

**Towards an explanation of marital violence against women:
A case study of Assam, India**

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Abstract

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This study examines the roles of structural factors and women's agency in marital violence and the interconnections between them. It is set within the context of Assam (and the Northeast region of India) being relatively better off than 'mainland India' considering the overall status and visibility of women, and the near absence of certain regressive practices such as dowry or female foeticide. By making the structural factors that support and sustain marital violence more explicit, the research seeks to understand how women who face marital violence deal with it, and to analyse and emphasize how such violences occur and are maintained or resisted. It is informed by the Critical Grounded Theory methodology that explicitly emphasises data-led research. In tune with the broader aim and specific objectives that the study set out to address, a qualitative methodology has been chosen as the primary methodology and photographs have been used sparingly as an illustrative tool. Findings from the study have contributed to four key areas. Firstly, primarily through the capabilities approach, it examines the typology of marital violence and underlines the factors that are conducive for it to occur. Secondly, the manner in which re-victimisation of women facing marital violence is occurring through and within the civil and criminal justice system is assessed. Thirdly, it examines the existing structural context that highlights the changes occurring at a broader economic, political, and social level, and which aided in locating the phenomenon of marital violence within the backdrop of a 'transitioning society'. Lastly, conditioned by material and cultural constraints-enablers, it explains *how* agency is manifest in marital violence specifically through the concepts of habitus and reflexivity.

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Dedication

I dedicate this thesis to my *Maa* (Nilima Bhagawati)

I still remember your enthusiasm when I first shared the focus of this study with you. I never imagined at that time that you will not see it to the end. I know you are still out there watching over us. Your integrity, quiet strength, and your steadfast belief in me, will always keep me going.

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Declaration

I hereby declare that this thesis is my own work and that it has not been submitted in substantially the same form for the award of a higher degree elsewhere.

Word count: 79,910



Figure 1: Assam – The land of tea

Chapter 1: Introducing the study

1.1 Where I am coming from

Growing up in the city of Guwahati with a large extended family, with numerous aunts, uncles and cousins residing close by, gatherings over-elaborate family lunches and dinners were common. Though most women in the family had well-paid permanent jobs as teachers across schools in the city and beyond, and were fairly well educated, gendered behaviours were (and to a great extent still are) firmly set and normalised within the family. In most family functions, it was the women who cooked and cleaned while the men chatted and relaxed; the men were always the first to be served by the women, while the women ate the last; while most of the manual preparations for the umpteen festivals and functions were done by the women, they were exclusively executed or led by the men. Apart from memories of food, laughter and play, my earliest memories are surprisingly of observations which deeply puzzled me as a child and yet had no scope for addressing them due to the silence around them. I can still vividly recall certain incidents and behaviours of the 'grown-ups', which filled me with fear, rage and confusion and I carried the rage well into my adulthood, much to the chagrin of my family. I had trouble understanding the palpable sense of discomfort I had always felt due to incidents which were clearly meant to be 'nothing out of the ordinary' and clearly not open to discussion, but had violent connotations disguised by the garb of normalcy. I would like to briefly mention some incidents to which I was a witness and had a deep impact on me:

"You are an absolute idiot", yelled an elderly uncle who was one of the most educated in the family and worked as an academic, at his wife who had mistakenly missed some mundane detail during tea-time conversation. His wife's discomfort and embarrassment were visible on her face, but she stayed silent. They have been married for close to four decades. *"His anger is legendary"*, is the still prevalent narrative.

An aunt's husband would spend countless nights in the homes of other relatives while escaping episodes of violent rage from her. Their children were battered almost every day. *"She has a volatile temper"*, is all that I heard the older family members say.

Almost a decade back, a neighbour had her hand plastered after it was broken by her husband. Her cries of pain were almost a daily occurrence. No one intervened: “*It’s a private matter*”, everyone said. She is still married to him.

The control that certain male relatives had over the earnings of their wives was deeply unsettling.

These and many other instances made me question the obvious: Is violence not that easily recognisable and was it interpreted differently by different individuals? What made women stay? It made me wonder as to why such violations occurred and how were they normalised. It seemed as if no bruise/ blow/ cut/ humiliation was ever bad enough to leave the marriage. My initial interest in the topic of my study thus rose out of my location in the society I belong to: a woman from the Assamese community in Northeast India. It is an identity I take pride in and also feel deeply uncomfortable in. While it is a region that is often (ironically) heralded as one with traditionally relatively fair gender norms, news about grave crimes against women are almost an everyday occurrence.¹

The state² of Assam- a state located in the Northeast³ of India was of interest as the study site for specific reasons. The Northeast Region (NER henceforth), including Assam within it, occupies a marginal position in the wider Indian landscape due to its specific historical and colonial past (more below and in Chapter 6). If knowledge from the Global South on violence against women is scant, then the representation of the NER and Assam within it is further marginal; Assam thus can be labelled as ‘a periphery within the periphery’. As such, this study also aims to contribute to the gap in literature considering this marginalised position.

¹ Though this study has focused on women’s experiences of marital violence, it does acknowledge that marital violence upon men can also occur though less often.

² India is a federal union comprising of 28 states and 8 union territories. A state is further divided into districts and smaller administrative divisions.

³ The term ‘Northeast India’ is a debatable term with scholars and locals objecting to the lumping together of eight very diverse states, with a variety of cultures and ethnicities and distinct in the nature of its problems (Gill, 2013). The term is also a fairly recent construct – it is a nineteenth century colonial construct when the colonial centre was Bengal (or Calcutta) and the region was to the north east of Bengal and hence, British colonisers began to refer to the region as the north east frontier of Bengal (Baruah, 2013). The term ‘Northeast India’ is a part of post- colonial terminology.

1.2 Introduction

This thesis aims to examine the roles and interconnections between structural factors and individual agency in marital violence (MV henceforth)⁴, focusing upon women in heterosexual marital relationships⁵. The United Nations defines “Domestic abuse”, “Domestic Violence” or “Intimate partner violence” as a pattern of behaviour in any relationship (including married couples or living together or dating) that is used to gain or maintain power and control over an intimate partner (un.org, n.d.). The definition includes ‘physical, sexual, emotional, economic or psychological actions or threats of actions’ and any behaviours ‘that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone’. The United Nations and a range of global institutions have now declared violence against women, including domestic violence, to be a cause and consequence of gender inequality (McFeely, 2013; Westmarland, 2015). Despite various laws and national/international conventions domestic violence is endemic and cuts across class, caste, religion, and geographical boundaries in the Indian sub-continent (Sinha et.al, 2022).

National level economic and political indicators of India (more below) such as political representation of women, literacy rates, property rights, women in the workforce, gendered wage gaps, status of legal remedies and specialized services for victims of violence, etc., highlight the level and scale of gender inequality that is prevalent. This arguably makes it more likely that women will be disproportionately affected by violence within marital relationships. Other global indicators also assert existing gender-based inequalities: for example, India is ranked at 140 among 156 countries by the World Economic Forum’s Global Gender Gap Report 2021, falling 28 places from its previous ranking in 2020 (weforum.org, 2021). This position is accentuated by a wide economic gender gap⁶, decline in political representation of women, and discrimination of women as evidenced in the health and survival index. The intersection of gender-inequalities with

⁴ The term marital violence (MV) has been uniformly used across the thesis. It only refers to marital violence against women. Alternative terms such as domestic abuse, domestic violence, intimate partner violence (IPV) has been used as per their usage in individual references.

⁵ Homosexual marriages are still not legally recognised in India. Hence, the focus of this study de facto has been on heterosexual marital relationships.

⁶ For example, only 22.3% of women in India participate in the labour market, translating to a gender gap of 72% (weforum.org, 2021).

other systems of inequality and/or oppressions (such as those related to class, caste and conflict, among others) may create contexts that are increasingly conducive for violence against women to occur while simultaneously restricting empowerment routes (Westmarland, 2015).

Domestic violence experienced by women is widespread in India as highlighted by data captured through two national level portals: the National Family Health Survey (NFHS) which is a large-scale, multi-round survey conducted on a representative sample of households throughout India every 5 years⁷, and the National Crime Records Bureau (NCRB) publication which provides statistical information on cognizable⁸ crimes per year as reported in police stations during the reference year. While the former reports 'experience of spousal violence' (irrespective of official reporting of cases), the latter reports the official percentage of cases registered against specific domestic violence related legislations. The latest NFHS-5 data for 2019-21 demonstrates that 29.3% of ever married women between the ages of 18-49 have experienced spousal violence. This is a dip from the previous (2015-16) round of data which recorded a 31. 2% experience. The latest NCRB data (2022) on the other hand has recorded an increase of 15% in instances of crimes against women as compared to the previous year (2021) with the highest number of cases registered under 'Cruelty by husband or his relatives' at almost 32% (Ramesh, 2022). As per the statistics released by the National Commission for Women (NCW) in the year 2020, there has been an exponential rise of complaints reporting domestic violence after the nationwide lockdown measures were imposed during the pandemic, as government measures remained grossly inadequate (Agarwal, 2020; Vora et.al, 2020). Irrespective of comparisons with data from previous years, the cited data highlight a worrying scenario.

Additionally, according to the NCRB (2021) data, Assam recorded the highest crime rate⁹ against women for the fifth consecutive year. The crime rate against women was 168.3,

⁷ There have been five rounds of the NFHS conducted since the first survey in 1992-93 i.e. 1992-1993, 1998-1999, 2005-2006, 2015-2016 and 2019-21.

⁸ A cognizable crime in India is defined as one that an officer in charge of a police station may investigate without the order of a magistrate and effect arrest without a warrant (Hazra, 2020). These crimes are heinous or serious in nature (lawrato.com, 2022). Examples include murder, rape, kidnapping, theft, dowry death, etc. The first information report (FIR) is registered only in cognizable crimes (Ibid).

⁹ The rate is calculated as the number of crimes recorded per 1,00,000 population.

which is almost two and half times the national average at 64.5. Among all reported crimes against women, 'Cruelty by husbands and relatives' was the highest at 12,950 reported cases earning the dubious distinction of the fourth highest rank in this category in the whole country (in 2020). Although the state did not report any cases of female foeticide or infanticide (common in states in North India), a worrying concern is the rise in the number of dowry deaths which stood at 198 in 2021 as compared to 148 cases in 2020. The NFHS-5 round (2019-21) data on Assam also demonstrates a disturbing trend; it highlighted that 32.9% of ever married women have experienced spousal violence as against 24.5% recorded in NFHS-4 round (2015-16). A 2015 study on domestic violence conducted in rural Assam, found that 31.5% of the women respondents said that they were insulted by their husband or/and in-laws for not bringing in enough dowry (Hazarika and Sharma, 2015). Moreover, the study noted that while no formal transaction regarding dowry was observed, demands before and after the marriage existed both in cash and kind. Scholars, activists and police officials from Assam have a two-pronged explanation for this rise in experience and reporting of overall violence against women including domestic violence; while some attribute this rise to increased awareness and higher reporting, others attribute it to actual rise in violence against women (Ramesh, 2021; Karmakar, 2022). In the absence of a corresponding set of data tallying survey data with reporting data on spousal violence, it is beyond the scope of available data to reach a definitive conclusion on these explanations. The worrying picture presented by existing data on crime against women and more specifically on domestic violence is in contrast to the general perception that women in Assam/ NER are relatively 'better off' than their counterparts in the rest of India owing to the egalitarian and 'freer' nature of the societies within it in which social norms are 'not-so-orthodox', providing women with the scope and space to be more visible and mobile, and increased autonomy to exercise agency over life choices and so on (North East Network, 2004; Hazarika and Das, 2019; Choudhury and Kumar, 2021). In order to explain this variation, it is important to situate the region, and within it the state of Assam, in the context of India as a whole.



Figure 2: At a tea estate in Upper Assam

1.3 Situating the Northeast in India

Map of India



Source:

https://en.wikipedia.org/wiki/File:Political_map_of_India_EN.svg

https://en.wikipedia.org/wiki/List_of_districts_of_Assam#/media/File:Assam_districts_map.svg

Figure 3: Map of India (and Assam)

Post-colonial NER, consists of the eight states of – Assam, Meghalaya, Nagaland, Manipur, Arunachal Pradesh, Mizoram, Tripura and Sikkim, and shares 90% borders with five Asian countries of –Bangladesh, Bhutan, Burma, China, and Nepal. It is connected to the rest of India through a 30 kilometre- wide corridor (also known as the chicken’s neck) and is home to less than 4 per cent of the India’s total population, accounting for less than 8 per cent of India’s total geographical area (Bhaumik, 2009; Goswami, 2015; McDue-Ra, 2016). Five of the eight states of the Northeast region namely Assam, Arunachal Pradesh, Nagaland, Meghalaya and Mizoram, were eventually carved out in post-colonial India after the country’s new constitution was inaugurated in 1950¹⁰ (Baruah, 2020). Further fragmentation has taken place within these states to form separate administrative units or districts on the lines of ‘tribal homelands’ (De Maaker and Joshi, 2007). Topographically, the entire region can be divided into hills/mountains, their passes, and three valleys; the largest and the most important of these valleys being the Brahmaputra Valley located in Assam (Baruah, 2013). Assam is the most populous state of the region with a population of 35.4 million as per the 2011 census data. The city of Guwahati, located in the Kamrup (metropolitan) district is the largest city in the region. All the states of NER except Assam have a predominantly tribal population (Haobijam and Singh, 2022). As per the 2011 census data, Assam has a majority Hindu¹¹ population (61.47%) and Muslims comprise almost a third of the population (34.2%). Scheduled Castes (SCs) and Scheduled Tribes (STs)¹² populations are at 7.15 % and 12.4 % respectively.

The emergence of the NER as a separate geopolitical region is a contemporary phenomenon within the history of the modern Indian state (Bhanjdeo, 2015). Historically, most parts of the region were isolated from the rest of India and had never been part of any empire in the pre-colonial period; it is primarily through colonial political control that sustained ties were developed with the rest of the country, though without much of social and cultural interaction (Goswami, 2015). While shared social values such as those related

¹⁰ The individual states carved out hence have overlapping histories.

¹¹ India has a majority Hindu population of 79.80% as per the 2011 census data. 54% of the NER population is Hindu with the majority Hindu population residing in Assam (61.47%).

¹² Scheduled castes are marginalised sub-communities within the framework of the caste system and Scheduled Tribes are classified as marginalised communities on the basis of geographical isolation’ (Gopinath, 2018). Both groups have historically faced deprivation, oppression, and extreme social isolation in India (Ibid).

to the caste system¹³ connected the rest of India, along with other cultural and political linkages in different historical phases, the NER had rather short-lived ties with limited scope with the rest of the country but had greater affinity owing to many social formations with the adjoining countries of South-East and Central Asia (*Ibid*). Home to numerous indigenous, autochthonous, and settler/migrant communities, the NER is ethnically diverse and rich, with many communities having cross-border connections and kinship networks: it is, after all, ‘the region where India/South Asia blends into Southeast and East Asia’ (Goswami, 2020, p.276).

The NER is ‘peripheral to the national imagery’ (Baruah, 2009) or the ‘margin of the Indian nation-state’ (Misra, 2005), so much so that it is the only region that has an exclusive ministry called DONER (The Ministry of Development of North Eastern Region) with a vision to “accelerate the pace of socio-economic development of the Region so that it may enjoy growth parity with the rest of the country” (mdoner.gov.in, n.d). The overall growth rate of the NER has never been on a par with the Indian growth story; for more than three decades, (1980–81 to 2012–13) the contribution of the region to India’s national income has exhibited a falling trend (Chakraborty, 2018). Despite policies to accelerate development in the region such as the ‘Look East Policy’ (1995-96) which was later renamed the ‘Act East policy’ in the year 2014, the region continues to exist in the fringes of infrastructural and economic development (Basu and Bhowmick, 2021). Ironically, in spite of the region being endowed with rich natural and mineral resources, it remains the poorest with a growth rate slower than other regions and standard development indicators such as road links, banking, access to health care and power consumption below the national average (Singh, 2016). The dominant reality of the region is that of alienation, more increasingly so since the 1990’s due to a variety of factors such as “state violence, unabated continuance of engineered violence in areas peopled by different ethnic communities, politicking by the administration, continued imposition of Black laws like the Armed Forces Special Powers Act, 1958¹⁴, and the Disturbed Areas Act, severe curtailment of citizens’ basic democratic rights, perceived identity crisis due to unabated influx of

¹³ A (primarily- Hindu) rigid hierarchical social stratification system guided by notions of purity and pollution and is based upon hierarchy, endogamous separation and occupation.

¹⁴ This Act grants impunity to members of the state armed forces to shoot, kill and imprison any individual on the mere basis of suspicion to national security.

foreign nationals, the politics of corruption, failure to implement various accords honestly, etc." (p. xiii, Goswami, 2015).

It is often argued that the NER became a frontier with the onset of British colonialism and since institutional integration of the frontier with the rest of its western mainland (British India) under colonialism was limited, it left behind a 'durable disorder' for the post-colonial state (Baruah, 2013). Some of the international borders – a product of colonial legacy, are still contested and so are some of the internal borders between the Northeastern states (Vandelhelksen and Karlsson, 2015; Saikia, 2020) causing the region to be in a state of perpetual conflict and disharmony. Additionally, the post-colonial Indian nation state governed the region only as a frontier as the nature of governance was primarily focused on geopolitical strategy and defence (Baruah, 2013). The present day politico-ethnic volatility (inter-ethnic violence and secessionism/militant nationalism) can be traced to these overall spatial changes which occurred during the colonial period (Ibid). The region is often characterised by its history of long-running and violent autonomy movements on behalf of a number of ethnic groups, and as being exceptionally diverse with a bewildering number of politically salient ascriptive identities (Baruah and others, cited in Lacina, 2009). Though relative peace now prevails in a majority of the areas owing to a number of ceasefire agreements, even in current times the region still has much higher per capita levels of police than much of the rest of the country (Lacina, 2009).

Along with the background context about Assam and the NER, runs the parallel narrative of the status of women being relatively better off than other parts of India, especially what is popularly referred to as 'mainland India'¹⁵. 'Visibility, entrepreneurship, sense of justice, collectivity and indigeneity' are considered to be some of the most prominent markers of women from the region (Brara, 2017). Historically, certain practices such as son preference, dowry demand and female foeticide, wearing of veils or *burqas*, did not feature in the social fabric of the region (Buongpui, 2014, Mahanta and Nayak, 2013; Brahma 2019).

¹⁵ 'Also referred to as 'the Hindi belt' which broadly represents states linguistically dominated by the Hindi language. Their political representation is also higher than the rest of India.



Figure 4: At Uzanbazar *ghat* (market)

1.4 Aim of the study and research objectives

Women of the NER are often perceived as better empowered, engaged in more egalitarian social and legal relationships with men, and less constrained by the patriarchal forms of domination that exist in the rest of India (McDuiie-Ra, 2012). In the context of Assam too, local practices exemplified a relatively liberal outlook towards women as compared to Brahminical Aryan customs that were followed by the upper castes of North India and which exercised a stricter control over women and their sexuality (Deka, 2008). The rising rate of violence and crime against women (and married women within it) of Assam goes against this popular narrative of women empowerment in Assam (and NER), and hence calls for attention. Though explanations of violence against women range from individual and relationship level explanations to socio-cultural and political explanations across a wide range of disciplines such as sociology, psychology, social work and public health (Montesanti, 2015), certain problems of explanation arise when trying to account for it. For example, individualistic explanations of MV do not take into account the role of structural factors that constrain and enable, at a given point in time while explanations focussing upon the influence of structural factors often tend to overlook agency. Further, each may neglect cultural influences. Hence the study decided to focus upon both structural factors and agential manifestations, and to also examine the interconnections between the two as evidenced in the accounts of: a) women who have faced MV and b) members of the civil society spread across the various sectors. The study is informed by the methodology of Grounded Theory (GT) (explained in detail in Chapter 3- the Methodology chapter), which provides the space for research questions to be adjusted retrospectively through an iterative interaction between emerging data and theory throughout. GT methodology recognises that empirical observation cannot be totally free from theoretical influence but rather is 'theory-laden' (Thornberg, 2012) and it acknowledges that one can change or modify those ways of seeing through engagement with data. The final shape of the four research questions in this study developed over time; their evolution from the tentative stage to the final stage is highlighted below:

- a) How do women cope with MV? How does personal positioning impact upon it: considerations include - class position, education qualification, employment among others.

These questions are directly addressed in Chapter 7: Agential manifestations. However, though one of the integral part of the interviews with the women respondents was the description of their experience of violence, what was not anticipated at the start was that the data would reveal such complexities in the type, severity and the ‘continuum’ of violence that women had to encounter. Hence, the need for Chapter 4 on the Typology of violence.

- b) To assess the role of structural factors that operate for MV to manifest and sustain.

The definition of structure or the different levels that it will operate was not pre-determined before data collection. It was only after the initial round of interviews was conducted that a definition of structure was drafted and as more data was collected and compared with the relevant theoretical frameworks, that the relevant components of structure across various levels was finalised. The role of structure is explicitly addressed in Chapter 6 but is implicit in other chapters as well.

- c) To enquire if there has been any wider socio-cultural change that is causing higher rates of violence against married women. To what extent do egalitarian norms exist in Assam (and the NER) as compared to the rest of India – or is it just a myth?

The first element of this question was especially aimed to address the rising figures of dowry-related violence since Assam did not have the dowry culture earlier. Eventually, it also helped explain the variation within dowry related violence that exists in the current context, as compared to the dowry related violence that exists in the rest of India specifically in ‘mainland’ India. Together, these questions specifically aided in building Chapter 4: The typology as well as Chapter 6: The structural context.

d) How do women interact with the civil and criminal justice system (CCJS¹⁶); what is the level of awareness and the accessibility and approachability towards the system? Are there discrepancies and loopholes?

