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Competing Interpretations of Islam and Women's Political Rights in Pakistan's Constitution-Making Process (1947–1956)

Dr. Naila Maqsood¹

¹University of Engineering and Technology Taxila, Email: naila.maqsood@uettaxila.edu.pk

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Corresponding Author:

Dr. Naila Maqsood

Email:

naila.maqsood@uettaxila.edu.pk

ABSTRACT

This article examines how competing liberal-modernist and traditionalist interpretations of Islam formed the early constitutional debates on women's political rights in Pakistan (1947–1956). While existing scholarship has largely examined later constitutional reforms, legal developments, and women's political representation. However, a little attention has been paid to the formative ideological debates that shaped the constitutional foundations of women's citizenship. Drawing documentary analysis of Constituent Assembly debates, reports of the Board of Ta'limat-i-Islamia, constitutional documents, and contemporary political writings, the paper identifies two competing constitutional perspectives. It argues that the constitutional contest was not between Islam and secularism but between competing interpretations of Islam: liberal-modernist leaders such as Muhammad Ali Jinnah and Liaquat Ali Khan pressed for constitutional democracy and equal citizenship, while traditionalist religious scholars defended gender-differentiated roles grounded in established juristic interpretation. These opposing views shaped the constitutional language of citizenship and the trajectory of women's political rights.



Introduction

When Pakistan gained independence in 1947, it faced two overlapping challenges: state-building, constitution-making, and defining the relationship between Islam, democracy, and citizenship. The Constituent Assembly was the main arena for these arguments, and one of the most divisive questions was women's place in the political order (Afzal, 1999) were women full citizens with the right to sit in legislatures, or were they to be confined to a domestic role under an Islamic social framework?

They were not abstract philosophical debates. They were rooted in a real political struggle. On the one side stood liberal-modernist leaders like “Jinnah and Liaquat Ali Khan, who believed

democratic governance and equal citizenship were compatible with Islam” (Hussain, 1982; Mujahid, 2009). On the other side stood traditionalist scholars, they “insisted on gender specific roles and limits on women's public participation” (Binder, 1963). This struggle was showed in the debates of the Constituent Assembly. These debates formed the legal and political foundations of women's citizenship. Their influence continued for decades (Ansari, 2008).

Most research on women in Pakistan examines later developments. It includes constitutional reforms, qouta, and the impact of military rule. In contrast, the constitution-making debates of 1947–1956 have received limited attention. Even though, they laid the foundation for these later developments (Jalal, 1995; Waseem, 1994; Talbot, 2012). Historians have documented the evolution of constitutional politics, while legal scholars have studied constitutional provisions relating to women. However, the constitution-making process itself has rarely been examined as an arena where competing interpretations of Islam determined how women's citizenship was defined.

This article fills that gap. It argues that the real struggle was not between Islam and secularism. Instead, the debate was a contest between different Islamic interpretations, of public authority. The analysis draws on Pitkin's (1967) idea of representation and feminist theories of citizenship from Pateman (1988) Lister (2003) and Young (2000). These framework help to trace how competing constitutional visions shaped women's early political participation/role in Pakistan. The article proceeds with a review of the literature, followed by the methodology. It further move on an analysis of the liberal-modernist and traditionalist perspectives. It examines the lasting implications for women's political rights in the end.

Literature Review

Women's Political Representation, Citizenship and Constitutional Inclusion

Does having more women in politics truly change policy or simply fill seats? This fundamental question has been debated since Pitkin (1967) drew a line between descriptive and substantive representation. Descriptive representation refers to women's physical presence in legislatures. substantive representation refers to their capacity to influence legislation and advance women's interests. Mansbridge (1999) argued that descriptive representation matters on its own terms. It strengthens democratic legitimacy and broadens political deliberation. But she also warned that shared identity does not automatically translate into political influence. Institutional constraints often limit what individual legislators can achieve.

Dahlerup (1988) introduced the concept of critical mass. The idea was simple: once women reach a certain threshold in a legislature, they can collectively reshape policy priorities. Later scholars moved away from counting numbers. They focused instead on critical actors, people of any gender who actively champion women's interests regardless of how many women sit in parliament. The lesson is that constitutional design, institutional openings, and political leadership matter as much as, or more than, seat counts.

