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Aurat Foundation

Strengthening District Bar Association and Setting Up Facilitation KIOSK in Courts

Trend Analysis Report

of

**“Comprehensive Comparative Trend
Analysis of Judicial Precedents on Pro-women Laws”**

Conducted by:

AID Balochistan

Under:

Gender Equity Program of Aurat Foundation

Cycle: 8

Location: Lasbela



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Executive Summary

AID Balochistan is implementing a project of “Strengthening of District Bar Associations & Establishment Facilitation Kiosk in Court” under the Gender Equity Program (GEP) of Aurat Foundation by the support of the American People through the United States Agency for International Development (USAID) in the district of Lasbela.

This report provides insight of Women in Balochistan who is facing formidable challenges in their efforts to achieve gender equality & empowerment. Legal interventions through pro-women legislation have shown that women's empowerment in the province, is taking effect. To some extent women are now better protected from sexual harassment in the workplace & from domestic violence, since Acts on these issues were passed in 2010 and 2011 respectively. The recent laws have provided shelter and these platforms have developed advocacy strategies and held dialogues among the different segments of society. It is hoped that new laws will be better followed if mindsets & stereotypes are changed to better reflect equality & non-discrimination. These breakthroughs in law, and the advocacy surrounding them, have shown that there is commitment to securing women's empowerment in Balochistan particularly in Hub at every level. With further monitoring, support and the empowering of women's networks, these triumphs will hopefully translate into real and concrete change for women in District Lasbela. While feminists are actively engaged in women's rights activism in Hub, there are many legal professionals who also do this service, who do not consider themselves feminists. However their contribution for providing legal protection & empowerment to women is above all the social catalysts. Through time and space, women have been important advocates for social justice; however, much of the research on social movements focuses on male experiences or does not use a gendered approach in its analysis. The experiences of female activists, their motivations, and reasons for becoming involved in political action often differ from men and these differences are important to understand for future movement building. This collection of data discusses women activism & trend analysis in District Lasbela. This data best illustrates the wide variety of injustices women are facing to empower rectify as well as the challenges & successes. This trend analysis will inspire not only researchers but also the women advocates to social change, but to also explore how the social identity of women shapes their involvement in social justice work. In keeping with the notion of value, women's rights also involve valuing the work carried out by women, and providing them equal pay for this work. Women's rights is about valuing the input and opinion of women and thus ensuring that these viewpoints are included in decision-making processes, whether they are conducted in corporate or non-profit boardrooms, professional association committee meetings, school boards, city councils, legislatures, or the politics.

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ACRONYMS

S.No.	Acronym	Description
1.	ADR	Alternative Dispute Resolution
2.	CIET	Centre for International Education and Training
3.	DPO	District Police Officer
4.	FAFEN	Free and Fair Election Network.
5.	FIR	First Information Report
6.	KP	Khyber Pakhtunkhwa
7.	NGO	Non-Governmental Organization
8.	PPC	Pakistan Penal Code

Section 1 – Context

1.1 Introduction

1.2 Research Methodology

- a. Desk Research and Assortment of Available Information
- b. Survey of Concerned Communities
- c. Targeted Interviews

1.1 Introduction

The Justice system of any country is meant to protect and facilitate the marginalized segment of society like women to approach the competent courts and resolve their issues amiably. Regrettably, the existing judicial system in Pakistan has comparatively failed to deliver justice to the women in its true meanings. Their properties have been taken over by the land grabbers. They are forced to marriage or convert their religion. For, lack of interest on the part of administration is impeding the way of Access to Justice to bear fruit.

Violence against women is present in a variety of forms in Pakistan. From domestic abuse & sexual harassment to child marriages and honour killing; a range of anti-women atrocities are carried out. Pakistani women face systematic discrimination from the day they are born. The patriarchal mindset of society refuses to recognize them as human beings deserving of equality, human rights and justice. Unfortunately in some parts of Balochistan a brutal custom of justice prevails; where the women are treated as trading objects. They are being tried without hearing their cause. They are not allowed to plead their case. They are not even allowed to witness the trial being conducted against them. Thus twice as many women as men lost their lives to this most barbaric social custom.

On the other hand women are the invisible work force in Pakistan. Although they are in millions, they have never been counted to know their problems & issues or to know their contribution to the country and society. Even small children lend a hand with their mothers for the whole family earning; they do not gain anything in return. No social security and other legal benefits are provided to them. Existing labour laws do not apply on them as they are neither the employees of contractor nor worker at his place. Substantially they are being subjected to exploitation.

The women of Lasbela District, generally, are very poor, illiterate, unorganized, isolated, at risk to many diseases. Hence they are the neglected segment of society. They have never been supported to build their capacity for better production & earning. Consequently, their financial growth & social development has critically been suppressed. Women of Lasbela District are very potential skilled labour of Pakistan who, if empowered, can become an independent businesswomen entrepreneurs, artisans and craftswomen etc. As a result of such social & legal imbalance, most of them are at the verge of poverty line. Although recent governments have enacted many pro-women laws, however they lack proper implementation. Therefore there is a dire need to incorporate monitoring and evaluation mechanism in the legislative instruments to bring positive socio-democratic change in the society.

1.2. Research Methodology:

The three main tools have been used to conduct the research, which are under taken as follows:

- a) Desk Research and Assortment of Available Information
- b) Survey of Concerned Communities
- c) Targeted Interviews

The use of above listed tools is described below:

a. Desk Research and Assortment of Available Information

By utilizing this method much more information has been collected to serve the purpose of the study. Books on ADR, Reports of different Institutions, wide-ranging Internet, and, Publications and Documents have been reviewed to support the research.

b. Survey of Concerned Communities

It has been tried to collect the quantitative data by exploiting this method. Six communities were been invited to participate in the survey, and questionnaires were offered to them for the collection of data.

- 1 Local Authorities.
- 2 Police and Jail Authorities
- 3 Legal Community.
- 4 Judicial Community
- 5 Commercial Community
- 6 Local Community.

Through this method of research it has been strived to observe the comparative trend analysis to assess trend of judicial precedents on pro women laws including both positive and regressive in district court Lasbela at from 2010 to 2015

c. Targeted Interviews

Interviews had been done from the personalities having special experience in the relevant field. This activity has been exercised to look into the pro-women laws in district court Lasbela at Hub from 2010 to 2015

Section 2- Background of Study

2.1 Background of Study

2.2 District Lasbela at a Glance

2.3 State of Women Living in District Lasbela

2.4 Empowerment of Women

2.5 Social and Economic Well-being of the People

2.6 Status of Women related cases in Criminal Matters

2.7 Civil Cases Pertaining to Women

2.8 Women and Justice

2.9 Kinds of Women Subjugation in Society

2.10 Delay in Justice

2.1 Background of Study

Recently the legislature has passed many pro-women laws including Criminal Law (Amendment) Act, 2004, which has introduced many changes in the Pakistan Penal Code, 1860 and Code of Criminal Procedure, 1898. This law has introduced extensive changes in the criminal law to check the offences committed in the name of honour killing (though there is no honour in killing), Karo Kari/Siyah Kari. Although the said law has introduced severe punishments but there is no willingness in the society to accept the new law. The situation in the field remains same as before or after the promulgation of the said law.

Keeping in view the facts and figure of the instant case, it is understood that Sharia and law provide every protection to female. It is not the law but the cultural fabrics that should be blamed and punished which support the killing of women, without any crime. The non-enforcement and non-effectiveness of laws also create hindrance in the way to protecting the females. It is the duty of the state to protect them. In Pakistan; there is no mechanism of feedback on legislations. Once a law is enacted, there is no authority to monitor the effects of that particular law in the society. Government should evaluate that condition of female so that they could not become victims of male aggression. If a lacuna exists in the law or policy, it should be rectified immediately. Unfortunately this is not done.

It is known that all the laws of Pakistan affirm the supremacy of the sharia, (as the injunctions of Islam as laid down in the Holy Quran and Sunnah) as the supreme law of Pakistan. The Enforcement of Sharia Act, 1991 states that all statute law is to be interpreted in the light of sharia and that all Muslim citizens of Pakistan shall observe the sharia and act accordingly. Section 20 of the Act states that notwithstanding anything contained in this Act, the rights of women as guaranteed by the Constitution shall not be affected and their lives would be protected at any cost. Unfortunately, laws are in the books. In reality the gender discrimination over rules the legal system. Hundreds of women are being killed every year in the name of honour.

In Pakistani society which is largely dominated by males, women are treated like mere chattel. Where customs like Karo Kari (honour killings), Vinni and Swara (exchange of women to settle feuds) are considered as norms; where anti-women laws still prevail; where to discuss on sexual harassment is treated as a taboo subject and where the 'guardians' of religion disallow girls to attend schools. In some parts of Pakistan, women are not allowed even to exercise their basic & fundamental right to vote in elections. However, situation in District Lasbela, Balochistan is quite better.

Violence against women is present in a variety of forms in this Land. All such practices are the violations of the most fundamental human rights provided in the Constitution of Pakistan, 1973, yet not much has been done about it mainly because Pakistani women face systematic discrimination from the day they are born. On its part, the government has also been guilty of not implementing the laws protecting the rights of women.

Among other laws Protection of Women (Criminal Laws Amendment) Act, 2006, Protection against Harassment of women at the Workplace Act, 2010 and Domestic Violence (Prevention and

Protection) Act, 2010 are in law books. The Protection of Women Act, 2006 brought some relief to women who otherwise would have suffered hardships under the previous Hudood Ordinance, 1979. Besides other areas of concern that were left unaddressed in the Hudood laws, the definition of adulthood blatantly sanctions discrimination against girls. The law mentions puberty as defining adulthood, which is ambiguous as girls as young as nine years of age may attain adulthood. In this way, minors are liable to prosecution for sexual crimes, which is now repealed by new law. Although all recently passed Acts are drafted to protect women inside and outside the home and the intent behind these laws is definitely positive and a step in the right direction, but they lack in proper implementation.

This is obvious; if one looks at the context in which the relevant bills have been adopted, that Pakistani society has never been known for being women-friendly. True, women from the privileged classes have to a great extent managed to win several of those rights that are taken for granted by civilized societies, but life has not been easy for the vast majority. Even though the women's movement has helped in creating awareness about women's rights and has facilitated behavioural changes in large measure. However, the recent rise of the religious militant groups has caused a severe setback to the process of female empowerment in Pakistan.

2.2 District Lasbela at a Glance

District Lasbela takes its name from two words 'LAS' a plain and 'BELA' a jungle. Lasbela was notified as a district on 30th June 1954. District Lasbela is situated on the border of Sind- Balochistan provinces. It is bounded in the north by district Khuzdar, in the east by Malir and Karachi (West) districts of Sindh province, in the south by the Arabian Sea and in the west by Gwadar and Awaran districts.

The total area of the district is 15,153 square kilometers. Lasbela district is divided into three parts, the northeastern mountains and hilly areas, the southwestern hilly area and the central plain. In between the ranges important valleys, the Winder valley, the Wirahab valley and the Hub valley are situated. The area is drained by the rivers and streams flowing from the hills of Moro and Pub ranges in the north and east of the plain and Haro and Hala ranges lying close to the western boundary of the district.

For the administration purpose, District Lasbela is divided into 7 Tehsils i.e. Hub, Dureji, Lakhara, Sonmiani, Uthal, Bela, and Kanrai. District consists of 21 union councils including 14 rural and 7 urban, whose elected representatives formulate Zilla and Tehsil councils. Political constituencies include 1 national seat and 2 provincial seats of legislative assemblies. A network of metalled roads links the entire major towns and villages of the district. Lasbela's major lifeline is the national highway from Quetta to Karachi. There is no railway connection present within the district. The air link to district Lasbela is via Karachi.

The temperature ranges from minimum to maximum as 3°C to 17°C in January and 24°C to 38°C in June. Lasbela is one of the most fertile and productive districts of the Balochistan. Agriculture is the major sector of the economy and majority of the population is involved in this field. The main staple grain is wheat while other crops include castor seeds, sesame seeds, fodder and guar seed. Vegetables grown in Lasbela include onions, chilies, etc. and fruits include bananas, chicos, papayas, etc. Livestock is the second largest sector of the district's economy. Another major occupation is the services sector. Large number of laborers and others travel daily to Karachi.

2.3. State of Women Living in District Lasbela

Majority of poor women work with toddler in hand and simultaneously having another child in womb during their pregnancies as working in such circumstances is the clear example that how female workers work at their homes in District Lasbela. They are more vulnerable to be exploited because they don't know their rights. It is also necessary that there should be some authority or There are so many problems that they are facing like:

- Poverty and Illiteracy
- Poor health

- Lack of health care accommodations
- Nonexistence of labour union
- Low wage rate and irregular income
- Lack of information and guidance
- Long working hours in a day
- No access to the market
- Lack of support from organizations working with the female workers
- No forum available for skill development
- Lack of proper organization and vocational training to do work
- Dependent on the middle man while decision making

A number of problems faced by women originate from folk heritage as well, which carry certain legacies of cultural art and expertise with them.

2.4 Empowerment of Women:

In Pakistan women are facing many obstacles on the way of success. Those hurdles are preventing them to become productive and empowered citizens of the country. Women are also facing many issues including restriction on physical mobility, limited excess to the productive resources, lack of the support of family members and scant education.

The Articles 34, 25(3) and 37(e) ensure the empowerment of women and pronounce that steps shall be taken to ensure full participation of women in all spheres of national life. Whereas Article 25(3) speaks about the special provision related to the protection of women and children against any exploitative measures. However, failure of the government to bring the existing laws in conformity with the provision of ILO is a violation of the said article. Additionally for the equal significance; the Article 37(e) explains that state shall make provisions for just and humane conditions of work. It also allows for maternity benefits for women in employment.

