CHAPTER-II

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Gender difference and bias, perceived as existing globally, places women all over the world at a disadvantageous position. The most painful discrimination against women is the physical and psychological violence perpetrated on them by their own people, in their marital homes. Domestic Violence affects women of every nation, ideology, class, race and ethnic groups. The facts and numbers are stunning. Domestic violence against women is by far the most common form of gender based violence in the world with many of the victims choosing to remain silent because of the prevailing culture. According to world population report for 2005, up to 69% of women in many countries were subjected to domestic violence.¹

The contempt for women has been common in different cultural societies, however distant they may be in space and time. Human development throughout the world is threatened by the unequal status of women, which is violating human rights and human dignity. One common root, which affects the status of women in the global scenario, is the persistence of traditional life styles. It involves entire fabric of the society and psychology of the people and the problem of the rights of women is much more than a legal question. Women’s empowerment is not possible as long as the discriminatory attitude remains.

All over the world, almost all women had been abused during their lives at one time or other. According to the study conducted by the World Health Organization (WHO) on November 10, 2005, women cutting across economic, social, educational, religious or geographical lines, face violence at home. It is deeply embedded in all cultures – so much so that millions of women consider it a way of life.² The former UN Secretary General Boutros Boutros Ghali had noted that domestic violence had been on the increase. Studies in ten countries, he said, have found that between 17% and 38% of
women have suffered physical assault by a partner. In the Platform for Action, the core document of Beijing Conference, governments declared that “Violence against women constitutes a violation of basic human rights and is an obstacle to the achievement of the objectives of equality, development and peace.”

Domestic violence against women is grounded in power imbalances between men and women, where men exercise power over women. The need to dominate and to beat other into submission is born out of an individual’s personal history and experiences and it has nothing to do with his public facade. Women are most at risk at home from men, whom they trust most. Domestic violence is one of the major forms of violence against women. It generally occurs within the private sphere of family between individuals who are related through law or intimacy. The nature of violence may be mental and physical or sexual. Psychological and emotional abuse like threats, humiliation, and intimidation are as damaging as physical abuse because they endanger women’s feelings of self worth and her ability to control her own life. Often men who beat their wives do not hit their bosses, colleagues, male friends or other members of his family.

2.1 Global Scenario:

Based on available surveys in industrialized as well as developing countries, the World Health Organization (WHO) arrived at the finding that one out of every three women around the world has experienced violence in an intimate relationship at some point or other. The Amnesty International Secretary in a report described violence against women as a “cancer” ruining the society at the core of it.

Elizabeth Rod Grange, a Swiss sociologist and activist said, “It is not a question of democracy, education, freedom or civic sense which is why the statistics of wife
beating are about the same in the developed and developing world. It is fallacious to think that there is a link between democracy, prosperity, education levels and domestic violence.” From experience she explained, “I know high level bank executives, professors, lawyers and even judges who abuse and ill treat their wives and it is not as if these highly educated members of the ruling elite do not understand human rights and the democratic process.” She found some consolation from the legislations in the democracies in the west, which gives a better chance of redress for the problems; more options are available there to get justice.6

One of the researchers Lori Heise of PATH said that research has found rates of domestic violence are about 20% in the U.S. and Sweden and 23% in Canada and Britain.7 In France, each month six women die at the hands of men who profess to love them. In Spain over 30,000 complaints are registered of severe physical violence each year. Moreover in the hands of abusive spouses or boyfriends, some 100 women are killed each year. Even a wealthy country like Switzerland, where ‘direct democracy’ rules supreme, could not keep the country free from violence against women and in 1997, a scientific study showed that the physical and psychological abuse against women tops 20%. In Britain, one woman gets killed by her partner every three days; one woman in four suffers domestic violence and attacks on partners account for a quarter of all violent crimes.8 Official statistics of Russia shows that every fifth person is killed by a spouse.9 The Domestic Violence Research Group under a 1993 national survey of domestic violence in Japan found 58.7% of the samples reported physical abuse by a partner and 59.4% reported sexual abuse.10

In developing countries, domestic violence is rampant. Available statistics show in Brazil that over 70% reported cases of violence against women takes place in the home.11 In South Africa, Women’s Bureau estimates that one in four women is a victim of domestic violence.12 In Peru, 70% of all crimes reported to the police involve women beaten by their husbands.13 According to a National Survey conducted
by the Papua New Guinea Law Reform Commission in 1986, 67% of rural women and 56% of urban women have been victims of wife abuse. During 1998-2004, 3,505 cases of domestic violence were registered in Nepal. According to the Human Rights Commission of Pakistan, in the province of Punjab, 400 cases of domestic violence were reported in 1993, nearly half ended with the death of the wife. In 1990, in the Kissi district of Kenya, a detailed family survey found 42% cases are those of domestic violence.

World population report for 2005, showed that a significant number of intimate partner homicides occurred when a woman tried to leave an abusive partner or soon thereafter. In Australia, Canada, Israel, South Africa and the United States, between 40% and 70% of female murder victims were killed by their partner, it said. According to a study conducted by International Council for Research on Women, 74.8% of women cited domestic violence as the compelling factor for committing suicide. This report was supplemented by Human Development Report, 1995, which found that two-thirds or more of married women have suffered domestic violence in developing countries.

U.S.A. – According to the Women’s Bureau of the United States Department for Labour, as many as one million women become victims of violence at the hands of a husband, ex-husband and boyfriend. Domestic violence is believed to be most common yet least reported crime in the country. According to FBI (Federal Bureau of Investigation) uniform crime reports, 4 women are beaten to death daily and in every 15 seconds a woman is assaulted in the United States by a husband or a boyfriend. Approximately 25%-40% of women who are beaten are pregnant and family violence cost the nation from 5 to 10 billion annually in medical expenses, police and court costs, shelters and foster care etc. United States Surgeon General C. Everett Koop declared that because the family violence reached such an epidemic proportion, it is the nation’s number two health problem.
In America, the Violence Against Women Act was passed in 1994 to address the issue of domestic violence adequately. Speedy justice is a remarkable feature of U.S. courts. Thousands of women in the US have benefited from this historic legislation.21

Canada - Since 1995 the increasing trend of spousal homicide drew attention in Canada. In 2001, a total number of 86 cases of spousal homicide were reported against 68 cases in 2000. During the period from 1995 to 2001 in Canada, domestic violence or criminal harassment by a spouse, sometimes killing of the wives, jumped alarmingly up to 53%. In 2002, 85% of family violence cases had been reported. The statistics in 2004 showed that the highest rate of spousal violence had been experienced by the women of age group of 25 to 34 years of age. Records say approximately one third of the women are victims of violence from their ex-spouse. Ironically, the women who decide to end their marital relationship put their lives in peril. The case of Brookes and Candir can be mentioned for such a crime. In August 2004, one morning when Brookes stopped for coffee on her way to work, she was shot at by her husband. Against her violent husband Sugstan Anthony, Brookes had initiated a divorce proceeding. In Toronto, she had been living in a secret location. She was lucky enough to survive the attack. In Greater Toronto, Aysegul Candir was shot at by her husband Erhun Candir and she was not so lucky and succumbed to the bullets. She was a school teacher, who decided to end her marriage and got shot in the parking lot of a high school in Greater Toronto. A report of Statcan says, “between 1991 and 1999, separated women were killed by estranged partners at a rate of 39 per million couples, while the rates for those living with current common law partners and current husbands was 26 women per million couples respectively.”

According to Vivien Green of Woman Abuse Council (WAC), to protect women much more co-ordination is required between various government organizations. The need for more subsidized day care, housing and greater employment are emphasized
by Green and other activists. The trend which is most disturbing for the agency is that they see women staying longer in abusive relationship because they have no other place to stay and no other means to support themselves and their children and are therefore forced to stay in a violent relationship.22

U.K. – It is reported that the level of domestic violence in Britain has been “vastly underestimated” and that “violence by men against their wives or partners is one of the most serious problems facing society today.” In 1995, 43% of all assaults against women were committed by their partners though it is vastly underestimated, because only 25% of domestic violence is reported. The women activists in Britain want the government to help bring about a change in public attitude towards domestic violence.23 In June 1999, the British Government published a policy document entitled ‘Living without Fear’, an integrated approach to tackling violence against women. It includes current government statistics on violence against women (P-7): One woman in four experiences domestic violence at some stage in her life and it is estimated that between one in eight and one in ten has experienced domestic violence in the past year (British Crime Survey 1998); Every week two women are killed by their current or former partners (Homicide Statistics 1998); Everyday thousands of children witness cruelty and violence behind closed doors. More than a third of children of domestic violence survivors are aware of what is going on and this rises to a half if the women have suffered repeat violence (British Crime Survey 1998); Domestic violence accounts for one-quarter of all violent crimes (British Crime Survey 1998); Domestic violence often starts and / or escalates during pregnancy (British Medical association, 1998). These data show that domestic violence against women occurs on a very substantial scale.24 The victims of domestic violence indicated in Great Britain that women had been burned with cigarettes, bitten, scalded, pushed down stairs, knocked unconscious and had experienced miscarriages as a result of physical violence. Usually violence on women escalates when they are pregnant and physically and emotionally vulnerable.25
Retired British teacher Gordon Park was sentenced to life in prison on January 28, 2005 for the murder of his wife, found at the bottom of a lake 21 years after she disappeared. Park, 60, was found guilty of bludgeoning his wife Carol to death with an ice axe in the trial which came to be known as the “Lady in the Lake.” Carol Park, a 30-year-old mother of three, went missing from the family home in July 1976. Divers found her body in 1997, wrapped in plastic and weighed down with stones in Coniston Water, northern England. His third wife and other members of the family were in court to hear the ruling.

