



## ROLE OF LEGAL FRAMEWORK FOR THE PROTECTION OF FEMALES IN CAUSING DESPAIR IN UNMARRIED GIRLS

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### ABSTRACT

The present study was conducted with objective to determine the causes of despair in unmarried girls. A sample size 159 respondents out of 264 was selected through random sampling procedure from three Mohallahs of Union Council Jahngrha, district Abbotabad, Khyber Pakhtunkhwa, Pakistan. The conceptual framework of the study comprised of legal framework for the protection of females as independent variable and causes of despair in unmarried girls as dependent variable. Chi-square test was used to find out association among study variables. The study found that a significant association was established between despair and ensuring girl's rights to education to achieve their social potential ( $p=0.000$ ) and the legal measures of domestic violence achieving its objective completely ( $p=0.008$ ). Awareness rising among masses through use of mass media, local political and religious leadership regarding religious and legal rights and status of women so that view of marriage and dowry as a capital transfer is publically negated, devising policies that can make it easy for poor and middle class females to access judiciary, minimize domestic violence through implementation of law, enhancing female learning and strengthening moral base of marriage and family to measure morality instead of economic benefits in mate selection were recommendations in light of study findings.

**Key words:** Despair, Discrimination, Culture, Legal framework and Status

Until recent time's protection to the women against violence and disparities was quietly is the law and polices in this regard were non-existing in significance. Pakistani laws were no exception in this regard. However in scenarios of rising honor and violence based crimes against women and under the pressure of international community some amendments were made in the law. The amendments made in PPC through in act of parliament and become law in January 2005. However the incidents of honor killing kept increasing during the following years due to serious loopholes in the law (Hoiberg & Dale, 2010). The indirect measures to protect women against atrocities in the society and to alleviate their socio economic status in Pakistan include their education, awareness and protection programs. Their programs are successful in enhancing the awareness level of women with some success in provision of direct help to them in case of physical assault and violence (Ali, 1999; Mariam, 2000. and Rizvi & Rizvi, 2012) Still Pakistan rank below average in Global Gender Gap Report and women are facing high atrocities against women without any hope it's declined. The women policies are vividly in equal in provision of facilities to various sections of society and special with respect to gender. The legally system followed the existing laws on assault, harassment, cruelty and dowry deaths and there is no law that directly address the problem of domestic violence. Similarly is the case of property laws where measure to protect women's rights are lacking (Sitaraman, 1999; Quraishi, 1997; and Rizvi & Rizvi, 2012). The cultural norms in the form of purdah restrictions on mobility limited activities along with manipulated tools are the designs to controlling women the society in general and family system particular condition the females of the society to internalize the notion of fragility and importance of their own behavior and the insecurity of their status. To assure conformity of female members of these norms there behavior is not only monitor by the men in her family but the society as whole. Domestic violence is not explicitly prohibited in Pakistan domestic law and most act of domestic violence is encompassed by Qisas and Diyat ordinance. Therefore domestic violence is treated as non-justifiable due to private or family matter, or an issue of civil courts, rather than criminal courts (Bettencourt, 2000). If law makers are serious about women rights protecting at home they should create proper institutions and mechanism to realize the goal. For this purpose there is need to generate motivation in public's mind to abide by the law, seek legal health whenever required stand by the suffering of women and improve infrastructure for the justice delivery system (Glosh, 2013). Though women make half of the populace of the world and yet signify the most despairing portion of the human. For the lots of women living in poverty, their lives are supplications of prejudice, discriminations and hurdles that get in the way of attaining their elementary desires of upright physical and mental health, education and employment. Overwhelming these disparities and safeguarding women assistances for development entails that the needs and desires of women are not only taken into explanation but be place into obverse and focus. There can be so many reasons for despair in unmarried girls but in Pakistan, the legal framework for protection of girls is prominent (Schultz, 1974; & Hyman et al. 2011).