	OVERALL		ECONOMIC PARTICIPATION		EDUCATIONAL ATTAINMENT		HEALTH AND SURVIVAL		POLITICAL EMPOWERMENT	
	Rank	Score	Rank	Score	Rank	Score	Rank	Score	Rank	Score
Gender Gap Index 2014 (out of 142 countries)	141	0.552	141	0.309	132	0.805	119	0.967	85	0.127
Gender Gap Index 2013 (out of 136 countries)	135	0.546	135	0.311	129	0.768	124	0.956	64	0.149
Gender Gap Index 2012 (out of 135 countries)	134	0.548	134	0.310	129	0.762	123	0.956	52	0.164
Gender Gap Index 2011 (out of 135 countries)	133	0.558	134	0.345	127	0.778	123	0.956	54	0.155
Gender Gap Index 2010 (out of 134 countries)	132	0.546	133	0.306	127	0.770	122	0.956	52	0.155
Gender Gap Index 2009 (out of 134 countries)	132	0.546	132	0.340	128	0.747	128	0.950	55	0.146
Gender Gap Index 2008 (out of 130 countries)	127	0.555	128	0.372	123	0.751	123	0.950	50	0.146
Gender Gap Index 2007 (out of 128 countries)	126	0.551	126	0.372	123	0.734	121	0.950	43	0.148
Gender Gap Index 2006 (out of 115 countries)	112	0.543	112	0.369	110	0.706	112	0.951	37	0.148

Chart showing Pakistan's performance and rank on the Global Gender Gap Index since 2006

In a report published on October 28, 2014 it has been declared that Pakistan has been ranked second to last for gender equality across the world in the Annual Global Gender Gap. The index ranks countries on gender equality based on government statistics in four categories: health and survival, access to education, economic opportunity and political participation. The annual Gender Gap Index by Geneva-based World Economic Forum shows Pakistan ranked 141st out of 142 countries in terms of economic opportunity and political participation for women, 132nd for access to education, 119th for health and survival and 85th for political empowerment. Neighboring countries of China and India were placed at 87th and 114th position, respectively. India was ranked 134th for economic opportunity and participation, 126th for education, an impressive 15th for female political empowerment but 142nd, the second last, for health and survival. China was ranked 76th for economic opportunity and participation, 89th for education, an impressive 72nd for female political empowerment and 140th, fourth last, for health and survival. With Pakistan at second last, Chad and Yemen were ranked third last and last, respectively. Iceland, Finland, Norway, Sweden and Denmark occupied the top five spots in the index while United States was placed at 20th position, thanks to a narrowing wage gap and more women occupying political offices. WEF began issuing its annual

Global Gender Gap Reports in 2006. Since then, Pakistan has consistently been in the bottom five ranks. Below is the detailed score and ranking of Pakistan in the 2014 Global Gender Gap Index¹ :

Pakistan

Gender Gap Index 2014

Rank **141**
(out of 142 countries)

Score **0.552**
(0.00 = inequality, 1.00 = equality)

Key Demographic and Economic Indicators

GDP (US\$ billions).....	146.88
GDP (PPP) per capita (constant 2011, international \$).....	4,360
Total population (millions).....	182.14
Population growth (%).....	1.65
Overall population sex ratio (male/female).....	1.03

	Rank	Score	Sample average	Female	Male	Female-to-male ratio	
Country Score Card							
ECONOMIC PARTICIPATION AND OPPORTUNITY.....	141	0.309	0.596				
Labour force participation.....	137	0.30	0.67	25	86	0.30	
Wage equality for similar work (survey).....	111	0.55	0.61	—	—	0.55	
Estimated earned income (PPP US\$).....	136	0.18	0.53	1,342	7,367	0.18	
Legislators, senior officials and managers.....	124	0.03	0.27	3	97	0.03	
Professional and technical workers.....	119	0.28	0.65	22	78	0.28	
EDUCATIONAL ATTAINMENT.....	132	0.805	0.935				
Literacy rate.....	129	0.63	0.87	42	67	0.63	
Enrolment in primary education.....	131	0.87	0.94	67	77	0.87	
Enrolment in secondary education.....	119	0.74	0.62	31	41	0.74	
Enrolment in tertiary education.....	103	0.95	0.88	9	10	0.95	
HEALTH AND SURVIVAL.....	119	0.967	0.960				
Sex ratio at birth (female/male).....	1	0.94	0.92	—	—	0.95	
Healthy life expectancy.....	128	1.02	1.04	57	56	1.02	
POLITICAL EMPOWERMENT.....	85	0.127	0.214				
Women in parliament.....	71	0.26	0.25	21	79	0.26	
Women in ministerial positions.....	138	0.00	0.20	0	100	0.00	
Years with female head of state (last 50).....	23	0.10	0.20	5	45	0.10	

2.5. Social and Economic well-being of the People:

The state is bound according to the provision of Article 39(b) to provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure. Moreover, Article 39(d) says that the state shall provide basic necessities of life, such as: food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, religion, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness, or unemployment. The constitution in the Article 37(a) has assured that the state shall promote, with special care, the educational and economic interests of backward classes or areas.

According to the instant survey it is observed that majority of women remain outside the scope of any protective legislation. Existing laws affected women workers mostly in the organized sector in industry and services. Below is an overview of important Pakistani labour laws which are affecting women:

- The Factories Act 1934 regulates the maximum working hours to no more than ten hours/day, provides for a compulsory weekly holiday, but is also discriminatory and pushes back the opportunities of employment for women by excluding them from lucrative over time.
- The West Pakistan Maternity Benefits Ordinance 1958 is a significant labour law for women which extended to the whole of Pakistan, but relates only to employment of women in factories and so excludes a large segment of women workers employed outside the factories.
- The Employees Old Age Benefits Act 1976 entitles to an insured woman on whose behalf contribution is paid, to receive equal (Equal to whom? To men?) benefits (What benefits are provided?). However, discrimination exists in the application of the law and where women are voiceless they generally fail to take action to obtain their rights. (So are you saying that the Pakistani social security net only protects individuals who participate in the formal economy? Can self-employed individuals pay into this program? How many people go without old-age benefits, and what happens to them?)

2.6. Status of Women related Cases in Criminal Matters:

The representatives of Aurat Foundation said that violence against women in Balochistan is at an immense level. He further said violence against women in Balochistan intensified in 2008, and Baloch society still adopts a defensive attitude and justifies the killing of women in the name of honour and tradition.ⁱⁱ In a dialogue with media representatives on 'Problems in accessibility of information about violence against women', the organisation said Baloch women were victims of violence due to widespread illiteracy, entrenched tribal traditions, distorted interpretation of Islam and economic dependence of women on men.

Cases: The organisation said around 600 cases of violence against women were reported in 2008, which included the murder of 89 women in the first nine months of the year. At least 115 women were murdered in cases of honour killing. The reported cases included 255 incidents of women being

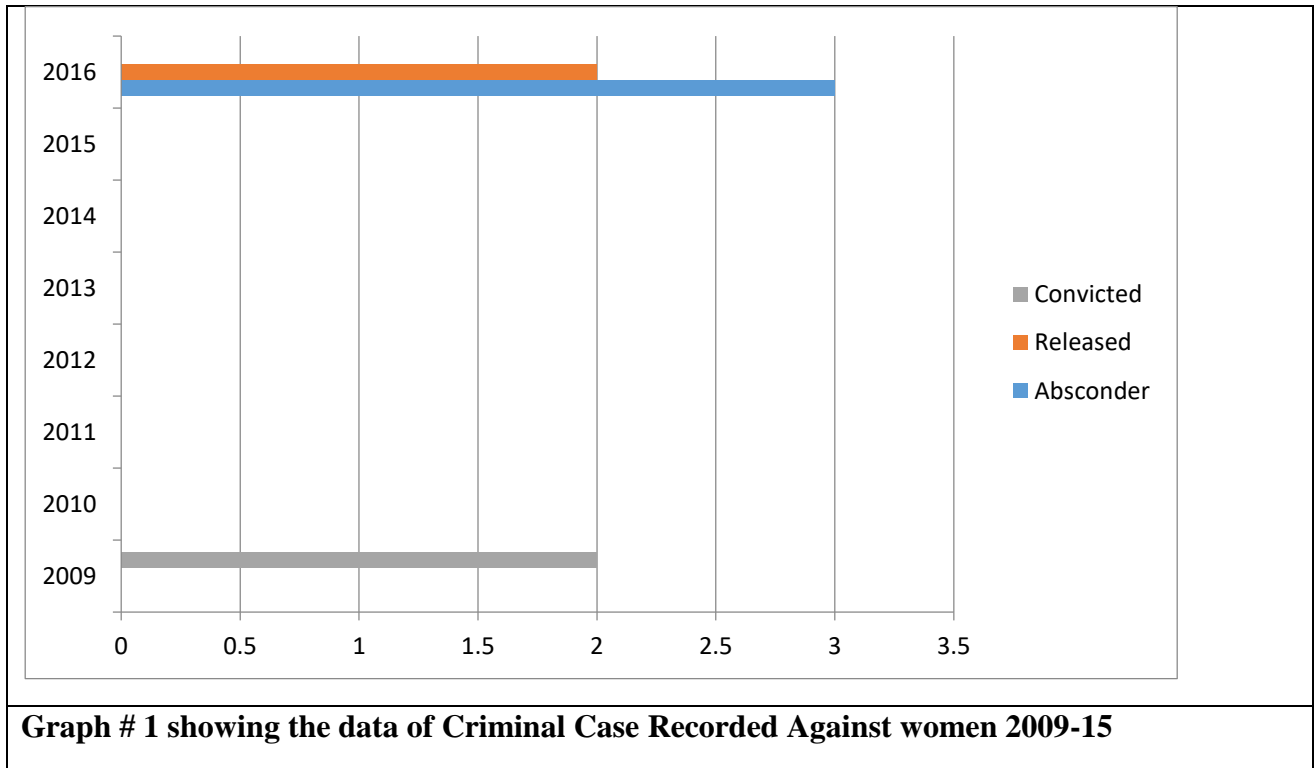
subjected to domestic violence. People are unwilling to discuss the violence as a majority of Balochistan people justify such acts in the name of tradition, it said. In some other cases, violence against women in rural areas remains unreported in media because of inaccessibility of the area as well as the dominance of men in society, who believe the publication of reports of violence against women amounts to the disrepute of their respective tribes.

The year's most disturbing news concerning the plight of women came from Naseerabad district in Balochistan, where five women were allegedly buried alive by tribal elders in the name of honour. Federal Minister Mir Israrullah Zehri and Ex-Senate Deputy Speaker Jan Muhammad Jamali defended the incident on the Senate floor and called it "a part of Baloch traditions" and the government failed to expose the culprits and the motives behind the killings. The Naseerabad killings still remain a mystery. "Violence against women is a global phenomenon. It takes place in different parts of the world under varying pretexts," Aurat Foundation Balochistan Co-ordinator Saima Javaid said. She said, "Our biggest concern is that such violence is unabated, rampant and unnoticed." Dostain Khan Jamaldini, a researcher, said various hurdles hindered objective reporting of women's issues in the province. He said violence against women is not taken seriously or addressed at the community level. ⁱⁱⁱ

Confront: Nationalist as well as communal sentiments and a colonial mindset confront those protesting violence against women. Political leaders remain defensive on the issue, and describe media and NGO reporting as an intrusion in internal matters and traditions. Similarly, communal segments of society dismiss such reports as Western propaganda against Islam. "We need to set our house in order before becoming defensive. The poor state of women's rights is a bitter reality in our society and we cannot ignore this serious matter for long under different subterfuges," Jamaldini said. The participants of the day-long dialogue agreed that print and electronic media could best highlight violence against women by describing it as a practice being promoted in the name of Islam and tribal traditions. Journalists and scholars should not use unqualified religious leaders as their primary source in write-ups and reports. Those who contend that Islam is responsible for the suppression of women and violence against women are oblivious to the true teachings of the religion. Islam gives equal status to women in the social, educational and economic spheres, according to one of the speakers. Illahuddin Khilji, another Aurat Foundation representative, said gender discrimination towards women by male lawmakers, journalists and religious scholars contributed to 'biased reporting' of events, while their female counterparts often exaggerated the issues in their reports. ^{iv}

The following graph shows the variation in criminal cases filed against women in District Hub. According to the Data collected from various Police Stations of Hub Districts, the highest number of cases in criminal matter recorded in 2016 whereas no criminal case was reported against any women from 2010 to 2015. It is also important that women are often indicted in cases of Control of Narcotics Substance Act (CNSA). According to the data retrieved, of the total women indicted in 2016 none was convicted whereas 02 were released by granting the benefit of doubt and 05 are absconder in the cases of CNSA.