Feminist theories of citizenship add another dimension. Pateman (1988) argued that modern citizenship was built on a public-private distinction that historically kept women out of political authority. Lister (2003) insisted that citizenship requires not just formal legal rights but the practical ability to exercise them, while Young (2000) stressed that institutions must be designed to address structural inequalities rather than assume a level playing field. What these perspectives share is the conviction that writing women into a constitution is not the same as including them in political life.

These theories matter particularly for newly independent states, where constitution-making is the moment when citizenship is defined and political authority is allocated. Pakistan's case is a test of whether constitutional recognition of women's rights translated into actual political participation during the state's formative years.

Islamic Constitutionalism and Pakistan's Constitution-Making

The studies on Islam and constitutionalism in Muslim majority states has generally identified two broad positions. Modernist scholars, drawing on principles such as shura, adl, and maslahah. They argue that Islam is compatible with constitutional democracy and equal citizenship. They emphasise ijihad, the reinterpretation of Islamic sources in response to changing conditions (An-Na'im, 2008; Esposito and Voll, 1996; Kurzman, 1998). Traditionalist scholars, by contrast, rely more heavily on established juristic interpretations and tend to support differentiated gender roles within the constitutional order (Kamali, 2008).

In Pakistan's case, these competing positions shaped the constitution-making process directly. Jalal (1995), Waseem (1994, 2012), and Talbot (2012) all argue that drafting the constitution was not just a legal exercise but a political contest over the identity and legitimacy of the new state. The real question was not whether Islam should guide the constitution, but how Islamic principles should be interpreted within a democratic framework.

Methodology

This study employs a qualitative historical research design based on documentary analysis to examine constitutional debates on women's political rights during Pakistan's constitution-making process (1947–1956). Primary sources include the proceedings and debates of the Constituent Assembly of Pakistan, reports of the Board of Ta'limat-i-Islamia, constitutional documents, speeches of political leaders, and contemporary government records. Secondary sources comprise scholarly books and journal articles on constitutional development, Islamic constitutionalism, women's political representation, and Pakistan's political history.

Liberal Constitutionalism and Women's Citizenship

According to a Pakistani political scientist, Muslim liberalism started in the Indian Subcontinent under the guidance of Sir Syed Ahmad Khan. The Muslim League was the creation of such emerging liberal leadership. After partition, the task of constructing the machinery of government and framing a constitution for the new state fell upon the group of liberal leaders led by Jinnah (Manzooruddin, 1966).

The emergence of Muslim liberalism in the Indian subcontinent provided the intellectual foundation upon which Pakistan's early constitutional leadership sought to construct the new state. Rather than viewing Islam and constitutional democracy as mutually exclusive, liberal leaders attempted to integrate Islamic ethical principles with representative government and equal citizenship. This ideological orientation shaped subsequent constitutional debates concerning the political status of women and their participation in public institutions

As a liberal, Jinnah thought that parliamentary democracy did not contradict the spirit of Islam and was fit for Pakistan.

In a speech on March 26, 1948, he said:

“You are only voicing my sentiments ... when you say that Pakistan should be based on the secure foundations of social justice and Islamic socialism, which

emphasizes equality and the brotherhood of man. Similarly, you are voicing my thoughts in asking ... equal opportunities for all. These targets of progress are not controversial in Pakistan ... Brotherhood, equality, and fraternity of man – these are all the basic points of our religion, culture, and civilization. And we fought for Pakistan because there was a danger of denial of these human rights in this Sub-continent.” (Hussain, 1982)

Jinnah's articulation of equality and social justice demonstrates that his conception of citizenship was inclusive rather than gender-specific. Although he did not explicitly formulate a comprehensive programme for women's political rights, his emphasis on equality before the law and equal opportunities provided an important constitutional basis upon which women's participation in public life could later be justified. His vision therefore reflected a liberal understanding of citizenship grounded in democratic participation and constitutional equality.

