# THE FACULTY JOURNAL OF HUMANITIES AND SOCIAL SCIENCES 

Volume 09
Issue 02
December 2020

Faculty of Humanities and Social Sciences
University of Ruhuna
Matara
Sri Lanka

## The Faculty Journal of Humanities and Social Sciences

Volume 09, Issue 02. December 2020
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ISSN 1800-3486

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Published by
Faculty of Humanities and Social Sciences
University of Ruhuna, Matara, Sri Lanka.
Tel: +94 412227010
Email: fjhss@hss.ruh.ac.lk
The Faculty Journal of Humanities and Social Sciences

## Volume 09, Issue 02. December 2020

The Faculty Journal of Humanities and Social Sciences, Volume 09, Issue 02. December 2020 is a peer-reviewed journal published biannually by the Faculty of Humanities and Social Sciences, University of Ruhuna. As a multidisciplinary journal, it intends to provide a common platform for academics, researchers and professionals to publish their research results in areas pertaining to Humanities and Social Sciences.

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Faculty of Humanities and Social Sciences
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Tel: +94 412227010
Email: fjhss@hss.ruh.ac.lk

## The Faculty Journal of Humanities and Social Sciences

## Volume 09, Issue 02. December 2020

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## Editorial Note

On behalf of the Editorial Board, I am extremely happy to write this editorial note for Journal of the Faculty of Humanities and Social Sciences (JFHSS), Volume 9, Issue 2, 2020. The JFHSS is a double-blind peer-reviewed scholarly journal published twice a year (June and December) by the Faculty of Humanities and Social Sciences, University of Ruhuna. The members of the Editorial Board for the Faculty Journal of Humanities \& Social Sciences - University of Ruhuna, amidst the numerous teaching, research, administrative, and social commitments, managed to come out with a collection of five valuable academic papers that address some crucial issues of timely relevance for the benefit of the academic and research community of Sri Lanka and abroad. The members of the Editorial Board deserve to have commendation and congratulation on their courage extended to go ahead with the challenging task of compiling papers for this issue. While thanking the Editorial Board, the authors, and referees for their excellent feedbacks, I wish all the best to the readership. Articles coming in this issue were subjected to a thoroughly blind reviving process with many of them were requested to revise more than two times. On behalf of the Editorial Board, I again express my humble gratitude and appreciation for all the reviewers for their kind and expertise involvement as reviewers to improve the papers up to a standard suitable for publication in this issue.

The Issue 2 of Volume 9 of the Journal of the Faculty of Humanities and Social Sciences (JFHSS) is meant to address some important concerns in the disciplines that are specialized under nine separate university departments within the Faculty of Humanities and Social Sciences as a timely contribution to the ongoing process of producing and disseminating knowledge. The Issue 2 is featured by 5 manuscripts that present the outcomes of the thorough research carried out by academics from the university system of Sri Lanka, specializing in a variety of disciplines including ethnography, geography, criminal law, literature, and political science, respectively.

In the compilation of academic papers, the first in line is by W.V.P.H Ranaweera who examines whether the Cult of God Shiva had been distanced in the socialization of it as a method of worship. The key objective of the research is to identify the expression of people's consciousness of God Shiva, one of the most significant deities of Hinduism in a context in which the devotions of Gods are very popular in Sri Lankan society. The key methods of collection of data are observation and interview, covering sixteen major Hindu temples selected from eight provinces
except the Northern Province of Sri Lanka. W.V.P.H Ranaweera uses qualitative method in the explanation of social attitudes under the stream of ethnological research. The author uncovers that among the cults of Gods in rural religious beliefs, the cult of God Shiva has become alienated from the general society. Cult of God Shiva is not common for worldly aspirations and problems of daily life.
P. Nagamuthu tries to identify the scientific perspective of the relationship between long-term weather prediction indicated in the almanac and the actual weather observations and measurements. The author has collected all weather-related data for 16 stations for fifty years from 1970, including the almanac data. Using a correlation analysis, the author finds a strong positive relationship between the observed annual total rainfall and the almanac predicted malai marakkal. The author further finds evidence supporting to a strong relationship between the almanac and actual weather phenomena while the almanac predicted weather forecasting is more accurate and reliable for the short-term and long-term weather forecasting usage. P. Nagamuthu concludes that a correctly explained almanac can be considered as a reliable source for long-term weather forecasting, planning and development activities.

Using a critical approach to the code of criminal procedure act number 15 of 1979, M.W. Jayasundara and H.S.U. Ramyakumara examine the reasons for the escalation of violations of the conditions of the suspended sentences by the offenders. The objective of their study is to find the gaps in the law relating to the suspended sentences and reasons for committing crimes repeatedly by those who stand accused under the suspended sentences. The authors have collected data through interviews and observation from a systematic sample of 57 offenders, including opinions of 12 magistrates and six lawyers from both Kurunegala and Kegalle districts. M.W. Jayasundara and H.S.U. Ramyakumara have also collected data pertaining to the offenders from the fingerprint registers maintained at the magistrate courts of both districts. The authors reveal that suspended sentences imposed upon offenders are neither monitored by any authority nor referred to any rehabilitation programs. As a result, the `suspended offenders lack awareness about the purpose, the effect, and the consequences of violating the conditions of their suspended sentence. M.W. Jayasundara and H.S.U. Ramyakumara recommend introducing guidelines for the prevention of further crimes by suspended offenders and a programme rehabilitating them.
R.S. Samarasinghe highlights that the nexus between Francophone literature and the role of women is strong and significant. Therefore, the author conducts a detailed
analysis of the two novels Une Si Longue Lettre by Mariama Bâ and Le Voile de Draupadi by Ananda Devi in search of the ways in which women are represented. Therefore, R.S. Samarasinghe focuses on identifying how women are being represented in the face of gender-based challenges in the two novels which represented two respective societies - Senegalese and Mauritian - in general and to find out whether the two respective female protagonists succeed in overcoming the challenges posed by their societies. This research is based on a literary and sociopsychological analysis of the two novels, focusing on different themes the two writers have developed in their explorations of the woman's situation in society and the characteristics she has cultivated in the face of numerous gender-based challenges. The author reveals that the tragic situation of the woman in both societies is the same though, she remains strong and liberates herself with perseverance, supported by her education, conduct, friendships with others and understanding.
D.H.A.S Somarathna investigates the effectiveness of the use of quota system as a strategy to increase female representation. The author has used secondary data for the study under the qualitative research plan. Thematic analysis methodology is used for the overall data analysis. The author finds that a number of democracies have used the quota system as a very effective strategy to increase female representation, which has led to a quantitative and qualitative increase in women's representation in those countries.

Dr. Chandika Gunasinghe
Editor-in-Chief

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# Modern Social Attitudes Associated with Cult of God Shiva: A Research Concerning Several Hindu Temples in Sri Lanka 

ఎจิలెอి.లె.కొ.లిలి. రఠలోర<br> himalika@sjp.ac.lk

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#### Abstract

The devotees of God Shiva are present in Sri Lanka from ancient times to the present. The majority of them are Hindus and the rest are Sinhala Buddhists. Due to cultural admixture, it has been a common phenomenon for the followers of other religions to take refuge in Hindu deities since the past. Due to the strong attraction of God built in the human mind, various social tendencies related to divinity also developed over time. The key objective of the research is to identify the expression of people's consciousness of God Shiva, one of the most significant deities of Hinduism in a context in which the devotions of Gods are very popular in Sri Lankan society. The research problem was whether the Cult of God Shiva had been distanced in the socialization of it as a method of worship. Quantitative data based on statistics were used to identify the number of Hindu temples established in Sri Lanka and their prevalence. But since common people's religious consciousness is a proposition that is always subject to variation depending on geographical, social, and cultural conditions, qualitative method was used in the explanation of social attitudes under the stream of ethnological research. This research was conducted in relation to sixteen major Hindu temples selected from eight provinces except the Northern Province of Sri Lanka. The key methods of collection of data were observation and interview. "Mahadeva", the supreme deity of Hinduism, is a deity of fertility who predominates in the worship of Linga. In local methods of worship, the expectation of fertility was identified as a major objective of the cult of God Shiva. The research revealed that among the cults of Gods in rural religious beliefs, the cult of God Shiva has become alienated from the general society. According to the data of Hindu temples obtained from the eight provinces which belong to the research sample, the prevalence of Hindu Shiva temples is less than two percent. Cult of God Shiva is not common for worldly aspirations and problems of daily life. By the research sample, it has been revealed that the cult of God Shiva has been alienated from the public beliefs and worships due to the fact that God Shiva is considered to be a God who is focused on the supernatural conditions and the objectives due to the God's association with the universal function as the supreme deity of the Hindu trinity, and the fear and reverence for him due to the destructive power built on the concept of the Hindu trinity and the complexity of the physical and non-physical factors related to the Cult of God Shiva.


Keywords: Ishvara, Shaivism, Hierarchy of Gods, Hindu Trinity, Hindu temples

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 (ขึలిผరి,1967,148).











































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 Thiruketheeswaram Papers (2003), Hinduism a Scientific Religion: \& Some Temples






Buddhism Transformed : Religious Changes in Sri Lanka (Gombrich, Richard and























 Exploring the Roots of Village Hinduism in South Asia (Elgood, 2004), Village Deities of Tamil Nadu in Myths and Legends: The Narrated Experience (Valk, \& Lourdusamy (2007), The Village God of South India (Whitehead,1921), The Suffering Mothers - The Hindu Amman Goddesses as Empowering Role Models for Women (Diesel,2002), The Mariamman Cult of Tamilnadu-A case study in cultural synthesis (Hanumanthan, 1980)








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 (Theyvanayagam, 1999,165-66).














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# Scientific Perspective of Traditional Long-term Weather Forecasting System of Hindus in Sri Lanka 

Piratheeparajah Nagamuthu Department of Geography, University of Jaffna<br>Jaffna, Sri Lanka.<br>npiratheeparajah@gmail.com


#### Abstract

Weather forecasting is becoming complicated due to the rapid and unpredictable climate changes in many countries. Hence various groups of people use numerous weather forecasting systems worldwide. Many countries have promoted their local and indigenous knowledge in all sectors towards sustainable development in recent times. In this context, Sri Lankan Hindu Tamils follow the sentential almanac (Ragunathaiyar Suththa Vaakkiya Panchangam) for long- or short-term weather forecasting. This study attempts to identify the scientific perspective of the relationship between long-term weather prediction indicated in the almanac and actual weather observations and measurements. All weather-related data (annual total and average) for fifty years from 1970 were collected from the Department of Meteorology for 16 stations. The almanac was also gathered from the same years. The collected data were analyzed using the correlation analysis method, which indicated a strong positive correlation between the observed annual total rainfall and the almanac predicted malai marakkal. According to the almanac, when mars is the ruling planet of a year, that year has a scanty rainfall, and when the moon is the ruling planet, rainfall is very heavy; thus, the rainfall varies based on the minister planet. Also, the rainfall varies based on the megathipathi planet of each planet. The average temperature was very high during the Kandavanam period. The almanac and actual weather phenomena disclosed a strong relationship, and the almanac predicted weather forecasting is more accurate and reliable for the short-term and long-term weather forecasting usage. However, the reliability in weather prediction of the almanac primarily depends on the accurate and appropriate reading and writing of the literature. A correctly explained almanac could be a reliable source for longterm weather forecasting and planning and development activities.


Keywords: Almanac, Weather, Correlation, Reliability, Forecasting

## 1. Introduction

Weather and Climate influence human life to a great extent. Every activity of human survival depends on various weather phenomena such as rainfall, temperature, wind, evaporation, and solar radiation. Several instruments help to collect weather data in several weather observation centers worldwide, and a meteorologist uses many
methods to analyze and forecast a location's present and future weather conditions (Praveen et al., 2020).

Weather forecasting, specifically long-term weather forecasting, is essential for human beings' planning and implementation activities. Domestic life and economic activities depend on the weather forecasting reports. Hence, weather forecasting reports are becoming a vital part of day-to-day life. The agricultural sector constantly seeks long-term forecasting to plan cultivation activities (Sivappragasam \& Kanagasabai, 2008).

All governments have prioritized weather forecasting to avoid unnecessary human life loss and property damages. Most countries have made many initiations to make accurate weather forecasting in the context of climate change (Wu et al., 2016) but still face difficulties in long-term weather forecasting. Short-term weather forecasting is easy to observe, analyze, and forecast compared to long-term weather forecasting, which is difficult due to sudden changes in weather parameters.

Nevertheless, many organizations attempt to make their weather forecasting more effective and efficient (Angchok \& Dubey, 2006), and worldwide, many methods are practiced to forecast weather (Kothawale \& Rajeevan, 2017). Most of these methods are associated with modern technologies.

Weather forecasting commenced in the mid-19th century (Knoesen, 2012) and developed with modern information and communication technologies. However, some communities or groups still follow traditional weather forecasting methods. They have set up their lifestyles based on their traditional weather forecasting knowledge (Vanadeep, Sada Siva Murty \& Krishnaiah, 2012).

Tamils are the second majority ethnic group in Sri Lanka. Most Tamils follow the Hindu, the oldest religion and the major religious group in India. Sri Lankan Tamils have unique and specific cultural identities, and they have specific customs and values. More than $85 \%$ of the Sri Lankan Tamils strictly follow the almanac (Sivappragasam \& Kanagasabai, 2008).