**Switzerland** - Tiny Switzerland, home to a mere 7.2 million people with its fiercely democratic tradition, has failed to curb violence against women. The proud nation Switzerland is extremely modern, democratic, industrialized with 100 percent literacy rate. They provide excellent health care to its citizens.

A Swiss Sociologist named Lucienne Gillioz told ‘The Hindu’ in her very long interview in Geneva: “Our study showed that every shade and class of women is affected by domestic violence. On the basis of an extensive qualitative and quantitative study, we were able to establish that: more than one in five women is affected by physical and or sexual violence in her life time. More precisely, 12.6 % of Swiss women or more than one in eight suffer physical violence, while one in nine or 11.6 % had suffered sexual violence. As far as psychological violence is concerned, over 40.3 % of those questioned were affected.” The publication of a book ‘Le Piege’ (The Trap) in 2000 by a microbiologist of Brazilian origin, who was married to a Swiss Architect, described savage beatings, repeated marital rape, sequestration and financial deprivation in the intimate relationship. From her own bitter experience in her life she said: “I decided to write the book after a judge ruled in favour of my husband saying my injuries were self-inflicted. Women are not the cause of what they endure. Also we must not put up with inhuman treatment. What violent partners
reserve for us is not love; it is a hunger for power disguised as love, jealousy.” The above comment she made in an exclusive interview at a Geneva hotel.

Julia Rios is a living example, which proved the fact that domestic violence cuts across all social barriers. Even judges, policemen and lawmakers become biased and display prejudice against women. Julia Rios realizes in retrospect that long before her husband Bradley began hitting and abusing her, the violence started. She narrated her own fearful experience and said, “He was extremely possessive and with time his jealousy became worse. He would spy on me, follow me to work, he would intimidate my friends. I became a virtual prisoner. He would confiscate my money doling out a pittance. He listened to my phone calls, opened my letters. Why did I put up with it? Because I was brought up with the idea that one married for good and that a woman’s place was next to her man. I was three months pregnant when I left him. I was frightened his beatings would damage my child. The daughter I was carrying gave me strength.”

A large number of victims – as many as 75% - forgive their violent husbands if the husbands become apologetical and withdraw their complaints with the hope of leading a normal family life. But usually the outcome is reverse and hopeless. So judging the situation, a new Swiss law has been promulgated to pursue the case even if the case is withdrawn. It is mandatory for the state to pursue the offender even after withdrawal of the case. For any woman leaving her husband even though her husband is violent and cruel to her is a traumatic.27

France - Film actress Marie Trintringnant was beaten to death by singer Bertrand Cantat who was her lover. However, the case of Marie Trintringnant finally placed the spotlight on one of the most taboo subjects in western democracies, that of domestic violence. Lilliane Daligand, professor of forensic medicine and director of a French
association against marital violence said, “We have supposedly free press, a police and justice system reputed to be among the best in the world and several social and societal safety nets meant to protect our citizens. Yet violence against women continues unabated in France, as a result an average of six women has been dying per month.” The unfortunate and much publicized case of Marie Trintrignant has also highlighted the fact that violence against women is not restricted to a “lower social milieu” as many would have us believe. It affects every class of woman – the poor and under educated as much as the rich and professionally qualified.”

Marie Dominique de Suremain of the National Federation of Women’s Solidarity says: “The real extent of the problem has been grossly underestimated. A study undertaken by the forensic services of the Paris hospital system indicates that over 60 women are killed annually by their partners in Paris alone. We have no idea of how many such killings takes place in the provinces. No statistics exist on the number of women maimed or mutilated nor do how many endure years of terror.” “A strange link is that of love. 18% of severely mistreated women told us they were still in love with their violent partners. In addition, there is an overwhelming feeling of guilt – of various types. Often women feel they deserved the beating because they had not been perfect wives or lovers. Or that they had failed to show enough sympathy or understanding to their partners for trauma that they had suffered as children – for, most violent men have had a troubled childhood when they had been abused. Women have to fight these received images of themselves,” says Ms Daligande.

A blood chilling incident, which was experienced by a wife brutally attacked by her husband, was narrated by her with her desperation to live for the sake of her children only. “Lying in a pool of blood, with 15 stab wounds in my body, my only thought was to keep my eyes open. I was fighting to stay awake for my children. I knew if I shut my eyes, I would die,” explains Isabel Llinas. She directs the institute for Women’s Affair in Majorca, Spain. Isabel was stabbed by her estranged husband. Her
husband was imprisoned and later hanged himself in his cell. Isabel became an ardent member of women's movement in Spain. While giving the reason for dedicating herself to women's causes, she explained, "I did so because there are thousands of women like me in Spain. I was lucky, I had education and economic independence - I ran a hotel - but there are many who are totally dependent on extremely brutal partners and it is those women I try to help."

A sensational incident of a brutal murder in 1997 made a headline in newspapers about domestic violence; Ana Orantes, a 60 year old woman was the victim of domestic violence throughout her long married life. As police could not do anything, she took as the last resort public denunciation to get rid of it. She took the help of television to denounce publicly her husband's habitual violence. After her television appearance, husband beat her black and blue. After that he tied her on a chair and sprinkled petrol and set fire on her.28

Spain - An estimated two million Spanish women - 12% of the total - suffer daily hell at the hands of their violent husbands or boyfriends. Since 1999 to 2003, more than 300 women have been killed in incidents of domestic violence and such incidents are increasing at an alarming rate. At least 42 women were killed by their partners during the period from January to July 2003. The press had denounced an "epidemic of domestic terrorism" while parliament adopted emergency measures to protect women. Despite decades of women's emancipation and initiatives to tackle violence, the numbers of such incidents are increasing. The experts opined that the root cause could be emancipation itself, which makes men feel insecure and prompts them to reassert their traditional macho power. Maria Del Mar's husband cracked her skull with a hammer and poured a corrosive liquid over her body, chopped it to pieces, wrapped them in a plastic bag and put concrete over them. The remains of the nurse who was 34-year-old were discovered in her home near Barcelona. The crime committed by her police officer husband was nothing uncommon in Spain.29
There is a general assumption that battered women provoke their husbands. In Spain, this evidence is found in the mindset of forensic medical doctors who downgrade their reports on the severity of women’s injuries as they are carried by the idea that the woman had provoked the assault. To improve the situation women sometimes try different methods by becoming submissive. Ironically for the abusive partner, submissiveness or complaint does not help. Sometimes it effects the opposite and escalates the violence towards them. Realizing the situation Ms Llinas tries to show a positive direction to the battered victims of domestic violence. She says, “Now I want to help other women recover their self-esteem and confidence. Many women continue to accept their lot because their husbands come back saying they are sorry and begging for forgiveness. They must be helped to realize that such situations never really change. They must be taught to break this psychological dependence, get out of the love-hate bind. That is what I try to do.”

Many highly publicized cases of murder and cruelty by husbands of and to their wives forced the Spanish government to act. The calculated brutality, callousness of the guilty husbands and misplaced machismo shocked the nation. The law of the country helped the victim women to obtain a retaining order within 72 hours of filing a complaint. Over 25 women in Madrid alone apply for such an order each day. But according to the women’s experience they feel these measures do not go far enough. Feminists are not satisfied with the government’s action and government show inefficiency to enforce the existing laws. Sometimes the government machinery is reluctant to accept domestic violence as a serious problem.30

Russia - In Russia law does not protect women when they are beaten by their husbands or partners. The reaction of the police is, “But he did not kill you.” The government of Russia fails to provide any legal protection as the law enforcement
agencies do not believe in giving equal rights to women and neglect investigation and prosecution when the violence takes place including domestic violence and sexual assault. Law enforcement officials refuse to intervene what they identify as “family matters.” Sometimes police discourage the complaints of domestic violence by intimidating them and stopping them from filing such complaints. Women rights activists, lawyers and even government officials recognize the prevalence of violence against women in Russia. Spousal abuse is very common, not only wide spread but also largely accepted. Official statistics of Russia shows that every fifth person is killed by a spouse. Even then the state and law enforcement agencies have done little to denounce domestic violence.

