

DOMESTIC VIOLENCE AGAINST WOMEN: A STUDY OF NALBARI DISTRICT IN ASSAM

**A THESIS SUBMITTED TO ASSAM UNIVERSITY IN
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By

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CERTIFICATE

Certified that the thesis entitled **DOMESTIC VIOLENCE AGAINST WOMEN: A STUDY OF NALBARI DISTRICT IN ASSAM** for award of the Degree of Doctor of Philosophy in Political Science is the outcome of a bonafide research work. This work has not been submitted previously for any other degree of this or any other university. It is further certified that the candidate has complied with all the formalities as per the requirements of Assam University. I recommend that the thesis may be placed before the examiners for consideration of award of the degree of this university.

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DECLARATION

I, Sri Gitima Talukdar bearing Registration No. Ph.D/864/2009 Dated 18.08.2009, hereby declare that the subject matter of the thesis entitled **DOMESTIC VIOLENCE AGAINST WOMEN: A STUDY OF NALBARI DISTRICT IN ASSAM** is the record of work done by me and that the contents of this thesis did not form the basis for award of any degree to me or to anybody else to the best of my knowledge. The thesis has not been submitted in any other University / Institute.

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CONTENTS

	Page No
Declaration	ii
Certificate	iii
Acknowledgement	iv-v
List of Tables	vii-ix
List of Figures	x-xi
Abbreviations	xii-xiii
 CHAPTER – I Introduction	 1-37
 CHAPTER – II Setting and Sample	 38-58
 CHAPTER- III State Response to Prevent Violence against Women:	 59-98
National & International Scenario	
 CHAPTER - IV Analysis of Data and Interpretation	 99-133
 CHAPTER -V Summary and Conclusion	 134-148
 Bibliography	 149-154
 Appendices	
 APPENDIX- I Interview Schedule –I	 155-159
 APPENDIX- II Interview Schedule –II	 160-162
 APPENDIX- III The Domestic Violence Act, 2005	 163-181
 APPENDIX –IV The Map of Nalbari District	 182-182
 APPENDIX – V Showing Blocks of Nalbari District	 183-183

List of Tables

Table: 2.01:	Population of Nalbari District Cross Classified by Gender and Place of Residence
Table: 2.02:	Child Population of Nalbari District Cross Classified by Gender and Place of Residence
Table: 2.03:	Distribution of Respondents' by Age
Table: 2.04:	Distribution of Respondents' by Age at marriage
Table: 2.05:	Distribution of Respondents' by marital status
Table: 2.06:	Distribution of Respondents' by Type of Family
Table: 2.07:	Distribution of Respondents' by Education
Table: 2.08:	Distribution of Respondents' by Occupation
Table: 2.09:	Distribution of Respondents' by Income (per month)
Table: 2.10:	Distribution of Respondents' by Religion
Table: 2.11:	Distribution of Respondents' by Caste
Table: 4.01:	Distribution of Respondents' according to their Opinion on Conflict in Marital Relationship
Table: 4.02:	Distribution of Respondents' on the Basis of their Reply on Arguments with Husband
Table: 4.03:	Distribution of Respondents' on the basis of Opinion on Reasons of Arguments
Table: 4.04:	Distribution of Respondents' on the Basis of their Reply
Table: 4.05:	Distribution of Respondents' on the basis of their Reply

Table: 4.06:	Distribution of Respondents' on the basis of their Experience of Physical Violence
Table: 4.07:	Distribution of Respondents' on the basis of their Reply
Table: 4.08:	Distribution of Respondents' on the basis of their experience of Psychological Violence
Table: 4.09:	Distribution of Respondents' on the basis of their Reply
Table: 4.10:	Distribution of Respondents' on the Basis of their Experience of Economic Abuse
Table: 4.11:	Distribution of Respondents' according to the reasons behind their experience of Economic Violence
Table: 4.12:	Distribution of Respondents' on the basis of their experience of Sexual Violence
Table: 4.13:	Distribution of Respondents' according to their experience of Sexual Violence
Table: 4.14:	Distribution of Respondents' opinion regarding their Extent of Violence
Table: 4.15:	Distribution of Respondents' on the basis of the experience of Physical Injury
Table: 4.15:	Distribution of Respondents' according to the experience of Physical Injury
Table: 4.1:	Distribution of Respondents' on the their Seriousness of injury
Table: 4.17:	Distribution of Respondents' according to their experience of Psychological Injury
Table: 4.18:	Distribution of Respondents' according to the types of Psychological Abuse

- Table: 4.19: Distribution of Respondents' opinion regarding Impact of violence on Children
- Table: 4.20: Distribution of Respondents' on the basis of their Reply on Type of Effect that Children had Suffered
- Table: 4.21: Distribution of Respondents' on the basis of their Reply on Visited to Doctor or Hospital because of Injuries
- Table: 4.22: Distribution of Respondents' on the basis of their Reply on Reasons for Visited to Doctor or Hospital because of Injuries
- Table: 4.23: Distribution of Respondents' according to the Causes of Domestic Violence
- Table: 4.24: Distribution of Respondents' on the basis of their Reply regarding Taking help from Outside
- Table: 4.25: Distribution of Respondents' on the basis of their Reply on the Type of Help Sought
- Table: 4.26: Distribution of Respondents' according to their reasons for Compromise
- Table: 4.27: Distribution of Respondents' on the basis of their Reply on Effectiveness of Services Provided to them
- Table: 4.28: Distribution of Respondents' on the basis of their Reply on Effectiveness of Government Services provided to them
- Table: 4.29: Distribution of Respondents' on the basis of their Reply regarding Awareness of Government Laws
- Table: 4.30: Distribution of Respondents' on the basis of their Reply regarding Awareness of Government Laws
- Table: 4.31: Distribution of Respondents' on the basis of their Reply on Services are Provided by the Government

List of Figures

- Figure- 2.01: Pie Chart showing Age of the Respondents'
- Figure- 2.02: Pie Chart showing Respondents' Age at Marriage
- Figure- 2.03: Pie Chart showing Respondents' by Marital Status
- Figure- 2.04: Pie Chart showing Respondents' Type of Family
- Figure- 2.05: Pie Chart showing Respondents' Educational Qualification
- Figure- 2.05: Pie Chart showing Respondents' Occupation
- Figure-2.06: Pie Chart showing Respondents' Income per Month
- Figure-2.07: Pie Chart showing Respondents' Religion
- Figure-2.08: Pie Chart showing Respondents' Caste
- Figure-4.01: Pie Chart showing Respondents Opinion on Conflict in Marital Relationship
- Figure-4.02: Pie Chart showing Respondents' Opinion on Arguments with Husband
- Figure-4.02: Pie Chart showing Respondents' Opinion on Reasons of Arguments
- Figure-4.06: Pie Chart showing Respondents' Experience of Physical violence
- Figure-4.07: Pie Chart showing Nature of Physical violence faced by Respondents'
- Figure-4.08: Pie Chart showing Respondents' Experience of Physiological violence
- Figure-4.09: Pie Chart showing Nature of Psychological violence faced by Respondents'
- Figure-4.10: Pie Chart showing Respondents' Experience of Threatening to Hurt
- Figure-4.11: Pie Chart showing Respondents' Experience of Economic Violence
- Figure-4.12: Pie Chart showing Nature of Economic Violence faced by Respondents'
- Figure-4.13: Pie Chart showing Respondents' Experience of Sexual Violence
- Figure-4.14: Pie Chart showing Respondents' Experience of Sexual Violence under the Influence of Drug or Alcohol
- Figure-4.15: Pie Chart showing Respondents' Extent of Violence
- Figure-4.16: Pie Chart showing Respondents' Experience of Physically Injury
- Figure-4.17: Pie Chart showing Respondents' Severity of Physically Injury
- Figure-4.18: Pie Chart showing Impact of Domestic Violence on Respondents'
- Figure-4.19: Pie Chart showing Impact of Domestic Violence on Respondents'

- Figure-4.20: Pie Chart showing Impact of Domestic Violence on Children
- Figure-4.21: Pie Chart showing Nature of Impact of Violence on Children
- Figure-4.22: Pie Chart showing Respondents' Visit to Doctor
- Figure-4.23: Pie Chart showing Respondents' Reasons to Visit a Doctor
- Figure-4.24: Pie Chart showing Causes of Domestic Violence
- Figure-4.25: Pie Chart showing Taking Help from Outside by the Respondents'
- Figure-4.26: Pie Chart showing Type of Help Taking from Outside
- Figure-4.27: Pie Chart showing Respondents' Reasons for Living in Abusive Relationship
- Figure-4.28: Pie Chart showing Effectiveness of Services provided to Respondents'
- Figure-4.29: Pie Chart showing Effectiveness of Government Services provided to Respondents'
- Figure-4.30: Pie Chart showing Respondents' Awareness of Domestic Violence Act
- Figure-4.31: Pie Chart showing Respondents' Awareness of 498A IPC

ABBREVIATIONS

AIDS	: Acquired Immune Deficiency Syndrome
ANPPCAN	: African Network on the Prevention and Protection against Child Abuse and Neglect
AMA	: American Medical Association
BTAD	: Bodoland Territorial Autonomous District
CEDAW	: Convention on Elimination of Discrimination against Women
Cr.P.C	: Criminal Procedure Code.
CRC	: Convention on the Rights of the Child.
DPA	: Dowry Prohibition Act.
DMMA	: Dissolution of Muslim Marriages Act
ECOSOC	: United Nations Economic and Social Council
FCC	: Family Counseling Centre
FVPF	: Family Violence Prevention Fund of America
FIR	: First Information Report
GOVT.	: Government
HAMA	: Hindu Adoption and Maintenance Act.
HIV	: Human Immunodeficiency Virus
HMA	: The Hindu Marriage Act
HRD	: Human Resource Development
ICCPR	: International Covenant on Civil and Political Rights.
ICESCR	: International Covenant on Economic Social and Culture Rights
ICPD	: International Conference on Population and Development
IDA	: Indian Divorce Act
ILO	: International Labour Organisation
IPC	: Indian Penal Code
ITPA	: Immoral Traffic Prevention Act
LCWRI	: Lawyers' Collective Rights Initiative

MP	: Madhya Pradesh
MTPA	: Medical Termination of Pregnancy Act
NCRB	: National Crime Records
NCW	: National Commission for Women
NFHS	: National Family Health Survey
NGO	: Non-Governmental Organization
OBC	: Other Backward Class
OVW	: Office on Violence against Women
PMLK	: Parivarik Mahila Lok Adalat
PNDTA	: Pre-Natal Diagnostic Techniques Act
PCPNDT	: Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act
PO	: Protection Officer
PWD	: Public Works Department
SMA	: Special Marriage Act
SC	: Schedule Caste
SC	: Supreme Court
SITA	: Suppression of Immoral Traffic in Women and Girls Act
ST	: Schedule Tribe
UDHR	: Universal Declaration of Human Rights
UP	: Uttar Pradesh
UNDP	: United Nations Development Programmes
UNIFEM	: United Nations Development Fund for Women
UNICEF	: United Nations Children's Fund
UNO	: United Nations Organisation
UOI	: Union of India
US	: United States
WHO	: World Health Organisation

Introduction

Domestic violence is a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another partner. Domestic violence can happen to anyone regardless of race, age, caste, religion or gender. It is a Pattern of behaviour characterised by the misuse of power and promise by one person against another who generally happens to be in an intimate or blood relationship. Domestic violence is not typically a singular event and it is not limited to only physical aggression. Rather, it is the methodical use of threats, ignominy and physical violence by someone who seeks power and control over his intimate partner.

Domestic violence may be of different kinds like physical violence, sexual abuse, emotional abuse, economic deprivation and stalking. Physical violence is the intentional use of physical force for causing injury, harm, disability or death to the victims. Physical violence is the easiest to recognise and understand than any other types of domestic violence. Hitting, shoving, beating, restraining, kicking, scratching, pushing, slapping, punching or uses of a weapon are the few examples of physical violence.

Sexual abuse generally refers to the use of physical force to compel a person to engage in a sexual act against his or her will or due to one's inability to communicate unwillingness to engage in the act owing to underage, immaturity, illness, disability or the influence of alcohol. Unwanted touching, raping, denying the victims from protection against sexually transmitted diseases, sexual exploitation through photography or prostitution, treating the victim like a sexual object, forcing the victim to have an abortion, engaging in an extramarital relationships are also the few examples of sexual violence.

Emotional abuse (also called psychological or mental abuse) can include humiliating the victim privately or publicly or doing something to make the victim feel socially or psychologically maligned or embarrassed using degrading language, criticism, screaming, refusing to talk and so on. Insulting the victim in the presence of children, other member of the family and relatives, blaming her for everything that goes wrong in the family, charging her frequently on small and negligible issues, making her feel guilty for no fault of her, calling her names, giving her threat of divorce, treating her

like a servant, keeping a strict watch on her movements, prohibiting her from meeting her friends and relatives, prohibiting her from expression of her view on family matters, suspecting her for extramarital relations, using ugly and insulting language for her parents, insulting her for house-keeping, demeaning her family background, criticising her for lacking intelligence are also the few examples of emotional abuse.

Money becomes a tool by which the abuser can further control the victim. Economic abuse refers to depriving a person from his/her own money or to which he/she is entitled. Such type of abuse generally includes acts such as the denial of funds, refusal to contribute financially, denial of food and basic needs and controlling access to health care, employment and so on.

Stalking generally refers to repeated misbehaviour with the intention of inducing fear in the mind of the victim. It generally includes behaviour like repeated phone calls, emails or letters, watching, spying, tracking and threatening someone or his/her loved ones. Assaulting or threatening to assault verbally, physically or sexually is also a kind of stalking. Although emotional and financial abuses are not directly defined as criminal acts, but indirectly they may cause harms which may amount to criminal acts.

The victims demonstrate a wide range of effects from various kinds of domestic violence. The victims may suffer from severe and chronic mental and health problems. The effects of physical violence can range from minor scratches to fractured bones to chronic disabilities such as partial or total loss of hearing or vision and so on. In the worst cases, it may result in the death of the victims also. The effects of sexual abuse can range from unwanted pregnancies to the risk of contracting sexually transmitted diseases and HIV/AIDS and to the dangerous complications that may follow from resorting to illegal abortions. While the impact of physical abuse may be more 'visible', the effects of psychological abuses like repeated humiliation and insults, forced isolation, limitations on social mobility, constant threats of violence and injury are as detrimental as physical ones. It leaves the woman in a situation where she is often made to feel mentally destabilized and powerless. The victims are found in a high incidence of stress and stress-related illnesses such as panic attacks, depression, sleeplessness, loss of appetite, elevated blood pressure,

alcoholism, drug abuse, low self-esteem and so on. In certain cases, psychological abuse may even result in suicide.

What is important to note is that the effects of domestic violence may not remain confined to the victims only. The other members of the family may also suffer from physical, emotional and psychological stress as result of sustained domestic violence. The repeated occurrence of domestic violence in a family has detrimental effects on the lives of the children, friends and other family members. Family members and friends may themselves be targeted by the abuser in reprisal for helping a woman to leave a violent relationship or to find legal assistance. Children in homes where domestic violence occurs may be witnesses to abuse, may themselves be abused and may suffer from behavioural and psychological problems. The consequences of domestic violence on child includes poor school performance, aggression (particularly among males), oppositional behaviour, self-blame, isolation from peers, self-harming behaviour, psychosomatic symptoms, depression, sleeping disturbances and so on.

Violence against women within the family is a global phenomenon. It occurs irrespective of socio-economic status of women. No society can claim to be free of such violence. But the degree of violence differs according to the socio economic condition of the society. The more the society is backward, the more common is the phenomenon of domestic torture against women¹.

According to the Family Violence Prevention Fund of America (FVPPF)², one in every three women in the world experiences sexual, physical, emotional or other abuse in her lifetime. In 1997, the report of the World Health Organization (WHO)³ on reproductive health reveals that 10-69 percent of women have been physically assaulted by an intimate partner at some point in their lives. According to the annual report of the UNICEF⁴, a quarter and one half of women of the world suffer violence at the hands of an intimate partner. As per the report of the U.S. Department of

¹**Internet Source:** Mukunda Das Shrestha, '*Domestic Violence and the Victim Justice system in Nepal*', MS-Nepal News Letter, 2002, issue 1

²**Internet source:** Charlotte bunch, '*the Intolerable Status Quo: Violence against Women and Girls*', the Progress Report of 45 nations, UNICEFF, 1997

³**Internet source:** '*Effects on Reproductive Health*', Outlook, vol-20, September, 2002

⁴**Internet source:** UNICEFF, '*Domestic Violence against Women and Girls*', Innocent Digest no 6, Italy, June, 2000

Justice⁵ in 2000, in the United States approximately 22.1 percent of women had experienced some form of assault by a family member. The report also revealed that each year 4.5 million physical assaults were committed against women throughout the world.

In India, crime against women in the domestic sphere is a very common incident. Poverty, illiteracy, traditional gender bias and social customs provide a very congenial situation for the commitment of such crimes against women. The Deccan Herald's⁶ survey on 13th August, 2003 reported that 80 per cent of husbands in India use force against their wives over petty family disputes. A United Nations Report⁷ released on 13th October, 2005 shows that two-thirds of married women in India are the victims of domestic violence and as many as 70 per cent of Indian women between the age of 15 and 49 are the victims of beating, rape and coerced sex. As per the Report of India's National Crime Records Bureau⁸, more than 195856 crimes had been committed against women in the year 2008. Of these, 81344 cases were in the nature of domestic violence. Again in 2011, more than 228650 crimes had been committed against women and out of these, 99135 cases were in the nature of domestic violence.⁹ As per the information of the Bureau in every nine minutes, a case of cruelty is committed against a woman in our country and most of these cruel acts occur within the four walls of home. The report of Third National Family Health Survey¹⁰ of 2005-2006 in India reveals that one-third of women between the ages of 15-49 have experienced physical violence and about 1 in 10 has experienced sexual violence in their private sphere of life. In total, 35 percent of women have experienced physical or sexual violence. The same report also reveals that the degree of physical or sexual violence is 6 percent in Himachal Pradesh, 13 percent in Jammu and Kashmir and Meghalaya, 46 percent in Madhya Pradesh and Rajasthan and 59 percent in Bihar. Other states with 40 percent or higher prevalence of spousal physical or sexual violence include Tripura, Manipur, Uttar Pradesh, Tamil Nadu, West Bengal and Assam. The National Crime Records Bureau recorded¹¹ 8122 cases of violence

⁵ Internet source: Patricia Tjaden and Nancy Thoennes, '*Extent, Nature and Consequences of Intimate Partner Violence*', U.S. Department of Justice, 2000

⁶ *Ibid*

⁷ Rekha Rastogi, '*Women and Human Rights*', Sumit Publications, New Delhi, 2007

⁸ Internet source: <http://www.ncrb.nic.in/cii2008/home.htm>

⁹ *ibid*

¹⁰ Internet source: www.Hg.org.com/ '*Stop domestic violence against women in India*', NFHS-3 final report

¹¹ Internet source: www.ncrb.nic.in/cii2008/home.htm

against women in Assam during the year 2008, out of which 3478 were cases of cruelty by husbands and relatives. Again in 2011, the bureau recorded, 11503 crimes had been committed against women and out of these, 5246 cases were in the nature of domestic violence.¹²

In recent years, there has been a greater understanding of the problem of violence against women and an international consensus has developed on the need to deal with this problem. The 1990s in particular witnessed concerted efforts on the part of the world community to deal with the issue of violence against women. The World Conference on Human Rights in Vienna (1993) accepted that the rights of women and girls are “an inalienable, integral and indivisible part of Universal Declaration of Human Rights.” The United Nations General Assembly in December 1993 adopted the Declaration on the Elimination of Violence against Women. It is the first international human rights instrument to deal exclusively with violence against women. The Fourth World Conference on Women in Beijing (1995) included elimination of all forms of violence against women as one of its twelve strategic objectives and listed concrete actions to be taken by governments, the United Nations, international and non-governmental organizations in this regard. Such initiative at the international level has led to the adoption of various steps in various countries, such as the Inter- American Convention on the Prevention, Punishment and Eradication of Violence against Women, the African Convention on Human and People’s Rights including its Additional Protocol on Women’s Rights and so on.

Since the abolition of the practice of sati (1829), various significant steps have been taken in independent India also towards protecting women from torture and violence. Till 1983, there were no specific legal provisions pertaining to violence within home. Husbands could be convicted under the general provisions of murder, abetment to suicide, causing harm and injury and wrongful confinement under sections like 313, 305, 316 and 349 of IPC (Indian Penal Code). In 1983, for the first time, an amendment was made in the criminal laws recognising domestic violence (matrimonial cruelty) as criminal offence under section 498-A of the Indian Penal Code. In 1999, as per the recommendations of the Fourth World Conference on Women (1995) in Beijing, the Government of India has ratified the Convention on the

¹² *ibid*

Elimination of All Forms of Discrimination against women. In 26th October 2005, the Protection of Women from Domestic Violence Act was passed and it provides for more effective protection of the rights of women guaranteed under the Constitution.

In India, the problem of domestic violence has always been looked upon from the perspective of both criminal and civil laws. Under Indian civil law also several provisions are available to deal with different types of domestic violence. The Dissolution of Muslim Marriage Act, 1939 (DMMA), The Hindu Marriage Act, 1955 (HMA), The Special Marriage Act, 1954 (SMA), the Indian Divorce Act (IDA) 1869 and the Parsi Marriage and Divorce Act (PMDA) 1936 are few examples of such kind. All these acts identify 'cruelty' as a ground for divorce. However, these were not sufficient to deal with the problem as they do not elaborate the nature and extent of domestic violence.¹³

Besides, the Indian government has also adopted a number of non-legal measures to combat domestic violence. The Gender Sensitisation of Police Force, setting up of all-women police stations, initiation of women empowerment and rehabilitation schemes like 'Swadhar', help lines for women in distress, setting up of family courts to adjudicate cases relating to maintenance, custody and divorce, setting up of Parivarik Mahila Lok Adalat (PMLK) evolved by the National Commission for Women (NCW) for providing speedy justice to women are some important examples of non-legal measures.¹⁴ Apart from this, several measures have been adopted at the state level also to deal with the problem. The introduction of 'Nari Adalat' and 'Mahila Panch' under the 'Mahila Samakhya Programme' in selected districts of UP and Gujarat, the 'Sahara Sangh' in Uttaranchal and the 'Shalishi' (traditional system of dispute resolution) in West Bengal are few examples of such kind which operate at district and the state level.¹⁵

Despite the steps taken by the government to prevent domestic violence, it continues to be an evil in our society. It is a regular feature of our everyday life. But the prevention of domestic violence is an essential condition not only for bringing gender equality but also to realise the objective of human rights in general. If the bulk of the

¹³ **Internet Source:** <http://www.mainstreamweekly.net>, Rachana Kaushal, "*Protection of Women from Domestic Violence Act 2005—An Appraisal*", Mainstream, Vol XLVIII, No 11, March 6, 2010

¹⁴ *ibid*

¹⁵ '*Review of Women Studies*', Economic and Political Weekly, April 26, 2003, pp. 1658-1673.

people who constitute half of our population live under torture and fear of violence, the task of nation building and an all-round development of the society will never be achieved. Thus, the study of domestic violence against women is an attempt to understand the position of women in our society.

Nalbari is one of the backward districts in Assam. The total area of the district is 1009.57sq.Km. The total population of the district (2011 census) is approximately 7, 69,919 with male population is 395804 and female population is 374115. The Nalbari district consists of 65 Gaon Panchayats, 13 Zila Parishad, 7 Anchalik Panchayats and 7 development blocks. Some of the development blocks in the district are almost not having any communication, health or education facility. Nalbari being one of the backward districts of Assam has a situation where the conditions for the development of women are very poor. The incidence of domestic violence is so high in the district that it already attracted the attention of the government and various NGOs. As per the report of the Office of the DIG, CID, Assam, out of 41, 496 cases of domestic violence that have occurred in the last ten years, 4521 cases took place in Nalbari district alone.

Thus, a study of the plight of women in the domestic sphere in the district of Nalbari may throw important light to understand the causes and measures that may reduce the incidents of domestic violence in our society.

Conceptual framework of the study

The present study entitled ‘Domestic Violence against Women: A study of the Nalbari district in Assam’ is socially relevant and academically significant as it focuses not only on a very burning problem of our society but also gives an opportunity to understand the intricacies underlying the problem. Thus, in an endeavour to understand the various aspects of the problem of domestic violence, it is necessary to clarify the concept of Domestic Violence against Women.

Meaning of ‘domestic’ and ‘violence’

In the present study, ‘domestic’ would mean the four walls within which a woman lives with her husband, children and other members of the family. The term ‘violence’

may be defined as a behaviour in which a more powerful person takes advantage of and abuses a less powerful one¹⁶. Violence is also used to denote the assaultive and non assaultive behaviour which leads to injuries, both physical and mental, to the victims¹⁷. In the present study, 'violence' refers to an act of aggression perpetrated by a spouse with an intention to inflict harm or injury to the other spouse. Here, the terms 'violence' and 'abuse' are used synonymously. Violence has been further divided into five types: 'physical', 'psychological', 'verbal', 'sexual' and 'economical'.

The concept of 'Domestic Violence'

Domestic violence is a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another partner. The term 'domestic violence' is used interchangeably with 'spousal violence' or 'intimate partner violence'. The terms "spouse" and "intimate partner" refers to a very close man with whom she is living or has lived as married couple. Some human rights activists also prefer to define the term as 'wife battering' or 'wife abuse', as it is a problem associated with women in marital relationship, while some others like to define it as 'gender based violence'. Besides, various institutions have defined domestic violence differently. The U. S. Office on Violence against Women (OVW)¹⁸ defines domestic violence as a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. The definition adds that domestic violence 'can happen to anyone regardless of race, age, sexual orientation, religion or gender and that it can take many forms, including physical abuse, sexual abuse, emotional, economic and psychological abuse'. The Children and Family Court Advisory and Support Service¹⁹ in the United Kingdom in its "Domestic Violence Policy" uses the term to refer to a range of violent and abusive behaviours and defines it as a pattern of behaviour characterised by the misuse of power and control by one person over another who are or have been in an intimate relationship. It can occur both in same gender relationships and mixed gender relationships and has profound consequences for the

¹⁶ Ram Ahuja, "*Violence Against women*", Rawat Publications, New Delhi, 1998, p-31

¹⁷ Madhurima, "*Violence Against Women-Dynamics of Conjugal Relations*", Gyan Publishing house, New Delhi, 1996

¹⁸ **Internet source:** [www.wikipedia.org/domestic violence/meaning and definitions](http://www.wikipedia.org/domestic%20violence/meaning%20and%20definitions)

¹⁹ *ibid*

lives of children, individuals, families and communities. The United Nations Commission on the Status of Women²⁰ defines domestic violence as “any act of gender based violence that results in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life”. As per the definition of Domestic Violence Act 2005, India ²¹ any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it –

(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person. In the present study, the term “domestic violence” may be defined as any kind of abusive behaviour by the husband or by the other family members to a woman.

Apart from this, there are different types of theories for understanding the causes of domestic violence. These theories range from intra-psychic theories to sociological theories. Usually we can classify these theories into three types which are the Psycho-pathological analysis, the Socio- psychological analysis and the Sociological analysis²².

Psycho-pathological Theory

The psycho-pathological theory considers the personality traits and mental characteristics of the offenders and the victims as chief determinants of domestic violence. Personality trait includes sudden bursts of anger, poor impulse control and low self-esteem and so on. This theory gives two different types of explanations to

²⁰ *ibid*

²¹ *Domestic Violence Act, 2005*

²² Ram Ahuja, “*Violence Against Women*”, Rawat Publications, New Delhi, 1998, p.201

understand the causes of domestic violence. According to the first one, the causes of violence against women arise from offender's psychological problems like depression, uncontrolled emotions like anger, frustration, paranoia, sadistic and addictive nature, obsessive compulsion and so on. According to the other, violence against women arises out of psychological problems of victims.

Socio-Psychological Theory

According to this theory, the external environmental factors like stressful situations of family in terms of money, interactional patterns among family members can also be the causes of domestic violence. A theory such as the Frustration-Aggression Theory, the Perversion Theory, the Self Attitude Theory and the Motive Attribution Theory approaches the study of domestic violence from a socio- psychological level of analysis. These theories are discussed below ²³

Frustration –Aggression Theory

This theory first stated in 1939 by John Dollard and it explains the process by which aggression is directed to the source of frustration. The aggressive drive is an innate drive. It helps explain individual violence because individual is the focus of high personnel involvement and high frustration in the family. Whenever something interferes with an individual's attempt to reach some goal or end, he feels frustrated and frustration in turn leads to some aggression. This theory recognised that an actual display of aggression may be inhabited by either internalised norms or external controls, even though the impulse for aggression may be strong following some frustrating experience. It is also recognised that frustration can be cumulative and that they can remain active over a long period of time. It is also acknowledged that people perceive frustrations in varying ways, with those deemed arbitrary or unreasonable most likely to trigger aggressive responses. Further, it is recognised that responses to frustrations can be learned. In short, aggressive actions are not an automatic consequence of frustration, and their occurrence depends upon numerous factors.

²³ In India, a few isolated studies have been conducted by researchers like Ahuja (1998), Greval(1982), Mahajan (1989), Mahajan and Madhurima (1995), Singh(1985), Saheli(1986) in regard to violence against women. Ram Ahuja (1998), highlights a common approach in various theories that focus on violence against women. Ahuja proposes an integrated model of theories that includes a combination of all factors to explain violent behaviours among individuals. Many theories discussed above have been taken from studies conducted by Ahuja in India.

Perversion Theory

The psychoanalysts explain violence on the basis of the Theory of Perversion and the theory of Symptom formation. They do not regard perverts as constitutionally inferior people but maintain that perversion develops from instincts. According to this theory, perversion essentially means persistence in the adult of infantile instincts and behaviour at the expense of adult behaviour. In the pervert, infantile traits fail to undergo the normal process of integration during puberty but are not converted into neurotic symptoms. Violence can be product of strong inborn drives or pathological experiences in infancy or early childhood. In the latter cases, childhood conceptions of the relations between the sexes as being aggressive and sadistic and the idea of pleasure as a negative process, essentially achieved by relief from a state of “unpleasure” are carried into adulthood. Explaining different kinds of perversion, psychoanalysts point out that maturation involves learning early aims and objects and choosing new aims. Perversions can, therefore, be conceived of as distortions of appropriate feelings towards these objects. This theory was considered important because it was supported by the clinically established fact that there is a higher incidence of perversion among males than females.

Self –Attitude Theory

This theory maintains that in a society, a culture, or a group that values violence, persons of low self-esteem may seek to bolster their image in the eyes of others and themselves by carrying out violent acts. It explains the propensity to violence of those for whom society makes it difficult to achieve an adequate level of self-esteem.

Motive Attribution Theory

This theory specifies the process used by actors to impute the motivations (dispositional state) of others. It explains how the structure of relations is such that there is a high probability of malevolent intends being attributed to the actions of other individuals, thereby setting in motion an escalating cycle of resentment and aggression.

Sociological Theory

This theory examines the causes of domestic violence in terms of socially structured inequality, social and cultural attitudes and norms regarding anti-social behaviour and interpersonal relations. The System –Tension theory, the Anomie Theory, the theory of Subculture of violence, Resource theory, Patriarchy theory, Social– Interactions theory and Social Exchange theories are the sociological theories for the study of domestic violence. We will briefly analyse all these theory.

Structural Theory

This theory asserts that social groups differ in respect to their typical levels of stress, deprivation and frustration and in the resources at their disposal to deal with these stresses. It explains that those individuals would be more violent who combine high stress with low resources. This theory thus explains an individual's actions in terms of the ways it is shaped or determined by social forces of one kind or another.

System Tension and Feedback Systems Theory

This theory was developed by Straus (A General System Theory of Violence between Family Members, 1973) to explain intra-family violence. Straus accounts for violence in the home by viewing family as a purposive goal seeking, adaptive social system. Straus specified positive feedback in the system which can create an upward spiral of violence, and negative feedback which can maintain, dampen, or reduce the level of violence. According to this theory, violence is precipitated by factors such as stress and inter-individual conflict and as followed by consequences which maintain or escalate violence in family and in society.

Anomie Theory

Robert Merton in his Anomie Theory, developed in 1938 discusses socially learned needs, goals and aspirations and the restricted structural access or institutionalised means to their attainment. He maintains that some social structures exert a definite pressure upon certain persons in society to engage in non conformist rather than conformist conduct. When there is a tendency to overemphasize goals without sufficient attention to institutional means, it leads to willingness to use any means,

regardless of their legality, to see that the goal is attained. The theory thus delineates the relationship between one's social position, the strain which accompanies that position, and the resulting deviant and non deviant adaptations. Merton has outlined the possible adaptations that can occur when the goals have been internalised but cannot be legitimately attained. However, his major concern is with the innovator: the person who uses illegitimate but nonetheless effective means to achieve goals.

Theory of Subculture of Violence

This theory claims that the life circumstances of certain groups trigger violence as a relatively commonplace outcome of social interaction. It also asserts that values and norms provide meaning and direction to violent acts and thus facilitate or bring about violence in situations specified by these norms and values. It explains that violence is a response that is consistent with norms supporting its use. This theory also suggests that some sub-cultural groups develop norms and values that emphasize the use of physical violence to a greater extent than is seemed appropriate by dominant culture.

Resource Theory

This theory of intra- family violence developed by W.J. Goode (Force and Violence in the Family, 1971) was in fact the first theoretical approach applied explicitly to family violence. This theory rests on the notion that decision making power in family relationships depends to a large extent on the value of resources each person brings to the relationship. Goode states that all social systems rest to some degree on force or threat. The greater the resources a person can command within a social system, the more force he or she can muster. However, the more resources a person can command, the less the chances are that a person will actually deploy violence. Thus, violence is one of the resources that individuals or collectively use to maintain or advance their interests. But violence is used as a last resort when all other resources are exhausted.

However, Resource theory has been revised and it has come to be called as Status Inconsistency Theory. It suggests that violence is more likely to occur when a man perceives his status inconsistent with his traditional power in the family, which has been eroded due to increased power of women.

Patriarchy Theory

This theory developed by R.E. Dobash, and R. Dobash (Violence against Wives, 1979) maintains that throughout history, violence has been systematically directed towards women. Economic and social processes operate directly and indirectly to support a patriarchal social order and family structure. Dobash's central theoretical argument is that patriarchy leads to the subordination of women and contributes to a historical pattern of systematic violence directed against females.

Interactionist Deviance Theory

This theory exemplified by theorists such as Erikson (1964), Becker (1963), Schur (1971), and Lemert (1978) has three characteristics: (i) it cites sex roles as casual factors of why people engage in crime and deviant behaviour, (ii) it maintains that societal expectations about appropriate sex role behaviour influence the diagnosis and labelling of certain actions as deviant or criminal, and (iii) it holds that gender affects the response to such behaviours by society. This theory explains family violence in terms of sex role or gender norms, i.e., differential expectations for values, attitudes and behaviours as function of one's gender. These norms serve as important standards against which women and men are evaluated through application of various sanctions.

Social Learning Theory

This theory asserts that human aggression and violence are learned conduct, especially through direct experience and by observing the behaviour of others. According to this theory the individual learns violence through imitation. Individuals pick up the behaviour patterns of those they are taught to respect and learn from.

Symbolic Interaction Theory

This theory specifies the process by which self-image and identity of a person as 'violent' are formed and the process by which violent acts acquire individual and socially shared meaning. It explains the origin and maintenance of the structure of meaning that is necessary for all human social behaviour, including violence.

Exchange Theory

Exchange theory developed by sociologist George Homans is based on costs and benefits. As in any intimate relationship each partners continue to provide each other with services or benefits such as, affection, money, love, sex as long as the partner reciprocates with appreciation, praise, love. In order to get what he wants from the other partner over the time one partner may use force and in this he suffers no legal or other negative consequences then the violent partner perceives violence as a beneficial and effective tactic to get whatever he desires from his partner. According to this theory, rewards and punishments by others can shape behaviour. Battered women may attempt to avoid violence by complying with the desire of their partners. Moreover, kindness shown by the abusive partner also reinforces the behaviour of the abused in the hope of getting reward.²⁴

Cycle Theory

The cycle theory of domestic violence was developed by feminist Lenore Walker, in 1979. This theory provides an understanding of why does domestic violence against women occur recur from time to time. According to this theory, violence occurs through a number of stages, such as:

The build-up phase: In this phase, a normal relationship slowly turns into a bitter one over some issues like money, work, children and daily activities. Increasing tensions lead to verbal, emotional or financial abuse in the relationship. In absence of violence, such issues may be sorted out and the relationship may normalize.

The stand over phase: this phase is marked by extreme violence as violence is considered as the means to release tension by the perpetrator. Violence still aggravates as the affected persons fear that anything they do will further deteriorate the situation.

Explosion: This stage has been marked by the peak of violence in which the perpetrator gets addicted to violence and starts justifying it morally as his right.

²⁴ **Internet source:** www.texcpe.com/html/pdf/txdomvio.pdf Domestic violence, Continuing Psychology Education

The remorse phase: During this phase, the person who uses domestic and family violence retreats from their behaviour and withdraw from the relationship without any sense of regret.

The pursuit phase: At this stage the perpetrator of violence undergoes dramatic personality change. They promise to the affected person, never to be violent again and try to make up for their past behaviour. They make other factors such as, work stress, drugs or alcohol etc. responsible for their violent behaviour. The violent offender may purchase gifts and give the victim extra attention which might console and repair the relationship temporarily.

The honeymoon stage: In this stage both the perpetrator and the victim tend to ignore the reality and the possibility that the violence could occur again. Both tend to forget the past and bitter memories of the abusive behaviour. But after sometime, this stage will fade and cycle may begin again. According to Walker, with time the cycle of violence often becomes tighter and tighter. Thus, the theory held that abusive behaviour is continued with intermittent violent.

Different theoretical perspectives discussed above indicate that sociologists are now seriously addressing the problem of violence against women in general and domestic violence in particular. Unfortunately, no theoretical frame work discussed above adopts a holistic perspective with the help of which the problem of domestic violence at the individual level and at the socio-cultural level could be explicated.

Review of Related Literature

Although there is literature relating to women and human rights, literature dealing directly with the issue of domestic violence is relatively scanty.

“Violence against Women: Dynamics of conjugal relations”²⁵ is an empirical study in the district of Chandigarh which focuses on the nature, causes and consequences of violence against women in a conjugal relationship. In the study, it is found that economic deprivation is one of the main causes of domestic violence. The incidence of wife battering is higher among the lower class people. According to the study, the

²⁵ Madhurima, “*Violence Against Women-Dynamics of Conjugal Relation*”, Gyan Publishing house, New Delhi, 1996

male members of the economically down trodden class ventilate their frustration by beating their wives. They do so as they have no ready remedy to solve their economic problems. As financial strain is a common feature in any lower class household so is the incident of wife battering. It is again the absence of economic freedom that compels the wife to remain in relationship with the husband and suffer beating on daily basis. Thus, financial freedom of a woman is an important factor to eliminate domestic violence from our society.

“Women and Crime in India-A Study in Socio-cultural Dynamics”²⁶ is an empirical study in the cities in northern India to find out the socio-cultural and economic dynamics of crime among women. It is found that residence, caste and education strongly influence women’s behaviour. There is a notion that urban areas are more prone to crimes due to various socio-economic factors but in the study, it is found that more than half (52.0 percent) of the women offenders belonged to rural areas and the remaining (48.0 percent) were from urban areas. The study further reveals that the number of crime is higher among schedule caste women (37.5 percent) compared to other upper castes as the degree of exposure is lower in case of them.

“Women against Violence: Violence against Women”²⁷ is an edited work about the different types of violence against women and the role of the state machinery to combat violence against women. In India, the women are facing violence from female foetus to early marriages, domestic violence to dowry death without any respite in their life time. It is estimated that from 1978 to 1983 as many as 78000 female foetuses in India have been aborted. In certain states, such as Gujarat, Rajasthan, U.P, Tamilnadu, 4 out of 10 girl children are murdered as soon as they are born. Despite the constitutional provision for compulsory education for all up to the age of 14, only 20 percent girls are attending schools. The Child Marriage Restraint Act (CMRA) was passed in the early part of this century to take preventive measure against child marriage. But in Rajasthan, U.P, Bihar and M.P particularly, 50 percent of girls are getting married before the age of 16. Early marriage, frequent pregnancy and unscientific delivery again become responsible for very high number of maternity death in the country. The Dowry Prohibition Act of 1961 also failed to stop the

²⁶ Rekha Saxena, ***“Women and Crime in India-A Study in Socio-cultural Dynamics”***, Inter -India publications, New Delhi, 1994

²⁷ Shirin Kudchedker & Sabiha Al-Lssa, ***“Women Against Violence :Violence Against Women”***, eds., Pen Craft International, New Delhi, 1998

continuity of this evil practice in our society. The number of dowry deaths is increased from 1912 in the year 1987 to 8172 in the year 2008.

“Intimate Violence in Families”²⁸ is a broad overview of family violence and intimate partner violence in the societies of America. According to the National Family Violence Survey of the United States, martial violence occurs most frequently among the couples under 30 years of age and wife abuse was more common in black households than the white ones. As per the report of the U.S. Department of Justice in 2000, 4 out of 10 women experience physical violence by an intimate partner and approximately 22.1 percent of women had experienced some form of assault by a family member. The report also revealed that 20 percent of all violent crimes experienced by women in the U.S. are cases of violence caused by an intimate partner and approximately 1218 women were killed by an intimate partner in a year in the U.S.

“Domestic violence and Healthcare- What every Professional needs to know”²⁹ is an empirical study of the problem of domestic violence gathered from the experience of the medical professionals who deal with the matter. On the basis of the problems that medical professionals face, it suggests that necessary changes are to be introduced in the medical field so that the victims of domestic violence get better care and response. The study also refers to the ‘Domestic Violence Project’ introduced by Mr. A. Cosgrove, a renowned health activist. The goal of the project is consistent with the objectives of the American Medical Association. According to the AMA’s Council on Ethical and Judicial Affairs, primary responsibilities of physicians dealing with victims of domestic violence is to identify the abuse, provide sensitive support, clearly document the abuse, provide information about options and refer the case for better treatment with patient’s consent. Thus the medical community has lot to do not only in ascertaining good health care to the victims of domestic violence but also in bringing such cases to the focus of appropriate authority.

²⁸ Richard J. Gelles, ***“Intimate Violence in Families”***, 3rd ed., Sage publications, Thousand Oaks, 1997

²⁹ Sherri L. Schornstein, ***“Domestic Violence and Healthcare- What every Professional needs to know?”*** Sage Publications pvt. Ltd, New Delhi, 1997

“Human Rights in India- Historical, Social and Political Perspectives”³⁰ in an edited work that discusses the ideological foundations of human rights law and the practical difficulties in their effective implementation in India and at the International level. Although Protection of fundamental human rights is an important task of every nation and there are various treaties, covenants and declarations relating to that, in reality they are hardly implemented. For example, more than twenty two treaties were passed by different international organisation to ban Prostitution but it could not happen in reality. Although India is a party to maximum conventions and declarations relating to women’s welfare but many of the provisions of those treaties and conventions could not be incorporated in the laws of India due to the article 253. According to the article, only those provisions of international treaties and conventions are included in the formulation of laws which do not contradict with the customs and tradition of the Indian society. As a result, many of the provisions of International treaties and conventions could not be included in the laws of the nation.

“Women and Human Rights”³¹ focuses on the issue of violence against women. In the fourth World Conference of Women, the United Nations Secretary General B.B. Ghali said that, ‘violence against women is a universal problem which must be universally condemned as well as it is an obstacle to the achievement of the objectives of equality, development and peace in society.’ Violence against women has variety of forms - family violence, rape, child marriage and female circumcision are included in the category of domestic violence. A preliminary report by the special rapporteur which is appointed by the Commission of human rights Ms. Radhika Coomaraswamy focuses on three areas of concern where women are particularly vulnerable: (i) in the family (domestic violence, traditional practices and infanticide), (ii) in the community (rape, sexual assault and commercialised violence such as trafficking in women, labour exploitation and so on), (iii) by the state (violence against women in detention as well as in the situation of armed conflict and against the refugee women). Until United Nations General Assembly adopted the Declaration on the Elimination of Violence against Women in 1993, most of the governments regarded violence against women as a private matter between individuals and not a pervasive human right problem which requires state intervention. But the passing of the declaration on

³⁰ C. J Nirmal , ***“Human Rights in India- Historical, Social and Political Perspectives”***, Oxford University Press, New Delhi, 2000

³¹ Jyotsna Mishra, ***“Women and Human Rights”***, Kalpaz Publications, New Delhi, 2000

the elimination of violence against women has also to go a long way. Until, society changes, the goals and objectives of the declaration will not be realised.

“Human Rights of Women”³² deals with various dimensions of human rights in relation to the status of women. Human rights of women are an inalienable and integral part of universal human rights and it is the responsibility of the state to protect these rights. But women’s enjoyment of human rights is being constrained by various factors since time immemorial. In recent times, the emergence of competitive economic systems has further complicated the situation for women. Women’s vulnerability as cheap labourers and migrant workers to expand tourism of the present economy has become a matter of concern. So along with women’s progress and development on the one hand, the bulk of women’s misery has also dependent on the other hand.

“Women and Human Rights”³³ discusses the role of international organizations regarding the variety of issues of human rights of women. Global recognition of universal declaration of human rights is one of the major steps which is taken by the United Nations for the protection of human rights. But still there is a gap between the principles taken by international organisation and practices to solve the actual problems which women face in their practical life. It is wrong to underestimate the achievements of the international community but the fact is that the measure of real impact possible only through an examination of their practical application in the daily lives of human beings. With reference to the domestic violence, dowry deaths, child abuse and so on laws have been formulated by international community to create special categories of offence to deal with the problems. But these provisions have not been effective till today to protect the women from violence and physical assault.

“Child Marriage in India: Socio-Legal and Human Rights Dimensions”³⁴ focuses on the issue of child marriage of young girls which has been debated for more than a century in India but never been considered as a serious threat to the life of young girls. In this work, the issue of child marriage is explored from a holistic perspective by examining the social, religious, cultural, and legal barriers in prohibiting the

³² Ashine Roy, *“Human Rights of Women”*, Rajat Publications, New Delhi, 2003

³³ Lina Gonsalves, *“Women and Human Rights”*, A.P.H Publication corporation, New Delhi, 2001

³⁴ Jaya Sagade, *“Child Marriage in India: Socio-Legal and Human Rights Dimensions”*, Oxford University Press, New Delhi, 2005

harmful practice of child marriage in India. The book highlights the magnitude of the problem of child marriage prevalent in India, analyse diverse reasons for continuation of the practice of child marriages. The author argued that for whatever historical reasons behind a particular social practice was adopted, but it can be certainly attributed to a patriarchal structure of society. The institution of patriarchy operates in the name of culture for justifying child marriage of young girls. In the patriarchal family structure, the attitude towards women is that they are not to be left independent. So at every stage in their life, they are under the domination of some male member of the family: father, husband, or son. The purpose of marriage is transference to the father's domination over a girl in favor of her husband. Besides that reason various other reasons were also discussed like control over sexuality, economic reasons, lack of alternatives to child marriages, lack of awareness about adverse health consequences, lack of awareness of law and so on. She also argued that the lack of an understanding and a lack of political will on the part of lawmakers about the grave repercussions of the practice of child marriages are some of the reasons for the failure of the law on age of marriage. She argued that the judiciary can play a more constructive role to promote the rights of young girls. She also criticise the judiciary for not playing the educative role of creating public awareness about the harmful consequences of child marriage on girls. She suggest that cultural values justified in a patriarchal set up must be transformed to non-discriminatory, human values. The patriarchal social order has to face the challenges that are posed by human rights and feminist jurisprudence. She also suggests that law must have a role in effecting social change. Along with the reforms in the existing laws, a movement creating a legal culture, making the active agents sensitive to the consequences of child marriage, and furnishing meaningful viable alternatives to young girls, is required to be built up. The responsibility for this lies with civil society.

“Constitutional Protection of Women in India: Introspection and Prospective Vision”³⁵, is an article discusses about various provisions of Indian constitution for the protection of women from discrimination. The constitution of India guarantees to all citizens equality before law and the equal protection of the law within the territory of India. The basic principle is that all men and women are equal before the law

³⁵ Sanjay Sindhu, *“Constitutional Protection of Women in India: Introspection and Prospective Vision”*, eds, Regal Publications, New Delhi, 2007

therefore law protect them all. Under Article 15(1) of the Constitution prohibits the State from making discrimination against any citizen on the ground of religion, race, caste, sex, place of birth or any of them. In *Anjali Ray vs. State of West Bengal*, the court held that Article 15(3) enables the state to make special provisions favouring women, it cannot be interpreted in a manner so that it denies the right already guaranteed to them under Article 15(1). Secondly, Article 15(1) discrimination only against women will be unconstitutional. Thirdly Article 15(1) be read as supplementary to Article 14, hence, it cannot deviate from the Principal guarantee. Keeping this in view a number of laws have been enacted relating to prohibition of female infanticide, dowry, exposure of women in advertisement, female child marriage, atrocities and molestation, abduction and rape, maternity benefits, medical termination of pregnancy, prohibition of prostitution and trafficking in women, protection in employment etc. Even the courts in India have served as a stimulus for the Indian legislation to enact new laws or bring changes in the existing legislation with a view to afford better and effective protection to the women. Even the Supreme Court has exhibited a welcome judicial activism in recognizing, popularizing and enforcing these rights. In this reference some cases like the *Vishaka and Others vs. the State of Rajasthan and Others case*, the *Anjali Ray vs. State of West Bengal case*, the *C.B.Muthamma vs. Union of India case*, the *Bandhua Mukti Morcha v. Union of India case*, the *Chairman, Railway Board vs. Chandrima Das case*, the *Delhi Domestic Working Women's Forum vs. Union of India cases* are noteworthy. The author also discusses about Article 16, 23, 24, 37, 39, 40, 44, 51-A (e) which also provides safeguard to women and children. Besides these constitutional provisions other provisions have been made under various legislations. Several commissions have been set up by the government to look into the matters of status of women in the Indian society like the National Commission for Women Act, 1990, the Protection of Human Rights Act, 1993 etc. It is crystal clear that the Constitution of India provides DPSP which are fundamental in the governance of the state. These provisions provide special favour to women and direct the state to treat male and female equally. But unfortunately, today besides these provisions and special enactment, in the country like India, women are subjected to all kinds of discrimination and humiliation. It is now the right time to give proper consideration to these issues and the law relating to them needs second look, so as to implement these provisions for the proper upliftment of women in the country like India.

“Crime and Violence against Women: The Situation in Assam”³⁶ is an article dealt with the phenomenon of violence against women in Assam. Despite the higher social role and status of women in this region against her counterparts in other parts of India, women here face variety of violence in varied forms due to a number of contributing factors. Insurgency, internal conflicts, social structure, political instability, lax administrative control, increasing poverty and lack of proper economic development are identified as the roots of growing social evils of the region. These evils also include the increased incidence of crime and violence against women. During the period of 1997-2002 there has not only been increase in the number of crimes and violence against women in Assam, but also the incidence of crime is well spread over all the districts. Overall crime rate in the state has increased by approximately 36 percent over the period. Among the different forms of crime, total case of kidnapping (6779) is the highest followed by cruelty by husband (6143) and rape (4627). On the contrary, the rate of increase over time in dowry death (181.81%) and that of cruelty by husband (101.29%) are alarmingly high; whereas the rate of increase in kidnapping (10.42%) is much lower. Another form of crime that had increased at a galloping rate is immoral trafficking. Looking at the inter district differences in the crime rate; it has been observed that all forms crime had an increasing rate in all the 23 districts. Kamrup, Cachar and Nagaon happened to be the three worst districts in terms of crime against women, followed by Sonitpur and Dhubri. With respect to rape cases, Kamrup is immediately followed by Sonitpur, while in case of dowry deaths Cachar leads, followed by Barpeta and Kamrup. She argued that the cultural pattern of the particular district, the rate of urbanization and growth rate of slums seemed to have an influence in the inter district pattern of crimes. The high rates of crime in the districts like Sonitpur and Dhubri and to some extent Nagaon may also be attributed to insurgency. They also focused another form of crime affecting more women than men that has already taken serious proportions in some of the tribal dominated pockets in the districts of Goalpara, Bongaigaon, Kokrajhar, Nalbari and Dhubri is that of witch hunting.