Almanac has a powerful influence on every stage of the life cycle (Piratheeparajah, 2016). For three thousand and five hundred years, Tamils, especially the Hindus, used a very high Almanac (Panchangam) system for their holy, ritual, and personal purposes. Tamils, especially farmers and fishers, have been using the Panchangam for their meteorological, weather, and climatic purposes for a long time. They have constructed their lifestyle based on the Panchangam prediction (Piratheeparajah, 2015).

Hindus in India, Sri Lanka, Nepal, Thailand, Malaysia, Myanmar, Bhutan, France, Germany, America, the United Kingdom, Switzerland, the United States of America, and Singapore use several kinds of almanacs (Anurathan, 2016). Some differences could be identified among these almanacs considering the calculation source, the method, interpretation, and time zones. In Sri Lanka, Hindus mostly use two types of Panchangam; one is the "sentential almanac" (Suththa Vaakkiya Panchangam), and the other is the "mathematical almanac" (Thirukkanitha Panchangam). Generally, Tamils use both, though some time differences could be identified between these two types. The Thirukkanitha Panchangam is based on planetary and astrological calculations (Vanadeep et al., 2012), whereas the Sentential almanac on the sentences provided by pries in the ancient period. The mathematical almanac is based on planets' movement, including the moon (Ragunathaiyar, 2006).

This study primarily focuses on sentential almanac widely used by Tamil Hindus in Sri Lanka. The sentential almanac is based on the statements provided by the various Hindu yogis in various periods and started by Rishi 'Akaththiya' and Rishi 'Parasara' and then 'Vedanta Jyothis' made some modifications. He published a revised 'Vaakiya panchangam' between 1400-1300 B.C. 'Brihat Samhita Varahamhira' rewrote this sentential in 505 A.D. Rishi 'Birhat Samhita' introduced many meteorological aspects in this new version of sentential almanac (Sivapragasam \& Kanagasabai, 2008).

The sentential almanac has a sixty-year cycle, and each year in the almanac has an individual name. After sixty years, one name (year) will reappear. The sixty years is comprised of five major divisions, and each division contains 12 years. This sentential almanac is related to the meteorological aspects and has many weather phenomena described. In this almanac, Rishi 'Parasara' indicated the amount of rainfall (indicated as 'Marakkal'), angle of Sun and temperature (indicated in the phase of 'Kandavanam'), wind direction changes ('Ketpoddam'), cloud types, amount of clouds, and the number of rainy days. Birhat Samhita noted that the meteorological aspects depend on the ruling planet, the minister planet, and other 'Athipathi' planets. The sentential elaborated long-term weather forecasting, especially rainfall and rainy days, in the early stage of the year, sometime before the beginning of a particular year (Regulagedda Akshay, 2007).

Climate change is an emerging issue, and everyone is thinking and talking about the climate change impacts. Many policymakers and development planners seek possible ways to predict the climate change impacts in advance because it helps them to design and prepare their plans (Piratheeparajah, 2015), (Malmgren et al., 2003),
(Basnayake et al., 2003), (De Costa, 2010). In this context, the present study examines the reliability and accuracy of the weather forecasting by the almanac as compared to actual situations that prevailed during this period.

Studies on the local indigenous or traditional weather forecasting methods worldwide are limited, and only a few have investigated the Hindu's almanac in Sri Lanka (Basnayake et al., 2003). This study's main objective is to identify the reliability of the climatic prediction of the Hindu almanac and define the relationship between the climatic forecasts of almanac rainy days, temperature, and wind.

## 2. Data

The Northern region of Sri Lanka, located in the northernmost part of the country, was the study area chosen for the investigation. The Palk Strait, Arabic Sea, Bay of Bengal, and the Northcentral provinces are the region's boundaries (Figure 1). The actual daily, monthly, and annual rainfall and rainy days' data for the Northern Province, for fifty years from 1970 to 2020 (a majority of Hindus live in this province), were collected from the Department of Meteorology.


Figure 1. Map of the Northern region of Sri Lanka

### 2.1. Almanac Data

The Northern region of Sri Lanka can be generalized for the Panchangam predicted weather phenomena because most Northern provinces use the almanac for all their activities and fix dates for their holy or ritual initiations. Over $71 \%$ of the Northern Province of Sri Lanka population use a sentential almanac (Ragunathaiyar Suththa Vaakkiya Panchangam) for various purposes. Hence this almanac is considered as the vital source of a document to obtain almanac data.

The almanac indicates the weather details based on the sentences provided by earlier pries using poetry lyrics. This study acknowledged fifty years from 1970 to 2020. The almanac has a 60-year cycle from 'Dhathu' to 'Yuwa,' and every year has a separate Tamil name. Each name will return after sixty years. Every year has a different name, and one name will reappear after sixty years, which is a cyclic pattern. Rishi 'Birhat Samhita' proposed the name of a particular year in the $5^{\text {th }}$ century. According to this almanac, the year starts in April (14 ${ }^{\text {th }}$ of April), and the almanac per particular year indicates and commences the facts on the specific date.

The almanac years in Table 1 signify the almanac predictions of the quantity of rainfall and rainy days, Kandavanam, and Ketpoddam, by Pancahnagam (Regulagedda Akshay, 2007).

Table 1. Almanac Years

| No. | Almanac Year | No. | Almanac Year | No. | Almanac Year |
| :--- | :--- | :--- | :--- | :--- | :--- |
| 1 | Dhathu | 21 | Avilambi | 41 | Pingala |
| 2 | Eswara | 22 | Vilambi | 42 | Kalayukthi |
| 3 | Vegudanya | 23 | Vikari | 43 | Chitharthi |
| 4 | Pramaathi | 24 | Saarvari | 44 | Routhri |
| 5 | Vikrama | 25 | Pilava | 45 | Thunmathi |
| 6 | Vishu | 26 | Subakirudhu | 46 | Thundhubi |
| 7 | Chitrabanu | 27 | Sobakiruthu | 47 | Ruthrothkari |
| 8 | Subanu | 28 | Krothi | 48 | Rakthakshi |
| 9 | Tharana | 29 | Visuvavasu | 49 | Krodhana |
| 10 | Parthiba | 30 | Akshara | 50 | Akshaya |
| 11 | Viya | 31 | Parabava | 51 | Prabhava |
| 12 | Sarvachithu | 32 | Pilavanga | 52 | Vibhava |
| 13 | Sarvathari | 33 | Keelaga | 53 | Sukhila |

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| 14 | Virodhi | 34 | Sowmiya | 54 | Pramodhuda |
| :--- | :--- | :--- | :--- | :--- | :--- |
| 15 | Vikruthi | 35 | Sadharana | 55 | Prjothpathi |
| 16 | Kara | 36 | Virodhikirudh | 56 | Aangirasa |
| 17 | Nandhana | 37 | Paridhabi | 57 | Srimuga |
| 18 | Vijaya | 38 | Piramadheesa | 58 | Paava |
| 19 | Manmadha | 39 | Anandha | 59 | Pirabava |
| 20 | Dhurmugi | 40 | Rakshasa | 60 | Yuva |

Source: Sivappragasam \& Kanagasabai, (2008)
The almanac elaborates a unique system about the weather. Only specific weather parameters are indicated in the almanac: rainfall, extreme temperature, wind direction. The Panchangam denotes the following for every year:

1. The Ruling planet (the main planet for the particular year and upon which the fundamental aspects of the year are calculated based on its unique characteristics),
2. The Minister planet (the second dominant planet in the solar system which is supporting the ruling planet for the particular year),
3. The Megathipathi planet (the planet which determines the entire weather system of that particular year), and
4. The yogis classify Megam (the kind of cloud), and this panchangam says rainfall and rainy days are determined as per this classification.

In the almanac, rainfall is given under the name of 'Malai marakkal, ' and its amount is mentioned in the Marakkal scale. Marakkal is one of the measuring tools used by the ancient Hindus for a long time to measure grains and liquids. The scale of received rainfall is indicated in the number of marakkal in the almanac: One marakkal is equal to 300 mm rainfall. However, that amount is reported for the whole year. The Almanac year will start in April and end in March. The almanac indicates the total amount of rainfall when it is published in April.

Kandavanam indicates the extreme temperature and the hottest days in a particular month as defined period and certain days. Almanac suggests that the Kandavanam would start on this particular day and end on this specific day; the period between these two specific days is called the Kandavanam period. Panchangam points out that this period will be the hottest day of every year. The comparative analysis attempted to identify whether the Kandavanam period is the hottest day of the year.

### 2.2. Observed weather data

The observed rainfall, temperature, and wind data were collected from the Department of Meteorology for fifty years, starting from 1970. The almanac indicates only the annual rainfall amount. Hence, the total yearly rainfall was collected for this study to compare the almanac predicted and observed rainfall. There is no particular rain gauge station for the almanac. The almanac indicates weather details for the entire region. Therefore, this study considers the average values of sixteen stations functioning in the Northern Province of Sri Lanka. First, the annual total rainfall for the fifty years was collected from the sixteen stations, followed by summarizing and obtaining the average annual total rainfall for the Northern region of Sri Lanka. The temperature data for the entire region were collected from two stations only such as Thirunelvely and Vavuniya and summarized to obtaine the average value for the study area.

## 3. Methodology

The Pearson correlation analysis method was used to identify the relationship between the actual rainfall and the Panchangam predicted rain. The concept of correlation is a method to examine the relationship between two variables, and correlation analysis involves various methods and techniques used to analyze and measure the extent of the relationship between the two variables. The coefficient correlation method was applied for this study.

Correlation analysis techniques are the most efficient and widely used statistics for many researchers. The " r " measures the association of degree between the two different values provided in the data set.

The following formula gives the coefficient of correlation " r ":

$$
r=\frac{n\left(\sum x y\right)-\left(\sum x\right)\left(\sum y\right)}{\sqrt{\left(n \sum x^{2}-\left(\sum x\right)^{2}\right)\left(n \sum y^{2}-\left(\sum y\right)^{2}\right)}}
$$

The coefficient correlation analysis was performed using Microsoft Excel software. The analyzed results were figured using a Microsoft Excel worksheet, and results were interpreted in the results and discussion part.

## 4. Results and Discussion

The almanac indicates a ruling planet, minister planet, megathipathi, and megam details, which describe the weather forecasting details in the almanac. Table 2

Scientific Perspective of Traditional Long-term Weather Forecasting System of Hindus in Sri Lanka elaborates the ruling, minister, megathipathi, megam, and annual total rainfall details.

Table 2. Details of the almanac year, ruling and minister planets, and almanac predicted and observed rainfall

| No. | English <br> Year | Almanac Year | Ruling |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Planet |  |  |  |$\quad$| Minister |
| :---: |
| Planet |$\quad$| Magathi |
| :---: |
| pathi |$\quad$ Megam | Marakkal |
| :---: |
| in number | | rainfall in |
| :---: |
| mm |

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| 28 | $1998-99$ | Vegudanya | Venus | Mercury | Saturn | Pushkala | 2 | 1175 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 29 | $1999-$ | 2000 | Pramaathi | Venus | Jupiter | Mercury | Samvartha | 4 |
| 30 | $2000-01$ | Vikrama | Moon | Saturn | Saturn | Avarta | 4 | 1492 |
| 31 | $2001-02$ | Vishu | Saturn | Sun | Venus | Dhamo | 2 | 1140 |
| 32 | $2002-03$ | Chitrabanu | Venus | Moon | Sun | Vaayu | 3 | 988 |
| 33 | $2003-04$ | Subanu | Sun | Saturn | Moon | Varuna | 3 | 1160 |
| 34 | $2004-05$ | Tharana | Mercury | Jupiter | Saturn | Neela | 3 | 1298 |
| 35 | $2005-06$ | Parthiba | Jupiter | Venus | Mercury | Kaala | 4 | 1426 |
| 36 | $2006-07$ | Viya | Venus | Saturn | Venus | Drona | 4 | 1238 |
| 37 | $2007-08$ | Sarvachithu | Jupiter | Sun | Saturn | Pushkala | 3 | 1283 |
| 38 | $2008-09$ | Sarvathari | Moon | Saturn | Sun | Samvartha | 4 | 1502 |
| 39 | $2009-10$ | Virodhi | Venus | Mercury | Moon | Avarta | 4 | 1430 |
| 40 | $2010-11$ | Vikruthi | Saturn | Jupiter | Jupiter | Dhamo | 3 | 1210 |
| 41 | $2011-12$ | Kara | Sun | Venus | Jupiter | Vaayu | 3 | 1261 |
| 42 | $2012-13$ | Nandhana | Mars | Sun | Venus | Varuna | 3 | 975 |
| 43 | $2013-14$ | Vijaya | Mercury | Moon | Sun | Neela | 3 | 1045 |
| 44 | $2014-15$ | Jaya | Sun | Saturn | Moon | Kaala | 3 | 1219 |
| 45 | $2015-16$ | Manmadha | Jupiter | Mercury | Saturn | Drona | 3 | 1380 |
| 46 | $2016-17$ | Dhurmugi | Saturn | Venus | Jupiter | Pushkala | 3 | 1290 |
| 47 | $2017-18$ | Avilambi | Mars | Saturn | Venus | Samvartha | 2 | 982 |
| 48 | $2018-19$ | Vilampi | Venus | Mercury | Saturn | Avarta | 3 | 1230 |
| 49 | $2019-20$ | Vihari | Jupiter | Sun | Moon | Dhamo | 2 | 1180 |
| 50 | $2020-21$ | Sarvari | Sun | Saturn | Jupiter | Vaayu | 3 | 1286 |

Source: Ragunathaiyar Vengadesakkurukkal Vaakkiya panchangam (1970-2020)

### 4.1. Actual and Almanac Rainfall relationship

A similar linear line pattern of almanac and observed rainfall pattern is noted in the Northern region of Sri Lanka. The almanac and observed rainfall patterns are similar, and the lines fall in the same curves. The same increase and decrease patterns could be identified in the almanac predicted and the observed rainfall pattern in the study area (Figure 2).

