



# UNHEARD

DOMESTIC VIOLENCE IN RURAL ASSAM



Report by North East Network 2015

# **Unheard: Domestic Violence in Rural Assam**

A Study by North East Network in 30 Panchayats and 10 Village Council Development Committees in 8 districts of Assam, 2015

Conducted by North East Network in Collaboration with

- Kokrajhar Chirang Zila Sanmilita Mahila Samiti, Kokrajhar
- Nari Mukti Sangram Samiti, Assam
- Tezpur District Mahila Samiti, Sonitpur

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Cover Photo : Anurita P Hazarika

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# Unheard

Domestic Violence in Rural Assam

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## NOTE BY EXECUTIVE DIRECTOR

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In my younger days we knew of Assam as a state in which there was very little violence against women. It was much later in life, with my research experience and interaction with women, that I realised violence against women has always existed in the state but was rarely talked about by anyone – be it the victims, the families, the newspapers or the public. The phenomenon is shrouded and subtle, with such incidents being massively under-reported, leading to the belief that Assam offers a safe haven for women. Unfortunately, women and girls of the state are as vulnerable to violence, both in the individual and public spheres, as those of any other state, town or village in India. Truly, this report represents the unheard voices of women who, during the interviews, revealed that they routinely experience violence in the home, in the community, in the streets and in intimate relationships.

NEN deeply believes that sensitive thinking on this issue is crucial for every individual. For us, reports such as this one, films, depiction through the performing arts and, most importantly, the engagement of young men and women are critical today. But in all practical terms the State is obligated to provide help to victims or survivors of violence. Lately, there has been major media attention on the issue of violence against women. Increasing awareness of this issue should help in reducing the numbers of perpetrators. Let us hope that the support services of the State ensure safety for women and the new legislations are effectively enforced.

I acknowledge the immense efforts of Anurita Hazarika and Sheetal Sharma in bringing out the report. Working in an organized, coordinated way, they were able to bring different women into the ‘field’, who learnt the methodology and went out to conduct the interviews themselves. We acknowledge with gratitude the contribution of Kokrajhar Chirang Zila Sanmilita Mahila Samiti, Kokrajhar; Nari Mukti Sangram Samiti, Assam; Tezpur District Mahila Samiti, Sonitpur for providing logistical support to NEN to conduct fieldwork and identify respondents. Their contribution towards the finalisation of the report is vital.

We acknowledge the contribution of Asmita Basu, independent consultant and legal researcher based in New Delhi, for conceptual inputs on women’s rights, and for giving the team specific guidelines on the issue of gender inequality and violence against women.

Heartfelt thanks to Nilanju Dutta, independent researcher and legal activist based in New Delhi for being with us during trainings, and using anecdotes that often drove home the deeper meaning of violence. We acknowledge her contribution to NEN also in terms of legal inputs on women’s equality and rights.

We are grateful to BfdW-EED/Misereor, Germany, for their kind support to undertake the study. We hope this report serves as an eye-opener to many individuals and organisations, opens the way to further studies on domestic violence in Assam, and helps in formulating new initiatives and in the implementation of existing and fresh strategies addressing violence against women.

**Dr Monisha Behal**  
February 2015



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## LIST OF ACRONYMS

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|       |  |
|-------|--|
| CEDAW | Convention to Eliminate all forms of Discrimination against Women                              |
| CID   | Central Investigation Department   |
| CSWB  | Central Social Welfare Board   |
| DV    | Domestic Violence  |
| FCC   | Family Counselling Centre  |
| GP    | Gram Panchayat (also referred to as village Panchayat in the study)                            |
| IPC   | Indian Penal Code  |
| NEN   | North East Network   |
| NGO   | Non-governmental Organisation  |
| NFHS  | National Family Health Survey  |
| PLV   | Para Legal Volunteer   |
| PO    | Protection Officer   |
| PWDVA | Protection of Women from Domestic Violence Act, 2005 (also referred to as DV Act in the study) |
| SWD   | Social Welfare Department  |
| ASSWB | Assam State Social Welfare Board   |
| UN    | United Nations   |
| VAW   | Violence against Women   |
| VCDC  | Village Council Development Committee  |

## GENDER-BASED VIOLENCE IN ASSAM

Violence against women (VAW) was recognised as one of the eleven critical areas of concern by the Commission on the Status of Women, in its Country Report for the Fourth World Conference on Women at Beijing in 1994. There has been growing alarm about different kinds of violence and abuse being committed on women all over the world. Such violence is not random violence in which the victims happen to be women and girls; the risk factor is being female. In other words, the roots of such violence are gender-based. The United Nations Declaration on the Elimination of Violence against Women (1993) defines violence against women as ‘any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life’.

A report published by the National Commission for Women and conducted by North East Network in 2004 noted: ‘In the north east of India, women enjoy greater mobility and visibility than women of other communities in the country. This is often cited to portray a picture of equity between men and women in the region and has given rise to the presumption that violence against women is not a major concern in the area. Data collected by the North East Network however suggests that violence against women, particularly domestic violence, is on the rise in the North-east.’

### Magnitude of Violence against Women

According to a global review in 2013, 35% of women and girls worldwide experience either physical and/or sexual intimate partner violence or non-partner sexual violence.<sup>1</sup> The National Family Health Survey<sup>2</sup> of India (2005-06) revealed that 37% of married women have experienced spousal, physical or sexual violence. Assam is no exception to this alarming situation. The NFHS survey mentions that spousal violence in Assam is above the national average.

The National Crime Records Bureau data (2012) shows that crimes against women in Assam stood at 89.54%, which was double the national average of around 41.7%. Reported instances of crimes against women in Assam jumped to 17,449 in 2013 as against 13,544 the previous year. Statistical information on the situation of domestic violence in Assam is not uniform, with multiple databases in existence; however, the information available is still scant.

### The Nature of Violence against Women

Violence is used as a weapon by patriarchy and gives a social sanction to men to control a woman’s body and sexuality, mind, mobility, labour and economic independence. It is an abuse of power in a relationship between two individuals and is used to maintain unequal power relations, thus reinforcing women’s subordinate status through roles, responsibilities and behaviours which are assigned to women from birth. Violence against women is both a cause and consequence of gender inequality and unequal power relations. One of the persistent barriers to achieving gender equality is violence against women. Hence, it is important to understand power structures in social institutions such as family and marriage. Cushioned within the ambit of family relations and under the umbrella of culture and traditional belief systems, perpetrators of such violence carry on with such acts with impunity.

<sup>1</sup> <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#notes> (accessed on 1 July 2014).

<sup>2</sup> The National Family Health Survey (NFHS) is a large survey conducted in a representative sample of households throughout India. NFHS has two specific goals: a) to provide essential data on health and family welfare needed by the Ministry of Health and Family Welfare and other agencies for policy and programme purposes, and b) to provide information on important emerging health and family welfare issues.

Domestic violence (DV) is one such form of violence against women which is pervasive in nature and deeply rooted in the socio-cultural norms of society. It affects women irrespective of their age, class, caste, ethnicity, religion, rural/urban affiliation, education, professional qualification, including those with specific conditions such as disability and varied sexual and gender identities. DV includes all acts of omission and commission and behaviours committed directly and indirectly on a woman that violate her rights as an individual to live in dignity and peace. It is a violation of a woman's human rights, and has serious economic, health and social consequences. As mentioned above, DV occurs because of historically unequal power relations between men and women in the society, because women are accorded a subordinate or inferior status in the society. It is distinct from other forms of violence in that it is committed on women by persons in intimate relationship with her in the home or family.

DV is manifested in terms of behaviour, action and location; in short, it is a combination of actions and attitudes. When it comes to location, a household is understood to be the most common area where such violence is committed. The UN CEDAW (Convention to Eliminate all forms of Discrimination against Women) in Article 14 of its General Recommendation No. 19 (1992) defines domestic violence thus: 'Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes..... These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.' India ratified the CEDAW in 1993 and is obligated to end all forms of discrimination and violence on women.

In understanding or describing DV, perceptions vary from community to state to individuals. Community perceptions put the issue at the lowest rung of the social ladder of concerns. DV is perceived as a local strategy within homes and families to keep family honour and harmony intact and to maintain inequality by controlling women and children. Understanding of DV also remains confined to the four walls of the house and within a marital context. The different forms of DV experienced by non-married women still remain unaddressed despite the passing of the Protection of Women from Domestic Violence Act in 2005 by the Government of India. It defines a 'domestic relationship' as 'a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family'.

Families vary across cultures, from being single parent-led to nuclear or joint types, but relationships in a family are universal. And it is in these relationships that women experience violence. Women are not able to comprehend the basic concept of such violence, occurring in the home or the family, supposedly the safest place for them. This lack of understanding coupled with the honour paradigm prevent woman from speaking against such violence occurring within homes. It compels them to remain in perpetual abuse, in what is commonly termed as DV existing in a woman's life cycle 'from the womb to the tomb'.

Apart from issues of violence, there are other parameters which speak of women's unequal status in society in Assam. Discrimination in one area leads to disadvantage in many other aspects of life, resulting in a complex situation for women. There is no direct correlation but these parameters partly contribute to women living in conditions of acute abuse and violence.

- *Maternal mortality rate in Assam is the highest in the country, at 328:100000 (2010-12, Sample Registration System).*
- *Female literacy rate in rural areas is only 64.09%.*
- *The imbalanced sex ratio at 958:1000 puts a big question mark over the fewer number of girls in the state.*
- *Women's representation in the corridors of power and decision-making is very negligible. The 13th Legislative Assembly (2013) had only 15 women legislators as compared to 111 male legislators.*



## The State and Violence against Women

The Assam Chief Minister's Vision Document for Women and Children (2016) states that 'though there has been an improvement in all the indicators but the improvement from 1996 to 2006 has been marginal in terms of both Gender Development Index (which includes the parameters of health, education and income) and in Gender Empowerment Index (which includes parameters such as household decision-making capacity, workforce participation rate and control over resources) are lower for the women of Assam in comparison to India'.

Chances of violence on women are extremely high when there is gender inequality in the society, as is the case in Assam, and in India in general. This violates women's human rights. So far there are insufficient avenues available for women to take recourse to in the face of such abuse. The State is the main service provider but it usually fails to live up to its responsibilities because it is not rights-based. There needs to be an adequate focus by the State on human rights of all at each stage of policy implementation, which does not happen. As a result there is a constant bargaining situation between the State and the individual. In the case of domestic violence, such a situation is highly problematic because of the complexities in doing away with women's unequal status by the State. The State is obligated to challenge the stereotypical mindset that leads to women's subordinate position in the society.

India has some of the best pro-women's legislation. But, somehow the issue of DV has not been able to win full-fledged political commitment. There are state mechanisms in place but these are inadequate. There is a deficiency in attitude and core skills of public personnel such as frontline officers mandated to handle DV. Infrastructural and financial deficits compound the problem. Rashida Manjoo, UN Special Rapporteur on VAW, its causes and consequences, in her country visit to India in 2013 commented, 'the physical, sexual and psychological abuse of women in the private sphere is widely tolerated by the State and the community'.<sup>3</sup>

In several international conventions, DV has been mentioned as a violation of women's human rights and hence a matter of public concern. The UN Committee on Economic, Social and Cultural Rights (2008) considered reports by the Government of India and made the following concluding observations: 'The Committee is concerned about the exceptionally high incidence of domestic violence against women and children in the State party, as well as the high proportion of children who are subjected to sexual abuse at home, in spite of the enactment of the Protection of Women from Domestic Violence Act of 2005. In this regard, the Committee deeply regrets the lax enforcement of the existing legislation for the protection of victims of domestic violence and the low rate of prosecution for such crimes under Section 498-A of the Indian Penal Code.'<sup>4</sup>

A holistic understanding of DV is imperative to address and redress such a historical prejudice. In the course of the study, it was imperative for us to understand the perceptions of the State, as represented by Panchayats and Village Council Development Committees (VCDCs), and the community, as represented by women and informal local institutions. What was vitally important for us was to see what lies below the surface, as the tip of the iceberg reflects mostly reported cases.