A psychologist who works with victims of domestic and sexual violence says. "Domestic violence is a huge problem. But no one will talk about it. I have a friend whose husband rapes her, and she can’t even cry because her children sleep in the same room. She has never gone to the police.” Russian women are fighting to achieve respect for their rights and protection from violence in the family and in the street particularly.31

Japan – The Husbands’ Violence Association Survey of 795 women found that 78.5% admitted to having been battered by their husbands. More than half of them said they were frequently beaten or sexually assaulted. A woman was thrown out of the house, in winter, naked. A husband poured boiling water into his sleeping wife’s ear. Another tried to drive the car over his wife. Another half said they had been to hospital for treatment of burns, broken bones and bruises but almost none had ever sought help from the police.32

China – All-China Women’s Federation shows that 16% of married women have been beaten by their spouses, while 5% and 2.6% of women respectively said that they have
been mentally or sexually hurt by their husbands. One-third of wives list family violence as the worst among all kinds of infringement of women’s rights, the survey found. In 2002, the Women’s Rights Federation at all levels received 36,000 complaints about family violence.\textsuperscript{33}

**Brazil** - Wife murder is a common crime in Brazil. A 1991 study indicates 6,000 cases of violence against women and found 4000 incidents of murders of women by their husbands or lovers from 1987 to 1989. Available statistics show in Brazil that over 70% reported cases of violence against women takes place in the home. Woman’s husband or lover is the abuser in almost all cases. Over 40% suffer from serious physical injury. The cause of injury among other things are punching, slapping, kicking, tying up and spanking, burning of the breasts and genitals and strangulation. The Brazilian Institute for Geography and Statistics (IBGE) found that from October 1987 to September 1988, 1,153,300 people were declared victims of physical abuse. According to the report rape appears to occur less frequently in the domestic context. May be the reason behind that the prevailing attitude where marital rape is not considered as crime and substantially reduce both reporting and investigation of such crime. In 1991 Human Rights Watch Investigation in Brazil revealed that Brazilian police ignored the complaints of women when they were abused by their husbands or partners. Though 125 specialized police stations to deal exclusively with violence against women were established, unresponsive attitude of the police was rampant when domestic violence cases were reported. The government created approximately six shelters for battered women throughout the country but the criminal justice system remains largely unresponsive to women’s complaints of abuse.\textsuperscript{34}

**South Africa** - In South Africa one in six women is abused by her partner, according to South African Women’s Organizations. In 1994, a new government by the African National Congress (ANC) was formed and it pledged the establishment of the rule of law and respect human rights. Despite these pledges women victims who are at risk by
their violent partners are neglected and denied justice. The Prevention of Family Violence Act was legislated in 1993. The law enforcement authorities are inefficient and reluctant to acknowledge the crime of domestic violence and discourage women from bringing charges by treating it as a 'private matter.'

In 1992, the Cape Town based NGO Rape Crisis stated that one in every 3 women is abused by her partner. Women's Bureau estimates that one in four women is a victim of domestic violence. According to The Advice Desk on abused women located in Durban, women are abused regularly by partners and one in four women are forced to flee at some time or other as their lives become endangered at their own home. The South African women face different types of abuses in the home like hitting, choking, burning, stabbing, the use of electric shocks and confinement, verbal humiliation and degradation by their partners, and emotional abuse through threats of violence, economic deprivation and restricted access to their children. In Alexandra Township near Johannesburg, a 1993 study of battered women found that intimate partners inflicted physical injuries with fists, knives, bricks, the traditional knobkerrie (club ended stick), bottles, hammers, axes and screwdrivers. The exact extent of the problems is not known as the majority of the domestic violence survivors avoid seeking official help, rather prefer informal network of family and friends.35

Saudi Arabia - From cradle to grave, women in Saudi Arabia live in the shadow of men. They are brought up not only to feel inferior but to believe women are the cause of sin and disorder. They are veiled and segregated and discriminated against by the Islamic legal code that sets their worth below men in property and marital rights. They live in fear. Polygamy, however, remains one of the most acute problems for Saudi women. Islam allows a man up to four wives at a time. "Polygamy is the biggest humiliation for women here. Many women accept to stay in the marriage as second or third wife, otherwise they would be banished socially and suffer financially," said economist Nora Bin Abdullah, 48. Perhaps the most disturbing for these women is the
effacement of their entire identity in daily life. “A Saudi woman is disempowered completely. She has no voice and cannot do much to change her life,” said Mona (name changed) a 43 year old academic.36

Zimbabwe - The Zimbabwean government is proposing to introduce changes in the marriage laws, apparently to achieve ‘gender equity’. A man can have multiple wives but only one has legal rights. Despite being considered illegal, 80% of Zimbabweans get married in this way. However critics say it is difficult to see how women will benefit in the first place if there is no provision to prevent men from having multiple wives.37

Nepal - In Nepal, domestic violence is quite common and the battered wives who have taken legal recourse are often compelled to think that living with an abusive husband is a more practical approach to life. Nepal has a patriarchal society that prefers sons and regards women as inferior. ‘Jana Aastha’ a Nepali tabloid had run a front page story how princess Prenana, daughter of king Gyanendra, had been assaulted by her businessman husband, Raj Bahadur Singh. The mainstream media in Nepal generally ignores such incidents not because discussing the royal family is taboo but because the issue of domestic violence is not unusual in Nepal.

According to Central Women’s Cell of Nepal Police, 939 complaints of domestic violence were filed in the financial year ending on June 15, 2006. During 1998- 2004, 3,505 cases were registered showing an increase in domestic violence cases. Though these figures are just the tip of an iceberg, most victims avoid registering cases for family pressure, social stigma and lack of financial independence. The demand for dowry, drug addiction and alcoholism, polygamy (if the wife does not bear a male child) and viewing of pornography channels and blue films are the some of the causes of domestic violence. Laws are also ineffective in Nepal to stop such crime.38
Pakistan - According to the Human Rights Commission of Pakistan, in the province of Punjab, 400 cases of domestic violence were reported in 1993, nearly 50% ended with the death of the wife.\textsuperscript{39}

Bangladesh – Several women rights groups have expressed concern at the rising atrocities on fairer sex in Bangladesh in recent times. ‘Adhikar’ a non-governmental organization has revealed in a study in February 2001 that there were 129 cases of repression on women and children, which include 17 acid throwing and 13 dowry deaths in several parts of Bangladesh. The police report for 2001 has painted a gloomy picture which showed among other crimes 139 were subjected to dowry death cases.\textsuperscript{40}

Sri Lanka – The major cause of domestic violence in Sri Lanka is dowry, child marriage, traditional role of the humble wife and mother, economic dependence of women.\textsuperscript{41}

NRI (Non-resident Indian) - In United States and Canada, the increase in domestic violence against women from the Indian sub continent is causing concern and worry for the Indian women’s organizations. As a result of a sustained movement by women’s bodies, the local authorities at different places in the U.S. and Canada (where Indian population have a large concentration) have provided support hotlines and shelters for victims of domestic violence.\textsuperscript{42}

2.2 National Scenario - Indian Experience:
Even in 21\textsuperscript{st} century, women are regarded as the weaker section of our society. Though many women have occupied the top slot of many professions, they still have
to suffer the brunt of their male counterpart. Jawaharlal Nehru once said: “You can tell the condition of a nation by looking at the status of its women.”43

In the publication titled Women and Men in India, 2006, brought out by the Central Statistical Organization (CSO), cruelty by husband and his relatives accounted for the highest number of crimes against women which saw an increase of 14.6% in 2004 over 200344. According to the National Family Health Survey (NFHS), nearly two in five (37%) married women had experienced some sort of physical and sexual violence by their husbands.45 Women are victims of violence at all stages of their lives, from womb to tomb. From the decline in the juvenile sex ratio to the disturbing trends of domestic violence-induced suicides, what emerges is a continuous trend in which women get victimized for various socio-economic and cultural reasons.