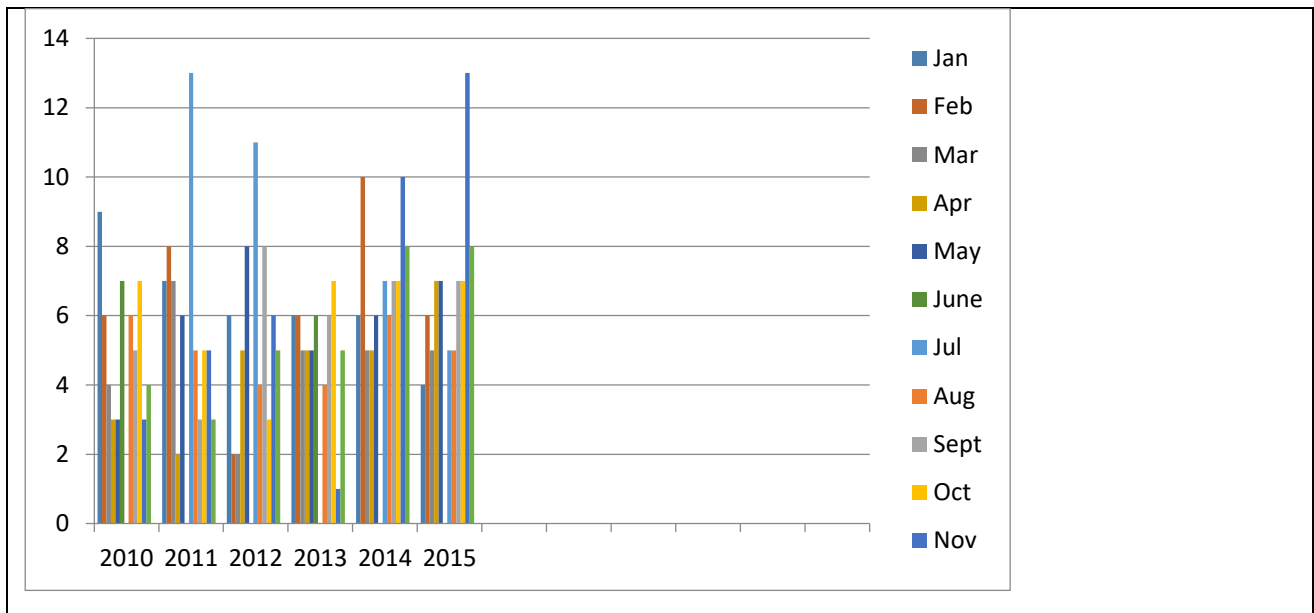
Criminal Case Recorded Against women 2009-15



2.7 Civil Cases Pertaining to Women:

Monthly Break up of Total Female Cases Heard in Civil Matter Hub District 2010 to 2015

Year	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec	Total
2010	9	6	4	3	3	7	0	6	5	7	3	4	57
2011	7	8	7	2	6	0	13	5	3	5	5	3	64
2012	6	2	2	5	8	0	11	4	8	3	6	5	60
2013	6	6	5	5	5	6	0	4	6	7	1	5	56
2014	6	10	5	5	6	0	7	6	7	7	10	8	77
2015	4	6	5	7	7	0	5	5	7	7	13	8	74
Total	38	38	28	27	35	13	36	30	36	36	38	33	388



Graph #2 Monthly Break up of Total Female Cases Heard in Civil Matter Hub District 2010 to 2015

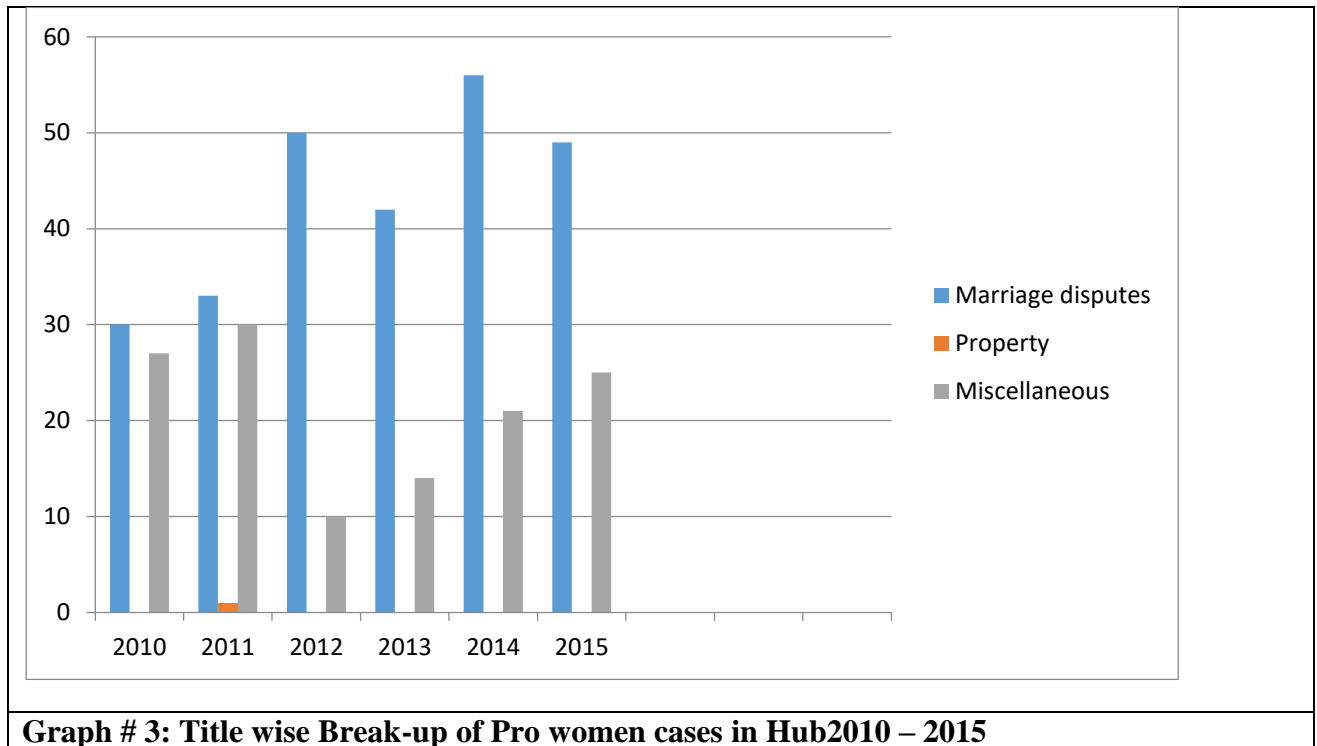
The data collected from the official record of Civil Courts in Hub shows a steady rise in approaching the court for remedy from 2010 to 2015. The total cases filed by women for the enforcement of their civil rights were 57 in 2010 that rose to 77 in 2014. Keeping in view case burden of courts, the High Court of Balochistan announces Summer Vacation either in June and July. Hence, the flow of cases drops even to 0 or to 1 in these months. The highest number of cases fixed for hearing can be observed in the months of November and February.

The table depicts how grave the matrimonial dispute is in the Hub District of Balochistan. There were total 388 civil cases filed before the courts of law in the district from 2010 to 2015. Of these cases 260 cases pertained to Marriage disputes such as Suit for Dissolution of Marriage on the basis of Khula, Suit for Maintenance, Suit for Recovery of dowry articles etc. The large portion of the matrimonial disputes pertained to the Suit for Dissolution of Marriage. It is important to mention here that according to Family Law of Pakistan “Khula” – the right of divorce by women – can only be demanded if a husband subjects his wife to torture or any other kind of cruelty. Therefore, filing such cases in such a high rocketing number shows how the women are prone to domestic violence.

It is also very important to mention here that during 6 years only one case pertaining to property was filed before any civil court in Hub District. Indeed, it reflects the socio – economic condition of women in Balochistan. Since women are not given their due share in property and inheritance, therefore, women do not consider themselves to be entitled to such rights and they refrain from seeking any legal remedy.

Title wise Break-up of Pro women cases in Hub2010 – 2015

Year	Marriage disputes	Property	Miscellaneous	Total
2010	30	0	27	57
2011	33	1	30	64
2012	50	0	10	60
2013	42	0	14	56
2014	56	0	21	77
2015	49	0	25	74
Total	260	1	127	388



2.8 Women and Justice:

“No respected woman would ever knock at the door of police or court” said a woman in an interview when asked why majority of women refrain from approaching the court to solve their problems.

Indicating the grimmest scenario, the general mindset of women in Pakistan is worrisome as they are considered most vulnerable to injustice and domestic violence owing to their lack of awareness and low literacy rate. However, their reluctance to approach court is just adding fuel into fire. Therefore, when interviewed by CIET – a Canada based NGO – majority of the women in Balochistan were found against of approaching the court for their indoor and outdoor disputes. Women were asked if they knew organization that offers legal assistance and if they knew the locality of their local police station. Shockingly, only one out of ten women was found to have known any such organization that offers legal assistance. However, of those who said yes, eight out of ten could give the name of the organization. Astonishingly, 41% of the women gave the name of Edhi Trust – a charitable and social welfare organization – as an organization that offers legal assistance to women. The Edhi Trust is well advertised and provides social assistance to women in need, but it does not provide as such legal assistance.

Another important indicator with regard to women participation in the administration of justice is the registration of First Information Report (FIR). The prime objective of lodging an FIR is to bring the law into motion. Therefore, once an FIR is registered, the case will undergo further investigation and a case will open. From institutional review of police record, less than one half of the complaints (167/365) registered as FIR went on to be filed as cases. Surprisingly of all the cases filed only two percent (3/167) were from women.

There can be many reasons why poor people are unable to use the law to obtain the protection to which they are entitled. Sometimes laws are not framed in their favour. For example, in South Asia many laws contain provisions that discriminate against poor people and/or women. They were not designed to enhance government accountability or promote citizen rights. Poor people are unlikely to know what their rights are or be able to pay for legal advice or representation.

2.9 Kinds of Women Subjugation in Society:

1. **Crime against Women:** Crimes against women in Pakistan increased by 7% as 57 districts reported 982 cases in May 2012 compared to 922 in the same month last year. However, over the last few years, a 31% increase was reported in such crimes with 746 FIRs lodged in May 2010, says a Free and Fair Election Network (FAFEN) report.
2. **Sawara:** Swara is a child marriage custom in tribal areas of Pakistan and Afghanistan. This custom is tied to blood feuds among the different tribes and clans where the young girls are forcibly married to the members of different clans in order to resolve the feuds. It is most common among Pashtuns.
3. **Vani** (Urdu: ونی) is a child marriage custom in tribal areas of Pakistan. Besides tribal areas, it is widely followed in Punjab in Pakistan. This custom is tied to blood feuds among the different tribes and clans where the young girls are forcibly married to the members of different clans in order to resolve the feuds. The Vani could be avoided if the clan of the girl agrees to pay money, called Deat (Urdu: دیت). This custom is illegal in Pakistan but still

practiced in some areas. Recently the courts in Pakistan have begun taking serious note and action against the continuation of the practice. This is a serious crime in Pakistan.

4. **Harassment:** A notice in the Media recently by the Punjab ombudsperson on the issue of Harassment at work place against women reiterated the legal requirement for Public and private sector organization to constitute inquiry committees to address complaints. Further, the notice gave intimation of a province – wide initiative in Punjab to raise awareness about the issue and the legislation pertaining to it. Two recent cases have sparked some debate on whether the legislation goes far enough. In these, the accused argued that behavior of a teacher towards an individual not employed by the educational institution – such as a student – does not fall within its ambit. Senator Farhatullah Babar made an unsuccessful attempt to have this perceived lacuna corrected through an amendment. Many women’s rights activists hold that the definition of ‘complaint’ within the law makes it clear that it is applicable to a student – teacher relationship as well. Indeed, most of the initial cases under this act that emerged in the media pertained to harassment of student by professors and in none of these was its ambit point of contention. .
5. **Domestic Violence:** Domestic violence legislation enacted so far only in Sindh and Balochistan, is one example. Let alone the formation of protection committees required by the law, not even the rules of business have been drawn up under the relevant act in either province.
6. **Acid Attack:** An amendment has been brought in PPC in 2011 that criminalized acid attacks: this was to be followed by comprehensive act to strengthen the process of investigation of the crime and conviction of the accused. A bill to that effect has yet to table in any province.

2.10 DELAY IN JUSTICE.

In Pakistan, one serious drawback of the administration of justice is delay. Delays invariably occur in the disposal of civil and criminal cases. It is normal for an ordinary civil suit to linger on for as long as two decades, and on the completion of the trial, perhaps another half a decade passes by in the execution of the decree. In criminal cases also, the situation is quite dismal. Unusual delays occur in the disposal of cases by the courts. An example of unusual delays is manifested by the fact that, according to a rough figure, currently more than two-thirds of the jail inmates comprised of under-trial prisoners. Such phenomenon erodes the trust of the people and their confidence in the administration of justice. Delays in the settlement of civil disputes, besides causing frustration to the litigant public, also hamper the socio-economic development of the society. It serves as a disincentive to foreign investment in our economy and affects our trade relations with foreign governments/ multi-national companies. The Pakistan Law Commission has taken cognizance of the issue and observed that “the civil and criminal justice system in Pakistan is confronted today with serious crises of abnormal delays. Delay in litigation of civil and criminal cases has become chronic and proverbial. The phenomenon is not restricted to Pakistan; it is rather historical and universal. It is inherent in every judicial system which meticulously guards against any injustice being done to an individual, in a civil dispute or a criminal prosecution. A paramount principle of the criminal justice system is that an accused is punished only after his guilt is proved beyond reasonable doubt. Similarly, justice demands that in the trial of a civil case, the dispute must be decided strictly in accordance with law and on the principles of equity, justice and fair play. Such universally recognized and time-tested

principles are in accordance with the injunctions of Islam as the Holy Quran ordains that Muslims must eschew injustice, coercion, and suppression”.¹