Though this question was initially assumed to be straight forward, framed with the purpose of highlighting the process specific delays or loopholes, the additional dimension which the data revealed was the extent and range of hostility that women had to encounter within the CCJS. This factor was one of the main contributing factors towards the ‘re-victimisation’ of women (see Chapter 5).

For readers outside the cultural context in which MV against women occur, it is crucial to briefly lay out the specificities that broadly distinguish MV in context of India from the inter-personal violence that is usually studied in the Global North context.

1.5 ‘Arranged marriages’, the role of non-intimate partners, dowry and ‘justified’ violence

Marriage in India is a virtually universal phenomenon and ‘arranged marriages’ or the involvement of families in fixing a marriage is common as it aids in maintaining caste, religion, and class endogamy (Desai and Andrist, 2010; McDue-Ra, 2012; Yadav, Singh, and Vishwakarma, 2018). Supported by evidence from South Asian women in the UK, scholars such as Anitha and Gill (2009) have argued that awareness of the socio-historical, political and cultural context of women’s lives and their location within intersecting structural inequalities is crucial for understanding the relationship between consent and coercion which is at the heart of the debate between forced and arranged marriages. They assert that both consent and coercion “can be better understood as two ends of a continuum, between which lie degrees of socio-cultural expectation, control, persuasion, pressure, threat and force” (Ibid, p.165). Additionally, though variations exist, India follows patrilocal (also known as virilocal) or a joint family system, which requires a

¹⁶ Broadly covers the police and judiciary, and supporting state and non-state institutions, within it.

married woman to reside with her husband, his brothers and their wives, unmarried sisters and in-laws post marriage (Gangoli and Rew, 2011; Bhalotra et.al, 2020).

A nationally representative data set on arranged marriage from the India Human Development Survey (IHDS) which covered ever married women in the age group 15–49 who have been married in the period 1970-2012, does highlight that trends in Northeast and South of India markedly departs from some national trends; as compared to the North and central regions, the South and the Northeast have demonstrated substantially lower levels of parental control and greater continuity over time (Allendorf and Pandian, 2016). Against the North and Central regions where in 72% and 66% of marriages the parents alone chose the groom in the 1970's and retained this status till the 2000's, for the South and Northeast combined, this figure was just over 15% of the total in the 1970s and fell by roughly half by the 2000s (Ibid). However, there is a striking difference between the South and the Northeast when self-choice in marriages is considered; while in the South self-choice marriages match the national trend of a large relative change, but consistently low absolute levels, the Northeast, on the other hand, stands out as the only region with a sizeable percentage of self-choice marriages, rising from 15% in the 1970s to 34% in the 2000s while also recording relatively high level of inter-caste marriages at 11% as compared to other regions (Ibid).

Two of the most prominent features of MV in the context of India is the involvement of non-intimate partners or members of the extended marital family especially that of the mother-in-law in perpetrating distinct forms of violences and control upon women (Kandiyoti, 1988; Fernandez, 1997; Gangoli and Rew, 2011; Rew et.al, 2013; Belur, 2014, Anitha et.al, 2018) and the aspect of dowry and dowry related violence (Agnihotri, 2003; Sharma et.al, 2005; Rastogi and Therly 2006; Babu and Babu, 2011; Bannerjee, 2014; Rawal and Singh, 2014). Despite the regional variations in data on the arrangement of marriages, social hierarchies specifically related to gender and generation, continue to exert considerable influence on marriages and marital relationships (Fernandez, 1997). These result in interlocking systems of oppression for young women as they are in a subordinate status owing not only to their sex but also to their age and are consequently subject to the authority of both men and older women in the family (Ibid). Violence against women by women “erodes many cross-cultural ideals of solidarity between

women across generations and social classes" (Rew et.al, 2013, p. 148). One of the ways to understand the role of female kin especially that of the mother-in-law in contributing to the violence perpetrated by husbands against wives is through Kandiyoti's (1988, 1998) concept of 'patriarchal bargain'. In order to explain variations in patriarchy which present women with "rules of the game" and taking into consideration variations of class, caste and ethnicity, she uses this concept to assert that women often tend to strategize within a set of concrete constraints and apply different strategies to maximize security and optimize life options with varying potential for active or passive resistance in the face of oppression. One of the ways in which women in patriarchally extended households compensate for their oppression is by dominating and controlling their daughter-in-laws (Ibid). This is because women in the Indian context often tend to gain power through their relationship with men and distributed by their endorsement of women's sexual role i.e. through her relationship to men and her child rearing capacity; by abuse of this power, women end up sacrificing those of their own gender, and thus legitimatize and perpetuate the social norms that define and maintain women's subordinate position (Jethmalani and Prasad 1995, p.141 cited in Rastogi and Therly, 2006, p.71). Additionally, Rew et.al (2013) cite three key socio-cultural norms regarding household relations that create tensions in the relationship between the mothers-in-law and daughters-in-law: the first is related to the cultural devaluation of girls and the corresponding preference for sons; the second is in relation to the centrality of marriage for women which conflicts with the parallel importance of maintaining a joint virilocal household; and the third is owing to the importance of the mother-son relationship, in which the daughter-in-law is often viewed as a source of possible threat. Dowry related violence is often part of the larger pattern of abusive behaviour and coercive control that is perpetrated by mothers-in-law against daughters-in-law which may take place over a period of time, sometimes leading to the final violent act of death through murder or suicide (Gangoli and Rew, 2011).

The roots of the practice of dowry can be traced back to 'traditional Hindu practices like *Kanyadan* (gift of the virgin bride), *vara dakshina* (gifts given to the groom) and *streedhan* (gifts given to the bride)'; this voluntary practice was once confined to the upper Hindu castes but is now practiced across castes and classes (Ghosh, 2013, p.410). The practice of gift giving had several functions; it was meant to ease the bride's process of transition into

the groom's family, provide economic security for the bride, serve as a mark of honouring the groom's family, and also as a form of compensation to the groom's family for agreeing to support her in principle for the rest of her life (Jethmalani, 1995, cited in Ahmad, 2008, p.276). In a dominant culture where women were often excluded from legal inheritance, dowry was also means through which parents could transfer wealth to the daughter legitimately (Banerjee, 2014). In its present form, components of dowry include a range of items such as jewellery, money, property, household goods and myriad consumer items (Rastogi and Therly, 2006; Gangoli and Rew, 2011). Over time, dowry has shifted from being a voluntary gift giving practice to the bride into a means of extortion by the groom and his household, often leading to violence (Rew et.al, 2013). Even though it is recognised in law as a woman's personal property over which she has inalienable rights, it is most often appropriated and controlled by the groom and his family (Shenk, 2007; Anitha et.al, 2018). One of the main reasons for this transformation can be attributed to an increasing materialistic and consumerist culture wherein a marriage is itself viewed as a transaction for economic gain (Srinivasan and Lee, 2004). Demands for dowry are known to continue even after the marriage with non-fulfilment often leading to disastrous consequences for the bride in the form of harassment and in the most extreme cases death as well (Belur et.al, 2014). At present dowry is considered central to other critical gendered social problems, including the neglect of daughters, sex-selective abortion, and female infanticide (Shenk, 2007). Evidence on aspects of dowry and dowry related violence is most commonly dominated by the North and South of India. However, though known to be historically absent in the context of Assam (and the NER), it can be observed to be slowly making inroads as evidenced in the NFHS data related to dowry related violence cited above.

Another contextual aspect that is relevant to the overall thesis is a widespread acceptance of violence against wives across India as evidenced in the NFHS data. The latest NFHS data (2019-21) on attitudes towards wife beating across both genders in India demonstrates that 52% of women and 42% of men believe that a husband is justified in hitting or beating

his wife for at least 1 specified reason¹⁷ among the 7 reasons listed. The agreement among 'Never married women' is 45.3%, 'currently married women' is 53.5% and among 'widowed/ divorced/ separated/ deserted' women is 54.1%¹⁸. For both genders, agreement is lower in urban than rural areas and tends to decrease with schooling and wealth. The corresponding data for Assam highlights that 39.6% women and 36.8% men justify wife beating for at least 1 of the 7 reasons specified; justification for hitting one's wife is highest when 'she shows dis-respect towards in-laws' (26.9%), followed by 'neglect towards house and children' (24.6%) and least when 'she refuses sexual intercourse with him' at 10%. The NFHS data establishes that to a large extent, violence within marriages is justified and accepted as an integral part of married life in India and therefore bears the possibility of not being constructed, named or recognised as such, despite physical violence (and other distinct forms) being legally recognised and defined as such.

1.7 Thesis structure

This Introduction chapter is followed by Chapter 2 – Literature review and key theoretical influences and Chapter 3 – Methodology and methods. Having defined what have been considered as structural factors (in Chapter 2), this thesis comprises of four empirical chapters: Chapter 4 – Typology of violence and its impact; Chapter 5 – Re-victimisation or secondary victimisation within and through the civil-criminal justice system; Chapter 6 – Structure as context in marital violence; Chapter 7 – Towards an explanation of Agency in marital violence. Chapter 8 – Conclusion, concludes this thesis.

Chapter 2 covers different domains of the literature and key theoretical influences which have been relevant and explored at distinct stages of the study. This chapter is divided into three parts and begins with a brief overview of the major themes covered by empirical studies in the context of India followed by a specific focus on Assam. This part also briefly outlines the key theoretical approaches within the intimate partner violence (IPV) literature, to justify the specific framework of the gender structure theory (GST) which has been specifically relevant for the study. The second part briefly explains *why* the structure-

¹⁷ The seven listed circumstances are: she goes out without telling him, she neglects the house or the children, she argues with him, she refuses to have sex with him, she doesn't cook food properly, he suspects her of being unfaithful, and she shows disrespect for her in-laws (NFHS 2019-21).

¹⁸ The bases vary for all three categories.

agency dialectic has been useful and focuses upon concepts which have been useful in informing the definitions of structure and agency relevant for this study. The third part contains brief descriptions about frameworks or concepts that have been particularly relevant for specific analysis chapters.

Chapter 3 contains the methodological intricacies of the thesis and begins with the details of the chosen methodology i.e., Grounded Theory and the focus on the specific version of the Critical grounded theory which has been most relevant. This is followed by a description of the type and nature of coding and analysis that has been undertaken for specific chapters. Descriptions of the methods used, sampling technique and respondent categories follow. Accounts of how access to respondents was obtained, the ethical concerns regarding data collection and data storage, and concerns about personal position, power and biases are addressed henceforth. This chapter will conclude with a brief discussion of some of the limitations of the study.

Chapter 4 is the first of the analysis chapters and begins with '*what*' has been defined as MV in this study. Four case studies will be introduced to demonstrate the type of violence that had occurred within marriages. The concept of a 'continuum of (gendered) control' is used to describe the extension of control that extends from the premarital phase into the marital phase. The relationship between violence and the denial of capabilities is also examined in detail. The concepts of adaptive preferences, benevolent subordination and symbolic violence, are used to inform a plausible understanding of the manner and extent in which MV has occurred in the current context.

Beginning with a brief review of the various remedies that are available for women facing domestic violence, spread across constitutional, criminal and civil capacities, Chapter 5 develops a critique of the current legal definitions. This is followed by a focus upon specific procedural impediments that respondents have encountered within and through the system. Henceforth, focus will be drawn to what has emerged as an overlapping theme of a misogynistic value system that underpins the dominant practices and perspectives within the CCJS. Certain recommendations made by respondents are also highlighted in the conclusion.

Chapter 6 attempts to locate the phenomenon on MV within the backdrop of a 'transitioning society'. It will begin with how data from the study stands on the discourse of gender egalitarianism which is often cited in the context of Assam and the NER. Three interlinked themes that have emerged from the data underpinning this 'transition' and related to the broader socio-political-economic levels are highlighted. These are related to a) the influence of 'mainland India' and the subsequent entry of dowry culture, b) the effect of economic development within globalisation and c) the (post) conflict background.

Chapter 7, which is the last analysis chapter, highlights the nature, diversity and complexity of expressions of agency under MV that have been recorded in this study. Certain enablers and constraints that have been observed to operate in the agential trajectory of respondents are also underlined. While acknowledging distinct material-cultural constraints-enablers specific to each respondent, an attempt has been made to map agential trajectories exhibited in this study through the hybridity of (gendered) habitus and reflexivity. It concludes with a framing of agency that encourages moving beyond an essentially individualistic conceptualisation in which women facing MV are singularly assessed according to their decisions of leaving or staying, without considering the distinct material-cultural constraints-enablers under which they act.

The concluding chapter (Chapter 8) summarises the key contributions of the study and also highlights certain key gaps within which the overall findings of the thesis can be located.

Chapter 2: Literature review and key theoretical influences

In order to situate the literature that has been relevant for this study and the process involved in exploring specific theoretical influences within it, the context of grounded theory (GT) methodology (explained in detail in Chapter 3) and its stance on literature reviewing needs to be introduced here. Stated simply, GT permits systematic yet flexible guidelines for collecting and analysing qualitative data to develop theory ‘grounded’ (*emphasis in original text*) in data and facilitates iterative strategies to go back and forth between data and emerging analysis through constant comparisons; “grounded theory methods offer a set of general principles, guidelines and heuristic devices rather than formulaic prescriptions” (Charmaz, 2014, p.33-36). GT comprises several distinct methodological elements such as constant comparative analysis and theoretical sampling which differentiate it from other research methodologies and, unlike most strategies of inquiry, calls for a continual interplay between data collection and analysis, rather than a linear sequence (Bowen, 2006; Dunne, 2010). The constant comparison method ensures that emerging themes are grounded in the data rather than derived from a preconceived conceptual framework by enabling the researcher to be consciously reflective about the process (McGhee et.al, 2007).

One of the most contentious issues within grounded theory is the role of the literature review; while certain early versions advised against conducting a literature review prior to data collection (Glaser and Straus, 1967; Glaser 1998), latter versions (Strauss, 1987; Strauss and Corbin 1998; Oliver 2011; Thornberg, 2012; Kempster and Parry, 2011, 2014) have made space for it and have assigned distinct purposes of specific literature reviews conducted at different stages of the research process. The latter versions assert that it is not possible to completely rid one-self from the influence of prior knowledge based upon lay or academic theories, and these consequently influence how data is collected and interpreted. However, while acknowledging that theory-neutral or concept-neutral observation is impossible, these versions assert that it is acceptable to use prior knowledge as a sensitising device while remaining open minded about emerging data and extend or challenge existing knowledge in any field. In fact, though arguing in the context of GT, Thornberg (2012) has listed four principles addressing the analytical relationship between literature and data, which can also be adapted more generally in any qualitative

research approaches: [researchers should] “(a) be aware of their theoretical knowledge and assumptions, (b) take advantage of pre-existing research and theories to enhance their theoretical sensitivity, (c) remain free, open and data sensitive, and (d) avoid forcing pre-existing theories, irrelevant codes, concepts or assumptions as “pet codes” into their analysis” (p.255).

The present study takes this latter stand and has found various domains of literature relevant at distinct stages of the research process. In order to describe *which* aspects of the relevant literature were explored at specific stages and *why*, and to simultaneously demonstrate the iterative relation between theory and data in this study, I will use an autobiographical style of narration in this chapter. This is also appealing as it gives me the freedom to contextualise and explain the process better and justify the choices that were eventually made. For example, although from the beginning I was interested in examining how various structures support and sustain MV and to simultaneously delve into the manner in which women cope with the violence, I did not have a working definition or *what* would be defined as structure or agency. Working definitions were initially framed and developed over time as and when data from the study was collected, analysed and compared with relevant literature.

The literature that has been relevant for the study can be broadly divided into three parts. The first which was specifically covered in the initial phase was relevant for situating the study in terms of identifying the key gaps within which the study was initially located. It comprises a brief overview of the major themes covered by empirical studies in the context of India followed by a specific focus on Assam. This part also contains an outline of the key theoretical approaches within the IPV¹⁹ literature, narrowing down to the specific framework of gender structure theory (GST) which has been specifically relevant to the study. The second part explains *why* the structure-agency dialectic was useful and the problems surrounding the ontological ambiguity of ‘structure’, *what* has been defined by structure in this study, and the specific analytical stance taken regarding structure and agency. While culture is considered fundamental to understanding violence against

¹⁹ In this chapter, the terms IPV, domestic violence/ abuse and marital violence are used interchangeably as per the terminology adopted by individual authors.

women (including MV), this study is also aware of the pitfalls of culturalist explanations that are often cited in the context of violence against women in the South Asian context (Chantler and Gangoli, 2011). In this study, culture²⁰ is broadly defined as ‘common meanings/understandings’ and ‘meaningful practices’ (such as the understandings of what marriage is, what it means to be a man/women/husband/wife, etc.). As we will see in this part, facilitated by the GST framework, cultural meanings/practices are considered to be a part of the definition of structure considered in this study. The third part is relevant to specific chapters and discusses: a) why a hybridity of habitus and reflexivity is useful for framing agency (relevant to Chapter 7- Agency), b) the concepts of micro regulation and symbolic violence, and c) the capabilities approach (relevant to Chapter 4- Typology).²¹ Additionally, certain concepts that were found to be relevant in specific chapters are not covered here but in their respective chapters.

Part 1

2.1.1 Broad themes in existing empirical literature from India and Assam

Though it is not possible to write a review of all existing empirical studies from India on IPV, I will briefly summarise the major areas or themes that have been dominant in the last two decades, noting the initial gaps within which the current study was situated. This review spanned the disciplines of sociology, public health, psychiatry and psychology, and economics, among others, selecting analytical frameworks focusing upon married women in heterosexual married relationships. Most empirical research is dominated by quantitative methodologies, among which a majority are cross sectional studies that centre upon specific single or multiple risk factors or determinants associated with IPV including dowry related violence, its impact upon health (both mental and physical) including reproductive health, prevalence rates and attitudes associated with it and the assessment of possible protective factors, among others. Studies that have applied mixed or qualitative methods are less common and have focussed upon smaller populations. Thus, a majority of the literature has not explored individual experiences of MV in detail.

²⁰ Recognising the plurality of this culture owing to the cosmopolitan composition of the population of Assam w.r.t – ethnicity, migration, community, religion, class, caste, rural-urban divide etc.

²¹ The reader may choose to come back to this third part when reading these individual chapters.

At the national level, quantitative studies were observed to be primarily based upon distinct rounds of NFHS data as the core data set. With responses captured in the yes/no format, the latest NFHS questionnaire module (2019-21) covers – specific acts of physical, sexual and emotional violence (13 questions in total), two questions on violence during pregnancy and the experience of specific types of controlling behaviours by husbands (6 questions). Some of the most commonly researched areas that were examined through the NFHS data were related to the association of IPV with various factors such as: maternal and child healthcare (Mohapatro et.al, 2011; Goli et.al, 2020; Paul and Mondal, 2020, Avanigadda and Kukasekaran, 2021), contraceptive use (Paul and Mondal, 2021), severe partner-perpetrated burns (Spiwak et.al, 2015), HIV–AIDS (Patrikar et.al, 2017), son preference (Sabarwal, 2012, Dasgupta and Fletcher, 2018), consanguineous marriage (Rahaman et.al, 2021), reproductive control and coercion (Silverman and Raj, 2014), alcohol use by husbands (Stanley, 2012; Parekh et.al, 2022), help-seeking behaviour (Paul, 2016; Hayes and Franklin, 2017), spousal control (Mondal and Paul, 2021; Kanougiya et.al, 2021) and attitudes towards IPV (Dasgupta, 2019; Mookerjee et.al, 2021), socioeconomic inequality (Chaurasia et.al, 2021, Chowdhury et.al, 2022), women's labour force participation (Paul, 2016), determinants or risk factors (Sabri et.al, 2014; Dutta et.al, 2016) and trends and correlates of IPV prevalence (Simister and Mehta, 2010; Dalal and Lindqvist, 2012; Garg et.al, 2021). Certain sub-national quantitative data covering fewer states have also been used to explore pathways between childhood socialisation and IPV (Sinha et.al, 2022), draw associations between self-reported frequency of verbal, physical, and sexual IPV and mental health among rural married women (Stephenson et.al, 2013), and to examine the role of functional autonomy and changes in women's reproductive experiences in relation to IPV (Bourej et.al, 2013).

It might also be relevant to state that in spite of data indicating that it is often the husbands who are the primary perpetrators of MV, the inclusion of men in the samples drawn in studies related to IPV, are few and focussed upon specific states. Ragavan et.al's (2014) qualitative study involved interviews with both men and women in the Udaipur district of Rajasthan, to examine perceptions about the definition of physical IPV. Dasgupta et. al's (2018) cross-sectional analyses were conducted using data from the baseline sample of the Counseling Husbands to Achieve Reproductive Health and Marital

Equity (CHARM) study and included married couples from Maharashtra. This study indicated the need for male participation in violence intervention and prevention services and, specifically, the need to integrate counselling on alcohol use and gender equity (GE) ideologies into such programming. Another quantitative study based on NHFS-3 data from Bihar and Rajasthan included youth from both genders and explored the link between early marriage and IPV. Thomas et. al's (2019) quantitative study from Gujarat explored associations between IPV perpetration and perpetrators' attitude towards gender equality, childhood gender inequity and violence experiences, and also examined the associations between education, age, occupation and income of perpetrators on IPV. A similar cross-sectional survey with a sample base covering 7 states in India (excluding Assam) highlighted that education, substance abuse, and experience of violence (including bullying) during childhood, stand out as the most important factors associated with violence perpetration among men (Gautam et.al, 2021).

