

# Effects of Social and Religious Context of Women Protection Bill 2006 on the Future Prospects of Female Higher Education in Pakistan

Dr. Almas Kiyani<sup>1</sup>, Muhammad Asif Chuadhry<sup>2</sup>

<sup>1</sup>Assistant Professor, Arid Agricultural University Rawalpindi, Pakistan

<sup>2</sup>PhD Scholar, AIOU, Islamabad

**Abstract:** *The Women Protection Bill was enacted on Nov 15 2006; shortly it was introduced before the National Assembly of Pakistan for debate. This bill aims to achieve the single objective: to make one of the most controversial and misused Hudood Ordinance to lose its teeth. This research was conducted to study the social and religious context of the Women Protection Bill 2006 in the light of the views of teachers in higher education, and how this bill is effective for the future endeavors of females in higher education; either they are students or teachers. The one of the major objective of the study was to effect of social and religious context of women protection bill, on their higher education. Educational implication of the existing (amended) bill has been given by the teacher, teaching at university level. Therefore, it was concluded that the proper orientation of the bill need to be given to teachers and students at university level, and our student needed to be trained, in order to make them familiar with their social, legal and religious rights. The population of the study was drawn from 5 public sector universities, 50 senior, male and female teachers of these universities (10 teachers from each). 25 male and 25 female from these 5 public sector universities of Pakistan, constituted the sample of the study. With the above mentioned sample, the study was conducted by using interviews guide as research tool and was analyzed through in-depth analysis. The study is significant in many ways in social and religious context of women.*

**Keywords:** Women Rights, Social, Religious, Women Protection, Bill 2006, Education

## 1. Introduction

Pakistan is the sixth most populous country of the world and the third in the Asia region. Women make 48% of the total population. Women are the important part of society; they are equal to man in potential, they are equal partner of men in very sphere of life. As compare to many other Muslim countries, To give more rights to women, Women's Protection Bill (WPB) was put forward by government, enacted on November 15, 2006. Emphasis of the women protection bill is to give more rights to women, which it conformed to the Holy Quran and Sunnah. (Chaudhry, 2006)

The ratio of female enrollment for higher education is steadily on the rise in Pakistan. Female students in Universities are increasing since a decade now. There are certain fields where they outnumber male students while there are no reserved seats for women in any discipline. Government of Pakistan (GoP) has taken various steps for women's empowerment in all walks of life. (Jehangir, 2005).

Agha (2004) stated that regarding the greater strength of females as compared to males in higher education, this study aims to give knowledge and awareness of Women Protection Bill 2006, for the legal protection of their rights as they are the future mothers, wives, and as working women will play an effective role in the development of Pakistan. Both female teachers and students are the part of society.

According to the Oxford dictionary, 'Women's Rights are the rights, which promote a position of social and legal equality, of women to men. According to it' they are the rights, claimed for the women, equal to those of men, as

regards to suffrage that right to vote, as regards to property, etc (Oxford Dictionary, 1999).

## 2. Social Context of Women in Paksitani Society

Lau (2007) discussed that the social context of Pakistani society is predominately patriarchical. Gender is one of the organizing principal of Pakistani society. Men and Women are conceptually divided into two separate worlds. Home is defined as a woman's legitimate ideological and physical space, while a man is dominates the world outside home.

In the given social context, Pakistani women lack social value and status of negation of their roles as producers and providers in all social roles. The preference for son due to their productive roles dictates the allocation of household resources in their favor. Male members of society are given better education and are equipped with skills to compete for resources in the public arena. While female members are imparted domestic skills to be good mothers and wives. (Lau, 2007)

The nature and degree of women's oppression/subordination vary across classes, regions and the rural/urbandivide. The situation of women in Pakistan varies considerably depending on geographical location and class. Women fare better in urban areas and middle and upper-class sections of society, where there are greater opportunities for higher education and for paid and professional work and women's social mobility is somewhat less restricted. Seventy-five percent of Pakistan's female population is, however, rural, and the average. (GoP, 1998).

### 3. Religious Context of Women In Pakistani Society

In Islam there is absolutely no difference between men and women as far as their relationship to Allah is concerned, as both are promised the same reward for good conduct and the same punishment for evil conduct. (Maalik, 1998).

The Quran provides clear-cut evidence of the equal rights of both gender:

“And for women are rights over men similar to those of men over women. (Sura Al Baqarah; 2:26)

Khan (2008) stated that the position of women in Islam in theory, that is, according to the Qur'an and Hadiths (tradition) of the Prophet, differs vastly from Islam in practice in our Pakistani society. It is not the Islamic ideologies that determine the position of women in the Islamic societies; it is rather the pre-Islamic patriarchal ideologies existing in a particular society, combined with the lack of education and ignorance that construct the Pakistani women position.