Mr. Faisal Siddiqi In an article “Is speedy justice possible?” Says that WHY did the Chief Justice of India (CJI) recently break down in tears? Because of the huge pendency of cases before the Indian courts. It is not clear what the real figure for pending court cases is in India but they are certainly over 20 million. By one reliable estimate, they may number between 26 to 27million. But what made the CJI tearful is the realization that it may now be an impossible problem to solve especially in view of the constant avalanche of new cases. Why is delay in court cases a problem? Firstly, justice is only possible if your case is heard and decided. This is the minimum requirement of justice. In actual fact, most people are looking for closure of their disputes, and a decision, even if it goes against them. Secondly, justice delayed is justice denied. Anyone who has any experience with the judicial system understands the destructive and corrosive effects of justice delivered after many years of delay. Thirdly, expeditious justice is both a fundamental right of every citizen under Article 9 and a fundamental responsibility of the state under Article 37(d) of the Constitution. If the state (i.e. government, judicial system) cannot deliver expeditious justice, it is a failure of its constitutional obligations. Is speedy justice possible in Pakistan, or should Pakistani judges also be tearful like the chief justice of India? Understanding the numbers: On the basis of the official statistics available up to Dec 31, 2014, there are 1,754,420 cases pending in the Supreme Court, Federal Shariat Court, high courts and the district courts in Pakistan. The breakdown is as follows: Supreme Court (22,764), Federal Shariat Court (1,014), Lahore High Court (164,683), Sindh High Court (70,046), Peshawar High Court (27,541), Balochistan High Court (5,279), Islamabad High Court (14,500), Punjab district courts (1,161,524), Sindh district courts (127,314), KP district courts (145,203), Balochistan district courts (9,458), and Islamabad district courts (27,858). In addition to these cases, on the basis of official statistics available up to Dec 31, 2013, there are 123,531 pending cases before the various special courts and tribunals (e.g. anti-terrorism courts, national accountability courts, banking courts etc.). Therefore, the grand total of all cases pending before various courts is 1,900,715 and even if the statistics are updated, it is most probably around 2.1million cases. A more detailed scrutiny of the statistics reveals as follows. Firstly, the delay in case disposal is further complicated by the avalanche of new cases. For example, the Punjab district courts in 2014 disposed of 1,885,534 cases but there were 2,037,110 fresh cases instituted before it. Another example is the Lahore High Court which in 2014 disposed of 152,776 cases but there were 144,422 new ones instituted. Secondly, pendency is unevenly distributed across Pakistan and is not necessarily proportionate to size and population. For example, there are more cases pending in the Islamabad High Court (14,500) and Islamabad district courts (27,858) than in the Balochistan High Court (5,279) and the Balochistan district courts (9,458). Also, there are more cases pending in the KP district courts (145,203) than in the Sindh district courts (127,314). Thirdly, even within each province, there are more cases pending in certain districts than in others. Fourthly, even within each high court, there is a pendency concentration of certain kinds of cases. For example, in the Sindh High Court, a major portion of pending cases consists of civil suits and writ petitions. Fifthly, there is a pendency concentration in certain special courts and tribunals. For example, there are 43,130 and 13,954 cases pending in the banking courts and the appellate tribunal inland revenue respectively as compared to 2,505 cases in the anti-terrorism courts. Possible solutions: Unlike the over 20m cases pending in the Indian courts, a two-million case pendency in the Pakistani courts is a solvable problem. But note that, 15 years from now, this pendency can easily reach to 5m on the basis of the current avalanche of new cases. Although numerous solutions can be

¹ Pakistan Law Commission, Pakistan Law Journal Report.

proposed, the following suggestions are critical. Firstly, the solutions to the problem of delayed justice must come from the judiciary itself. The judges are the foot soldiers in this battle against the pendency of cases, and the feedback regarding the problems faced by them in the management of this is critical to any solution. Part of this solution is an indigenous management strategy regarding case pendency which is both relevant and practical to Pakistan and not to England. We must abandon our colonial mindset. Secondly, the problem is: there are too few judges chasing too many cases. Moreover, there is a concentration of case pendency in certain courts, in certain territorial areas and in certain categories. True, there should be a general increase in the number of judges in all courts. But as the above statistics show, some courts need more judges than others. Therefore, all current judicial vacancies need to be filled and the number of judges should be increased in specific high courts and specific district courts with high-case pendency. Thirdly, it is not possible to reduce the delay in all pending cases. Therefore, in the short and medium term, pendency in cases of public priority should be targeted for reduction e.g. older cases pending since before 2000, terrorism cases, criminal cases involving persons in custody, women and minority rights cases, selective commercial cases, tax cases etc. Fourthly, simplification of the law relating to case procedure, especially the law of evidence and reform of the appeals process, is needed. This is where the legislature must act. As compared to a judicial commission on the Panama leaks, what is more urgent is a judicial commission on the issue of delayed justice. Trying to solve this problem now may help our future chief justices and judges celebrate instead of shedding tears over the Pakistani judicial system.

Section 3- Comparative Analysis

3.1 Analysis of Crimes against Women

3.2 Why Laws are failed to give property rights to Women?

3.3 Way to improve the financial condition of women of Lasbela District

3.4 Why do most laws fail to bring change in the Society?

3.5 Why Laws are failed?

3.1 Analysis of Crimes against Women:

According to a report published in Daily Newspaper it could not be ascertained if the increase in rate of crimes against women was due to occurrence of more crimes or an enhanced reportage in certain parts of the country, or both. The report is based on data collected from District Police Offices (DPOs) in May 2010, 2011 and 2012 on FIRs registered for six categories of crimes against women in 57 districts. The crime categories include honour killing, forced marriage, offences relating to marriage, rape, attack on modesty and insult of modesty through word, gesture or act.

On the other hand, the cases and number of districts reporting forced marriages came down over the year. Despite a decrease from the previous year, the number of cases filed for forced marriages was the highest among all the reported anti-women crimes. As many as 341 cases were reported in 27 districts in May 2016

3.2 Why Laws are failed to give property rights to women:

- Unavailability of laws. Despite the prevailing illiteracy among the citizens of Pakistan, the government has not made any effort to make the laws & rules already available to its beneficiaries.
- Most laws are written in English, which is not the mother tongue of the citizens of Pakistan, therefore, generally laws are not understood, hence not implemented.
- Most laws are enacted in haste. There is no mechanism of research for bringing new laws in field. The laws schools should be kept in loop while working on laws. No institution can single handily work on every law, for every law differs in nature, with rest of laws.
- In most of laws the drafters speak about the role and duties, so people avoid working under the specific law.
- Normally, wordings used in legislation are vague, too technical, ambiguous, and provide discretionary powers.
- Rules do not allow transparent, accountable and participatory implementation.
- Unnecessary and unbridled powers to the registering authority may lead to corrupt practices and arbitrary decisions. All the relevant agencies must work like a team.
- There is inconsistency of laws with social and cultural norms of society
- There is no mechanism of feedback and evaluation in our laws. Thus old laws and rules could not be implemented in ever changing ground realities. A statute must incorporate feedback system, as without it implementation cannot be evaluated and amendments cannot be incorporated.
- Our property laws are designed to serve the interest of upper class, thus the deprived and poor female could not be benefited.
- Prevailing culture of corruption and nepotism in our system.

3.3. Way to improve the financial condition of women of Lasbela District

The issue and problems of women are very much complicated, simply because there is no authentic data available to address the issues. With a view to provide legislative protection, welfare measures and social security is to be provided at earliest; as they have been totally neglected. After the long struggle of social workers the government proposes to establish a monitoring committee to protect the rights of women in Balochistan; which has not yet been declared in true spirit. The elements that could go into the preparation of this document could, inter-alia, include survey of women, provision of legislative protection, occupational health and safety, provision of social security, prevention of child labour & forced labour, access to training and provision of other welfare measures. However, the following recommendations are suggested by the core group of social activists who are working for the welfare of women:

i. Make the Issues Visible:

- Collect information and every detail including micro level surveys.
- Disseminate information based on research among stake holders.
- Arrange exposure visit of workers groups to other worker places.
- Document the specific needs of women in District Lasbela.
- Make relevant local line departments aware about the rights available to women.
- Provide information to the print and electronic media about available to women issues and growing problems.

ii. Networking and Linkages Development:

- Strengthen networks of support organizations.
- Strengthen linkages among organizations working for women's rights.
- Establish the representative women focus groups.

iii. Skills Building of Women

- Initiate capacity building programs and workshops.
- Motivate the Provincial Governments to establish Training Institute in the districts for their capacity and skill buildings.
- The institute shall conduct survey and research for requisite trainings needed for capacity building of local females.

- The institute shall also conduct seminars, conferences and workshops inviting females and other stake holders for short term trainings, counseling and exchange of valuable information.

iv. Financial empowerment.

- Establish women incubation centers & exhibition markets where female workers can sell their products by their own. This will also reduce the role of subcontractors. Small and Medium Enterprise Development Authority (SMEDA)'s concept of women business development centre is an ideal to solve the problems of business linkage of female entrepreneurs. The business incubation centers will be an impetus for the business development of female entrepreneur.
- Establish a model display center at the district level to exhibit the selected products of female workers;
- Create employment exchanges at the district / Tehsil levels where employers and employees can be registered.
- Develop entrepreneur skills within female workers groups.
- Train group of female workers to manage their own businesses.
- Get the assistance and guidance from SMEDA to make the female workers as entrepreneurs rather than working as low class manual workers without due compensation.
- Reduce production costs by sharing information about available resources of cheap raw material & facilitate female workers groups so that they can get the maximum profits themselves.
- Support organizations needed to understand how market works (supply, demand, seasonal products and innovations in products.) and conduct market research. This information should then be shared with female workers groups.
- Larger organizations can do on line selling of female workers products through the internet. This should also be done by female workers group/ cooperative societies.

v. Provide Social Security:

- Provide health & safety information to prevent work related risk & injuries.
- Provide protective equipment and clothing (such as gloves) where these are appropriate.
- Research and disseminate information on best practices.
- Coordinate with related organizations for identifying & removing hazardous conditions for female workers

- Discourage child labour in the district.
- Establish health counters at each district and arrange mobile health units for providing health facilities to female workers to their door steps by repeated visits to their work places;
- Run national level campaign on the issues of social security rights and facilities.
- Lobby for links for female workers to existing welfare schemes such as the Old Age Benefits Institute etc.
- Provide referral services to female workers groups about organizations & institutions providing low cost health care, education, soft loans and legal aid services.
- Establish care centers for children of female workers close to their homes.
- Collaborate with insurance companies to insure female workers against the natural, social and individual crises that threaten their lives and work.

Female are the marginalized segment in Pakistan. Although they are in millions, yet their voice has never been heard by the policy makers of Pakistan. Resultantly they are being subject to exploitation by their male counterpart. The Government of Pakistan, in collaboration with and participation of all stake holders, shall come up with a definite plan addressing the legal, social and physical needs of females as identified hereinbefore and ensure real legal protection by proper legislation. They need to be organized for the provision of social security and other benefits. There is a dire need to build their capacity to get their best products. Common Facility Centers and other allied services should be provided to them so that they may produce the quality standard products. Instead of leaving them in the manipulative hands of men, they should be facilitated with the micro credits so that they become the small entrepreneurs. The government and other social organizations may help them to exhibit and market their products to the end users by facilitating them in participating in local or national exhibitions.

vi. Lacunas in the Legal System

It is commonly understood that a state which adopts a culture of governance is one which embraces a wide scope of political participation, an honest management team working for socio-economic development, a vibrant civil society and media. In such like state viable democratic institutions promote and integrate women and minorities in all levels of the government and society as a whole. Likewise, a state which embodies the culture of governance is one which protects the rights and dignity of women, children, minorities and marginalized people. The foundation of good governance rests on credible, effective and productive institutions; which are the creations of effective and beneficial laws.

The sphere of governance includes promoting & strengthening democracy which means the separation of power & independent institutions; working within the legal framework; to accommodate accountability & transparency in every institution. The relationship between government and the citizens can be best judged by the quality of governance. If the government serving the people for

growth & development by best utilizing economic and social resources, it can be termed as government having “ Good Governance ” by involving all the stake holders like the corporate private sector and civil society by addressing the issues of accountability, transparency, participation, openness, rule of law and predictability. It is also put positive effect for reduction of poverty and inequality.

In a third world country like Pakistan; the absence of citizens' vigilance can give way even to the elected governments to turn into despotic regimes, which protects the vested interests and least bother to protect the fundamental rights. It also does not cater the needs of people in general and marginalized sections of society in particular. On the contrary, if citizens are active & vigilant and engage themselves in the law making and governance processes, it is sure that the government's policies and priorities would protect and safeguard their interests & aspirations. Thomas Jefferson rightly says “The price of freedom is eternal vigilance”.

Active participation enables citizens to keep themselves informed about how their government functions and then take initiatives to influence public policies for appropriate reforms. Pakistan, however, presents a situation where citizens generally remain disengaged from the governance process. On many occasions, vested interests have captured governments and effectively dismissed even the need of holding free and fair elections. But even when people were consulted, they were not necessarily able to make the best choices in view of information gaps and manipulations in the political process. Worst of all, after having elected a government, citizens and civil society groups in Pakistan, find themselves completely helpless to hold the government accountable and answerable to fulfill their promises. It is, therefore, extremely important that the citizens and civil society groups not only work for informed voter choices during elections but also learn effective ways of engaging elected representatives on critical issues of public concerns.

The quality of governance is directly proportional to the human development; which is best achieved through devolution of power and ensuring socio- economic justice. In Pakistan three core areas needs immediate attention:

- (i) devolution of powers ;
- (ii) strengthening governing institutions; and
- (iii) Provision of economic opportunities & justice to marginalized classes.

To check corruption and to promote accountability, the feedback mechanism of enacted legislation should be used while drafting public laws. It will also limit the misuse of the discretion by reducing the unbridled powers of the officials for the good of the people.