<sup>3</sup> [https://humanrightsmanipur.files.wordpress.com/2014/04/rashida-manjoo\\_srvaw-report\\_india-mission.pdf](https://humanrightsmanipur.files.wordpress.com/2014/04/rashida-manjoo_srvaw-report_india-mission.pdf) (accessed on 16 July 2014).

<sup>4</sup> [www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.IND.CO.5.doc](http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.IND.CO.5.doc) (accessed on 9 July 2014).

## POLICIES AND LAWS TO ADDRESS DOMESTIC VIOLENCE

India has some of the most elaborate legislations in South Asia, as well as a vast legal machinery to address violence against women. The government has been progressive in implementing legal reforms and designing programmes to end all forms of VAW including domestic violence. The Indian Constitution framed in 1950 lays down articles and fundamental rights which guarantee a dignified life to all its citizens. It points out the basic rights such as the right to equality and non-discrimination which cannot be violated and is central to life itself, for both men and women.

In order to bridge the inequalities between men and women, various pro-women's legislations and policies have been formulated in India. With the ratification of the International Covenant on Economic, Cultural and Social Rights (ICESCR) and Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1993, India is obligated to address and redress violence against women through policies, laws, programmes and other such means within a framework of due diligence. The General Recommendation No.19 of CEDAW on violence against women mandates governments 'to report on the extent of domestic violence and sexual abuse, and on the preventive, punitive and remedial measures that have been taken'.

Following the 4th World Conference on Women in Beijing, the government adopted the National Policy for the Empowerment of Women (2001). It precisely mentions the Government of India's commitment to end domestic violence through legal systems. The Ministry of Women and Child Development (MoWCD), Government of India, is mandated to fulfil the vision envisaged in the National Policy for the Empowerment of Women. It plans for the holistic development of women and children in collaboration with various ministries through state agencies and programmes. It also oversees the enactment of the Protection of Women from Domestic Violence Act (PWDVA), passed in 2005. In Assam, the Directorate of Social Welfare, Government of Assam, is the nodal agency to implement the PWDVA.

### Laws Relating to DV

It is important to understand the history of the evolution of laws relating to domestic violence. Till 1983 there were no legal provisions pertaining to violence on women within their homes. The women's movement in the 1980s raised concerns about the alarming rise of dowry deaths even when the Dowry Prohibition Act (1961) was in place.

This Act recognised giving and taking of dowry as an offence and hence called for prohibition through this criminal law. But dowry persisted unabated, with deaths and disability continuing to be associated with it. Individual activists, organisations and families of dowry victims and survivors launched nationwide campaigns. In 1983, the Indian Penal Code (IPC) incorporated Section 498A (cruelty on women in their matrimonial home). The section is applicable only to married women which meant that a woman had to be married to seek justice. Also, there were many deaths reported in the matrimonial homes of women. This was raised by the women's movement, which resulted in the inclusion in the IPC in 1988 of section 304(B); it made the death of a woman within seven years of marriage in her matrimonial home a criminal offence. The period from 1983 (498 A) to 1988 (304 B) seemed to be a journey for a woman from life to death.

But none of these provisions take into account the real problem of domestic violence in its totality, that is, in terms of its magnitude, type and of course nature of perpetrators. All the existing provisions in the Indian Penal Code target only the 'husband' and 'in-laws' as perpetrators or address only the violence faced by the daughter-in-law. The domestic violence faced by the daughter, sister, mother, girlfriend, etc. is not dealt with, and they are denied legal protection. Also, the violence committed by the husband and in-laws has to be proved 'beyond reasonable

doubt'. Since the crime is usually committed within the four walls of the house, getting witnesses to corroborate the evidence is extremely difficult. Besides complaints can be registered only after an offence has been committed. Thus, it continued to violate women's constitutional privileges (Articles 14, 15) related to equality before the law and non-discrimination.

## PWDVA, 2005

Women's access to justice depends on a gender-exclusive law, and gender-sensitive mechanisms and personnel. The PWDVA<sup>5</sup> was passed in 2005 after a consistent campaign for a civil law by women's groups all over the country since the 1980s. The rationale behind a separate law was to recognise domestic violence as a public issue and offer remedies to a woman under civil law dealing with domestic violence. The objective of the PWDVA is to ensure women's right to live free from violence, right to residence/shared household, and right to seek remedies. The Act guarantees, for the first time in Indian legal history, a woman's right to reside in a shared household (owned/tenanted/joint/nuclear).

The Act, which came into force on 26 October 2006, is a civil law applicable to the whole of India except the state of Jammu & Kashmir. The main purpose of this Act is to immediately stop violence and provide for civil relief. It is a single window clearance for aggrieved women. Since it is a multi-option law, a woman can file her cases under PWDVA. Simultaneously, she can also appeal for relief and justice as per provisions of other existing laws of the country.

According to the PWDVA, domestic violence is any form of abuse causing harm or injury to the physical and/or mental health, or the threat of it, and it also takes into account economic and sexual violence committed on women.

## Reporting a DV Case

The PWDVA provides for many alternatives to register or report a case. An aggrieved woman or her legal heir or representative can approach a Protection Officer (PO) who is the face of this Act and acts as a 'go-between' between the aggrieved woman and the court. He/she will receive complaints directly or even over telephone and will make applications on behalf of the woman. He/she will ensure that the woman is provided legal aid/safe shelter/monetary relief and information on service providers. In Assam, all District Social Welfare officers, numbering 26, have been notified as POs.

The state nodal agency, as per the provisions of the PWDVA, would nominate service providers such as organisations working on women's rights issues, those offering free legal aid, counselling, shelter and similar. A woman or her representative could also approach a magistrate directly or the police. The police in turn will help to forward the case either to a PO or a magistrate to make an application, which is called DIR (domestic incident report). If there is any breach of court order by the person who has committed the violence, there is provision for penalty for contempt of court. Inaction on the part of personnel mandated to facilitate cases invites penalty.

## Some Recent Government Initiatives

Launched in 2010, the National Mission for Empowerment of Women has gender-based violence as one of its domain areas and, through intersectoral convergence of schemes, works closely with law enforcement agencies and judiciary.

<sup>5</sup> See Annexure 1 for PWDVA (2005) in a nutshell.

The Twelfth Five Year Plan (2012-17), in Volume III, Social Sector, emphasises multiple approaches to domestic violence. It encourages MoWCD and Panchayati Raj institutions to develop training modules for both government functionaries, to conduct awareness for women, to implement the DV Act effectively; it also encourages corporate sectors to take up such projects.

A fund of Rs 1000 crores was announced by the Government of India in its 2013 Union Budget. In 2014, the new government instituted the Nirbhaya Fund to establish one-stop centres in all districts of India for women affected by violence; finalisation of the plan is underway.

A number of support services to respond to domestic violence has been established by the Government of India. In Assam, these include the Family Counselling Centres (FCCs), a scheme run through the Central Social Welfare Board (CSWB). FCCs are expected to intervene in crisis cases and in cases of atrocities against women. The CSWB is also responsible for developing a cadre of gender-sensitive professionals to promote social justice and change.

## Special Mechanisms for Women

Regulatory bodies like the National Commission for Women, along with state commissions, take up cases of violation of the constitutional and legal provisions. In Assam, the State Commission for Women directly intervenes in cases of domestic violence and also liaisons with courts, the human rights commission, legal services and NGOs in such cases.

The Legal Services Authority of India and corresponding state and district authorities are mandated to provide free legal aid to women and children affected by violence.

All women's police stations are meant to tackle crimes against women. In Assam, there is only one such station located in the state headquarters in Guwahati. Women's cells are affiliated to the district police stations and the deputy commissioner's office at the district level to handle cases related to violence against women. A special force of women police, Veerangana, is deployed in Guwahati and across the state. Their main objective is to check crimes against women. The police helpline 100 responds to women's emergency situations. The Chief Minister's Vision Document for Women and Children (2016) emphasises the creation of a women's cell with adequate women staff in every police station of the state.

In terms of institutional support services, the government has instituted Swadhar (now called Swadhar Greh) homes in the state to respond to women in difficult circumstances through home-based care and rehabilitation. Assam has 16 Swadhar homes across 27 districts. In 2012-13, NEN surveyed the support services, both government and non-government, in the state. It documented 75 shelter homes, 97 legal aid/counselling centres, 13 emergency numbers/helplines and 130 similar services. While there is an increase in the number of services, their accessibility for women is limited. For example, some districts affected by decades of political turmoil are devoid of any shelter homes or trauma counselling centres which are urgently required by women there. Secondly, most of these services are plagued by problems such as service staff lacking professional training and adequate gender sensitivity to handle cases of VAW. Some of the better services are limited in number and are overwhelmed by increasing demands.

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## AREA, SCOPE AND METHODOLOGY OF THE STUDY

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This study report is unique in terms of its inclusion of women from multiple backgrounds, the broad sweep of the areas covered and assessment of different forms of domestic violence against women. It adopts an intensive and multi-pronged strategy.

We collaborated with three grassroots women's organisations—Kokrajhar Chirang Zila Sanmilita Mahila Samiti, Kokrajhar, Nari Mukti Sangram Samiti, Assam, and Tezpur District Mahila Samiti, Sonitpur—in order to enhance their knowledge and perspectives on domestic violence and equip the organisations with leadership skills. Of the 30 women capacitated through a training programme in June 2013, eight women were identified to conduct the study initiated by NEN on domestic violence in rural areas of Assam. They were further trained on the study questionnaire and interview tools and techniques. Three basic principles which were embedded in the field investigators to conduct the study were empathy, informed consent and confidentiality.

Two stakeholders were selected for interviews towards the study: a) women affected by domestic violence/women survivors of domestic violence, and b) institutions, government and non-government. The former stakeholder was selected on the premise that first-hand accounts of women who have faced/are living with domestic violence in their everyday lives will establish the gravity of the problem. The latter stakeholder was selected because these institutions are direct contact points for women in the community, especially in times of distress. For us it was important to understand the place of the issue in their relations with and services to the community. Government institutions include the village Panchayats/Village Council Development Committees (VCDCs). Panchayats are decentralised bodies with the powers and authority of institutions of self-governance in rural areas<sup>6</sup> and VCDCs are local administrative bodies which fall within the Sixth Schedule areas of the state. Non-government institutions encompass women's self-help groups/organisations, women's collectives, youth clubs, students' bodies, village headmen, cultural bodies and others based in the respective study districts.

Keeping in mind the sensitive nature and objective of the study, we adopted purposive sampling methods. We wanted to assess a defined subset of women, i.e. women affected by domestic violence, and redressal institutions available for them in the community. Given the criteria, it was important to have knowledge about the background of the respondents and their willingness to participate in the study. We followed the purposive method in that the field investigators used personal contacts to identify affected women for interviews. This not only enabled us to reach the targeted sample quickly but also to study the issue in a more comprehensive manner. The purposive sampling method was used also because we wanted to be inclusive, to examine how different identities like ethnicity, marital status, income background and others play a role in intensifying the violence.

We selected eight districts (Golaghat, Jorhat, Sivasagar, Sonitpur, Tinsukia, Udalguri, Darrang, Kokrajhar) for the study, going for those districts to which the field investigators belonged, given the sensitive nature of the study and the field investigators' knowledge about the area and community, and their rapport with women in their local areas. The field investigators were also equipped with information on support services available for women in their respective districts. This was done so that if, in the course of the study or even later, any aggrieved woman approached the investigator for any help, the investigator would be in a position to provide information and support to the woman in her capacity as a trained community leader. In each district, five village Panchayats/VCDCs were selected. The administrative bodies in the villages of Darrang, Golaghat, Jorhat, Sivasagar, Sonitpur and Tinsukia are called village Panchayats and in Kokrajhar and Udalguri districts, the set-up is referred to as VCDC. Judgemental samplings of the Panchayats/VCDCs were done because we wanted the study to be inclusive in nature, representing diverse

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<sup>6</sup> Panchayats were constituted under the 73rd constitutional amendment in India. There are a total of 2489 village Panchayats and 1107 VCDCs (as on 1 April 2008) in Assam. Assam has 50% reservation of seats for women in the Panchayati Raj institutions.



communities. The reason behind selecting village Panchayats (rural areas) and not municipal town wards (urban areas) for the study was to destroy the popular myth that women in rural and tribal areas of Assam are free from violence and that they enjoy equal status with men.