The advent of Prophet Muhammad (Peace be upon Him) makes a new wave of history in the liberation movement of women of the globe. He emerged as the saviour, champion and the emancipator of the cause of women. He remarked, “The paradise is under the feet of the mother” (Mishkat sharif).

In his famous address at the Farewell Pilgrimage, the Holy Prophet laid particular stress on good treatment toward women:

“O my people! You have certain rights over your wives and so have your wives over you”

### 4. Women Rights in the Context of Pakistan

The Constitution of the Islamic Republic of Pakistan, 1973, guarantees women equal rights with men. The fundamental rights give legal protection to women. Practices and constitutional rights are not the same. Many of these constitutional guarantees blatantly ignored practically in every avenue of daily living. Discrimination is apparent everywhere. Pakistani society usually adopts a hostile attitude towards the women. Their development in society is hindered due to many factors. (Samya, 1999)

#### 4.1 Marriage

Shaukt and Mahmood (1997) stated that the present ruling is of great significance in Pakistan's legal history. “Islam has already empowered women to exercise their free will while they are getting married. These are the tactics of our male-dominated society to suppress the women, either in the name of religion or the deep-rooted so-called traditions of society,” Mumtaz (2003) added “Marriage is a bilateral agreement and not a multilateral [one], [and one] for which the willingness of two individuals entering into that very contract is essential, while the approval of other members of the family is of secondary importance.”

According to the report of the Commission of Inquiry for Women (1997) discrimination against women in Pakistan's family Laws begins at the very outset.

#### 4.2 Polygamy

Islamic commandments giving permission to marry up to four women does not mean having the right to seize four women and shut them up inside one's home. Marriage is a matter of mutual consent. Only that woman can be made a second or a third wife who is willing to be so. And when this matter rests wholly on the willingness of the woman, there is no cause for objection. (Jawad, 1998).

#### 4.3 Divorce

According to Amira (1996) Divorce is a legal dissolution of marriage and is Eposito (1982) stated that the issue of three Talaq has been projected in a manner that conveys an impression as if the “Fundamentalists” or the Sharia is committed to the husband's right of pronouncing Talaq three times and terminating the marriage. While the “bourgeois feminist” want to save women from this tyranny and oppression, the ‘fundamentalist’ are sworn to inflict this injustice. The fact of the matter is that the Islamic Law in general treats three Talaq in one sitting, an offence subject to Tazzir (Punishment) Even when the percentage of Talaq (Divorce) may be low in Pakistan or elsewhere, this un-Islamic local custom of three divorces in one sitting, needs to be checked

According to GoP (2003) the plight of women who are divorced cannot be described in words. Their cases for maintenance and custody of children are not settled for years. For a woman to appear in a court is considered highly undesirable. Even if she were to appear in a court, the procedures are so complicated and humiliating that it becomes almost impossible for a woman to secure her rights. In the majority of cases, women are not even aware of their rights and do not possess the means to fight for them. The procedure for *Talaq* (Divorce), as laid down in the Family Laws Ordinance, 1961, goes more to the disadvantage of a divorced wife than her former husband.

#### 4.4 Inheritance

Muslim law of inheritance “comprises beyond question the most refined and elaborates system of rules for the devolution of property that is known to the civilized world. (Mutahhari, 1983)

Rahman (1998) viewed that Islam not only elevated the position of women but simultaneously safeguarded their social and economic interests as long ago as 1400 years. “Allah commands you regarding your children and for the male a share equivalent to that of two females.” [Sura-An-Nisa; 4:11]

Women, as envisioned in the constitution of Pakistan are supposed to stand side by side with men in the progress and prosperity of this nation with rejection of all discrimination and deprivations. But beside infringement of other rights, in case of women, right of inheritance the right granted to them

by the religion Islam and the constitution, too, has grossly been violated and ignored in our society. (Rahman, 1998)

**4.5 Education**

Iqbal (1977) discussed that personal development, intellectual pursuits and the acquisition of knowledge are human rights that should be conceded to males and females alike, without discrimination. Islam allows for equal opportunities to both the sexes in the pursuit of knowledge. Here is nothing of the reaction or hatred that the modern society preaches. There is no derision, no underestimation anywhere. Each sex is encouraged to build up the individuality in every way. The Prophet (peace be upon him) he said, "It is essential for every Muslim man and woman to acquire knowledge". Women's guardians are advised not to obstruct their pursuits in education but to encourage them and provide them with opportunities. Allah says in the Quran: if any do deeds of righteousness, be they male or female and have faith, they will enter Heaven and not the least injustice will be done to them"(Sura-An-Nisa;4:124).

