

## WOMEN'S REPRESENTATION IN 13<sup>TH</sup> NATIONAL ASSEMBLY OF PAKISTAN: ASSESSING THE EFFECTIVENESS OF GENDER QUOTA

Mussarat Jabeen\* & Sher Muhammad\*\*

### Abstract

*Traditionally, patriarchal mindset has kept women away from politics, considering it a male domain, resulting in under-representation of women in legislatures. Observing disparities in these representations, the United Nations in various conferences (1975-1995) recommended one-third of seats for women as gender quota. Gender quotas have become an effective tool to enhance women's representation in legislative bodies throughout the world. In Pakistan, all the three constitutions reserved seats for women, but this provision lapsed in 1988. In 2002 it was restored with 17 percent quota in the parliament. The 13<sup>th</sup> National Assembly elections turned in higher number of women in the house, raising an expectation that an increase in number of women would increase their voice in the decision-making bodies. The study analyzes the effects of a numerical increase of women representation in the National Assembly on inclusion of gender concerns in legislation, specifically on women issues. The available literature suggest although gender quota has increased in numbers, it has not influenced the legislation on women issues to an expected level. This study deploys critical mass theory and mix research method to examine the effectiveness of gender quota in Pakistan.*

**Keywords:** *Gender Quotas, Critical Mass Theory, Decision-Making Bodies, National Assembly, Women's Descriptive and Substantive Representation*

### Introduction

Gender-based discrimination is a worldwide phenomenon and is reflected in institutional policies, laws and practices whereas political inequality in terms of gender represents a significant issue. Women's

---

\* Associate Professor, University of Sargodha, Sargodha, Pakistan. Email: mussarat.jabeen@sgd.uol.edu.pk

\*\* Assistant Professor, Govt. College Bhalwal, Sargodha, Pakistan. Email: phdscholar2010@gmail.com

underrepresentation in legislatures is the main cause of inequality in genders, along with other cultural and social disparities. Looking at the severity of the issue, the UN tried to address the issue of gender inequality, particularly under-representation in politics from its platform. It observed that the lower number of women in decision-making bodies was impeding social and economic development of women.<sup>1</sup>

From 1975-1995, the UN held four women conferences emphasising the need to increase female political representation. Recognizing gender inequality and discrimination in politics, the conferences recommended equal rights. They motivated gender activists and agents of civil society to work for removal of disparities and discrimination in politics. However, in this period, the percentage of women in parliaments (of world) increased only marginally 0.7 percent (10.9 to 11.6 percent) in lower houses, and decreased, (10.5 percent to 9.4 percent) in upper houses of legislatures.<sup>2</sup> In September 1995, the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women, proved to be a turning point.<sup>3</sup> It called on the states to take necessary measures to ensure women's equal access of to power structures by setting the target of 30 percent in decision-making bodies. It identified 12 critical areas of action: women's concerns in poverty, education, health, economy, violence, shared decision making and more. The international community moved to make progress under this initiative and it had a significant impact on numerical strength of women in legislatures around the world. More than 100 democracies adopted gender quota, setting the standard and taking measures to substantially enhance women representation.<sup>4</sup> The UN also introduced Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in

---

<sup>1</sup> Mussarat Jabeen & Sajid M. Awan, "Gender Quotas as an Instrument for Women's Empowerment in Legislatures," *FJWU Journal of Social Sciences* 11, no. 1 (summer, 2017), 132; "Short History of CEDAW Convention," United Nations Department of Public Information, accessed on March 6<sup>th</sup>, 2021, <https://www.un.org/womenwatch/daw/cedaw/history.htm>.

<sup>2</sup> Azza Karam, ed., *Women in Parliament: Beyond Numbers* (Stockholm: IDEA, 1998); Mussarat Jabeen & Sher Muhammad, "Electoral Gender Quotas in Pakistan: Including the Excluded, Empowering the Powerless," *NICE Research Journal* (2013), 2.

<sup>3</sup> The United Nations, Beijing Declaration and Platform for Action, *The Fourth World Conference on Women* (4-15 September, 1995), [https://www.un.org/en/events/pastevents/pdfs/Beijing\\_Declaration\\_and\\_Platform\\_for\\_Action](https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action).

<sup>4</sup> Mona Lena Krook, *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide* (New York: Oxford University Press, 2009): 5.

1979 to ensure equal fundamental rights to women.<sup>5</sup> Thus women quotas increased; today, they are an important tool to ensure access of women in legislature. Pursuing the quotas' policies, many countries have introduced electoral reforms to include women in policy-making.<sup>6</sup> In 2010, women had 19.2 percent representation in both houses of the world's legislatures.<sup>7</sup> After one decade, it is 25 percent and Rwanda has the highest number with 61.3 percent women in lower house as of January 2021.<sup>8</sup>

## Gender Quota and Women Representation

Gender quota is seen as an instrument for achieving significant increase in the level of women's representation in political institutions and a mechanism for securing their political interests in the legislatures. Quota determines a specific percentage or number for women, minorities or any previously excluded faction.<sup>9</sup> It generally ranges from 20 percent to 40 percent or depends on a state's policy. Women are not a 'numerical' minority, but a political minority.<sup>10</sup> The system of quota is influenced by recommendations of international organizations and cross-country inspiration, bringing a dramatic rise in number of women in legislatures. It is a fast-track strategy, unlike 'incremental track modeling,' which proposes that gender equality, occurs as a country develops.<sup>11</sup>

The Nordic countries are on the forefront in this regards. They have enhanced women's status in society by ratifying different resolutions, conventions and supporting the role of women in political parties and feminist organizations. However, women in these countries already have a higher representation in legislation, so the quotas bring a symbolic change.

