

## **Affirmative action: doing justice or discrimination?**

“I let my child die because I knew he would not be free like you; I preferred him dead than to be enslaved”<sup>[1]</sup>. This was the belief of every black mother back in the nineteenth century. It's not only limited to the ethnic atrocities but our history is filled with such callous behavior against people on the basis of gender, region, caste, religion and so on. Black and other minorities including women were excluded from civil participation from time without end, to cure this discrimination a general action throughout the world was being taken by different countries or in cases where the governments have been ignorant towards these atrocities than through the revolutionaries, being it the July 26 movement or the anti-apartheid movement this all led to the action commonly known as the “**AFFIRMATIVE ACTION**”.

### **South Africa**

Affirmative action has been the only policy instrument used by the Democratic South Africa to redress the past imbalances. In line with **the Employment Equity Act No. 55 of 1998**, the beneficiaries of this action are mainly African women (Blacks, Coloured, and Indians including disabled people). This has been justified by the fact that they were subjected to innumerable forms of discrimination and bias in the past.

One of the main objectives of **the Employment Equity Act (EEA 1998)** was to break the glass ceiling that has prevented black women from further accessing jobs that were once only meant for their male counterparts. The Act, which deals extensively on issues of affirmative action, aims at emancipating South African women. It regards gender discrimination and inequality within the workplace as an evil. It has been put in place to help black women in their empowerment and upliftment (Ratale, 1994). Many companies in South Africa are now forced by law to employ, develop and maintain women employees. Some companies also offer female employees or prospective female employees preferential treatment over male candidates when the two have similar qualifications. The Act elaborates measures to be taken by employers to ensure that people from disadvantaged groups are adequately represented in the workforce and have equal opportunities to compete for and advance in jobs.

**Section 195(l)(i) of the Constitution of South Africa** states as one of the basic values and principles governing public administration that employment and personnel policies must be based on the need to redress the imbalances of the past to achieve broad representation. Organs of state are allowed to take into account the protection or advancement of persons or categories of persons disadvantaged by unfair discrimination in its procurement policies.

### **Canada**

In **1995 Employment Equity Act** was introduced in Canada. The purpose of this Act is to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfillment of that goal, to correct the disadvantaged conditions in employment experienced by women, aboriginal peoples, persons with disabilities and members of

visible minorities, by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.

## **Norway**

**The Equal Opportunity Act** adopted in 1978 and enforced by the Gender Equality Ombudsman had two main intentions: to promote gender equality by ensuring the same opportunities are available to both men and women, and to improve the position of women through positive/preferential treatment.[2]

## **USA**

**In employment**, examples of affirmative action programs are recruitment and outreach efforts to include qualified women in the talent pool when hiring decisions are made; training programs to give all employees a fair chance at promotions; and in some cases the use of flexible goals and timetable (not quotas) as benchmarks to measure the progress towards eliminating severe under-representation of qualified women in specific job categories.[3]

In 1970, the **U.S. Department of Labor, under President Richard M. Nixon**, issued **Order No. 4**, authorizing flexible goals and timetables to correct the “underutilization” of minorities by federal contractors. **Order 4** was revised in 1971 to include women and in 1973, the Nixon Administration issued a memorandum regarding permissible goals and timetables in state and local government employment practices, to distinguish between proper goals and timetables and impermissible quotas.[4]

**In education**, affirmative action programs for women include grants and graduate fellowship programs aimed at helping women move into fields where their participation has been discouraged, such as engineering, math and the physical sciences. They also included programs to prepare and motivate girls and women for study in non-traditional fields.[5]

**Executive Order 13506**, which established a White House Council on Women and Girls. While on the other hand no corresponding White House Council on Men and Boys exists. (USA)[6]

**Executive Order 11126**, which established a committee and council on the status of women. Please note that no corresponding committee or council on the status of men exists (USA).[7]

**For women business owners**, affirmative action programs include laws that encourage government agencies and contractors to do business with qualified women-owned companies, as well as programs providing financial, management and technical assistance to women business owners.[8]

Furthermore many individual companies that have adopted affirmative action plans have demonstrated its impact on women. For example, **IBM** views workforce diversity as a “diversity house” founded on three pillars: equal opportunities, affirmative action, and work/life balancing program. Equal opportunity is defined as non-discrimination and non-harassment, while affirmative action is intended not to provide an advantage, but to **eliminate disadvantage** and to provide all groups a level playing field on which to compete. In doing so IBM offers women a full range of flexible work schedules ranging

from the ability to adjust your start/stop times by up to two hours before or after normal start times, to compressed work week, to working at home.[9]