Correlation analysis techniques identified the relationship between the almanac, indicating total rainfall amount and the recorded actual rainfall amount. ' X ' values show the almanac rainfall in Marakkal, and the ' Y ' value indicates the actual rainfall.

The average of the marakkal for ninety years is 3.03 , as indicated in the almanac, and the actual average rainfall of the study area is 1251 mm . The r-value of the correlation analysis between the almanacs indicated marakkal. The actual rainfall is 0.7816 , which is a strong positive correlation. In other words, there is an accurate prediction of annual total rainfall by almanac every year (Figure 3).

A highly positive correlation has been identified between the almanac rainfall and the actual rainfall. If the almanac rainfall is more than three (03) marakkal, the actual rain is always above 1100 mm .


Year
$\longrightarrow$ Marakkal $\quad$ Total rainfall
Figure 2. The trend of Observed Rainfall and Almanac predicted Rainfall (Marakkal)


Figure 3. Correlation between the almanac predicted and observed rainfall in the Northern region of Sri Lanka

Comparing the almanac and actual rainfall in the line chart disclosed that the trend and the rhythms are in the same pattern. There is a strong relationship between the ruling planet and the rainfall. The rainfall is high when some specific planets function as the ruling planet, while others give a meager rainfall. In that way, if Mars is the ruling planet, the rainfall is scanty, and if the moon is the ruling planet, the region gets very high rainfall.

Table 3 indicates the relationship between the ruling planet and the rainfall. Compared to all other planets, $90 \%$ of the heavy rain is recorded when the moon is the ruling planet; on the other hand, $82 \%$ of the low amount of rainfall is recorded during the ruling period of Mars.

Table 3. Relationship between the ruling planet and rainfall

| Ruling Planet | Rainfall |
| :---: | :---: |
| Mars | Scanty |
| Saturn | Very Low |
| Sun | Moderate |
| Mercury/Venus | Good |
| Jupiter | Very Good |
| Moon | Very Heavy |

Also, we can see the different scales of rainfall in every planet when they act as the minister planet according to the almanac. If the minister is mercury, a high amount of rainfall is recorded, and if the minister is Saturn, the recorded rain is low. Table 4 indicates the relationship between the minister plant and the rainfall.

Table 4: Relationship between the minister planet and rainfall

| Minister | Rainfall |
| :---: | :---: |
| Mercury | Very Good |
| Jupiter/ Venus | Good |
| Sun | Moderate |
| Saturn | Low |

Megathipathi is vital to determine the rainfall. If the megathipathi is Moon or Jupiter, there will be a reasonable extent of rain; if the sun or Saturn is megathipathi, the rainfall is low (Table 5).

Table 5: The relationship between megathipathi planet and rainfall

| Megathipathi | Rainfall |
| :---: | :---: |
| Moon | Very Good |
| Jupiter | Good |
| Mars | Moderate |
| Venus | Moderate |

### 4.2. Kandavanam

Kandavanam is the crucial word in the almanac of Hindus because it is about the amount of solar radiation and the temperature. Almanac says not to involve in any new activity during the Kandavanam period because of the increased temperature. According to the almanac of Hindus, kandavanam will be eight to thirteen days' period (Figure 4). Whenever the almanac indicates any kandavanam that will be the highest temperature period, with the maximum received solar radiation period. Forty-seven out of 60 years' almanac accurately predicted the maximum temperature period during the last sixty years.


Figure 4. Observed Average Temperature (in Blue color) and Kandavanam predicted Average Temperature (in Red Color)

Several studies have been conducted in Sri Lanka related to weather and climate. Nevertheless, no studies related to almanac and rainfall or any other weather features are available. However, some findings explain the local indigenous knowledge on the weather pattern. A survey about the almanac-predicted weather system (Lacombe et al., 2019) describes the earliest methods related to weather forecasting. Balachandran (2001) explained the temperature and the kandavanam in the Jaffna region and revealed a strong relationship between the kandavanam and temperature; the current study also presents the same results.

The rainfall pattern of the northern region is fluctuating, and climate change affects the region's climatic pattern. Hence, the traditional system must be adapted to mitigate climate change (Malmgren et al., 2003). However, no study is directly related to the almanac and observed rainfall in any part of Sri Lanka.

The almanac predicted the total amount of rainfall for the entire region for the year. However, this kind of forecasting is not usable for farmers and other people who need weather forecasting. Nevertheless, all people consider the kandavanam and consider the kandavanam period to commence any new activity, including building a house, celebrating special events, and fixing new farming activities.

## 5. Conclusion

The almanac has had a tremendous system for weather prediction for a long time. Strong positive correlations have been identified when the almanac indicated rainfall was compared with the actual rainfall in the Northern region of Sri Lanka for the last ninety years. The almanac indicated rainfall as marakkal is more related to the actual rainfall.

Also, a strong relationship exists between the ruling planet and the total rainfall of the study area. When the Moon is the ruling planet, we experience heavy rainfall, and when Mars is the ruling planet, we receive deficient rainfall. A strong relationship is also present between the minister planet and the received total rainfall. The almanac indicated the Kandavanam period, during which the study area experienced the highest temperature.

According to the reliability of the climatic predictions of Hindu calendars, a highly significant positive correlation is observed in the actual and almanac rainfall; the trend of rain also follows the same pattern. There is a similarity in the maximum temperature and the amount of received solar radiation as indicated by the almanac.

According to the analysis, scientific perspectives have been identified in the almanac-predicted rainfall amount and the temperature extremes compared with the absolute measurements and observations. However, the accuracy of the prediction mainly depends on the almanac interpretation. If written or explained in a certain level of accuracy, the prediction of rainfall and temperature of the Hindu almanac could act as a vital document source for long-term weather forecasting.

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# Rehabilitation of Suspended Offenders in Sri Lanka 

M.W. Jayasundara ${ }^{1}$, H.S.U. Ramyakumara ${ }^{2}$<br>${ }^{1}$ Department of Criminology and Criminal Justice, University of Sri Jayawardenepura, Sri Lanka.<br>${ }^{2}$ Open University of Sri Lanka<br>${ }^{1}$ madawalajayasundara@yahoo.com


#### Abstract

Most defence counsels in Sri Lanka are likely to make applications on behalf of the convicted accused to obtain a suspended sentence passed under section 303 of the code of criminal procedure act number 15 of 1979. Under this law, there is a provision to impose suspended sentences repeatedly for the convicted accused, and this militates against the aim of punishment. It may cause a loss of public confidence reposed in the judicial system. The research problem of this study is "what are the reasons for the escalation of violations of the conditions of the suspended sentences by the offenders". This research aims to find the gaps in the law relating to the suspended sentences and reasons for committing crimes repeatedly by those who stand accused under the suspended sentences. The data were collected in 2019 through interviews and observation from a systematic sample of 57 offenders. The opinions of 12 magistrates and six lawyers from both Kurunegala and Kegalle districts were solicited. The data pertaining to the offenders were also obtained from the fingerprint registers maintained at the magistrate courts of both districts. The study reveals that suspended sentences imposed upon offenders are neither monitored by any authority nor referred to any rehabilitation programs. The suspended offenders lack awareness about the purpose, the effect, and the consequences of violating the conditions of their suspended sentence. The study recommends introducing guidelines for the prevention of further crimes by suspended offenders and a programme rehabilitating them.


Keywords: Suspended Sentence, Convicted Accused, Violation, Rehabilitation, Code of Criminal Procedure

## 1. Introduction

The suspended sentence will not be implemented unless the offender commits a subsequent offence during the operational period of the suspended sentence. The suspended sentence as a mode of punishment comes under community-based corrections, and the offender can live among the other ordinary people of the society while carrying the penalty. The suspended sentence will deter the offender from committing further offences as he fears the implementation of the sentence which has already been passed on him (Qadri, 2016:372-3). Those factors should be considered from a judicial perspective and for that purpose, judicial discretion is necessary to subject to the conditions stated below. Whatever the necessity of
attaining certainty and predictability, if the judicial discretion which is directed by a guideline is exercised, then certainty and predictability that are desiderata of a legal system will not be undermined. For that purpose, there should be a guideline that directs the exercise of discretion within the framework of the law. The exercising discretion in that manner will not be new laws made by judges or any deviation from the existing law. When all judges follow the guideline, the uniformity of the judgment or the order is secure. Further, it is necessary to contemplate the justification of extending the operational period of the suspended sentence or making no order for the subsequent offence committed by the accused during the operational period of the suspended sentence.

Even though the suspended sentence is an appropriate punishment alternative to incarceration, the crime records indicate that violations of the conditions of the suspended sentences by committing subsequent offences during the operational period remain high. In Sri Lanka, the law relating to the suspended sentence is enshrined under section 303 as amended by Act number 47 of 1997 amendment to the Code of Criminal Procedure Act No. 15 of 1979 (CCRPA). Section 303 (13) (iii) and (vi) allow the judge to suspend the sentence wholly without considering the suspended sentence, which has already been passed and making no order concerning the earlier suspended sentence. Under section 303 (13) (iii), the magistrates tend to impose another suspended sentence for the offenders, who have committed subsequent offences that are punishable with imprisonment during the operational period of the suspended sentence passed previously. Though section 303 describes the grounds to be considered for suspending the sentence, the above-mentioned section 303 (13) (iii) does not state the grounds which are necessary to be considered when imposing another suspended sentence to the offender who is under the operative period of the suspended sentence which has already been imposed. Section 303 (13)(iii) allows setting an additional fine of up to 25000 rupees or extending the operational period of the suspended sentence. Imposing another suspended sentence without considering the suspended sentence which is in operation for an earlier case, or imposing another suspended sentence with an additional fine or extending the operational period of the suspended sentence for the subsequent offence depends on the discretion of the magistrate.

The discretion varies from magistrate to magistrate, and some magistrates pass suspended sentences for the offenders who have committed the subsequent offence during the operational period of the suspended sentence, which is in operation for the previous case or cases as the said provision has not included the criteria for passing another suspended sentence without considering the same type of sentence
for the previous case. After the conviction for the subsequent offence, there is no point in passing a suspended sentence repeatedly on the accused because it causes reoffending. It is contrary to the aims of punishment. On the other hand, we do not have a system to correct the offender who is serving a suspended sentence. Therefore, this area must be studied. This research intends to explore the reasons for committing a subsequent offence by the offender who is under the operational period of a suspended sentence and also to examine the lacunas in the law relating to the suspended sentence, in order to make suggestions or recommendations where necessary for reforms and the mechanism required to rehabilitate the offenders effectively.

## 2. Research problem

Incarceration of offenders had been intensely adopted in the past as there was no other effective alternative. The concept of the suspended sentence has been accepted recently as an appropriate mode of punishment for the first-time offender as it prevents him/her from getting into unwholesome association with hard-core criminals. In the three years from 2015 to 2017, the magistrates' courts of Kurunegala and Kegalle Districts have imposed suspended sentences for 1923 offenders, and of them, 577 offenders have violated the conditions in the suspended sentence imposed previously by committing another offence during the operational period. Approximately one-third of the suspended offenders are convicted by the court for recidivism during the operational period of the suspended sentence. Thus, the reconviction rates of the offenders who are still in the operative period of the suspended sentences are ever escalating. This area has not been previously explored by any research. Therefore, the research problem of this study concerns the reasons for the escalation of violations of the conditions of the suspended sentence by the offenders.

## 3. Objectives

A considerable number of offenders are reconvicted while they are under the operational period of the suspended sentence. Therefore, this research aims

To see how many offenders have committed subsequent offences during the operational period of the suspended sentence imposed previously.

To examine which factors are responsible for such recidivism of the offenders.
To identify the lacunas in the law relating to the suspended sentence.

To elucidate the measures that can be adapted to minimize the number of offenders who are reconvicted while under the operational period of the suspended sentence.

## 4. Literature Review

The seriousness of the offence is one of the factors that should be considered in meting out the appropriate punishment for the offender. The manner of committing the same offence can aggravate the gravity of the offence. For example, an organized gang of robbers committing a robbery by using a deadly weapon is more serious than one person committing a robbery without a deadly weapon. The seriousness of an offence is determined according to the manner that it has been perpetrated and it varies from case to case and shall be considered by the trial judge.

The sentence of the offence fixed by law, the powers at the court's disposal and the seriousness of the offence are prescribed in law. The mitigating factors are mostly related to the offender's background and his/her penal history. Non-availability of facts related to previous conviction or previous conduct, age of the offender, number of dependents, health condition of the offender and repentance of the offender, etc., are considered as mitigating factors.

The justification of punishment depends on the above factors. Punishment involves many aspects. In ancient times, the only object of punishment was retribution. The philosophy of punishment developed gradually and deterrence, rehabilitation, incapacitation, restoration of justice, and denunciation are now considered as the theories of punishment. While retribution and denunciation are backward-looking theories, deterrence, rehabilitation, incapacitation, and restoration of justice are forward-looking theories. The retribution theory allows retaliation which is not intended at making any correction (Suran, 1996). Once an offender has committed any crime, consequently, the offender has to bear the same consequence. If the offender made the victim blind, the offender was made blind (Newman, 1978). But in the modern world, punishment relies more on forward-looking theories. The rehabilitation theory is aimed at making the offender a law-abiding person by eliminating his criminal intention. When an offender is punished, it causes to deter him from committing further crimes (White and Perrone, 1997). The theories mentioned above have both merits and demerits. Therefore, the basic aims of the theories discussed briefly above need to be discussed further.