<sup>5</sup> United Nations Human Rights, Office of High Commissioner, "Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979," accessed on February 3, 2021, <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.

<sup>6</sup> Ibid.

<sup>7</sup> Inter Parliamentary Union, 2010, <https://data.ipu.org/women-ranking?month=9&year=2010>

<sup>8</sup> Inter Parliamentary Union, 2021, <https://data.ipu.org/women-ranking?month=1&year=2021>

<sup>9</sup> Drude Dahlerup, "The Story of the Theory of Critical Mass," *Politics and Gender* 2, no. 4 (2006), 19.

<sup>10</sup> Mussarat Jabeen, "Gender Quotas: An Instrument for Political Empowerment of Women," in *Legislatures in New Opportunities and Impasses: Theorising and Experiencing Politics*, ed. E. Zeynep Güler (Istanbul: DAKAM Publishing, 2014, April).

<sup>11</sup> Drude Dahlerup, "Preface," in *The Impact of Gender Quotas* ed., Susan Franceschet, Mona Lena Krook & Jennifer M. Piscopo (New York: Oxford University Press, 2012): vii-viii.

Norway was the first sovereign state, which provided partial vote-right to women because of a strong movement.<sup>12</sup> Before adoption of quotas, women in Norwegian Labour Party and Swedish Labour Party held more than 25 percent and 33 percent seats in the parliament respectively.<sup>13</sup> Asia had approximately 18 percent women in legislatures.<sup>14</sup> However, Central African country Rwanda has surpassed all other countries, having 63.8 percent of seats for women in the lower house and 38.5 in upper house while other African countries like Burundi, Ethiopia, Guyana, Tanzania and Cameroon have more than 33 percent women in legislatures as of January 2021.<sup>15</sup> Women's effective political participation is considered significant not only in terms of meaningful contribution to women empowerment, but also ensuring consideration of their views and concerns in all public policy matters.<sup>16</sup>

Three types of gender quotas are popular. First one is voluntary party quota, which binds political parties to choose female candidates for specific positions, to increase women's share in legislative bodies. In several countries, like Germany, Italy, Sweden, Norway, Argentina and Ecuador, a number of political parties have adopted this measure. All political parties do not choose gender quota. However, the overall representation of women increase if major parties adopt it, as the South African National Party did.<sup>17</sup> The second type is legislated candidate quota that, requires political parties to fix a specific number of positions for women. It is stipulated through party policy, electoral laws or constitutional provisions. Nepal, the Philippines and Uganda are pursuing this type of quota in their national parliaments under constitutional provisions whereas France, Slovenia, Bosnia-Herzegovina, Belgium and many Latin American countries are pursuing it through the electoral laws.<sup>18</sup> France and India are exercising it in local bodies.<sup>19</sup> This type is not

---

<sup>12</sup> Jabeen and Awan, "Gender Quotas."

<sup>13</sup> Richard E. Matland, "The Norwegian Experience of Gender Quotas," A Paper presented at the International Institute for Democracy and Electoral Assistance (IDEA)/CEE Network for Gender Issues Conference at Budapest, Hungary, October 22-23, 2004.

<sup>14</sup> Jabeen & Awan, "Gender Quotas," 136.

<sup>15</sup> "Monthly Ranking of Women in National Parliaments," Parline-Global Data on National Parliaments, June 1, 2021, <https://data.ipu.org/women-ranking?month=6&year=2021>.

<sup>16</sup> United Nations Development Programme, *Political and Legislative Participation of Women: Issues and Perspectives*, (Islamabad: UNDP, 2005).

<sup>17</sup> Drude Dahlerup, No Quota Fever in Europe, IDEA, October 2004, 5.

<sup>18</sup> IDEA, Gender Quotas Database, <https://www.idea.int/data-tools/data/gender-quotas/quotas>.

producing desired results as the candidates' inclusion does not guarantee their success.<sup>20</sup> Finally, many states including Pakistan have reserved seats for women;<sup>21</sup> their arrangement originates from electoral laws and constitution.<sup>22</sup> Afghanistan, Bangladesh, Uganda, Rwanda, Tanzania, etc. have reserved seats for women. Despite their individual shortcomings, all these categories of representation are enabling women to secure their position in politics.<sup>23</sup>

## Literature Review

The literature reviewed analyzed the impact of quota on descriptive and substantive representation of women in parliament, considering women's political representation in Pakistani legislature. Generally, it is assumed that both men and women have the same political interests irrespective of their gender, but a survey conducted by Inter Parliamentary Union (IPU) in 65 countries negates this idea. Almost 200 female parliamentarians were interviewed during the survey and the majority of respondents held different perceptions about politics and explained that women's participation in decision-making was crucial to change the political culture.<sup>24</sup>

Introducing the concept of critical mass, Kanter argues that 35 percent representation in female members could influence the legislation. She tried to establish that presence of a larger number of women in assemblies could influence gender issues.<sup>25</sup> The idea of critical mass was advocated widely to attain women's enhanced representation. It was assumed that once women would achieve a certain percentage in the legislature, change would occur automatically. Vega and Firestone observed if women are smaller in number, they take a back seat in decision-making.

