

Research Study
on
Domestic Violence against Tribal women
in Assam: With Special reference to
Mising and Tiwa Community

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ASSAM INSTITUTE OF RESEARCH FOR TRIBALS AND
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JAWAHARNAGAR, GUWAHATI- 781022,
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PREFACE

Violence against women continues unabated in our country, both inside and outside the home despite the legal safeguards provided for women. Women are often terrorized so that they do not assert their rights. After more than seventy years of independence, the Nation has not been able to protect women from crimes. The crime rate in general and women in particular has increased substantially. The linkages between gender, human rights and development have become indisputable.

In the years since 1995 and the Beijing conference, women's groups all over the world have worked systematically on the issue of violence against women in the home, in the community and in the society, with the aim of bringing about legal and administrative reforms that will both prevent violence against women and protect women who are victims of violence. As a result the new legislation- "The Protection of Women from Domestic violence Act, 2005" was implemented for protecting women from domestic violence.

Present study reviews that reporting of domestic violence cases is very poor because violence against women within the home and within the family is a particularly difficult phenomenon to deal with because of the legal and public perception that the home and the family are 'private' spaces, and therefore 'out of bonds' for the law. The study is organized in seven chapters, Chapter I deals with Introduction, Chapter II review of existing literature, Chapter III-methodology, Chapter IV- brief introduction of Mising and tiwa Community, Chapter V-nature, incidence and extent of domestic violence against women, Chapter VI- some remarkable judgments on DVA and case study and Chapter VII recommendations and conclusions.

We would like to place on records our gratitude to the Director of Directorate of Assam Institute of Research for Tribals & Scheduled Castes for their financial support and encouragement. A word of thank to all colleagues who shared long hours of work for collection of data, analysis tabulation and preparing the study report. It is hoped that the study would be found useful for policy makers and planners.



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RESEARCH STUDY ON DOMESTIC VIOLENCE AGAINST TRIBAL WOMEN IN ASSAM: WITH SPECIAL REFERENCE TO MISING AND TIWA COMMUNITY

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CHAPTER I

Introduction

1.1 Introduction:

The Declaration of Elimination of All forms of Violence against Women¹ adopted by the General Assembly of the United Nations on 20th December, 1993 stated that “Violence against women means any act of gender-based violence that results in, or is likely to result 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 in private life.”

Violence against women is a manifestation of historically unequal power relations between men and women, which has led to domination over and discrimination against women by men and to prevention of full advancement of women. Violence against women is one of the crucial social mechanisms by which women are forced into subordinate position compared with men. Violence against women is always legitimized by arguments of culture as no society is devoid of culture. The patriarchal culture inevitably validates violence as an acceptable, even desirable, attribute of masculinity tends to de-value women and all attributes considered feminine and thereby intervening in relationships. The age old philosophical perceptions on the role of women permeate in all man-woman relationships within the four walls of home which is considered as repository of love, warmth and affection.

¹ Dr. Dipe Dubey, Law on Domestic Violence in India, Hyderabad: Asia Law House, 2015

Family forms the basic unit of socialization and is an inevitable part of human society. It is the primary institution of any society and is formed by the ceremonial marriage of males and females, resulting later in the birth of offspring. All the societal forces are used for its support and protection, for through it, societies perpetuate themselves both culturally and biologically. The family, therefore, is a socially recognized unit of people related to each other by kinship, marital, and legal ties. Every society implies its ultimate control over this unit by its institutionalization of marriage and the definition of rights and obligations that arise as a result of marriage and consequent reproduction. Through this ideology, women are considered as wives and mothers, having vested with the duty of child rearing and domestic labour. Men on the other hand are considered as husbands and fathers, responsible for the financial welfare of the family. The sexual division of labour was closely associated with the emergence of the family wages. In the process it led to women's economic dependency on their husbands.

1.2 Definition of Violence and Domestic Violence:

The concept of domestic violence is a very complex phenomenon. Domestic violence or violence within the family is a universal phenomenon, though its manifestation varies depending on the social, economic and cultural background. It is one of the most insidious forms of violence against women, and is an issue which is often shrouded in silence and cloaked with societal shame.

The lexicon meaning of violence refers to any physical force or any damage or injury to person or property. According to Webster's New Collegiate Dictionary², violence means "exertion of any physical force, for instance (a) violent treatment or procedure, (b) profanation infringement, outrage, assault, (c) strength, energy, activity displayed or exerted, vehement, forcible or destructive action or force, (d) vehemence in feeling, passion, order, furry, fervor.

Collins Dictionary defines violence as: (1) Behaviour which is meant to hurt or kill people (2) a great deal of energy used in doing something usually because you are very angry (3) words, actions or other forms of expression which are critical or destructive.

The Chamber's Twentieth Century Dictionary³ describes violence as excessive unrestrained or unjustifiable use of force. Violence also means outrage, profanation injury or rape. Infliction of injury on other people is the essence of violence. It may be either physical or mental. On the legal level, it is illegal employment of methods of physical coercion for personal or group ends. The infliction of injury by police is exercise of state's force as long as it is legal. But as soon as it crosses the boundary of legality and inflicts injury for lust or for personal gain, it becomes violence and is more dangerous than the violence by ill armed and ill organized people.

² Preeti Misra, *Domestic Violence Against Women: Legal Control and Judicial Response*, New Delhi: Deep and Deep Publications Pvt. Ltd., 2013

³ Ibid.

According to Encyclopedia of Crime and Justice⁴ in a broad sense, “violence is a general term referring to all types of behavior either threatened or actual, that result in the damage or destruction of property or injury or death of an individual.” In a limited sense, violence means “all types of illegal behavior, either threatened or actual that results in damage or destruction of property, or in the injury or death of an individual.” In general, the definition covers that behavior, generally considered as violent including such crimes as criminal homicide, forcible rape, child abuse, aggravated assault and most kinds of collective violence.

According to Black’s Law Dictionary⁵, “violence means unjust or unwarranted use of force usually accompanied by fury, vehemence, or outrage, physical force unlawfully exercised with the intent to harm.”

L. B. Curzon’s Dictionary of Law⁶ defines violence as “any conduct so that it includes violent conduct towards property as well as towards persons, and it is not restricted to conduct causing or intended to cause injury or damage but includes any other violent conduct.”

From the sociological context violence means illegal use of force or threats for use of such force by the patriarchal social order and their agents against women folks in general for perpetuating the goals of that group for subjugating women physically, socially and psychologically.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

Social psychologist Moyer views that violence means a form of human aggression that involves inflicting physical damage on persons or property.

According to Niraj Sinha⁷ violence may include especially in relation to females both physical violence against women and exploitation of all kinds.

The above stated definitions clearly indicate that the term 'violence' against women encompasses a multitude of abuses directed towards women and girls over her entire life span. It remains a pervasive, yet under-acknowledged human rights violation in all countries of the world, being especially prevalent in India. Violence against women is a deeply entrenched problem in most societies because attitudes and practices that support violence are institutionalized in custom and law at all levels of society, marriage, family, home, community and state.

In India, women face various forms of violence, ranging from wife abuse to rape, dowry killings, acid throwing, sexual harassment, and sexual slavery through trafficking in women. Consequently, societal norms and traditional values associated with gender roles and supremacy within households and society tend to activate, dictate and provoke domestic violence against women in India. India is a patriarchal society illustrating powerlessness and vulnerability which is associated with women's lives where they are dominated and subjugated by men.

Globally, recognizing violence against women as a violation of Human Rights is a significant turning-point in the struggle to end violence against women globally. Violence

⁷ Ibid.

against women both reflects and determines gendered social structures. The UN General Assembly has adopted numerous resolutions both on violence against women in general and on violence against women in specific contexts.

In recent years, there has been a greater understanding of the problem of domestic violence, its causes and consequences, and an international consensus has developed on the need to deal with the issue. The Convention on Elimination of All Forms of Discrimination against Women adopted by the United Nations General Assembly some 20 years ago and the Platform for Action adopted at the Fourth International Conference on Women in Beijing in 1995, reflect the consensus. But progress has been slow because attitudes are deeply entrenched and, to some extent, because effective strategies to address domestic violence are still being defined. As a result, women worldwide continue to suffer, with estimates varying from 20 to 50 percent from country to country.

Domestic violence is an acute form of violence against women in India. Different national and international instruments have explicitly recognized Domestic Violence at any sphere as a crime against humanity and it is punishable offence. However, in India, like other countries in South Asia, domestic violence is a widespread phenomenon. In general, domestic violence means any form of violence acts by individuals of the same family. If a woman is oppressed mentally, physically, sexually, economically or by threat, that act is termed as violence in the domestic periphery. Women are the main victims of violence and men are the perpetrators and oppressors.

Domestic violence is an extremely complex and vicious form of abuse, committed most often within the four walls of the family house and/or within a particular deep-rooted power dynamics and socio-economic structure, which do not allow even the acknowledgment and recognition of this abuse. It is true that there is no specific definition of domestic violence in Indian law. This does not mean that acts of domestic violence are not punishable in India. There is no exact prototype of domestic violence, it differs with households, individuals and situations. The impact of domestic violence depends upon its severity. Domestic violence could result in anything from death to minor scars. There could be a situation where this violence results in neither but causes devastating psychological impairment.

According to Black's Law Dictionary⁸, "Domestic Violence means violence between members of a household, usually spouses, an assault or other violent act committed by one member of a household against another."

The various provisions under Indian laws clearly mention that violence against women is a rigorous crime. Though these laws do not define the term "domestic violence" but clearly address acts which could constitute domestic violence.

1.3 Theories of Domestic Violence:

To understand the nature and extent of domestic violence against women, to identify the major social factors associated with domestic violence and to suggest measures to control and minimise the occurrence of violence against women different theoretical models have been developed and used by the social scientists and the psychologists. However, since the

⁸ Ibid.

present study is concerned more with sociological aspect of the problem, we would restrict our analysis to the sociological perspective only. The sociological perspective deals with both microscopic as well as macroscopic levels of analysis. It is for this reason that different theoretical frameworks⁹ used by domestic violence researchers are mentioned here selectively. These are as follows:

1. **Feminist Theory**: This theoretical perspective emerged during the height of the Women's movement in 1970s. The advocates of this theory argue that domestic violence is broadly defined as male coercion of women. Domestic violence is one form of violence against women, but other forms include such as rape, sexual assault, female infanticide, marital rape and female circumcision. The common elements in all these types of violence against women are gender and power. This theory states that domestic violence reflects the unequal power of men and women in the society and which is reflected in the personal relationships. The patriarchal structure of the society plays a dominant role in almost all the social institutions including the family. In the feminist view, batterers feel that they should be in charge of the family; making decisions, laying down rules, disciplining disobedient wives and children, and correcting unsatisfactory performance of duties.
2. **The Family system theory**: In the early eighties of twentieth century more scholars and researchers began to focus on domestic violence from a family sociology perspective. This theoretical orientation emphasizes the family structure as the cause

⁹ Ibid.

of domestic violence. This theoretical perspective asserts that the cause of spouse abuse lies in the structure of the contemporary family institution. It means that family is a system of social relations with unique properties that make it a particularly fertile ground for violence. The family system model regards individual problem behaviours as a manifestation of a dysfunctional family unit, with each family member contributing to the problem. Rather than identifying one individual as the cause of the violence and removing that person from the home or singling that person out for treatment. All these serve to cloak violence inside home.

3. **Psychological Theory**: Psychological perspectives hold that personality disorders or early experiences of trauma predispose some individuals to violence. Being physically abusive is seen as a symptom of an underlying emotional problem. Parental abuse, rejection and failure to meet a child's dependence needs can be the psychological source of battering. People with these underlying problems may choose partners with whom they can re-enact the dysfunctional relationship they had with their parents.
4. **Physiological Theory**: This theory emphasizes on individual is a physiological theory. There are several variants of physiological theory. One focuses on evaluation and the genetic characteristic that predispose men to violence. Others emphasize brain structures, chemical imbalance, dietary deficiencies and hormonal factors such as testosterone. Genetic and hormonal explanations offer reasons for greater pre-disposition towards violence in men than in women, but this does not apply to chemical imbalances or dietary deficiencies.

5. **Psycho-Pathological Theory**: This theory focuses on the personality characteristics of offenders and victims as chief determinants of criminal violence. This model includes analysis that links mental illness, alcohol and other intra-individual phenomena to acts of violence. This theory gives two different explanations. According to one, the causes of violence against women occur from the offender's psychological problems. According to the other, violence against women arises out of psychological problems of victim.
6. **Socio-Psychological Theories**: The Socio-Psychological Theory assumes that criminal can best be understood by careful examination of external environmental factors that exercise impact on an individual offender. This theory also examines the types of everyday interaction which are precursors of violence. Theories such as the Frustration-Aggression Theory, the Perversion theory and the Self-Attitude Theory approach criminal violence from a socio-psychological level of analysis.
7. **Socio-Cultural Theories**: The sociological or socio-cultural theory provides a macro level analysis of criminal violence. This model examines criminal violence in terms of socially structured inequality, and social and cultural attitudes and norms regarding anti-social behavior and inter-personal relations. The Structural-Functional Theory and the Theory of Sub-culture of Violence, the Learning Theory, the Exchange Theory, the Anomie Theory, and the Resource Theory also come under socio-cultural analysis.

1.4 Causes of Domestic Violence in the Indian Context:

Women constitute about one-half of the global population. But they have been the victims of violence and exploitation by the male dominated society all over the world. Domestic violence is the most serious violation of all basic rights that a woman suffers in her own home at the hands of members within her own family. There are several factors to domestic violence. These factors differ in different communities and cultures.

The causes of domestic violence are not known to date. The research carried out in different parts of the world indicates that any social structure which treats women as fundamentally of less value than men is conducive to violence against women. Poverty, alcoholism, unemployment, frustration etc. contribute to violent behavior.

Violence arises from patriarchal notions of ownership over women's bodies, sexuality, labour, reproductive rights, mobility and level of autonomy. Many theories have been developed which are stated above and clearly explained why some men use violence against their partners.

