

# Women Protection Bill In Punjab: Current Realities And Strategies For Change

Wajeaha Khalil<sup>1\*</sup>, Aimon Aslam Rao<sup>2\*\*</sup>, Munazzah Manzoor<sup>3</sup>, Nouman Khaliq<sup>4</sup>,  
Zaighum Aqeel Atif<sup>5</sup>, Syed Ali Muneeb<sup>6</sup>, Muhammad Jamil Brohi<sup>7</sup>

<sup>1\*, 2, 3</sup> Department of Sociology, Virtual University of Pakistan

<sup>4</sup>Department of Sociology, Riphah International University, Faisalabad Campus, Pakistan

<sup>5</sup>Department of Sociology, Government College University Faisalabad

<sup>6</sup>Department of External Linkages, Iqra University, Islamabad campus, Pakistan

<sup>7</sup>Department of Sociology, Ghazi University, D.G Khan, Pakistan

<sup>1\*</sup>Corresponding author: [wajeaha.khalil091195@gmail.com](mailto:wajeaha.khalil091195@gmail.com)

<sup>2\*\*</sup>Corresponding author: [aimon\\_rao@live.com](mailto:aimon_rao@live.com)

## Abstract

The purpose of this research is to investigate the nature of the execution of the Women Protection Bill (WPB) in Punjab as a legislation and how the implementation of this law would enhance the lifestyle of women in our society. The implementation of WPB has been a difficult task due to social and traditional psychology of people in which they consider women as inferior to men. In recent years, as a result of feminist activity and the media, women's demands for their constitutional and religiously-guaranteed rights have been increasingly public and assertive. Although the government of Pakistan is attempting to implement laws that would ensure the preservation of women's rights to some degree, there is still more work to be done. Present study about women protection against violence is a qualitative study and in-depth interviews which were conducted with representatives of different segments of the society. The data analysis revealed mixed opinions. On one hand most of the respondents were against women protection bill because of their believe that this bill challenges the honor and dominance of men and Pakistan being a patriarchal society will resist its implementation. Yet on the other hand, few believed that in the current socioeconomic situation where it is imperative for women to become a part of mainstream work force, this bill will provide them protection in society.

**Keywords:** Legislation, Women Protection, Qualitative, Patriarchal Society

## 1. Introduction

The women's rights movement of the 19th century and the feminist movement of the 20th century were based on the concept of women's rights. In certain nations, these rights are institutionalized or reinforced by legislation, local tradition, and conduct, whereas in others they may be disregarded or repressed. They diverge from larger concepts of human rights in that they assert an inherent historical and cultural bias against the exercise of rights by women and girls, in favor of males and boys. Issues

commonly associated with notions of women's rights include, but are not limited to, the right: to bodily integrity and autonomy; to be free from sexual violence; to vote; to hold public office; to enter into legal contracts; to have equal rights in family law; to work; to fair wages or equal pay; to have reproductive rights; to own property; to receive an education.

In Europe, a woman's legal standing was based on her marital status, and marriage was the greatest factor limiting women's liberty. Custom, statute, and practice not

only restricted the rights and liberties of women, but also banned unmarried or widowed women from holding public office on the grounds that they could marry in the future. John Locke was opposed to marital inequality and the maltreatment of women during this time period. In his 17th-century writings, he advocated for marriage equality between the sexes, for which he gained widespread recognition. English women had fewer grounds for divorce than males until 1923, according to a report published in the *American Journal of Social Issues & Humanities*. (Clark, 1977).

Before the passage of the Married Women's Property Act of 1870 and the Married Women's Property Act of 1882, husbands held the majority of their wives' personal property. Children belonged to the spouse. It was illegal to commit a crime of rape inside a marriage. Wives lacked essential characteristics of legal personhood, since the husband was considered the family's representative (eliminating the need for women's suffrage). The legal characteristics of marriage indicate that the concept of a marriage between equals seemed improbable to the majority of Victorians. (Quoted from John Locke's *Gender and Good Governance*, *American Journal of Social Issues & Humanities*).