Living in the age of transparency, a visible change must be brought in the culture of all financial players. Civil services, police, judiciary and local governments should be the key areas of governance that would occupy the reform efforts. In its true essence, the rule of law limits the discretion of officials, and providing a process by which errors or abuse of discretion can be corrected. Some discretion is unavoidable, because law cannot anticipate every eventuality or how to decide which law may apply to a given situation. What guidance the law cannot provide is supposed to be provided by standard principles of justice and due process, reason, and the facts of each case. Ideally, officials should be mutually consistent and interchangeable, making similar decisions in similar cases, so that no one can gain an undue advantage by choosing the official or exercising undue influence on the

official or on the process he operates. Public trust officials to exercise such discretion in accordance with law and justice and to save them from government that is arbitrary, discriminatory, unjust, prejudiced and corrupt.

Failure in the implementation of law is big challenge in Pakistan. In Pakistan most of the laws are available in books instead of being implemented on grounds. Sometimes the relevant agency itself is unaware about the existence and amendments of such laws. This speaks the failure of communication between legislature and the relevant quarters. One can easily observe that most of the laws are failed in their proper implementations. Most of the laws which were enacted for the protection and welfare of women like The Prevention and Control of Human Trafficking Ordinance (2002) Prevention and Control of Human Trafficking Rules (2004); Criminal Law Amendment Act, 2004 (Honour Killing); The Protection of Women (Criminal Laws Amendment) Act, 2006; Domestic Violence (Prevention and Protection) Act, 2009; Protection against Harassment of women at the Workplace Act, 2010. (Criminal Law (Amendment) Act, 2010 (section 509); The Criminal Law (Second Amendment) Act (2011) Bill (Acid Control and Acid Crime Prevention Act 2010.); and The Criminal Law (Third Amendment) Act (2011) Prevention of Anti-Women Practices Swara, other offences against women) are completely failed to bring the desired socio-economic change in the society.

Therefore, it is wise to answer some question while observing the benefits of any laws, such as, why is the law unable to achieve its objective of social and behavioural change? Why there is lack of law enforcement? Why do some groups in a society make mockery of law? Why is enforcement of law discriminatory or selective? Why there is chronic problem of law and order? Why are there feelings of insecurity? Why is society not developing and advancing? Who is responsible for all failures of a system? and why criminals or violators are so powerful that they are violating law on the face of law-enforcers?

Answers of these questions will help us to redefine Pakistan's legislative policy and to bring laws which are effective, useful and beneficial. This research thesis is an effort to find out the basic problem of poor implantation and enforcement of laws. It should be very much clear that a bill has always been the result of a lot of research work at different stages like well-trained legislative drafter, interest of stake holders, participation of organizations & government departments. As soon as it is shaped into a well versed piece of legal instrument, it takes no further time to be declared as the 'Draft Bill'. However the mover of the bill needs to clearly mention the pros and cons of the bill. It should clearly project the farsightedness of the legislative planners that how the bill would be exactly implemented to achieve the maximum results. It should also defend the different stages of implementation. It will help the bill to be protected during different stages of legislative process.

If not fully justified and protected during different stages of legislative process it may die down at any stage. Even at the introduction stage, at committee deliberations stage, during consideration by the legislature or at final stage of its passage. However, it is not the end of this long list of quality tests, finally it has to pass the qualitative scrutiny of the sovereign before receiving the stamp of sovereign approval or consent in the form of "assent". Therefore, a bill has to be based on solid grounds of intellect, ground realities and in line with political, social, economic and cultural parameters of society.

There is long hard work before the bill gets the sovereign stamp. Keeping in view the long waiting list of bills it is said that only the best and supported bill can see the light of realities. The elected

government has to face serious threat of its voters while passing any disputed or controversial laws. Therefore, it takes enough time in collaboration and consultation during the different stages of bill to avoid possible resistance from the masses. The legislative process in Pakistan is well defined in the Constitution of the Islamic Republic of Pakistan, 1973, which is further supported by the Rules of Business, 1973. Therefore, the Senate and National Assembly have to follow the Rules of procedure and Conduct of Business in the Senate and National Assembly for the regulation of legislative activities. Likewise the Provincial Assemblies have to follow the apex law making organs.

Above all, it is said that the taste of pudding lies in its eating. After all the completed and complex process of becoming an act., if a law does not have the capability to bring desired social economic change in the society, then all the efforts and process is aborted. The real test of any bill lies on the actual ground of its implementation. In most of the Pakistani laws there are some inherent flaws which hinder laws to be effective. These flaws obviously are poor governance, lack of education and legislative skills of parliamentarians, institutional failure, apathy of citizens towards rule of law, lack of viable policies, and feudalism. These together do not like to bring any socio-economic changes in the society and to empower the poor people.

3.4 Why Do Most Laws Fail To Bring Change in the Society?

In Pakistan every one criticizes that "we have good laws but they are not effective ". This statement contradicts itself. How a law can be termed as 'good' when it does not work? 'To assess whether a bill will work, one must determine whether it, or other existing law, adequately provides for its own implementation. Legislative drafting theory suggests that the drafter should not focus only on the bill's broad 'policy,' The drafter should also give special attention to ensure effective implementation of the intending bill or existing law. It is commonly known that a law 'works' when it induces the behaviour it prescribes. Is it a "good law" which fails to improve the problematic behaviours? The utility of laws can be best judged by its utility to curb a social problem. ?

It is the basic duty of every citizen to obey the laws of the state, yet at the same time he has absolute right to know the laws which impart rights unto him. However, if a bad law and in some cases lemon law is enforced by the state; the subjects would try to avoid its enforcement. This is due to the infertility of law that if a law does not supports the emotions, feelings and cultural norms then the possibility of its enforcement is decreased. A law which is not supported by the will of people; opens the doors of corruption and evil practices. People try to avoid the execution of law even by paying huge bribery to the enforcement agency.

It is common saying the more the laws, more the chances of their failure. Because existence of many laws give birth to confuse situation and the opportunists takes the chance to fulfill their ulterior interests. The legal system of any country should be based on few, simple, clear and understandable laws which will be enforced by the common person even. It will make the legal system ambiguous and vague. The complex legal text and technical verbosity guarantees the non-execution of the particular law.

3.5. Why Laws are failed:

In Pakistan most of the laws are failed due to:

- Unavailability of laws. Despite the prevailing illiteracy among the citizens of Pakistan, the government has not made any effort to make the laws readily available to its beneficiaries.
- Most laws are written in English, which is not the mother tongue of the citizens of Pakistan; therefore, generally, laws are not understood, hence not implemented.
- Most laws are enacted in haste. There is no mechanism of research for bringing new laws in field. The laws schools should be kept in loop while working on laws. No institution can single handedly work on every law, for every law differs in nature, with rest of laws.
- In most of laws the drafters speak about the role and duties, so people avoid working under the specific law.
- Normally, wordings used in legislation are vague, ambiguous, and provide discretionary powers.
- Sometimes rules also permit or allow problematic roles. e.g. if government persuades farmers to use fertilizers, it may enhance water pollution.
- Rules do not allow transparent, accountable and participatory implementation.
- Unnecessary and unbridled powers to the implementing officer may lead to corrupt practices and arbitrary decisions. The implementing agencies must work like a team. An organization can only do what its members can do individually.
- All previous governments' attempts to script and execute anti-terrorism laws failed partly because they were ill conceived & poorly enforced and partly due to misuse of resources.
- Generally the government is carried out through issuance of Ordinances instead of bills, which is normally to save time and to avoid opposition. Thus less participation makes the laws ineffective.
- There is inconsistency of laws with social and cultural norms of society
- No permanent /expert institution for legislative drafting exists in Pakistan. Legislative Drafting has never been taught in Law Schools, thus there is scarcity of expert Legislative Drafters in Pakistan.
- There is no mechanism of feedback and evaluation in Pakistan's legal system. Thus many old laws could not be implemented in ever changing ground realities. A statute must incorporate feedback system, as without it implementation cannot be evaluated and amendments cannot be incorporated.
- Most laws are designed to serve the personal interest of an individual or a few.
- Prevailing culture of corruption and nepotism in the system.

There is no dearth of laws in Pakistan; the only thing which matters is the enforcement and implementation of laws. The basic reason for their non-compliance is that they are not consistent with social and cultural norms of the society; although they are for the benefit of public at large and poor people particularly. Likewise economic benefits; sometimes, clash with social & cultural values of the society. Therefore, financial laws will not be enforced in letter & spirit. The real solution will be the proper awareness of stakeholders to highlight the social & psychological complications of the society. The same will be resolved through legislative bill.

Therefore, it is wise to answer some question while observing the benefits of any law/s, such as, why the law is unable to achieve its objective of social and behavioral change? Why is there poor law enforcement? , why do some groups in a society make mockery of law? , why enforcement of law is discriminatory or selective? , why there are problems of law and order? , why there are feelings of insecurity? , why society is not developing and advancing? , who is responsible for all failures of the system? , and why the criminals & violators are so powerful that they are violating law on the face of law?

The above questions were selected keeping in mind the norms of drafting. However, there may be many more questions which can be raised before drafting any legislation for a particular class of people, sector of economy or Government department etc. Following are the necessary stake holders in most of the legislations:

1. Government;
2. Executive or enforcement agency;
3. Relevant association;
4. Particular sector of economy;
5. Legal Experts & Critics; and
6. General public.

Without the above stake holders the proper implementation of the intended legislation will remain futile. For example if the government intends to bring a bill to reduce the pesticide in the agriculture farms. It must involve Agriculture Department, Farmers' Association, Traders, micro credit agencies, middle man and workers. The agriculture Department will enforce the pesticide reduction law with its officers and scientific researchers who will provide best natural alternatives to the pesticides. The Farmers' Association will disseminate information and will not support any of its members who violate the law. The traders will not buy any agricultural product in which the pesticides were used. The banks will not provide micro credit for buying pesticides; instead they will provide flexible loans to buy natural alternatives to the pesticides. The farm workers will not work on the farm where the pesticides are used in heavy quantity, as they will be informed that use of pesticides is also harmful to their lives. This is an ideal situation for the true and proper implementation of any legal instrument.

Good governance is not only achieved by changing laws it also requires change of personal behaviours of people and state functionaries under one set of rules; without any discrimination. Only criticizing corruption and bad governance is like much cry, little wool. The good governance may be ensured by adopting following techniques and incorporating provisions in draft bills in the light of these techniques:

- (a) Rule of Law
- (b) Checking Arbitrariness

- (c) Sharing of Decision-making Power
- (d) Providing Defensive Provisions against Corruption
- (e) Transparency in Decision-making
- (f) Providing Effective Accountability Mechanisms
- (g) Recording Reasons for Each Decision
- (h) Provide suitable Checks and Balances
- (i) Avoid Unnecessary Secrecy in Decision-making
- (j) Reporting performance periodically
- (k) Introducing limitations for Different Functions
- (l) Parliamentary Accountability
- (m) Providing Penalties for violating Limitations
- (n) Extent of Delegated Legislation
- (o) Inviting Stakeholders' Views on Delegated Legislation.

In Pakistan, there is a legislative procedure given in the Constitution of the Islamic Republic of Pakistan, 1973, which is further supplemented in the Rules of Business, 1973. Thereafter, there are the Rules of procedure and Conduct of Business in the Senate and National Assembly which are regulating each and every activity relating to legislative process in the Senate or National Assembly. Similarly, in the Provincial Assemblies, there are also similar rules regulating the procedure and conduct of legislative and other business in the relevant Provincial Assembly. According to sub-rule (4) of rule 200 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, Secretary of the Ministry or Division concerned along with Draftsman attends all the meetings of the Standing, Select or Special Committees of the National Assembly to provide on the spot advice and assistance in drafting different provisions of the bills and takes further guidance for finalizing the intended bill. The same procedure is followed in Senate according to the Rule 145(3) of the Rules of Procedure and Conduct of Business in the Senate, 1988.

Following the rules of procedure; Pakistan's legislative system is divided into following two phases:

- a. Research relating to contents of intended legislation; and
- b. Legal research consisting constitutional, drafting or technical and procedural aspects.

The position of drafts is such like here the two phases are link together to be incorporated into unified piece of paper.

Section 4- The Lessons Learnt

4.1 Lessons Learnt –Way-Forward

4.1. The Lessons Learnt – The Way Forward.

Keeping in view the facts and figure of the instant case, it is understood that sharia and law provide every right of inheritance to female. Allah has distributed and marked the share of female in the inherited property. In the Sharia, Allah has left many items and subjects to be decided by the state according to the situation of era, but He has not left the rights of female on the mercy of male dominated society. It is not the laws but the greedy behaviour of men who does not give females their due rights.

The non-enforcement and non-effectiveness of laws also create hindrance in the way to getting the rights. The process of the transfer of property is so complicated and burdensome that only a male can do this. Apparently it looks very easy, but when one goes to transfer the property, a lot of character and players come to welcome him. They know that an application for transfer the property brings bread and butter to their family. The heavy duty and fee for the transfer the property hinges upon the applicant. Obviously, he asks the revenue authority to reduce the amount of transfer fee. Hence the game begins. The transfer the property cannot be completed without the abetment of the revenue staff. They take the money and teach different tactics to the applicant, sometimes openly and sometimes secretly. All this, cannot be done by a female, who is either illiterate or inexperienced to this.

The basic reasons for their non-compliance of gender related laws are that they are not consistent with social and cultural norms of our society although they are for the benefit of public at large and deprived gender particularly. Most of the time economic benefits of women clash with social and cultural values of our society. Therefore, there is no proper enforcement of law in letter and spirit. However, the actual reason might be proper awareness of women to highlight social and economic complications due to tradition and customs of our society.