---

<sup>19</sup> IDEA, Gender Quotas Database. <https://www.idea.int/data-tools/data/gender-quotas/country-view/146/35>

<sup>20</sup> Jabeen and Awan, "Gender Quotas."

<sup>21</sup> "Reserved Seats for Women," National Assembly of Pakistan, [http://www.na.gov.pk/en/mna\\_list\\_w.php?list=women](http://www.na.gov.pk/en/mna_list_w.php?list=women)

<sup>22</sup> Krook, *Quotas for Women*.

<sup>23</sup> Jabeen and Awan, "Gender Quotas."

<sup>24</sup> IPU, Women's insight, IPU Reports and Documents no.36, (Geneva: Inter Parliamentary Union, 2000).

<sup>25</sup> Kanter, "Some Effects."

<sup>26</sup> Lovenduski and Norris suggest that higher numbers in the parliament would empower women to work for their causes.<sup>27</sup>

However, the critical mass theory is not in itself sufficient as other factors contribute to change in both negative and positive ways. Women politicians argue that 'women parliamentarians seek to articulate women's issues in parliament and conduct politics in a gender sensitive way.'<sup>28</sup> Yoon and Bunwaree have examined the case of women parliamentarian in the Mauritian Parliament. Their study suggests that even a small number of women in the parliament can bring women's issues in the limelight.<sup>29</sup> Saint and Michelle's findings on the state legislature of Arizona indicate that in case of lower representation, men do not contradict with women on their issues. It was further argued that 15 percent or more seats occupied by women in the parliament can change the representation of gender issues.<sup>30</sup>

Anne Phillips's in 'Politics of Presence' argue that women's presence is important, but warns that gender parity does not guarantee addressing women's interests.<sup>31</sup> A study conducted in Taiwan indicated that male and female legislators have different priorities. It highlighted that women speak for their issues regardless of their party affiliation and agendas.<sup>32</sup> Another study examined the impact of gender in Thailand's Parliament during the rule of Prime Minister Thaksin. It confirmed the thesis that only women legislators brought change through the number of bills introduced and passed, concerning women's issues.<sup>33</sup> It was further

<sup>26</sup> Arturo Vega & Juanita M. Firestone, "The Effects of Gender on Congressional Behavior and the Substantive Representation of Women," *Legislative Studies Quarterly* (1995).

<sup>27</sup> Joni Lovenduski and Pippa Norris, "Westminster Women: The Politics of Presence," *Political Studies* 51, no. 1 (2003): 84-102.

<sup>28</sup> Sarah Childs, "The New Labour Women MPs in the 1997 British Parliament: Issues of Recruitment and Representation," *Women's History Review* 9, no.1 (2000): 70.

<sup>29</sup> Mi Yung Yoon and Sheila Bunwaree, "Women's Legislative Representation in Mauritius: A Grave Democratic Deficit," *Journal of Contemporary African Studies* 24, no. 2 (2006): 229-247.

<sup>30</sup> Saint-Germain & A. Michelle, "Does their Difference make a Difference? The Impact of Women on Public Policy in Arizona Legislature," (1989).

<sup>31</sup> Anne Phillips, *Idea of the Politics of Presence* (Oxford: Clarendon Press, 1995).

<sup>32</sup> Lichun Chiang and Kazuki Lwanaga, "Women as Agents of Change in Legislation in Taiwan," *Women's Political Participation and Representation in Asia: Obstacles and Challenges* (2008): 81-100.

<sup>33</sup> Kazuki Iwanaga, and Patricia Loreskär, "Women Legislators and their Impact on Public Policy: A Comparative Perspective," in Aazar Ayaz and Andrea Fleschenberg eds. *The Gender Face of Asian politics* (Karachi: Oxford University Press, 2009).

indicated that party affiliation was more important for women legislators in Philippine in comparison to Taiwan.<sup>34</sup> A review of available literature reflects that sheer quantitative representation of women in legislatures is not sufficient as numbers intersect with other factors like party affiliation, electoral laws, constitutional provisions, etc.

### Conceptual Framework and Research Methodology

This study deploys the “critical mass,” theory to examine the impact of quota on women representation in the National Assembly of Pakistan. Though other studies claim that gauging representation through this perspective in all case studies does not show positive results, the purpose is to go beyond numbers or critical mass to assess the effects of gender quota in a specific context.<sup>35</sup> Dahlerup applied critical mass theory on a study of Nordic legislatures and affirmed that 30 percent representation of women in assemblies helped women representation.<sup>36</sup> In her view, moving up from a small percentage to a large minority is significant.<sup>37</sup> Her findings indicated that a lower percentage, made it difficult for women to prove their legitimacy of contribution due to patriarchal settings and to influence policies or represent their viewpoints effectively. Gender differences in legislative bills does not occur unless women occupy 15 to 30 percent seats.<sup>38</sup>

However, these perspectives are debatable. A major focus of enquiry, is the presence of women in terms of number for some time, considering if critical mass is relevant for women’s political representation.<sup>39</sup> Dahlerup also pointed out that number and percentages have slight importance for a viable policy outcome. Numbers alone are insufficient yet impactful and always must be considered in relation with several factors like literacy rate, societal norms, socio-economic development, political culture and equal access to resources.<sup>40</sup> Significantly,

---

<sup>34</sup> Lourdes Veneracion-Rallonza, “Women and the Democracy Project: A Feminist Take on Women’s Political Participation in the Philippines,” in Kazuki Iwanaga ed. *Women’s Political Participation and Representation in Asia: Obstacles and Challenges* (Copenhagen: NIAS Press, 2008).

