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The Constitutional Paradox of Women's Political Rights and Electoral Disenfranchisement in Pakistan: A Case Study of Swabi NA-19

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ABSTRACT

This study examines the contradiction between Pakistan's constitutional assurances of women's political rights and the actual experiences of disenfranchisement. The 1973 Constitution officially recognizes women's equality under the law (Article 25), requires their involvement in national affairs (Article 34), and allocates reserved seats in both national and provincial assemblies (Articles 51 and 106). In reality, though, countless women continue to be barred from elections because of patriarchal traditions, fragile institutions, and political complicity. In the 2018 General Elections, the paradox is clearly visible in NA-19 Swabi, where women's turnout was significantly less than men's, despite nearly equal voter registration between genders. Employing a qualitative case study approach that incorporates interviews, focus group discussions, and analysis of documents, the research reveals that disenfranchisement arises from socio-cultural norms (such as purdah, jirga verdicts, and honor codes), institutional obstacles (including NADRA's inadequacy in registering women and insufficient oversight by the ECP), alongside women's personal views of politics as a male-centric space. The findings indicate that the paradox does not stem from a lack of constitutional rights but from their ineffective application. The paper wraps up with suggestions for more rigorous enforcement of electoral regulations, gender-responsive institutional changes, grassroots awareness initiatives, and sustained funding for education and empowerment.

Keywords: *Pakistan, Constitution, Women's Rights, Disenfranchisement, NA-19 Swabi, Patriarchy, Elections, Feminism.*

Introduction:

The involvement of women in politics has been acknowledged for a long time as an essential sign of democratic development, inclusivity, and social advancement. Globally, women's capacity to exercise their fundamental right to vote has been intimately linked to the wider fight for gender equality. In Pakistan, women's involvement in electoral politics continues to be significantly limited despite robust constitutional protections. The 1973 Constitution of Pakistan establishes the principle of equality among all citizens, supports women's full participation in national life, and includes mechanisms for political representation via reserved seats (Pakistan, 1973). However, in spite of these provisions, countless women remain either formally or effectively disenfranchised, particularly in rural regions of Khyber Pakhtunkhwa (KP).

The Swabi district in KP presents a notably compelling example of this contradiction. In the 2018 General Elections, the NA-19 constituency in Swabi experienced notable differences in voter turnout between males and females. Although there are nearly 400,000 registered female voters, their real participation significantly fell short compared to men's. Documents from civil society groups and news organizations emphasized various factors: deep-rooted cultural values concerning purdah and family honor (nang, ghairat), informal pacts among political factions and community leaders, logistical issues like remote polling locations, and operational inefficiencies within NADRA and the Election Commission of Pakistan (ECP). Collectively, these factors indicated that women in Swabi were legally granted rights but effectively marginalized (Buazdar, 2020).

This inconsistency is not recent. Historically, women in Pakistan have been excluded from political involvement since the nation's initial elections. In 1970, Pakistan's initial general elections highlighted extensive trends of women's exclusion, especially in conservative areas where women faced barriers to leaving their homes or were dissuaded from voting. Throughout the years, the endurance of patriarchal traditions, inadequate application of electoral regulations and cooperation among political players have sustained this trend. For instance, during the 2008 elections, multiple districts in KP and Punjab recorded "no women participation" because of direct prohibitions imposed by jirgas or party arrangements. Regardless of legal changes, such as the significant Elections Act of 2017 that requires at least 10 percent women's participation per constituency, these practices persist (Bibi, 2020).

This contradiction not only weakens women's rights but also challenges the legitimacy of democracy in Pakistan. If half of the voters are consistently left out, can elections genuinely represent the people's desires? The democratic idea of "one person, one vote" loses its meaning when women are stripped of their voting rights, whether through outright bans or systemic barriers. Additionally, this paradox highlights a larger issue: the discrepancy between Pakistan's constitutional obligations and the actual governance in a male-dominated society. The present study is guided by three interrelated research questions:

1. Why do constitutional guarantees of women's political rights fail to translate into practice in Pakistan?
2. What institutional, cultural, and political mechanisms reinforce disenfranchisement in Swabi's NA-19 during the 2018 elections?
3. What policy interventions can bridge the gap between constitutional rights and women's lived realities?

