

LAW AS AN AGENT OF SOCIAL CHANGE: A SOCIOLOGICAL STUDY OF PRO-WOMEN ENACTMENTS IN PAKISTAN

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Abstract

Laws are always enacted for the welfare of society with purpose of progress and equality. Consequently, the legislation becomes the agent of the social change. The present study aims to know the relationship of law with social change in the particular field of women empowerment. The enactments from 2001-2016 regarding women are the focus of this study. The study is qualitative in nature. The universe of this study is Karachi; whereby ten advocates interviewed with purposive sampling method. The findings are; legislation pertaining to women in Pakistan from 2001 to 2016 is considered as a progressive legislation. This great enactment process has changed the status of Pakistani women in various spheres of social life. In addition to these laws, Media and Education recognized as contributing factors of the changing status of women. Awareness of pro-women laws is less in our women population. These laws need to be strictly implemented rather than amended or bringing new laws.

Keywords: Law, Social Change, Sociological Study, Pro-women enactments.

Introduction

Women empowerment and equality for women is a debatable topic throughout the world and resultantly pro-women laws were started to be enacted. This spirit of women empowerment through legislation spread in all the corners of the world. After independence, the Pakistani state also tried its best to legislate special laws providing relief to the womenfolk of society. Meanwhile, various movements began to secure women's rights in Pakistan and numerous forums were constituted and in this context Women Action Forum (WAF) is supposed as the first feminist organization in Pakistan. This forum was established in September 1981 in Karachi by women of civil society organizations.

Women's movements in Pakistan have several phases such as political and military periods as identified by (Khan, 2001). Whereas, the appointment of Dr. Fehmida Mirza as the first woman speaker of the national assembly of Pakistan and Musharraf period has been praised by the researchers for the women empowerment in Pakistan such as (Mirza, 2011) and (Noreen & Musarrat, 2013). It is also supposed that the actual wave of the feminist struggle in Pakistan arose in 1980 after the implementation of Hudood Ordinance and this fact is recognized by (Ovais, 2014). The two government terms of Benazir Bhutto were fruitful for the women empowerment in Pakistan. The period of 2004-2011 is recognized as the monumental period with regard to pro-women enactments in Pakistan. Recently the pace of women pro-legislation in Pakistan has been decreased as per (Jatoi, 2015) that in the specific period from March 2014 to May 2015, no women-specific bill became an Act.

For the advancement of gender equality, uniformity and women's progress, Pakistani governments are a signatory to numerous worldwide and national duties and these comprise of the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW), National Plan of Action (NPA) and Millennium Development Goals (MDGs), etc. In spite of the coupling power of all these global and national duties, women in Pakistan are still significantly more than men to be poor, malnourished, and ignorant and have less access to basic leadership, property possession, credit, preparing and work (Nasir, 2012).

Almost 50% of the population of Pakistan consisting of women, but their condition is suffering from systemic gender subordination. Various Pakistani women, especially in rural areas are suffering due to the cruelties such as forced prostitution, rape, acid throwing, honor killing and forced marriages, etc (Hali, 2013). At least once in their lives, 70% to 90% women in Pakistan are victims of domestic violence. The cases of violence against women (VAW) increased

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in the year 2014 and this year was marked as the most terrible year during the period between 2008 to 2014. As compared to the cases reported in 2013, the cases of violence against women (VAW) increased by 28.2% in the year 2014. It is clear from the above facts that the number of violence against women (VAW) cases fluctuated from year 2008 to 2012. The figures increased from 7,571 in year 2008 to 8,548 in 2009 and then decreased in 2010. However, reported incidents, increased to 8,539 in 2009 but the figure dropped considerably to 7,516 in 2012 (Hadi, 2014).

Whereas, the set of rules and systems which is made by the government of any country, town or state is termed as a law. The chief aim to formulate a rule/law is the welfare and wellbeing of society whereby peace, harmony, and tranquility be established. Everyone is equal before the law beyond his / her position and power in society and this is also the main object of any piece of legislation. The law has always been legislated keeping in view the current situations in the society, the law keeps a society together and functioning that is why laws are more important for any society. The laws in these circumstances are also regarded as agents of social change. Laws are the only tools to bring change in all spheres of life. Moore (1973) has also endorsed this fact that only legal innovation can affect social change. The law is considered a tool for social engineering as said by Roscoe Pound. Laws have a direct relationship with social change in society because these are always enacted keeping in view the welfare and wellbeing of society. Which in consequence, changes the attitudes of the public.

