you have no pedigree
You are known by the name of one wall of your body

How you conduct yourself has been made central to your status
A beautiful gait
A false smile chiseled on your lips
You haven't wept for years

Is that what a mother is like
Why have your children turned pale
which tribe of mothers do you belong to
of rape, of imprisonment, of a divided body
or of daughters bricked up alive.
Your daughters in the streets
Knead hunger with their own blood
And eat their own flesh.
Which of your eyes are these
How many times has the wall of your house been bricked up

You let may daughter be my name
But your son's name is the currency of the time

Today, your daughter tells her own daughters
I shall brand my daughter's tongue
Blood-spitting woman is not a metal
Is not looking for bangles to steal
A battleground my courage, a spark my desire

We were born wearing shrouds round our heads
Not born wearing rings
Which you might steal.

SARA SHAGUFTA

[Translated from Urdu to English by Rukhsana Ahmad]

بارہ فروری ۱۹۸۳ء

(۱۲ فروری ۱۹۸۳ء کو لاہور کی خواتین نے قانون شہادت کے خلاف ایک جلوس نکالا جس پر پولیس نے تشدد کیا۔ یہ نظم اس واقعہ کے بعد لکھی گئی)

سنو مریم، سنو خدیجہ، سنو فاطمہ

سال نو کی خوشخبری سنو

اب والدین بچیوں کے جنم پہ

انہیں موت کے ٹیکے لگوائیں گے

قانون اور اختیار ان ہاتھوں میں ہے

جو بچوں، علم اور آزادی کے خلاف

لکھتے ہیں، بولتے ہیں، فیصلہ سناتے ہیں

حاکم اور ثقہ مانے جاتے ہیں

ہاں سنو مریم، سنو خدیجہ، سنو فاطمہ!

آج وہ ایسا قانون بناتے ہیں

کہ انہوں سے نکاؤ

ہوٹوں سے پوٹو

احسان مانو اور شکرانہ ادا کرو۔

گھر کی ملکہ ہو

بچوں کی ماں ہو

سر جھکانے خدمت کرتی کتنی اچھی لگتی ہو

کیسی محفوظ اور پرہیزگار ہو

بلند مقام اور جنت کی حقدار ہو۔

اس لئے تمہارے بھلے کو بتاتے ہیں

”دو عورتوں کی گواہی“ سمجھاتے ہیں۔

یوں تنہا نکلنا ٹھیک نہیں

آنا جانا مناسب نہیں

یہ حکم آسانی ہے

جسے مانا نجات کی نشانی ہے

جو اس سے انکاری ہے

ارتداد کا مجرم

قابل گردن زدنی ہے

سڑکوں پر نکلنا

لڑنا بھڑنا

آزادی کا حق مانگنا

تسوانی تقدس کے خلاف ہے

غندوں کا کام ہے

کیوں اس نازک وجود کو تھکاتی ہو

ہلکان کرتی ہو

چھینی کی گڑیا ہو

نظروں میں آؤ گی

لوٹ کے بھر جاؤ گی

تیز دھوپ میں پگھل جاؤ گی

عدالت میں سچی بات کہہ نہ پاؤ گی

شرم و حیا سے چپ ہو جاؤ گی

لاج کی ماری بے ہوش ہو جاؤ گی

ماتمی جھنڈیاں پھڑپھڑا رہی تھیں

کینزیں باغی ہو گئی تھیں

وہ دو سو عورتیں

چاروں طرف سے گھری ہوئی تھیں

مسلح پولیس کے نرغے میں تھیں

آنسو گیس، رائفل اور بندو قیں

وائریس دین اور جیپیں

ہر راستے کی ناک بندی تھیں

کوئی پناہ نہ تھی

یہ لڑائی خود ہی لڑنی تھی

وہ پالتو اور چہیتے

جمہیت کے غنڈے

جب سڑکوں پر دندناتے تھے

اگ لگاتے لوٹ مار کرتے تھے

برچھے بھالے گھاتے تھے

شہریوں کو دھمکاتے تھے

تب یہ آہنی ٹوپی والے

دور سے دیکھ کر مسکراتے تھے

شفقت سے ہنستے تھے

بچے ہیں.....

