

Domestic Violence Supporting Felon Behavior in Pakistan in the Context of Criminal Justice System of Pakistan

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Abstract

Women have measured a subject class due to which the incidents of violence i.e. acid throwing, domestic violence, honor killings, structural violence, bride burning (suicide), and gender discrimination against them are common practice in the world but especially in the subcontinent. In Islam, there is no gender discrimination, but despite clear Islamic injunctions, women are being deprived of their basic human rights i.e. education, etc. Due to these Women in the country are facing social, cultural, financial, and psychological tribulations. The government is examining the plight of women like redundant spectators and has not taken necessary remedial measures i.e. increase in women's literacy rate and economic independence to find pragmatic solutions to end the felon behavior. The study will cover personal feelings about gender-based oppression of male counterparts and violations of religion, customs, and traditions.

Keywords: Social and Economic rights to women, domestic violence, vulnerable group, forced marriages, honor killing, women education, weak criminal justice system

Introduction

Women are an important segment of society but even then little research has been conducted on the topic despite a lot of its importance. Society can be made more civilized by dispensing due economic rights to women they should be made independent in all walks of life for the country's economy growth. When women will be engaged in the decision-making of the country then society will progress in a true sense. Women's role in society can't be underestimated. Men intend to dominate upon the women despite this both the creature are formed from the same clay. The Voice of everyone is important irrespective of gender discrimination. Those societies that are run through both the gender parallel, they progress and prosper more in the world. Women are performing a different role in the societies but even then could not be succeeded in getting equality to men due to double standard and vested interest of the so called civilized society.

The outcome of the study will put up to an understanding of various issues relating to domestic violence. Particularly, it will be possible to analytically understand and recognize the main reasons and factors of domestic violence against women in our society. As the result, a different social scientist would be able to suggest strategies that would help the victims and punish criminals and encourage peaceful living in families. We can say that study will be a

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voice of the vulnerable souls of the world, especially in Pakistan.

This study will rationalize that what are the true reasons for the non-provision of economic rights to women due to which women are considered as a subject class and prey of domestic violence in our society. How the dilemma can be addressed properly. Some of the respondents are of the view that women have not been provided with economic rights as they are socially weak as they are neglected in the field of education and socially backward as she did not identify her rights which the religion has granted to her.

Discussion

Research shows that acid throwing, honor killings, domestic violence and gender discrimination are very common factors in robbing women of their basic rights. According to Islamic education, both sexes are equal, but despite clear Islamic education, women are being deprived of their basic human rights. In addition, women in the country face social, cultural, financial and psychological problems. The government is watching the plight of women like useless spectators and has not taken appropriate corrective measures to find a real solution for the oppressed. Domestic violence is not reported to law enforcement agencies for a number of reasons, including a lack of awareness and distrust of law enforcement agencies in the country. The situation needs to be improved in order to truly uplift the downtrodden section of society.

The felon behavior is disordered behavior. The word felon is opposite to that of a misdemeanor which means little crime but the felon means crime of greater degree. Domestic violence to the women creates a sense of disturbance in the mental conditions of women due to which the behavioral changes occur to their minds and track of their normal behavior. Such women indulge in criminal activity resultantly the fabric of the family is disturbed.

So, it is desired that the women can be prevented from felon behavior by way of avoiding domestic violence and giving respect to the women which creates a sense of satisfaction to them and they nurture the environment of the family on strong footing and make the family life peaceful and worth living. The women should be given economic independence that will also avoid the felon behavior among the women. It is a physical and psychological condition of distress or agony which the women have to pass after the maltreatment by the male counterpart it includes sexual coercive acts by the current or ex-partner to life.

Violence is a behavioral act that means physical force used to hurt or damage someone. If, that force is used against the women to damage or hurt them mentally, physically, or psychologically then it is called violence against women.

Domestic violence is committed against women due to ignorance of fundamentals of Islam which results felon behavior in women. Its true remedies are; understanding of fundamental of Islam and imparting education to women alongwith economic independence.

The present study is justified by its importance in research. It will contribute to the extending exploration of socio-cultural issues. It can give the way for social change in a country where culture and religion can be used to victimize women rather than empower them. This research will highlight that the lack of rational laws and their proper implementation is leading to rise in domestic violence in Pakistan which results in felon behavior that is eating the very vital of the societies of Pakistan. Again this study will draw attention to the voice against the practice of domestic violence in Pakistan.

