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In the foregoing chapters, the response of the state to domestic violence on married women has been given an in-depth treatment. The historical background of the problem lies in the patriarchal growth of human civilization that caused suppression of women in civil, economic, social and cultural life and the resultant curtailment of their right to equality with menfolk. The evolutionary process gradually gave birth to violence on women in various forms, domestic violence being one of them.

Domestic violence is a universal problem, occurring in all cultures and countries and it impacts the very psyche of the society—a fact that results in retarded progress of human civilization. Broadly fifty percent of the world population consists of women and two thirds of those who are married fall victims to different degrees of domestic violence. 40% of women in Assam experience domestic violence, according to the report of NFHS-III. Here it becomes manifest how cruelty to women takes innovative forms to keep them suppressed and facilitate their use as chattels. The present study focuses on the global scenario of domestic violence and the socio-economic culture prevalent in India with a special exposition of the sufferings of women in Assam and of Guwahati city in particular.

Today, Guwahati city is experiencing large scale atrocities on married women, a phenomenon that has been gradually spreading on to the suburbs and the rural areas of Assam. Domestic violence in the society is rampant now and is recurrent and pervades all the layers of the society regardless of caste and creed and economic groups. Guwahati is now a picture of a modern complex social life. Materialistic world and a corrupt system of earning money have converted the simple life of Assamese families to a complex life-style. Spiritual ideology has been vanishing slowly and worldly desires have come to dominate the society; social values have changed a great deal.
Rapid changes during the last few decades due to social pressures of urbanization, compelling ethics of success, demonstration of money power and geographical mobility have put the traditional Assamese values in a melting pot and resulted in a moral and psychological atmosphere which is highly crimogenic. Sacramental marriages and close family ties are weakening. There has been a virtual disintegration of the joint family, which used to provide an emotional safety net and gave physical support to all its members.

Domestic violence is a complex problem that involves much more than the act itself or the personal interaction between a husband and his wife. It is a social problem of a vast magnitude with its roots in historical attitudes towards women and the institution of marriage. The analytical study of domestic violence is based on an empirical study of battered women and marital violence from the victim’s perspective. The main purpose was to identify key sociological factors of sufferings of married women affected by domestic violence. Most of the incidents of domestic violence include horrifying descriptions based on the victim’s own accounts. In the analysis, the abuser–abused relationship has been scrutinized in all aspects and also the resultant phenomenon of child abuse in the affected families has been scanned in an objective manner. The chapter dwells at length with the near and remote causes, the varied nature and far reaching consequences of domestic violence in a descriptive form.

With the growth of modernization and democratic values the world over, the comity of nations and nation states collectively and singularly stepped in to remedy the wrongs that were being practiced on women. Thus the study of the response of the state to this regularly occurring crime against humanity in the form of unprovoked violence on married women entailed the international response also. The affected women become unsafe and insecure right at their homes and thus it inevitably affects the wider sections of the society. Whenever an act of violence even inside a home disturbs peace, it does not remain a private matter but an issue that attracts state intervention.
The state has the responsibility to ensure life and liberty of each and every citizen (and even non-citizen), and cannot remain a silent spectator.

The study is mainly based on registered cases in police stations in Guwahati city though the police registration of domestic violence is a tip of the iceberg and most often limited to dowry related allegations. There is a culture of silence surrounding the topic of domestic violence that makes the collection of data on the sensitive topic particularly difficult. The sample taken for study of the justice system and the response of the state towards domestic violence on married women is 20.6% for cruelty cases and 72.2% for dowry death cases. The study revealed that in 21 cruelty cases (out of 57 cases) women reconciled later and led a normal family life thanks to the intervention and help of the counselling of the police, the judiciary and other organizations. After all to have the husband punished for his wrong doings is not the goal of affected married women and they are always happy to have their normal marital life restored.

The state’s response in the matter also includes to a large extent the voluntary work done by NGOs to mitigate the sufferings of victims of domestic violence and give them justice.

The global campaign for elimination of domestic violence against married women in the recent years indicates the enormity and seriousness of the atrocities committed against married women. Present day economic development along with progressive changes in personal life styles, living standards, urbanization and transformation of social ethos have contributed to the formation of a violent male attitude towards women, a fact that has resulted in an increase in crimes against women, particularly domestic violence against married women with the speciality of dowry torture and dowry death. Such incidents of marital violence are a matter of serious concern and its containment is a necessity so that the married women of India and other parts of the world can live with dignity, freedom, peace and security from crimes and aspersions.
To combat such crimes, the battle should be waged by the various sections of the society through campaigns and programmes backed by social support, legal safeguards and reforms in the criminal justice system.

According to study, the reporting to the police of an incident of violence on her was the worst possible choice for a woman. Women normally avoid reporting to the police and consider it as a last resort until and unless they were compelled to do so. The arrest of husband aggravates the violence and creates further problems by inviting a serious danger to wife at home because in such an event, husband loses face in the society. Women are very much aware of their social position. During field study, many victims of domestic violence were interviewed but they avoided reporting to the police as they feared it might spoil their marital relationship further since they always hoped to improve the situation in future.

As the study concentrated mainly on the reports to the police, the gravity of the cases was quite acute and serious. Many victims of domestic violence stated how they suffered more after lodging complaints to the police. After the perpetrator of domestic violence is kept in police or judicial custody for a short period and is out on bail, he becomes dangerous for her and does harm to her. Unless wives are compelled to take such a drastic step, they try to adjust even in a violent atmosphere. Case No-148/98 of Bharalumukh P.S, wife reported to the police about torture and cruelty on her. Immediately, the police arrested him and released him after five days of custody. But after coming out of police custody, he became more violent and aggressive and attacked her on the face by fists and blows and injured her seriously. On June 4. 98 he tried to kill her by strangulation by sitting on her chest. Reporting to the police might aggravate the nature of the crime without helping the victim much. Even Case No-73/99, Basistha P.S, Case no-19/95 and 17/95, All Women P.S, described how women suffered more by reporting to the police.
During the present research study, full focus has been maintained on the objectives set for the study. An attempt has been made to gather a holistic view of the problem of domestic violence and to evaluate how the protective legislations impacted the problem on the ground with special reference to Guwahati city. In so far as the status of women in the society is a great deal responsible for the torments that they suffer, the study concentrated on the situational circumstances that lead to an occurrence of violence. It has also been examined how the constitutional and legal provisions in India impacted the rising trend of domestic violence on married women. The role of the state, apart from its police functions, has been gone into in its avatar as a welfare state. Remedial measures have been suggested in the light of the perceived loopholes left in the laws and the social system. Finally, the study made a full attempt to analyze the intrinsic difficulties that women face in realizing the benefits of their rights in their marital homes.