According to the National Crime Records Bureau (NCRB), every hour in India 6 women suffer from cruelty by husband and his relatives, 1 dowry death, 2 rapes, 4 molestations, 1 sexual harassment and 7 deaths due to negligence.46 On an average 1 Indian woman commits suicide every 4 hours over a dowry dispute, as per official data.47

The statistics released by the National Crime Records Bureau (ministry of home affairs, India) revealed that of the nearly 1.35 lakh cases of crime committed against women every year, 37 % are cases of domestic violence. This means 50,000 women are abused by a family member every year. And these are just the reported cases.48 In India, women are guaranteed equality, freedom, opportunity and protection by the constitution and several legislations. Nonetheless, they continue to be victims of domestic violence. Illiteracy, dependency, poverty, ignorance, lack of awareness, added with traditional oppressions and customs, place the Indian women at uneven status.
Over 40% of women in a nationwide survey reported being beaten by their husbands at some point of time. According to India’s most comprehensive National Family Health Survey, a high incidence of domestic violence is recorded in Bihar 59%, Madhya Pradesh 46%, Rajasthan 46%, Manipur 44%, Uttar Pradesh 42%, West Bengal 40%. Low incidence of domestic violence is recorded in Himachal Pradesh 6%, Jammu and Kashmir 13%, Delhi 16%, Kerala 16%, Sikkim 17%, Goa 17%.49

Dowry death cases reported (2001- 6,851) a decline of 2.0% over the previous year (2000-6,995). Torture cases (2001-49,170) in the country increased by 7.4% over the previous year (2000-45,778).50 According to data compiled by NCRB, a total of 2,276 female suicide cases due to dowry disputes were reported in 2006, that is, 6 a day on an average, while the figure was 2,305 in 2005. In 2004, at least 2,585 such cases were registered across the country.51

In many parts of India, women are treated as a burden as they are considered as an economic drain during their marriages. Her birth is never greeted with joy like that of boys. Discrimination begins from her birth till the end of her life. Law could not change the basic notions about the worth of women and their sufferings continued. The very social structure and patriarchal system along with the political, social, economic and psychological factors are responsible for the low social status of women. Social compulsions and absence of support system force many women to suffer domestic violence. They bear all the marital crimes against them for fear of social stigma. Domestic violence in the marital relationship completely destroyed the sacred character of the institution of marriage. Cruelty and physical torture on wives, adultery, bigamy, and fake marriages became a day to day affair in the marital relationship. They often fall prey to the dowry system.
Gender violence in India comes in many forms which include foeticide, food deprivations, emotional abuse, forced marriage, sati, rape, sexual assault and harassment of all sorts, trafficking, forced sterilization, torture and finally dowry deaths - the cruelest of all. There are, of course, legal provisions to fight gender violence but none of them proved truly to be effective. India has the largest population of non-school-going working girls; maternal mortality rates in rural areas are among the worlds highest; and of 15 million baby girls born in India each year, nearly 25% of them do not live to see their 15th birthday. Compared to baby boys they get less food, less care and less attention, which is a disgrace to the country. With female foeticide it has reached a stage when young men in some states, especially in the north and the west, will have to search for brides elsewhere in the country. The number of female child births has come down to 93.7 for every hundred male children. In reality, this is a man's world.

After the Vedic era, over a period of time, the Indian society came under the clout of several social menaces, which endangered the life of Indian women and their very psyche to the extent of threatening their very existence in the name of social customs. In post Vedic period women lost all dignity and status in the society. Further deterioration took place in the status of women after the Muslim invasion in the medieval period. For saving the chastity and honour of the girls, evil practices like child marriage, sati and putting of women behind veil were in vogue. Patriarchal system prevailed in Hindu families. From the early childhood women were influenced by traditions, scriptures and folk-lore to become dependent on menfolk, namely father, husband and son in different stages of their lives. Education had been a taboo for women and they remained in darkness without acquiring any knowledge.

Women victims of domestic violence endure torture and abuse for an average 4.2 years before filing a complaint with the police. An overwhelming 78% of such victims say they faced physical abuse and aggressive behaviour in front of in-laws, children
and in public. 41% of the women victims were slapped, hit, arm-twisted, pulled by hair; 32% suffered severe beatings; 22% said they nearly got killed; 5% reported emotional and psychological abuse and nearly 48% of the victims said their husbands were having extra marital affairs (Source: NGO, Swanchetan). About 60% took support from their children after facing violent behaviour. Nearly 17% said children became human shields to protect them. 23% women said that their parents became supportive after being thrown out by their husbands or their families. These disturbing facts came to light in a five-year-study conducted between 2002 and 2007 on 1,805 victims who came to Delhi Police’s Crime against Women Cell for help and were referred for counselling to a team of clinical psychologists from the NGO Swanchetan.

“The situation could be much worse in north India’s smaller towns where police often treat domestic violence as a family matter, where the social dice is loaded against women lodging a protest and where support services such as short-stay homes or women’s organizations are either rare or absent,” says Ranjana Kumari, director, Centre for Social Research. The study shows that dowry remains a major reason for marital discord and often leads to violence. A huge 54% of the victims said that the dowry demands began with sudden violence. Women activists feel that with rising consumerism, there’s a big spurt in the middle class’s material expectations from a marriage. Ranjana says, “Now, a TV is not enough. The demand is for a plasma TV. Long after the wedding is over, dowry keeps manifesting in itself on family occasions. When expectations are not met, arm-twisting is resorted to. The bride becomes a soft target.” About 22% of the victims said that their husbands seemed to have planned the violence. About 74% said their husbands were apologetic the next day, swearing they would never do so again – a promise they never kept. “In an overwhelming number of cases, the violence took place at night – between 10-30 pm and 12.30 pm,” says consultant psychologist Rajat Mitra of Swanchetan. Another 36% of the women victims had suicidal thoughts; of which more than half made an unsuccessful attempt to end their lives. Those who felt like committing suicide but did not attempt to do so confessed that the future of their children, especially their daughters, prevented them
taking the step. In nearly 19% cases, husbands tried to prove that the wives were mentally ill, mentally challenged or depressed and they even did not hesitate to tamper the prescriptions. The study also showed that social laws such as Dowry Prohibition Act and the recent, Domestic Violence Act, have not helped much in reducing violence against women,” Says Mitra.54

The crime report published by the government of India shows that the offence of cruelty by husband and in-laws constituted 32.3% of total cognizable IPC offences in the year 1999. There was 5.9% increase in the offence from the previous year. If we go by the International Centre for Research on Women (ICRW) findings, suicide is the proximate result of violence and torture at home. In India 45,099 female committed suicide in the year 1999, which is 41% of the total reported suicides. Among the total female suicide victims, 21.7% were housewives, who had committed suicide due to dowry disputes, poverty, family problems and so on. In the year 1998, a total number of 9144 women committed suicide due to family problems. The figure increased to 10066 in the year 1999. The enormity of the crime and its fall outs clearly calls for a case for suicide legislation to tame the silent and invisible offence of domestic violence.55

According to the National Crime Records Bureau (NCRB), quoted by a distinguished human rights expert, Dr Kaarthikeyan, there were 4,836 dowry death cases in 1990, which rose to 5,157 in 1991 to an all time high of 6,699 in 1999. Cases of torture of women have to be enumerated to be believed. There were 13,450 cases in 1990, as many as 15,949 in 1991, and an unbelievable 43,823 cases in 1999. In his book on human rights, Kaarthikayen writes: “Research has shown that for millions of women, their homes are dens of terror and that a huge chunk of violence that is perpetrated against women is committed by their own family members.” Not only that, such violence cuts across income, class and culture, and these incidents are rarely reported
and even if they are reported, "they are reported when it is too late to follow up," he said.\textsuperscript{56}

Unofficial statistics estimate that one out of five married women in India suffers from domestic violence. Available data indicates a major increase in domestic violence in recent years. In New Delhi, a domestic violence activist has indicated that every six hours a young married woman is burnt alive, beaten to death or driven to commit suicide somewhere in India. At least 20\% of married women between the age group of 15 and 49 experience domestic violence, many of them on a continual basis.\textsuperscript{57} The ICRW emphasized that in Rajasthan, Uttar Pradesh, Gujarat and Kerala, domestic violence cuts through caste, class, religion, age and education. These women are victims of physical, mental, sexual and emotional abuse regardless of their education and economic status. 20\% of the cases reported in Rajasthan are of working women. In Kerala, 30\% of women complained of physical abuse and 69\% of psychological torture. Two out of every five women in abusive relationships suffer silently because of shame and family honour.\textsuperscript{58} "Most of the women who are admitted with cuts and burns and with broken bones claim to have met with an accident while the real reason is that they have suffered abuse," said Dr Ganesh professor of Obstetrics and Gynaecology at Maulana Azad Medical College, Delhi. Domestic violence is not confined to marital rape, thrashing, bride burning but it includes depriving of women of nutritional food, healthy living condition. The maternal mortality rate is 437 for every 1000 women. In India alone more than 4 out of every 10 women succumb to this indignity every year.\textsuperscript{59}

Sati, Karva Chouth, Savitri Brata, Tij and similar ceremonies attach a great degree of significance to a marriage and superiority of man. From the world of womb to the outside world, women are killed in the name of sati, foeticide, infanticide, dowry murders, premarital dowry suicide, patriarchally abused suicide. Suicide among
women are continuing in the name of dowry deaths which is projected as accidental deaths or suicide and the increasing trend of dowry deaths all over India is alarming.