Domestic violence is a multi-dimensional phenomenon due to which the family fabric is breaking day by day in society. Due to domestic violence, the quality of life is decreasing. It causes social, emotional, psychological violence and sometimes even death of the victim. This crime is being committed in every area of the world but it is less common in developed areas as compared to developing areas. According to the UNICEF report, domestic violence in society is increasing day by day in the society. The brutal murders of many people especially of the vulnerable groups in our society are the worst example of the dilemma of domestic violence in the world, especially in developing countries.

It is the sorry state in the country, when the victim of crimes of domestic violence reports the matter to the law enforcement agency they are reluctant to register the crimes on the plea that is purely about the family matter. They direct the parties to the family courts to reconcile the matter. They commit violations of the law of the country by not register the cases of victims. It is desired that the members of the law enforcement agencies should not decide the matter by listening to the sounds of the heart but they are duty-bound to follow the principle of policy. They surely implement the laws of the land in latter and spirit.

Many women victims of crimes especially those who belong to destitute are mostly unwilling to move towards police stations because of harassment at the police stations or financial constraints that did not allow them to report the crimes at the front desk of the police stations. Women of lower social status fear visiting police stations for reporting crimes where they are likely to face Psychological trauma due to male-oriented society and their concept that women who report crimes are of bad character and did not belong to the humble background.

Even after the registration of crimes at the front desk women are pressed for settling. Our criminal justice system does not support justice to women which is a very important segment of society. Harassment at each level is the order of the day for settling. The rude behavior of the society for fair trial and justice to the female make them criminals resultantly they indulge themselves in different kinds of criminal activities. Female criminality is very common in Punjab, Pakistan. The first violence against women center has been established in South Punjab at Multan to support the women in case of any crimes affect them. Where most of the staff is deputed comprising of women.

Different kinds of violation against women

Honor Killing is an act of violence against women on the pretext of immoral behavior of the women. Sometimes, it is due to the reasons that the women challenge the local tradition of arranged marriage, seeks divorce from her disliked husband, say no to criminal behavior of her in-laws, etc. In several cases, women were killed on the name of honor, even based on suspicion and accusation even without seeking an answer from the victim that why she is being killed. In the court they succeed to seek acquittal as no opponent party is present and the government prosecutors are not so, competent and interested in conviction. The court also prefers to decide the matter by hook or crook even by killing the principle of merit and justice for the society.

Some people connect honor killing with religion, customs, and cast, etc. Crime of honor killing is not always committed against the women but against the male counterpart also due to inappropriate relationships. According to the women, the family members don't consider

them as human beings rather as property. Some families don't kill the women themselves but they make the situation such as the girl prefer to commit suicide such killing is called forced suicide which is another kind of honor killing in some of the countries of the world.

In case of sexual violation, the girl is given in the Nikah of the perpetrator forcibly on the pretext to protect the honor of the girl. The girl has no choice except to accept the forced relationship in society or to commit suicide. The people have invented this technique to protect the family honor; this gives the perpetrator a sense of satisfaction that is not achievable during the ordinary circumstance has become possible by the commission of certain kinds of felon in the society.

The bride burning mostly occurs in the family which is destitute and illiterate. The bride is burned in the kitchen by sprinkling oil upon it due to minute reasons of a family conspiracy by the family of the husband. In some of the case, male counterpart himself do these illegal and heinous crimes as punishment to his spouse. Thereafter, the incident is named as suicide. In most cases, the reason comes as dowry. In the Islamic state such type of violation of a human right is also seen on the pretext of honor, sometimes only on suspicion and without verification which mostly happens in destitute and illiterate families.