The community sentence system emerged due to growing awareness of the unsuitability of imprisonment for minor offences. Community sentences are
implemented in various modes like the parole system, suspended sentence orders, probation orders, attendance center orders, and supervision orders, etc. "community sentences are imposed where the sentencer takes the view that the nature of the offence is not such as to require custody, but that it does require something more than the mild penalty of a binding over or a discharge" (Wasik, 1993:169). The suspended sentence is an alternative mode of punishment to incarceration and the offender is given an opportunity to correct himself while living in the society like other ordinary people. "In Ireland, the suspended sentence emerged as a judge-made deposition in the late $19^{\text {th }}$ and early $20^{\text {th }}$ century" (Law Reform Commission, 2017:9). The suspended sentence was introduced into Belgium in 1888, into France in 1891, and into Portugal and Norway before the end of the $19^{\text {th }}$ century (Peris 2017:9). It was introduced to England by the criminal justice act in 1967. Later it came into effect in the Sri Lankan criminal justice administration system.

Sentencing principles, guidelines, or policies are helpful to determine the appropriate sentence for the offence committed by an offender. In determining the sentence, the principle of proportionality should be kept in mind. In addition, the sentence should neither be exclusively harsh nor frivolously low. "The object of sentencing policy should be to ensure that the offender does not go unpunished and the victim of the crime as well as the whole community is convinced that justice has meted out" (Purushottam Dashrath Boratev. The State of Maharashtra (2015). The judgment of the three-judge bench recognizes the necessity of blocking the occasions where the culprit goes unpunished and safeguarding the public confidence by making the victim convinced. Yet the important fact is that harsher punishment should not be imposed to make the victim gratified. So it is necessary to look into the factors that should be considered in determining the quantum of sentences. "The characteristics of the offender as revealed by his age, conduct, antecedents, other related circumstances as well as the traceability of the offender to reform should necessarily be the key factors in determining the sentence. A judge has to balance the personality of the offender with the circumstances, situations and the reactions and choose the appropriate sentence to be imposed" (Surajith Singh v. Nahar Ram (2004)). The Indian court has accepted that the purpose of the sentence should be the reformation of the offender. It is considered that undue sympathy in sentencing, and imposing an inadequate sentence cause the collapse of public confidence and it is more harmful to the country's justice system. Determining the appropriate sentence can be achieved with a sentencing policy. The sentencing policy will direct the court to determine the proper sentence, and its length should be capable of evading issues arising due to disparities and shortcomings of the law. Practically, the principle of proportionality can be adopted by considering the points of view of both the public and the offender
when sentencing. The factors, which should be considered by the court when sentencing has been discussed in many cases. "The court determines that the immediate custodial sentence is warranted for the following reasons;
(1) To mark the gravity of the offence
(2) To emphasize the public disapproval
(3) To serve a warning to others
(4) To punish the offender
(5) To protect the woman" (Padmasiri v. Attorney General. (2017) The first reason mentioned above shows the seriousness of the offence. Imposing severe punishments for serious offences and lenient punishments for minor offences is the primary factor of the principle of proportionality. The second reason is to condemn the behaviour of the offender. The third reason is specifically to deter the like-minded and the others in society. For the fourth reason, the deterrence of the offender is expected. The last reason is solely for the protection of the public. Moreover, considering all the above reasons, the court held that "therefore, in this case, he deserves a long period of imprisonment $\ldots .$. to deliver a message to all those who have no respect for other person's right to life and property ..... this court never hesitates to use its powers under sections 336 in appropriate cases" (Bandara v. The Republic of Sri Lanka (2002)). In this case, it is obvious that the court has intended to use the general deterrence theory.

In the case of Thelge Pradeep Kumara v. Attorney General (2017), the court has stated the aggravating and mitigating factors. The subsequent conduct of the accused-appellant has been declared as an aggravating circumstance. But the list of the aggravating and mitigating factors is only for giving reasons for that case. In other cases, the list of aggravating factors and mitigating factors is different from that. M.L.Pathiraja Samarasinghe v. Attorney General (2017) is a good example. A common list of aggravating and mitigating factors is necessary rather than preparing a list for individual cases. There must be a common sentencing guideline or policy which includes all the relevant circumstances. Then all the courts of the hierarchy have to abide by it, and this leads to the imposition of appropriate sentences without disparities.

When scrutinized, it is obvious that sentencing principles have been included in the penalties and sentences Act of Queensland. But such a set of principles that can guide the court to impose the most appropriate punishment has not been included in the CCRPA of Sri Lanka.

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"The purposes of this act included -
(a) Collecting the general powers of courts into a single act to sentence offenders; and
(b) Providing sufficient range of sentences for the appropriate punishment and rehabilitation of offenders, in proper circumstances, and ensuring the protection of the Queensland community is a paramount consideration" (section 3 Act of 1992).

The specific basic purposes of passing the above-mentioned act are codifying all powers of the court under one act to stimulate the court to impose the most appropriate sentence, stipulation of range of sentence to simplify the imposing of the appropriate sentence, rehabilitation of the offender and the protection of the people of Queensland. Section 9 of the said act states the principles which must be regarded in sentencing and that the sentence of imprisonment should only be imposed as the last means. Further, a sentence that allows the offender to stay in the community is preferable under section $9(2)$. The minimum and the maximum sentence prescribed for the offence committed by the offender and the nature and the seriousness of the offence have to be considered for sentencing.
"The nature of the offence and the seriousness the offence includes -
(i) Any physical, mental or emotional harm caused to a victim, including the harm mentioned in the information relating to the victim provided to the court under section 179 k ; and
(ii) The effect of the offence on any child under 16 years who may have been directly exposed to, or a witness to, the offence; and" (section 9 (2) (c) (i) (ii) act 1992).

A significant difference in Queensland law which is not included in the Sri Lankan law is that Queensland law takes into consideration the mental and emotional damage in addition to the physical damage. The effect of the offence on a child victim under 16 years exposed to offence or as a witness to the offence also must be considered. Under Sri Lankan law, such damage on a child under 16 years as a witness is not considered. Even though assistance and protection of victims of crime and witnesses, act no 4 of 2015 stipulate laws relating to protection and rehabilitation of the victims and witnesses, no law stipulates that the physical, mental or emotional damage to a child should be considered as an aggravating factor. But the exposure to a criminal offence or a violent act may cause significant damage to the mentality of a child victim or even a child as a witness. Therefore, Queensland people have paid special
attention on child care. The damage, loss, or injury caused by the offender, his character, age, and intellectual capacity are the facts that should be considered in sentencing. The appropriate sentence is determined by considering both the aggravating and mitigating factors existing with the case. Further, Queensland law permits to take into account the degree of assistance given by the offender to law enforcement agencies in the investigation. Time spent in custody before being sentenced, sentences already imposed, but have not been served are also stated as the factors of sentencing. If the offender is under a community order, the facts contained in the report submitted by the correction officer, such as the degree of compliance to the order during the period he is out on bail, the offender's undertaking to attend the rehabilitation programme, his successful completion of the programme, and his relationship with the community are considerable matters of importance to a proper sentencing method. The sentencing procedure is supported by sentencing principles codified in Queensland law.

## 5. Methodology

## Selected area for the study

The tendency to commit offences recurrently and be reconvicted among the offenders during the operational period of the suspended sentences in 2015, 2016 and 2017 with special reference to Kurunegala and Kegalle Districts is the area for this study. Of the offenders given suspended sentence during the above-mentioned period, the statistics of the offenders who violated the conditions of the suspended sentence by committing a subsequent offence during the operational period were gathered from the Magistrates courts of those two districts for analysis and description in this paper.

## The population of the study -

The offenders who had violated the conditions of the suspended sentence by committing another offence during their operational period were the population of this study. The data about the offenders who had served suspended sentences in 2015, 2016, and 2017 were collected from the fingerprint registers of the magistrate's courts of Kurunegala and Kegalle Districts. As the co-author of this article was attached to the judicial service of Kegalle at the time of conducting the research, these two districts were selected to collect the required data. When an offender is convicted for an offence punishable with imprisonment, the offender's fingerprints are taken, and his particulars are entered into the fingerprint register. In the data collection process, two categories of offenders who had been passed suspended
sentences were excluded, viz. drug addicts and those involved in motor accident cases. This was done for at least two reasons. Drug addicts commit the same offence over and over due to their addiction. They do not have any criminal intention (mens rea) in the commission of their offence but the consumption of illegal drugs. Because of their addiction and compulsion they cannot get rid of their wrongful behaviour without the guidance of a proper rehabilitation program. In addition, the accident cases were ignored for they are offences with no criminal intent, and the offender has strict liability. The cases on which the suspended sentences were passed in 2015, 2016 and 2017 for the offences committed with criminal intention were counted. Thereafter, the cases of violation of the condition of the suspended sentence by committing a subsequent offence during the operational period were selected. Of them, the cases which had been passed sentences either suspended or custodial were selected. On receipt of the previous conviction certificate, the fingerprint register is normally updated regarding the subsequent convictions by the court officer. In the circumstances of not being updated inadvertently, then the case record was referred back to check for accuracy. Because when the conditions of the suspended sentence are violated, consideration of a suspended sentence for the subsequent offence depends on the discretion of the court. Therefore, there is a possibility of passing either a suspended or custodial sentence for the subsequent offence. Therefore, in collecting accurate data on violations of the condition of the suspended sentence imposed previously the cases which were imposed by both suspended and custodial sentences should be examined.

## The sample of the study

A systematic sample of 57 offenders was selected from a population of 577 offenders. In the circumstance of any unavailability of a selected person or refusal to participate in the interview, the next person in the list was fixed into the sample population.

## Data collection method -

The certified copies of the charge sheets, the previous conviction records and the journal entries relating to the sentence passed on the offenders of the sample population he was taken from the relevant courts. When a person is convicted, fingerprints are taken by the court and call for a record of the previous convictions before passing a sentence. If the offender has been passed a suspended sentence previously, the certificate of previous conviction indicates that suspended sentence as a previous conviction. The two lists are based on the data collected from the records of the magistrate's courts of Galgamuwa, Maho, Nikaweratiya, Kuliyapitiya,

Hettipola, Wariayapola, Kurunegala, Polgahawela, Rambadagalla and Pilessa in Kurunegala district and magistrate's court of Kegalle, Mawanella, Warakapola and Ruwanwella in Kegalle district. Then the percentage of the number of the offenders who had violated the conditions of the suspended sentences out of the total number of the offenders who were passed suspended sentences of the relevant period was calculated. In order to gather qualitative data for analysis, the list prepared subsequently was used, and in this research, it mainly focused on the offenders with violation of the conditions of the suspended sentences which had been imposed previously.

The sample population was $10 \%$ of the entire population, and the entire sample population was interviewed on the questionnaire to collect data. Data collection from the offenders was done over various aspects included in the questionnaire such as persuasion for the perpetration of crimes, awareness of the consequences of the suspended sentence, personal information as dependents of the family, their age, approximate income per month, education and the drug addiction of the offender. As people are normally willing to declare their income; they were questioned on the monthly expenditure. All the magistrates of both districts including several lawyers were interviewed to gather data on the shortcomings and lacunas of the justice administration system. In addition, the explanation of the court on its effect and purpose as well as the consequences of violation related to the offenders given suspended sentences were observed. It was necessary to examine the shortcoming and lacunas of the system for the purpose of reformation of law. It was necessary to process all the primary data collected in the field. Before data was processed a consistency checkup was done to see the compatibility of answers elicited to the questionnaire as the answer for one question could be entirely different when compared to the answer to other questions. If an erroneous answer is used as data, the researcher may come to fallacious inferences. When data is collected, some questions may remain unanswered by the interviewee. Though the interviewer always tries his best to elicit a response by placing questions tactfully, a few persons may not remember some facts such as the date of first conviction. Therefore, it has to be taken from the previous convictions records. Some do not state the total number of previous convictions, and this has to be checked with the previous conviction records. In the circumstances of no reaction to any question, the data processing was made by the imputation of the mean.

When the behaviour of the offenders was examined, most of the offenders had a tendency to commit offences against property, for example, theft, robbery, housebreaking, criminal misappropriation etc. Therefore, it was necessary to see
whether there was any relationship between the offenders' income and the perpetration of the crime. Some offenders have committed offences against the human body, for example - simple hurt, grievous hurt, kidnapping and outrage against women's modesty. Some have committed offences against the environment, for example, illicit felling of trees, transport of timber without a permit, and illegal sand mining. Why could those offenders live peacefully as law-abiding citizens in society? What were the factors that persuade them to commit such crime? When a rehabilitation program is designed, the identification of the factors that persuaded the offenders to commit crimes becomes important. Besides, the offenders under the suspended sentences have a tendency to commit further crimes owing to the shortcomings of the system. It should be examined whether the way of enforcing the law concerning the suspended sentences has achieved its aims of introduction to the Sri Lankan judiciary system. If the offenders are expected and trusted not to violate the conditions of the suspended sentences, they should be aware of the conditions, and the consequences of violation. As the last stage of data processing, data classification was carried out. All the data collected in the field was processed in order and subsequently classified. The research was designed to identify the reasons to commit crimes repeatedly. The questions about the income level of the offenders, the number of convictions, the awareness of the concept of the suspended sentence, the consequence of the violation of the suspended sentence, and their participation in the rehabilitation program were administered into groups. Though the data was classified into groups, the groups were not subjected to coding as the data entries were made manually. For data entry, an entry sheet was used.