These actions are just a part of the larger picture, whose aim is to provide women a level playing field, so that they have an equal representation and opportunities to compete actively in the society as explained by the case below:

**Johnson v. Transportation Agency of Santa Clara County**, illustrates the use of flexible goals in practice. There were no women in the agency's 238 "skilled craft worker" positions, which included road dispatchers. Under its affirmative action plan, the agency set a target for increased employment of women in this category (and others in which they had been under-represented), and in its effort to meet the goal it took gender into account in deciding to promote a woman, rather than a man with substantially equal qualifications, to road dispatcher. Gender was only one factor among many considered, and the woman who received the promotion was fully qualified for the job. The Supreme Court ruled that this constituted a reasonable approach to eliminating an obvious gender imbalance in the workforce.[10]

## **India**

In India Affirmative actions are mainly aimed at those who were historically forced to remain outside the social mainstream. This includes:

- a. Scheduled Castes (SC) i.e. castes listed in a schedule of the constitution. Called *Harijan* by Mahatma Gandhi and *dalits* in recent times, this group suffered rigid social exclusion and untouchability by being born in the lowest stratum of Hindu society; and 15% of public service positions are reserved for this group.
- b. Scheduled Tribes (ST) i.e. tribes listed in the constitution. These groups, numbering 250, and speaking 105 distinct languages, remained outside the social mainstream of the country; and 7.5% of public service positions are reserved for them.
- c. Other Backward Classes (OBC), which is the official name for those among the 3000 sub-castes of Hindus who also suffered discrimination based on birth, and for whom 27% of posts are reserved. This last category has been preferred since 1993, more recently than when preferences for the other two groups were made explicit.

Reservations for these three groups listed above are categorized as 'vertical.' The three preferred vertical groups receive slightly different preferences, as explained later in the table.

IDBI Bank Ltd is a banking company under the Companies Act 1956, having majority share holding by government of India has different recruitment requirements for these classes, such as for the post of Assistant manager Grade manager Grade "A" is different, 31 years for OBC candidates, 33 years for SC/ST candidates, 38 years for (General candidates), 41 for (OBC candidates) and 43 years for (SC/ST candidates).

## India Preferences other than job reservations

- Apart from reservations –, affirmation for preferred groups is in the form of
- Raising the maximum age limit for recruitment in public service up to five years and unlimited chances within this age limit;
- Exemption from payment of examination fees;
- Notification of all vacancies of SC and ST to Employment Exchanges and sufficient advertisement in newspapers;
- Carry-forward of vacancies, which could not be filled in a particular year for want of suitable candidates, and allowing these vacancies to be filled over and above the limit of 50% for all backward classes;
- Persons, who are appointed on merit and not owing to reservation or any concession, will not be adjusted against reservation quota.

Moreover same is the case with women, although on a lesser extent but still some laws are specially made for the advancement of women, in order to cancel out the injustices being done in the past.

**The anti-dowry law – Section 498A of the Indian Penal Code** states that, “Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.”

Another law is **The Protection of Women from Domestic Violence Act 2005**. This law assumes that all victims of domestic violence are women and assumes that wives are always honest and truthful. Therefore, proof and evidence to support the allegations of abuse are not required.

## Pakistan

In Pakistan women’s legal status is totally unequal to that of men. While the Constitution guarantees equality under the law, equal protection of the law and non-discrimination on the basis of sex alone, but on the other hand constitution goes further and states that discrimination in favour of women and children can be done to cure the past injustices suffered by them. Thus, the Constitution itself acts as the foundation stone for the **AFFIRMATIVE ACTION** for Women.

25.

Equality of citizens.

	<p>(1) All citizens are equal before law and are entitled to equal protection of law.</p>
	<p>(2) There shall be no discrimination on the basis of sex.</p>
	<p>Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.</p>
<p><b>Safeguard against discrimination in services.</b></p> <p>27. (1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.</p> <p>Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex.</p>	

**The following case law shows how the Superior courts have interpreted the above mentioned articles of the Constitution.**

**Syeda SADIA Versus BHAUDDIN ZAKARIYA UNIVERSITY through Vice-Chancellor and 3 others [2011 Y L R 2867]**

Moreover, all the petitioners are females, as such, there can be an inference that discrimination has been caused against the female students which is also against the spirit of Constitution of this country. **Article 25(3) provides that due to the peculiar circumstances in which the women and children of this country are, the State can make special provisions to protect and uplift their status. Thus**

indicating that State institutions would have to give special consideration to them while dealing with their issues.

