



“Identifying the Framework of Socio - Legal Agencies of Gender Violence in Indian Sub Continent- The Tripartite Variation of Region, Religion and Culture.”

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The research paper seeks to study the phenomenon of Gender violence in the Indian sub continent, with special emphasis on the Sociological and legal agencies. The study caters to address the variations brought about by the regional, religious and cultural impact factors in dealing with the issue of Gender violence in India and her immediate neighbouring countries- Pakistan, Srilanka and Bangladesh. These countries have been chosen because of the pertinent religious and cultural patterns, with Muslims dominating in Pakistan and Bangladesh and Tamils calling shots in Sri Lanka and a mix of such religions in India. Secondly, the proposal also seeks to venture into specific regions of tribal dominating North East of India and tribes of Chhattisgarh. My previous project was on North East, so I am intrigued to study more about the area and endeavour to bring about a watershed upliftment in the lives of women there. The proposed research work seeks to target the societal norms and legal agencies combating with the regional, religious and cultural variations of the four countries.

The research paper tries to look into the loopholes too. Besides customary practices, the law itself has gaps. The law protects women's right to equal opportunities in the public sector, but provides no such protection in the private sector. Since most women are employed in the informal and private sector, they are often underpaid and locked into lower-level positions. Even where laws exist, the police and judiciary officials may not know about

them and as a result, enforcement is weak.

The Prevention of Domestic Violence Act has opened up an important and new discursive 'space of struggle' to debate patriarchal privilege, the sanctity of the family, and the 'meaning' of domestic violence in Sri Lanka. When Sri Lanka's Parliament unanimously passed The Prevention of Domestic Violence Act (PDVA) some years ago, following a six year advocacy process by a coalition of women's NGOs, it was generally recognised as a key milestone in women's engagement with the law. Prior to its enactment the only "legal" remedy available for a survivor was to make a police complaint, which was rarely taken seriously. The Act did not create a new offence, but it did provide for the issue of Protection Orders by a Magistrate's Court against perpetrators of 'domestic violence'. Domestic violence is defined in the Act as acts of *physical violence*, which constitute offences against the body already recognized under the Penal Code, as well as *emotional abuse* - defined as a pattern of cruel, inhuman, degrading or humiliating conduct of a serious nature directed towards an aggrieved person. Protection Orders (PO) can be sought against persons in specified degrees of relationships. The Magistrate Court is empowered to issue an Interim Protection Order (IPO) valid for 14 days on receiving an application under the Act without the burden of having to prove her/his case. A PO valid for a period of 12 months can then be sought on the basis of evidence presented in



court. A PO can also bar the aggressor from committing further acts of violence and entering the victim's residence among other prohibitions. In imposing prohibitions, the court is required to balance the accommodation needs of the applicant and the children and any hardship that may be caused to the aggressor. The Act focuses on ensuring the safety of the aggrieved person by providing a civil remedy but also preserves his/her right to initiate separate additional civil or criminal action as permissible.

The Act fell short of the expectations of women's organizations on a number of counts. It is gender neutral, it has no provisions relating to monitoring of protection order and no provisions relating to support services. Nevertheless, it is a victory gained by the women's movement in Sri Lanka in a long struggle to address the problem of violence against women within the family and particularly intimate partner violence against women (IPVW).

Ten years on from the Act becoming law, research by the International Centre for Ethnic Studies (ICES) reveals less than 1% of women who experience domestic violence in Sri Lanka will seek protection under the Act. The Act clearly remains a remedy of last resort for women survivors. This is partly because it is still not a matter that women want to take before a court of law. Dominant social and cultural norms in Sri Lanka which tend to privilege the family unit over a woman's right to bodily integrity clearly discourages women from seeking legal recourse for violence. Indeed such violence is often seen as a normal part of married life or as a temporary disruption in an otherwise peaceful household. This discourse about violence is part of a

broader discourse around the family in which a good wife is one who listens to and obeys her husband, remains silent in his presence, avoids socializing outside the family, and attends to household chores and child care. Violence is to be endured silently and not to be disclosed to the public. As enjoined by the Sinhala idiom '*Gedara Gini Eliyata Danna Epa*', (roughly translated as 'home fires' must be kept confined to the home) breaking the silence surrounding violence is still a taboo. And then is the problem of the implementation gap. Even when cases are filed, there is an implementation gap. For the 1% of women who have the courage to take their attackers to court, where they are confronted with the fact that familial ideology continues to operate and manifest, even in court proceedings. In protection order proceedings, familial ideology manifests itself in different ways; the trivializing and minimizing violence, the dismissal of violence as a private matter to be dealt within the family unit and not a matter to be resolved through a court of law, or as a matter to be endured for the sake of children and the family. It is also manifested in notions relating to the exceptionalism of domestic violence, and the liability of women to make false claims and therefore requiring some form of corroboration.

The proposed research work tries to find out the different forms of Gender Violence and their connection with the religious, regional and cultural impact factors. The journals, the books, the news channels, the sitcoms, the commercial and parallel movies, the NGOs, and the available Data will be watched and studied for this task. The nature of the research work would be



intensive. It would be requiring visit to the four countries. And the incurred data would be a constructive contribution to the World statistics on Gender Violence.

References-

Dasgupta, S.D. (1998). Women's realities: Defining violence against women by immigration, race, and class. In R. Kennedy Bergen (Ed.), *Issues in intimate violence*. (pp. 209-219). Thousand Oaks, CA: Sage. Keywords: DV/Inst./API/Pan Asian/Biblio 0602/immig/WOC/SE Asian/policy/racism.

Dasgupta, K. (1993). Asian Indian women: Guidelines for community intervention in the event of abuse. *Family Violence & Sexual Assault Bulletin*, 9(4), 25-29. Keywords: DV/API/Indian/Inst./Biblio 0602.

Fernandez, M. (1997). Domestic violence by extended family members in India. *Journal of Interpersonal Violence*, 12(3), 433-455. Keywords: DV/WEB/intl/Indian/API/Inst./Biblio 0602.

Furiya, L. (1993, October 8). The special problems of Asian and Asian American women and domestic violence. *AsianWeek*, 15, 1. Keywords: DV/API/Pan Asian/Inst./immig /refugees/services.