In each village Panchayat/VCDC, a sample of 30 women and two institutions were selected for the study. The primary criterion for the selection of a woman respondent was her identity as a survivor of domestic violence; she was to be of 18 years and above in age. The other criteria were relationship status, ethnicity and disability, if any. The field investigators identified these women through their personal contacts and also through community groups, self-help groups and other institutions. In some areas there was a ripple effect: some women, after hearing about being interviewed from other women, approached the field investigators themselves and expressed the desire to narrate their stories of violence. Many women were open to sharing in desperation, that there was finally 'somebody to listen' to them. There were either straightforward or emotional responses. All of the women who participated and were interviewed gave their consent for the use of their responses to questions to be utilised in NEN's publication of findings. We also employed the decisive factor of non-substitution of respondents. For example, in many cases parents and mothers-in-law wanted to speak on behalf of the respondents; this was not entertained by the field investigators. A total of 1200 women from eight districts were interviewed for the study.

The respondents of the institutions interviewed, both government and non-government, were selected irrespective of their gender status. Officials/representatives interviewed were picked up through random sampling as the age, relationship status or ethnicity of the respondents did not matter for the analysis of this category of respondents. A government respondent indicates a person in an elected post, i.e. president, secretary or member of the selected village Panchayat. The selection of non-government institutions was done on the basis of their engagement with women's issues and relationship with the community. A total of 80 institutions from eight districts were interviewed for the study.

Given the objective of the study to establish the situation of domestic violence in Assam, the sample size chosen is pragmatic in nature.

|   |                               |
|---|-------------------------------|
| No. of districts selected for the study               | 8                             |
| No. of village Panchayats/VCDCs selected per district | 5                             |
| No. of women interviewed in each village/VCDC         | 30                            |
| Total no. of women interviewed                        | $8 \times 5 \times 30 = 1200$ |
| No. of institutions interviewed per village           | 2                             |
| Total no. of institutions interviewed                 | $8 \times 5 \times 2 = 80$    |

The study was meant to serve a two-fold purpose. Apart from getting information from the respondents about their cases, the field investigators were directed to provide as much information as possible to the respondents on the issue. During the course of the study, field investigators were mandated to be accountable that there was no negative repercussion on the respondent for participating in the study. Therefore, various strategies were used to protect the respondents and at the same time get factual and unguarded answers.

For the purpose of the study, a structured questionnaire was used. The questionnaire was developed in the vernacular language, i.e. Assamese, and was divided into five sections. The first section detailed the profiles of the respondents. The second section was on different forms of domestic violence. This section was adapted from the PWDVA. The third section dealt with the causes of violence, the perpetrators and the remedies sought by an aggrieved woman. The fourth section highlighted the responses of institutional mechanisms to cases of domestic violence, while the last section was on factors and notions contributing to the degrading position of women and steps required for improving the status of women in society. The first and fourth sections had mixed questions; the second and third

sections had closed-ended questions; while the last had open-ended questions. Data collected from the closed-ended questions were fed into excel sheets and thereby charts and graphs were developed. For the open-ended questions, qualitative analysis was done.

Desk reviews included literature analysis on the issue, and collection and compilation of information related to violence against women in Assam through sources like the State Welfare Department (SWD), Assam, Assam Police, Assam State Social Welfare Board (ASSWB), Assam State Commission for Women and NEN's past and ongoing advocacy on the issue.

Analyses of the cases were done using CEDAW principles of equality, non-discrimination and state obligation.

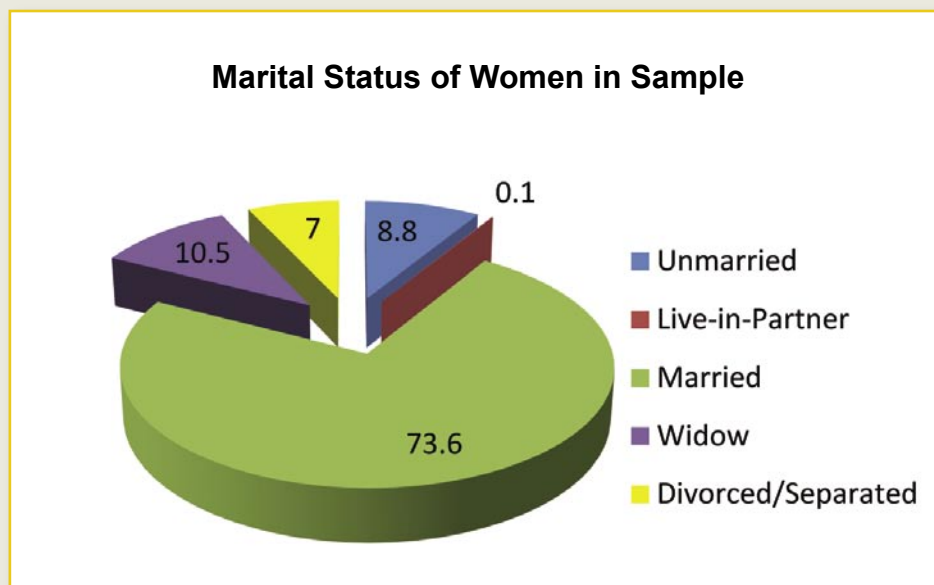
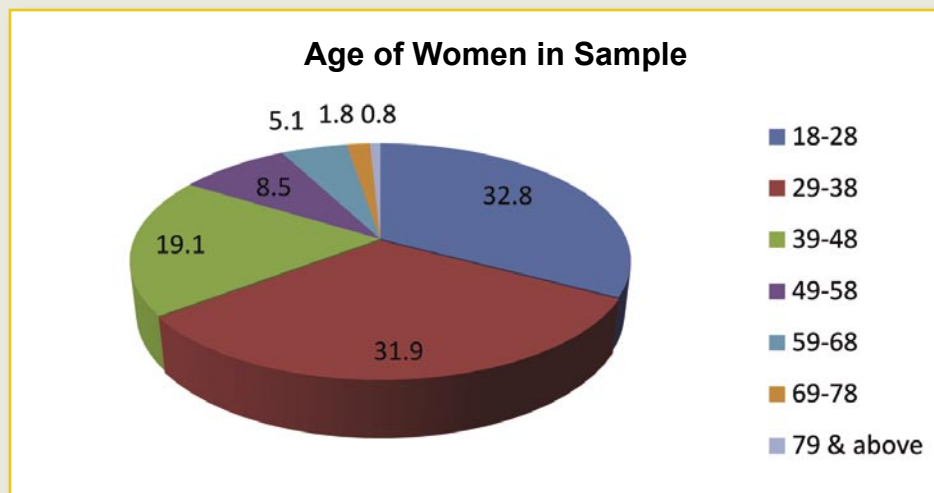
| Districts | Gram Panchayat (GP)/VCDC |             |                          |               |              |
|-----------|--------------------------|-------------|--------------------------|---------------|--------------|
| Golaghat  | Doigrung                 | Panka       | Rongbong                 | Letekujan     | Morongi      |
| Jorhat    | 11 No. Pub Lahing        | Borholla    | 90 No. Kakodonga Bekajan | Pachim Lahing | 12No. Lahing |
| Sivasagar | Khonamukh                | Bengenabari | Sarupather               | Longpotia     | Borguri      |
| Tinsukia  | Bozaltoli                | Barekuri    | Borhapjan                | Gakhirbheti   | Hatijan      |
| Darrang   | Bordoulguri              | Dahi        | Deomornoi                | Barampur      | Jaljali      |
| Udalguri  | Kalaigaon                | Kacharitol  | Balipara                 | Naptipara     | Chengapathar |
| Kokrajhar | Titaguri                 | Bhotgaon    | Padmabil                 | Boragari      | Kalipukhuri  |
| Sonitpur  | Gingia                   | Dolabari    | Haleswar                 | Towbhanga     | Dekargaon    |

## Objectives of the Study

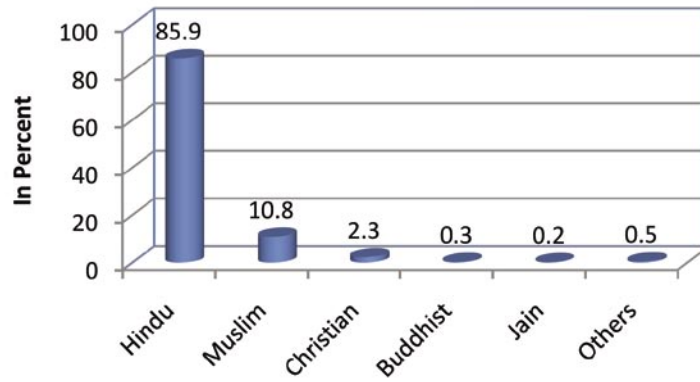
- To understand the nature of domestic violence in rural Assam within a women's human rights framework and develop a baseline
- To understand the perspectives and roles of the agencies available at the community level and their response to the critical needs of women survivors of domestic violence
- To contribute to ongoing advocacy and analysis of women vis-à-vis cultural beliefs and practices, and advocate for gender-sensitive state interventions

## Profile of the Respondents

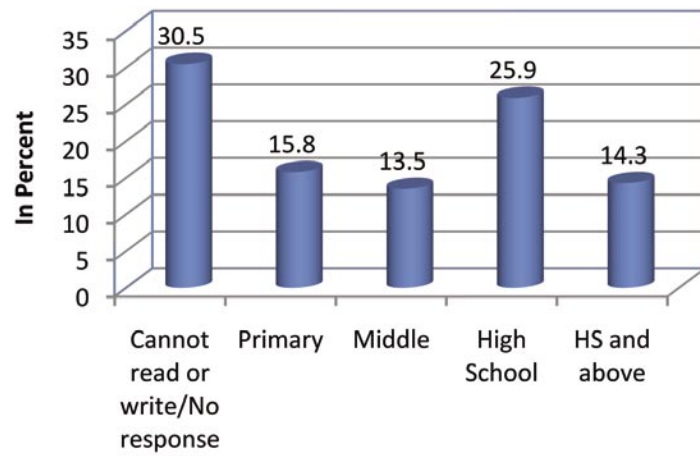
Keeping in view that not only married women, but also women irrespective of age and marital status, face domestic violence our study interviewed women belonging to 18 years of age and above with different relationship statuses. There is no denying the fact that even women below 18 years of age, who are referred to as 'children', face domestic violence; however, the study could not include them for ethical reasons relating to consent. The respondents belonged to diverse religions, ethnic, occupational categories and educational backgrounds, as indicated by the pie charts and bar diagrams below. Respondents interviewed represented more than 40 ethnic communities and more than five religions. A total of 1200 women survivors of domestic violence were interviewed.