The crime of acid throwing is committed when the girl refused a proposal due to dislike of the girls and in retaliation acid is thrown on the face of the girl to teach a lesson of proposal denial by defacing the girl. Acid throwing is also put on the female who challenges the local convention and tradition of the particular family and marries with her free choice. According to a report of the Acid Survivor Foundation of Pakistan acid attacks on women have dropped currently at least 50 percent in numbers, as compared to the last five years' reports. According to the foundation in the year, 2016 and 2017 total number of acid attack victims was reported 71, and in the years 2018 and 2019, 62 cases of acid attacks have been reported. In the year the national assembly of Pakistan had passed the acid and burn crime bills 2017 which give free medical service to the victim of acid burns, who face psychological and physical disabilities. Some of the critics are of the view that acid attacks in society are happening due to inappropriate dressing of women or girls. The basic aim of the bill was to support victims of acid attacks. The other aim behind the legislation is providing speedy justice to the victims and the conviction of the accused persons. The sole reason behind the mitigation in acid-throwing attack cases is that the conviction rate is considerably increased. The study revealed that the number of acid attacks on women is greater in southern Punjab as compared to central Punjab and the ratio is 3 to 1. The difference is due to the illiteracy and quality of life of the people.

Sometimes due to family disputes, injustices and violence against women, the women indulge in felon behavior and as a result, they are convicted by the courts. The female convicted prisoners are sent to the houses of the officers at night or the officers used to visit the female sections to fulfill their lusts. Such practices should be countered by a thorough inquiry wherein the statements of the women convicted should be taken without duress and pressure to dig out the realm of the crime.

Domestic violence is very common against women in our society and worldwide. Domestic violence means physical hurt to the women with the exercise of powers. Violence based on gender difference is a very common issue in our society. Mostly violence against women occurs due to only sin of the gender and sex. The violence against women occurs only due to

the reason that women are considered as subordinate sex according to the UNESCO report of 1999.

Conclusion and recommendations

The poor people due to poverty remain in anger and mental pressure. Due to less social issue management techniques; they put their frustration on their spouses. He is the person to whom nobody listens except his spouse. So, he enforces his anger on his spouse and takes revenge for his illiteracy and unemployment. Due to weak laws about domestic violence and male-dominated society, he will not be punished due to which he repeats the crimes again and again. The local culture and customs give him the courage that women's violence is a common thing. In some cases commission of women, violence is considered as pride on the side of men that he is a strong man as her spouse feels fear from his strength and did not dare to speak before him.

It is a dire need to educate the people about human rights especially women's rights. The people should be given thought if, they put any kind of domestic violence then he has to face the consequences of the violation which are guaranteed in the constitutional law as well other state laws. The legislature of the country should be vigilant about the implementation of these laws. The laws which the parliament has enacted should not be a simple piece of paper in the longevity of the country. These laws are enacted with the philosophy of the protection of vulnerable groups of society. Society is the main reformer to the lawbreaker. Society should play a vital role in protecting individuals from every kind of harassment.

According to the report of the human right commission for Pakistan, domestic violence is the second-largest killer of women after the road accident in the country. In most cases, the husband's family is involved in the brutal murder of the victim. Poor people have a large number of children and they are unable to satisfy their needs due to which they intend to lose their tension by beating their children and wives.

Most of the women are illiterate due to financial reasons. The male-oriented society prefers to give education to the boys as compared to the girls. As a reason, the girls remain undeducated. The girls have little information about the fundamental rights in society. Furthermore, due to the customs of violence on women in society women start considering that perhaps they are subjected to class. The country's population is committing atrocities by themselves. The country is poor because we are reluctant to impart education to women due to false beliefs about women. That if, women are educated then they will challenge our customs. The literate women are not practicing Islamic beliefs. All these slogans are not based upon reality due to which society has already suffered a lot. Now, the time has come to erect the society on real dreams then the welfare of the society will be practiced in a true sense.

Furthermore, after the women's violence, several women are not able to get mental and physical proper treatment due to which they indulge in different kinds of disease due to which the whole family suffers especially the children. Education should be considered as food and water. As the person would die without the food and water if, not satisfy it similarly the pain and miseries of the society will never be redressed if, the vulnerable gender is not imparted education facility to fulfill the mental capabilities. The education will make the women economically sound and in the future, it will increase their capacities in every walk of life. However, some of the respondents are of the view that the women's violation is

transmitted vertically to the offspring. The male counterpart who commits a violation of women's rights and causes abuse of torture has to face the same when her daughter is indulging in similar treatment in her laws. But the gravity of the pain is understandable to rational minds.