Several studies with varying sample sizes and distinct methodologies have also drawn attention to contrasting hypotheses linking IPV and gender equality; the *Ameliorative hypothesis* stipulates that increased gender equality leads to a reduction in violence against women whereas the *Backlash hypothesis* states that increased equality leads to increased violence (Whaley and Messner, 2002; Stark, 2007; Caman et.al, 2017). While a few studies have supported the former stand, taking into consideration women's employment status, education and land rights (Agarwal, 1994; Agarwal and Panda, 2007; Boyle, 2009, Krishnan et.al, 2010, Paul, 2016, Parekh, 2022), a few others provide evidence for the latter position (Weitzman, 2014; Dhanaraj and Mahambare, 2022; Sinha and Kumar, 2022). Sabarwal et.al's (2014) study on the other hand, provides evidence for both stands through an intra-country variation. This was a quantitative study based upon 4,904 rural women drawn from two linked studies: the NFHS-2, conducted during 1998-1999 and a follow-up study for a subgroup of women carried out during 2002-2003. It revealed that in the more gender equitable settings of south India, financial autonomy acted as a protective factor while in the more gender-stratified settings of north India, none of the three dimensions of autonomy (financial autonomy, freedom of movement, and household decision-making) were found to have any protective effect on women's risk of MV. A study that used the NFHS-2 (1998-99) data sets concludes that urban working

women are more susceptible to domestic violence than rural working women; though unsure of the role of specific individual outcomes, they attribute this to possibly better economic conditions, higher awareness of rights, higher resistance to male dominance and higher reporting (Sahoo and Raju, 2007). Another national level study (Boyle et.al, 2009) established that the strength of association between women's education and IPV varied from one community to the next, with evidence supporting the claim that the acceptance of mistreatment at the community level mutes the protective influence of higher education. Certain other studies (Rocca et.al, 2009, Dalal, 2011) have also drawn attention to the risks associated with supposed protective factors such as economic empowerment of women and highlighted that it needs to be combined with higher education and modified cultural norms in order to provide a possible safety net for women against IPV. As we shall see, the presence of evidence supporting both hypotheses linking MV and gender equality is particularly relevant in theorising agency in Chapter 7.

The only study (Haobijam and Singh, 2022) that focuses upon NER and has used the NFHS-4 data to look at socioeconomic determinants of domestic violence (DV) also provides evidence supporting both hypotheses when distinct factors were considered. For example, women who had higher education and located in upper wealth quintiles were found to have less risk of experiencing domestic violence as compared to women with lower education and in lower wealth quintiles. No rural-urban variation was observed in the region; this also resonates with the national data except that woman residing in rural areas were better protected than their urban counterparts (Mondal and Paul, 2021). However, Haobijam and Singh's study also demonstrated evidence of a backlash when the working status of women as an individual level variable was taken into consideration. It was ascertained that women who worked outside of homes were found to be 63% more likely to ever experience DV and 33% more likely to ever experience severe violence as compared to women who did not work outside the home. Alcohol consumption by men was also found to be a highly significant factor for DV occurrence in this study.

Multi layered analysis incorporating the structural and the cultural has been emphasised as key in conceptualising any form of violence against women (Chantler and Gangoli, 2011). Initially influenced by Ecological theory and the Gender Structure theory (see 2.1.2 below) I wanted to explore multi-levels factors that influence upon MV and hence, I looked

at studies that have applied multi-level analysis previously. Using secondary data from a representative sample of North Indian married men, Keoning et.al (2006) examined individual and community-level influences on domestic violence in the north Indian state of Uttar Pradesh. A few studies, such as that of Ahmad et.al (2021), specifically analysed multi-level explanatory factors of DV by applying an ecological framework to the NFHS-4 data (2015-2016). Multi-level factors were also analysed from NFHS-3 (2005-2006) in the context of help-seeking behaviour among women who have faced DV; findings indicated low prevalence of help-seeking and lack of strong individual-level correlates, apart from severe harm, indicating widespread barriers to seeking help (Rowan et.al, 2018). Ackerson and Subramanian's (2008) multi-level quantitative analysis revealed that women who are uneducated, from marginalized castes, and living in poor households have an increased likelihood of reporting IPV compared to women from advantaged circumstances. Multi-level analysis was also observed to be primarily dominated by quantitative analysis.

Additionally, specifically relevant for researching Chapter 5 (the Re-victimisation chapter), was the extant literature on advocacy relating to violence against women and associated laws in India, which encompasses a rich and complex history of feminist engagement, traceable to the beginning of 1970s (Lodhia, 2009; Jaising, 2009). While acknowledging the past struggles which led to and shaped the current forms of the DV related legislation (briefly mapped and specified in Chapter 5), scholars and activists have also often highlighted the resistance of lawmakers and the judiciary in the implementation of constitutional or legal provisions regarding the 'private' domain of the family and home (Jaising, 2009). They have underlined what seems to be a disconnect between the laws and the ideology underpinning them, and the actual workings on ground, emphasizing a gap between the *defacto* and *dejure* position of women; despite *dejure* equality, patriarchal or sexist interpretations of the law by biased functionaries, combined with existing unequal social structures has led to discriminatory treatment against women, restricting women's access to legal help (Menon 1995; Rajesh, 2010; Agnes 1998, 2016a, 2016b; Mohapatra, 2017). The failure of the state is particularly evident in addressing the issue of dowry and dowry related violence (Agnihotri, 2003; Sharma et.al, 2005; Rastogi and Therly 2006; Babu and Babu, 2011; Bannerjee, 2014; Rawal and Singh, 2014). Due to the limited scope of the current legal provisions to effectively protect married women

from violence perpetrated by husbands and the extended marital household, scholars such as Gangoli and Rew (2011) support the view that laws related to domestic violence in India are 'captured' laws as they lack the cultural and social context required for effective implementation. However, they also assert, albeit paradoxically, that these laws can also be viewed as a form of positive but rather traumatically exerted form of power, that daughters-in-law are starting to use for their own interests and challenging familial power relations.

Further, at the global level, data on IPV from India features in two key areas. Immigrant women from India especially in the United Kingdom and United States, along with women from other South Asian and other minority communities are represented in several studies examining various aspects related to experiences of IPV such as help-seeking behaviour, attitudes towards abuse, experiences with the legal system, among others (Gill, 2004; Gill and Rehman, 2004; Abraham, 1999, 2000a, 2000b, 2005; Chantler et.al, 2009; Gangoli et.al, 2009; Gangoli et.al, 2011; Chantler et.al, 2018; Hague et.al, 2010; Bhandari 2020, Soglin et.al, 2020). India also appears in several international comparative studies along with other countries that use demographic and health survey data to examine several aspects associated with IPV, such as attitudes towards wife beating (Rani and Bonu, 2009, Lowe et.al, 2018), wealth inequality (Kebede et.al, 2021), unintended pregnancy among adolescent young married women in South Asia (Anand et.al, 2017), among others.

2.1.1a Studies from Assam

Figure 5 below summarizes the type of studies that have been carried out exclusively within Assam, with 1 exception in which Assam is included with 2 other Northeastern states, to date.

Author(s)	Type of study/ methodology	Geographical reach	Target group/ age	Sample Size and technique	Findings
Individual researcher (Mahjebeen, 2019)	Quant+qual: Feminist standpoint theory	Rural Assam (year 2009- 10): 6 villages in 2 blocks	Majority women in the age group 18-30	Random sampling: 300	Individual, structural and community-level factors are responsible for the occurrence of DV against women in rural Assam. Additionally, socio- demographic variables such as education, family structure and monthly income also contribute.
NGO- North east network (Hazarika and Sharma, 2015)	Quant +qual+ desk research	Rural Assam (year 2015): 8 districts	18+ married women	Snowballing: 1200	DV attributed to factors such as alcoholism, suspected infidelities, refusal to have sex, neglecting household chores, arguments over money and others. Social norms within the institutions of family, marriage and religion, justify and sustain violence against women and girls.
Individual researcher (Vauquelin, 2012)	Desk based research and qual	Guwahati- Time period (1997- 2010)	All reported gender specific crimes against women including dowry deaths	Was selected from police records. Sample size not clearly mentioned	The study revealed that the incidences of crimes against women in Assam are high and increasing at faster rate so are the cases of dowry deaths.
Study funded by ICMR (Indian council of medical research) (Borah et.al, 2017)	Quantitative	2 districts each from 3 states in Northeast: Assam, Meghalaya and Sikkim	Women aged 18–35 years from rural and urban localities	Systematic random sampling: 2249 women (Rural = 1577) and (Urban = 672) from Assam (650), Sikkim (1148) and Meghalaya (451).	Not having children was a risk factor to DV as women were frequently blamed for childless state without identifying medical condition in husband. Increasing age was positively related to DV. Alcohol consumption by husband is positively related to DV. Dowry related violence common in Assam and Sikkim.

Figure 5: Studies on Assam

Figure 5 implies that studies on domestic violence (and MV) in Assam or that have included Assam, are scant. In the four studies mentioned above, the primary focus has been on rural Assam with Kamrup (Metro) being the base only for Vauqueline's (2012) study which specifically looked at dowry deaths. The issue of MV is thus relatively unexplored in the urban context of Assam and more specifically, none of the studies have examined the lived experiences of women who are facing violence within marriages in detail or have examined the factors that underpin its sustenance or continuation. Hence, there existed a clear gap in terms of in-depth qualitative enquiry, and also in terms of geographical representation, which this study had initially identified and sought to fill.

2.1.2 A theoretical divide

Parallel to the initial empirical review of IPV literature in India, in the initial phase I had also explored the key theoretical approaches that dominate the IPV literature. A large part of the knowledge on IPV is based on evidence from post-industrial, individualist societies, and do not adequately represent the reality of women in traditional, transitional, and collectivist societies (Haj-Yahia 2002, cited in Agoff and Herrera, 2018, p.50-51). Primarily dominated by evidence from the Global North, especially from the United Kingdom and United States, the heart of the theoretical debate within IPV points in two contradictory directions; while some claim that both men and women are equally violent in intimate relationships – a gender symmetric stand, others assert that men are overwhelmingly violent towards women – a gender asymmetric stand (Dobash and Dobash, 2004; Lawson, 2012). A few others also take an integrative position (Johnson, 1995, 2005, 2006), with data evidencing their claim that certain types of violence are gender symmetrical, and others are not. The gender symmetric stand is often taken by family violence approaches that view conflict within family members as universal and IPV as one expression of conflict amidst the larger family structure, while the asymmetric stand is taken by feminist approaches that specifically view IPV as an expression of gender-based domination of women by men (Lawson, 2012). The criticisms levelled against the family violence approaches suggest that it uses a narrow 'act-based' approach to define and measure IPV which does not capture the 'constellation of abuse' which includes acts that are not physical per se but are meant to frighten, intimidate and coerce, and fails to examine "the context, consequences, motivations, intentions and reactions associated with the overall

violent 'event' or the relationships in which the violence occurs" (Dobash and Dobash, 2004, p. 343). By comparing wife abuse to child abuse, elder abuse, and sibling abuse, family violence researchers deflect attention from women (Kurz, 1998). On the other hand, feminist approaches that emphasise male dominance and gender hierarchy at the centre of the analysis, fail to explain why some men are violent and others not despite being exposed to the same cultural messages that posit the superiority of men and grant them the right to control women (Heise, 1998). One thing that feminist sociological theories have in common with a family violence perspective is that they both reject the notion that IPV is the result of individual aberrations or deviance or that it reflects a pathology of abnormal families (Lawson, 2012).

Reconciling the two standpoints, Johnson (1995, 2005, 2006, 2008) asserts that differences between the two approaches are due to a methodological issue related to the reliance on data from distinct samples applying different measurement tools; while data from refuges, hospitals, helplines, police and courts represented the most abused and depicted a gender asymmetrical stand, data from the general population such as surveys tended to depict a gender symmetrical or non-gendered phenomenon. This approach also leads us to the development of a typology regarding the types of violence that occur between intimate partners and the role played by partners within it. Johnson's typology, which consists of five types, suggests that certain kinds of IPV²² are more gendered than others. First, *intimate terrorism - which was later reframed as coercive controlling*²³ *violence* – though most prominent, yet not confined to heterosexual partnerships, was perpetrated mostly by men to take control of their partner. This type of violence is a combination of physical and/or sexual violence accompanied by a number of non-violent control tactics, such as economic/emotional abuse, the use of children, threats and intimidation, invocation of male privilege, constant monitoring, and blaming the victim (Johnson, 2017). The second type, *violent resistance* is the violence with which victims of intimate terrorism respond to the violence. The third type is *situational couple violence*, which is considered to be gender symmetrical and situationally provoked in which either

²² In the 1990's he had formulated IPV as two types- patriarchal terrorism and ordinary couple violence. These typologies have undergone change over the years to the current state.

²³ The concept of coercive control was developed by Schechter who considered that physical violence generated control which once deployed did not need to be repeated for compliance (Walby and Towers, 2018).

of the partners resorts to violence following a heated argument and the tension surrounding it (Johnson, 2011). The fourth kind, *mutual violent control* refers to when both individuals are intimate terrorists and battle for control (Johnson, 1995, 2008). The fifth kind, *familial intimate terrorism* was developed by Johnson (2017) and team after two of his students from India (Menon, 2008) and Pakistan (Nawaz, 2014) suggested that though his typology applied to some IPV, differences were rooted in different family set ups common in their countries in which IPV was not only perpetuated by the partner but also often involved members of the extended marital household. The work of Stark (2007, 2010, 2012) also bears similarities with Johnson as he distinguishes between two types of IPV; 'assaults' – where one party is victimized by others, from 'fights' that can on occasions be defined as involving relatively equal partners. Coercive control is clearly, in Stark's (2007) definition, gender asymmetrical manifest through "male domination in personal life organized through a "technology" that is situationally specific and yet articulated at key points with larger discriminatory structures" (p, 241). He thus distinguishes between the gender asymmetrical 'coercive control' and the gender symmetrical 'fights' between couples involving physical force (Walby and Towers, 2018).

Both Johnson and Stark have thus claimed that low-level couple violence is not gendered while the more severe forms of violence are (Walby and Towers, 2018). Walby and Towers (2018) have criticized both Johnson and Stark on the grounds that they assume that the two forms of violence have internal stability and that there are definite means of separating the 'bad' from the 'not so bad'. They have developed a fourth approach calling it 'domestic violent crime' in which they have concluded all violence to be coercive and controlling by behaviour rendering the entire concept of 'coercive control' - defunct. By using data from the Crime Survey of England and Wales, they assert that domestic violence is gender asymmetrical spanning all levels of seriousness and frequency and does not only confine to the most severe; gender inequality thus is not reserved for 'specialized or severe forms' or for gendered motivations (p.26).

Supporting the integrative stand are also others such as Heise (1998) and Dutton (1994, 2006) who have developed the ecological framework theory which facilitates the investigation of multiple factors that operate across levels in order to build a fuller explanation that reflects the complexity of IPV victimisation. Theories offering multi-level

explorations were specifically relevant for the current study context as it was also interested in exploring the nature and role of structure in sustaining MV. Integrating Bronfenbrenner and Belsky's analysis of the social context and applying a social psychological perspective to incorporate both – individual features and social contexts, the nested ecological theory includes a five-level enquiry encompassing social and psychological characteristics. The five levels of analysis are: a) the Macrosystem which comprises of the broad sets of cultural beliefs and values relevant to IPV; b) the Exosystem includes factors such as job stress, unemployment and the presence or absence of social support systems and peer group influences; c) the Microsystem refers to interaction pattern that exists in the family itself or to structural elements such as those related to household decision making in that family; d) the Ontogenetic level focuses upon features of the individual's developmental experience that shape responses to microsystem or exosystem stressors; and e) the suprasystem that includes power conflicts between groups in society (Dutton, 2006). Each level interacts with and influences others in a dynamic relationship (Lawson, 2012).

Though not often used in the field of IPV, offering similar levels of enquiry is the Gender Structure theory (GST) which has been developed by Risman (2009, 2018a). It is particularly useful as it is a feminist approach and hence retains gender at the centre of the analysis, but also does not restrict itself to single factor or single level enquiry. It constructs gender as a social structure but as a non-static entity and examines its embeddedness or operation of at three levels: (1) at the individual level, in the development of gendered selves in the form of internalisation through socialisation; (2) at the interactional level - as men and women face different cultural expectations even when they fill similar structural positions, and the meanings and stereotypes that each experiences in every social encounter; and (3) in institutional domains where explicit regulations regarding resource distribution and material goods are gender specific and cultural justifications are given for gender inequality (Risman, 2004; Risman and Davies, 2012; Risman, 2018a, 2018b). At each level gender is further categorised by material and cultural aspects.

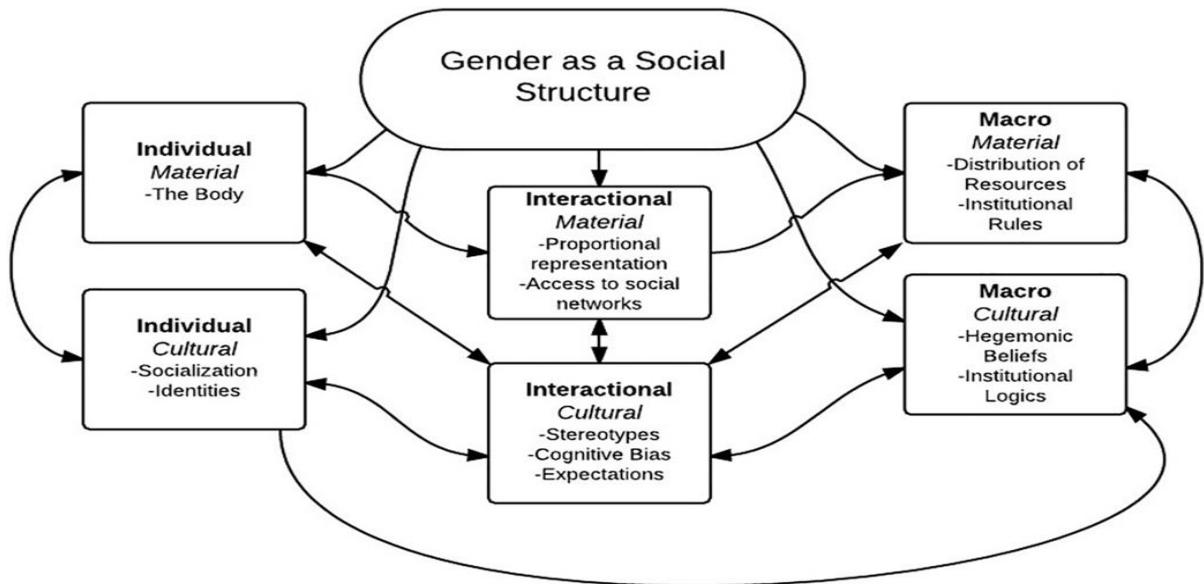


Figure 6: Gender as Social Structure (Risman, 2018a)

Figure 6 from Rismann (2018a) illustrates the multiple dimensions of gender as a social structure. Material processes within it are based upon physical bodies, laws, or geographical locations and how these impact social lives, while cultural processes are ideological or socially constructed ideas that orientate peoples' perspectives and worldviews (Rismann, 2018b).

Though the frameworks that appeared to be most relevant to the study were Nested Ecological theory and GST, I decided to refer to the latter specifically due to the material-cultural distinction that was made at each of the three levels of enquiry: i) individual, ii) interactional and iii) the institutional. GST further stresses that gender inequality is produced, maintained and reproduced at each of these three levels of social analysis, providing a framework to illustrate how structures influence human actions and thinking, and the means through which they produce and constrain human agency (Burnett et.al, 2018). GST was also specifically relevant as it does not discount individual free choice or agency (an integral area of this study) and asserts that it is at any moment to a great degree shaped by the gender structure that exists and into which individuals were born (Rismann, 2016). Rismann's theorisation also leaves room for both habitus and reflexivity as GST proposes to "identify when behaviour is habit (an enactment of taken for granted gendered cultural norms) and when we do gender consciously, with intent, rebellion, or even with irony" (Ibid, p.433). Though GST was a key influence of this study, in addition to

gender, I have attempted to draw attention to the influence of other structural inequalities such as those related to class or conflict, as well. Doing so has also facilitated an intersectional analysis (Crenshaw, 1989; Davis 2008, Collins and Bilge, 2016) and underlined intersecting sources of inequalities, going beyond any single analytical category.

Thus, although at the early stage of the study I had a basic framework to work with and begin the first phase of the fieldwork, I also took adequate care to be open to matters outside that framework. Once data from the first phase had been collected and initially analysed, I felt a need to define what was meant by structure or structural factors in this study and similarly, what was meant by agency and how to analyse the relationship between the two. These needs were particularly felt as I initially realised that no two studies had a common definition of structure and in most cases were ambiguous about its components. Some common examples of structure included internalisation of beliefs and practices, hierarchies in inter-personal relationships, divisions of labour, institutional practices such as the police and judiciary (that determine property rights, access to justice etc.) and cultural discourses that police or reward everyday practices. In much of the literature, structure seems to mean little more than 'context'. Though individuals are influenced by various contexts, it was felt that it could be useful to pick out particular structures in the current context, such as gender structures, police structure, occupational structures among others. Hence, I started to read relevant literature to clarify my stand on 'structure' (and 'agency'). Prior to delving into what has been defined by structure agency in this study, it is important that I begin with a brief note on why the structure-agency dialectic was useful in the current context, the specific analytical stand between the two taken here, and the issue surrounding the ontological ambiguity of 'structure'.

Part 2:

2.2.1 Why structure and agency?

Though both structure and agency are integral in MV, there is limited research focused on the utility of these theoretical concepts to help explain it. It was evident in the data gathered in the initial phase of the study that though respondents were conditioned

within existing social structures, their ability to interpret situations, take decisions and initiate action (i.e. their agential response) played a major role in determining their response to the violence that they were facing. Hence, the structure- agency dialectic is relevant, as it holds the potential to better understand the complexities of social systems across multiple levels of activity (Bronfenbrenner, 1976, cited in Varelas et.al, 2015, p.440).