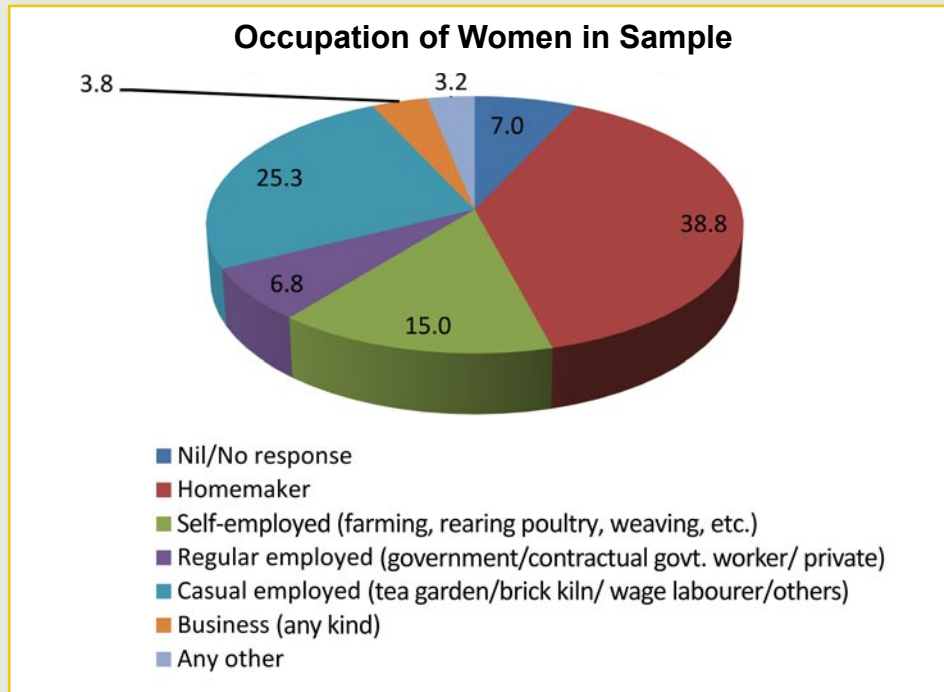


### Religion of Women in Sample

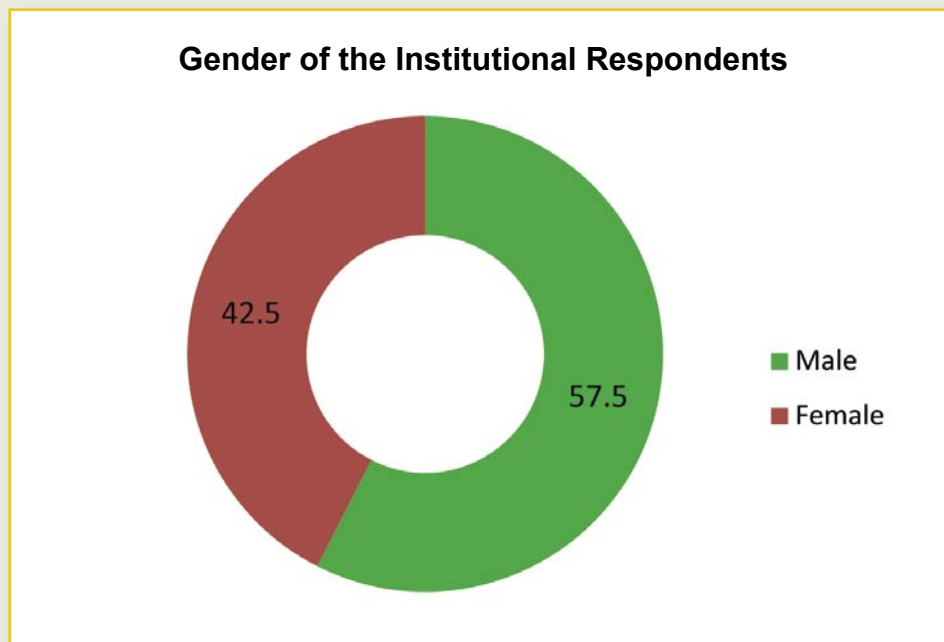


### Educational Qualification of Women in Sample





Another category of respondents were officials/representatives of institutions, both government and non-government, based in the areas where the study was carried out. Both women and men were identified as respondents for the purpose of institutional analysis. A total of 80 women and men representing both government and non-government institutions were interviewed.





## FACTORS BEHIND DOMESTIC VIOLENCE

Domestic violence occurs primarily because of power imbalances or unequal power relations between women and men, leading to control of women by men. Such violence is reinforced by cultural values and beliefs which often give a kind of sanction to the inflicting of violence on women. The patriarchal structure of our society has not only given more power and privileges to men but also immunity from prosecutions for violence committed within the ambit of marriage and family relations. During the course of the interviews, women revealed that violence was committed on them because of factors such as alcoholism, suspected infidelities, refusal to have sex, neglecting household chores, arguments over money and others. But there can be no justification for violence. The above are only the impetus behind violence; they can also be explained as ‘excuses’ used by the abusers to commit violence.

In our study, we identified certain social norms within the institutions of family, marriage and religion that justify and sustain violence against women and girls; therefore, women live in a perpetual lower status from birth. Idioms and phrases are highly internalised by society, including women themselves, and continue to adversely affect women’s status. These have emanated from patriarchal ideologies and deep-rooted discriminatory views. Such practices are harmful and legitimise and perpetuate gender-based violence against women. There is what can be termed patriarchal social consensus to certain actions of men and boys. As a result, participation in violence is high. In such situations violence is justified and all-pervading. Families expose children to gender-biased lessons and behaviour, and as a result men take up roles which are of domination and control, while women internalise roles of dependency and submission. There is therefore differentiation in the positions and expectations of roles and behaviours in men and women.

Many of these practices have emerged from biased beliefs and are strongly held and passed on from one generation to another, thereby perpetuating the degradation of women’s status in Assam. In our field survey, we documented the following beliefs, attitudes and practices.

### Beliefs

- Women are weak, cowardly and lack reasoning power.
- A wife’s position is lower than that of her husband as she is born out of many sins committed in her past life. A girl child is born out of the mother’s sins.
- A woman giving birth to a son is considered to be a virtue (*punya*). Sons are important for lighting funeral pyres, a rite that allows departed souls to achieve salvation.
- Women gossip and talk of others and hence they are lower than men.
- Because a husband occupies a higher position, a wife should worship him as ‘god’. Hence, without a husband, a woman is directionless.
- A girl does not inherit her father’s property as she has no right over it. Her father’s house is only a temporary ‘shelter for rest and play’.
- Women are impure and hence cannot become priests in religious institutions. These institutions have laid down several do’s and don’ts for women.
- A husband’s life span will decrease if the wife cuts her hair. In the event of death of a husband, the wife is to be blamed as it could have been caused by her misdeeds.
- It is ultimately a woman’s fault that she allows husband to rule her. It is she who is not ‘balanced’.

- Women have no identity of her own and her identity is her husband. She has no caste, no religion, and no house. She is like water: as water takes the shape of any container, so it is with women.
- If a woman remains unmarried, her soul (*atma*) will never gain freedom, or even worse, her seven generations of ancestors (*saat purush*) will go to hell. A girl should not be a burden (*aborjona*) on her family and hence should marry.
- The sight of a barren (childless) woman brings ill luck. Also, such a woman cannot give birth due to sin (*paap*) committed by her. She can be freed from sins if she learns to be tolerant towards violence and abuse in her life. Such a woman is not welcome in religious festivals.
- Widows are a bad sign in the society and hence restrictions in public life are imposed on them. They are themselves to be blamed for their own fate.
- Menstruating women are impure and cause pollution (*chuaa*).
- A woman need not pursue education at the higher level as she has to take charge of vessels and utensils (*soru-hari dhoribo lagibo*). Eventually, she will marry and go to somebody else's house. It is best for a girl to be adept in household chores.

## Idioms and Phrases

- *Lao jimanei dangor nohok kio xodai pator tolot*: No matter how big the gourd (woman) is, it always remains covered under leaves (husband).
- *Tirik nidiba lai, kukurok nidiba thai*: Never pamper/allow indulgence (*lai*) to a woman (*tir*), likewise never give space (*thai*) to a dog (*kukur*).
- *Tirir mel kolor bhel*: There is no value in a women's meeting (*mel*) or words or opinions which just float away. It is like a *kolor bhel* (a temporary boat-like arrangement made of plantain stalks which people use in rivers or ponds to float).
- *Tirir suti bahunir buti*: Just as a cane broomstick (*bahoni*) is short-lived (*suti*), so are women.
- *Tiri pale giri*: A good woman will make a good house (*giri*).
- *Tiri xodai munir tolot*: Women are always under men.
- *Suali bhorir juta*: Woman are like sandals. Young men joke that just as broken sandals can be replaced by new ones, girls or wives too can be replaced if they (women) discontinue a relationship.
- *Kurite buri*: Girls need to be married at twenty (*kuri*) years of age, else she will be considered an old (*buri*) woman.
- *Purokhor uporot mat matibo napa*: When a man (*purush*) is talking, never speak (*mat matibo*) above him.
- Women should be *Lakhi* (compared to goddess of wealth and prosperity) for her family and should be quiet, adjusting and submissive.
- *Juta jimaney daami nohouk kiyo xodayei bhorir tolot*: No matter how expensive shoes(*juta*) are, they(compared to women) are always under the feet (compared to men here).
- *Tiri matir bera, ek ghusa marile xori pora*: Women are like walls made of mud (*matir bera*), falls off at one punch (*ghusa*).
- *Mahila akashi lota naiba raghumala*: Women are like creepers (*akashilota* and *raghumala* are names of creepers), always dependent on others to climb upwards. She is dependent on father, husband and son for shelter.
- *Purushor katha xilor khuta*: A man's (*purush*) decision/speech (*katha*) is the final word engraved in stone for others to obey.
- *Patni purishor bhorir dhuli*: A wife is the dust (*dhuli*) of her husband's feet/steps.

- *Athuwar moh, maribo lagibo*. Women are mosquitoes (*moh*) in the net (*athuwa*), and hence need to be beaten up (*maribo lagibo*) or straightened out.

## Customs and Practices

- In religious ceremonious and marriage rituals, widows cannot participate as they are a bad omen or inauspicious. Widows are also eyed as objects of pleasure and ridicule by men in villages.
- Women cannot touch religious scriptures in naam ghars (Vaishnavite prayer halls). They cannot sit together with elders and/or men.
- At the time of marriage, a girl is taught to obey elders, especially the rules and conditions laid down by her marital family.
- There is strict control on a woman's choice for a marriage partner and she has to abide by family choices/decisions.
- Married women should cover their faces/head under a veil in the presence of family elders as a mark of respect.
- Daughters-in-law are not allowed to sit in chairs. They should sit on lower seats or the floor in the presence of family members.
- A woman can eat only after her husband, parents-in-law and other senior members in the family finish their food. In some households where she can, she cannot sit together with male counterparts and eat.
- Women cannot cook food or enter the kitchen in footwear/sandals.
- In some societies, women must worship the sun god to start the day. If she fails to do so, she will have to fast the entire day as penance.
- A woman leaving her hair open or stepping on the shadow of elders or sitting on a brother-in-law's allotted place is frowned upon.
- If an elder brother-in-law is accidentally touched upon by a woman, it is considered to be pollution on her part. She has to fast to purify and offer tamul paan (customary practice of offering areca nut and leaf) as a means to ask for forgiveness.
- A married woman cannot ride a bicycle in the presence of husband's male relatives or his brother. She has to get off the cycle should she be riding one.
- It is compulsory for women to take a bath soon after she wakes up but it is not the same for the men.
- Food and water will not be accepted from a woman if she does not have a bath after going to the toilet.
- During monthly menstruation, women have to sleep on the floor and cannot partake in any rite or ritual. They cannot enter the kitchen or cook food. In some families, they cannot touch any household item. Girls are also forbidden to travel outside the house, such as going to markets, schools, etc.
- Unmarried girls will bring bad luck. They are a burden to the family. For them to be treated at par with other members in the society, they are sometimes 'married off' to a tree at an older age. They cannot participate in bridal preparations in a marriage. Likewise with women who are separated from husbands or are widows.
- A woman's place is inside the house. The ones who are visible in public places are subjected to character assassination.
- Women should not plough as they are weak or considered as ill luck.
- A wife batterer is put up with but a woman hitting a man will not be accepted by society.
- Society tolerates a man with more than one wife/ partners but not women having multiple partners.
- The purdah system in Muslim society does not allow women to offer prayers in a mosque.

- Women's opinions are not considered in decision-making public bodies such as village committees and associations as society feels that women's voices lack reason and value. Those who raise their voice are called 'masculine'.

Such cultural beliefs are held strongly by society, controlling women's mobility and sexuality and devaluing women's rights. Women are seen as custodians of culture and hence, through discriminatory and harmful practices, society seeks to keep alive its traditions and honour. Families follow orthodox practices and stereotypical attitudes which ultimately suppress women and create barriers for them in achieving high standards of development or even in leading a simple everyday life of peace and dignity.

## FORMS OF VIOLENCE FACED BY WOMEN: STUDY FINDINGS

This study details the different forms of violence faced by women in domestic relationships. The forms and specific nature of violence/abuse discussed have been adapted from PWDVA. The forms of abuse/violence that the Act takes cognizance of are physical abuse, sexual abuse, verbal and emotional abuse, economic abuse and dowry-related harassment. Respondents have narrated their day-to-day experiences and specific incidents which have occurred in the past but still remain fresh in their memories because of their horrifying nature. It is also worth mentioning that a substantial number of women reported experiencing not only one particular form of violence but all types of violence collectively. The perpetrators of violence included husband, parents, siblings, parents-in-law and family members of marital, natal and extended families of the women.