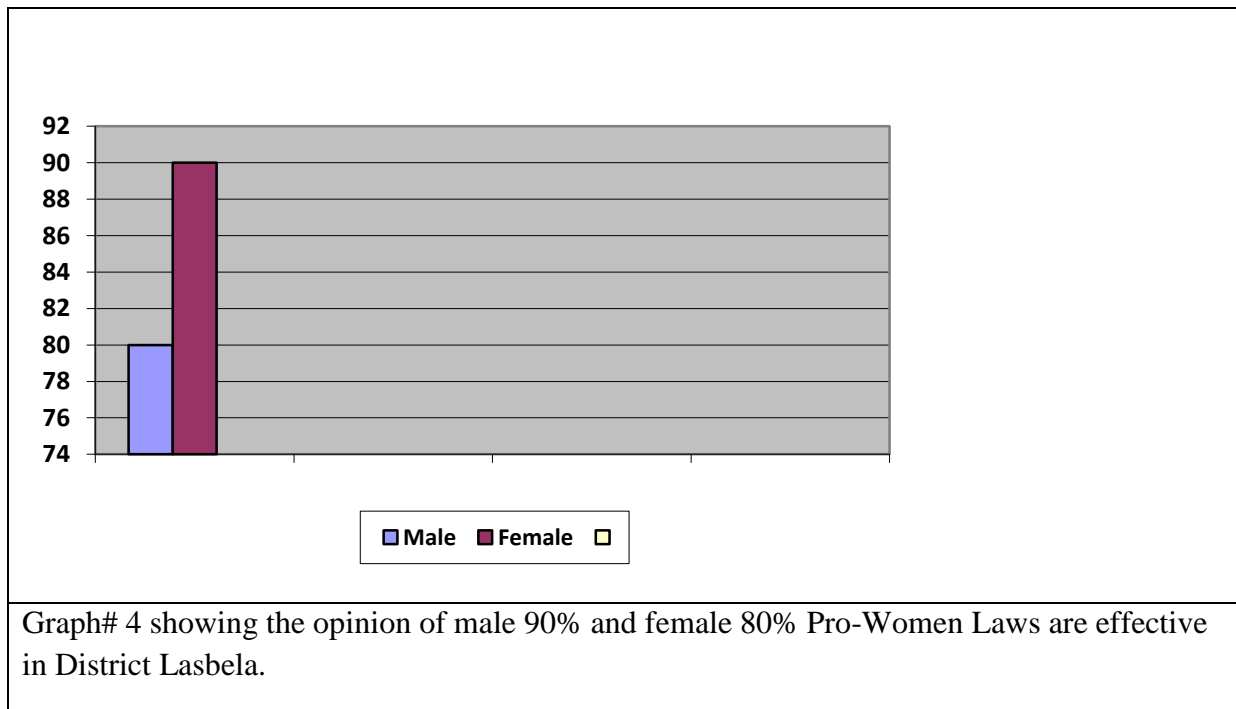
Similarly, there are many other laws which are although existing in the statute book but nowhere in our society. Even sometimes the concerned enforcement agencies are also not aware about the existence of such laws due to different reasons which may be social, economic or political. For the proper implementation of laws, it is very important that citizens internalize the legal values for the effectiveness of the state. All the civic acts by citizens help the state to overcome potentially crippling implementing agency problems. Law influences the behaviour of citizens through expression, deterrence, and internalization. If people intentionally follow the spirit of law, there is no doubt that women be deprived from their due property rights.

It is the duty of the state to protect the rights of the deprived citizens. In our county there is no mechanism of feedback of legislations. Once a law is enacted, there is no authority to monitor the effects of that particular law in the society. Government should evaluate that why female could not get their share in the inherited property. If a lacuna exists in the law or policy, it should be rectified immediately. Unfortunately this is not done.

No we are living in the era of state of the art technologies. NADRA has done miracles in our national registration system. Taking the expertise of NADRA and allied agencies, government must order the revenue authority not to transfer the inherited property, without due diligence and verification from NADRA.

Graphical Presentation of the Results of Questionnaire.

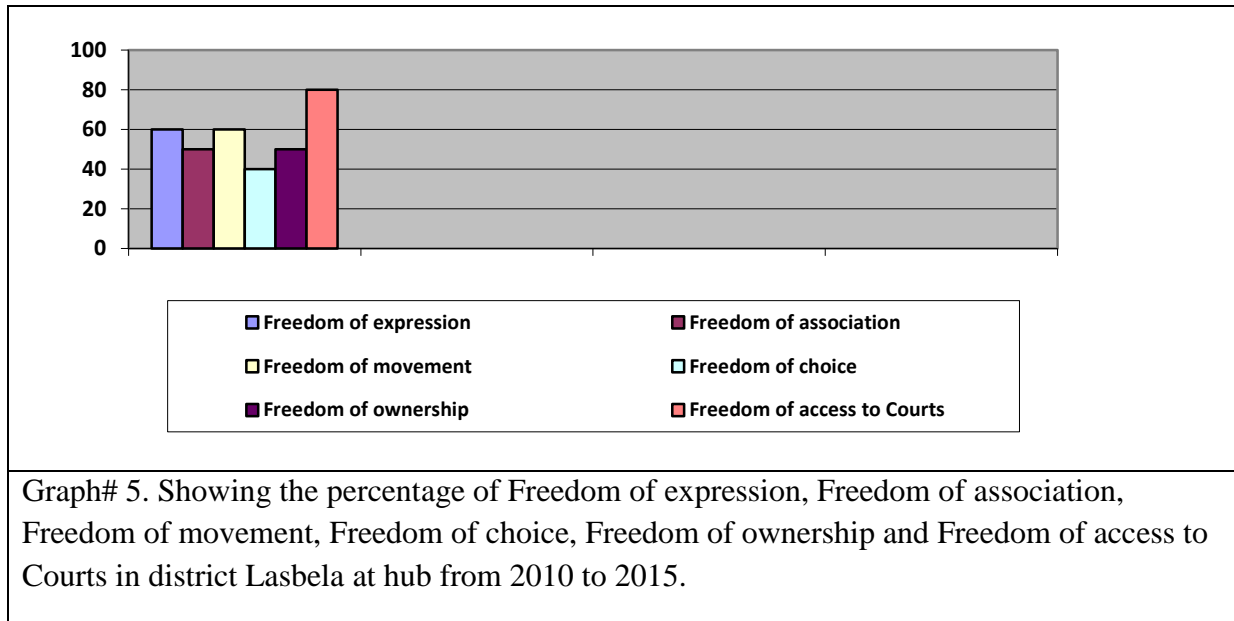
QUESTION: 1 how good /effective are the Pro-Women Laws in District Lasbela?



The above data shows that woman feel comfortable after the promulgation of recent pro-women laws. While discussing on the implementation and execution of recent laws; their arguments was in favour of the laws as in their point of view the government is very much serious for the respect prestige & wellbeing of women. They also showed their good hope that if there is any lacuna exists in the laws; the government will bring new amendments to fill the gap for the proper implementation of pro-women laws. The leading social activists were claiming the ownership of the laws; as they claim that most of the laws were the result of their continuous struggle to bring socio democratic change in the society. However it was observed that the male strata of the society were less aware of the enactment of such laws. This strange situation reveals that men were less interested in the welfare & wellbeing of the female section of society. They were least bothered about the enactment & implementation of the laws. The social activists complained that they were less male participation in any awareness raising programs arranged for the empowerment & wellbeing of females.

QUESTION: 02.

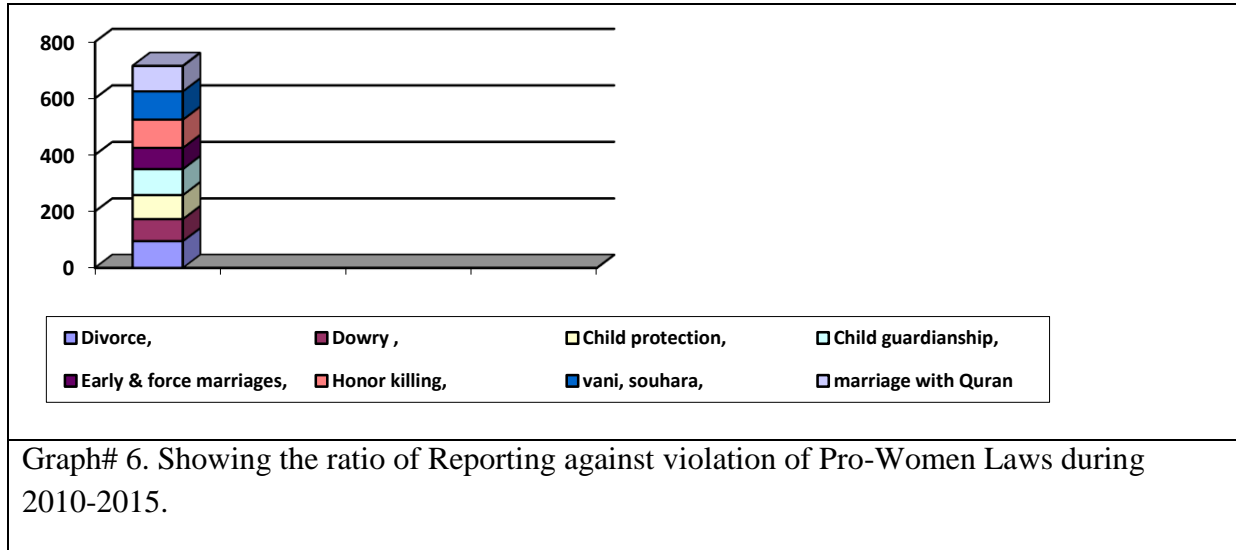
How suitable were the Pro-Women Laws in district court Lasbela at hub from 2010 to 2015



The data collected during the course of research for this paper shows that women of Lasbela district are more aware about their rights & obligations. The society of Lasbela district is more secular & liberal then the other orthodox and rigid societies of the province. The main reason of such phenomena of having Freedom of expression, Freedom of association, Freedom of movement, Freedom of choice, Freedom of ownership and Freedom of access to courts is that the district is very much close to Karachi which has highest literacy rate in the country. The good effects of literate & liberal society of Karachi are being reflected in the Freedom of expression and thoughts in the society of district. The data also shows that all the above rights are more than 60% available to the women who are very high while comparing with the other societies & districts of the province.

Q.No. 3 Reporting against violation of Pro-Women Laws

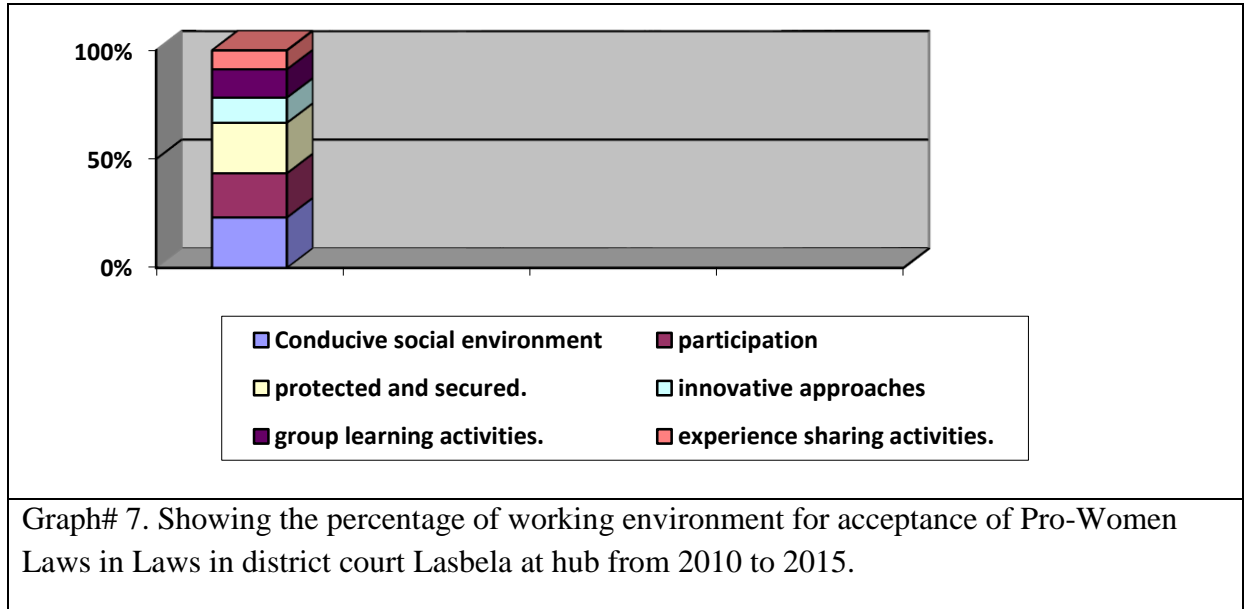
What was the ratio of reporting of following women related issues in district court Lasbela at hub from 2010 to 2015?



The data which is discussed in the previous graph also reflects that women are very much active & sensitized to report against any violation of the pro-women laws. No case has yet been discovered which was not reported or was concealed from reporting. Any violation or aggression against the victim woman is immediately reported to the concerned police station. The DPO ensured his full cooperation & support to provide security and facilitation to any person who comes to police station for reporting against the violation of pro-women laws. During the course of interview he also called to all the police stations of District Hub and inquired about the facilitation being provided to the female complainants. All the in-charges of the police stations ensured the availability of best facilitation in the police stations. This very fact was also cross verified by the journalists and media persons. Thus these are the fruits of the laws that now nobody could conceal the crimes against the women. It has to be reported and the police will take immediate action to redress the issue.