<sup>35</sup> Susan Franceschet and J. Piscopo, “Gender Quotas and Women’s Substantive Representation: Lessons from Argentina,” *Politics and Gender* 4, 2008; Franceschet et al., “The Impact.”; Sarah Childs, *New Labour’s Women MPs: Women Representing Women* (London: Routledge. 2004).

<sup>36</sup> Dahlerup, “From a Small.”

<sup>37</sup> , “The Story,” 512.

<sup>38</sup> Saint-Germain & Michelle, “Does their Difference.”

<sup>39</sup> Childs, “New Labour.”

<sup>40</sup> Jabeen and Awan, “ Gender Quotas.”

the theory places undue burden on female legislators, holding them responsible of women's interest representation.

Applying the Critical Mass Theory on the 13<sup>th</sup> National Assembly of Pakistan, it was observed that numbers matter in case of Pakistan. Since, women representation was lower in all the three elections, held after the lapse of provision of reserved seats in 1988. Benazir Bhutto, the first woman prime minister in 1988, could not impact women's number visibly, though she took several steps including establishing women police stations (1994), a National Commission on Status of Women (1994) to review the prevailing laws and recommending amendments, sending a women delegation to Beijing Conference on Women (1995), ratification of CEDAW and appointment of several women on prominent positions. Critical actors are important as their active participation generates more results in comparison to critical mass. In case of this National Assembly, all female legislators are not active, but those who remain active participants have demonstrated exceptional performance even in comparison to their male colleagues.

The case study method is considered with in-depth, comprehensive and intensive inquiries of individuals, communities, groups and events. In this study, qualitative method is applied to understand the underlying causes, reasons, motivations and opinions, while quantitative method uses statistical data to quantify different opinions, attitudes or define variables. The primary data includes views of women politicians and gender activists, besides the proceedings of the National Assembly. Whereas the secondary sources include published material particularly reports of Free and Fair Elections Network (FAFEN), Pakistan Institute of Legislative Development and Transparency (PILDAT) and Aurat Foundation on the subject. PILDAT is a think tank, working on political and public policy, while FAFEN is a network of thirty-five domestic-level organizations working in collaboration to improve parliamentary and electoral processes. Aurat Foundation is a non-governmental organization working for women's rights.

## **Women Representation in the Politics of Pakistan**

During the British period in India, the demand for reserved women's seats was raised when Indians launched the Nationalist Movement in the 1920s. After the WWI, Indian nationalists protested for the demand of universal adult franchise and contesting elections.<sup>41</sup> The Government of India Act 1935, reserved seats for women along with other marginalized

---

<sup>41</sup> Azra Asghar Ali, "The Emergence of Feminism among Indian Muslim Women," (1920-1947), Karachi: Oxford University Press, 2000; Mussarat Jabeen, "The Local Government System of Pakistan: Participation, Representation and Empowerment of Women," *Pakistan Perspectives*, 24, no.1, (2019, January-June):65-94.



segments of the population on the basis of creed, race, caste or occupation.<sup>42</sup> The basic idea was equality; Indian women organizations appraised the new policy of the British government. Pre-partition, Indian women became active not only in politics, but also participated in the freedom struggle. After the independence of Pakistan in 1947, the founder of Pakistan, Muhammad Ali Jinnah encouraged women to take part in state affairs, his own sister Fatima Jinnah stood next to him on all occasions. Her presence was a message to the people that women were not weaker or an ignored segment of the society.

After independence, no constitutional or legal bar restricted women's political participation but their representation in politics remained very low. All the three constitutions of 1956, 1962 and 1973 had the provision of reserved seats for women.<sup>43</sup> The gender quota provision lapsed in 1988 and in 1985 the seats reserved for women were doubled in the 8<sup>th</sup> amendment. In the general elections of 1997, women's representation was around 0.4 percent in all the four provincial assemblies, two percent in Senate and four percent in the National Assembly.<sup>44</sup> Keeping in view, this low level of women representation, the military regime of General Musharraf, restored gender quota and reserved 17 percent seats for women in national and provincial assemblies and allocated 33 percent quota for women in the local body system.<sup>45</sup> Next elections were held in 2002, and brought 205 women into the parliament and four provincial assemblies. This development pushed Pakistan much higher in the regional and international ranking of the GEM (Gender Empowerment Measurement). Pakistan secured 58<sup>th</sup> position in the GEM index of 102 countries even higher than the UK and the US. In 1999, it had 100<sup>th</sup> position.<sup>46</sup> After the 2008 elections, as for South Asia, Pakistan had the highest representation of women in the parliaments.<sup>47</sup> Following Table provides number of female members on reserved/general seats in the National Assembly of Pakistan:

---

<sup>42</sup> Krook, *Quotas for Women*.

<sup>43</sup> Farida Shaheed, Asma Zia & Sohail Warraich, *Women in Politics: Participation and Representation in Pakistan with Update 1993-1997* (Shirkat Gah, 1998); Pakistan Institute of Legislative Development and Transparency, *Decade of Democracy in Pakistan (2008 - 2018)*, Islamabad: PILDAT, December, 2020.