1.5 Domestic Violence and Indian Law:

The primary need and right of every individual is access to justice. There are several areas of concern for women in law and judicial administration. The Constitution of India confers a catena of rights upon women. The Constitution makers of India were well aware of the subordinate and backward position of women in our society. They therefore made conscious

efforts for improving the entire situation in favour of women. Under the Constitution of India in some cases the women have been allowed to enjoy the benefit of certain special provisions. Article 16 of the Indian Constitution has helped to ensure a significant position and status to Indian women. The Directive principles of State Policy, embodying the major goals of a welfare State, also contain certain specific items affecting women. Article 39 holds out the promise of an equal right to “adequate means of livelihood”, “equal pay for equal work”, “protection of health and strength of workers- men, women and children- from abuse and entry into avocations unsuited to their age and strength.” Just and humane conditions of work and provisions of maternity relief are directed by Article 42.

Indian civil law does not recognize domestic violence as an issue in itself. The only specific recognition of domestic violence is the concept of cruelty as ground for divorce and judicial separations, even this ground applies in restricted circumstances and does not cover all aspects of domestic violence. Other civil laws relevant to situations of domestic violence are with respect to maintenance and custody and guardianship of children. Hindu Adoption and Maintenance Act, 1956, the Muslim Women Protection and Divorce act, 1986, The Indian Divorce Act, 1869, the Parsi Marriage and Divorce Act, 1936, all have widely varying provisions of alimony or maintenance.

1.6 The Protection of Women from Domestic Violence Act, 2005:

Domestic violence is a human rights issue and serious deterrent to development. The Vienna Accord of 1994 and the Beijing Declaration and the Platform for Action of 1995 have

acknowledged this. The United Nations Committee on Convention of Elimination of All Forms of Discrimination against Women (CEDAW) in its General Recommendation No. XII of 1989 has recommended that State parties should act to protect women against violence of any kind especially that occurring within the family. The phenomenon of domestic violence is widely prevalent but has remained largely invisible in the public domain. Presently, where a woman is subjected to cruelty by her husband or his relatives, it is an offence under section 498A of the India Penal Code of 1860. The civil law does not however address this phenomenon in its entirety. Looking to these aspects it is therefore proposed to enact a law keeping in view the rights guaranteed under articles 14, 15 and 21 of the Constitution to provide for a remedy under the civil law which is intended to protect the women from being victims of domestic violence and to prevent the occurrence of domestic violence in the society.

The Act is the result of a decade long campaign by womens' groups, social and legal bodies and NGOs for a civil law against domestic violence. The National Commission for Women had drafted a Bill on Domestic Violence in 1994. Similarly, in 1999, the Lawyers' Collective drafted another Bill on the same subject. The Government of India introduced in the 13th Lok Sabha, a Bill on the subject. The Bill was referred by the Lok Sabha to the standing Committee. The Bill was passed by the Lok Sabha on 24th August and by the Rajya Sabha on 29th August, 2005. The captioned Act received the assent of the President on 13th September, 2005. The enforcement date for the Act as per the notification No: S.O. 1776 (E) issued by the Ministry of Women and Child Development is 26th October, 2006.

Milestones in Domestic Violence Act	
1977-1980	<p>During the post-emergency period of 1977-1980, small groups of women's rights activists in Hyderabad, Bombay, Delhi and Madras had started taking up individual cases of custodial rape, deaths of housewives under mysterious circumstances.</p> <p>Women's movement in India launched campaign against rape, domestic violence, sexism in advertisements as well as against state repression during caste and communal riots in the early eighties.</p>
1975-1985	Campaign against gender violence came from the Government of Maharashtra around the end of the 1975-1985 UN decade.
1983	Domestic violence was recognized as a specific criminal offence by the introduction of Section 498-A into the Indian Penal Code. This section deals with cruelty by a husband or his family towards a married woman.
1988-2000	(National Perspective Plan for Women) (1988-2000 A.D.), incorporated the demands of the women's movement in India
January 1992	The National Commission for Women (NCW), was set up as a statutory body under the National Commission for Women Act, 1990 (Act No. 20 of 1990 of Government of India) to review the constitutional and legal safeguards for women.
1992	Lawyers Collective drafted and circulated a Bill on domestic violence. This was widely circulated amongst women's groups and organizations including the National Commission for Women (NCW) known as

	Remedies from Domestic Violence Bill.
1994	NCW came out with its draft Bill on domestic violence
1996	Political Party BJP for the first time put in its manifesto to enact a special law to deal with the crime of domestic violence against women
1998	The Lawyers Collective came out with its draft law on domestic violence after nation-wide consultations with many women's groups. The Government of India introduced a Bill on domestic violence in the Lok Sabha, titled, 'The Protection from domestic Violence Bill 2001'.
August, 2005	The Domestic Violence At, 2005 was passed by the Parliament.
October 26, 2006	The Protection of Women from Domestic Violence Act 2005 came into effect.

The PWDVA, 2005 is aimed at providing increased protection to women as victims of domestic violence. It is designed to help women during the most intense phase of abuse. It not only provides a support mechanism but also acts as a tool for women to negotiate for their rights from a position of equality. As has been maintained, "Domestic violence or more simply, violence at home is an invasion on one's right to live safely. It infringes on one's basic right to feel comfortable within the confines of one's house which to all domestic violence victims is not a home. A home where one can live without any fear or insecurity. It is with this in mind that the new Protection of Women from Domestic Violence Act, 2005 was passed. The Act is basically a declaration of the basic intent of the law, namely the object of preventing domestic violence. It is a clear and unambiguous statement of the right

to be free from domestic violence and the recognition of domestic violence as a violence of the human rights of women.”

Domestic violence to the victimized women world over has been recognized in terms of physical, emotional and psychological abuse. They have to suffer economic and social consequences that range from loss of productivity, damaged relationships to life- depriving violence.

In our society, wife-beating is a traditionally accepted norm. it is considered the right of a husband to control the wife's conduct, particularly in the context to her relations with other men. He is expected to direct his wife's behavior in accordance with the stereotyped gender roles where the male is a protector, decision-maker in the home, the breadwinner while the female is the nurturer and caretaker of the home. Her chaste behavior is considered essential to the marital happiness. The power hierarchy of the marital home extends not only to the right of the husband to subjugate his wife, but even extends to exercise control over the wife's family members. It is common for the husband to provide protection and control over the wife's female relatives, particularly her sisters, more so, if they are staying in his home. The control over the wife is also exerted by the husband's family. The mother-in-law and other family members can direct the wife and she is expected to comply with the requests. Resistance, if any on her part, does lead to abuse, monetary control and subjugation of the wife. The Domestic Violence Act provides protection to any woman from abuse and subjugation in her place of residence. Awareness of these rights can be very helpful in reshaping relations within both the marital and natal home of the female.

Section 1 provides the short title, extent and commencement of the Act. The Act extends to the whole of India except the State of Jammu & Kashmir which has been excluded by virtue of Article 370 of the Constitution of India.

The Domestic Violence Act, 2005, recognizes that women suffer a range of violence that includes not only physical abuse, but sexual violence and the more silent, emotional violence. The Act provides a comprehensive definition of domestic violence and includes the following:

1.7 Definition of Domestic Violence under Section 3 of PWDVA:

For the purpose of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it-

- a. Harms, 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.

The Act covers abuse involving physical, sexual, verbal and emotional and economic forms:

- 1) 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;
- 2) Sexual abuse includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;
- 3) Verbal and emotional abuse includes
 - I. Insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and
 - II. Repeated threats to cause physical pain to any person in whom the aggrieved person is interested.
- 4) Economic abuse means
 - I. 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;
 - II. 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

- III. 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.

Forms of violence covered under Domestic Violence Act		
A	Type of Violence	Examples
1	Physical violence includes any bodily harm or pain or danger to life, limb or health	Beating, slapping, hitting, biting, kicking, punching, pushing etc.
2	Sexual violence, any conduct of sexual nature which abuses, humiliates, degrades or violates the dignity of women.	Forced sexual intercourse, forces victim to look at pornography or any other obscene picture or material, child sexual abuse.
3	Verbal and emotional violence	Insults, name calling, accusations on victim's character or conduct etc., insult for not having child or male child, for not bringing dowry, preventing from taking up a job or forcing to leave job, preventing victim or a child in her custody from leaving the house,

		forcing victim to get married, threat to commit suicide.
4	Economic violence	Not providing money for maintenance, denial of food, clothes, medicine, taking salary, wages or not allowing to use money earned, not paying rent and prohibiting victim to use any part of the house

Who are covered under this Act?

Victim covers wife, sister, mother, daughter, females in live-relationship, single women.

Any woman who is or has been in domestic relationship with the respondent/abuse in a shared household.

Respondent/abuser covers husband, male partner, father-in-law, any other adult male, person who is or has been in domestic relationship with victim.

As per the Act the following rights are envisaged to a woman:

1. The Right to Reside under section 17:

- 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.

- An aggrieved woman shall have the right not to 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

2. The Right to Relief under Sections 18 to 23

- Protection Orders
- Residence Orders
- Monetary Relief
- Custody Relief
- Compensation Order
- Interim/ Ex parte Orders

Punishment under this Act from the perspective of Respondent

Any resistance to the enforcement of the orders of the court by the respondent shall be deemed to be a breach of the protection order, which shall be immediately reported to the local police station and shall be dealt with as a cognizable offence as provided under section 31 and 32 that provide for.

- Punishment with imprisonment which may extend up to 1 year or with fine which may extend to Rs. 20,000 or with both
- Offence will be considered cognizable and non-bailable and the court may conclude on the sole testimony of the aggrieved person that the offence has been committed.

Penalty for not discharging duty by the protection officer

Imprisonment which may extend to 1 year or fine up to Rs. 20,000 or both- if the protection officer fails or refuse to discharge his duties without nay sufficient cause.

Rights of the victim of domestic violence

- Right to know the protection and relief measures available under this Act from the Protection Officer.
- The right to stay in the same house or alternative accommodation, if required, with maintenance to be provided by the accused, even when the dispute is not yet settled.
- Right to possession of 'Stridhan.'
- Right to access all household items along with monetary relief.
- Right to temporary custody of children.
- Restraining order for protection against further harm by the accused.
- Can simultaneously file complaint of cruelty by husband or relatives of husband under section 498A of Indian Penal Code.

Procedure under the PWDVA, 2005:

Stage I- Information of incidents of domestic violence

- Information by Any Person under Section 4 must be reduced into writing to the Protection Officer or to the Police

Stage II- Complaint

- Aggrieved person to lodge complaint directly with the Magistrate. This can be done even if Protection Officers have not been appointed.

- Directly with the Police. Police will record it as Domestic Incidence Report and forward it to PO and Magistrate.
- With the Protection Officer. PO will record it as Domestic Incidence Report and forward it to Magistrate.
- With the Service Provider. Will record it as Domestic Incidence Report and forward it to PO and Magistrate.

Stage III- Proceedings in Court

- Application by woman or any other person on her behalf (for relief u/section 12)
- Ex Parte Order or Notice Served within 3 days
- Parties appear before court
- Interim Order passed
- Evidence and Arguments
- Final Order Passed within 60 days

Stage IV- Post-Order Proceedings

From Final Order

- There could be an Appeal by either parties before Sessions Court within 30 days under Section 29
- Application for Discharge/Alteration under Section 25

Discharge of the Order under Section 25 (1)

- Protection order to continue till its discharge. An application asking for discharge can be only by the woman. A woman may apply for a discharge if she has settled her case under Rule 14

Alteration/Modification/Revocation of Order under Section 25 (2)

- Either parties can ask for alteration/modification/revocation of orders. This order must be in writing and on satisfaction of Magistrate that there is a change in circumstances.

Consequence of the Breach of Protection Order under Section 31

- Breach of a Protection Order passed is deemed to be a punishable offence
- Charges under Section 498A of IPC can also be framed by the Magistrate in addition to the charges under this Act
- Offences are non-bailable and cognizable
- Punishment may extend to one year imprisonment and / or a maximum fine of Rs. 20,000/-.

Act in Addition to Existing Laws under Section 36

- PWDVA is in addition to the existing laws under Section 36. Hence, an aggrieved person can continue to use the existing provisions of laws (offences under IPC and other laws)
- An aggrieved person has the right to file a complaint simultaneously under section 498A of IPC (Section 5)

- Section 26 envisages that the relief under PWDVA can be asked for in other legal proceedings e.g. petition for divorce, maintenance, Section 498A of IPC petitions.
- An application can be filed in a pending proceeding for a residence order according to the rules of the court in which the case is pending.

Power of Central Government to make Rules under Section 37

The Section empowers the Central Government to make rules for carrying out the provisions of the Act. It provides that the rules made are required to be laid before the both Houses of Parliament. In exercise of the powers conferred by Section 37 of the Protection of women from Domestic Violence Act, 2005 (43 of 2005), the Central Government has made the following rules, namely, the Protection of Women from Domestic Violence Rules, 2006.

CHAPTER II

Review of Existing Literature

The social scientists were not very serious about the problem of domestic violence against women till the third quarter of 20th century. It was only in 1970 that scientists in the west started undertaking studies to find out the nature and extent of violence against women within the family. They also conducted research to identify the precipitating factors, which led to domestic violence against women. Based on the findings of these studies, the social scientists could work out the coping mechanism adopted by the victims of domestic violence and the different treatment programmes for the abuser and abused. A few of them had also developed the conflict tactics scale for identifying the violence prone families. In India, however, very few research studies have been conducted in this area and a large majority of these studies are related to the dowry related violence. It was only from 1980's that isolated attempts were made to identify the nature of domestic violence against women. The studies conducted in India and other countries are grouped together for proper understanding.

“Domestic violence in all its forms has increasingly over the last two decades been recognized nationally and internationally as a serious problem, which has either been condoned or ignored” observed Preeti Misra (2007). This study is undertaken with firm belief that domestic violence against women in India is an issue which has been under addressed in the law. It is an attempt to recognize the existence of domestic violence and

pay homage to its many victims. Preeti Misra in her book clearly defines the position of women in Indian society, concept of violence against women, magnitude and forms of domestic violence and causes of domestic violence. Preeti Misra observed that “the problem of domestic violence as contained in this work centres round the fact that while the problem is as old as is the institution of family, the perception of its problematic aspects is relatively recent. The worst forms of verbal, physical, psychological and sexual violence are committed against women in their homes. Denial of food, insistence on perverse sexual conduct, turning a woman out of house or confining her in the house and denying access to minor children constitutes mental torture. While other forms of torture are repeated physical violence or threats to that effect, taunting the woman about her family, her infertility or her giving birth to female infants only, voicing suspicions about her infidelity, denying paternity of the children especially in front of the relatives, drunken behavior of the husband and assaulting children to cause mental anguish to the mother.”

