CHAPTER VI

CONCLUSION

(MAJOR FINDINGS AND RECOMMENDATIONS)

The present study is an attempt to investigate the condition of women within their households in Cachar district, one of the old districts of Assam. The study examines the concept of human rights, women's rights and the international and national instruments of women's rights. The main focus of the study is on the nature of domestic violence perpetrated on women in the district; the response of the victims towards domestic violence; response of judiciary and DLCCIW, a voluntary organisation of Cachar, to the cases of domestic violence. It also examines the awareness of victims about the existing legal/redressal mechanisms and the nature of the help/support received by the victims from different organisations, both governmental and nongovernmental. For this purpose the study has been organised in six chapters.

Chapter I discusses the basis of human rights and has conceptualised women's rights from human rights perspective. Human rights as a concept is founded on the philosophical writings, religious and cultural tradition, needs and demands of the time. In India religious scriptures of ancient period is of great importance to demonstrate the existence of respect for human rights in Indian society. Vedas, Upanishads, Mahabharata and Bhagavat Gita provide the basis for the foundation of administration of justice and social development. The development of the concept in the western world is based on the philosophical foundations of 16th, 17th, 18th and 19th centuries. The Magna Carta or “the Great Charter of Liberty” (1215 A.D.), American Declaration of Independence (1776), French Declaration of the Rights of Man and of the citizens (1789) etc. are the reflection of the practice of human rights that developed on the basis of these philosophical foundations. Human rights advanced both as moral and legal force throughout the world. Establishment of the United Nations (1945) brought about a new era towards ensuring, protecting and promoting human rights of people in general. In
fact, the concern of UN for women’s rights can be understood from the fact that prior to the adoption of the Universal Declaration of Human Rights the Sub Commission on the Status of Women was constituted. The UDHR reinforced and strengthened the idea of women’s rights and the need to protect and promote the rights of women throughout the world.

Different women specific instruments have been developed in order to protect women from violence and discrimination all over the world. At the national level, in addition to the constitutional safeguards for women various mechanisms have been developed aimed at the legal protection of women. An egalitarian approach has been developed in the post independent India to consider women as equal to men.

In ancient Indian society women occupied an important position. The medieval period brought about many ill social practices such as, Purdah, polygyny, child marriage etc. The condition of women remained much the same in the early part of the modern period although with time and along with the enactment of different legislations and various social reform movements the positions of women were in the state of transition. The period after the independence i.e., from 1947 to till date introduced a number of protective measures for Indian women through various provisions in the Indian Constitution and in the form of legislations in order to provide women freedom and equality.

There has not been much improvement in the status of women in India in spite of the existence of various protective measures. The patriarchal society mostly favours men over women in terms of distribution of power in society. This gives rise to the dominant-subordinate syndrome in society with women relegated to subordinate position. As a matter of fact, the contemporary situation of women in India from the perspective of rights is less satisfactory.

The phenomenon of violence against women has cut across all socio-economic barriers and renders women a continuous subordinate position in Indian society. The most common forms of violence against women include rape, trafficking, pornography, sexual humiliation, forced prostitution, forced pregnancy,
trafficking, other physical assault, neglect of girl child, foeticide, female infanticide, eve-teasing, abduction and kidnapping etc. There exist different agencies or institutions to execute such actions. Among those agencies family, one basic social unit, is one that perpetrates violence against women. Family often provides women with oppression and sufferings in spite of the fact that it is the most intimate and private environment for women. Violence against women within the family and by the family members is termed as domestic violence.

Domestic violence against women implies a kind of violence within the household in which women or girl children or girls find physical or psychological maltreatment from their family members including both male and female. It (domestic violence against women) is not limited to inter-spousal violence rather has covered violence that is perpetrated by any family members or relatives against any female members of the house. Women also perpetrate this type of violence against other women. It can also be conceptualised as violent victimisation of women within the boundaries of home by men or their family members with whom the women have been in domestic relationship.