Q.No. 4 WORKING ENVIRONMENT

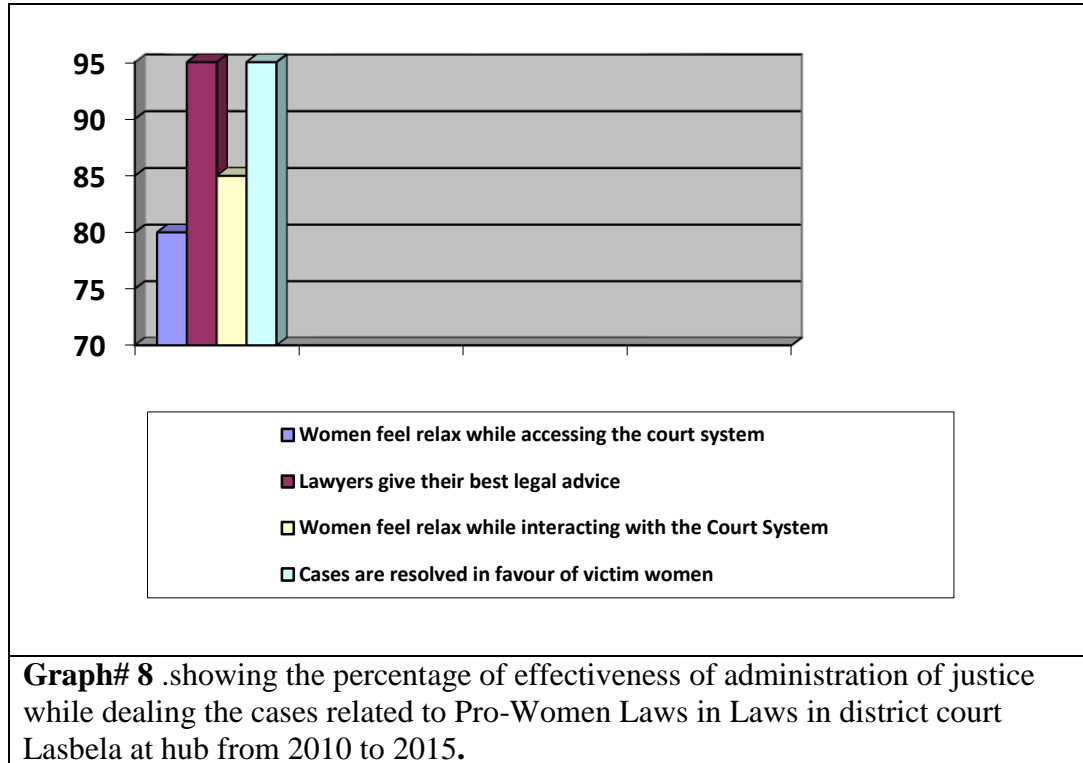
How suitable was the social environment for acceptance of Pro-Women Laws in Laws in district court Lasbela at hub from 2010 to 2015?



As discussed earlier that women of Lasbela district are well aware about their rights thus there is good working environment in the district for the females. The working environment of the district is so conducive that there was no fear to get job or participate in the political activities. Resultantly the female of the district is more active in the politics and they lead the society for their betterment. In contrast to the other tribal societies of Balochistan; the females of the district Lasbela share their experiences among one another. They have also created many small formal and informal social groups for interactive innovative approaches to bring positive changes in society. The after effects of these social interactions have put aroma to the flavor and resultantly there is more protection and security to the marginalized women. It is the natural phenomena that every creature that lives in a group is more protected & secured then the one who is living in the isolation. It is very much true to the society of Lasbela district where females have created social groups to protect them against the aggression of offenders. The data collected verify the social positive group activities of the females of the district.

Q.No. 5 Administration of Justice

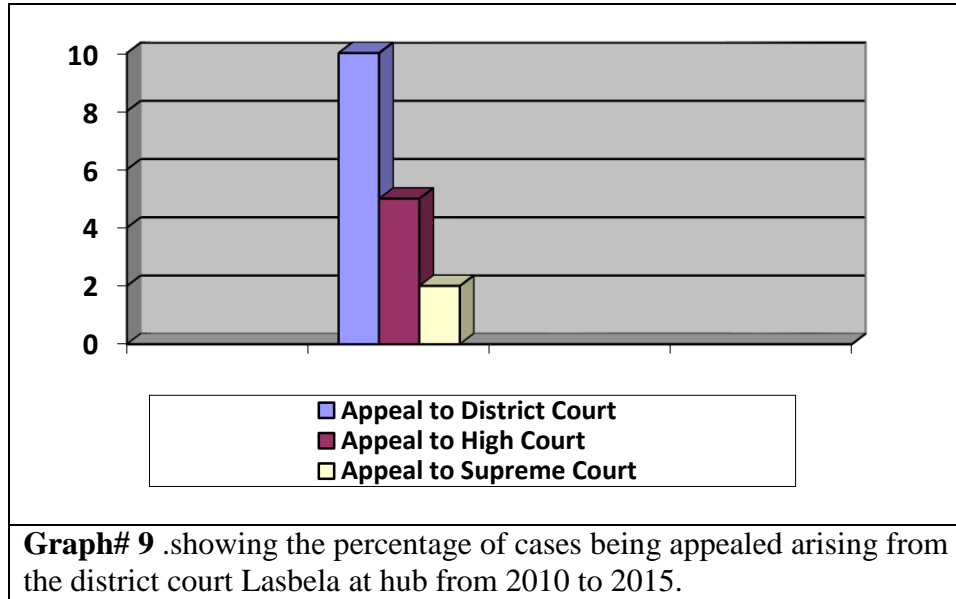
What was the percentage of Pro-Women Laws in Laws in district court Lasbela at hub from 2010 to 2015?



There are good means of transportation in the Lasbela district as it is located in the main RCD road. Therefore, women of Lasbela district find no problem while accessing to the court system. Additionally, some of the NGOs are also providing legal aid to the victim female and also provide shelter; if needed. The lawyers of Lasbela district are not behind the lawyers of big cities. Most of the lawyers have taken higher education from Karachi and are capable enough to guide & support the victim female. Therefore, the females of Lasbela district are more protected & secured then the females living in the far-flung areas of the province. Likewise the court system of the Lasbela district is at par with the other courts of province. Therefore, the data shows that most of the cases were resolve in favour of victim women.

Q.No. 6 Administration of Justice (Appeal& Revision)

How many cases arising from the district court Lasbela at hub from 2010 to 2015 are being appealed?



All though data shows that women of Lasbela district are well aware of their rights and more active in the politics. However the society is still governed by the males. Therefore, as soon as the females file their suits in the court; the male segment of society gets active for alternate dispute resolution. Because they still think that their family issues should not be discussed or argued in the Court. Although they have never stopped their females to access the court system for redressal of their grievances, yet they try to resolve the issues within their family or through tribal adjudication system. This very fact is proved by the data that fewer cases have been appealed to the high court while rare case have been appealed in the Supreme Court of Pakistan. It is noted that only 2% cases arising from the District Lasbela could reached to the Supreme Court. Therefore, there is no surprise to note that there is no judicial precedent arising from the cases of the Lasbela district.

The Family Judge Hub also reflected here views about the empowerment of females of District Hub. She said, “She has never found any women who had fear of being penalized by her family for her access to Court system”. She also shared here various experiences of pre-trial proceedings where she interfered and made several efforts to end the differences between the couple. She was happy to mention that most of the cases/issues were resolved in the initial state of the family cases. Resultantly fewer cases were litigated and rare were appealed to the High Court or Supreme Court. Thus minimizing the chances of issuing judicial precedent.

The data of criminal cases shows that most of the female offenders are involved in the drug trafficking cases. They are being paid by the drug traffickers who support the female offenders when they are arrested by the police. They get them released on bail by giving high surety. As soon as they are released on bail they become absconder for indefinite period. Therefore, their cases are being kept on dormant for several years. Therefore there is no chance of issuing judicial precedent arising from the criminal cases of the Lasbela district.

Section 5- Recommendation

5.1. Recommendation/ Solution.

Let's accept the vivid reality that unless we change our ways and direction, our greatness as a nation will soon be footnote in the history books, a distant memory of an island shore, lost in the midst of time Camelot, remembered for its noble past. Keeping in view the problems faced by the marginalized people in Pakistan, few suggestions are recommended to provide them justice:

1. **Free Legal Aid:** Providing free legal aid to those who cannot afford hiring a counsel for themselves, is a duty bound responsibility of effective governments. In most jurisdictions, there has been a long tradition of states providing some form of legal aid to the poor. A rather primitive right to access to justice dates back to England in the 1400s where the Statute of Henry VII (1495) waived all fees for indigent civil litigants in the common law courts and empowered the courts to appoint lawyers to provide representation in court without compensation.² During the 19th Century, most Continental codes of law contained the principle codification of the "poor man's law", providing court fee waivers and appointment of duty counsel for the very poor³. This early concept of legal aid was primarily seen in relation to assistance in court. Legal advice outside the court and covering broader social issues was left to voluntary organizations, such as trade unions and churches.⁴ It was not until the 1940s and 50s, that formal comprehensive statutorily funded legal aid schemes were established. These earlier legal aid schemes, such as England's single national legal aid system established in 1949 and Ontario, Canada's provincial legal aid scheme established in 1951 were limited with respect to the coverage and scope of services offered. Patterned on the legal services then offered to paying clients, the scope of services provided was generally limited to legal advice and legal representation in court to those who could not afford to pay the market price. The goal of formal equality was thus met. As far as the prevailing scenario in Pakistan is concerned, the Pakistan Bar Council Free Legal Aid Rules 1999 is heart kindling step. The Rule obliges the bar councils of Pakistan to form free legal aid committees at federal, provincial, district and Tehsil levels.⁵ Although there are restraints which impede the way of such step to bear fruits, the civil societies in Pakistan are seriously concerned with the issue and demanding the stakeholders to activate and notify the free legal aid committee without further delay.
2. **Role of Civil Society:** Civil society occupies the political space between the individual and government. It is a public sphere where citizens and voluntary organizations can engage freely outside of the government, family, and the private sector.⁶ Civil society organizations can include a wide range of non-governmental organizations, advocacy groups, charities, faith-based organizations, civic education organizations, business and professional associations, or

² Johnson, Earl "Toward Equal Justice" 5 Maryland Journal of Contemporary Legal Issues p. 204

³ Blankenburg, Erhard "Lawyers' Lobby and the Welfare State: The Political Economy of Legal Aid" contained in Volume II of the Conference Papers presented at the International Legal Aid Conference, Edinburgh June 1997 p. 2.

⁴ As an example, in 1890 there was the development of legal aid advice centres instituted in trade unions and churches in Germany, discussed in Blankenburg, Erhard "Lawyers' Lobby and the Welfare State: The Political Economy of Legal Aid" *ibid.*, p. 4

⁵ Kahut, Muhammad Afzal "Strengthening of Free Legal Aid" Access to Justice Newsletter, November/ December 2007, p.6

⁶ London School of Economics, "Centre for Civil Society," <http://www.lse.ac.uk/collections/CCS/> (accessed June 17, 2009); WB, "Civil Society and Peacebuilding," 2006.

community groups, among many others.⁷ These organizations embody an active citizenry that reflects the values of those it represents, based on cultural, ethical, political, or other such considerations. They often serve as a link between the state and the nation; helping to influence and monitor government decisions; mobilize the population and educate them on their rights, responsibilities, and opportunities to influence government policies and lobby for reforms. They also assist in public service delivery; facilitate intergroup dialogue and other means for social reconciliation.⁸ The important role of a vibrant civil society in S&R environments is widely accepted.

3.

Civic participation and empowerment refer to a condition in which every citizen has the means to actively engage in the public sphere including political processes.⁹ Under this condition, civil society is empowered, protected, and accountable; the media are present, professional, and independent of government influence; equal access to information and freedom of expression is upheld. The political parties are able to form freely and are protected. Civil society, the media and political parties can mitigate the potential for violent conflict by providing legitimate public forums and mechanisms for peaceful debate.¹⁰ Through these means, the population can also peacefully participate in politics, provide a check on the government and influence government policy. Without opportunities for civic engagement, motivations for violence may be more likely to increase, as the population seeks to ensure their voice is heard and their needs are met. Civic participation and empowerment also require respect for fundamental civil and political rights¹¹ of minority groups, including the perception that these rights can be freely exercised without fear of retribution.¹²

The civil societies, in Pakistan, played a vibrant and key role in reinstatement of deposed chief justice (R) Mr. Iftikhar Muhammad Chaudhry. The activists were arrested and tortured brutally by the law enforcing agencies of the country. However, they stood firmly by side of the free judiciary. Public being in the scene observed and realized that active civil society organizations can serve as a bulwark to their basic rights. Therefore, their faith in the activists of the civil societies rejuvenated.

4. **Right of Poor Females:**

Actions to improve the legal environment for poor people include:

- Law reform which removes discriminatory provisions and incorporates rights conforming with international standards;
- Promoting the use of public interest litigation by advocacy groups and others to challenge the legality of discriminatory government measures;

⁷Dobbins/Jones/Crane/Cole DeGrasse, *Beginner's Guide*, 2007; London School of Economics, Centre for Civil Society, "What Is Civil Society?" http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm (accessed June 17, 2009)

⁸Michael Lund, Peter Uvin, and Sarah Cohen, *Building Civil Society in Post-Conflict Environments: From the Micro to the Macro* (Washington, D.C.: Woodrow Wilson International Center for Scholars, 2006). The World Bank identifies seven key functions of CSOs: (1) protection, (2) monitoring and early warning, (3) advocacy and public communication, (4) socialization, (5) social cohesion, (6) intermediation and facilitation, and (7) service provision (World Bank, "Civil Society and Peacebuilding," 2006). Dziedzic/Sotirin/Agoglia, "Measuring Progress in Conflict Environments," 2008

⁹World Bank, Social Development Department, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006. Hereafter: WB, *Civil Society and Peacebuilding*, 2006.