Dr. Dipa Dube in her book *Law on Domestic Violence in India* clearly elaborates the relevant offences in the Indian Penal Code under Sections 304B and 498A and the provisions of the Protection of Women from Domestic Violence Act, 2005. She also briefly discussed some latest decisions of the Courts on domestic violence in the last chapter of this book.

A guide book entitled *Gender Based Violence* edited by Dr. Rainuka Dagar provides an overview of state commitment to address gender-based violence. It locates gender-

sensitive intervention in forms of violence within the criminal justice system. It particularly decodes the institutions' procedures and protocols for making legal measures operative to protect, prevent and redress violence against women. This guide book describes the protocols and operative procedures to deal with various forms of violence explaining the legal intervention and its implementation within the police system providing examples of possible interventions and good practices. The guide provides for inclusion of new methods to address gender violence and incorporate good practices.

Anup Karmakar views that "women have been the vulnerable section of the society and constitute a sizeable segment of the population of India. They have been vulnerable to violence and exploitation such as harassment, taunts, abuses, battering, molestation, rape, dowry deaths, sati, mental and physical torture". He further argues that "domestic violence is an extreme manifestation of the low social value placed on women and also an extreme forms of violation of women's human rights. Women lack understanding of rights and therefore did not recognize violence expect when severe. Also there knowledge about law was very limited. Besides these, women received threats from their husbands if that reported violence to the collective." In his research work "Domestic Violence against Women- A Study", Karmakar tries to find out the various causes, impact and measures of domestic violence against women of a specific place of Assam.

Harihar Sahoo and Manas Ranjan Pradhan in their article on "Domestic Violence in India: An Empirical Analysis" view that domestic violence is recognized as the significant

barriers of the empowerment of women, with consequences of women's health, their health-seeking behavior and their adoption of small family norm. Moreover, both these authors opine in this article that the women belonging to low socio-economic status are more likely to agree with each of the different reasons justifying wife-beating. Again domestic violence is more among lower autonomy and women belonging to low socio-economic status.

Md. Rajesh Kumar in his article "Domestic Violence against Women in Indian Context: Causes and impact on Family" clearly states that domestic violence negatively affects victims' physical, mental, sexual and reproductive health and may increase vulnerability to HIV/AIDS. He also views that the impact of domestic violence against women on family may include child maltreatment, harmful use of alcohol, attitudes accepting of violence and gender inequality and also it may lead to socio-economic difficulties such as limited ability to take care of themselves or their children, an inability to work and to sustain wages and isolation due to domestic violence, which leads to a lack of participation in social and regular activities.

The social scientists in United States conducted a number of studies to find out the incidence of domestic violence against women. The results of these studies vary significantly and the incidence of violence ranges from 12 percent to 60 percent. Straus (1978 & 1980), Gelles and Steinmentz (1980), Walker (1979), Nisonoff & Bitman (1979), Szinovacz (1983) are the major contributors in this area.

Levinson in the year 1989 reported that a wide range of studies have been conducted around the world and all of them show the presence of domestic violence against women in different societies.

In United Kingdom also a number of studies were conducted in the area of domestic violence. The social scientists namely Hammer (1989), Johnson (1985), Maidment (1985), Saunders (1984), Radford (1987), Chambers and Tombs (1984), Haugh and Mathew (1983), Bains (1987) and Hall (1986) made significant contribution to the literature of domestic violence against women.

A number of studies have been conducted to identify the precipitating factors which lead to domestic violence against women, specially wife abuse. Some of the scholars have attributed abuse to the personality disorders either of the batterer or battered or of the both. Most of the sociologists have tried to identify the social variables, which are responsible for differential behavior pattern.

Several studies have revealed that women experienced violence at unusually high rate during pregnancy (Gelles 1972, Helton 1985, Kalpan 1972, Stark 1981 and Walker 1979).

A number of studies have disclosed that the aggressors do not accept the responsibility of violent behavior towards victims. Abusers rarely define their violence as deviant behavior and attempt to rationalize the behavior through projection of blame on to the women. (Adams 1982, Bhatti 1985, Dobash 1979) Mahajan 1989, Shah 1989, Saunders 1982 and

Straus 1980). Blaming the victim is frequently used to justify the use of coercive power (Cantos 1993, Kipnis 1976).

A number of studies highlight that domestic violence against women is more common in the lower classes. This may be due to the poor economic conditions of the families. It has been observed that physical violence against women is normal and socially transmitted behavior pattern in the lower class families (Davis 1963, Whitehurst 1974). However, several studies show that domestic violence against women cuts across the class boundaries (Berketal 1983, Dobash 1979, Giles-Sims 1983, Hilberman 1980). Dowry related violence against women in the India Society is a phenomenon of middle class families. However, women in upper class families are also facing dowry-related violence (Morgoloin 1988, Cornell 1990).

Fitch and Popantonio (1983) observe that violence against women is found to be associated with employment status of the husbands. In families where the husbands are unemployed the wives are abused not only by their husbands but also by their mother-in-laws and father-in-laws. Husbands who are working in unskilled occupations are more likely to be abusive than those working in skilled occupations. Domestic violence against women is also associated with their employment status. Similarly Gaguin (1978) and Harnung (1981) views that women who stay at home and do not work outside the home as paid worker are at greater risk of being abused. When women have few personal resources severity of violence against them also increases. However, in some studies the situation is

differently reported that housewives had a lower risk of violence than employed women. Stark (1988) and Levinson (1989) also accept it.

A large number of studies conducted by scholars like as Levinson (1989), Hodson (1984), Roy (1977), Mahahan (1989) and Walker (1978) indicated that dependency was considered to be positively related to domestic violence against women. Those women who do not have independent source of income run greater risk of being abused as compared to those who are not dependent on their husbands. These studies reveal that lack of any alternative support forces them to continue in the abusive relationship.

Some studies done by scholars like Ownes (1975), Harrop (1989), Munson (1981) and Staret (1979) report that victims experience a variety of reactions as a consequence of domestic violence inflicted upon them. Terror, shame, degradation, guilt, humiliation, constant anxiety, apprehension and depression are generally reported reactions of victims of domestic violence. Domestic violence has always a negative impact to the families as well as to the victims. The victims are always isolated from outside source of social support. Some studies also revealed that domestic violence may directly lead to suicide or suicidal attempts.

Many studies conducted by different sociologists report that victims of domestic violence resist the notion of leaving the house of the husband and seek separation because they value their marriages over and above other aspects of life due to psychological setup and

because they suffer from learned helplessness. In addition to this there are different factors like lack of alternative support system, self-image, social stigma, dependency, presence of small children, fear of living alone and so on.

The review of the existing literature on domestic violence against women violence against women helps in guiding the future research on the subject.

Chapter III

METHODOLOGY

3.1 Objective of the Study:

The present study is undertaken with the following objectives-

1. To study the nature, extent and incidence of domestic violence against tribal women.
2. To identify the correlates of domestic violence against tribal women.
3. To find out the relationship between the traditional sex-based roles and domestic violence.
4. To examine whether dependency, objective or subjective or both is the cause, condition or instigating factor for domestic violence.
5. To find out whether the abused women seek the help of informal or formal agencies and to what extent these agencies are successful in solving the problems of the abused women.
6. To trace the reasons for which abused tribal women continue to stay in abusive relationship.
7. To examine the impact of domestic violence on the abused women, their children and intra-family relations.
8. To suggest measures to control, minimize and, if possible, eliminate domestic violence against tribal women.

3.2 Methodology of the Study:

Most scientists in India have remained indifferent to the phenomenon of domestic violence against women in particular and intra-family violence in general. Consequently, no theoretical framework has been developed for empirical verification suitable for Indian conditions. Under these circumstances the present study has to be dependent on exploratory and descriptive designs of research.

3.3 Sampling Design:

The present study has been conducted among the two tribes of Assam namely Tiwa and Mising community. Therefore the study has covered two districts namely North Lakhimpur and Morigaon district of Assam. A random sample of 40 families of each district is drawn from different villages of these two districts.

The following table shows the entire picture of sampling design of the study-.

State	District	Name of the Tribe	Sample
Assam	North Lakhimpur	Mising	40
	Morigaon	Tiwa	40
Grand Total			80

3.4 Tools and Techniques of Data Collection:

For collecting primary and secondary data from different sources the following tools and techniques were used:

1. Interview schedule for women respondents
2. Observation by Investigators
3. Informal discussion with other family members and neighbours
4. Collection of information from social activists and officials of the social welfare and police departments.

An interview Schedule was the principal instrument of data collection from the women respondents. Keeping on view the basic objectives of the study and based on the major variables and parameters an Interview Schedule was designed and extensively discussed by the research team. The interview schedule was mainly divided into three parts:

1. Personal and family profile
2. Nature and incidence of domestic violence
3. Impact of domestic violence

In addition to the interview schedule, which was specifically used for women respondents, the field investigators also met the village head man and local influential people and collected information about the existing customs relating to prevention of domestic violence.

3.5 Data Collection & Processing:

The Field Investigators in two districts did the work of data collection. They were given necessary training before they were sent to field for collecting data. The Project Coordinator and Research Officer supervised the work of Field Investigators. The work of data collection was completed by the end of August, 2018.

The data analysis plan was designed in such a way that all possible errors during data processing would be excluded. Computers were used for statistical analysis of the data. The report that follows incorporates the data, the analysis, the interpretation and the inference drawn therefrom.

CHAPTER IV

Brief Introduction of Mising and Tiwa Community

India is considered as one of the oldest civilizations in the world with a rich cultural heritage. As per the Census of India, 2011, there are 705 tribes notified by the Central Government under Article 342 of the Indian Constitution in 30 States and Union Territories. As per 2011 census the tribal population of the country is 10.43 crore constituting 8.6% of the total population. In the context of Assam, as per the Census 2011, the scheduled tribe population in the state was 3,884,371 (males, 1957005 and females, 1927366) constituting about 12.44 percent of the total population in the state. As per 2011 census the following table shows the population of Tiwa and Mising scheduled tribe population in Assam.

Sl. No.	Name of the Scheduled Tribes	Total Population	Proportion to the total ST population
1	Mising (Miri)	680424	17.5
2	Tiwa (Lalung)	200915	5.2

As per the 2011 Census, the Scheduled Tribe population of Assam has recorded 72.1% literacy rate, which is well above the national average for Scheduled Tribes (58.96%). The male and female literacy rate 79% and 65.1% respectively shows that women are lagging behind by 13.9%.

4.1 Tiwa¹ Community

Tiwa² community is also known as Lalung. But the Lalungs prefer to call themselves as Tiwa. According to Lalung language 'Ti' means water and 'Wa' means superior. As the Lalungs landed on the plains following the course of the river Brahmaputra, they introduced themselves as 'Tiwa' to the inquisitive non 'Tiwas'. Anthropologists and linguists have termed the Tiwas as a branch of the large Chinese Tibetan language speaking Tibbet-Burmese group of Bodos of Mongoloid origin. The original birth place of Tibbeto-Burmese language speaking people was China. They migrated from Huwang Yang Sikiang valley of China to Tibet and Burma. The Tibbeto-Burmese language speaking people were living in Tibet. They were divided into various groups and clans. Among them the Tiwas which constitute a branch of the Bodo group entered North India and North Eastern Assam from Burma traversing mountainous path.

Tiwa³ concentrations are mainly found in the district of Morigaon and Nagaon in Central Assam. They are spread in Kapili, Mayong, Bhurbandha, Kathiatali and Kampur development block areas. Moreover a small portion of this tribe is found in Jowai and Jaintia districts of Meghalaya. There are few Tiwa (Lalung) villages in Dhemaji, Lakhimpur, Sivasagar, Jorhat and Kamrup Metro district. While the Tiwa villages of Morigaon, Nagaon, Jorhat, Sivasagar, Lakhimpur and Dhemaji districts

¹ B.N.Bordoloi, G.C. Sharma Thakur, M.C. Saikia (edt.), *Tribes of Assam: Part-I*, Guwahati: Tribal Research Institute, Assam, 1985

² Ibid.

³ Ibid.

are established in the plains areas, the Tiwa (Lalung) villages of Karbi Anglong district are situated either in the hilly areas or in the foothills.

It is to be noted that the topography and ecology of the plains and hills have influenced the Tiwas (Lalungs) considerably so much so that certain aspects of socio-cultural life of the hill Tiwas (Lalungs) became distinct from the plain Tiwas (Lalungs). Thus food habit, dress, pattern of houses, agricultural pattern etc. of the hill Tiwas are different from those of the plain Tiwas. The hill Tiwas adopted Jhum cultivation while the Plain Tiwas cultivated Sali paddy. Ahu and Bao paddies are also grown in limited scale.

The Tiwas observe certain religious ceremonies such as 'Dhanar Muthi Lowa'. This religious ceremony is observed in connection with starting of agricultural operations. On the other hand during the harvesting of paddy they also observe certain socio-religious ceremonies. The community harvesting is associated with dance and merry-making. The pattern of plains Tiwa house is similar to that Boro Kacharis and they construct their houses on plinth. The hill Tiwas construct their houses in traditional pattern on plinths. The plains Tiwa's women dresses constitute one 'Mekhela', one 'Chaddar' and one 'Riha'. In festivals the Tiwa women wear 'Singkhap Mekhela', 'Riha', 'Sondia Kapor', 'Seleng', 'Sakathia' and 'Farke'. In special occasion they also weave 'Mankapor' and 'Borkapor'. The Tiwa women are very experts in weaving and they weave most of the clothes for both male and female.

The Tiwa villages of Morigaon and Nagaon and other plains districts are not exclusive areas. They are interspersed with non Tiwa villages. Most of these villages can be approached by a well organized road communication.

As per 1961 Census the total Tiwa (Lalung) population was 61315. The figure rose to 95609 in 1971 Census. The estimated Tiwa (Lalung) population as per the 2011 Census is 200915 (5.17%). Majority of Tiwa populations are concentrated in Morigaon district of Assam while a smaller group is spread in Nagaon, Dhemaji, Kamrup and North-Lakhimpur district. Out of the total Tiwa population 102070 were found only in Morigaon district. It indicates that more than 50 percent of Tiwa population are residing in the district of Morigaon in Assam.