The liberal position of the Quaid-i-Azam was further articulated by Liaquat Ali Khan, the right-hand man of the Quaid and first Prime Minister of the new country. Khan defended modernist liberal Pakistan on several occasions. One occasion was when he participated in a debate relating to a resolution on the objectives of the yet-to-be-framed constitution. Liaquat Ali Khan explained that subordination to God was necessary because politics unrestrained by ethics tended to become tyrannical. In his view, the acceptance of God's supremacy did not mean that Pakistan would become a theocracy. It meant that the state would implement the Islamic principles of democracy, equality, and social justice. The meaning of these terms in Islam was larger and more wholesome than their meaning in other systems of thought. For instance, Islamic social justice implied that all citizens would be free from want. Islamic democracy meant that not only government and politics, but all social institutions, would function democratically. The Prime Minister said his government wanted to build a “truly liberal” polity, where all would be equal before the law, which would effect a “better distribution of wealth and removal of want”; where no “shackles” would be put on thought; where disadvantaged groups would be helped to catch up; where the people, who were the “recipients of all authority,” would operate the state through chosen representatives; and where everyone would have a voice in the determination of public policy and “in electing those who run the state.” (Hussain, 1982)

A person with more articulate thinking, namely, the historian Ishtiaq Husain Qureshi, went even further when he elaborated on the nature of Islamic Law. He opined:

“Muslims recognized Islamic law, the shari'ah, as sovereign. But the shari'ah included not only the principles found in the Qur'an and the Prophet's traditions, which were immutable but a large mutable element consisting of the medieval jurists' opinions relevant to the circumstances of their own times. During the intervening centuries, the world and the state of human knowledge had changed much. The shari'ah, in its existing form, could not therefore be accepted as the 'legal sovereign'; it needed 'considerable overhauling' and the principles themselves needed new interpretation. Even the Qur'an and Sunnah could not be made legally sovereign until new interpretations of their basic principles had been *made and accepted by the people.*” (Hussain, 1982)

It would not be unreasonable to view Qureshi's thesis as the government's counteroffensive against the ulama in a contest for leadership. The ulama claimed a guiding, and thus a controlling, role in the polity because of their knowledge of the medieval schools of Islamic law and of the established interpretations of Islamic principles and ideals. The position that none of these was binding, that all of them were open to reconsideration, and that the people had the right to accept

or reject this or that interpretation, sought to demolish the entire moral basis and rationale of the ulama's claim to authority. The politician was saying that Islam was what the Muslim community believed and did, that, in effect, the ulama were not indispensable to the process of Islamization thus conceived, and that he could manage it quite well by himself. He might allow the ulama some participation in this process, but he would not yield control to them (Hussain, 1982). Qureshi's interpretation reflected the broader liberal-modernist effort to locate constitutional authority within democratic institutions while preserving the ethical foundations of Islam. In doing so, it challenged the traditional claim that religious authority should remain the exclusive domain of the ulama and opened the possibility for constitutional reinterpretation in response to changing political and social realities. An important venue for debate was, of course, the Constituent Assembly and the occasion of the framing of a constitution. One of the central issues was the place of Islam. The re-interpretation of Islamic law and its history in modern times has been a stupendous task for which two major positions emerged in the country namely the modernists and the traditionalists.

The liberal-modernist side also pushed back on the idea that women belonged only in the home. They argued for women's education, public engagement, and civic responsibility (Manzooruddin, 1966). They pointed to the Pakistan movement itself as proof. Women had played an active role in the struggle for independence (Afzal, 1999). To exclude them from political life now, liberal leaders argued, would contradict the democratic ideals on which the state was founded (Hussain, 1982).

Not everyone agreed. Conservative religious scholars challenged these reforms. They argued that broader participation for women conflicted with established interpretations of Islamic law (Binder, 1963). As the constitutional debates moved forward, these disagreements over gender, citizenship, and political authority became harder to ignore (Jalal, 1995). The tensions between the two sides did not resolve. They continued to shape constitutional debates on women's rights throughout Pakistan's formative years.