The system of giving dowry to a daughter is an age old system to help her set up a new home after the marriage. Under the ‘Mitakshara’ system, girls have no right to parental property and during her marriage a part of parental property was given for supporting her economically in near future or in case of emergency. Domestic violence is a serious problem in the context of dowry disputes in India. A survey disclosed that every 50 minutes, a woman is harassed by her husband and in-laws and every day 17 dowry deaths are reported. Many victims of dowry related harassment suffer silently because of fear of abandonment, lack of economic support, social stigma and protracted court battles. Women, after reporting to police, each time found themselves at the receiving end of a push, shove, slap at home. Dowry death cases increased in metropolitan cities like Delhi, Mumbai, Kolkata and Chennai during the year 2001. A Central minister in Rajyasabha declared that in 2001 dowry death cases were 121 and it increased during 2002 to 181. The Central Human Resource Development Minister said in question hour that during the year 2001, 5 lakh dowry torture cases were registered and 38% cases were acquitted. He again informed that during the years 2000 and 2001, 5,952 and 6,060 dowry death cases were respectively registered.

According to the All India Democratic Women’s Association (AIDWA) the practice of dowry is on rise in West Bengal and Kerala – considered the most progressive states in the country. In West Bengal, it has increased among Muslims, Dalits, poor and middle class peasants – even among tribals as they become educated and become more and more urbanized. Union human resource development minister Murli Monohar Joshi informed the Rajya Sabha in August 2003, that dowry deaths had increased in Delhi, Calcutta, Mumbai and Chennai even though general dowry related cases had registered a decline. According to AIDWA, “Dowry has assumed the form of a new disease. It has become a status symbol in an era of liberalization dominated by market and consumerist culture.”
Jaya a victim of domestic violence said wedding vows are taken with hopes and dreams of a joyful future together. “Till death do us part” does not mean “till my child finds me dead on the kitchen floor”. It does not mean “till my soul dies a little each day.” Mala, a doctor, committed suicide after her husband slapped her before his friends. Soni, a model and a former beauty queen, was coerced into ‘entertaining other men’ and locked up in a room without food for several days. Shalini was regularly beaten up before her helpless daughters for not cooking good meals. The incidents are endless and figures show an alarming rise in atrocities against women in India.

Frazana Ali Akhbar Shakh, 40, who had been married for 24 harrowing years, came to the Sancheta Community Centre in Ahmedabad for help. She had, broken teeth, bitten lips, stitches on her scalp, a fresh cut near her left eye. She said, “He claims I am weak, I throw tantrums .... I have been given 25 shock treatments; he stuffs me with high doses of medicines every day.” “I am forced to have sex with him, sometimes in front of the children. I have never understood as to why all this happened to me,” she added. Another horrifying incident was of Jyoti Dhawan, who became victim of domestic violence for not bringing adequate dowry during her marriage. Though, she had realized that the lack of adequate dowry would be her undoing; what she did not expect was the harshness of her punishment. Locked two years in a room by her husband, she just survived amidst urine, excreta and hopelessness. Till 2001, prodded by Jyoti’s family, the police finally rescued her, a mass of bones weighing no more than 20 kg.63

One doctor from Surat narrates pathetic condition of wives from her own experiences. Husband would accompany their sick wives to consult doctors frequently but if it deteriorated, the men would stop escorting their sick wives and would stop seeking further treatment. If the nature of ailment was diagnosed to be of serious type, which
needed funds of Rs 5000 or more, the husband would try to know privately from the
doctor whether it was terminal ailment or not and then the man would hiss, “Then
forget further treatment ……. I cannot afford it.” Some men would start calculating
right there and then, “What? Another R 30,000 for the hospitalization? For that much
money, I can easily get a new wife – younger and healthier.” Doctor from her own
experiences narrated the sad truth about a women’s worth in our society. The Burns
Association of India organized a seminar where several women spoke out about
domestic violence. A much higher number of burn cases take place in India than in
any other nation. Here any number of women burn themselves to death for domestic
violence or burned by husbands and in-laws. Burns are by far the most painful injuries
in most of domestic violence cases. The conditions of survivors are worse than the
ones who succumb, as their husbands refuse to accept them or pay for treatment. One
of the doctors in the seminar spoke about a wife who was routinely beaten up by her
husband and in 2004 during Diwali, her mother-in-law advised her to stay out of her
husband’s sight that night, while the rest of India celebrated the festival of light, she
had nothing but darkness in her life. Uncaring and insensitive men boast about
respecting women since their religion elevates the Goddess to greater heights whereas
truth is somewhere else. Their wives are worst sufferers and continue to be relegated
to a pathetic condition without any status and power in their families.64

Statistics compiled by the Delhi Police show a steady increase in the number of dowry
harassment cases and its justice system.

2.1 Dowry harassment cases in Delhi

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According to NCRB data, the numbers of dowry deaths in the country during 2004, 2005 and 2006 were 7,026, 6,787 and 7,618 respectively. In the years from 2002 to 2006, a total of 2,816, 3,592, 3,204 and 4,504 cases respectively were registered under the Dowry Prohibition Act. Data regarding dowry-linked suicide by women for the same period reveal that a total of 2,378, 2,347, 2,585, 2,305 and 2,276 women respectively committed suicide, with the largest number reported from Madhya Pradesh.

Sati - ‘Sati’ is an extreme form of domestic violence peculiar to India. ‘Sati’, the barbaric custom of burning the widow alive on the pyre of her dead husband, was being perpetuated in the name of religious sentiments, traditional beliefs and customs in ancient and medieval period. The reason behind sati was two fold, to ensure preservation of the chastity of widow and the desire for economic benefit by the other members of family where widow was entitled to inherit the assets of the deceased.

In the early 19th century Raja Ram Mohan Roy, a great scholar and social reformer, was mortally horrified to witness his sister-in-law being burnt alive in the funeral pyre of his elder brother. Then and there he decided to campaign against such inhuman and perverse religious custom as he was morally disgusted. “Most recorded evidence about sati from Abbe Dubois points to systematic coercion of the women concerned. Eye witness accounts speak of the half burnt body of the women repeatedly thrust back on the pyre, even as she lets out blood curdling cries for mercy. Instances of women being drugged into unconsciousness with opium were not uncommon.” Lord William Bentick banned the practice of sati in 1827. In 1829, Sati was made illegal but it again shot into prominence in 1987 with Kanwar performing sati in front of thousands of villagers in Rajasthan. Her death sparked a national outrage, and forced the government to enact ‘the Commission of Sati (Prevention) Act 1987’ making the offence punishable with a maximum sentence.
The victim women are brainwashed to become sati and worshipped as ‘Satimata’. To commemorate ‘sati,’ several temples were built in Rajasthan (Glorification of sati is punishable under the present law). For people of India, the Deorala incident of sati by Roop Kanwar has been an eye opener, which shows how Indian mentality and outlook are highly tradition bound. September 4, 1987, Roop Kanwar had been buried under a heavy load of fire wood so that she could not escape. The fire was lit and partially burnt Roop Kanwar screamed and begged for mercy and help. The 90 odd people had no courage to help her and quietly moved away as the fire was cruelly relit by those determined to murder her. Soon after this, 800 odd newly set up shops were doing roaring business having commercialized the cruelty of sati into a carnival at Deorala village in Sikar district of Rajasthan.

The history of the recent past shows that in Rajasthan, Madhya Pradesh and Uttar Pradesh, sporadic incidences of ‘sati’ have been taking place. On May 7, 2005, Ram Kumari, a 75 year old woman killed herself by jumping into her husband’s pyre in UP’s Banda village. A 70 year old woman ended her life allegedly by jumping into the funeral pyre of her husband at Bahundari village in UP on May 7, 2005. A 77 year old woman was claimed to have committed ‘sati’ by jumping on the funeral pyre of her husband at a village in Bihar’s Gaya district on April 12, 2006. Sangita Singh, 32, was saved from becoming a sati just in time after she had been dragged to her husband’s pyre in front of her three year old daughter in a Fatehpur village, UP on August 4, 2006.

