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Post-legislative Domestic Violence Situation and Socio-cultural Status of Women in Punjab: An Objective Hermeneutics Analysis

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ARTICLE DETAILS	ABSTRACT
History: Accepted 30 April 2021 Available Online June 2021	<i>Violence against Women (VAW) occurs in different societies in assorted ways in the world. It can be seen from the different lens starting from family structure to the workplaces of women. In Pakistan women experience violence from their own family members even after the promulgation of legislation at national as well as at provincial level. There is variety of existing literature which explains the prevalence of violence in different countries around the globe but mere to find the literature that shows the post-legislative status of women in a country. This paper aims at describing the status of women after filing a case under the PPWAV Act, 2016 in Punjab. To explain and describe the said issue, the following study followed descriptive analysis and was based on qualitative social research methodology, followed by narrative approach. Relying on saturation of data, thirteen interviewees were interviewed for the said study. For analyzing the narratives, the objective hermeneutics as explained by flick (2014) was used to present data analysis. Major themes derived from the data were violence bringing women from four walls of the house, filing a case of domestic violence: violation of society values and Post case filed domestic problems. It is concluded that the said law does not harmonizes with the family values prevailing in Pakistani social structure hence is unable to eliminate the problem of domestic violence from Punjab.</i>
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1. Introduction

Violence against Women (VAW) occurs in different societies in assorted ways in the world. It can be seen from the different lens starting from family structure to the workplaces of women. In

Pakistan women experience violence from their own family members even after the promulgation of legislation at national as well as at provincial level. Global estimates reveal that around 1 out of 3 women are a victim of domestic violence in their lifespan (WHO, 2021). Violence against Women is witnessed who belong to diverse territories, variant cultures and different ages in the world. Social scientists reveal the occurrence of violence since centuries (Pleck, 2004). As a common social problem, VAW has been given a tremendous amount of consideration to describe and explore the problem by international treaties in the last decades. The first ever internationally presented definition of VAW was given by the multilateral organization like United Nations through its Declaration on the Elimination of Violence against Women under Article 1, which states that *“Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”* (United Nations, 1993). VAW arises as a result of gender disparity. The preface of the said Declaration states as, *“Violence “is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women”, and is “one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”*

According to WHO (2013),

“Women facing domestic violence in less income generated regions show highest ratio of VAW in different regions as South Asia i.e., 37.7 %, while it is 37% in the East Mediterranean, 36.6% in Africa, 29.8% in Americas, 25.4% in Europe and 24.6% in Western Pacific. According to the Demographic and Health Surveys of multiple years (from 2010-13), percentage of VAW of ever-married South Asian countries was recorded as 60% in Pakistan, 49% in India, 48% in Maldives, 35% in Bangladesh and 27% in Nepal. Pakistan ranks 133 out of 135 countries on the Gender Equality Index” (World Economic Forum, 2011).

The measure of gender parity index ranked Pakistan as the second worst country across the globe (World Economic Forum, 2017). Documented categories of VAW in Pakistan are observed in the form of physical violence, economic violence, sexual violence and domestic violence (NCSW, 2015). According to HRCP report (2019), number of girl children gang-raped was 139 and women who were raped during the year 2014 were 290 in number; girl children who were victims to “honour killing” were 923 women and 82 girls; 7 women were attacked by acid in Pakistan. The frequency of violence is reported differently in different provinces in Pakistan. Punjab, being the most populated province of Pakistan, shows a population figure of 110,012,442. 49 % population of the province is consisted of women (2017, National Census). The occurrence of violence is also very high in the province of Punjab including honor and acid crimes, exchange marriages and rape (Khan, 2019). The major reason behind violence against women in Punjab province is the prevalent patriarchal representation that promotes the persistent traditional roles for women here (ibid).

For the elimination of such severe social problem from the country, Pakistan has also legislated for the elimination of Violence at national as well as at provincial level. Government of Punjab has promulgated Punjab Protection of Women against Violence Act, 2016 under which women can file a case against violence faced by her. The said law was promulgated in order to eliminate the domestic violence from the family structure and to provide an elevated status to the women in the country through legal reforms. For its effective implementation, Violence against Women Centre (VAWC) was started in Multan and in other districts Darul Amans were taken in

consideration for the shelter of violated women after filing a case and quitting from the four walls of their homes.

However, the data shows that the violence is found though the legislation has been promulgated in Punjab and states that “27 percent of women in Pakistan experienced ‘intimate partner or domestic violence in their lifetime’” (GIWPS, 2019). In Punjab, there were 151 recorded gang rapes of women. Moreover about 10,000 women face violence in each passing year ranging from domestic to the refutation of their property. (HRCP, 2019). Even the Commission on the Status of Women in Punjab (PCSW) revealed as a total number of 3,860 women asked for relief of domestic violence (PCSW, 2018).