#### **Dr Shahnawaz Wajid versus Federation of Pakistan 2012 PLC (C.S.) 1052**

In so far as the provisions as enumerated in Article 25 of the Constitution is concerned that cannot be made application as no restriction whatsoever has been laid down by Article 25 of the Constitution qua reasonable classification. It is well settled by now that "**equality clause does not prohibit different laws for those differently circumstanced provided a rational standard is laid down to guide the discretion of the relevant Authority to choose the appropriate law.** A

State may classify persons and objects for the purpose of legislation and make laws applicable only to persons or objects within a class. In fact almost all legislation involves some kind of classification whereby some people acquire rights or suffer disabilities which others do not. Expression "equal protection of laws" does not place embargo on power of State" to classify either in adoption of police laws, or tax laws, or eminent domain laws" rather gives to state exercise of wide scope of discretion, of course, nullifying "what is without any reasonable basis". The State has the power of what is known as "classification" on the basis of rational distinctions relevant to the particular subject dealt with.

Classification may be due to geographical situation or it may be based on territorial, economic, communal and other similar considerations. **The Constitution itself contemplates passing of different laws for different provinces by their respective legislatures. The doctrine of reasonable classification is founded on the assumption that the State has to perform multifarious activities and deal with a vast number of problems. It, therefore, should have the power to make a reasonable classification of persons and things, to whom different treatment may be accorded, provided there is legitimate basis for such difference the State can make laws to attain special objects, and the administrative authorities may make classification, in pursuance of such laws. But the classification should not be arbitrary and capricious and must rest on reasonableness and have a fair nexus and a just relation with the need for which classification is made". [ para 5]**

#### **Miss RABIA KHAN Versus PROVINCE OF SINDH [2012 Y L R 1801]**

Furthermore, the reliance placed on Art. 25 of the Constitution is also misplaced. **Clause [2] of this article prohibits gender based discrimination, but clause [3] allows positive discrimination for the "protection" of women.** Now fundamental rights serve as a check on State power, that is, they prohibit the relevant organ of the State from doing what it otherwise could do (whether in the exercise of legislative or executive power). In other words, fundamental rights do not confer powers on the State; they derogate from its powers and draw a line which cannot be crossed. This article therefore does not apply in the manner as submitted by learned council [para 28].

#### **Mst. ATTIYYA BIBI KHAN versus FEDERATION OF PAKISTAN [2001SCMR1161]**

**Rana Bhagwan Das held that:**

**Article 25 apart from stipulating equality and equal protection of law to all citizens expressly prohibits discrimination on the basis of sex and provides that the State may make special provision is for protection of women and children. Article 22 of the Constitution forbids discrimination on grounds of race, religion, caste or place of birth in educational institutions, receiving aid from public revenue but enables a public authority to make provisions for the advancement of any socially or educationally backward class of citizens [para 8].**

**In the same spirit Articles 22 and 25 of the Constitution permit special provision to be made for women and children or socially or educationally backward and undeveloped classes[para 11]**

Adverting to the question of equal protection of law and equal treatment before law following illustrious principles have been laid down by the Court in **I.A. Sherwani v. Government of Pakistan 1991 SCMR 1041:**

**"(i) that equal protection of law does not envisage that every citizen is to be treated alike in all circumstances, but it contemplates that persons similarly situated or similarly placed are to be treated alike;**

(ii) that reasonable classification is permissible but it must be founded on reasonable distinction or reasonable basis;

**(iii) that different laws can validly be enacted for different sexes, persons in different age groups, persons having different financial standings and persons accused of heinous crimes;**

(iv) that no standard of universal application to test responsibilities of a classification can be laid down as what may be reasonable classification in a particular set of circumstances, may be unreasonable in the other set of circumstances;

**(v) that a law applying to one person or one class of persons may be Constitutionally valid if there is sufficient basis or reason for it,** but a classification which is arbitrary and is not founded on any rational basis is no classification as to warrant its exclusion from the mischief of Article 25;

**(vi) that equal protection of law means that all persons equally placed be treated alike both in privileges conferred and liabilities imposed;**

**(vii) that in order to make a classification reasonable, it should be based:**

**(a) on an intelligible differentia which distinguishes persons or things that are grouped together from those who have been left out;**