Rice is the staple food of the Tiwas (Lalungs). The Tiwas take locally brewed ricebeer in their day to day life. But at present the consumption of rice beer is fast disappearing among the plains Tiwas (Lalungs). But the rice beer is an essential item of certain religious ceremonies. The educated sections of Tiwas take tea as beverage instead of consumption of rice beer.

Marriage Rituals⁴ of the Tiwa Tribe⁵:

In Tiwa community marriage is the accepted form of union between a man and a woman. Illegal unions especially incestuous relations are very hated and in no

⁴ Bidyut Bikash Senapati (ed), *Tiwa Xomajat Abhumuki*, Guwahati: Asomiya Sahitya Sanmilani, 2017

⁵ Ibid.

circumstances social recognition is given to such unions. Boys usually marry between the ages of 20 to 25 and girls between 16 to 22. Clan exogamy is strictly adhered to. Broadly the Tiwa community have four forms of marriage. These are:

1. Bor Biya
2. Gobhia Rakha
3. Joron Biya
4. Poluai Ana

Bor Biya⁶: This system of marriage is almost similar to that of the Hindus. The only difference is that the Tiwas do not solemnized the marriage in front of a sacred fire. In this system no red cock is sacrificed. The society accepts the bride as one of their clan without any formality.

Gobhia Rakha or staying at the father-in-law's house⁷: At present the Tiwas, particularly of the plains, are patriarchal people but a very thin link of old matriarchal system is traced which is reflected in the "Gobhia Rakha" system of marriage. If a girl happens to be the only daughter and there is no other child in the family to inherit the property then after taking the opinion of the boy and other persons of the clan marriage is solemnized. After marriage the boy stays in the house of his father-in-law as a member. Not much ritual formalities are observed in such type of marriage.

⁶ Ibid.

⁷ Ibid.

Joran Biya⁸: This marriage is solemnized with the consent of both the families. When someone approaches the girl's family with a marriage proposal the bride's family says "We can give the bride in, marriage, but cannot arrange a 'bor bia' (big marriage)." Generally a marriage ceremony takes place with much fanfare by inviting many people. But Joran marriage is a low-key affair. At a fixed day the bridegroom's party goes to the bride's house. The bride is accepted by the bridegroom's clan sacrificing a pair of a red cock. The bridegroom's family returns to their home with the bride. The bride's family gives the bride some articles according to their capacity.

In the contemporary day there have been lots of changes in religious as well as social and cultural life among the Tiwa community.

4.2 Mising⁹ Community:

Mising¹⁰ community is the second largest plains Scheduled Tribe group of Assam. Mising is also known as Miris. This community belongs to Tibeto Burman family of the Mongoloid group. North Lakhimpur, Dhemaji, Majuli, Sonitpur, Jorhat and Dibrugarh are the main districts where this community is inhabited. As per 2011 census their population was 6,80424.

⁸ Ibid.

⁹ B.N.Bordoloi, G.C.Sharma Thakur, M.C.Saikia, op.cit.

¹⁰ Ibid.

Misings are a riverine tribe. They generally construct their houses in raised platform about 5 feet above the ground. The main occupation of this community is agriculture. The subsidiary occupations are animal husbandry and fishing. Weaving is also a very popular activity among the Misings. The Misings women are expert in weaving.

The Misings¹¹ prefer to live in joint family. Mising community celebrates some festivals in connection with agriculture such as 'Ali-Ai-Ligang' and 'Dabur Puja'. The Mising women play an important role in economic upliftment of the community. Most of their necessities are derived by rearing pigs, poultries and preparing traditional Mising handloom items such as 'Sumpa', 'Galuk' and 'Hura'.

The Mising religion is based on the belief in supernaturalism and animism. They believe that their life is guided by the spirits which they call 'Uie' and there are spirits everywhere. They believe that, if, they do not worship the spirits properly it may cause sickness, misfortune and death. There is a person who possesses supernatural power of finding the cause of illness and offer remedies whom Mising community recognizes as village expert. In Mising language he is known as 'Mibu' who can appease these spirits.

The Mising community observes various festivals during a year and 'Ali Ai Ligang' is their most important festival held every year on the first Wednesday of the month

¹¹ Ibid.

of 'Fagun'. Another important festival among the Mising community is 'Porag.' In the month of August and September the Mising observe another festival called 'Amrok.'

There are two types¹² of marriage prevalent among the Mising community- formal marriage¹³ and informal marriage¹⁴. The formal marriage¹⁵ is arranged marriage and arranged by the parents. In a formal marriage boy's parents or his close relatives would send information to the proposed bride's parents' expressing the desire for the marriage. After that the boy's family waits for the consent and as soon as the parents of the girl indicate their consent, the boy's party makes necessary arrangements for the formal proposal. After that a certain date will be fixed and the boy's party approaches the girl's parents with some presents like 'apong' and betel leaves and nuts and formally announces the marriage proposal. On this day a date is fixed for the visit of the bridegroom. On the fixed date the bridegroom visits the girl's house and he would be formally introduced to the parents and other relatives of the girl. As per the existing norms of the Mising community the bridegroom has to stay in the house of the girl for 5 days to assist the girl's family in the field. This is called 'Magbo Ginlik'. After some months or a year the date of marriage is fixed and on this occasion also the representatives from the boy's house have to visit to the girl's house with some gifts like 'apong', fish and betel leaves and nuts. On this occasion

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

all the near relatives of the girl and the village elders are invited. Details of the marriage expenses are discussed and items to be brought to the girl's house on the day of marriage are determined. Apong and betel leaves and nuts are considered as the integral part on these occasions.

In Mising community the marriage is celebrated for two days. On the first day the bridegroom is led to the bride's house and he stays at the bride's house for the night. On the next day when all the villagers gather in the girl's house the ceremony takes place where a grand feast is arranged. The elderly people give advice to the couple and the couple returns to the groom's house. In this way the formal marriage comes to an end.

The payment of the bride price is known as 'Alig'. Formerly a mithun or its equivalent of Rs. 100.00 or so was charged as bride price. Today the amount has been considerably minimized.

Informal marriages¹⁶ among the Mising community are also socially recognized. The informal marriage implies that without the knowledge of the family of the bride or bridegroom the boy takes away the girl with the help of his friends on an appointed date. After that the girl's parents are informed on the following day and the father of the girl along with a few co-villagers starts for the boy's house. The elderly people of the boy's village receive the girl's father and a meeting is held where the bride

¹⁶ Ibid.

price is fixed. In such cases a higher bride price is demanded. There is a provision of payment of the bride price in installments by the boy.

Although the Mising are maintaining the traditional cultural patterns some changes have been noticed in due course of time. Modern way of life has attracted them and changes take place.

CHAPTER V

Nature, Incidence and Extent of Domestic Violence against Women

The present chapter deals with mainly two aspects:

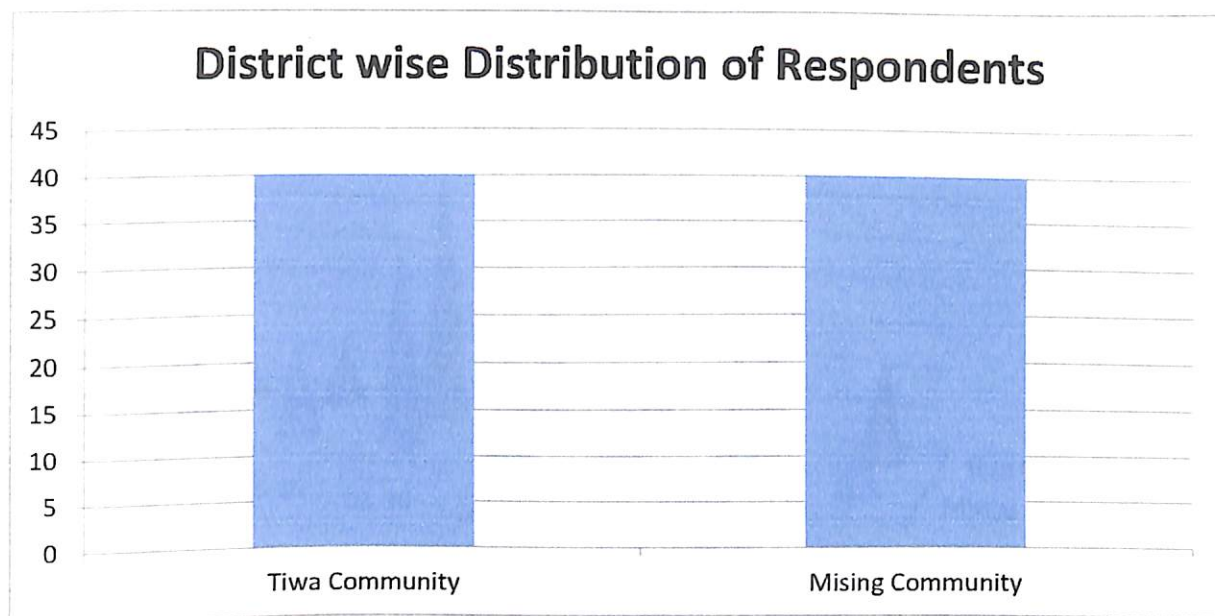
1. Personal profile of the women respondents
2. The views of the women respondents relating to domestic violence issue

As stated in the previous chapter mainly two tribes are selected for conducting this research. These two tribes are Mising and Tiwa community from the district of North Lakhimpur and Morigaon respectively. This information will help the research team to analyse and interpret the response on the basis of educational status, the type and composition and socio-economic status of the family of respondents.

5.1 District wise distributions of Respondents:

In this research study 2 nos. of districts were selected and 40 nos. respondents from each districts were interviewed.

Table No. 5.1 District wise Distribution of Respondents			
Sl No.	District	Name of the Tribe	Number of Respondents
1	North Lakhimpur	Mising Community	40
2	Morigaon	Tiwa Community	40

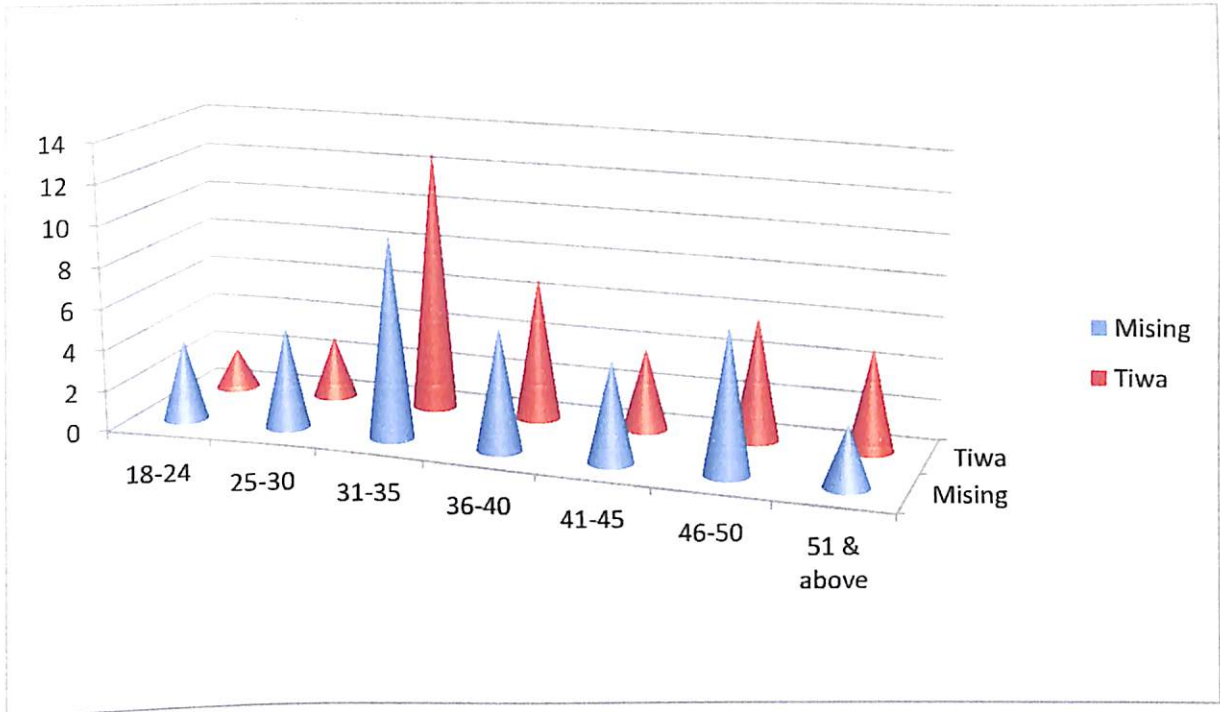


5.2 Present Age of Respondents:

The table shows the age categories of the respondents. In the questionnaire the age groups of the respondents were divided into seven categories. Maximum respondents were from the age group of 31 to 35 years. In the age group of more than 51 years only eight people have our respondents in these two communities.