<sup>44</sup> UNDP, *Political and Legislative*.

<sup>45</sup> "Legislative Quotas for Women A Global & South Asian Overview of Types and Numbers," Aurat Publication and Information Service Foundation, July, 2012, [https://www.af.org.pk/pub\\_files/1358744372.pdf](https://www.af.org.pk/pub_files/1358744372.pdf)

<sup>46</sup> Jabeen and Muhammad, "Electoral Gender."

<sup>47</sup> Inter-Parliamentary Union, *Women in Parliament: World Classification*, 2008, <http://www.ipu.org/wmn-e/classif.htm>.

**Table 1: Women Representation in the National Assembly of Pakistan (1947-2013)**

Legislature Years	Total Seats	Women Elected On General Seat	Women on Reserved Seats	Total Seats Held by Women	Percentage of Women Seats
1 <sup>st</sup> NA (1947-1954)	30	2	-	2	6.7%
2 <sup>nd</sup> NA (1955-1958)	80	-	-	0	0%
3 <sup>rd</sup> NA (1962-1965)	156	6	-	6	3.8%
4 <sup>th</sup> NA (1965-1969)	156	6	-	6	3.8%
5 <sup>th</sup> NA (1972-1977)	144	6	-	6	4.2%
6 <sup>th</sup> NA March 2 to July 05, 1977	210	1	10	11	5.2%
7 <sup>th</sup> NA (1985-1988)	217	1	21	22	10.1%
8 <sup>th</sup> NA (1988-1990)	217	4	20	24	11.1%
9 <sup>th</sup> NA (1990-1993)	217	2	-	2	0.9%
10 <sup>th</sup> NA (1993-1996)	217	4	-	4	1.8%
11 <sup>th</sup> NA (1997-1999)	217	6	-	6	2.8%
12 <sup>th</sup> NA (2002-2007)	342	13	61*	74	21.2%
13 <sup>th</sup> NA (2008-2013)	342	16	60	76	22.2%

\*One woman was elected on reserved seats for minorities.

Source: <http://www.na.gov.pk.com>.

### **Women's Contribution in Legislation during the 13<sup>th</sup> National Assembly (2008-13)**

The general elections for the 13th National Assembly were held on February 18, 2008. These were the second elections after restoration and an increased number of reserved seats. Sixty women were elected on reserved seats while 16 won the general seats, constituting 22.2 percent share of the assembly.<sup>48</sup> After increased number of women in the parliament, it was expected that women-specific issues would be addressed because the male parliamentarians ignored them before 2002; they rarely introduced any women related bill to in the parliament.<sup>49</sup> The changing

<sup>48</sup> Reserved seats are filled through indirect elections and seats are distributed among the political parties in proportion to their position on elected seats. No physical constituency or voters' representation exist. Members on general seats are directly elected on a 'first past the post' basis by a single member constituency. The basic eligibility criterion is same for the two types as they must be Pakistani citizen, having age of 25 years or above, must be part of the voter list, qualifying the conditions, provided in Article 62 and 63 of the 1973 Constitution. The condition of graduation was removed by the 13<sup>th</sup> NA. Naeem Mirza and Wasim Wagha, "Performance of Women Parliamentarians in the 12th National Assembly," (2002-2007) (Lahore: Aurat Foundation Publication, 2009).

<sup>49</sup> Jabeen and Muhammad, "Gender Quotas."

situation brought women members together to work on raising gender-related agenda in the National Assembly. This act was not only to draw attention to public forums, but also helpful in advocacy of making these demands, a part of public policy. It was natural as increased number in the legislative bodies raised expectations and feelings of achievement. However, the success ratio was low in terms of laws, but a higher number of bills on women and social issues were initiated by female members in the house.

Total 50 sessions of the 13th National Assembly (2008-13) were held for 690 days to perform its basic duty of law-making and amending the existing one. The article 54(2) of 1973 Constitution of Pakistan restricts the House to meet not less than 130 days in a year, and three sessions must be held in one year.<sup>50</sup> In the first parliamentary year, the session of the NA met for 132 days, 136 days in the second year, 134 days in the third year and 144 days each during fourth and fifth parliamentary years.<sup>51</sup> However, the numbers of days when the NA met and worked were less than its total working days as Shah (2013) pointed out in her study, which provided data of the first three years; these days were 97, 104 and 104 respectively.<sup>52</sup>

The parliamentary business works under a code called 'Rules of Procedure and Conduct of Business.' On one hand, this code helps in legislation; on the other, it provides an opportunity to intervene and talk on public issues.<sup>53</sup> This document is provided to all members after the oath-taking ceremony along with a copy of constitution. It equips them with knowledge of legislative interventions through different tools like Questions, Calling Attention Notices (CANs), Resolutions, Point of Order (POs), motions and parliamentary debates. These legislative interventions are helpful for the members to address the public concerns as well as accountability of ruling executive.<sup>54</sup> These tools are also important in terms of showing the interest and performance of the members to run the parliamentary affairs. Since the restoration of reserved seats, women members have been more active, vocal and vigilant, as compared to their male counterparts in exercising these tools.