The liberal-modernist perspective was thus central to Pakistan's early constitutional development. By advocating constitutional democracy, equal citizenship, and a reinterpretation of Islamic principles, modernist leaders tried to widen the space for women's participation in public life (Waseem, 1994). Their position did not win outright. But it established a set of arguments that subsequent generations of women's rights advocates would return to again and again.

Traditionalist Resistance to Women's Political Rights

The Constituent Assembly itself was aware of the centrality of Islam in the framing of the constitution and the very first document, 'Resolution on the Objectives of the Constitution' has the beginning sentence: "Sovereignty on the entire universe belongs to Almighty Allah." Binder, 1963). To guide the constitutional process on Islamic matters, the Assembly created a body called the Board of Ta'limat-i-Islamia (BTI).

The Board's formation acknowledged that constitutional legitimacy in Pakistan required more than democratic principles. It also required conformity with Islamic values. But the Board did not simply advise on theology. It put forward a specific vision of citizenship in which gender determined who could participate in political life (Binder, 1963). Rather than treating women as equal constitutional actors, the Board approached women's political rights through a framework of differentiated social roles. This set the stage for the ideological clash between the liberal-modernist camp, which pushed for broader political participation, and the traditionalists, who insisted on gender-specific responsibilities.

The Board prepared its report in January 1950 (Afzal, 1999). In its report, the Board was not in favour of the idea of women participating in political activities in a Muslim country. The Board was against the free mixing of men and women. Such, in the Board's view, could cause great social disorder. The society, in its view, could enjoy "equilibrium" and make progress only when men and women performed their specified duties in their respective spheres for the development of the society in accordance with the Islamic principles.

The Board declared:

"It is inevitable for the progress and prosperity of mankind that men and women do perform their respective functions prescribed by Islam rather by nature herself according to their respective natural faculties and aptitudes." (Binder,1963)

Taking such principles into account the Board saw the pivot of the activities of a woman as "her home and her real function to manage the domestic affairs efficiently, bring up the children with such physical, mental and spiritual training that they should fear none but Allah and come forward equipped with best moral virtues, as promoters of human welfare and prosperity." (Binder,1963) Secondly, the "Board thought women should create such atmosphere within the four walls of the house as can help men perform their social functions prescribed by Islam, with happiness and tranquillity of mind." (Binder,1963)

Any burden of social duty on women's shoulders would affect their main functions at home. Therefore, the Board did not favour assigning them any outdoor responsibilities, except in situations of urgent necessity. The Board was of the view that women should not be allowed to enter the legislative bodies. If it was necessary to have women legislators due to needs of modern times, they could become members only on two conditions that: "(i) the eligibility for membership of the legislatures should be limited to those women who had attained the age of fifty; and (ii) the female legislators should observe purdah during the performance of their legislative duties." (Afzal, 1999).

The Board also argued against a woman becoming the head of an Islamic state. According to its recommendations, a woman could not hold the office of the head of an Islamic state in the light of the Qur'an and Sunnah. It cited Qur'anic verses to show the superiority of men over women. One verse cited is: "Men are in charge of women because Allah made one of them excel the other" (*The Quran*, 4:34).the other is: "Call to witness from among your men two witnesses. And if two men are not (at hand) then a man and two women." (*The Quran*, 2:282) The relevant Ahadith were also quoted to prove this point. One Hadith was: "a nation that appoints a woman as its ruler hall never prospers." (Binder,1963) From this, the Board concluded that a woman could not be given the responsibility of the head of state. In addition, it opined that a woman could not lead the Jumma (Friday) prayer. Simultaneously, it clarified that these provisions did not in any way mean the degradation of the womenfolk. The Board upheld that according to the Islamic principles, men and women had been assigned specific duties which they performed for the wellbeing of mankind (Binder, 1963).