Under these circumstances and in view of the importance of law and the principle of equality, 1973 constitution of Pakistan protects the rights of women in article 25, it provides the equality of every citizen and clearly prohibits discrimination on the gender basis. This article also authorizes the state to legislate special laws for the protection of women and children. While article 34 ensures participation of females in all domains of social life.

Problem Statement

The disparity on the basis of gender is common in Pakistani society. After independence, Pakistani governments tried their best to enact pro-women laws with an object to bring par the women with men. Laws were made and international conventions were signed. These laws and conventions now are present only in books. No single study yet carried out to know the productivity and benefits of such type of enactments. How these laws and conventions changed the status of women at workplace, in house and public places? How these legislations have been proved beneficial to reduce the domestic violence and other social evils common in Pakistani society including honor killing, and acid attacks? In the present study, the researchers have tried their best to address all the above mentioned questions and the researchers consider these questions fundamental in the best interest of the women of Pakistan.

Significance of Study

All the studies referred in connection to this research have highlighted the deep and wide relationship of law and social change in society. In order to bring about desired change in society and to perform its function to the best of its abilities, law has to be proactive and extra smart (Negi & Negi, 2016). There is a need to study women's issues in academic institutions (Patel, 2013). Therefore, it is indispensable to know the role of law in molding the social life in order to better understand its relationship with social change and development with special focus on the rights of the women. In this line, this study will be a little effort to formulate the theoretical and scientific background for the women empowerment and parity in society.

Research Questions

1. How have laws provided protection against misuse and exploitation and changed the status of Pakistani women?
2. How have laws prevented the gender discrimination of women and changed their status?
3. What remedies do laws provide to the Pakistani women at work place and public places?
4. How and in what manner the pro-women legislation is protecting Pakistani women against social evils.
5. What remedies do laws give in protection of domestic violence?

Literature Review

The authors believe that the pro-women laws in Pakistan have changed people's attitude about gender inequality and this fact is being supported by UN WOMEN (2012) that since past few years, developments in pro-women laws have revealed that government of Pakistan and civil society groups working for the empowerment of women are producing results.

The law should be constructed on the fundamentals of Shariah's philosophy. In Pakistan, the implementation of Shariah laws as a perspective of social change will promote awareness of women's rights in the country (Pakeeza,

2015). Whereas, according to Stacey (2018) Shariah literally implies a well-worn way to a water source. In Islam, it is a concept that is utilized to portray Islam as a total lifestyle. Along these lines, Shariah is a set of laws that give a clear and straightway to satisfaction in this life and achievement in the Hereafter. It additionally gives the system to a working society with explicit good, moral, social and political sets of accepted rules. Its laws give the direction to mankind and make in this way that goodwill have victory over the evil.

The federal and provincial governments are responsible to ensure that women have access to gender-responsive police and it should be easily accessible (Mirza, 2011; International Crisis Group, 2015). There is a dire need for the legislation which may cover females' financial opportunities, employment, and social safety. Legal empowerment is a very important component of protection of social, economic and cultural rights of women. Sufficient legislation is available for the protection of women's rights in Pakistan (Noreen & Musarrat, 2013).

Precise, applicable and convenient information to the administrators about the difficulties confronted by the general population is the main and straightway towards securing the privileges of women in Pakistan (Zaka, 2012). Pro-women legislation has played a good role in providing and protecting women's rights (Abbas & Riaz, 2013). There are various categories such as constitution, other laws, and Islam the state religion of Pakistan, which gives equal rights to all the members of the society including women (Lakhvi & Suhaib, 2010). It is not possible to bring progress in the conditions of women workers until and unless they may be bestowed upon with special protection. Besides, constitutional protection to prevent discrimination on the basis of race, religion and sex, etc., other special laws are more important for the safeguard of women's rights (Gupta, 2013).

Imran (2013) in his paper paid attention to rape and the state legislation that governs it, namely the Zina Hudood Ordinance of 1979 and the Law of Evidence of 1984. He declares these laws as gender-discriminatory in nature. Krook (2008) in his exploration acclaim the endeavors of legislatures of more than fifty nations that have adopted quota laws to regulate the choice or decision of women to political office. In this regard, he admires and said that this planning will definitely incorporate women into public life and will promote social, economic, and political status.

Law is an instrument and a great agent of social change. Laws supposed to generate, activate and accelerate ordered social change. Pro-women laws should give relevant information about rights and duties (Shambhunath, 2016). One of the researchers has praised the Nigerian Supreme Court and its pronouncements in the cases which prove a fundamental step in the protection of women's rights in Nigeria. It has provided an unequivocal readiness of the court to protect and safeguard women's rights in Nigeria. Researchers consider these pronouncements a definitive judicial opinion on the status of customary laws and practices that cultivate gender inequality (Worugji & Ugbe, 2016).