There is difference in the process of testimony and legal framework but in Islam, reporters have often focused in disparity in Diyat as far as the status of women is concerned, as Ghamdi et al. (1995) held that several kinds of testimony by women may not be accepted. Furthermore, Bari (1998) reported that women have to live a strict and tight life because they are judged and checked not only by the family but also by the society for a behavior thought to be unsuitable while Amnesty International (1998) mentioned Purdah which made women feel insecure about their status. According to Shaheed et al. (1998) Pakistan is on the top of global gender gap report besides

Yemen. Rehman (1998) also reported domestic violence as no prohibited act in Pakistani Law. Moreover, Sitaraman (1999) argued that violence against women take place inside the family made it difficult for the courts to reach the fact by the process of legal framework and evidence, in result judges see circumstantial evidence which get support of cultural rules and assumptions. Further he stated that there is no law that can address the problem of domestic violence. Muhammad (2012) noted awareness among women due to education which positioned Pakistani women on higher position than other Asian countries. However, Pakistani women face domestic violence which mostly is incorporated by Qisas and Diyat ordinance (Bettencourt, 2000). While Mariam (2000) mentioned Criminal law Amendment produced for honor killing was made on the demand and struggle of whole society especially for the protection of girls and women rights. Burman and Chantler (2005) reported that cultural practices and rules had made state responsibilities obscure and conspiracy with violence, health and social service policy and provision. Because of the loop less of law no decrease was seen in those crimes in last few years (Hioberg and Dale, 2010). BBC (2013) reported that majority of Muslim countries follow mixed legal framework, one part of constitution is made of parliamentary law and other part is presented by Sharia based Muslim laws, while some countries have full Islamic legal system, Pakistan is included. Rafferty (2013) reported that there are so many organizations working for women rights, but legal framework and resolutions have placed girls on the sideline where their rights are violated, they are powerless and neglected, they are always behind boys. Moreover, they are socially restricted; the cultural and social norms which preserve lower status of girls needs struggle globally to be eliminated. Glosch (2013) stated that only passing laws are not enough to solve these issues, a fair and strong implementation and standing by the suffering of women is needed, and furthermore there are several hurdles in the way of laws made for dowry and violence against women. Discussing the gender inequality UNDP (2013) found that women in society are only seen as mother, sister and wife, they are not treated as individual person and their space in the family is controlled by men. Rafferty (2013) quoted UNFPA & UNICEF (2011) that women can be empowered by ensuring their rights to education, health employment by erasing the effectiveness of traditional and cultural norms and customs therefore they will achieve their social potential. Parveen (2014) noted that women have no access to the resources because of illiteracy and lack of awareness. Furthermore, approaching judiciary is impossible for those girls in terms of money and time. She stated that the conflict between state law and customs is resolved with superiority of customs; this harmony has fused women position in the courts.

## II. METHODOLOGY

### 2.1 Universe of the study

The study area was comprised Jahngrha union council, city Havelian, District Abbottabad, Khyber Pakhtunkhwa. The study area more specifically consisted of three Mohallahs, Zamin Shah, Qassab, and Syalli. Unmarried females representing marriage age bracket were the potential respondents for this research study.

### 2.2 Sampling Procedure and Sample Size

A pilot study was conducted by researcher to determine the number of unmarried girls in the study area, according to which a total of 264 girls were on range of passing marriage age. A sample of 159 respondents sufficed for the population of 264 (Sekaran, 2003). The random sample technique was used for data collection. The sample was proportionally allocated to each Mohallah by using proportional allocation formula (Cochran, 1977). Distribution of respondents is given in Table-1.

$$n_i = \frac{n}{N_i} \times N_i$$

$n$  = Total sample size required for researcher.

$N$  = Total unmarried girls in study area.

$N_i$  = unmarried girls in each Mohallah.

$n_i$  = Selected respondent size from each Mohallah.

**Table-1. The number of unmarried girls and sample distribution in various Mohallah's in the Study Area.**

S/No	Mohallah Name	Total number of unmarried girls	Sample size
1	Zamin Shah	114	68
2	Qassab	63	38
3	Syalli	87	53
Total		264	159

### 2.3 Characteristics of the respondents.

To fulfill the requirements of the study those respondents were investigated who had following characteristics.