“Gender Justice and Human Rights”³⁷ is an article focusing on the gender gap between men and women. This gender gap has tended to divide men and women into

³⁶ Dr. Archana Sharma & Indranoshree Das, ***“Crime and Violence against Women: The Situation in Assam”***, Akansha Publishing House, New Delhi, 2005

³⁷ Anil Dutta Mishra, ***“Gender Justice and Human Rights”***, eds, Regal Publications, New Delhi, 2007

two different worlds, two separate planets, and two unequal humanities. The struggle to lift this curtain of unequal relationship and wipe out the unseen tear from the eyes of women are the most formidable challenge of our time. Since ancient times women are facing problems. Their oppression is persistent and universal and its solution is complicated. Many prophets of women's emancipation have come and gone, but discrimination against women and violation of human values persists. Gender issue is basically one that affects women directly or indirectly. In the other words, in any social evil perpetrated at the cost of women, any law or custom that reinforces and institutionalises women's inferior status in society, or any event or series of events that effects large number of women can be regarded as a gender issue. Early socialization lays down rules about and provides role models for sex-appropriate behaviour and actions. Most societies have pattern of socialization, which encourage male and females to acquire differential attributes. In the Indian families also 'boys are brought up to be served, girls maids in the scullery'. In fact women, women constantly suffer from discrimination in all fields of her life before and after coming on this earth. In recent years there has been an alarming increase of dowry deaths, sexual violence, and harassment of women, which reveals a large scale societal breakdown. Women's position is worsening practically in every sphere, with the exception of some gains in education and employment for middle class women. The manifestation of gender violence may differ in different socio-economic and cultural settings but its impact, intensity and consequences on women remain the same. To understand the nature and forms of violence against women, one has to understand the function of violence as a maintenance mechanism of patriarchal society. The wide spread gender violence is seen as both indicator and means of perpetuating the low status of women, which also manifest itself through various not easily recognised forms of structural violence such as low health status, lack of access to higher education, employment and healthcare and so on. To enable women to fight against discrimination, it is necessary to empower them by ensuring their participation in decision-making bodies at all levels. It is the time to realise gender justice which is the need of the hour. Gender justice means women must exercise full participation in decision making process walks of life, and fully participation with men in all walks of life, and fully participating with men in equitable and practical solutions to issues in

family and society. Women in India have to go a long way to attain the complete gender justice in political, economic, social and cultural field. The need of the hour are not welfare, but development; not charity, but entitlement; not assistance but empowerment not structural adjustment, but structural change; not even social security but social and gender justice, if the women is to survive and flourish in the given situation.

“Human Rights Challenges of 21st Century”³⁸ is an edited work addresses the challenges of “failed state” in 21st century with special reference to the protection of human rights of its citizens. In this 21st century, our values and moral bases are challenged not only by various factors, most importantly by the ‘State’ itself. Human Rights violation by the State apparatus is an indication of immoral action of the State. Racial profiling by the police is an example unethical policing. Abject poverty and greater inequality are signs of State degradation. Re-building such shattered states is the prime duty and responsibility of international institutions. The recently evolved Human Rights Council Calls for an Universal values to refine such ‘failed states’. Poverty today is an unethical situation which compels the State to act in a particular way for its complete eradication. It is a basic value to put an end to poverty. Inequality, prejudice, racial discrimination, caste consideration, slavery, violence, poverty and gender bias are all signs of human indignity and rejection of values of highest order. Therefore, social institutions have the responsibility of developing the right ethics and values, which later backed by the State. The social science dilemma for a very long period has been the use of force for the enforcement of the right ethics and values for the citizens. After all, ethics, human values and morality are not always controlled by law because it hails from our heart and not from our mind. When you are physically harmed, the mind makes an instant command to protect yourself and in that event you use force and cause a great damage to your offender. When the same pain caused by a police or State agencies we are in a position to accept it. Social institutions like clan, tribe, groups, community and religions play a paramount importance in supplying the values and ethics and thus train us to lead a peaceful life. Respecting the basic rights of others is a value based approach for a peaceful co-existence. Human rights are basic rights of mankind. Protecting the human rights of the people is the modern ethics of ‘state’. Many ‘failed state’ failed to protect the

³⁸ V.N Viswanathan, ***“Human Rights Challenges of 21st Century,”*** eds, Kalpaz Publications, New Delhi, 2008

human rights of its citizens. Modern State system cannot survive when it failed to safeguard the human rights of its citizens. It is for this reason, today, the State not only protects the rights of its people but also fulfil its responsibilities of imparting such values among its citizens.

“Gender Inequality”³⁹ is an article which discusses about the phenomenon of gender inequality which is prevalent in most parts of the world. The author discusses seven types of gender inequality which are mortality inequality, natality inequality, basic facility inequality, special opportunity inequality, professional inequality, ownership inequality and household inequality. Natality inequality is given a preference for boys over girls. It is particularly prevalent in East-Asia, China and South Korea, Singapore, Taiwan particularly and in India significantly. Basic facility inequality stands for deprivation of women from her basic needs. Afghanistan may be the best example in this regard. Special opportunity inequality is making difference in basic facilities including schooling, higher education, professional training between men and women. This type of inequality can be observed in some of the richest countries in the world, Europe and North America. And professional inequality means inequality in terms of employment, promotion in work between men and women. Ownership and household inequality is prevalent in many societies where women are always deprived in the matters of property and household works. The author suggests that empowering women can be a good measure to reduce the indirect effects that women suffer from the subjugation of men. The need of the hour is not just freedom of action but also the freedom of thought in women’s ability and willingness in the mind of everyone.

“Girl Child and Family Violence”⁴⁰ is a work about the causes, concepts and multifarious facets of violence and abuses of girl child. The most important findings of the work are that society, community and the state are responsible for the child abuse directly or indirectly. In Society, gender bias, deep rooted social customs and traditions, patriarchal system, poverty and illiteracy are the main causes of child abuse. The state with its ineffective implementation mechanism delays and fails to address the problem of child abuse. The family plays a passive role out of fear. So, a transformation in the attitude of family, society and state is required to prevent

³⁹ Dr. J.A.Arul Chellakumar, **“Gender inequality”**, eds, The Associated Publishers, Ambala Cantt., 2008

⁴⁰ Promila Kapur, **“Girl Child and Family Violence”**, Har-Anand Publications, New Delhi, 1993

domestic violence and abuse of girl child. Strict and quick implementation of the laws and further progressive legislations will help to minimize the impact of the passive role of the family and society in this regard.

From the above review, it may be said that there are different factors responsible for domestic violence against women such as illiteracy, poverty, traditional outlook and poor implementation of laws. But solving of the problem of domestic violence is an imminent necessity not only to end gender discrimination but also to achieve the goal of human rights in our society. A study of the domestic violence against women in Nalbari district of Assam may help to focus and throw light on this burning problem of the society.

Objectives

The objectives of the present study are

1. To find out the nature and causes of domestic violence.
2. To find out the role of Women's organisation for protection of women's rights and
3. To find out the state's response towards domestic violence.

Hypotheses

1. Patriarchal social values are the causes of domestic violence.
2. Poor implementation of the governmental laws to ensure women's rights is also responsible for domestic violence in our society.

Methodology of the study

Research Area

The study is conducted at Nalbari district of Assam. The total area of Nalbari District is now 1009.57 sq.km consisting of 1(one) Civil Sub-Division, 7 (seven) Revenue Circle, 7(seven) Community Development Blocks, 5 (five) Police Stations, 7 (seven) Anchalik Panchayats and 65 (sixty five) Gaon Panchayats covering 471 villages. The total population of the district (2011census) is approximately 7, 69,919 with male

population of 395804 and female population of 374115. Out of these 7 blocks, 6 blocks (Pub-Nalbari, Pachim Nalbari, Barigog Banbhag, Tihu, Barama (part) and Banekuchi) are selected for the present study by simple random sampling technique.

Sample

Both primary and secondary sources of data were gathered for the study. Secondary sources included documents, books, reports of surveys and studies, literature pertaining to domestic violence and other relevant publications like journals, articles and internet also. In order to collect primary data, cases for a period of 10 years (since 2001-2010) have been studied. A total of 1825 cases of domestic violence had been registered under Nalbari Zilla Mahila Samiti since 2001. The total number of cases studied was 180. Most of the cases studied were of marital discord resulting from perpetual incidences of domestic physical violence. However, a few cases of ill-treatment and mental cruelty were also studied. Again the victims who had registered cases were also identified through Nalbari Zilla Mahila Samiti, the lone voluntary social organization of the district that renders counseling and legal aid to its clients. Thus, out of 1825 cases, 180 (approximately 10 percent) cases were studied and also the respondents were interviewed. In addition to this 20 respondents were chosen from the cross-section of the society including members of women organisations, lawyers and doctors to understand their response to the victims. Thus, a total of 200 respondents were selected by the technique of purposive sampling.

Technique of Data Collection

For collecting primary data two sets of interview schedules were used which served as the principal instruments of data collection. In consonance with the objectives, close and open ended questions were formulated in the interview schedule. The interview schedules had different sections to elicit information from the respondents. In addition to socio-economic and demographic background of the respondents, information was also sought about the nature, incidence of domestic violence and the impact of domestic violence on the victims. In addition to the interview schedule for the victims, another schedule was used for the members of Women organizations. A

number of social activists, protection officer (POs) and the police personnel were also contacted and interviewed as they are competent to throw light on the matter.

An Overview of the Chapters

Chapter: I Introduction

The introductory chapter (Chapter-I) consists of the statement of the problem, review of related literature, objectives, research questions, methodology and techniques of data collection. A brief description of chapters is also given in the 'Introduction'.

Chapter II Setting and Sample

In this chapter a brief discussion has been made on setting and sample of the study. For the convenience of presentation, this chapter has been divided into two sections. Section I deals with the brief profile of the study area i.e. Nalbari district of Assam, its location, demography, historical back ground, development & communication, area and administrative division, literacy and economy and Section II deals with an elaborate presentation of the sample, their size personal profile and socio-economic background about the personnel profile of the respondents.

Chapter III State Response to Prevent Violence against Women: National & International Scenario

In this chapter, an elaborate discussion is made to understand national and international responses to prevent violence against women. . For the convenience of presentation, this chapter has been divided into six sections. Section I deals with the constitutional provisions for women in India, Section II deals with the gender specific laws in India, Section III focuses on Personal Laws available for women, Section IV looks into the relevant sections of IPC and CrPC for crime against women, Section V deals with various national and state initiatives for development of women, Section VI focuses on various International provisions for women. After independence, a

number of important laws have been enacted to eliminate discrimination and ensure protection to women. From time to time, Indian legislature has formulated laws to enshrine the principle of impartiality. The Constitution provided equal rights both for men and women and also entrusted the duty upon the state to make special provisions to recognize the interests of women effectively. Following the constitutional approach to women's rights Indian legislature has passed various laws from time to time to protect and promote the cause of women. Many of these laws were government's social reform or labour welfare measures which was enacted in the earlier decades. However, in post independent era a number of important laws have been passed by the Indian legislature which has a bearing on the lives and status of women. Some of these women specific legislations have been highlighted here such as Immoral Traffic (Prevention) Act, 1956, Maternity Benefit Act, 1961, Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT Act) 2003, Prohibition of Child Marriage Act, 2006 and Domestic Violence Act 2005 etc. All these legislations are expected to provide legal safeguards to Indian women in different areas. Besides this, the present chapter is also focused on the relevant sections of IPC and Cr P.C that deals with offences committed against women.

At the international level as well various legal laws and instruments have been prepared by different international institutions to deal with the problems of women. The period 1945 to 1975 is very because during this period most important international instruments relating to women's right were drafted and modified like United Nations charter, Universal Declaration of Human Rights, International Covenants on Human Rights, Mexico city conference etc. It is relevant to record the achievement of the UN in the field of women's rights since 1945. To know the existing status of women under international law, the provisions (laws) of United Nations Charter, Universal Declaration of Human Rights, Human Rights Covenants, Commission on the Status of Women, Declaration on the Elimination of Discrimination against Women 1967, Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), Declaration of Mexico, 1975 and Resolution of the UN Commission on Human Rights 2005 were thoroughly discussed in this chapter.

Chapter IV Analysis of Data and Interpretation

In this chapter data were analyzed, interpreted and the results of the study are discussed in detail. For the convenience of presentation, this chapter has been divided into three sections. Section I deals with the nature and extent of violence, Section II looks into the consequences of domestic violence, and Section III deals with the causes of domestic violence and the role the women organizations played in this regard.

Chapter V Summary and Conclusion

In this chapter, a summary of the study is presented with major findings analyzed on the basis of its objectives and hypotheses, recommendations and suggestions. This chapter also discussed the suggestive measures of the existing problem of domestic violence against women of Nalbari district in Assam. Besides, limitations of the study are reported and the suggestions for further research are also made. To make a brief presentation of the findings, it was important to refer to the objectives of the study. The study was carried out on the basis of the following objectives:

- To find out the nature and causes of domestic violence.
- To find out the role of Women's organisation for protection of women's rights and
- To find out the state's response towards domestic violence.

With regard to the first objective that is outlined to understand the nature and causes of domestic violence against women, it was found that among the respondents who were victims, an overwhelming majority of 142 (78.89 percent) out of 180 were found to be physically abused in one form or other. In case of nature of physical violence it was found that out of 142 respondents 72 (50.70percent) were found to be victims of beating, slapping and kicking, 37(26.05percent) were victims of pushing, shoving, grabbing in hair and holding with rope, 22 (15.49 percent) were threatened with knife, stick, rod and gun, while 11 (7.76percent) reported physical violence in the form of damaging personnel property or valuable things. This shows that physical torture

inflicted by either the husbands or in-laws take different forms and majority of the respondents were found to be victims of beating, slapping, pushing and kicking. As regards the nature and extent of psychological violence, a majority of 70 percent (126 out of 180) had experienced mental strain in one form or the other due to domestic violence. In case of nature of psychological violence out of 126 respondents, 35 (27.78 percent) were found to be victims of derogatory language, negative body language and indifference, while 33 (26.19 percent) experienced psychological violence due to the withdrawal of talking terms and treating the victim as outcaste. 25 (19.84 percent) were victims of other types of psychological violence i.e. blaming for improper house-keeping, demeaning family background, criticizing for lack of or less intelligence, by giving threats of committing suicide by their husbands. In cases of 19 respondents (15.07 percent), they were ignored in every aspect of family matters and 14 (11.11 percent) were reported of repeated insult in presence of their children, relatives and outsiders. This shows that majority of women had to suffer mental strain from their intimate partners or from in-laws. It is also noted that severe psychological stress and living under terror and the mental torture of violence can lead to self-destructive behavior and to other fatal consequences such as family discord and suicide. The mental depression associated with domestic violence may go relatively unnoticed when compared to the physical violence. Nevertheless, it is as dangerous, if not more dangerous than that of physical violence. As regards the nature of economic abuse it was found that out of 180 respondents, 81 (45 per cent) were victims of economic abuse in one form or the other. In case of nature of economic abuse out of 81 respondents 32 (39.50percent) reported that their full amount of salary was forcefully recovered from them every month by their husbands, 27(33.33percent) were being forced to leave their existing job, 15 (18.53percent) were not allowed to take any outdoor job for earning, while 7 (8.64percent) were prohibited from making purchases of their choice from their salary. Thus it was found that a sizable number of women were being abused economically. In case of nature of sexual abuse it was found that out of 180 respondents, 86 (47.78percent) were found to be victims of sexual abuse in the form of forced sex, preventing from safe sex or using contraception or forced intercourse. While 66 respondents (76.75 percent) agreed that they were the victims of sexual abuse while their husbands were under influence of drug or alcohol. Thus, it may be deduced that sexual abuse was also a principal kind of torture that women experience in marital life. Regarding the opinion about the

extent of violence it was found that out of 180 respondents, 35 (19.44 percent) had to suffer violence daily, while 45(25percent), 25(13.89percent) and 47 (26.11percent) were found to suffer violence once or twice in a week, fortnightly and monthly respectively. However 28 respondents (15.56percent) could not remember their frequency of violence. This shows that although evident in majority of the cases, the frequency of violence is not uniform in all cases; there was variation from one case to the other.

Regarding the causes of domestic violence, it was found that out of 180 respondents 56(31.11percent) had faced violence due to extra marital affair of the husbands, 51(28.33 percent) reported to have suffered due to the alcoholic nature of the husband, 25(13.89 percent) were found to be victims due to other causes like marital maladjustment, problems at work place of husband, difference in the social status of the partners, property dispute, mental disorders and children related issues. Again 22 (12.22percent), 17(9.45percent) and 9 (5percent) were found to be victims of violence because of dowry, absence of economic independence and patriarchal social outlook respectively. So, it may be said that although nature and causes of violence vary often, physical violence is a common form of torture that women face in most cases.

With regard to the impact of domestic violence, it was found to have grave impact on the lives of children and also on the personal lives of the victims. A majority of 115 (63.89percent) of the respondents were found to have suffered physical injury by the assault of their husbands. With regard to the seriousness of injury, out of 115 respondents who were physically injured, 52 (45.21percent) were seriously injured, 37 (32.18percent) and 26 (22.61percent) suffered moderate and minor injuries respectively. In case of psychological injury, out of 180 respondents, a majority of 146 (81.11 percent) were found suffered from health or mental problems due to violence, while the rest 34 (18.89per cent) respondents reported that though they were living under abusive situation they had not any disorder and had no health or mental problem. Regarding the impact of violence, it was found that out of 146 respondents who had developed mental and health problems, 16 (10.99 percent) reported to have suffered from various kinds of mental stress, 27 (18.49percent) were under depression, 20 (13.69percent) had anxiety, while 19 (13.01percent) and 52 (35.61percent) respondents were suffering from insomnia and other problems like chronic headache, high blood pressure, alcoholism, drug abuse and low self-esteem

respectively. 12 (8.21percent) respondents also reported to have developed suicidal tendency. What is still more tragic is that it not only affected the mental and physical health of the victim, it also had very serious impact on the children of the family which witnessed regular domestic violence. The repeated occurrence of domestic violence in a family had detrimental effects on the lives of the children. Data revealed that out of 180 respondents, 78 (43.33percent) reported that violence had moderately affected the lives of their children, 23 (12.78percent) reported to have witnessed serious consequence of domestic violence on the lives of children. 79 (43.89percent) respondents did not register any serious concern about the affect of violence on the lives of children. About the type of effect that children had suffered, out of 101 respondents who had registered the evil affect of domestic violence on the lives of children, 63 (62.37percent) reported that their children had developed behavioural and psychological problems like anxiety, disobedience, aggression (particularly among males), oppositional behaviour, self-blame, isolation from peers, self-harming conduct, depression and other psychosomatic symptoms, while 23 (22.77percent) reported decline in the concentration of children and eventual low performance in school. 15 (14.86percent) respondents reported to have witnessed the evil effect of domestic violence on children but could not specify it. This shows that sustained domestic violence not only affects the personal life of the victims but the lives of their children as well.

With regard to the second objective that is outlined to understand the role of Women's organisations and N.G.Os for protection of women's rights, it was found that out of 180 respondents, 121 (67.22 percent) had got support from the women's organizations and could solve the problem mutually without dragging it to the court, 59 respondents (32.78percent) took help from the police, court and counseling centers. As regards the type of help sought it was found that out of 59 respondents, 27 (45.76percent) had approached the family counseling centers (FCCs), 21 (35.59 percent) had approached the court to get remedy, 6 (10.16 percent) had reported to the nearest Police station for help, while 5 (8.47percent) were given financial /job related suggestions by women's organisation working for the welfare of women at district level. As regards the reasons for mutual compromise, out of 121 respondents who resorted to it, 54 (44.62 percent) were found to have compromised only to protect their family reputation or prestige, 24 (19.83percent) compromised for the sake of children, 17 (14.07percent)

compromised with the hope that things would change for better in future, 12 (9.91percent) compromised as they had no other place to go or seek shelter, while the rest 14 (11.57percent) cited different reasons for compromising with the situations i.e. lack of economic security, social stigma, destiny and so on. The response of the majority of the respondents who had compromised with their husbands for the sake of family reputation or prestige was disappointing as it reaffirmed the stronghold of patriarchy in our society. Even the legal remedial measures could not be adopted as women were hesitant to do so under the pressure of patriarchy. Above revelation of data confirms the hypothesis that patriarchal social values are the cause of domestic violence. Whatever women have to suffer and whatever men hurl upon them basically originate from patriarchal social values in which both the categories are socialized. Regarding the effectiveness of the services provided by various organizations/NGOs, out of 180 respondents, 90(50percent) expressed satisfaction with the services. Their response was positive as they believed that this kind of help was fruitful to them. 70 (38.89percent) respondents had given somewhat a satisfactory response as they believed that organizations were not spending adequate time with the victims and their families to solve their problems. While the rest 20(11.11percent) were dissatisfied as according to them these organizations failed to bring in any change in the lives of women. Thus it may be said that although women organizations are playing an important role in solving the cases of domestic violence and providing support to the victims, they are required to play a still greater role so that the incidences of such violence may reduced drastically in the society.

With regard to the third objective that is outlined to understand the state's response towards domestic violence it was found that out of 20 respondents who hailed from the cross-section of the society, 11 (55 per cent) opined that the government was not doing enough to prevent or deal with the menace of domestic violence, 9 respondents (45 percent) were, however, found satisfied with the work done by the government. In case of legal awareness of the respondents, it was found that an over whelming majority of 157 (87.22percent) out of 180 were unaware of Domestic Violence Act, while only 23(12.78percent) respondents were found aware. Again in case of 489A of Indian Penal Code, a majority of 137 (76.11percent) out of 180 respondents were found to be unaware, while a considerable number i.e., 43 respondents (23.88 percent) were found to be aware also. As regards the availability of services in the district it

was found that only two counseling centers were available to the victims of domestic violence which were named as Family Counseling Centers. As regards the service delivery system of the Family Counseling Centers it was found that only 27(15percent) out of 180 respondents had approached the Family Counseling Centers (FCCs) for help. In Nalbari district there is also no Rehabilitation Center or shelter home, free legal aid services and medical services for the victims of domestic violence. As a result, women feel insecure to take action against the perpetrators of violence as it is these people who provide shelters to the victims. On the whole, the attitude of government towards solving the problem does not reflect a bright picture. In spite of various efforts people are still unaware of various legal provisions available for the protection of women. Above revelation of data confirms the hypothesis that poor implementation of the governmental laws to ensure women's rights is also responsible for domestic violence in our society. In respect of eliminating domestic violence in our society, the laws have failed to achieve its objective to the extent it was desired. The government's initiative is mostly confined to the making of laws, while the implementation of it is not being taken adequate care. Thus, a holistic approach involving the government and various other stakeholders of the civil society is required to be evolved to combat the evil of domestic violence in India.

Suggestions

In the course of conducting the study it is realized that some measures are required to be taken to reduce the incidence and impact of domestic violence against women. Some of them may be

1. Sensitization of women about legal remedial measures is required to be undertaken by concerned NGOs.
2. Women organizations need to expand their services to include women in rural areas.
3. Establishment of Family Court in each district is mandatory.
4. All-women police station is also required to be established in each district.

5. Education for girl children should be made mandatory beyond 14 years.
6. Counseling centers with professionally qualified counselors should be set up in every district.
7. Creating Public Awareness at all levels of society is necessary to counter the present trend of domestic violence against women. For this, women organizations may conduct awareness workshops both in urban and rural areas.
8. Shelter homes should be available to the victims of domestic violence.
9. Media should be made more sensitive and give right and adequate to the cases of domestic violence.
10. Special Care should be provided to women seeking medical help following an episode of violence.
11. Most of the victims of Domestic Violence are uneducated, backward and economically disadvantaged. The legal aid and advice should be made available to them free of cost. Such a scheme is required to be evolved by the government.

Limitations of the Study

Like any other study, the present study has its limitations. Given the limitation of time and resources at the disposal of the researcher, the aspect of domestic violence against women in specific caste, religion and linguistic group in Nalbari district could not be thoroughly investigated. But a comparative study of the phenomenon may still help to delve deep into the problem. This aspect may be considered in future research.

BIBLIOGRAPHY

Books and Journals

- Ahuja, Ram, *Social Problems in India*, Rawat Publications, Jaipur, 1997
- Ahuja, Ram, *Violence Against Women*, Rawat Publications, New Delhi, 1998
- Ansari, Iqbal A, *Human Rights of Muslim Women in India*, eds, A.P.H Publishing Corporation, New Delhi, 2000
- Arya, Sadhna, *Women Gender Equality and the State*, Deep and Deep Publication, New Delhi, 2000
- Bajpai, Asha, *The Girl Child and the Law*, National Law School of India University, Bangalore, 1990
- Barbora, S. and Fernandes, W, *Changing Women's Status in India: Focus on North-East*, North Eastern Social Research Centre, Guwahati, 2002
- Buzawa, Eve.S, Buzawa, Carl, G, *Domestic Violence: The Criminal Justice Response*, 3rded, Sage Publications, New Delhi, 2003
- Byrne, J.O. Darren, *Human Rights- An Introduction*, Pearson Education pvt. Ltd, Indian Branch, Delhi, 2004
- Celine Sunny, *Domestic Violence against Women in Ernakulam District*, Kerala Research Programme for Local Level Development (KRPLLD) & Research Institute, Rajagiri College of Social Sciences, Kochi, 2000
- Chaurasia, B.P., *Women's Status in India (Policies and Programmes)*, Chugh Publications, Allahabad, 1992
- Chellakumar, Dr. J.A.Arul, *Gender Inequality*, eds, The Associated Publishers, Ambala Cantt, 2008
- Chinnu, Esther, *Violence against Women in Manipur*, Akansha Publishing House, New Delhi, 2005
- Das, M .N., *Marriage and Divorce*, Eastern Law House New Delhi, 6th ed., 2002
- D.C, Dr. Nanjunda, *Child Labour and Human Rights: A Prospective*, Kalpaz Publications, New Delhi, 2008

- Diwan, Paras, *Law relating to Dowry, Dowry Deaths, Bride Burning Rape and Related Offences*, Universal Law Publication ,Delhi,1997
- Dutta, Mishra, Anil, *Gender Justice and Human Rights*, eds, Regal Publications, New Delhi,2007
- Elavarasi, M., *Dignity of Dalit Women*, eds, Kalpaz Publications, New Delhi, 2008
- Flavia, Agnes, *His and Hers*, Economic & Political Weekly, XLVII No. 17, 28th April, 2012.
- Flavia, Agnes, *Feminist Jurisprudence: Contemporary Concerns*, Majlis Publications, Bombay, 2003.
- Flavia, Agnes, *Protecting Women against Violence*, Economic and Political Weekly, Vol 27, No 17, 25th April 1992.
- Fruzzetti, Lina, Tenhunen, Sirpa, *Culture, Power and Agency Gender in Indian Ethnography*, eds, Street Publications, Kolkata, 2006
- Gelles, Richard J, *Intimate Violence in Families*, 3rdedn., Sage Publications, Thousand Oaks, 1997
- Gonsalves, Lina, *Women and Human Rights*, A.P.H. Publishing Corporation, New Delhi,2001
- Jain, R.S, *Family Violence in India*, Radiant Publications, New Delhi, 1992.
- Jejeebhoy, Shireen, *Wife beating in Rural India- A Husband's right?*, Economic and political weekly, XXXIII No. 15, 11th April, 1998
- Joshi, S.C, *Human Rights Concepts, Issues and Laws*, Akansha Publishing House, New Delhi,2006
- Kapur, Promila, *Girl Child and Family Violence*, Har-Anand Publications, New Delhi,1993
- Karlekar, M, *Domestic Violence*, Economic and political weekly, Vol - XXXIII No. 27, 4th July 1998

- Kornblit, A.L., *Domestic Violence- An Emerging Health issue*, Social Sciences and Medicine, Vol.39 No.9:1994
- Kaushal, Rachana, *Women and Law in India*, eds, A.P.H Publishing Corporation, New Delhi, 2000
- Kudchedker, Shirin, Al-Lssa, Sabiha, *Women Against Violence :Violence Against Women*, eds., Pen Craft International, New Delhi,1998
- Kumari, Rajana, *Brides are not burning Dowry victims in India*, Radiant Publications, New Delhi, 1989
- Lohia, Saila, *Domestic Violence in Rural Area*, Pen Craft International, New Delhi,1998
- Madhurima, *Violence Against Women-Dynamics of Conjugal Relations*, Gyan Publishing House, New Delhi,1996
- Mahajan A, *Instigators of Wife Battering*, eds, Arihant publishers, Jaipur,1990
- Mahajan A, Madhurima, O., *Family Violence and Abuse in India*, Deep and Deep Publications, New Delhi, 1989.
- Mishra, Jyotsna, *Women and Human Rights*, Kalpaz Publications, New Delhi,2000
- Mishra, Laksmi, *Women's Issues: An Indian Perspective*, Northern Book Centre, New Delhi, 1992.
- Myneni, S.R.,*Women and Law*, Hyderabad, Asia Law House, 2002
- Nirmal, C.J, *Human Rights in India- Historical, Social and Political Perspectives*, Oxford University Press, New Delhi,2000
- Panda, Pradeep, K., *Domestic Violence against Women in Kerela*, Centre for Development Studies, Kerela,2004
- Raj, Bala, *The Legal and Political Status of Women in India*, Mohit Publication, New Delhi, 1999
- Rajiah, T., *Child Rights in India*, eds, Associated Publishers, Ambala Cantt.,2008

- Rao, Mamta, *Law relating to Women and Children*, Eastern Book Company, 2nd Edition, 2010
- Rastogi, Rekha, *Women and Human Rights*, Sumit Publications, New Delhi, 2007
- Reddy, G.B, *Women and the Law*, Hyderabad, Gogia Law Agency, 1997
- Revathi, R. *Law relating to Domestic Violence*, Hyderabad, Asia Law House, 2004
- Roy, Ashine, *Human Rights of Women*, Rajat Publications, New Delhi, 2003
- Sagade, Jaya, *Child Marriage in India: Socio-Legal and Human Rights Dimensions*, Oxford University Press, New Delhi, 2005
- Sahu, Ashima, *Women's Liberation and Human Rights*, Pointer Publications, New Delhi, 2000
- Saxena, Kiran(ed.), *Women and Politics*, Gyan Publication, New Delhi, 2000
- Saxena, Rekha, *Women and Crime in India-A Study in Socio-cultural Dynamics*, Inter -India Publications, New Delhi, 1994
- Saxena Sobha, *Crime against Women & Protective Law*; Deep & Deep Publications pvt. Ltd. New Delhi, 2008
- Schornstein, L.Sherri, *Domestic Violence and Healthcare - What every Professional needs to know*, Sage Publications, New Delhi, 1997
- Sharma, Dr. Archana & Das, Indranoshree, *Crime and Violence against Women: The Situation in Assam*, Akansha Publishing House, New Delhi, 2005
- Sharma, T.R, *Women and Human Rights*, eds, Regal Publications, New Delhi, 2007
- Simister, John, Makowiec, Judith, *Domestic Violence in India: Effects of Education*, Indian Journal of Gender Studies, Sage Publications, New Delhi, 2008
- Sindhu, Sanjay, *Constitutional Protection of Women in India: Introspection and Prospective Vision*, eds, Regal Publications, New Delhi, 2007

- Sunny, Celine, *Domestic Violence against Women in Eranakulam Distict*, Centre for Development Studies, Thiruvananthapuram, 2003
- Tandon, R. K, *State of Women in India*, Indian Publishers Distributors, New Delhi, 1998
- Tiwari, A.K. *Challenges to Human Rights: An Insight into Female Foeticide, Infanticide and Child Murder*, eds, A.P.H Publishing Corporation, New Delhi, 2000
- Tripathi, S. C. and Arora Vibha, *Law relating to women and children*, Central Law Publication, 3rd Edition (2008)
- Viswanathan, V.N, *Human Rights Challenges of 21st Century*, eds, Kalpaz Publications, New Delhi, 2008

E-ARTICLES

- Bunch Charlotte, *the Intolerable Status Quo: Violence against Women and Girl'*, the Progress Report of 45 nations, UNICEFF,1997
- Das Shrestha Mukunda, *Domestic Violence and the Victim Justice system in Nepal*, MS- Nepal News Letter, issue 1, 2002
- Kaushal Rachana, *Protection of Women from Domestic Violence Act 2005—An Appraisal*, Mainstream, Vol XLVIII, No 11, March 6, 2010
- Tjaden Patricia and Thoennes Nancy, *Extent, Nature and Consequences of Intimate Partner Violence*, U.S. Department of Justice,2000

Web Sources

- <http://www.aau.ac.in/dee/kvknalbari/dist.html>
- <http://en.wikipedia.org/wiki/Nalbari>)
- <http://dcmsme.gov.in/dips/Nalbari%20Dist.%20Profile.pdf>
- [http:// www.ncrb.nic.in/cii2008/home.htm](http://www.ncrb.nic.in/cii2008/home.htm)

- [http:// www.Hg.org.com/Stop domestic violence against women in India, NFHS-3 final report](http://www.Hg.org.com/Stop%20domestic%20violence%20against%20women%20in%20India,%20NFHS-3%20final%20report)
- [http:// www.ncrb.nic.in/cii2008/home.htm](http://www.ncrb.nic.in/cii2008/home.htm)
- [http://www.wikipedia/encyclopedia.com/domesticviolence/meaning_and definitions](http://www.wikipedia/encyclopedia.com/domesticviolence/meaning_and_definitions)
- <http://domesticviolenceact2005.india.in>
- <http://www.texcpe.com/html/pdf/txdomvio.pdf> Domestic violence, Continuing Psychology Education
- <http://ncw.nic.in>.
- <http://www.equalrightstrust.org>
- www.un.org.in/womenwatch/daw/ short history of the commission on the status of women,
- <http://ezinearticles.com/?Women-Empowerment---Myth-Or-Reality>
- http://en.wikipedia.org/wiki/Child_Marriage_Restraint_Act
- http://en.wikipedia.org/wiki/Factories_Act_1948
- http://www.lawyersclubindia.com/profile.asp?member_id=4450/Eveenzar, A review of Gender Justice since Independence, 28th February, 2008
- [http://www.legalserviceindia.com/.../1194-Protection-of-Women-from-Domestic-Violence-Act,- 2005.html](http://www.legalserviceindia.com/.../1194-Protection-of-Women-from-Domestic-Violence-Act,-2005.html)
- www.ndtvnews.com/edited by Prasad Sanyal/updated Jan24,2013.
- <http://www.ndtv.com/article/cheat-sheet/recommendations-of-the-justice-verma-committee-...2/1/2013>
- www.freiheit.org/Aktuelle-Berichte/1804c270551p/index.html)
- <http://ncw.nic.in/.../Search> for vision statement on Women Empowerment/ Department of women and child development ,Govt. of NCT, Delhi
- <http://www.stopvaw.org/index.asp>

CHAPTER I: INTRODUCTION

Domestic violence is a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another partner. Domestic violence can happen to anyone regardless of race, age, caste, religion or gender. It is a Pattern of behaviour characterised by the misuse of power and promise by one person against another who generally happens to be in an intimate or blood relationship. Domestic violence is not typically a singular event and it is not limited to only physical aggression. Rather, it is the methodical use of threats, ignominy and physical violence by someone who seeks power and control over his intimate partner.

Domestic violence may be of different kinds like physical violence, sexual abuse, emotional abuse, economic deprivation and stalking. Physical violence is the intentional use of physical force for causing injury, harm, disability or death to the victims. Physical violence is the easiest to recognise and understand than any other types of domestic violence. Hitting, shoving, beating, restraining, kicking, scratching, pushing, slapping, punching or uses of a weapon are the few examples of physical violence.

Sexual abuse generally refers to the use of physical force to compel a person to engage in a sexual act against his or her will or due to one's inability to communicate unwillingness to engage in the act owing to underage, immaturity, illness, disability or the influence of alcohol. Unwanted touching, raping, denying the victims from protection against sexually transmitted diseases, sexual exploitation through photography or prostitution, treating the victim like a sexual object, forcing the victim to have an abortion, engaging in an extramarital relationships are also the few examples of sexual violence.

Emotional abuse (also called psychological or mental abuse) can include humiliating the victim privately or publicly or doing something to make the victim feel socially or psychologically maligned or embarrassed using degrading language, criticism, screaming, refusing to talk and so on. Insulting the victim in the presence of children, other member of the family and relatives, blaming her for everything that goes wrong in the family, charging her frequently on small and negligible issues, making her feel guilty for no fault of her, calling her names, giving her threat of divorce, treating her

like a servant, keeping a strict watch on her movements, prohibiting her from meeting her friends and relatives, prohibiting her from expression of her view on family matters, suspecting her for extramarital relations, using ugly and insulting language for her parents, insulting her for house-keeping, demeaning her family background, criticising her for lacking intelligence are also the few examples of emotional abuse.

Money becomes a tool by which the abuser can further control the victim. Economic abuse refers to depriving a person from his/her own money or to which he/she is entitled. Such type of abuse generally includes acts such as the denial of funds, refusal to contribute financially, denial of food and basic needs and controlling access to health care, employment and so on.

Stalking generally refers to repeated misbehaviour with the intention of inducing fear in the mind of the victim. It generally includes behaviour like repeated phone calls, emails or letters, watching, spying, tracking and threatening someone or his/her loved ones. Assaulting or threatening to assault verbally, physically or sexually is also a kind of stalking. Although emotional and financial abuses are not directly defined as criminal acts, but indirectly they may cause harms which may amount to criminal acts.

The victims demonstrate a wide range of effects from various kinds of domestic violence. The victims may suffer from severe and chronic mental and health problems. The effects of physical violence can range from minor scratches to fractured bones to chronic disabilities such as partial or total loss of hearing or vision and so on. In the worst cases, it may result in the death of the victims also. The effects of sexual abuse can range from unwanted pregnancies to the risk of contracting sexually transmitted diseases and HIV/AIDS and to the dangerous complications that may follow from resorting to illegal abortions. While the impact of physical abuse may be more 'visible', the effects of psychological abuses like repeated humiliation and insults, forced isolation, limitations on social mobility, constant threats of violence and injury are as detrimental as physical ones. It leaves the woman in a situation where she is often made to feel mentally destabilized and powerless. The victims are found in a high incidence of stress and stress-related illnesses such as panic attacks, depression, sleeplessness, loss of appetite, elevated blood pressure,

alcoholism, drug abuse, low self-esteem and so on. In certain cases, psychological abuse may even result in suicide.

What is important to note is that the effects of domestic violence may not remain confined to the victims only. The other members of the family may also suffer from physical, emotional and psychological stress as result of sustained domestic violence. The repeated occurrence of domestic violence in a family has detrimental effects on the lives of the children, friends and other family members. Family members and friends may themselves be targeted by the abuser in reprisal for helping a woman to leave a violent relationship or to find legal assistance. Children in homes where domestic violence occurs may be witnesses to abuse, may themselves be abused and may suffer from behavioural and psychological problems. The consequences of domestic violence on child includes poor school performance, aggression (particularly among males), oppositional behaviour, self-blame, isolation from peers, self-harming behaviour, psychosomatic symptoms, depression, sleeping disturbances and so on.

Violence against women within the family is a global phenomenon. It occurs irrespective of socio-economic status of women. No society can claim to be free of such violence. But the degree of violence differs according to the socio economic condition of the society. The more the society is backward, the more common is the phenomenon of domestic torture against women¹.

According to the Family Violence Prevention Fund of America (FVPPF)², one in every three women in the world experiences sexual, physical, emotional or other abuse in her lifetime. In 1997, the report of the World Health Organization (WHO)³ on reproductive health reveals that 10-69 percent of women have been physically assaulted by an intimate partner at some point in their lives. According to the annual report of the UNICEF⁴, a quarter and one half of women of the world suffer violence at the hands of an intimate partner. As per the report of the U.S. Department of

¹ **Internet Source:** Mukunda Das Shrestha, "*Domestic Violence and the Victim Justice system in Nepal*", MS-Nepal News Letter, 2002, issue 1

² **Internet source:** Charlotte bunch, "*The Intolerable Status Quo: Violence against Women and Girls*", the Progress Report of 45 nations, UNICEFF, 1997

³ **Internet source:** "*Effects on Reproductive Health*", Outlook, vol-20, September, 2002

⁴ **Internet source:** UNICEFF, "*Domestic Violence against Women and Girls*", Innocent Digest no 6, Italy, June, 2000

Justice⁵ in 2000, in the United States approximately 22.1 percent of women had experienced some form of assault by a family member. The report also revealed that each year 4.5 million physical assaults were committed against women throughout the world.

In India, crime against women in the domestic sphere is a very common incident. Poverty, illiteracy, traditional gender bias and social customs provide a very congenial situation for the commitment of such crimes against women. The Deccan Herald's⁶ survey on 13th August, 2003 reported that 80 per cent of husbands in India use force against their wives over petty family disputes. A United Nations Report⁷ released on 13th October, 2005 shows that two-thirds of married women in India are the victims of domestic violence and as many as 70 per cent of Indian women between the age of 15 and 49 are the victims of beating, rape and coerced sex. As per the Report of India's National Crime Records Bureau⁸, more than 195856 crimes had been committed against women in the year 2008. Of these, 81344 cases were in the nature of domestic violence. Again in 2011, more than 228650 crimes had been committed against women and out of these, 99135 cases were in the nature of domestic violence.⁹ As per the information of the Bureau in every nine minutes, a case of cruelty is committed against a woman in our country and most of these cruel acts occur within the four walls of home. The report of Third National Family Health Survey¹⁰ of 2005-2006 in India reveals that one-third of women between the ages of 15-49 have experienced physical violence and about 1 in 10 has experienced sexual violence in their private sphere of life. In total, 35 percent of women have experienced physical or sexual violence. The same report also reveals that the degree of physical or sexual violence is 6 percent in Himachal Pradesh, 13 percent in Jammu and Kashmir and Meghalaya, 46 percent in Madhya Pradesh and Rajasthan and 59 percent in Bihar. Other states with 40 percent or higher prevalence of spousal physical or sexual violence include Tripura, Manipur, Uttar Pradesh, Tamil Nadu, West Bengal and

⁵ Internet source: Patricia Tjaden and Nancy Thoennes, "*Extent, Nature and Consequences of Intimate Partner Violence*", U.S. Department of Justice, 2000

⁶ *ibid*

⁷ Rekha Rastogi, "*Women and Human Rights*", Sumit Publications, New Delhi, 2007

⁸ Internet source: <http://www.ncrb.nic.in/cii2008/home.htm>

⁹ *ibid*

¹⁰ Internet source: <http://www.Hg.org.com> / Stop domestic violence against women in India, NFHS-3 final report

Assam. The National Crime Records Bureau recorded ¹¹ 8122 cases of violence against women in Assam during the year 2008, out of which 3478 were cases of cruelty by husbands and relatives. Again in 2011, the bureau recorded, 11503 crimes had been committed against women and out of these, 5246 cases were in the nature of domestic violence.¹²

In recent years, there has been a greater understanding of the problem of violence against women and an international consensus has developed on the need to deal with this problem. The 1990s in particular witnessed concerted efforts on the part of the world community to deal with the issue of violence against women. The World Conference on Human Rights in Vienna (1993) accepted that the rights of women and girls are “an inalienable, integral and indivisible part of Universal Declaration of Human Rights.” The United Nations General Assembly in December 1993 adopted the Declaration on the Elimination of Violence against Women. It is the first international human rights instrument to deal exclusively with violence against women. The Fourth World Conference on Women in Beijing (1995) included elimination of all forms of violence against women as one of its twelve strategic objectives and listed concrete actions to be taken by governments, the United Nations, international and non-governmental organizations in this regard. Such initiative at the international level has led to the adoption of various steps in various countries, such as the Inter- American Convention on the Prevention, Punishment and Eradication of Violence against Women, the African Convention on Human and People’s Rights including its Additional Protocol on Women’s Rights and so on.

Since the abolition of the practice of sati (1829), various significant steps have been taken in independent India also towards protecting women from torture and violence. Till 1983, there were no specific legal provisions pertaining to violence within home. Husbands could be convicted under the general provisions of murder, abetment to suicide, causing harm and injury and wrongful confinement under sections like 313, 305, 316 and 349 of IPC (Indian Penal Code). In 1983, for the first time, an amendment was made in the criminal laws recognising domestic violence (matrimonial cruelty) as criminal offence under section 498-A of the Indian Penal Code. In 1999, as per the recommendations of the Fourth World Conference on

¹¹ Internet source: <http://www.ncrb.nic.in/cii2008/home.htm>

¹² *ibid*

Women (1995) in Beijing, the Government of India has ratified the Convention on the Elimination of All Forms of Discrimination against women. In 26th October 2005, the Protection of Women from Domestic Violence Act was passed and it provides for more effective protection of the rights of women guaranteed under the Constitution.

In India, the problem of domestic violence has always been looked upon from the perspective of both criminal and civil laws. Under Indian civil law also several provisions are available to deal with different types of domestic violence. The Dissolution of Muslim Marriage Act, 1939 (DMMA), The Hindu Marriage Act, 1955 (HMA), The Special Marriage Act, 1954 (SMA), the Indian Divorce Act (IDA) 1869 and the Parsi Marriage and Divorce Act (PMDA) 1936 are few examples of such kind. All these acts identify 'cruelty' as a ground for divorce. However, these were not sufficient to deal with the problem as they do not elaborate the nature and extent of domestic violence.¹³

Besides, the Indian government has also adopted a number of non-legal measures to combat domestic violence. The Gender Sensitisation of Police Force, setting up of all-women police stations, initiation of women empowerment and rehabilitation schemes like 'Swadhar', help lines for women in distress, setting up of family courts to adjudicate cases relating to maintenance, custody and divorce, setting up of Parivarik Mahila Lok Adalat (PMLK) evolved by the National Commission for Women (NCW) for providing speedy justice to women are some important examples of non-legal measures.¹⁴ Apart from this, several measures have been adopted at the state level also to deal with the problem. The introduction of 'Nari Adalat' and 'Mahila Panch' under the 'Mahila Samakhya Programme' in selected districts of UP and Gujarat, the 'Sahara Sangh' in Uttaranchal and the 'Shalishi' (traditional system of dispute resolution) in West Bengal are few examples of such kind which operate at district and the state level.¹⁵

Despite the steps taken by the government to prevent domestic violence, it continues to be an evil in our society. It is a regular feature of our everyday life. But the prevention of domestic violence is an essential condition not only for bringing gender

¹³ Internet Source: <http://www.mainstreamweekly.net>, Rachana Kaushal, "*Protection of Women from Domestic Violence Act 2005—An Appraisal*", Mainstream, Vol XLVIII, No 11, March 6, 2010

¹⁴ *ibid*

¹⁵ "*Review of Women Studies*", Economic and Political Weekly, April 26, 2003, pp. 1658-1673.

equality but also to realise the objective of human rights in general. If the bulk of the people who constitute half of our population live under torture and fear of violence, the task of nation building and an all-round development of the society will never be achieved. Thus, the study of domestic violence against women is an attempt to understand the position of women in our society.

Nalbari is one of the backward districts in Assam. The total area of the district is 1009.57sq.Km. The total population of the district (2011 census) is approximately 7, 69,919 with male population is 395804 and female population is 374115. The Nalbari district consists of 65 Gaon Panchayats, 13 Zila Parishad, 7 Anchalik Panchayats and 7 development blocks. Some of the development blocks in the district are almost not having any communication, health or education facility. Nalbari being one of the backward districts of Assam has a situation where the conditions for the development of women are very poor. The incidence of domestic violence is so high in the district that it already attracted the attention of the government and various NGOs. As per the report of the Office of the DIG, CID, Assam, out of 41, 496 cases of domestic violence that have occurred in the last ten years, 4521 cases took place in Nalbari district alone.

Thus, a study of the plight of women in the domestic sphere in the district of Nalbari may throw important light to understand the causes and measures that may reduce the incidents of domestic violence in our society.

Conceptual framework of the study

The present study entitled ‘Domestic Violence against Women: A study of the Nalbari district in Assam’ is socially relevant and academically significant as it focuses not only on a very burning problem of our society but also gives an opportunity to understand the intricacies underlying the problem. Thus, in an endeavour to understand the various aspects of the problem of domestic violence, it is necessary to clarify the concept of Domestic Violence against Women.

Meaning of ‘domestic’ and ‘violence’

In the present study, ‘domestic’ would mean the four walls within which a women lives with her husband, children and other members of the family. The term ‘violence’ may be defined as a behaviour in which a more powerful person takes advantage of and abuses a less powerful one¹⁶. Violence is also used to denote the assaultive and non assaultive behaviour which leads to injuries, both physical and mental, to the victims¹⁷. In the present study, ‘violence’ refers to an act of aggression perpetrated by a spouse with an intention to inflict harm or injury to the other spouse. Here, the terms ‘violence’ and ‘abuse’ are used synonymously. Violence has been further divided into five types: ‘physical’, ‘psychological’, ‘verbal’, ‘sexual’ and ‘economical’.

The concept of ‘Domestic Violence’

Domestic violence is a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another partner. The term ‘domestic violence’ is used interchangeably with ‘spousal violence’ or ‘intimate partner violence’. The terms “spouse” and “intimate partner” refers to a very close man with whom she is living or has lived as married couple. Some human rights activists also prefer to define the term as ‘wife battering’ or ‘wife abuse’, as it is a problem associated with women in marital relationship, while some others like to define it as ‘gender based violence’. Besides, various institutions have defined domestic violence differently. The U. S. Office on Violence against Women (OVW)¹⁸ defines domestic violence as a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. The definition adds that domestic violence ‘can happen to anyone regardless of race, age, sexual orientation, religion or gender and that it can take many forms, including physical abuse, sexual abuse, emotional, economic and psychological abuse’. The Children and Family Court Advisory and Support Service¹⁹ in the United Kingdom in its "Domestic Violence Policy" uses the term to refer to a

¹⁶ Ram Ahuja, “*Violence Against women*”, Rawat Publications, New Delhi, 1998, p-31

¹⁷ Madhurima, “*Violence Against Women-Dynamics of Conjugal Relations*”, Gyan Publishing house, New Delhi, 1996

¹⁸ Internet source: [www.wikipedia.org/domestic violence/meaning and definitions](http://www.wikipedia.org/domestic%20violence/meaning%20and%20definitions)

¹⁹ *ibid*

range of violent and abusive behaviours and defines it as a pattern of behaviour characterised by the misuse of power and control by one person over another who are or have been in an intimate relationship. It can occur both in same gender relationships and mixed gender relationships and has profound consequences for the lives of children, individuals, families and communities. The United Nations Commission on the Status of Women²⁰ defines domestic violence as “any act of gender based violence that results in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life”. As per the definition of Domestic Violence Act 2005, India ²¹ any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it –

(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person. In the present study, the term “domestic violence” may be defined as any kind of abusive behaviour by the husband or by the other family members to a woman.

Apart from this, there are different types of theories for understanding the causes of domestic violence. These theories range from intra-psychic theories to sociological theories. Usually we can classify these theories into three types which are the Psycho-pathological analysis, the Socio- psychological analysis and the Sociological analysis²².

²⁰ *ibid*

²¹ *Domestic Violence Act, 2005*

²² Ram Ahuja, “*Violence Against Women*”, Rawat Publications, New Delhi, 1998, p.201

Psycho-pathological Theory

The psycho-pathological theory considers the personality traits and mental characteristics of the offenders and the victims as chief determinants of domestic violence. Personality trait includes sudden bursts of anger, poor impulse control and low self-esteem and so on. This theory gives two different types of explanations to understand the causes of domestic violence. According to the first one, the causes of violence against women arise from offender's psychological problems like depression, uncontrolled emotions like anger, frustration, paranoia, sadistic and addictive nature, obsessive compulsion and so on. According to the other, violence against women arises out of psychological problems of victims.