Status of widow - In India, a woman loses her social status after the death of her husband and is socially ostracized. A Hindu widow’s life is made miserable by in-laws and she becomes almost a slave and a beast of burden for all kinds of manual labour and harsh treatment. Customs and traditions of the society are the determinants of the status of widow. To prevent widow re-marriage a widow is not allowed to wear fine jewellery, flowers, sindoor and mangalsutra and expected to wear plain white saree.
Even widow’s hair was shaved off in olden days. She is deprived from all religious ceremonies. On the other hand there is no restriction for man after the death of his wife and he could marry a virgin any number of times. In fact relatives start looking for a girl soon after a wife dies. A young widow is held responsible for her husband’s death whatever might have been the cause of his death. In innumerable cases, even the parents or brothers refuse to support these helpless women. It is a heart rending scene to see Indian widows who were dumped in Vrindaban and Varanasi in the name of religion. It can be considered as a kind of domestic violence on them as they are left with no other choice but to accept such a horrific neglected life.

Tribal societies - General perception about the tribal societies is that women enjoy respectable status if it is compared to non-tribal communities. Yet, recent studies have revealed that customary laws do not always protect the interests of women in the present context and all is not that well for women in some tribal societies of the Northeast India. A large number of women in Meghalaya were facing physical abuse, emotional and mental distress due to desertion by their husbands despite the matrilineal system existing. This was mentioned by Dr. Biloris Lyndem, Chairperson, State Commission for Women, Meghalaya. The upward trend in the crime graph against women in the East Khasi Hills district during 2006 has become a matter of concern for the police. Among the other crimes against women, there were 11 cases of cruelty by husband and one case of dowry in 2006.

Arunachal Pradesh in the North East bordering China and Myanmar, still practices some age-old customary laws. After the death of the wife, marrying sister-in-law without her consent by using force is allowed in Arunachal Pradesh. The primitive practices like polygamy; child marriages and forced marriages are much in vogue till today. The traditional customary law allowing the keeping of many wives if the person is financially well off is also in practice. A woman has no right to inherit her husband’s property. As it is, in a male dominated society, women have no power of
decision-making. Social Activists want codification of just laws as the women are exploited even today in the name of traditional unjust practices like polygamy and child marriage.74

In Mizoram, a man simply has to say, “I mak (divorce) you” and the wife has to go. An archaic tribal system in remote areas near the Burmese border allows a man to divorce his wife instantly, grab her savings and property and marry another woman the same day. After divorce or separation women live in a desperate condition, as they don’t have any property right. Polygamy is very much in practice. About divorce and inheritance, women have no place and are deprived from equal rights. Over 90% marriages are unofficial as it is administered by the Church. There is no system of keeping record of divorce but it is presumed to be very high. Many women are dumped by their husbands with a simple diktat, “get out.” For these damsels in distress, alimony is a far cry. A divorcee is sometimes forced women to get into prostitution to earn their living.75 In Kuki community wife cannot inherit husband’s property if she does not have any male child.76

In Rajasthan a tribe named Sanchi practices ‘Kukari’ for the newly wed bride which means examining the chastity of the bride by the elderly women, sometimes elderly men also join with them. This practice of putting women to shame is barbaric and indicative of uncivilized culture.77 Polygamy is common among Gond tribes in Andhra Pradesh. The wives all live in different houses, which the husband visits by rotation – with the police turning blind eye to it.78

Muslim Women - Muslim personal law falls short of full gender justice. Muslim Law permits polygamy; keeping four wives at the same time. By pronouncing ‘talaq’ a Muslim male can divorce his wife unilaterally. On flimsy grounds divorces are given which violates the basic human rights. To provide justice to the minority section of the
society, Supreme Court judges have spoken out their mind but the scenario remained same. Some of the Muslim women declined to go back to their husbands when husbands asked them to return after pronouncing talaq to them. What irked them particularly was that the husbands followed the dictates of Islamic family law. To return to the previous husband they have to commit *halal*, that is, marry another man, sleep with him for a night and make him pronounce talaq thrice the next morning. Halal, say Islamic scholars, was prescribed by the Quran as a deterrent to divorce and as a “means of hurting a man’s pride, if he chose to divorce his wife,” explained Neelofar Akhtar, a Mumbai based lawyer and advisor to the Muslim Personal Law Board. Shahnaz Sheikh, 26, was married to Wasim, a mullah in Mumbai. After his mother put pressure on him, Wasim divorced her by pronouncing triple talaq ending their five year old marriage. But when he asked her to return to him, this seemingly mild woman declined to do so. What irked her most was to go through halal. She recalled, “I told him that I was not a prostitute, so I can’t do something as lowly as that”. Nooijehan Safiya Niaz, co-director, Women’s Research and Action Group (WRAG), a women’s rights organization in Mumbai says, “Unlike some years ago when Muslim women called off their bad marriages after suffering for up to 10 years or more, today they choose to walk out even after as little as three to six months of violence and abuse. Many of them are also better educated than their husbands, which could be one of the causes.” Akhtar adds that above all dowry demands, cruelty and desertion have resulted in marriage breaking up. Many of the women have been seeking respite and the intervention of the Mahila Mandal as their lives could fill volumes of horror novels. One woman revealed the scars from her husband’s attempts to slit her throat.

The rich and middle aged Arabs have been misusing the sanctioned provision, which allows a Muslim man to have four wives at a time. The old Arabs were just not only marrying minors in Hyderabad, but also marrying more than one in a single sitting. Muslim families that cannot afford to match the dowry demands of Indian grooms
become the first preys of old Arab grooms who not only give them the sanctity of marriage but also thousands of rupees. Unlike in India, in the Arab countries, it's the boys who pay girls dowry. In an Uttar Pradesh village, mother of five children Imrana (28) had been raped by her father-in-law when her husband was away. The medieval custom now emerged against Imrana and declared her marriage with her husband nullified by the clerics of Deoband Darul Uloom through a so called fatwa because after the rape, she was supposed to have become the mother of her husband. After years of marital discord, a man named Sirajul, 40, stabbed his estranged wife named Nurjahan (35) 17 times and gouged out her eyes at Shibpur in Howrah district near Kolkata on September 15, 2007.

Girls in Indo-Pak border - Roubia Kousar, 14, a Gujjar tribal girl, lived a placid life in the remote Lurkoti village; district Rajouri on the Indo Pak border in Jammu and Kashmir until October 2005. Her life changed drastically in October when she was abducted by a group of Laskar-e-Toiba militants and forcibly married to a militant. She was brutally gang raped by her 'husband' and his militant friends for two months and shifted from one hide out to another. One day when they lowered guard she escaped. Her family had to flee the native village and move to Jammu. The militants had announced a reward of Rs 50,000 for her - dead or alive. Militants have abducted many young girls in J&K and forced them into marriages at gun point. Though there are no surveys or studies on this, the state police records place the number at over 50. This is grossly under reported as most people do not come forward to report the matter to the police for fear of incurring the militants' wrath. There are reports that parents are marrying their daughters off earlier at the age of about 12-13 to save them from militants.
NRI Husbands - In India several women are getting married with NRI husbands and deserted immediately after that. They are called ‘holiday wives’ – who are languishing in their parents’ place after being abandoned by their NRI husbands following a brief stay together. Many grooms turn out to be wife beaters, even frauds. Some run away grooms want more dowries. The problem is acute in the Doab region, of which Hoshiarpur and Nawonshahr of Punjab are the worst hit districts with 40% of such cases during the year 2004. Many such cases go unreported; hence figures are not easy to compile. A generation of children without father is growing up in Punjab as their fathers abandoned their mothers for no fault of them.\textsuperscript{84}

Almost 30,000 Indian women were victimized by NRI husbands, who after marrying them with handsome dowry, abandon them. Even in Gujarat and Andhra Pradesh, the rates of such crimes are increasing.\textsuperscript{85} “About 15,000 NRI weddings take place in the Andhra Pradesh every year and almost 20\% to 30\% of them end in divorce,” said city marriage consultant Anasuya Rao \textsuperscript{86}. Since 2003 to 2006 Punjab police had registered 117 such cases.\textsuperscript{87}

**High profile cases of Domestic Violence** – Ordinarily domestic violence cases are known to exist among people in lower income groups. But numerous instances of domestic violence among high profile people show it otherwise. From film world to politicians to players and high officials, wives are victims of domestic violence.