There are various categories of domestic violence such as, physical, sexual, verbal and emotional and economic. In India often women become the victim of intimate partner violence. Intimate partner violence implies any behaviour by a man or a woman within an intimate relationship that causes physical, sexual or psychological harm to those in the relationship. Married women are more likely to experience physical or sexual violence by their husbands than by anyone else. According to the reports of National Family Health Survey (NFHS) – III, over 37 per cent married women in India have experienced some form of physical or sexual violence by their husbands; and 16 per cent of married women have experienced emotional violence by their husbands at all India level. Even women themselves consider wife beating in some situations (like when the women disrespect her in-laws or like this) as correct as mentioned in the NFHS –

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175 Ibid.
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III report. Thus, it is pertinent to say that often the family and its socialisation process is used as a tool to perpetrate violence against women and thereby diminish women’s dignity, self-worth and development.

Domestic violence has serious consequences on women’s physical and psychological or emotional health. It may affect women’s fundamental rights and is an affront to women's inherent human dignity and thereby poses tremendous obstacles in the way of development of women in all respects.

In India domestic violence is now considered a major problem and many public, private and governmental agencies are making efforts to solve it. It has been recognised as a criminal offence. The most important step to protect women in India from domestic violence is the Protection of Women from Domestic Violence Act which was enacted in 2006. But the most unfortunate fact is that women in India have been passing through the painful phase of domestic violence staidly.

Chapter II focuses on women’s rights both in international and national level since post World War period. It has been seen that the issue of women’s rights has many historical sources that come from enlightenment era, various feminist philosophies and 19th century reform movements etc. Conceptually women’s rights imply freedom and entitlement of women for their socio-economic, political and other upliftment irrespective of any kind of gender discrimination. The post war period saw the development of many women centered instruments, institutions and events through the efforts of United Nations such as, Commission on the Status of Women and the Branch for the Advancement of Women (1946), Convention on the Political Rights of Women (1952), Convention on the Nationality of Married Women (1957), Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962), Declaration on the Elimination of Discrimination against Women (1967), Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974), International Women’s Year (1975), World Conference of the International Women's Year in Mexico City (1975), Declaration of Mexico on the Equality of
India has also upheld the principle of gender equality just like in the international scenario. It has ratified the most important international instrument for the protection of women’s rights known as Convention on the Elimination of All Forms of Discrimination against Women (1979). It embodies all those rights to its citizens which are enshrined in the UDHR. The Preamble, Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy) of the Indian Constitution reflect the foundation of equality between sexes from the very beginning and provided various other provisions made in favour of women. Many women specific legislations have been passed such as, the Immoral Traffic (Prevention) Act, 1956, the Dowry Prohibition Act, 1961, the Maternity Benefit Act, 1961, the Medical Termination of Pregnancy Act, 1971, the Indecent Representation of Women (Prohibition) Act, 1986, the Muslim Women (Protection of Rights on Divorce) Act, 1986, the Commission of Sati (Prevention) Act, 1987, the National Commission for Women Act, 1990, the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 and the Protection of Women from Domestic Violence Act, 2005 etc. All these legislations are expected to provide legal safeguards to Indian women in different areas.

The IPC and the Cr.P.C contain some sections that deal with offences committed against women. The planning process also emphasise on the issues relating to all round development and empowerment of women. A number of schemes, action plans, policies, committees and institutions related to the development and
empowerment of women have been framed from time to time. With all these protective measures women in India have been given a sophisticated legal status. They can enjoy various rights namely, right to vote (suffrage); right to hold public office; right to work; right to have equal pay; right to own property; right to education; right to enter into legal contracts; and to have marital, parental and religious rights and many other.

Chapter III deals with the socio-economic profile of the study area i.e., the Cachar district and respondents. Study of various social and economic indicators of Cachar district enables us to understand the position of women in terms of population, sex ratio, literacy rate and work participation. It has been found that in Cachar district the number of female population is less than the male as per 2001 and 2011 Census reports; and the sex ratio is 945 and 958 as per 2001 and 2011 Census reports respectively.

The literacy rate of women in Cachar district is much lower than the males as per both 2001 and 2011 Census reports. Female literacy rate in the district is 59.41 per cent and 74.62 per cent as per 2001 and 2011 census respectively whereas the male literacy rate is 75.73 per cent and 85.85 per cent in 2001 and 2011 census reports respectively.