Table No. 5.2 Age Group of Respondents

Sl No.	Age in Years	Mising Community	Tiwa Community
1	18-24	4	2
2	25-30	5	3
3	31-35	10	13
4	36-40	6	7
5	41-45	5	4
6	46-50	7	6
7	51 & above	3	5

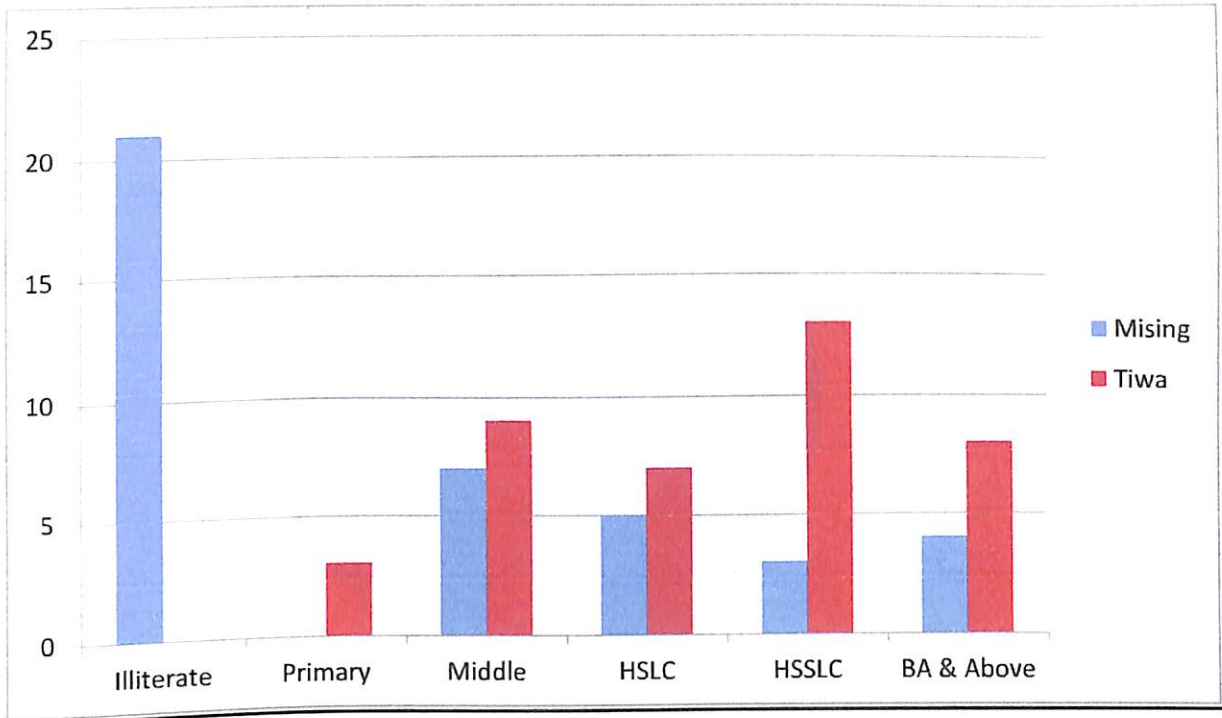


5.3 Educational Qualification of Respondents:

The table 5.3 relating to educational qualifications of respondents show that 21 nos. respondents from Mising community were illiterate.

Table No. 5.3 Educational Qualification

Sl No.	Educational Level	Mising Community	Tiwa Community
1	Illiterate	21	0
2	Primary	0	3
3	Middle	7	9
4	HSLC	5	7
5	HSSLC	3	13
6	BA & Above	4	8

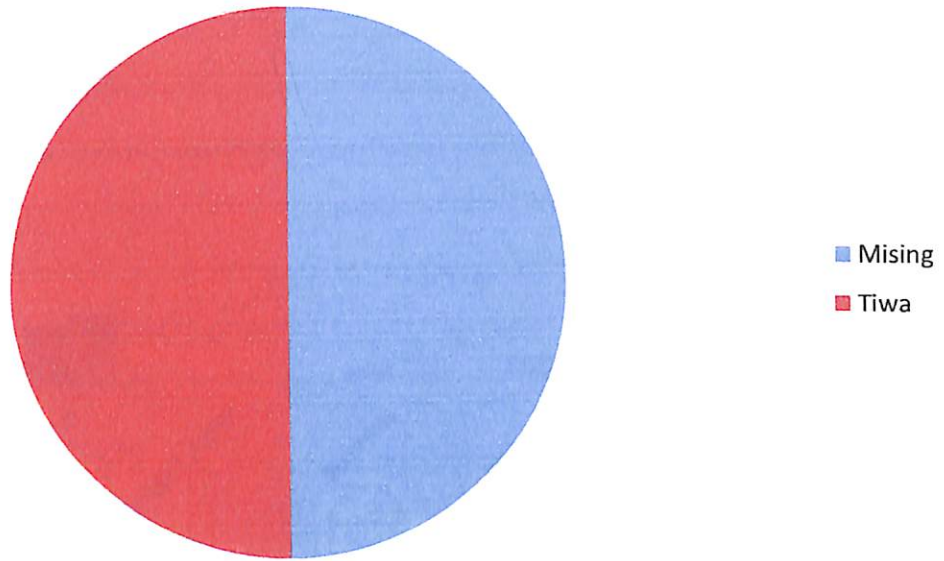


5.4 Marital Status of the Respondents:

The table 5.4 relating to marital status of respondents shows that out of 80 nos. respondents from the two communities all the respondents were reported as married. No case of unmarried respondent was reported.

Sl No	Marital Status	Mising Community	Tiwa Community
1	Married	40	40

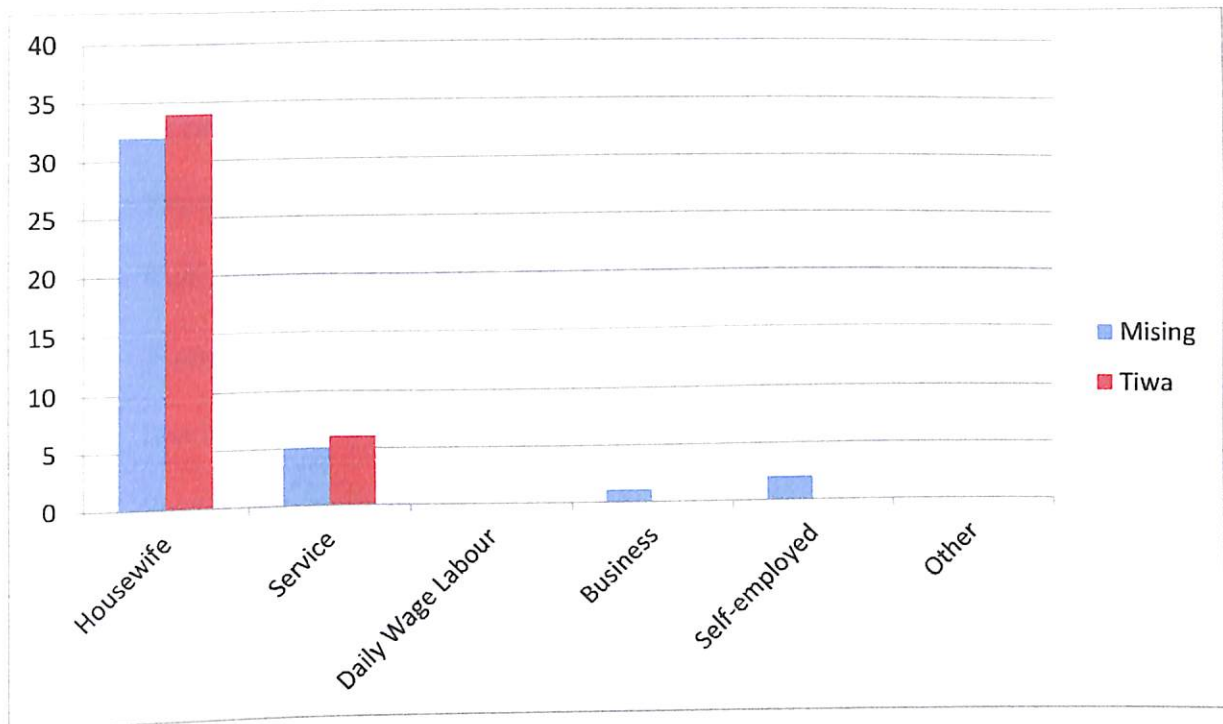
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5.5 Occupational Background of the Respondents:

The table 5.5 revealed that 32 nos. women from Mising community were housewives and 34 nos. were from Tiwa community. During the course of data collection it was found that majority of women were housewives. Only 5 to 6 nos. women were found service holder.

SI No	Occupation	Mising Community	Tiwa Community
1	Housewife	32	34
2	Service	5	6
3	Daily Wage Labour	0	0
4	Business	1	0
5	Self-employed	2	0
6	Other	0	0



5.6 Respondent's perception on Domestic Violence:

The perceptions of domestic violence by respondents who were victims and had to suffer on that account and those who did not experience any violence so far are likely to be different. Such a perception depends upon their life situations, values and availability or non-availability of alternatives. Further, their reactions are likely to be coloured by presence or absence of other family members. Those who are abused in the presence of others are more likely to feel humiliated as they may develop a feeling of having been let down in the eyes of other.

To understand the perception of domestic violence the respondents were asked as to what in their opinion constituted domestic violence against women. This was an open-ended question and the respondents were provided different alternatives as under-

1. Beating

2. Scolding
3. Sexual harassment
4. Repeated quarrels
5. Rude behavior of husband, father-in-law, mother-in-law, sister-in-law
6. Touchering
7. Insulting
8. Suspecting character
9. Mental harassment
10. Any other

5.7 Nature and Extent of Physical Violence:

Physical violence is defined as 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 under Section 3 of PWDVA. The most common forms of physical violence against women are:

(i) Slaps, (ii) Beating, (iii) Pushing and kicking, (iv) Throwing objects, (v) Beating with cane.

The respondents were asked to state the nature of physical violence faced by them. They were given three alternatives of which they were required to select one or more depending upon their physical experience and life situation.

They were asked whether quarrels take place with their husbands and whether they are beaten up during quarrels. Many women admit that quarrels take place and some other

women say that their husbands do not quarrel, but their family members do. Some women say that their husbands quarrel when they are intoxicated. Most of the women remained silent when they were asked if their husbands beat them. It became clear from our study that most of the women have faced mental torture though they are not assaulted physically (as per their version).

The women were also asked about mental torture. During field study we also discussed with some unmarried women belonging to the Mising community about domestic violence. Being unmarried torture by husband does not arise in this case. But these unmarried women have also faced domestic violence. They told us that the wives, sons and daughters of their brothers harass them mentally. When the married women were asked the same question they replied that their husbands quarrel with them in inebriated condition. It has been revealed in the study that many women have suffered mentally due to consumption of liquor by their husbands. Similarly some women say that they are tortured mentally by their husbands and their family members. Moreover it has come to light in the study that the reasons behind domestic violence are superstition, suspicious mind and evil practices. Due to these factors a married or unmarried woman has become a victim of domestic violence. It has also come to light in the study that women are more prone to mental torture. Some women also reveal that their husbands want second marriage. In such case mental and physical torture by husbands in inebriated condition cannot be ruled out. Generally an intoxicated husband does not stop after torturing his wife mentally; he also goes on to torture her physically. Out of shame or fear the women are reluctant to reveal this before others.

When we asked the married women about economic harassment most of them say that they are not given any pocket money by their husbands. But this question was not put to the unmarried women. In reply to this question they say:

- Not given
- Sometime given
- Given
- Earn for themselves
- Some amount given
- Husband has no income

A married woman is dependent on her husband financially. This aspect is disclosed during the study. Some women meet their expenses from their own income. They are engaged in some small jobs like weaving, cultivation and household works. As they are fully dependent on their husbands financially there is more chance for them to be subjected to mental or physical torture. But only a few women have opened their mouth on physical and mental torture.

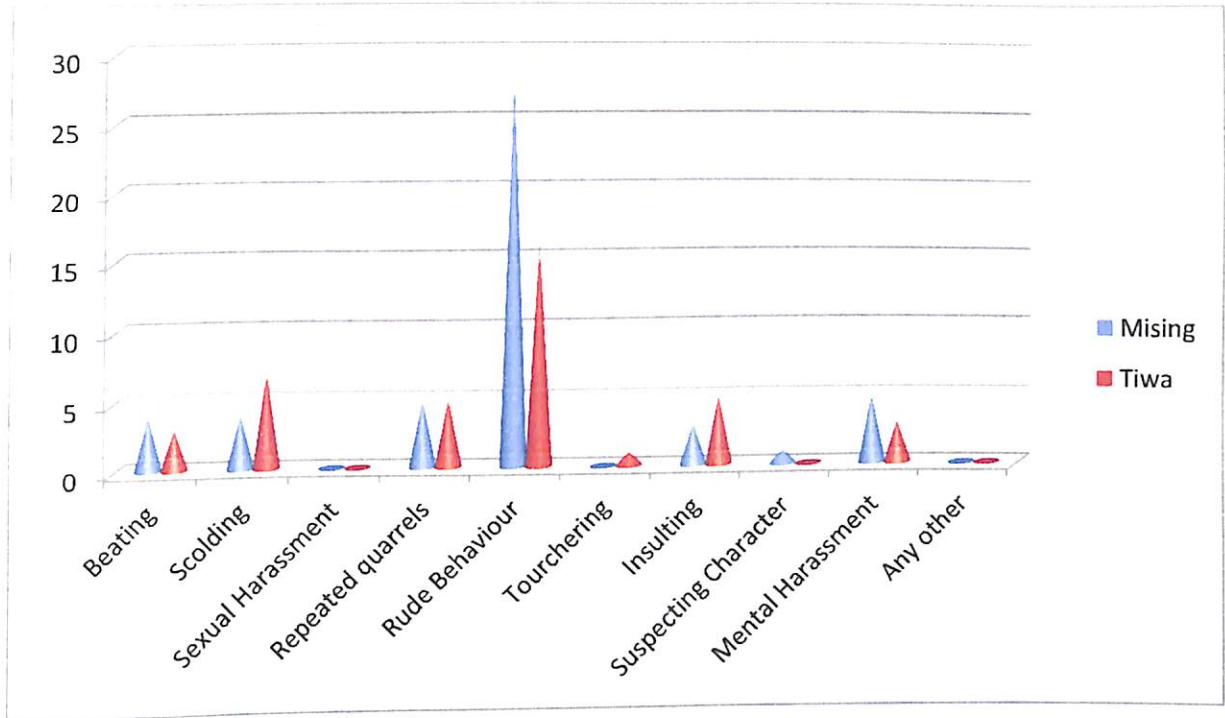
5.8 Forms of Violence faced by the Women

The data presented in the below table helps us to understand how the women respondents treat one type of violence less important than the other in their perception. A number of permutations and combinations could be formed out of their responses. Hence each form of violence is separately exhibited and the number of respondents agreeing to call it as a form of violence is taken as frequently of that variable. A very large number of

respondents out of 80 from 2 communities taken together has pointed out rude behavior as their forms of domestic violence.