**(b) that the differentia must have rational nexus to the object sought to be achieved by such classification."**

**Abdul Fareed v. N.E.D. University of Engineering and Technology 2001 CLC 347**

A Division Bench of the Sindh High Court held that Article 37(c) ought to be read with Article 25 in matters concerning admission to Professional Colleges, Thus, reading Article 25 alongwith Articles 2A, 22 and 37(c) of the Constitution would show that only such classification could be deemed reasonable which fosters the objects of the Constitution i.e. **to make higher education available on merits and at the same time to accommodate the interests of the socially or economically disadvantaged sections of the people for the purpose of fostering genuine rather than nominal equality.**

**Mrs. Naseem Firdous versus Punjab small industries corporation [PLD 1995 Lahore 584]:**

The second proviso to art 27 of the constitution has created an exception that certain specified posts or service in the interest of the State service may be reserved for members of either sex, if such post or services entail the performance of duties and functions which cannot be adequately performed by members of other sex. **This proviso has created an exception to the mandate of the constitution that like must be treated alike. In order to justify the exclusion of person on the ground of sex from the employment the exclusion must have reasonable relation nexus to the successful performance of the job concerned. It must be of such a character or nature which could not have been possibly performed by other sex. The reasons must be explicit.**

Socio-cultural norms and religious interpretations are frequently used as the basis for challenging and re-deciding women's rights issues, creating insecurity for women and resulting in uncertainty about their rights. Thus, there are several issues relating to women's fundamental rights of choice, security of person, dignity, liberty, freedom of movement etc , on which there are conflicting decisions, and which still needs to be finally resolved by the superior judiciary. There are several discriminatory laws in existence, which have a disparate impact on women. And in actual practice, several of the laws with relatively positive provisions, are ignored or not implemented.

On the contrary to the constitutional provisions or its application by the courts the very existence of the female gender is endangered in Pakistan, they are the cluster which is being suppressed, tortured, harassed and abused throughout the 63 years of our existence. However due to the result of concerted struggle for more than twenty-five years by women's and human rights activists and NGOs through research, advocacy, and lobbying with policy makers, parliamentarians, and linkages with the media, have resulted in creation of certain affirmative action laws for women which are,

#### **Civil Procedure Code 1908:**

##### **Section 55. Arrest and detention:**

(1) A judgment-debtor may be arrested in execution of a decree at any hour and on any day, and shall, as soon as practicable, be brought before the Court, and his detention may be in the civil prison of the district in which the Court ordering the detention is situate, or, where such civil prison does not afford suitable accommodation, in any other place which the State Government may appoint for the detention of persons ordered by the Courts of such district to be detained:

Provided that, if the room is in the actual occupancy of a woman who is not the judgment-debtor and who according to the customs of the country does not appear in public, the officer authorized to make the arrest shall give notice to her that she is at liberty to withdraw, and, after allowing a reasonable time for her to withdraw and giving her reasonable facility for withdrawing, may enter the room for the purpose of making the arrest.

##### **Section 56:**

Prohibition of arrest or detention of women in execution of decree for money- notwithstanding anything in this Part, the Court shall not order the arrest or detention in the prison of a woman in execution of a decree for the payment of money.

Similarly she is exempt from arrest in execution of decree for the restitution of conjugal rights under O.XXI, R.32, and CPC.

##### **Section 132. Exemption of certain women from personal appearance.**

(1) Women who, according to the customs and manners of the country, ought not to be compelled to appear in public shall be exempt from personal appearance in Court.

(2) Nothing herein contained shall be deemed to exempt such women from arrest in execution of civil process in any case in which the arrest of women is not prohibited by this Code.

**S 497 Code of Criminal Procedure 1898:**

When bail may be taken in case of non bailable offence. (1) When any person accused of any non bailable offence is arrested or detained without warrant by an officer in charge of a police-station, or appears or is brought before a court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of [an offence punishable with death or [imprisoned for life or imprisonment for ten years].