By tackling these inquiries, the paper aims to add both empirical and theoretical insights to discussions regarding women's political rights. It offers an in-depth case study of Swabi NA-19, utilizing field data and secondary references. Theoretically, it presents the problem as a constitutional dilemma, employing liberal feminist theory to elucidate why rights in theory do not safeguard women in reality.

The subsequent part of the paper unfolds as follows: the following section examines pertinent literature, placing Pakistan's situation within global and South Asian frameworks. The theoretical framework subsequently presents liberal feminism as a means of analysis. The methodology describes the qualitative method employed in this research. The historical and legal context reexamines Pakistan's constitutional and legislative provisions. The case study

segment outlines the 2018 elections in Swabi NA-19. The discussion analyzes these results in the context of theory, and the conclusion provides suggestions for resolving the paradox.

Literature Review

Global Perspectives on Women's Political Rights

The entitlement of women to vote and engage in political affairs has been fundamental to feminist movements globally. Starting with suffrage movements in Europe and North America in the late nineteenth and early twentieth century's, women slowly gained the right to vote, frequently after many years of opposition. The acknowledgment of women's political rights was solidified globally via legal frameworks including the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979). These instruments highlighted that political rights are inseparable from other types of human rights and that governments must guarantee both formal and substantive equality (Report A. , 2015).

Nonetheless, as feminist scholars have highlighted, the presence of legal rights does not necessarily lead to their actual enjoyment. Drude Dahlerup (2006) emphasizes the difference between descriptive representation (the presence of women in parliaments via quotas) and substantive representation (women genuinely affecting policy results). In the same vein, Anne Phillips contends that "the politics of presence" is essential to guarantee that women's voices remain audible in male-dominated institutions (Phillips, 2000).

South Asian Experiences

In South Asia, the political involvement of women has differed significantly among various nations. In the 1990s, India established reserved seats in local councils (panchayats), leading to a notable rise in women's political representation at the grassroots level. Research by Chattopadhyay and Duflo (2004) indicated that female leaders in Indian villages frequently shifted local priorities, highlighting concerns such as water provision and education (Chattopadhyay, 2004). Bangladesh has tested both allocated seats and focused voter education initiatives, leading to a steady increase in women's participation. Nevertheless, patriarchal opposition continues to be robust in countryside locations.

Afghanistan offers a differing perspective. Regardless of constitutional protections and global support, women's participation has been significantly limited by insecurity, Taliban limitations, and long-standing tribal customs. In numerous areas, the involvement of women is largely symbolic at best. Pakistan, on the other hand, occupies a position between these extremes: while its Constitution offers robust protections, cultural and institutional hurdles greatly restrict women's actual involvement.

Pakistani Scholarship on Women's Disenfranchisement

An increasing amount of research has recorded the political marginalization of women in Pakistan. Asif Khan (2013) emphasized that political parties and religious groups in Lower Dir openly collaborated to hinder women's voting, frequently formalizing pacts to prohibit female participation (khan, 2013). Arab Naz, Ibrahim, and Waqar Ahmed (2012) investigated how the Pakhtunwali code in KP labels women's involvement as shameful, thus strengthening restrictions within households (Dr. Arab Naz, Ibrahim, Waqar Ahmed, 2012). Zahid Anwar (2017) examined Mardan, discovering that although state initiatives aimed to register female

voters, actual participation was strikingly minimal because of cultural restrictions (Zaihid Anwar, Saeed Ahmed, 2017).