Socio-Psychological Theory

According to this theory, the external environmental factors like stressful situations of family in terms of money, interactional patterns among family members can also be the causes of domestic violence. A theory such as the Frustration-Aggression Theory, the Perversion Theory, the Self Attitude Theory and the Motive Attribution Theory approaches the study of domestic violence from a socio- psychological level of analysis. These theories are discussed below ²³

Frustration –Aggression Theory

This theory first stated in 1939 by John Dollard and it explains the process by which aggression is directed to the source of frustration. The aggressive drive is an innate drive. It helps explain individual violence because individual is the focus of high personnel involvement and high frustration in the family. Whenever something interferes with an individual's attempt to reach some goal or end, he feels frustrated and frustration in turn leads to some aggression. This theory recognised that an actual display of aggression may be inhabited by either internalised norms of external controls, even though the impulse for aggression may be strong following some

²³ In India, a few isolated studies have been conducted by researchers like Ahuja (1998), Greval(1982), Mahajan (1989), Mahajan and Madhurima (1995), Singh(1985), Saheli(1986) in regard to violence against women. Ram Ahuja (1998), highlights a common approach in various theories that focus on violence against women. Ahuja proposes an integrated model of theories that includes a combination of all factors to explain violent behaviours among individuals. Many theories discussed above have been taken from studies conducted by Ahuja in India.

frustrating experience. It is also recognised that frustration can be cumulative and that they can remain active over a long period of time. It is also acknowledged that people perceive frustrations in varying ways, with those deemed arbitrary or unreasonable most likely to trigger aggressive responses. Further, it is recognised that responses to frustrations can be learned. In short, aggressive actions are not an automatic consequence of frustration, and their occurrence depends upon numerous factors.

Perversion Theory

The psychoanalysts explain violence on the basis of the Theory of Perversion and the theory of Symptom formation. They do not regard perverts as constitutionally inferior people but maintain that perversion develops from instincts. According to this theory, perversion essentially means persistence in the adult of infantile instincts and behaviour at the expense of adult behaviour. In the pervert, infantile traits fail to undergo the normal process of integration during puberty but are not converted into neurotic symptoms. Violence can be product of strong inborn drives or pathological experiences in infancy or early childhood. In the latter cases, childhood conceptions of the relations between the sexes as being aggressive and sadistic and the idea of pleasure as a negative process, essentially achieved by relief from a state of “unpleasure” are carried into adulthood. Explaining different kinds of perversion, psychoanalysts point out that maturation involves learning early aims and objects and choosing new aims. Perversions can, therefore, be conceived of as distortions of appropriate feelings towards these objects. This theory was considered important because it was supported by the clinically established fact that there is a higher incidence of perversion among males than females.

Self –Attitude Theory

This theory maintains that in a society, a culture, or a group that values violence, persons of low self-esteem may seek to bolster their image in the eyes of others and themselves by carrying out violent acts. It explains the propensity to violence of those for whom society makes it difficult to achieve an adequate level of self-esteem.

Motive Attribution Theory

This theory specifies the process used by actors to impute the motivations (dispositional state) of others. It explains how the structure of relations is such that there is a high probability of malevolent intentions being attributed to the actions of other individuals, thereby setting in motion an escalating cycle of resentment and aggression.

Sociological Theory

This theory examines the causes of domestic violence in terms of socially structured inequality, social and cultural attitudes and norms regarding anti-social behaviour and interpersonal relations. The System –Tension theory, the Anomie Theory, the theory of Subculture of violence, Resource theory, Patriarchy theory, Social– Interactions theory and Social Exchange theories are the sociological theories for the study of domestic violence. We will briefly analyse all these theory.

Structural Theory

This theory asserts that social groups differ in respect to their typical levels of stress, deprivation and frustration and in the resources at their disposal to deal with these stresses. It explains that those individuals would be more violent who combine high stress with low resources. This theory thus explains an individual's actions in terms of the ways it is shaped or determined by social forces of one kind or another.

System Tension and Feedback Systems Theory

This theory was developed by Straus (A General System Theory of Violence between Family Members, 1973) to explain intra-family violence. Straus accounts for violence in the home by viewing family as a purposive goal seeking, adaptive social system. Straus specified positive feedback in the system which can create an upward spiral of violence, and negative feedback which can maintain, dampen, or reduce the level of violence. According to this theory, violence is precipitated by factors such as stress and inter-individual conflict and as followed by consequences which maintain or escalate violence in family and in society.

Anomie Theory

Robert Merton in his Anomie Theory, developed in 1938 discusses socially learned needs, goals and aspirations and the restricted structural access or institutionalised means to their attainment. He maintains that some social structures exert a definite pressure upon certain persons in society to engage in non conformist rather than conformist conduct. When there is a tendency to overemphasize goals without sufficient attention to institutional means, it leads to willingness to use any means, regardless of their legality, to see that the goal is attained. The theory thus delineates the relationship between one's social position, the strain which accompanies that position, and the resulting deviant and non deviant adaptations. Merton has outlined the possible adaptations that can occur when the goals have been internalised but cannot be legitimately attained. However, his major concern is with the innovator: the person who uses illegitimate but nonetheless effective means to achieve goals.

Theory of Subculture of Violence

This theory claims that the life circumstances of certain groups trigger violence as a relatively commonplace outcome of social interaction. It also asserts that values and norms provide meaning and direction to violent acts and thus facilitate or bring about violence in situations specified by these norms and values. It explains that violence is a response that is consistent with norms supporting its use. This theory also suggests that some sub-cultural groups develop norms and values that emphasize the use of physical violence to a greater extent than is seemed appropriate by dominant culture.

Resource Theory

This theory of intra- family violence developed by W.J. Goode (Force and Violence in the Family, 1971) was in fact the first theoretical approach applied explicitly to family violence. This theory rests on the notion that decision making power in family relationships depends to a large extent on the value of resources each person brings to the relationship. Goode states that all social systems rest to some degree on force or threat. The greater the resources a person can command within a social system, the more force he or she can muster. However, the more resources a person can command, the less the chances are that a person will actually deploy violence. Thus,

violence is one of the resources that individuals or collectively use to maintain or advance their interests. But violence is used as a last resort when all other resources are exhausted.

However, Resource theory has been revised and it has come to be called as Status Inconsistency Theory. It suggests that violence is more likely to occur when a man perceives his status inconsistent with his traditional power in the family, which has been eroded due to increased power of women.

Patriarchy Theory

This theory developed by R.E. Dobash, and R. Dobash (Violence against Wives, 1979) maintains that throughout history, violence has been systematically directed towards women. Economic and social processes operate directly and indirectly to support a patriarchal social order and family structure. Dobash's central theoretical argument is that patriarchy leads to the subordination of women and contributes to a historical pattern of systematic violence directed against females.

Interactionist Deviance Theory

This theory exemplified by theorists such as Erikson (1964), Becker (1963), Schur (1971), and Lemert (1978) has three characteristics: (i) it cites sex roles as casual factors of why people engage in crime and deviant behaviour, (ii) it maintains that societal expectations about appropriate sex role behaviour influence the diagnosis and labelling of certain actions as deviant or criminal, and (iii) it holds that gender affects the response to such behaviours by society. This theory explains family violence in terms of sex role or gender norms, i.e., differential expectations for values, attitudes and behaviours as function of one's gender. These norms serve as important standards against which women and men are evaluated through application of various sanctions.

Social Learning Theory

This theory asserts that human aggression and violence are learned conduct, especially through direct experience and by observing the behaviour of others. According to this theory the individual learns violence through imitation. Individuals pick up the behaviour patterns of those they are taught to respect and learn from.

Symbolic Interaction Theory

This theory specifies the process by which self-image and identity of a person as 'violent' are formed and the process by which violent acts acquire individual and socially shared meaning. It explains the origin and maintenance of the structure of meaning that is necessary for all human social behaviour, including violence.

Exchange Theory

Exchange theory developed by sociologist George Homans is based on costs and benefits. As in any intimate relationship each partner continues to provide each other with services or benefits such as, affection, money, love, sex as long as the partner reciprocates with appreciation, praise, love. In order to get what he wants from the other partner over the time one partner may use force and in this he suffers no legal or other negative consequences then the violent partner perceives violence as a beneficial and effective tactic to get whatever he desires from his partner. According to this theory, rewards and punishments by others can shape behaviour. Battered women may attempt to avoid violence by complying with the desire of their partners. Moreover, kindness shown by the abusive partner also reinforces the behaviour of the abused in the hope of getting reward.²⁴

Cycle Theory

The cycle theory of domestic violence was developed by feminist Lenore Walker, in 1979. This theory provides an understanding of why does domestic violence against women occur recur from time to time. According to this theory, violence occurs through a number of stages, such as:

The build-up phase: In this phase, a normal relationship slowly turns into a bitter one over some issues like money, work, children and daily activities. Increasing tensions lead to verbal, emotional or financial abuse in the relationship. In absence of violence, such issues may be sorted out and the relationship may normalize.

²⁴ **Internet source:** www.texcpe.com/html/pdf/txdomvio.pdf/Domestic violence/ Continuing Psychology Education

The stand over phase: this phase is marked by extreme violence as violence is considered as the means to release tension by the perpetrator. Violence still aggravates as the affected persons fear that anything they do will further deteriorate the situation.

Explosion: This stage has been marked by the peak of violence in which the perpetrator gets addicted to violence and starts justifying it morally as his right.

The remorse phase: During this phase, the person who uses domestic and family violence retreats from their behaviour and withdraw from the relationship without any sense of regret.

The pursuit phase: At this stage the perpetrator of violence undergoes dramatic personality change. They promise to the affected person, never to be violent again and try to make up for their past behaviour. They make other factors such as, work stress, drugs or alcohol etc. responsible for their violent behaviour. The violent offender may purchase gifts and give the victim extra attention which might console and repair the relationship temporarily.

The honeymoon stage: In this stage both the perpetrator and the victim tend to ignore the reality and the possibility that the violence could occur again. Both tend to forget the past and bitter memories of the abusive behaviour. But after sometime, this stage will fade and cycle may begin again. According to Walker, with time the cycle of violence often becomes tighter and tighter. Thus, the theory held that abusive behaviour is continued with intermittent violent.

Different theoretical perspectives discussed above indicate that sociologists are now seriously addressing the problem of violence against women in general and domestic violence in particular. Unfortunately, no theoretical frame work discussed above adopts a holistic perspective with the help of which the problem of domestic violence at the individual level and at the socio-cultural level could be explicated.

Review of Related Literature

Although there is literature relating to women and human rights, literature dealing directly with the issue of domestic violence is relatively scanty.

“Violence against Women: Dynamics of conjugal relations”²⁵ is an empirical study in the district of Chandigarh which focuses on the nature, causes and consequences of violence against women in a conjugal relationship. In the study, it is found that economic deprivation is one of the main causes of domestic violence. The incidence of wife battering is higher among the lower class people. According to the study, the male members of the economically down trodden class ventilate their frustration by beating their wives. They do so as they have no ready remedy to solve their economic problems. As financial strain is a common feature in any lower class household so is the incident of wife battering. It is again the absence of economic freedom that compels the wife to remain in relationship with the husband and suffer beating on daily basis. Thus, financial freedom of a woman is an important factor to eliminate domestic violence from our society.

“Women and Crime in India-A Study in Socio-cultural Dynamics”²⁶ is an empirical study in the cities in northern India to find out the socio-cultural and economic dynamics of crime among women. It is found that residence, caste and education strongly influence women’s behaviour. There is a notion that urban areas are more prone to crimes due to various socio-economic factors but in the study, it is found that more than half (52.0 percent) of the women offenders belonged to rural areas and the remaining (48.0 percent) were from urban areas. The study further reveals that the number of crime is higher among schedule caste women (37.5 percent) compared to other upper castes as the degree of exposure is lower in case of them.

“Women against Violence: Violence against Women”²⁷ is an edited work about the different types of violence against women and the role of the state machinery to combat violence against women. In India, the women are facing violence from female foetus to early marriages, domestic violence to dowry death without any respite in their life time. It is estimated that from 1978 to 1983 as many as 78000 female foetuses in India have been aborted. In certain states, such as Gujarat, Rajasthan, U.P, Tamilnadu, 4 out of 10 girl children are murdered as soon as they are born. Despite the constitutional provision for compulsory education for all up to the age of 14, only

²⁵ Madhurima, *“Violence Against Women-Dynamics of Conjugal Relations”*, Gyan Publishing house, New Delhi, 1996

²⁶ Rekha Saxena, *“Women and Crime in India-A Study in Socio-cultural Dynamics”*, Inter -India publications, New Delhi, 1994

²⁷ Shirin Kudchedker & Sabiha Al-Lssa, *“Women Against Violence :Violence Against Women”*, eds., Pen Craft International, New Delhi, 1998

20 percent girls are attending schools. The Child Marriage Restraint Act (CMRA) was passed in the early part of this century to take preventive measure against child marriage. But in Rajasthan, U.P, Bihar and M.P particularly, 50 percent of girls are getting married before the age of 16. Early marriage, frequent pregnancy and unscientific delivery again become responsible for very high number of maternity death in the country. The Dowry Prohibition Act of 1961 also failed to stop the continuity of this evil practice in our society. The number of dowry deaths is increased from 1912 in the year 1987 to 8172 in the year 2008.

“Intimate Violence in Families”²⁸ is a broad overview of family violence and intimate partner violence in the societies of America. According to the National Family Violence Survey of the United States, martial violence occurs most frequently among the couples under 30 years of age and wife abuse was more common in black households than the white ones. As per the report of the U.S. Department of Justice in 2000, 4 out of 10 women experience physical violence by an intimate partner and approximately 22.1 percent of women had experienced some form of assault by a family member. The report also revealed that 20 percent of all violent crimes experienced by women in the U.S. are cases of violence caused by an intimate partner and approximately 1218 women were killed by an intimate partner in a year in the U.S.

“Domestic violence and Healthcare- What every Professional needs to know”²⁹ is an empirical study of the problem of domestic violence gathered from the experience of the medical professionals who deal with the matter. On the basis of the problems that medical professionals face, it suggests that necessary changes are to be introduced in the medical field so that the victims of domestic violence get better care and response. The study also refers to the ‘Domestic Violence Project’ introduced by Mr. A. Cosgrove, a renowned health activist. The goal of the project is consistent with the objectives of the American Medical Association. According to the AMA’s Council on Ethical and Judicial Affairs , primary responsibilities of physicians dealing with victims of domestic violence is to identify the abuse, provide sensitive support, clearly document the abuse, provide information about options and refer

²⁸ Richard J. Gelles, ***“Intimate Violence in Families”***, 3rd ed., Sage publications, Thousand Oaks, 1997

²⁹ Sherri L. Schornstein, ***“Domestic Violence and Healthcare- What every Professional needs to know?”*** Sage Publications pvt. Ltd, New Delhi 1997

the case for better treatment with patient's consent. Thus the medical community has lot to do not only in ascertaining good health care to the victims of domestic violence but also in bringing such cases to the focus of appropriate authority.

“Human Rights in India- Historical, Social and Political Perspectives”³⁰ in an edited work that discusses the ideological foundations of human rights law and the practical difficulties in their effective implementation in India and at the International level. Although Protection of fundamental human rights is an important task of every nation and there are various treaties, covenants and declarations relating to that, in reality they are hardly implemented. For example, more than twenty two treaties were passed by different international organisation to ban Prostitution but it could not happen in reality. Although India is a party to maximum conventions and declarations relating to women's welfare but many of the provisions of those treaties and conventions could not be incorporated in the laws of India due to the article 253. According to the article, only those provisions of international treaties and conventions are included in the formulation of laws which do not contradict with the customs and tradition of the Indian society. As a result, many of the provisions of International treaties and conventions could not be included in the laws of the nation.

“Women and Human Rights”³¹ focuses on the issue of violence against women. In the fourth World Conference of Women, the United Nations Secretary General B.B. Ghali said that, ‘violence against women is a universal problem which must be universally condemned as well as it is an obstacle to the achievement of the objectives of equality, development and peace in society.’ Violence against women has variety of forms - family violence, rape, child marriage and female circumcision are included in the category of domestic violence. A preliminary report by the special rapporteur which is appointed by the Commission of human rights Ms. Radhika Coomaraswamy focuses on three areas of concern where women are particularly vulnerable: (i) in the family (domestic violence, traditional practices and infanticide), (ii) in the community (rape, sexual assault and commercialised violence such as trafficking in women, labour exploitation and so on), (iii) by the state (violence against women in detention as well as in the situation of armed conflict and against the refugee women).

³⁰ C. J Nirmal , ***“Human Rights in India- Historical, Social and Political Perspectives”***, Oxford University Press, New Delhi,2000

³¹Jyotsna Mishra, ***“Women and Human Rights”***, Kalpaz Publications, New Delhi,2000

Until United Nations General Assembly adopted the Declaration on the Elimination of Violence against Women in 1993, most of the governments regarded violence against women as a private matter between individuals and not a pervasive human right problem which requires state intervention. But the passing of the declaration on the elimination of violence against women has also to go a long way. Until, society changes, the goals and objectives of the declaration will not be realised.

“Human Rights of Women”³² deals with various dimensions of human rights in relation to the status of women. Human rights of women are an inalienable and integral part of universal human rights and it is the responsibility of the state to protect these rights. But women’s enjoyment of human rights is being constrained by various factors since time immemorial. In recent times, the emergence of competitive economic systems has further complicated the situation for women. Women’s vulnerability as cheap labourers and migrant workers to expand tourism of the present economy has become a matter of concern. So along with women’s progress and development on the one hand, the bulk of women’s misery has also dependent on the other hand.

“Women and Human Rights”³³ discusses the role of international organizations regarding the variety of issues of human rights of women. Global recognition of universal declaration of human rights is one of the major steps which is taken by the United Nations for the protection of human rights. But still there is a gap between the principles taken by international organisation and practices to solve the actual problems which women face in their practical life. It is wrong to underestimate the achievements of the international community but the fact is that the measure of real impact possible only through an examination of their practical application in the daily lives of human beings. With reference to the domestic violence, dowry deaths, child abuse and so on laws have been formulated by international community to create special categories of offence to deal with the problems. But these provisions have not been effective till today to protect the women from violence and physical assault.

³² Ashine Roy, ***“Human Rights of Women”***, Rajat Publications, New Delhi, 2003

³³ Lina Gonsalves, ***“Women and Human Rights”***, A.P.H Publication corporation, New Delhi, 2001

“Child Marriage in India: Socio-Legal and Human Rights Dimensions”³⁴ focuses on the issue of child marriage of young girls which has been debated for more than a century in India but never been considered as a serious threat to the life of young girls. In this work, the issue of child marriage is explored from a holistic perspective by examining the social, religious, cultural, and legal barriers in prohibiting the harmful practice of child marriage in India. The book highlights the magnitude of the problem of child marriage prevalent in India, analyse diverse reasons for continuation of the practice of child marriages. The author argued that for whatever historical reasons behind a particular social practice was adopted, but it can be certainly attributed to a patriarchal structure of society. The institution of patriarchy operates in the name of culture for justifying child marriage of young girls. In the patriarchal family structure, the attitude towards women is that they are not to be left independent. So at every stage in their life, they are under the domination of some male member of the family: father, husband, or son. The purpose of marriage is transference to the father’s domination over a girl in favor of her husband. Besides that reason various other reasons were also discussed like control over sexuality, economic reasons, lack of alternatives to child marriages, lack of awareness about adverse health consequences, lack of awareness of law and so on. She also argued that the lack of an understanding and a lack of political will on the part of lawmakers about the grave repercussions of the practice of child marriages are some of the reasons for the failure of the law on age of marriage. She argued that the judiciary can play a more constructive role to promote the rights of young girls. She also criticise the judiciary for not playing the educative role of creating public awareness about the harmful consequences of child marriage on girls. She suggest that cultural values justified in a patriarchal set up must be transformed to non-discriminatory, human values. The patriarchal social order has to face the challenges that are posed by human rights and feminist jurisprudence. She also suggests that law must have a role in effecting social change. Along with the reforms in the existing laws, a movement creating a legal culture, making the active agents sensitive to the consequences of child marriage, and furnishing meaningful viable alternatives to young girls, is required to be built up. The responsibility for this lies with civil society.

³⁴ Jaya Sagade, *“Child Marriage in India: Socio-Legal and Human Rights Dimensions”*, Oxford University Press, New Delhi, 2005

“Constitutional Protection of Women in India: Introspection and Prospective Vision”³⁵, is an article discusses about various provisions of Indian constitution for the protection of women from discrimination. The constitution of India guarantees to all citizens equality before law and the equal protection of the law within the territory of India. The basic principle is that all men and women are equal before the law therefore law protect them all. Under Article 15(1) of the Constitution prohibits the State from making discrimination against any citizen on the ground of religion, race, caste, sex, place of birth or any of them. In *Anjali Ray vs. State of West Bengal*, the court held that Article 15(3) enables the state to make special provisions favouring women, it cannot be interpreted in a manner so that it denies the right already guaranteed to them under Article 15(1). Secondly, Article 15(1) discrimination only against women will be unconstitutional. Thirdly Article 15(1) be read as supplementary to Article 14, hence, it cannot deviate from the Principal guarantee. Keeping this in view a number of laws have been enacted relating to prohibition of female infanticide, dowry, exposure of women in advertisement, female child marriage, atrocities and molestation, abduction and rape, maternity benefits, medical termination of pregnancy, prohibition of prostitution and trafficking in women, protection in employment etc. Even the courts in India have served as a stimulus for the Indian legislation to enact new laws or bring changes in the existing legislation with a view to afford better and effective protection to the women. Even the Supreme Court has exhibited a welcome judicial activism in recognizing, popularizing and enforcing these rights. In this reference some cases like the *Vishaka and Others vs. the State of Rajasthan and Others case*, the *Anjali Ray vs. State of West Bengal case*, the *C.B.Muthamma vs. Union of India case*, the *Bandhua Mukti Morcha v. Union of India case*, the *Chairman, Railway Board vs. Chandrima Das case*, the *Delhi Domestic Working Women’s Forum vs. Union of India cases* are noteworthy. The author also discusses about Article 16, 23, 24, 37, 39, 40, 44, 51-A (e) which also provides safeguard to women and children. Besides these constitutional provisions other provisions have been made under various legislations. Several commissions have been set up by the government to look into the matters of status of women in the Indian society like the National Commission for Women Act, 1990, the Protection of Human Rights Act, 1993 etc. It is crystal clear that the Constitution of India provides

³⁵ Sanjay Sindhu, *“Constitutional Protection of Women in India: Introspection and Prospective Vision”*, eds, Regal Publications, New Delhi, 2007

DPSP which are fundamental in the governance of the state. These provisions provide special favour to women and direct the state to treat male and female equally. But unfortunately, today besides these provisions and special enactment, in the country like India, women are subjected to all kinds of discrimination and humiliation. It is now the right time to give proper consideration to these issues and the law relating to them needs second look, so as to implement these provisions for the proper upliftment of women in the country like India.

“Child Labour and Human Rights: A Prospective”³⁶ explores a new perspective for the understanding of the problem of child labour and the violation of human rights with reference to the India. He discusses that child labour is one of the worst forms of violation of child rights. Child labour is increasingly becoming an important issue of concern for the world community. The International Labour Organisation (ILO) has estimated that 250 million children between the ages of five to fourteen work in developing countries atleast 120 million on a full time basis. Sixty one percent of these are in Asia, 32 percent in Africa, and 7 percent in Latin America. India is one of the world’s leading countries in terms of employing children with an estimated number of 115 million working children. Most of these children work in the agricultural sector, leaving about 15 percent of these children in the service and small scale industries. He focuses on the issue that children are found employed in every sector of Indian economy. Agriculture is the most common sector of child labour along with mining sector, plantations, ceramic and glass work, construction, brassware industry, carpet industry, lock industry, silk, auto garage, hotels and so on where child labour force were used. He point out various reasons responsible for child labour in India these are ranges from social and cultural factors, poverty, illiteracy, rapid growth of population, urbanization and so on. He argued that culture has fixed some functions, which has to be performed by the children in their early ages for the effective socialization. This process of socialization and the cultural objectives to which they are supposed to respond are clearly interdependent with the structural economic system within which the process of socialization occurs. In a culturally bounded society like India, culture plays a vital role on both family structure and sex roles of the every child. Child labour can be seen more among low class people or weaker sections of the society. Due to the unequal distribution of wealth and neglects

³⁶ Dr. Nanjunda D.C, ***“Child Labour and Human Rights: A Prospective”***, Kalpaz Publications, New Delhi, 2008

towards the traditional beliefs among the upper caste people has made domination on low caste group. Hence, child labour can be seen more among low class people or weaker section of the society. He also focuses on the bonded labour system in India. Bonded labour is also becoming a major problem in India. Families who cannot pay their debt sell or trade their children to their debtors in exchange for the money they owe. Human Rights Watch estimates that about 15 million children work under these conditions. Bonded labour is clearly an abuse of their basic rights as humans. It is commonly asserted that poverty is the cause of bonded and other forms of child labour. In fact, poverty is only one of many factors at play in creating and sustaining the conditions that facilitate endemic bondage. In India, other key elements behind bonded child labour include: an ancient tradition of slavery and debt bondage; the lack of alternative small scale loan for the rural and urban poor and the lack of a concerted social welfare scheme to safeguard against hunger and illness; a noncompulsory and unequal education system; the lack of employment opportunities and living wages for adults; corruption and indifference among government officials; and social apathy. A final element is caste based discrimination, which is closely intertwined particularly with agricultural debt bondage.

“Crime and Violence against Women: The Situation in Assam”³⁷ is an article dealt with the phenomenon of violence against women in Assam. Despite the higher social role and status of women in this region against her counterparts in other parts of India, women here face variety of violence in varied forms due to a number of contributing factors. Insurgency, internal conflicts, social structure, political instability, lax administrative control, increasing poverty and lack of proper economic development are identified as the roots of growing social evils of the region. These evils also include the increased incidence of crime and violence against women. During the period of 1997-2002 there has not only been increase in the number of crimes and violence against women in Assam, but also the incidence of crime is well spread over all the districts. Overall crime rate in the state has increased by approximately 36 percent over the period. Among the different forms of crime, total case of kidnapping (6779) is the highest followed by cruelty by husband (6143) and rape (4627). On the contrary, the rate of increase over time in dowry death (181.81%) and that of cruelty

³⁷ Dr. Archana Sharma & Indranoshree Das, *“Crime and Violence against Women: The Situation in Assam”*, Akansha Publishing House, New Delhi, 2005

by husband (101.29%) are alarmingly high; whereas the rate of increase in kidnapping (10.42%) is much lower. Another form of crime that had increased at a galloping rate is immoral trafficking. Looking at the inter district differences in the crime rate; it has been observed that all forms crime had an increasing rate in all the 23 districts. Kamrup, Cachar and Nagaon happened to be the three worst districts in terms of crime against women, followed by Sonitpur and Dhubri. With respect to rape cases, Kamrup is immediately followed by Sonitpur, while in case of dowry deaths Cachar leads, followed by Barpeta and Kamrup. She argued that the cultural pattern of the particular district, the rate of urbanization and growth rate of slums seemed to have an influence in the inter district pattern of crimes. The high rates of crime in the districts like Sonitpur and Dhubri and to some extent Nagaon may also be attributed to insurgency. They also focused another form of crime affecting more women than men that has already taken serious proportions in some of the tribal dominated pockets in the districts of Goalpara, Bongaigaon, Kokrajhar, Nalbari and Dhubri is that of witch hunting.

“Women and Human Rights”³⁸ is an article discusses that though women are an inalienable and integral part of universal human rights but there prevails a wide hiatus between theory and practice. While international law is gender neutral in theory, in practice it constituted men and women into separate spheres of existence- public and private, respectively. Thus men exist as public, legal entities that enjoy civil and political rights and in a way define nature of rights discourse. Women’s existence, on the other hand is “privatised”, has been justified on the grounds of social and cultural specificity of region or group. Thus, social and cultural norms which become grounds for respective states’ consistent relegation of women to private sphere, results in international law being either reinforcing or replicating exclusion of women’s human abuses from the public sphere. The effects of this public/private divide in the international law are more evident in domestic violence, which literally happens in the private. Harms suffered by the women at the hands of family members or their partner have been placed outside the conceptual framework of International human rights. It also argued that despite of common development of human rights, the rights movement is *based on make experiences of men’s struggle* in men’s world against the

³⁸ T.R. Sharma, ***“Women and Human Rights”***, eds, Regal Publications, New Delhi, 2007

overarching state to assert men's dignity and humanity. Hence this Human Rights movement is unresponsive to women's lives and risks they face.

“Gender Justice and Human Rights”³⁹ is an article focusing on the gender gap between men and women. This gender gap has tended to divide men and women into two different worlds, two separate planets, and two unequal humanities. The struggle to lift this curtain of unequal relationship and wipe out the unseen tear from the eyes of women are the most formidable challenge of our time. Since ancient times women are facing problems. Their oppression is persistent and universal and its solution is complicated. Many prophets of women's emancipation have come and gone, but discrimination against women and violation of human values persists. Gender issue is basically one that affects women directly or indirectly. In the other words, in any social evil perpetrated at the cost of women, any law or custom that reinforces and institutionalises women's inferior status in society, or any event or series of events that effects large number of women can be regarded as a gender issue. Early socialization lays down rules about and provides role models for sex-appropriate behaviour and actions. Most societies have pattern of socialization, which encourage male and females to acquire differential attributes. In the Indian families also 'boys are brought up to be served, girls maids in the scullery'. In fact women, women constantly suffer from discrimination in all fields of her life before and after coming on this earth. In recent years there has been an alarming increase of dowry deaths, sexual violence, and harassment of women, which reveals a large scale societal breakdown. Women's position is worsening practically in every sphere, with the exception of some gains in education and employment for middle class women. The manifestation of gender violence may differ in different socio-economic and cultural settings but its impact, intensity and consequences on women remain the same. To understand the nature and forms of violence against women, one has to understand the function of violence as a maintenance mechanism of patriarchal society. The wide spread gender violence is seen as both indicator and means of perpetuating the low status of women, which also manifest itself through various not easily recognised forms of structural violence such as low health status, lack of access to higher education, employment and healthcare and so on. To unable women to fight against

³⁹ Anil Dutta Mishra, ***“Gender Justice and Human Rights”***,eds, Regal Publications, New Delhi,2007

discrimination, it is necessary to empower them by ensuring their participation in decision-making bodies at all levels. It is the time to realise gender justice which is the need of the hour. Gender justice means women must exercise full participation in decision making process walks of life, and fully participation with men in all walks of life, and fully participating with men in equitable and practical solutions to issues in family and society. Women in India have to go a long way to attain the complete gender justice in political, economic, social and cultural field. The need of the hour are not welfare, but development; not charity, but entitlement; not assistance but empowerment not structural adjustment, but structural change; not even social security but social and gender justice, if the women is to survive and flourish in the given situation.

“Human Rights Challenges of 21st Century”⁴⁰ is an edited work addresses the challenges of “failed state” in 21st century with special reference to the protection of human rights of its citizens. In this 21st century, our values and moral bases are challenged not only by various factors, most importantly by the ‘State’ itself. Human Rights violation by the State apparatus is an indication of immoral action of the State. Racial profiling by the police is an example unethical policing. Abject poverty and greater inequality are signs of State degradation. Re-building such shattered states is the prime duty and responsibility of international institutions. The recently evolved Human Rights Council Calls for an Universal values to refine such ‘failed states’. Poverty today is an unethical situation which compels the State to act in a particular way for its complete eradication. It is a basic value to put an end to poverty. Inequality, prejudice, racial discrimination, caste consideration, slavery, violence, poverty and gender bias are all signs of human indignity and rejection of values of highest order. Therefore, social institutions have the responsibility of developing the right ethics and values, which later backed by the State. The social science dilemma for a very long period has been the use of force for the enforcement of the right ethics and values for the citizens. After all, ethics, human values and morality are not always controlled by law because it hails from our heart and not from our mind. When you are physically harmed, the mind makes an instant command to protect yourself and in that event you use force and cause a great damage to your offender. When the same pain caused by a police or State agencies we are in a position to accept it. Social

⁴⁰ V.N Viswanathan, ***“Human Rights Challenges of 21st Century,”*** eds, Kalpaz Publications, New Delhi, 2008

institutions like clan, tribe, groups, community and religions play a paramount importance in supplying the values and ethics and thus train us to lead a peaceful life. Respecting the basic rights of others is a value based approach for a peaceful co-existence. Human rights are basic rights of mankind. Protecting the human rights of the people is the modern ethics of 'state'. Many 'failed state' failed to protect the human rights of its citizens. Modern State system cannot survive when it failed to safeguard the human rights of its citizens. It is for this reason, today, the State not only protects the rights of its people but also fulfil its responsibilities of imparting such values among its citizens.

“Violence against Women in Manipur”⁴¹ is an article focuses on the phenomenon of violence against women in Manipur. The article focuses that despite the fact that there has been very strong women's activism in the state of Manipur, the instances of violence against women are steadily increasing. It is important to note that more than half of the incidences of violence against women is never reported to any enforcement agency or to the authorities. Violence against women has an impact on the health of women too. According to Regional Institute of Medical Sciences, Manipur, “Mental health of women is lower than men. Mental problems are two times higher among women and only a fraction of it takes treatment. Ten percent of the total population suffers from mental illness out of which 1percent is very severe”. The report also focuses that women go for treatment only in extreme cases when pathological problems manifest in the forms of severe headache, backache, depression or general ill-health. The study conducted by North East Network also showed that there is a lack of support systems to address the problems of mental health of women. The breakdown of the formal health care services in certain areas due to the ongoing conflict is the major area of concern. This has specially affected women, as they have to travel for several kilometers to meet their health needs. The ongoing armed conflict situation and unrest prevalent in the northeast has intensified the violence faced by women, which takes the forms of sexual, mental or physical abuses or killings and clashes. Although, all members of communities are impacted in situations of armed conflict, it has special repercussions on the status of women. It has lead to the increased instances of violence against women, wherein women are targeted both by state and non state actors due to their status in society and their sex. The region has

⁴¹ Esther Chinnu, ***“Violence against Women in Manipur”***, Akansha Publishing House, New Delhi, 2005

witnessed a resurgence of patriarchal values and norms which brought about along with new restrictions imposed on the movement of women, dress they wear and more overtly physical violence such as rape, which is systematically used as a tactic against a particular individual or community. It has been estimated that 3 to 4 rape cases occurring in situations of conflict go unreported. Apart from the direct impact of the conflict in terms of violence, loss of property and livelihoods, displacement and trauma, patriarchal controls on women seem to have increased. Women are expected to be the torchbearers of the culture and traditions but are excluded from decision-making bodies.

In an article *“Dignity of Dalit Women”*⁴² discusses about the vulnerable position of Dalit women in Indian society. Dalit women’s are thrice discriminated outcastes, few, due to their caste, gender discrimination, being women and finally economic impoverishment due to unequal wage disparity with low or underpaid labour. They also experience endemic violence is the outcome of severely imbalanced social, economic and political power equations. Their socio- economic vulnerability and lack of political voice increased their exposure to potentially violent situations, while simultaneously reducing their ability to escape. This situation exists in India today despite of constitutional guarantees of non-discrimination on the basis of caste and gender article 15(1), right to life and security of life (Article 21), and the constitutional directive to specifically protect Dalits from social injustice and all forms of exploitation (Article 46). The Hague conference on Dalit women’s rights represented the next step in the struggle for the human rights and dignity of Dalit women. Although presently Indian society has moved far from the days of the “untouchables” Dalits as a class still exist and atrocities against them are still happening. However there have been several road blocks and obstacles that have showed the pace of women’s empowerment in India. Whether it is an issue of Justice, Peace, Human rights or the destruction of the environment; we need to work across the boundaries of caste, religion and cultures.

*“Human Rights of Muslim Women in India”*⁴³ is an article discusses about the vulnerability and deprivation of Muslim women in Indian society. Muslim women in

⁴² M. Elavarasi, *“Dignity of Dalit Women”*, eds, Kalpaz Publications, New Delhi, 2008

⁴³ Iqbal A. Ansari, *“Human Rights of Muslim Women in India”*, eds, A.P.H Publishing Corporation, New Delhi, 2000

India constitute one of the most deprived groups who are unable to equally enjoy their human rights. Their deprivation and vulnerability derives from various sources like cultural and religious, legal, socio-economic and educational as well as violence faced by them. In cultural and religious sphere male interpretation and applications of Quran and stereotype negative traditions of Muslim community assign low status of Muslim women and this often leads to the violation of women's rights. In terms of literacy and education, health care, public employment and economic status of women is still lower in Muslim society. The author argued that the reason for this backwardness is historical and partly it owes to exclusionary-discriminatory practices of the dominant group against Muslims both in the public as well as private sector. It is this socio-educational backwardness of Muslim women which renders them incapable of securing their rights. He also argues that in secular India Muslim women are governed by the uniform laws as implemented for all people of India except in matters of family. In case of family Muslim women are governed by Muslim Personal Laws. It was emphasised that the Nikahanama itself should contain the provisions for prohibiting polygamy, unilateral triple divorce and share of divorcee women in the matrimonial property. All these are required to ensure justice to Muslim women. Such low status, esteem and segregated and restricted role of Muslim women, raises issues not only of social reform and empowerment, but also to reform the family laws. It can be said that to enjoy and realise their human rights, a multipronged process of social reform within the community as well as empowerment through affirmative action programmes for their greater access to educational, economic and political institutions and opportunities is required.

In an article ***“Challenges to Human Rights: An Insight into Female Foeticide, Infanticide and Child Murder”***⁴⁴ throws more light on the fact that female children have been done away either immediately after birth or in most of the time before birth. There are several reasons for killing of growing baby inside the womb of the mother or after her birth. The main reasons for these inhuman practices are the traditional and cultural misconception of Indian society, dowry, prestige, poverty and depression and so on. Female child is always considered as burden on the family. It has become traditional misconception that the economy of the family will be depleted

⁴⁴ A.K.Tiwari, ***“Challenges to Human Rights: An Insight into Female Foeticide, Infanticide and Child Murder”***, eds, A.P.H Publishing Corporation, New Delhi, 2000

by the presence of the girl child. Another reason is dowry; this system is one of the draconian problems which the Indian society has been facing for hundred years. The parent of the bride has to spend a hefty sum on his daughter's marriage if he wants a decent family on his standard. It brings a bitter experience for girl's family. So, history has witnessed that girl child is often killed as soon as she comes in this world. Again the obsession for male child is increasing as he has more infrastructure and cultural affliction of the Indian masses. So the girl is often aborted before or after her birth. There are numerous provisions for protection of child in India as well as international community also giving importance for the wellbeing of every child. Many of the Indian endeavours in the upbringing of the child, the judicious treatment to children prohibition, on publicity of the commission of offence if any by children, providing Observation Homes, After-Care Homes, Approval Schools, Nari Niketan, so on and so forth are the widening horizons for the betterment of the children. There are various organizations such as UNICEFF (United Nations International Children's Education Fund), ANPPCAN (African Network on the Prevention and Protection Against Child Abuse and Neglect), the 1989 UN Convention on the Rights of the Child, International Year of the Child 1979, so on and so forth. In spite of the legal emancipation of women's upliftment in education and employment, the traditional psychology regarding the girl child has not taken any metamorphosis. The author suggests that without proper implementation of laws and changing the mindset of people one cannot change the evil practices in Indian society. It should be the duty of every member of the human family to shun the greediness of money blended with malignant materialism of unfathomable miseries even though God's creation viz. Foetus, infants, and child are subjected to unexplainable quantum of barbarity.

“Gender Inequality”⁴⁵ is an article which discusses about the phenomenon of gender inequality which is prevalent in most parts of the world. The author discusses seven types of gender inequality which are mortality inequality, natality inequality, basic facility inequality, special opportunity inequality, professional inequality, ownership inequality and household inequality. Natality inequality is given a preference for boys over girls. It is particularly prevalent in East-Asia, China and South Korea, Singapore, Taiwan particularly and in India significantly. Basic facility inequality stands for deprivation of women from her basic needs. Afghanistan may be

⁴⁵ Dr. J.A.Arul Chellakumar, ***“Gender inequality”***, eds, The Associated Publishers, Ambala Cantt., 2008

the best example in this regard. Special opportunity inequality is making difference in basic facilities including schooling, higher education, professional training between men and women. This type of inequality can be observed in some of the richest countries in the world, Europe and North America. And professional inequality means inequality in terms of employment, promotion in work between men and women. Ownership and household inequality is prevalent in many societies where women are always deprived in the matters of property and household works. The author suggests that empowering women can be a good measure to reduce the indirect effects that women suffer from the subjugation of men. The need of the hour is not just freedom of action but also the freedom of thought in women's ability and willingness in the mind of everyone.

In an article *“Women and Law in India”*⁴⁶ criticises the failure of the Indian laws to protect women from violence and discriminations. Despite of massive legislation there is an increase in the violence against women in India. The laws are deficient and weak to fulfilling the needs and requirements or to provide physical, mental security of Indian women. For instance, despite of introducing the Hindu Code Bill to reform the Hindu Personal Law, it hardly secured any principle of gender equality rather created a myth of equality between Hindu women and men. In the name of equality and justice it crushed a number of liberal principles already prevailing in one or other part of the society. The provisions of Codified Hindu Law did more to establish the discriminatory patriarchal setup and values and provided them a legal cloak. By referring to the process of Divorce, it was made a complicated and expensive one which earlier was a simple, cheap and one time affair. It granted no reliefs to females. None of its provisions could bring about gender equality. Even the guardianship of the child is to be given to the father who is recognised as the natural guardian and not to mother even if she is financially sound. Again, it allows customary practices of dissolution of marriage, which are highly discriminatory and anti-women in nature. In the matter of property and inheritance only those practices included which retained male dominance. As per the Hindu Adoption and Maintenance Act, 1956 a married women cannot adopt a child independently. This right of adoption belongs to husband/males only. Again the Suppression of Immoral Trafficking Act of 1956 and the Prevention of Immoral Trafficking Act of 1988 not have any consideration of the

⁴⁶ Rachana Kaushal, *“Women and Law in India”*, eds, A.P.H Publishing Corporation, New Delhi, 2000

socio-economic and ideological base of prostitution and hence have no constructive plans of rehabilitation for women involved in it. According to the author, with these types of laws one cannot even think of gender justice and safety to women as a part of democratic state. The laws available to protect women from discrimination are enough to reflect basic characters of Indian state which is still feudalistic and patriarchal. Modern liberal Indian state of post -1947 could not demolish the patriarchal feudal society and conservative values which are still the source of oppression and exploitation of the female counterpart of the society. State institution being dominated by males, brought up with such patriarchal orientation is unable to understand the problems of women or they lack the real intention of solving them.

“Child Rights in India”⁴⁷ is an attempt to bring forth the information on the laws, programmes, schemes and policies in force that focuses the interest of the children in India. India has been in forefront in affirming the commitment for the wellbeing of its every child. Besides the constitutional provisions, the government of India has also ratified the UN Convention on child in 1992. Apart from that, National policy of Resolution on Children 1974, various initiatives in form of laws, schemes, programmes and policies have been introduced by the government of India towards protection and enforcement of rights of children in the country. The authors criticise the government machinery for unsuccessful implementation of various legislations and plans for children. The major causes laid by them are lack of strong political will to enforce such laws, lack of initiative and commitment on the part of implementation of various legislations and lack of social consciousness and lack of community acceptability. This is the responsibility of the state government machinery to enforce and creating awareness about the significance of the rights of child within the society. Without it one cannot ensure proper secure upbringing of every child in this nation.

“Girl Child and Family Violence”⁴⁸ is a work about the causes, concepts and multifarious facets of violence and abuses of girl child. The most important findings of the work are that society, community and the state are responsible for the child abuse directly or indirectly. In Society, gender bias, deep rooted social customs and traditions, patriarchal system, poverty and illiteracy are the main causes of child abuse. The state with its ineffective implementation mechanism delays and fails to

⁴⁷ T. Rajiah, ***“Child Rights in India”***, eds, The Associated Publishers, Ambala Cantt, 2008

⁴⁸ Promila Kapur, ***“Girl Child and Family Violence”***, Har-Anand Publications, New Delhi, 1993

address the problem of child abuse. The family plays a passive role out of fear. So, a transformation in the attitude of family, society and state is required to prevent domestic violence and abuse of girl child. Strict and quick implementation of the laws and further progressive legislations will help to minimize the impact of the passive role of the family and society in this regard.

From the above review, it may be said that there are different factors responsible for domestic violence against women such as illiteracy, poverty, traditional outlook and poor implementation of laws. But solving of the problem of domestic violence is an imminent necessity not only to end gender discrimination but also to achieve the goal of human rights in our society. A study of the domestic violence against women in Nalbari district of Assam may help to focus and throw light on this burning problem of the society.

Objectives

The objectives of the present study are

1. To find out the nature and causes of domestic violence.
2. To find out the role of Women's organisation for protection of women's rights and
3. To find out the state's response towards domestic violence.

Hypotheses

1. Patriarchal social values are the causes of domestic violence.
2. Poor implementation of the governmental laws to ensure women's rights is also responsible for domestic violence in our society.

Methodology of the study

Research Area

The study is conducted at Nalbari district of Assam. The total area of Nalbari District is now 1009.57 sq.km consisting of 1(one) Civil Sub-Division, 7 (seven) Revenue

Circle, 7(seven) Community Development Blocks, 5 (five) Police Stations, 7 (seven) Anchalik Panchayats and 65 (sixty five) Gaon Panchayats covering 471 villages. The total population of the district (2011 census) is approximately 7, 69,919 with male population of 395804 and female population of 374115. Out of these 7 blocks, 6 blocks (Pub-Nalbari, Pachim Nalbari, Barigog Banbhag, Tihu, Barama (part) and Banekuchi) are selected for the present study by simple random sampling technique.

Sample

Both primary and secondary sources of data were gathered for the study. Secondary sources included documents, books, reports of surveys and studies, literature pertaining to domestic violence and other relevant publications like journals, articles and internet also. In order to collect primary data, cases for a period of 10 years (since 2001-2010) have been studied. A total of 1825 cases of domestic violence had been registered under Nalbari Zilla Mahila Samiti since 2001. The total number of cases studied was 180. Most of the cases studied were of marital discord resulting from perpetual incidences of domestic physical violence. However, a few cases of ill-treatment and mental cruelty were also studied. Again the victims who had registered cases were also identified through Nalbari Zilla Mahila Samiti, the lone voluntary social organization of the district that renders counseling and legal aid to its clients. Thus, out of 1825 cases, 180 (approximately 10 percent) cases were studied and also the respondents were interviewed. In addition to this 20 respondents were chosen from the cross-section of the society including members of women organisations, lawyers and doctors to understand their response to the victims. Thus, a total of 200 respondents were selected by the technique of purposive sampling.

Technique of Data Collection

For collecting primary data two sets of interview schedules were used which served as the principal instruments of data collection. In consonance with the objectives, close and open ended questions were formulated in the interview schedule. The interview schedules had different sections to elicit information from the respondents. In addition to socio-economic and demographic background of the respondents, information was also sought about the nature, incidence of domestic violence and the impact of

domestic violence on the victims. In addition to the interview schedule for the victims, another schedule was used for the members of Women organizations. A number of social activists, protection officer (POs) and the police personnel were also contacted and interviewed as they are competent to throw light on the matter.

An Overview of the Chapters:

Chapter: I Introduction

The introductory chapter (Chapter-I) consists of the statement of the problem, review of related literature, objectives, hypotheses, methodology and techniques of data collection. A brief description of chapters is also given in the 'Introduction'.

Chapter: II Setting and Sample

In this chapter, a brief discussion has been made on setting and sample of the study. For the convenience of presentation, this chapter has been divided into two sections. Section I deals with the brief profile of the study area i.e. Nalbari district of Assam, its location, demography, historical back ground, development & communication, area and administrative division, literacy and economy and Section II deals with an elaborate presentation of the personal profile and socio-economic background of the respondents.

Chapter III State Response to Prevent Violence against Women: National & International Scenario

In this chapter, an elaborate discussion is made to understand national and international responses to prevent violence against women. In this chapter, the responses of national and international community, organizations and non-state actors to prevent violence against women is discussed. Here, the different acts, resolutions, conventions passed by the national and international community such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted by the United Nations, Domestic Violence Act passed by the Indian government and so on is also discussed. Besides this, the present chapter is

also focused on the relevant sections of IPC and Cr P.C that deals with offences committed against women.

Chapter IV Analysis of Data and Interpretation

In this chapter data were analyzed, interpreted and the results of the study are discussed in detail. For the convenience of presentation, this chapter has been divided into three sections. Section I deals with the nature and extent of violence, Section II looks into the consequences of domestic violence, and Section III deals with the causes of domestic violence and the role the women organizations played in this regard.

Chapter V Summary and Conclusion

In this chapter, the summary of the study is presented with a brief discussion of the each chapter. Some suggestions that may reduce domestic violence are made and the limitation of the study is also reported.

CHAPTER II: SETTING AND SAMPLE

In this chapter a brief discussion has been made on setting and sample of the study. For the convenience of presentation, this chapter has been divided into two sections. Section I deals with the brief profile of the study area i.e. Nalbari district of Assam, its location, demography, historical background, development & communication, area and administrative divisions, literacy and economy and Section II deals with an elaborate presentation of the personal profile and socio-economic background of the respondents.

I

Setting

The research setting refers to the place where the data were collected and the area of the present study is Nalbari district of Assam. Nalbari district is located in Central Western part in the state of Assam. The district falls within the Lower Brahmaputra Valley zone of Assam and it is a melting pot of different group of people, their cultures and traditions. Flanked by the river Brahmaputra on its southern fringes and the foothills of Baksa district towards its northern end, the district represents diversity in its geographical situations. An introductory profile of the district is summarized briefly in this chapter.

Geographical feature

Nalbari district is situated in central western part of Assam between $91^{\circ}07'E$ and $91^{\circ}47'E$ longitudes and $26^{\circ}N$ and $58^{\circ}5'N$ latitude. The mean elevation of the district is 89 m above msl. The district headquarter Nalbari is located about 75 k.m away from the state capital Dispur, Guwahati and is linked with both road and rail network. The district is characterised by almost plain topography with a gentle slope from north towards south, ending in newly built up char land and the river Brahmaputra. The total geographical area of the district is 98428.59hac. To the north, the district shares its boundary with the newly created Baksa district while the southern boundary of the

district is flanked by the Brahmaputra River. The eastern boundary of the district is shared by Kamrup district while Barpeta district is located on the western boundary.⁴⁹

Historical Background

In ancient times *Western Assam* was known as *Kamarupa*, which existed in harmony with *Davaka* of central Assam. *Kamarupa* was divided into *Kamarupa Pithas* or geographical divisions; Nalbari placed in *Kamapitha* division. Region continued to be called as *Kamrup* till colonial times. The area congruent to Kamapitha, became *Undivided Kamrup district* of colonial and post colonial times until 1985, when Nalbari district was carved out.⁵⁰

The word Nalbari derived from *Nal* and *Bari*. *Nal* is variety of *reed* while *Bari* denotes garden. 'Nalbari' means a place of reeds. The name was founded by the British Railway Engineers sometimes in A.D. 1890-91. Former name of this place was -Satra, Govindapur, Khata etc. This region was a part of ancient Kampitha, Pragjyotisha, Kamarupa, Kangoor, Rumi, Vaisali etc. The history of Nalbari is connected with king Jarashandha and Lord Krisna such as haribhanga. Nalbari region was under the Ashuras, Danavas, Varmanas, Salastambhas, Palas, Bhuyans, Koch, Tai-Ahoms, etc. The famous earlier villages are Khata, Bahjani, Baska, Dhamdhama, Barbhag, Sonkuriha, Tihu, Janigog etc. Religious shrines are *Sri Sri Bilveswar Maharudra*, *Balilecha mandir*, *Jaypal mandir* etc. In early time, famous Sages like Vasistha, Atri, Kanva passed through this land to Guwhati. The Pandavas and Kauravas also came down to Kamarupa during Duryyodhanas marriage through this route only. Nalbari is known as 'Navadivipa' of Assam. There are good numbers of Sanskrit Tools in Nalbari. This region was once hub of the activities of Haradatta and Biradatta in the last days of the Tai-Ahoms. The story of Kumedan Bangal and Padma Kumari, daughter of Haradatta still echoed in this area.⁵¹

⁴⁹ Internet source: <http://www.aau.ac.in/dee/kvknalbari/dist.html>

⁵⁰ Internet source: <http://en.wikipedia.org/wiki/Nalbari>

⁵¹ *ibid*

Development

In the early part of the twenties a railway station of the Assam-Bengal Railway Company had been established here. As the train started running through, certain traders and businessmen from outside the state came and interacted with the local people. Business transactions were started on the rail station road. The Nalbari M.E. School had been set up in the meantime to the Gurdon School site and it was upgraded to a High School named Gurdon High School in 1917. Both these two events attracted the people to come and settled in the area which had changed its shape and size. It became a strong business centre with great growth potentials in the whole of the north bank of the river. Migration started in a significant way. Population increased, administrative offices were started gradually and in 1931 it assumed an urban look. In 1941 it was declared as one of the town in Kamrup district with a town committee with a population of 3578. In 1945 the Nalbari College started in a temporary shed and in 1950 it was shifted to its present site which helped in the growth of the Bidyapur-Shantipur area of the town into a densely populated area. The establishment of the PWD offices on the Palla road, led to the growth of the Gopalbazar area. In 1968 Nalbari was upgraded into a subdivision with headquarters at Nalbari and in 1984 it was made the district headquarters of Nalbari District, all of which led to the upsurge of development process with huge population migration, primarily of local people.⁵² Nalbari district was further divided in 2003 for creation of Baska district in B.T.A.D area. A sizeable area comprising most of the upland, forest area and tea garden area of original district has fallen into the newly created Baska district under B.T.A.D.