According to Najam (2004) In Pakistan the current literacy rate is 50.5 per cent, out of which 63 percent are men and 38 percent women. This tableau tells the tale of various homes in Pakistan who think that education is not the right of the girl child.

**5. Women Protection Bill, 2006**

The above mentioned social practices against women became the context of Women Protection Bill. In 2006, President Musharraf again proposed reform of the Ordinance. On November 15 2006, the "Women's Protection Bill" was passed in Pakistan's National Assembly, allowing rape to be prosecutable under civil law. The bill was ratified by Pakistan's Senate on 23rd November 2006, and became law after President Musharraf signed it on 1 December 2006. It was an attempt to amend the heavily criticized Hudood Ordinance laws which govern the punishment for rape and adultery in Pakistan.(Daily Times, 2006).

**6.1 Social Context of Women Protection Bill, 2006.**

The evil Un Islamic customs, prevailing in our society became the reasons approving amendments in Hudood Ordinance. The National Assembly of Pakistan would do away with "evil customs like vani [giving the hand of women to settle murder disputes], swara [forcibly marrying young girls to members of different clans in order to resolve blood feuds] and honor-killings" in the remainder of its tenure. This is a follow-up move on the Women Protection Rights Bill which was passed by the National Assembly on Wednesday.. The bill that passed on Wednesday is the first step of our government towards protection of women's rights, and the new bill is part of our agenda to ensure that their full rights are given to them.

- One, it seeks action against those who deprive women of their inheritance or property rights.
- Two, it legislates against vani or the custom of giving the hand of women, mostly under-age girls, to settle murder disputes.
- Third, it criminalizes forced marriages. And honor killing (karo-kari)

- Fourth, it proposes legal action against those who issue three divorces to their wives in one sitting.
- Fifth, it makes women's marriage with the Qur'an a crime.
- Sixth, it puts an end to the custom of watta-satta [bartering bride for bride]. (Chaudry, 2006).

**6.2 Religious Context of Women Protection Bill, 2006**

According to Usmani (2006) all major failings of this bill are based upon its amendments which are not according to the injunctions of Holy Quran and the Sunnah and subsequently, the religious context of the bill is very weak because of the following reasons: Under the Bill in question, the Hadd punishment of 'Zina bil-Jabr' has been completely abolished, which is in total violation of the injunctions of the Qur'an and Sunnah,

1. By removing Clause (5) of Section 2 of the Ordinance, which did not allow any government authority to reduce or commute the Hadd punishment once awarded by a court of law, the Bill violates the injunctions of the Qur'an and Sunnah.
2. By making Zina bil-Ridha and Fornication non-cognizable offence and offering the criminals various safeguards they have been virtually rendered unpunishable.
3. To compel the courts against awarding punishments to a culprit found guilty of other crimes as well is tantamount to encouraging the criminal and complicating the legal process.

**6. Objectives of the Study**

- To collect the views of teachers in higher education about the "Women Protection Bill 2006" in order to see its educational implications.
- Effect of the social and religious context of the bill on the future prospects/endeavors of female in higher education.

**7. Methodology**

The study was descriptive in nature because it describes the women protection bill implication in the higher education of the women. This study also elaborates the awareness of the women rights. Furthermore the study also describes the view point of the respondent about its social and religious significance.

The qualitative methods were used to get the opinion of the respondents. The interview was used as tool of research .The population the study were both male and female teacher of the public sector university fifty male and female, teachers taken as sample of the population from these Universities. Five male and female taken from each university, by using Stratified sampling techniques.

**8. Results and Discussion**

The analyzed result are as:

**Table 1: Awareness about Bill**

Responses	Male	%	Female	%	Total	%
Yes	27	54%	20	40%	47	94%
No	nil	0%	3	6%	3	6%

**Table 2: Knowledge about Bill**

Responses	Male	%	Female	%	Total	%
Anti Islam	11	22%	10	20%	21	42%
Good step	2	4%	5	10%	7	14%
Political issue	4	8%	2	4%	6	12%
Amendments	3	6%	3	6%	6	12%
Not Clear	1	2%	2	4%	3	6%
Different Views	3	6%	4	8%	7	14%

**Table 3: Educational implications of Bill**

Responses	Male	%	Female	%	Total	%
Strong Educational implications	15	30%	15	30%	30	60%
No Educational implication	12	24%	6	12%	18	36%
Uncertain	1	2%	1	2%	2	4%

**8.1 Awareness about Bill**

A proportion of 47 out of 50 reported that they have heard about the bill through different sources media, newspapers, 27 out of 47 were Male members, and 20 were the females among those respondents who heard about the Bill through different sources. Only 3 female teachers said that they unaware of the WPB.