The basic findings prove the hypothetical assumptions of the study to be true. The hypothesis “personality traits and social ethos of the perpetrator of violence are the causes of domestic violence and dowry death” got tested in the case studies. The data collected in the study also supported the above-mentioned factors in death cases. It is seen that in each case analyzed above, the tormentors had a unique personality trait which got strengthened by unethical social ethos and led to the perpetration of violence on spouses at home. It is a behavioural problem, which is criminal as well as sociological and psychological. The hypothesis thus explains the total outcome of the collectivities of situation and personality traits, which influence the behavioural pattern in the use of violence, including burning/killing of brides. The study includes case studies to examine the actual impact of the legal measures so far taken. However, it can be said as is manifested in the case studies that the legal measures have not been able to accomplish all that were desired and much is still left to be done. The case studies about the dowry death cases and the cruelty cases showed that the hypothesis “the response of the state has fallen short of the requirement for making the society free of domestic violence” has proven true and factual.
6.1 Main Features of Domestic Violence:

The study disclosed some common features in domestic violence cases. Domestic violence is never restricted to a single incident and it becomes more frequent and more severe over time. The violence continues for many years. In some of the cases it continues for more than 20 years. Studies of women, who have been abused, have suffered damaging effects on both mental and physical health.

One important aspect of domestic violence is that it has an increasing trend. Though the victims keep patience and believe that the situation would improve with the age and maturity of the husband, it never improves in some cases and torture becomes more intense with time till the situation becomes dreadful. At one point of time the situation goes beyond rectification.

Most victims of dowry related crimes have certain common characteristics, like the brides are mostly young, dependent, less educated, and most of the cases of deaths or suicides of brides are reported as accidents in kitchen and mostly due to burn injuries.

Another tendency is that the husband and in-laws take a drastic step of ‘punishing’ the bride for not fulfilling their demand and driving the brides out of the house. The husband and his family believe that such an extreme step might teach them a life’s lesson and force them to fulfil their demands which are mostly unlawful, cruel and immoral.

Threatening to kill the brides is another common feature of domestic violence. The status of women in the society is so low and insignificant that the husband and his family can get away with doing anything, to the extent of killing the bride. The poor wives are mortally scared of such a threat, so much so that they are too shattered to overcome the situation.
The common assumption made about domestic violence is that violence between spouses is a private family affair which tolerates no interference from the outside world. The police, judges, neighbours are often reluctant to take action against whatever has happened within the four walls of a home and consider it private and sacrosanct. Despite its apparent modernity, our society is very conservative and public washing of linen is frowned upon.

One important characteristic of domestic violence is that unlike other crimes it occurs continuously throughout her life. The specialty about the offence of domestic violence is that its commission never ceases but keeps occurring life long as a constant companion for the victim women. Thus domestic violence is a continuous crime unlike other crimes, which, however grave they may be, are committed once and are over after their commission.

In most of the domestic violence cases husbands and their family members behave like a butcher with human quality completely missing. Irrespective of their educational and cultural background, social and official status, they behave in the same manner. Torturing and killing a young bride never perturbs them nor pricks their conscience. They are criminals in disguise. One common thing, which the victims of dowry death share are an untimely, unnatural and grisly end.

Stereotypes governing domestic violence ---

(1) Family is a private place where men have some legitimate authority.
(2) Husband has a marital right to discipline his wife.
(3) Women are emotional, nagging and provocative to men.
(4) Only the poor / uneducated / alcoholic males are violent towards their wives.
(5) Women who deviate from feminine roles of mother and wife warrant disciplinary action.
6.2 Theoretical Findings:
Stories of battered women present ample evidence to the effect that most of the victims are traditionalists and they approved of husbands hitting their wives under certain conditions. This is explained in Traditional Socialization Theory. National Family Health Survey-II (NFHS) finds violence by husbands to be fairly widespread in India. In NFHS-II, an attempt was made to assess whether women view wife beating as justified. In a shocking revelation, it is said that two out of three women justify beating of wives by their husbands in Assam. A section of women still feel that violence by husband is natural and they deserve it to some extent. Sometimes women consider the beating as an expression of love by their husband. During a survey conducted in upper and lower Assam, the IIPS (International Institute for Population Sciences) has found that 44% of women agree that wife-beating is justified if the wife neglects the home or children while 8% of women agree that wife-beating is justified if her natal family does not give expected money or other items. 39% to 41% of women say that if the wife shows disrespect for in-laws or if she goes out without telling her husband, the husband would be justified in beating his wife. 13% respondents say that if she does not cook food properly, husband would be justified in beating her. Even 46% of educated women with a high standard of living justify wife-beating. According to NFHS-III, which interviewed 1.25 lakh women in 28 states and the national capital during 2005-06, 41% women justified wife-beating if it was because they showed disrespect towards their in-laws, while 35% women were okay with being brutally assaulted by their husbands if they neglect household chores or their children. The survey has exposed the pre-conceived notion of the fairer sex that they are inferior to the male counterparts and therefore, should be ready to accept domination by the latter.