1. They were in age group of 22 to 45.
2. They were unmarried.
3. Mentally sound to respond to questions.

### 2.4 Tools for data collection

Interview schedule was used as a tool for data collection with face to face interview method as a procedure. The interview schedule was pretested in the field and corrected for the shortfalls.

### 2.5 Analysis of Data

SPSS software was used for the analysis of data. The uni- variate and bi variate approaches were applied.

#### 2.5.1 Uni-variate Analysis

Univariate analysis was used for percentage proportion of background, independent and dependent variables along with frequency distribution of respondents. Following equation was used for data class's percentage.

$$\text{Data class's percentage} = f/N * 100$$

Where,

$f$  = Data class's frequency

$N$  = total observations.

### 2.5.2 Bi-variate Analysis

Bi-variate analysis was applied to estimate the relationship between dependent and independent variables. Chi square test was used to test the strength and direction of association of variables at bi- variate level.

#### Chi- Square Test

The Chi- square test was used to test the relationship between the two variables. Following statistical technique was adopted to find the value of chi- square test (chudhry and kamal 1977).

$$\chi^2 = \sum_{i=1}^r \sum_{j=1}^c \frac{(O_{ij} - e_{ij})^2}{e_{ij}}$$

Where,

$\chi^2$  = Chi Square

$O_{ij}$  = Observed frequencies in  $i^{\text{th}}$  row and  $j^{\text{th}}$  column

$e_{ij}$  = Expected frequencies regarding  $i^{\text{th}}$  row and  $j^{\text{th}}$  column

$r$  = Number of rows

$c$  = Number of columns

Df =  $(r-1)(c-1)$

There are some conditions for Chi- Square Test which are given below,

1. The subjects for each group are randomly and independently selected.
  2. Each observation must qualify for one and only one category.
  3. Sample size must fairly be large such that no expected frequency is less than 5, for  $r$  and  $c > 2$  or  $< 10$  if  $r = c = 2$ .
- When third assumption was violated in data then the Fisher Exact Test was used instead of simple Chi- Square Test. The mathematical form of the Fisher Exact Test as,

$$\text{Fisher Exact Test} = \frac{(a+b)!(c+d)!(a+c)!(b+d)!}{N! a! b! c! d!}$$

Where  $a$ ,  $b$ ,  $c$ , and  $d$  were the observed numbers in four cells of contingency table and “ $n$ ” the total number of observations.

## III. RESULTS AND DISCUSSION

### 3.1. Despair in Unmarried Girls

Despair is a state of depressed mood and hopelessness. Depression is a state of low mood and aversion to activity that can affect a person's thoughts, behavior, feelings and sense of well-being. What is the state of despair and what are the main causes derived by the study are given in table 2

A high proportion of 81.8% of the respondents felt alienated because of being subordinate to men, 16.4% of them did not agree with the statement and 1.9% were uncertain. Moreover, 80.5% of the respondents saw their self-worthy of love care and support while 15.1% did not keep themselves in sentiments and 4.4% were uncertain. Similarly, 54.1% of the respondents believed that they were left alone by the family in their issues while 45.3% of them disagreed with the statement and 0.6% of the respondents remain uncertain. Bettencourt (2000) pointed out the issue of subordination of female in South Asian societies that women are seen as second-class citizens; they are not respected and are regarded as being inferior to men who caused despair and alienation in them. Majority (73.6%) of the respondents thought that they were powerless as they were not allowed to plan and get their desired goals of life, while 25.8% of them did not thought so and 0.6% of them were uncertain. Moreover, 53.5% of the respondents said that they were incapable of solving their issues as they had no support from family, while 44% of the respondents

disagreed and 2.5% of the respondents were uncertain. In addition, 79.2% of the respondents thought that they were limited in the choice of mate selection, 15.7% of them disagreed with the statement and 5% of them were uncertain. Bophal (1997) found that South Asian women are treated as just women, they are seen as able to affect the izzat, and hence, their behavior is closely monitored. In order to be marriageable, they must behave in accordance with cultural rules without their personal choices and decisions. Almost half (50.3%) of the respondents believed that they would be in different state if they were living in city while 42.8% of the respondents disagreed and 6.9% of the respondents were uncertain. Moreover, 83.6% of the respondents were in the state where they become self-critical when they look forward towards their future and 16.4% of the respondents were not in this type of mental condition.