Today Pakistan is 6<sup>th</sup> populous country having population 191.71 million maximum in which more than 50 % population comprises of women. The overall economic burden has increased on the house hold which creates a situation in which women are equal work in public domain such as environment demands that steps may be taken by the government to provide protection and society to women outside as well as inside their house. This bill is a step in the direction as traditionally Pakistan is a patriarchy society where male dominate the public domain and female are not much appreciated in their place. WPB legalizes protection and participation of

women in economic development which is the need of the time.

### **Women Protection Bill**

“Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a Spirit of brotherhood”.

### **In constitution of Pakistan 1973 Article 25:**

“All citizens are equal before law and are entitled to equal protection of law (constitution of Pakistan, April 19, 2010)”

Women should not be discriminated or separated from men in any place of work. In context of Pakistan, it is a Patriarchy society; Pakistan has certain issues such as culture and traditional issues. In Pakistan women are very times have been deprived from their fundamental rights and have been harassed on their workplaces. Now Pakistan has become very conscious about violence against women. So in order to tackle this problem Punjab Assembly has passed the Women Protection Bill 2015 to ensure the protection of women in various context such as physical violence, abusive language, stalking, and cybercrimes, and sexual violence, psychological and emotional abuse against women a crime in Punjab.

Women Protection Bill on bill has d after a long discussion amongst the various segments of the society. This WPB has been passed because women can get equal rights in our society. It is also passed because women can get full security on their work place. They are not being harassed by any person easily. So that every women belongs to any workplace can do their work without any fear and danger. Pakistani is a masculine society and due to

this reason, the Women Protection Bill has to face lots of obstacles for the implementation or become fully practice in our society. This bill criminalizes physical assault, harsh language, stalking, and cybercrimes against women in Punjab, as well as sexual violence, psychological and emotional abuse. The measure, which was enacted by the Punjab Assembly, offers redress for female victims of abuse, criminalizes all types of violence against women, and gives them access to specific facilities that eliminate the bureaucratic obstacles that impede a woman's access to justice. In addition, a universal access number (UAN) will be established to accept complaints, and district protection committees will be created to examine women's concerns. Additionally, centers for reconciliation and conflict resolution will be established. Protection officers will be required to notify the defendant whenever they get a complaint. Resistance to protection personnel is punished by up to six months in jail and a fine of up to Rs 500,000. As soon as a complaint is received, it will be entered into a database that will be established shortly.

### 1.1. Problem statement

The present study aims to see, what are the social, cultural and political factors which have contributed to occurrence of crime and violence against women in society. How the women protection bill can play a preventive role in this direction. To explain the problem of violence against women, a number of theories and paradigms have been presented by different writers. No single theory would fully explain violence against women. One factor causing harassment against women is the increased level of stress and frustration prevailing among the general masses of the society. Suicide bombing and extremism this is also a big crime and this kind of thinking are same like the extremists that which we are not a part of that. We can only be safe by

over thinking to stop such kind of illegal act and my personal thinking this that this is the sub form of terrorism because when we hit the women they are not much stronger then man so to it the weaker one is the extremism is the sub form of terrorism. According to the Gallup data from surveys in 143 nations such as Italy, France, Australia, and the United States, males are far more likely than women to report feeling secure strolling alone at night in their areas. According to the 2014 annual Crime Survey done by Gallup, 37% of U.S. people do not feel secure strolling alone near their residence at night. Compared to males, 45 percent of women stated they do not feel comfortable going alone at night (Nsubuga, 2012).

To hit the girl and women is an international crime court of justice if the domestic law is not giving the justice then you can file the hit petition against the domestic law. The dilemma of Pakistani society is that if the some segments of our society trying to give favor to women, instead of supporting the people, whole society go against who are trying to protect the women's rights especially the religious community like conservative mind-set mullahs and molvies. The Women Protection Bill has many legal modalities as well as social implications. In the present socio-cultural and political circumstances it is of great need for the Pakistani society. However for its successful implementation the acceptance from all quarters of society is of utmost importance. The present study aims to conduct a research on this issue. My study about women protection against violence is a qualitative study and it will contain a brief interviews of different segments of society namely;

- (i) Lawyers
- (ii) Housewives
- (iii) Working women
- (iv) Religious scholars
- (v) NGO's