Research Methodology

The current study employs interpretive (Interpretivism) research paradigm whereby a qualitative approach used. Besides, to understand the relationship of law with social change thematic method as utilized by Braun & Clarke (2006) has been adopted for the data collection and analysis. For the purpose of data collection, a semi structured interview questionnaire was designed. The universe of this study is Karachi, and with the help of a purposive sampling technique ten in-depth interviews of famous lawyers having practiced in Karachi with a particular focus of their advocacy for the women laws and also worked for the women's rights were conducted. The small sample size of this study is justified because qualitative study more focuses on the in-depth understanding and interpretation of the phenomenon rather than generalization. As per Polit & Beck (2010) the qualitative study aims not to generalize, but it provides contextualized and rich understanding of a few features of the phenomenon through detailed investigation of specific cases of the experience of human beings. On the other end, according to Laerd Dissertation (2019) with the help of purposive sampling technique, a qualitative study can be generalized from the sample under the study, as its main concern is a specific population in which we are interested.

Data were analyzed thematically whereby raw data that were recorded and tapped were than deciphered verbatim. After this the crucial record of similar information was extracted, transformed and modified into themes and clusters as the basic quintessence of the experience is to be secured. Finally, developed associations were taken to illustrate the phenomenon.

Findings and Discussions

This thematic investigation provides a detailed record of the results that were taken from the participants' interviews and the same results after that matched with the themes, these themes than derived into explicit inferences to shape

comprehensive outcomes and findings. Undermentioned are the themes that were constructed from the respondent's perspectives. This phenomenon of law as an agent of social change has various perspectives and its rate changes from one interview to another.

Table 1. *Participant's Demographics*

Gender	Practicing in	Tool	Practicing Place
5 Male	Civil, criminal and family matters	In-depth Interview	Karachi
5 Female	Civil, criminal and family matters	In-depth Interview	Karachi

Numerous accounts of the respondents, their implied and clear understandings exposed that the legislation pertaining to women in Pakistan from 2001 to 2016 is considered as a progressive. Prior to this legislation, the ratio of social and cultural evils against women was in great proportion, but pro-women laws have brought enough decrease in such evils. These legislations have benefited our society socially and economically and contributed in the social change. This finding is supported by the previous study such as Shambhunath (2016) considers law as an instrument and a great agent of social change. These laws have changed the social, cultural and political aspects of a woman's life in Pakistan. The narrative of the respondents demonstrates their belief that legislation, especially which made in the period of 2001 to 2016 relating to women is a panacea for the Pakistani women.

One of the participants narrated as, *'that's an interesting question... my experience has been that law is an agent of change if properly implemented. No doubt, laws are source of social change and the same attribute is being possessed by laws of women from 2001 to 2016'* (Interview: Participant 3).

Participants' accounts also revealed that laws are not great agents of social change, but it could be considered as a significant and important role of laws in the path of social change.

As one of the respondent is of the view that *'Oh! Yes, it's true, but my observation is this these laws are not a great changing agent, but these have played significant role in change such as in the protection against honor killing'* (Interview: Participant 5).

Table 2. *Pro-women Laws enacted in Pakistan from 2001 to 2016 are the agents of socio-cultural and political changes for Pakistani women (n=10)*

Socio-cultural and political change	Number of participants who cited that laws have brought changes	% of participants who cited that laws have brought changes
Protection against misuse and exploitation	09	90
Social status has been changed	08	80
Patriarchal form of family	07	70

The narrative of a majority of the participants revealed that the effect of this legislation is the decrease in the rate of exploitation and misuses of women. Noreen & Musarrat (2013) legal empowerment are a very important component of women empowerment.

One of the respondents shared views as *'Good question as per my analysis women in Pakistan are now more advanced and this has happened owing to these series of laws. In this regard, now the exploitation of women in Pakistan has decreased'* (Interview: Participant 8).

In response to the question of the patriarchal form of the family the views and ideas of the respondents were interesting and noted worthy.

One of the participants shared experiences as *'I consider the patriarchal form of society as a "mindset" and accordingly, the mindsets always change with the passage of time. In this direction, this is also a mindset that Pakistani society is male dominated. Laws have revealed their function in this regard and changed the status of women'* (Interview: Participant 1).

Table 3. Pro-women legislation from 2001 to 2016 has prevented the gender discrimination (n=10)

Gender discrimination	Number of participants who cited that laws have brought changes	% of participants who cited that laws have brought changes
Educational discrimination	08	80
Employment discrimination	07	70
Family discrimination	06	60

Participants' description exposed the importance of laws and training for decreasing the gender discrimination of women. Gupta (2013) constitution has taken great care to prevent the disparity on the grounds of race, religion, and sex etc.

