

"Violence Against Women and Children: Review of Redressal Mechanisms: A Feminist Perspective"

by

Advocate Veena Gowda

Women's' movements have taken up issues of Violence against women and children that have resulted in several legislative reforms. But are these enactments really effective in handling these problems. And how are these laws implemented / executed by our judiciary and administrations?

Even the existing law and the implementation of it is situated within a patriarchal framework fails to question the conservative notions of women's chastity, virginity, and concept of "good and bad" women in our society. Social change and gender justice cannot be achieved merely by making laws.

Law vests power on state enforcement machinery which continues to retain anti- women attitude. As long as judicial decisions and their implementation is coloured with patriarchal values, the effect of legal reform will be unsatisfactory. Patriarchal structures and biases lead to injustice. Rape, dowry related violence, domestic violence are different manifestations of same malaise. Efficacy of state as an agent of change and executor of laws is in question. Judicial decisions are subject to individual biases. Legal system operating within hegemony of patriarchal values has failed to control crimes against women. Judgements on VAW are subjective and inconsistent. There is no uniform sentencing policy and punishment as it varies with whims of judges.

We have many laws, special judicial structures and alternative dispute resolution methods within both civil and criminal justice delivery systems. The talk aims at understanding how these laws and redressal mechanisms are working for women today and does it really result in justice to women?

Sexual violence is already recognised as cruelty and a ground for divorce.

Can a social institution be protected over and above its citizens? Do violent marriages matter more to our government than its women citizens?

Do we still consider our wives as property, or as partners in a relationship?

It is the duty of the state to protect women in such situations and the state cannot hide behind the veil of marriage for the fear of conservative reactions.

Veena Gowda is a women's rights lawyer who has been practicing in the High Court of Bombay, Family Court and other trial courts since over two decades. A graduate of the prestigious National Law School of India University, Bangalore, she began her career in 1995 with a Mumbai-based legal aid centre for women. By 2005, she had established an independent practice, and has since secured justice for hundreds of women in cases of domestic violence, sexual harassment at the workplace, sexual abuse, and property rights cases. She currently heads a team of lawyers working exclusively on women's legal rights.



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