I will explain in one chapter the current position of women in Pakistan, various problems faced by the society and a cursory look about Pakistan's society system (male dominated society) and its principles (sharia) from which it is based and also Islam's point of view of women status in society. The purpose of writing this article is to analyse the changing realities after the passing of Women Protection Bill and also different forms of abuse to the human rights of women in Pakistani society. It is also important to understand what kinds of social, psychological, cultural and economic problems women are facing. This paper will explore how far women's rights organizations have been able to influence the lives of millions of women in Pakistan. The paper will address what the governmental response is towards gender-based violence in women are the main victims.

## 2. Literature Review

This section starts by giving a definition of literature review followed by discussing the current realities, changing strategies and impact of WPB in our society. How different segments of the society perceive about it and also many different studies exist in literature about this subject.

### 2.1. Constitution of Pakistan

#### Rights of women in constitution in Pakistan

**2.1.1 Article 25:** all citizens are equal before law and are entitled to equal protection of law (Constitution of Pakistan, April 19, 2010)

**2.1.2 Article 26:** there shall be no discrimination on the bases of sex alone (exceptions: the state can make special provisions for the protection of women and children) (Ibid)

**2.1.3 Article 27:** no discrimination on any bases in access to public places, except those specifically reserves for religious purposes (exceptions: the state can make special provisions for women and children). No person otherwise qualified can be discriminated against in the matter of employment on the bases of race, religious, caste, sex, residence or place of birth. (Exceptions: specific services can be reserved for members of either sex if such posts/services required duties which cannot be adequately performed by the member of other sex, e.g. Lady Health Visitor) (ibid) In addition to fundamental rights describe in the table above, the constituting also listed several "principles of policy". The government is to make policies according to which, which the government, all public institution and all government servants are expected to uphold. The number of principle of policy specifically relate to women:

**2.1.4 Article 32:** Special representation shall be given to women in local government institutions (i.e., local bodies).

**2.1.5 Article 34:** Steps shall be taken to insure full participation of women in all spheres of national life

**2.1.6 Article 35:** The state shall protect marriage, the family, the mother and the child.

**2.1.7 Article 37(e):** Make sure women are not employing in vocations unsuited to their sex, and that working women get maternity benefits.

**2.1.8 Article 38(a):** Secure wellbeing of the people, irrespective of sex.

**2.1.9 Article 38(d):** Provide basic necessities of life, irrespective of sex.

An increasing aerates of the under representation of the women in the parliament and business has gone hand in hand with growing debate about gender quotas as a means of rectifying the situation. However, the questions persist about their efficacy. The Gender Effects of Electoral Institutions offers a detailed in empirical contribution to this debate (Schwindt and Bayer, 2012).

The relationship between bodies and images has long preoccupied feminism, and through her original empirical research with teenage girls, including focus group, individual interview, and image-making session, Rebecca Coleman moves from a consideration of media images – the focus of much feminist research – to examine more broadly; as mirrors, photographs, glimmers, comments, and imagination (Coleman, 2012).

**The journal of political science G.C University, Lahore POSITION OF PAKISTAN WOMEN IN 21st CENTURY:**

Beyond denial violence against women in Pakistan: a qualitative review of reported incidents between January and December 2012. The study is based on the evaluation and analysis of numerical data and tables obtained from the chosen newspapers of six areas of Pakistan through the Aurat foundation's intermediary in regards to violence perpetrated against women and children in 2012 calendar year. The current paper, which is the fifth in a series on violence against women (VAW) in Pakistan and was issued by the Aurat foundation, is an attempt to establish itself as a credible source of data on the prevalence of (VAW) in Pakistan. While it cannot be said that the data gives an accurate estimate of VAW in Pakistan, it does provide a snapshot. However, the study is mostly focused on material obtained from the sample newspaper for the purpose of clarity and arguing the case for

VAW in Pakistan, it also includes information from other sources.

