CHAPTER I: INTRODUCTION

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

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

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

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

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

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

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

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

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

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

Violence against women within the family is a global phenomenon. It occurs irrespective of socio-economic status of women. No society can claim to be free of such violence. But the degree of violence differs according to the socio economic condition of the society. The more the society is backward, the more common is the phenomenon of domestic torture against women[1].

According to the Family Violence Prevention Fund of America (FVPF)[2], one in every three women in the world experiences sexual, physical, emotional or other abuse in her lifetime. In 1997, the report of the World Health Organization (WHO)[3] on reproductive health reveals that 10-69 percent of women have been physically assaulted by an intimate partner at some point in their lives. According to the annual report of the UNICEF[4], a quarter and one half of women of the world suffer violence at the hands of an intimate partner. As per the report of the U.S. Department of

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

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

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

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

Justice[5] in 2000, in the United States approximately 22.1 percent of women had experienced some form of assault by a family member. The report also revealed that each year 4.5 million physical assaults were committed against women throughout the world.

In India, crime against women in the domestic sphere is a very common incident. Poverty, illiteracy, traditional gender bias and social customs provide a very congenial situation for the commitment of such crimes against women. The Deccan Herald's[6] survey on13th August, 2003 reported that 80 per cent of husbands in India use force against their wives over petty family disputes. A United Nations Report [7] released on 13th October, 2005 shows that two-thirds of married women in India are the victims of domestic violence and as many as 70 per cent of Indian women between the age of 15 and 49 are the victims of beating, rape and coerced sex. As per the Report of India's National Crime Records Bureau[8], more than 195856 crimes had been committed against women in the year 2008. Of these, 81344 cases were in the nature of domestic violence. Again in 2011, more than 228650 crimes had been committed against women and out of these, 99135 cases were in the nature of domestic violence.[9] As per the information of the Bureau in every nine minutes, a case of cruelty is committed against a woman in our country and most of these cruel acts occur within the four walls of home. The report of Third National Family Health Survey [10] of 2005-2006 in India reveals that one-third of women between the ages of 15-49 have experienced physical violence and about 1 in 10 has experienced sexual violence in their private sphere of life. In total, 35 percent of women have experienced physical or sexual violence. The same report also reveals that the degree of physical or sexual violence is 6 percent in Himachal Pradesh, 13 percent in Jammu and Kashmir and Meghalaya, 46 percent in Madhya Pradesh and Rajasthan and 59 percent in Bihar. Other states with 40 percent or higher prevalence of spousal physical or sexual violence include Tripura, Manipur, Uttar Pradesh, Tamil Nadu, West Bengal and

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[5] **Internet source**: Patricia Tjaden and Nancy Thoennes, *"Extent, Nature and Consequences of Intimate Partner Violence"*, U.S. Department of Justice,2000
[6] *ibid*
[7] Rekha Rastogi, *"Women and Human Rights"*, Sumit Publications, New Delhi, 2007
[8] **Internet source**: **http/- www.ncrb.nic.in**/cii2008/home.htm
[9] *ibid*
[10] **Internet source:** *http://www.Hg.org.com* / Stop domestic violence against women in India, NFHS-3 final report

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

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

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

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[11] **Internet source: http://*www.ncrb.nic.in*/**cii2008/home.htm
[12] *ibid*

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

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

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

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

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[13] **Internet Source: http://www.mainstreamweekly.net,** Rachana Kaushal, "*Protection of Women from Domestic Violence Act 2005—An Appraisal",* Mainstream, Vol XLVIII, No 11, March 6, 2010
[14] *ibid*
[15] *"Review of Women Studies"*, Economic and Political Weekly, April 26, 2003, pp. 1658-1673.

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

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

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

Conceptual framework of the study

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

Meaning of 'domestic' and 'violence'

In the present study, 'domestic' would mean the four walls within which a women lives with her husband, children and other members of the family. The term 'violence' may be defined as a behaviour in which a more powerful person takes advantage of and abuses a less powerful one[16]. Violence is also used to denote the assaultive and non assaultive behaviour which leads to injuries, both physical and mental, to the victims[17]. In the present study, 'violence' refers to an act of aggression perpetrated by a spouse with an intention to inflict harm or injury to the other spouse. Here, the terms 'violence' and 'abuse' are used synonymously. Violence has been further divided into five types: 'physical', 'psychological', 'verbal', 'sexual' and 'economical'.