## 6. Results and discussion

The total number of the offenders given suspended sentences and the total number of violations of the conditions of the suspended sentences by committing another offence district-wise prior to the research.

Table 1: Total number of suspended sentences and violations

| Districts | 2015 |  | 2016 |  | 2017 |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Sos. | Viol. | Sos. | Viol. | Sos. | Viol. |
| Kurunegala | 469 | 147 | 405 | 126 | 488 | 135 |
| Kegalle | 172 | 57 | 181 | 56 | 208 | 56 |
| Total | 641 | 204 | 586 | 182 | 696 | 191 |

Note: Sos: Sentence Ordered to Suspend, Viol: Violation
Source: field research 2019

## Age, Education and criminality -

The total number of offenders interviewed was fifty-seven, and they disclosed their age at the commission of the first offence. The collected data was analyzed to find the age range of the offenders commission of their first offence punishable with imprisonment. The age range of the offenders who were so inclined to commit crime was deduced as it was obviously important to find solutions to prevent them from committing further crimes. The Arithmetic Mean of the age of offenders having a tendency for committing crimes was 27 years. It was obvious that they had committed the first offence at a young age. The data collected on the education of the offenders indicated that their education prevailed from primary education to the level of bachelor's degree.

Table 2: Educational qualification of the offenders

| Level of education | Number of offenders |
| :--- | :---: |
| Grade $1-5$ | 04 |
| Grade $5-8$ | 14 |
| Grade $9-\mathrm{O} / \mathrm{L}$ | 22 |
| Up to A/L | 08 |
| Vocational training | 06 |
| Diploma holders | 01 |
| Graduates | 02 |
| Total | 57 |

Source: Field research 2019
The above table indicates the pervasion of the offenders in all categories of the education levels. $70.17 \%(\mathrm{n}=40)$ of the offenders have studied up to O/L. But the table does not elucidate the fact that persons with education above a certain level do not commit crimes as offenders with low educational levels as well as with high educational levels have committed offences. This sample population is representative of the population of the country to a great extent as most of the people in the Sri Lankan society have completed secondary education. When analyzing the data of Table 2 , it becomes obvious that the propensity for committing crimes among the offenders who have studied up to the ordinary level remains high.

## Criminality and offenders' bond with the family and society -

The criminals unlike law-abiding citizens cannot live freely in society for they are taken into custody, and if found guilty, they are punished. If their family life gives them pleasure, they would refrain from committing crimes as it causes them to deprive of their freedom to live with their family. Furthermore, a good relationship
with the family makes them think of the respect of family members. The relationship with the family affects criminality. Therefore, the data on the nature of the family relationship of the offenders were analyzed to see whether there was a relationship between family ties and criminality. Twenty-one unmarried offenders, 15 married offenders, eight divorcees, three widows and widowers, and ten offenders separated from their spouses were in the sample population. Sociologically, human beings are gregarious, and kinship is considered an important factor contributing to the prevention of crimes. While 23 offenders had no relationship with the family, 21 had a poor relationship. Whereas 13 offenders had some bonds with their families. $77 \%$ of offenders had no good relationship with their families. The other $23 \%$ of offenders had committed crimes while maintaining family ties with their families. This relationship consolidates the fact that strong family bonds would discourage the individual from committing crimes. However, the family ties do not completely eliminate the criminal intentions of the offenders. Some of the offenders who had a good relationship with the family have committed crimes. The offenders who did not maintain a good relationship with their families indicated a high susceptibility to commit crimes.

As already stated human beings do not live in segregation for they are gregarious. Generally, they maintain a close relationship with their family members to a certain extent, a relationship with the neighbors can also be seen. When they live in a certain area for a long time, they build up a relationship with the other residents in the area. In analyzing the collected data on the offender habitations, it was found that $38.59 \%$ lived in their own houses and $14.04 \%$ of the offenders lived in rented houses whereas $19.3 \%$ lived in shelters with the permission of their owners. While $21.05 \%$ of the offenders were the inhabitants of quarters or lines, $7.02 \%$ of the offenders resided in unauthorized shelters. The quarters or the lines were the temporary shelters constructed for the labourers of the estates. Such quarters or lines are found in coconut estates of Kuliyapitiya, Hettipola, Wariyapola, Kurunegala area and rubber estates of Ruwanwella, Mawanella, and Warakapola area. Those quarters or lines are provided to the labourers working at the estates, and most of them work there on a casual basis. All other inhabitants, other than those who lived in their own houses were temporary inhabitants. Thus, it was obvious that $61.41 \%$ of offenders were temporary inhabitants.
$14 \%$ of the offenders who violated the conditions of the suspended sentences passed previously by committing another offence during the operational period were females and $86 \%$ were males. Before the conviction, 47 offenders were employed in permanent employment and the other ten offenders did not have permanent
employment. After the conviction, the situation had changed only 21 offenders have permanent jobs, and the other 36 offenders are not permanently employed. While $63.16 \%$ of the offenders are not permanent employees, the other $36.84 \%$ had permanent employment. When the offenders were further interviewed, it was revealed that the number of offenders who lost their permanent jobs was 36 , and as a percentage, it was $63.16 \%$. Later out of them fifteen offenders had found other permanent jobs. However, fourteen offenders out of those who found new permanent employment could not earn as from their previous employment. Before the first conviction, $17.5 \%$ of the offenders did not have permanent jobs, and the other $82.5 \%$ of the offenders had jobs. But after the conviction, 26 offenders had lost their permanent occupations. The offenders who did not have permanent jobs were engaged in odd jobs to meet their day-to-day expenses.

## Graph 1: Crime Causation of the offenders

Source: Field research 2019


As Graph 1 indicates, out of 57 ( $100 \%$ ), 32 offenders ( $56.14 \%$ ) had committed offences for pecuniary purposes. Though one offender (1.75\%) had committed the offence for the feeling of antagonism towards the victim and $14.03 \%$ of the offenders $(\mathrm{n}=8)$ had committed the subsequent offences owing to poverty. $21.05 \%$ of offenders ( $\mathrm{n}=12$ ) had committed the subsequent offences under the persuasion of their friends. The ultimate intention of committing crimes as a means of earnings and committing crimes due to poverty appears be the same, but there is a difference between those two categories. The perpetuation of crimes due to poverty means the offenders do not have money to buy essentials to make their day-to-day living whereas and those who commit crimes to earn money can meet their day-to-day expenses. $7.02 \%$ of the
offenders ( $n=4$ ) had violated the conditions of the suspended sentence by committing another crime as a means of making easy money to buy drugs. Although the offenders who were found guilty of keeping drugs in possession were excluded in the research as mentioned above, $7.02 \%$ of the offenders $(n=4)$ had committed crimes due to their drug addiction. Drug addicts commit crimes mainly to earn money to purchase the drugs for their consumption. Two categories of the offenders committing crimes with pecuniary aims can be identified; those who commit crimes because of poverty and to meet the expenses of their daily life, and those committing crimes solely to purchase drugs. Depending on the intention of the criminal act, that these two categories vary.

## Use of alcohol and other intoxicating drugs and criminality

The habit of the offenders to use liquor, heroin, and cannabis Sativa $L$ (ganja) is frequent. Twenty-four offenders consumed liquor, and 12 offenders ( $21 \%$ ) were addicted to heroin. Both cannabis and liquor were consumed by 11 (19.25\%) and 10 offenders ( $17.5 \%$ ) who did not consume any of the above. Thus, the percentage of the offenders who took liquor and drugs was $82.4 \%(n=47)$. The monthly expenses of the offenders were in the range of 15000 to 45000 rupees. The arithmetic mean of the expenditures of the offenders was Rs.25921. But those who were addicted to heroin spent 1500-2000 rupees per day, and there was a gap between their income and expenditure. They had to spend money to fill the gap between income and expenditure by any means. The families of $28.07 \%$ ( $\mathrm{n}=16$ ) had other sources of income, but the families of $31.57 \%(n=18)$ offenders did not have any income other than the offenders' income. However, $40.35 \%$ of the offenders ( $\mathrm{n}=23$ ) (the majority of the offenders as a category) were not aware of the plight of their family economy as they had very poor or hardly any relationship with their families.

The data collected in this research on the number of convictions of the offenders and the lapse of time between the first and the last offence committed by the offenders were analyzed to examine the degree of their tendency to commit crimes. Their tendency to commit crimes is depicted as follows.

## Graph 2: Number of previous convictions of the offenders



Source: Filed research 2019
The above graph 2 indicates the number of offences committed by each offender, and those who have committed three or more crimes are considered recidivists. Every offender had committed more than two crimes, and 51 offenders had committed three or more crimes, and as a percentage, it was $89.47 \%$. This indicates their propensity for committing crimes, and whatever the reason was they had committed offences regularly. Twenty-five offenders out of the sample population had pending cases. As a percentage, it was $43.85 \%$. This shows up the offenders' regular practice of committing crimes. The circumstances of committing three or more crimes by an offender, as a percentage remained $89.47 \%$. The percentage of the offenders having pending cases to be heard was $59.64 \%$. The same offender committing three or more crimes corroborates the fact that some offenders have a high degree of tendency for criminality, and the high rate of pending cases of the offenders, as mentioned above, aggravates the situation. It indicates that their tendency for committing crimes persistent in their lives.

Further, the period of susceptibility of the offenders for committing a crime is also a crucial factor in criminality. While $33.33 \%$ of the offenders have committed crimes during five years, $38.59 \%$ of offenders have committed crimes during the period of over five years or below ten years. The criminal conduct of the other $28.07 \%$ of the offenders has prevailed over ten years. When a person keeps committing crimes for an extended period, the criminal intention gets fossilized in his or her mind and the perpetration of criminal acts gets generalized. Moreover, the stigmatization of
individuals for committing illegal acts regularly and labelling them as criminals by the people of society cause to catalyze their criminal behaviour. When introducing correctional programs to the offenders, those programs must be aimed at eliminating the offenders' criminal intention.

## Awareness of the Offenders about the implementation and the gravity of the suspended sentence

It will be a great misconception if the legal system expects that an offender, once found guilty of an offence, and his imprisonment suspended for a certain period, will not commit further crimes through fear of drastic penal actions. To achieve the aims of implementing a suspended sentence, the offenders must be aware of the consequences of violations of the conditions resulting from committing another offence during the operational period of the suspended sentence. Graph 3 below reflects the awareness of the offenders on the consequences of such violations.

Graph 3: Offenders perception of the suspended sentence


Source: Field research 2019
Graph 3 above reflects the offenders' perception of the suspended sentence and the consequences in case of any violation of it. The awareness of $42 \%$ of the offenders ( $\mathrm{n}=24$ ) in this regard is very unsatisfactory. They did not know that, and $47 \%$ of the offenders ( $\mathrm{n}=27$ ) had poor knowledge about the suspended sentences. Only $11 \%$ ( $\mathrm{n}=6$ ) offenders had a satisfactory understanding of the consequences the other $89.48 \%$ of the offenders $(\mathrm{n}=51)$ did not have an acceptable level of understanding of the suspended sentence. It is not very effective to examine the data on the gravity of the suspended sentence. Yet to achieve the research objectives, it is necessary to analyze the data on the awareness of the gravity of the suspended sentence. These
figures holistically indicate that more than $90 \%$ of the offenders did not possess any satisfactory knowledge on the way of implementation and the gravity of the suspended sentences. In order to minimize the violation of conditions of the suspended sentence by committing further crimes during the operational period, it is necessary to make them aware of the consequences of any such violation. The total number of offenders given suspended sentences during the period of 2015-2017 in Kurunegala and Kegalle Districts was 1923, and of them, 577 offenders had violated the conditions of the suspended sentence imposed previously by committing another offence during the operative period. The procedural law of Sri Lanka prescribes that the purpose and the effect of the suspended sentence, the consequences of the violation of the conditions of the suspended sentence by committing another offence during the operational period be explained to the offender. As the crime records indicate, the violation of the condition by committing another offence during the operational period remains at $30 \%$. It is necessary to see whether the purpose, the effect, and the consequences of the violation of the conditions were adequately explained to the offenders because the doctrine of suspended sentence is to deter the offenders from committing further offences by making the offenders fear the implementation of the sentence of imprisonment which has already been suspended.

The data collected in the field disclosed that $52.63 \%$ of the offenders ( $\mathrm{n}=30$ ) were unaware of whether the purpose, the effect, and the consequences of violation of the conditions were explained to them. The other $48.37 \%$ of the offenders ( $n=27$ ) were of the opinion that the purpose, the effect and the consequences of violation were not explained to them. But the all magistrates of Kurunegala and Kegalle Districts emphasized that the court explained the purpose, the effect and the consequences of violation. A careful observation of the way this explanation was made revealed that this all-important explanation of the suspended sentence and its consequences is usually done within ten or fifteen seconds by the interpreter. Within that very short period, the interpreter explains it so rapidly that ordinary people cannot grasp the message properly. This is to be further discussed below.