کہہ کر دودھ پلاتے تھے۔

عورت کا پیچھا چھوڑو

اور اپنی فکر کرو

یہ کھو کھلے اخلاقی بندھن اور ضابطے

اپنی حکمرانی کے واسطے

مجھے کیوں سمجھاتے ہو؟

کیا اسلام لانا اتنا مشکل ہے

کیا اب سے پہلے لوگ نماز نہ پڑھتے تھے

کیا روزہ نہ رکھتے تھے

یا قرآن اور کلمے کو نہ مانتے تھے؟

پھر کیوں جوانوں کو برباد کرتے ہو

اتنے کٹھور اور ظالم بنتے ہو

بات بات پہ کوڑے مارتے ہو

سمجھ میں آتا ہے
 تم مجھ سے انسان کا درجہ چھینتے ہو
 میں تمہیں جنم دینے سے انکار کرتی ہوں
 کیا میرے جسم کا مصرف یہی ہے
 کہ پیٹ میں بچہ پلتا رہے
 تمہارے لئے اندھے ، بہرے ، گونگے
 غلاموں کی فوج تیار کرتی رہے
 ہم جانتے ہیں کہ تمہارا ساتھ دے کر
 ہم اپنے بچوں کی قبریں کھودیں گے
 اس لئے ہم تمہارا ساتھ نہیں دیں گے۔
 تم دو کہتے ہو
 ہم دو کروڑ عورتیں
 اس ظلم اور جبر کے خلاف
 گواہی دیں گے
 جو قانون شہادت کے نام پر
 تم نے ہمارے سروں پہ مارا ہے
 ہم نہیں تم
 واجب القتل ہو
 کہ روشنی اور سچائی کے دشمن ہو
 محبت کے قاتل ہو۔

سعیدہ غزوار

اذیت پہنچاتے ہو۔
 میں آزادی کا منشور پڑھتی ہوں
 اور تم !

لکھا ہوا جو سامنے ہے
 اتنا موٹا اور واضح ہے

نوشتہ دیوار ہے

پڑھنے سے قاصر ہو۔

یہ تم نے کیسے سمجھا؟

کہ تم کو پیدا کرتی ہوں

اور تمہارے سامنے شرمناکر ، لجا کر

بیچ کہنے سے گھبراؤں گی

زباں سے وہ سب ادا نہ کر پاؤں گی

جو ہم دونوں کے بیچ

محبت ، نفرت ، عزت اور حقارت کا رشتہ ہے

کیا عورت کی سچائی سے ڈرتے ہو؟

کیا میں ماؤف ہوں؟

یا ذہن میرا مفلوج ہے

کہ ساتھ کھڑی میری ہم جنس

مجھے یاد کراتی رہے

مجھے تو رتی رتی یاد ہے

تمہیں بھی یاد کرانا جانتی ہوں

یاد کرو..... کہ ظلم

قانون کے حوالے سے خوب پہچانا جاتا ہے

बारह फ़रवरी 1983

सुनो मरियम सुनो खजीदा
साल-ए-नौ की खुशखबरी सुनो
अब वाल्देन बच्चियों के जन्म पर
उन्हें मौत के टीके लगवाएंगे
के क़ानून और इख़्तियार उन हाथों में हैं
जो फूल, इल्म और आज़ादी के खिलाफ़
लिखते हैं, बोलते हैं, क़सीदे सुनाते हैं
हाकिम और सिक़ा माने जाते हैं

हाँ सुनो मरियम सुनो खजीदा सुनो फ़ातिमा
आज वो ऐसा क़ानून बनाते हैं
के आँखों से लगाओ
होंठों से चूमो
अहसान मानो और शुक्रिया अदा करो
घर कि मलिका हो
बच्चों की माँ हो
सर झुका के खिदमत करती कितनी अच्छी लगती हो
कितनी महफूज़ और परोकार हो
बुलंद मुक़ाम और जन्नत की हक़दार हो
इसलिए तुम्हारे भले को बताते हैं
"दो औरतों की गवाही" समझाते हैं
यूँ तन्हा निकलना ठीक नहीं
आना जाना मुनासिब नहीं
ये हुक़म आसमानी है
जिसे मानना निजात की निशानी है
जो इस से इन्कारी है
इस्तेदाद का मुजरिम
क्राबिल गर्दन-ज़दनी के

सड़कों पर निकलना
लड़ना भिड़ना
आज़ादी का हक़ माँगना
निस्वानी तक़द्दुस के खिलाफ़ है

गुंडों का काम है
क्यूँ इस नाज़ुक वजूद को थकाती हो?
हलक़ान करती हो
चीनी की गुड़िया हो
नज़रों में आओगी
टूट के बिखर जाओगी
तेज़ धूप में पिघल जाओगी
अदालत में सच्ची बात कह न पाओगी
शर्म-ओ-हया से चुप हो जाओगी
लाज की मारी बेहोश हो जाओगी

मातम झंडियाँ फड़फड़ा रही थीं
कनीज़ें बागी हो गई थीं
वो दो सौ औरतें
चारों तरफ़ से घिरी हुई थीं
मुसल्लह पुलिस के निर्गें में थीं
ऑसू गैस, राइफ़ल और बंदूकें
वायरलेस, वैन और जीपें
हर रास्ते की नाके-बंदी थी
कोई पनाह न थी
ये लड़ाई खुद ही लड़नी थी