<sup>50</sup> Constitution of Pakistan 1973, <http://www.pakistani.org/pakistan/constitution/>

<sup>51</sup> Free and Fair Elections Network, *"Five Years Performance of 13th National Assembly (2008-2013),"* (Islamabad: FAFEN Publication, 2013), <https://fafen.org/five-years-performance-13th-national-assembly-pakistan-march-2008-march-2013/>

<sup>52</sup> Shaheen Ashraf Shah, *Women's Contested Politics of Presence: Learning from the Experiences of Pakistani Women Parliamentarians*, PhD Dissertation, Centre for the Study of Women and Gender, Department of Sociology University of Warwick, June 2013, <http://go.warwick.ac.uk/wrap/57732>.

<sup>53</sup> Mirza and Wagha, "Performance of Women," 26.

<sup>54</sup> Shah, "Women's Contested."

The record of previous assembly (2002-07) was not disappointing either as the most of the women parliamentarians were elected for the first time. They worked enthusiastically and took keen interest to learn the rules and their implementation. Their performance and roles were highly appreciated despite their marginalization. It was reported that in the 12<sup>th</sup> National Assembly (2002-07), only 17 male members (6.3 per cent) out of 269 stood by their female colleagues or individually initiated the bills of women's rights in the house. The attitude of women elected on general seats was the same. Amongst 25 active female members, only two were elected on general seats.<sup>55</sup>

**Following Table provides details of legislative interventions by the MNAs to control the working of the house:**

**Table 2: Performance of the 13<sup>th</sup> NA (2008-2013) in terms of Legislative Interventions**

<b>Agenda Item</b>	<b>1<sup>st</sup> Year</b>	<b>2<sup>nd</sup> Year</b>	<b>3<sup>rd</sup> Year</b>	<b>4<sup>th</sup> Year</b>	<b>5<sup>th</sup> Year</b>	<b>Total</b>
Number of Sessions	11	9	9	11	10	50
Number of Sittings	100	107	108	106	100	521
Number of Treasury Bills introduced	16	22	20	17	27	102
Number of Private Bills Introduced	39	58	17	40	35	189
Number of Questions on Agenda	3,483	4,238	3,127	2,545	2,663	16,056
Number of resolutions adopted	16	14	12	9	34	85
Number of adjournment motions raised	6	10	8	5	1	30
Number of CANs on agenda	109	108	120	122	84	543
Number of points of order raised	741	1,002	1,239	1,289	828	5,099

Note: there is a bit difference in collected numbers as data varies from one to other source.

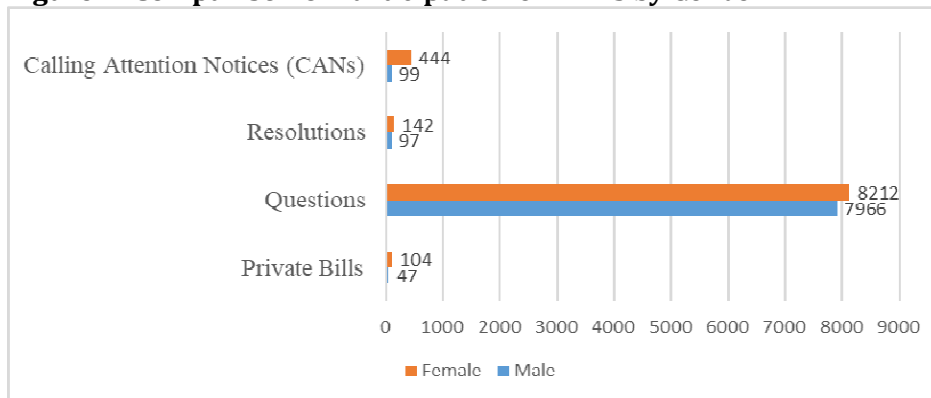
Source: <http://openparliament.pk/wp-content/uploads/2013/05/Performance-of-the-13th-National-Assembly.pdf>.

A gender review of data of 2008-13 shows active contribution of women in legislative business. Different categories provide a quantitative analysis of women representation. A brief gender-based description of

<sup>55</sup> Mirza and Wagha, "Performance of Women," 98.

various tools used by the MNAs for intervention in the working of the house (2008-13) is given below:

**Figure 1: Comparison of Participation of MNAs by Gender**



Source: "Performance of the 13th National Assembly (2008-2013)," FAFEN, <http://openparliament.pk/wp-content/uploads/2013/05/Performance-of-the-13th-National-Assembly.pdf>

## Discussion and Findings

During the 13<sup>th</sup> National Assembly (2008-13), women's performance was better. A total 16,178 questions were raised in the house during the five-year term out of which 8,212 (51percent) were raised by women. Out of 76, 55 women legislators put forward these questions whereas 162 out of 263 male members put 7,966 questions. Members on minority seats submitted 234 questions. Female member had an average of 148 questions, whereas male members' average was 49. This indicates that women have been more active and vigilant regarding the performance of official institutions.

Calling Attention Notices (CANs) are a key tool to draw the attention of members on the assembly's floor toward any crucial issue. Total 573 CANs were tabled and 82 percent were introduced by females and one was related to minorities' rights. The total number of Resolutions were 243, which were tabled on various public issues, while 85 (16 percent) were adopted. Women authored 142 (59.4 percent) of the moved Resolutions. Another encouraging aspect was the 53 joint resolutions by males and females. The NA passed six resolutions on women's issues and one each on blasphemy and minorities' rights. Mostly resolutions focused on foreign affairs, religion, land-reforms, missing persons, target killings and terrorism while social issues like price-control, unemployment, poor children and gender inequality were also highlighted through resolutions.<sup>56</sup> Shah (2013) explored that there was a remarkable difference in the

<sup>56</sup> PILDAT, Decade of Democracy, 43.

patterns of resolutions, especially those moved individually by male or female members from 2008-11.<sup>57</sup> Female members mainly raised social issues through resolution in the parliament.