Organizations within civil society have also provided important insights. The Trust for Democratic Education and Accountability (TDEA) has released comprehensive reports illustrating the exclusion of women in electoral processes. The National Commission on the Status of Women (NCSW) has consistently highlighted the importance of NADRA focusing on the registration of women's CNIC, as millions of women are still unregistered. The Asian Development Bank (2004) emphasized that disenfranchisement illustrates the overlap of gender and poverty: impoverished women are the least likely to have identification documents or the ability to reach polling places (Report, 2004).

Factors related to institutions

Aside from culture, deficiencies in institutions have been a key factor. The sluggish issuance of CNICs by NADRA has consistently posed a problem, as numerous women in rural regions do not possess the required documents for inclusion in electoral rolls. Lacking CNICs, women are officially excluded from voting rights. The ECP has frequently struggled with inadequate resources and oversight ability to enforce the law effectively, in spite of legal requirements. For instance, the 2017 Elections Act mandated the cancellation of results if the turnout of women fell below 10 percent; however, this rule has not been consistently enforced.

Political parties have also played a role in this. In certain situations, opposing parties tacitly consent not to engage women voters to limit unpredictability and maintain male control over election results. This collusion weakens the essence of democratic rivalry.

Gaps in the Literature

Although these studies reveal significant aspects of disenfranchisement, few directly present the matter as a constitutional dilemma. Much of the scholarship views disenfranchisement as a cultural or institutional issue, lacking a systematic examination of how it contradicts Pakistan's robust constitutional protections. This study aims to address that gap by placing Swabi's experience in a wider legal-theoretical context, demonstrating how the presence of formal rights alongside substantial exclusion creates a paradox central to Pakistan's democracy.

Theoretical Framework

This paper's analysis is primarily influenced by liberal feminist theory, which highlights the importance of women's equal access to rights and opportunities within current political and institutional frameworks. Liberal feminism claims that women are not naturally inferior to men but are limited by biased laws, traditions, and systems. Its fundamental understanding is that formal equality should be accompanied by substantive equality—legal rights need to convert into genuine opportunities.

Historically, liberal feminist thought has roots in figures like Mary Wollstonecraft, who contended in *A Vindication of the Rights of Woman* (1792) that the exclusion of women from education and politics was artificial rather than natural. In *The Subjection of Women* (1869), John Stuart Mill also advocated for the integration of women into political life, viewing it as essential for both justice and social advancement. In contemporary settings, liberal feminism has been utilized to emphasize discrepancies between legal changes and actual experiences. In the context of Pakistan, liberal feminism highlights how constitutional assurances of equality (Articles 25, 34, 51, and 106) establish a strong basis for women's political rights.

However, in Swabi and other areas, deep-rooted patriarchal traditions like purdah and jirga resolutions essentially negate these rights. This scenario illustrates the implementation gap described by feminist legal scholars: where there is official legal equality yet it is compromised by cultural and institutional obstacles.

Crucially, liberal feminism emphasizes that change should be sought on various levels:

1. **Legal reforms** to guarantee rights.
2. **Institutional reforms** to ensure enforcement (e.g., NADRA and ECP capacity).
3. **Cultural change** to challenge patriarchal norms.

Utilizing liberal feminism, this paper views disenfranchisement not as a lack of legal frameworks but as the inability of the law to address social and institutional obstacles. The constitutional paradox is clear: women are granted legal rights but are effectively marginalized. Addressing this paradox necessitates not just legislation but also proper enforcement and a shift in cultural attitudes.

Methodology

This research utilizes a qualitative case study approach to examine the marginalization of women in NA-19 Swabi during the 2018 General Elections. The qualitative method is suitable as disenfranchisement involves not just statistics but an intricate interplay of law, culture, politics, and real-life experiences. Although the Election Commission of Pakistan (ECP) offers statistical data on voter registration and turnout, it fails to reflect the complex social dynamics and individual stories that illustrate the reasons behind women's continued exclusion.

Case Study Approach

Thematic Research Methodology provides in-depth research on the district (SW-19 SWABI). This presents it within the framework of the national model, but by paying particular attention to local characteristics. Swabi is a key case as they unite near gender equality in the records of voters with intense differences in participation rates. It also represents an area in which patriarchal standards and institutional gaps converge on women's citizenship rights.