In almost all cases in the study, the reaction of the victims has been passive and women tolerated violence, till they were thrown out or compelled to leave the marital homes. Feeling of helplessness, inferiority complex, poor self-image, and lack of self-confidence, self-reliance and resourcefulness constantly portrayed the victim-women
as a weaker sex and hence they tolerated the sufferings inflicted upon them and remained too terrified to leave the violent home. It showed that women’s battering was the result of their own learned helplessness which is explained in Learned Helplessness Theory.

Normally husbands are predisposed for earning livelihood for the family and they are therefore more resourceful while wives remain resourceless as they remain preoccupied with looking after the home. The role allocated to women is unpaid; her position in the society automatically becomes inferior and subordinate. Women often remain trapped in violent homes owing to being economically powerless. The greater the resource a person can command in a social system, the more he can employ force. This is the essence of Resource Theory. According to the present study, only 4.1% working women suffered domestic violence and maximum number of women who suffered violence were home-makers and less resourceful. According to NFHS-II, the proportion of women who agree that wife-beating is justified also declines sharply as the standard of living increases, ranging from 46% of women with a high standard of living to 74% of women with a low standard of living. Therefore the women who work and earn incomes would be less likely than other women to justify wife beating.

Patriarchal system exists historically and cross-culturally in all societies. Violence is a weapon used by husbands to curb, control and regulate their wives’ behaviour and aspirations. The trivialization of wife-beating and different aspects of domestic violence is rooted in the dominant cultures prevalent in our society which is explained in Patriarchy Theory. Feminists view that the root cause of dowry torture and acts of aggression against women originated in a patriarchal society.

It is found that the level of violence against women is less among couples who filled a pattern of egalitarian decision-making, a fact that is explained in the Balance of Power Theory. Women who run a high risk of getting beaten are those who are traditional, submissive and unintelligent, who have a weak ego and low self-esteem, who lack confidence in themselves and their decision making power.
Unhappy upbringing was found to be the rule among 56.1% batterers. The compulsive abusers are those who have very conservative attitude towards women; who have uncontrolled jealousy; who had faced battering in the childhood and they are suspicious nature; too sexual; dominant; irrational; immoral; too easily disturbed; unjust; and possessive because of the childrearing they had received. The children, who witness domestic violence in their homes during childhood, are more likely to accept battering as grown up women and more likely to indulge in battering as grown up males. The Psychoanalytical Theory and Social Learning Theory are appropriately applicable in this case.

The research study revealed that men are brought up being taught that beating up their wives isn’t wrong and many batterers justified wife beating for disciplining them for the interest of their families. Wife beating is considered by a disconcerting number of Indian men across the social spectrum as a proprietal right. According to NFHS-III, 51% of the 75,000 men interviewed didn’t find anything wrong with assaulting their wives. As per the Coercion Theory, husbands feel that physical force is an integral part of the institution of family; otherwise the structure of family system would get destroyed.

Evidence suggests that wives got beating by their husbands in some cases for poverty, unemployment and frustration that followed the conflict between his mother and wife. The stressful situation and frustration got expressed in his being violent to his wife. In Case No-50/97 and 28/2000, Azara P.S and Case No-8/96 and 49/99, All Women P.S, domestic violence took place owing to poverty. Structural-Stress Theory is applicable in such a situation. Study revealed that 62% women suffered domestic violence in poor and lower middle class family.

The fact of women being in the role of bread earners as opposed to home makers leads to increasing use of violence by their husbands as a mechanism to subjugate them. The male ego seeks to dominate and remain superior vis-à-vis their wives. According to
social psychologists, men would rather marry their female assistants than equal ranking women or their supervisors. When women outshine their husbands - socially, economically and academically, husbands try to prove their superiority by beating them as they feel insecure and suffer from status frustration and are always afraid of losing their influence and control over their women’s life. This phenomenon is explained in Status Inferiority Theory. Professional jealousy between husband and wife are a recent problem which present day working women are facing. Most of the husbands are swayed by male ego and cannot enjoy seeing their wives doing better in their service career. One incident took place in Guwahati where the wife was more efficient and promising in her profession and was promoted to an important position. But the husband could not take it easily and became very hostile and aggressive against her; so in the interest for keeping peace in the family, she decided to forgo her promotion. In Case No-17/98, All Women PS, a working woman suffered violence by her husband. In Case No-35/2000, All Women P.S, a woman who was lecturer in a prestigious college was regularly physically abused by her husband.

In most of the cases, perpetrators of domestic violence were guided by the extent of cultural tolerance and by the principles of costs and rewards, which is explained in Exchange Theory. With 80% of husbands believing that the use of force is their birth right, the tentacles of this menace are too deep and wide spread. The husband uses coercive method to assert his dominant position in the familial network of relationship because he is confident that his violent behaviour would not be challenged. Societal tolerance of wife’s beating is reflection of patriarchal norms which supports male dominance in marriage and reduced women to a status of personal property. So the Indian husband remains king of his home, unaccountable even as he unleashes terror. The sufferings of an Indian woman are immense due to oppressive customs and traditions.

As far as the Family Determinism Theory goes, the past history of the mother-in-law gets reflected in her future life and all her frustrations get expressed on her daughter-
in-law. The mothers-in-law who themselves are humiliated and tortured by their mothers-in-law or parents develop a personality disorder and turn into a violent and aggressive person themselves. Their self-experience and exposure to violence teach them violence and serve as learning experience. This theory is partially applicable and do not fully explain dowry deaths in our society and cannot be scientifically valid. In Case No-36/98, 39/96, 96/2000, Fatasil Ambari P.S; Case No-137/97, Noonmati P.S and in Case No-160/99, Dispur P.S, mothers-in-law took a vital role in torturing and getting the brides killed. In Case No-220/95, All Women P.S, mother-in-law took a lead role to torture the bride for dowry. In Case No-30/95, All Women P.S, husband was instigated by her mother-in-law to demand more and more dowry and he started abusing her physically and mentally and finally threw out the bride stating that she had no place in her marital home until she fulfilled their dowry demand. In Case No - 2/93, 23/95, 13/96, 18/96, 20/96, 25/96, All Women P.S, mothers-in-law harassed brides in their matrimonial home especially for dowry.