ये पालतू और चहीते
'जमात' के गुण्डे
जब सड़कों पर दनदनाते थे
आग लगाते लूट मार करते थे
बर्छे-भाले घुमाते थे
शहरियों को धमकाते थे
तब ये आहनी टोपी वाले
दूर से देख कर मुस्कुराते
शफ़क़त से हँसते थे
"बच्चे हैं...."
कह कर दूध पिलाते थे

औरत का पीछा छोड़ो
और अपनी फ़िक्र करो
ये खोखले अखलाकी बंधन और जाबेता
अपनी हुकमरानी के वास्ते
मुझे क्यूँ समझाते हो?
क्या इस्लाम लाना इतना मुश्किल है
क्या अब से पहले लोग नमाज़ ना पढ़ते थे?
क्या रोज़े ना रखते थे?
क्या कुरान और कलमे को ना मानते थे?
फिर क्यूँ ख़वातीन को बर्बाद करते हो?
इतने कठोर और ज़ालिम बनते हो
बात बात पर कोड़े मारते हो
अज़ीयत पहुँचाते हो

मैं आज़ादी का मन्शूर पढ़ती हूँ
और तुम!
लिखा हुआ जो सामने है
इतना मोटा और वाज़ेह है
नविश्ता दीवार है
पढ़ने से कासिर हो

ये तुमने कैसे समझा
के तुम को पैदा करती हूँ
और तुम्हारे सामने शर्मा कर, लजा कर
सच कहने से घबराऊँगी
ज़बाँ से वो सब अदा ना कर पाऊँगी
जो हम दोनों के बीच
मोहब्बत, नफ़रत, इज़्जत और हिंकारत का रिश्ता है

क्या औरत की सच्चाई से डरते हो?
क्या मैं माऊफ हूँ?
या ज़हन मेरा मफलूज है?
के साथ खड़ी मेरी हम-जिन्सी मुझे याद कराती रहे
मुझे तो रत्ती रत्ती-याद है
तुम्हें भी याद करना जानती हूँ

याद करो..... के जुल्म
कानून के हवाले से ख़ूब पहचाना जाता है
समझ में आता है

तुम मुझे से इंसान का दर्जा छीनते हो
मैं तुम्हें जन्म देने से इंकार करती हूँ
क्या मेरे जिस्म का मसरफ़ यही है
के पेट में बच्चा पलता रहे
तुम्हारे लिए अंधे, बेहरे, गूँगे
गुलामों की फ़ौज तैयार करती रहूँ

हम जानते हैं के तुम्हारा साथ दे कर
हम अपने बच्चों की क़ब्रें खोदेंगे
इसलिए हम तुम्हारा साथ नहीं देंगे

तुम दो कहते हो
हम दो करोड़ औरतें
इस जुल्म और ज़ब्र के खिलाफ़
गवाही देंगे
जो कानून-ए-शहादत के नाम पर
तुमने हमारे सरो पर मारा है

हम नहीं तुम
वाजिब-अल-क़त्ल हो
के रौशनी और सचाई के दुश्मन हो
मोहबत के क़ातिल हो

सईदा ग़ज़दार

TWELFTH FEBRUARY, 1983

Hear me Maryam, hear me Khadija, hear me Fatima
Hear the good news of the new year
on the birth of their daughters
parents will now seek deadly injections for them
for law and power is in the hands of those
who write, speak out and adjudicate against
flowers, knowledge and freedom.
They govern, they are the rulers.

Yes, hear me Maryam, hear me Khadija, hear me Fatima

Today they make laws
which you must touch with your eyes
kiss with your lips
for which you must be grateful, thankful.
You are the queen of your home
mother of your children
head bent in servitude, how lovely you look
how protected and dignified
you have a right to a pedestal and Heaven
therefore, they tell you for your own good
want you to understand 'the evidence of two women'.*

Going out alone is not right
all these comings and goings are improper
this is a heavenly injunction
whoever denies this
is guilty of apostasy deserves to be beheaded.*

To come out on the streets
to fight
to demand the right for freedom
is against the sanctity of the feminine principle
is the work of ruffians.
Why do you tire this delicate body,
exhaust it?
You're a china doll
you'll get noticed get smashed, get shattered to pieces
you'll melt in the hot sun,
you won't be able to tell the truth in court
modesty and shame will make you silent
you'll faint with embarrassment.

The flags of mourning were flapping
the handmaidens had rebelled
Those two hundred women who came out on the streets
were surrounded on all sides
besieged by armed police.
Tear gas, rifles and guns
wireless vans and jeeps
every path was blockaded
there was no protection
they had to fight themselves.

Those pets and favourites
the hoodlums of the Jamiat*
when they raved along the streets
set fires and looted
swung spears and shields
terrorised the citizens
then these helmet-wearers
smiled from a distance
laughed affectionately
'They're only kids...'
they said, and fed them milk..