Area and Administrative Division

The Nalbari District is now having an area of 1009.57 sq.km consisting of 1(one) Civil Sub-Division, 7 (seven) Revenue Circle, 7 (seven) Community Development Blocks, 7 (seven) Police Stations, 7(seven) Anchalik Panchayats and 65 (sixty five) Gaon Panchayats covering 471 villages.

⁵²Internet source: <http://dcmsme.gov.in/dips/Nalbari%20Dist.%20Profile.pdf>

Physical features

The entire area of the District is situated at the plains of the Brahmaputra Valley. The tributaries of the Brahmaputra, Nona, Buradia, Pagaldia, Borolia and Tihu which are originated from the foothills of the Himalayan Range are wild in nature and have enormous contribution towards the agrarian economy of the district.

Soil and Climate

The Soil condition of the district is a heterogeneous one. The Soil of the northern part of the district is clayey and loamy where as middle part is loamy and sandy. The Soil of the southern part of the district is composed of sandy soil. The District has a sub-tropical climate with semi – dry hot summer and cold winter. During summer, generally during the months from May to August, heavy rainfall occurs for which the district experiences flood. The District experiences annual (average) rainfall and humidity @ 1500 mm and @ 80 percent respectively.

Natural Resources

Forest constitutes about 8.28 percent of the total geographical area of the district. About 56.96percent of the total geographical area of the district is under cultivation and the rest of the areas are uncultivated and fallow land. The Nalbari district comprises 2.65percent of State's total geographical area.

Population structure

As per population census 2011, the total population of Nalbari district is about 7, 71,639 with male population is 396,006 and female population is 375,633. There was change of 11.99 percent in the population compared to population as per 2001 Census. According to 2011 Census, out of the total population of the district, 7.7 Lakh (89.28percent) lives in rural area and only 10.72 percent lives in urban area. According to 2001 census the percentage of SC and ST population in the district is 7.23percent and 3.31percentage respectively. In terms of religion, Hindus (76.05percent) have largest population, followed by Muslims (22.10percent).

Table: 2.01
Population of Nalbari District Cross Classified by Gender and Place of Residence

Population	Nalbari	Male	Female	Percent
Total Population	771639	396,006	375,633	100%
Rural Population	688909	353677	335232	89.28%
Urban Population	82730	42329	40401	10.72%

Source: Census of India, 2011

Out of its total population, 688909 reside in rural areas, while only 82730 live in urban areas. The composition of population (both rural and urban) in terms of gender is not uniform in nature. The urban population of this district is composed of 42329 males and 40401 females, while the rural population is divided into male and female at the rate of 353677 and 335232 respectively. Geographical distribution of population belonging to rural and urban areas of Nalbari district is highly disproportionate. 89.28 percent of the population of the district belongs to rural area, while only 10.72 percent belongs to urban area.

Density

As per 2011 census, the density in the District is 733 persons per sq. Km which is comparatively higher than the state average of 340. However, in 2001 the density was 683 people per sq. Km and the decadal growth rate of population during 2001-2011 is 11.74 percent.

Sex ratio

With regards to sex ratio, it stood at 949 per 1000 male compared to 2001 census figure of 932. The average sex ratio in Assam is 954 per 1000 male as per the report of census 2011.

Child population

As per the 2011 Census, there were total 95,333 children belong to the age group 0-6 years against 97,861 of 2001 census. Out of these, 95,333 are male and female were 46,875 respectively. In 2011 census, children under 0-6 formed 12.35 percent of total population of the district compared to 14.20 percent of 2001. There was a change of - 1.85 percent in comparison to previous census of India. According to the size of children population, the rank of the district degraded to the 12th position among the 28 civil districts of the State as against the 8th position in 1991 with 189113 children.

Table: 2.02
Child Population of Nalbari District Cross Classified by Gender and Place of Residence

Population (0-6)	Total	Male child	Female child
Total Population	95,333	48,458	46,875
Rural Population	87759	44589	43170
Urban Population	7574	3869	3705

Source: Census of India, 2011

Literacy Rate

Literacy rate of Nalbari district is 78.63percent as per 2011 census which is considerably higher than the state average of 73.18 percent. The male literacy rate is 84.36percent and female literacy rate is 72.57percent. Total literate in Nalbari district were 531,771 of which male and female were 293,184 and 238,587 respectively. Nalbari is one of the educationally advanced districts in Assam. Gurdon Govt. Higher Secondary school is the oldest educational institution of Nalbari district. It was established as middle school in 1887, which was formally declared as Nalbari High School in 1917. Later on, this was named as Nalbari Gurdon High School. There are 12 (twelve) colleges, 6 (six) junior colleges, 21 (twenty one) higher secondary schools, 74 (seventy four) high schools, 154 (one hundred and fifty four) middle

schools and 883 (eight hundred and eighty three) Primary Schools are available in the district.⁵³

Language

The predominant language of the district is Assamese (particularly, Kamrupi, a dialect of Assamese spoken by the people of lower Assam). The other important languages spoken in the district are Bengali, Bodo, Hindi and so on.

Local Administration of the Nalbari District

Nalbari is one of the 14 districts of Assam comprising only one sub-division. Below this level, there are 7 Revenue Circles (Tehsils), viz. Nalbari, Tihu, Barkhetri, Barbhag, Gograpaar, Paschim Nalbari, Banekuchi. Furthermore, the district is divided into 7 Community Development Blocks- Pub Nalbari, Tihu, Paschim Nalbari, Barbhag, Barkhetri, Gograpaar, Madhupur. Below the block level set-up, there are 7 Anchalik Panchayats, viz Pubnalbari ap, Barigog Banbhag ap, Paschim Nalbari, Madhupur ap, Tihu ap, Barbhag ap, Barketri ap covering 65 Gaon Panchayats. From the angle of Police administration, the district area is divided among 7 Police stations namely Nabari, Mukalmua, Gograpaar, Belsor, Tihu, Singimari and Bhagnamari.

Economy

The main source of the economy of the district is agriculture. Agriculture is the main occupation of the district. The District favoured by desirable soil and climatic condition grows a wide range of crops. Paddy is the main crop of the district, grown mainly as summer and winter paddy. The other major crops are Mustard, Jute, Potato, Wheat, Lentil, Black gram and different vegetables like Brinjal, Cabbage, Cauliflower, and Lady's finger, Radish, Tomato, Cucumber, Carrot and Guards. Onion, Garlic, Chilly, Zinger and Turmeric are also grown in small areas in all the Dev. Blocks. Some other minor crops are pea, sesame Niger, Cucurbits, Tapioca etc. Important plantation crops are Banana, Coconut, areca nut, guava, mango, lemon,

⁵³ Internet source: <http://nalbari.nic.in/menu.asp>

bamboo etc. In animal husbandry sector, different indigenous and cross breeds are reared by the farmers of the district. Dairy, Goat rearing, Piggery, Poultry and Fishery are major components of Animal Husbandry and Fishery in the district. Sericulture is another source of occupation for the local residents of the district. Eri, muga, mulberry are main source of income of 2645 families producing approximately 15391k.g of silk yarn yearly in the district.

Thus, it may be said that Nalbari is a backward district. Notable among its backwardness is the poor communication and health services. Despite of high level of education level the status of women in the district is still low. Such features have served as congenial situation for domestic violence against women in the district. However, this district has tremendous potential to transform into one of the major district of Assam but due to various unavoidable factors it's not happening till now.

II

Sample

In order to understand the real- life situations of the victims of domestic violence an empirical study has been conducted with 200 respondents. The respondents have been selected through purposive sampling. Case filling registers of the Nalbari Mahila Samiti, Nalbari has been taken as the basis for the selection of the respondents. A detail discussion about the methodology regarding the selection of respondents has been made in chapter I.

Socio- Economic Profile of the Respondents

Due to the rapid socio-economic changes, life has become highly competitive creating severe challenges towards survival. The style of living in our society has also become more money-oriented or materialistic. The behaviour of people is changing due to this outlook. Financial problems are faced by many families in our society owing to numerous reasons such as poor economic conditions, bad housing, poverty, lack of job opportunities, unfavorable and frustrating work condition arising out of inequalities in the society and unequal distribution of resources. As a result marital breakdown or discord and violence in the family have become common in our society.

Thus, understating of the socio-economic background of the respondents is imperative as it may throw important light on the nature, variation and causes of violence against women. In this chapter, the socio-economic profile of the respondents selected under sample is illustrated. To find out the correlates of domestic violence against women, present age, age at the time of marriage, religion, caste, marital status, type of family, education, employment and income have been taken of as indicators of socio-economic status of the respondents.

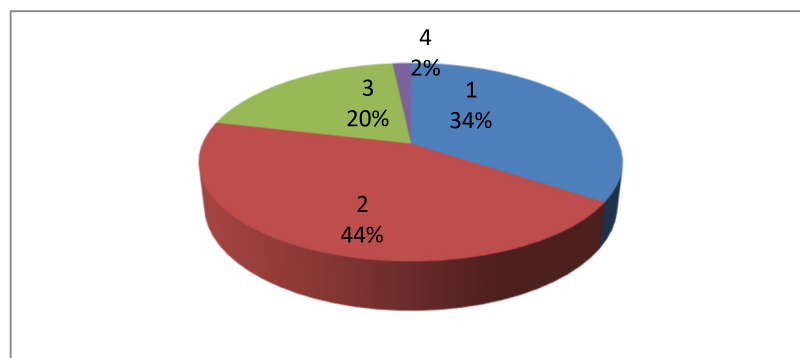
Present Age of Respondents

Age is one of the important factors because the risk of domestic violence is generally higher among the younger women than the elder ones as the elder women are generally not prone to file assault charges either because of traditional attitude or because of possibility of divorce. Thus, understanding of the age of women is important as it sometimes acts as catalyst to aggravate the problem.

Table: 2.03
Distribution of Respondents by Age

Age Group	No of Respondents	Percentage
15-30	61	33.89%
31-40	79	43.88%
41-50	35	19.44%
51-60	3	1.66%
60 and Above	2	1.11%
Total	180	100%

Figure- 2.01: Pie Chart showing Age of the Respondents (in percent)



Note: 1=15 –30, 2= 31-40, 3=41-50, 4=51-60, 5=above 60 years

Analysis of data reveals that out of 180 respondents, 61 (33.8percent) were found in the age group of ‘15 –30’ years. A majority of 79 (43.8percent) respondents belonged to ‘31-40’ years followed by 35 (19.4percent) in the age group of ‘41–50’ years. Besides, 3 (1.6 percent) and 2 (1.1 percentage) respondents were also found to the age group of ‘51 – 60’ years and above 60 years respectively. (*Refer Table No.2.3& Figure No 2.01*)

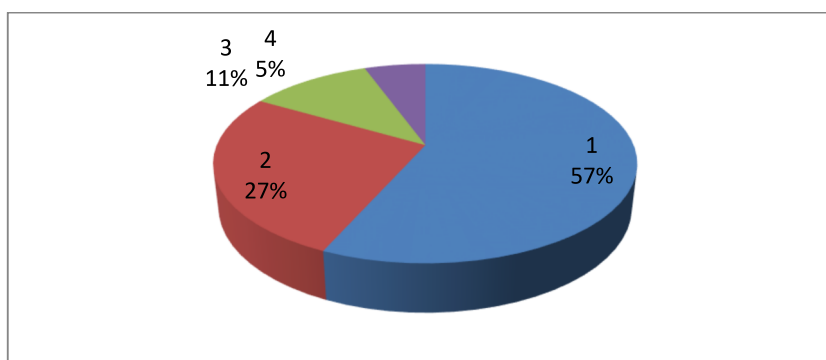
Marital Age

Women experience a total change in their lives with marriage which generally happens at very early age in case of most of women. Age at marriage is an important variable in the study of domestic violence against women. Younger age at marriage puts a lot of stress and difficulty for adjustment which may result in use of violence on the part of husband. Thus, understanding of marital age is immaturity enhances the probability of violence and vulnerability of women. Data reveal that a majority of 102 (56.67percent) of the respondents were married when they were between 16-20 years of age, 48 (26.66percent) were married at the age of 21 -24 years, while 20 (11.11percent) respondents were found to be married at the age of 25 - 30 years whereas only about 10 (5.56 percent) were married after 30 years of age. (Refer Table no 2.4 and Figure no 2.02)

Table: 2.04
Distribution of Respondents by Age at marriage

Age	No of Respondents	Percentage
16-20	102	56.67%
21-24	48	26.66%
25-30	20	11.11%
After 30 years	10	5.56%
Total	180	100%

Figure- 2.02: Pie Chart showing Respondents' Age at Marriage (in percent)



Note: 1=16-20, 2= 21-24, 3=25-30, 4=after 30 years

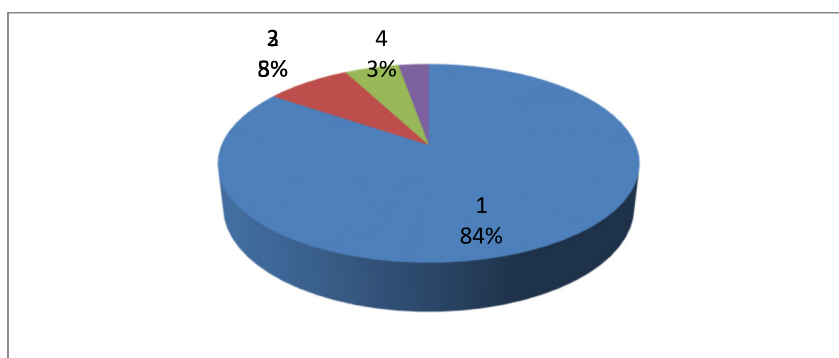
Marital status of Respondents

It is generally assumed that only married women are generally sufferer of domestic violence rather than other one. However, in reality, any woman who is dependent, whether married, unmarried, divorced and separated or widow may fall prey to domestic violence exerted by persons on whom she is dependent. Thus, understanding the marital status of women is important to form any opinion about the correlation between the extent of violence and the status of women. Data reveal that out of 180 respondents a very large majority of 152 (84.44 percent) respondents were married, 14 (7.78percent) were living separately from their husbands, while 9 (5percent) respondents had taken divorce and 5 (2.78 percent) were widows. However, no maiden woman was found to have reported of domestic violence. (Refer Table no 2.5 and Figure no 2.03) The same is presented in the following table –

Table: 2.05
Distribution of Respondents by marital status

Marital Status	No of Respondents	Percentage
Married	152	84.44%
Separated	14	7.78%
Divorce	9	5.00%
Widows	5	2.78%
Total	180	100%

Figure- 2.03: Pie Chart showing Respondents' by Marital Status (in percent)



Note: 1= Married, 2= Separated, 3= Divorced, 4= Widows

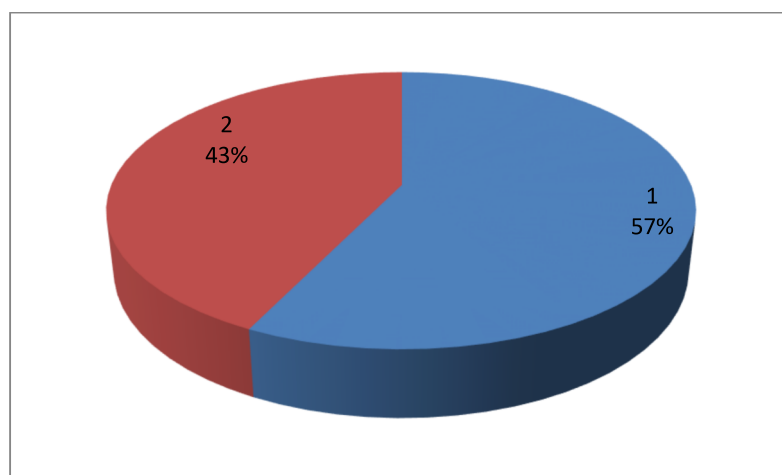
Type of Family of Respondents

Like other social status, family background is also an important determinant of domestic violence. Women living in extended and joint families are required to make adjustments with a large number of family members as compared with those living in nuclear families. Hence, presence of a large number of members in the family not only creates the problem of adjustment but they also act as instigators for domestic violence against women. Thus, the following table presents the data in this regard.

Table: 2.06
Distribution of Respondents by Type of Family

Type of Family	No of Respondents	Percentage
Nuclear	103	57.22%
Joint	77	42.78%
Total	180	100%

Figure- 2.04: Pie Chart showing Respondents' Type of Family (in percent)



Note: 1= Nuclear, 2= Joint

Analysis of data reveals out that out of 180 respondents, a majority of 103 (57.22 percent) respondents were found in nuclear family, while 77 (42.78 percent) respondents belonged to the joint family only. This shows that the possible reason for the increase in domestic violence among nuclear families could be the deterioration of social values and customs unlike in the joint families of earlier days. (Refer Table no 2.6 and Figure no 2.04)

Educational Attainment

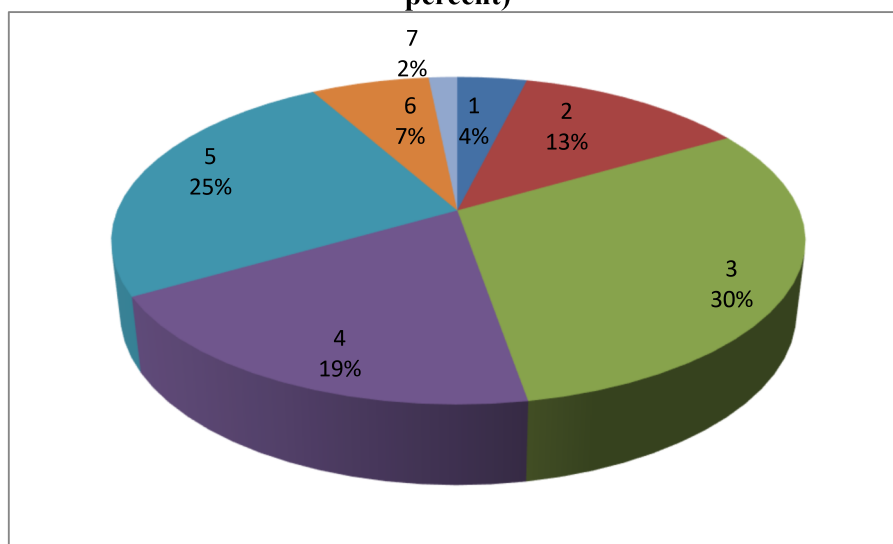
Educational attainment is also an important factor that influences domestic violence. Higher educational attainment develops the potential in women to resist any action of injustice, exploitation and torture. It also enhances the social prestige and status of a woman in the society. For analyzing the educational attainment of the respondents, the study has been divided into seven categories viz. illiterate, primary, secondary, H.S., graduate, post-graduate and Professionals.

Table: 2.07
Distribution of Respondents by Education

Education	No of Respondents	Percentage
Illiterate	7	3.88%
Primary	23	12.77%
Secondary	55	30.55%
H.S.	35	19.44%
Graduate	45	25.00%
Post-Graduate	12	6.67%
Professionals	3	1.67%
Total	180	100%

** Illiterates here denote both those who cannot read and write and who can read only and has no formal schooling.*

Figure- 2.05: Pie Chart showing Respondents' Educational Qualification (in percent)



Note: 1= Illiterate, 2= Primary, 3= Secondary, 4= H.S, 5= Graduates, 6= Post-Graduates, 7= Professionals

The table shows that out of 180 respondents, 7 (3.8 percent) belonged to illiterate while 23 (12.7percent) were found having education up to primary level, 55 (30.55 percent) up to secondary, 35 (19.4 percent) up to higher secondary, 45 (25 percent)

graduates, 12 (6.67 percent) postgraduates and 3 (1.67percent) professionals. (*Refer Table No2.7& Figure No 2.05*)

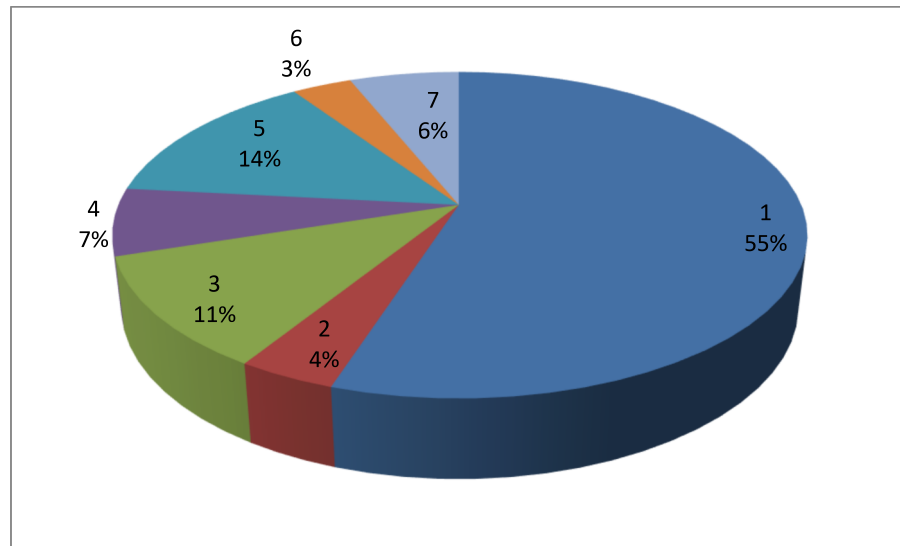
Occupation

Occupational background of the women is an important indicator of their social status. A self-reliant woman is likely to be free of the torture of domestic violence. Although this is not the case every time but occupation does play an important role in the prevention of domestic violence. Besides, women in large number are today engaged in various professions. Thus, an attempt has been made to understand the occupational pattern of the respondents.

Table: 2.08
Distribution of Respondents by Occupation

Occupation	No of Respondents	Percentage
None(House Wife)	99	55.00%
Agriculture	7	3.89%
Daily wage labourer	20	11.12%
Govt. Service	12	6.66%
Private	25	13.89%
Professionals	6	3.33%
Small Business	11	6.11%
Total	180	100%

Figure- 2.05: Pie Chart showing Respondents' Occupation (in percent)



Note: 1=None, 2=Agriculture, 3=Daily wage labourer, 4=Govt. Service, 5=Private, 6= Professionals, 7=Small Business

Data above reveal that out of 180 respondents, majority of 99 (55percent) were found unemployed, while the rest 81 (45percent) were found to be engaged in various jobs. Out of 81 respondents, 25 (13.89 percent) were employed in private jobs, 20 (11.11 percent) were daily wage labourers, 12 (6.66 percent) were government servants, 7 (3.89percent) respondents who were found to be agricultural workers, 11 (6.11 percent) were found to be engaged in small business. (*Refer table No.2.8 & Figure No.2.05*) This shows that domestic violence is prevalent irrespective of the occupational status of women.

Income of the family (per month)

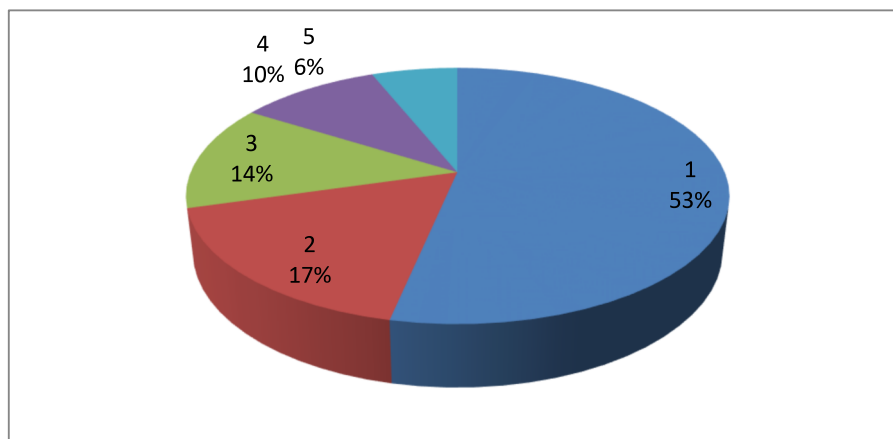
Income is an important indicator of economic status which determines the standard of living of the individual or family. Men with poor income are obvious to be frustrated towards life and exert their frustration on their wives. Thus, an assessment of the family was important to understand the economic status and accordingly the respondents have been divided into five different income groups viz. '1,000--5,000', '10,001- – 20,000', '20,001 – 30,000', 30,000 & above.

The following table shows the income of respondent's family by the study–

Table: 2.09
Distribution of Respondents by Income (per month)

Income	No of Respondents	Percentage
1,000/---5,000/-	96	53.33%
5,001/- – 10,000/-	31	17.22 %
10,001/- – 20,000/-	24	13.33 %
20,001/- – 30,000/-	18	10.00%
30,000/- & above	11	6.12%
Total	180	100%

Figure-2.06: Pie Chart showing Respondents' Income per Month (in percent)



Note: 1=1,000--5,000, 2=10,001-- 20,000, 3=20,001 – 30,000, 4= 30,000 & above.

From the above table it was unveiled that out of 180, majority of the respondents 96 (53.33 percent) had income within Rs 1,000 -5,000 per month, while 31 (17.22 percent) of the respondents had income within Rs.5, 001 – 10,000 per month. Besides, 24 (13.33 percent), 18 (10 percent) and 11 (6.12 percent) were found to belong to the income group of Rs. 10,001 – 20,000, Rs. 20,001 – 30,000 and above Rs 30,000 respectively. (Refer Table No.2.9 & Figure no 2.06).

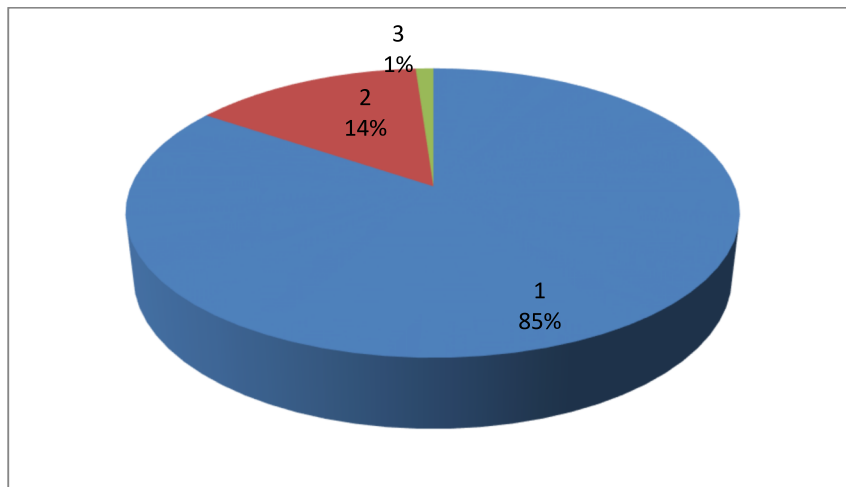
Religion

Religion is an important institution which instills certain values which eventually influences the life style of a person. In the present study, out of 180 respondents, 152 (84.44 percent) were found to be Hindus, 26 (14.4percent) Muslims and 2 (1.1percent) Jains (*Refer Table No.2.10 & Figure No.2.07*). Thus, it may be said that domestic violence is a common phenomenon that prevails irrespective of religions.

Table: 2.10.
Distribution of Respondents by Religion

Religion	No of Respondents	Percentage
Hindu	152	84.44%
Muslims	26	14.44%
Jains	2	1.11%
Total	180	100%

Figure-2.07: Pie Chart showing Respondents' Religion (in percent)



Note: 1= Hindu, 2= Muslim, 3= Others

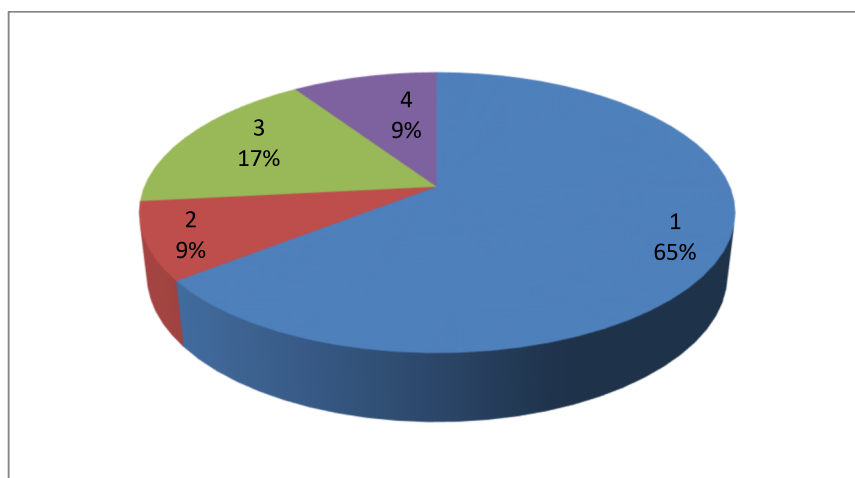
Caste

As caste also represents a pattern of life, caste of the respondents is also studied.

Table: 2.11
Distribution of Respondents by Caste

Caste	No of Respondents	Percentage
General	116	64.45%
O.B.C	17	8.89%
S.C	31	17.22%
S.T	16	9.44%
Total	180	100%

Figure-2.08: Pie Chart showing Respondents' Caste (in percent)



Note: 1= General, 2= O.B.C, 3= S.C, 4= S.T

Caste-wise distribution showed that a majority of 116 (64.45 percent) respondents were found to belong to General category, while remaining 64 (34.56 percent) belonged to SC, ST and OBC at the rate of 31 (17.22 percent), 16 (8.89 percent) and 17 (9.44 percent) respectively. Thus it can be said that domestic violence is prevalent irrespective of caste. (Refer Table No.2.11 & Figure no 2.08)

Analysis of data relating to the socio-economic profile of the respondents reveals that out of the 180 respondents, 61 (33.8percent) were found in the age group of '15 –30' years. A majority of 79 (43.8percent) belonged to '31-40' years followed by 35 (19.4percent) in the age group of '41–50' years. Besides, 3 (1.6 percent) and 2 (1.1 percentage) respondents were also found in the age group of '51 – 60' years and above 60 years respectively. Thus, age is not a barrier for domestic violence and it can happen at any age, although study reveals that women at the age group of 20-40 years are at higher risk than their older counterparts. So far as educational attainment of the respondents is concerned, out of 180 respondents, 55 (30.5percent) were found to have secondary school education, 35 (19.4 percent) higher secondary, 45 (25 percent) graduates, while 12 (6.6 percent) and 3 (1.6percent) were postgraduates and professionals respectively. Besides, 23 (12.7percent) respondents were also found to have primary education and 7 (3.8 percent) were found to be illiterates. Thus, it can be said that domestic violence occurred irrespective of educational attainment, although the prevalence of violence was higher among the less educated category. With regard to occupation, majority of 99 (55percent) respondents were found unemployed, while the rest 81 (45percent) were found to hail from different occupational background. Out of 81 respondents, 25(13.89 percent) were employed in private jobs, 20 (11.11 percent) were daily wage labourer and 12 (6.6 percent) were government servants, 7 (3.89percent) respondents who were found to be agricultural workers, 11 (6.11 percent) were found to be engaged in small business. This shows that domestic violence is prevalent irrespective of the occupational status of women.

Regarding family income of the respondents, it was found that out of 180, majority of the respondents 96 (53.33 percent) had income within Rs 1,000 -5,000 per month, while 31 (17.22 percent) of the respondents had income within Rs.5, 001 – 10,000 per month. Besides, 24 (13.33 percent), 18 (10 percent) and 11 (6.12 percent) were found to belong to the income group of Rs. 10,001 – 20,000, Rs. 20,001 – 30,000 and above Rs 30,000 respectively. It is found that occurrence of domestic violence is higher among the lower income group than the upper income ones. So far as the religious composition of the respondents is concerned, it was found that of 180 respondents, 152 (84.44 percent) were Hindus, followed by Muslims 26 (14.4percent) and others 2 (1.1percent) from Jainism. Thus, it may be said that domestic violence is a common phenomenon prevalent irrespective of religious affiliation. So far as caste composition is concerned, a majority of 116 (64.45 percent) respondents were found to belong to

General category, while remaining 64 (34.56 percent) belonged to SC, ST and OBC at the rate of 31 (17.22 percent), 16 (8.89 percent) and 17 (9.44 percent) respectively. This shows that domestic violence is a caste neutral phenomenon.

The present chapter gives an overview of the research setting and sample of the study. It also gives an outline of the socio-economic profile of the Nalbari district as well as the personnel profile of the respondents. On the whole, it is seen that women irrespective of their socio-economic status are victims of domestic violence, although the degree of violence fluctuates depending on the status of a woman.

CHAPTER III: STATE RESPONSE TO PREVENT VIOLENCE AGAINST WOMEN: NATIONAL & INTERNATIONAL SCENERIO

In this chapter, an elaborate discussion is made to understand the national and international responses to prevent violence against women. For the convenience of presentation, this chapter has been divided into six sections. Section I deals with the constitutional provisions for women in India, Section II deals with the gender specific laws in India, Section III focuses on Personal Laws available for women, Section IV looks into the relevant sections of IPC and CrPC for crime against women, Section V deals with various national and state initiatives for development of women, Section VI focuses on various International provisions for women.

It has been discussed in previous chapters that in Indian patriarchal society violence against women is a common phenomenon. In spite of women contribution in all spheres of life, they are the most deprived group in Indian society. In fact, women constantly suffer from discrimination in all areas of her life before and after coming on this earth. In recent years there has been an alarming increase of dowry deaths, sexual violence, domestic violence and harassment of women etc. which reveals a large scale societal breakdown. It has been estimated that more than ten million married women undergo from pain and serious injury from their husband and in-laws every year in India. Numerous laws have been enacted by the legislature but the position of women in society remains unchanged.

After independence, India has taken the responsibility to make laws for the protection of women. The Constitution makers while drafting the Constitution were sensitive to the problems faced by women and made special provisions for them. The Constitution provided equal rights of men and women and also entrusted the duty upon the state to adopt measures of positive discrimination in favour of women. As a result, in India various central as well as state laws, development policies and Plans and programmes have been formulated for development of women in every sphere.

I

Women Protection under Constitutional Law

The Indian constitution is a basic document which provide for equal rights and opportunities irrespective of their sex, community or place of birth. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only guarantees equality to women, but also empowers the State to adopt measures for overall development of women. The constitution contains many provisions for women.

Preamble

The Preamble contains the essence of the Constitution and ensures the principles of quality for all. The Preamble starts with “We, the people of India”, which reflects that the source of our Constitution is the people, both men and women of India. The Preamble contains the goal of Equality, Liberty, Justice and Fraternity to all citizens irrespective of sex, caste, class and place of residence. These goals have been incorporated to give equal rights to women and men in terms of status as well as opportunity.

The Fundamental Rights

Fundamental Rights guaranteed under Part-III of the Indian constitution ensures Justice for all the citizens irrespective of sex. There are six groups of fundamental rights which are available to every citizen of India irrespective of caste, class, race, religion and gender. In this study we are concerned only with the question of gender. *Justice Bhagwati* stated “These fundamental rights represent the basic values cherished by the people of this country (India) since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent”.⁵⁴

Article 14: Article 14 expressly states that there shall be equal protection of the law and equality before the law.⁵⁵ That is to say that whenever a woman approaches a law

⁵⁴ Maneka Gandhi vs Union of India, AIR 1978, S.C.597

⁵⁵ Article 14, Constitution of India

enforcement officer or the judicial court then she should receive the same protection as any man. None of the laws make a distinction between who commits a crime and against whom. If a stranger beats up a woman or her husband beats her up neither the Constitution nor the law make a distinction. Under the Indian Penal Code it is still a crime when the husband of a woman beats her up, injures or harms her in any way. When the Constitution guarantees equal protection of the law it simply means that when she approaches a police station to register her complaint the officer on duty has to record it as he would if a wealthy man from the upper caste were to come of the police station to register a first information report (FIR) against a stranger who had caused him physical harm or injury. This is what is meant by equal protection of the law and equality before the law. There cannot be a different standard of justice or even denial of justice on the basis of the gender of the complainant. This right to equality is the touchstone against which all the laws and practices in India have to be tested. Any law or practice which is not in consonance with this provision of the Constitution can be challenged in a court of law as it would be unconstitutional and violation of a Fundamental Right guaranteed by the Constitution of India.⁵⁶ The Supreme Court in the case of *G. Dasaratha Rama Rao*, Stated that Article 14 is available to all, irrespective of whether the person claiming it is a citizen or not.⁵⁷

Article 15: Article 15 guarantees the right against discrimination.⁵⁸ Reading the Right to Equality with this right will necessitate the striking down of any law or practice that is discriminatory in character. This is the context in which the *Vishaka and Others vs. the State of Rajasthan and Others (1997)* case is noteworthy. The Supreme Court declared the offence of sexual harassment at the workplace as violation of the Right to Equality and Right against Discrimination.⁵⁹

Article 15 (3): Nothing in this article shall prevent the State from making any special provision for women and children.⁶⁰ However, in spite of the right to equality and the right against discrimination the members of the constituent assembly thought it necessary to provide for special protection for women in Article 15(3) of the Constitution. They realized that a mere formal equality and right against

⁵⁶ **Internet Source:** http://www.lawyersclubindia.com/profile.asp?member_id=4450/ Evenzar, A review of Gender Justice since Independence, 28th February, 2008

⁵⁷ *G. Dasaratha Rama Rao vs. State of Andhra Pradesh*, AIR 1961 SC 564

⁵⁸ Article 15, Constitution of India

⁵⁹ *Vishaka and Others vs. the State of Rajasthan and Others*, AIR, 1987, SC, 656 at Pp. (658-659)

⁶⁰ Article 15, Constitution of India

discrimination guaranteed in the Constitution would not safeguard the women from being exploited and treated unequally. The members were sagacious enough to realize that thousands of years of discrimination and subordination of women will not be ended by the mere guaranteeing of equality in the Constitution and therefore they inserted this article so that the State would be given the space to make laws, policies and programmes for the enhancement of the status of women and enable them to access their rights under the Constitution. It is in this context that the 74th amendment which provided for reservation for women in the Panchayats was made possible. By such a protection it enables women who desire to stand for elections and participate in the decision making processes to do so. This was made possible by a Constitutional provision itself.⁶¹

Whenever controversy arises our government and judiciary come to help women by upholding the validity of special measures under Article 15(3) of the Indian constitution. Supreme Court stated that the power of state under Article 15(3) is wide enough to include the entire range of state activity. Consequently, the state has introduced provision for reserving 1/3rd seats for women in public employment, in administration to educational institutions and the legislatures at least at the local self Government level, among other schemes for their benefit. However, the power conferred upon the state under Article 15(3) cannot be whittled down in any manner by Article 16. However, Supreme Court further stated that since Article 15(1) and 15(3) go together, the protection of Articles 15(3) would be applicable to employment under the state falling under Articles 16(1) and 16(2) of the constitution.⁶² In *Anjali Ray vs. State of West Bengal*, the court held that Article 15(3) enables the state to make special provisions favouring women, it cannot be interpreted in a manner so that it denies the right already guaranteed to them under Article 15(1). Secondly, Article 15(1) discrimination only against women will be unconstitutional. Thirdly Article 15(1) be read as supplementary to Article 14, hence, it cannot deviate from the Principal guarantee.⁶³

Article 16: Article 16(1) provides equality of opportunity in matters relating to employment or appointment to any office under the State. Article 16(2) provides

⁶¹ Internet Source: http://www.lawyersclubindia.com/profile.asp?member_id=4450/ Eveenzar, A review of Gender Justice since Independence, 28th February, 2008

⁶² A.P. vs. P.B. Vijoy Kumar AIR1995,S.C.1648

⁶³ Anjali Ray vs. State of West Bengal, AIR1952 CAL.825

specific grounds on which citizens are not to be discriminated against each other in matter of opportunity and office under the State. These are religion, race, caste, sex, decent, place of birth and residence or any of them. In this Article discrimination on the basis of sex has been specifically prohibited under the Constitution. Basic reason behind this is to bring the women at par with men. In the case of *C.B.Muthamma vs. Union of India*,⁶⁴ Justice Krishna Iyer observed that we do not mean to universalize or dogmatize that men and women are equal in all occupation an all situation and do not exclude the need to pragmatise where the requirements of particular employment, the sensitive's of sex or the handicaps of either sex may compel selectivity, but save where the difference in demonstrable, the rule of equality must govern.⁶⁵ In case of *Air India v. Nargesh Meerza*⁶⁶ the Supreme Court struck down the Air-India Regulations relating to retirement and the pregnancy bar on the services of Air-hostesses as unconstitutional on the ground that the conditions laid down therein were entirely unreasonable and arbitrary. The impugned Regulation 46 provided that an air hostess would retire from the service of the corporation upon attaining the age of 35 years or on marriage, if it took place within 4 years of service, or on first pregnancy, whichever occurred earlier. Under Regulation 7, the Managing Director was vested with absolute discretion to extend the age of retirement prescribed at 45 years. Both these regulations were struck down as violative of Article 14, which prohibits unreasonableness and arbitrariness.

Article 19: Article 19 guarantees the freedom of speech and expression, to assemble peaceably and without arms, to form associations and unions, to move freely throughout the territory of India, to reside and settle in any part of the territory of India and to practice any profession, or to carry on any occupation, trade or business.⁶⁷ This civil right is essential for functioning as a human being in a democratic society. It has been considered as one of the most essential rights along with the Right to Equality. In the context of domestic violence and sexual harassment at the workplace this Fundamental Right of women is most often than not violated. Women are forced to change their jobs or seek transfers on account of Sexual Harassment. Married women subjected to domestic violence find that while the

⁶⁴ *C.B.Muthamma vs. Union of India*, AIR 1979 S.C. 1868

⁶⁵ *ibid*

⁶⁶ *Air India v. Nargesh Meerza*, AIR, 1981 4 S.C 335

⁶⁷ Article 19, Constitution of India

Constitution guarantees them the right to freely move throughout the territory of India their husbands and families don't recognize this right.

Article 21: The right to life is guaranteed under Article 21 of the Constitution of India. It includes everything which makes a human being's life meaningful. This article clearly stated that No person shall be deprived of his life or personal liberty except according to procedure established by law. The Supreme Court in the case of *Sunil Batra* declared that 'right to live' includes the right to live consistently with human dignity.⁶⁸ In *Kharak Singh case*, Supreme Court of India held that the word life means right to live with human dignity.⁶⁹ The Supreme Court has in its interpretation widened the scope of this right by stating that the Right to Life means the right to live with dignity in the *Bandhua Mukti Morcha v. Union of India (1984)* case.⁷⁰ In *Francis Mullin* case, Supreme Court of Indian explained. 'Right to life' includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms freely moving about, mixing and co-mingling with fellow human beings.⁷¹ In *Chairman, Railway Board vs. Chandrima Das case*, the Supreme Court awarded compensation of ten lacs to an alien woman under Article 21 of the Constitution who has been a victim of rape.⁷²

Article 23: This Article guarantees the prohibition of traffic in human beings and forced labour-(1) Traffic in human beings and beggars and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law;⁷³ In *Gaurav Jain v. Union of India* case the condition of prostitutes in general and the plight of their children in particular was highlighted. The Court issued directions for a multi-pronged approach and mixing the children of prostitutes with other children instead of making separate provisions for them. The Supreme Court issued directions for the prevention of induction of women

⁶⁸ *Sunil Batra vs. Delhi Administration*, AIR, 1978, SC1575

⁶⁹ *Kharak Singh vs. State of U.P.*, AIR, 1963, S.C. 1295.

⁷⁰ *Bandhua Mukti Morcha vs. Union of India*, AIR 1984, SC 1676

⁷¹ *Francis Mullin vs. Union Territory of Delhi*, AIR 1979, SC 746

⁷² *Chairman, Railway Board vs. Chandrima Das*, AIR 200 SC 988

⁷³ Article 23, Constitution of India

in various forms of prostitution. It said that women should be viewed more as victims of adverse socio-economic circumstances than offenders in our society.⁷⁴

Article 24: Article 24 lays down the prohibition of employment of children in factories. It states that no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment;⁷⁵ The Constitution of India strictly prohibits the employment of children below the age of 14 years. The provision under Mines Act, 1952 or the Factories Act, 1948 prohibits the employment of female child below the age of 14 years as well.

Under this article 23 and 24 lays down the fact that the founding fathers were concerned not only to ameliorate the condition of this lot in totality. In pursuance of the above objective, the State has enacted the Prevention of immoral Traffic in Women and Girls Act, 1986.⁷⁶ Even the Supreme Court in the case of *Bandhua Mukti Morcha vs. Union of India*, observed that the Central government is bound to ensure observance of various social welfare and labour laws enacted by the Parliament for the purpose of seeking to the workmen a life of basic human dignity in compliance with the Directive Principles of State Policy.⁷⁷

Article 32: However, the most important of all the Fundamental Rights is the Right to Constitutional Remedies in Article 32. This right guarantees the enforcement of the Rights enumerated in Part III of the Constitution as Fundamental Rights by providing for the right to move the Supreme Court or the High Court through a Writ Petition for enforcement of any one of the Fundamental Rights. The Supreme Court has further strengthened this right through the *Bandhu Mukti Morcha v. Union of India* case by stating that the Court can allow any member of the public acting bona fide to espouse the cause of persons who on account of their poverty or disability are unable to do so.⁷⁸

Thus it is not only that the Constitution has guaranteed various rights to women as citizens of India so as to protect their interests as human beings and individuals but the Judiciary in the course of its functioning as another wing of our Government has

⁷⁴ Gaurav Jain v. Union of India, 1997 (8) SCC 114

⁷⁵ *ibid*

⁷⁶ Earlier to this legislation it was known as the Suppression of Immoral traffic in Women and Girls Act, 1956, SITA,

⁷⁷ *Bandhua Mukti Morcha v. Union of India*, AIR 1984, SC 802

⁷⁸ *ibid*

interpreted the Constitutional provisions so as to enable the implementation of the rights and also to facilitate the access to these rights in various cases that have come before it in the form of writ petitions filed by individuals or groups.

Directive principle of State Policy - In addition to the Fundamental Rights various other provisions of the Constitution in Part IV that deals with the Directive Principles provide directions to the State in formulating policies and programmes in the interest of women. However Directive Principles of State Policy are not enforceable in any court of law they are essential in the governance of the country and provide for the welfare of the people, including women. Some of these would be useful to consider here.

Article 38: It requires the State to secure a social order in which justice - social, economic and political - for the promotion of welfare of the people. It requires the State to strive to eliminate inequalities in status, facilities and opportunities. Clearly the intention of the makers of the Constitution was to ensure that equality would not be only of opportunity but in reality. The Supreme Court in *Delhi Domestic Working Women's Forum vs. Union of India* suggested the formulation of the scheme for awarding compensation to rape victims. The court suggested the setting up of a Criminal Inquiries Compensation Board under Article 38(1) of the Constitution.⁷⁹

Article 39: Article 39 puts down the principles of policy to be followed by the State which include that the State should direct its policy toward securing the right to an adequate means of livelihood, that there is equal pay for equal work, that the health and strength of workers men and women, are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength. The Supreme Court said that the principle of "Equal pay for equal work though not a fundamental right is certainly a constitutional goal and therefore, capable of enforcement through constitutional remedies under Article 32 of the constitution".⁸⁰ It directs the state to protect the health and strength of workers men and women.

Article 42: The State shall make provision for securing just and humane conditions of work and for maternity relief. Article 42 of the Constitution incorporates a very important provision for the benefit of women. It directs the State to make provisions

⁷⁹ *Delhi Domestic Working Women's Forum vs. Union of India*, AIR 200 S.C 1697

⁸⁰ *Randhir Singh vs Union of India*, AIR 1982, SC 879

for securing just and humane conditions of work and for maternity relief. The State has implemented this directive by incorporating health provisions in the Factories Act, Maternity Benefit Act, Beedi and Cigar Workers (Conditions of Employment) Act, etc.

Article 44: The State is to endeavour to secure for all citizens a uniform civil code. Its particular goal is towards the achievement of gender justice. Even though the State has not yet made any efforts to introduce a Uniform Civil Code in India, the judiciary has recognised the necessity of uniformity in the application of civil laws relating to marriage, succession, adoption, divorce, maintenance, etc. but as it is only a directive it cannot be enforced in a court of law. But, unfortunately the state has not yet made any efforts to introduce Uniform civil code in India. Our Judiciary has already recognized the importance of uniform civil laws in several cases. In *Sarala Mudgal case, 192S.C.* directed the central Govt. to take a fresh look at article 44 of the constitution, which enjoins the state to secure a uniform civil code which, according to the court is imperative for both protection of the oppressed and promotion of national unity and integrity.⁸¹

Fundamental Duties

Parts IV-A which consist of only one Article 51-A was added to the constitution by the 42nd Amendment, 1976. This Article for the first time specifies a code of eleven fundamental duties for citizens. Article 51-A (e) is related to women. It states that, “It shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religion, linguistic, regional or sectional diversities; to renounce practices derogatory to the dignity of women”

Article 51(c): The State is to respect international law and treaty obligations. The Government of India and the State Governments are obligated to the commitments contained under the Convention on the Rights of the Child.

Article 243 D (3): Under this article not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat

⁸¹ *Sarala Mudgal vs Union of India, 1995, 3 SCC 635*

to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat.

Article 243 T (3): Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality.

By providing all these privileges to women is not the only solution of the discrimination and exploitation against women, but also all forms of gender based discrimination should be avoided. The effective implementation of the provisions of the constitution at all levels can be an enormous action towards the all round development of women. In the words of Kofi Annan⁸², "Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance."⁸³

II

Special Laws

Following the constitutional approach to women's rights the Indian legislature has passed various laws from time to time to protect and promote the cause of women. Many of these laws were government's social reform or labour welfare which were enacted in the earlier decades. However, in post independent era a number of important laws have been passed by the Indian legislature which has a bearing on the lives and status of women. Some of these women specific legislations have been highlighted here.

Resistance to violence against women is a recent phenomenon. In the modern age voices have been raised against atrocities against women and efforts made to bring about change by creating awareness, by educating people and, of course, through legal actions/reforms. While talking about India, it is Raja Ram-mohan Roy who can be called the pioneer of the movement for women's rights. He was to a great extent responsible for bringing about socio-legal changes pertaining to the de-legitimisation

⁸² seventh Secretary-General of the United Nations, from 1 January 1997 to 31 December 2006

⁸³ **Internet Source:** <http://ezinearticles.com/Women-Empowerment---Myth-Or-Reality>

of child marriage (Child Marriage Restraint Act 1929, also known as Sarda Act), sati ('Sati' was made a crime of culpable homicide punishable with fine, imprisonment or both in 1829) and legitimisation of widow remarriage (Hindu Widows Remarriage Act 1856). Roy's mobilisation of Hindu thought against the system of sati created the necessary public opinion to make the practice a criminal offence in 1829.⁸⁴ Various legislations have been enacted right from the 1950's to deal with the matters relating to violence against women. These laws are enacted by the statute to prevent and control any specific type of crime. Thus, it covers every issue in detail. These Acts describe and prohibit certain kinds of activities and also impose punishment for the violation of the provisions of the Acts.

