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# **PREVENTING DOMESTIC VIOLENCE**

**PATRIARCHY, LAW AND JUDICIARY**

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## ABSTRACT

The regulation of an intimate family relationship to control and prevent violence against women in the domestic space is analyzed as an instance of interference by the state to regulate and monitor a hitherto 'private' space. Seventeen years of implementation of the *Protection of Women from Domestic Violence Act (PWDVA)*, 2005 obligate to ask what extent can the interference of law help the suppressed women to use law as a tool to change situations of familial violence and thereby enhance their capacity to engage with the 'male space' of courtrooms. This presentation addresses feminist dilemmas and foregrounds the issue of women's autonomy in situations of domestic violence. The mainstreaming of feminist legal interventions through the *PWDVA* has brought new challenges for feminists. The discomfort of reiterating patriarchal values through judicial intervention in deciding the boundary of counselling and mediation practices by protection officers under the *PWDVA* is a part of the discussion. The lower courtroom experiences can be read as a dialogue within a section of feminist groups in India who endorse feminist political ideals of liberty, individual rights, and equality and seek to institutionalize these within the law. The 'result' from the whole legal and judicial process as part of *PWDVA* may not give a solution to the 'violence' they have undergone but the courtroom and client counselling experience reveals that it does provoke the women to think in terms of emancipation. The everyday practice of domestic violence law in the lower courts of Kerala suggest the nuances in this direction.

## ABOUT THE SPEAKER



**Dr P.M. Arathi** is an Assistant Professor at the School of Indian Legal Thought, Mahatma Gandhi University, Kottayam, Kerala. She completed her doctoral research on 'Gendered Bodies, Medicine and Law: A Study of Selected Case Laws from India' and an M.Phil dissertation on 'Aborting Gender Justice: Legislating Abortion in Selected Countries of South Asia —A Preliminary Analysis' from the Centre of Social Medicine and Community Health, School of Social Sciences, Jawaharlal Nehru University, New Delhi. She has done her Masters in Law (LLM) with health care laws as specialization. She was a Global Fellow (2015) at Berlin Social Science Centre funded by WZB and International Social Science Council, Paris. Her post-doctoral academic work and publications cover the area of public health laws, the politics of reproductive technologies, social determinants of health, feminist jurisprudence and the regional modernity of Kerala. She has co-edited *Universalising Health Care in India, Journey Through Time, from Care to Coverage* (Springer 2019). Most recently, she edited *Public Health in India: Policy Shifts and Trends* (Sage Publication 2022).

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