**8.2 Knowledge about Bill**

Against this item, 21 out of 50 teachers in sampled, that it is an anti-Islamic bill, contradictory to the basic injunctions of Islam, 11 were the Male members, and 10 were Female members among those who heard about the bill through different sources. while 7 reported that this is good step for female’s protection and 2 were Male and 5 were Female who consider it as a good step for females.3 respondents, 1 Male and 2 female were not clear about its importance.6 reported that this is a political issue,4 were Male and 2 were Females among those. While 7 members, 3 Male and 4 Females had miscellaneous views about the bill, and 6 members, 3 Male, 3 Females were among those who reported that these are just amendments in the previous bill .

**8.3 Educational implications of Bill**

Against this item30 teachers out of 50 agreed and stressed on giving proper orientation to this bill in higher education in order to acquaint the students about their legal rights and duties,15 were Male and 15 were Female among these members. While 18 respondents, 12 Male, 6 Females, out of 50 were not agreed about any educational implication of the bill, and 1 Male, 1 female had no idea about its educational implication.

**Table 4: Views about Social and Religious Context of Bill**

Responses	Male	%	Female	%	Total	%
Previous Bill Is good	29	58%	6	12%	35	70%
Current Bill is Good	3	6%	5	10%	8	16%
Both Bill are Invalid	01	2%	01	2%	02	4%
Miscellaneous Views	01	2%	02	4%	03	6%
Not clear about Bill	01	2%	01	2%	02	4%

**Table 5: Effectives of bill socially and religiously**

Responses	Male	%	Female	%	Total	%
Not Effective in this regard	28	56%	12	24%	40	80%
Effective in this regard	03	6%	05	10%	08	16%
Miscellaneous views	01	2%	01	2%	02	4%

**8.4 Views about Social and Religious Context of Bill**

Against this item 35 teachers, 29 Male and 6 Females out of 50 teachers among those who reported, that the existing bill is religiously and socially weak as compared to the previous bill Haddood ordinance 1979, while 8 reported that it was good step for females for their legal protection, socially as well as religiously powerful 3 Male and 5 Females have this idea.1 Male and 1 Female were among those 2 respondents who reported that both bill are invalid, just confusing the public. While 1 Male and 2 Female respondents had miscellaneous views, while 1 Male and 1 Female were 2 not clear about the bill and did not answer.

**8.5 How much Effective socially as well as Religiously for Females in Higher Education**

Against this item, 40 out of 50 teachers in five sampled universities reported that this bill would not prove effective for the females in higher education and 28 were Male and 12 were females, who had this view point. while 8 respondents, 3 Male 5 Females were among those who reported that it will prove effective for females in every field and 2 respondents 1 Male and 1 Female were among those who had different views about this aspect of the Bill.

**9. Results/Conclusions**

The majority of the teachers reported that it is an anti-Islamic bill, contradictory to the teachings of Islam as presently the existing bill is based on Civil law rather than shariah law. They strongly condemn this bill and refer it just a political drama.In five sampled universities, majority of the teachers commented the existing bill is socially as well as religiously weak as the major amendments were made on the basis of civil law, through the deletion of Islamic punishments of some serious crimes and especially our females are taking a wrong impression of Women Empowerment on the basis of this bill. They also put emphasis on the proper orientation of this bill to both male and female students regarding their roles as a brother or sister, husband or wife, mother or father and some other maternal or paternal relations and they need to acquaint with their legal rights and duties according to the teachings of Islam, for the better and prosperous future and family life. The attitude of the teachers show that they are not satisfied with the religious and even social context of the bill, it is considered as anti Islamic bill. They argued it is rather an Anti Protection Bill. The women of our society can easily be misled by any propaganda, they are depriving of their rights from decades with the name of rights. The bill will have no impact on the social life of females; rather it is supporting them in their free will. Increase in rape cases and elopement cases, after its approval, is clear example of the destructive effects of the said Bill on the Pakistani society. There already many laws, legislature, which are not acted upon. The main thing is that everybody, both male and female

should know their legal rights and duties and also have awareness of religious rights and duties. This bill is indeed needed to be revised. It has certainly contradictory aspects with Islam and was not prove protection, rather it will prove destruction for society.

## 10. Recommendation

Following recommendation were made:

- It was highly recommended that the religious as well as social context of the Women Protection bill needs to be strengthen.
- All the members of Parliament and specially those wielding authority to kindly look into and try to amend the said Bill in order to bring it in conformity with the injunctions of the Holy Qur'an and the Sunnah and also to help the nation come out of the agony of confusion in which it has been cast.
- There is need to appoint separately one male and one female counselor who will be ready to solve student's different legal, psychological or issues due to gender indifferences.
- Community services is one of the objectives of the university education, therefore there is need to organize different types of seminars or trainings based on legal, religious or social rights , for female for local community in order to remove certain misunderstandings about in their minds.

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