The Child Marriage Restraint Act, 1929: Child Marriage Restraint Act 1929 popularly known as the Sarda Act after its sponsor Rai Sahib Harbilas Sarda to the British India Legislature in India was passed on 28 September 1929, fixed the age of marriage for girls at 14 years and boys at 18 years which was later amended to 18 for girls and 21 for boys in 1949. It was the first social reform issue which was taken up by the organized women in India. The Act prohibits marriage below that age.⁸⁵

The Factories Act, 1948: The Factories Act 1948 was an Act of Parliament passed in the United Kingdom by the Labour government of Clement Attlee.⁸⁶ The objective of this Act is to regulate conditions of labour regarding health, safety and welfare facilities. This Act provides through Sections 19 and 42 for proper toilet facilities for women employees while Section 48 provides for crèches so that women may be able to look after their young children. Section 66 provides that no woman is to work between 7 p.m. and 6 a.m. unless the State Government specifically makes rules otherwise in certain specific contexts. The last section has not always worked to the advantage of women when it comes to the question of perks, increment and promotions as men are able to put in that extra work especially in certain industries like the Information Technology industry. That is the context in which the State

⁸⁴ Internet Source: [http://www.mainstreamweekly.net,2010/Protection of Women from Domestic Violence Act 2005—An Appraisal](http://www.mainstreamweekly.net,2010/Protection%20of%20Women%20from%20Domestic%20Violence%20Act%202005%E2%80%94An%20Appraisal), Rachana Kaushal, Mainstream, Vol XLVIII, No 11, March 6, 2010,

⁸⁵ Internet Source: http://en.wikipedia.org/wiki/Child_Marriage_Restraint_Act

⁸⁶ Internet Source: http://en.wikipedia.org/wiki/Factories_Act_1948

Government of Karnataka wanted to exempt women in the IT industry from this provision of the Factories Act.⁸⁷

The Immoral Traffic (Prevention) Act, 1956: In 1986, the Government of India amended the erstwhile Suppression of Immoral Traffic in Women and Girls Act 1956 (SITA), and renamed it as the Immoral Traffic (Prevention) Act (ITPA) to widen the scope of the law to cover both the sexes exploited sexually for commercial purposes and to provide enhanced penalties for offences involving children and minors. "Child" under ITPA means a person who has not completed the age of sixteen years and "prostitution" means the sexual exploitation or abuse of persons for commercial purposes. Section 3 of this Act prohibits running of brothel and makes it a punishable offence. Even if any person acts or assists in the keeping or managing of brothel will also be punished. So, any persons, being the owner, lessor, or landlord of any premises or being the tenant, lessee, occupier or person in charge of any premises with the knowledge uses or allows any other person to use such premises or any part thereof as brothel. Section 4 of this act also prohibits living on the earnings of prostitution. Under section 5 of this act the procuration for the purpose of prostitution is prohibited. It says if any person procures or attempts to procure for the purpose of prostitution or induces or takes or attempt to take or causes a person to go from any place with the intention that he / she may be used for the purpose of prostitution or to carry on prostitution will be punished with the imprisonment for a term of not less three years but can be extended up to 7 years. And if the act is done against the will of the person punishment can be extended up to fourteen years of imprisonment. And if the offence is committed against a child, punishment can be extended up to life imprisonment but not less than seven years. And if the offence is committed against a minor, punishment can be extended up to imprisonment of 14 years. The Section 21 says Establishment of Protective Homes for women and children by the State Government.

The Women's and Children's (Licensing) Act 1956: The Women's and Children's (Licensing) Act was enacted to provide for the licensing of institutions for women and children and for matters incidental thereto. The main object of this Act is to protect women and children from exploitation and inhuman conditions prevailing in

⁸⁷ **Internet Source:** http://www.lawyersclubindia.com/profile.asp?member_id=4450/ Eveenzar, A review of Gender Justice since Independence, 28th February, 2008

institutions. Under this Act "child" means a boy or a girl who has not completed the age of 18 years. An "institution" means an institution established and maintained for the reception, care, protection, and welfare of women or children.

The Maternity Benefit Act, 1961: To protect working women the Maternity Benefit Act was passed in 1961. This is to enable women who are employed to be able to safeguard the health of the foetus and their own before and after childbirth. This is to ensure that employed women will not face any disadvantages in comparison with their male colleagues of the need for hospitalization and post natal care in the context of pregnancy while also ensuring that the new born baby will also not miss out on maternal care during this period.⁸⁸

The Medical Termination of Pregnancy Act (MTPA) 1971: To check female foeticide the act was passed in 1971. It allows abortion if the doctor is of the opinion that the continuance of the pregnancy would endanger the life of the pregnant woman or involve grave injury to her physical or mental health; or there is substantial risk that the child would suffer from disabling physical or mental abnormalities. The anguish caused by pregnancy as a result of rape, or as a result of failure of any device or method used by a married couple for the purpose of limiting the number of children, may be presumed to constitute a grave injury to the woman's mental health. If the pregnancy is twelve weeks old, the opinion of one registered medical practitioner is sufficient; for pregnancy of between twelve and twenty four weeks, the opinion of two registered medical practitioner is required. The matter is thus purely between her and the medical practitioner and even the husbands' consent becomes unnecessary.

The Equal Remuneration Act, 1976: This Act aims to provide for the payment of equal wages to men and women workers and for the prevention of discrimination against women when the work is the same or of a similar nature.

The Bonded Labour System (Abolition) Act 1976: The Bonded Labour System (Abolition) Act 1976 was enacted to provide for the abolition of the bonded labour system with a view to prevent the economic and physical exploitation of the weaker sections of the people. This Act is based on Article 23 of the Constitution under which

⁸⁸ *ibid*

beggar and other forms of forced labour are prohibited. The 'bonded labour system' means the system of forced or partly forced labour under which a debtor has entered into an agreement with the creditor in consideration of an advance or other economic consideration obtained by the debtor or his lineal descendants or ascendants, to render labour or service through himself or any member of his family for a specified period or unspecified period with nominal wages or without wages. It is an offence to advance a bonded debt or compel a person to render any bonded labour under this Act. This offence is a cognizable and bail able offence. This Act abolishes the bonded labour system; any bonded debt which remains to be satisfied at the commencement of this Act is deemed to be extinguished.

The Karnataka Devadasi (Prohibition of Dedication) Act, 1982: Act of dedication of girls for the ultimate purpose of engaging them in prostitution is declared unlawful, whether the dedication is done with or without consent of the dedicated persons.

The Child Labour (Prohibition and Regulation) Act, 1986: The Act was formulated to eliminate child labour and provides for punishments and penalties for employing children below the age of 14 years in from various hazardous occupations and processes. The Act provides power to State Governments to make Rules with reference to health and safety of children, wherever their employment is permitted. It provides for regulation of work conditions including fixing hours of work, weekly holidays, notice to inspectors, provision for resolving disputes as to age, maintenance of registers etc. Through a recent notification, child domestic workers up to 14 years of age working in hotels and dhabas have been brought within the purview of the Act. It is one step towards the total elimination of child labour.

The Dowry Prohibition (Amendment) Act, 1986: Dowry death or related harassment is a unique kind of crime practised in the Indian society since past. A legal ban was put on the practice of dowry way back in 1961 (Dowry Prohibition Act, 1961). The Act was amended 1984 and then in 1986 to make it more stringent.

The Commission of Sati Prevention Act, 1987: 'Sati' means the burning or burying alive of a widow along with the body of her deceased husband or any other relative, or with any article, object or thing associated with the husband or relative. The practice of 'sati' was declared unlawful during the colonial period itself. No Act, however, was drafted in post-colonial India to prohibit the occurrence of sati. It was

only after the shocking incidence of sati in Rajasthan in 1987 that a law was enacted in 1987; that Act declares the observance, support, justification or propagation of sati as criminal activity.

The Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989: The act penalise of imprisonment for three years and fine are stipulated in respect of anyone, who performs, promotes, abets or takes part in Devadasi dedication Ceremony.

The National Commission for Women Act, 1990: The Commission was set up in January, 1992 to review the Constitutional and legal safeguards for women.

The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994: To prevent female foeticide and to restrict this misuse, the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act was passed on 20th September 1994. The Act forbids the communication of the sex of the foetus, but the enforcement of this act is not easy. It is not only that women face violence during their lifetime but also even before birth. A law was drafted for the purpose of curbing female foeticide unless medically required. This act allows abortion if the doctor is of the opinion that the continuance of the pregnancy would endanger the life of the pregnant woman or involve grave injury to her physical or mental health; or there is substantial risk that the child would suffer from disabling physical or mental abnormalities. The anguish caused by pregnancy as a result of rape, or as a result of failure of any device or method used by a married couple for the purpose of limiting the number of children, may be presumed to constitute a grave injury to the woman's mental health. If the pregnancy is twelve weeks old, the opinion of one registered medical practitioner is sufficient; for pregnancy of between twelve and twenty four weeks, the opinion of two registered medical practitioner is required. The matter is thus purely between her and the medical practitioner and even the husbands' consent becomes unnecessary.

The Information Technology Act, 2000: This act penalizes publication or transmission in electronic form of any material which is lascivious or appeals to prurient interest or if its effect is such as to tend to deprive and corrupt persons to read, see or hear the matter contained or embodied therein. The law has relevance to addressing the problem of pornography. India has also adopted a code of conduct for

Internet Service Providers with the objective to enunciate and maintain high standard of ethical and professional practises in the field of Internet and related services.

The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT Act) 2003: This Act prohibits and punishes deliberate sex selection, before or after conception. Its purpose is to prevent the misuse of ultrasound technologies that enable determination of the sex of a child before it is born. It is therefore illegal to test the sex of the foetus for the purpose of eliminating a female child. The law provides for imprisonment, which may extend to three years and a fine of up to Rs. 10,000 for the first conviction.

The Domestic Violence Act 2005: It has been mentioned earlier that before 1983, there were no specific provisions pertaining to violence within the home in India. Husbands could be convicted under the general provisions of IPC like murder, abetment to suicide, causing hurt and wrongful confinement. But none of these provisions take into account the real problem of domestic violence in its totality. While most of the Western countries passed laws against domestic violence in the 1970s, in India only violence in matrimonial relationship, particularly dowry related violence, remained the focus of the women's movements as well as that of legislative institutions. It was since the 1990s that efforts were being made to draft a bill on domestic violence exclusively. In the light of the "Government of India Report on Platform for Action: Ten Years after Beijing" and the crime scenario prevailing in the country the need was felt for an exclusive law on domestic violence. Initiatives in this direction began with the collaborative efforts of the UNIFEM and Lawyers' Collective Rights Initiative (LCWRI). A delegation of representatives from women's groups and State Women's Commissions met the then HRD Minister regarding the need to enact a law on domestic violence.⁸⁹ It finally resulted in the drafting of the Bill on domestic violence, that is, "Protection of Women from Domestic Violence the Act 2005", which was passed by Parliament in September 2005 and came into force in October 2006.

The definition of domestic violence appears to be comprehensive. The term "domestic violence" has been defined for the first time in such a detailed manner which includes

⁸⁹ Platform for Action: Ten Years after Beijing, India Country Report Dept. of Women and Child Development, Ministry of HRD, Government of India.

actual abuse or threat of abuse that is physical, sexual, verbal, emotional or economic. Even harassment by way of unlawful dowry demands to women or her relatives would also be covered under this definition.⁹⁰ The Act seeks to cover even those women who are or have been in a relationship with the abuser, where both parties have lived together in a shared household and are related by consanguinity, marriage or adaption. Also, relationships with family members living together as a joint family are included. Legal protection is thus available to women who are sisters, widows, mothers, single women or living with the abuser. Besides, the Act protects the rights of women to secure housing. Moreover, the Act is not relying only on law enforcement agencies for protecting women against domestic violence. It refers to “protection officers” and allows registration of NGOs as “service providers for legal aid, medical examination or shelter for women in distress”.⁹¹

However, in a recent judgment of the Madras High Court in *Vandana Vs. Mrs. Jayanthi Krishnamachari*, it was observed that in view of Section 17, the married woman has a right to reside in the shared household and even if she has not physically lived in the shared household, she is deemed to have lived in the shared household as it is her de jure right.⁹² It suggests that the passing of protective and ameliorative orders of civil Courts, calculated to preserve the status quo for the benefit of women. Section 17 introduces the right of every woman in a domestic relationship to reside in the shared household, whether or not she has any right, title or beneficial interest in the same.

Despite the above mentioned positive features contained in the new law, still some lacunae can be seen in this law. Firstly, though the Act covers physical abuse, sexual abuse, verbal or emotional abuse as well as economic abuse, it does not speak anything regarding ‘forced sex’ or ‘sex without the wife’s consent’, that is, ‘marital rape’. While the West has legally recognised the consent of women even in marital relationship violation/rejection of which is equivalent to a criminal act, in India this is an area still awaiting legal recognition.

⁹⁰ Internet Source: [http://www.mainstreamweekly.net,2010/Protection of Women from Domestic Violence Act 2005—An Appraisal](http://www.mainstreamweekly.net,2010/Protection%20of%20Women%20from%20Domestic%20Violence%20Act%202005), Rachana Kaushal, Mainstream, Vol XLVIII, No 11, March 6, 2010

⁹¹ *ibid*

⁹² Vandana vs. Mrs. Jasyanti Krishnamachari & Others, O.A No. 764/2007/ 6 MLJ 205 (Mad)

The Prohibition of Child Marriage Act, 2006: The object of the Act is to prohibit solemnization of child marriage and connected and incidental matters. To ensure that child marriage is eradicated from within the society, the Government of India enacted Prevention of Child marriage Act 2006 by replacing the earlier legislation of Child Marriage Restraint Act 1929. This new Act is armed with enabling provisions to prohibit for child marriage, protect and provide relief to victim and enhance punishment for those who abet, promote or solemnize such marriage. This Act also calls appointment of Child Marriage Prohibition Officer for implementing this Act.

The Rajasthan Compulsory Registration of Marriages Act, 2009: To stop the early marriage of children this act was passed by the Rajasthan government. Under Section 3 of the Act states that every marriage that is solemnized in Rajasthan needs to be registered to prevent child marriages. Section 8 of this Act states that once the children attain 21 years of age they can get their marriages registered. Again, if the person is below 21 years of age, the parents of the persons will apply for the registration. It takes away the right of girls between the ages of 18-21 from applying for their own marriage registration and registering a “choice marriage” where the girl and boy may be marrying against the wishes of their family and community.

The Protection of Women against Sexual Harassment at Workplace Bill, 2010: On November 4, 2010, the Government introduced protection of Women against Sexual Harassment at Workplace Bill, 2010, which aims at protecting the women at workplace not only to women employee but also to female clients, customer, students, research scholars in colleges and universities and patients in hospitals. The Bill was passed in Lok Sabha on 3.9.2012.

III

Women Protection under Personal Laws

In India the problem of domestic violence has always been looked upon from the perspective of both criminal and civil laws. Under Indian civil law also several provisions are available to deal with different types of domestic violence. With reference to inheritance, succession, laws relating to marriage and divorce, guardianship, custody, adoption etc since independence the State has been endeavouring to make the laws gender just. However, since the laws relating to these

subject matters are considered to be derived from the religious beliefs and practices it has not been possible to completely ensure equality in these areas.

The Indian Divorce Act, 1869: The act originally called the Indian Divorce Act was framed to cover all the Christians residing in India but excluding the princely states and the settlements occupied by Portugal and France. The act was mainly built upon the Matrimonial causes Act, 1857 which was applied in England. Getting into the details of the act Sec.10 provides for the grounds on which divorce can be applied under the act and they are 1.Adultery, 2.Cruelty, 3.Desertion for more than seven years,4.Insanity for more than two years, 5.Incurable leprosy for more than two years,6.Conversion to other religion, 7.Willful refusal to consummate the marriage, 8.Not being heard for seven years, 9.Venereal disease which is communicable for more than two years, 10.Failure to obey the order for restitution for conjugal rights . There are three more grounds but are exclusive to the wife and them being rape, sodomy and bestiality.⁹³

The Guardian and Wards Act 1890: It empowers the Court to appoint a guardian for the person and/or property of a minor when it is satisfied that the appointment of guardian is for the welfare of the child.

The Anand Marriage Act 1909: It was passed in 1909 by the Imperial (i.e. Governor General's) Legislative Council to establish legal validity of the marriage ceremony common among the Sikhs called Anand. All marriages, which may be or may have been duly solemnized according to the Sikh Marriage ceremony called Anand shall be and shall be deemed to have been with effect from the date of the solemnization of each respectively, good and valid in law.

The Muslim Personal Law (Shariat) Application Act, 1937: An Act to make provision for the application of the Muslim Personal Law (Shariat) to Muslims. Notwithstanding any customs or usage to the contrary, in all questions regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal law, marriage, dissolution of marriage, including talaq, ila, zihar, lian, khula and mubaraat, maintenance, dower, guardianship, gifts, trusts and trust properties, and wakfs (other

⁹³ **Internet Source:** <http://legalservices.bizandlegis.com/summary-on-indian-divorce-act-1869/>Geejo Francis

than chartities and charitable institutions and charitable and religious endowments) the rule of decision in case where the parties are Muslims shall be the Muslim Personal Law (Shariat).

Dissolution of Muslim Marriages Act, 1939 (DMMA): However, the Dissolution of the Muslim Marriage Act, 1939 introduced many changes in this respect as well as restored right of divorce granted to the Muslim women under Shariat. Section 2 of Dissolution of Muslim Marriage Act, 1939 provides nine grounds under which a Muslim wife can obtain a decree for the dissolution of her marriage.

The Matrimonial Causes (War Marriages) Act 1948: The marriages to which this Act applies are marriages solemnized during the war period, where the husband was, at the time of the marriage, domiciled outside India, and the wife was immediately before the marriage, domiciled in India.

The Special Marriage Act, 1954: Special Marriage Act, 1954 deals with a form of marriage which is purely a civil contract for the people of India and all Indian nationals in foreign countries, irrespective of the religion or faith followed by either party. The Act is applicable to the entire territory of India (excluding the states of Jammu and Kashmir) and extends to intending spouses who are both Indian nationals living abroad. Any person of Indian origin irrespective of religion (Hindu, Buddhist, Jain, Sikh, Muslim, Christian, Parsi, or Jewish) can also perform marriage under the Special Marriage Act, 1954.

The Hindu Marriage Act, 1955 (HMA): This act is the first codified Hindu Law after independence. Registration of Hindu marriage is not compulsory under Hindu Marriage Act 1955, but the Act provides the facility for registration of marriage. Section 8 of the Act lays down that State Governments may make rules for registration of marriage and can make those rules compulsory. But failure to register a Hindu marriage shall in no way, affect its validity.⁹⁴ Under the HMA, cruelty is a ground for divorce as well as judicial separation (Section 10, HMA). However, the term ‘cruelty’ is not defined in the HMA. It is through decided cases that the term has been understood to mean acts of physical as well as mental cruelty.

⁹⁴ Section 8(v) of Hindu Marriage Act 1955

The Hindu Succession Act, 1956: This act gives male and female heirs equal rights of inheritance in acquired property while with reference to ancestral property daughters have no share except in a few states in Southern India like Karnataka and Andhra Pradesh wherein through amendment the State has guaranteed in law share for the female heirs even in the co-parcenary or inherited property. Under the Indian Succession Act which governs Christian's sons and daughters get equal share in the property of their father after giving the wife one-third of the property. In Muslim law women generally inherit half of what their male counterparts do whether it is ancestral or acquired property. Muslim men and women can bequeath through a will only one-third of their property. The father is considered to be the natural guardian of the child and only if the father has no objection during his lifetime can the mother act as the natural guardian. This too was provided through the interpretation of the Supreme Court in the Githa Hariharan case. Through amendments to the personal laws efforts have been made to ensure equal rights in marriage and divorce for men and women. However there are still a few provisions which continue to deal unequally with men and women.

The Hindu Adoption and Maintenance Act 1956: This act deals with adoption amongst Hindus. This Act applies to Hindus, Buddhists, Jains and Sikhs. Hindu Adoption and Maintenance Act empowers a Hindu wife to claim maintenance from the husband during her life time, regardless of whether the marriage was formed before this Act was enacted or after. She shall also be entitled to live separately from her husband without forfeiting her claim to maintenance unless she is unchaste or ceases to be a Hindu by conversion.

The Foreign Marriage Act, 1969: An Act to make provision relating to marriages of citizens of India outside India. A marriage between the parties one of whom at least is a citizen of India may be solemnized under this Act by or before a Marriage Officer in a foreign country,

The Family Courts Act, 1984: This Act to provide for the establishment of Family Court with a view to promote conciliation in, and secure speedy settlement of disputes relating to marriage and, family affairs and for matters connected therewith.

The Muslim Women (Protection of Rights on Divorce) Act, 1986: An Act to protect the right of Muslim women who have been divorced by, or have obtained

divorce from, their husbands and to provide for matters connected therewith or incidental thereto.

Besides this various other laws are also available for Christian women and Parsi Women like Chirtian Marriage Act, Parsi Women Marriage Act and so on.

III

Women Protection under Criminal Laws

In the words of Asha Bajpai, “She is a burden, a curse and a liability. She is used, abused, misused, married and murdered. Sure, we do have laws but she is guilty of a crime, a crime undefined in the Indian penal code –the crime of being born as a girl in India.”⁹⁵ Patriarchal Society and lack of consciousness of women result in discrimination, deprivation and exploitation of women. Most of the crimes against women happen within marriage lock. Bride burning, dowry deaths, sati, domestic violence, marital rape etc. are very common in the life of Indian married women. Of course there are some crimes which may happen in any case. A total of 2,44,270 incidents of crime against women (both under IPC and SLL) were reported in the country during the year 2012 as compared to 2,28,650 in the year 2011 recording an increase of 6.4percent during the year 2012. These crimes have continuously increased during 2008 - 2012 with 1,95,856 cases in the year 2008, 2,03,804 cases in 2009 and 2,13,585 cases in 2010 and 2,28,650 cases in 2011 and 2,44,270 cases in the year 2012. During 2012, there were 24,923 Rape cases, 38,262 cases of Kidnapping & Abduction, 8,233 cases of Dowry Death, 106,527 cases of Domestic Violence, 45,351 cases of Molestation, 9,173 cases of Sexual Harassment, 59 cases of Importation of Girls under Sec. 366-B IPC, 2,563 cases recorded under Immoral Traffic (Prevention) Act, 1956, 141 cases were recorded under Indecent Representation of Women (Prohibition) Act, 1986 and 9,038 cases were reported under Dowry Prohibition Act, 1961.⁹⁶ West Bengal with 7.5percent share of country’s female population has

⁹⁵ Asha Bajpai, *The Girl Child and the law* in report of the seminar on ‘Rights of the child, NLSU, Bangalore. , (1990)

⁹⁶ NCRB report, 2011

accounted for nearly 12.7percent of total crime against women by reporting 30,942 cases during the year 2012. Andhra Pradesh, accounting for nearly 7.3percent of the country's female population, has accounted for 11.5percent of total crimes against women in the country by reporting 28,171 cases in the year 2012. The rate of crime committed against women was 41.7percent in 2012. Assam has reported the highest rate of crime against women at 89.5percent during the year 2012 as compared to 41.7 crime rate at the national level.⁹⁷

However, to combat violence and exploitation against women both in public and private life, our Govt. has taken the following steps by making legislation. The provisions relating to crimes against women can broadly be classified into two categories (1) The crimes provided for under I.P.C, (2) Crimes identified under CrPc.

Indian Penal Code 1860

The crimes under Indian Penal Code are

Section 304B: Dowry death is particularly discussed in this section. If, death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death" and such husband or relative shall be deemed to have caused her death. Again, whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

Section 305: Under this section, Abetment of commission of suicide of a person less than 18 years of age is punishable with death or imprisonment for life or imprisonment for a term not exceeding 10 years and fine. Again, Abetment is the instigating of a person to commit an offence or intentionally aiding a person to commit an offence. According to Section 305, IPC, often victims of domestic violence, especially brides harassed for dowry, are driven to commit suicide. Abetment of suicide of a delirious person is an offence punishable with death or life imprisonment.

⁹⁷ *ibid*

Sections 313-316: This section specially deals with female infanticide. Under these sections forcing the wife to terminate her pregnancy is also forms of domestic violence recognised as offences under the IPC.

Section 313: This section also deals with miscarriage without woman's consent. Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section 314: This section also deals with intentional death of women caused by miscarriage. Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine. Again, if act done without the consent of the woman, shall be punished either with imprisonment for life or with the punishment above mentioned.

Section 315: Under this section, whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth and does by such act prevent that child from being born alive or causes it to die after its birth, (if such act be not caused in good faith for the purpose of saving the life of the mother), shall be punished with imprisonment of either description for a term which may extend to ten years or with fine or with both.

Section 316: This section also deals with Infanticide. Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act because the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Section 319: Under Section 319, causing bodily hurt is a common form of domestic violence. The IPC defines hurt as causing “bodily pain, disease, pain or infirmity to any person”.

Section 320: This section states that a hurt may be ‘grievous’ if it results in serious injury such as a fracture, loss of hearing or sight, damage to any member or joint, etc.

Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain or unable to follow his ordinary pursuits.

The IPC makes it an offence to voluntarily cause hurt (Section 321) or grievous hurt (Section 322 read with Section 323, IPC). Also criminalized is voluntarily causing of grievous hurt by dangerous weapons (Section 326, IPC) and voluntarily causing hurt to extort property (Section 327, IPC).

Section 321: Under section 321, whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person and does thereby cause hurt to any person, is said "voluntarily to cause hurt".

Section 322: Under section 322, whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt".

Section 323: Under section 323, whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Section 324: Under section 324, whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting or any instrument which, used as a weapon of offence, is likely to cause death or by means of fire or any heated substance or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow or to receive into the blood or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.

Section 327: Under section 327, whoever voluntarily causes hurt, for the purpose of extorting from the sufferer or from any person interested in the sufferer, any property or valuable security or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an

offence, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Section 339 & 341: Under section 339 and 341, wrongful restraint is the preventing of a person from proceeding in any direction in which that person is entitled to proceed. Wrongfully restraining a person is punishable with imprisonment which may extend to 1 month or with fine or with both.

Section 340 & 342: Under section 340 and 342, whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person. Wrongful confinement is punishable with imprisonment which may extend to 1 year or with fine or with both.

Another common form of domestic violence is in the form of the wrongful restraint (Section 349) or confinement (Section 340) of the spouse within her matrimonial home. Use of force and assault on the spouse, other common forms of domestic violence, are also punishable under the IPC.

Section 349: Under section 349, a person is said to use force to another if he causes motion, change of motion or cessation of motion to that other or if he causes to any substance such motion or change of motion or cessation of motion as brings that substance into contact with any part of that other's body or with anything which that other is wearing or carrying or with anything so situated that such contact affects that other's sense of feeling.

Section 354: Under section 354, assaulting or using criminal force upon a woman with the intention of outraging her modesty is punishable with imprisonment which may extend to 2 years or with fine or with both. In case of fondling of a girl child, this provision of law is applied. The offence is bail able and the punishment negligible.

Section 359: Under section 359 kidnapping is also recognised as a punishable crime. Kidnapping is of two kinds, (i) kidnapping from India, and (ii) kidnapping from lawful guardianship.

Section 366A: This section states that inducing of a minor girl under 18 years of age to do any act that may force or seduce her to illicit intercourse with another person is punishable with imprisonment which may extend to 10 years and fine.

Section 366B: This section states that importing a girl under 21 years of age into India from a country outside India or from Jammu and Kashmir with the intent that she may be forced or seduced to illicit intercourse with another person is punishable with imprisonment which may extend to 10 years and fine.

Section 372: In this section, selling or hiring a person under 18 years of age for purpose of prostitution or illicit intercourse with any person or for any unlawful or immoral purpose is punishable with imprisonment which may extend to 10 years and fine.

Section 373: In this section, buying or hiring a person under 18 years of age for purpose of prostitution or illicit intercourse with any person or for any unlawful or immoral purpose is punishable with imprisonment which may extend to 10 years and fine.

Section 375: This section deals with Rape cases. "Rape" is committed when a man has sexual intercourse with a woman (i) against her will, (ii) without her consent, (iii) with her consent, when consent has been obtained by putting her or any person in whom she is interested in fear of death or hurt, (iv) with her consent when she believes that he is her husband, (v) with her consent, when consent was given due to unsoundness of mind or intoxication or administration of stupefying / unwholesome substance because of which she is unable to understand the nature and circumstances of her act, (vi) with or without her consent when she is under 16 years of age. Rape is an offence committed by a man upon a woman. Rape is a non-bailable offence and is punishable with imprisonment [which in certain cases may extend to life imprisonment] and fine.

Section 376: Under section 376, punishment is more stringent if (i) rape is committed by management or staff of Remand Home or other place of custody established under law or children's institution, (ii) rape is committed upon a woman under 12 years of age, (iii) gang rape is committed.

In 1983, matrimonial cruelty was introduced as an offence in the IPC (Section 498A, IPC). Cruelty was defined as “any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman”. It includes harassment of the woman in connection with demands for property and the like.

Section 498A: It provides for up to three years in prison and a fine for a husband or husband’s relative for cruelty to his wife. Cruelty is defined as something that can drive a woman to suicide or cause her grave injury or pose a danger to her life, limb and mental or physical health. Furthermore, it states that, “Harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her meet such demand.”

However, though the section is enacted to protect women from the dowry related cruelty but, it is abused and misused in a rampant way in the hands of some unscrupulous people as a weapon to fulfil their unjustified demands. The abuse of the law is recognized by the S.C., W.H.O., The Law Commission of India and Centre for Social Research etc. In *Sushil Kumar Sharma case*, S.C. said that “it is for the legislature to find the ways on how to deal with misuses of this law as well as on how to wipe out the ignominies suffered during and after the trial by the falsely accused.”⁹⁸ In August, 2010, SC asked the Govt. of India to amend the dowry laws to prevent its misuse.

Section 509: Under section 509, whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year or with fine or with both.

Criminal Procedure Code

The S.C said, Section 125 of the Criminal Procedure Code 1973 is a measure of social justice and specially enacted to protect the women and children falls within the

⁹⁸ Sushil Kumar Sharma v. U.O.I and Others, 2005, SC 266

constitutional sweep of the Article 15(3) reinforced by Article 39. There is no doubt that section 125 to 128 of the code calling for interpretation by the courts are not specified but vibrant words with social function to fulfil.⁹⁹ The Code of Criminal Procedure 1973 makes an exhaustive provision for the maintenance of wife, children and aged parents. The provisions are contained in Sections 125 to 128 of the Code. These Sections impose a noble and fundamental duty on any person to maintain his wife, children and parents if they are not able to maintain themselves. Similarly, Section 160 Cr.P.C. has also given the sufficient protection to the women and in view of the provisions of section 160 Cr.P.C., no police officer is empowered to order a woman requiring her attendance before himself. A woman shall not be required to attend at any place other than the place in which such woman resides. In Section 165 Cr. P.C. protection also has been given to the women at the time of search and seizure. Regarding search proper notice is to be given by police before breaking in a house where a woman lives in seclusion. Not only this, if a woman is to be searched at all a woman police officer shall conduct it.¹⁰⁰ Section 174(2) now requires that in cases of death of a woman within seven years of her marriage, the police has to send the dead body to a civil surgeon for examination. The idea behind this provision is that the law shall treat such a death as a death in suspicious circumstances and as far as possible conduct an impartial investigation rather than allow the individual police officer the discretion to decide. Section 198-A requires that the court should not take suo motu action in the case of domestic quarrels. This provision is also enacted with a view to helping the woman to save her marriage. Section 199 takes care of women who by reason of customary practices do not appear before the court or the police. In cases affecting such women, others have been permitted to complain on their behalf.¹⁰¹ Thus, the primary object of these sections is to provide equal protection to women under law.

⁹⁹ Ramesh Chandra Kaushal v. Mrs. Venna Kaushal, 1979, Cr.L. J 3 S.C.

¹⁰⁰ Unpublished Dissertation, Mousumi Mukherjee, *“Women Protection and Law – A Legal Analysis with reference to Dowry Deaths in West Bengal”*, University of Burdwan, Burdwan, West Bengal

¹⁰¹ K.N. Chandrasekharan Pillai, *“Women and Criminal Procedure”*, eds, Eastern publications, Lucknow, 1999, P. 161-172.

IV

National Initiatives to Curb the Gender Violence

National Commission for Women: The National Commission for Women was established as a statutory body in January 1992 under the National Commission for Women Act, 1990 (Act No. 20 of 1990) of Govt. of India. Its main task is to examine the existing safeguards for women; recommend corrective legislative measures, look into complaints and take suo motu notice of matters relating to deprivation of women's rights, speedy disposal of grievances and advise the Government on all policy matters relating to women. The commission is empowered to investigate and examine all matters relating to the violation of women's right. The commission can also report to the Central Government the working of the safeguards for women; or make recommendations for the effective implementation of the safeguards for improving the conditions of women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in the legislations relating to women.¹⁰²

National Human Rights Commission: The National Human Rights Commission (NHRC) of India is an autonomous public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993 (TPHRA). The NHRC is the national human rights institution, responsible for the protection and promotion of human rights, defined by the Act as "rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants".¹⁰³

The Commission shall perform all or any of the following functions like (a) inquire on a petition presented to it by a victim or any person on his behalf or by its own choice into complaint of violation of human rights or abetment thereof or negligence in the prevention of such violation, by a public servant, (b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court; (c) visit, under intimation to the State Government, any jail or

¹⁰² **Source:** <http://new.nic.in/.../Search> for a vision statement on women empower/ Department of women and child development, Govt. of NCT, Delhi

¹⁰³ **Internet Source:** http://en.wikipedia.org/wiki/national_human_rights_commission

any other institution under the control of the State Government, where Demons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon;(d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation; (e) review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures; (f) study treaties and other international instruments on human rights and make recommendations for their effective implementation; (g) undertake and promote research in the field of human rights;(h) spread human rights literacy among various sections, of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means; (i) encourage the efforts of non-governmental organizations and institutions working in the field of human rights;(j) such other functions as it may consider necessary for the promotion of human rights.

The NHRC has been accredited with "A status" by the International Coordinating Committee of National Human Rights Institutions (the ICC), indicating that it is in conformity with the Paris Principles – a broad set of principles agreed upon by a conference of experts on the promotion and protection of human rights, in Paris in October 1991, and subsequently endorsed by the UN General Assembly. The Commission is thus entitled to participate in the ICC and in its regional sub-group, the Asia Pacific Forum, and may take part in certain sessions of the UN human rights committees.¹⁰⁴

State Human Rights Commission: A State Government may constitute a body to be known as the State Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to. A State Commission may inquire into violation of human rights only in respect of matters relatable to any of the entries enumerated in List II and List III in the Seventh Schedule to the Constitution. However, it can't inquire into the matter if it is matter already inquired by any Commission constituted under any law for the time being in force.

¹⁰⁴ Source: http://en.wikipedia.org/wiki/National_Human_Rights_Commission_of_India Wikipedia

Reservation for Women in Local Self –Government: The 73rd Constitutional Amendment Act passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

National Policy for the Empowerment of Women, 2001: The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a “National Policy for the Empowerment of Women” in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

The National Plan of Action for the Girl Child (1991-2000): The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

National Policy for the Empowerment of Women, 2001: The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a “National Policy for the Empowerment of Women” in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

National Mission for Empowerment of Women, 2010: The launch of the National Mission for Empowerment of Women in March 2010 is an important development that will provide the much required fillip to a coordinated assessment of current government interventions and aligning future programmes so as to translate the MPEW prescription into reality. The Mission was operationalized during 2011-12.

Besides these provisions the central government in the year 2013 (after the rape case of Nirvaya) appointed a committee to review the laws for sexual crimes in India. The three member committee headed by former Chief Justice of India JS Verma, former Solicitor General Gopal Subramaniam and Justice (Retd) Leila Seth. The Committee was constituted on December 23, 2012 after the rape of a twenty three year old student in Delhi. In response to the Verma report the Parliament passed the Criminal Law (Amendment) Act 2013 which provides for amendment of the Indian Penal Code, Indian Evidence Act and the Code of Criminal Procedure. It also enacted the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act 2013, 16 years after the Supreme Court directed the Indian Government to

provide legal framework to deal with the issue of sexual harassment. Some of the positive measures in these amendments included recognizing acid attacks, sexual harassment, voyeurism, stalking and trafficking of persons as criminal acts under the amendments to the Indian Penal Code, 1860. Five exclusive fast track courts were set up to deal with cases of sexual violence against women. Additionally a women's distress helpline number, 1091 was launched in various Indian cities. Unfortunately the incorporation of the majority of Justice Verma recommendations into the criminal law amendments is not enough to change the fundamentals that drive anti-women discrimination. Stories of harassment, the rape of women – including of children as young as five or six years of age – and governmental incompetence or apathy continue to make their way into the front pages of Indian newspapers on a regular basis. Laws on paper give little protection, if they are not enforced effectively.¹⁰⁵

VI

International Initiatives to Curb Gender Violence

There are numerous different international legal instruments have been prepared by different international institutions to deal with the various problems of women. To know the existing status of women under international law, we have to go through the provisions of these instruments.

The rights of women are undeniable, basic and indivisible part of human rights. The overall progress of women's individuality, freedom and their equal participation in political, social, economic and cultural life are the most important aspect for development of any society. Thus inequity in any form against women is violation of human rights and fundamental freedoms. To check all these injustice against women, the united nation drafted various instruments for protection of women's right and dignity.

¹⁰⁵ **Internet Source:** <http://www.freiheit.org/Aktuelle-Berichte/1804c27055i1p/index.html>
Nr. 26 / 2013 |By Dona John, Omair Ahmad & Maria SchneiderIndia: Violence Against Women.
Current Challenges and Future Trends

The international accords between 1945 to 1975 is very important for the protection of the Women's right under International law because during this period most important international instruments relating to women's right were drafted and modified like United Nations charter, The Universal Declaration of Human Rights, 1948, International Covenants on Human Rights, the Mexico city conference etc. It is relevant to record the achievement of the UN in the field of women's rights since 1945. Besides the adoption of the UN Charter in 1945, the following achievements are worthy of mention

United Nations Charter: The Charter of the United Nations is the foundational treaty of the intergovernmental organization; the United Nations. It was signed at the San Francisco War Memorial and Performing Arts Centre in San Francisco, United States, on 26 June 1945, by 50 of the 51 original member countries.¹⁰⁶ The Preamble of United Nations Charter starts with the basic goal to reaffirm faith in fundamental human rights, in the dignity and worth of the every person, in the equal rights of men and women. It assures for the reaffirmation of “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.” Article 1 of the Charter lays down that the aim of the United Nations is “to achieve International cooperation in solving international problems of an economic, social and cultural, or humanitarian character, and in promoting and encouraging respects for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.” Article 1(3) of the Charter also lays upon “promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. Article 8 of the Charter also sets to the goal that “the United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.” Again in article 55, which gives emphasis upon the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

¹⁰⁶ Internet Source: http://en.wikipedia.org/wiki/United_Nations_Charter

Universal Declaration of Human Rights: The International Bill of Human Rights¹⁰⁷ consists of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948 and its implementing covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which entered into force in 1976. While these documents do not explicitly address violence against women, they, along with the Optional Protocol to the ICCPR, articulate a state's duty to protect fundamental human rights that are commonly violated in domestic violence cases. Those rights include the right to life, the right to physical and mental integrity, the right to equal protection of the laws and the right to be free from discrimination. The Universal Declaration of Human Rights had affirmed the principle of inadmissibility of discrimination and proclaimed that all human beings are born free and equal in dignity and rights and everyone is entitled to all rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex.

The Declaration makes a comprehensive list of human rights, applicable to all without any discrimination. The article 3 and 4 guarantees that everyone has the right to life, liberty and security of person¹⁰⁸ and prohibits slavery and the slave trade in all its forms.¹⁰⁹ Again in article 5 and 6 it also assures that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment as these acts work horribly against human dignity, but, unfortunately, torture and other similar practices especially against women still exist in our society. The principle of equality before the law and non-discrimination are also guaranteed by it.¹¹⁰ India is a signatory to the Universal Declaration of Human Rights, 1948. Indian constitution is strongly influenced by the provisions of the U.D.H.R. Most of the provisions of the part III of the Indian constitution are identical with the Declaration.

International Covenant on Economic, Social and Cultural Rights: The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966, and in force from 3 January 1976. It commits its parties to work toward the granting of economic, social, and cultural rights (ESCR) to the Non-Self-Governing

¹⁰⁷ **Internet Source:** <http://www.stopvaw.org/index.asp>

¹⁰⁸ Article 3, UDHR

¹⁰⁹ Article 4, UDHR

¹¹⁰ Article 5&6, UDHR

and Trust Territories and individuals, including labour rights and the right to health, the right to education, and the right to an adequate standard of living. As of 2015, the Covenant has 164 parties.¹¹¹

Article 10 of the Covenant recognizes the family as "the natural and fundamental group unit of society", and requires parties to accord it "the widest possible protection and assistance". Parties must ensure that their citizens are free to establish families and those marriages are freely contracted and not forced. Parties must also provide paid leave or adequate social security to mothers before and after childbirth, an obligation which overlaps with that of Article 9. Finally, parties must take "special measures" to protect children from economic or social exploitation, including setting a minimum age of employment and barring children from dangerous and harmful occupations. Article 12 of the Covenant recognizes the right of everyone to "the enjoyment of the highest attainable standard of physical and mental health". "Health" is understood not just as a right to be healthy, but as a right to control one's own health and body (including reproduction), and be free from interference such as torture or medical experimentation. States must protect this right by ensuring that everyone within their jurisdiction has access to the underlying determinants of health, such as clean water, sanitation, food, nutrition and housing, and through a comprehensive system of healthcare, which is available to everyone without discrimination, and economically accessible to all. Again in article 12.2 states that the state parties must respect women's reproductive rights, by not limiting access to contraception or censoring, withholding or intentionally misrepresenting information about sexual health. They must also ensure that women are protected from harmful traditional practices such as female genital mutilation.¹¹² This Article is very important from the women's point of view, as we know the health of women is neglected in most of the occasion in our society. Thus to reduce child mortality rate and to improve the health of the mother and child state should make law.

International Covenant on Civil and Political Rights: The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966, and in force from 23 March 1976.

¹¹¹Source:http://en.wikipedia.org/wiki/International_Covenant_on_Economic,Social_and_Cultural_Rights

¹¹² *ibid*

It commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. As of April 2014, the Covenant has 74 signatories and 168 parties. The Part II (Articles 2 – 5) covenant states that “state parties requires the rights to be recognised without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and to ensure that they are enjoyed equally by women. The rights can only be limited in time of public emergency which threatens the life of the nation, and even then no derogation is permitted from the rights to life, freedom from torture and slavery, the freedom from retrospective law, the right to personhood, and freedom of thought, conscience and religion.” Thus it imposes an obligation on the state parties to ensure to all individuals the rights recognized in the Covenant without any discrimination.¹¹³

Commission on the Status of Women: The United Nations Sub-Commission on the status of women constituted by the United Nations Economic and Social Council (ECOSOC) Resolution 11(II) of 21st June 1946 with the aim to ensure gender equality and improvement of women’s human rights. It is the principal global policy-making body related to advancement of women’s political, economic, civil, social and educational rights. The Commission assumed the status of a full commission and known as UN Commission on the Status of Women. The full commission is dedicated to ensure women’s equality and promotion of women’s rights. The function of the commission are (1) to prepare recommendation and report to the ECOSOC on promotion of women’s rights in political, economic, civil, social and educational field and regarding any problem which requires attention in the matter of women’s rights.¹¹⁴ The UNCSW was established in 1946 as a mechanism to promote report on and monitor issues relating to the political, economic, civil, social and educational rights of women. It was a unique official structure for drawing attention to women’s concerns and leadership within the UN. The Commission on the Status of Women first met at Lake Success, New York, in February 1947. All of the 15 government representatives were women which separated the Commission from other UN movements and through history continue to maintain a majority of women delegates.

¹¹³ Source: http://en.wikipedia.org/wiki/International_Covenant_on_Civil_and_Political_Rights

¹¹⁴ Internet Source: [http://www.un.org.in/womenwatch/daw/short history of the commission on the status of women](http://www.un.org.in/womenwatch/daw/short%20history%20of%20the%20commission%20on%20the%20status%20of%20women)

During its first session, the Commission declared as one of its guiding principles, to raise the status of women, irrespective of nationality, race, language or religion, to equality with men in all fields of human enterprise, and to eliminate all discrimination against women in the provisions of statutory law, in legal maxims or rules, or in interpretation of customary law.¹¹⁵

Declaration on the Elimination of Discrimination against Women 1967: The Declaration on the Elimination of Discrimination against Women was adopted by the General Assembly in 1967. This Convention is often described as an International Bill of Rights for Women. It has laid down a comprehensive set of rights to which all persons, including women are entitled, additional means for protecting the human rights of women. The Convention on the Elimination of All Forms of Discrimination against Women, entered into force in 1981, also does not explicitly include language on violence against women or domestic violence but guarantees the human rights listed above. Article 1 defines discrimination against women as “Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”¹¹⁶ Article 3 lays down that the states parties to guarantee basic human rights and fundamental freedoms to women "on a basis of equality with men" through the "political, social, economic, and cultural fields."¹¹⁷

Along with issuing its annual report and offering advice to reporting states, the committee on the Elimination of All Forms of Discrimination against Women (CEDAW) has the ability to issue general recommendations that elaborate on its views of the obligations imposed by CEDAW. Till date, the committee has issued thirty-two general recommendations, the latest dealing with the gender related dimensions of refugee status, asylum, nationality and statelessness of women. In 1992, the Committee issued the General Recommendation No. 19 which discusses that "violence against women." Specifically, it states that "the definition of discrimination includes gender-based violence, that is, violence that is directed against

¹¹⁵Source:http://en.wikipedia.org/wiki/United_Nations_Commission_on_the_Status_of_Women

¹¹⁶Source: http://en.wikipedia.org/wiki/Convention_on_the_Elimination_of_All_Forms_of_Discrimination_against_Women

¹¹⁷ *ibid*

a woman because she is a woman or that affects women disproportionately."This recommendation was the first time a human rights treaty or convention was officially interpreted to prohibit violence against women. The recommendation made clear that domestic violence was included.¹¹⁸

International Women's Year, Mexico City, 1975: The first world conference on women was held in Mexico City in 1975. It resulted in the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace.

World Conference of the United Nations Decade for Women, 1985: In the year 1985, Third World Conference on Women in Nairobi, Kenya, domestic violence received significant attention. The final conference report called on governments to "undertake effective measures, including mobilizing community resources to identify, prevent and eliminate all violence, including family violence, against women and to provide shelter, support and reorientation services for abused women and children."

World Conference on Human Rights, 1993: It is regarded as a milestone in the history of women's right. It declares "human rights of women and of the girl child are inalienable, integral and indivisible part of universal human rights". The conference highlights on the full and equal participation of women in political, civil, economic and cultural life at the national, regional and international levels and the eradication of all forms of discrimination on the ground of sex. The Vienna Declaration stated: In particular, the World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in the public and private life . . . the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices.

Fourth World Conference on Women, 1995: The fourth conference was held at Beijing in 1995, have greatly enhanced international awareness of the concerns of women. Beijing Conference stated that "Women's rights are human rights" and it called for integration of Women's human rights in the work of different human rights bodies of United Nations. It considered the issue of violence against women in public and private life as human rights issues. The Conference called for the eradication of

¹¹⁸ *ibid*

any conflict which may arise between the rights of women and harmful effects vs Violence against women, including domestic violence, was a major focus at the Conference in Beijing, China. The conference document, the Beijing Platform for Action, identifies domestic violence as a human rights violation. The Platform states: "Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms." It addresses violence against women as a separate "Critical Area of Concern" and includes it under the "Human Rights" section. The Beijing Platform outlines many specific actions governments, nongovernmental groups and others should take to confront and combat violence against women, including strengthening legal systems' response to domestic violence.

This chapter gives an insight into how violence against women has been acknowledged both nationally as well as internationally as a violation of women's human rights. However, it can be said that several attempts have been made at the national and international level to prevent violence and exploitation of women, but, the condition remains unchanged. Without proper national laws and their effective enforcement, the importance of international law will be muffled and of little significance. In the next chapter we shall focus on the analysis of data and interpretation. This will serve as a prelude to our understanding the problem of domestic violence against women in Nalbari district of Assam.

CHAPTER IV: ANALYSIS OF DATA AND INTERPRETATION

In Indian patriarchal society, domestic violence against women is a common phenomenon. Women are the subject of mistreatment both within and outside home. In this context, an attempt has been made in the present study to find out the nature of domestic violence against women as well as the causes and extent of such violence in day-to-day life of the respondents. For the convenience of presentation, this chapter has been divided into three sections. Section I deals with the nature and extent of violence, Section II looks into the consequences of domestic violence and Section III deals with the causes of domestic violence and the role of the women organizations in this regard.

The whole study has been carried out on the basis of the following objectives

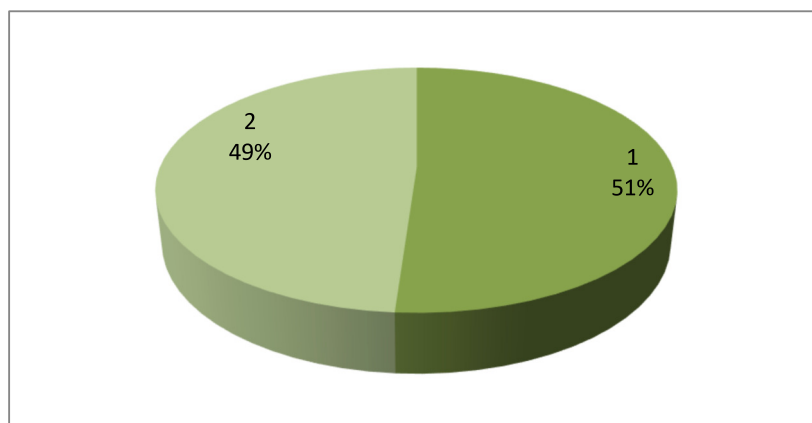
1. To find out the nature and causes of domestic violence.
2. To find out the role of Women's organisation for protection of women's rights and
3. To find out the state's response towards domestic violence.

Cooperation and conflicts are normal features of family life. However, presence of these features in the intimate relationships sometimes creates serious problem. As a natural feature, conflict often transcends its acceptable limit and takes the form of violence. As domestic violence has its roots in the notion that conflict among spouse is a natural phenomenon, respondents' views are sought about conflict. It means that to what extent do they consider it to be a natural phenomenon.

Table: 4.01
Distribution of Respondents' according to their Opinion on Conflict in Marital Relationship

Response	No of Respondents	Percentage
Yes	92	51.11%
No	88	48.89%
Total	180	100%

Figure- 4.01: Pie Chart showing Respondents' Opinion on Conflict in Marital Relationship (in percent)



Note: 1= Yes, 2= No

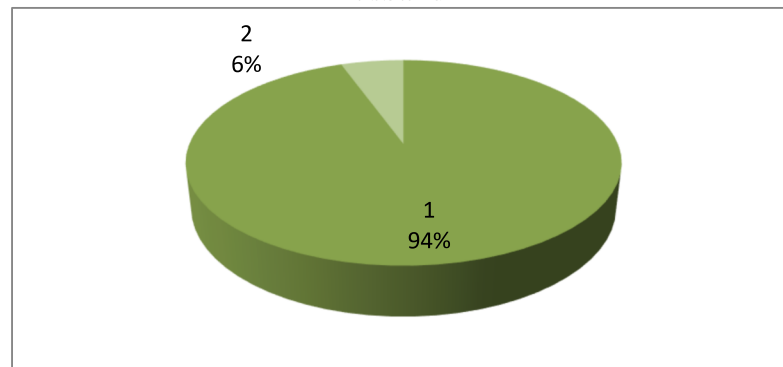
Data from the study reveal that (Table: 4.01) out of 180 respondents, more than half, i.e., 92 (51.11percent) considered conflict to be a general feature of marital relationship, while 88 (48.89percent) responded differently. Such a response suggests, to certain extent, the reason for rampant use of violence against women in the domestic front. Indian women are generally socialized to accept the domination of husband. Such compliance often crosses the normal limit and turns into regular incidents of domestic violence.

As conflict and difference between man and woman is accepted to be a natural feature of marital life, women were also asked to respond about the nature of argument and differences that generally occur between them.