The Rule 259 of the NA's procedure, allows the members and ministers to give a notice of motion for consideration of any matter of public importance like policy, statement or other relevant issue. During the 13<sup>th</sup> NA, total 318 motions were moved under this rule by 94 members and 47 were taken up. Among these members, 34 (36 percent) were women lawmakers.<sup>58</sup> A total of 5,099 Point of Orders were raised, which did not contribute to any output of assembly.<sup>59</sup>

Table 2 shows that women MNAs actively participated in legislative interventions as compared to men. Aurat Foundation's FAFEN reports endorsed women's dedication, purpose-oriented role and persistence despite their limited experience of parliamentary affairs. Only eight percent of legislative interventions were made by women elected on general seats. Another point was passive role of 23 legislators, who did not show interest in contributing to parliamentary business and five of them were women. It was also reported that each year about 70 percent questions were not answered by concerned departments and ministries.<sup>60</sup> Under the rule 88 (Chapter XI) of the code (Procedure and Conduct of Business) of the assembly, "a member may call the attention of a minister to any matter of urgent public importance and the minister may make a brief statement or ask for time to make a statement. It is also provided that no member shall give more than one such notice in a sitting."<sup>61</sup> PILDAT report showed serious concerns, highlighting the significance of an effective system to collect questions and getting answers from concerned ministries, otherwise the interest of public's representatives in proceedings of the assembly would decline and the task of monitoring the performance of executive would be not done efficiently.<sup>62</sup>

---

<sup>57</sup> Shah, Women's Contested.

<sup>58</sup> PILDAT, Decade of Democracy, 48.

<sup>59</sup> FAFEN, Five Years Performance.

<sup>60</sup> PILDAT, Decade of Democracy; FAFEN, Five Years.

<sup>61</sup> National Assembly of Pakistan, Rules of Procedure and Conduct of Business in the National Assembly, 2010, [http://www.na.gov.pk/uploads/publications/rules\\_procedure.pdf](http://www.na.gov.pk/uploads/publications/rules_procedure.pdf).

<sup>62</sup> PILDAT, Citizens' Report: Performance of the 3rd Parliamentary Year; 13th NA of Pakistan (Islamabad: PILDAT, 2011), 11.

**Figure 2: Legislation output of the 13<sup>th</sup> National Assembly (2008-13).**

<b>Parliamentary Year</b>	<b>Government Bill Passed</b>	<b>Private Members' Bill Passed</b>	<b>Total</b>
1st Parliamentary Year	4	1	5
2 <sup>nd</sup> Parliamentary Year	29	3	32
3 <sup>rd</sup> Parliamentary Year	30	2	32
4 <sup>th</sup> Parliamentary Year	25	4	30
5 <sup>th</sup> Parliamentary Year	28	9	37
<b>Total</b>	<b>116</b>	<b>19</b>	<b>135</b>

Source: "Performance of the 13th National Assembly (2008-2013)," FAFEN, <http://openparliament.pk/wp-content/uploads/2013/05/Performance-of-the-13th-National-Assembly.pdf>

The basic task of parliament is legislation, and its performance is measured in terms of bills submitted and passed. Not all the bills are processed and accepted. For instance, in the 13<sup>th</sup> NA, 135 bills were passed (116 government and 19 private members bills) in its 5-year tenure. However, 81 became the acts of parliament. Out of total 116 government bills, four (3 percent) were introduced by women. Out of 19 PMBs, women introduced 15 (80 percent). The main focus of these bills was the government services, education, electoral laws, end of discretionary quotas in public housing schemes, domestic violence against women including acid throwing events and prohibition of anti-women practices.

Women introduced 104 (55 percent) of total 189 PMBs while 38 (20 percent) were joint venture in collaboration with male colleagues. Overall women's share in passed PMBs was 80 percent, which showed their interest and devotion towards the legislative output; but their share in the treasury passed bills was three percent, which was lower in comparison to 22 percent representation in the NA and constituting half of the population of Pakistan.<sup>63</sup> It is evident that in patriarchal setting male members were accommodated in the legislative business. Following bills were tabled and passed:

1. The Protection Against Harassment of Women at the Workplace Act, 2010
2. The Acid Control and Acid Crime Prevention Bill 2010
3. The Criminal Law (Third Amendment) Bill 2010
4. Prevention of Anti-Women Practices Act, 2010
5. The Acid Control and Acid Crime Prevention Act, 2011
6. Women in Distress and Detention Fund (Amendment) Bill, 2011
7. Criminal Law (Amendment) Bill 2011

<sup>63</sup> FAFEN, *Five Years*, 5.

## 8. National Commission on the Status of Women Bill, 2012

The passing of eight bills show that the years 2008 to 2013 (13<sup>th</sup> NA) tried to address anti-women practices. Women members worked actively for introducing pro-women bills, specifically covering areas like domestic violence and harassment. Women contributed with full strength and worked as critical actors in this period. Two bills were passed on gender rights, pursuing the international tradition and as a party to CEDAW. One was to provide protection at workplace from harassment. The Act made it mandatory for public and private institutions to introduce an internal code of conduct to avoid the happenings of sexual harassment at workplace.