Lack of education has been a major problem for the women of Cachar district. In fact, it is one of the basic causes of domestic violence against them. Domestic violence has been perpetrated against highly educated women also but the percentage is very low whereas majority of women who has less education face domestic violence.

The study (as per 2001 Census data) shows that the percentage of female main workers is lesser than males and a complete opposite picture can bee seen in case of marginal workers. This implies that women prefer to go for part time work as it will enable them to devote full attention to the household responsibilities as well. As a result of this they become financially dependent on male members of families. It can be thus inferred that a large segment of women population remains
non-workers in terms of economic activities; and that they are dependent on men for sustenance.

In Cachar district, as the present study shows, majority of women are unemployed having no means of livelihood and are dependent on others. Less participation of women in workforce as main workers (as compared to males) implies that majority of women in this region are financially dependent on men. This lack of economic freedom is one of the causes of the existing problem of domestic violence against them in the district.

Chapter IV studies some cases related to violence against women within the households in Cachar district. It delineates the nature and causes of domestic violence against women of the district as also the response of judiciary and voluntary organisation to cases of domestic violence. Cases have been collected from the Chief Judicial Magistrate Court, Cachar; the Court of the District and Sessions Judge, Cachar; Family Court, Cachar; and the District Level Committee for Crime Involving Women (DLCCIW), Cachar. For an in depth study of the nature of domestic violence against women of Cachar district, cases for a period of 10 years (since 2001 to 2010) have been studied. However, it covers the period from 2001 to 2005 for cases filed and disposed in the Court of Chief Judicial Magistrate, Cachar and District and Sessions Judge Court, Cachar; from 2006 to 2010 for the cases dealt and disposed by the Family Court and since 2001 to 2010 for cases available at the District Level Committee for Crime Involving Women (DLCCIW). The reason behind such division is that in Cachar district the Family Court was established in the year 2006. Under such circumstances cases in Family Court are available since 2006 to till date. But as the study period is up to 2010 so the given cases are restricted to the year 2010. It was decided to take only cases of 5 years (since 2001 to 2005) from the Chief Judicial Magistrate Court and District and Sessions Judge Court as it was found that after the establishment of the Family Court in the district (in the year 2006) the cases relating to family dispute are generally referred to the Family court. In case of DLCCIW cases have been collected for the whole period i.e., 2001 to 2010 as it is an important voluntary
Conclusions

social organisation of the district that is rendering counseling and legal aid to its petitioners.

Women in Cachar district have been suffering from physical, emotional and verbal, economic or financial and sexual abuse in their domestic relationships. The causes behind these various types of domestic violence against them include extramarital affairs of husbands, dowry, alcoholism, suspecting wives for having illegal relationship, for snatching property of wives/mothers/sisters by husbands or in-laws or by sons, brothers; for giving birth to female child and for taking the earnings of their wives etc.

An analysis of the judgments of these cases shows that in most cases the alleged person is acquitted either because of the lack of proof required to prove the allegations or both parties go for mutual settlement of the case. In a few cases the judiciary could hold that the petitioner had been treated with cruelty by the respondent. Regarding permanent alimony or maintenance out of 83 petitioners 27 (32.53) have been awarded this by judiciary or DLCCIW. It is noteworthy that the judiciary and the voluntary social organisation namely, DLCCIW not only award maintenance but also play an important role in making it a reality by collecting the amount of maintenance from the respondent and paying the same to the victims.

Chapter V presents the findings of empirical study which was conducted with respondents/victims of domestic violence in Cachar district. Opinions of the respondents were collected during the process of data collection through both structured and unstructured schedule. Case filing registers of Family Court, Cachar, has been taken as the basis for selection of respondents. 5 per cent of the women who have cases in the Family Court, Cachar have been selected as respondents on the basis of simple random sampling using Lottery method for the purpose of administering schedule. Thus, out of a total of 1995 registered cases (since 2006 to 2010) a total number of 100 respondents (victims of domestic violence) were identified and selected for interview in order to understand different dimensions of the problem such as, the nature and causes of domestic
violence against women; the support mechanism that the victims approach and also about the awareness of the victims of various legal/redressal mechanisms more clearly. Further, observation as a technique of data collection has also been followed.