Pertaining to this theme, one participant said *'Very well! "Gender Sensitization" Training and Laws played their role in this regard. Conditions have changed, but not hundred percent, still we have to work'* (Interview: Participant 7). One of the respondents gave a very important and interesting account of experience in this way; *'Now, owing to these pro-women laws gender discrimination has been reduced and women are equal to men. I think at this time they have more rights as compared to men. Besides these laws, the media, and particularly social media have played their part in the improvement of the status of women.'* (Interview: Participant 10).

Table 4. Protection of modesty of women at workplace and public places (n=10)

Protection of modesty of women	Number of participants who cited that laws have brought changes	% of participants who cited that laws have brought changes
Easy to work in a male dominated society	07	70
Increasing number of working women due to laws	06	60
Public places	02	20

The respondents in this perspective believe and were agree that the laws have protected to the working women also, laws have provided cover to the modesty of working women at various spheres. All government and non-governmental organizations are bound to constitute committees to address the grievances of the working women in their organizations. As one member of the study said: *'Educated women and urban areas women are fully benefiting from these laws as compared to rural working women. Domestic women workers are not recognized in the scope of these women laws. The ratio of working women not only increasing due to laws, but education is also a factor, women wants to make themselves economically sound'. I agree in this context that laws, especially pro-women laws have been proved as a weapon for the protection of the women at workplace* (Interview: Participant 8).

The participants of this study pointed out that at public places, laws are not redressing to women and there is no single special law, which is protecting the women in this context. Participants shared their experiences as: *'It is education and awareness which are protecting women in public places. There is no single special Law, and cases still reported related to harassment at public places'* (Interview: Participant 06).

Table 5. Pro-women Laws of 2001-2016 as a remedy for social evils being in practice in Pakistan (n=10)

Social evils	Number of participants who cited that laws have brought changes	% of participants who cited that laws have brought changes
Vani, Watta Satta, Sawara	05	50
Forced marriages	06	60
Marriages in lieu of settling civil disputes	06	60

The respondents believe in the fact that numerous types of social evils are, in practice against women in Pakistani society. The laws have tried their best to redress the victims of such social and customary evils, but still there is need to make efforts in this direction. The laws from 2001-2016 have protected Pakistani women against social evils, now

ill treatment against women, according to some estimate has decreased to 50%. In this perspective of social evils not only laws have played their due role and changed the status of women, but development and education is a good partner to this effect. On the other hand, participants admired the role of media and they consider its role as vital; after its reporting, laws come into action. Respondents consider it necessary that these evils must be reported for the implementation of laws. In this regard, true account of the participant is as under:

'I praise the rulings of Justice Rahmat Hussain Jaffery who has clearly mentioned for the eradication of these social evils being in practice against women in Pakistan such as forced marriages. Supreme Court is also playing its effective part through its verdicts in preventing the forced marriages and marriages in the settlement of civil disputes' (Interview: Participant 03).

As for as social evils still are, in practice against women the respondents showed their regret in this way; 'What is happening still the social evils like one, Sawara and Honor Killing are present and also not comes to light in various parts of the country. The culprits of these social evil be punished severely without any concession with them and this strictness of law can reduce the incidents' (Interview: Participant 02).

Table 6. Domestic Violence (n=10)

Domestic violence	Number of participants who cited that laws have brought changes	% of participants who cited that laws have brought changes
Not fully covered by these laws	08	80
Family matter	08	80
Not reported	09	90

The law against domestic violence (DV) is in an evolutionary process in Pakistan. There is no proper and special legislation in Pakistan pertaining to domestic violence (DV). In the absence of special laws about domestic violence (DV), few sections of Pakistan Penal Code (PPC) are utilized for the relief of it. One of the respondents said: *'Change has occurred, but 80% to 90% domestic violence (DV) incidents are not reported and settled in homes because it is considered as a family matter'* (Interview: Participant 04).

Table 7. Other factors of social change for the women except the legislation from 2001-2016 (n=10)

Other factors	Number of participants who cited other factors as a source of change for women	% of participants who cited other factors as a source of change for women
Education	09	90
Migration	07	70
Media	09	90
Women's rights movements	06	60

In response to this question the participants denoted a list of other factors which has contributed towards the changing status of women in society. The respondents recognized the fact that the law prevents the evils and has protected the subjects, so the law has played its due role; now society has got rational and awareness so besides to this, there are other various factors that have generated consciousness among the Pakistani women. Such factors consist of education, media, women's right movements and migration. The participant's true account in this regard is as: *'Media have played great role in reporting the cases of honor killings. Owing to the increasing ratio of education among women they are enough aware and participating in various spheres of life'* (Interview: Participant 09).