**Women and Human Rights**

This book gives a global context for understanding the rights of women. The book is very well-organized and gives a comprehensive review of the topics surrounding human rights and women's position in the globe. Raahida Patel discusses in depth the issues of gender equality and women's empowerment. Which document offers an outline of the legislative and practical measures that have been implemented in Pakistan to improve the poor position of women? The book offers an in-depth analysis of the continuous and increasing misinterpretations of the principles of Islam through legal acceptance and discusses laws that have recently changed and have an impact on the lives of women, such as the Criminal Procedure Code 1898, the Pakistan penal Code 1860, and the introduction of the death penalty for gang-rape. The book is incredibly well arranged and gives a comprehensive review of gender and women's status concerns in Pakistan. (Hellum and Aasen, 2013)

**Title: annual report on situation of violence against women in Pakistan 2008; collection and compilation of statistics on incident of violence against women.**

The statistics on violence against women included in this report have previously been shared with the media and civil society through provincial and national quarterly reports created in 2008 and distributed to the media and civil society. (Khilji et al, 2008).

**Title: annual report on situation of violence against women in Pakistan. A qualitative review of statistics for 2010.**

The current paper, part of a series on violence against women in Pakistan, provides a qualitative analysis of VAW Statistics for the Year 2010. The presented

report is a component of the Aurat Foundation initiative to provide momentum to the advocacy campaign. Policy and legislative improvements for enforcement in partnership with other civil society organizations, groups, and activists that share a similar perspective (Azhar, 2011).

Situation of women in Pakistan endeavors to investigate the functioning and interaction of many societal levels. The research starts with the position of women as embodied in Islam and how deviation and decline evolved through time. In addition, the research examines the legal, social, and political dimensions of terrorism that affect women in the nation (Bhattacharya, 2014).

### 3. Research Methodology

A research design serves as a plan for performing an investigation with utmost control over variables that may compromise the validity of the results (Burns and Grove, 2003). In research design there are two types of research methods namely qualitative and quantitative research methods (Welman et al., 2005). The present study is qualitative in nature as qualitative research provides understanding of greater dimensions of a topic of research as compared to the quantitative research. Moreover qualitative approach was adopted because of its value of making it possible to seek theoretical data on the Women Protection Bill. The present study titled “women protection bill in Punjab, current strategies and realities for change” aims to explore the perception of the society through in-depth interviews (qualitative research) about the women rights society.

#### 3.1. Research Design

The present study was qualitative study and was conducted through in-depth interviews as tool for data collection.

#### 3.2. Population

Population is the study object and consists of individual groups’ organizations, human products and events or the conditions to which they are exposed. It is the full set of cases from which a sample is taken (Welman et al., 2005). In the present study the selected of five segments of society namely; (i) Lawyers (ii) Housewives (iii) Working women (iv) Religious scholars and (v) social activists from NGO’s. In total ten in-depth interviews were conducted distributed in the following order; two from advocates of High Court. Lahore. There were four housewives who were also working women; one religious scholar who belonged to Ahli-hadith sect and three social.

#### 3.3. Rationale for selecting the population

The rationale for selecting the population is as follows:

##### Lawyers

We selected the lawyers because they have an understanding of the legal processes of the Pakistan and they can explain that why the place of women is very important in Women Protection Bill in capacity of law.

##### House wives

House wives and also working women are the stake holders and they can explain the issues regarding bill and how they can feel about it.

##### Women Activists

Women activists work in capacity of protecting women and they address on those issues and they have understanding of the legal frame so their perceptions are also very important.

##### Religious scholar

Pakistan by constitution is an Islamic state so religion has very significant and it has very important role in constitution so one Islamic scholar is also included so that the

perspective of the religion can be explained very well.

### **3.4. Tools for data collection and procedure**

The present study was qualitative study and conducted using in-depth interviews personal visit were made by the researcher to obtain the response. Ten respondents were interviewed. An interview guide was prepared according to the objective of the study. In the light of the pretesting certain changes were incorporated in the interview guide. The data was collected within 45 days. Prior appointments were taken from each respondent. On the decided day the researcher visited offices of the interviewee.