While being aware of the extensive debate around the structure-agency dialectic, I will restrict the reference to this discussion to matters relating to this study. The structure-agency dialectic is highly contested, specifically between structuralists who emphasize structural influence and ignore individual agency ('downward conflation' in Archer's (1995, 2010a) terminology), and agency theorists for whom society is the aggregate of individual action ('upward conflation'). Central conflation on the other hand deprives both of their relative autonomy, not by reducing one to the other but by compacting the two together inseparably, rendering it impossible to explore the relationship between them. Taking my cue from Margaret Archer's (1995, 2010a) critical realist Morphogenetic Approach (MA), the present study takes an 'analytical dualist' approach to explain the relationship between structure and agential action without resorting to conflation. It is based on two premises: i) emergent²⁴ properties of structure and agency are irreducible to one another and hence analytically separable and ii) structures and agents are temporally distinguishable i.e., both operate diachronically over different time periods (Archer, 1995, 2010). Archer's approach acknowledges that at any moment there is a 'gap' between structure in terms of conditions/circumstances and actions that are taken in relation to it, such that individuals can decide to act one way or another. While structure enables and constrains action the relation between them is not deterministic. Archer's stand is often presented in opposition to Giddens' analytical stand which conflates the two (Varelis et.al, 2015) and fails to allow for this degree of indeterminacy.

2.2.2 On structure and its ontological ambiguity

²⁴ The concept of emergence recognises distinct causal contributions of both – social structures as well as individuals. It emphasises that 'an entity' or 'a whole' can have properties (or powers) or capabilities that are not possessed by or irreducible to its parts

In order to define what is meant by structure in the current context, it is helpful to briefly address the ambiguity surrounding the terminology of structure. Though the term social structure is crucial and ubiquitous in most sociological literature, most sociologists recognise the concept to be slippery and contested; usage of the term is often ambiguous and misleading (Hays, 1994). There is no clear consensus on what social structures are or how they affect upon individuals (Elder-Vass, 2010a). Often social structures imply political institutions, organisations, bureaucracy, the economy and religious organisations, while at times it refers to social systems in which structured or systematic patterns of relationships between individuals or groups of people find prominence (Van Breda, 2016). Structure is also used generally to denote the contexts under which one acts (Sayer, 2010a).

Sayer (2010b, p.63) helpfully considers abstraction to be specifically crucial for the identification of structures. He defines structures 'as sets of internally related objects or practices'; against common assumptions, he theorises structures not only as large-scale social objects such as the international division of labour, but also includes small scale ones related to interpersonal and personal levels e.g., conceptual structures. He further asserts that though specific roles are associated with certain 'positions' within social structures, it is important to distinguish the occupant of the position from the position itself (he cites the example of the landlord and tenant). Often the properties of the position (both negative or positive) are attributed to the person occupying it, as if the specific '*individual*' must be wholly responsible without considering how the structure of social relations, along with their associated resources, constraints or rules, enables their actions. At the same time, social structures endure only when reproduced by people. In such a scenario, it is a mistake to expect that any problem will be resolved purely through the discovery of individuals deemed to be responsible and by replacing them with a different set of individuals (*Ibid*). This specifically applies in the current context as the occurrence of MV cannot be expected to be solely mitigated by replacing the existing violent individuals with non-violent ones. Structures are thus irreducible to the individuals occupying them, and people and institutions invariably exist within various social structures. Additionally, he argues that social structures not only coexist and articulate but also tend to endure; the most durable social structures have the potential to lock their

occupants into situations which they are unable to unilaterally alter, though they may be able to change between existing positions. This is not to suggest that social structures can never be transformed, only that they may be able to survive certain transformations and hence often be difficult to displace. He cites the examples of religious structures, teacher-pupil relations and marital relations that have undergone gradual yet significant change owing to shifts in ‘balances of power and constitutive meanings and practices’ (Ibid, p.65). However, individuals ‘do not reproduce them automatically and rarely intentionally’; individuals are not mere ‘dopes’, ‘automata’ or ‘bearers of roles’, invariably programmed to reproduce (Ibid, p.65-66).

Feminist research in theorising gender relations often takes gender - along with other categories of inequalities as being a part of social structures or systems that contribute to domination and oppression (Mader, 2018). Mader’s (Ibid, p.15) theorisation is particularly useful as he conceptualises gender as a social structure that is constitutive of relations of domination and draws on Margaret Archer’s concept of agency. He describes a *domination-based shaping of action situation* and proposes an empirical analysis of the ways in which gender, along with other inequalities, conditions agency and the extent to which gender can be understood as constituting relations of domination that manifest themselves in the action-situation. Mader frames domination as a specific kind of restriction of agency - owing to internalisation of gender and associated expectations where gender is shown not only as a category of social inequality, “but also as a (sic) constitutive of enduring social relations in which certain (groups of) agents have enduring power over action-situations of other (groups of) agents” (p.21). These relations of domination can be strengthened, refracted, or modified owing to the effects of intersectionality such as class, race/ ethnicity etc., and also gender.

Elder-Vass’s (2010b) theorisation is useful too, as he identifies two types of social structures: normative social institutions and organisations. In the current context- the former can be associated with marriage and the relationships embedded in it and the latter can be associated with the criminal justice system- the police and the judiciary, and relevant civil society organisations. He argues that “normative social institutions are emergent properties – causal powers – of *normative circles*” (Ibid, p. 122). He asserts that part of the mechanism through which the practice is produced is that each individual

member of the group enacts the practice, which he terms as the '*norm circle*', and "holds a normative belief or disposition endorsing the practice" (Ibid). This, he stresses, does not necessarily mean that each individual of the 'group is morally committed to the norm as representing a just standard of behaviour'; it only entails an awareness at some level that they are expected to observe it and that deference would lead to positive consequences, and resistance to negative consequences (Ibid). Members of the norm circle share a *collective intention* to support the norm (Ibid). Individual beliefs are themselves causally effective and are simultaneously a critical part of the mechanism that underpins the power of the larger group; at the individual level social institutions work because the individual is aware of the behaviour expected and also of the pattern of incentives that their behaviour is likely to confront (Elder-Vass, 2008). Individual beliefs thus act as the mediator between the social institution and individual behaviour; social institutions have a causal effect on individual beliefs - as well as on subconscious dispositions as conceptualised by Bourdieu's account of habitus, which in turn have an effect on individual behaviour (Ibid).

Elder-Vass (2010d) asserts that organisations are structured by specialised roles, marked by significant authority relations between at least some of these roles. Role descriptions implicitly or explicitly lay out the norms that define how the holder of the position concerned must relate to other members of the organisation and also how holders must relate to outsiders when acting on behalf of the organisation; some of these norms may be written down in formal job descriptions but roles may also be defined partly by less formal sets of expectations that other members of the organisation have of their incumbents (Ibid). He further distinguishes between behaviour of an individual in general from when he or she is 'in the role'. Again, this does not imply that the behaviour of the individual is entirely determined by the organisation or the role specification when an individual is acting 'in the role'; when individuals occupy roles within organisations, they retain the powers they have as individuals and those powers are channelled and constrained owing to the relations they now have with others in the organisation. Role specifications do not completely define how they are to be performed and hence, can be performed well or poorly. In shaping roles, it is possible for an organisation to draw upon wider social institutions by adopting practices prevalent in the wider normative culture

that forms part of the organisation's social context, while the influence of this wider normative culture can be far from being entirely under the organisation's control (Ibid. p.166). Members of any organisation in specific roles are also at the same time members of norm circles that are much wider in extent and that hold the potential to influence their performance in the role. This is particularly relevant for analysing the role of representatives in the police and judiciary, in the current context. Data from the study suggests that roles of individuals who occupy specialised roles in the police and judiciary as state-controlled institutions, are influenced by the wider norm circles that they are a part of; their identities as a husband/ wife, father/ mother, son/ daughter play a role in 'how' they perform their role as representative of the police/ judiciary (Chapter 5).

Having described the theoretical influences in defining 'structure', justified the reasons for choosing GST as the most relevant framework, clarified the analytical stand between structure and agency (analytical dualism), and additionally through early analysis of the data, I was somewhat clear on the different components of structures across distinct levels that were identified and relevant for the study.

2.2.3 What is defined as structure in this study

Figure 7 below demonstrates the specific (but interconnected) aspects of structure – within each dimension (material-cultural) at each of the three levels (individual, interactional and institutional) that are considered in the present study²⁵. Each dimension was observed to enable or constrain opportunities for the woman facing violence.

²⁵ This definition and the aspects used to illustrate material and cultural dimensions are not exhaustive. These have been identified to be fundamental in this study.

Individual		
<i>Pre-marriage</i>		
	Material*	Access to resources during childhood (influences education/ employment status)
	Cultural	Internalisation of gendered norms/ belief systems (influences role as woman/ daughter/ wife/ mother/ DIL)
<i>Post marriage</i>		
	Material*	Level of education/ employment (influences reflexive actions)
		Assets/property owned/ passed on from natal family
	Cultural	Level of justification for violence/ internalised beliefs
Interactional		
Non-state institutions: Family related	Material*	Access to help (influenced by resources of the natal family)
	Cultural	Status/importance given in natal/marital families
		Coping strategies (influences nature of support from the natal family)
		Gendered expectations
		Division of labour (paid and unpaid)
		Decisions on education/paid employment
		Reproductive rights/ say in sexual relations
		Involvement of/ interference from in- laws
		Role of shame/ honour/ duty
State institutions: Police and judiciary	Material	Status of procedural awareness among the police
		Status of liaison among stakeholder groups
		Process and implementation specific procedures
	Cultural	Status of corruption/ use of personal connections in the civil-criminal justice system
		(Misogynistic) Mindsets prevalent among representatives of the police/ judiciary
Institutional		
	Material	Legislations on women's rights to property
		Status of budgets, monitoring and evaluation, and status of infrastructural support (for DV legislations)
	Cultural	Discourses that guide practices in both state and non- state institutions(eg.pro-family narrative)
		Gendered hierarchies within marital relationship

Figure 7: Structure at individual, interactional and institutional levels

* These may be gendered as well as non- gendered. A family with limited resources may not prioritise education/ employment of the children- within it however, sons may be given higher preference than the daughters while distributing the limited resources.

Additionally, structure is also defined as context (for example, referring to changes occurring at the economic-political-social levels) influencing inter-personal relationships including marital relationships within it (examined in detail in Chapter 6).

2.2.4 On Agency

Agency can be considered a universal faculty of people under a wide range of conditions, not one that is limited to conditions of oppression; agency under oppression (which this study focuses upon) can take several forms such as willing compliance (where the oppressed person doesn't see a problem and accepts that they should comply), strategic compliance (complying in certain situations as part of a wider strategy of survival and resistance), reluctant compliance and active resistance (Sayer, 2022²⁶). Showden's (2011a; 2011b) framing of agency is useful in the current context as it takes into account the role of socialization, material opportunity and specific social and political contexts. She situates agency as both a capacity and a process: as a capacity it could be latent and used for furthering or hindering life works as its strength ebbs and flows; as a process, it is defined as a "nonlinear, temporally and situationally specific mode of being, developing, and reflecting on the stipulations of the present, the weight of the past, and the possibilities for the future" (Showden, 2011a, p.17). This framing is particularly useful as it recognises that agency is strengthened by one's ability to choose from an array of viable options to improve the quality of one's life and allowing one to fulfil a range of needs and desires while underlining the importance of examining not only what a person wants but how and why they come to want those things (Ibid).

Not all agency is resistance, and it is important to simultaneously acknowledge the existence of victimization and resistance among all women who experience IPV as they resist to the extent they are able given the structural²⁷ and cultural constraints they encounter (Sokolff and Dupont, 2005). Post-colonial feminists have in fact often questioned the "teleology of emancipation" and the "romanticizing of resistance" that are fundamental to the reflections of many Western feminists, who have, according to them,

²⁶ Personal communication

²⁷ Often the distinctions within structure (for example into material or cultural) and the corresponding levels (individual-interactional-institutional) are not made clearly in related literature. Throughout the thesis I have tried to use this framework for clarity.

equated agency with free will and the capacity to make autonomous decisions and question domination (Agoff and Herrera, 2018). Agoff and Herrera's (2018) definition and framing of agency which is based upon empirical evidence from low-income women who have faced IPV in Mexico City, underline agency as the "capacity for action created and made possible by specific relations of subordination, where resistance to the norms is only one of a number of options" (Ibid, p. 54). It is a capacity present in every subject and can acquire multiple forms and have varied developments and consequences; these can range from compromise to confrontation with the abuser, include subtler to more overt types of resistance, can be motivated intentionally or not, voluntarily or not, and can be driven by the need to express emotions or by the conscious pursuit of individual or group interests (Ibid). Thus, in the field of IPV, the rupture of the abusive relationship does not always imply increased agency in an emancipatory way, and neither does it necessarily entail a questioning of the dominant gender norms (Ibid). Thus, taking into consideration the complexity of the forms of agency in IPV, I was particularly careful while framing my questions related to it during the interviews and avoided any form of narrow conceptualisations that restricted agency to positive resistance or permanently leaving the abuser(s).

Rajah and Osborn's (2020) scoping review²⁸ highlights the range of actions within the spectrum of actions that comprise agency by highlighting that much of the scholarship on resistance in IPV is based upon two primary assumptions. Firstly, it assumes that domination and an acceptance of its legitimacy are never solely complete or totalizing and secondly, it assumes that resistance varies in scale (spans macro- and micro-level processes), openness (includes covert and overt practices), and intent (involves relatively passive as well as more active efforts) (Courpasson and Valles, 2016, cited in Ibid, p.1373). While certain framings of resistance in agency focus on its transformative potential through the making of choices and decisions at critical life junctures (Munoz Boudet et.al, 2013; Sen, 2000), other framings specific to the IPV literature take into consideration the everyday or more dynamic and commonplace manifestations (Showden 2011a, 2011b), involving creative personal strategies (such as talking back, hiding, promising, avoidance,

²⁸ This analysed and synthesized 74 research articles published in English-language scholarly journals between 1994 and 2017 across 10 scholarly disciplines drawn from 19 countries.

passive or aggressive defence) as well as use of formal and informal sources of help (Abraham, 2005; Sokoloff and Dupont, 2005).

Westmarland (2015) argues that all forms of violence operate to restrict women's lives and narrow what Eva Lundgren (2004) defines as 'life space', and what Liz Kelly (2003) calls 'space for action'. Gender-based violence constrains this space for action while simultaneously widening men's; agency is thus exercised in context, and contexts are invariably more or less constrained by material and other factors (Kelly, 2003). According to this theorisation, cessation of IPV leads to an increase in the women's 'space for action' and opens up opportunities for resistance as well as creates possibilities for increased safety both within, and outside, the domestically violent context (Wild, 2020). In fact, in the context of assessing the impact of domestic violence perpetrator programmes on the safety of women and children in the UK, Westmarland and Kelly (2013) consider 'expanded space for action' for female partners or ex-partners as a measure of success. They argue that one of the impacts of living with domestic violence, and especially coercive control, is that women and children often tend to adapt their behaviour in an effort to prevent further outbursts from the perpetrator and as a consequence their space for action is narrowed as they live within the parameters that the perpetrator sets. Being able to expand this space is important to women as it reflected a sense of greater safety. This expanded space for action also linked to access to support, which resulted in decreased isolation. In the current context, the 'expanded space for action' needs to be considered amidst pre-existing material-cultural structural constraints and enablers specific to each respondent.

Influenced by distinct material-cultural enablers-constraints, the concept of 'space for action' has been particularly relevant to my analysis of agency (see Chapter 7) which was observed to be dually influenced by the conscious awareness of one's experience of violence i.e., reflexivity, and acquired dispositions rooted in one's socialisation i.e., the habitus, and hence the need to prioritise both.

Part 3:

2.3.1 On Reflexivity and Habitus

The concepts of Reflexivity and Habitus were particularly useful while analysing agency (see Chapter 7) in my study. I briefly describe my understanding of these two concepts and the need to prioritise both. While Margaret Archer places higher emphasis on the reflexive deliberations of individuals and the subsequent choices that they make, Pierre Bourdieu's concept of Habitus places greater emphasis on the role of social conditioning in determining behaviour while downplaying the importance of conscious deliberation (Elder-Vass, 2007c).

Habitus as framed by Bourdieu (1990), is defined as,

"The conditionings associated with a particular class of conditions of existence produce *habitus*, systems of durable, transposable dispositions, structured structures predisposed to function as structuring structures, that is, as principles which generate and organize practices and representations that can be objectively adapted to their outcomes without presupposing a conscious aiming at ends or an express mastery of the operations necessary in order to attain them" ... The "dispositions durably inculcated by the possibilities and impossibilities, freedoms and necessities, opportunities and prohibitions inscribed in the objective conditions ... generate dispositions objectively compatible with these conditions and in a sense pre-adapted to their demands" (p.53- 54).

The habitus is thus a product of history that produces both individual and collective practices, as per the schemes generated by history; it ensures that the active presence of past experiences is deposited in each individual - "the form of schemes of perception, thought and action" - which tend to ensure "the 'correctness' of practices and their constancy over time, more reliably than all formal rules and explicit norms" (Ibid). Since our past is so deeply rooted in us, we do not directly feel their influence; they constitute the unconscious part of ourselves (p.56). The habitus as embodied history is internalized as a second nature and is an active presence of the whole past of which it is a product; it is "a spontaneity without consciousness or will" (Ibid). He also asserts that those who

belong to a specific class and exposed to similar social conditions develop the same habitus. Thus, habitus primarily refers to the “idea of dispositions, inclinations, expectations and skills which are acquired, especially in early life, through repeated experience of the particular social relations, material circumstances and practices that prevail in the part of the social field in which the individual is located” (Sayer, 2010a, p.109). Habitus can alter as one gets used to new social environments, but this takes time and is often only partially accomplished; it is cultivated through processes that range from unconscious adaptation to a more conscious process of learning how one can do things so that they can be done without thinking (Ibid).

Archer (2009) defines reflexivity as the “regular exercise of the mental ability, shared by all normal [sic] people, to consider themselves in relation to their (social) contexts and vice versa”; it is through reflexive ‘internal conversations’ that one deliberates about what course of action to take (p.ii). Archer (2003) asserts that “reflexive deliberations constitute the mediatory process between ‘structure and agency’ and they represent the subjective element which is always at interplay with causal powers of objective social forms”; agential reflexivity actively mediates between our structurally shaped circumstances and what we consciously make of them (p.130). It is during these reflexive deliberations that we conduct internal conversations with ourselves about ourselves and it is through these that agents mediate the structural and cultural influences which have the capacity to operate upon one as constraints and enablements (Ibid). In the current context too, interviews with the women provide insights into the nature and content of their internal conversations that play an important role in influencing the type and order of measures/ options that she permits herself as she attempts to mitigate the violence. Sayer (2009) summarises Archer’s position by stressing that circumstances thus, “need to be interpreted by individuals if they are to have an effect, and their effect will depend upon how they are interpreted, and this in turn depends upon how individuals relate them to their subjectively defined concerns” (p.114). Reflexivity thus, exercised by internal dialogues not only mediates the impact that structures have on individuals but also influences the manner in which they respond to particular social situations (Caetano, 2015). Archer (2003) frames a three-stage process of mediation between structure and agency by including both objective and subjective components:

- “(i) Structural and cultural properties *objectively* shape the situations which agents confront involuntarily, and possess generative powers of constraint and enablement in relation to
- (ii) Agents' own configurations of concerns, as *subjectively* defined in relation to the three orders of natural reality - nature, practice and society
- (iii) Courses of action are produced through the reflexive deliberations of agents who *subjectively* determine their practical projects in relation to their *objective* circumstances” (p. 135)

Archer dismisses the role of habitus (2010a) in contemporary societies and stresses the centrality of reflexivity in constantly changing societies owing to increased geographical mobility, better educational prospects especially in higher education, and greater cultural mobility – aspects that combine to operate against contextual discontinuity in which there is a higher possibility of individual's biographical pathways being framed by social contexts that are distinct from those in which they initially started their lives (Caetano, 2015). As observed in Chapter 6, society in the present study is observed to be in a state of transition and hence we need to look at both habitus and reflexivity components to assess the occurrence of MV; while on the one hand women aspire to pursue higher education and paid work opportunities, on the other hand societal expectations of a woman, embodied in the habitus as a daughter, wife, mother or daughter-in-law remain more or less rigid creating the ground for tension and subsequent violence within marital relationships. Furthermore, there is also less evidence of geographical mobility in the women who were interviewed.

As it would be demonstrated through the data analysis, this study prioritises both habitus and reflexivity in agential responses- a position that is held by several authors (Sayer, 2010a, Elder-Vass 2007c, Akram, 2013) who suggest that action can involve different combinations or blends of spontaneous habitus driven as well as conscious reflexive action among others. Although Archer (2010a) considers this stance of having no theoretical utility, this position is important as it grants more authentic reflection of the data and, crucially facilitates a much broader spectrum through which social structure can influence

behaviour thereby producing a structure and agency dialectic (Akram, 2013). Some like Adams (2006) have also stressed on the importance of the post-reflexive choice by asserting that reflexive awareness does not automatically equate with the capacity to transform one's situation owing to the distinct position one occupies owing to specific intersections.

Additionally, while in a manner reminiscent of the formation of the habitus, Sayer (2005) argues that early experiences, especially from childhood, often tend to have a lasting effect on our emotional dispositions or susceptibilities. He stresses the importance of emotions and the need to take into account the emotional responses that individuals have to the inequalities and struggles of the social field and the manner in which individuals negotiate them. They matter to them, and generally reveal something about their situation and welfare (Ibid). Without taking "emotion(s) seriously, and our capacity for suffering and happiness, and for discrimination and evaluation", it is challenging to understand why any circumstances should prompt resistance or critical reflection (Ibid, p.38). Emotions were observed to be integral in the current context too, as they often underpinned a range of decisions that occurred within the spectrum of actions that were documented within agency.