**Table 2. Perception of the respondents towards despair (dependent variable)**

Statements	Agree	Disagree	Uncertain
You feel alienated because of being subordinated to men.	130 (81.8%)	26 (16.4%)	3(1.9%)
You see yourselves worthy of love, care, or support.	128 (80.5%)	24 (15.1%)	7 (4.4%)
You have been left alone in your issues by family.	86 (54.1%)	72 (45.3%)	1 (0.6%)
You are powerless as you are not allowed to plan and get your desired goals of life.	117 (73.6%)	41 (25.8%)	1 (0.6%)
You are incapable of solving your issues as you have no support from family.	85 (53.5%)	70 (44.0%)	4 (2.5%)
You are limited in your choice of mate selection.	126 (79.2%)	25 (15.7%)	8 (5.0%)
You would be in a different state if u were living in a city.	80 (50.3%)	68 (42.8%)	11 (6.9%)
You become self-critical when you look forward to your future.	133 (83.6%)	26 (16.4%)	00

\*value in the table present frequency while values in the parenthesis represent percentages proportion of the respondents.

### **3.2 Association between Despair in Unmarried Girls and Legal Framework for the Protection of Females**

Legal framework also had an association with despair, to measure this framework for the protection of girls and despair in unmarried girls, a few statements were developed carefully which are given in table 3.

The study indicated that there is a non-significant relationship ( $p=0.570$ ) between despair and harmful cultural practices as a barrier in the way of women empowerment. According to Bari (1998) women behavior is monitored not just by the men in her family but by the whole of society where she is judged for any behavior thought to be inappropriate. This study shows that these types of practices have no significant relationship with despair in unmarried girls. However a highly significant relationship ( $p=0.000$ ) was found between ensuring girl's rights to education to achieve their social potential and despair in girls. As Ali & Quraishi (1999) also mention that due to an intensified awareness among people, the educational opportunities for the Pakistani women increased in the previous years.

Lack of awareness of their rights and despair in unmarried girls have a non-significant relationship ( $p=0.331$ ). Praveen (2014) also stated that for women, the avenues of recourse are not accessible to all citizens equally because of the low level of literacy, particularly legal literacy, and the lack of awareness of one's rights. As education and modernization, women have approached to each segment of the society and now they have a lot of opportunity to participate in social, political and economic sectors. In the report of UNICEF (2011) ensuring girls rights to health, education and protection from violence and abuse, including harmful traditional or cultural

practices, is the most effective way to ensure that they achieve their physical, emotional and social potential and go on to become empowered women. Similarly a non-significant relationship ( $p=0.788$ ) was found between despair and expensive approach to judiciary and lawyers in terms of finance. As Parveen (2014) again mentioned that approaching the judiciary through a lawyer is costly in terms of time, effort and finances. However a significant relationship ( $p=0.008$ ) was found in the study between the legal measures of domestic violence is achieving its objective completely and despair. Glosch (2013) also stated that the legitimate methods against dowry and domestic violence could not achieve the desired goals because simply passing laws cannot change the attitude of a large number of men and women, socialized in a patriarchal culture. It is not that legislations are only poorly executed; there are also reasons to believe that there are several limits to the laws passed for the dowry and domestic violence against women.

A violent action done by intimate partner is untouchable in our society has a non-significant relationship ( $p=0.672$ ) with despair in unmarried girls. According to Rose (2012) a violent action often go unchallenged when men direct them at women within the context of the family or intimate partner relationships Again a non-significant relationship ( $p=0.193$ ) was found between despair in unmarried girls and the poor implementation of laws against violence and dowry. Likewise a non-significant ( $p=0.078$ ) relationship was found between despair in unmarried girls and in the conflict between state law and customs where people follow customs so strongly as compared to the state law. Similarly a non-significant relationship ( $p=0.179$ ) was found between despair in unmarried girls and the thought that agreement between state law and custom can uplift the position of women in the court.