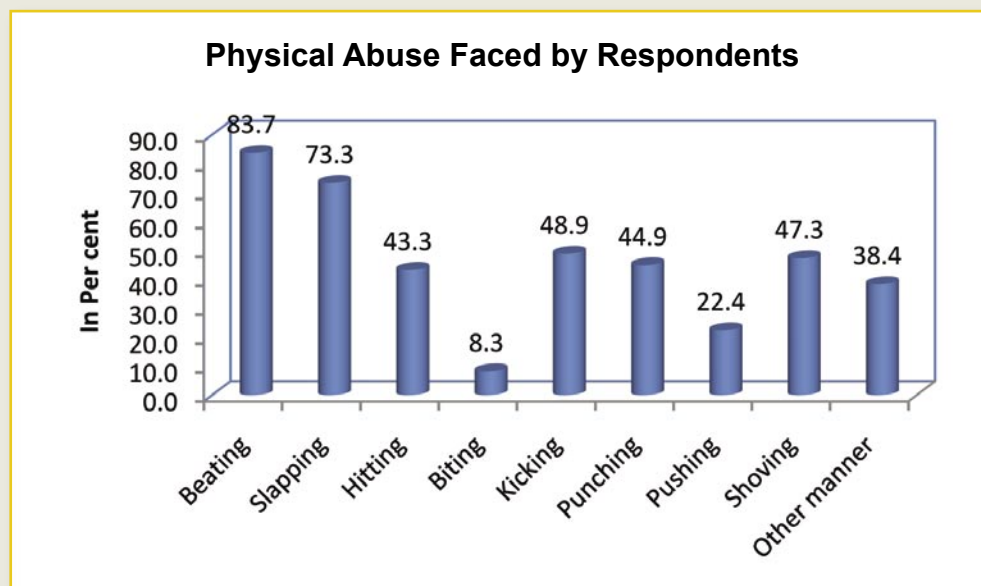
Before delving deep into the abuses faced by women in Assam, NEN would like to highlight that data and tables have been used to concretize the magnitude and gravity of the domestic violence issue. But, at a human, emotional level, in no way can they match up to the spine-chilling testimonies shared by the women respondents.

The district-wise data on the different forms of abuse have been consolidated so as to provide comprehensive information on the trend and patterns of abuse faced by women.

### i. Physical Abuse

'Physical abuse' means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb or health, or impair the health or development of the aggrieved person, and includes assault, criminal intimidation and criminal force, as defined by the PWDVA (2005). Physical abuse is one of the most common forms of violence experienced by women in their daily lives. Most of the respondents during their interview spoke of being subjected to physical violence perpetrated mostly by the spouse, parents, in-laws and other family members. Many consider it their fate.

The chart depicts various forms of physical abuse/violence experienced by the respondents. Hands, legs, sticks,





bed slats, ploughs, broomsticks, shoes, chairs, utensils, machetes, axes, iron rods, and other sharp objects were the paraphernalia used for beating and hitting respondents. Women reported that beating was the most common (83.7%) for them, followed by slapping (73.3%), kicking (48.9%), shoving (47.3%), punching (44.9%) and hitting (43.3%)

*‘ Whatever my husband finds or sees in the house, he uses it to beat me; it could be a bowl, plate or an iron rod. He uses all means, drags me by my hair, pulls my ear, holds my neck, compresses my nose and also forces ash in my mouth, leaving me almost breathless.’*

Respondent, 45 years, Jorhat, farmer, married, mother of four children

A high percentage (38.4%) of respondents reported experiencing bizarre forms of abuse, such as being dragged by their hair, chased with a machete, tied up to tree, being doused with kerosene, boiling water or hot oil, attempts to strangulate, tonsuring of hair and others.

*‘ I am a patient of asthma. Many times during a sudden asthmatic attack, my husband pressed my face with a pillow, almost suffocating me to death.’*

Respondent, 38 years, Sonitpur, teacher, married

*‘ My husband once poured kerosene over my body and dragged me across the room but I luckily escaped from being fully burnt. Till date, I am undergoing treatment for my injuries.’*

Respondent, 22 years, Sivasagar, homemaker, separated

In some cases the use of force was so violent that it led to irreparable losses in women’s lives. A few of the women spoke of suffering miscarriages and impairment of body parts due to the brutal violence perpetrated by family members.

*‘ My husband used to harass me a lot. He used to beat me with an iron rod or anything he got hold of. He used to squeeze my neck and pull me by my hair. Due to such brutal torture, I suffered miscarriage twice and now I cannot bear children anymore.’*

Respondent, 31 years, Jorhat, homemaker, separated

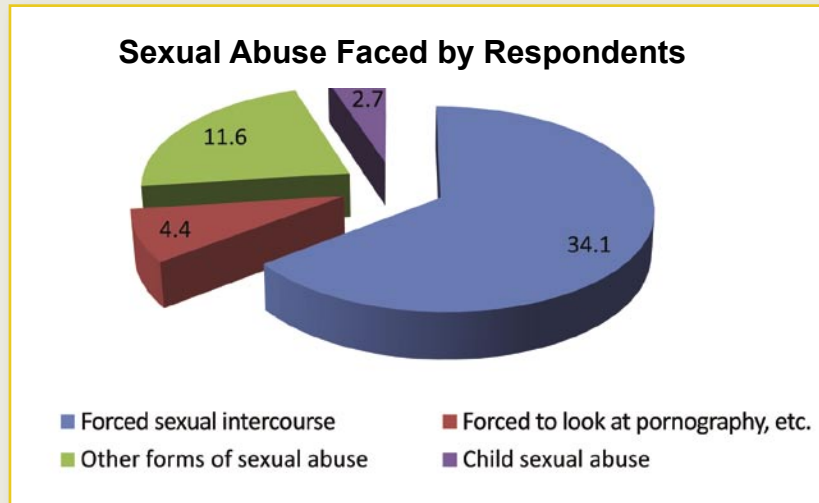
Some respondents also talked of the impact of violence on their children. While these women are physically abused by their spouses, children trying to prevent or witnessing the incident also face the brutality or the wrath of the abuser. A few respondents with disability revealed that their disability status was not a factor of sympathy for their family members; it was rather a factor perpetuating violence.

*‘ My husband beat me with a stick, choked me by the neck and broke my legs by throwing bricks at me. I couldn’t say anything as I am dumb.’*

Respondent, 60 years, Sonitpur, homemaker, widow, disability in speaking

## ii. Sexual Abuse

According to the PWDVA (2005), ‘sexual abuse’ includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman. The institution of marriage has been given a ‘sacrosanct’ status in Indian society. Women’s bodies are viewed as elements of ‘honour’ for the family and community, and so questions of women’s choices, consent and decisions do not arise. Control over women’s sexuality is a power and privilege for men to enjoy within the ambit of marriage, it is believed. In the existence of such a hegemonic belief system, a veil hangs over issues of sex and sexuality, and sexual abuse/violence perpetrated within a domestic relationship remains a subject of taboo and mostly ignored.



The chart showing the kinds of sexual violence depicts that forced sexual intercourse was the highest reported abuse in this category (34.1%) among the respondents followed by other forms of sexual abuse (11.6%) such as stripping, inserting objects in private parts, forced viewing of pornography (4.4%) and child sexual abuse (2.7%).

Forced sexual intercourse occurred in both natal and marital family situations, with such violence committed by different male family members. Women not only shared their deepest stories but also how their bodies were turned into a battlefield if they refused to have sex with their intimate partners. Many women who have been experiencing sexual violence for long revealed how refusal to sex has led to repercussions like brutal physical violence, verbal abuses and other emotional abuses.

*‘My husband beats me on the head with his shoes, ties my hands with rope and beats me indiscriminately. He drags me by my clothes to the bedroom. Many a time, when I have denied him sex, he has urinated on my body. Because of his extreme brutality, I tried to commit suicide twice but failed.’*

Respondent, 45 years, Jorhat, daily wage earner, separated

Of late, exposure to sexually explicit materials through mobile phone has become one of the ways to abuse women. Perpetrators not only use forceful means to expose women to pornography but also more subtle ways to do so. Respondents have spoken of being forced to watch pornography and engage in sexual activities in degrading forms. Some women also disclosed how the forcible use of alien objects during sex and other bizarre means of sexual abuse led to self-hatred.

Apart from the different forms of sexual abuse to which women were subjected, the study also showed the environment in which this abuse occurs. It became evident how vulnerability due to factors like dependency, helplessness and lack of an identity status contributed to further victimisation and sexual abuse.

*‘At opportune circumstances, my brother-in-law would kiss me. He also shows his genitals to me and touches my private parts. My parents-in-law blame me for my husband’s death. They also think that I have an illicit relationship with my brother-in-law. But the fact is that my brother-in-law wants me to marry him and whenever I refuse, he engages in forced sexual intercourse with me and also beats me.’*

Respondent, 38 years, Golaghat, homemaker, widow

Not only did we come across incidents of sexual abuse perpetrated by husbands and other family members but also those by the closest family members whom the victims considered their ‘protectors’ and ‘care givers’.

*‘My own younger brother forcefully had sex with me and impregnated me. Later the baby was aborted. Now my family is cast off from the village.’*

Respondent, 19 years, Udalguri, homemaker, unmarried

Our study also revealed violence as a way of life for many women with disabilities. They expressed their inability to retaliate due to fear, stigma and shame along with their dependency status.

*‘My father physically assaults me because I am disabled. He does not give me a single penny for my needs. Besides that, he also forces to have sex with him. Fearing denigration, I have not disclosed this to anyone in the village.’*

Respondent, 19 years, Darrang, unmarried, mobility impaired

### iii. Verbal and Emotional Abuse

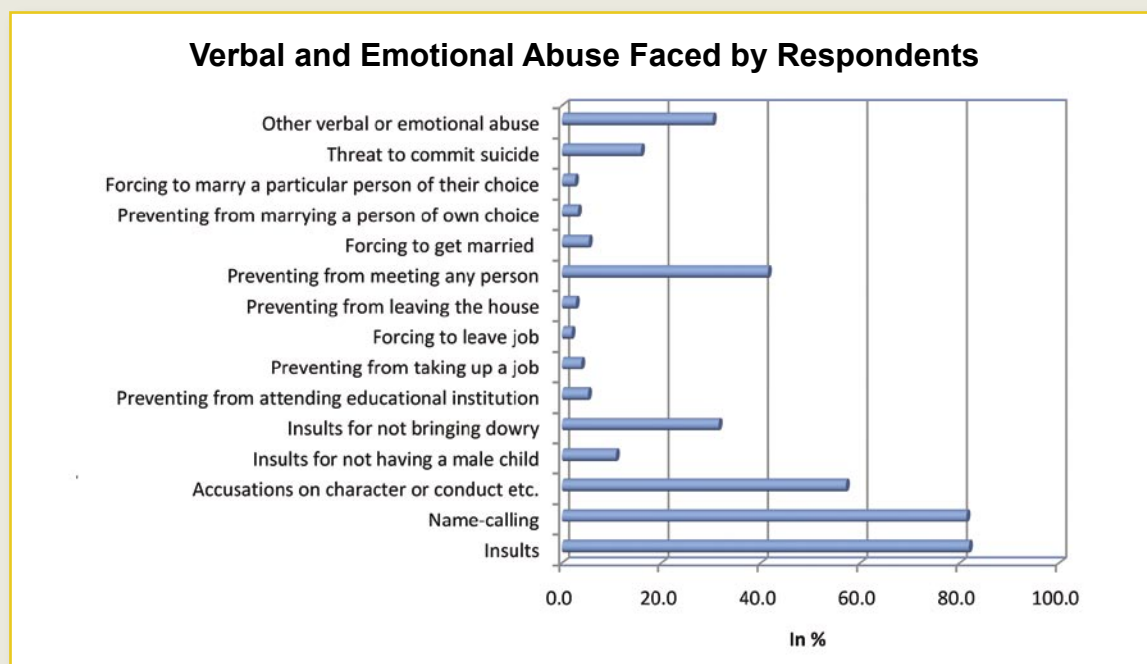
According to the PWDVA (2005), this refers to:

- (a) Insults, ridicule, humiliation and name calling, specially with regard to not having a child or a male child; and
- (b) Repeated threats to cause physical pain.