According to Maududi (1977), women should have the right to vote but he considered that an adult franchise for them under the prevailing conditions would be unsuitable and harmful to the welfare of the country. He believed the election of women to the legislative assemblies was against the spirit and precepts of Islam adoption of such a practice would be "nothing more than a blind imitation of the West." In his view, active politics and administration was not "the field of activity of the womenfolk"; it came within the preview of "men's sphere of responsibilities." He suggested a separate female assembly whose membership should be confined to women and should be

elected by female voters. Its primary function should look after their special affairs such as female education, male hospitals, etc. It could freely discuss and criticize matters relating to the general welfare of the country. Moreover, the national legislature must consult the female Assembly on all matters concerned with the welfare of the country. Thus, both the documents segregated male and female activities. They relegated the females to virtually a secondary role in the national polity (Binder, 1963).

Although Maududi acknowledged women's right to vote, his conception of political participation remained fundamentally different from liberal understandings of democratic citizenship. His proposal for a separate female assembly accepted women's public involvement only within a segregated institutional framework. Rather than advocating equal participation in mainstream political institutions, this model sought to preserve traditional gender distinctions while providing women with a limited consultative role. Consequently, both Maududi and the Board of Ta'limat-i-Islamia supported women's social significance but rejected the principle of equal political citizenship that had been advocated by liberal-modernist constitutional thinkers.

Constitutional Contestation over Women's Citizenship

The constitutional debates of Pakistan's formative years extended beyond abstract discussions of Islamic constitutionalism and entered the practical arena of legislative politics. The participation of women in the Constituent Assembly became an important test of whether the emerging state would recognize women as equal political citizens or continue to define citizenship through gender-specific roles. Consequently, constitutional debates concerning women's representation reflected broader ideological disagreements regarding democracy, political equality, and the role of Islam in public life.

Meanwhile, two women members of the Constitution Assembly of Pakistan (CAP) demonstrated their ability to work shoulder-to-shoulder with male legislators. They were Begum Jahanara Shahnawaz and Begum Shaista Ikramullah. They made a highly commendable contribution in the legislative business, and they fully participated in the proceedings of the House. Their speeches related both to women's issues and to issues of importance to the country.

The House felt the presence of the two women members. They fully and intelligently participated in debates on budgets, raised issues that pertained to public interest, discussed the bills, voted in resolutions. They showed courage in moving amendments, points of order, asking starred and unstarred questions. They even made interruptions in proceedings of the House to obtain information from the Treasury Bench. They showed disagreement on specific points. An important activity is to serve on the committee of the House. This the two women members did eminently. Women played a substantial role in the movement for the creation of Pakistan (Afzal, 1999).

A greater portion regarding parliamentary work was done through committees, some termed as the standing and others as select committees. Such committees were appointed for a fixed term or purpose. They submitted reports from time to time. The two women were represented on several committees. With such membership, they were able to contribute for the solution of problems under consideration of the House. Both women had a membership on committees dealing with different spheres of public life political, social, and economic issues. In the year 1949, both became members of the Basic Principles Committee (BPC) of the Constituent Assembly of Pakistan. They also became the members of the sub-committee on Franchise. In 1950, Begum Shahnawaz was elected on the Standing Committees of three ministries concerned with Commerce, Foreign Affairs, and Health. She also became member of a vital committee, namely the one concerned with Structure and Organization of the Ministries, and the Offices of the Government of

Pakistan. Begum Ikramullah became a member of a standing committee that was to give advice on matters pertaining to refugees and their rehabilitation. In the Constituent Assembly, both women moved amendments to the reports brought out by the Basic Principles Committee of the Constituent Assembly (Mahmood, 1988).

Committee membership significantly strengthened the political influence of the two women legislators. Within parliamentary systems, committees constitute important institutional arenas where legislation is scrutinized, constitutional proposals are debated, and policy recommendations are developed before reaching the floor of the legislature. So, their institutional presence did not automatically translate into equal influence over constitutional outcomes.

The two women members of the CAP were very much conscious of female issues. Women vitally participated in the movement for the creation of Pakistan. Their contribution to the rehabilitation of the refugees was tremendous. However, in constitutional debates, a proper appreciation of women's problems was missing. The constitutional reports prepared under the BPC contained no mention of women's problems. On the other hand, the Report of the Board of Talimat-e-Islamia (Islamic Teachings) saw women's political participation as something not desirable. Property rights of women, marriage ceremonies, and family laws had been under discussion before independence. The marriage and divorce laws remained the same after Independence. The two women members argued that with a few exceptions, daughters were not receiving a share in inheritance. They proposed the expeditious redress of women's grievances to save them from complicated and lengthy procedures. Special courts could be established for female cases. Some female judges could sit on such cases. Thus, women could get early and judicious disposal of their cases. There was a demand to appoint a commission for bringing laws in line with the Qur'anic teachings so that women could get their due rights (Afzal, 1999). In many ways, women's demands were opposed.