As stated earlier, the aim of a suspended sentence is to deter the offenders from committing further offences by making them fear the implementation of pronounced imprisonment, which has already been suspended. If the offenders are explained about the purpose, the effect and the consequences of any violation of the conditions, the offenders may be afraid to commit further crimes due to the drastic penal actions. Of the fifty-seven offenders five declared that they feared committing further crimes during the operational period of the suspended sentence. As a percentage, it is 8.77\% $(\mathrm{n}=5)$. All others represented the group of "not fear" and "unaware". $35.08 \%$ of the

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offenders ( $\mathrm{n}=20$ ) did not fear committing further crimes under the suspended sentence. $56.14 \%$ of the offenders did not feel any sense of fear of any drastic penal action. Thus the $91.23 \%(n=52)$ of the offenders had not feared committing crimes within the operational period. Therefore, the deterrence of offenders with drastic penal actions, which is the main characteristic of a suspended sentence for preventing offenders from committing further crimes during the operational period, seems to be ineffective. The offenders who were interviewed at the research had even committed two or more offences. When an offender is found guilty of another offence committed during the operational period of the suspended sentence imposed previously, the suspended sentence can be implemented, and the sentence for the subsequent offence can also be imposed. But only $22.8 \%$ of the offenders ( $\mathrm{n}=13$ ) had been imposed custodial sentences. $26.32 \%(\mathrm{n}=15)$ of the offenders had been given only suspended sentences, and $50.88 \%$ of the offender ( $n=29$ ) have been imposed suspended sentences with fines. However, $77.2 \%$ of the offenders ( $n=44$ ) had been passed suspended sentences after which they came out and lived among the other ordinary people in the society.

When a large number of offenders found guilty of an offence with a suspended sentence gather in society, the necessity for concentrating the convicted offenders into an effective rehabilitation program emerges as social security has to be ensured. Thus, the availability of rehabilitation programs for the benefit of these convicted persons and their participation in such programs were examined in the form of a field survey during the data collection of this research. In the field survey, it was detected that no convicted offender punished with a suspended sentence had been referred to any rehabilitation program conducted by a competent authority. All the interviewees confirmed that they were not referred to any rehabilitation program. Moreover, the discussion with the Magistrates confirmed that there was no such mechanism to refer the offenders to rehabilitation programs. Further, the victims were aggrieved by the criminal conduct of the offenders, and the offenders continued their criminal behaviour due to their inability to understand the rights of others who have every right to live in the society without being aggrieved by the unlawful acts of another. $66.67 \%(n=38)$ of the offenders have not understood that they have committed an act that is generally condemned by civilized society. Another $25.56 \%(\mathrm{n}=14)$ of the offenders found guilty of a subsequent offence committed during the operational period of the suspended sentence have understood the gravity of their wrongful deeds. Though $8.77 \%$ of the offenders $(\mathrm{n}=5)$ have understood the gravity of the criminal acts committed by them, they continued their previous behavior as they did not have proper guidance for attitudinal changes. Although, there is an officer in every court to supervise the offenders under the community service orders, the
offenders who have been imposed suspended sentences are not monitored by any competent officer. All the convicted offenders are merely reintegrated into society without any correction. Hence, the reoffending rate of the offenders with suspended sentences during the operational period remains high because such offenders are being reintegrated into society without any rehabilitation. This has become a serious issue that has arisen concerning the way suspended sentences are implemented in the legal system of Sri Lanka. All Magistrates and the lawyers agreed that though the criterion to be considered to determine a suspended sentence for the offenders has been stated under section 303(1), no criterion has been stated under section 303(13) (iii) and (iv) to suspend the sentence wholly or make no order regarding the suspended sentence which is in operation.

Nevertheless, the observation of the court proceedings confirms that the court has a heavy workload, and the magistrates are trying to dispose of the cases quickly. There are twelve magistrates in Kurunegala District, and four magistrates in Kegalle district.

Table 3: The population of the districts subjected to the research

| Districts <br> Year | 2015 | Population <br> 2016 | 2017 |
| :---: | :---: | :---: | :---: |
| Kurunegala | $1,658,000$ | 1,676000 | $1,693,746$ |
| Kegalle | 861000 | 869000 | 876781 |

Source: confirmation letters issued by the statisticians of two districts.

## Congestion of the court due to heavy workload

As per statistics of the year 2017, as shown in Table 3 the total population of Kurunegala District is 1693746 . As there are twelve Magistrates' courts in this district, approximately a population of 141145 comes under the jurisdiction of each magistrate's court. Except for the magistrate's court of Pilessa and Rambadagalla, all other Magistrates' courts in the district are busy with the cases, and more than 200 cases are taken up before one magistrate each day. The same situation could be observed in the District of Kegalle. The working hours of the court are from 9.30 a.m. to $12.30 \mathrm{p} . \mathrm{m}$. and $1.15 \mathrm{p} . \mathrm{m}$. to $3.30 \mathrm{p} . \mathrm{m}$. Therefore, the sitting period of the court limits to 315 minutes per day. During this period magistrate has to hear all matters before him. Nevertheless, the courts have been given directions to dispose of the trial cases, which have taken longer than five years, within the next two years. In this situation, the magistrates have to expedite the disposal of the cases. When the trial cases are called before the court, some defence counsels inform that if the court
can consider a suspended sentence, the accused is willing to withdraw the previous plea of not guilty and plead guilty for the charge. Mostly, those applications are entertained by the court, and considering saving the time of the court by the accused person, a suspended sentence is imposed on the accused person. Under these circumstances, the offenders who have committed subsequent offences during the operational period of the suspended sentence can walk out on another suspended sentence. Due to the heavy workload or some other management issues, the court has to operate in this manner and it is a deviation from the expectations of the sentencing philosophy.

The Magistrates were further interviewed to examine whether there is nonavailability of a guideline to exercise the provision stated under section 303(13)(iii) (iv) and also to see the relationship of non-availability of the guideline with the variation of the discretion of the judge. All the Magistrates admitted that section 303(1) of the CCRPA has given a guideline to direct the court in what circumstances the imprisonment should be suspended and what factors are to be considered to suspend the term of imprisonment. Section 303 (13) (iii) and (iv) permits to pass a suspended sentence on an accused who committed a subsequent offence during the operational period of the suspended sentence passed previously and allow to make no order concerning the suspended sentence. However, as regards the exercise of the provisions in the above-mentioned section no guideline has been stated. This defect is expected to be overcome by the presiding judge by using his or her discretion. The discretionary power can vary from person to person, and ultimately it causes to pass different sentencing orders. In the field survey of this research, only $21.05 \%(n=12)$ of the offenders who violated the conditions of the suspended sentences had been imposed custodial sentences. Among the offenders who were given custodial sentences had committed only two offences. But some of the offenders had been convicted more than five convictions. $78.95 \%(\mathrm{n}=45)$ of the offenders had been passed another suspended sentence for the offence committed during the operational period of the suspended sentence. Some offenders under the suspended sentences for the offence committed during the operational period of the suspended sentence had perpetrated more than five offences but imposed another suspended sentence, and as a percentage amounted to $15.78 \%(n=9)$. When imposing sentences against the offenders, disparities of this nature should be avoided. Therefore, it is obvious that the disparities occur in imposing suspended sentences under section 303 (13) (iii) (iv) and imposing a fine of up to 25000 rupees instead of implementation of the imprisonment, which has already been suspended due to the lack of guideline is another instance.

Another reason for the congestion and the creation of backlog at the courts could be detected in the research. When the situation of the magistrate's courts in the district of Kurunegala is considered some Magistrate's courts have to hear the proceedings instituted by three police stations, but only one magistrate has been appointed to work there, for example, Galgamuwa and Polgahawela Magistrates' courts. The Nikaweratiya court functions as a combined court, and the same judge sits as the magistrate and the district judge. The proceedings instituted by Nikawertiya, Kotawehera, and Rasnayakapura police stations and the cases relating to the incidents in some Grama niladari divisions of Kobeigane Police area are heard at Nikaweratya court in addition to the civil matters. The cases of five police stations namely Kuliyapitiya, Dummalasooriya, Pannala, Giriulla, Narammala, and half of the Katupotha police area are heard at Kuliyapitiya Magistrate's court. But there is only one magistrate at kuliyapitiya. But in the jurisdiction of Maho there are two magistrates to hear cases instituted by three police stations. While there are five police stations in the jurisdiction of the Krunegala magistrate's court, two magistrates have been appointed. Both Pilessa and Rambodagalla magistrate's courts have been established only for one police station each. Therefore, both Pilessa and Rambodagalla magistrate's courts have comparatively fewer cases. Therefore, the issue is obvious that is when the jurisdictions are determined, attention has to be paid to the population and the crime rate in the area. Therefore, the disparity concerning the area of the jurisdiction of the magistrate's court causes this congestion. The Magistrates working in the court with a heavy workload are helpless, and they are unable to spend enough time explaining the purpose, effect, and consequences of the violation of the suspended sentence. However, the discretionary power of the Magistrates working at the court with a heavy workload is used basically for the acceleration of disposals. Though the law permits to impose a suspended sentence irrespective of the suspended sentence, which is already in operation, the law does not provide any guideline on how it should be exercised, and this causes to impose a suspended sentence repeatedly.

Suppose the offender is given a suspended sentence again and again for each and every crime committed during the operational period. In that, it causes to remove the fear of drastic penal action from the mind of the offenders. This situation is contrary to the concept of the suspended sentence which is aimed at deterring the offenders from committing further crimes by making them fear drastic penal actions. The removal of the fear of drastic penal action from the mind of offenders causes recidivism.

## No inquiry is held to examine the aggravating and mitigating factors -

The law relating to the suspended sentence permits to consider the aggravating and mitigating factors. But, after the conviction, no inquiry is held to examine the aggravating and mitigating factors. After the conviction, the accused or his attorney can make a mitigating submission. However, in the magistrate's courts mostly, the prosecuting officers do not make submissions on aggravating factors as some courts do not take much time on the cases due for sentencing at magistrate court, the cases are prosecuted mainly by government officers, and some prosecuting officers are not aware of making submissions on mitigating factors as they are not lawyers. When observing the way that the court functions the above facts could be detected. The court relies on the facts stated orally and, on the documents, if submitted by the defence counsel. This creates an unbalanced situation, and the court has to pass sentence on the offender without hearing a proper submission on aggravating factors.

## 7. Conclusions

Thirty percent of the offenders who have been imposed suspended sentences are reconvicted for an offence committed during the operational period of the suspended sentences. This is approximately similar to one-third of the total number of offenders undergoing suspended sentences. The offenders on suspended sentences are not referred to rehabilitation programs due to the absence of such a mechanism in the system. The offenders on suspended sentences are not monitored during the operational period of the suspended sentence by any authority. When the offenders are reintegrated into society without eliminating their criminal intention, the tendency for recidivism escalates. Further, the ways and means used by the court to raise the awareness of the offenders on suspended sentences are unsatisfactory, and for this reason, the court is unable to fulfill the duty assigned to it by section 304 of CCRPA. In this backdrop, the awareness of the offenders serving suspended sentences, as regards the purpose, the effect, and the consequences of the violations of the conditions of the suspended sentences is very poor. This leads them to commit crimes again during the operational period of their suspended sentence. Those are the main reasons that make the offenders commit crimes repeatedly during the active period of their suspended sentences. Moreover, the delimitation of the jurisdictions of most of the magistrate courts has not been done in a fair and equal manner that most magistrate courts are congested with a heavy workload. For the abovementioned reasons, most of the magistrate's courts fail to fulfill the duties assigned to them properly, for example, the effect, and the consequences of the violation of the suspended sentence to the offender.

Some other factors affect the recidivism of the offenders on suspended sentences. The susceptibility to crimes over a long period aggravated the criminality of the offenders due to the social stigma attached to being reconvicted. They have committed the subsequent offence during the operational period of the suspended sentence due to their monetary needs, poverty-stricken condition, bad association, and drug addiction. The offenders have committed their first offence at a young age. There seems to be no direct relationship between the offender's education and his or her tendency towards criminal behaviour. However, the propensity for criminal behaviour seems to be high among the offenders who have received education below the ordinary level. Kinship, on the other hand, has served as a diminishing factor of criminal inclination as the family bonds are strong in our culture, yet they do not completely prevent offenders from committing offences. The tendency to commit crimes among the temporary residents is higher than the tendency to commit crimes among the permanent inhabitants of the area. The conviction for a criminal charge affects the offenders' occupation adversely. Drug addicts tend to commit criminal acts to procure heroin for their daily consumption. As mentioned earlier, most offenders given suspended sentences do not fear drastic penal actions for they are not aware of the consequences of violation of the conditions of suspended sentences resulting from committing another offence. This is mainly caused by the unawareness of the effects of violations of the conditions. In Sri Lanka law, there are no provisions to hold an inquiry for sentencing after the conviction and in most cases, only the defence counsel makes a submission seeking mitigation of the sentence, and submissions on aggravating factors are not properly made, and this leads to passing a lenient sentence.

On the other hand, owing to the non-availability of the sentencing guidelines, the use of judicial discretion varies from court to court and this too causes the imposing of lenient punishments. The criteria that should be followed in passing a suspended sentence to an offender who is still in the operational period of his previous suspended sentence imposed earlier have not been stated clearly under sections 303(13)(iii) and (iv). This results in the imposition of a suspended sentence recurrently and this is contrary to the concept of the suspended sentence.