Abuse that is verbal and emotional in nature is often undermined and overlooked by the victimised women themselves and the community in general. There is no substantive data or documentation to gauge the intensity and impact of such abuse. This kind of abuse also does not get appropriate attention from authorities as it cannot usually be backed up by evidence. The impact of such abuse is very deep and entrenching in nature, and can have serious consequences.

The women we interviewed revealed that insults (81.8%) and name calling (81.3%) were part of their everyday life. They were used like prefixes and suffixes to their names and after every sentence. Other forms of verbal and emotional violence which are equally serious are casting aspersions on a woman’s character (57.2%), preventing her from meeting others (41.4%) and insulting her for not bringing in dowry (31.5%).

It is worth mentioning that verbal and emotional violence existed together with other forms of violence, be it physical, sexual or economic. Respondents remarked that there could be any reason or an array of reasons for the abusers to insult or call them names. Women shared that reasons like less salt in the food cooked, having curly hair, coming home after dark, anything at all, could lead to name calling and insults.



*‘ I face mental violence every day. Because I have curly hair and one disabled leg, my family calls me kulokhoni (unlucky woman). I am not even allowed to talk with family male family members. My husband threatens me that he will remarry another girl.’*

Respondent, 22 years, Golaghat, homemaker, married

*‘ I was raped by my uncle. Instead of getting justice, my family blames me for the incident. They abuse me everyday saying that my personality is crooked. They often call me a prostitute and use abusive words like randy/noti (prostitute), nilaji (shameless). I am not even allowed to talk to others outside my family.’*

Respondent, 19 years, Darrang, unmarried

Character assassination was one of the violences which was reported by women, mostly working women. This kind of verbal violence can lead to huge emotional distress. It is not only humiliating but also lowers a woman’s self-confidence.

*‘ I am an Anganwadi (government kindergarten) worker. I face extreme mental torture from my husband. He insults my work and often says, ‘How much do you earn that you show a lot of attitude? If I don’t let you go to work, then what will you do?’ My husband does not allow to meet other males. He also threatens that if I talk to other males, he will commit suicide in front of me by consuming poison.’*

Respondent, 35 years, Golaghat, contractual worker, married

Restrictions imposed on mobility were another violence which was reported by many women. It seemed to be more common amongst married women. Many were restricted from talking to other male individuals but were also threatened with disengagement from their own natal family members.

In Assam, female foeticide as a practice is not prevalent but son preference exists.

*‘ I am a teacher who teaches religious texts but also a victim of extreme mental violence. My parents-in-law and husband call me kulokhoni (unlucky woman), saying that I am the reason for the lack of prosperity in their family. My first child is a girl and that is why my mother-in-law and sister-in-law insult me for not having a boy. My parents-in-laws do not allow me to talk to my mother over the phone. Even during my pregnancy, I was given only leftover food to eat. I had to do all the household works during my pregnancy, otherwise my in-laws would scold me for neglecting work.’*

Respondent, 27 years, Sonitpur, teacher, married

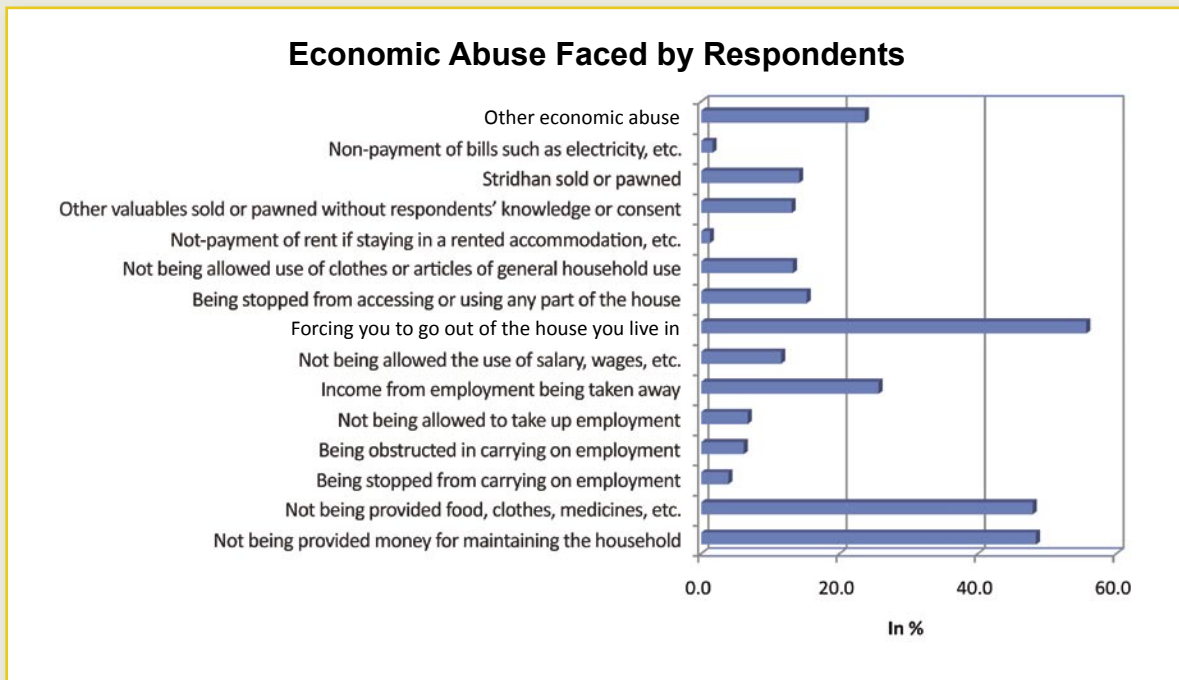
Other ways of perpetrating verbal and emotional violence on the women were frequent taunts over ‘physical appearance’, ‘class’, ‘ethnicity’, blaming the woman for her husband’s death, inability to bear a child, bringing misfortunes to the home, constant threats to commit suicide by the husband and threats to kill the women. Unmarried girls spoke of the control over their choice of partners by their family members.

#### iv. Economic Abuse

In the course of the interviews we noticed that economic abuse is a common ploy used by perpetrators or abusers to gain control and power over women. It may be explicit or implicit and includes manifestations such as limiting access of the women to common assets or control over family resources or denial of basic needs. Undermining women as an economic asset or her economic efficiency and threats or putting up barriers to employment or not allowing women to have control over their incomes, in the long run, does not allow women to gain independence and threatens the safety and long-term security of a woman’s life and her dependents.

In our survey in most cases women have been asked to leave the house they reside in (56%). Such a situation is

an irony as the PWDVA grants full right to reside in the household to an aggrieved woman. Other forms of abuse identified were: not providing money for maintenance of children (48.4%); not providing food, clothes, medicines, etc. (48 %); taking away a share from salary, wages, etc. (25.7%); selling or pawning *stridhan* or any other valuables without a woman's information or consent (16.4%); forbidding women to take up employment (10.5%), among many others.



Following are some of the testimonies of women we interviewed:

*'I am threatened with a dao (machete) by my husband if I do not part with a share of the little income I earn. Oftentimes, he picks up quarrels and I am asked to leave the house and stay with my natal family.'*

Respondent, 32 years, Kokrajhar, teacher, married

*'Once, cooking vessels were tied and hung high on a tree so that I could not reach for the food.'*

Respondent, 35 years, Golaghat, homemaker, married

*'A pregnant woman narrated that the Janani Suraksha Yojana (a safe motherhood government programme) monetary benefits entitled to her to buy nutritious food was used to run the household.'*

Respondent, 33 years, Darrang, ASHA worker, married

The woman has an absolute, exclusive dominion over all her *stridhan* (gifts bestowed upon her by her natal or marital family at the time of marriage). It includes movable and immovable property, and she has the power to sell or give it away as she pleases both during her lifetime and thereafter. Her husband and/or his family members have no rights over a woman's *stridhan*. But our study revealed that *stridhan* was often sold off by the husband and his family members.

*'My husband sold off, in order to buy alcohol, the gold jewellery and utensils given to me by my parents. In addition, I have to get money from the house or face physical assault.'*

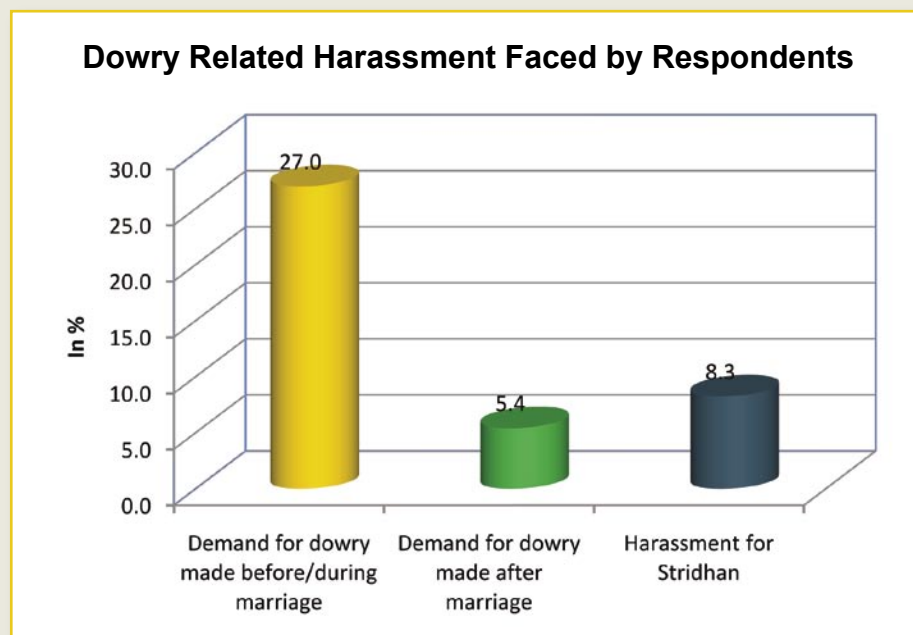
Respondent, 28 years, Udalguri, married



## V. Dowry Related Harassment

Dowry is not a widespread practice in Assam though it exists in some communities. However, the Assam State Commission for Women recorded 12 dowry cases in the year 2012. According to the Office of the Additional Director of Police, CID Assam, 170 dowry deaths were registered in 2013.

From our study, we observed that there is no formal transaction regarding dowry as seen in different parts of the country. However, demands before and after marriage exists both in cash and kind. A formidable 27% of the women reported having faced dowry demands and related harassment. There were instances when dowry demands were used as convenient means to build assets and ‘get rich quick’ among the educated unemployed youth or to make payments to procure jobs for the man. Demand for cash ranging anything between Rs 800 to Rs 20,000 and above was reported. Demands were also made to a bride’s family to bear expenses related to the travel costs of the bridegroom and his family. Women whose families could not meet the demands were often subjected to mental harassment and torture or even cancellation of marriage.