According to the theory Psychological Disorders: The Intra-Individual Level of Analysis, the perpetrators of dowry death cases (husband or mother-in-law or brother-in-law, sister-in-law) are psychologically sick as they suffer from mental disorders. These mental disorders could be interpreted in many cases as a result of child rearing experiences of the perpetrators.

On the basis of different theories of wife-abuse propounded by western scholars and Indian thinkers, it becomes apparent how multiplicity of factors played roles in the phenomenon of wife beating. The role of personal characteristics of the individuals concerned is an important factor of domestic violence.

6.3 Empirical Findings about Domestic Violence:

- Domestic violence is a most under reported crime. Though women folk have come a long way from the inhibitions of the earlier social mindset,
married women still felt inhibited to come up with problems of violence upon them by their husbands and in-laws. It becomes a matter of shame for them. In addition, depending on the varied cultural meanings ascribed to different acts, there may be women who do not report their experience of domestic violence because they do not view it seriously. Therefore, generally forbearance is the hallmark of their response to it. The conviction of the husband in a court of law is not what most Indian women seek. Moreover, reporting to the police do not solve the problems in most of the cases, rather it worsens the situation. Only a fraction of total number of such incidents gets reported because the unsympathetic social structure, unfriendly police behaviour and delay in the judicial process discourage victims from filing reports against such atrocities.

- There is a general tendency about domestic violence to decriminalize all forms of such violence. Despite years of sustained dialogue, research and campaigning, very little difference has been made at the ground level to arrest violence against women and a large section of the Indian society continues to remain subservient to a patriarchal system.

- Women do not break off a battering relationship not because they are masochistic but because of economic, social and cultural forces, which constrain them from doing so. The majority of cases, where women report marital violence, they want ‘violence to end and not the marriage to end’.

- The definition of domestic violence not only results in physical violence and external torture – it affects women psychologically to a great extent. Violence does exist even without physical violence, which is unnoticed; even though it is as destructive and inhuman as physical violence.
• The growing awareness among women of their equal status with men results in tension and domestic violence. The husbands remain traditional in their orientation, while wives who are educated and employed are modern in their demand for equality in marital and family relations.

• Sex ratio is a powerful indicator of the social health of the society and unfortunately, evidence indicates that today's society is far from healthy. Sex selection is not just about technology; it is about a mindset in a society that does not allow women an equal status. This is the worst form of discrimination and violence against women. Many wives became victims of domestic violence for delivering girl child in Assam. Girls were always equally treated and never discriminated in Assam earlier. But it was surprising to find that 6.7% cases of domestic violence were because of the birth of girl child.

• The findings confirmed the range of detrimental effects on children living with domestic violence. Depriving children of a loving family environment causes lasting damage to their intelligence, emotional well-being and even their physical stature. Child victims of domestic violence suffer from stunted growth and all kinds of physical problems.

• It appears from the data that domestic violence, marital disharmony or dissatisfaction relating to dowry and dowry torture surfaced largely during the early years of marriage. Attempts had been taken to find out the age of the victims by studying the length of their marriages. It was found that in domestic violence cases 19.2% of victims had their marital life upto one year; 18.7% upto 2 years; 10.5% upto 3 years; 14.9% upto 5 years; 6.2% upto 7 years; 8.5% upto 10 years; 2.8% upto 12 years; 2.4% upto 15 years; 0.96% up to 20 years. In 19.2% of cases the length of their marital period was not mentioned. From the above findings on the length of marriages it
is seen that the maximum number of domestic violence cases took place within one year of the marriages. Most of them were only a few months old in their marital life. The total number of young brides who had a sad end of their marriages within 5 years was 63.3%. Among the dowry death cases, 27.2% of victim wives died within one year of marriage, 22.7% within two years, 9.9% within 3 years, 4.2% within 5 years, and 6.8% within 10 years. In 30.9% cases, the duration of marriages were not mentioned in the reports. In this case it is seen that the risk factor was more with new brides and the eruption of violence took place in early years of marriage. The prevalence of domestic violence decreases after certain age for various reasons. In many cases women put up with violence because of the fact that they seemed to be less prepared to leave home or break the marriage.

- Dowry, previously unknown in Assam, is rearing its ugly head and destroying the lives of many innocent young women. This development has come through during last two to three decades owing perhaps to an increasing demographic mobility to and from Assam from and to rest of India. Study revealed that dowry torture cases were 60.5% of total domestic violence cases. Cruelty by husbands and in-laws were manifest in 39.5% cases. The dowry related crimes, which led to deaths of women, were 50%. The findings prove how the dowry menace has become the cause of sufferings for women in Assam.

- In many cases brides suffered because of the unsympathetic environment of their new marital homes. Unable to cope with the harsh realities of married life and getting no emotional support from their husbands or parental side, brides in some cases took drastic step of ending their lives by committing suicide. Some of the cases are therefore of impulsive suicide rather than dowry deaths. Between the age group of 18-30 years, women are more excitable, depressive and vulnerable. So if they feel that they are
deprived from love and sympathy, they take their lives. The data proved such cases of death of brides.

- In the study it is found that 29% of severely badly treated women stated that they were still in love with their violent partners. In addition, they have an overwhelming feeling of sympathy for their husbands and given the chance, they were keen to go back and start afresh the marital relationship unconditionally.

- It is also found that in domestic violence cases the intervention of neighbours and the society is on an emergency basis only and not as a preventive or curative intervention. Though the neighbours notice harassment of a bride, they rarely take serious interest considering such matters as ‘a private or a family matter’. Public out cry against ill treatment of a bride, though heard of occasionally, may not happen every time until the situation turns the worst. But timely intervention could have saved the bride and the family from going to a no return point of destruction.