Domestic violence is very common at least 5000 women are killed every year while thousand are disabled or maimed. Some of the women generalists are murdered as they refused to quit their jobs. The main cause behind gender discrimination and violence against women is ignorance of religion and education.

Women have to confront a lot of problems in their social life. They are the victims of violence which are committed against them and they cannot even be allowed to move freely outside their houses on the pretext that the Islamic values do not allow them for the same. Their male families' members (especially their brothers) do not permit them to freely mix up with society. They object to their frequent meetings even with their female friends often because in their point of view is different, according to them the close friendship among girls lure them for indulging in the sexual crimes and they in future indulge themselves in bad habits and different kinds of unethical behaviors.

Violation of women's rights is committed in the countries where there is mass illiteracy prevailing in women. They are unaware of their rights and obligations due to illiteracy and are economically dependent.

She also sacrifices and due to her sacrifice upon which she feels pride the male counterpart takes advantage of it. This sacrifice result has to face the next coming generation of women. The long-term practices of sacrifices of women have become customs. The women are not considered the custodian of their parents' and ancestors' property on the plea that if, they inherit property to women that mean they are giving their honor. They accept the husband of her daughter from outside but did not dare to give her property on the plea of honor.

In actuality, they give and spend a lot of money on the dowry due to the reason that the girl did not ask for her inheritable right in the property. In this research, all tools, techniques, and rules, and laws on the subject of economic empower will be discussed in detail to dig out the real reasons for women's backwardness in receiving their determined economic rights which Islam has granted more than 1400 hundred years ago.

In Pakistan, approximately 70 percent population is residing in the villages and due to their illiteracy, most of them did not allow the girls to go to college for getting an education because according to their view, college education inculcates un-Islamic values in girls on the plea of liberalism and resultantly the girls challenge their customs and norms. As the girls select their life partner during the college education that gives a bad name to their family in the social sphere. Men commit physical and mental violence to the girls if, they challenge their decision. The girls, whose education is cut off, indulge in mental disharmony and consider her as an inferior segment of society. The women consider its hurdles in fiscal independence. They intend that they should be independent in earning and social contacts with society. The education facilities should be parallel as available to the men. The countries which are making development in every profession of life like the United States had not made the women idle segments of the society. In the United States according to the Survey of 2005/2006 women get 62 percent associate degrees and 50 percent doctorate degrees. Nations never progress on the world map without hard work, values, and imparting education to the population

across the board in their countries.

One of the women who participated in the discussion stated that, if we separate the issue of violence from family honor and other social issues then we see it is how un-justified act for the society. If, our souls do have not any essential values it hurts somewhere deep inside. In our society, even females are not allowed to do shopping in the market due to men's fear of violence and harassment. In our society men are happy if, women are shut themselves in their own homes and cut off themselves from outdoor life, and always remain dependent on men on fiscal matters, etc. They even are fearful to go on the rooftops of their homes to breathe the morning breeze for fresh oxygen or sun radiation in the early morning to make deficiency of vitamin d due for a healthy life. The women are not allowed to take the glance of a night sky full of moon and stars at the roof of the house in the name of family honor. People should guide them the women entity is not a foul thing and should not be shattered based on gender only. In Islam, values are based upon the personal characters and ethics of human beings.

One lady respondent during the research work shared an incident; that one girl in our village to whom a boy follow while she going to her school and on the way to returning to school. The girl's father saw the incident. The father without investigating the incident takes the life of her daughter on the pretext of honor killed her without adjudging the real incident and matter. Even the girl was not responsible for the incident but she defeated her life and a heinous crime was committed against him without her fault. Later on, the boy himself confessed his guilt but now, the time was over.

In the developing world especially in Pakistan, the women participants share their experience about the violence against women in our society exists at an alarming stage that should be snub with iron hands. But none of the women use to narrate her story about the commission of violence against him throughout her life as she feels reluctance and dishonor to disclose it due to fear of losing her dignity.

The police should be equipped with the scientific and modern tools to counter the rising violence against women in Pakistan. But the condition of the law enforcement agencies in Pakistan is precarious. They are not equipped with the latest knowledge to counter gender-based violence in Pakistan. They are not being provided with the investigation cost due to the corruption of higher ranks how, it can be imagined that the higher ranks can practically equip the lower tiers to cope with the issue of gender-based violence.