Provided further that the Court shall, except where it is of the opinion that the delay in the trial of the accused has been occasioned by an act or omission of the accused or any other person acting on his behalf, direct that any person shall be released on bail-

(a) Who being accused of any offence not punishable with death has been detained for such offence for a continuous period exceeding one year or in case of a woman exceeding six months and whose trial for such offence has not concluded : or

(b) (b) who being accused of an offence punishable with death has been detained for such offence for a continuous period exceeding two years and in case of a woman exceeding one year and whose trial for such offence has not been concluded

NO.SOR IV 8-63/73

Dated 11<sup>th</sup> May, 1982

Subject: INTER- PROVINCIAL TRANSFERES OF GOVT SERVANTS FROM OTHER PROVINCES TO THE PUNJAB AND VICE VERSA

2) In exceptional cases where the request of a person holding appointment under Federal Government or in another province of Pakistan for appointment by transfer in the Punjab is received, properly channelized and with the recommendations of the Government of the Province where the official is at present serving the same may be entertained by the administrative department concerned and scrutinized and processed in accordance with the

guidelines given below:

**a)** In view of Rule 20 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 only those persons can be appointed by transfer in a post/service under the Punjab Government who are domiciled in this province. For this purpose, the domicile which a person had declared at the time of first entry in government service shall form the basis because as laid down in the SGA&ID letter No. SOR.II (S&GAD) 8-54/73 dated 15<sup>th</sup> June, 1973 subsequent change of domicile as a means for seeking the inter-provincial transfer is not admissible. **However, in case of a female government servant, who, by virtue of para 7 of appendix 4 to the Civil Services Rules (Punjab) Vol.1 Part II acquires the domicile of her husband from the date of her marriage and follows the domicile of**

**her husband during the marriage, exception can be made if authentic documentary proof(such as Nikah-name in case of Muslims or Marriage Certificate in case of others) is furnished.**

### **Punishment for giving a female in marriage or otherwise in *Badal-I-Sulh, Wanni or Swara* [310-A the Pakistan Penal Code 1860]**

Crimes were often committed against women in the name of religion, custom, and honour including harmful traditional practices such as honour killings, dowry murder, early marriages, wannu and swara. This law has been introduced for the uplift and improvement of the

women's status and also to end injustices and discrimination. It proposes a minimum benchmark for penalising those involved in anti-women practices and for those who give a female in such a marriage or compel her into entering such a marriage. It protects women's fundamental rights such as Right to Life and Marriage as enshrined in the Constitution.

### **Protection of women act 2006**

This act provides relief and protection to women against misuse and abuse of law and to prevent their exploitation. The objective of this act is to enhance the social justice and eradicate the social evils as mentioned in the **Article 37** of the Constitution, furthermore, to incorporate laws in particular relating to **Zina** and **Qazf** in conformity with the injunctions of Islam and to protect the following fundamental rights enshrined in the Constitutions:

**Article 14** ensures the dignity of man and subject of law the privacy of home shall be inviolable

A right to equality of citizens laid down in **article 25** of the constitution guarantees that there shall be no discrimination on the basis of sex alone and that the state shall make special provisions for the protection of women.

### **Protection against harassment of women at the workplace act 2010**

The Act is for all employees, women and men, and puts the responsibility of cleaning the menace of sexual harassment from the organizational environment on the shoulders of the management. Thus, the emphasis is on holding individuals accountable for their behavior through professional mechanisms.

The intention of this Law is to provide an opportunity to all organizations, public, private and civil society, to develop a self regulatory mechanism whereby organizations could handle the problems related to sexual harassment internally.

The code recognizes the principles of equal opportunity for men and women and their right to earn a livelihood with dignity and without fear of abuse and harassment. This Act is In cognizance of the

provisions of the Constitution of Pakistan where non-discrimination on the basis of sex in public and workplace is stated in Article 25, 26 and 27. Henceforth, in addition to existing provisions, the objective of this Code of Conduct is to create a safe and dignified working environment for men and women workers that free of sexual harassment, abuse and intimidation and with a view to enable higher productivity and a better quality of life at work.

### **Setting up of National commission on the status of women act 2012:**

The main objectives of this act is to promote the social, economic, political and legal rights of women as provided in the Constitution and in accordance with international declarations, conventions, treaties and agreements relating to women, including the Convention on the Elimination of all forms of Discrimination against Women.

The commission will be independent having autonomous status with full financial and administrative powers. Its fundamental functions will be to examine and review all policies, programs and other measures taken by the government for women's welfare and gender equality and to suggest where necessary to repeal, amendment or new legislation essential to safeguard the rights of women.

### **Acid control and acid crime prevention Act 2010:**

“Acid is used by men because they don’t want to kill but to disfigure”, acid violence is very common in Pakistan which is usually by men on women so in order to prevent such ruthless behavior the government of Pakistan amended Pakistan penal code [PPC1860]. The fixing of a punishment up to life imprisonment and providing the aggrieved person with remedies such as providing loss of earnings and medical expenses, this amendment has placed a bar against these inexorable crimes.