Let women be
Watch your own interests.
These hollow moral rules and restraints
for your own power
why do you explain these to me?
Is Islam that difficult?
Did people never pray before now did they not fast?
Did they not believe in the Quran and the Kalima?

Then why do you destroy youth?
Why be so cruel and relentless?
Why use the whip for every little thing
and torture?

I read the charter of freedom
And you?
The writing in front of us
is large and clear
written on the wall –
are you unable to read?

How did you think this?
I who give birth to you
would be too shy and embarrassed before you
would worry about speaking the truth
won't be able to describe with my tongue
that relationship between the two of us
of love and hatred, of respect and contempt.

Are you afraid of a woman's truth?
Am I numb?
Or is my mind so paralysed
that standing next to me another person of my sex
should remind me?
I remember every detail
I want to remind you
Remember ... that cruelty
can be identified with reference to the law
can be understood.

You snatch from me the status of a human being
I refuse to give birth to you
Is this the only use of my body
that my womb should nurture a child
raise for you an army of slaves blind, deaf and mute?

We know that if we support you
we shall be digging the graves of our children
so we shall not support you.

You ask for two
We two crores of women
shall testify
against this tyranny and cruelty
hurled at our heads
in the name of the law of evidence

Not us, but you
deserve to be murdered
for being the enemies of light and truth
for being the murderers of love.

Saeeda Gazdar

[Translated from Urdu to English by Rukhsana Ahmad]

عورت

تو آگ میں اے عورت زندہ بھی جلی برسوں
سانچے میں ہر اک غم کے چپ چاپ ڈھلی برسوں
تجھ کو کبھی جلوایا تجھ کو کبھی گڑوایا
بازار ہے وہ اب تک جس میں تجھے نچوایا

حبیب جالب

بازار ہے وہ اب تک جس میں تجھے نچوایا
دیوار ہے وہ اب تک جس میں تجھے چنوایا

دیوار کو آ توڑیں بازار کو آ ڈھائیں
انصاف کی خاطر ہم سڑکوں پہ نکل آئیں
مجبور کے سر پر ہے شاہی کا وہی سایا
بازار ہے وہ اب تک جس میں تجھے نچوایا

قدیر کے قدموں پر سر رکھ کے پڑے رہنا
تائید ستم گر ہے چپ رہ کے ستم سہنا
حق جس نے نہیں چھینا حق اس نے کہاں پایا
بازار ہے وہ اب تک جس میں تجھے نچوایا

کٹیا میں ترا پیچھا غربت نے نہیں چھوڑا
اور محل سرا میں بھی زردار نے دل توڑا
اف تجھ پہ زمانے نے کیا کیا نہ ستم ڈھایا
بازار ہے وہ اب تک جس میں تجھے نچوایا

औरत

बाज़ार है वो अब तक जिस में तुझे नचवाया
दीवार है वो अब तक जिस में तुझे चुनवाया

दीवार को आ तोड़ें बाज़ार को आ ढाएँ
इंसाफ़ की खातिर हम सड़कों पे निकल आएँ
मजबूर के सर पर है शाही का वही साया
बाज़ार है वो अब तक जिस में तुझे नचवाया

तकदीर के कदमों पर सर रख के पड़े रहना
ताईद-ए-सितमगर है चुप रह के सितम सहना
हक जिस ने नहीं छीना हक उस ने कहाँ पाया
बाज़ार है वो अब तक जिस में तुझे नचवाया

कुटिया में तिरा पीछा गुर्बत ने नहीं छोड़ा
और महल-सरा में भी जरदार ने दिल तोड़ा
उफ़ तुझ पे ज़माने ने क्या क्या न सितम ढाया
बाज़ार है वो अब तक जिस में तुझे नचवाया

तू आग में ऐ औरत जिंदा भी जली बरसों
साँचे में हर इक गम के चुप-चाप ढली बरसों
तुझ को कभी जलवाया तुझ को कभी गड़वाया
बाज़ार है वो अब तक जिस में तुझे नचवाया

हबीब जालिब

WOMAN

You were made to dance in countless gatherings
And trapped behind walls hitherto you have been

Come let's demolish these walls and leave these gatherings
To seek justice, let's march together on these streets
Dark clouds of domination gather over the weak
You were made to.....

To surrender to your fate and being silent
Is to give consent to your exploiter
She who has never fought and struggled can never be free
You were made to...

How you have toiled in poverty
In the palaces too you were humiliated
Alas, How you have suffered!
You were made to..

For eons you have endured hardships
Silently you have adjusted to your misfortunes
Burnt alive you were and buried too
You were made...

Habib Jalib

[Translated from Urdu to English by Rishabh Pandit]