It encouraged more women to be part of workforce, contributing to the economy of the country. The other bill, Prevention of Anti-Women Practices Bill (Criminal Law Amendments) declared many customs illegal such as marriage of women with the Holy Quran or handing over a female to settle the disputes, forced marriages and depriving women of inherited property. Gender-based violence was also addressed through the Acid Control and Acid Crime Prevention Act. This Act prevents the import, production, sale, storage and use of acid to control its misuse for heinous crimes. It also demands from the State to provide legal protection to both victims and survivors of acid and burn crimes.<sup>64</sup> Broadly, these laws exhibited Pakistan's commitment and endorsement to international law, treaties and conventions. Other bills also addressed sectarianism and custody of minor children, prohibiting the discriminatory practices and elevating women's status through the formation of commissions on status of women.<sup>65</sup> The image of the assembly improved due to its pro-women legislation.

On balance, the number of passed laws was much higher than the 12<sup>th</sup> National Assembly, which passed 50 out of 222 bills/ordinances during its 5-year term and 38 became Acts whereas 180 remained pending while eleven were withdrawn.<sup>66</sup> A significant improvement with positive change was visible in case of the 13<sup>th</sup> NA, making its performance as one of the best assemblies in terms of its legislative contribution.<sup>67</sup>

Here worth mentioning point is active role of quota women for drafting and submitting the bills. About 70 percent of PMBs were sponsored by female members and they initiated 104 bills in comparison to 47 by male members. Overall women's sponsored bills were 77 while 27 were presented by a group of female members. It is further observed that female members do not just focus on gender-related legislation, but cover a

---

<sup>64</sup> PILDAT, Decade of Democracy.

<sup>65</sup> FAFEN, *Five Years*, 5.

<sup>66</sup> Mirza and Wagha, "Performance of Women," 26.

<sup>67</sup> F AFEN, *Five Years*, 2.



wide array of issues in the parliament. They contributed in diverse debates and discussions regarding national and international affairs. They exhibited strong unity and solidarity towards women-specific legislation even above their party affiliation. They constituted a Women's Parliamentary Caucus. Another cross-party consensus was demonstrated for an amendment to Political Parties Order 2000 and an increase in gender quota to 33 percent in the parliament. Indirect mode of election and selection stigmatized women's position and without constituency, even their uphill tasks were not reaping any positive outcome as no voters were to appreciate their performance or raise slogans in their favour. Gender quota in itself was insufficient for substantive representation.<sup>68</sup> A great achievement of this assembly was the 18<sup>th</sup> constitutional amendment, which not only brought the system on parliamentary track, but also provided provincial autonomy, addressing the grievances of provinces. It also removed Article 58-2(b), curtailing the presidential powers to dissolve the legislature.

## **Conclusion**

Women's representation in 13<sup>th</sup> National Assembly was descriptive as well as substantive. Women were beneficiary of restoration and increase in number if of reserved seats. Critical Mass worked and women succeeded in ensuring their presence and share in parliamentary affairs. They had two types of identity in the legislature: quota and general seats. Quota seats were never utilized to work for women's issue only as parties' selection is either to oblige the influential political families or women with feudal background or some other compromise. This choice never allows women to work independently as they are indebted to parties and families, pursuing party policy or observing their feudal or tribal traditions, where women have a subordinate status.

However, in the 13<sup>th</sup> legislature, majority of the women members tried to work beyond these restrictions and succeeded in bringing a visible change. Their presence and active participation in legislation rejected the concept that politics is a male domain. Viewing the parliamentary proceedings, it is explored that women legislators were very active and contributed a lot through legislative interventions like resolutions, CANs, PMBs, questions etc. In comparison to their male colleagues, they worked much more for women-related issue and tried to legislate on crucial themes as two bills were passed against domestic violence and harassment at work place. Their percentage for raising social issues was higher than male colleagues and they submitted 80 percent of PMBs and total passed PMBs

---

<sup>68</sup> FAFEN, "Annual Appraisal of the 13th National Assembly; Third Parliamentary Year (March 2010 to March 2011)," (Islamabad: Free and Fair Elections Network, 2011).

were 19 and women introduced 15 of the passed bills. The same trend was visible in non-passed PMBs, they introduced 104 individually and 38 jointly out of 189 bills. They succeeded in making their presence, proving the argument if women have 20 to 30 percent (critical mass) representations in a parliament, there would be women prone legislation.

Apart from parliament, this number helped women change the public perception, exhibiting their performance on other forums. Women politicians successfully depicted seen as public representatives. However, a large number of government bills introduced by female members were lost in the initial stages. Total passed government bills were 116 and women introduced only three. Same trend was observed in non-passed official bills and out of 102 bills, women submitted six bills only. Legislation on women-specific issues was not according to the expectations, which were much higher in the presence of a female speaker.

Absence of constituencies made their position weaker and sometimes awkward, while on the other hand, majority of the women elected on general seats had nominal engagement in their constituencies due to traditional environment. In overall view, statistics revealed women's active participation and they became part of the process, showing a descriptive change. It was a positive sign and indicates that women demonstrated substantial activity within parliament and substantive representation in the process despite the males' domination of legislation. It was also viewed that some quota women were more active than others, and they contributed as they wanted to secure their position not only for next elections, but also to promote the cause of gender equality, showing their performance and abilities in this regard.