## 8. Recommendations

As there is no mechanism to refer the offenders given suspended sentences to rehabilitation programmes, the law relating to the suspended sentence should be amended to introduce a mechanism required for such rehabilitation programmes. The lack of guidance to make no order when there is a violation of the conditions during

The Faculty Journal of Humanities and Social Sciences, Volume 09, Issue 02, December 2020 the operational period of the suspended sentence imposed previously under section 303(13) (iii) and (iv) of the present law should be considered. When introducing amendments to the code of criminal procedure act, these two matters should be focused on.

Before introducing a guideline for the use of discretion of the court, the aims of punishment must be considered and the guideline should have the virtue of preventing the offenders from committing further offences. Suppose the proposed guideline strictly demands the court to implement the sentence which has already been suspended in case of violation of the conditions. In that case, it will not be fruitful because it is not the proper way of using discretion. The guideline must consist of measures to evaluate the degree of the criminal conduct of the offender. Therefore, the following guideline is recommended.

The following guidelines are proposed for the consideration of the court in using judicial discretion to act under section 303(13) (iii) and (iv).
A. Aggravating factors -
(1) The number of previous convictions that can be punished with imprisonment.
(2) Whether the offence has been committed by using deadly weapons and premeditation.
(3) The necessity of the protection of the victim and the society at large.
(4) Committing the offence during the operational period of the suspended sentence while participating in a correctional programme.
(5) Whether the victim/victims is/ are in a vulnerable situation and the degree of damage caused to the victim.
(6) Intention to earn money through committing offences habitually.
(7) Committing a more serious offence than the first offence.
(8) The extent of brutality and the brazenness shown in the act of committing the offence.

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# Representation of Women: A literary and socio-psychological analysis of the Francophone Novels Une si longue lettre and Le Voile de Draupadi 

R.S. Samarasinghe, Faculty of Information Technology, University of Moratuwa, Sri Lanka rasanjanasandamini@gmail.com


#### Abstract

The nexus between Francophone literature and the role of women is strong and significant. Among Francophone women writers of the $20^{\text {th }}$ century, Mariama Bâ of Senegal and Ananda Devi of Mauritius are recognized as feminist writers. This research conducts a detailed analysis of the two novels Une Si Longue Lettre by Mariama Bâ and Le Voile de Draupadi by Ananda Devi in search of the ways in which women are represented. As the role of females in society is considered crucial today, the research question of the study focuses on identifying how women are being represented in the face of gender-based challenges in the two novels. Accordingly, the main objectives of this paper are to identify the situation of women in the two respective societies - Senegalese and Mauritian - in general and to find out whether the two respective female protagonists succeed in overcoming the challenges posed by their societies. The research is based on a literary and socio-psychological analysis of the two novels, focusing on different themes the two writers have developed in their explorations of the woman's situation in society and the characteristics she has cultivated in the face of numerous gender-based challenges. The analysis of the literature survey reveals that the tragic situation of the woman in both societies is the same though, she remains strong and liberates herself with perseverance, supported by her education, conduct, friendships with others and understanding.


Keywords: francophone literature, stoicism, women.

## 1. Introduction

Francophone literature is an integral part of French literature today, while Francophone women's writings plays a crucial role in exposing the status of women in Francophone societies. Mariama Bâ and Ananda Devi are recognized as two leading Francophone feminist writers who belong to this category. French feminist writer Hélène Cixous in her essay, "Le Rire de la Méduse" (1975), (revised and translated into English in 1976 by Keith Cohen and Paula Cohen under the title The Laugh of the Medusa) which is considered a defence of women, states:

I shall speak about women's writings: about what it will do. Women must write herself: must write about women and bring women to writing, from which they have been driven away as violently as from their bodies - for the same reasons,

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by the same law, with the same fatal goal. Woman must put herself in the text as into the world and into history - by her own movement" (Cixous et al., 1976, pp. 875-893).

Responding to Cixous's (1976) call for Francophone women writers, Mariama Bâ from Senegal and Ananda Devi from Mauritius embark on their mission as feminist writers. This is evidenced in the Une si longue lettre by Mariama Bâ (1979) and Le Voile de Draupadi by Ananda Devi (1993) which provide insights into the status of women in their respective societies.

The present research aims to study the representation of woman in the two novels focusing on the struggle of women against gender inequality, and the status of women in society. Of the two novels, the researcher selected Une si longue lettre by Mariama Bâ owing to its way of depicting female characters, and Le Voile de Draupadi by Ananda Devi because of the author's affinity with Indian culture which is close to that of the researcher. Ananda Devi comes from Mauritius where the majority of the people are of Indian origin and their culture is therefore quite similar to that of India.

The research question elicits how women in the two novels are represented in the face of the gender-based challenges, with the main objective of understanding the situation of women in the two societies presented. The study basically focuses on the several themes developed in the two novels. Hence, the research is based on a textual analysis of the two novels and an analysis of the qualitative data collected from a variety of sources, including interviews.

## 2. Research methodology

The present study is a library research supported by interviews with scholars of Feminism. It has gathered qualitative data on the depiction of women by means of a comparative analysis of two Francophone novels produced in two socially, culturally, and religiously different settings. Following the selection of the two novels, the researcher referred to articles and works on the two writers; their respective societies and, religions: Islam and Hinduism and the two novels to get a holistic idea of the context. A thematic analysis was done to study the representation of women in the Senegalese society and Mauritian society by focusing on the main characters in each of the novels: Ramatoulaye in Une si longue lettre and Anjali in Le Voile de Draupadi. The thematic analysis was conducted by focusing on different themes tackled in the two novels that shape the image of women. In order to better analyse the two novels, the researcher has also referred to books on feminism and
the status of women in the face of religion and culture, magazines, documentaries, videos and other research related to the subject. Simone de Beauvoir's (1949) The Second Sex, is a key text used for this purpose. To get further insights, the researcher interviewed Maithree Wickramasinghe, a Professor in English Studies at the University of Kelaniya who has specialized in feminist research methodology. The analysis is based on a close reading of the two novels and other relevant information gathered.

## 3. Results and discussion

The two writers use the sufferings of the female characters in the novels to reveal multiple types and layers of oppression of women in their societies However, the writers show how the women in their novels survive despite all the obstacles presented. This struggle of a woman who finds her liberation demonstrates the stoicism of women in the face of suffering. To study the stoicism of women, the study is divided into several parts: the inner struggle of women, the dignity of women, friendship between women, education, and perseverance and liberation.

### 3.1 Inner struggle of women

In both novels, the writers depict women for whom social oppression is more or less the same. Female characters are portrayed as trapped in a patriarchal system. However, the women presented by the two writers in the two novels do not remain passive. They engage in an inner struggle where they try to find their lost identity in culture. This inner struggle is always sustained by their intelligence and perseverance. Mariama Bâ and Ananda Devi highlight women's ability to think and remain stoic.

The two female protagonists in the two novels lead a permanent struggle not to lose themselves in traditional ideologies. In the novel Une si longue lettre, as its title indicates, the readers perceive a long letter that Ramatoulaye writes to her friend, Aïssatou. Ramatoulaye has recently become a widow, following the death of Modou Fall, her husband of thirty years. What is noteworthy is that Ramatoulaye uses the forty-day mourning period imposed by tradition to reflect on her life. Mariama Bâ shows the fact that it is a fight inside the woman to achieve her own freedom: "I survived. I got rid of my shyness to face the theatres alone; I sat in my place, with less and less embarrassment, over the months." (p.99). Ramatoulaye's statement about her experiences after her husband's abandonment emphasizes how she tries to become stronger by overcoming her shyness. Mariama Bâ and Ananda Devi present women's struggle that goes on silently. In the novel Une si longue lettre,

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Ramatoulaye and Aïssatou engage in a long struggle of which the fundamental objective is the liberation of women oppressed by men. "We were true sisters destined for the same emancipatory mission [...] to cultivate our personality, to strengthen our qualities, to subdue our defects [...]" (p.38). The two best friends lead a permanent struggle refusing to get lost in traditional ideologies. In the journal article, "Feminisms in an African context: Mariama Bâ's So Long a Letter", Rizwana Habib Latha (2001) states that: "Mariama Ba's So Long a Letter contains a strong message, not only about the disempowerment of women, but also about how women can empower themselves effectively". According to Latha (2001), the writer shows not only the marginalization of women, but also how women empower themselves. The inner struggle in this context enables women to become empowered.

This inner fight of the woman is conspicuous in the character of Anjali too. Through the novel Le voile de Draupadi, Ananda Devi shows the permanent struggle of the woman. Anjali gives herself courage and tries to face problems by saying to herself, "For the moment I must lead my own struggle, understand me" (p.55). Anjali's character is portrayed as a woman who embarks on an inner journey in order to distance herself from patriarchal society. At times she is not even aware of her own capacity to fight, "A thread of rebellion that no one will understand because it is more fragile than weapons or a smile. I don't understand it myself. Where does this fighting courage come from? "(p.7). Yet, she discovers her power as a fighter. Ananda Devi uses Anjali's thoughts to highlight the silent struggle that is going on inside her, "I want to be the rock and Dev can hammer me all he wants, I won't change" (p.84). By using the word "hammer," Ananda Devi demonstrates Anjali's distress and her struggle to safeguard her integrity and dignity, and portrays her as someone who does not want to be forced to do something against her will.

In this way, the two writers, Mariama Bâ and Ananda Devi, have depicted the silent struggle of women to liberate themselves and fight oppression.

### 3.2 The dignity of women

Dignity is the "attitude imbued with reserve, seriousness, inspired by the nobility of feelings or by the desire for respectability; feeling that someone has value" (Garnier \& Vinciguerra, 2017). In both novels, Une si longue lettre and Le Voile de Draupadi, Ramatoulaye, Aïssatou and Anjali embark on a strenuous journey. They face problems created by the patriarchal society which affect their sense of dignity.

In the novel Une si longue lettre, Mariama Bâ reveals two women who do not accept polygamy which they perceive as detrimental to their dignity. After the death of

Ramatoulaye's husband, Modou Fall, there are men who ask for Ramatoulaye's hand, "[...] after Tamsir then, Daouda Dieng candidate for my hand!" (p. 112). Even if there are candidates who are ready to have a polygamous life with Ramatoulaye, she does not opt for it, since she thinks that she will have no value in such a family. Ramatoulaye's words, "I will never be the complement of your collection" (p.110) and "I do not have the elasticity of conscience necessary to accept being your wife [...]" (p. 127), addressed to Tamsir show her dignity and strength of character. Thus, these multiple refusals of Ramatoulaye explain the dignity of a woman who does not want to give in to materialism and polygamy.

Moreover, Ramatoulaye's firm ideas show the need for a status for women in society. The notion of women's dignity is further highlighted by the following words of Ramatoulaye, "I am not alone in insisting on changing the rules of the game and breathing new life into it. The woman must no longer be the accessory that adorns. The object that one moves, the companion that one flatters or calms with promises. "(p. 116). She thus refuses to be treated as an object that has no importance.

Anjali, too, protects her dignity. She does not allow herself to be overwhelmed by the secondary role of woman imposed by society, "Maybe he thinks of me a little in his own way. But his blinders threw him on the path of his identity as a man, and force me to assume a secondary role that is not mine. I am your companion, Dev, do I want to tell him. Your accomplice, your companion" (p. 56). She does not want to be the submissive woman who plays the secondary role. Anjali wants equality and, dignity. Moreover, when it comes to decision making, she shows great dignity by making her own choices. She chooses to walk on fire after thinking a lot about herself. She makes the sacrifice not because Dev and the in-laws ask her, but because she wants to discover herself, "No one is forcing me to do anything, please listen to me. They haven't asked me for anything yet, absolutely nothing. I made this decision, made my own choice" (p. 126). Anjali's words to her parents show her dignity, her autonomy, and her sense of power.

Thus, the female protagonists in the two novels, Une si longue lettre and Le Voile de Draupadi, remain strong, autonomous, and stable due to several main reasons, among which dignity has a prominent place. Mariama Bâ and Ananda Devi highlight that women's dignity makes them powerful by making them aware of their power to survive alone despite life's obstacles.

### 3.3 Friendship between women

According to Marianne Prairie (2015), "Solidarity is not a feminine virtue. It is a feeling that binds all those who live the same tragedies and discriminations. And that is profoundly human" (p.13). Reflecting the same thought, Mariama Bâ and Ananda Devi reveal, in their novels, the solidarity between women that can be seen in the form of friendship. An in-depth study of this friendship in both novels shows how women are supported by it. It is through this solidarity that women support and help each other to overcome the obstacles in their patriarchal societies and to find their own identity. According to Hooks (1986), solidarity between women strengthens their struggle against oppression, and to change a patriarchal society, solidarity between women is necessary. The friends, Ramatoulaye and Aïssatou, and Anjali and Fatmah help each other as they advance in their path to freedom.

In the novel Une si longue lettre by Mariama Bâ, we see the friendship between Ramatoulaye and Aïssatou. Ramatoulaye writes her letter to Aïssatou. Ramatoulaye and Aïssatou remain friends from their childhood to old age. They share since childhood an unfailing friendship, which Ramatoulaye compares to "lifeblood", an ancestral symbol of energy, healing and magic. Despite the distance, the two women support each other in this ordeal of polygamy.