In the current context, it has been observed that at any given point in time, the individual's assessment of her situation, the decisions and subsequent actions that she took were driven by the interplay between reflexivity and habitus across time and not solely driven by either, with emotions that the respondent felt playing an integral role.

2.3.2a Micro-regulation and symbolic violence

As we will see, one of the key highlights of the typology of violence (chapter 4) that has been documented in this study is the aspect of continuum in MV and its impact upon the women in terms of a range of denials that were both forms and outcomes of the violence. Denials were made additionally possible through micro regulating various aspects of the woman's autonomy. The concept of micro regulation, which is often associated with everyday behaviours linked to stereotypical female roles such as the manner in which women dress, cook, clean, socialize, care for children, or perform sexually, has been used

by Stark (2009) as a core means through which coercive control is established. However, a straightforward application of the concept of coercive control is somewhat difficult in the current context as Stark asserts that coercion is not required in societies (such as the one in this study) that are gender unequal and where male domination is legitimized by religion, and custom, or if sexism is codified in the law (*Ibid*). Stark's position rests of relativism as per which there is no absolute or definitive way of knowing any phenomenon as it is subject to meanings/ interpretations in specific cultures/communities. Relativism is considered by some such as, Chanter and Gangoli (2011), as a 'double edged sword' (in the context of violence experienced by minoritised women in the UK), as on one hand it has the potential to facilitate a nuanced understanding of violence against women by taking into consideration distinct cultural/community backgrounds, while on the other hand it runs the risk of working against the interest of women by suggesting that what occurs in certain cultures/communities is unique and embedded within those communities, and hence a special case and thus rendering the violence seemingly irrelevant. Chapter 4 of this thesis specifically demonstrates how respondents deal with the dilemma of recognising violence and the manner in which they navigate around it. Additionally, in contrast to Stark's assumption, as will be shown in the present study context, respondents were subjected to a range of denials that are often documented within evidence from the Global North context as an outcome of coercive control, with a further dynamic added due to the presence of more than one perpetrator (Gangoli and Rew, 2011) in imposing various forms of micro regulations. The situation is additionally layered through distinct forms of surveillance that respondents were often under in the pre-marriage phase, which familiarised them with (and at times led them to accept) a form of gendered control and the denials associated with it in the post marriage phase.

Given the presence of more than one perpetrator in imposing micro regulations and the existing social norms that are conducive for control within marriage to occur, Pierre Bourdieu's concept of symbolic violence (2003) was relevant. This type of violence ensures order and social restraint through indirect, cultural mechanisms rather than direct and coercive social control; domination that arises from it stems from existing power relations which are not questioned and are perceived as natural, given and unchangeable (Jenkins, 2002; Thapar-Björkert et.al, 2016). It is characterised by its symbolic or invisible nature

rather than physical nature and exerted mostly through “channels of communication and cognition (more precisely, misrecognition), recognition, or even feeling” (Bourdieu, 2001, p.2). Both individuals and institutions such as family, church, the education system, the state, contribute to its production and it is “instituted through the adherence that the dominated cannot fail to grant to the dominant (and therefore to the domination)” (Ibid, p.34), since the relationship between the dominated and the dominant is considered to be the natural order. Symbolic violence is exerted through schemes of perception, thoughts and actions (*habitus*), the cognitive structures through which the social world is perceived as legitimate and ‘natural’ and is based upon a shared understanding; the basic tool for keeping women in a subordinated position is not direct but symbolic involving the mindsets and *habitus* of both men and women as they organise the action within the field of gender relations (Grzyb, 2016). Correspondingly, symbolic power can be interpreted as that invisible force that is subconsciously exerted and borne by the dominant and the dominated; it acts as a part of the natural order of social structures having all the appearances of innateness (Bourdieu, 2000). Tacit acceptance of their own domination by the dominated, and of the limits imposed on them, can manifest in bodily emotions such as shame, timidity, anxiety, and guilt (Ibid). However, as data from the present study demonstrates, compliance does not mean individuals are passive victims, but rather emphasises that an individual in a violent situation may not consciously recognise ‘the subtle intonations of power and domination’, which are often legitimised and rationalised as ‘normal’ given the dominated and dominant often share the same understandings of the world (Thapar-Björkert et.al, 2016, p.158). Most of the women interviewed here noted that though their experiences created a range of (negative) emotions within them such as fear, distress, sadness and so forth, they considered it to be a part of married life.

2.3.2b The capabilities approach (CA)

The CA was specifically useful in the current context as it offered scope to build on theories of symbolic violence and to better represent the range and nature of denials which were emerging, both as forms and outcomes of violence. CA can also enrich understanding of agency by underlining the constraints- enablers that often surround specific choices and decisions made by the respondents.

Freedom, liberties, agency and choice are fundamental to the CA within which capabilities are defined as the freedom to choose what one has reason to value; freedom and access to opportunities are pivotal to development (Pyles, 2008; Agarwal and Panda, 2007). Although some aspects of the capabilities approach can be traced back to Aristotle, Adam Smith and Karl Marx, it is generally attributed to the economist-philosopher Amartya Sen, who pioneered the approach and the philosopher Martha Nussbaum, who developed CA further, among others across disciplines (Robeyns, 2011). CA is specifically relevant here as most of the empirical evidence and observations of both Sen and Nussbaum are based in developing countries including India, at times specifically focussing upon women's agency and specific development indicators such as decreased infant mortality, reduced fertility rates (Sen, 2000), and including violence against women (Nussbaum, 2011). Freedom of agency²⁹ is central to this approach which simultaneously recognises the 'deep complementarity' between individual agency and arrangements spanning social, political and economic aspects. It recognises development as the expansion of freedom and the parallel removal of various types of unfreedoms (such as poverty, tyranny, lack of economic opportunities, intolerance or rise of repressive states) that render people with no choice or little opportunity of exercising their reasoned³⁰ agency; the removal of substantial unfreedoms is argued to be constitutive of development (Sen, 2000). Framing development as a process of expanding the real (interconnected) freedoms - both as the primary end and as the principal means of development, contrasts with narrower understandings of development that are often based upon material growth indicators such as gross national product, a rise in personal incomes, industrialisation, technological advance or social modernisation (*Ibid*). Sen further asserts that this broad approach to development allows simultaneous appreciation of the contribution of various institutions in civil society, including the media and other forms of communication. It also encourages recognition of the role of social values and existing mores which have the potential to influence the freedoms that people enjoy and have reason to treasure (*Ibid*). These social values and mores are specifically important in the current context since they influence features such as attitudes to gender equity, the nature of childcare, and family size, among other arrangements and outcomes. He identifies five distinct forms of freedom that aid

²⁹ Agency here implies the ability of an individual to transform one's life.

³⁰ In contrast to agency that includes compliance, the inability to act or choosing to not resist.

in the development of the general capability of an individual: these include: (1) political freedoms, (2) economic facilities, (3) social opportunities, (4) transparency guarantees and (5) protective security.

Nussbaum (2011) expands upon Sen's theorisation and uses the plural "Capabilities" to assert the point that the most crucial elements in an individual's life 'are plural and qualitatively distinct' (p.18). She frames it as an approach to social justice to assess individual well-being; it holds that the central question to be asked when comparing societies for their basic decency or justice is, "What is each person able to do and to be?". It is based upon an individual's '*freedom to choose*', asserting that what societies should be advancing for its people is a 'set of opportunities or substantial freedoms', which they may then choose to exercise in action with the freedom of choice lying with them (Ibid). This approach is '*concerned with entrenched social injustice and inequality*', especially concerning capability failures that are a result of discrimination or marginalisation. Capabilities refer not only to abilities that reside in persons but also to the freedoms and opportunities that are created by a combination of personal abilities developed, in most cases, in interaction with the political, social, and economic environment. She focuses on specific areas of freedom that are considered fundamental, without which a life is rendered unworthy of human dignity. Ten key human capabilities are proposed: life (to not die prematurely); bodily health (to have good health, adequate nourishment and shelter); bodily integrity (to have the freedom to move freely and freedom from violent assault including sexual assault and domestic violence including the threat of violence); senses, imagination and thought (to have the freedom to imagine think and reason through adequate education, including the freedom of expression); emotions (not having one's emotional development blighted by fear and anxiety); practical reason (to be able to critically reflect and plan one's life); affiliation (to be able to engage in various forms of social interaction and be treated with dignity and equality); other species (to be able to have a meaningful relationship with the natural world); play (to enjoy leisure and play); control over one's environment (to be able to participate in politics, seek employment and enjoy a rewarding working life, and to control both land and movable property) (Nussbaum, 2000; 2005; 2011). Her basic claim of social justice is that governments must foster respect for human dignity, by providing a political order securing at least a decent

threshold level - a bare minimum, in all these ten areas (Nussbaum 2011, p.36). The capabilities are interrelated; Nussbaum (2000) frames them as “an interlocking set; they support one another, and an impediment to one impedes others” (p.94). In the context of violence against women, she argues that violence and its ongoing threat interferes with every major capability in a woman’s life (Nussbaum, 2005). One of the important contributions from India in the context of the CA approach is that of Agarwal and Panda (2007), who argue that freedom from domestic violence is central to the evaluation of development progress; by focussing upon the specific capability of women’s property owning status (point 10 of the capabilities mentioned above) in the Indian state of Kerala, they demonstrate that ownership of a house or land by women, significantly reduces her risk of MV. In support of Nussbaum, data from the present study demonstrates how violence is connected to denial of individual capabilities (constrained by both the material and the cultural) and provides strong evidence of the inter-relatedness of various un-freedoms.

Additionally, an important distinction made in this approach is between functioning and capabilities: a functioning is what people do whereas a capability is what they are able to do given the choices that they have – a capability hence may not always translate into a functioning (Pyles, 2008). For example, in the current context, a woman may choose to move back to the natal family when facing violence within marriage rather than accessing a state supported housing facility for women, but it is the responsibility of the government/ larger civil society to provide her with the capability to choose. Thus, this approach as a social justice framework is based on the premise that all individuals are entitled to realize their full human functioning and potential to flourish and it is the responsibility of the government to create the conditions that permit people to develop these capabilities (Pyles and Banerjee, 2010). The CA can also closely link to the nature of agential responses documented in the thesis as a complete understanding of agency mandates the consideration of both the subject who acts and the conditions within which she operates, specifically the conditions that produce her self-understanding (Showden, 2011a).

2.4 Summary

The methodology of GT which has primarily informed this study encouraged an interactive interaction between theory and data throughout. Hence, different domains of the literature were explored at distinct stages and subsequently build up as the study progressed. The initial phase of the literature review aided in situating the study in the gaps that were identified; while studies based on the NER or Assam were scant, and in-depth qualitative studies were also few, it was later realised that this study could also be used to address a theoretical gap that exists in the context of dually examining both structure and agency in MV. Since the study was interested in exploring the role of structural factors in MV, the multilevel inquiry facilitated by the GST seemed to be the most appropriate one to flesh out the different structures identified across the individual, interactional and institutional levels and further segregated by the material-cultural at each level. Figure 7 above cites the key structures that have been relevant for the study. Additionally, though the focus of my study was MV upon women, and hence it was important to retain gender and gender-based inequalities at the centre of the analysis, I have also attempted to highlight the intersections of other structures such as class and conflict. My initial struggles to define what I meant by structure (and agency) led me to the literature about its ontological ambiguity and hence forth to the structure-agency dialectic where the analytic relationship required clarification. Drawing on Archer's MA approach, the study takes an analytical dualist approach to explaining the relationship between structure and agency.

As argued, the concepts of habitus and reflexivity were found to be fundamental for explaining agential responses in this study (Chapter 7). Additionally, the capabilities approach and the concepts of micro-regulation and symbolic violence have been specifically relevant for developing the typology of violence that arises from the data (Chapter 4). While these are the key theoretical influences relevant for the entire thesis, I have also used specific concepts in individual chapters.



Figure 8: 'I love Guwahati'

Chapter 3: Methodology and methods

Before I begin on the methodological intricacies of this thesis, I would like to briefly mention my academic and professional background, as I think this will aid in explaining my methodology or standpoint better. My early educational background was in positivist science which centred around Mathematical Science (with an undergraduate degree in Statistics and a Masters degree in Operational Research). It was only after having worked as a (primarily quantitative) researcher (in both corporate research and social research/work sector) and a documentary photographer (on issues related to conflict, gender and migration) for almost a decade (Sarma, 2021), having identified gaps in my skill-set in understanding the ‘social world’ around me, that I ventured into formal education in social sciences and earned a Masters degree in Sociology. Though using social science theoretical concepts is still relatively novel, I eventually found the iterative process of connecting theory and data, while discovering ‘near fits’ and ‘outliers’, to be a quite challenging and interesting process.

This study was dually premised upon my knowledge and experience. I am an ‘insider-outsider’ as an Assamese, middle class, upper caste Hindu woman, having been born and lived the first half of my life in Guwahati and a frequent visitor henceforth. As such I am endowed with a degree of familiarity with the ‘culture’ and prevalent gendered expectations in the region that the study is based in. Though the broad aim of my study from the start to the end was more-or-less the same, my progress from the initial proposal writing stage with limited theoretical know-how, to the final stage when I could define and support the study with relevant theories and concepts, was a gradual one which developed over time. For this chapter too, I have used an autobiographical style of writing for the freedom it grants to explain my process and justify the steps and decisions that were taken i.e., ‘what was done and why it was done’, and also point out scenarios when things did not work out the way it was planned. In order to do so, I will outline and provide the details of a) the chosen methodology of Grounded theory and Critical grounded theory, b) coding and analysis, c) methods, sampling and respondent categories, d) on visuals, e) access to respondents, f) the ethical concerns on data collection and data storage, g) concerns about personal position, power and biases and f) the limitations.

3.1 On Methodology

Methodology refers to 'a set of principles and ideas that inform the design of a research study' and steers how one thinks about the study and the decisions that one makes within it (Birk and Mills, 2015, p.4). It also navigates the manner in which one positions to engage with the respondents and with the data, and the type of methods that will be applied (Mills and Birk, 2014). Methodology as defined by Schwandt (2007, p.193, cited in Bazeley, 2013, p.8) is a 'theory of how enquiry should proceed' which encompasses the underlying philosophy, assumptions about validity and preferred methods. However, she cautions researchers to be informed by the various methodological traditions such as grounded theory, phenomenology, case study and ethnography, but not be enslaved to any. Neuman (2003, cited in Tuli, 2010, p.106) argues that there exists no single or absolutely correct methodology for doing social science research as methodologies represent different ways of looking at the world encompassing varied ways to observe, measure, and understand social reality.

From the initial stage of proposal writing, as the broad aim of the study, I had intended to uncover the structural factors that 'support and sustain' MV and to have a nuanced understanding of how women who have faced MV 'deal' with (confirm, negotiate and/or resist) the violence in order to analyse and make explicit how such violences occur, and are maintained or resisted. Apart from prioritising the experiences of violence faced by the women and underlining the manner in which women dealt with it, it was crucial to situate these experiences within the broader structural (material-cultural) context that these experiences occur, in order to present a holistic explanation of the topic of study. Additionally, by explaining MV through the interplay of agential action and structural context, the study had also aimed to produce knowledgeable action that might disrupt the maintenance of MV. Hence, in tune with the broader aim and specific objectives that the study had set out to address, qualitative methodology was chosen as the primary methodology with visual material – specifically photographs, used sparingly as an illustrative tool throughout the thesis. The study has two respondent groups; i) women who have faced MV, and ii) members of the civil society spread across the academia, police and judiciary, local administration, and NGO's (non-governmental organisations)

who were the key-informants. Semi-structured interview schedules have been used to interview both groups (see section 3.6 below).

At various stages of the research process, I often felt as if I was putting together parts of a complex puzzle; the methodological steps that I eventually took were simultaneously and iteratively steered by a) the broader aim and specific questions that the study had aimed to address, and b) what I was 'discovering' in the data; in retrospect, a number of crucial decisions that I took at various stages of the research process, were driven by *what* was found, and *how* to adequately and holistically explain what was found. Hence, though the steps that I eventually undertook were logical or commonsensical, the grounded theory (GT) methodology and more specifically the critical grounded theory (CGT) version of it, has provided me with the language and the tools to explain my process better.

3.2 On Grounded theory methodology

GT is a critical analytical tool and a perspective that has evolved for more than four decades now; it seeks to develop new knowledge by collecting and analysing data to generate a range of theoretical ideas that remain closely tied to real world social processes and enables researchers to develop new understandings and perspectives that often resist, enhance, or add greater depth to existing theoretical frameworks (Hesse-Biber and Flowers, 2019). It also complements the principles of feminist research of exploring subjugated knowledge through its focus on raw data (from marginalised groups), commitment to iterative praxis, which facilitates the constant re-examination of existing data, while enabling social transformation and social change (*Ibid*). GT thereby facilitates a highly exploratory approach in research and encourages the generation of theory that is grounded (emphasis in original text) in data (Hoddy, 2019). This explicit emphasis on the creation of data-led research provides the space and possibility to strengthen or fine tune the aims and objectives according to discoveries made in the data. Owing to this methodological feature under GT, research objectives could be altered, reframed, and rearranged contingent upon 'what' the data was demonstrating. Since its inception in 1967, the methodology of GT has evolved to accommodate several variants, each underpinned by distinct ontological and epistemological positions and which appear to be partly in contradiction with each other (Redman-MacLaren and Mills, 2015; Timonen et.al,

2018; Sebastian, 2019). Apart from the earlier versions such as the Classical Grounded theory, developed by Glaser and Strauss (1967, 1968, 2010), the Strauss and Corbin's version of GT (1998, 2015), the Constructivist Grounded theory mainly developed by Charmaz (2006, 2007), recent versions include Critical Grounded theory (Kempster and Parry, 2011; Oliver, 2012) and Transformational Grounded theory (Redman-MacLaren and Mills, 2015). Distinct versions of GT have specific stands on the philosophical position (Interpretivism, Constructivism, Critical Realism and so forth), which are underpinned by specific ontological and epistemological standpoints, the role of the researcher and the influence of prior knowledge, the role of literature review, on whether research questions should be pre-set or to be left flexible or altered, the coding format and coding steps that are followed, and the nature of theory creation and verification (Sebastian, 2019). However, irrespective of the diversity of versions that have evolved over the years, all approaches share some core characteristics: they aim to develop theory through a process of concurrent data collection and analysis and to identify new data sources for their potential to develop emerging analytical insights (a process called theoretical sampling) with memos written throughout the study capturing the researcher's internal analytical dialogue and reflexivity providing further data for analysis (Oliver, 2012).

In order to make GT more comprehensible and accessible, some like Timonen et.al (2018) have proposed a basic 'toolkit' that is essential for employing GT irrespective of the researcher's ontological or epistemological position. They argue that all variants of GT incorporate a core set of shared procedures which can be articulated as "(1) taking the word "grounded" seriously, (2) capturing and explaining context-related social processes, (3) pursuing theory through engagement with data, and (4) pursuing theory through theoretical sampling" (p.1). Others like Qureshi and Unlu (2020) have introduced the Unlu"-Qureshi instrument, which comprises four steps: code, concept, category, and theme, in understanding, interpreting, and organizing the data in a way that leads toward theory emerging from the data. For Birks & Mills (2015), "initial coding and categorization of data; concurrent data generation or collection and analysis; writing memos; theoretical sampling; constant comparative analysis using inductive and abductive logic; theoretical sensitivity; intermediate coding; identifying a core category; and advanced coding and theoretical integration" (p.10), constitute a set of essential GT methods.

3.3 Why critical grounded theory

Though the analytical framework of this study is broadly informed by the shared procedures stated above, alignment with the Critical Grounded theory (CGT) version developed by primarily Kempster and Parry (2011) and Oliver (2012) underpinned by critical realist (CR) philosophy, aids in justifying certain methodological decisions that have been taken in this study and in underpinning its broader aim and research objectives, as it honours 'both theory and practice, individual agency and social structure' and enables the pursuit of emancipatory goals (Oliver, 2012, p.384). To re-iterate, since this study aims to situate the experiences of MV along with the agential responses, within the structural factors that are operating, and subsequently present a holistic explanation of the topic under study while also aiming to propose mitigation measures, the CGT approach seems to be a close fit. Let me begin with the practical implications of choosing CGT as the methodology and highlight certain relevant features of CR which were specifically crucial for the study.

One of the key tenets of CR is the rejection of the 'epistemic fallacy' which conflates ontology (i.e., theories of what is real or the nature of reality) with epistemology (theories of knowledge about reality); knowledge is positioned as a portion of any existing reality (Craig and Bigby, 2015; Fletcher, 2017). CR thus bridges the divide between the search for evidence of a reality which is external to human consciousness with the radical constructivist's version of reality which insists that all meaning to be made of reality is socially constructed (Oliver, 2012). It argues that "reality exists, but is not limited to human interpretation or construction"; one can only partially know or understand any particular phenomena and this knowing is socially, culturally, and historically bound (Redman-MacLaren and Mills, 2015, p.3). In studying poverty, disability, and violence too, experiences of individuals cannot be reduced to just a part of one's narrative or a function of one's beliefs about them, but as present whether or not one chooses to acknowledge them (Oliver, 2012).