- Illiterate and less educated and economically dependent wives who are from low income families are beaten more frequently in comparison to educated women of middle or upper class families. The victims of domestic violence from poor families were 8%; from lower middle class 54%; from middle class 37%; and from upper middle class 1%. This trend showed that maximum numbers of violent families were in the lower middle class families and the minimum were in upper middle class families. The economic background of the dowry death victims was lower middle class people 59%; middle class 23% and upper middle class 6.8%. 13.8% victims’ reports did not mention about their economic status. Evidence suggests that domestic violence and dowry death cases are more rampant in lower income group than the upper income group. According to
The survey of NFHS – III, the prevalence of domestic violence was found to be higher among women in the poor households (49%) than among women in the wealthier households (18%).

- The physical violence caused due to dowry demand was comparatively less amongst the working women. The data showed the maximum number of wives suffering from dowry torture were home makers. Yet in some cases, violence against working women was witnessed. The husbands and in-laws felt that the income brought by the working woman was a perennial source of dowry, yet this did not exempt them from dowry violence.

- Study showed that in most of the cases women tried and tolerated violence, till they are thrown out or compelled to leave the marital homes. Many factors force them to go through such inhuman violence. Most of them are economically dependent and do not want to become burden on their parents; the fear of social stigma is uppermost in their minds and in some cases they are concerned about the prospect of marriage of unmarried younger sister; some of the women have no place to go to; some of them stayed with the hope that things would change for better; most importantly a major section of wives tolerated their abusive husbands as they are concerned about the consequences on their children after the break up of the family; the fear of further violence also stopped the wives to take the drastic step of leaving the violent home. The fear of losing children, if her husband keeps back or takes away the children from her, also stopped her from taking decision to leave the violent husband. Uncertainty about court decision in litigations on custody of children made them hesitate to take recourse to law. Women consider marriage as a sacrament and hesitated to involve outsiders, which is not permitted by the social norms. They were completely dependent on their husbands for their economic, emotional, social support. They avoided divorce for social consequences.
women do not dare to break the relationship and stay in violent marriage. They fear that husbands might retaliate against an attempt to leave them with further violence. Some wives stated how they suffered from marital rape during break up of the relationship.

- Corruption in the social system is also playing a very harmful role in many cases. Black and unaccounted money play a major role to buy the fond daughter’s future by arranging marriage alliance with a family of high status and riches. So the expectations of prospective bridegrooms increase in the marriage market and the men of honest means and moderate incomes suffer in that process.

- The reasons behind the killing of wives by their husbands or actively supporting their parents in the ill-treatment and murder of the wives and sometimes remaining passive spectators to the torture of their brides are in many cases extra-marital relationship and greed for easy money. Those who are not capable of earning themselves for material comfort look forward to dowry to compensate that inefficiency. Some of the abusers are not happy with their wives on the ground of the latter’s look, education and other qualities. Some tormentors have been found to be completely dependent on their authoritarian parents.

- The study showed the reasons behind the killer role of mothers-in-law in respect of their daughters-in-law. The desire to acquire more money through their daughters-in-law or from son’s marriage is one of them. In some cases they want money for giving marriage of their own daughters. Mothers-in-law want to get rid of their daughters-in-law to continue control over their sons and get more money by giving another marriage of their sons. The desire to dominate their daughters-in-law remains unfulfilled in
case they don't get voiceless, self-effacing daughters-in-law, who are totally subservient to their wishes.

- Hostility at home can not only wreck the hearth, but also the heart. Study revealed that battered wives suffer from all kinds of physical problems and stress such as high blood pressure which may trigger heart attack. A new study by US psychologists confirmed that coronary artery disease is more likely in women when there is hostility in a marital dispute.

6.4 Findings about Justice System:

- The police never take crime like domestic violence seriously. The police stations in Guwahati are understaffed and are mainly concerned with maintaining law and order and VIP security. Women's issues are always treated causally. Wife beating is seen as a minor offence, and the husband is let off with a warning.

- Attitude of the police, even women police reflect a general reluctance to register FIRs in domestic violence cases. There is a general distrust, disrespect and fault finding approach against women for everything. The Police and the judiciary lack gender sensitivity. Domestic violence cases thus become a matter of last priority and are assigned to inexperienced junior officers who are under-trained for such intricate investigations.

- Apathy on the part of the police investigating the cases and delay in investigation are the causes of the failure of our justice system. Anomalies in investigation especially in regard to offences committed against brides in their matrimonial homes occur, among other reasons, due to ineptitude of lower level police officers who, to begin with, handle the cases. The police officers in charge of police stations are so ignorant of law and careless
about the details of the incidents of domestic violence and dowry deaths including murder that they were liberally putting inappropriate sections of IPC in such cases. This only leads the criminal investigation to go haywire. For example in pure murder cases, the police were putting section 304-B IPC (dowry death) while in case of dowry death, the section was entirely missing with only the section for atrocity (Section 498-A) being used. One of the examples is Case No-220/95, Noonmati P.S, where Section 304-A/509 IPC were added by the police for reasons best known to them. Though there has not been death in the case, the section for death caused by negligence 304-A had been put. Similarly in a case of marital violence, the section for eve teasing should not have been there by any imagination but the police had added section 509 IPC (eve-teasing). In Case No-325/92, Paltan Bazar P.S, the police failed to take note of the seriousness of the attempt made by the accused to deliberately push his wife to death not once but twice. As the FIR shows, there was a clear design on the part of the husband to cause the victim’s death. In such a case the police ought to have added section 307 IPC (attempt to murder) and investigate so that the culprit could be booked and punished appropriately under that section. As it appears she had suffered multiple injuries when she was pushed on to the track when a train was approaching and it does not require more evidence to prove the offence under this section. Husband and in-laws perpetrate formidable atrocities on a bride and sometimes young brides are humiliated by forcibly removing clothes from the body and throwing them out of the house with a view to parading her in the nude publicly. The police in such cases apply only Section 498-A IPC; Section 354 IPC which is for outrage of modesty is never added. This kind of wrong use of penal sections of law will only lead to a dilution of the prime offence committed. Here comes the need for proper training of police investigating officers.
• IPC section 498-A, created an absurd assumption that domestic violence was invariably linked to dowry demands. Consequently, lawyers, the police, and even some women organizations encouraged women to register violence cases under the Anti Dowry act even when there was no basis to the allegations of dowry demands because they felt stringent provisions of the anti dowry law made it easier for them to press charges and get a sympathetic hearing. Thus our courts came to be filled with cases with exaggerated or sometimes patently false charges of dowry demand. Cruelty related crimes got pushed under the carpet. Out of 44 dowry death cases 22 (50%) cases were really dowry death cases and other 22 (50%) death cases of wives had nothing to do with dowry but because of pure domestic violence. But all of them were registered as dowry death cases.