In the country, every department especially the Judicial and Police Department are overburden due to the non-implementation of laws of lands in true letter and spirit due to which the false litigation in the country has increased alarmingly. But the legislature and the judicial department are seeing the reasons of false litigation like an idle spectator. The problems can't be overcome to close the eyes. The problems can only be removed by adopting immediate solutions.

The punishments are awarded to the persons who commit crimes but astonishing the false complaints is being considered crimes neither by the law enforcement agencies nor by the judicial department. Due to which the precious time and resources of the country are being wasted. It is high time to amend the laws and thereafter, true enforcement of laws can be ensured. The judicial department should be duty-bound either to punish the complainant for initiating the false litigation or to the respondents for the commission of the crimes.

The women should not lose heart and should raise slogans against the ill voices which curb

their fundamental rights. The women should determine their rights and then achieve the same by perpetual efforts and initiate movements for the protection of their basic rights. It is need of the time that both the gender should respect each other and should participate for the welfare of the downtrodden segments of the society. In the female gender, we are equipped with a lot of big brains which can impart a lot to the nations. So, the economic, educational, and religiously women should be made independent to harmonize the society and women should be equally considered as human beings and should be parallel employed as an agent of change for the society.

Education can play a basic role to end gender discrimination at the national and international levels. No doubt education is an agent for change in the world. The educated females are well aware of their rights and duties towards society. Educated women get employment in different sectors resultantly they become socially strong as compared to the uneducated females due to the simple reason of fiscal independence. Education of females creates leadership qualities in females and enables them to lead in the legislation processes of legislative assemblies at the provincial as well as national level. Now, due to education, the females are going in the field of business, judiciary, and health and also leading in the field of the education department. There should be an earnest attempt is needed to initiate an awareness campaign for girls' education and about the necessity of female education. The media is the key indicator that can pivotal role in the awareness of female education. However, on the other hand, posters about female education must be pasted on social places about female education awareness.

At present, the economical condition of the country is not up to the mark. The country is being defeated at the international level front due to precarious law and order situations due to which the country's economy is being disturbed at an odd level. Therefore, the country which is already deficient in the economy is direly needed to utilize their women strength by investment in human capital and after employing them we can also become an economic hub and as the developed nation has already acquired it by strong financial policymaking.

Some of the critics are of the view that the new improvement in the women's laws is against the fundamental rights i.e. equality of citizens and dignity of human beings. Due to which the act was challenged before the counsel of Islamic Ideology. The act is tantamount to violation of family structure and against the divine revelations. According to the Quran, men are superior to women in fiscal matters and other affairs, they are equal, reciprocally. Like the Act which is for the protection of women-only but in this act no provision about the protection of masculinity rights is present. The woman is not only subject to harassment and violations but men also. The Act is moot about the fundamental rights of men.

The women are not aware of even their fundamental rights and they should be imparted free legal education to equip them socially in society. The male members of society should cooperate with them to stop the evils of violence against women. As the culprits are also male (close relatives), so they are not ready to curb these crimes of violence against women. The true interpretation of Islamic values can solve the issues of domestic violence besides proper implementation of laws in the country to favor better socialization of family.

The NGOs should mobilize the society to end the genie of violence against women in our society. Now, the women should shed compromises but should become firm with determination to the principles of Islamic law. Education is a panacea for all the social evils

of society so; women should properly focus on their education. Educated women are not financially dependent upon the male counterpart who will produce stimulus in the mind of the male counterpart that if; he will commit any violation like of domestic nature then he has to face the consequences of his mistake.

To make the women financially independent they should be imparted better jobs especially in the law enforcement agencies, judiciary, etc. that will make them financially strong and equip them to cope with the endanger of future suffering and injustices of life. They should also be provided on special quota so, that females can free conduct the investigation of the women on merit and collect evidence as per merit to meets the standard operating procedure of investigation.

Women should be given due rights in the franchise. The women should participate in the elections to elect themselves as members of the national and provincial assembly along with the senators of the Parliament. Politically strong women can ensure proper legislation for the protection of women's rights in every sphere of life.