An additional sessions judge of Jetpur Court of Gujarat had been booked for allegedly abetting the suicide of his wife. According to the complaint filed by her mother, Archana was physically and mentally harassed for dowry.\textsuperscript{88} Former Madhya Pradesh police chief Rajendra Chaturvedi, the man behind the surrenders of Phoolan Devi and fellow Chambal bandit Malkhan Singh in the 1980s, had been accused by wife Dipannita of beating and torturing her and causing her emotional distress. The 55-
year-old woman approached the National Human Rights Commission alleging that the state police, to whom Chaturvedi is a hero, are refusing to take cognizance of her complaint. Midday Mumbai, a tabloid, splashed a picture of bruised newly wed Sweta, bride of Rahul Mahajan, claiming that the bruises are the result of marital violence and that Rahul Mahajan had beaten up Sweta several times in a period of two and a half months (they were married on August 29, 2006). Fifteen months after the marriage, on December 13, 2007, Sweta has filed for a divorce at the Gurgaon sessions court. Former matinee idol Naveen Nischol’s wife killed herself in 2006, accusing him of abuse in her suicide note. He was arrested. The case continues. After 16 years of marriage, dowry laws took ex-cricketer Manoj Prabhakar to court. Tamil actor Prashanth’s wife filed a petition in a family court seeking an interim monthly maintenance. She said her in-laws were never satisfied with the dowry given to them and kept on making demands for more. Sushila (29), the daughter-in-law of Union Coal Minister, complained that her in-laws were harassing her for dowry and the police won’t act on her complaint. The wife of an Assam minister was victim of domestic violence, was forced to leave the house for his immoral life, bad character and inhuman torture. Foreign Service officer Amit Kr. Misra refused to marry Rasna Kumari after engagement ceremony, as they could not fulfil dowry demand of Rs. 1 crore in Darbhanga. He was highly educated and holding a top job as a government employee, but greed for money exposed him badly. One senior IPS officer was arrested for torturing his wife and a case was registered in All Women Police Station in Guwahati (C/N 4721/01). Madhuri (32) wife of Gauranga Doshi, producer of film, lodged a complaint at the Gamdevi police station on March 1, 2005, saying that she was a victim of “vicious physical and mental torture.” Haryana Chief Minister Bhupinder Hooda and his son Deepinder got involved in dowry torture case, Hooda’s estranged daughter-in-law Dr. Geeta Hooda nee Grewal lodged a complaint against them. The most sought after Antakshari host and actor Annu Kapoor was facing problem when his wife Arunita Kapoor filed divorce case for mental and physical torture.
2.3 Scenario in Assam:

According to National Family Health Survey – III, Assam is among the top ten states where domestic violence is seen as an acute problem.102

2.2 Cruelty cases in districts of Assam, 1991-2000

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*Source: State Crime Records Bureau, Assam.*
2.3 Dowry death cases in districts of Assam, 1991 - 2000

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Source: State Crime Records Bureau, Assam.

The above Tables of cruelty and dowry death cases in the districts of Assam can help us to understand the real crime scenario in different parts of the state. Among the cruelty cases during the period of 1991-2000, Cachar district experienced the highest
number 784, followed by Karimganj 403, Nogaon 372, Dhubri 342, Guwahati 276 in 10 years time (out of 4733 cases). Out of 267 cases of dowry deaths in Assam, Guwahati recorded highest number of 44, followed by Cachar 33, Sonitpur and Nogaon 24 each during 1991-2000.

The status of women in Assam was better than in other parts of the country earlier. Social evils like dowry torture and dowry death, selective termination of female foetus were not in practice in Assam. The system of bride price was there among the tribes, where groom used to pay for getting married. The reflection of multi culture syndrome is taking a different twist in domestic life in Assam, particularly in Guwahati city. Torture by spouses is on the rise with 1,248 case reported in 2001 while in 2006 the figure was up to 1944. A Report of National Commission for Women on the situational analysis of crimes against women in Assam, the overall crime rate in the state increased by approximately 36% over the period 1997-2002. However, the reports note that the incidence of domestic violence in Assam is lower than the national average.

2.4 To sum up:

Unless and until there is a comparative study of the women of different cultures, it is not possible to understand their problems. Most of the problems of Indian women and other parts of the globe are similar despite cultural differences. The women in most the countries do not enjoy equality with men and patriarchy dominates to coerce them into subjugation.

Around 1.6 million people lost their lives to disparate forms of violence in 2000, but the factors that triggered assaults on women showed remarkable similarity across the world. A World Health Organization (WHO) report on violence and health has listed six primary areas – disobeying or arguing with a man, questioning him about money
and girl friends, not having food ready on the table, not taking care of children, refusing to have sex, suspicion on the part of the man about the woman’s fidelity, led to violence against women in 2000.\textsuperscript{105}

All over world, domestic violence is an under reported crime. Most of the women avoid taking legal remedy because of social and legal apathy towards them to render justice in the patriarchal system of society. After reporting to police, women found themselves at the receiving end of a push, shove, slap and all kinds of physical and mental torture at home by their husbands.

For millions of women across the world, home is no safe haven brutalized as they are everyday by alcoholic or male chauvinists. 3 to 4 million cases of domestic violence are reported each year with one World Health Organization (WHO) report suggesting that some 90 million women are recorded up to date as missing after facing various forms of domestic violence.\textsuperscript{106} In India, countrywide surveys by the International Council for Research (ICRW) estimate that up to 60\% women regardless of caste, class and education, experience violence at home.\textsuperscript{107}

In India and its neighbouring countries like Bangladesh, Pakistan, Sri Lanka and Nepal, a greater number of women get killed because of dowry and gender discrimination as compared with other western and developing countries. However, in Canada, it is seen that approximately one third of the women fall victim violence by their partners-- a great majority of them getting killed-- when they decide to end their marital relationship.

\textbf{Child marriage} -Throughout the world, girls are married young, sometimes even before reaching the age of puberty and many a time they reach barely the age of 18
years. The practice of marrying girls as children is common in developing countries of Africa, Asia and Latin America. All over the world attempts have been made to legislate on the age of marriage to control child marriage. In some countries where customary law prevails over legislation, there is no limit put on the minimum age of marriage for girls. Tens of millions of girls are having babies before their bodies are mature enough, increasing the likelihood of death from hemorrhaging, obstructed labour and other complications. The practice of early marriage stems as much from entrenched culture as from financial need. Bridal virginity is a matter of honour. Afghan men want to marry virgins, and parents prefer to yield their daughters before misbehaviour or abduction has brought the family shame. At the same time, the girl’s wishes are customarily disregarded. Her marriage will end her opportunities for schooling and independent work. About one million infants born to young mothers die every year due to complications from pregnancy and childbirth; according to a report released on May 4, 2004 Washington based organization Save the Children. In India, child marriage is a widely prevalent social practice that is bound up with poverty and with the perception that the girl child is a mill stone around the family’s neck and must be disposed of as soon as possible. The younger the girl, the less is the dowry to be paid for her; so the young girls are given away in marriage and made to forgo their education, their childhood, their very selfhood.

2001 census reveals that 6.4 million Indians under the age of 18 are married. According to National Family Health Survey (NFHS)-II, 41% of women in Assam still marry before reaching the legal minimum age of 18 years. According to the 2005 UN report on the State of world population, 50% of girls in India are married before they are 18. As many as 300,000 girls under the age of 15 had given birth to a child. According to decades of research, child marriages contribute to virtually every social problem confronting India. An UNDP Report on violence against children looked at child marriage as an indicator of the extent of violence that exists in that society. The Child Marriage Restraint Act 1929 could not help much to improve the scenario.
A recent UNICEF report says that 48% of girls in Rajasthan are married by the age of 15 where the practice of child marriage is rampant. In Jharkhand 80% girls get married before completing their schooling. So government of Jharkhand is trying to stop child marriage and announced in January 2008 to give Rs 150 for the girls and Rs 100 for boys per month till they complete their schooling.

On 2005, Shakuntala Verma, an Anganwadi supervisor in Dhar district in Madhya Pradesh was attacked and her hands were chopped off as she tried to prevent a child marriage. An official tried to stop such child marriages in Chattisgarh, the villagers chopped off his hand.” A total of over 315 child marriages were solemnized in 2005 on Akshaya Tritiya. During festivals like Ram Navami and Aksha Teej, children are married off en masse in Andhra Pradesh, Bihar, Chattisgarh, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan and Uttar Pradesh. Clearly, the Child Marriage Restraint Act, which has been in existence for the last 77 years, has been utterly ineffective in dealing with the problem.

Child marriage is also a common sight in Assam. Domestic violence in many forms takes place when a girl child is married. India has a very high maternal mortality rate. Young girls drop out of school, are married off and then become pregnant at an age when it could prove fatal. These include early motherhood, likely maternal mortality, soaring birth rates, infant mortality, possible early widowhood and high illiteracy and the resultant woes of vulnerability, desertion, destitution etc. NFHS-III had made a study about the age of girls getting married and found that 45% of Indian women got married when they were ‘child’, not even 18 years old. The above surveys showed that most of the girls in child marriage are illiterate. They hardly get any opportunity to get education. Maximum number of child marriage took place in rural areas and in urban areas there is lesser number of child marriages.
Health Hazard -- Global studies on domestic violence have found that women abused by their partners suffer same legacy of health problems whether they live in a modern city in the industrialized world or a traditional village in a developing country.