Data Collection

The research relies on **two main sources of data**

Primary Data:

- Unstructured interviews: conducted with 25 participants, including collectors, former community, local activists and civil society workers. Unstructured interviews: conducted with 25 participants, including collectors, former community, local activists and civil society workers. Unstructured interviews: conducted with 25 participants, including collectors, former community, local activists and civil society workers. Unstructured form allowed participants to talk about their experiences in their own words, revealing basic cultural logics and institutional failures.
- Discussion in Discussion Group (FGD): Four FGDs were organized according to two technical systems. Each technology system consists of five to eight women of various ages and socioeconomic origins. The discussion revolves around voter participation, perceptions of obstacles to politics and voting.

Secondary Data:

- ECP voter registration and turnout statistics.

- Reports by NGOs such as the Trust for Democratic Education and Accountability (TDEA) and the National Commission on the Status of Women (NCSW).
- NADRA records on CNIC registration.
- Media coverage and judicial rulings related to women's voting in KP.

Sampling and Ethics:

Participants were selected using a target sample focused on women suffering from deprivation of the wings of correct citizenship. Efforts have been made to include competent and illiterate women working at home, women and women, young women (18-30), and older women (ages over 50). Ethical considerations were central. Participants were informed of the purpose of the study, anonymity was guaranteed, and free anywhere.

Data Analysis

The data was analyzed on themes. The interviews and FGD narratives were coded in the context of cultural limitations, institutional barriers, political accomplices, and personal perceptions. Triangulation using secondary sources improved validity. By combining personal evidence with institutional data, this methodology guarantees a general understanding of deprivation of citizenship as a living reality integrated into Pakistan's constitutional structure.

Historical and Legal Context

The Pakistan Constitution (1973) is clearly recognized in the recognition of women's rights.

Constitutional Guarantees vs. Ground Realities

Constitutional Provision	Guarantee	Ground Reality in Swabi 2018
Article 25	Equality before law	Women barred from polling by culture
Article 34	Participation in national life	Women turnout negligible
Article 51/106	Reserved seats	Symbolic representation, not actual voting

(pakistan, 1973)

- Article 25: Equality to the laws of all citizens without discrimination based on gender.
- Article 34: The state ensures full participation of women in the lives of citizens.
- Sections 51 and 106: Reservations of locations for women at national and state conferences.

Furthermore, Pakistan is the signature of international treaties such as CEDAW, which helps women equal political participation.

Electoral Reforms

The Elections Act 2017 represented a significant reform, stipulating that constituency results could be invalidated if the turnout of women fell below 10 percent. The legislation mandated that political parties allocate a minimum of 5 percent of general election tickets to women. These changes aimed to turn women's legal rights into actual electoral practices.

Judicial Interventions

At times, Pakistan's judiciary has upheld these provisions. For instance, the Supreme Court decided that pacts barring women from voting are unlawful and that elections in these areas could be canceled. Nevertheless, the enforcement continues to be uneven.

Institutional Challenges

- **NADRA:** Millions of women lack CNICs, the prerequisite for being included on electoral rolls.
- **ECP:** Despite legal mandates, monitoring rural areas like Swabi is challenging due to resource and manpower constraints.
- **Political Parties:** Often complicit, with local male leaders agreeing not to mobilize women.

Thus, the paradox emerges: Pakistan's constitutional and statutory framework is robust, but patriarchal authority and weak institutions undermine it in practice.

Case Study: NA-19 Swabi, General Elections 2018

Swabi district, located in Khyber Pakhtunkhwa, has a population of about 1.6 million. In 2018, NA-19 had 912,679 registered voters: 514,651 men and 398,028 women (ECP, 2018). Despite this near parity in registration, women's turnout was dramatically lower than men's. In some polling stations, women's turnout was negligible, reflecting systemic exclusion.