The present study shows that married women are more vulnerable to domestic violence in Cachar district than widows or divorcees. Women who got married through negotiations of families have been suffering more this type of violence in their matrimonial homes than those who are married through mutual consent with or without support of their families. Majority of women face abusive treatment both from their husband and in-laws together; there are few women who become the victims of such violence at the hands of their husbands only. It can be thus said that majority of women fall victim of domestic violence in their matrimonial homes than that in paternal home. Women of Cachar district face various categories of domestic violence such as, physical, emotional and verbal, financial or economic and sexual. They even face various forms of domestic violence under each category.

There are different causes behind such violence against women in the district. One of the most important reasons is the extramarital affairs of the husbands followed by failure to bring dowry. Other causes include alcoholic addiction of husbands, women’s desire to go out for work/job, for not having a child, for property of women which the abusers want to appropriate or when the husband cannot maintain his family financially or cannot fulfill the basic needs of his family and the desire of husbands for remarriage.

The study also shows that socialisation process also influences the behaviour of women in the district to adapt to the prevailing situations of violence in matrimonial houses. Majority of women have passed through a phase during their childhood when they are taught to be submissive and be tolerant just because they are girls. It has been observed that these are ingrained in them deeply. According to the respondents this is mainly due to the fact that the parents either cannot maintain their daughters financially or out of the fear of embarrassment in society.
following the dissolution of a girl’s marriage. Being socialised in this way the respondents initially try to adapt to the situation of violence and only when it becomes unbearable (both physically and psychologically) for them that they (respondents) approach different support mechanisms. From this it can be inferred that there is positive relationship between socialisation and domestic violence against women.

It is thus observed that all the victims have approached legal services either for advice or any type of help and some of them have also approached some other agencies for the same purpose such as, police, social organisations and counseling centres.

As stated above for this study two sets of data have been collected from different sources. One is the records of registered cases and the other is the interview with the victims. Here, it is important to mention that cases that have been studied are not those of the victims with whom the interviews have been conducted by the researcher. An analysis of the findings from these sources gives us different pictures. On the one hand there are 32.53 per cent (27 out of 83 cases) victims who have been awarded maintenance on the other, majority of the respondents (52.4 percent) during the interview said that they have received maintenance as a result of their approach to legal services; all the respondents who have approached either police for assistance or counselors of DLCCIW have received the same. It is to be noted that victims in the district have not received any medical facilities, shelter under shelter home and assistance from service providers.

Apart from assistances received from various agencies women find strongest support from their parents and other family members viz., brother, sister or uncle during the crisis period. It is noteworthy to mention here that among the nearer ones it is the parents from whom the women receive support to a great extent. However, the awareness of women of this district of the existence of legal mechanisms is very low. This can be considered as another cause of domestic violence against them.
It has also been found that there has not been any change in the perpetration of domestic violence cases in Cachar district after the enactment of the Protection of Women from Domestic Violence Act, 2005 as there is no awareness among the victims about the existence of this Act and hence, its application.

It is seen from the study that there exist positive relationship between domestic violence and factors namely, lack of education on the part of women, financial dependence on men and socialisation process. India has been a votary of women’s rights both in the international and national forums. Women have been granted equal status. In spite of all mechanisms developed for the protection of women in India we find that in practice women occupy marginal space in society. Cases of domestic violence against women negates the idea of human rights viz., women’s right to not to be discriminated on the ground of sex; rights in educational, employment, heath, marriage and family life and political and public life related matters.

As discussed in the first chapter various theories have been developed in order to understand the problem of violence against women and more particularly within families. Each of these theories identifies different reasons for violence against women. We can identify a few theories within the framework of which we can understand the existence and continuation of domestic violence in Cachar district. These are Patriarchy theory, Social Situation/Stress and Coping theory and Marital Power theory and Balance of Power theory.