The concept of 'Domestic Violence'

Domestic violence is a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another partner. The term 'domestic violence' is used interchangeably with 'spousal violence' or 'intimate partner violence'. The terms "spouse" and "intimate partner" refers to a very close man with whom she is living or has lived as married couple. Some human rights activists also prefer to define the term as 'wife battering' or 'wife abuse', as it is a problem associated with women in marital relationship, while some others like to define it as 'gender based violence'. Besides, various institutions have defined domestic violence differently. The U. S. Office on Violence against Women (OVW)[18] defines domestic violence as a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. The definition adds that domestic violence 'can happen to anyone regardless of race, age, sexual orientation, religion or gender and that it can take many forms, including physical abuse, sexual abuse, emotional, economic and psychological abuse'. The Children and Family Court Advisory and Support Service [19] in the United Kingdom in its "Domestic Violence Policy" uses the term to refer to a

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[16] Ram Ahuja, *"Violence Against women",* Rawat Publications, New Delhi, 1998, p-31
[17] Madhurima, *"Violence Against Women-Dynamics of Conjugal Relations"*, Gyan Publishing house, New Delhi,1996
[18] **Internet source: www.wikipedia.org**/domestic violence/meaning and definitions
[19] *ibid*

range of violent and abusive behaviours and defines it as a pattern of behaviour characterised by the misuse of power and control by one person over another who are or have been in an intimate relationship. It can occur both in same gender relationships and mixed gender relationships and has profound consequences for the lives of children, individuals, families and communities. The United Nations Commission on the Status of Women[20] defines domestic violence as "any act of gender based violence that results in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life". As per the definition of Domestic Violence Act 2005, India [21] any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it –

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

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

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

Apart from this, there are different types of theories for understanding the causes of domestic violence. These theories range from intra-psychic theories to sociological theories. Usually we can classify these theories into three types which are the Psycho-pathological analysis, the Socio- psychological analysis and the Sociological analysis[22].

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[20] *ibid*
[21] *Domestic Violence Act,2005*
[22] Ram Ahuja, "*Violence Against Women*", Rawat Publications, New Delhi,1998, p.201

Psycho-pathological Theory

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

Socio-Psychological Theory

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

Frustration –Aggression Theory

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

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

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

Perversion Theory

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

Self –Attitude Theory

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

Motive Attribution Theory

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

Sociological Theory

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

Structural Theory

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

System Tension and Feedback Systems Theory

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

Anomie Theory

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

Theory of Subculture of Violence

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

Resource Theory

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

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

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

Patriarchy Theory

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

Interactionist Deviance Theory

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

Social Learning Theory

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

Symbolic Interaction Theory

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

Exchange Theory

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

Cycle Theory

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

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

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

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

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

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

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

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

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

Review of Related Literature

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

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

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

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

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

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

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

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

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

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

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[28] Richard J. Gelles, *"Intimate Violence in Families"*, 3rd ed., Sage publications, Thousand Oaks,1997
[29]Sherri L. Schornstein, *"Domestic Violence and Healthcare- What every Professional needs to know?"* Sage Publications pvt. Ltd, New Delhi1997

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

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

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

[30] C. J Nirmal , *"Human Rights in India- Historical, Social and Political Perspectives"*, Oxford University Press, New Delhi,2000
[31] Jyotsna Mishra, *"Women and Human Rights"*, Kalpaz Publications, New Delhi,2000

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

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

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

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[32] Ashine Roy, *"Human Rights of Women"*, Rajat Publications, New Delhi,2003
[33] Lina Gonsalves, *"Women and Human Rights"*, A.P.H Publication corporation, New Delhi, 2001

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

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

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

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

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

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

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

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

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

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

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

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

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[38] T.R. Sharma, *"Women and Human Rights"*, eds, Regal Publications, New Delhi,2007

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

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

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[39] Anil Dutta Mishra, *"Gender Justice and Human Rights"*,eds, Regal Publications, New Delhi,2007

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

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

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

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

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

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[41] Esther Chinnu, *"Violence against Women in Manipur"*, Akansha Publishing House, New Delhi,2005

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

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

"Human Rights of Muslim Women in India"[43] is an article discusses about the vulnerability and deprivation of Muslim women in Indian society. Muslim women in

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[42] M. Elavarasi, *"Dignity of Dalit Women"*, eds, Kalpaz Publications, New Delhi, 2008
[43] Iqbal A. Ansari, *"Human Rights of Muslim Women in India"*,eds, A.P.H Publishing Corporation, New Delhi, 2000

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

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

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

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

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

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[45] Dr. J.A.Arul Chellakumar, *"Gender inequality"*, eds, The Associated Publishers, Ambala Cantt,,2008

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

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

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

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

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

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

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[47] T. Rajiah, *"Child Rights in India"*, eds,The Associated Publishers, Ambala Cantt,2008
[48] Promila Kapur, *"Girl Child and Family Violence"*, Har-Anand Publications, New Delhi,1993

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

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

Objectives

The objectives of the present study are

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

Hypotheses

1. Patriarchal social values are the causes of domestic violence.

2. Poor implementation of the governmental laws to ensure women's rights is also responsible for domestic violence in our society.

Methodology of the study

Research Area

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

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

Sample

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

Technique of Data Collection

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

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

An Overview of the Chapters:

Chapter: I Introduction

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

Chapter: II Setting and Sample

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

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

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

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

Chapter IV Analysis of Data and Interpretation

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

Chapter V Summary and Conclusion

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