¹⁰Dobbins/Jones/Crane/Cole DeGrasse, *Beginner's Guide*, 2007

¹¹Refers to the freedom of religion, assembly, press, speech, association, and movement. Dziedzic/Sotirin/Agoglia, "Measuring Progress in Conflict Environments," 2008.)

¹² *Ibid.*

- Paralegal schemes offering assistance & advice;
- Improved access to legal aid so that poor people can afford legal representation;
- Practical, problem-based legal rights education which helps poor people to protect their livelihoods.¹³
- Increase women's access to ownership and control of assets, particularly government distributed land and property, through the registration of title-deeds of all state-land allotted for lease or housing schemes, jointly in the names of husband and wife, and in the case of female headed households to the woman.
- Register property inherited by women, particularly in the rural areas, in their names and strictly enforce inheritance laws, ensure that inheritance cases of widows and orphans are taken up on priority basis by courts and settled expeditiously.
- Introduce legislation to ensure that a woman's share in all property and assets acquired by the spouses after marriage (excluding her inherited property, marital gifts and other dues from her husband) is legally recognized and secured for her in case of divorce or death of husband.
- In the rural areas, political parties should carry out land reforms and impose progressively-scaled agricultural income tax, ensuring that peasant women benefit equally with men from the revenues.
- Redistribute available arable state land to landless peasants, ensuring that half the recipients are women, or are joint title deed holders with men within a household or family unit. Where they are women-headed households, they will have sole title deed to state distributed land and housing initiatives under various poverty reduction and agricultural development programmes.

The Laws Need to:

- (a) encompass the concept of utility, either administrative or stakeholders, but the most acceptable form accommodates both interest;
- (b) guide or lay down standards of behaviours;
- (c) be normative in their nature and prescribe or prescribe desirable or undesirable conduct which is valid, good or lawful;
- (d) be imperative and not optional, requiring compliance, expressed moderately or strictly;
- (e) Provide justification for a decision or course of action and their sources can persuade a person to obey.

¹³ Justice and poverty reduction, department for international development, England, p.13

Section 6- Conclusion

6.1. Conclusion:

Allah Ta'ala lifted from women the obligation of working to provide and support themselves and their families. He made this obligation particular for men alone. Allah (SWT) commanded men to be responsible for the care of women during all stages of their life. While she is a child, she is under the care of her father. This responsibility is not lifted except by her marriage or death, nor does it cease after she reaches a certain age as occurs according to the laws in many nations. After she marries, the responsibility falls on her husband so long as she is under his care due to the contract of marriage. The lifting of the obligation of working for the purpose of providing for herself was in order to preserve her from being degraded, as many jobs that are sought to gain livelihood entail humiliation and hardship. But unfortunately this has been misused by men. Now they are controlling all the aspects of women.

Allah has given her the right to own and dispose of her properties without any guardianship over her. She has the right to own all forms of property, to buy and sell, give gifts and charity, and all forms of expenditure (without wastefulness) so long as it is her wealth and her acquisition. Islam gave women the right to own and dispose property, so that by this she could be a full legal personality possessing the full right to administer her wealth. Islam provides her with specific sources to acquire wealth, like the dower, inheritance, gifts, and all other lawful means for acquiring wealth.

Eventually, it is safe to admit here that Pakistan will not prosper unless the fundamental rights including the right of Access to Justice are protected. The prime objective of the judiciary is to regain the trust of people in justice. There are however, a number of restraints in the way of Access to justice. The most conspicuous of all is the vicious Thana–Culture prevailing in Pakistan. It is the call of time to take concrete and positive steps which should be beyond the just lip servicing. Another important factor that hurdles the smooth administration of justice is delay. Undue and provocative delay in the flow of cases in the lower and higher courts of Pakistan is a matter of serious concern. Plaintiffs are often to wait generations in order to obtain a decree from the court resolving their issues. Such immature behavior is propelling the poor people to adopt an alternate platform like Tribal Jirga where cases are rarely decided on merits. Of equal significance is the denial of such right to women in Pakistan. Although ample funds have so far been provided to the provincial governments by the federation to ensure that women police complaint center is working effectively in all provinces, yet no positive result is taken by the provincial governments. Women often prefer remaining dependents on their male partners deciding their fates and futures. Hence, the male dominant society in Pakistan does not allow women to approach Police station or any competent court to resolve their issues. In short, it is necessary that the right of people regarding their access to justice should be ensured if people are serious to develop & promote the rule of law in the society.

During the course of research on the instant paper it is observed that there is growing trend of women empowerment in District Lasbela Hub. Now women are accessing the court system to address their issues through legal means. Now women are much more confident to defend themselves through legal protection. Community organizations and civil society is much more active in Hub to provide every legal assistance to the victim woman. Therefore, women are much more confident to struggle to gain empowerment and to have active involvement in decision making process. Empowerment is a

continuous affair; it does not improve automatically or over the night. A lot of struggle and hard work is still needed to achieve the desired goals. Women are right to demand participation in the governmental affairs. Their ability to do so is only enhanced by awareness, education, and employment opportunities, coupled with effective laws. The government of Pakistan needs to be responsive to the demands of its citizens. To bring the effective changes; the initiative should always be within the societies concerned and cannot be imposed from the outside.

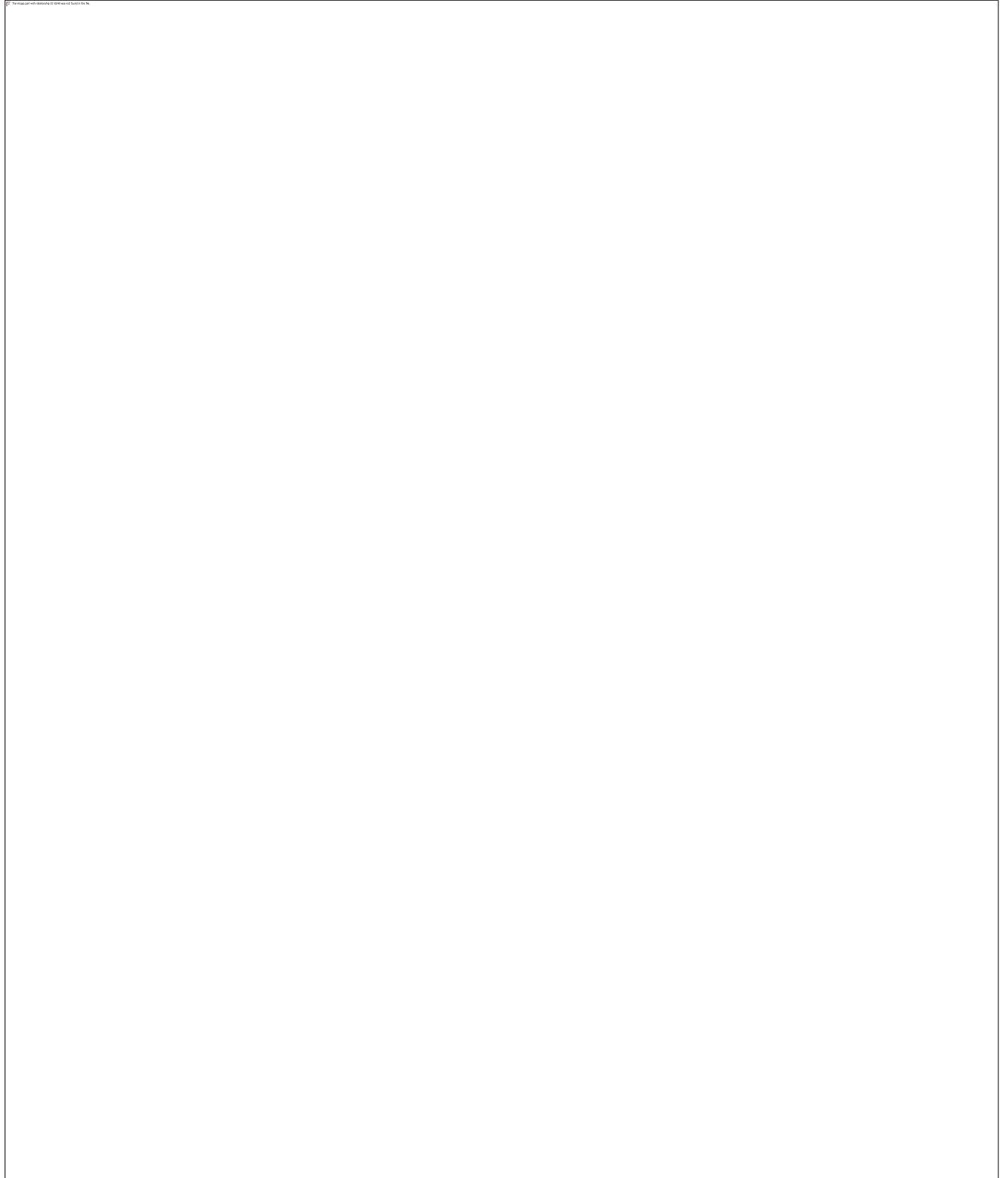
If winter comes, can spring be far behind?

Percy Bysshe Shelley

The trumpet of prophecy! O wind '

Annexure

1. Research Proposal Flow-Chart
2. References
3. Laws related to Women in Pakistan
4. Family Cases of District Court Lasbela
5. Criminal Cases of District Court Lasbela
6. Pro-Women Laws at Hub (Questionnaire)
7. References of Family Matters



Annex-1

Annex-2

References:

1. Judicial System in Pakistan – The Network Publications.
2. Pakistan Law Commission Reports.
3. Dawn Editorials.
4. PLD 1988 Journal 228.
5. Criminal Justice by Ch. Abdul Majeed.
6. Justice Delayed is Justice denied by Syed Muhammad Kaleem Ahmed Khurshid.
7. Criminal Justice by Ch. Abdul Majeed.
8. Judicial System in Pakistan – The Network Publications.
9. Welcome address at inauguration ceremony of Federal Judicial Academy by Mr. Justice Muhammad Haleem.
10. Compilation of Speeches by Chief Justice Yong Pung How on the Subordinate Courts of Singapore.
11. Earlier Policy Statements, Conflict reduction and humanitarian assistance and Poverty and the security sector, deal respectively with DFID’s role in relation to war, civil war and natural disasters, and in relation to the military, paramilitary and intelligence services. References to ‘safety and security’ in this Policy Statement refer to the mainstream justice sector (see footnote 8 below for a definition).
12. International Centre for the Prevention of Crime (1999).
13. Shaw and Louw: Crime in Post-Apartheid South Africa: Extent, Impact and Responses, Institute for Security Studies (1998)
14. A World Bank study of local entrepreneurs in sixty-nine countries found that states with ‘high levels of crime and personal violence and an unpredictable judiciary’ are not credible with investors.
15. Crime and Violence as Development Issues in Latin America, World Bank (1998).
16. The ‘sector’ can include: customary and traditional justice systems, judiciaries, ‘modern’ alternatives for dispute resolution, legislatures, law commissions, other (e.g. human rights) commissions, the police, prison and prosecution services, agencies responsible for non-custodial sentences, lawyers, paralegals and Civil Society Organizations/NGOs active in the field.
17. Work Program of the National Crime Prevention Centre, South Africa Department of Safety and Security
18. “The number of prisoners we have in our jails cannot allow for any meaningful rehabilitation to take place. This explains the rather high incidence of recidivism in Kenya. The current situation simply makes some criminals actually turn into hard-core type of criminals. Short-term convicts mingle with long-term convicts learning from the latter how to introduce sophistication and improve on their criminal activities”: Hon. Amos Wako (Kenya’s Attorney General) addressing the symposium on Extra Mural Penal Employment held in Nairobi in December 1995. Quoted in Prison Conditions in Africa: Report of a Pan-African Seminar (PRI, October 1997).
19. International standards include the UN Standard Minimum Rules for the Treatment of Prisoners 1957; the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) 1985; UN Guidelines for the Prevention of Juvenile Delinquency (the

Riyadh Guidelines) 1990; the UN Minimum Rules for Non-Custodial Measures (the Tokyo Rules) 1990; and the UN Rules for the Protection of Juveniles Deprived of their Liberty 1991.

20. 60% of the prison population of the world is serving sentences of less than one year. Source: A New Agenda for Penal Reform, International Penal Reform Conference 1999.

Annex-3

LAWS RELATED TO WOMEN IN PAKISTAN

- 1. Universal Declaration of Human Rights (UDHR)**
- 2. Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) and its ratification in 1996.**
- 3. The Constitution of Pakistan, 1973.**
- 4. The Prevention and Control of Human Trafficking Ordinance (2002) Prevention and Control of Human Trafficking Rules (2004)**
- 5. Criminal Law Amendment Act, 2004 (Honour Killing)**
- 6. The Protection of Women (Criminal Laws Amendment) Act, 2006**
- 7. Domestic Violence (Prevention and Protection) Act, 2009.**
- 8. Protection against Harassment of women at the Workplace Act, 2010. (Criminal Law (Amendment) Act, 2010 (section 509)**
- 9. The Criminal Law (Second Amendment) Act (2011) Bill (Acid Control and Acid Crime Prevention Act 2010.)**
- 10. The Criminal Law (Third Amendment) Act (2011) Prevention of Anti-Women Practices Swara, other offences against women)**

ⁱ<http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=PAK>

ⁱⁱhttp://www.dailytimes.com.pk/default.asp?page=2008%5C12%5C30%5Cstory_30-12-2008_pg7_35

ⁱⁱⁱhttp://www.dailytimes.com.pk/default.asp?page=2008%5C12%5C30%5Cstory_30-12-2008_pg7_35

^{iv}http://www.dailytimes.com.pk/default.asp?page=2008%5C12%5C30%5Cstory_30-12-2008_pg7_35