### **Offences against Women [ Penal Code Amendment 498A,498B,498C] :**

Inhuman practices and customs has always been a part of our so called culture, such customary norms are likewise contrary to Islamic Injunctions e.g. marrying a woman by force, with Quran or even depriving her from her inherited property rights. It is, therefore, necessary that such inhumane practices and customs are done away forthwith and the persons continuing such practices be dealt with severely by providing penal and financial liabilities. So this act was enacted by to end these inhuman behaviors.

According to **Education for All Mid-Decade Assessment Country Report Pakistan Government of Pakistan Ministry of Education Islamabad 2008** one of the basic goal of EFA is to improve the adult literacy level in Pakistan especially women. The terms and conditions for recruitment of females are being relaxed to recruit more women teachers. A motivational campaign is to be launched to convince parents to send their children to schools. A number of projects are being implemented to improve both access, particularly for girls, and the quality of education.[\[11\]](#)

**Punjab Leave Rules 1981** provide some leniency to the female gender by allowing them a Maternity leave under section 13, which allows an extra leave of 90 days to the women in Punjab:

13. **Maternity leave**-- (1) Maternity leave may be granted on full pay, outside the leave account, to a female civil servant to the extent of ninety days in all from the date of its commencement (as specified in the application for leave) or forty-five days from the date of her confinement, whichever be earlier.[\[12\]](#)

Moreover apart from these leniencies some quota is being fixed for the women in different departments, in order to ensure their participation in every field such as

In 1994, the Government of Sindh (GOS) decided to reserve 5% quota for women. The S&GAD directive (Box 2) is reproduced here to illustrate the Government's decision[\[13\]](#):

Box 2: Reservation of 5% quota for recruitment of women under the Sindh Government

It has been decided by the Government to reserve with immediate effect, five percent of all vacancies for women in all services, cadres in all Departments/Offices to be filled by initial appointment. The reservation shall, however not apply to:

- i. Recruitment made by promotion or transfer in accordance with the relevant rules;
  - ii. Short term vacancies likely to last for less than six months;
  - iii. Isolated posts in which vacancies occur only occasionally;
  - iv. Vacancies reserved for women for which qualified candidates are not available
- and

v. Services in which separate female cadres already exist.

It is accordingly requested to strictly adhere to the above reservation for women while making recruitment.

Source: SOR-I (S&GAD) 2/1-94 dated 30/6/94

So throughout the last two decades or so the Pakistani government is trying to undue the past inequalities or discrimination against women by providing a preferential treatment or fixing the quotas for them.

## **Conclusion**

These affirmative action policies provide special consideration for disadvantaged groups particularly women in public sectors. The purpose is to level the playing field as the groups preferred are often those that have been discriminated against in the past and will continue to go on until an equal footing is being achieved for these disadvantaged groups.

To sum it up, women who have a history for being the suppressed gender should be given preference through affirmative action policies. Though much progress has been made to benefit women, but women still lag behind men, which means sex discrimination still persists. Affirmative action's main purpose is to take into account the disadvantaged gender i.e. women, hence more policies need to be made, be it in education, business or other spheres of life. Affirmative action's main purpose would not be achieved till women are at par with men. Article 25(3) of the Constitution of Pakistan, also supports the view of equal opportunity.

## **Prepared by:**

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[Text Wrapping Break]

[Drawing]

[1] Quoted in Desanti, 1992, p. 279

[2][http://ec.europa.eu/research/science-society/document\\_library/pdf\\_06/norway-research-funding\\_en.pdf](http://ec.europa.eu/research/science-society/document_library/pdf_06/norway-research-funding_en.pdf)

[3][www.nwlc.org](http://www.nwlc.org) National women's law center

[4]<http://homepages.se.edu/affirmative-action/4/>

[5][www.nwlc.org](http://www.nwlc.org) National women's law center

[6]<http://www.presidency.ucsb.edu/ws/index.php?pid=85857>

[7]<http://www.presidency.ucsb.edu/ws/index.php?pid=59065>

[8][www.nwlc.org](http://www.nwlc.org) National women's law center

[9]<http://www.worldbank.org/html/extdr/pos00/pdfs/Women.pdf>

[10]480 U.S. 616 (1987).

[11] Education For All Mid Decade Assessment Country Report PAKISTAN GOVERNMENT OF PAKISTAN  
MINISTRY OF EDUCATION ISLAMABAD 2008

[12]Revised Leave Rules, 1981punjab

[13]SOR-I (S&GAD) 2/1-94 dated 30/6/94