Table: 4.02
Distribution of Respondents' on the Basis of their Reply on Arguments with Husband

Response	No of Respondents	Percentage
Yes	170	94.44%
No	10	5.56%
Total	180	100%

Figure- 4.02: Pie Chart showing Respondents' Opinion on Arguments with Husband



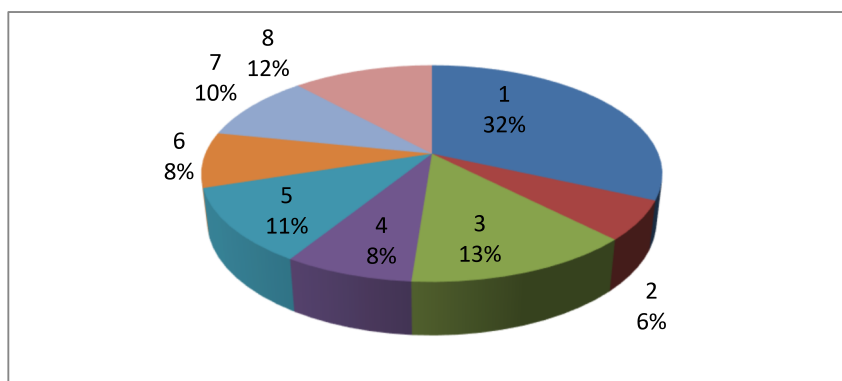
Note: 1= Yes, 2= No

As shown in the above (Table: 4.02) out of 180, majority of the 170 (94.4percent) respondents recorded incidents of argument with husband generally on issues like managing household expenditure, household work distribution, behavior of in-laws, children's career, habit of alcoholism, happiness of conjugal life and so on. In this context, it was found that (Table: 4.03) out of 170 respondents 54 (31.77percent) were found to have argued frequently over monetary matters, 23 (13.53percent) had differences over the relationship with the members of the extended family or in-laws

**Table: 4.03
Distribution of Respondents' on the basis of Opinion on Reasons of Arguments**

Reasons	No of Respondents	Percentage
Monetary matters	54	31.77%
Household work distribution	10	5.88%
Relationship with the members of the extended family or in-laws	23	13.53%
Prohibiting from meeting parents, friends and relatives	13	7.65%
Issues of sexuality	19	11.17%
Children's career	14	8.23%
Habit of alcoholism of the other spouse	17	10.00%
All such issues	20	11.77%
Total	170	100%

Figure- 4.03: Pie Chart showing Respondents' Opinion on Reasons of Arguments



Note: 1= Monetary matters, 2= Household work distribution, 3= Relationship with the members of the extended family or in-laws, 4= Prohibiting from meeting parents, friends and relatives, 5= Issues of sexuality, 6= Children's career, 7= Habit of alcoholism of the other spouse, 8= All such issues

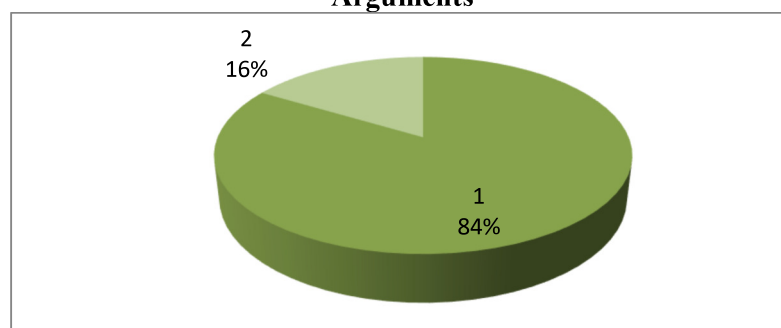
19 (11.17percent) argued on the issues of sexuality, while 17 (10percent) respondents were found to have frequent quarrel due to the habit of alcoholism of the other spouse. However, 14 (8.23percent), 13 (7.65percent) and 10 (5.88percent) respondents were found to have argued on the issues of children's career, prohibiting from meeting parents, friends and relatives and suspicion and household work distribution. However, 20 (11.77percent) respondents were found who had argued almost on all such issues.

As serious and frequent difference often results in use of physical force, women were asked if they had experienced similar situation at the climax of conflict.

Table: 4.04
Distribution of Respondents' on the Basis of their Reply

Response	No of Respondents	Percentage
Yes	142	83.53%
No	28	16.47%
Total	170	100%

Figure- 4.04: Pie Chart showing Respondents' Opinion on Reasons of Arguments



Note: 1= Yes, 2= No

As shown in the table (Table: 4.04) that out of 170 respondents, 142 (83.53percent) had suffered beating and throwing at the end of any conflict or difference with husband each time. However, in case of 28 (16.47percent) respondents, incident never turned so serious to acquire the form of physical violence.

I

Nature and Extent of Domestic Violence

As discussed, violence against women within the four walls of home is a common phenomenon. It is prevalent not only in our society but throughout the world. With time, the nature of violence is changing and so also the laws to deal with it. At one point of time, mental cruelty did not constitute a part of domestic violence. But today it is an important aspect of Prevention of Domestic Violence Act 2005. Marital Rape was not a punishable offence till the other day if the bride was not minor. But today, there is heated debate going on to criminalize marital rape. Thus, in this section an attempt is being made to understand the nature and extent of domestic violence inflicted on women. To understand the same, domestic violence is divided into four categories viz. i) physical violence, ii) psychological violence, iii) economic abuse and iv) sexual violence. To have an assessment about the nature of domestic violence, respondents were asked few questions.

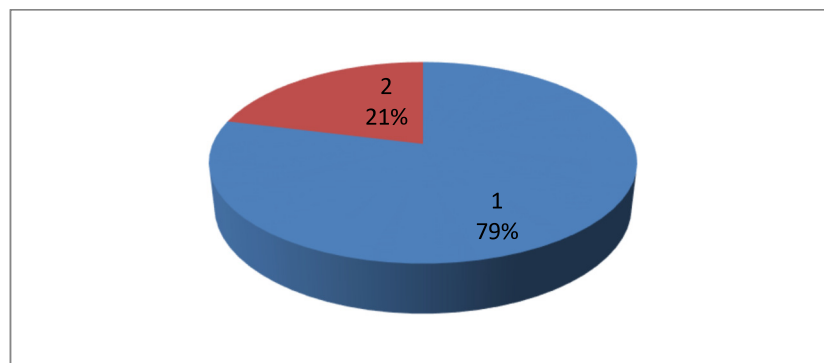
Physical Violence

Physical violence is the intentional use of physical force against women for causing injury, harm, disability or death. The most common and frequently used forms of physical violence against women are – (i) slaps, (ii) beating, (iii) pushing, (iv) kicking, (v) throwing objects and (vi) shoving or grabbing. As physical violence is the most common form of domestic violence that women face in our society, respondents were asked to narrate their experience about it. They were asked if their partner has ever used force on them for any reason.

Table: 4.05
Distribution of Respondents' on the basis of their Reply

Response	No of Respondents	Percentage
Yes	142	78.89%
No	38	21.11%
Total	180	(100%)

Figure-4.05: Pie Chart showing Respondents' Experience of Physical violence (in percent)



Note: 1= Yes, 2= No

Data reveal that among the respondents who were victims (Table: 4.05), an overwhelming majority of 142 (78.89 percent) out of 180 were found to be physically abused in one form or other. Thus, it can be said that domestic violence in the form of

physical attack is a common feature for an overwhelming majority of women under the study.

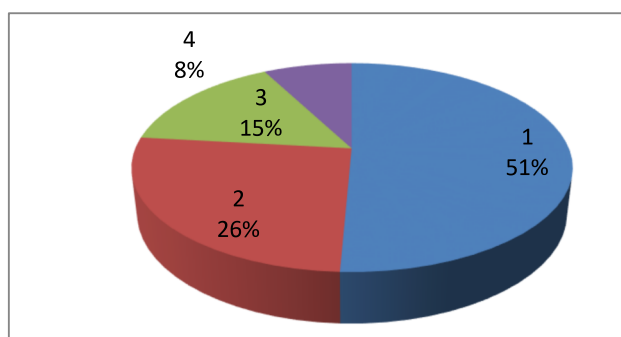
Nature

As already stated there are different forms of physical violence used by perpetrators against the victims like slapping, beating, pushing, kicking and throwing objects, beating with rod or cane and so on. The response of the respondents in this regard is showing in the following table.

Table: 4.06
Distribution of Respondents' on the basis of their Experience of Physical Violence

Nature	No of Respondents	Percentage
Beating, slapping and kicking	72	50.70%
Pushing, shoving, grabbing in hair	37	26.05%
Threatened with knife, stick, rod and gun	22	15.49%
Damaging personnel property or valuable things	11	7.76%
Total	142	100%

Figure-4.06: Pie Chart showing Nature of Physical violence faced by Respondents' (in percent)



Note: 1= beating, slapping and kicking, 2= pushing, shoving, grabbing in hair, 3= threatened with knife, stick, rod and gun, 4= damaging personnel property or valuable things

Regarding the nature of physical violence (Table: 4.06), it was found that out of 142 respondents 72 (50.70percent) were found to be victims of beating, slapping and kicking, 37(26.05percent) were victims of pushing, shoving, grabbing in hair, 22

(15.49 percent) were threatened with knife, stick, rod and gun, while 11 (7.76percent) reported physical violence in the form of damaging personnel property or valuable things. This shows that physical torture inflicted by either the husbands or in-laws take different forms and majority of the respondents were found to be victims of beating, slapping, pushing and kicking.

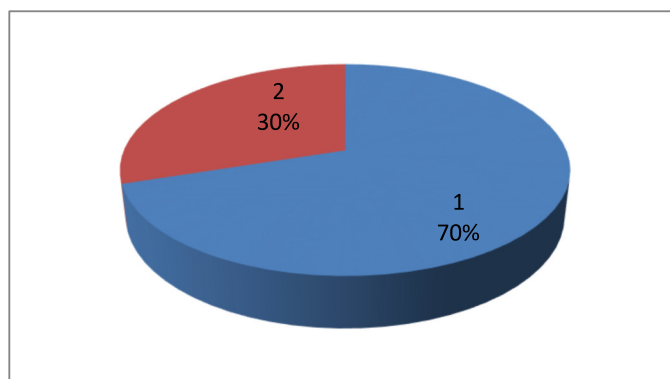
Psychological Violence

Psychological abuse against women is a common phenomenon in domestic violence. This kind of violence always placed women in a state of mind that would cause a person to suffer substantial emotional distress. The psychological violence is more unbearable in comparison to physical violence because the injuries arising out of physical violence may remain for the time being but the harmful effects of psychological violence last longer, sometimes lifelong. Thus, a question was posed to assess the prevalence and nature of psychological violence against women. Data reveal (Table: 4.07) that a majority of 70 percent (126 out of 180) had experienced mental strain in one form or the other due to domestic violence. This affirms that use of psychological torture is day-to-day affair against women in our society.

Table: 4.07
Distribution of Respondents' on the basis of their Reply

Response	No of Respondents	Percentage
Yes	126	70%
No	54	30%
Total	180	100%

Figure-4.07: Pie Chart showing Respondents' Experience of Physiological violence (in percent)



Note: 1= Yes, 2= No

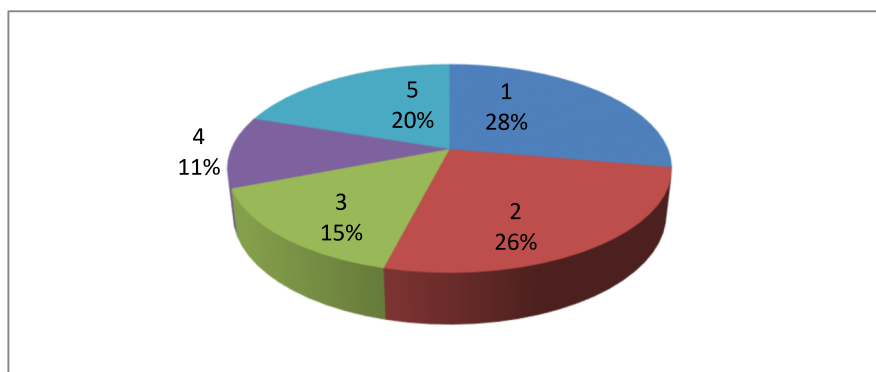
When enquired about the nature of psychological violence that is usually inflicted on women, different women responded differently. The types of violence the respondents referred to are broadly categorized as below.

- Type I: Using derogatory language, negative body language and indifference
- Type II: Withdrawal of talking terms and treating the victim as outcaste
- Type III: Ignoring in every aspect of family matter
- Type IV: Insult in presence of their children, relatives and outsiders
- Type V: Others

Table: 4.08
Distribution of Respondents' on the basis of their experience of Psychological Violence

Psychological violence (Type)	No of Respondents	Percentage
I	35	27.78%
II	33	26.19%
III	19	15.07%
IV	14	11.11%
V	25	19.84%
Total	180	100%

Figure-4.08: Pie Chart showing Respondents' Nature of Psychological violence faced by Respondents (in percent)



Note: 1= Type I, 2= Type II, 3= Type III, 4= Type IV, 5= Type V

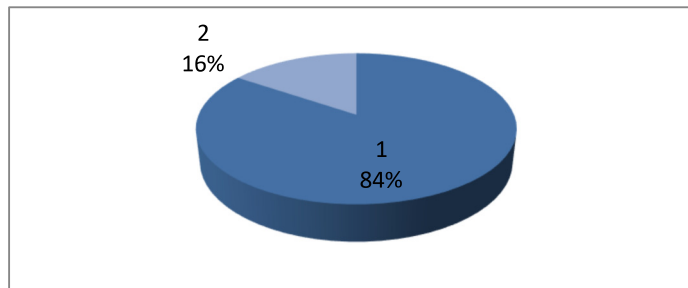
As shown above (Table: 4.08) that out of 126 respondents who had suffered psychological trauma at the domestic front, 35 (27.78 percent) were found to be victims of derogatory language, negative body language and indifference, while 33(26.19 percent) suffered due to the withdrawal of talking terms and isolation. 25 (19.84 percent) were victims of other types of psychological violence i.e. frequent blaming as an incompetent home maker, demeaning family background, criticizing for poor intelligence and threatening to desert. In case of 19 respondents (15.07 percent), they were reported to have faced indifference in family matters. Their voice was hardly heard in any familial decision and 14 (11.11 percent) were reported of repeated insult in presence of their children, relatives and outsiders.

Besides, a constant fear of being beaten up is also a grave type of mental torture. But women in our society have to face such a threat every now and then. Thus, it was pertinent to ask that how frequently women face fear of hurt physically.

Table: 4.09
Distribution of Respondents' on the basis of their Reply

Response	No of Respondents	Percentage
Yes	152	84.44%
No	28	15.55%
Total	180	100%

Figure-4.09: Pie Chart showing Respondents' Experience of Threatening to Hurt (In percent)



Note: 1= Yes, 2= No

Out of 180 respondents (Table: 4.09), a majority of 152 constituting 84.44 percent were found to be threatened physically, while only 28 did not respond. This shows that majority of women had to suffer mental strain from their intimate partners or from in-laws. It is also found that majority of women have to suffer the fear of physical violence every now and then. It sometimes turns women into serious mental patient and also turn them suicidal sometime.

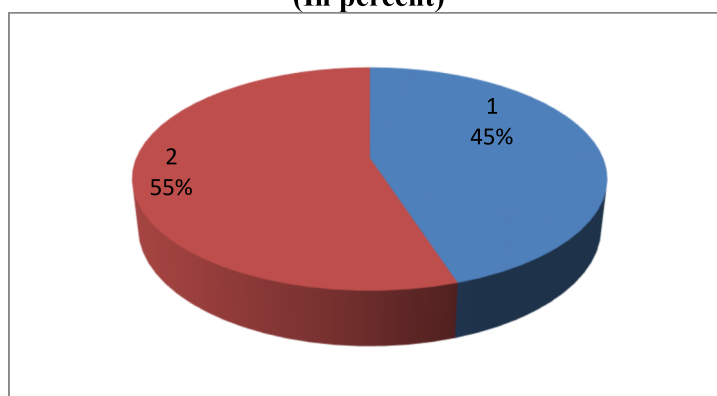
Economic Abuse

Economic abuse is another important form of domestic violence which does not have any apparent manifestation. Women generally have a subordinate position in the society due to their financial dependence and lack of access to resources. Subordination is still aggravated when their share or right over the resources of husband is denied. Thus, question was posed to understand the degree of economic suppression of women. As shown in the table (Table: 4.10) below that out of 180 respondents, 81 (45 per cent) were victims of economic abuse in one form or the other.

Table: 4.10
Distribution of Respondents' on the Basis of their Experience of Economic Abuse

Response	No of Respondents	Percentage
Yes	81	45.00%
No	99	55.00%
Total	180	100.00%

Figure-4.10: Pie Chart showing Respondents' Experience of Economic Violence (In percent)



Note: 1= Yes, 2= No

A number of types of economic pressure are inflicted on women. These are broadly classified as

Type I: Recovering full amount of the salary of employed women

Type II: Forcing to leave the existing job

Type III: Preventing from taking a job

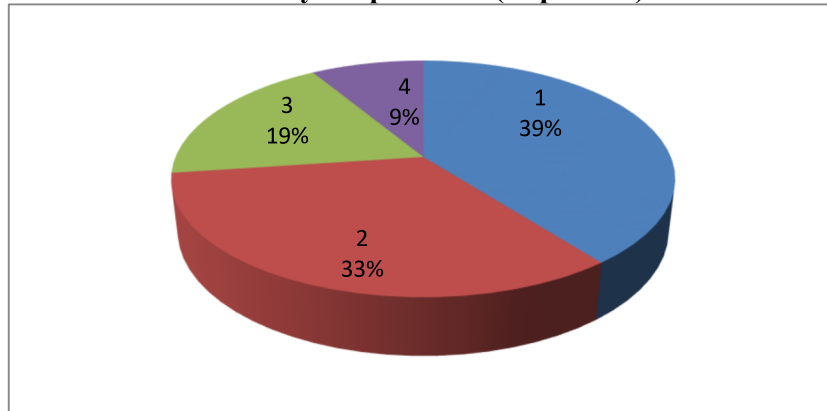
Type IV: Prohibiting from making personal purchases

As shown in the table (Table: 4.11) below that out of 81 respondents, 32 (39.50percent) reported that their entire salary was forcefully recovered every month by their husbands, 27(33.33percent) were being forced to leave their existing job, 15 (18.53percent) were not allowed to take any outdoor job for earning, while 7(8.64percent) were prohibited from making purchases of their choice. Thus it was found that a sizable number of women are being abused economically also in our family set up.

Table: 4.11
Distribution of Respondents' according to the reasons behind their experience of Economic Violence

Reasons of Economic violence (Type)	No of respondents	Total
I	32	39.50%
II	27	33.33%
III	15	18.53%
IV	7	8.64%
Total	81	100%

Figure-4.11: Pie Chart showing Respondents' Nature of Economic Violence Faced by Respondents (In percent)



Note: 1=I, 2=II, 3=III, 4=IV

Sexual violence

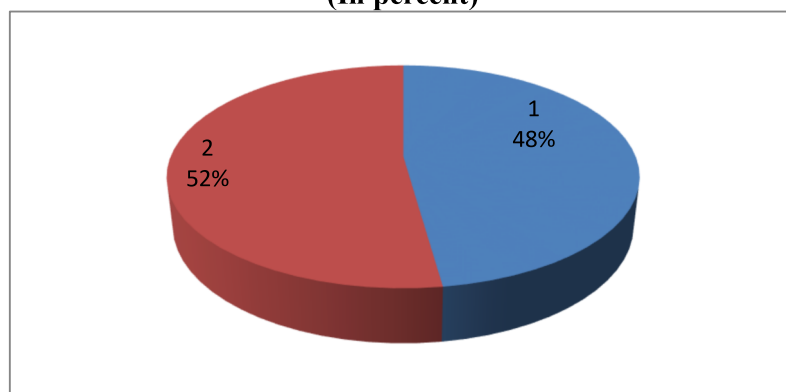
Sexual abuse is another kind of domestic violence. It is as dangerous as the other types of domestic violence. The effects of this kind of violence can range from minor to severe sexually transmitted diseases or HIV/AIDS. It also leads to the demeaning of the rights and dignity of a woman. At this backdrop, an attempt was made to understand the nature of sexual abuse that women have to suffer in a marital relationship.

As shown (Table: 4.12) below that out of 180 respondents, 86 (47.78percent) were found to be victims of sexual abuse in the form of forced sex, prevention from safe sex or using contraception and forceful compliance to intercourse.

Table: 4.12
Distribution of Respondents' on the basis of their experience of Sexual Violence

Response	No of Respondents	Percentage
Yes	86	47.78%
No	94	52.22%
Total	180	100%

Figure-4.12: Pie Chart showing Respondents' Experience of Sexual Violence (In percent)



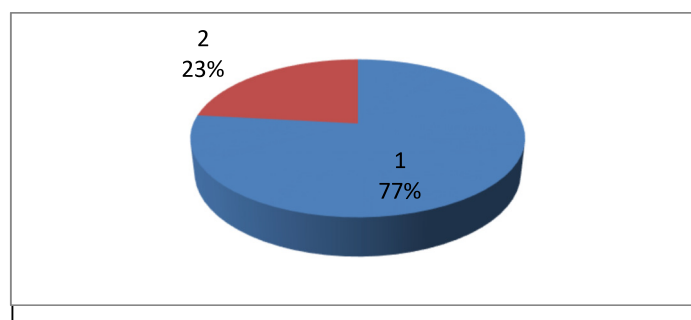
Note: 1= Yes, 2= No

In order to find out the influence of drug or alcohol in sexual abuse of women the respondents were asked to state the response. It was found that (Table: 4.13) 66 respondents (76.75 percent) were victims of sexual abuse while their husbands were under influence of drug or alcohol. Thus, alcoholism is an important factor that triggers sexual abuse of women.

Table: 4.13
Distribution of Respondents' according to their experience of Sexual Violence

Response	No of Respondents	Percentage
Yes	66	76.75%
No	20	23.25%
Total	86	100

Figure-4.13: Pie Chart showing Respondents' Experience of Sexual Violence under the Influence of Drug or Alcohol (In percent)



Note: 1= Yes, 2= No

Extent of violence

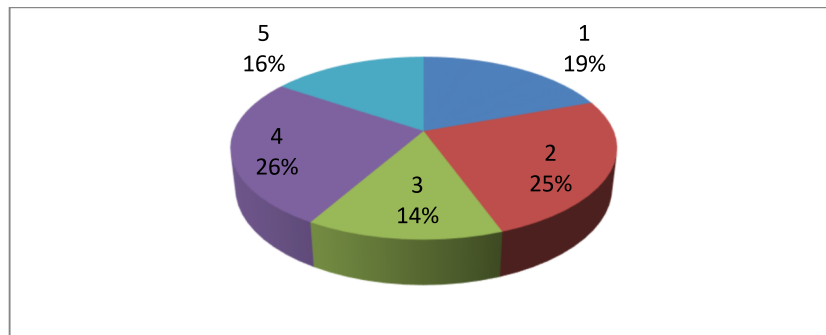
Violence against women assumes the form of a social problem when it is a repeated action in the family. Domestic violence is not typically a singular event rather; it is a repeated act of behaviour of the perpetrator who seeks power and control over his wife. Thus, question is asked about the extent of occurrence of domestic violence in their daily life.

Regarding the opinion about the extent of violence, it is (Table: 4.14) found that out of 180 respondents, 35 (19.44 percent) had to suffer violence daily, while 45(25.00 percent), 25(13.89percent) and 47 (26.11percent) were found to suffer violence once or twice in a week, fortnightly and monthly respectively. However 28 respondents (15.56percent) could not remember their frequency of violence. This shows that frequency of violence is not uniform in all cases, although it is a regular feature in the lives of majority of women.

Table: 4.14
Distribution of Respondents' opinion regarding their Extent of Violence

Extent of violence	No of Respondents	Percentage
Every day	35	19.44%
Once or twice a week	45	25.00%
Fortnight	25	13.89%
Once or twice in a month	47	26.11%
Can't remember	28	15.56%
Total	180	100

Figure-4.14: Pie Chart showing Respondents' Extent of Violence (percent)



Note: 1= Everyday, 2=Once or twice a week, 3= Fortnight, 4= Once or twice in a month, 5= can't remember

II

Consequences of Domestic Violence

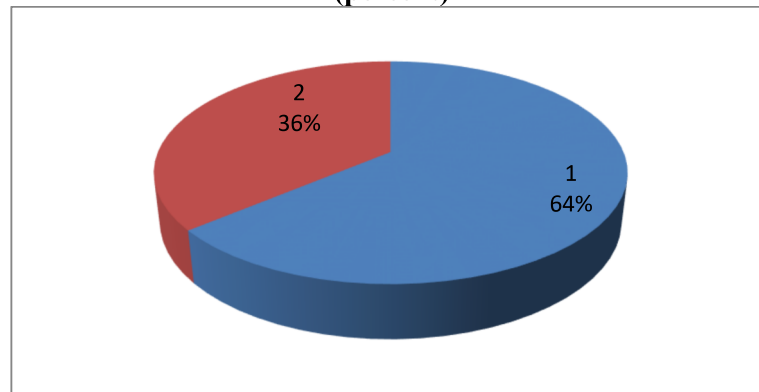
The victims demonstrate a wide range of effects from various kinds of domestic violence. The victims may suffer from severe and chronic mental and health problems. What is important to note is that the effects of domestic violence may not remain confined to the victims only. The repeated occurrence of domestic violence in a family has detrimental effects on the lives of the children, friends and other family members as well. An attempt is thus made in this section to study the impact of domestic violence against women.

When asked how many of women had suffered physical injury, a majority of 115 (63.89percent) were found to be physically injured by the assault of their husbands. (Table: 4.15)

Table: 4.15
Distribution of Respondents' according to the experience of Physical Injury

Response	No of Respondents	Percentage
Yes	115	63.89%
No	65	36.11%
Total	180	100%

Figure-4.15: Pie Chart showing Respondents' Experience of Physically Injury (percent)



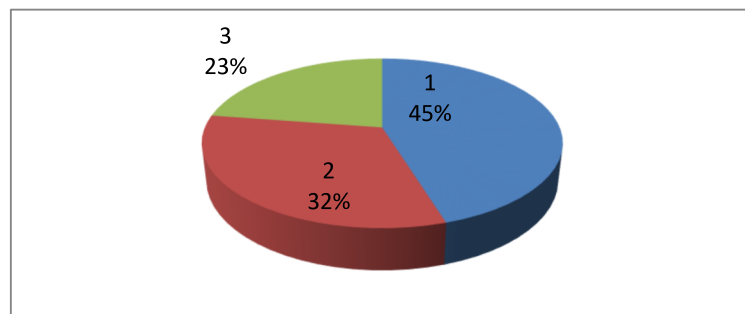
Note: 1= Yes, 2= No

As regards the seriousness of injury, out of 115 respondents who were physically injured, 52 (45.21percent) were seriously injured, 37 (32.18percent) and 26 (22.61percent) suffered moderate and minor injuries respectively. This shows that women in large number have to face physical trauma in their daily lives.

**Table No 4.16
Distribution of Respondents' on the their Seriousness of Injury**

Response	No of Respondents	Total
Serious	52	45.21%
Moderate	37	32.18%
Minor	26	22.61%
Total	115	100%

Figure-4.17: Pie Chart showing Respondents' Severity of Physically Injury



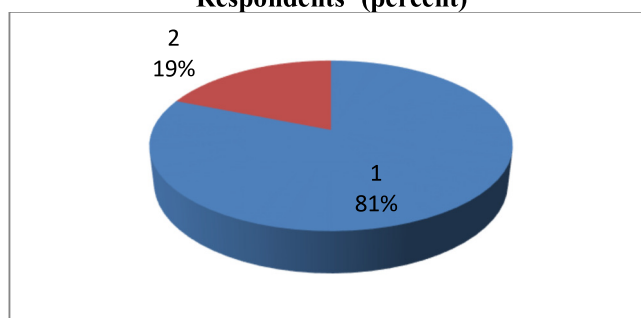
Note: 1= Serious, 2= Moderate, 3= Minor

Domestic violence affects women's health in many ways. The effects of physical violence can range from minor scratches to fractured bones to chronic disabilities such as partial or total loss of hearing or vision and so on. In the worst cases, it may result in the death of the victims also. While the impact of physical abuse may be more 'visible', the effects of psychological abuses and injury are as detrimental as physical ones. It leaves the woman in a situation where she is often made to feel mentally destabilized and powerless. The victims are found in a high incidence of stress and stress-related illnesses such as panic attacks, depression, sleeplessness, loss of appetite, elevated blood pressure, alcoholism, drug abuse, low self-esteem, suicidal tendency and so on. In certain cases, psychological abuse may even result in suicide. As shown in the table (Table: 4.17) below that out of 180 respondents, a majority of 146 (81.11 percent) were found suffered from health or mental problems due to violence, while the rest 34 (18.89 per cent) respondents reported that though they were living under abusive situation they had not any disorder and had no health or mental problems. The above analysis shows that women face various health and mental problems due to domestic violence.

Table: 4.17
Distribution of Respondents' according to their experience of Psychological Injury

Response	No of Respondents	Percentage
Yes	146	81.11%
No	34	18.89%
Total	180	100%

Figure-4.17: Pie Chart showing Psychological Impact of Domestic Violence on Respondents' (percent)



Note: 1= Yes, 2= No

The consequence of psychological abuse was broadly categorized into certain types, such as

Type I: Mental Stress

Type II: Anxiety

Type III: Depression

Type IV: Insomnia

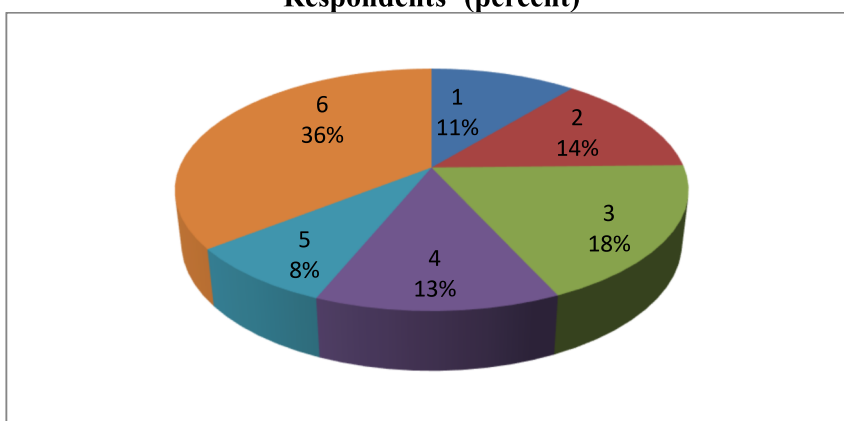
Type V: Thought of suicidal

Type VI: Any other

Table: 4.18
Distribution of Respondents' according to the types of Psychological Abuse

Impact of violence (Type)	No of Respondents	Percentage
I	16	10.99 %
II	20	13.69%
III	27	18.49%
IV	19	13.01%
V	12	8.21%
VI	52	35.61%
Total	146	100%

Figure-4.18: Pie Chart showing Impact of Psychological Violence on the Respondents' (percent)



Note: 1= Type I, 2= Type II, 3= Type III, 4= Type IV, 5= Type V, 6= Type VI

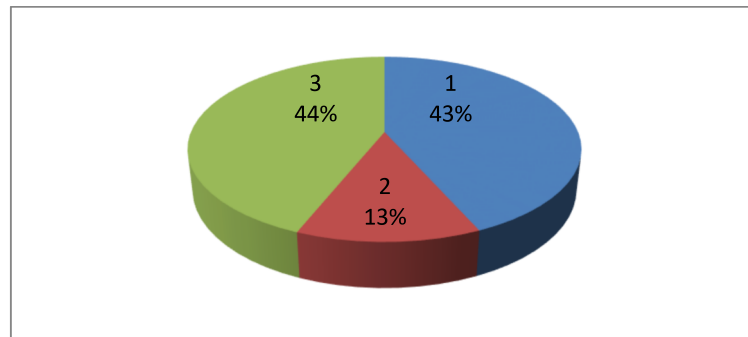
Regarding the impact of violence, it was found (Table: 4.18) that manifestation of domestic violence was explicit in numerous forms. The table shows that out of 146 respondents who had developed mental and health problems, 16 (10.99 percent) reported to have suffered from various kinds of mental stress, 27 (18.49percent) were under depression, 20 (13.69percent) had anxiety, while 19 (13.01percent) and 52 (35.61percent) respondents were suffering from insomnia and other problems like chronic headache, high blood pressure, alcoholism, drug abuse and low self-esteem respectively. 12 (8.21percent) respondents also reported to have developed suicidal tendency. Thus, the consequence of domestic violence is often extremely tragic. It not only affects the physical health of the victims but also often leave them psychologically prostrate without any urge to live. A woman is killed inside after experiencing sustained abuse at the family front.

What is still more tragic is that it not only affects the mental and physical health of the victim, it also has very serious impact on the children of the family which witnesses regular domestic violence. The repeated occurrence of domestic violence in a family has detrimental effects on the lives of the children. Data reveal that (Table: 4.19) out of 180 respondents, 78 (43.33percent) reported that violence had moderately affected the lives of their children, 23 (12.78percent) reported to have witnessed serious consequence of domestic violence on the lives of children. 79 (43.89percent) respondents did not register any serious concern about the affect of violence on the lives of children.

Table: 4.19
Distribution of Respondents' opinion regarding Impact of violence on Children

Response	No of Respondents	Percentage
Moderately affected	78	43.33%
Badly affected	23	12.78%
Not affected	79	43.89%
Total	180	100%

Figure-4.19: Pie Chart showing Impact of Domestic Violence on Children of Respondents' (percent)



Note: 1= Moderately affected, 2= Badly affected, 3= Not affected

About the type of effect that children had suffered, different respondents gave different response.

Type I: Behavioural and psychological problems

Type II: Poor school performance

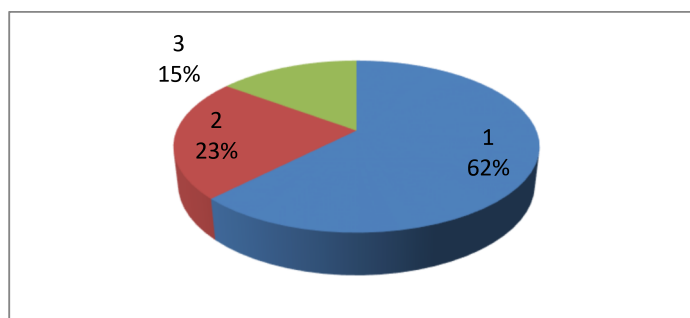
Type III: Can't say anything exactly

As shown (Table: 4.20) below that out of 101 respondents who had registered the evil affect of domestic violence on the lives of women, 63 (62.37percent) reported that their children had developed behavioural and psychological problems like anxiety, disobedience, aggression (particularly among males), oppositional behaviour, self-blame, isolation from peers, self-harming conduct, depression and other psychosomatic symptoms, while 23 (22.77percent) reported decline in the concentration of children and eventual low performance in school. 15 (14.86percent) respondents reported to have witnessed the evil effect of domestic violence on children but could not specify it.

Table: 4.20
Distribution of Respondents' on the basis of their Reply on Type of Effect that Children had Suffered

Reasons (Type)	No of Respondents	Percentage
I	63	62.37%
II	23	22.77%
III	15	14.86%
Total	101	100%

Figure-4.20: Pie Chart showing Nature of Impact of Violence on Children of Respondents' (percent)



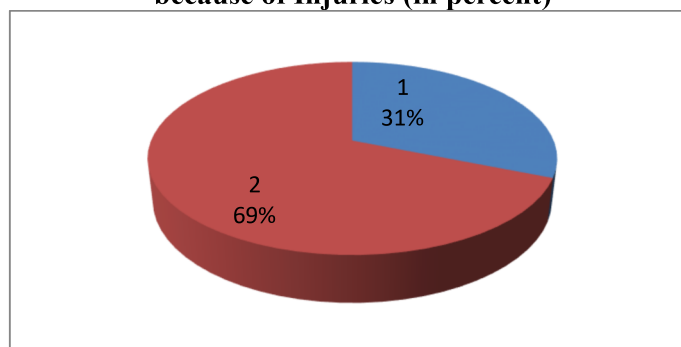
Note: 1=I, 2=II, 3=III

As already stated violence had an adverse effect on women's health. Sometimes they had to visit doctor for severe injuries caused by their partners. Thus, question was posed to know whether respondents visited doctor or hospital due to any kind of injuries. Out of 180 respondents, 56 constituting 31.11 percent visited doctor or hospital because of injuries caused by their partners. (Table: 4.21)

Table No 4.21
Distribution of Respondents' on the basis of their Reply on Visited to Doctor or Hospital because of Injuries

Response	No of Respondents	Percentage
Yes	56	31.11%
No	124	68.89%
Total	180	100%

Figure-4.21: Pie Chart showing Respondents' Visited to Doctor or Hospital because of Injuries (in percent)



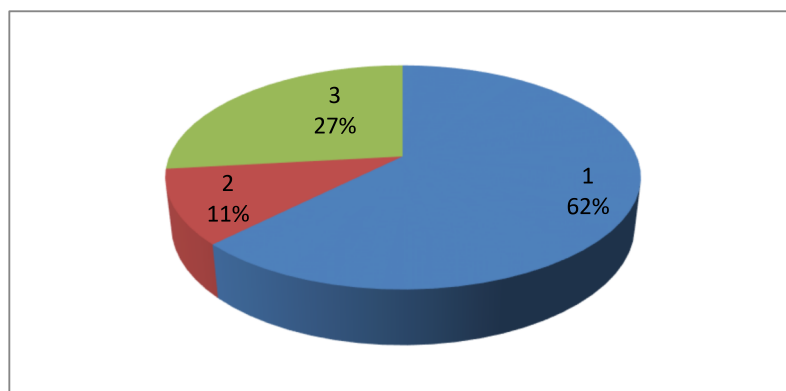
Note: 1= Yes, 2= No

As regards the concerned reason, it was found that out of 56 respondents who had visited doctor, 35 (62.50percent) were physically injured, 6 (10.71 percent) suffered from emotional distress and 15 (26.78percent) visited because of both of physical and emotional problem. (Table No 4.22) This shows that women had to face fatal consequences for sustained domestic violence. A very small number of women had the opportunity to visit doctor or hospital; otherwise many women could not get proper medication facility due to various reasons.

Table: 4.22
Distribution of Respondents' on the basis of their Reply on Reasons for Visited to Doctor or Hospital because of Injuries

Reasons	No of respondents	Percentage
Physical injury	35	62.50%
Emotional problem	6	10.71%
Both of the above	15	26.78%
Total	56	100%

Figure-4.22: Pie Chart showing Respondents' Reasons to Visit a Doctor (in percent)



Note: 1= Physical Injury, 2= Emotional problem, 3= both of the above

III

Causes of Domestic Violence

The causes of domestic violence ranges from the minor to major, as just anything can serve as an excuse to severely beat up a woman. Therefore, an attempt has been made in this section to identify the causes of domestic violence against women.

Type I: Extra marital affairs

Type II: Use of Alcohol & Drug

Type III: Absence of economic independence among women

Type IV: Dowry

Type V: Patriarchal social outlook

Type VI: Any other

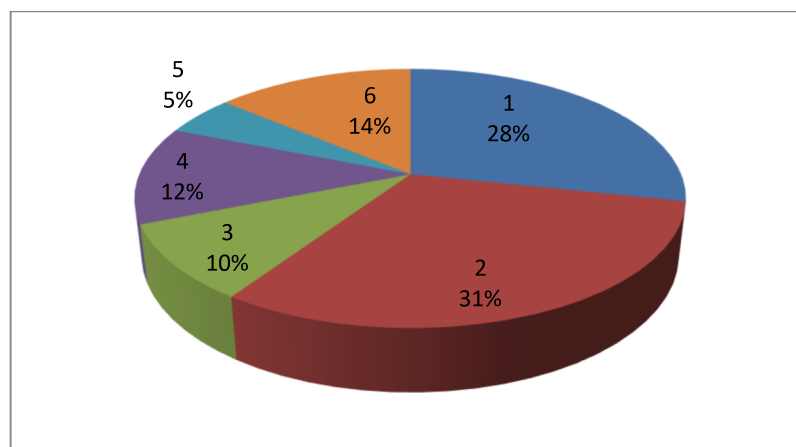
Regarding the causes of domestic violence (Table: 4.23), it was found that out of 180 respondents 56(31.11percent) had faced violence due to extra marital affair of the husbands, 51(28.33 percent) reported to have faced violence due to the alcoholic nature of the husband, 25(13.89 percent) respondents were victimized due to marital maladjustment, problem at the work place of husband, difference in the social status of the partners, property dispute, mental disorders and children related issues. Again 22 (12.22percent), 17(9.45percent) and 9 (5percent) were found to be victims of violence because of dowry, absence of economic independence and patriarchal social

outlook respectively. So, it may be said that nature and causes of violence vary significantly in case of women. However, it is the physical violence of various types that are often inflicted on women.

Table: 4.23
Distribution of Respondents' according to the Causes of Domestic Violence

Causes (Types)	No of Respondents	Percentage
I	51	28.33%
II	56	31.11%
III	17	9.45%
IV	22	12.22%
V	9	5.00%
VI	25	13.89%
Total	180	100%

Figure-4.23: Pie Chart showing Causes of Domestic Violence (in percent)



Note: 1= Type I, 2= Type II, 3= Type III, 4= Type IV, 5= Type V, 6= Type VI

Role of Women Organisation

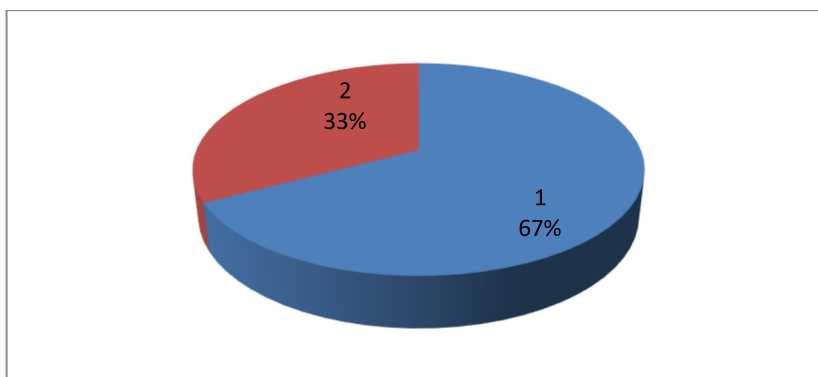
Now a day it has been widely felt that although friends and relatives could help to solve the problems associated with domestic violence to some extent, professional

help to the victims in this regard was indispensable. Therefore, an attempt has been made to understand the role of government and non-governmental agencies to solve the problem in the concern district. To have an assessment about the role of women organisations respondents were asked few questions. They were asked if they tried to take action against their husbands by seeking help from police, court order, counselling, support groups, shelter, family, friends or other outside help. It was found that out of 180 respondents, 121 (67.22 percent) had got support from the women's organizations and could solve the problem mutually without dragging it to the court, 59 respondents (32.78percent) took help from the police, court and counseling centers. (Table: 4.24)

Table: 4.24
Distribution of Respondents' on the basis of their Reply regarding Taking help from Outside

Response	No of Respondents	Percentage
Women Organisations	121	67.22%
Others	59	32.77%
Total	180	100%

Figure-4.24: Pie Chart showing Taking Help from Outside by the Respondents' (in percent)



Note: 1=Women organisations, 2= Others

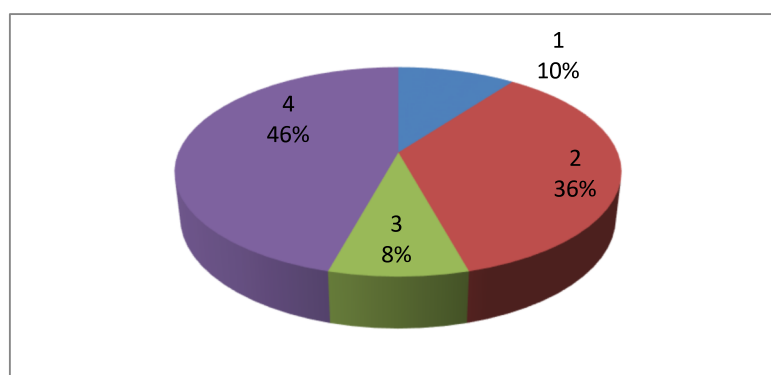
As regards the type of help sought, (Table: 4.25), data reveal that out of 59 respondents, 27 (45.76percent) had approached the family counseling centers (FCCs), 21 (35.59 percent) had approached the court to get remedy, 6 (10.16 percent) had

reported to the nearest Police station for help, while 5 (8.47percent) were given financial /job related suggestions by women's organisation working for the welfare of women at district level.

Table: 4.25
Distribution of Respondents' on the basis of their Reply on the Type of Help Sought

Type of help extended	No of Respondents	Percentage
Police	6	10.16%
Court	21	35.59%
Financial/ job	5	8.47%
Counseling	27	45.76%
Total	59	100%

Figure-4.25: Pie Chart showing Type of Help Taking from Outside by the Respondents' (in percent)



Note: 1= Police, 2=Court, 3= Financial/job, 4= Counseling

About the reason of compromise with their husbands, different respondents gave different response.

Type I: Protecting family reputation or prestige

Type II: Children's interests

Type III: Fear of desertion or loss of shelter

Type IV: Hope to see a better future

Type V: Any other

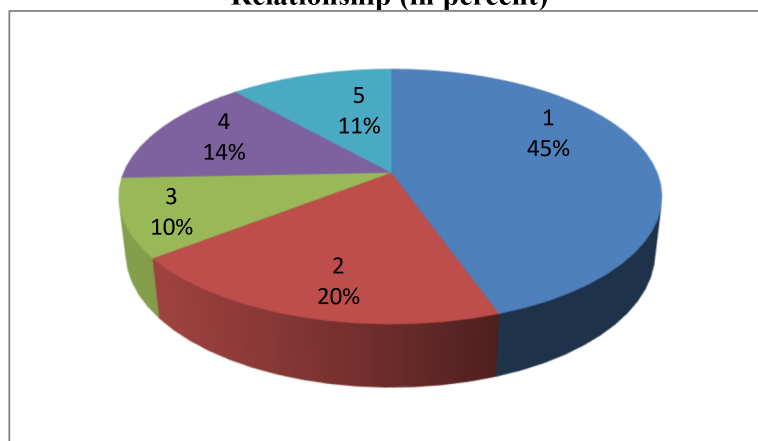
As shown (Table: 4.26) below, out of 121 respondents who resorted to it, 54 (44.62 percent) were found to have compromised only to protect their family reputation or prestige, 24 (19.83percent) compromised for the sake of children, 17 (14.07percent) compromised with the hope that things would change for better in future, 12

(9.91percent) compromised as they had no other shelter, while the rest 14 (11.57percent) cited different reasons for compromising with the situations i.e. lack of economic security, social stigma, destiny and so on. The response of the majority of the respondents who had compromised with their husbands for sake of family reputation or prestige was disappointing as it reaffirmed the stronghold of patriarchy in our society. Even the legal remedial measures could not be adopted as women were hesitant to do so under the pressure of patriarchy.

Table No 4.26
Distribution of Respondents' according to their reasons for Compromise

Reasons for Compromise (Type)	No of Respondents	Percentage
I	54	44.62%
II	24	19.83%
III	12	9.91%
IV	17	14.07%
V	14	11.57%
Total	121	100%

Figure-4.26: Pie Chart showing Respondents' Reasons for Living in Abusive Relationship (in percent)



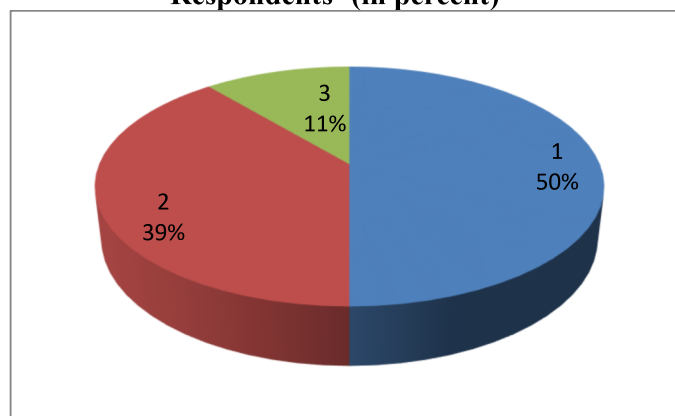
Note: 1= Type I, 2= Type II, 3= Type III, 4= Type IV, 5= Type V

Regarding the effectiveness of the services provided by various organizations (Table: 4.27), out of 180 respondents, 90(50percent) expressed satisfaction with the services. Their response was positive as they believed that this kind of help was fruitful to them. 70 (38.89percent) respondents had given somewhat a satisfactory response as they believed that organizations were not spending adequate time with the victims and their families to solve their problems. The rest 20(11.11percent) were dissatisfied as according to them these organizations failed to bring any change in the life of women.

Table: 4.27
Distribution of Respondents' on the basis of their Reply on Effectiveness of Services provided to them

Response	No of Respondents	Percentage
Good	90	50.00%
Satisfactory	70	38.89%
Unsatisfactory	20	11.11%
Total	180	100%

Figure-4.27: Pie Chart showing Effectiveness of Services provided to Respondents' (in percent)



Note: 1= Good, 2=Satisfactory, 3= Unsatisfactory

Thus, it may be said that although women organizations are playing an important role in solving the cases of domestic violence and providing support to the victims, they are required to play a still greater role so that the incidences of such violence may be reduced drastically in the society.

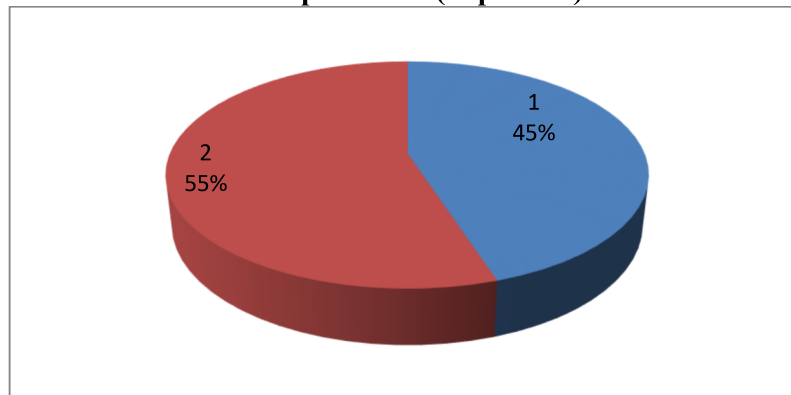
State's response towards Domestic Violence

In regard to the question of whether government is doing enough to prevent domestic violence, it was found that out of 20 respondents, 11 (55 per cent) opined that Government is not doing enough to prevent or deal with domestic violence, while 9 (45 percent) were satisfied with the work done by the Government. (Table No 4.28)

Table: 4.28
Distribution of Respondents' on the basis of their Reply on Effectiveness of Government Services provided to them

Response	No of Respondents	Percentage
Yes	9	45.00%
No	11	55.00%
Total	20	100

Figure-4.28: Pie Chart showing Effectiveness of Government Services provided to Respondents' (in percent)



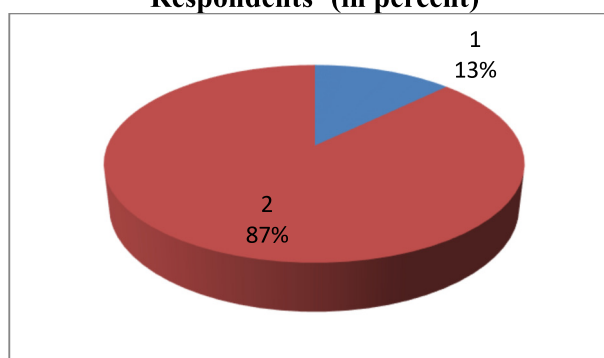
Note: 1= Yes, 2=No

Awareness of various protective measures is an important factor to deal with domestic violence. To know about the awareness of the respondents about various legal provisions some questions was posed. It was found that an over whelming majority of 157 (87.22percent) out of 180 were unaware of Domestic Violence Act, while only 23(12.78percent) respondents were found aware. (Table No 4.29)

Table No 4.29
Distribution of Respondents' on the basis of their Reply regarding Awareness of Government Laws

Response	No of Respondents	Percentage
Yes	23	12.77%
No	157	87.22%
Total	180	100%

Figure-4.29: Pie Chart showing Awareness of Government Laws of the Respondents' (in percent)



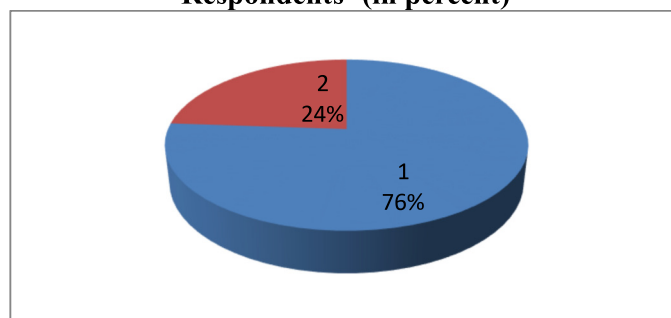
Note: 1= Yes, 2=No

As regards the awareness of section 498A of IPC (Tale No 4.30), it was found that majority of 137 (76.11percent) out of 180 respondents were found to be unaware, while only 43(23.88 percent) were found to be aware. This shows that there is need to improve the services of the government. More importantly, mere formulation of the laws cannot wipeout the problem. Proper implementation of the laws and social awareness about the availability of various provisions of the law are equally important.