The specific tenet of CR which recognises the existence of a reality (of MV in this study) independently of one's knowledge about it, is particularly relevant to this study specifically in developing the Typology analysis and the CCJS analysis. Interviews with the women

respondents demonstrated that irrespective of one's material realities (such as financial status, education level), knowledge or awareness about one's situation (that she was in a violent relationship) was not fixed but changed over time; the level or degree of awareness was not a uniform process for each respondent and also varied across respondents (see Chapter 7 for details). Though it can be correctly assumed that all the women respondents who agreed to be interviewed had some level of knowledge or awareness of their situation and hence consented to be interviewed, there were certain segments in individual interviews which also need to be acknowledged or named as violence whether or not the respondent named or recognised them as such. For example, at times respondents justified certain behaviours/ specific acts of the perpetrator(s) as 'anger' which was socially sanctioned as a normalised male emotion while dealing with one's spouse, and at other times as an effect of some form of addiction such as alcoholism. At the national level too, justification or acceptance of violence within marriage is widespread across India as underlined by the latest NFHS cited in Chapter 1. As we will see in Chapter 5, unfortunately this normalisation is also often shared by various officials within the CCJS. Additionally, even though Indian constitutional law does not recognise marital rape as a crime (unless the wife is less than 18 years of age or judicially separated), it exists none-the-less as also highlighted in this study in the testimonies of *Urmila* and *Rekha*. Furthermore, the term 'coercive control' (Stark, 2007, 2009, 2012, 2013) which is another concept that is widely used to describe experiences of IPV in the Global North context and legally recognised in most developed countries, is still not legally recognised in most developing countries including India; in fact there is no equivalent word for it in the Assamese language³¹ and hence, though women were at times describing various aspects of coercive controlling behaviour they had encountered, they did not have an equivalent word to 'define' or construct their experience.

Hence, lack of acknowledgement or legal non-recognition of any aspect of MV does not render it as 'marital non-violence'; it will continue to exist irrespective of its acknowledgement. Supporting this argument, this study takes a moderate constructivist stand due to the priority given to the lived realities, observations, and meanings that women made of their experiences, while simultaneously recognising that, as the data

³¹ The most common language spoken in Assam – most interviews were conducted in this language.

demonstrated, not all MV is constructed as such by individuals who face MV or even recognised by individual members of the CCJS who are responsible for safe-guarding and protecting women from it. Consequently, irrespective of the knowledge that the respondents had about their experiences I have (only when required and with sensitivity) taken the liberty to give form or language to their experiences and in doing so have attempted to refrain from committing an 'epistemic fallacy'.

Secondly, one of the basic premises that I had initially set out with was that MV cannot be explained as the sum total of individual acts of violence perpetrated through a specific number of individuals. In lay terms, I was interested in looking beyond individual episodes or acts of violence and delve into the 'continuum' and 'everydayness', to move beyond an act-based approach, for further understanding how MV manifests in the manner it does the circumstances surrounding it. With this premise and without ruling out individual accountability, I refrained from taking a methodologically individualistic stand i.e., "the view that social phenomenon are to be explained in terms of individuals and their actions" (Danermark, 2002). The concept of emergence within CR has been useful in this context. Emergence emphasises that an entity or 'a whole' can have properties (or powers) or capabilities that are not possessed by or irreducible to its parts (Sayer, 2000). By prioritizing the experiences of violence (from the first group of respondents - women who have faced MV) and linking these experiences to the practices within the criminal-civil justice system, while bringing in the context of social, economic and political changes that are occurring concurrently (and hence the second group of respondents - members of civil society), an explanation of MV has been provided without reducing it to sum total of specific acts or attributable to individual factors which have been 'unravelled' in this study, as the only ones that exist.

This above premise was additionally reaffirmed during the field scoping phase when I was unsure about 'what' to define as MV and had attempted to test the Indian Family Violence and Control Scale (IFVCS) – a 63-item questionnaire developed by Kalokhe et.al (2016) attuned to the Indian context to define of physical, sexual, economic, and psychological/verbal violence experienced by married woman, perpetrated by the spouse and marital family. Though close ended scales such as the IFVCS have their own advantages, especially in surveys and quantitative studies, I had to eventually drop it due to its inadequacy for

registering the range, severity and more importantly the ‘everydayness’ or continuum of violence that respondents shared as a part of their experience (see Chapter 4: Typology for details). Free flowing narrative aided by minimal prompts was observed to produce much richer data as compared to the restrictive options that are available through the IFVCS scale. Though the scale permits one to highlight if any specific incident/ form of violence under each category cited has occurred or not and has the possibility to serve an important purpose in surveys and large quantitative studies with time and space constraints, it is grossly insufficient to register the complexity of the MV and its entrenchment in ‘every-day’ life. Thus, the attempt to define MV in the form of individual acts was dropped from the study at the very beginning.

Lastly, another feature of CR methodology and other feminist methodologies is that there are many ways of knowing (Oliver, 2012). This is relevant because the research makes use of various data sources- data collected for this study including interviews, photographs, relevant survey or quantitative data, literature across disciplines which has been region specific or produced locally, relevant theories and conceptual frameworks, to provide an explanation for the topic of MV. In doing so, the knowledge that has been generated is able to contribute towards the decolonisation of literature on MV and could also be relevant to the study of MV faced by women in other similar South Asian communities as well.

3.4 On coding and analysis

Though the format and type of coding is one of the distinguishing characteristics for various versions of GT, the proponents of CGT (Oliver, 2012; Kempster and Perry, 2011) have not prescribed a specific coding pattern. Since the data that was collected across the two categories of respondents in this study was meant to address different research questions, the type of coding, analysis and interpretations of the data collected were also distinct and do not ‘fit’ into a uniform coding pattern across all chapters. On one hand, data from the first group of respondents centred around the experiences of violence, the emotions they felt and the manner and nature of decisions taken in dealing with MV, and on the other hand, data from the civil society members were either process-specific (obtained from respondents from the police, NGOs, or judiciary etc.) and/or a

commentary (from writers/ activists/ academics etc.) on ‘what is going on’ politically-socially-economically and its impacts broadly on society and on marital relationships specifically. Depending upon the focus of each chapter, the coding pattern had some variance. For example, for Chapter 4 – the Typology chapter, and for Chapter 7 – the Agency chapter, the coding pattern that was followed was non-linear. It began with initial coding, moved onto focussed coding while constant comparisons allowed me to simultaneously identify specific areas or individuals to be interviewed in order to fill data gaps or address emerging themes. The focussed codes were then placed under specific core theoretical categories and at the final stage, connections between the core categories were made (see Figure 12 in page 130 and Figure 29 in page 228). The coding for the analysis of Chapter 5 – re-victimisation through and within the civil-criminal justice (CCJS) system and Chapter 6 – the structural context, was comparatively less complicated. For example, while highlighting the discrepancies within the CCJS, the analysis is directly related to what the women reported (e.g., police corruption, non-reporting of cases, lack of liaison among different agencies and so forth). This analysis did not require a round of focussed coding as various discrepancies that were reported within the system were framed around the ‘re-victimisation process’ through material (for example, lack of budget, staff shortages) and cultural factors (for example, through norm circles). So, while this study is broadly informed by the analytical framework of GT, the coding patterns that were followed were led by specific research questions that I was seeking to address and did not uniformly follow the same pattern across the dataset. Atlas ti – version 19, a software primarily used to organise various kinds of qualitative data was extensively used to organise the data and memo writing was frequent across the study. Names of all respondents who were interviewed in the first category have been anonymised and pseudonyms applied. Names and designations of the second category of respondents have been disclosed or anonymised as per their discretion.

3.5 Methods, sampling, and respondent categories

While method is *how* one goes about doing something, methodology is about *why* one goes about doing it in a particular way (Saldana, 2015). Methodologies are often (not exclusively) associated with specific philosophical traditions while methods are not restricted to a specific philosophical or methodological perspective (Schwandt 2007, cited

in Bazeley, 2013); methods outline ‘practical procedures used to generate and analyse data’ (Birk and Mills, 2015, p.4). Methods in social research thus, are closely linked with distinct visions of how social reality should be studied; methods are not simply neutral tools but linked with ways in which connections between different viewpoints about the nature of social reality are made and how it is examined (Bryman, 2012). The choice of methods can only be judged in relation to the research topic; methods by themselves have no intrinsic value (Silverman, 2007). Methods need to be appropriate to specific objects of study and hence, different kinds of objects of study might require distinct methods.

In this study, semi-structured interviews were the primary method of data collection. Though the technique of interview has been critiqued for being a ‘romantic impulse in contemporary social science’ that elevates the ‘experiential as the authentic’ (Atkinson and Silverman, 1997), it still remains one of the most widely used methods in qualitative research. Interviewing is applied to acquire first-person accounts that have the potential to generate credible representations of social meanings to illuminate the phenomenon that are under investigation (Saldana, 2015). By avoiding an artificial one-way mode of communication within a previously set conceptual grid, a less rigid and interactive interview structure facilitates increased chances of learning about the different significances that circumstances hold for respondents (Sayer, 2010c). Semi-structured interviews were ideal for this study as they hold the capacity to yield a variety of information by facilitating an in-depth exploration of people’s experiences, motivations and reasoning, opinions and preferences, and circumstances while leaving ground for prompts, probes, and follow-up questions to clarify or expand on answers (Drever, 2003). They also aid responses that are theory-laden and grounded in the experience of the respondent at the same time (Galetta, 2013). The key to effective interviewing lies in the researcher’s attention to the respondent’s narrative as it is unfolding and well-informed judgments on his/her part as to when and when not to interrupt, as the respondent is addressing a question (*Ibid*).

As mentioned earlier, there are two categories of respondents in this study – the first includes women who have experienced MV (refer to 1.1 in Appendix 1 for individual profiles) and the second includes key informants from the civil society (refer to 1.2 in Appendix 1 for individual profiles). A purposive sampling technique was applied to select

both categories of respondents. This is a non-probability sampling technique in which the respondent is intentionally or deliberately chosen due to the experiences/ qualities that the respondent possesses (Etikan et.al, 2016). Though semi-structured interview schedules were initially drafted to interview both groups, I did make a few improvisations as the fieldwork progressed. For example, one methodological trick that I learnt from my supervisors early on and made a considerable difference to the quality and depth of data in hindsight, especially while interviewing the first category of respondents was to encourage them to narrate their 'story' in the manner, order and terminology that they deemed fit, with minimum prompts while using the interview schedule as only a sensitising device to guide the interview. Sensitizing concepts merely suggest directions along which one can look (Blumer 1954, p.7, cited in Bower, 2006, p.13-14). The semi-structured interview schedules for both categories of respondents, framed at the start of the study were influenced by my starting point (as an outcome of the initial literature that I had read and from my own experience/observations as an 'insider') and using them merely as a sensitising device helped to avoid researcher bias or influence that could have negatively affected the narratives of the respondents, and allowed me to make improvisations along the way.

Respondents of the first category were informed about the context of the research and were encouraged to share their experiences of MV with the commitment that they would contribute to the understanding of MV in the context of Assam (and broadly) considering it is still a 'closed door topic' but requires attention, while ensuring that their identities will remain anonymous. Prior to the start of the interview, they were handed a hard copy of the Participant Information Sheet (refer to 2.1 in Appendix 2); the PIS which was also translated into Assamese, was read by all respondents with the exception of one respondent who was not literate and to whom the content of the PIS were verbally explained in detail. Informed consent (refer to 2.3 in Appendix 2) was then obtained from all respondents; written consent was obtained for all respondents except for one respondent who gave verbal consent. Additional verbal consent was obtained from the four respondents who were photographed. Keeping in mind the broader research questions, respondents were prompted to begin their story with their childhood (later on in the analysis stage, this part helped in the analysis of the life-chances they had prior to

marriage), after marriage when the violence began (this section later fed into development of the typology of MV and also the agential responses), and when they decided to approach the civil-criminal system and their experiences within it. Moreover, though I had initially thought that each interview would last for 1-1.5 hours, adopting a ‘free-flowing’ format for interviewing meant that the time taken to interview each respondent also varied; while in some cases they ended in 1 hour, some interviews lasted for 3-4 hours. Several respondents disclosed that it was the first time that they had spoken about their experience in detail. It was additionally challenging to probe on sexual violence due to a higher degree of shame and stigma that is commonly associated with it. Hence, unless women volunteered to share about their experience of sexual violence, the topic was not broached. I had initially planned to conduct 25-30 interviews in this group but had reached data/theory saturation after 22 interviews. Taking due consideration of the convenience and safety of the respondents, respondents were asked to choose the setting they preferred. Some interviews took place in their private residences, a few were interviewed in shelter homes and the rest in cafés or restaurants.

The second category of respondents were key informants from the civil society spread across academia, the local and legal administration (police officials and other government administrators) and NGOs. Respondents of the second category too were briefly explained the context of the research and provided with hard copy of a PIS (refer to 2.2 in Appendix 2) prior to the start of the interview. After aspects of confidentiality, protection of data and the right to withdraw were explained, informed consent was obtained; written consent (refer to 2.4 in Appendix 2) was obtained from all respondents in this category. Although I had initially thought of restricting the sample size in this category to 12-15 respondents, as the initial data collection and analysis progressed, additional members were interviewed depending on where the data ‘led’, informed by the questions that arose. For example, several women respondents spoke about approaching Police Precinct B and the corrupt practices that they had encountered in it. It was mid-way through the data collection that I decided to interview officials from that specific precinct in order to record their responses to the alleged accusations. Though the specific official from this precinct whom I was hoping to interview was quite hostile and refused to partake in the interview, it was while waiting for this official that I managed to befriend a junior official

who was quite eager to talk. This interview was eventually quite crucial in highlighting specific reasons that underpin the re-victimisation of women within the civil-criminal justice system. The total number of respondents that were eventually interviewed in this category is 23. Two respondents were part of both samples. I have masked their identities in the first category; in the second category their identities are revealed/ anonymised as per individual discretion. Though I had a discussion guide for members of civil society, I had prepared respondent specific questions prior to the interview and often also asked impromptu questions, depending upon the direction of the interview.

All interviews were conducted by me. Most interviews were conducted in Assamese – which is my mother tongue, and others were conducted in either English or Hindi, depending upon the convenience of respondents. A student of gender studies from a leading university in Assam, worked as a translator/ transcriber for the study. She was an extremely passionate and dedicated support who understood the nuances of the topic and dealt with the interviews with great sensitivity.

3.6 Access to respondents

One of the main factors that aided in gaining access to both categories of respondents was the fact that I am an insider or a local from Assam. Researching on a topic that I wanted to explore locally gave me access to members of the civil society and entry into organizations and spaces that would have otherwise been challenging, especially taking into consideration the hierarchies and red-tape that plagues Indian bureaucracy and official establishments. There was almost a uniform agreement that the topic is crucial and relevant and one that is seldom discussed or acknowledged in open forums.

Women who have experienced MV were identified and recruited through four sources. Firstly, through the Assam state commission for women (ASCW) which is an apex state level organisation established to protect, promote and safeguard the rights of women in the state of Assam. The ASCW holds bimonthly hearings for women in distress (this includes women affected by MV along with other grievances) in front of a legal advisory committee (LAC). As an intern, I was granted permission to attend these hearings and subsequently identify and establish contact with women who approached the commission

for MV related grievances. Moreover, ASCW had also permitted me to access the past records of women who have approached the commission dated 2017 onwards. These records were divided into three categories according to their respective status: i) resolved through marriage counselling; ii) resolved by advising the woman complainant to approach legal authorities for filing of divorce/ separation; iii) case closed after the complainant has withdrawn the case against the alleged perpetrator. In order to ensure the safety of the possible respondents, I had approached women from the second category, since the chances of the (ex) perpetrator currently residing with the woman and the risk involved was anticipated to be less for this group. I contacted women through their contact details in their records and interviewed four who volunteered. The second source for access to potential respondents was through the One Stop Centre (OSC) in Kamrup (Metropolitan) district and the 181 helpline. Post the 2012 Nirbhaya gang rape case in India, a dedicated fund called the 'Nirbhaya Fund' was set up in 2013 with the focus on implementing initiatives aimed for improving the security and safety of women in India (Alluri and Nazmi, 2021). The Integrated SAKHI³² – One Stop Centre (OSC), and 181 helpline funded under it, is designed to provide integrated support and aid to women affected by violence in both private and public spaces. OSCs are envisaged to be established in each district in every state; right now, Assam has five one stop centres³³, one of which is located in Kamrup (Metropolitan) district. Apart from representing a woman by acting as a liaison body between the police and the judiciary, the OSC also provides temporary shelter in times of crisis. Senior officials of SAKHI and the 181 helpline shortlisted and passed on the contact details of women who could be potentially contacted. Six respondents were interviewed through the OSC and two through the 181 helpline. Five respondents were also interviewed through personal contacts. Contacts of five respondents were passed on by members of the second category of respondents. Overall, though all respondents are from different districts of Assam with distinct rural-urban affiliation, they were either permanently residing or temporarily visiting Kamrup (metropolitan) district when the interviews were conducted.

³² SAKHI is not an acronym. It translates to companion or friend in Hindi and Assamese.

³³ As per latest data, 33 OSCs i.e., one in each district has been approved.

Members across the civil society were identified through several sources including relevant research articles, newspaper articles written by them or containing their quotations, and also by visiting the offices of relevant organizations. Several were identified during fieldwork when certain organisations and police precincts appeared on numerous occasions. Moreover, having worked in Assam for a couple of previous work assignments, I also had previous personal contact with individuals in this category.

3.7 On visuals

The potential of photographs to pose questions in research is seldom realized along with the skills required to photograph (Tinkler, 2013). Use of visuals in social science has a long history, with recent years witnessing the proliferation of visual methodologies. Though there exist no clearly established methodological frameworks for applying photographs in social science research, there have been considerable debates on the significance of the image and its audience (Rose, 2016). Visual imagery is never innocent as it is always constructed through distinct practices, technologies, and knowledges and hence it is crucial to acknowledge the agency of the image, the social practices and effects of its circulation and viewing, and to reflect on the particularity of the viewing across audiences including academic critics (Ibid). Photographs often 'lay down routes of reference' and serve as symbols of causes; they "help construct – and revise – our sense of a more distant past" (Sontag 2003; p.76). At times, visual references made by respondents during the course of the interview (for example, food splatter marks, furniture broken by the perpetrator) reflected important details of their individual lives and enriched their narrative. Additionally, it is often argued that urban environments are experienced distinctly by different people; spaces in towns and cities are experienced and used differently by individuals according to their agency, power and access to resources; factors of deprivation, marginalization and privilege greatly affect the manner in which urban spaces are used by discrete social groups (Rose, 2016). Images have the potential to explore specific aspects of the visible in urban environments; they are especially seen as valuable in urban research as they have the potential to suggest apart from the 'layout, colour, texture, form, volume, size and pattern of the built environment', the sensory richness and human inhabitation of urban environments (Ibid, p.308).

Since the topic of my research is of public interest concern, I wanted to apply visual methodology (audio-visual material, photographs and sketches) extensively in this thesis as I believe that dialogue and visibility of a closed-door topic like MV is fundamental, for mitigation measures to be devised. From my past experience as a documentary photographer, I have observed that visuals have the potential to pull people from distinct backgrounds together and facilitate the scope of dialogue across different stakeholders. However, though several respondents of the study had expressed their willingness to partake in a photo-video documentary, I could not develop the visual data adequately due to restrictions on mobility owing to the pandemic. The limited number of photographs that I managed to shoot have been used as an illustrative tool throughout the thesis with the purpose of giving a sense of the place/region the study is based in. The portraits of *Jyoti, Grishma, Saira* and *Sumona* are intended to add another layer of documentation to their narratives and identities.

3.8 Ethical concerns on data collection and data storage

Ethical issues are important in all research involving people and/or their data but are paramount when dealing with individuals who are not in a position to control the outcome of their stories; it requires the researcher to be particularly sensitive to questions of power, confidentiality, and accountability (Eastmond, 2007). For the respondents who have experienced MV, extreme care was taken to interview them in an environment that they felt secure in – these were in private spaces (respondent's own residence) or public spaces (cafés or offices of the Assam state commission for women or the OSC). In both scenarios, potential breaches of confidentiality, whether due to the possibility of other members of the family including children being present if the interview is conducted at the survivor's residence, or due to the possibility of respondents being seen talking to the researcher in public) were discussed with the respondents and henceforth, the best suitable decision was taken with respect to the location that they would prefer for the interview to be conducted. Members of the civil society were interviewed in locations convenient for them. In both categories of respondents, whenever the respondent had wished to stop the interview for any reason, the interview was paused and resumed only after positive confirmation from the respondent.

All interviews were recorded on an audio recording device and all audio files were stored in the university server - OneDrive and my personal laptop, under password protected encryption with research only access. Following the file transfer, original sound recordings were deleted from the recording device. Signed consent forms were scanned for storage on the One Drive and in an encrypted folder in my laptop. All paper copies were securely destroyed. Access to data was restricted to my supervisors and the transcriber/translator, and I was the primary guardian of the data. The transcriber/translator was bound by a confidentiality agreement to a) preserve the anonymity of the data shared and b) to permanently delete the sound recordings once translation/transcribing was over. Once anonymised transcripts were produced, the original recordings were deleted from the server. As a part of the formal ethics process, this study has been approved by the Lancaster University Faculty of Arts and Social Sciences and Management School Research Ethics Committee (FASS-LUMS REC) and amendments approved to allow for use of photography.