The respondents were asked about the forms to domestic violence. Lots of respondents indicate several forms. Their responses are as follows:

SI No.	Forms of violence	Mising Community	Tiwa Community
1	Beating	4	3
2	Scolding	4	7
3	Sexual harassment	0	0
4	Repeated quarrels	5	5
5	Rude behavior of husband, father-in-law, mother-in-law, sister-in-law	28	16
6	Tourchering	0	1
7	Insulting	3	5
8	Suspecting character	1	
9	Mental harassment	5	3
10	Any other	0	0



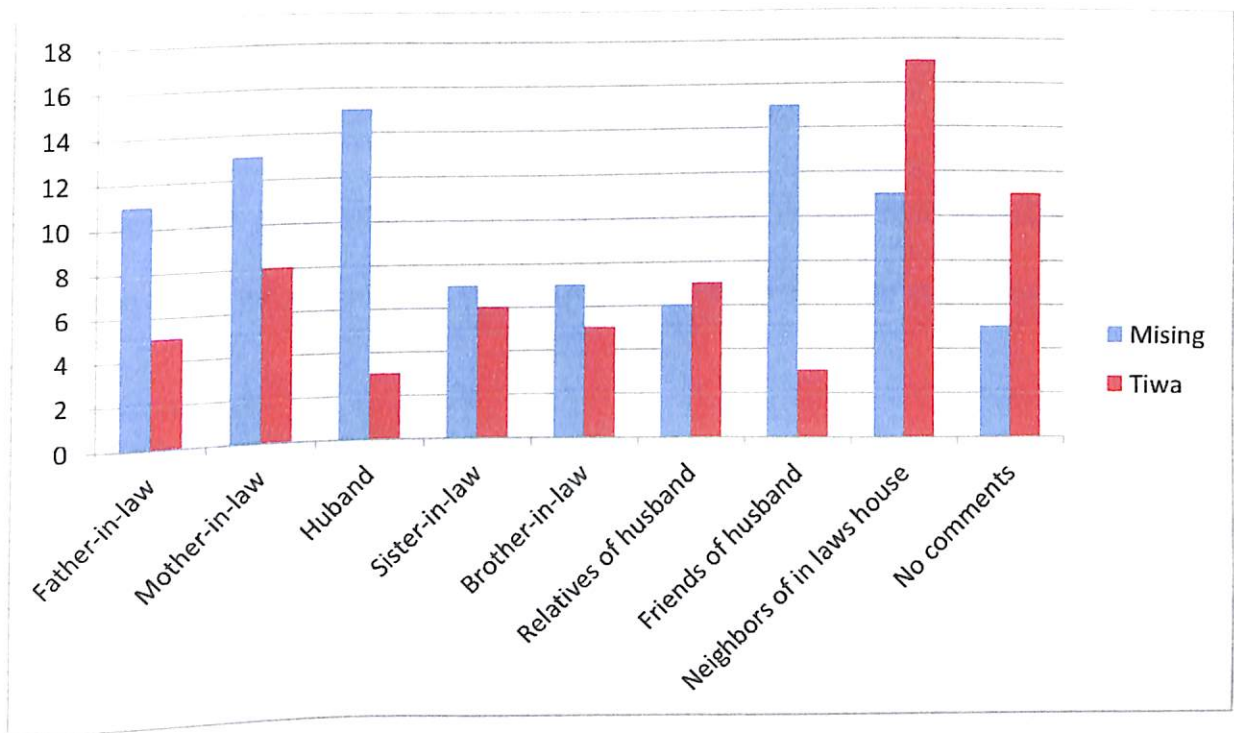
5.9 Instigators of Domestic Violence in the context of married women:

The respondents were asked about the instigators to domestic violence. Lots of respondents indicate several instigators. Their responses are as follows:

SI No	Instigators	Mising Community	Tiwa Community
1	Father-in-Law	11	5
2	Mother-in-Law	13	8
3	Husband	15	3
4	Sister-in-Law	7	6
5	Brother-in-Law	7	5
6	Relatives of husband	6	7
7	Friends of husband	15	3
8	Neighbor's of in laws house	11	17
9	No comments	5	11

In general understanding that mother-in-law and sister-in-law are the main provokers of domestic violence against women, the data in the above table indicates that husband,

neighbours of in laws' house were also the frequent instigators of domestic violence. 28 respondents of the 80 samples from both the communities, the respondents blamed neighbours of in laws' house for encouraging violence in the family. About 13 nos. respondents from both the communities (7 nos. from missing community and 6 nos. from tiwa community) held sister-in-law of the husband responsible for instigating violence against them.



5.10 Causes of Domestic violence:

There are several causes of domestic violence. In context with the study the women were asked about the causes of domestic violence. They mentioned the following causes:

- Dowry

- Love affairs before marriage
- Suspicion
- Inability to bear child
- Superstition
- Extra-marital affairs
- Unemployed husband
- Husband's alcoholism
- Incitement of husband's family members

It is seen that alcoholism is one of the main cause of domestic violence. Most of the women are of the opinion that their husbands quarrel with them after consuming liquor.

5.11 Role of society in domestic violence:

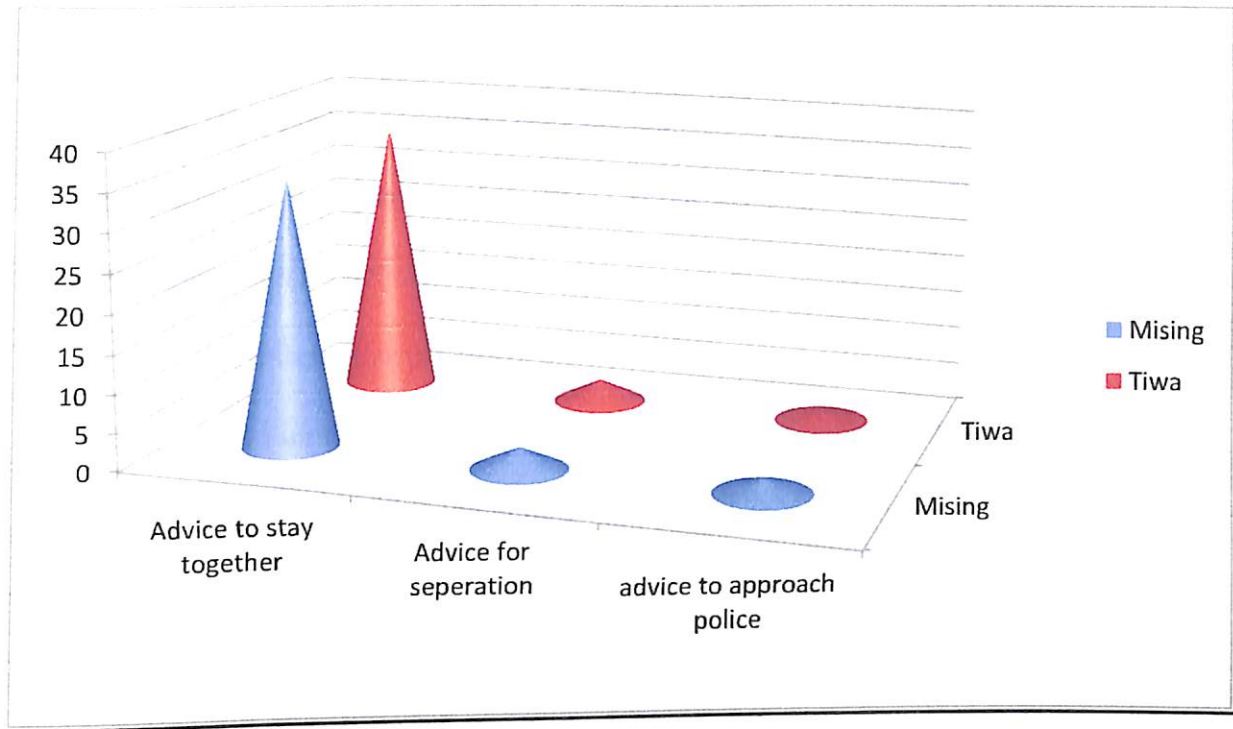
The ladies were asked about the role of society in domestic violence. Their reply was that some people of the society give incitement to domestic violence. Particularly the neighbours, relatives and friends of their husbands encourage in domestic violence. But all people of the society are not same. Some of the neighbours, relatives and friends do try to settle their quarrels and explain the evil effects of domestic violence on the family. It is found in the study that strained relations as a result of domestic violence can also be revived. Particularly advice from the heads of the two communities is sought in case of domestic violence. The Tiwa and Mising communities attach much importance to the role of society. Both the communities respect the customs and principles enunciated by the society. Those ladies who were questioned during the study say that when a quarrel

occurs among the wife, husband and husband's family or when domestic violence takes place heads of the society come forward to solve the problems through negotiation or through prevalent rules and principles. Therefore victims of domestic violence do not approach the court of laws.

5.12 Advice from society:

During the study the respondents were asked what kind of advice does the society give in case of domestic violence. Out of total 80 nos. respondents 35 nos. respondents from Mising community and 36 nos. respondents from tiwa community were advised them to stay together. It was surprising that only 2 nos. from Mising and 1 nos. from Tiwa community advised them to approach police if domestic violence occurred. The respondents told that the society advices them to stay together. However, in some cases where the problem has become serious they are advised to stay separately for some time and then measures are taken to re-unit the couple through negotiation.

SI No	Types of advice by the Society	Mising Community	Tiwa Community
1	Advice to stay together	35	36
2	Advice for separation	3	3
3	Advice to approach police	2	1



5.13 Impact of domestic violence:

The respondents were asked about the impact of domestic violence. They say that domestic violence gives rise to problems like mental disturbance, depression, tension, insomnia, fatigue, headache, fear, etc. moreover the mind is constantly filled with a bad feeling. They also say that as a result of domestic violence the house is pervaded by an atmosphere of tension. Trust among the family members diminishes. Whenever some neighbours come to the house it is felt that they are coming to incite husband or the members of his family. The mind is always filled with suspicion.

5.14 Impact of domestic violence on family:

Non-cooperation and temporary quarrels are the common features of a family. But when such non-cooperation and temporary quarrels become acute and lengthy then these

incidents turn to domestic violence. It is very natural for a family to have quarrels. But when such incidents are repeated they are transformed into domestic violence. As a part of the study the respondents were asked about the impact of domestic violence on the family. Most of the respondents say:

- Often quarrels ensue on trivial things
- Widening communication gap leads to misunderstanding
- Negative attitude of other family
- Gradually diminishing respect for elder members of the family

5.15 Impact of domestic violence on children:

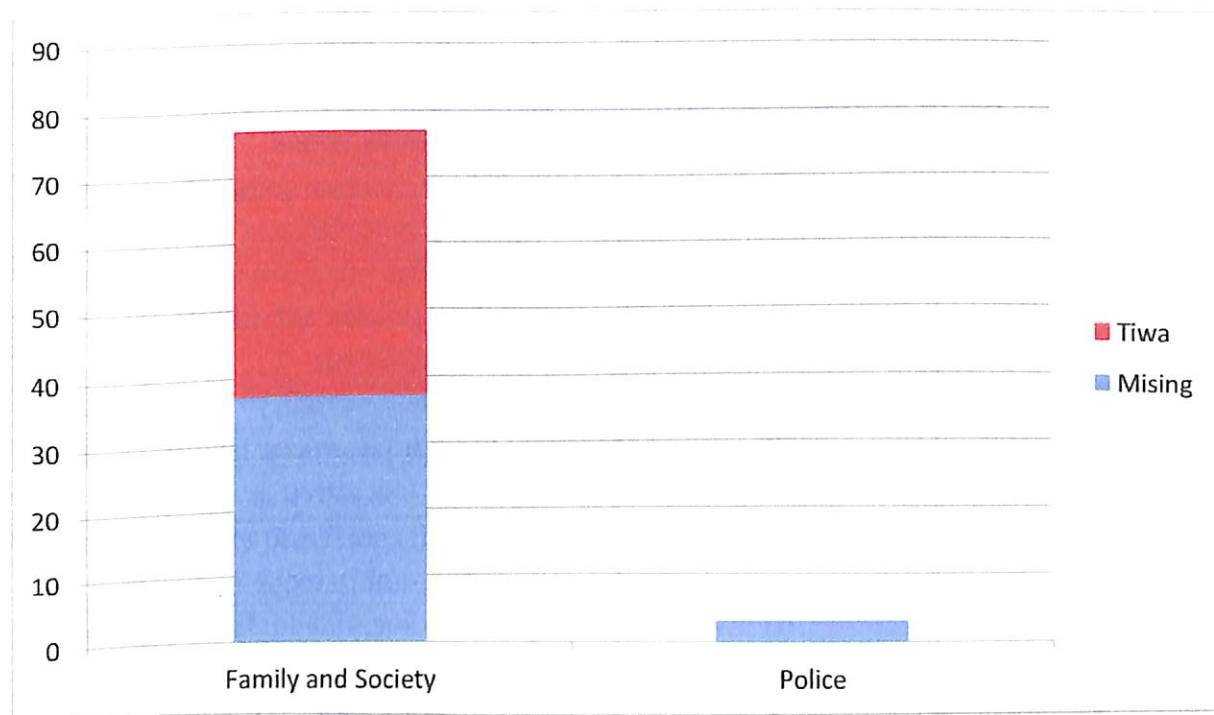
During the study the impact of domestic violence on children was discussed. It is found that as a result of domestic violence children's love and respect for parents diminish. Moreover parents cannot concentrate on the upbringing of their children. Therefore it has an adverse effect on children's education. Domestic violence also affects adversely the social, physical and psychological development of the children.

5.16 First approach of the respondents in case of domestic violence occurred:

The respondents were asked whether they will first go to police or society after becoming victims of domestic violence. Most of the women have replied that they will first approach the society. If the society cannot solve their problems then only they will go to the court of law. Most of the respondents opine that in case of domestic violence a woman should first approach the heads of village or society. From this it can be understood that the social system has an important role to play in solving the problem of domestic violence.