Table 8. Are women population of Pakistan being fully aware about the laws in their favor (n=10)

Awareness	Number of participants who cited about women's awareness	% of participants who cited about women's awareness
Educated women	4	40
Working women	5	50
Women of rural areas	1	10
Women of urban areas	3	30

Women are not completely familiar with their rights and laws which are providing protection to them. The case is same with educated, uneducated, working and domestic ladies. Respondent's actual narrative is given as under:

'Even the lady parliamentarians who put their signatures over these bills are not fully aware about the pro-women laws. They don't know the content present in these laws. In this circumstance, exceptional case is of lady lawyers who are aware about these laws and their rights, but this is only due to their profession' (Interview: Participant 02).

Table 9. Further Amendments to the existing Laws (n=10)

Amendments	Number of participants who cited in favor of further amendment to existing laws	% of participants who cited in favor of further amendment to existing laws
Gender discrimination	01	10
Protection of modesty at workplace and public places	04	40
Social evils	02	20
Domestic violence	02	20

Few amendments were suggested in the Women Harassment Act, 2010 and the definitions of the term Harassment at public places should be incorporated in this act. The offenses of social evils should be amended as non-compoundable and the laws should not allow compromise by brothers, sisters or relatives of victims.

Table 10. Further legislation (n=10)

Further legislation	Number of participants who cited in favor of new legislation	% of participants who cited in favors of new legislation
Gender discrimination	01	10
Protection of women's modesty at public places	06	60
Protection of modesty of rural working women and rural girls education	06	60
Social evils	02	20
Domestic violence	06	60

The majority answered as no, this does only need the awareness and strict implementation of existing laws in favor of women. Punishments should be severe in nature; these should be exemplary and offenders should not be released on bail. Laws that are creating a disparity between men and women should be amended. Participants said, *'No, please, no new law relating to women. In our country laws were good and now these are also effective. Great legislation has been done pertaining to women. Perhaps this is a greater legislation of any country of the world relating to women. Existing laws must be implemented and their awareness is to be created'* (Interview: Participant 02 & 03).

The participants in this context suggested that new and special laws should be enacted for Domestic Violence (DV) and for the protection of modesty of rural worker women because they are working in different social structure as compared to urban women. There should be a special law for the educational rights of the women specifically rural girls.

Table 11. Implementation of Pro-Women Laws (n=10)

Implementation	Number of participants who cited that pro-women laws have no proper implementation	% number of participants who cited that pro-women laws have no proper implementation
Implementation	08	80%

There is no proper implementation of pro-women laws. The pro-women laws can be proved more beneficial for Pakistani women, when these may be strictly implemented. One of the views of the participants is given as, 'It is better to implement the women related laws rather than to bring a bulk of laws' (Interview: Participant 06).

Conclusion and Future Recommendations

The results of this research reveal that legislation pertaining to women in Pakistan from 2001 to 2016 is considered as a progressive and beneficial to women. These enactments at some extent have decreased the rate of exploitation and misuses of women. This specific legislation has also played its due role in decreasing gender discrimination of women and protected to the working women, besides, it has provided cover to the modesty of working women at various spheres. Although an exception in this regard is the domestic women workers who are not recognized in the scope of these pro-women laws. In addition to this, laws are not redressing to women at public places and there is no single special law to this effect. The laws have tried their best to redress the victims of social and customary evils. Laws relating to domestic violence are in the evolutionary process in Pakistan. Besides these enactments, study has found education, media, women's rights movements, migration and development as contributing factors to the changing status of women. As far as further laws and amendments in existing laws are concerned; there is a need for awareness and strict implementation of existing laws and no need to legislate new laws at this time.

The study suggests that awareness regarding such laws among women should be created and in this direction, it is further recommended that media should play its due role in creating awareness of pro-women laws. Besides, it is also, the responsibility of governmental institutions, especially, education and women's development departments has to spread awareness of the pro-women laws. It is strongly recommended that for the awareness purpose governmental and civil society organizations should work in collaboration. Seminars, symposiums, and workshops may be organized as this would be more beneficial from the awareness point of view. All pro-women laws should be implemented in letter and spirit. In this regard court, police and other concerned authorities are recommended to perform their due role. Pro-women laws should not violate the provisions of the constitution and Shariah. The domestic worker women should be included in the definition and scope of existing pro-women laws.

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