3.9 Personal position, power, and biases

In the context of social research, Ramazanoglu and Holland (2002) assert that researchers often make decisions on how to produce and justify knowledge – whether intentionally or unintentionally, and the decisions matter; the “decisions about methodology are particularly powerful in the politics and practices of knowledge production” (p.2). Questions of who produces knowledge, the underlying politics and from which locations (Mohanty 1998, 1991, cited in Mauthner and Doucet, 2008), have become increasingly crucial and important in feminist, post-modern and postcolonial research. The interest in the topic of MV is rooted in my identity as a student researcher from a periphery that embodies a triple folded invisibility: a) academic literature from India on the topic of MV being scant; b) Assam along with the rest of the Northeast being inconspicuous in the broader Indian narrative; and c) being a woman from Assam. This identity also steered the position that I speak from - ‘what’ I choose to speak about and ‘how’ I choose to speak about it, and the knowledge that I would like to be associated with. However, as a researcher belonging to the same region that the study is based in, I was constantly aware that every aspect of the research process ran the risk of being influenced by my presumptions. I was highly conscious of this risk and was reflexive about my process and

careful to keep an open mind during the entire period. This also led to certain unlearnings as I had to revisit my own ways of thinking. This unlearning was the most significant while analysing the Typology chapter as I tried to initially categorise the violence into neat compartments but struggled. It is only when I acknowledged the overlaps between the categories, delved deeper into the context of continuum, and 'stepped back' from the data to assess the larger picture that I was able to weave together a better narrative for the nature and type of violence that women recounted in the interviews. Similar struggles were also felt when writing the Agency chapter. Further, though various versions of GT have specific stands on the influence or allowance of the researcher's prior knowledge, it has been taken as given in this study too that it is impossible to completely erase the influence of prior knowledge. I could sense that at times during the fieldwork and even during analysis, the emotions that I felt, or my beliefs would have influenced the way I collected or interpreted the data. However, having acknowledged this, utmost care has been taken to not allow prior observations or theoretical influences to unilaterally pre-determine the direction of the study. Additionally, supervision by academics who were not from Assam or from the same background as mine also aided in placing of additional checks as I had to flesh out contexts which would have otherwise been taken as given.

Many feminist researchers have demonstrated that structural characteristics other than gender, such as class, ethnicity, age, sexuality, and global location can matter, and the manner in which power imbalances operate in the interview process are not straightforward (Mauthner and Doucet, 2008). Reynolds (2002) asserts that power in social research is not a fixed and a unitary construct in which the researcher holds power over the respondent; power is multifaceted, relational, and interactional while shifting and re-negotiating between the researcher and respondent in differing contexts and structural locations. I was also constantly aware of the multifaceted power dynamics within the study. One of the aspects that I was conscious of was my dress-code and the tone/ structure of language that I used while conversing. In spite of my personal identity, my mannerisms and the way I look do not often fit the 'norm' or the usual; it is also common practice to punctuate my sentences with English words in my day-to-day conversations. I had to step out of my 'comfort zone', both in my outward appearance and in the 'language' I used with both groups, so that people were not sceptical about me and

trusted my intentions. I was additionally careful about not projecting my views or directing conversations in any specific direction that deemed suitable to me. In the civil society group specifically, bias was avoided by interviewing people based on their area of engagement and not on the basis of the political correctness of their views identified from previously published articles/interviews. A conscious effort was made to include contradictory or opposing views and efforts made to probe on the justification for such views.

3.10 Limitations

Though I have attempted to cover all relevant aspects that the study has set out to engage with and address those which emerged with time, there were certain areas which were identified as critical, but which could not be explored more deeply. One particular area is related to the role and impact of MV upon children and the vulnerabilities associated when they have been 'used' as a medium to exert pressure and further control the women. To illustrate this point, I would like to briefly mention a specific incident when I was interviewing *Bidisha* (a 24-year-old, Hindu married woman from a lower income natal family, from Kamrup (rural) district who is now settled in Guwahati with her marital family). This particular incident has also been quite unsettling, as I struggled to confine myself within my role as a researcher-observer and specifically due my limited ability to take any positive action.

I interviewed *Bidisha* in a shelter home. She had arrived the day before the interview was conducted, along with her four-year-old daughter *Ria*. It was at the end of the interview that she was informed that her husband and in-laws were coming over to visit her. I was yet to finish another interview and was asked by Monumoti Barman - the warden of the shelter home, to stay. *Bidisha*'s parents-in-laws arrived along with her husband, his younger brother and another male cousin. Allegations of adultery were soon made against her and soon after she was cornered by the entire family. They refuted any wrongdoing from their side. The situation also made me extremely angry, since I had by then heard *Bidisha*'s side of the story and was aware of the kind of violence that she had encountered in her marital household. I wanted to speak up but was aware of my role as a researcher-observer and the dangers of overstepping from that role. The shelter home had a

counsellor who was present that day and after a while *Bidisha* and her husband were summoned to the next room to speak with her. A narrow wall with a wide window with an iron grill separated both rooms. I sat outside awkwardly with the rest of the family members while little *Ria* played around her grandparents. After some time, I was called inside to where the counselling session was taking place. As I sat there listening to the couple, I could see *Ria* with the grandfather outside of the window, and I froze. For a fraction of a second, I saw the grandfather brushing his hand against *Ria*'s genital area and her inner thighs. I could not make any sense of what transpired between *Bidisha* and her husband in that room, thereafter.

After the counselling session it was decided that *Bidisha* would stay back at the shelter home. As *Bidisha*'s in-laws were leaving, little *Ria* howled. She was not yet ready to part from her favourite family member – her grandfather. I sat there alone for some time doubting my own thoughts but decided to share my fears with Monumoti when I left the shelter home in the evening. She was equally alarmed and told me that she would try and speak to *Bidisha* about it. I got a call from her two days after confirming my worst fears. *Bidisha* had caught her father-in-law several times touching *Ria* in inappropriate places – the child even prefers to sleep with him at night. He had also inappropriately touched *Bidisha* on multiple occasions.

Though concern for *Ria* and her future was one of the key reasons cited by *Bidisha* in justification for leaving the marital household, she did not mention any details of the sexual abuse that she and *Ria* were facing from her father-in-law during the interview. While I am aware that the issue of abuse and most specifically the sexual abuse of children in the context of MV is a highly sensitive topic that mandates additional care and requisite training, it is an area that requires urgent attention.

The second methodological limitation is related to the various intersectional axes (such as age, class, gender, caste, ethnicity, religion, rural-urban divide, specific migratory identities, and community, among others) that are specifically relevant to women who have faced MV. Due to the small size of the sample covered in the study refer to (1.1 in Appendix 1), apart from class and gender, complex positions occupied by respondents owing to other distinct intersectional positions could not be examined in further detail.

This limitation was further accentuated by the reliance on formal help-seeking forums such as the ASCW, OSC and the 181 helpline centre for the contacts of majority of the interviewees. Since the first criteria was to select women who were willing to take part in the study (which itself proved to be a challenging and time taking process), it left me with limited scope to focus on all intersectional positions. This factor also leads to the third limitation of the study. Given that I could de facto only interview women who had approached some form of formal support (this applies for my personal contacts as well), this study does not represent the experiences of those women who are facing MV but have not yet sought any formal help. The fourth limitation is related to the inability to interview certain key informants in the second category of respondents owing to government-imposed restrictions during the pandemic. For example, in spite of several women mentioning visits to hospitals for treatment at various stages of violence, I could not interview anyone from the hospital administration due to the potential danger of infection and unavailability of hospital staff during this period. Lastly, I had initially planned on interviewing young adults (from different schools) in order to look into evolving masculinities and femininities and also because the education system was identified by several respondents as one medium through which long-term attitudinal and cultural change can stem. However, owing to the pandemic related restrictions, I had to drop this respondent group eventually.

Chapter 4: Typology of marital violence and its impact

This chapter lays out *what* has been faced by respondents within marriages and attempts to explain *how* it occurs – in the manner and extent it does. It is relevant to recall the latest NFHS data related to attitudes towards wife beating. These highlighted that at the national level, 52% of women and 42% of men believed that it is justifiable for a husband to hit his wife for at least 1 of the 7 reasons specified. The corresponding data for Assam is 39.6% among women and 36.8% among men, which is lower than the national figures but none the less crucial to note. The NFHS data establishes that to a large extent, violence within marriages is justified and accepted as an integral part of married life in India and therefore bears the possibility of not being constructed, named, or recognised as such. This justification seems to occur irrespective of what is legally defined as domestic violence³⁴.

Citing Spender (1980) and Du Bois (1983), Kelly (1988) argues that defining something requires words to exist and hence, experiences which are not named run the risk of being rendered invisible. Though naming may seem to be self-evident, neglect of this factor has significant implications for research design, analysis, and conclusions especially in the domain of violence against women (*Ibid*). Hence, she asserts that naming is the first step in defining experiences of (sexual) violence. Since *what* is defined as MV has important implications and because labelling and subsequent categorisation itself is not as straightforward as it appears to be (Muehlenhard and Kimes, 1999), it is pivotal to begin this chapter with what has been considered as MV in this study. The struggle faced in naming or labelling the distinct experiences of respondents will be specifically elaborated. Secondly, four case studies will be used to demonstrate the type of violence that has been documented and the choices that respondents had or made when they faced violence within marriages. The context of ‘continuum of (gendered) control’ will be described, followed by an examination of the role played of micro-regulation and dowry related harassment. Thirdly, the link between MV and the denial of specific capabilities will be assessed. Fourthly, the manner in which gendered domestic labour acts as a site of violence will be considered. Finally, the concepts of adaptive preferences, benevolent

³⁴ Legal terminology in India uses the term domestic violence and not marital violence. The latter is a part of the former as per the latest legislation.

subordination and symbolic violence will be applied to offer a plausible explanation to the manner and extent that MV has been observed to occur in the current context. This will be followed by a discussion in which it will be argued that the aspect of 'justification' and range of violence that is concealed within it, is perhaps one of the primary factors that sets the typology of MV in the current context (including similar South Asian cultures) apart from Global North typologies of IPV. More broadly, this study brings into question common existing definitions of violence in the community.

4.1 What is named or recognised by respondents as marital violence in this study

The words primarily used by respondents to describe their experiences were '*otyasaar*'(torture), 'torture', '*xasti*' (punishment), *maar – dhor* (physical battering), '*kajiya*' (fight), and '*manoxik oxanti*' (mental disturbance/ harassment). Though the term '*ghoruwa- hinxa*'/ 'domestic violence' is the formal and legal term, it was not used by the women colloquially.

"The linguistic labelling of social phenomena is never straightforward" (Gill and Anitha, 2011, p.2). The definition of MV or *what* will be defined or recognized as MV in this study has not been a straight-forward process. The purpose was to develop a 'respondent informed typology' that was an adequate reflection of what respondents encountered within marital relationships. As highlighted in Chapter 3, with minimum verbal prompts, respondents were encouraged to give a personal account of their lives beginning with their childhood, in which they narrated experiences and incidents that they prioritised and considered to be significant to the context, within the (limited) time duration they chose to speak for (ranged between 1 to 4 hours). By refraining from imposing pre-defined violence categorisations to choose from, and placing the choice upon the respondent, this method of enquiry empowers the respondent to participate in knowledge creation since they decide what they share (depending upon the relevance) and why they share (depending upon the impact). The current typology is thus contextualised within the distinct material-cultural constraints- enablers of each respondent, and in tune with what the respondents have shared through narration of notable experiences and incidents, and also when they specifically felt wronged, angry, discriminated against, dominated, rights violated, treated unjustly or rendered powerless. The majority of the respondents also

said that it was the first time that they had been able to fully express their thoughts and evaluations of their experiences, as they spoke about circumstances surrounding the choices that they had to make whilst navigating a myriad of often conflicting emotions such as anger, humiliation, fear, sadness, helplessness, duty, shame, love, anguish and more (see Chapter 7 for details). It was also observed that the naming or recognition of violence was often not a discrete act which occurred concurrently with the occurrence of violence; the awareness, the recognition and/or resistance often occurred later, though this varied across respondents. Moreover, in cases when violence was borne for considerably longer durations (for example, for 5+ years), what was shared was contingent upon the respondent's ability to recall, which was further conditioned by the relevance and impact that any specific event/ act/ behaviour had on her life.

As *Neeta* – who has spent 5 years with her husband, commented at the end of the two-hour interview, “*There are a lot of things to tell. This is just a summary of what had happened to me.*” *Grishma*, who had faced severe violence for 16 years, which often resulted in broken bones among other life-threatening injuries, also claimed to have forgotten important details or triggers: “*K: Did anything specific happen that day? G: Nothing in particular but the abuse was every day. I must have also forgotten if something had happened that day... Oh! I forgot to tell you another incident- see, I keep forgetting.*”

To summarise, what was shared by the respondent was dependent upon her ability to recall, the relevance or impact it had on her life, and what she (retrospectively) recognised as violence or as injustice. Additionally, it was during analysis that it was ascertained that there is a gap between ‘what was initially constructed and retrospectively recognised as violence’ and ‘what is violence’ (broadly, referring to all forms that are recognised in existing literature). Hence, I felt a need to also label those experiences which were occurring but not named as such. Thus, while I have prioritised the lived realities of the respondents on the premise that all respondents had some (yet varying) levels of awareness about their situations, since all have sought some form of formal help³⁵, it is on three distinct counts that I have added insights in developing the current typology. Firstly, when respondents did not have the words or the language (for example,

³⁵ Since contacts of most respondents were primarily provided from the databases of formal institutions.

colloquially there is no equivalent term in Assamese/Hindi for coercive control) to describe their experiences but were facing it nonetheless as they explained its facets and impact; secondly, when respondents faced distinct forms of violence which are not currently covered by the Indian legal framework, such as marital rape; thirdly, as premised by the NFHS data listed above, when respondents had justified or attributed certain acts/ behaviours of their perpetrator(s) to a socially sanctioned ‘anger. It is crucial to acknowledge this third strand as it aids in fleshing out forms and aspects which are often hidden owing to the ‘justification’ they are given.

In order to demonstrate in depth, the type of violence that occurs and the choices that respondents had or made when they faced violence within marriages, the case studies of *Jyoti*, *Urmila*, *Deeksha* and *Sewali* will be illustrated.

4.2 Case studies – *Jyoti*, *Urmila*, *Deeksha* and *Sewali*

Jyoti is 49 years old from the rural Goalpara district (approx. 130 kms³⁶ from Kamrup – metro district) and belongs to a relatively well-off agricultural land-holding family. Her natal family comprised her parents, 2 younger sisters and an elder brother. She was married at the age of 16³⁷ to a man who was 26 years older than her. He had a stable government job, which was construed as a secure financial future for her, by her parents. She was yet to appear for her high school final exams when the marriage was arranged by her parents, who told her that they had the responsibility of marrying off her two younger sisters when she expressed reservations about marrying a much older man. She moved to the city of Guwahati after marriage and gave birth to her first son at the age of 18 and the second son at the age of 20. The primary grievance that *Jyoti* has against her husband is about the strict, austere, and punishing lifestyle that she has been forced to lead for the past 30 years of her married life. Provided with no monetary allowance to run the household or for her personal expenses, she was never allowed to take up any form of paid employment and her physical mobility too was severely curtailed. Despite the constraints placed by her husband in these capacities, over the years she has managed to

³⁶ This distance is important as it demonstrates the distance from the natal family or the first informal support system when a woman faces violence.

³⁷ The legal age for marriage in India for women is 18. In 2021, a new bill has been proposed to increase the age to 21.

use her business acumen to eke out an income. It began with a small loan of 10,000 INR (c. £100 approximately) from the neighbourhood micro-finance organisation for underprivileged women (*Mohila gut*). She used this money to construct 5 low cost (thatched) basic rooms within the compound of her home which she rented out and hence managed to repay the loan from the rent money and save a part for herself. This source of income continued for years. The loan amounts increased, and she could eventually construct concrete rooms to rent out and thus increased the rent money and her savings as well - all within the confines of her home. Her husband did not object, but things within the home were far from being harmonious; his involvement with other women was known to family and neighbours and additionally, over the years her husband has conned numerous people under the guise of investing their money and had amassed huge debts. The daily fights at home were rooted on these two factors. He would often use her earned income to pay off his own debts. Though her husband has refrained from giving any economic support to *Jyoti*, the treatment meted out to the sons has been the opposite. He lavished gifts on them, so over the years the sons sided with the father. *Jyoti* is still in the dark about where her husband misuses the borrowed money. Things worsened when in 2011 a lender lodged a police complaint against her husband after which he coerced her to demand her share of property/money from her natal family so that he could pay off the debt. When she told her natal family about her ordeal, she was asked to stay on and be patient. She was not extended any support. The daily fights at home were taking a toll on her and after two instances when her sons physically assaulted her for questioning their father, *Jyoti*'s tolerance reached the tipping point, and she called up the 181 helpline and registered a complaint. The situation worsened for her after the registration of the case; the rent money which was the only source of income for her was cut off. Renters are now under strict instructions to pay only the sons or husband. CCTV cameras were installed in her room and in the kitchen to monitor her movements. Left with limited means to fend for herself, she is now struggling even to put two square meals together. Her husband and sons now cook and eat together and have cut down her food ration. Her appeal in court for a 'residence order' has now been granted. Her father passed away last year, and the property was transferred to her older brother. She is now living with her husband and sons who still pressurise her to leave the home.



Figure 9: *Jyoti*

Urmila is 38 years old is from a village located in the district of Lakhimpur (395 kms from Kamrup - metro). Born into a middle-class household, she was not stopped from pursuing a higher education, although the choice of the undergraduate degree she undertook was determined by her elder brothers who turned down her choices, citing reservations about her abilities. Hers was an arranged marriage, and she too moved to Guwahati after marriage at the age of 23; the only reason she agreed to the marriage proposal was because of the assurance that she would be 'allowed' to work and be financially independent. Things went downhill from the third day of marriage when her husband falsely accused her of having an affair with one of her male friends who had called to congratulate her on the marriage. Her husband turned out to be a highly controlling person who was also addicted to sex and pornography and would often engage in sex outside of marriage. Severe sexual abuse including rape, and physical assaults were almost an everyday occurrence. Her marital family members also partook in it at times – either indirectly by turning the son against her or directly through verbal and physical assaults. She was physically isolated and was not allowed to work or stay in touch with her friends and family. She suffered multiple miscarriages during the 13 years that she lived with her husband and in-laws, during which she was hospitalised more than once. Her physical and mental health took a severe toll; at one point in time, she weighed only 35 kgs. At times, her parents would take her home after a particularly violent episode, but she was not encouraged to leave her husband and was advised to put up with it for the sake of the family. She approached several police precincts and other formal organisations during this period, but nothing materialised as her husband and in-laws had contacts within the hierarchy. After a severe violent episode in 2017, her husband barred her from entering their house which they had jointly constructed. She had put money borrowed from her natal family into its construction and wanted to start some form of small business from home. She finally approached the Protection Office and appealed for a residence order and also registered a case of cruelty (under 498A) against her husband. For four years *Urmila* has made multiple rounds of various courts and other state institutions without any relief. She now stays with her natal family in Lakhimpur and has to make 3-4 trips every month for court hearings. The delays in the court process and the apathy within the civil-criminal justice system have disheartened her, with the pandemic causing further delays. Her quest for justice remains unrealised as she is now in the process of dropping

all charges against her husband and plans to apply for ‘mutual divorce’ after which she plans to settle down with the alimony funds by opening a small enterprise of her own. *Urmila* says that her life took a positive turn after she met Ilushmita Konwar who is the centre administrator of the One Stop Centre (OSC), and Nilakshi Sharma who is in-charge of the 181 helpline. They have been pivotal in her life as her awareness, attitudes and perspective changed after she began interacting with them. She has now educated herself on the existing laws and also informally counsels other women in similar situations.

Deeksha is 47 years old, born and brought up in the city of Guwahati, in an upper-middle class household. She and her two younger sisters were always encouraged to study according to their choice and are highly educated. At the age of 25, *Deeksha* completed her Masters and an LLB (Law) degree simultaneously and during that time her marriage was arranged. She moved in with her husband’s family after marriage but was coerced to move out of the household after 2 years due to conflict with her mother-in-law. She had to move in with her parents where her husband would occasionally visit. This living arrangement continued for 3 years, and it was during this time that she cleared the prestigious state judicial services and was appointed as a judicial magistrate in the neighbouring district of X³⁸. Her husband had by now moved into his own place and they began to live together. Soon after, they had a son. Work commitments and numerous transfers meant that she had to travel frequently, leaving her son at home in Guwahati or taking him with her at times. Her husband expressed his displeasure at this arrangement and accused her of neglecting her duties as a mother at the cost of her career. This went on for almost 5 years; she would commute to work and also do most household chores before and after work. When *Deeksha* was transferred to district Y, further away, her husband stopped her from taking their son with her. This meant more frequent travel to and from district Y to Guwahati. Commuting lines were bad and with the additional burden of housework before and after work, her physical health too began to decline. By now her husband had given her an ultimatum; she was to choose between her son or her job. She was routinely berated for being a bad mother and wife. He complained to friends and family that he was not being able to have proper meals in spite of having a wife. Though *Deeksha* did not initially succumb to the pressure, once when she was having an

³⁸ I have not named the district for fear of disclosing the respondent unknowingly since her profile is distinct.

unusually bad day, she quit. She hoped that relations with her husband would now improve. However, her husband's behaviour deteriorated further after she quit as he refused to talk to her or eat food cooked by her. She felt additionally vulnerable since her husband refused to lend any financial support to her. His promiscuous nature was also known to her but she ignored it for the sake of saving her family. When he disposed of important documents and belongings without informing her and rented off their (jointly constructed) house to another family when she was visiting her parents, she registered a formal complaint against her husband. In retaliation, he too filed a false case against her. It has been 2 years of court rounds and she has not been able to return to her own home since her husband has now appealed in the higher courts. She has not yet filed for divorce though, since she still feels love for her husband and does not want to break the family up. *Deeksha* is now working in a temporary position in a local college which pays minimally. She stays with her aging parents but feels like she is burdening them. Feeling a sense of rootlessness due to the forceful eviction from her own home, she now feels that it was only to dispossess her of her 'power' and the fact that she was better qualified than her husband, he continues to harass her.