Table No. 5.16 First Approach of women in case of domestic violence

SI No	Approach to	Mising Community	Tiwa Community
1	Family and Society	37	40
2	Police	3	0



5.17 Measures suggested for reducing/ending Domestic Violence:

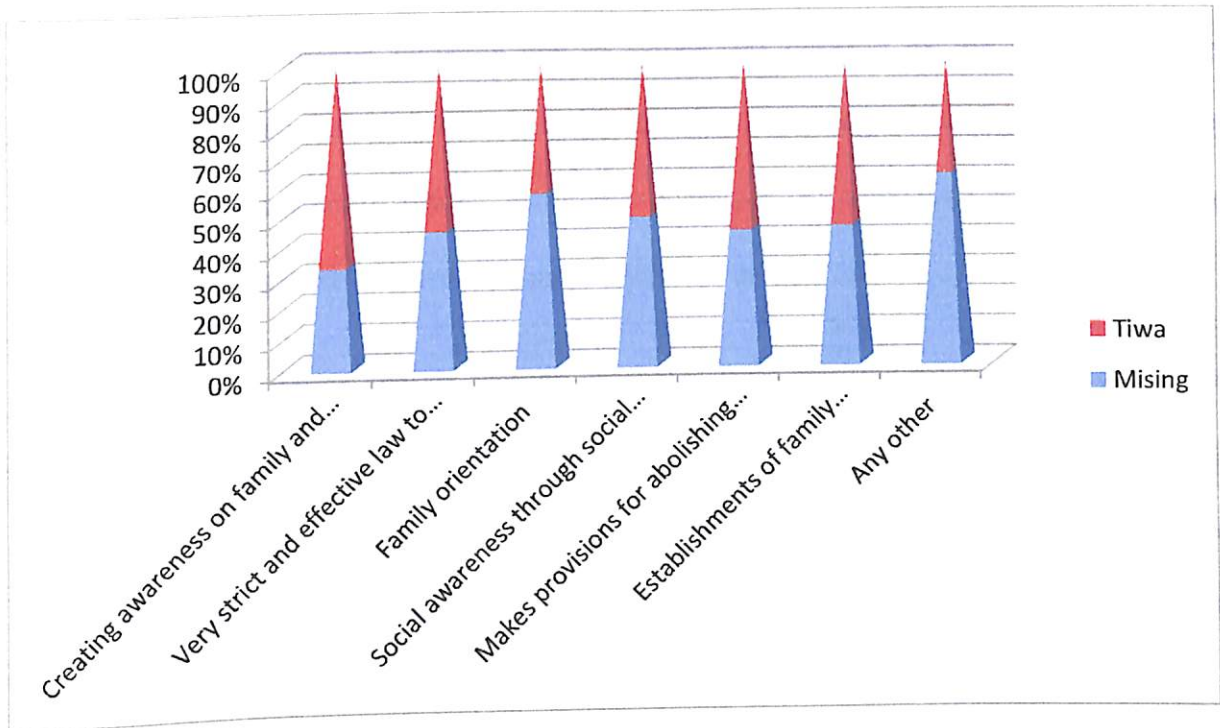
The respondents were asked to suggest measures to reduce or curb domestic violence against women. Since the respondents were likely to be enthusiastic in responses and could have suggested a variety of measures with long list, it was thought necessary to restrict their choice to the following alternatives only. However, they were given freedom to suggest one or more than one measures.

- i. Creating awareness on family and community level
- ii. Very strict and effective law to punish the abusers and protect the victim
- iii. Family orientation

- iv. Social awareness through social activists and NGOs
- v. Makes provision for abolishing superstitious belief
- vi. Establishment of Family counseling center
- vii. Any other

SI No	Social Measures	Mising Community	Tiwa Community
1	Creating awareness on family and community level	10	20
2	Very strict and effective law to punish the abusers and protect the victim	18	22
3	Family orientation	20	15
4	Social awareness through social activists and NGOs	22	23
5	Makes provisions for abolishing superstitious belief	15	19
6	Establishments of family counseling centre	10	12
7	Any other	5	3

Out of 80 nos. respondents from these 2 communities majority of respondents suggested that it was necessary to create awareness against domestic violence on family and community level through social activists and NGOs. This measure was suggested by 22 nos. respondents from Mising community and 23 nos. respondents from Tiwa community. "Very strict and effective law on domestic violence against women should be passed at state and central level to protect the victims and to punish the abusers" was the measures suggested by 18 nos. respondents from Mising community and 22 nos. respondents from Tiwa community.



The measures suggested by the respondents of both the communities are comprehensive. However, it should not be forgotten that the women in both the communities are not mentally prepared to take advantage of even the existing reliefs available to them under the law of country. This is because of the fact that they want to preserve their marriage at any cost, even at the cost of life long abusive situation. This, however, could not be an excuse for making more meaningful and approachable measures available to them for getting relief from domestic violence.

The examination of the data relating to nature and extent of domestic violence against women reveals that a single cause was not at the root of violence in all cases but a mix of causes was observed in sufficiently large number of cases. As has been already said no perfect list of causes of violence could be prepared and hence those respondents who are

suffering from domestic violence due to causes not covered by the study could not be considered for enumeration. To conclude, alcoholic husband, doubts about love affairs, instigation, extra-marital affairs, economic condition, un-employed husbands are the main causes of domestic violence in majority of the cases.

The domestic violence against women emanates from strained relationships within the family. The causes and motivations of violence lie not outside but inside the relationship between men and women in the family. It is within this relationship that we can understand the inter-subjectivity of why domestic violence takes place against women and why women passively accept the rage and abuse that are waged against them.

CHAPTER VI

Some Remarkable Judgments on the issue of Domestic Violence and Case Studies

This chapter is divided into two parts namely:

1. Firstly some selected judicial decisions¹ on the issue of domestic violence
2. Secondly some relevant case studies on domestic violence collected during data collection.

Remarkable Judgments:

The basic reason for discussing these select judicial decisions is to highlight the contemporary trends. Presently the court has exhibited a concern with regard to the rising crimes against women, especially domestic violence in the form of dowry deaths and cruelty. It has also emphasized on a beneficial interpretation of the DV Act of 2005 in order to achieve the legislative intent. Some remarkable judicial decisions are as follows:

1. Savitri Devi v. Ramesh Chand (2003) CrLJ 2759:

Savitri Devi alleged that her husband Ramesh Chand, his brother and wife expressed their unhappiness over the quality and quantity of the dowry articles. Her contention was that non-acceptance of the gifts tantamount to

¹ These selected judicial decisions have taken from the book Law on Domestic Violence in India written by Dr. Dipa Dube. In this book Dr. Dube elaborately discusses the facts and the judgment given by honorable court.

cruelty and harassment as defined in section 498 (A) IPC. Dismissing the petition the court held that non-acceptance of gifts might have hurt her feelings, but such conduct does not involve any offence under Section 498 (A) IPC or 406 IPC. Moreover, such act or conduct does not have the effect of driving the woman to commit suicide or causing grave injury or danger to life or limb. The court also held that such conduct does not amount to tormenting her either physically or mentally to compel her or her relations to fulfill the demands of any property or valuable things. Not only that such conduct or act should be willful or intentional. Under Section 498 (A) IPC intention is the most essential factor. The Court opines that in this case there was no evidence of cruelty except that the family refused to accept the gifts brought by her and passed rude comments on the quality of articles.

2. **V.D. Bhanot v. Savita Bhanot, (2012) 3 SCC 183= (2012) 2 SCC (Cri) 102= (2012) 2 SCC (Civ) 53= AIR 2012 SC 965:**

In this case it is revealed that the marriage between V.D. Bhanot and Savita Bhanot was solemnized in august 1980 and till 2005 they lived together. Thereafter misunderstanding took place between them as a result of which Savita filed a petition under section 12 of the Protection of Women from Domestic Violence Act, 2005. The Magistrate granted interim relief to Savita and directed her husband to pay her Rs. 6000/- per month. By a subsequent order the Magistrate under Section 18 and 19 of the Act granted her right to reside in her matrimonial house in Mathura. Then the husband who was in Armed Forces retired from service and filed an application for

eviction of his wife from the government accommodation in Mathura Cantonment. The Magistrate directed the husband to let her live in the permanent matrimonial home belonging to him or else pay a sum of Rs. 10000/- per month as rented charges. This order was challenged and it was contended that since the wife had left the matrimonial home before the Act into force the claim of the wife living in domestic relationship was not maintainable. Considering the petition the Delhi high Court held that a petition under the provisions of DV Act, 2005 is maintainable even if the acts of domestic violence had been committed before the Act came into force. The Supreme Court also agreed with the High Court and held that even if a wife, who had shared a household in the past but was no longer doing so when the Act came into force, would still be entitled to the protection of the DV Act, 2005. The court directed the husband to provide a suitable portion of his residence to the wife in the house he is residing along with all necessary amenities. Additionally the husband was asked to pay a sum of Rs. 10000/- per month for her maintenance.

3. Indra Sarma v. V.K.V. Sarma (2013) 15 SCC 755= (2014) 6 SCC (Cri) 593= (2014) 5 SCC (Civ) 440= AIR 2014 SC 309:

In this case both the Appellant and the Respondent worked together in a private company. The respondent was a married man with two children. The Appellant aged 33 years, was unmarried. Constant contact between them developed intimacy and in the year 1992 the Appellant left the job and started living with the Respondent in a shared household. The Respondent

started a business in her name and they earned from the business. After sometime the Respondent shifted the business with the help of his son. The Appellant filed a petition under Section 12 of the DV Act, 2005 seeking reliefs. The Respondent opposed on the ground that he gave shelter to her on sympathetic grounds as she was abandoned by her family. The Magistrate accepted the plea of domestic violence due to non-maintenance of the Appellant and directed the Respondent to pay an amount of Rs. 18000/- per month towards maintenance. However, the order was set aside in the High Court as it was held not to fall within the ambit of "relationship in the nature of marriage." Later the matter was examined by the Supreme Court and the high Court order was upheld. The Highest Court held that the Appellant had entered into the relationship knowing well that he was married with children. She knew that she was a party to the adulterous and bigamous relationship. They never entertained any intention of rearing children and on three occasions the pregnancy was terminated. They never socialized in public and they did not operate any joint account or executed any document in joint names. The Court opines that the relationship between the appellant and the Respondent was not a relationship in the nature of marriage because it had no inherent or essential characteristics of a marriage and the Appellant's status was lower than the status of a wife and the relationship did not fall within the definition of "domestic relationship" under Section 2 (f) of the DV Act, 2005.

4. **Saraswathy v. Babu, (2014) 3 SCC 712= (2014) 4 SCC (Cri) 688= (2014) 2 SCC (Civ) 330=2014 CriLJ 1000= AIR 2014 SC 857:**

Saraswaty and Babu were married in February, 2000. Within four months of their marriage the husband and his family demanded more dowry in the form of cash and jewels. The wife was not able to satisfy their demands. Therefore, she was thrown out of her matrimonial house by her husband and her-in-laws. The wife filed a petition before the Magistrate seeking reliefs under Sections 19, 20 and 22 of DV Act, 2005. The Magistrate directed the husband to pay Rs. 2000/- per month to her as food, shelter, clothing and medical expenses. He also held that the wife had a right to reside in the shared household. The officer-in-Charge of the nearest police station was directed to give protection to her for implementation of the order. As per order the Appellant went to her matrimonial house for staying with the respondent along with the Protection Officer, but was refused entry. Later the husband agreed to comply with the order when a contempt petition was filed. However, when she went to the address given by the husband it was found to be bogus. Subsequently the Supreme Court held that this was a case where the respondent had not complied with the order and direction passed by the Trial court and the Appellate Court. He also misled the court by giving wrong statement before the High court in the contempt petition filed by the Appellant. She had been harassed since 2000 and the domestic violence committed by her husband and his family continued. Therefore it was not necessary for the courts to decide whether domestic violence was

committed before the DV Act, 2005 came into force. Thus the Supreme Court directed the husband to pay Rs. 500000/- as compensation in addition to the reliefs granted by the lower courts.

5. **Deoki Panjhiyara v. Shashi Bhushan, AIR 2013 SC 346=2013 (2) SCC 137=2013 CrilJ 684=2013 (1) SCC (Civ) 1019:**

Deoki and Shashi Bhusan were married in the year 2006. Deoki filed a petition under section 12 of the DV Act, 2005 seeking certain reliefs including damages and maintenance. During the pendency of the application for interim maintenance which was granted by the Trial Court at the rate of Rs. 2000/- per month. The order of the Trial court was affirmed by the Sessions Judge. Shashi Bhusan sought a recall of the order on the ground that he could subsequently know that at the time of their marriage Deoki was already married to one Rohit Kumar Mishra and so their marriage was void. In support of his contention he produced the marriage certificate in the Court. The matter was disposed of by the trial Court by ruling that the marriage certificate was a conclusive proof of the first marriage of deoki with rohit Kumar Mishra and it rendered the marriage between Deoki and Shashi Bhuasn null and void. Accordingly, it was held that Deoki was not the legally married wife of shasi Bhusan and she was not entitled to maintenance. In Supreme Court the fact of marriage was vehemently opposed by Deoki. The legitimacy, authenticity and genuineness of the marriage certificate was also questioned. The Supreme Court held that Shashi Bhusan should have obtained the necessary declaration from the

competent Court to the effect that his marriage with Deoki was void. Mere production of a marriage certificate issued under Section 13 of the Special Marriage Act of 1954 was not enough. In the absence of any valid decree of nullity it is not possible for any court to decide the marital status of the parties. Therefore, until the invalidation of the marriage between Shashi Bhusan and Deoki by a competent Court Deoki should be accepted as the wife of Shashi Bhusan and she would be entitled to claim all benefits and protection under DV Act, 2005. The Supreme Court also directed Shashi Bhusan to pay the maintenance to Deoki.

Case Studies:

Below some case studies have been discussed. In these case studies an attempt has been made to understand the situations of victims suffering from domestic violence.

Case Study No. 1

My name is Shanti Doley (name changed). My age is about 38 years. I got married at the age of 21 years after passing H.S.L.C. Examination. Before my marriage I did not understand the meaning of domestic violence. But after my marriage, I realized the meaning well. I was the second wife of my husband. Only six months after my marriage I came to know that my husband married earlier and divorced her. I have also come to know that all the property including house, land and domestic animals were handed over to his first wife by the society holding a meeting. Now our economic condition is very poor. Moreover my husband and other members of the family often drink liquor. My husband and other members of the family have tortured me mentally and physically alleging that they had to lose their property only for marrying me. My husband remains silent on such occasions. Because he has suffered for his own mistakes.

I have been passing my days amidst much difficulty. Till now I have not taken any help from law or society. Sometimes I think of taking recourse to law, but the next moment I drag my feet lest I am forced to live a lonely life.