Barriers Identified

1. Cultural Norms

- Purdah was strictly enforced in many households, preventing women from leaving home on Election Day.
- Concepts of nang (honor) and ghairat (dignity) reinforced the idea that women's public visibility was shameful.
- Local jirgas often issued informal bans, declaring women's voting as dishonorable.

2. Institutional Barriers

- NADRA's delays left thousands of women without CNICs.
- ECP monitoring was weak; in many polling stations, there were no checks on whether women were being prevented from voting.

3. Logistical Challenges

- Polling stations were distant and often lacked transport facilities.
- Many stations lacked female staff, discouraging women who were uncomfortable with male officials.
- Overcrowding and long waits further dissuaded participation.

4. Women's Perceptions

- Many women expressed internalized beliefs that politics was "a man's domain."
- Fear of social stigma or domestic conflict deterred women from voting.

- A lack of awareness campaigns meant some women did not see voting as a constitutional right.

Empirical Evidence from FGDs

In FGDs, women repeatedly cited the role of male family members in restricting their mobility. Some women reported being told, *"Your vote belongs to your husband; he will decide."* Others mentioned that even if they wanted to vote, they lacked CNICs or did not know the location of polling stations. These testimonies confirm that disenfranchisement is not merely institutional but deeply embedded in social structures.

Results and Discussion

The results from Swabi reveal a multi-layered picture of disenfranchisement. While legal rights exist, women's actual participation is curtailed by cultural authority, institutional weakness, and political complicity.

The Constitutional Paradox in Practice

- **Formal Authority:** The Constitution, ECP, and NADRA embody legal authority.
- **Effective Authority:** Families, jirgas, and community elders exercise practical authority over women's mobility.
- Where these diverge, the Constitution becomes symbolic rather than effective.

Intersectionality of Barriers

Disenfranchisement varies in nature. Disadvantaged women, those in isolated communities, and those lacking education encounter multiple obstacles. Middle-class and city-dwelling women tend to vote more, highlighting the intersection of class and gender.

Role of Political Parties

The involvement of political parties perpetuates disenfranchisement. By choosing not to engage women, parties lessen competition and unpredictability. This turns disenfranchisement into a conscious political tactic instead of an unintentional result.

Implications for Democracy

Disenfranchisement reduces the legitimacy of democracy. If almost half of the electorate is left out, can the election outcomes be deemed representative? Additionally, the exclusion of women skews policy priorities since elected officials mainly respond to male voters.

Policy Recommendations

To resolve the contradiction, changes need to function on various levels:

1. **Strengthen ECP Enforcement**
 - Enforce the 10 percent turnout rule strictly.
 - Impose penalties on constituencies and parties that collude to suppress women's turnout.
2. **Expand NADRA Outreach**
 - Deploy mobile registration vans targeting women in rural KP.
 - Simplify CNIC procedures to remove male guardianship requirements.
3. **Improve Polling Access**
 - Establish more women-only polling stations.
 - Provide transport facilities and ensure adequate female staff.
4. **Civic Education Campaigns**
 - Collaborate with NGOs, educational institutions, and faith leaders to encourage women's voting as a constitutional right and an Islamic obligation.

5. Political Party Incentives

- Link public funding of parties to their success in mobilizing women voters.
- Require gender-inclusive manifestos and monitoring.

6. Long-Term Reforms

- Invest in female education and economic empowerment.
- Create leadership programs for young women to increase political awareness.

7. Conclusion

The situation in NA-19 Swabi highlights the contradiction within Pakistan's democracy: women hold legal voting rights yet are socially and institutionally excluded. The 2018 elections demonstrated the intersection of cultural norms, institutional failures, and political complicity in denying women their constitutional rights. This contradiction undermines both gender equality and the legitimacy of democracy. To address it, Pakistan needs to align reforms in law, institutions, and society. Constitutional commitments are essential, yet only through effective implementation and cultural change will they become actual experiences. The complete involvement of women is not a question of kindness but of fairness and the endurance of democracy.

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