**Table 3. Association between Despair in unmarried girls and Legal framework for the protection of females**

Statements	Attitude	Despair in unmarried girls		Total	Chi square ( $\chi^2$ ) P value
		Yes	No		
Harmful cultural practices are barriers in the way of women empowerment in our society	Agree	86 (54.1%)	17 (10.7%)	103 (64.8%)	$\chi^2= 1.123$ ( $P= 0.570$ )
	Disagree	44 (27.7%)	7 (4.4%)	51 (32.1%)	
	Uncertain	5 (3.1%)	00	5 (3.1%)	
Ensuring girl's rights to education can lead them to achieve their social potential.	Agree	110 (69.2%)	21 (13.2%)	131 (82.4%)	$\chi^2= 15.557$ ( $P= 0.000$ )
	Disagree	24 (15.1%)	00	24 (15.1%)	
	Uncertain	1 (0.6%)	3 (1.9%)	4 (2.5%)	
Lack of awareness of girls about their rights is causing despair in girls.	Agree	107 (67.3%)	22 (13.8%)	129 (81.1%)	$\chi^2= 2.209$ ( $P= 0.331$ )
	Disagree	24 (15.1%)	2 (1.3%)	26 (16.4%)	
	Uncertain	4 (2.5%)	00	4 (2.5%)	

Approaching judiciary is expensive through lawyer in terms of finance.	Agree	93 (58.5%)	17 (10.7%)	110 (69.2%)	$\chi^2= 0.475$ (P= 0.788)
	Disagree	31 (19.5%)	6 (3.8%)	37 (23.3%)	
	Uncertain	11 (6.9%)	1 (0.6%)	12 (7.5%)	
The legal measures against domestic violence, are achieving its objectives completely in Pakistan.	Agree	99 (62.3%)	10 (6.3%)	109 (68.6%)	$\chi^2= 9.546$ (P= 0.008)
	Disagree	30 (18.9%)	12 (7.5%)	42 (26.4%)	
	Uncertain	6 (3.8%)	2 (1.3%)	8 (5%)	
A destructive action done by intimate partner against wife is unchallengeable.	Agree	106 (66.7%)	17 (10.7%)	123 (77.4%)	$\chi^2= 0.796$ (P= 0.672)
	Disagree	19 (11.9%)	5 (3.1%)	24 (15.1%)	
	Uncertain	10 (6.3%)	2 (1.3%)	12 (7.5%)	
The law against dowry and domestic violence is poorly implemented.	Agree	95 (59.7%)	21 (13.2%)	116 (73%)	$\chi^2= 3.295$ (P= 0.193)
	Disagree	34 (21.4%)	3 (1.9%)	37 (23.3%)	
	Uncertain	6 (3.8%)	00	6 (3.8%)	
There is always conflict between state laws and customs in Pakistan, customs are more important than law.	Agree	88 (55.3%)	21 (13.2%)	109 (68.6%)	$\chi^2= 5.103$ (P= 0.078)
	Disagree	36 (22.6%)	3 (1.9%)	39 (24.5%)	
	Uncertain	11 (6.9%)	00	11 (6.9%)	
The agreement between state law and custom can consolidate women place in the courts.	Agree	101 (63.5%)	22 (13.8%)	123 (77.4%)	$\chi^2= 3.444$ (P= 0.179)
	Disagree	29 (18.2%)	2 (1.3%)	31 (19.5%)	
	Uncertain	5 (3.1%)	00	5 (3.1%)	

\*Number in table represent frequencies and number in parenthesis represent percentage proportion of respondents and in the last columns number in the parenthesis represent P-Value

#### IV. CONCLUSION

The results help to conclude that education and legislation are two important pillars in creating awareness in women about their rights and safeguarding their interests through adopting legal measures. The result is evident in form of restriction of despair.



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