Women cannot get freedom unless they go out of the home and out of the home they come across daily problems and learn how to face them and handle them. So, they should work outside of the home but the office environment must be suitable. The government should make it possible the office environment must protect the dignity of the women at all costs. In Lahore like the modern area to work outside the home is easy but in remote areas of south Punjab, it is an uphill task.

The women are mostly low-paid workers on the pretext that they are physically weak that should end. There is a need for the time that we should change the culture that women can work freely with men without any harassment and violence against them. How, the country can progress if, more than half of its population is bound to only in household duties. The government should prefer cottage industry in the villages so, that the females can show their best there. The NGOs should raise awareness among the women that the cottage industry can change their fate in the comity of nations.

The study is conducted by utilization of different types of analytic research methods. Domestic violence in developing and developed nation is analyzed with special reference to the country; Pakistan. It is found after the interviews of different segments of the society especially the members of the criminal justice system: Police, prosecution, judiciary, prison, parole, and probation department members besides this the practicing lawyers that the criminal justice system in the country is not strong much to protect the women from harassment. Sexual and domestic violence are the critical problems of Pakistan women. To check and counter the crimes it is mandatory first the crimes controlling agencies consider the violations as crimes. But in the case of women, domestic violence is not being considered a crime. The law enforcement agencies consider it a family matter and did not respond to the domestic violence complaint as per law of the land.

According to the study, an increase in domestic violence is being seen in the country. It is the basic reason of most of the health issues of women in the country due to domestic trauma women become easy prey to different kinds of health issues. According to reports about 5000 women are died every year due to domestic violence in Pakistan. The perpetrators are not convicted in the country due to weak criminal justice system of the country and most of the victim is legally not sound to cope with the perpetrators in the courts of law and before the

law enforcement hierarchy. The govt. the prosecution is present in the country with meager resources who are not legal fraternity by choice. They joined the profession with the half-hearted approach in the country. How, we can be able to get the best fruit from the barren land. It is desired, the legal structure of the country should be managed on solid footing so, that the women of the country can avail justice when any kind of violence and harassment they have to confront in the society.

According to the member of the criminal justice system of Pakistan that women run from their house by their sweet wills when she returns to her parent's house she maligns the counterpart. She falsely complain at the police station even when she fled away from her house she solemnized Nikah, filed a harassment petition against her family members, and thereafter got recorded her statement u/s 164 Cr. P.C before the judicial court. Such registration of crimes u/s 365-B PPC or 396-A PPC at the police station due to the revenge between the parties based on false proposition thereafter, due to strong evidence against the complainant statement are submitted in the case file by the accused party and the case is canceled.

According to the Reuter's foundation report, Pakistan is the third most dangerous country in the world in respect of women's rights violations after Afghanistan and Congo. Most of the victims are not entertained at the legal course as the law enforcement agencies don't consider it a crime due to the family relationships among the people. According to the more emancipation to women means more chances of divorce among the spouses. Secondly the council of Islamic Ideology also not justifies the women's independence and empowerments laws in the country. However, in the year 2004, Pakistan enacted a criminal law amendment to protect women from harassment. Pakistan government endeavor in this regard was good but the legal fraternity has put little input in this regard.

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83. Jordan's 1960 Penal Code no. 16 Article 340
84. Kuwait's Penal Code Article 153
85. Lebanon's Penal Code Articles 193, 252, 253 and 562
86. These were amended in 1983, 1994, 1995, 1996, and 1999 and were eventually repealed by the Lebanese Parliament on 4 August 2011
87. Libya's Penal Code Article 375
88. Morocco's 1963 amended Penal Code Article 418
89. Oman's Penal Code Article 252
90. Palestine, which had two codes: Jordan's 1960 Penal Code 1960 in the West Bank and British Mandate Criminal Code Article 18 in the Gaza Strip
91. These were respectively repealed by Article 1 and Article 2 and both by Article 3 of the 2011 Law no. 71 which was signed on 5 May 2011 by president Mahmud Abbas into the 10 October 2011 Official Gazette no. 91 applying in the Criminal Code of Palestine's Northern Governorates and Southern Governorates
92. Syria's 1953 amended 1949 Penal Code Article 548
93. Tunisia's 1991 Penal Code Article 207 (which was repealed)
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