### **4. Results and discussion**

The total 10 interviews were conducted in which Molana Ibtisam Ilahi, two advocate of high court, four were housewife and three were Aurat Foundation. The finding of this research is very surprising because 8 out of 10 gave negative response to women protection bill. More surprisingly 8 responses were from the women. Their arguments was this bill will never bring positive change in our society because our society is male dominant and this WPB is totally against honor or respect of male in our society. But remaining two respondents who were women rights activists their comments were entirely contrary to 8 respondents.

Their comments about women protection bill are in favor. They gave comments about bill that in our society issues are prevailing day by day. Moreover, our financial issues unemployment, or also has become a mainstream of our society. Women problems are also escalating with the passage of time. So, it was needed to make law that protects women in all paces either in home or in public place. There are some points which are explaining response of respondents is that:

1. This WPB will weakening our society and it also plays a vital role in breaking the relation between husband and wife.
2. Actually, any husband will never bear that his wife goes to police station or go to court to file a case against her husband about his ill treatment with her wife.
3. Moreover, in past our society had never considered that domestic violence is a crime. If any women who go to court for justice but unfortunately she always had to face hopelessness.
4. During survey there are some interview questions people give strongly negative response about these answers these questions and there answers are given below

#### **Women protection bill in the content of religion**

When we conducted an interview from Molana Ibtisam-ilahi, He gave negative response about this bill because Molana was religious scholar. His arguments were that women are subordinate to men. Women have no rights to challenge her husband. Moreover, this women protection bill is contrary to our norms and values and it is un-Islamic. According to Islam this bill is un-Islamic. In whole world Islam is best religion that helps us in every aspects of life. According to Islamic ideology council this bill is unethically or un-Islamic. Punjab assembly should be creating a new law or bill according to Islamic values, norms, beliefs, culture and according to sharia.

#### **Housewives' comments about the women protection bill**

We conduct 4 interviews from female, who were housewives and more surprising is that they gave also negative response about

this bill. Their arguments were that they had family institution threats. They said that this bill will increase divorce rate. According to their comments we never forget it that we are living in male dominant society. Mam is considered main decision maker in everyday life. This women protection bill will never protect women rights in any way it increased the violence against the women because in rural areas women have no freedom to go courts or police station if they go then violence will increase.

#### **Women protection bill in the content of social worker (Aurat Foundation)**

We conduct an interview from Aurat foundation they gave positive response about this bill they said that this bill is completely beneficial in the light of Islamic values. Because Islam never say that men are superior to women. In the realm of religion, men and women are treated equally. Moreover, they said that this bill will protect the women in their everyday of life. They also said that women protection bill is threat for men. Because when they abuse and beat their wife they will think about this law because if they do this they will go in police station and court for three days. In this way they will bear punishment in this bill. This bill is for women rights protection. It will save women through verbally abuse and beating by her husband. When husband think about this law, he will never beat and verbally abused his wife.

#### **Women protection bill in the content of lawyers**

Lawyers gave negative response about this bill. They argument that our society is male dominant and this bill increased divorce rate and this bill will lead the misunderstanding between couples. Violence against is very common in the whole world, especially in Pakistan this is very big problem. If women have equal rights and protection in every field of life

then they can take part in the development of Pakistan, in their family system and societal development. In a nutshell, this women protection bill is So in a nutshell, this bill has proved that is not giving fruitful consequences so our government should dismiss this law and start a campaign to give knowledge that how to tackle their family issues instead of going into courts or police station.

#### **5. Conclusion**

Violence against women is a worldwide issue that is not exclusive to a particular location or nation. The infringement of women's rights endangers their bodily and mental health and poses a grave threat to their lives. This is a very prevalent and pervasive issue. Regional human rights treaties and local regulations have been enacted in order to provide women with particular protections. The ultimate objective is to end violence against women in order to protect their dignity and to encourage measures that will guarantee they have a reasonable quality of life. Almost everywhere in the globe, physical violence such as blows of varied severity, burns, attempted hanging, humiliation, coercion, extortion, pecuniary or emotional threats, and control over words and behavior are prevalent. However, women in underdeveloped nations are more endangered and harmed by these violent tendencies. Violence against women is most prevalent in societies where gender roles are clearly defined and enforced, and when the notion of masculinity is tied to toughness, masculine honor, or domination, according to global research. Other cultural values connected with abuse include the acceptability of physical punishment of women and children, the acceptance of violence as a tool to resolve interpersonal conflicts, and the notion that males have 'honor over women.' The poor status of women in the area as a whole and the entrenched nature of discriminatory