Patriarchy theory developed by Dobash and Dobash believes that male dominance and female subordination is the source of family violence. Male become the centre of power as patriarchy directly or indirectly supports that social order which is male dominated and female remain dependent on male. Social Situation/Stress and Coping theory identifies inadequate financial resources as one of the reasons of violence in family. According to the Marital Power theory, partner who lacks power in terms of decision making and resources in the family remains vulnerable. The social order in the Cachar district is basically a patriarchal one and it goes without saying that men occupy dominant and superior
position both in society and family and women a subordinate one. We have seen in the preceding chapters that majority of victims are economically dependent on men. Besides this, the economic condition of these families is not usually strong. Consequently, the failure on the part of husband to maintain his family financially or to fulfill the basic needs of his family becomes a source of conflict within the family and perpetration of violence against women. Another reason for this is that majority of the respondents/victims are married and do not contribute financially to the family resources and do not participate in the decision making of the family.

**Recommendations:**

1. Educating the society in general and women in particular is one of the most important ways to reduce the problem. Education has the potential to sensitisise people about the sufferings experienced by women as a result of violence. At the same time, it can help women to raise their self-esteem enabling them to fight against injustices.

2. Economic independence of women is vital to ensure freedom of women from the cruelties of domestic violence in society. It can provide women security within the home and can help women to take any independent decision regarding their life. This calls for adoption of policies which would encourage women’s participation in economic field. Further, to make it a reality it is also necessary to sensitisise the society in general so that it accepts women’s right to go out for work. It will not only resolve the existing structural imbalance in society but also ensure dignity and human rights of women.

3. There should be proper socialisation of children (both girl and boy) in family. Spirits of mutual respect and cooperation should be inculcated in the children rather than asking only the girls to be submissive and tolerant.
4. The concept of gender role should be completely removed from the social mindset. It is again possible through human rights education among people in general. Even women should abstain from performing only gender based activities as is spelt out in contemporary Indian society.

5. Liberty, freedom and equality constitute the basic foundation of human rights. These should be stressed on eradicating those social practices which negate the basic rights of human being in general and women in particular. This calls for a total change of mindset which can be achieved through a concerted effort made by the institutions and society.

6. The practice of dowry perpetuates the problem of domestic violence so it should be negated by the society as a whole. There are enough rules pertaining to the prevention of this practice but not much has been achieved. These rules are implemented half heartedly and the practice is so ingrained in the minds of the people that law alone cannot stop this practice. We need two pronged approach in order to root out the problem. On the one hand, the laws should be implemented strictly and on the other, spread awareness on the evils of this practice. For the latter, help of local bodies and NGOs can be obtained and/or can be done through street corner meetings and theatres etc.

7. Women can get redressal only when they are aware of legal processes or the agencies to which they can approach in case of violation of their rights. Hence, it is essential to spread awareness of these among them.

8. A proper awareness campaign should be made to sensitise the stakeholders about the said Act which has been upheld as an important milestone to provide protection to women from domestic violence.

9. For spreading awareness among women in general and rural women in particular demonstrations and community programmes on domestic violence may be conducted in which painful consequences of domestic violence
against women can be shown and also how it (domestic violence) affects the whole society; further demonstrations on the procedure of application of existing laws should also be the subject of those programmes.

10. Different agencies dealing with women’s affairs should focus on capacity building of women. Training programmes may be conducted for women for educating on how to lodge First Information Report (FIR) in police stations and what type of help the victims can get from police as their rights because many a time due to the lack of knowledge about this victims fail to get help.

11. Fast track courts may also be established to give justice to victims as early as possible.

12. Protection Officers should not be appointed from among the persons who are already in charge of another office and must be a female so that the victim can share her problems freely without any embarrassment although the Act mentions ‘as far as possible’.

13. Each and every district must have shelter homes as is specified in the Protection of Women from Domestic Violence Act, 2005 with basic required facilities such as, food, clothing etc. and a humane environment.

14. For effective and actual implementation of various existing laws there is a need to develop some agencies at the governmental level that monitor the proper implementation of various Acts and in case of non implementation to inform the government so that the government can take appropriate step for this.

15. Domestic violence help line (toll free) can be introduced so that women may contact it for immediate help as in many situations it has been found that women are locked away and are strictly prevented from interacting with any person outside home.
In fine, it is emphasised that the government must take the responsibility to root out the problem of domestic violence from the society but our experience has shown that the government alone is not able to reach its goal of ensuring complete freedom and security to women. In such situation strong involvement of people as well as vigilant social organisation groups can go a long way in mitigating the problem of domestic violence in Cachar district.