• It has been seen that investigating police officers lack the ability to look for and collect evidences in cases of marital violence and deaths. They hardly care to assess (may be they do not have the proper faculty to assess) the scientific evidences as well as circumstantial evidences in such cases. For example when a woman’s body is hanging and the husband and in-laws report it as an act of suicide, the investigating officer immediately brings down the body and sends it for post mortem examination without carefully taking note of the physical and other circumstances that lie around. In this way they cause, though may be unwittingly, disappearance or loss of the concrete evidences paving the way for escape of the culprits.

• Medical officers belonging to forensic medicine department are not sufficiently trained and sensitized to handle cases of burn and other injuries that result in death of victims of domestic violence. In many cases their work remains superficial and they do not find out physical clues from injuries inflicted on victims to nail the offenders. In many cases the post
mortem reports remain inaccurate and inconclusive, thus falling short of the requirements of legal scrutiny during trials.

• In many cases investigations fail because of lack of forensic science expertise.

• The legal aid system as seen at Guwahati is not equipped to render real service to harassed women. Lawyers appointed by the legal services authority concerned are mostly after money making and therefore fail to come up to the expectation in providing real help to and guiding the victims in a spirit of service.

• The new Domestic Violence Act presupposes a good infrastructure and provision of funds under the functionaries entrusted with responsibilities. However, both these things are lacking in Assam till now.

• The protection officers appointed under the Domestic Violence act are only part time officials who have countless number of other functions to perform. Therefore, domestic violence is of meagre interest to them. Besides they do not have a proper understanding of their roles owing to lack of proper training. Secondly service provider NGOs are yet to be found by the social welfare department to be of assistance to the protection officers, the police and the magistrates as envisaged under the Domestic violence act.

• Only a limited number of dedicated NGOs are there in Assam to help victims of domestic violence. Most of the NGOs are oriented towards profit making rather than the real work. Corruption among them is rampant because there is no supervisory body to see utilization of funds by them.
• "Justice delayed is justice denied". This saying goes very well with domestic violence cases. Because of the prolonged judicial procedure in criminal courts and the Family Court, it loses all meaning for women who seek justice.

• A look at the statistics of crime scenario of domestic violence in India and Assam over the past five years reveals a noted increase in the number of women coming forth and reporting matters. More women are approaching the police or non-governmental organizations (NGOs) with dowry-related problems. But this does not point to an increase in such incidents. With education and awareness, women have become more proactive about their rights. Increase in communication and lesser social stigma attached to such matters also seem to have helped.

6.5 Suggested Remedial Measures:

• Government should provide their law enforcement agencies with adequate resources and issue them instructions to investigate and prosecute domestic violence properly and speedily in a time bound manner.

• For creating a strong public opinion and public awareness in respect of domestic violence, government should commission individuals and nongovernmental organizations having expertise in the matter to develop and implement programmes nationwide.

• To combat domestic violence government should compile reliable and comprehensive national statistics on domestic violence and with a separate section for wife murder.
• Government should ensure that all police officers are trained to respond to domestic violence and investigate the cases properly. The sensitization of the police to handle cases of domestic violence is urgently required to help justice system.

• The investigating and prosecuting machinery should have harmonious cooperation between them. The following points need be attended to for the proper functioning of prosecution. (a) Courts should be given enough funds for reimbursing the witnesses for journey to and from the court and a halting allowance if the witness is from Moffussil. (b) OCs of police stations should have full accountability in the matter of execution of court processes/orders. (c) All government departments should be sensitized and put under strict orders that their officers or employees ought to attend the court without fail as official witnesses as and when summoned. (d) The Directorate of prosecution should be strengthened with requisite powers and facilities to effectively supervise the conduct of prosecutions in the court.

• Judges and prosecutors should be similarly trained to recognize domestic violence as a serious crime. The social prejudices that often contribute to its acceptance of domestic violence as a private matter should not be allowed to be equated with the “heat of passion” defence.

• The police should provide assistance to domestic violence victims about short stay home and medical help. The information should be made available in all languages commonly spoken in the station’s jurisdiction.

• National and state authorities should provide funds for shelter homes for victims of domestic violence and their dependent children.
• The only Forensic Science Laboratory in Assam situated in Guwahati is not well equipped to help the investigation to be done scientifically. Moreover it is overburdened to cope with the increasing number of cases. Government should provide all facilities so that it can work efficiently.

• Medical officers must be trained properly in forensic medicine to attend to medico legal cases and post mortems without confusion.

• Court procedures should be modernized and the record keeping system should be improved and computerized.

• For the proper implementation of the new domestic violence act 2005, the protection officers, and service providers should be properly trained. Moreover, without proper infrastructural facilities and the allotment of budget, the domestic violence act 2005 will become meaningless and ineffective.

• Cultural and human values in the educational curricula should be included to promote respect for women. Basic legal knowledge should be made part of educational curricula.

• Education can broaden the outlook of women and make them aware of their rights, duties and responsibilities in the society. Vocational qualification should be encouraged so that they can manage their livelihood at the time of crises.