By spectating at the flip side of this promulgation, it is also obvious from the socio-cultural life setup of Pakistani society that mostly Pakistani women are living as a home maker and they are socialized to run their domestic domain and it is observed as a cultural constraint since decades (Jalal-ud-Din & Khan, 2008). After legal reforms they have a right to have a violence free life but for this purpose they will have to come out of their domestic domain. But statistical data of Punjab reveals that magnitude of domestic violence has not decreased in the province even in the presence of legislation. This instigates research questions that how women come out of their domestic domain to file a case against their family member? What kind of status women have after filing a case under the said law? In response to such research questions, this article will present a description of socio-cultural problems confronted by case filed domestic violated women under violence act after 2016. It presents a qualitative research-based narratives of violated women by using objective hermeneutics analysis.

2. Review of Literature and Conceptual Framework

There is variety of existing literature which explains the prevalence of violence in different countries around the globe but merely to find the literature that shows the post-legislative status of women in a country. The multiple types of violence are explained as physical, economic, political and sexual violence faced by women in Pakistan (NCSW, 2016). Relying on quantitative data, WHO (2021, 9 March), explains the global estimates of violence against women in the key fact as;

“Over a quarter of women aged 15-49 years who have been in a relationship have been subjected to physical and/or sexual violence by their intimate partner at least once in their lifetime (since age 15). The prevalence estimates of lifetime intimate partner violence range from 20% in the Western Pacific, 22% in high-income countries and Europe and 25% in the WHO Regions of the Americas to 33% in the WHO African region, 31% in the WHO Eastern Mediterranean region, and 33% in the WHO South-East Asia region. Globally as many as 38% of all murders of women are committed by intimate partners. In addition to intimate partner violence, globally 6% of women report having been sexually assaulted by someone other than a partner, although data for non-partner sexual violence are more limited. Intimate partner and sexual violence are mostly perpetrated by men against women” (WHO, 2021).

There is variety of theories that explains the causing factors of domestic violence in a society. According to some theorist violence can be considered at individual level. From the lens of experts, violence is studied in the framework of system theory and the structural theory. This phenomenon can also be observed under ecological model. This model contains the element of all other above said theories basing on variant factors. But these theories could not help me regarding my selected area

of research.

To this end, a conceptual framework which will be helpful in explaining the research objectives of the study was structured in the following figure 1.

Fig:1 Conceptual Framework

In the current study, conceptual frame work revolves around the socio-cultural status of women possessed by women in Pakistan. After the legal intervention in the form of newly passed law PPWAV Act¹, 2016 of the current decade, women will go through a transitional status in the society and it will derive a post-legislative status of Women in the province. Therefore, the current study was aimed to investigate the status of women after filing a case under the PPWAV Act, 2016 in Punjab.

3. Methodology

The intention of this study was to investigate the status of women violated women who filed a case against violence after 2016. To serve this purpose, a descriptive analysis based on qualitative social research methodology using narrative approach was followed in this study. The research methodology of the study followed the process as presented by Uwe Flick (2014). The narrative research approach focuses on studying small number of respondents, and reports individual experiences. Therefore, in the current research, those violated women who had filed a complaint against violence after 2016 were selected as the sample. Data was collected from the respondents which were based on a few generative narrative questions. For contacting the respondents in Punjab,

targeted snowball sampling approach was used and respondents were contacted through social media. Out of three text explanations of objective hermeneutics (Reichertz, 2004), the one type, i.e., full interpretation of the objective social data was utilized for text explanation to generate discussion and conclusion of this research.

4. Results and Discussion

The study was aimed to describe the status of women after filing a case under the PPWAV Act, 2016 in Punjab. The present study was based on the qualitative social research methodology, followed by narrative research approach. The narratives of the interviewee were collected by using a targeted snowball approach through social media to target hard-to reach populations. The major themes raised out of data are presented below.

4.1 Violence Bringing Women from Four Walls of the House

Living in an atmosphere where women face violence is not a normal life and they face miserable social conditions. As they are the vulnerable ones, so it is the legislation that brings them out of this oppression and vulnerability. It is not normal in a society like Pakistan that women leave their home and go for filing a case against violence.

A respondent told the fact that brought her out of four walls of her house

After I got married, I came to know that my husband is a drug dependent. He was jobless and used to physically torture me daily. I was in the web of this situation for many years. I quit from my husband's house for many times but my parents sent me back there. One day when he has beaten me and uttered divorce once, then I took a final decision to leave that house forever.

Others opined,

When I got married, I faced that my husband was jobless. He used to beat me since the starting months of marriage. Even I had a child in the first year of marriage but he continues to beat me. My parents did not support me but when I was sick of this I left his house and went to my parents' house.

When my husband passed away, my in laws compelled me to marry my brother in law. Upon my refusal, they beat me. Even they gave threats to take my baby from me, so I left that house forever.