Table No 4.30
Distribution of Respondents' on the basis of their Reply regarding Awareness of Government Laws

Response	No of Respondents	Percentage
Yes	137	76.11%
No	23	23.88%
Total	180	100%

Figure-4.31: Pie Chart showing Awareness of Government Laws of the Respondents' (in percent)



Note: 1= Yes, 2=No

It is the responsibility of the Government to eradicate all kinds of violence in our society and to provide essential services to the victims as well. Therefore, a question was posed to know about the kind of government available to the people in Nalbari district. Data revealed (Table No 3.31) that there were only two counseling centers in the district which are generally named to be the family counseling centres.

**Table No 4.31
Distribution of Respondents' on the basis of their Reply on Services are Provided by the Government**

Services	No
Shelter homes	NA
FCCs	2
Any other	NA

The above analysis shows that there is also no Rehabilitation Center or shelter home, free legal aid services and medical services for the victims of domestic violence in Nalbari district. As a result, women feel insecure to take action against the perpetrators of violence as it is these people who provide those shelters. On the whole, the attitude of government towards solving the problem does not reflect a bright picture. In spite of various efforts people are still unaware of various legal provisions available for the protection of women. In respect of eliminating domestic violence in our society, the laws have failed to achieve its objective. Thus, it may be said that

government's initiative is mostly confined to the making of laws and only little is done to prevent the frequent occurrence of domestic violence in our society.

Above analysis shows that a large number of women in our society witness domestic violence in everyday life, although the nature and extent of violence vary from one to another. Among the 180 respondents of the study, an overwhelming majority of 142 (78.89 percent) were found to be physically abused in one form or other. In case of nature of physical violence it was found that out of 142 respondents who suffered physical torture, 72 (50.70percent) were found to be victims of beating, slapping and kicking, 37(26.05percent) were victims of pushing, shoving, grabbing in hair and holding with rope, 22 (15.49 percent) were threatened with knife, stick, rod and gun and 11 (7.76percent) reported physical violence in the form of damaging personnel property or valuable things. This shows that physical torture inflicted by either the husbands or in- laws take different forms and majority of the respondents were found to be victims of beating, slapping, pushing and kicking. As regards the nature and extent of psychological violence, a majority of 70 percent (126 out of 180) had experienced mental strain in one form or the other due to domestic violence. In case of nature of psychological violence out of 126 respondents, 35 (27.78 percent) were found to be victims of derogatory language, negative body language and indifference, while 33(26.19 percent) experienced psychological violence due to the withdrawal of talking terms and treating the victim as outcaste. 25 (19.84 percent) were victims of other types of psychological violence i.e. blaming for improper house-keeping, demeaning family background, criticizing for lack of or less intelligence, by giving threats of committing suicide by their husbands. In cases of 19 respondents (15.07 percent), they were ignored in every aspect of family matters and 14 (11.11 percent) were reported of repeated insult in presence of their children, relatives and outsiders. This shows that majority of women had to suffer mental strain from their intimate partners or from in-laws. It is also noted that severe psychological stress and living under terror and the mental torture of violence led to self-destructive behavior and to family discord and suicide in certain cases. The mental depression associated with domestic violence may go relatively unnoticed when compared to the physical violence. Nevertheless, it is as dangerous, if not more. As regards the nature of economic abuse it was found that out of 180 respondents, 81 (45 per cent) were victims of economic abuse in one form or the other. In fact, a sizable number of

women were being abused economically. In case of nature of sexual abuse it was found that out of 180 respondents, 86 (47.78percent) were found to be victims of sexual abuse in the form of forced sex, preventing from safe sex or using contraception and forced rape. Regarding the opinion about the extent of violence it was found that out of 180 respondents, 35 (19.44 percent) had to suffer violence daily, while 45(25percent), 25(13.89percent) and 47 (26.11percent) were found to suffer violence once or twice in a week, fortnightly and monthly respectively. This affirms that although violence is common, its frequency differs from one case to another.

Regarding the causes of domestic violence, it was found that out of 180 respondents 56(31.11percent) had faced violence due to extra marital affair of the husbands, 51(28.33 percent) due to the alcoholic nature of the husband, 25(13.89 percent) due to marital maladjustment, husband's problem at work place or outside world, difference in the social status of the partners, property dispute, mental disorders and children related issues. Again 22 (12.22percent), 17(9.45percent) and 9 (5percent) were found to be victims of violence because of dowry, absence of economic independence and patriarchal social outlook respectively. So, it may be said that though the nature and causes of violence vary, it persists almost in all cases. Out of 180 respondents, 121 (67.22 percent) had got support from the women's organizations and could solve the problem mutually without dragging it to the court, 59 respondents (32.78percent) took help from the police, court and counseling centers. As regards the type of help sought it was found that out of 59 respondents, 27 (45.76percent) had approached the family counseling centers (FCCs), 21 (35.59 percent) had approached the court to get remedy, 6 (10.16 percent) had reported to the nearest Police station for help, while 5 (8.47percent) were given financial /job related suggestions by women's organisation working for the welfare of women at district level. As regards the reasons for mutual compromise, out of 121 respondents who resorted to it, 54 (44.62 percent) were found to have compromised only to protect their family reputation or prestige, 24 (19.83percent) compromised for the sake of children, 17 (14.07percent) compromised with the hope that things would change for better in future, 12 (9.91percent) compromised as they had no other place to go, while the rest 14 (11.57percent) cited different reasons for compromising with the situations. The response of the majority of the respondents who had compromised with their husbands for sake of family reputation or prestige was disappointing as it reaffirmed

the stronghold of patriarchy in our society. Regarding the effectiveness of the services provided by various organizations/NGOs, out of 180 respondents 90(50percent) expressed satisfaction with the services. Their response was positive as they believed that this kind of help was fruitful to them. 70 (38.89percent) respondents had given somewhat a satisfactory response as they believed that organizations were not spending adequate time with the victims and their families to solve their problems. While the rest 20(11.11percent) were dissatisfied, according to them these organizations failed to bring any change in the lives of women. Thus it may be said that although women organizations are playing an important role in solving the cases of domestic violence and providing support to the victims, they are required to play a still greater role so that the incidences of such violence may also be reduced in the society. It was found that out of 20 respondents who were the members of the women organizations, 11 (55 per cent) opined that the government's intervention was not enough to deal with the menace of domestic violence, 9 respondents (45 percent) expressed satisfaction with the work done by the government. In case of legal awareness of the respondents, it was found that an overwhelming majority of 157 (87.22percent) out of 180 were unaware of Domestic Violence Act, while only 23(12.78percent) respondents were found aware. Again in case of 489A of Indian Penal Code, a majority of 137 (76.11percent) out of 180 respondents were found to be unaware, while a considerable number i.e., 43 respondents (23.88 percent) were found to be aware. As regards the availability of services in the district it was found that only two counseling centers are available to the victims of domestic violence while no other services were provided by the government. As a result, women feel insecure to take action against the perpetrators of violence.

On the whole, the attitude of the government towards solving the problem does not reflect a bright picture. In spite of various efforts people are still unaware of various legal provisions available for the protection of women. In respect of eliminating domestic violence in our society, the laws have, to a great extent, failed to achieve its objective. The government's initiative remained mostly confined to the making of laws. Thus, a holistic approach is required with the cooperation of both the government and the civil society to combat the evil of domestic violence in India.

CHAPTER V: SUMMARY AND CONCLUSIONS

The present study “Domestic Violence against Women: A Study of Nalbari District in Assam” is an attempt to understand the problem of domestic violence against women with special reference to Nalbari district of Assam. The universe of the study is Nalbari district which is situated at the western part of Assam. This is an empirical study and hence sample has been drawn and the respondents in the sample were the victims of domestic violence of the district. In addition to this, respondents were also chosen from the cross-section of the society including members of women organisations, lawyers and doctors to understand their response to the victims. This study is a modest attempt to identify and describe the nature, causes and consequences pertaining to the phenomenon of domestic violence against women in Nalbari area. Besides, the study also looks into the role of government in dealing with the problem of domestic violence. Its response, initiative and effectiveness in dealing with the crisis. In an endeavour to summarize the facts and the findings of the study, chapter-wise summary has been presented keeping in view its objectives and hypotheses.

I

The introductory chapter (chapter I) provides a detailed outline of the research including the statement of the problems that signifies the importance and relevance of the present study. A conceptual framework has been evolved to understand the meaning of the key concepts like ‘domestic’, ‘violence’ and ‘domestic violence’ and the meaning that has been attached to them for the purpose of the present study. It contains a systematic and elaborate review of related literature, objectives of the study, hypotheses and the methodology of the study that explains the size of the sample, procedure of its selection and technique of data collection. Besides, a brief description of the chapters is also given in it.

As this study is concerned with domestic violence against women, the meaning, nature and consequence of domestic violence is precisely discussed in this chapter. Domestic violence is a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another partner. Domestic violence can happen to anyone regardless of race, age, caste, religion or gender. It is a pattern of behaviour that characterises the misuse of power and promise by one

person against another who generally happens to be in an intimate or blood relationship. Domestic violence is not typically a singular event and it is not limited to only physical aggression. Rather, it is the methodical use of threats, ignominy and physical violence by someone who seeks power and control over his intimate partner. Domestic violence may be of different kinds like physical violence, sexual abuse, emotional abuse, economic deprivation and stalking. The victims demonstrate a wide range of effects from various kinds of domestic violence. The victims may suffer from severe and chronic mental and health problems. Besides the victims, the other members of the family may also suffer from physical, emotional and psychological stress as result of sustained domestic violence.

Violence against women within the family is a global phenomenon. It occurs irrespective of socio- economic status of women. No society can claim to be free of such violence. But the degree of violence differs according to the socio economic condition of the society. In India, crime against women in the domestic sphere is a very common incident. Poverty, illiteracy, traditional gender bias and social customs provide a very congenial situation for the commitment of such crimes against women. As per the Report of India's National Crime Records Bureau, more than 195856 crimes had been committed against women in the year 2008. Of these, 81344 cases were in the nature of domestic violence. As per the information of the Bureau in every nine minutes, a case of cruelty is committed against a woman in our country and most of these cruel acts occur within the four walls of home. Since the abolition of the practice of sati (1829), various significant steps have been taken in independent India also towards protecting women from torture and violence. In 1983, for the first time, an amendment was made in the criminal laws recognising domestic violence (matrimonial cruelty) as criminal offence under section 498-A of the Indian Penal Code. In 26th October 2005, the Protection of Women from Domestic Violence Act was passed and it provides for more effective protection of the rights of women guaranteed under the Constitution.

Despite the steps taken by the government to prevent domestic violence, it continues to be an evil in our society. It is a regular feature of our everyday life. But the prevention of domestic violence is an essential condition not only for bringing gender equality but also to realise the objective of human rights in general. If the bulk of the

people who constitute half of our population live under torture and fear of violence, the task of nation building and an all-round development of the society will never be achieved. Thus, the study of domestic violence against women is an attempt to understand the position of women in our society.

This chapter also highlights the significance of the study. Nalbari is one of the backward districts in Assam. Some of the development blocks in the district are almost not having any communication, health or education facility. Nalbari being one of the backward districts of Assam has a situation where the conditions for the development of women are very poor. The incidences of domestic violence are also so high in the district that it has already attracted the attention of the government and various NGOs. As per the report of the Office of the DIG, CID, Assam, out of 41, 496 cases of domestic violence that have occurred in the last ten years, 4521 cases took place in Nalbari district alone. Thus, a study of the plight of women in the domestic sphere in the district of Nalbari is obvious to throw important light on various aspects and the gravity of domestic violence in our society.

As stated that the study was carried out in Nalbari District of Assam which is now having an area of 1009.57 sq.km consisting of 1(one) Civil Sub-Division, 7 (seven) Revenue Circle, 7 (seven) Development Blocks, 5 (five) Police Stations, 7(seven) Anchalik Panchayats and 65 (sixty five) Gaon Panchayats covering 471 villages. Out of these 7 blocks, 6 blocks (Pub-Nalbari, Pachim Nalbari, Barigog Banbhag, Tihu, Barama (part), Banekuchi) were selected for the present study by the technique of simple random sampling by using lottery method.

In order to collect primary data, cases for the period of 10 years (since 2001-2010) were studied. A total of 1825 cases of domestic violence had been registered under Nalbari Zilla Mahila Samiti since 2001. The total number of cases studied was 180. Most of the cases studied were of marital discord resulting from perpetual incidences of domestic physical violence. Besides, cases of ill-treatment and mental cruelty were also studied. The victims who had registered cases were also identified through Nalbari Zilla Mahila Samiti, the lone voluntary social organization of the district that renders counseling and legal aid to its clients. Thus, out of 1825 cases, 180 (approximately 10 percent) cases were studied and also the respondents were

interviewed. In addition to this 20 respondents were chosen from the cross-section of the society including members of Women organisation, lawyers and Doctors to understand their response to the victims. Thus, a total of 200 respondents were selected by the technique of purposive sampling.

For collecting primary data two sets of interview schedules were used which served as the principal instruments of data collection. In consonance with the objectives, close and open ended questions were formulated in the interview schedule. The interview schedules had different sections to elicit information from the respondents. In addition to socio-economic and demographic background of the respondents, information was also sought about the nature, incidence of domestic violence and the impact of domestic violence on the victims. In addition to the interview schedule for the victims, another schedule was used for the members of Women organizations. A number of social activists, protection officer (POs) and the police personnel were also contacted and interviewed as they are competent to throw light on the matter.

The study has been conducted with the objectives to understand the nature and causes of domestic violence, the role of women organisation for protection of rights and the state's response towards domestic problem and the hypotheses were framed in consonance with the objectives.

II

Chapter II gives a brief description of Nalbari district with an emphasis on its location, demography, development and communication. Besides, the socio-economic profile of the respondents is discussed. For the convenience of presentation, this chapter has been divided into two sections. Section I deals with the brief profile of the study area i.e. Nalbari district of Assam, its location, demography, historical background, development & communication, area and administrative division, literacy and economy and Section II deals with an elaborate presentation of the sample, their size personal profile and socio-economic background of the respondents.

Before presenting the socio-economic profile of the respondents, a brief profile of Nalbari district is drawn. The district is located in central western part of Assam surrounded on the north, the district shares its boundary with the newly created Baksa

district while the southern boundary of the district is flanked by the Brahmaputra River. The eastern boundary of the district is shared by Kamrup district while Barpeta district is located on the western boundary. According to 2011 census, the total population of the district is 7, 71,639 with male population is 396,006 and female population is 375,633. Out of the total population of the district of 7.7 Lakh (89.28percent) lives in rural area and only 10.72 percent lives in urban area. Percentage of SC and ST population according to 2001 census is 7.23 and 3.31 percentage respectively. The district has a heterogeneous ethnocentric population with Assamese, Bengali, Bodo, Marawari, Nepali and so on. Majority of the population of the district speak Assamese, which is the official language of the district. Besides, the Bodo and Bengali are also two important languages in the district spoken by the Bodo and Bengali people respectively. The population of the district is divided into two major religions viz Hindu and Islam. Besides, people of other religious faith viz. Christianity, Sikhism, Buddhist, Jains etc inhabit the district in marginal number. According to 2001 census, 76.05 percent of total population is Hindu, 22.10 percent Muslim, 1.61percent Christian, 0.01percent Sikhs, 0.08percent Buddhist, 08percent Jains, 0.01percent are other religion and 0.06percent are not stated. The literacy rate of the district is 78.63percent as per 2011 census compared to 72.66percent of 2001. The male literacy rate is 84.36percent and female literacy rate is 72.57percent. Total literate in Nalbari district were 531,771 of which male and female were 293,184 and 238,587 respectively.

The total territorial area of the Nalbari District is 1009.57sq.km. Nalbari district comprises two important notified towns viz. Nalbari (district Headquarter) and Tihu. Nalbari is one of the 14 districts of Assam comprising only one sub-division. Below this level, there are 7 Revenue Circles (Tehsils), viz. Nalbari, Tihu, Barkhetri, Barbhag, Gograpaar, Paschim Nalbari, Banekuchi. Furthermore, the district is divided into 7 Community Development Blocks- Pub Nalbari, Tihu, Paschim Nalbari, Barbhag, Barkhetri, Gograpaar, Madhupur. Below the block level set-up, there are 7 Anchalik Panchayats, viz Pubnalbari ap, Barigog Banbhag ap, Paschim Nalbari, Madhupur ap, Tihu ap, Barbhag ap, Barketri ap covering 65 Gaon Panchayats. From the angle of Police administration, the district area is divided among 5 Police stations namely Nabari, Mukalmua, Gograpaar, Belsor and Tihu.

So far as the personnel profile of the respondents is concerned, analysis of data reveals that out of the 180 respondents, 61 (33.8percent) were found in the age group of '15 –30' years. A majority of 79 (43.8percent) belonged to '31-40' years followed by 35 (19.4percent) in the age group of '41–50' years. Besides, 3 (1.6 percent) and 2 (1.1 percentage) respondents were also found in the age group of '51 – 60' years and above 60 years respectively. Thus, age is not a barrier for domestic violence and it can happen at any age, although study reveals that women at the age group of 20-40 years are at higher risk than their older counterparts. So far as educational attainment of the respondents is concerned, out of 180 respondents, 55 (30.5percent) were found to have secondary school education, 35 (19.4 percent) higher secondary, 45 (25 percent) graduates, while 12 (6.6 percent) and 3 (1.6percent) were postgraduates and professionals respectively. Besides, 23 (12.7percent) respondents were also found to have primary education and 7 (3.8 percent) were found to be illiterates. Thus, it can be said that domestic violence occurred irrespective of educational attainment, although the prevalence of violence was higher among the less educated category. With regard to occupation, majority of 99 (55percent) respondents were found unemployed, while the rest 81 (45percent) were found to hail from different occupational background. Out of 81 respondents, 25(13.89 percent) were employed in private jobs, 20 (11.11 percent) were daily wage labourer and 12 (6.6 percent) were government servants, 7 (3.89percent) respondents who were found to be agricultural workers, 11 (6.11 percent) were found to be engaged in small business. This shows that domestic violence is prevalent irrespective of the occupational status of women.

Regarding family income of the respondents, it was found that out of 180, majority of the respondents 96 (53.33 percent) had income within Rs 1,000 -5,000 per month, while 31 (17.22 percent) of the respondents had income within Rs.5, 001 – 10,000 per month. Besides, 24 (13.33 percent), 18 (10 percent) and 11 (6.12 percent) were found to belong to the income group of Rs. 10,001 – 20,000, Rs. 20,001 – 30,000 and above Rs 30,000 respectively. It is found that occurrence of domestic violence is higher among the lower income group than the upper income ones. So far as the religious composition of the respondents is concerned, it was found that of 180 respondents, 152 (84.44 percent) were Hindus, followed by Muslims 26 (14.4percent) and others 2 (1.1percent) from Jainism. Thus, it may be said that domestic violence is a common phenomenon prevalent irrespective of religious affiliation. So far as caste composition is concerned, a majority of 116 (64.45 percent) respondents were found to belong to

General category, while remaining 64 (34.56 percent) belonged to SC, ST and OBC at the rate of 31 (17.22 percent), 16 (8.89 percent) and 17 (9.44 percent) respectively. This shows that domestic violence is a caste neutral phenomenon. On the whole, it is seen that women irrespective of their socio-economic status are victims of domestic violence, although the degree of violence fluctuates depending on the status of a woman.

III

In this chapter, an elaborate discussion is made to understand national and international responses to prevent violence against women. After independence, a number of important laws have been enacted to eliminate discrimination and ensure protection to women. From time to time, Indian legislature has formulated laws to enshrine the principle of impartiality. The Constitution provided equal rights both for men and women and also entrusted the duty upon the state to make special provisions to recognize the interests of women effectively. Following the constitutional approach to women's rights Indian legislature has passed various laws from time to time to protect and promote the cause of women. Many of these laws were government's social reform or labour welfare measures which was enacted in the earlier decades. However, in post independent era a number of important laws have been passed by the Indian legislature as well as by various states which has a bearing on the lives and status of women. Some of these women specific legislations have been highlighted here such as Immoral Traffic (Prevention) Act, 1956, Women's and Children's (Licensing) Act 1956, Maternity Benefit Act, 1961, Medical Termination of Pregnancy Act (MTPA) 1971, Equal Remuneration Act, 1976, Bonded Labour System (Abolition) Act 1976, Karnataka Devadasi (Prohibition of Dedication) Act, 1982, Dowry Prohibition (Amendment) Act, 1986, Commission of Sati Prevention Act, 1987, Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989, National Commission for Women Act, 1990, Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Information Technology Act, 2000, Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT Act) 2003, Prohibition of Child Marriage Act, 2006, Rajasthan Compulsory

Registration of Marriages Act, 2009, Protection of Women against Sexual Harassment at Workplace Bill, 2010 and Domestic Violence Act 2005 etc. All these legislations are expected to provide legal safeguards to Indian women in different areas.

Besides this, the present chapter also focused on the relevant sections of IPC and Cr P.C that deals with offences committed against women. These are Section 304B, Section 305, Section 306, Section 313, Section 314, Section 315, Section 316, Section 319, Section 321, Section 322, Section 323, Section 324, Section 327, Section 339 & 341, Section 340 & 342, Section 349, Section 354, Section 359, Section 366A, Section 366B, Section 369, Section 372, Section 373, Section 375, Section 376 and Section 498A.

At the international level as well various legal laws and instruments have been prepared by different international institutions to deal with the problems of women. The period 1945 to 1975 is very important because during this period most important international instruments relating to women's rights were drafted and modified like United Nations charter, Universal Declaration of Human Rights, International Covenants on Human Rights, Mexico city conference etc. It is relevant to record the achievement of the UN in the field of women's rights since 1945. To know the existing status of women under international law, the provisions (laws) of United Nations Charter, Universal Declaration of Human Rights, Human Rights Covenants, Commission on the Status of Women, Declaration on the Elimination of Discrimination against Women 1967, Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), Declaration of Mexico, 1975, World Plan of Action, World Conference of the United Nations Decade for Women, Declaration on the Elimination of Violence Against Women 1993, International Conference on Population and Development (ICPD), Fourth World Conference on Women 1995, Copenhagen Declaration on Social Development 1995, Optional Protocol to the Convention on the Elimination of Discrimination Against Women, 1999, World Summit Outcome Document 2005, Resolution of the UN Commission on Human Rights 2005 were thoroughly discussed in this chapter. However, it can be said that several attempts have been made at the international level to prevent violence and exploitation of women, but, the condition remains unchanged. Without proper

national laws and their effective enforcement, the importance of international law will be muffled and of little significance.

IV

In Chapter-IV data are analyzed, interpreted and the results of the study on “Domestic Violence against Women: A Study of Nalbari District in Assam” are discussed in detail. This chapter also discussed the suggestive measures of the existing problem of domestic violence against women of Nalbari district in Assam. The study was carried out on the basis of the following objectives:

1. To find out the nature and causes of domestic violence.
2. To find out the role of Women’s organisation for protection of women’s rights and
3. To find out the state’s response towards domestic violence.

For the convenience of presentation, this chapter has been divided into three sections. Section I deals with the nature and extent of violence, Section II looks into the consequences of domestic violence, and Section III deals with the causes of domestic violence and the role the women organizations played in this regard.

With regard to the first objective that is outlined to understand the nature and causes of domestic violence against women, it was found that among the respondents who were victims, an overwhelming majority of 142 (78.89 percent) out of 180 were found to be physically abused in one form or other. In case of nature of physical violence it was found that out of 142 respondents, 72 (50.70percent) were found to be victims of beating, slapping and kicking, 37(26.05percent) were victims of pushing, shoving, grabbing in hair and holding with rope, 22 (15.49 percent) were threatened with knife, stick, rod and gun, while 11 (7.76percent) reported physical violence in the form of damaging personnel property or valuable things. This shows that physical torture inflicted by either the husbands or in- laws take different forms and majority of the respondents were found to be victims of beating, slapping, pushing and kicking. As regards the nature and extent of psychological violence, a majority of 70 percent (126 out of 180) had experienced mental strain in one form or the other due to domestic violence. In case of nature of psychological violence out of 126 respondents, 35 (27.78 percent) were found to be victims of derogatory language, negative body

language and indifference, while 33(26.19 percent) experienced psychological violence due to the withdrawal of talking terms and treating the victim as outcaste. 25 (19.84 percent) were victims of other types of psychological violence i.e. blaming for improper house-keeping, demeaning family background, criticizing for lack of or less intelligence, by giving threats of committing suicide by their husbands. In cases of 19 respondents (15.07 percent), they were ignored in every aspect of family matters and 14 (11.11 percent) were reported of repeated insult in presence of their children, relatives and outsiders. This shows that majority of women had to suffer mental strain from their intimate partners or from in-laws. It is also noted that severe psychological stress and living under terror and the mental torture of violence can lead to self-destructive behavior and to other fatal consequences such as family discord and suicide. The mental depression associated with domestic violence may go relatively unnoticed when compared to the physical violence. Nevertheless, it is as dangerous, if not more dangerous than that of physical violence. As regards the nature of economic abuse it was found that out of 180 respondents, 81 (45 per cent) were victims of economic abuse in one form or the other. In case of nature of economic abuse out of 81 respondents 32 (39.50percent) reported that their full amount of salary was forcefully recovered from them every month by their husbands, 27(33.33percent) were being forced to leave their existing job, 15 (18.53percent) were not allowed to take any outdoor job for earning, while 7 (8.64percent) were prohibited from making purchases of their choice from their salary. Thus it was found that a sizable number of women were being abused economically. In case of nature of sexual abuse it was found that out of 180 respondents, 86 (47.78percent) were found to be victims of sexual abuse in the form of forced sex, preventing from safe sex or using contraception or forced intercourse. While 66 respondents (76.75 percent) agreed that they were the victims of sexual abuse while their husbands were under influence of drug or alcohol. Thus, it may be deduced that sexual abuse was also a principal kind of torture that women experience in marital life. Regarding the opinion about the extent of violence it was found that out of 180 respondents, 35 (19.44 percent) had to suffer violence daily, while 45(25percent), 25(13.89percent) and 47 (26.11percent) were found to suffer violence once or twice in a week, fortnightly and monthly respectively. However 28 respondents (15.56percent) could not remember their frequency of violence. This shows that although evident in majority of the cases, the

frequency of violence is not uniform in all cases; there was variation from one case to the other.

Regarding the causes of domestic violence, it was found that out of 180 respondents 56(31.11percent) had faced violence due to extra marital affair of the husbands, 51(28.33 percent) reported to have suffered due to the alcoholic nature of the husband, 25(13.89 were found to be victims due to other causes like marital maladjustment, problems at work place of husband, difference in the social status of the partners, property dispute, mental disorders and children related issues. Again 22 (12.22percent), 17(9.45percent) and 9 (5percent) were found to be victims of violence because of dowry, absence of economic independence and patriarchal social outlook respectively. So, it may be said that although nature and causes of violence vary often, physical violence is a common form of torture that women face in most cases.

With regard to the impact of domestic violence, it was found to have grave impact on the lives of children and also on the personal lives of the victims. A majority of 115 (63.89percent) of the respondents were found to have suffered physical injury by the assault of their husbands. With regard to the seriousness of injury, out of 115 respondents who were physically injured, 52 (45.21percent) were seriously injured, 37 (32.18percent) and 26 (22.61percent) suffered moderate and minor injuries respectively. In case of psychological injury, out of 180 respondents, a majority of 146 (81.11 percent) were found suffered from health or mental problems due to violence, while the rest 34 (18.89per cent) respondents reported that though they were living under abusive situation they had not any disorder and had no health or mental problem. Regarding the impact of violence, it was found that out of 146 respondents who had developed mental and health problems, 16 (10.99 percent) reported to have suffered from various kinds of mental stress, 27 (18.49percent) were under depression, 20 (13.69percent) had anxiety, while 19 (13.01percent) and 52 (35.61percent) respondents were suffering from insomnia and other problems like chronic headache, high blood pressure, alcoholism, drug abuse and low self-esteem respectively. 12 (8.21percent) respondents also reported to have developed suicidal tendency. What is still more tragic is that it not only affected the mental and physical health of the victim, it also had very serious impact on the children of the family which witnessed regular domestic violence. The repeated occurrence of domestic violence in a family had detrimental effects on the lives of the children. Data revealed

that out of 180 respondents, 78 (43.33percent) reported that violence had moderately affected the lives of their children, 23 (12.78percent) reported to have witnessed serious consequence of domestic violence on the lives of children. 79 (43.89percent) respondents did not register any serious concern about the affect of violence on the lives of children. About the type of effect that children had suffered, out of 101 respondents who had registered the evil affect of domestic violence on the lives of children, 63 (62.37percent) reported that their children had developed behavioural and psychological problems like anxiety, disobedience, aggression (particularly among males), oppositional behaviour, self-blame, isolation from peers, self-harming conduct, depression and other psychosomatic symptoms, while 23 (22.77percent) reported decline in the concentration of children and eventual low performance in school. 15 (14.86percent) respondents reported to have witnessed the evil effect of domestic violence on children but could not specify it. This shows that sustained domestic violence not only affects the personal life of the victims but the lives of their children as well.

With regard to the second objective that is outlined to understand the role of Women's organisations and N.G.Os for protection of women's rights, it was found that out of 180 respondents, 121 (67.22 percent) had got support from the women's organizations and could solve the problem mutually without dragging it to the court, 59 respondents (32.78percent) took help from the police, court and counseling centers. As regards the type of help sought it was found that out of 59 respondents, 27 (45.76percent) had approached the family counseling centers (FCCs), 21 (35.59 percent) had approached the court to get remedy, 6 (10.16 percent) had reported to the nearest Police station for help, while 5 (8.47percent) were given financial /job related suggestions by women's organisation working for the welfare of women at district level. As regards the reasons for mutual compromise, out of 121 respondents who resorted to it, 54 (44.62 percent) were found to have compromised only to protect their family reputation or prestige, 24 (19.83percent) compromised for the sake of children, 17 (14.07percent) compromised with the hope that things would change for better in future, 12 (9.91percent) compromised as they had no other place to go or seek shelter, while the rest 14 (11.57percent) cited different reasons for compromising with the situations i.e. lack of economic security, social stigma, destiny and so on. The response of the majority of the respondents who had compromised with their husbands for the sake of

family reputation or prestige was disappointing as it reaffirmed the stronghold of patriarchy in our society. Even the legal remedial measures could not be adopted as women were hesitant to do so under the pressure of patriarchy. Above revelation of data confirms the hypothesis that patriarchal social values are the cause of domestic violence. Whatever women have to suffer and whatever men hurl upon them basically originate from patriarchal social values in which both the categories are socialized. Regarding the effectiveness of the services provided by various organizations/NGOs, out of 180 respondents, 90(50percent) expressed satisfaction with the services. Their response was positive as they believed that this kind of help was fruitful to them. 70 (38.89percent) respondents had given somewhat a satisfactory response as they believed that organizations were not spending adequate time with the victims and their families to solve their problems. While the rest 20(11.11percent) were dissatisfied as according to them these organizations failed to bring in any change in the lives of women. Thus it may be said that although women organizations are playing an important role in solving the cases of domestic violence and providing support to the victims, they are required to play a still greater role so that the incidences of such violence may reduced drastically in the society.

With regard to the third objective that is outlined to understand the state's response towards domestic violence it was found that out of 20 respondents who hailed from the cross-section of the society, 11 (55 per cent) opined that the government was not doing enough to prevent or deal with the menace of domestic violence, 9 respondents (45 percent) were, however, found satisfied with the work done by the government. In case of legal awareness of the respondents, it was found that an over whelming majority of 157 (87.22percent) out of 180 were unaware of Domestic Violence Act, while only 23(12.78percent) respondents were found aware. Again in case of 489A of Indian Penal Code, a majority of 137 (76.11percent) out of 180 respondents were found to be unaware, while a considerable number i.e., 43 respondents (23.88 percent) were found to be aware also. As regards the availability of services in the district it was found that only two counseling centers were available to the victims of domestic violence which were named as Family Counseling Centers. As regards the service delivery system of the Family Counseling Centers it was found that only 27(15percent) out of 180 respondents had approached the Family Counseling Centers (FCCs) for help. In Nalbari district there is also no Rehabilitation Center or shelter

home, free legal aid services and medical services for the victims of domestic violence. As a result, women feel insecure to take action against the perpetrators of violence as it is these people who provide shelters to the victims. On the whole, the attitude of government towards solving the problem does not reflect a bright picture. In spite of various efforts people are still unaware of various legal provisions available for the protection of women. Above revelation of data confirms the hypothesis that poor implementation of the governmental laws to ensure women's rights is also responsible for domestic violence in our society. In respect of eliminating domestic violence in our society, the laws have failed to achieve its objective to the extent it was desired. The government's initiative is mostly confined to the making of laws, while the implementation of it is not being taken adequate care. Thus, a holistic approach involving the government and various other stakeholders of the civil society is required to be evolved to combat the evil of domestic violence in India.

Suggestions

In the course of conducting the study it is realized that some measures are required to be taken to reduce the incidence and impact of domestic violence against women. Some of them may be

1. Sensitization of women about legal remedial measures is required to be undertaken by concerned NGOs.
2. Women organizations need to expand their services to include women in rural areas.
3. Establishment of Family Court in each district is mandatory.
4. All-women police station is also required to be established in each district.
5. Education for girl children should be made mandatory beyond 14 years.
6. Counseling centers with professionally qualified counselors should be set up in every district.

7. Creating Public Awareness at all levels of society is necessary to counter the present trend of domestic violence against women. For this, women organizations may conduct awareness workshops both in urban and rural areas.
8. Shelter homes should be available to the victims of domestic violence.
9. Media should be made more sensitive and give right and adequate to the cases of domestic violence.
10. Special Care should be provided to women seeking medical help following an episode of violence.
11. Most of the victims of Domestic Violence are uneducated, backward and economically disadvantaged. The legal aid and advice should be made available to them free of cost. Such a scheme is required to be evolved by the government.

Limitations of the Study

Like any other study, the present study has its limitations. Given the limitation of time and resources at the disposal of the researcher, the aspect of domestic violence against women in specific caste, religion and linguistic group in Nalbari district could not be thoroughly investigated. But a comparative study of the phenomenon may still help to delve deep into the problem. This aspect may be considered in future research.

BIBLIOGRAPHY

Books and Journals

- Ahuja, Ram, *Social Problems in India*, Rawat Publications, Jaipur, 1997
- Ahuja, Ram, *Violence Against Women*, Rawat Publications, New Delhi, 1998
- Ansari, Iqbal A, *Human Rights of Muslim Women in India*, eds, A.P.H Publishing Corporation, New Delhi, 2000
- Arya, Sadhna, *Women Gender Equality and the State*, Deep and Deep Publication, New Delhi, 2000
- Bajpai, Asha, *The Girl Child and the Law*, National Law School of India University, Bangalore, 1990
- Barbora, S. and Fernandes, W, *Changing Women's Status in India: Focus on North-East*, North Eastern Social Research Centre, Guwahati, 2002
- Buzawa, Eve.S, Buzawa, Carl, G, *Domestic Violence: The Criminal Justice Response*, 3rded, Sage Publications, New Delhi, 2003
- Byrne, J.O. Darren, *Human Rights- An Introduction*, Pearson Education pvt. Ltd, Indian Branch, Delhi, 2004
- Celine Sunny, *Domestic Violence against Women in Ernakulam District*, Kerala Research Programme for Local Level Development (KRPLLD) & Research Institute, Rajagiri College of Social Sciences, Kochi, 2000
- Chaurasia, B.P., *Women's Status in India (Policies and Programmes)*, Chugh Publications, Allahabad, 1992
- Chellakumar, Dr. J.A.Arul, *Gender Inequality*, eds, The Associated Publishers, Ambala Cantt, 2008
- Chinnu, Esther, *Violence against Women in Manipur*, Akansha Publishing House, New Delhi, 2005
- Das, M .N., *Marriage and Divorce*, Eastern Law House New Delhi, 6th ed., 2002
- D.C, Dr. Nanjunda, *Child Labour and Human Rights: A Prospective*, Kalpaz Publications, New Delhi, 2008

- Diwan, Paras, ***Law relating to Dowry, Dowry Deaths, Bride Burning Rape and Related Offences***, Universal Law Publication ,Delhi,1997
- Dutta, Mishra, Anil, ***Gender Justice and Human Rights***, eds, Regal Publications, New Delhi,2007
- Elavarasi, M., ***Dignity of Dalit Women***, eds, Kalpaz Publications, New Delhi, 2008
- Flavia, Agnes, ***His and Hers***, Economic & Political Weekly, XLVII No. 17, 28th April, 2012.
- Flavia, Agnes, ***Feminist Jurisprudence: Contemporary Concerns***, Majlis Publications, Bombay, 2003.
- Flavia, Agnes, ***Protecting Women against Violence***, Economic and Political Weekly, Vol 27, No 17, 25th April 1992.
- Fruzzetti, Lina, Tenhunen, Sirpa, ***Culture, Power and Agency Gender in Indian Ethnography***, eds, Street Publications, Kolkata, 2006
- Gelles, Richard J, ***Intimate Violence in Families***, 3rdedn., Sage Publications, Thousand Oaks, 1997
- Gonsalves, Lina, ***Women and Human Rights***, A.P.H. Publishing Corporation, New Delhi,2001
- Jain, R.S, ***Family Violence in India***, Radiant Publications, New Delhi, 1992.
- Jejeebhoy, Shireen, ***Wife beating in Rural India- A Husband's right?***, Economic and political weekly, XXXIII No. 15, 11th April, 1998
- Joshi, S.C, ***Human Rights Concepts, Issues and Laws***, Akansha Publishing House, New Delhi,2006
- Kapur, Promila, ***Girl Child and Family Violence***, Har-Anand Publications, New Delhi,1993
- Karlekar, M, ***Domestic Violence***, Economic and political weekly, Vol - XXXIII No. 27, 4th July 1998

- Kornblit, A.L., *Domestic Violence-an Emerging Health Issue*, Social Sciences and Medicine, Vol.39 No.9:1994
- Kaushal, Rachana, *Women and Law in India*, eds, A.P.H Publishing Corporation, New Delhi, 2000
- Kudchedker, Shirin, Al-Lssa, Sabiha, *Women Against Violence :Violence Against Women*, eds., Pen Craft International, New Delhi,1998
- Kumari, Rajana, *Brides are not burning Dowry victims in India*, Radiant Publications, New Delhi, 1989
- Lohia, Saila, *Domestic Violence in Rural Area*, Pen Craft International, New Delhi,1998
- Madhurima, *Violence Against Women-Dynamics of Conjugal Relations*, Gyan Publishing House, New Delhi,1996
- Mahajan A, *Instigators of Wife Battering*, eds, Arihant publishers, Jaipur,1990
- Mahajan A, Madhurima, O., *Family Violence and Abuse in India*, Deep and Deep Publications, New Delhi, 1989.
- Mishra, Jyotsna, *Women and Human Rights*, Kalpaz Publications, New Delhi,2000
- Mishra, Laksmi, *Women's Issues: An Indian Perspective*, Northern Book Centre, New Delhi, 1992.
- Myneni, S.R., *Women and Law*, Hyderabad, Asia Law House, 2002
- Nirmal, C.J, *Human Rights in India- Historical, Social and Political Perspectives*, Oxford University Press, New Delhi,2000
- Panda, Pradeep, K., *Domestic Violence against Women in Kerela*, Centre for Development Studies, Kerela,2004
- Raj, Bala, *The Legal and Political Status of Women in India*, Mohit Publication, New Delhi, 1999
- Rajiah, T, *Child Rights in India*, eds, the Associated Publishers, Ambala Cantt.,2008

- Rao, Mamta, Law relating to Women and Children, Eastern Book Company, 2nd Edition,2010
- Rastogi, Rekha, *Women and Human Rights*, Sumit Publications, New Delhi,2007
- Reddy, G.B, *Women and the law*, Hyderabad, Gogia Law Agency,1997
- Revathi, R. *Law relating to Domestic Violence*, Hyderabad, Asia Law House,2004
- Roy, Ashine, *Human Rights of Women*, Rajat Publications, New Delhi,2003
- Sagade, Jaya, *Child Marriage in India: Socio-Legal and Human Rights Dimensions*, Oxford University Press, New Delhi,2005
- Sahu, Ashima, *Women's Liberation and Human Rights*, Pointer Publications, New Delhi,2000
- Saxena, Kiran(ed.), *Women and Politics*, Gyan Publication, New Delhi, 2000
- Saxena, Rekha, *Women and Crime in India-A Study in Socio-cultural Dynamics*, Inter -India Publications, New Delhi,1994
- Saxena Sobha, *Crime against Women & Protective Law*; Deep & Deep Publications pvt. Ltd. New Delhi,2008
- Schornstein, L.Sherri, *Domestic Violence and Healthcare - What every Professional needs to know*, Sage Publications, New Delhi,1997
- Sharma , Dr. Archana & Das, Indranoshree, *Crime and Violence against Women: The Situation in Assam*, Akansha Publishing House, New Delhi,2005
- Sharma,T.R, *Women and Human Rights*, eds, Regal Publications, New Delhi,2007
- Simister, John, Makowiec, Judith, *Domestic Violence in India: Effects of Education*, Indian Journal of Gender Studies, Sage Publications, New Delhi, 2008
- Sindhu, Sanjay, *Constitutional Protection of Women in India: Introspection and Prospective Vision*, eds, Regal Publications, New Delhi, 2007

- Sunny, Celine, *Domestic Violence against Women in Eranakulam Distict*, Centre for Development Studies, Thiruvananthapuram, 2003
- Tandon, R. K, *State of Women in India*, Indian Publishers Distributors, New Delhi, 1998
- Tiwari, A.K. *Challenges to Human Rights: An Insight into Female Foeticide, Infanticide and Child Murder*, eds, A.P.H Publishing Corporation, New Delhi, 2000
- Tripathi, S. C. and Arora Vibha, *Law relating to Women and Children*, Central Law Publication, 3rd Edition (2008)
- Viswanathan, V.N, *Human Rights Challenges of 21st Century*, eds, Kalpaz Publications, New Delhi, 2008

E-Articles

- Bunch Charlotte, *The Intolerable Status Quo: Violence against Women and Girl*, the Progress Report of 45 nations, UNICEFF,1997
- Das Shrestha Mukunda, *Domestic Violence and the Victim Justice system in Nepal*, MS- Nepal News Letter, issue 1, 2002
- Kaushal Rachana, *Protection of Women from Domestic Violence Act 2005—An Appraisal*, Mainstream, Vol XLVIII, No 11, March 6, 2010
- Tjaden Patricia and Thoennes Nancy, *Extent, Nature and Consequences of Intimate Partner Violence*, U.S. Department of Justice,2000

Web Sources

- <http://www.aau.ac.in/dee/kvknalbari/dist.html>
- <http://en.wikipedia.org/wiki/Nalbari>)
- <http://dcmsme.gov.in/dips/Nalbari%20Dist.%20Profile.pdf>
- [http:// www.ncrb.nic.in/cii2008/home.htm](http://www.ncrb.nic.in/cii2008/home.htm)

- [http:// www.Hg.org.com/Stop domestic violence against women in India, NFHS-3 final report](http://www.Hg.org.com/Stop_domestic_violence_against_women_in_India,NFHS-3_final_report)
- [http:// www.ncrb.nic.in/cii2008/home.htm](http://www.ncrb.nic.in/cii2008/home.htm)
- [http://www.wikipedia/encyclopedia.com/domesticviolence/meaning_and definitions](http://www.wikipedia/encyclopedia.com/domesticviolence/meaning_and_definitions)
- <http://domesticviolenceact2005.India.in>
- <http://www.texcpe.com/html/pdf/txdomvio.pdf> Domestic violence, Continuing Psychology Education
- <http://ncw.nic.in>.
- <http://www.equalrightstrust.org>
- www.un.org.in/womenwatch/daw/ short history of the commission on the status of women,
- <http://ezinearticles.com/?Women-Empowerment---Myth-Or-Reality>
- http://en.wikipedia.org/wiki/Child_Marriage_Restraint_Act
- http://en.wikipedia.org/wiki/Factories_Act_1948
- http://www.lawyersclubindia.com/profile.asp?member_id=4450/Eveenar, A review of Gender Justice since Independence, 28th February, 2008
- [http://www.legalserviceindia.com/.../1194-Protection-of-Women-from-Domestic-Violence-Act,- 2005.html](http://www.legalserviceindia.com/.../1194-Protection-of-Women-from-Domestic-Violence-Act,-2005.html)
- www.ndtvnews.com/edited by Prasad Sanyal/updated Jan24,2013.
- <http://www.ndtv.com/article/cheat-sheet/recommendations-of-the-justice-verma-committee-...2/1/2013>
- www.freiheit.org/Aktuelle-Berichte/1804c27055i1p/index.html)
- [http://ncw.nic.in/.../Search for vision statement on Women Empowerment/](http://ncw.nic.in/.../Search_for_vision_statement_on_Women_Empowerment/) Department of women and child development ,Govt. of NCT, Delhi
- <http://www.stopvaw.org/index.asp>

APPENDIX I

Interview Schedule I

[For Victims and Cross Section of Women]

[Information collected in this schedule is confidential and shall be used only for academic purpose]

Personal Profile:-

- a) Name:-
- b) Age :-
- c) Education :-
- d) Occupation:-
- e) Religion/ Race:
- f) Marital Status:
- g) Income (yearly approx):-

I

Q. Do you think that marriage is the combination of cooperation and conflict?

Yes ☐ No ☐

Q. Do you think that conflict is a general feature in marital relationship?

Yes ☐ No ☐

Q. Has there ever been an argument between you and your husband on some issues?

Yes ☐ No ☐

Q. If yes, how often do you and your partner argue about these issues?

	Yes	No
i. Monetary matters
ii. Household work distribution
iii. Relationship with the members of the Extended family or in-laws
iv. Prohibiting from meeting parents, friends and relatives
v. Issues of sexuality
vi. Children's career
vii. Habit of alcoholism of the other spouse
viii. All such issues

Q. Has an argument ever turned into a physical fight between you and your partner?

Yes ☐ No ☐

Q. Has your partner ever threatened to hurt you?

Yes ☐

No ☐

II

Q. People often use force in a relationship – has your partner ever used force on you for any reason?

Yes ☐

No ☐

If yes,

i. Were you beaten, slapped and kicked in any way?

Yes ☐

No ☐

ii. Were you Pushed, shoved or grabbed in hair?

Yes ☐

No ☐

iii. Was anything thrown at you?

Yes ☐

No ☐

iv. Were you threatened with anything (such as a rod, stick, gun or knife)?

Yes ☐

No ☐

v. Did your partner damage your property or valuable things?

Yes ☐

No ☐

Q. Did you face any kind of mental torture from your husband/family?

If yes, how?

- i. Using derogatory language, negative body language and indifference
- ii. Withdrawal of talking terms and treating the victim as outcaste
- iii. Ignoring in every aspect of family matter.
- iv. Insult in presence of their children, relatives and outsiders
- v. Any other (please specify).....

Q. Has your partner ever threatened to hurt you?

Yes ☐

No ☐

Q. Did you face any kind of economic violence/restriction from your husband/family, if yes, how?

- i. Recovering full amount of the salary of employed women

- ii. Forcing to leave the existing job
- iii. Preventing from taking a job
- iv. Prohibiting from making purchases of personnel choice

Q. Does your partner ever force you to engage in sexual activities (including preventing you from having safe sex or using contraception)?

Yes ☐ No ☐

Q. Does your partner do so under the influence of drug or alcohol?

Yes ☐ No ☐

Q. Which one is the most common extent of attacking you?

- i. Every day
- ii. Once or twice in a week
- iii. Once or twice in a fortnight
- iv. Once or twice in a month
- v. Can't remember

III

Q. Did you physically injured by the attack on you by your husbands or their family members?

Yes ☐ No ☐

Q. Did you physically injured by the attack on you by your husbands or their family members? If yes, state the severity.

- i. Serious
- ii. Moderate
- iii. Minor

Q. Whether Domestic violence has caused you any mental or health problems?

Yes ☐ No ☐

Q. Whether Domestic violence has caused you any mental or health problems? If yes, in what way.

- i. Mental Stress
- ii. Anxiety
- iii. Depression

- iv. Insomnia
- v. Thought of suicidal
- vi. Any other

Q. Has domestic violence affect the life of your children?

Yes ☐ No ☐

Q. How and in what manner the life of children is affected due to domestic violence?

- i. Behavioural and psychological problems
- ii. Poor school performance
- iii. Can't say anything exactly

Q. Have you ever gone to a doctor or hospital due to injuries caused by your partner?

Yes ☐ No ☐

If yes,

- i. Because of physically injury ☐
- ii. Because of emotional problem ☐
- iii. Both of the above ☐
- iv. Other reason, specify.....

Q. What, according to you, are the causes of domestic violence?

- i. Extra marital affairs
- ii. Use of Alchohol & Drug
- iii. Absence of economic independence among women.
- iv. Dowry
- v. Patriarchal social outlook
- vi. Any other

IV

Q. Have you ever tried to take action against your husband by seeking help from police, a court order, counselling, support groups, shelter, family, friends or other outside help?

Yes ☐ No ☐

If yes, what type of help was extended to you?

- i. Police ☐
- ii. Court ☐
- iii. Financial/ job ☐
- iv. Counselling ☐
- v. Any other ☐

Q. If your problem is settled through compromise, what is the reason for such Compromise?

- i. Protecting family reputation or prestige (I)
- ii. For the sake of Children.(II)
- iii. No other place to go (III)
- iv. hope that the situation will change for better in future (IV)
- v. Any other (V)

Q. Are you satisfied with the services provided by various organizations?

- i. Good
- ii. Satisfactory
- iii. Unsatisfactory

Q. Do you know about the Domestic Violence Act 2005 passed by the Govt. of India?

Yes ☐ No ☐

Q. Do you have any kind of information about the 498A of IPC?

Yes ☐ No ☐

APPENDIX II

Interview Schedule II

[For NGOs and Women's Organisations]

[Information collected in this schedule is confidential and shall be used only for academic purpose]

Name of Organisation:-

Registrations No:-

Year of Establishment:-

Registered under:-

Personal Profile:-

- a) Name:-
- b) Age :-
- c) Education :-
- d) Occupation:-
- e) Income (yearly approx):-
- f) Position held in org.:-
- g) Years of experience in this Org.:-

Q. What are the objectives of your organization.....

- i. Prevention of domestic violence ☐
- ii. Response to domestic violence ☐
- iii. Both prevention of and response to domestic violence ☐
- iv. Any other.....

Q. Please indicate what form of prevention has been taken by your organization:

I. Efforts to stop the violence before it occur through the use of.....

- i. Public information (use of media) ☐
- ii. Education in the schools ☐
- iii. Education of adults ☐
- iv. Other efforts to stop the violence before it occurs (please describe).....