*‘I am regularly harassed by my husband and mother-in-law as I could not get enough assets like furniture, jewellery and money from my parents.’*

Respondent, 28 years, Tinsukia, married

*‘My family was asked to pay all costs related to repairing of hand pump in my husband’s household.’*

Respondent, 38 years, Udalguri, married

*I paid the money beforehand. This money was demanded from my family to prepare the wedding canopy at the groom’s place.*

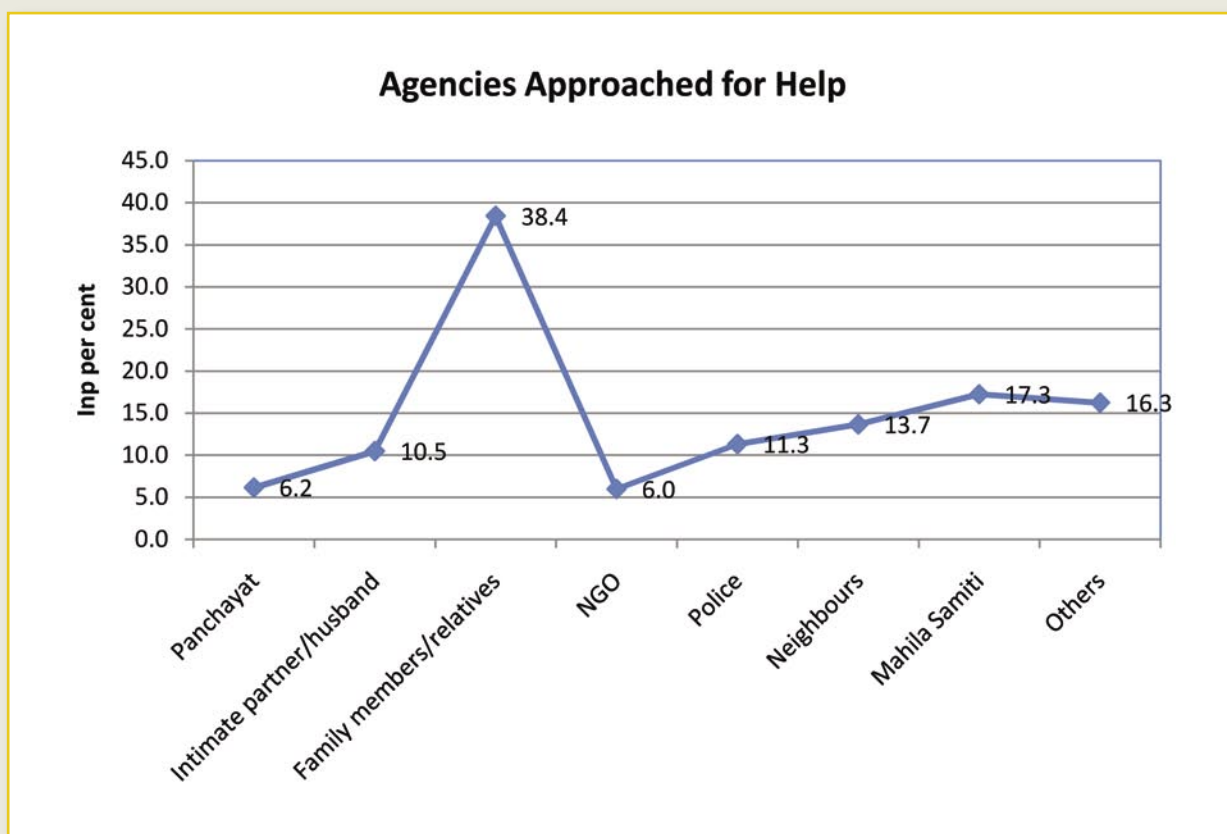
Respondent, 21 years, Golaghat, teacher, married

## 6

## AGENCIES FOR WOMEN TO SEEK REDRESS

Around 64.4% women said that they approached some agency for help when facing domestic violence, while 35.6% respondents had no agency accessible to redress their grievance or preferred to remain silent. The reasons cited for not asking for help included women's economic dependency (13.8%), thoughts of family honour (13.6%), fear of further discrimination (11.5%), the idea that nothing could be done (7.2%), and fear of rejection/desertion by family (6.1%), among many others.

Among those who had sought help, the majority approached individuals rather than any organisation; the dependency or reliability on informal institutions was more than that on formal ones.

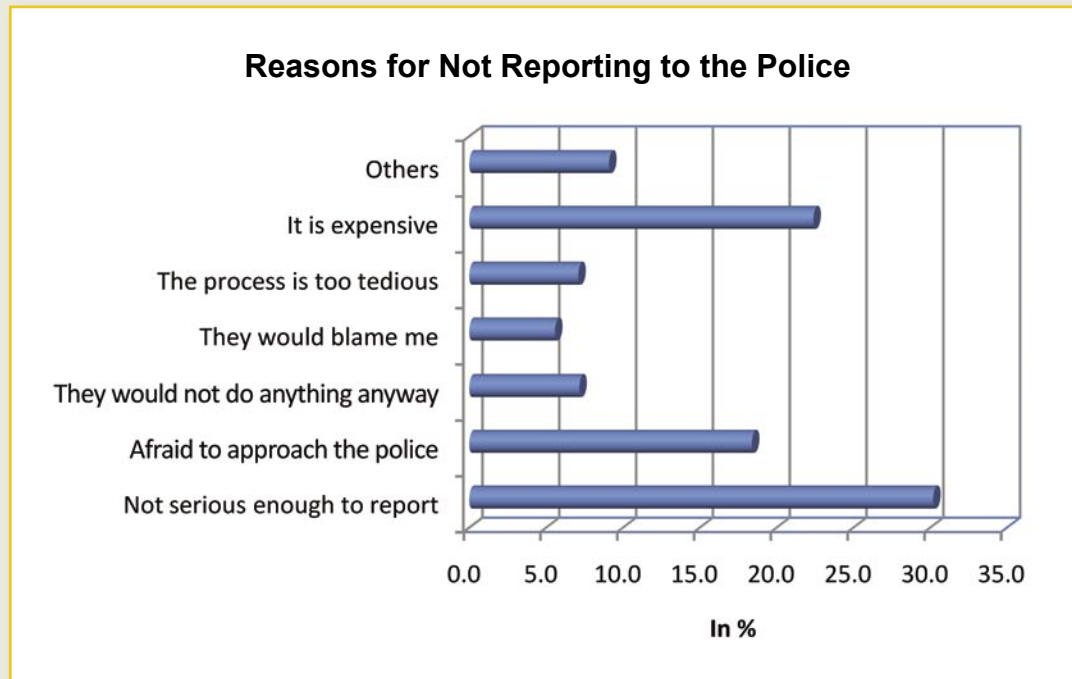


The study revealed that the immediate agency a woman approached for help was the family, immediate or relatives (38.4%), followed by *mahila samitis*/women's groups (17.3%), village headmen/students' union/tribal bodies (16.3%) and neighbours (13.7%). Multiple stakeholders were often approached by the aggrieved woman. The findings also revealed that the interventions of these redressal mechanisms were done in a very informal and traditional manner. The methods encompassed primarily calling both the parties together and trying for reconciliation or summoning a public meeting for deciding the case. In a few cases, it was ironically the women who were blamed for the violence. A negligible percentage of women said that due to their inability to bear the brunt of violence every day, they have separated from their husbands.

Women seeking redress from the police were relatively very low (11.3%) for various reasons. Of these cases, in most of them formal case proceedings were on-going and in some perpetrators had been arrested for inflicting violence

on the women. The majority of the respondents expressed reluctance to approach the police. On being asked the reasons behind this disinclination, quite a large percentage of women (39.2%) felt that violence was a part of their everyday life and it was seen as something normal by them. Other reasons revealed by the women included: fear to approach police (18.4%), expensive proceedings (22.4%), family honour (9.1%) and lack of trust in the police (7.2%).

It is important to stress that help-seeking behaviour on the part of the women is very informal in nature. Lack of accessibility and information pertaining to agencies like POs notified as per the PWDVA could be some of



the reasons. Also, women do not have information on legal mechanisms, women's empowerment schemes and provisions. There are state mechanisms in place but these are not adequate and have not reached the women at the grassroots where the interviews were conducted.

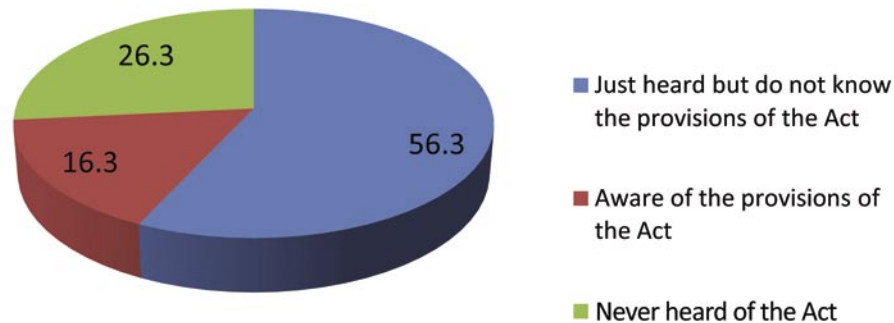
The figure clearly illustrates public perception towards the police, which indicates why victims of domestic violence fail to secure justice.

Not only is the apathetic attitude of the police a major problem, the indifferent role of the local governance institutions also tends to be a lacuna in the redressal system. Local governance institutions at the village level, referred to as village Panchayats and VCDCs are strong community-based institutions. Although their objective is to work for economic development and social justice, women and women's issues take a backseat in their agenda.

This study took into account the perspectives of 40 Panchayat and VCDC officials of the villages where the study was conducted. Similarly, 40 informal institutions were interviewed which had intervened in cases of domestic violence or which the women had approached for help. These institutions were basically *mahila samitis*, ethnic youth groups, students' unions, village headmen and tribal bodies. All the 80 representatives agreed that domestic violence is prevalent in the villages and that some of them had intervened in cases pertaining to domestic violence through both formal and informal ways of dispute resolution. Most of the respondents of the institutions (52.5%) opined that affected women preferred to approach women's groups/*mahila samitis* as they did not want to or were not in a position to seek formal remedies. Also, these groups resorted to alternate dispute resolution processes such as counselling, reconciliation and monitoring cases which the women preferred. These processes are also applicable to other institutions interviewed.

While there exists many and newer legal provisions to address such difficult situations of women, it was highly

### Response to 'Have You Heard about the PWDVA?'



disturbing to find that grassroots stakeholders who take up such cases were not aware of the PWDVA or other legal provisions. Representatives of 56.3% institutions said that they had heard about the PWDVA but were not aware of its provisions in contrast to 16.3% who knew about the Act.

Representatives of the institutions we interviewed felt that alcoholism is a major cause for domestic violence. They opined that 'banning alcohol' can be a step towards mitigating domestic violence. Such responses reflect the narrow understanding of domestic violence and how such perceptions can be a major barrier in the promotion of human rights of women. Alcoholism is not the cause of violence but it aggravates the situation. Women felt the government should officially declare all residential areas as 'alcohol free zones' and penalties must be imposed for those indulging in alcohol induced misbehaviour and verbal, physical and other actions, especially with women and children.

## 7

## RECOMMENDATIONS

While the study concerned itself specifically with the degree and types of domestic violence faced by women in rural Assam, an attempt was also made to understand the nature of services available to the women in the village. The responses from the institutional mechanisms are indicative of the superficial nature of services provided to women in distress. Below, we provide suggestions and insights based on the existing commitments and mechanisms of the government.

- The Government of Assam must immediately draw up a state action plan to monitor the implementation of the PWDVA. This must include appointment of independent POs, revision of service providers' list, immediate notification of medical facilities and shelter homes, approval of separate budgetary allocation to sensitively and effectively implement the PWDVA. In drawing up the action plan the government may consider NEN's advocacy proposal which was submitted to the nodal agency, i.e. the State Social Welfare department in 2014.
- In the disbursement of schemes for shelter and institutional care for each financial year, the state must pay special attention in its next action plan to districts which are bereft of such facilities and ensure equitable distribution of such schemes for all the districts.
- The state must actively implement the commitments made in the Twelfth Five Year Plan (2012-17), Social Sector, pertaining to women in Panchayats and capacity building of grassroots stakeholders (nos. 23.48, 23.49 and 23.50 and 23.51 of the plan document). These commitments must be equipped with appropriate budgetary allocations.
- Gender sensitisation on domestic violence to government stakeholders such as frontline workers, health care providers, law enforcement agencies and the legal and para-legal personnel must be included in the induction period of their training/ training curriculum. This has also been recommended by the CEDAW Committee in its Concluding Observations (11e-fg, 27g, 45) on Government of India's reports in 2014.
- The nodal agency must organise outreach programmes such as public awareness and *lok adalats* (public hearings) at Panchayat levels twice a year for women who are affected by domestic violence.
- Para-legal volunteers (PLVs) enrolled with the district legal services authority should be mandated to organise legal literacy camps on laws related to women and facilitate sensitive and speedy disposal of cases in the mediation centres and courts. PLVs must be placed at Panchayat and VCDC level.
- Panchayat offices must be mandated to include domestic violence as a priority item in their agenda as they are one of the first contact points in the community. Trained Panchayat members can also be facilitators to forward cases to relevant authorities for aggrieved women and also organise awareness campaigns. It must establish domestic violence desks in their offices to respond to immediate needs of aggrieved women. Strengthening the capacities of Panchayat members in effective networking with health institution, police station, counselling centres and shelter homes will ensure a coordinated approach, and a quick response to any case of violence will reduce and/or prevent violence.
- The government must immediately install functional women's helplines, making the same accessible to rural areas. Such helplines must be managed only by sensitively trained professionals and installed with adequately allocated budgets.
- Equal representation of women in public bodies is crucial to end discrimination and violence on women and promote gender equality. There must be 50% reservation of women in public committees such as Village Defence Parties, block-level Vigilance & Monitoring Committees, Village Health, Sanitation and Nutrition Committees, Autonomous Councils, Social Audit Committees, Village Education Committees, Nagarik/Citizens' Committees, Social Justice Committees and Peace Committees. With these, we strongly recommend establishment of Women's

Safety Committees (WSC) at the Panchayat levels with equal representation of men and women.