• Women should work as equal partners with men in all spheres of life. Women workers should be given facilities like provision of crèches and
medical care and vigilance be maintained to prevent their exploitation by male workers.

- It should be widely publicized that families should give up the "craze" for a son and must not resort to female infanticide and foeticide. Son and daughter should be looked upon, treated and educated equally. Sensitive parenting is the key to gender equity. Discrimination against girls start the moment a child is born and throughout her life it continues to be maintained and reinforced through the process of differential socialization. The need of the hour is to educate parents to bring up their children with sensitivity and ingrain in them the concept of equality.

- For improving the status of women, the growth of women's organizations should be encouraged. It should begin at the grassroots level and proceed to the top like a pyramid. There should be collective action by women against oppressive patriarchal power, with the long term goal of social transformation, which ensures women's rights and their liberation from exploitation, subjugation, superstition, degradation and injustice.

- As a remedial measure, empowerment of women is important. Battered women need a support system to survive on their own with dignity. Women's upliftment depends on their self reliance and economic independence. Economic independence can give women equal status with men to some extent in power relationship. Men consider women weak and dependent, so they dictate their terms on them. Majority of the husbands have no intention of breaking the families but by using coercive power on them they want to feel superior. Once wives can earn—equal status economically, educationally and socially, they can restore their position and need not suffer humiliation. Sometimes women are too poor to leave their abusive husbands.
• Dedicated NGOs can help domestic violence victims by organizing free legal aid cells, crises intervention centres, rehabilitation centre and so on.

• Awareness should be created among people about the hazardous effects of violence on women and family and such practice should be publicly discouraged by humiliating the perpetrators.

• The services should be preventive rather than curative for domestic violence.

• Seminars, workshops and conferences on the evil effects of domestic violence and dowry should be held to make people from all walks of life aware of the problem and help the victimized woman. Research and academic activities on the subject should be encouraged.

• Media should take an active role to develop awareness among the people so that they understand the gravity of the crime and its far reaching evil consequences in the society. Both print media and electronic media can sensitize the people about domestic violence.

6.6 Awareness is the ultimate answer:

The alarming numbers of domestic violence cases are a cause of concern for India but even more alarming is the countless cases of domestic violence that go unreported every year. Women interviewed on their experiences in this regard were reluctant to divulge the details of their harassment. 5 crore women suffer violence at homes but only 0.1% report it. This failure to report their ordeals owes to fear, insecurity and even lack of knowledge about whom to turn to for reporting such cases.
The seed of domestic violence is deep rooted in our social system. Attitudinal change is urgently required to change the scenario. There is very poor response of society at large towards the social menace. Empowerment of women as well as the creation of a gender just society by changing patriarchal mind-sets will help to tackle this problem. Now it is important to remove the attitude of male chauvinism through a process of de-learning and to introduce human values into the minds of both men and women through a process of re-learning, so as to prevent and control atrocities on women. A large section of women are agreeable to wife beating. There are notable urban-rural differences in this attitude; however, 69% rural women and 37% urban women agree on at least one reason that justifies wife beating, according to NFHS-II. Girls are taught that they can be punished by their husbands for disobedience. This social attitude has to be changed immediately. Experts say this also explains why only one in four abused women seek help to end the violence. In India, the worst problem we face is that victims in almost all states don’t feel victimized, both in case of dowry or spousal violence. It will take some time to change people. Justifying wife-beating will go against the very idea of emancipation of women. Tolerance of domestic violence is a significant barrier to the empowerment of women.

The development of women is a central focus in developmental planning in India and various shifts in policy approaches from the concept of ‘welfare’ in the 1970s, to ‘development’ in the 1980s, and ‘empowerment’ in 1990s have been implemented to improve the socio-economic status of women. Nobel laureate Amartya Sen says, development is the realization of human rights; the existence of domestic violence is a fundamental barrier to development. It affects health, self-esteem and ability of women to participate in development process.

According to 1991 census, the population of women was 407.1 million, which represented 48.1% of country’s population of 846.3 million. Way back in 1980, a U.N. Report commented - “Women constitute half of the world’s population, perform nearly two thirds of work hours, receives one tenth of the world’s income and own less
than one hundredth percent of world’s property”. Marital violence is made possible when women have fewer options for escape out of such oppressive relationships because of lack of economic security in the form of gainful occupation. Cost of splitting holds up most marriages. A newspaper report in The Times of India, January 21, 2008 said that in a study of married men and women in London, the majority of wives – 59% - said they would divorce immediately if their future economic security was assured. The status of women in our country stems from their lesser economic liberty and consequent dependence and lack of decision-making power. Women empowerment is possible through education and economic independence. But the scenario is not in favour of women. According to the newspaper report, ‘The North East Times’, April 20, 2003, employment of women in both public and private sectors in the North-east India has remained very low, despite having a sizeable number of women workers in the tea sector. Official sources said only 5 lakh women from the region have found employment in the organized sectors, including private sector. Among the seven North-eastern states, Assam being the most populated leads in employment, over 3.4 lakh women are employed in private and public sectors. The state has over 2.5 lakh working women in the tea estates; 70,000 women are employed in the public sector, 30,000 have found employment in the private sector. National Family Health Survey-III has found that women are often made to work without being paid. According to the survey, 1 in 4 women did not receive any payment for their work. In contrast 92% of men were paid for their labour and only 5% were deprived. Worse thing is that 1 in 6 women who are paid don’t have any say on how they could spend their earnings. Most of the women are not allowed to enjoy freedom of movement outside the home and the workplace. Only half of them were allowed to go to the market or to the health facility alone, and 38% were allowed to travel alone. NFHS-III, conducted jointly by 18 research institutes in 29 states, says that employment among married women varied greatly – while only 21% in Delhi were employed, the number stood at 23% in Punjab, 65% in Manipur, 71% in Chattisgarh and 76% in Arunachal Pradesh. Nationally 43% of currently married women aged between 15-49 years are employed while the number stood at 99% for men. The
legislators can play a pivotal role in empowering women. Access to land and housing is important both as economic and as physical security. It empowers women in real terms, and the global instrument for realizing this goal is the CEDAW.