Case Study No. 2

My name is Madubala Kaman (name changed). I am married and also a teacher. I am a living example of a woman who have faced domestic violence. The only reason for all this is that I could not give birth to a child after 48 years of age. Quarrels take place in our house on this issue. My husband often tortures me both mentally and physically. My husband's father, mother and other members of his family provoke him to do this. I have become very much exhausted mentally. I could not decide what to do. Some persons, known to me, have advised me to take help of social organizations. I have been asked to lodge a complaint to solve my problem. Now, I have decided to take help of the society first. After that I shall take help of law, if needed.

Case study No. 3

My name is Shukleswari Pegu (name changed). I am a 55 year old unmarried woman. I have been living a very difficult life by working as a weaver. I stay with my nephews and their wives. They often rebuke me and quarrel with me. They snatch my money forcibly. The members of my family are addicted to liquor, superstitious and evil practitioners. The friends of my nephew also incite him to snatch my money. When a quarrel takes place the neighbours of our village come to settle the dispute and advise them not to quarrel in future. Being enraged, I sometimes think going somewhere else. Sometimes I think of approaching the police. But the next moment I decide against it as I am old and lonely. I have tolerated all this silently.

Case Study No. 4

My name is Sumi Mili (name changed). I am a 36 year old married woman. I am illiterate. I earn by working as a weaver. I became a victim of domestic violence a few years back. I was married at the age of 19 years and we were living happily. But a few years before marriage, I had a love affair with a youth of our village. After knowing my earlier love affairs my husband began to assault me badly and stayed away from me for quite some time. He also asked me to leave him. But my father's family and the society organized a meeting and absolved me of my sin by holding Dobur Puja. After that I realized my mistake and my husband has taken me back again.

I have got my husband back only for the society. Now I am living a happy peaceful life.

Case Study 5

My name is Pranita Pegu Doley (name changed). I am a 24 year old married woman. I am a graduate teacher and earned. I was married at the age of 20 year. After my marriage I have become a victim of domestic violence. The reason is dowry. My husband was doing business, but gradually he began to incur loss as he had spent almost all his earnings in consuming liquor. When I asked for money he began to quarrel with me. Sometimes he even assaulted me. He often tortured me asking me to bring money from my father. The people of our village and other acquaintances tried to make him understand, but they could not change him. Now I have informed the village society and sought their advice. In case, I am harassed even after this I have decided to take help of law.

Case study No 6

I am Latika Pator,(name changed) aged 33 years. I got married about 5 years back. My husband is a cultivator. We have had to pass our days with great difficulty. I have become victim of domestic violence since my marriage. It is not because of my husband, but the other members of our family. We live in a 13 member joint family. Almost all the members of our family are jobless. My husband has had to fulfill all the daily needs of our large family with his meager earnings from cultivation. Even sometimes he has to work as a daily labourer. Therefore, it is not possible to meet the needs of the whole family. Whenever there is want of anything in the household they scold me and my husband and often quarrel with us. Sometimes our neighbours had to come to our rescue. Now we are living a torturous and troublesome life. We have not yet approached the court of law or society. We have been waiting patiently in the hope that everything will be fine one day.

Case Study No 7

My name is Januja Bordoloi (name changed). I am a 35 years old housewife. I was married about 15 years ago. I have been a victim of domestic violence for several years. The main reasons are superstition, poverty and scarcity. My husband and his family members are very superstitious. They believe in some unpractical and unjustified things. Particularly, they believe in magical and supernatural practices and charms. I am firmly against all such things. They torture me mentally and physically for not cooperating with them. I have tried much to remove these superstitious, but could not succeed. Now I have requested the NGOs to take some effective steps to do away with superstition and evil practices from the society at all level by organizing awareness meetings.

Case Study No 8

My name is Maina Bordoloi (name changed). I am 35 years old married woman. I was married at the age of only 16 years. As my parents are very poor and unable to bring me up properly therefore they arranged my marriage with a man much older than me. After my marriage quarrels began to take place between us over trifling matters. My husband often drinks and spends money recklessly. Some years have passed in this way. A few years back my husband married a village girl secretly. At first I did not know about this. Therefore, I could not prevent him from marrying for the second time. After this, his torture gradually increased. He began to beat me finding fault at everything. I am at a loss as to what to do with my three children. One or two persons of the society advised me to take the help of law. As I am illiterate and have no money I could not proceed any further.

Case Study No 9

My name is Sabita Lalung (name changed). I am a 40 years old housewife. My husband is a cultivator. Sometimes he also works as a day labourer. He does not give me any money for my expenses. I earn some money through weaving. I have been a victim of domestic violence after my marriage. Because my husband is a suspicious type of person. He believes other people more than his own family members. Often he comes home in inebriated condition and quarrels with me. Sometimes he even assaults me. It has been continuing for several years. But I have tolerated all this silently in the hope that good day will come some day.

Case Study No 10

My name is Moromi Pator (name changed). I am a 34 year old married woman. I was married at the age of 18 years. We live in a joint family, but there is dearth of good relations among the family members. Often they quarrel with each other demanding rights over property. Particularly they aim at me and my husband. They misbehave with me. Often our neighbours used to come to our house to settle the dispute. But now they have stopped coming to our house. I and my husband have approached court so that the disputes over land and property can be settled once for all and we become free from all troubles.

Chapter VII

Recommendations and conclusion

The present study was undertaken with the stated objectives mentioned in chapter number two. Major findings were based on analysis of data relating to domestic violence against women and other aspects. It also includes conclusions based on the findings and recommendations of the study team to reduce the incidence of violence.

Various interesting findings have come out in this study. The analysis of data disclosed that women who were engaged in service or business were less exposed to domestic violence as compared to those working as labour and housewives. It was also observed that domestic violence against women was largely seen in all classes of families though the frequency and form of violence differed from class to class.

Domestic violence is not a natural phenomenon and as such is not the outcome of natural relationship and behaviour. In reality it is the effect of some precipitating factors and instigations. Mother-in-law in the family is regarded as the principal instigator of violence against daughter-in-law. However, the findings of this study do not support this view. The study reveals that friend circle of the husband, father-in-law, mother-in-law, sister-in-law play major role in instigating violence. Our study indicates that husband is the principal instigator and executor of violence in the family.

The most common and frequently used form of violence reported by the respondents is quarrel. During quarrels respondents are slapped, bitten. Thus in majority of the cases mental violence used in the form of behaving cruelly, using slang words etc. by the perpetrators were found.

As stated in the above, domestic violence also includes placing a woman in fear of imminent serious physically harm by threat of force. This causes a person to suffer substantial emotional distress. The respondents were asked to describe the nature and extent of emotional violence used against them by the perpetrators. Majority of victims of domestic violence reported that they were emotionally abused by insulting them in the presence of their children and relatives, by blaming them for everything that went wrong in the family, levelling charges against them on small and negligible matters and compelling them to feel guilty for no fault of theirs.

Economic abuse is also an important element of domestic violence. It is the result of dependency. It is true that women's access to resources is largely determined by their relationship with men through marriage. The dependency of women is fully exploited by men for controlling women. In the present study it was also seen how far dependency results in economic abuse of women. In this study it was found that economic abuse was used along with other types of violence.

Violence when occasionally committed against women, does not assume the form of a problem. However, when it is repeatedly used, for whatever reasons, it does become a cognizable issue. It is seen in the present study that many times the act of violence is repeated in the case of a victim. The results revealed that the respondents faced violence almost everyday. Some respondents revealed that incident of violence took place once or twice in a week. Some respondents faced violence a number of times in a month. It was observed that frequency of violence was more in below poverty line families as compared to families belonging to upper class and middle class.

A long lists of causes were reported by the respondent for the violence committed against them. Prominent among them were Dowry, Love affairs before marriage, Suspicion, Inability to bear child, Superstition, Extra-marital affairs, Unemployed husband, Husband's alcoholism, Incitement of husband's family members. The results of analysis indicated that alcoholism of husband was a prominent cause of domestic violence against women and that too in families below poverty line. The study also revealed that the domestic violence against women emanated from strained relationships within the family. The causes and motivations of violence were within the relationships between men and women in the family.

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whatever form or in whatever degree, is violence. The reactions of victims about the violence experienced by them are likely to be different depending upon their level of education, family background, life situation and availability or non-availability of alternatives. The reaction to abuse may be sudden or instant, it may also culminate into long-term impact on the life of the victim, her children and family as a whole.

The immediate effect of violence is a temporary phase but violence also affects the mental and physical health of the victims. The respondents implied that they suffered from mental stress, depression, sleep-disorders, anxiety and constant physical fatigue.

In the present study attempts were also made to know the long term impact of domestic violence among the respondents. The respondents replied that domestic violence had disturbed them mentally and it also affected them in their social life. The domestic violence also reduced their social contacts and was ashamed of mixing with friends and relatives.

The domestic violence against women spoils the cordial relationships among the members of the family. The data analysis revealed that due to violence perpetrated against women the conjugal relations were strained and were always under tension in about 44% of the cases. Data revealed that quarrels took place among the family members for minor issues. It was observed that mutual trust between the husband

and wife was lost in several cases and communication gap widened in such cases. Thus, as reported by a large majority of the respondents the normal family life was disturbed and adversely affected due to violence against women. The study observed that verbal and physical violence against women leads to loss of respect for elders in the family. The domestic violence against women affects the personality development of children and the affected women were afraid that their children may become the abusers in their life. The study also observed that the life of the children in the families where their mothers are abused gets adversely affected.

It was observed during the process of collecting data from the respondents that a large number of respondents were ignorant about the relief available to the victims of domestic violence. Therefore, the investigators explained to the respondents about the reliefs under law and with the organizations. But it was observed that the respondents were ignorant about these existing reliefs. Only a few respondents are aware of these reliefs.

It is noted that most of the respondents were confused about the suggestions to be made for reducing domestic violence. The measures suggested by the respondents were (i) Creating awareness at family and community level, (ii) Very strict and effective law to punish the abusers and protect the victim, (iii) Family orientation, (iv) Social awareness through social activists and NGOs, (v) Making provision for abolishing superstitious belief, (vi) Establishment of family counseling center etc.

Thus the measures suggested by majority of respondents point out to the lacuna in the present efforts on the part of social organizations and Government policy regarding this issue.

Conclusions:

On the basis of data analysis and major findings the following conclusions may be drawn:

- 1) The young women who were married at a lower age were at higher risk of being physically abused in contrast to those who were of higher age group and married at later age. As against this, women of higher age group were more likely to be abused emotionally and economically as compared to women of younger age group.
- 2) The educational level and occupational status of women victims disclosed that women who had no education and those highly educated were more prone to domestic violence as compared with those who are moderately educated.
- 3) The social class background of victims of domestic violence revealed that women belonging to families living below poverty line and lower class run higher risk of being mentally and physically abused compared to other class.

- 4) No marked difference was observed in the percentage of domestic violence in families having large number of members and families having less number of members.
- 5) The perceptions of domestic violence against women were found to be different among the respondents. This may be due to level of education, life situation, economic condition etc.
- 6) The most common forms of domestic violence reported by the majority of the respondents were slapping, beating, pushing, kicking, using slang words etc.
- 7) It was observed that economic abuse was executed along with other types of violence and not separately.
- 8) No uniform trend of frequency of violence was observed in the present study.
- 9) The respondents reported that alcoholism of husband was a major cause of domestic violence. The victims also reported that suspicion of extra-marital affairs, suspicion of love affairs before marriage, unemployment of husband were the major causes of domestic violence against women.

- 10) It was also observed that the victims of domestic violence could not resist or fight back due to number of limitations.
- 11) It was observed that NGOs and Women's organizations working in the field of women's empowerment and welfare failed to attract the victims of violence in sufficient number from the surveyed communities.
- 12) A large number of respondents were not sufficiently aware of the present relief available under law to the victims of violence.
- 13) The respondents were confused about the measures to be suggested for reducing the evil of domestic violence.

Recommendations:

In the light of the objectives and findings of the present study and the discussions with social activists, women organizations and other concerned stakeholders the study team would like to make the following recommendations to reduce the incidence and impact of domestic violence against women among these two communities.

1. **Awareness Campaign:**

A massive awareness campaign involving communities, religious leaders, women organizations, NGOs, concerned govt. stakeholders and opinion makers at all levels is necessary to counter the contemporary trend of domestic violence against women in general and domestic violence in particular.

2. **Implementation of Law:**

Domestic violence against women is an area where rights of women are not fully secured by laws and there are laws which are either discriminatory against women or provide a weak enforcement and punishment mechanism which do not deter the recurrence of crime against women. It is necessary to see that the legal provisions against perpetrators of domestic violence are strictly enforced and no one is left without punishment.

3. **Comprehensive Media Strategy for Social Change:**

Media intervention may play an important role to prevent domestic violence against women. A carefully planned mass media strategy can create awareness among the family members. It is necessary to plan media strategy for bringing massive awareness and education on the issue of domestic violence against women. The Government of India as well as the

Government of Assam should provide adequate resources for implementation of such a comprehensive media strategy for social change.

4. **Training Programme:**

The Central as well as the State Government should conduct regular training programmes of law enforcement officers, judges, prosecutors and concerned stakeholders to identify and respond more effectively to the cases of domestic violence against women in particular and crime against women. Moreover proper training is required for the medical practitioners in dealing with and treating the cases of domestic violence against women and it should cover the collection and preservation of evidence, analysis, providing expert testimony and treatment.

5. **Strengthening the Social Support Service programme:**

The Central and State Government should develop, enlarge and strengthen social support service programmes for the women who are victims of domestic violence.

6. **Comprehensive Strategy:**

The Government of Assam should implement comprehensive strategies addressing domestic violence against women that are sensitive to the needs and safety of the victims and hold offenders accountable to their crimes.

7. Implementation of Community Driven initiative:

The Central as well as the State government should take initiative for implementation of community driven initiative to address the needs of victims of domestic violence. The government may involve various NGOs in this regard. The government should appreciate the work of NGOs so that the eradication of the social evil of domestic violence against women becomes truly a national and peoples movement.

8. Establishment of Counseling Centre:

The Central as well as the State Government should take initiative to establish counseling centres to counsel the victims suffering mentally and emotionally. It is necessary to counsel the victims of domestic violence who are suffering mentally and emotionally.

9. Most of the victims of domestic violence are uneducated, backward and economically disadvantaged. Therefore the legal aid and advice should be made available to them without any cost.

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