- Service providers registered according to PWDVA provisions should maintain a list of all institutions, both formal and informal, involved in handling cases of DV. This will help in collating data on DV, organising sensitisation programmes in association with these institutions, and monitoring the effectiveness of these institutions.
- The government must uphold the CEDAW Committee's (2014) recommendation 'to allocate sufficient resources for the immediate enforcement of legislation on violence against women and for the establishment of special courts, complaints procedures and support services envisaged under that legislation in a time-bound manner'. The Committee is particularly concerned that the State party has not taken sufficient sustained and systematic action to modify or eliminate stereotypes and harmful practices which causes domestic violence such as dowry, amongst others.



## ANNEXURE 1

### PWDVA (2005) in a Nutshell

|   |  |  |  |  |
|---|--|--|--|--|
| <p><b>1</b></p> <p><b>WHAT IS DOMESTIC VIOLENCE</b></p> <ul style="list-style-type: none"> <li>• Mental, physical harm, injury, endangerment;</li> <li>• Includes physical, sexual, verbal and emotional &amp; economic abuse</li> <li>• Dowry-related harassment</li> <li>• Threat to such conduct</li> <li>• Other injuries/harm</li> </ul>   | <p><b>2</b></p> <p><b>WHO BENEFITS FROM THIS LAW?</b></p> <p>Women in Domestic Relationships<br/>Wife   Ex-wife   Widow   Women in relationship in the nature of marriage   Mother   Sister   Daughter   Joint family members   Children (male &amp; female)</p> | <p><b>3</b></p> <p><b>WHO CAN THE COMPLAINT BE FILED AGAINST?</b></p> <p>Any male adult person who is or has been in domestic relationship with the aggrieved person</p>   | <p><b>4</b></p> <p><b>WHO CAN FILE COMPLAINT?</b></p> <ul style="list-style-type: none"> <li>• Aggrieved party (woman / on behalf of a child)</li> <li>• Any person who has reason to believe that an act of DV is being / likely to be committed - neighbours, social workers, relatives etc.</li> </ul>  | <p><b>5</b></p> <p><b>WITH WHOM CAN THE COMPLAINT BE FILED?</b></p> <ul style="list-style-type: none"> <li>• Police</li> <li>• Protection Officer</li> <li>• Service Provider</li> <li>• Magistrate</li> </ul> |
| <b>DOMESTIC VIOLENCE ACT IN A NUTSHELL</b>  |  |  |  |  |
| <p><b>6</b></p> <p><b>WHAT REMEDIES ARE AVAILABLE</b></p> <ul style="list-style-type: none"> <li>• Residence orders</li> <li>• Monetary orders - maintenance, monetary relief, compensation</li> <li>• Protection orders</li> <li>• Custody (temporary)</li> <li>• Ex parte orders</li> <li>• Interim &amp; final orders</li> <li>• Penal - 1 year imprisonment + fine upto Rs.20,000/- for disobedience of court orders</li> </ul> | <p><b>7</b></p> <p><b>IMPLEMENTATING MECHANISMS</b></p> <ul style="list-style-type: none"> <li>• Protection Officers</li> <li>• Service Providers</li> <li>• Medical facilities</li> <li>• Shelter homes</li> <li>• Police</li> <li>• Courts</li> </ul>          | <p><b>8</b></p> <p><b>OTHER SALIENT FEATURES</b></p> <ul style="list-style-type: none"> <li>• Speedy trial</li> <li>• Magistrate may direct aggrieved person &amp; respondent to undergo counselling</li> <li>• Provision of shelter, medical facilities etc. to be made available to aggrieved woman</li> </ul> | <p><b>9</b></p> <p><b>HOW IS THIS LAW DIFFERENT FROM PREVIOUS LAWS?</b></p> <ul style="list-style-type: none"> <li>• Includes women in relationships in the nature of marriage</li> <li>• Includes women in domestic relationships other than as wives</li> <li>• Provides remedy for women's shelter in the household while accessing the law</li> <li>• Law works at preventive and remedial levels</li> <li>• All remedies in 1 court</li> <li>• Is a combination of civil+criminal remedy</li> </ul> |  |

(Source: Addressing Domestic Violence through the Law: A Guide to the Protection of Women from Domestic Violence Act, 2005. Saumaya Uma. Edited by Vrinda Grover. Multiple Action Research Group, 2010)

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## ANNEXURE 2

### NEN's Activism & Advocacy

NEN has been working on the issue of domestic violence for the past ten years through multi-pronged strategies. We feel that gender-sensitive state interventions and services are extremely important for effective implementation of the PWDVA. Non-government organisations working on VAW have been our strongest allies in collectively organising advocacy and activism. Identifying impediments and removing bottlenecks in women's access of justice are crucial.

#### Networking and Monitoring

Since the enactment of the PWDVA, NEN has been partnering with a woman's rights legal initiative group called the Lawyers Collective based in New Delhi to monitor the implementation of the Act. Because of our experience of working on PWDVA, we were recognised as a national partner to conduct field visits and interview stakeholders. NEN provided inputs for the state of Assam in the first Monitoring and Evaluation Report (2007) and the second Monitoring and Evaluation Report (2008)<sup>8</sup> called *Staying Alive*. Information was provided on the status of protection officers, quality of service providers, notifications related to shelter homes, budgetary allocations and steps taken by the State Legal Services Authority, State Commission for Women and the Police Department to implement the PWDVA.

#### Campaigns and Alliance Building

It has been a consistent effort of NEN to use campaigns and significant days to advocate for sensitive implementation of the PWDVA. Such campaigns are used as public advocacy forums to mould public opinion and also to draw the government's attention to bring about changes at the policy level. As part of an international campaign called the '16 Days of Activism against Gender-Based Violence', NEN intensified its actions to end violence against women and girls, with domestic violence as one of the themes. One of the strategies used was engaging youth and educational institutions to address VAW.

Some activities we have undertaken in terms of developing communication materials are listed below:

- A poster was developed to convey to the public important information such as contact numbers of POs.
- Our regular mediums of spreading public awareness are radio and television messages which are broadcasted throughout a campaign period with the message on ending VAW and speaking up/reporting against Domestic Violence.
- Elements from the PWDVA are taken to address the issue of DV through printing of bilingual flyers and radio jingles.

#### Awareness Building

In 2012 and 2013, NEN aligned itself to the international theme of 'From Peace in the Home to Peace in the World', to highlight the issue of Domestic Violence by raising awareness on the various forms of violence, and addressing the methods in which women can seek justice and protection through the PWDVA.

NEN arranged a series of street plays in both villages and towns in areas around Darrang, Udalguri, Sonitpur and Dibrugarh districts of Assam. The street plays were performed by students from the Tata Institute of Social Sciences (TISS), Guwahati.

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<sup>8</sup> <http://www.lawyerscollective.org/files/Staying%20Alive%20Second%20Monitoring%20and%20Evaluation%20report%202008.pdf>

## Conducting Trainings

NEN partnered with women's organisations and government departments to conduct the following training programmes for women's groups, civil society actors and the government:

| Year      | Partners                         | Title  | Participants' Profile   | Objective   |
|-----------|----------------------------------|--|---|---|
| 2007      | Lawyers Collective, New Delhi    | <i>Understanding the PWDVA</i>                             | 33 participants from 7 states of North East. Participants included POs, lawyers, service providers, government nodal agencies, state commission for women, women's organisation and the police. | Build capacities of organisations working on VAW issues to understand the PWDVA from a women's rights perspective and consolidate strategies to implement the same  |
| 2012      | Assam State Social Welfare Board | <i>Responding to VAW: Feminist Interventions</i>           | 19 counsellors affiliated with family counselling centres from 13 districts of Assam  | Enhance capacities of existing counsellors in the state to understand gender patriarchy and equality in the context of women's rights and feminism.<br>Learn feminist counselling values, principles, techniques, components and challenges.<br>Understand counsellor's role in certain situations like rape, burns, suicides, mental illness, etc. |
| 2013      |                                  | <i>Working with New Laws for Change</i>                    | 28 legal activists, counsellors, women's rights activists, academics and media  | Understanding Gender, sexuality and power in the context of VAW; feminist jurisprudence and the Criminal Law (Amendment) Act, 2013; PWDVA; Sexual Harassment of Women at Workplace Act (SHWWP), 2013; and Protection of Children from Sexual Offences (POCSO) Act, 2012   |
| 2014-2015 | Assam Police                     | <i>Gender Sensitisation on VAW and New Laws for Change</i> | 74 constables and sub inspectors from Northern Range (4 districts) and Police Training Centre, Jorhat, Assam  | Broaden understanding of violence against women in India from a gender and women's rights perspectives. Detailed discussions were organised to build conceptual and rights based clarity on sections such as 498A, laws related to dowry, PWDVA, POCSO, SHWWP and Criminal Law (Amendment) Act, 2013.   |

## Strategic Collaboration with the Nodal Agency

In order to ensure fulfillment of state accountability to end DV, NEN entered into a strategic collaboration with the nodal agency that is, the Social Welfare Department, Government of Assam, through a series of training for mechanisms put into place under the PWDVA. Following are the important collaborations:

**2010-11:** Training of 53 service providers and family counselling centres from 23 districts of Assam. The objective of this training was to:

- Understand gender, patriarchy and rights in the context of the status of women
- Provide a brief outline of the substantive provisions of the PWDVA in order to create uniform clarity about it
- Share experiences in handling DV cases

**2013:** Training of 21 POs from 21 districts to understand the following issues:

- Women's rights and equality in India; to look at VAW from a historical and gender perspective
- History of the DV Act and the Government of India's commitment to it both at national and international levels
- Understanding DV from a human rights framework
- Brief outline of the substantive provisions of the Act intended to bring uniform clarity of the Act
- Monitoring & accountability: the need for the government to take the onus in addressing and redressing domestic violence
- Comprehending the role of POs as critical actors to ensure gender justice as envisaged in the Act
- Sharing of local experiences in handling DV cases

**2014:** Advocacy proposal to the nodal agency

Based on our experiences of monitoring the PWDVA implementation and the emerging concerns which were raised by participants in NEN's trainings and workshops, we submitted an advocacy proposal to the nodal agency for effective and gender-sensitive implementation of the PWDVA. The highlights of the proposal are as follows:

- Appoint an independent cadre of POs in Assam
- Modify the list of service providers in Assam
- Notify the medical facilities and shelter homes
- Develop a state action plan

In the same year, the nodal agency responded to NEN's proposal and organised a convergence meeting of stakeholders. The following resolutions were adopted by the nodal agency:

- Revise list of service providers and make an information dissemination plan
- Notify shelter homes
- Notify medical facilities
- Develop a state action plan to monitor the DV Act implementation
- Collaborate with NEN in selection procedures and conduct training for its stakeholders

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## PHOTOGRAPHS



*Training of Protection Officers on PWDVA*



*Training of grassroots women on gender, VAW & leadership skills*



*Street play on domestic violence during VAW campaign*



*Poster on PWDVA*



*Interviewing an official during DV study in Darrang*



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