Law's sympathy is not enough for battered women. Abused women need diverse services, viz. emergency shelter, medical care, protection, financial assistance and counselling services. They need safety, maintenance and a roof over their heads. They need work to support themselves. They need legal advice that is responsive to the unique circumstances in which they find themselves. As a means of their survival, a commitment to ending violence in the home should be made to women. These kinds of services for abused women are largely non-existent in the present governmental system. The above-mentioned measures are not coordinated at the national, state and local levels, and Government funding for programmes to address family violence appears to be negligible. The permanent shortage of shelters and non-availability of legal assistance for battered women shows that funds for the purpose are not made available regularly. Perhaps one single agency cannot offer all these services, and the services should be well coordinated. Today, women in India are experiencing a great amount of difficulty in securing the required help -the lack of collaboration between agencies results in services for abused women being prone to fragmentation, discontinuity and inaccessibility.

Under these circumstances, what is needed is to sensitize and involve the community/public in various programmes against the social evil of domestic violence. The Indian example clearly shows that our society has failed to evolve strong social sanctions against violent men. But both the abuser and the abused are needed to be identified by the society. Medical personnel, legal activists, NGOs and the media can play a positive role in this regard. A recent study has shown that TV serials are fuelling domestic violence instead of creating social awareness. The government has a big role to play in eradicating domestic violence and providing help to those in distress. There are a number of legal and practical barriers to prosecution in such
cases. First, proof of violence becomes an obstacle since violence usually takes place in private. The failure of law enforcement agencies and medical officials to record the testimony of the woman is another problem. Moreover, many complaints are not properly followed up. The Indian judicial system, essentially paternalistic, favours compromise. Thus the perpetrators of this crime are not held accountable. Lengthy court proceedings also result in the acquittal of the defendants.

Men have to be sensitized into respecting women as individuals in their own right with the freedom to live on their own terms, earn, be educated and enjoy an existence without fear. Mothers have to teach their sons the lessons of humanity and their daughters the lessons of self-worth and assertion. Nobel Laureate Amartya Sen sees development as an expansion of freedoms – from want, hunger, exploitation and political suppression. The assessment of freedom should include freedom from fear as well. All other freedoms lose their meaning unless all individuals are ensured a life without fear.

Domestic violence against married women has seen a phenomenal rise in the recent past. The number of cases registered was gradually going up and this suggests that increasingly women are speaking up against domestic violence. Till a few years back, women stuck on in abusive relationships for the sake of the family prestige. Now, with the increasing awareness, economic independence, and a changing value system, they have become protective of their rights. While earlier violence was a taboo topic, today women want to talk; they just need a support system in place. Now, with a working woman who questions, the man finds his position sabotaged. She can live alone and can fend for herself. The psychological repercussions of this realization are traumatic; men’s basic instinct revolts. He uses physical force to keep his wife subdued or creates hurdles in her work to prove his superiority. This is a major cause of tension at home and contributes in a big way towards the rising graph of cruelty and wife beating.
Many in legal circles have been demanding the scrapping of Section 498-A – because it lends itself to misuse by women in cases of personal disputes. During study many husbands spoke of their sufferings for false cases of cruelty lodged against them by their wives and their families. Even the judiciary, including the Supreme Court, has cautioned against the misuse of the anti-dowry Act. The harassed husbands feel that they are guilty by suspicion and there is no chance of proving their innocence because the law is “pro-women”. The accusation is enough to prove their guilt. They are at war with the law which fails to distinguish between real and fake cases of harassment for dowry. During field study many husbands had spoken against Section 498-A IPC that it is been made to harass the innocent and this is more often misused, leading to legal terrorism. According to them in some cases women file fake cases to take money from their husbands and get out of marriage. In some cases women trapped in bad marriages or married against their will, use 498-A to get out of it with some money in their purse. But in India and wherever Indians live, atrocities in marital relationships cannot be ignored and dowry is a fact of life - a curse to the society. It takes life. It ruins families. Every year, thousands of women are done to death – burnt alive for dowry. There are millions of stories – told, hushed up and muffled – of women being tortured for dowry. It is a fact that domestic violence is on rise. That’s why there is a law to check it. But it has failed to do so in many cases and sometimes it is being misused.

In all these years, the successive governments in the centre and the states have shirked their responsibilities, as they are primarily guided more by election interests. The genuine concern of governments for the people’s welfare is not seen as the government shies away from sincere efforts for enforcing the existing laws with the help of the appropriate legal and executive machinery. Our society and the government must work like watchdogs against the social evil at all levels.

The state response is lukewarm at the best and unresponsive at the worst to the problem of domestic violence. The judiciary lays higher importance on formalities than the substance of the crime. Abuse of the legal process by money power has
become a regular chain of events in the justice delivery system. Justice becomes a far cry for the wronged wife alive or dead. Witnesses are almost invariably won over by the wrong doer through money power or strong arm tactics or both and in most of the cases economically and politically powerful person can corrupt the system to obstruct delivery of justice. Moreover, delayed justice system demoralizes wives to fight. Wronged women do not even get maintenance permitted by the law because of the hide and seek game played by their estranged husbands. It shows the predicament of victims of domestic violence as well as the justice delivery system. However, only tightening the legal loopholes alone will not be enough. The sensitization of the legal fraternity can go a long way to solve the problems of helpless wives, at least partially. There are laws to protect the rights of wives. But more than their theoretical implications, their practical applications should be emphasized. An awareness campaign for sensitization of all sections of people is urgently needed about the fact that no society could expect to make progress without raising the status of women to a respectable position. Most importantly, awareness among the people is the ultimate answer to improve the scenario.