II. Efforts to stop the violence from reoccurring:

- i. Shelter programs ☐
- ii. Rehabilitation programs ☐
- iii. Education for persons who have survived domestic violence ☐
- iv. Programs for persons who have been violent ☐
- v. Educational programs for persons who have been violent ☐
- vi. Other efforts to prevent further violence (please describe)

Q. Methods of referral of victims to your organization:

I. Referrals of individuals to you:

- i. Direct by individual client ☐
- ii. Hotline (list number/s) ☐
- iii. Family members ☐
- iv. Indirect referral of client by agency ☐
- v. Social service committee
- vi. Other (list).....

II. Methods of referrals of agencies to you:

- i. Agencies contact us ☐
- ii. We contact agencies ☐
- iii. Other (explain)

Q. How do individuals and agencies know about you?

- i. Advertisement in media ☐
- ii. Mailings ☐
- iii. Other means:

Q. Do you have written procedure for dealing with domestic violence victims?

- i. Yes, our organization wrote these procedures ☐
- ii. Yes, these procedures were given to us by
(specify):..... ☐
- iii. No, we are in the process of developing written procedures

- iv. No, there is no need for written procedures ☐
- v. Informal procedures are used ☐

Q. Where do you refer the victims of domestic violence?

- i. State's commission for women ☐
- ii. NHRC ☐
- iii. Any other

Q. Other than referral, what does your organization do to assist the victims of domestic violence?

- i. Reporting of victims to (list):.....
- ii. Counselling of victims ☐
- iii. Education for victims ☐
- iv. Sheltering of victims ☐

Q. Do you think government is doing enough to prevent or deal with domestic violence cases?

Yes ☐

No ☐

Q. What, according to you, are the causes of domestic violence?

- vii. Patriarchal social set up.
- viii. Absence of economic independence among women.
- ix. Poor implementation of governmental laws.
- x. Social outlook/values
- xi. Illiteracy among women.
- xii. Any other.....please specify

Q. What are the services provided to the victims of domestic violence in Nalbari district by government?

- i. Shelter homes
- ii. Free Legal/ Medical services
- iii. Rehabilitation centers
- iv. Counseling centers
- v. Any other.....please specify

APPENDIX- III

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

NO. 43 OF 2005

[13th September, 2005.]

An Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement

1. Short title, extent and commencement

(1) This Act may be called the Protection of Women from Domestic Violence Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions

Definitions: In this Act, unless the context otherwise requires

(a) “aggrieved person” means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;

(b) “child” means any person below the age of eighteen years and includes any adopted, step or foster child;

(c) “compensation order” means an order granted in terms of section 22;

(d) “custody order” means an order granted in terms of section 21;

(e) “domestic incident report” means a report made in the prescribed form on receipt of a complaint of domestic violence from an aggrieved person;

(f) “domestic relationship” means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are

related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;

(g) “domestic violence” has the same meaning as assigned to it in section 3;

(h) “dowry” shall have the same meaning as assigned to it in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961);

(i) “Magistrate” means the Judicial Magistrate of the first class, or as the case may be, the Metropolitan Magistrate, exercising jurisdiction under the Code of Criminal Procedure, 1973 (2 of 1974) in the area where the aggrieved person resides temporarily or otherwise or the respondent resides or the domestic violence is alleged to have taken place;

(j) “medical facility” means such facility as may be notified by the State Government to be a medical facility for the purposes of this Act;

(k) “monetary relief” means the compensation which the Magistrate may order the respondent to pay to the aggrieved person, at any stage during the hearing of an application seeking any relief under this Act, to meet the expenses incurred and the losses suffered by the aggrieved person as a result of the domestic violence;

(l) “notification” means a notification published in the Official Gazette and the expression “notified” shall be construed accordingly;

(m) “prescribed” means prescribed by rules made under this Act;

(n) “Protection Officer” means an officer appointed by the State Government under sub-section

(1) of section 8;

(o) “protection order” means an order made in terms of section 18;

(p) “residence order” means an order granted in terms of sub-section (1) of section 19;

(q) “respondent” means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act:

Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner;

(r) “service provider” means an entity registered under sub-section (1) of section 10;

(s) “shared household” means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the

respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household;

(t) “shelter home” means any shelter home as may be notified by the State Government to be a shelter home for the purposes of this Act.

CHAPTER II

DOMESTIC VIOLENCE

3. Definition of domestic violence.

For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it

(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or

(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

Explanation I: For the purposes of this section,

(i) “physical abuse” means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

(ii) “sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;

(iii) “verbal and emotional abuse” includes

(a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and

(b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

(iv) “economic abuse” includes

(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Explanation II: For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.

CHAPTER-III

4. Information to Protection Officer and exclusion of liability of informant

(1) Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer.

(2) No liability, civil or criminal, shall be incurred by any person for giving in good faith of information for the purpose of sub-section (1).

5. Duties of police officers, service providers and Magistrate

5. Duties of police officers, service providers and Magistrate: A police officer, Protection Officer, service provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person

(a) of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act;

(b) of the availability of services of service providers;

(c) of the availability of services of the Protection Officers;

(d) of her right to free legal services under the Legal Services Authorities Act, 1987 (39 of 1987);

(e) of her right to file a complaint under section 498A of the Indian Penal Code (45 of 1860), wherever relevant: Provided that nothing in this Act shall be construed in any manner as to relieve a police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

6. Duties of shelter homes

If an aggrieved person or on her behalf a Protection Officer or a service provider requests the person in charge of a shelter home to provide shelter to her, such person in charge of the shelter home shall provide shelter to the aggrieved person in the shelter home.

7. Duties of medical facilities

If an aggrieved person or, on her behalf a Protection Officer or a service provider requests the person in charge of a medical facility to provide any medical aid to her, such person in charge of the medical facility shall provide medical aid to the aggrieved person in the medical facility.

8. Appointment of Protection Officers.—

(1) The State Government shall, by notification, appoint such number of Protection Officers in each district as it may consider necessary and shall also notify the area or areas within which a Protection Officer shall exercise the powers and perform the duties conferred on him by or under this Act.

(2) The Protection Officers shall as far as possible be women and shall possess such qualifications and experience as may be prescribed.

(3) The terms and conditions of service of the Protection Officer and the other officers subordinate to him shall be such as may be prescribed.

9. Duties and functions of Protection Officers

(1) It shall be the duty of the Protection Officer

(a) to assist the Magistrate in the discharge of his functions under this Act;

(b) to make a domestic incident report to the Magistrate, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;

(c) to make an application in such form and in such manner as may be prescribed to the Magistrate, if the aggrieved person so desires, claiming relief for issuance of a protection order;

(d) to ensure that the aggrieved person is provided legal aid under the Legal Services Authorities Act, 1987 (39 of 1987) and make available free of cost the prescribed form in which a complaint is to be made;

(e) to maintain a list of all service providers providing legal aid or counseling, shelter homes and medical facilities in a local area within the jurisdiction of the Magistrate;

(f) to make available a safe shelter home, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the police station and the Magistrate having jurisdiction in the area where the shelter home is situated;

(g) to get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the police station and the Magistrate having jurisdiction in the area where the domestic violence is alleged to have been taken place;

(h) to ensure that the order for monetary relief under section 20 is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974);

(i) to perform such other duties as may be prescribed.

(2) The Protection Officer shall be under the control and supervision of the Magistrate, and shall perform the duties imposed on him by the Magistrate and the Government by, or under, this Act.

10. Service providers

(1) Subject to such rules as may be made in this behalf, any voluntary association registered under the Societies Registration Act, 1860 (21 of 1860) or a company registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force with the objective of protecting the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act.

(2) A service provider registered under sub-section (1) shall have the power to

(a) record the domestic incident report in the prescribed form if the aggrieved person so desires and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence took place;

(b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the police station within the local limits of which the domestic violence took place;

(c) ensure that the aggrieved person is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the police station within the local limits of which the domestic violence took place.

(3) No suit, prosecution or other legal proceeding shall lie against any service provider or any member of the service provider who is, or who is deemed to be, acting or purporting to act under this Act, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this Act towards the prevention of the commission of domestic violence.

11. Duties of Government

The Central Government and every State Government, shall take all measures to ensure that

(a) the provisions of this Act are given wide publicity through public media including the television, radio and the print media at regular intervals;

(b) the Central Government and State Government officers including the police officers and the members of the judicial services are given periodic sensitization and awareness training on the issues addressed by this Act;

(c) effective co-ordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence is established and periodical review of the same is conducted;

(d) protocols for the various Ministries concerned with the delivery of services to women under this Act including the courts are prepared and put in place.

CHAPTER-IV

PROCEDURE FOR OBTAINING ORDERS OF RELIEF

12. Application to Magistrate

(1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act: Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.

(2) The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent: Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.

(3) Every application under sub-section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.

(4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.

(5) The Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.

13. Service of notice

(1) A notice of the date of hearing fixed under section 12 shall be given by the Magistrate to the Protection Officer, who shall get it served by such means as may be prescribed on the respondent, and on any other person, as directed by the Magistrate

within a maximum period of two days or such further reasonable time as may be allowed by the Magistrate from the date of its receipt.

(2) A declaration of service of notice made by the Protection Officer in such form as may be prescribed shall be the proof that such notice was served upon the respondent and on any other person as directed by the Magistrate unless the contrary is proved.

14. Counseling

(1) The Magistrate may, at any stage of the proceedings under this Act, direct the respondent or the aggrieved person, either singly or jointly, to undergo counseling with any member of a service provider who possess such qualifications and experience in counseling as may be prescribed.

(2) Where the Magistrate has issued any direction under sub-section (1), he shall fix the next date of hearing of the case within a period not exceeding two months.

15. Assistance of welfare expert

In any proceeding under this Act, the Magistrate may secure the services of such person, preferably a woman, whether related to the aggrieved person or not, including a person engaged in promoting family welfare as he thinks fit, for the purpose of assisting him in discharging his functions.

16. Proceedings to be held in camera

If the Magistrate considers that the circumstances of the case so warrant, and if either party to the proceedings so desires, he may conduct the proceedings under this Act in camera.

17. Right to reside in a shared household

(1) Notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same.

(2) The aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law.

18. Protection orders

The Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being prima facie satisfied that domestic violence has taken place or is likely to take place, pass a protection order in favour of the aggrieved person and prohibit the respondent from

- (a) committing any act of domestic violence;
- (b) aiding or abetting in the commission of acts of domestic violence;
- (c) entering the place of employment of the aggrieved person or, if the person aggrieved is a child, its school or any other place frequented by the aggrieved person;
- (d) attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;
- (e) alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent, including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate;
- (f) causing violence to the dependants, other relatives or any person who give the aggrieved person assistance from domestic violence;
- (g) committing any other act as specified in the protection order.

19. Residence orders

(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may, on being satisfied that domestic violence has taken place, pass a residence order

- (a) restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household, whether or not the respondent has a legal or equitable interest in the shared household;
- (b) directing the respondent to remove himself from the shared household;

(c) restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;

(d) restraining the respondent from alienating or disposing of the shared household or encumbering the same;

(e) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or

(f) directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require: Provided that no order under clause (b) shall be passed against any person who is a woman.

(2) The Magistrate may impose any additional conditions or pass any other direction which he may deem reasonably necessary to protect or to provide for the safety of the aggrieved person or any child of such aggrieved person.

(3) The Magistrate may require from the respondent to execute a bond, with or without sureties, for preventing the commission of domestic violence.

(4) An order under sub-section (3) shall be deemed to be an order under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974) and shall be dealt with accordingly.

(5) While passing an order under sub-section (1), sub-section (2) or sub-section (3), the court may also pass an order directing the officer-in-charge of the nearest police station to give protection to the aggrieved person or to assist her or the person making an application on her behalf in the implementation of the order.

(6) While making an order under sub-section (1), the Magistrate may impose on the respondent obligations relating to the discharge of rent and other payments, having regard to the financial needs and resources of the parties.

(7) The Magistrate may direct the officer-in-charge of the police station in whose jurisdiction the Magistrate has been approached to assist in the implementation of the protection order.

(8) The Magistrate may direct the respondent to return to the possession of the aggrieved person her stridhan or any other property or valuable security to which she is entitled to.

20. Monetary reliefs

(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include but is not limited to

(a) the loss of earnings;

(b) the medical expenses;

(c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and

(d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.

(2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.

(3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.

(4) The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the in-charge of the police station within the local limits of whose jurisdiction the respondent resides.

(5) The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).

(6) Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.

21. Custody orders

Notwithstanding anything contained in any other law for the time being in force, the Magistrate may, at any stage of hearing of the application for protection order or for any other relief under this Act grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if necessary, the arrangements for visit of such child or children by the respondent: Provided that if the Magistrate is of the opinion that any visit of the respondent may be harmful to the interests of the child or children, the Magistrate shall refuse to allow such visit.

22. Compensation orders

In addition to other reliefs as may be granted under this Act, the Magistrate may on an application being made by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that respondent.

23. Power to grant interim and ex parte orders

(1) In any proceeding before him under this Act, the Magistrate may pass such interim order as he deems just and proper.

(2) If the Magistrate is satisfied that an application *prima facie* discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an *ex parte* order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.

24. Court to give copies of order free of cost.:

The Magistrate shall, in all cases where he has passed any order under this Act, order that a copy of such order, shall be given free of cost, to the parties to the application, the police officer-in-charge of the police station in the jurisdiction of which the Magistrate has been approached, and any service provider located within the local limits of the jurisdiction of the court and if any service provider has registered a domestic incident report, to that service provider.

25. Duration and alteration of orders

(1) A protection order made under section 18 shall be in force till the aggrieved person applies for discharge.

(2) If the Magistrate, on receipt of an application from the aggrieved person or the respondent, is satisfied that there is a change in the circumstances requiring alteration, modification or revocation of any order made under this Act, he may, for reasons to be recorded in writing pass such order, as he may deem appropriate.

26. Relief in other suits and legal proceedings

(1) Any relief available under sections 18, 19, 20, 21 and 22 may also be sought in any legal proceeding, before a civil court, family court or a criminal court, affecting the aggrieved person and the respondent whether such proceeding was initiated before or after the commencement of this Act.

(2) Any relief referred to in sub-section (1) may be sought for in addition to and along with any other relief that the aggrieved person may seek in such suit or legal proceeding before a civil or criminal court.

(3) In case any relief has been obtained by the aggrieved person in any proceedings other than a proceeding under this Act, she shall be bound to inform the Magistrate of the grant of such relief.

27. Jurisdiction

(1) The court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which

(a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or

(b) the respondent resides or carries on business or is employed; or

(c) the cause of action has arisen, shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.

(2) Any order made this Act shall be enforceable throughout India.

28. Procedure

(1) Save as otherwise provided in this Act, all proceedings under sections 12, 18, 19, 20, 21, 22 and 23 and offences under section 31 shall be governed by the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

(2) Nothing in sub-section (1) shall prevent the court from laying down its own procedure for disposal of an application under section 12 or under sub-section (2) of section 23.

29. Appeal

There shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later.

CHAPTER-V

MISCELLANEOUS

30. Protection Officers and members of service providers to be public servants

The Protection Officers and members of service providers, while acting or purporting to act in pursuance of any of the provisions of this Act or any rules or orders made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

31. Penalty for breach of protection order by respondent

(1) A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either

description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

(2) The offence under sub-section (1) shall as far as practicable be tried by the Magistrate who had passed the order, the breach of which has been alleged to have been caused by the accused.

(3) While framing charges under sub-section (1), the Magistrates may also frame charges under section 498A of the Indian Penal Code (45 of 1860) or any other provision of that Code or the Dowry Prohibition Act, 1961 (28 of 1961), as the case may be, if the facts disclose the commission of an offence under those provisions.

32. Cognizance and proof

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offence under sub-section (1) of section 31 shall be cognizable and non-bailable.

(2) Upon the sole testimony of the aggrieved person, the court may conclude that an offence under sub-section (1) of section 31 has been committed by the accused.

33. Penalty for not discharging duty by Protection Officer

If any Protection Officer fails or refuses to discharge his duties as directed by the Magistrate in the protection order without any sufficient cause, he shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

34. Cognizance of offence committed by Protection Officer

No prosecution or other legal proceeding shall lie against the Protection Officer unless a complaint is filed with the previous sanction of the State Government or an officer authorised by it in this behalf.

35. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the Protection Officer for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

36. Act not in derogation of any other law

The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force.

37. Power of Central Government to make rules

(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the qualifications and experience which a Protection Officer shall possess under sub-section (2) of section 8;

(b) the terms and conditions of service of the Protection Officers and the other officers subordinate to him, under sub-section (3) of section 8;

(c) the form and manner in which a domestic incident report may be made under clause (b) of sub-section (1) of section 9;

(d) the form and the manner in which an application for protection order may be made to the Magistrate under clause (c) of sub-section (1) of section 9;

(e) the form in which a complaint is to be filed under clause (d) of sub--section (1) of section 9;

(f) the other duties to be performed by the Protection Officer under clause of sub-section (1) of section 9;

(g) the rules regulating registration of service providers under sub-section (1) of section 10;

(h) the form in which an application under sub-section (1) of section 12 seeking reliefs under this Act may be made and the particulars which such application shall contain under sub-section (3) of that section;

(i) the means of serving notices under sub-section (1) of section 13;

(j) the form of declaration of service of notice to be made by the Protection Officer under sub-section (2) of section 13;

(k) the qualifications and experience in counselling which a member of the service provider shall possess under sub-section (1) of section 14;

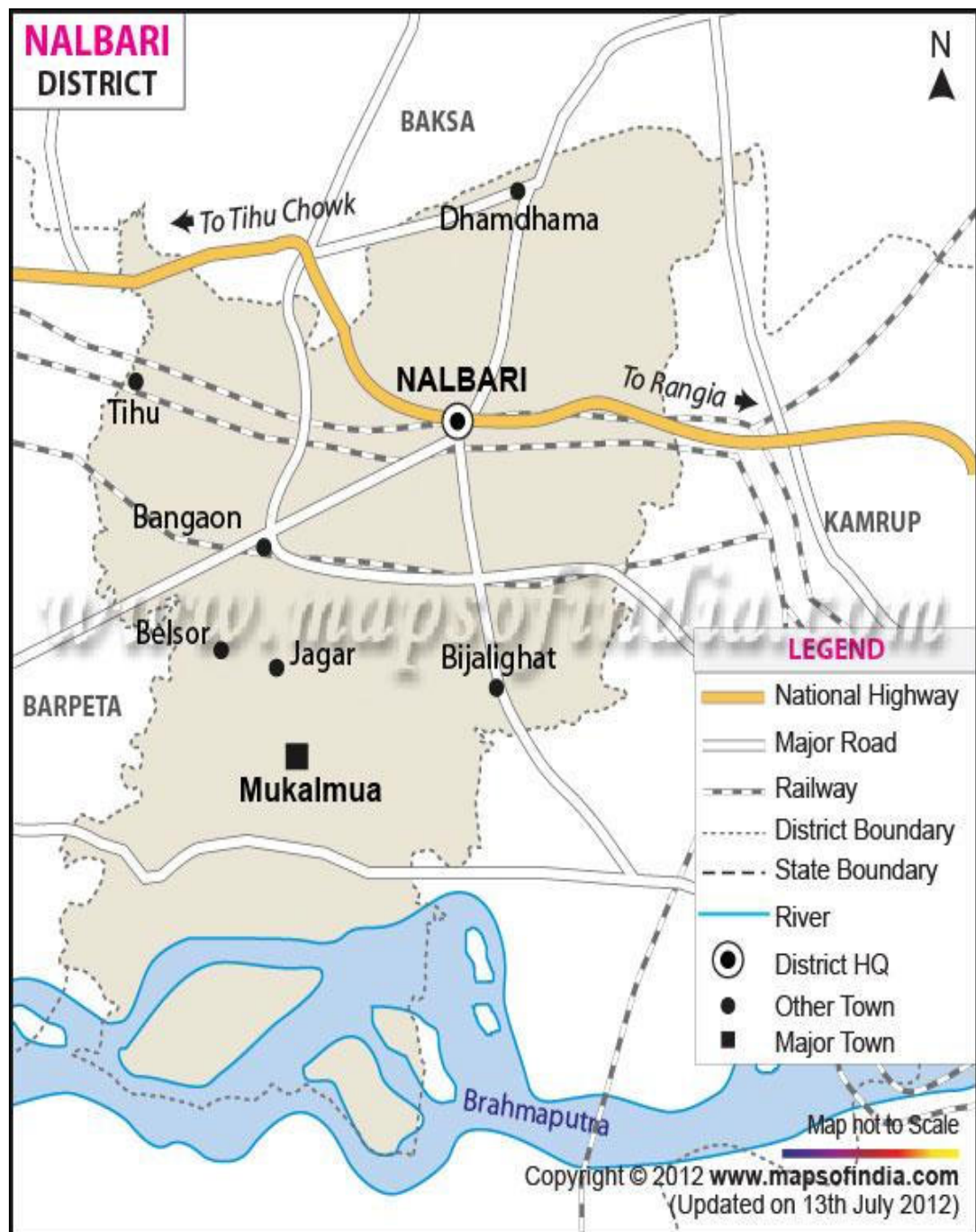
(l) the form in which an affidavit may be filed by the aggrieved person under sub-section (2) of section 23;

(m) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

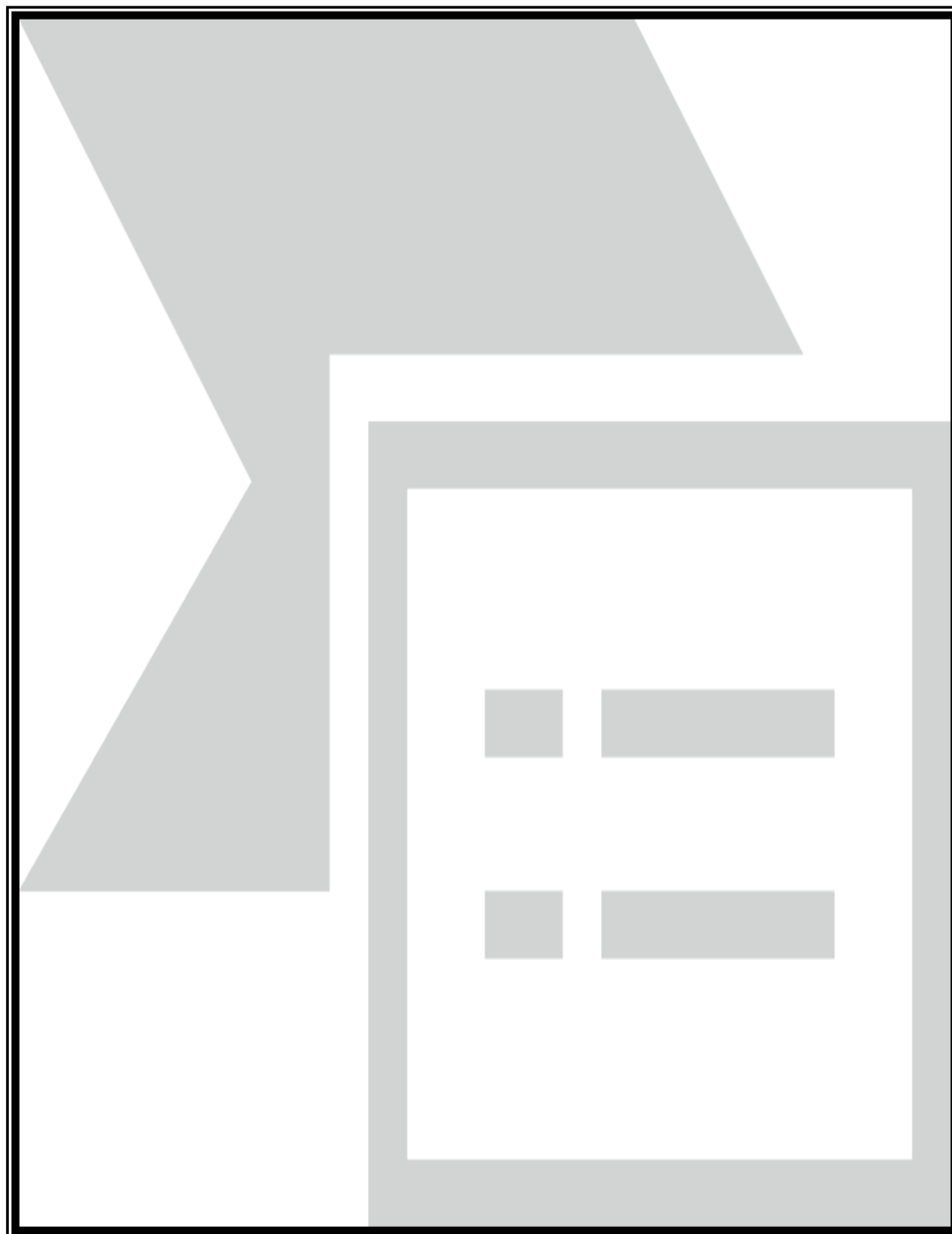
APPENDIX IV

The Map of Nalbari District



APPENDIX V

Showing Blocks of Nalbari District



DOMESTIC VIOLENCE AGAINST WOMEN: A STUDY OF NALBARI DISTRICT IN ASSAM

**A THESIS SUBMITTED TO ASSAM UNIVERSITY IN
FULFILMENT OF THE REQUIREMENT FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY IN THE DEPARTMENT OF
POLITICAL SCIENCE**

By

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SILCHAR - 788 011, ASSAM, INDIA

YEAR OF SUBMISSION-2015

CHAPTER V: SUMMARY AND CONCLUSIONS

The present study “Domestic Violence against Women: A Study of Nalbari District in Assam” is an attempt to understand the problem of domestic violence against women with special reference to Nalbari district of Assam. The universe of the study is Nalbari district which is situated at the western part of Assam. This is an empirical study and hence sample has been drawn and the respondents in the sample were the victims of domestic violence of the district. In addition to this, respondents were also chosen from the cross-section of the society including members of women organisations, lawyers and doctors to understand their response to the victims. This study is a modest attempt to identify and describe the nature, causes and consequences pertaining to the phenomenon of domestic violence against women in Nalbari area. Besides, the study also looks into the role of government in dealing with the problem of domestic violence. Its response, initiative and effectiveness in dealing with the crisis. In an endeavour to summarize the facts and the findings of the study, chapter-wise summary has been presented keeping in view its objectives and hypotheses.

I

The introductory chapter (chapter I) provides a detailed outline of the research including the statement of the problems that signifies the importance and relevance of the present study. A conceptual framework has been evolved to understand the meaning of the key concepts like ‘domestic’, ‘violence’ and ‘domestic violence’ and the meaning that has been attached to them for the purpose of the present study. It contains a systematic and elaborate review of related literature, objectives of the study, hypotheses and the methodology of the study that explains the size of the sample, procedure of its selection and technique of data collection. Besides, a brief description of the chapters is also given in it.

As this study is concerned with domestic violence against women, the meaning, nature and consequence of domestic violence is precisely discussed in this chapter. Domestic violence is a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another partner. Domestic violence can happen to anyone regardless of race, age, caste, religion or gender. It is a pattern of behaviour that characterises the misuse of power and promise by one

person against another who generally happens to be in an intimate or blood relationship. Domestic violence is not typically a singular event and it is not limited to only physical aggression. Rather, it is the methodical use of threats, ignominy and physical violence by someone who seeks power and control over his intimate partner. Domestic violence may be of different kinds like physical violence, sexual abuse, emotional abuse, economic deprivation and stalking. The victims demonstrate a wide range of effects from various kinds of domestic violence. The victims may suffer from severe and chronic mental and health problems. Besides the victims, the other members of the family may also suffer from physical, emotional and psychological stress as result of sustained domestic violence.

Violence against women within the family is a global phenomenon. It occurs irrespective of socio- economic status of women. No society can claim to be free of such violence. But the degree of violence differs according to the socio economic condition of the society. In India, crime against women in the domestic sphere is a very common incident. Poverty, illiteracy, traditional gender bias and social customs provide a very congenial situation for the commitment of such crimes against women. As per the Report of India's National Crime Records Bureau, more than 195856 crimes had been committed against women in the year 2008. Of these, 81344 cases were in the nature of domestic violence. As per the information of the Bureau in every nine minutes, a case of cruelty is committed against a woman in our country and most of these cruel acts occur within the four walls of home. Since the abolition of the practice of sati (1829), various significant steps have been taken in independent India also towards protecting women from torture and violence. In 1983, for the first time, an amendment was made in the criminal laws recognising domestic violence (matrimonial cruelty) as criminal offence under section 498-A of the Indian Penal Code. In 26th October 2005, the Protection of Women from Domestic Violence Act was passed and it provides for more effective protection of the rights of women guaranteed under the Constitution.

Despite the steps taken by the government to prevent domestic violence, it continues to be an evil in our society. It is a regular feature of our everyday life. But the prevention of domestic violence is an essential condition not only for bringing gender equality but also to realise the objective of human rights in general. If the bulk of the

people who constitute half of our population live under torture and fear of violence, the task of nation building and an all-round development of the society will never be achieved. Thus, the study of domestic violence against women is an attempt to understand the position of women in our society.

This chapter also highlights the significance of the study. Nalbari is one of the backward districts in Assam. Some of the development blocks in the district are almost not having any communication, health or education facility. Nalbari being one of the backward districts of Assam has a situation where the conditions for the development of women are very poor. The incidences of domestic violence are also so high in the district that it has already attracted the attention of the government and various NGOs. As per the report of the Office of the DIG, CID, Assam, out of 41, 496 cases of domestic violence that have occurred in the last ten years, 4521 cases took place in Nalbari district alone. Thus, a study of the plight of women in the domestic sphere in the district of Nalbari is obvious to throw important light on various aspects and the gravity of domestic violence in our society.

As stated that the study was carried out in Nalbari District of Assam which is now having an area of 1009.57 sq.km consisting of 1(one) Civil Sub-Division, 7 (seven) Revenue Circle, 7 (seven) Development Blocks, 5 (five) Police Stations, 7(seven) Anchalik Panchayats and 65 (sixty five) Gaon Panchayats covering 471 villages. Out of these 7 blocks, 6 blocks (Pub-Nalbari, Pachim Nalbari, Barigog Banbhag, Tihu, Barama (part), Banekuchi) were selected for the present study by the technique of simple random sampling by using lottery method.

In order to collect primary data, cases for the period of 10 years (since 2001-2010) were studied. A total of 1825 cases of domestic violence had been registered under Nalbari Zilla Mahila Samiti since 2001. The total number of cases studied was 180. Most of the cases studied were of marital discord resulting from perpetual incidences of domestic physical violence. Besides, cases of ill-treatment and mental cruelty were also studied. The victims who had registered cases were also identified through Nalbari Zilla Mahila Samiti, the lone voluntary social organization of the district that renders counseling and legal aid to its clients. Thus, out of 1825 cases, 180 (approximately 10 percent) cases were studied and also the respondents were

interviewed. In addition to this 20 respondents were chosen from the cross-section of the society including members of Women organisation, lawyers and Doctors to understand their response to the victims. Thus, a total of 200 respondents were selected by the technique of purposive sampling.

For collecting primary data two sets of interview schedules were used which served as the principal instruments of data collection. In consonance with the objectives, close and open ended questions were formulated in the interview schedule. The interview schedules had different sections to elicit information from the respondents. In addition to socio-economic and demographic background of the respondents, information was also sought about the nature, incidence of domestic violence and the impact of domestic violence on the victims. In addition to the interview schedule for the victims, another schedule was used for the members of Women organizations. A number of social activists, protection officer (POs) and the police personnel were also contacted and interviewed as they are competent to throw light on the matter.

The study has been conducted with the objectives to understand the nature and causes of domestic violence, the role of women organisation for protection of rights and the state's response towards domestic problem and the hypotheses were framed in consonance with the objectives.

II

Chapter II gives a brief description of Nalbari district with an emphasis on its location, demography, development and communication. Besides, the socio-economic profile of the respondents is discussed. For the convenience of presentation, this chapter has been divided into two sections. Section I deals with the brief profile of the study area i.e. Nalbari district of Assam, its location, demography, historical background, development & communication, area and administrative division, literacy and economy and Section II deals with an elaborate presentation of the sample, their size personal profile and socio-economic background of the respondents.

Before presenting the socio-economic profile of the respondents, a brief profile of Nalbari district is drawn. The district is located in central western part of Assam surrounded on the north, the district shares its boundary with the newly created Baksa

district while the southern boundary of the district is flanked by the Brahmaputra River. The eastern boundary of the district is shared by Kamrup district while Barpeta district is located on the western boundary. According to 2011 census, the total population of the district is 7, 71,639 with male population is 396,006 and female population is 375,633. Out of the total population of the district of 7.7 Lakh (89.28percent) lives in rural area and only 10.72 percent lives in urban area. Percentage of SC and ST population according to 2001 census is 7.23 and 3.31 percentage respectively. The district has a heterogeneous ethnocentric population with Assamese, Bengali, Bodo, Marawari, Nepali and so on. Majority of the population of the district speak Assamese, which is the official language of the district. Besides, the Bodo and Bengali are also two important languages in the district spoken by the Bodo and Bengali people respectively. The population of the district is divided into two major religions viz Hindu and Islam. Besides, people of other religious faith viz. Christianity, Sikhism, Buddhist, Jains etc inhabit the district in marginal number. According to 2001 census, 76.05 percent of total population is Hindu, 22.10 percent Muslim, 1.61percent Christian, 0.01percent Sikhs, 0.08percent Buddhist, 08percent Jains, 0.01percent are other religion and 0.06percent are not stated. The literacy rate of the district is 78.63percent as per 2011 census compared to 72.66percent of 2001. The male literacy rate is 84.36percent and female literacy rate is 72.57percent. Total literate in Nalbari district were 531,771 of which male and female were 293,184 and 238,587 respectively.

The total territorial area of the Nalbari District is 1009.57sq.km. Nalbari district comprises two important notified towns viz. Nalbari (district Headquarter) and Tihu. Nalbari is one of the 14 districts of Assam comprising only one sub-division. Below this level, there are 7 Revenue Circles (Tehsils), viz. Nalbari, Tihu, Barkhetri, Barbhag, Gograpaar, Paschim Nalbari, Banekuchi. Furthermore, the district is divided into 7 Community Development Blocks- Pub Nalbari, Tihu, Paschim Nalbari, Barbhag, Barkhetri, Gograpaar, Madhupur. Below the block level set-up, there are 7 Anchalik Panchayats, viz Pubnalbari ap, Barigog Banbhag ap, Paschim Nalbari, Madhupur ap, Tihu ap, Barbhag ap, Barketri ap covering 65 Gaon Panchayats. From the angle of Police administration, the district area is divided among 5 Police stations namely Nabari, Mukalmua, Gograpaar, Belsor and Tihu.

So far as the personnel profile of the respondents is concerned, analysis of data reveals that out of the 180 respondents, 61 (33.8percent) were found in the age group of '15 –30' years. A majority of 79 (43.8percent) belonged to '31-40' years followed by 35 (19.4percent) in the age group of '41–50' years. Besides, 3 (1.6 percent) and 2 (1.1 percentage) respondents were also found in the age group of '51 – 60' years and above 60 years respectively. Thus, age is not a barrier for domestic violence and it can happen at any age, although study reveals that women at the age group of 20-40 years are at higher risk than their older counterparts. So far as educational attainment of the respondents is concerned, out of 180 respondents, 55 (30.5percent) were found to have secondary school education, 35 (19.4 percent) higher secondary, 45 (25 percent) graduates, while 12 (6.6 percent) and 3 (1.6percent) were postgraduates and professionals respectively. Besides, 23 (12.7percent) respondents were also found to have primary education and 7 (3.8 percent) were found to be illiterates. Thus, it can be said that domestic violence occurred irrespective of educational attainment, although the prevalence of violence was higher among the less educated category. With regard to occupation, majority of 99 (55percent) respondents were found unemployed, while the rest 81 (45percent) were found to hail from different occupational background. Out of 81 respondents, 25(13.89 percent) were employed in private jobs, 20 (11.11 percent) were daily wage labourer and 12 (6.6 percent) were government servants, 7 (3.89percent) respondents who were found to be agricultural workers, 11 (6.11 percent) were found to be engaged in small business. This shows that domestic violence is prevalent irrespective of the occupational status of women.

Regarding family income of the respondents, it was found that out of 180, majority of the respondents 96 (53.33 percent) had income within Rs 1,000 -5,000 per month, while 31 (17.22 percent) of the respondents had income within Rs.5, 001 – 10,000 per month. Besides, 24 (13.33 percent), 18 (10 percent) and 11 (6.12 percent) were found to belong to the income group of Rs. 10,001 – 20,000, Rs. 20,001 – 30,000 and above Rs 30,000 respectively. It is found that occurrence of domestic violence is higher among the lower income group than the upper income ones. So far as the religious composition of the respondents is concerned, it was found that of 180 respondents, 152 (84.44 percent) were Hindus, followed by Muslims 26 (14.4percent) and others 2 (1.1percent) from Jainism. Thus, it may be said that domestic violence is a common phenomenon prevalent irrespective of religious affiliation. So far as caste composition is concerned, a majority of 116 (64.45 percent) respondents were found to belong to

General category, while remaining 64 (34.56 percent) belonged to SC, ST and OBC at the rate of 31 (17.22 percent), 16 (8.89 percent) and 17 (9.44 percent) respectively. This shows that domestic violence is a caste neutral phenomenon. On the whole, it is seen that women irrespective of their socio-economic status are victims of domestic violence, although the degree of violence fluctuates depending on the status of a woman.

III

In this chapter, an elaborate discussion is made to understand national and international responses to prevent violence against women. After independence, a number of important laws have been enacted to eliminate discrimination and ensure protection to women. From time to time, Indian legislature has formulated laws to enshrine the principle of impartiality. The Constitution provided equal rights both for men and women and also entrusted the duty upon the state to make special provisions to recognize the interests of women effectively. Following the constitutional approach to women's rights Indian legislature has passed various laws from time to time to protect and promote the cause of women. Many of these laws were government's social reform or labour welfare measures which was enacted in the earlier decades. However, in post independent era a number of important laws have been passed by the Indian legislature as well as by various states which has a bearing on the lives and status of women. Some of these women specific legislations have been highlighted here such as Immoral Traffic (Prevention) Act, 1956, Women's and Children's (Licensing) Act 1956, Maternity Benefit Act, 1961, Medical Termination of Pregnancy Act (MTPA) 1971, Equal Remuneration Act, 1976, Bonded Labour System (Abolition) Act 1976, Karnataka Devadasi (Prohibition of Dedication) Act, 1982, Dowry Prohibition (Amendment) Act, 1986, Commission of Sati Prevention Act, 1987, Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989, National Commission for Women Act, 1990, Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Information Technology Act, 2000, Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT Act) 2003, Prohibition of Child Marriage Act, 2006, Rajasthan Compulsory

Registration of Marriages Act, 2009, Protection of Women against Sexual Harassment at Workplace Bill, 2010 and Domestic Violence Act 2005 etc. All these legislations are expected to provide legal safeguards to Indian women in different areas.

Besides this, the present chapter also focused on the relevant sections of IPC and Cr P.C that deals with offences committed against women. These are Section 304B, Section 305, Section 306, Section 313, Section 314, Section 315, Section 316, Section 319, Section 321, Section 322, Section 323, Section 324, Section 327, Section 339 & 341, Section 340 & 342, Section 349, Section 354, Section 359, Section 366A, Section 366B, Section 369, Section 372, Section 373, Section 375, Section 376 and Section 498A.

At the international level as well various legal laws and instruments have been prepared by different international institutions to deal with the problems of women. The period 1945 to 1975 is very important because during this period most important international instruments relating to women's rights were drafted and modified like United Nations charter, Universal Declaration of Human Rights, International Covenants on Human Rights, Mexico city conference etc. It is relevant to record the achievement of the UN in the field of women's rights since 1945. To know the existing status of women under international law, the provisions (laws) of United Nations Charter, Universal Declaration of Human Rights, Human Rights Covenants, Commission on the Status of Women, Declaration on the Elimination of Discrimination against Women 1967, Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), Declaration of Mexico, 1975, World Plan of Action, World Conference of the United Nations Decade for Women, Declaration on the Elimination of Violence Against Women 1993, International Conference on Population and Development (ICPD), Fourth World Conference on Women 1995, Copenhagen Declaration on Social Development 1995, Optional Protocol to the Convention on the Elimination of Discrimination Against Women, 1999, World Summit Outcome Document 2005, Resolution of the UN Commission on Human Rights 2005 were thoroughly discussed in this chapter. However, it can be said that several attempts have been made at the international level to prevent violence and exploitation of women, but, the condition remains unchanged. Without proper

national laws and their effective enforcement, the importance of international law will be muffled and of little significance.

IV

In Chapter-IV data are analyzed, interpreted and the results of the study on “Domestic Violence against Women: A Study of Nalbari District in Assam” are discussed in detail. This chapter also discussed the suggestive measures of the existing problem of domestic violence against women of Nalbari district in Assam. The study was carried out on the basis of the following objectives:

1. To find out the nature and causes of domestic violence.
2. To find out the role of Women’s organisation for protection of women’s rights and
3. To find out the state’s response towards domestic violence.

For the convenience of presentation, this chapter has been divided into three sections. Section I deals with the nature and extent of violence, Section II looks into the consequences of domestic violence, and Section III deals with the causes of domestic violence and the role the women organizations played in this regard.

With regard to the first objective that is outlined to understand the nature and causes of domestic violence against women, it was found that among the respondents who were victims, an overwhelming majority of 142 (78.89 percent) out of 180 were found to be physically abused in one form or other. In case of nature of physical violence it was found that out of 142 respondents, 72 (50.70percent) were found to be victims of beating, slapping and kicking, 37(26.05percent) were victims of pushing, shoving, grabbing in hair and holding with rope, 22 (15.49 percent) were threatened with knife, stick, rod and gun, while 11 (7.76percent) reported physical violence in the form of damaging personnel property or valuable things. This shows that physical torture inflicted by either the husbands or in- laws take different forms and majority of the respondents were found to be victims of beating, slapping, pushing and kicking. As regards the nature and extent of psychological violence, a majority of 70 percent (126 out of 180) had experienced mental strain in one form or the other due to domestic violence. In case of nature of psychological violence out of 126 respondents, 35 (27.78 percent) were found to be victims of derogatory language, negative body

language and indifference, while 33(26.19 percent) experienced psychological violence due to the withdrawal of talking terms and treating the victim as outcaste. 25 (19.84 percent) were victims of other types of psychological violence i.e. blaming for improper house-keeping, demeaning family background, criticizing for lack of or less intelligence, by giving threats of committing suicide by their husbands. In cases of 19 respondents (15.07 percent), they were ignored in every aspect of family matters and 14 (11.11 percent) were reported of repeated insult in presence of their children, relatives and outsiders. This shows that majority of women had to suffer mental strain from their intimate partners or from in-laws. It is also noted that severe psychological stress and living under terror and the mental torture of violence can lead to self-destructive behavior and to other fatal consequences such as family discord and suicide. The mental depression associated with domestic violence may go relatively unnoticed when compared to the physical violence. Nevertheless, it is as dangerous, if not more dangerous than that of physical violence. As regards the nature of economic abuse it was found that out of 180 respondents, 81 (45 per cent) were victims of economic abuse in one form or the other. In case of nature of economic abuse out of 81 respondents 32 (39.50percent) reported that their full amount of salary was forcefully recovered from them every month by their husbands, 27(33.33percent) were being forced to leave their existing job, 15 (18.53percent) were not allowed to take any outdoor job for earning, while 7 (8.64percent) were prohibited from making purchases of their choice from their salary. Thus it was found that a sizable number of women were being abused economically. In case of nature of sexual abuse it was found that out of 180 respondents, 86 (47.78percent) were found to be victims of sexual abuse in the form of forced sex, preventing from safe sex or using contraception or forced intercourse. While 66 respondents (76.75 percent) agreed that they were the victims of sexual abuse while their husbands were under influence of drug or alcohol. Thus, it may be deduced that sexual abuse was also a principal kind of torture that women experience in marital life. Regarding the opinion about the extent of violence it was found that out of 180 respondents, 35 (19.44 percent) had to suffer violence daily, while 45(25percent), 25(13.89percent) and 47 (26.11percent) were found to suffer violence once or twice in a week, fortnightly and monthly respectively. However 28 respondents (15.56percent) could not remember their frequency of violence. This shows that although evident in majority of the cases, the

frequency of violence is not uniform in all cases; there was variation from one case to the other.

Regarding the causes of domestic violence, it was found that out of 180 respondents 56(31.11percent) had faced violence due to extra marital affair of the husbands, 51(28.33 percent) reported to have suffered due to the alcoholic nature of the husband, 25(13.89 were found to be victims due to other causes like marital maladjustment, problems at work place of husband, difference in the social status of the partners, property dispute, mental disorders and children related issues. Again 22 (12.22percent), 17(9.45percent) and 9 (5percent) were found to be victims of violence because of dowry, absence of economic independence and patriarchal social outlook respectively. So, it may be said that although nature and causes of violence vary often, physical violence is a common form of torture that women face in most cases.

With regard to the impact of domestic violence, it was found to have grave impact on the lives of children and also on the personal lives of the victims. A majority of 115 (63.89percent) of the respondents were found to have suffered physical injury by the assault of their husbands. With regard to the seriousness of injury, out of 115 respondents who were physically injured, 52 (45.21percent) were seriously injured, 37 (32.18percent) and 26 (22.61percent) suffered moderate and minor injuries respectively. In case of psychological injury, out of 180 respondents, a majority of 146 (81.11 percent) were found suffered from health or mental problems due to violence, while the rest 34 (18.89per cent) respondents reported that though they were living under abusive situation they had not any disorder and had no health or mental problem. Regarding the impact of violence, it was found that out of 146 respondents who had developed mental and health problems, 16 (10.99 percent) reported to have suffered from various kinds of mental stress, 27 (18.49percent) were under depression, 20 (13.69percent) had anxiety, while 19 (13.01percent) and 52 (35.61percent) respondents were suffering from insomnia and other problems like chronic headache, high blood pressure, alcoholism, drug abuse and low self-esteem respectively. 12 (8.21percent) respondents also reported to have developed suicidal tendency. What is still more tragic is that it not only affected the mental and physical health of the victim, it also had very serious impact on the children of the family which witnessed regular domestic violence. The repeated occurrence of domestic violence in a family had detrimental effects on the lives of the children. Data revealed

that out of 180 respondents, 78 (43.33percent) reported that violence had moderately affected the lives of their children, 23 (12.78percent) reported to have witnessed serious consequence of domestic violence on the lives of children. 79 (43.89percent) respondents did not register any serious concern about the affect of violence on the lives of children. About the type of effect that children had suffered, out of 101 respondents who had registered the evil affect of domestic violence on the lives of children, 63 (62.37percent) reported that their children had developed behavioural and psychological problems like anxiety, disobedience, aggression (particularly among males), oppositional behaviour, self-blame, isolation from peers, self-harming conduct, depression and other psychosomatic symptoms, while 23 (22.77percent) reported decline in the concentration of children and eventual low performance in school. 15 (14.86percent) respondents reported to have witnessed the evil effect of domestic violence on children but could not specify it. This shows that sustained domestic violence not only affects the personal life of the victims but the lives of their children as well.

With regard to the second objective that is outlined to understand the role of Women's organisations and N.G.Os for protection of women's rights, it was found that out of 180 respondents, 121 (67.22 percent) had got support from the women's organizations and could solve the problem mutually without dragging it to the court, 59 respondents (32.78percent) took help from the police, court and counseling centers. As regards the type of help sought it was found that out of 59 respondents, 27 (45.76percent) had approached the family counseling centers (FCCs), 21 (35.59 percent) had approached the court to get remedy, 6 (10.16 percent) had reported to the nearest Police station for help, while 5 (8.47percent) were given financial /job related suggestions by women's organisation working for the welfare of women at district level. As regards the reasons for mutual compromise, out of 121 respondents who resorted to it, 54 (44.62 percent) were found to have compromised only to protect their family reputation or prestige, 24 (19.83percent) compromised for the sake of children, 17 (14.07percent) compromised with the hope that things would change for better in future, 12 (9.91percent) compromised as they had no other place to go or seek shelter, while the rest 14 (11.57percent) cited different reasons for compromising with the situations i.e. lack of economic security, social stigma, destiny and so on. The response of the majority of the respondents who had compromised with their husbands for the sake of

family reputation or prestige was disappointing as it reaffirmed the stronghold of patriarchy in our society. Even the legal remedial measures could not be adopted as women were hesitant to do so under the pressure of patriarchy. Above revelation of data confirms the hypothesis that patriarchal social values are the cause of domestic violence. Whatever women have to suffer and whatever men hurl upon them basically originate from patriarchal social values in which both the categories are socialized. Regarding the effectiveness of the services provided by various organizations/NGOs, out of 180 respondents, 90(50percent) expressed satisfaction with the services. Their response was positive as they believed that this kind of help was fruitful to them. 70 (38.89percent) respondents had given somewhat a satisfactory response as they believed that organizations were not spending adequate time with the victims and their families to solve their problems. While the rest 20(11.11percent) were dissatisfied as according to them these organizations failed to bring in any change in the lives of women. Thus it may be said that although women organizations are playing an important role in solving the cases of domestic violence and providing support to the victims, they are required to play a still greater role so that the incidences of such violence may reduced drastically in the society.

With regard to the third objective that is outlined to understand the state's response towards domestic violence it was found that out of 20 respondents who hailed from the cross-section of the society, 11 (55 per cent) opined that the government was not doing enough to prevent or deal with the menace of domestic violence, 9 respondents (45 percent) were, however, found satisfied with the work done by the government. In case of legal awareness of the respondents, it was found that an over whelming majority of 157 (87.22percent) out of 180 were unaware of Domestic Violence Act, while only 23(12.78percent) respondents were found aware. Again in case of 489A of Indian Penal Code, a majority of 137 (76.11percent) out of 180 respondents were found to be unaware, while a considerable number i.e., 43 respondents (23.88 percent) were found to be aware also. As regards the availability of services in the district it was found that only two counseling centers were available to the victims of domestic violence which were named as Family Counseling Centers. As regards the service delivery system of the Family Counseling Centers it was found that only 27(15percent) out of 180 respondents had approached the Family Counseling Centers (FCCs) for help. In Nalbari district there is also no Rehabilitation Center or shelter

home, free legal aid services and medical services for the victims of domestic violence. As a result, women feel insecure to take action against the perpetrators of violence as it is these people who provide shelters to the victims. On the whole, the attitude of government towards solving the problem does not reflect a bright picture. In spite of various efforts people are still unaware of various legal provisions available for the protection of women. Above revelation of data confirms the hypothesis that poor implementation of the governmental laws to ensure women's rights is also responsible for domestic violence in our society. In respect of eliminating domestic violence in our society, the laws have failed to achieve its objective to the extent it was desired. The government's initiative is mostly confined to the making of laws, while the implementation of it is not being taken adequate care. Thus, a holistic approach involving the government and various other stakeholders of the civil society is required to be evolved to combat the evil of domestic violence in India.

Suggestions

In the course of conducting the study it is realized that some measures are required to be taken to reduce the incidence and impact of domestic violence against women. Some of them may be

1. Sensitization of women about legal remedial measures is required to be undertaken by concerned NGOs.
2. Women organizations need to expand their services to include women in rural areas.
3. Establishment of Family Court in each district is mandatory.
4. All-women police station is also required to be established in each district.
5. Education for girl children should be made mandatory beyond 14 years.
6. Counseling centers with professionally qualified counselors should be set up in every district.

7. Creating Public Awareness at all levels of society is necessary to counter the present trend of domestic violence against women. For this, women organizations may conduct awareness workshops both in urban and rural areas.
8. Shelter homes should be available to the victims of domestic violence.
9. Media should be made more sensitive and give right and adequate to the cases of domestic violence.
10. Special Care should be provided to women seeking medical help following an episode of violence.
11. Most of the victims of Domestic Violence are uneducated, backward and economically disadvantaged. The legal aid and advice should be made available to them free of cost. Such a scheme is required to be evolved by the government.

Limitations of the Study

Like any other study, the present study has its limitations. Given the limitation of time and resources at the disposal of the researcher, the aspect of domestic violence against women in specific caste, religion and linguistic group in Nalbari district could not be thoroughly investigated. But a comparative study of the phenomenon may still help to delve deep into the problem. This aspect may be considered in future research.