Another one told,

I got married at the age of 18 but my mother in laws did not like me and used to spoil my husband's behavior towards me. My husband used to do so make her mother happy. When my brother in law cared me, my mother in law blamed on my character. My husband beat me after that and kicked me out of his house.

The other respondents said:

I faced domestic violence from start till 14 years of my life. I faced physical injuries and miscarriages. Being treated like an animal, I was beaten every day and the day came when I left that home with frustration.

Merely reading about the physical violence may not create an ever-lasting impression on our minds but the actual violence faced by the respondents bring them at a point where they find their life in a hell, their future seems blank to them and their leave or they are compelled to leave their house. This grave situation actually forced the victims to move towards filing a case.

4.2 Filing A Case Of Domestic Violence: Violation Of Society Values

When a law has been promulgated, the victims under it have an opportunity to file a case. But laws are not always contrary to the values of a society.

The respondents revealed that,

It was quite difficult for me to file a case of domestic violence as it was considered as a violation of society values. I faced violence from my husband and in laws but parents could never help me to bring me out of this situation due to social taboo. One of my neighbors helped me in this regard and I was able to file a case against domestic violence.

Another said that,

I was able to fight against domestic violence only due to my brother. He alone, was with me to file a case against my husband.

Others opined,

*I was in great distress finding no way to get relief from my situation but my sister and brother in law helped me in filing a police case.
One day when my husband beat me bitterly, I dialed 15 to seek help from police against domestic violence. I reported through FIR and I was shifted in Darulamaan (government shelter home) from my husband's house.*

4.3 Post Case Filed Domestic Problems

Women were able to take help of the said law for the relief from violence in their life but it created certain post case filed domestic problems. Such new problems were followed by hurdles and threats from their defendants.

Upon asking about the Post case filed domestic problems, the respondents said

I was threatened by my husband to not to go to the court and if I will continue the case; he will kill me.

Other respondents explained commonly,

I received the threats of life and honor. I was threatened to take the case back. I was informed that I have lost honor in society. I was threatened regarding physical violence, acid burning, kidnapping, and snatching of children. They tried in every way to stop me to go to court. They sent different people from community and family to stop me. They mentally stressed me by threats and calling names but I refused to take the case back.

Almost all the respondents faced hurdles in this process and threats and mental stress was common among all of them. The problems faced by women after filing a case of domestic violence can be seen from the lens of decision making also. In patriarchal societies, women have no right to

make the choices of their own life. Now it is their marriage decision or right to file a case of domestic violence. Pakistan has also patriarchal culture where women are not authorized for such decisions. Where such decisions are taken, the woman is no longer an honorable member of society; rather she is seen as a characterless woman who is hated by the family and society.

5. Conclusion & Suggestion

Manifestation of domestic violence in a country where legislation to stop it has been promulgated is quite tongue-in-cheek. In Pakistan, the same situation persists after the promulgation of such legislation. This conclusion revolves around the social and political factors that make them a victim of violence in the country and the state intervention through the said law.

Socially women are given different status to women than the men. Under the variant cultures of Pakistan i.e., urban, rural and tribal culture women do not enjoy the same status. Some where they are taken as an economic burden and should be marry soon. They are not given education being expensive segment of life. Their health is a second priority and maternal morbidity and mortality is high. They are far from decision making and it is in the hands of the male members of the society. While in few urban elite women have better position in family and community.

Under such situation women appears as an oppressed and underprivileged group of society and domestic violence becomes acceptable and swallow able by the society. In such societies, where women are allotted such status from society, political rights may in contradiction with the society values. There is a different story behind all this. As Pakistan delegates equal rights to women in its constitution. Further being a signatory of various international pacts, it has introduced women empowerment legislation but in vain. As such treaties are signed when there is a liberal government in Pakistan and it becomes a waste paper under conservative governments. There remains a tug of war situation between the liberal and conservatives and women status is relied on family values in different parts of the country.

Last but not least, there is a blend of social and political context, which presents post legislative status of women as a juice extract of these two contexts. On one hand women are kept in the frame work of socio-cultural constraints and on the other hand they can avail legal empowerment of filing a case through court procedures. There seems no connection between these two contexts and as a result women status in post legislative era takes a new shape after intervention from PPWAW Act, 2016. This shape does not resemble with any socio-cultural structure of the society. Consequently, women are known as 'corrupt', rebel and wrongly reputed. But violence did not stop even after all this situation. There is no bridge that can fill this gap between these two contexts. Both are seen at their extremes. To recommend it can be said that the domestic violence law should include such implementation which is accordance with the value system of most of the population. It is further recommended that the complaint mechanism can be shifted to local level; i.e., union council level and can be dealt in the four walls of the house with the *Mohalla* committee (can be formed by the union council) instead of court as family structure of Pakistan still hesitates to go to courts rather prefer to face violence instead of facing court.

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