structures have resulted in what is seen as a cycle of violence against women. Even before birth, women face sex-selective abortion, female infanticide, incest and son preference as young children, sexual abuse or trafficking as adolescents, rape, sexual harassment, acid attacks as wives, domestic violence, dowry-related violence, material rape, and honor killing as widows, they may be forced to self-immolate or be deprivation of life. Vulnerability to violence at every step of the lifespan makes VAW horrifying in society.

Mostly people give the negative remarks about this bill mostly people say that this women protection bill lead the negative aspects in our society, because our society is male dominant society and men have a power in making decision and deal with honor rather than a female. This bill will make weak relationship between spouses because nobody go to court and police stations because our norms, values, beliefs, culture and mostly our religion not allowed for this step. This step increased divorce rate in the society because when a men came from jail or court then he will not treat his wife with love, respect and humble behavior then he will gave divorce so this bill bring negative change In our society. The violence against women is a prevalent in all part of country unstopped. Legislations, polices and plans have been made regularly but lack effective implementation. The organizations working on the violence against women needs to raise their capacity and commitment with the cause of child welfare.

### **Recommendations**

Protection of women's rights has a prominent position among governmental obligations. Women, although being a substantial part of society, endure violence and have high expectations that the state would provide a credible, efficient, and responsive institutional structure to protect

their rights. The following suggestions are made.

- There is dire need to construct capacity of institutions, organizations and professionals working on eliminations of VAW. Consequential and result oriented training programs should be introduced by concerned authorities, departments, stakeholders functioning on international and national level in public and private capacity.
- There is an urgent need to build the capacity of institutions, organizations, and professionals working to eradicate violence against women. Authorities, agencies, and stakeholders operating at the international and national levels in a public or commercial role should implement training programs with a focus on consequences and outcomes.
- A well-organized, competent, and influential monitoring structure should be established to track the occurrence of VAW in any region of the nation and to take prompt rescue action in response. For optimal operation, the roles and responsibilities of such a monitoring mechanism may be created in accordance with standard operating procedures.
- The elimination of VAW has never been a top priority for the government, and insufficient funding resources have been made for projects addressing VAW. There is a critical need to increase the size and quantity of minority provisions and resources via the allocation of a specified sum in the yearly budget.
- Lack of understanding and widespread ignorance of VAW as a crime, violation, and transgression further contribute to the prevalence of VAW in the nation. There is a need to raise public understanding of women's rights.

Electronic and print media may play an exclusive role in educating the public about printed materials, documentaries, films, and plays, etc. The participation of women in such activities might inspire the rest of the population.

- Courts must quickly and accurately administer justice to victims of violence, since delays in the past have exacerbated the issue and demoralized the victims. An effective system of law and order may assist reduce the severity of the issue.
- It has been noticed that a lack of understanding about the state-granted rights and advantages of women contributes to their increased victimization and vulnerability. Such knowledge and information may be disseminated for the wellbeing of women by the respective authorities and organizations.
- Regarding the significance of educational institutions in women's growth, the formation of gender and women studies faculties is significant. However, many universities lack such departments.
- A number of governmental and private groups are working to the improvement of the predicament of women in Pakistan. Ministry of women development, GRAP. Aurat foundation, Shirkatgah, social welfare ministry and departments, and women crisis cell are required to collaborate in order to avoid duplication, consumption, and waste of resources, and to ensure mutual and coordinated efforts. The establishment of a network may assist in attaining this objective by facilitating frequent communication and coordination among the stakeholders.
- Women's Day must be commemorated with a condemnation of violence against women. It should be distinguished with enthusiasm and vigor, as well as specific events in

schools, communities, and organizations.

- VAW is believed to be the result of certain cultural and religious tendencies. The moment has come to prevent unfavorable cultural tendencies and religious teachings misinterpretation and misunderstanding. It may also be clarified if the Ulmas and religious experts carry out their duties correctly.

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