So, Liberal-modernist arguments framed women as citizens entitled to political representation, legislative participation, and a role in national Development. Traditionalist arguments accepted women's dignity but emphasized differentiated gender roles, often locating women's primary responsibilities in the household and restricting their access to top leadership. This divide reflected different models of citizenship itself. One model defined citizenship through equal participation in the public sphere, while the other treated domestic and family roles as women's main civic contribution.

Discussion

Pakistan's constitutional debates (1947–1956) were not confined to constitutional framework. They were also a struggle over the meaning of citizenship and political authority. Competing liberal-modernist and traditionalist interpretations of Islam offered a different understanding of women's political participation. Constitution-making thus became a process through which the boundaries of political inclusion were negotiated.

The findings also support Pitkin's (1967) distinction between descriptive and substantive representation. Although Begum Jahanara Shahnawaz and Begum Shaista Ikramullah actively participated in parliamentary deliberations, committee work, and constitution-making, their presence did not translate into comparable policy outcomes. Proposals relating to inheritance, family law, and institutional safeguards for women received only limited constitutional recognition, underscoring the difference between representation and political influence.

The constitutional debates support with feminist theories of citizenship. Traditionalist arguments reflected the “public private divide” identified by Pateman (1988) that “the public world, the world of the civil contract, is a masculine world” while placing women within the domestic sphere. According to Young’s (2000) the democratic legitimacy requires “the inclusion and the participation of all those affected by a decision”. Without this notion, women’s presence would remain symbolic rather than substantive. Lister’s (2003) emphasis on “effective participation” or the agency to act as a full member of the political community. Due to these competing views, Women’s constitutional status therefore remained conditional and open to contestation.

The paper adds to scholarship on Islamic constitutionalism. It explains that gender was a core part of nation’s foundation. Binder (1963) saw Pakistan’s early constitutional development as a struggle between “Islam and political authority”, while Jalal (1995) and Waseem (1994; 2012) emphasized “evolving identity of the state.” The study proves that gender was woven into these very negotiations. The heated debate on women’s political participation was part of a larger constitutional debate. These include sovereignty, representation, and the constitutional role of Islam.

Another important finding is the role of constitutional institutions themselves. They were far from neutral stages for debate. The Board of Ta’limat-i-Islamia and the Basic Principles Committee influenced the constitutional debate. They actively defined the boundaries of citizenship by legitimising some specific traditionalist or modernist interpretations while marginalising others. Ultimately they helped define the limits of women’s citizenship and political participation in the new state (Constituent Assembly of Pakistan Debates, 1948–1956; Board of Ta’limat-i-Islamia, 1956; Weiss, 1985).

Conclusion

The constitutional debates 1947–1956 played a major role in forming the women’s political rights in Pakistan. The evidence suggests that the main contest was not between Islam and democracy. Instead, it was between competing different interpretations of Islam. These interpretation influenced ideas about citizenship, political participation, and public authority.

Begum Jahanara Shah Nawaz and Begum Shaista Ikramullah made important contributions during Pakistan’s formative years. They debated budgets, moved amendments, served on major committees, and pressed for reforms on inheritance, family law, and access to justice. They challenged traditional ideas about women’s political role. However, institutional and ideological barriers reduced the impact of their proposals on the constitutional framework. These early debates still matter because they shaped later arguments about representation, and democratic inclusion. They also show that constitutional institutions were not neutral. .

This study is limited to the constitutional debates of 1947–1956 and draws primarily on parliamentary records and documentary sources. Future research may examine how these competing constitutional visions shaped the Constitutions of 1956, 1962, and 1973, and influenced women’s substantive political representation under both democratic and military governments.

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