Simone de Beauvoir (1975) says in a television interview that the solidarity between women helps them in their struggle for emancipation. For example, after the divorce of Aïssatou, who refused to be a co-wife, Ramatoulaye says: "my presence, my encouragement, the books saved you" (p.66). With the support of her friend, Aïssatou managed to persevere by continuing her education and earning a living without her husband, Mawdo. This support is reciprocal because, when Ramatoulaye suffers from polygamy and her husband's debts, Aïssatou helps her, "I will never forget your reaction, you, my sister. I will never forget the joy and surprise that was mine, when, summoned to the Fiat dealership, I was told to choose a car that you would pay in full" (p.102). As Hooks (1986) points out, solidarity among women is strengthened because of their common oppression. Being lifelong friends, Aïssatou and Ramatoulaye understand their problems because they are common problems. This, in turn, strengthens their relationship.

Aïssatou and Ramatoulaye are thus connected by the knowledge and gift of friendship that unites them in the face of life's obstacles. According to Ramatoulaye, friendship is stronger than love, which becomes unstable in the face of constraints, "Friendship has unknown greatness of love. It is strengthened in the face of hardship, while constraints destroy love. It resists time, which wearies and disunites couples.

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It has elevations unknown to love" (p. 103). Thus, friendship becomes an integral part of life of women who live in a patriarchal society and this makes women stoic.

Like Mariama Bâ, Ananda Devi also reveals the importance of friendship between women in her novel Le Voile de Draupadi, where the writer depicts the need for solidarity that brings women together. From Ananda Devi's perspective, this mutual aid is based on a good relationship. The last sentence of the novel by Anjali, "In the morning, I will meet Fatmah" (p.175), shows an opening; the promise of a new beginning by making one think of the developments in the friendship between the two women, Anjali and Fatmah. Explaining the feminist perspective on women helping each other, Professor Emeritus Diane Kravetz (2004) writes in her book Tales from the trenches that women helping women signals feminism's emphasis on women's helping one another as a means of counteracting their social powerlessness and vulnerability. Friends saw themselves as providing important models of what women could accomplish, thus challenging gender stereotypes that define women as passive, weak, and frivolous. In the novel, this is seen in the way two equally oppressed women help each other to become stronger in the face of adversities. Fatmah is Anjali's Muslim friend who helps her to become stronger when Dev leaves all the responsibility of the child in Anjali's hands.

Anjali is suffering mentally, and it is obvious that no one understands her situation. Therefore, she decides to go to her friend who understands and supports her better than others. As stated in the previous quote, solidarity among women strengthens them in vulnerable moments. Like Ramatoulaye in Une si longue lettre, Anjali also finds friendship as a source of energy that helps her remain stoic, "Now I saw in her the element of balance that would put all my disordered thoughts back in place, give them back some semblance of reason." (p. 101). It is her friend, Fatmah, who supports her in vulnerable moments. Hence, Anjali values her friendship with Fatmah, and finds Fatmah as "the balancing element that would put all my disordered thoughts back in place". In fact, Fatmah becomes the embodiment of friendship for Anjali, "I have never been able to describe the face of friendship other than by calling it Fatmah" (p. 101).

Ramatoulaye and Anjali in the two novels, Une si longue lettre and Le Voile de Draupadi, thus find in women's solidarity the means to rise above discrimination and the means to survive. What should be noted here is that it is the friend, and not the husband, who supports the wife in both novels, which supports the claim that, the friends, Ramatoulaye and Aïssatou, Anjali and Fatmah help each other on their

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journey to freedom. Thus, solidarity between women directly affects the stoicism of women.

### 3.4 The education of woman

In the novel Une si longue lettre, Mariama Bâ tackles education as a main theme. According to her, education is a solution for the sufferings of women since education shapes the woman's mind by opening it to the world. It is this openness of the mind makes the woman more autonomous. Acquired autonomy includes economic, moral, and social power. Further, education is also seen as a key element that integrates modernity into women's ideas by directing them towards their emancipation.

Shireen J. Jejeebhoy (1998), in her book "Women's Education, Autonomy, and Reproductive Behavior" indicates that education enables women to assume more autonomy or power in both traditional gender-stratified family settings and in more egalitarian ones. According to the author, education is the key to transforming women's attitudes and values from traditional to more modern, and their behaviour from constrained to emancipated (Jejeebhoy, 1998, p.87). Education is seen as the driving force behind the feminist revolt in the psychology of the two characters, Ramatoulaye and Aïssatou. Both of them are influenced by the headmistress of their school, a white woman who is the model of Western feminism. How she conveys ideas that are based on the equality of human beings which align with the notion of Jejeebhoy. Mariama Bâ emphasizes the mission of this school which is to get women out of the bogging down of traditions, superstitions and morals; to make them appreciate multiple civilizations without denying our own; to raise their vision of the world, to cultivate their personality and to reinforce their qualities. These words from Ramatoulaye demonstrate the degree to which school education influences intellectual and cultural formation. The personal development of herself and her best friend is thus directly linked to their education.

The struggle of Ramatoulaye and Aïssatou towards emancipation was thus born from this awareness of the universal values that guarantee human dignity. Their role is defined as follows, "we were true sisters destined for the same emancipatory mission" (p. 38). Owing to their education, the two heroines are able to distance themselves from polygamy, as evidenced by Ramatoulaye's refusal to marry polygamous men after the death of her husband, and Aïssatou's decision to leave her husband who accepted an arranged marriage. By sacrificing her love and marital life, Aïssatou refuses polygamy. Her strong words of protest, "I will not submit to it" (p. 65), in the separation letter addressed to her husband exemplify her rebellious stance.

The revolt is thus a means of emancipation for the heroines who demand egalitarian values, and it is evident that the basis of this feminist resistance is the education they have received.

### 3.5 The intelligence and perseverance of the woman

A woman's inner struggle is always sustained by her intelligence and perseverance. Both Mariama Bâ and Ananda Devi highlight women's ability to think and remain stoic.

Ramatoulaye continues her life and survives despite all the problems. Her intelligence allows her to persevere, "My reflections determine me on the problems of life. I analyse the decisions that guide our future. I broaden my opinion by penetrating the world news" (p. 164). She thinks and analyses her decisions and her life. Mariama Bâ thus portrays the woman as an intelligent person, and not merely a person who is incapable of reasoning, who knows how to direct her own life.

Ramatoulaye describes stoicism and how it helps women to stay strong, "Your stoicism makes you not violent, not worrying, but true heroes, unknown to great history, who never disturb the established order, despite your miserable situation" (p. 31). For her, stoicism is a key element of women's survival. Because of stoicism, she can become strong and escape from a "miserable situation". Perseverance and the ability to see the reality of life make a woman powerful. Ramatoulaye's words, "I'm already warning you; I'm not giving up on rebuilding my life. In spite of all disappointments and humiliations, I have hope. It is dirty and foul-smelling humus that gushes forth from the green plant and I feel new buds pointing out within me. "(p. 165), at the end of the story reveals her persistence, hope and strength, and the fact that she is going to rebuild her life in spite of "all disappointments and humiliations". Mariama Bâ ends the story highlighting the intelligence and perseverance of the woman that survive in spite of all adversities.

In the novel Le Voile de Draupadi, Ananda Devi also shows the intelligence and perseverance of the woman, "I feel that I will succeed in clinging to this idea, me who no longer clings to anything. Because it is good, and it gives me the feeling [...] of a new beginning" (p. 174). As in Ramatoulaye, the idea of starting anew is present in the character of Anjali. Despite all the problems she is going through, she wants to continue her life, and so, perseverance is always there. The ability to reflect is also highlighted in the above quote. In the quote, "this idea" means "to continue life". She reflects and decides to hold on to this idea because it gives her a sense of starting over.

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Moreover, Anjali is presented as a woman who always seeks her deliverance. Anjali's statement, "And I want to be a rock, and above all I need to be freed from myself" (p. 82) reveals her deep desire to be liberated. She needs to become strong like 'a rock'. These thoughts bear witness to her courage and perseverance. Like Ramatoulaye, she is intelligent and not blinded by her husband and love, "I have become aware of many things." (p. 85). Here Anjali speaks of her husband who is obsessed with sacrifice and who is no longer the person she loved in the beginning, which exemplifies the fact that she is not blinded by love.

Thus, the two writers, Mariama Bâ and Ananda Devi, highlight the hidden capacities of women that are linked to their psychology; and how intelligence and perseverance help women to lead their inner struggle towards their freedom without becoming blind to or getting lost in traditions.

### 3.6 The liberation of women

At the end of the two novels, Mariama Bâ and Ananda Devi portray liberated women. Even if the women presented in the two novels face problems that oppress them, they manage to fight the obstacles by finding their own release without a man. Maithree Wickramasinghe, a Professor in English Studies at the University of Kelaniya, says that awareness of oppression is important as it allows women to take steps to free themselves (M. Wickramasinghe, personal communication, November 16, 2018). Awareness of oppression is present in all three characters, Ramatoulaye, Aïssatou and Anjali. Therefore, they strive for their deliverance. The emancipation of the woman is done at several stages, i.e., liberation without man, liberation by finding their identity, and liberation gained by being part of the culture. These three aspects are evident in both novels.

In the novels, Une si longue lettre and Le voile de Draupadi, Mariama Bâ and Ananda Devi show women for whom the oppression of society is more or less the same. Female characters are trapped in a system dominated by men. However, the women presented in the two novels do not stand idly by. Instead, they engage in an inner struggle where they try to find their lost identity in culture, where psychology plays an important role in their struggle for emancipation. Although it seems that they are passive from the outside, from the inside they are very active and rebellious.

Ramatoulaye, for instance, begins to find ways to amuse herself after her husband's abandonment. When she was with her husband, she did not have time for fun. It is obvious that without a husband, she has become free and powerful, "Intellectual films, thesis films, sentimental films, detective films, funny films, suspense films

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were my companions. I drew from them lessons of greatness, courage and perseverance" (p.99). Furthermore, Ramatoulaye ends her letter by saying: "I warn you already, I am not giving up on rebuilding my life [...] the word happiness covers something, doesn't it? I will go in search of it. Too bad for me, if I still have to write you such a long letter [...]" (p. 165). Here we see that as she writes her letter and reflects on her life, Ramatoulaye begins to metamorphose. These words that appear at the end of the novel suggest Ramatoulaye's will to discover the happiness that comes with freedom. These new ideas of Ramatoulaye about her future and her life underline her blossoming without a man.

This emancipation that the woman finds, is depicted by the writer Ananda Devi also in her novel Le Voile de Draupadi. Like Aïssatou, Anjali decides to leave her husband at the end of the story, "Dev has found his face as a man. He was not the solar God I imagined I married" (p. 8). She realizes her husband's true character and decides to leave him. It seems that she wants to continue her life without her husband. She rejects Dev from her life, because she needs her freedom, and it seems that she perceives her husband as an obstacle to this. A wife cannot exist as an object if she wants to emancipate herself, and so, Anjali does not want to remain submissive to her husband as evidenced by her words, "I can only keep my husband's love by being conformed to the image he wants to have of a wife" (p. 154). Here, Dev's image of an ideal woman is a submissive wife, which Anjali refuses to become. She wants autonomy and independence. In this way, both the writers portray women who take charge of their own destiny in the end.

## 4. Conclusion

In this study, the representation of women in the face of gender-based challenges was analysed in relation to the two novels, Une si longue lettre by Mariama Bâ and Le Voile de Draupadi by Ananda Devi. It is found out that both writers put forward one main facet of woman's character: stoicism. As discussed in this study, the two writers reveal the elements that make woman stoic: inner struggle, dignity of women, friendship between women, education, and her intelligence and perseverance.

In the study, the researcher has analysed how the two writers represent women in the face of gender-based challenges. In order to study the representation of women in depth, the study was divided into sub-sections that focus on different themes: the inner struggle of women, the dignity of women, friendship among women, education, intelligence and perseverance, and woman's liberation. The key points put forward by the two writers highlight how women remain strong in spite of suffering. Hence, despite all the problems and suffering, the women depicted in the two novels,

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Ramatoulaye and Aïssatou in Une si longue lettre, and Anjali in Le Voile de Draupadi, manage to remain strong and self-reliant. Even though the two societies depicted in the two novels are religiously, culturally, and socially different, Mariama Bâ and Ananda Devi portray two female protagonists who survive in the face of similar gender-based challenges while remaining stoic.

Thus, it can be concluded that despite the differences between the two cultures depicted in the two novels, the Senegalese culture and the Mauritian culture and the challenges faced by women, stoicism of the female characters remains steady. Even though, the writers unveil two societies, women are portrayed as stoic characters in both novels.

However, the techniques employed by the two writers to show stoicism of women remain an aspect that is yet to be explored. Thus, this research can be a starting point for another research to address the techniques used to show the condition of women in both novels.

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<br>  arunasrisampath193@gmail.com


#### Abstract

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#### Abstract

The conversation on increasing the political representation of women over men dates back to the early part of the twentieth century. Many countries around the world have switched to the concepts of democratic government, as well as the emergence of new political cultures in those countries and the emergence of feminist movements. Similarly, the argument that women also need quantitative representation at the level of political institutions and decision-making has led to a focus on the use of various strategies to increase the representation of women. Among them, the quota system spread to Europe, Asia, Africa and Latin America as a practical tactic. The primary objective of this research was to comparatively study the effectiveness of the use of quota system as a strategy to increase female representation. Secondary data were used to obtain data for the study under the qualitative research plan. Thematic analysis methodology was used for the overall data analysis. The study found that a number of democracies have used the quota system as a very effective strategy to increase their representation, which has led to a quantitative and qualitative increase in women's representation in those countries.


Keywords - Democracy, Political representation, Quota System, Women representation



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