More than 30 well designed surveys are now available from a wide range of countries showing that between one fifth to over half of women interviewed have been beaten by a male partner. The majority of these women are beaten at least three times a year with many experiencing persistent psychological and sexual abuse as well. The study found that women who are victims of physical and sexual violence by their partners suffer from poor general health and heart problem. Researchers found while interviewing 24,000 women in 10 countries that there are wide variations in the proportion of women experiencing physical and sexual violence at the hands of their partners, those who have been a victim of it are about twice as likely as those who haven’t been to suffer ill health – and the effect seems to persist long after the violence has stopped. Domestic violence affects seriously the physical wellbeing, mental health and productivity for both men and women from such families.

The study co-coordinator, Dr Claudia Garcia-Moreno of WHO said, “Whether you are a cosmopolitan woman in Sao Paolo or Belgrade, or you are a rural woman in Ethiopia or Bangladesh, the association between violence and poor health is there.” Heise added, in rural Ethiopia, where two-thirds of women experience domestic violence, the impact on health was very similar to what is seen in Britain, where 4% of women are experiencing violence.116

According to a recent review in the Journal of the American Medical Association “Women in the USA are more likely to be assaulted and injured, raped or killed by a current or ex-male partner than all other assailants combined.” The same could be said of women elsewhere in the world. In Papua New Guinea (PNG) 18% of all urban
wives surveyed received hospital treatment for injuries inflicted by their husbands. In Alexandria, Egypt, domestic violence is the leading cause of injury to women, accounting for 28% of all visits to hospitals and trauma units. And in countries as diverse as Brazil, Israel, Canada and PNG, over half of all women murdered are killed by a current or former partner.

Studies reveal that 22% to 35% of women presenting complaints to US emergency rooms are there because of symptoms related to partner abuse. Increasingly violence against women is also seen as a public health issue. Dr. C. Everette Koop, the US Surgeon General said in a recent address before the Pan American Health Organization that data collected on women showed that 3 to 4 million women are battered and assaulted by their partners and husbands each year in the US. Statistics showed that the single most significant cause of injury to women is beating by husbands in the US. To emergency one out of every five women admitted had been abused by a spouse. About 44% of women report attempt of rape or actual rape which involves husbands or other family members. Dr. Koop was surprised by the reluctant attitude of the US as well as other countries to deal with the problem--it “trivialized a major problem of our times.”

In India, domestic violence has become a rising threat to the health of women by depriving them of food and forcing repetitive pregnancies for selective gender. Other than physical injuries the battered women develop somatic symptoms like headaches, backaches, abdominal and pelvic pain, hyper tension and heart problem and sleeping disorders, sexual dysfunctions and sometimes they suffer from moderate to severe depression.

**Marital Rape** - In most nations of the world it is not a crime for a husband to rape his wife – less than 15% of UN member-countries have laws against marital rape. Marital
rape is a crime committed by husband against wife and a worst form of domestic violence. Nepal is soon to join the ranks of the enlightened. Since the Helpline Project was established in 1999, nearly 6,000 women have sought help, many seeking separation and divorce against husbands with whom life has become a living hell. To prove marital rape is not an easy job. Even in the US, where all 50 states have legislated against marital rape, the crime remains hard to prove. US researchers found that family loyalty, fear of husband’s retribution or ignorance about law are the reasons for lesser number of women reporting marital rape. In 2002, many US women still believe sex within marriage is an obligation – and define forced sex by their spouse as a ‘wifely duty’ – and that real rape only occurs when the attacker is a stranger. Most of the victim married women of domestic violence all over world are dominated by the same idea about marital rape and suffer helplessly. In the latest domestic violence law in India, marital rape has been treated as a crime legally punishable. All victims living all over the globe (including U.S.A. and other developed countries) find that to prove marital rape in the court of law is almost an impossible job.

**Indian scenario** - In India, in 1991, dowry death cases recorded the highest number in UP (1597), followed by Maharashtra (828), West Bengal (538), Madhya Pradesh (423), Andhra Pradesh (411), Bihar (263) and Karnataka (227). During the same period, the all India scenario of domestic violence showed the highest number of cruelty cases in Maharashtra (5396), followed by West Bengal (1608), Andhra Pradesh (1444), Uttar Pradesh (1444), Madhya Pradesh (1409), Gujarat (1106) and Rajasthan (1033).

The trend of domestic violence in India can be seen from a study of the crime rates in different states in India over the years. In 1992, the highest number of cruelty cases were recorded in Maharashtra (6168), followed by Uttar Pradesh (2329), West Bengal (1920), Andhra Pradesh (1842), Rajasthan (1836), Madhya Pradesh (1469) and Gujarat (1224). In dowry death cases during the period of 1992, Uttar Pradesh
experienced the highest number of cases (1783) followed by Maharastra (727). Andhra Pradesh (424), Madhya Pradesh (353), Rajasthan (250). Karnataka and Haryana experienced same number of dowry death cases (209). The above mentioned data of 1992 showed an upward trend of domestic violence compared with the previous year 1991. During the period of 2001, a much greater number of domestic violence cases were reported than those in 1991 and 1992 at the national level. Uttar Pradesh recorded the maximum number of cruelty cases (7365) followed by Maharastra (6090), Andhra Pradesh (5791), Rajasthan (5532), West Bengal (3859), Gujarat (3667), Madhya Pradesh (2562), Kerala (2561), Bihar (1558), Haryana (1513). About dowry death cases Uttar Pradesh again recorded the maximum number of cases (2211) followed by Bihar (859), Madhya Pradesh (609), Andhra Pradesh (420), Rajasthan (376), Maharastra (308), Orissa (294), Haryana (285), West Bengal (265) and Karnataka (220). About Dowry Prohibition Act Bihar recorded maximum number of cases (835), followed by Andhra Pradesh (551), Orissa (436), Jharkhand (375), Karnataka (361) and Uttar Pradesh (340).

About female suicide due to dowry disputes, statistics (NCRB) suggest that Madhya Pradesh topped the list for fourth time with 585 cases in 2006. West Bengal was second with 445 cases and Uttar Pradesh third with 314 cases, Delhi, the national capital was seventh with 69 cases. Police officials in the capital said suicide by hanging was the most common means adopted to end life followed by self-immolation in such cases. According to NCRB, almost every hour 1 case is registered under Dowry Death, which includes suicide as well as murder.

The above mentioned data of cruelty and dowry death cases showed the trend of domestic violence all over India. It also showed which parts of India are more prone to domestic violence given their cultural and historical background. This comparative study of domestic violence in different parts of India indicates a growing trend of violence.
2.1 Cruelty cases in Guwahati City compared to the state of Assam

![Cruelty cases in Guwahati City compared to the State of Assam](image1)

2.2 Dowry death cases in Guwahati City compared to the State of Assam

![Death Victims of Domestic Violence in Guwahati City compared to the State of Assam](image2)
The number of cruelty cases was reported in much larger margin than that recorded a decade back. It showed how domestic violence cases are increasing in leaps and bounds. In India, during the period of 2005, 58,319 cases of cruelty by husbands and in-laws were registered. In Assam, 2,206 and in Guwahati city only 103 cases of cruelty by husband and in-laws were recorded. Dowry death cases registered in India during 2005 was 6,787, in Assam 99 and in Guwahati 5.

2.4 Cruelty and dowry death cases in India, Assam and Guwahati, 1990-2005

<table>
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<th>Year</th>
<th>India</th>
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*Source: National Crime Records Bureau; State Crime Records Bureau Assam*

To get a vivid idea about the scenario of domestic violence, a comparative study of cruelty and dowry deaths in India, Assam and Guwahati city during the period of 1990
to 2005 is given in a tabular form. This Table shows an increasing trend of domestic violence over the period of 15 years since 1990 with dowry deaths having reached a peak in 1999 and 2000 in Guwahati city. Despite the existence of a number of special legislations for providing protection to our married women in India, domestic violence has increased at all the levels whether it is at national or state or local level in Guwahati.

2.5 Patriarchy dominates:
Men have still not got used to the idea of seeing women as their equals. Though in public utterances men praise the concept of equality and show concern that women have not been able to avail of their constitutional and legal rights but at the heart of heart they are the most conservative. They cannot accept the proposition that women would have an independent position and status and would do better than men in any sphere. Their resentment gets expression in anger and frustration that eventually makes their behaviour towards women unreasonable and atrocious. At many homes the law of the jungle rather rule of law operates. Male dominance over the ages has introduced its own code in the domain of the family.
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