Sewali is approximately 28 years of age born into an economically disadvantaged (below poverty line) family of the ethnic minority Karbi community and resided in a village located in Sonapur – a town located in the suburbs of Kamrup (metro) district. She had been residing for a year in a shelter home where the interview was conducted. Though there is no medical record to highlight her mental condition, information provided by the shelter home officials indicated that she is psychologically challenged. She spoke very little, stuttered while speaking, and did not describe the events that took place in chronological order. *Sewali* was still in high school when she was coerced³⁹ to elope with a man from a neighbouring village. He worked as a labourer in the southern state of Kerala (approx. 3600 kms from Assam) and left soon after the marriage. Due to lack of adequate employment opportunities in Assam, especially for the economically disadvantaged, it is common for men to venture out leaving their families behind, to work as factory labourers, as security guards or as construction workers in other parts of the country. *Sewali* was left behind with her father-in-law and 2 brothers-in-law. She was routinely

³⁹ Elopement or 'poluwai loi jua' is an acceptable custom among a few ethnic tribal communities.

raped by her father-in-law who inflicted several life-threatening injuries on her by attacking her with a machete when she spoke up in-spite of being warned. *Sewali* did not have a word for the act of 'rape'- she calls it '*beya kaam*', literally translated as 'bad/ill work'. Both her husband and her natal family members did not want her back after the rape especially considering her mental condition. Her brothers sold off some land which was in *Sewali*'s name⁴⁰ and used the money to pay a local organisation to take care of her. This organisation dumped *Sewali* in the shelter home and has never asked after her.

4.4 The 'continuum of (gendered) control': from the natal family to the marital family

Prior to assessing the particularities of the violence experienced within marriages, it is imperative to first draw attention to the duration for which the respondents tolerated the abuse and the internal-external pressure associated with it. Data from the study demonstrates that irrespective of the socio- economic and education backgrounds, 18/22 respondents tolerated the violence for a minimum of 5 years, before approaching any formal help forum. For 9 respondents out of the 18, this wait was for almost a decade. Neelakshi Sharma, who is the Manager of the 181 helpline, stresses the incremental nature of MV and asserts that it is only when women reach the '*brim of their tolerance level*' that they approach them.

One of the concepts to understand the range and extent of each form of violence that respondents have faced and specifically to explain the tolerance or normalisation of violence within marriages, is Liz Kelly's (1987, 2013) concept of 'continuum' which has been used to describe both the extent and range of sexual violence in her work and also in the context of trafficking (Kelly, 2003). Her concept of continuum is based upon two of its dictionary definitions: "first, 'a basic common character that underlies many different events'; and, second, 'a continuous series of elements or events that pass into one another and which cannot be readily distinguished' (Kelly, 2013, p.96). Application of the continuum approach is not meant to create a hierarchy of abuse but to encapsulate a range of experiences that include extensions of myriad forms of everyday sexism to frequent murder of women and girls by men (Ibid). She further highlights that though the

⁴⁰ Women in certain ethnic tribal communities in Assam inherit land/ property from natal family.

concept of continuum may not be useful in making clear distinctions between categories of any specific form of violence (she cites the examples of pressurized sex, coercive sex and rape), it aids in validating the abuse that women feel and the shifting boundaries between these categories as their own understandings and definitions change over time. In this manner the continuum approach offers a way to talk about forms of violence as *connected* (McVey et.al, 2021). Additionally, certain forms of (sexual) violence that were more common or 'accepted' behaviour, and experiences that were considered extensions of typical male behaviour, were often difficult for women to define as abuse (Kelly, 2013).

In varying degrees, one of the most common or 'accepted' aspects observed from the data was the manner in which respondents were subjected to several forms of familial control and societal surveillance across their lifetime. These were manifest as distinct forms of restrictions upon their autonomy and sexuality and had a direct impact upon critical decisions related to marital choices, access to education, employment options, and also permeated everyday routine life through control over physical mobility, dressing style among others. This control or surveillance is specifically legitimised in the context of India, broadly owing to the construction of women as being vulnerable (to boundary-breaking sexual violence) and therefore in need of protection, and also because they are considered dangerous (potentially making boundary-breaking sexual choices) and hence in need of controlling (Chanana and others cited in, Bhallamudi, 2022). Scrutiny of sexual behaviour is often maintained in the pre-marriage phase by the older women of the household, primarily mothers, sisters and aunts who also groom them in 'appropriate' behaviour during childhood and adolescence as training for married life (Rew et.al, 2013). As observed in the case of some respondents in this study, this power and control is also enjoyed by brothers irrespective of whether they are younger or older, through which men too are socialised into 'appropriate' masculine behaviours and attitudes (*Ibid*). The monitoring of the behaviour of young women is usually continued in the post marriage phase by members of the marital household (*Ibid*). Owing to overlaps in restrictions that are common to the aspect of control that pervaded both pre and post marital phase, it is useful to define it as a 'continuum of (gendered) control'.

This 'continuum of (gendered) control' was also observed in contributing to the non-naming or non-recognition of violence in the post-marriage phase as respondents were at

times already familiar with certain restrictions that it entailed and hence did not construe it as something that was 'out of the ordinary'. As highlighted by some civil society respondents, control which is rooted in the pre-marriage phase facilitates the internalisation and cultivation of distinct feminine 'values' (of tolerance, patience and sacrifice while minimising individual welfare by prioritising the family) and lays the ground for what to expect within a marital relationship and what is tolerated within it. This socialisation process was observed to play a critical role in the development of the Habitus (H1- refer to Figure 29 in page 228 for details) within which these values are absorbed through emulation/mimicry so they're naturalized as 'just the way things are' and become 'second nature'. Through internalisation and self-external surveillance respondents often attempted to meet the standards of 'ideal womanhood' and were rewarded for their patience and tolerance through tacit societal acceptance, as respondents often ended up justifying or excusing the negative impact of the violence on themselves for the sake of keeping the family intact. Illusmita Konwar who is the centre administrator of the One Stop Centre (OSC) Kamrup (Metro) articulates this point:

"IK: A woman might be educated, she might be holding a job but she still hesitates to even think about divorcing her violent husband. They have this notion that people will shame her if she gets divorced and we as a society fail to support a woman in such circumstances. We fail to provide strength to women to take such a step. We don't encourage our girls to be decision makers right from the start. Our entire socialisation process is flawed! We've been moulding our girls in a particular way – she has to be dressed up nicely like a doll, never question anything and to imbibe all feminine values. Another thing we have taught them is to 'adjust', it is said that 'girls are like water, they have to take the shape of the vessel that they are put into' – these are the notions around us. Marriage is again mandatory for girls, we teach them that there is no meaning to their lives other than marriage, we make marriage the ultimate goal for them, their minds are filled with notions that if they remain single, they'll always be a burden to their parents and their parents won't be able to show their faces to anyone. So, when violence takes place, the women start accepting it; they accept a slap as just a slap. They'll say he's their husband, so naturally he will do such things. You won't believe, there have been instances where women have come to us and told us that the husband beating them was fine, what was

not right was their mother-in-law beating them. Husband beating a wife is normalised in their minds, so they accept it.

This is rooted in childhood - in the socialization process - at home we treat the boy and the girl differently, we make the girl do her own laundry but not the boy, instead we ask the girl to do her brother's laundry as well. Do we ask the boy to do his sister's laundry? We don't. We ask the girl to be home soon but there is no time limit set for the boy, the education we provide to both might be the same – she might be doctor, and he too might be one, but what values are we inculcating in them. Values were differently given and that results in the boy acquiring masculine traits, and the girl being the opposite."

Various scholars from Assam (Vauqueline 2015; Bhattacharya, 2009, 2019; Hussain 2020) have drawn attention to the certain specific versions of femininity which are aspirational or rewarded within the society under study. Bhattacharya's (2009, 2019) research among young middle-class Assamese women demonstrate that a 'suitable' femininity for married women retains an extremely powerful grip on Assamese society and illustrates the resilience and the coping mechanisms adopted by the daughter(s)-in-law/wives to (re)adjust in their husband's family in order to prove themselves as 'good daughter(s)-in-law/wives'. Though globalisation has led to certain reshaping of the ways in which women perform various roles, young middle-class women in India are still largely expected to be good wives and mothers (Rew et.al, 2013), with gender roles remaining more-or-less intact (Gangoli, 2007). Hussain (2021) has applied the concepts of *Bhal Suwali* (good girl) and *Bhal Ghor* (good family) to draw attention to three practices of respectable femininity through which good girlhoods are enacted within the field of education, among the Muslim community in the neighbouring district of Nagaon in Assam. These are related to: negotiating poverty respectfully, prioritizing gendered discipline and by merging career aspirations and marital prospects. Vauqueline's (2015) analysis demonstrates how gendered forms of socialisation facilitate the inculcation of certain values such as submissiveness, tolerance, and docility and places women on the receiving end in abusive situations within marriages.

In this study too, respondents were often required to prioritize and negotiate between their own aspirations (in any form irrespective of class or material positions), the

expectations from them as women, and in their roles as a daughter/ wife/ mother/ daughter-in-law. Gendered discipline was observed to be fundamental here as respondents internalised it and demonstrated it in the form of showing restraint, not talking back and tolerating the violence for saving the family honour, forgoing education/ employment opportunities etc., and were also often advised by formal/ informal support systems to accept it. Several respondents were often sent or taken back to their abusive marital household by well-meaning natal family members, citing societal norms and interests in saving the natal family's honour or for saving their own families with reassessments that it is for their own good. When respondents like *Deeksha* and *Pallavi* - two of the most qualified respondents, were coerced to quit their jobs, citing neglect of 'feminine' duties of housework and childcare, it demonstrates the priorities that are commonly expected from women. *Mitali* was expected to hand over her entire income to her father-in-law and was allocated a subservient position within the marital household despite being the primary earning member. Additionally, as stated earlier, a majority of the respondents were prevented from gaining employment, citing responsibilities as a wife/daughter-in-law. The conception of 'respectable femininity' enables the maintenance of the 'continuum of (gendered) control' by placing the family at the core of the woman's life, whether through income or through enactment of gender roles or both (Hussain, 2021). The merger of economic ideologies that push women in the labour market and cultural ideologies that place them in the domestic sphere characterises discussions around 'new womanhood' in post globalised South Asia (*Ibid*). Specific versions of femininity that women are encouraged to aspire to provide possible explanations for the duration for which violence was tolerated and also the kind of choices that respondents allowed themselves, in the current context.

In the post-marriage phase, the 'continuum of (gendered) control' was faced by all respondents in varying degrees and forms often from multiple members in the marital household; while in some cases control was primarily imposed through the husband, in some other cases the parents in law (both genders), as well as younger and older siblings of the husband (both genders), played a major role. The parochial residence system was also observed to facilitate an ideal ground for control to be exerted. 17 of the 22

respondents lived in joint family set ups⁴¹ after marriage. The duration of stay differed across respondents; some like *Urmila* and *Deeksha* lived for a few years and then moved out with their husbands, others such as *Bidisha*, *Mitali* and *Sneha* lived with the marital household for the entire duration of their stay after marriage, while others like *Grishma* and *Rekha*'s stays involved several instances of leaving and returning. However, irrespective of the living arrangement (nuclear/ joint), respondents spoke about distinct roles played by marital family members; as non-intervening witnesses, physically restraining the perpetrator (only in the case of *Grishma*), and as observed in most cases, being complicit in perpetrating violence. 12 respondents spoke of instances where the members of the marital household (at times specifically the mother-in-law) instigated conflict between the couples and encouraged violence upon the woman. For example, when *Urmila*'s husband would return from work, her mother-in-law would complain to him saying that she never did any work around the house which would lead to physical assaults on her. Others also narrated similar instances. Even when respondents did not live with a joint family household (in the case of *Jahnabi*, *Deeksha*, and *Kriti*), kinship ties were maintained even after marriage and members of the marital family exerted considerable control, influencing the nature and extent of violence perpetrated. While verbal abuse was the most common form of abuse perpetrated by the marital family members, other forms of violence such as physical abuse (7 respondents) and sexual abuse (3 respondents) were also recorded. Overall, restrictions that were imposed as a result of this control covered a range of practices that spanned both everyday life (what to cook/ wear etc.) and also extended into crucial aspects of individual autonomy such as those related to education, employment and reproduction.

Another aspect which was observed to be normalised within unequal gendered expectations is infidelity within marriage by the husband. This acceptance was reported by 11 of the 22 respondents. While most husbands enjoyed sexual freedom outside of marriage, a majority of the respondents felt constantly tested and pressurised by their husbands to prove their sexual purity, while no such pressure existed for the husbands. Immediate families too played a substantial role in normalising infidelity of the man within

⁴¹ Any reference to 'they' in the verbatim/ quotations in this chapter refers to marital family members (in-laws) unless specified.

marriage as a minor aberration that is expected to be excused in the larger scheme of keeping the family intact. Citing women's infidelity as a justification for inflicting violence is linked to a wider power relation of patriarchal control and dominance on women's bodies and their agency (Gomes and Sanatan, 2021).

Furthermore, a connection has been observed between restrictions that were placed owing to the 'continuum of control' and between restrictions which are often commonly categorised under coercive control (Stark, 2009, 2010, 2012) in the Global North context. Perpetrators of coercive control are known to use various means to hurt, humiliate, intimidate, exploit, isolate, and dominate their victims; it is on-going, and victims are frequently deprived of money, food, access to communication or transportation and isolated from family and friends (Stark, 2009). It also typically "complements frequent, but often minor, assaults with tactics to intimidate, isolate, humiliate, exploit, regulate, and micromanage women's enactment of everyday life" (Ibid, p.218). In the current context, given the connection with already existing restrictions and due to the added presence of more than one perpetrator at times, a straightforward application of the concept of coercive control is somewhat challenging. Due to familiarity (in varying degrees) with restrictions in the pre-marriage phase, respondents were also observed to confuse coercive control linked restrictions encountered within marriage with the former.

To highlight this confusion, the experience of *Pallavi* who is a Doctor by profession and has been facing severe coercive control from her husband, since the past 13 years, is relevant. She narrates,

"K: Would you just tell me a bit more about the controlling behaviour of your husband? Like what were the instances where you felt controlled? P: If I was going for work suppose, he would ask where I was going, I anyway used to inform him whenever I used to go to the office, still if I get late to get back home for some reason, like even if I'm 5-10 minutes late, he would call and ask where I was, why was I late and would ask the exact location. I used to think he was concerned but later I understood that it was just his tactic to track me. K: OK, you think to track your route? P: Yes, to track my route, to know if I was meeting someone. Then he didn't let me attend any family gatherings. He used to create some issue which would need my immediate attention, so that I couldn't go to a particular event or

gathering of my friends and family. I always used to inform him a day prior that the next day I would be going there, but he used to bring up certain matters so that the events used to get side lined, he used to bring up a more important matter than the event. Gradually he stopped me from working. He used to ask me to stay at home with the children. I had to take leaves from work and in 10 years of me working, I think for 4 years continuously I had to take leaves. In 2019, I applied for higher studies and had to move out to another city but after 2 weeks of staying there, I started getting calls from him. He pressured me to go back and threatened to kill the children if I did not comply...He doesn't allow me to go to work and also doesn't help me financially. I pay for my children's school fees from my own savings. I have to pay for my own food, my necessities.

K: Back in 2007 when you had a job but was stopped from joining, didn't you feel then, that he might not be right for you? P: Yes, everyone has told me this but honestly, I didn't see it back then as a problem. I just thought that he is very protective in nature which is why he acted that way. I was always a geek and was never in a relationship before and hence, had never encountered anything like this before. I thought that was his overprotective nature towards me. Even Dewta (father) was like that so I didn't see much of a difference. Dewta used to control us in a similar manner, but obviously that was for our studies...K: In certain countries, coercive control (I explain forms of controlling behaviour) also falls under domestic violence but not in India. P: There is not much of awareness here because had I known that controlling behaviour is the starting point of violence, I would've been more aware. We never heard of it or read about it or never had seen any such thing around us."

Pallavi could not adequately recognise the abuse she was facing owing to unawareness about coercive control and also because she confused aspects of her husband's control with her father's control (within affection) and hence, struggled to distinguish between the two. In fact, Stark (2009) has also highlighted a part of this confusion and has asserted that the tactics that are involved in coercive control can be easily confused with the range of sacrifices women are expected to make in their role as homemakers, parents, and sexual partners. However, despite the overlaps in restrictions, the kind of control and surveillance imposed upon 3 of the 22 respondents was specifically by their husbands and clearly fits the pattern of abuse that is most definitely associated with coercive controlling

behaviour by intimate partners. Hence, it might be useful to include a spectrum or a range of behaviours and controlling tactics to additionally flesh out the degree of coercion in the marriage.

Linked with the aspect of coercion and broadly with the ‘continuum of (gendered) control’ is also the characteristic of micro-regulation which has been cited by respondents as being integral to their experiences.

4.4.1 Role of micro-regulations and micro-practices

As stated in the literature review, the concept of micro-regulation which has been extensively cited by Stark (2009) as a core means in coercive control, has been crucial in the current context too. It is often linked to regulation of everyday behaviours of stereotypical female roles such as the manner in which women dress, cook, clean, socialize, care for children, or perform sexually (*Ibid*). The irony, he argues, is that the liberties denied by this process of micro-regulation are “so much a part of the taken for granted fabric of everyday affairs that their violation usually passes without notice” (p.349). *Neeta* and *Saira*’s comments below, highlight the impact of these ‘micro-regulations’ on their lives and also underline certain ‘micro-practices’ that often accompanied it. These appear mundane and though they are not ‘visible’ due to the absence of any tangible markers (such as bruises/ cuts/ burns), they are cited as insidious and all pervasive, restricting critical aspects of the woman’s autonomy.

“They found faults in everything that I did. They said I didn’t know how to wear clothes properly, I didn’t know how to sweep the house, wash the dishes etc. All in all, according to them I was good at nothing.” Neeta (31 years)

“(They said) I don’t know how to talk to people, I didn’t know this, I didn’t know that...everything I did, they found a mistake in that and bickered about it...They constantly kept on telling me that my husband doesn’t want me, doesn’t love me. When someone rapes or murder happens there are laws, but there is no law for this.” Saira (36 years)

A range of acts/ behaviours were described by respondents owing to which they felt loss of complete control on their lives or which made them question their known or familiar

ways of being or performing day-to-day chores. These ranged from silent/cold treatment, disapproving looks, comments about the way they dressed or sat, complaints about the quality of food that they cooked or served, delays in completing household chores, etc. Ostracising or isolating the woman was also observed in certain situations in which members of the household would refuse to talk or eat with her or refuse to eat food cooked by them as seen in the case of three respondents. For example, *Neeta* was made to eat alone and not allowed to eat her fill while the other family members would eat full meals after her. She was confined within one room in the house, prevented from using cooking gas which the family used and asked to cook her food in a kerosene (a type of fuel) stove, which produced smoke and caused the gradual deterioration of her health. Though this type of violence takes place under the guise of acts/practices that appear innocuous, minor or trivial in their individual instances, it cannot be ignored as almost all the women spoke about the harassment or suffering that they had to endure due to it. Along with other forms of violence, the violence that was perpetrated through micro-practices was key to the respondents adapting new ways of being (change from H1 to H2- refer to Figure 29 in page 228). *Sneha* articulates the intricacies of these practices:

"Sneha (S): If today I suppose, I'm having food together with my in-laws, someone pushing the plate to me this way (demonstrating it by pushing a plate in front of us), that is also violence, isn't it? That is violence as well. K: And these nuances are more difficult to be proven in the court. S: Only one thing matters in the court, is that you will bring your witnesses. Witnesses will speak in favour of you, or they speak against you but it is not necessary that they will know about the kind of tortures that one faces or what goes on in the bedroom. How will they know?"

Practices such as these, highlight the difficulty in evidencing in the context of the CCJS; pushing of a plate may come across as a harmless action unless backed by a malign intention which is challenging to prove and, in most cases, known only to the respondent. These micro-practices were also observed to play a major role in change of habitus (more in Chapter 7) as women adapt and figure out 'new ways of being' within marriage. Respondents shared that these micro regulations and associated practices resulted in the generation of a range of negative emotions which invaded their everyday lives, and further underpinned the 'continuum' or 'routineness' of their experiences.

4.4.2 On '*joutuk*' and dowry related violence

The role of the marital family was particularly crucial in the context of '*joutuk*' – a tradition among the Assamese Hindus which traditionally involved the voluntary practice of gifting utility items to the bride by her natal family (Goswami, 2022). The practice of '*joutuk*' differs from the practice of dowry on the ground that the former was traditionally never negotiated between the families and was often given by the bride's natal family according to their capacity without any demand or pressure from the groom's family (Sithlou, 2019). While a direct demand of money/ jewellery before marriage was made only in the case of *Rekha*, eight other respondents spoke about the harassment they faced owing to dissatisfaction on the part of their husband/ in-laws on the things that were voluntarily gifted as a part of the '*joutuk*'. Often monetary demands and expectations from the woman's natal family in certain instances continued throughout the duration of their stay with the perpetrator(s). In most of the cases, respondents had to face routine harassment from the husband/in-laws when they had brought insufficient number of things with them. As observed in the case of three respondents, demands for money or land after marriage had also been made. While direct demand of dowry and subsequent violence including dowry related deaths/ murders has been documented in several studies (Agnihotri, 2003; Ahmad Ghosh, 2004; Sharma et.al, 2005; Rastogi and Therly 2006; Ahmad 2008; Babu and Babu, 2011; Bannerjee, 2014; Rawal and Singh, 2014) from the rest of India, in the current context, it is the somewhat relatively covert nature that sets it apart.

Apart from '*joutuk*' related harassment, the role of marital family members was also significant in perpetrating multifaceted forms of coercive economic violence. Apart from legally recognised forms such as denial of financial support to run the household or personal expenses and lack of child support, certain other specific forms of economic violence have also been documented. Two such forms are: a) control over the respondent's earnings, as observed in the case of *Mitali* and b) resources/ money/ valuables that belonged to the respondent were misused or stolen or pawned off, as observed in the case of two respondents. 3.1 in Appendix 3 gives an idea about the intricacies of this '*joutuk*'/ dowry related violence faced by respondents.

Linked to the overall ‘continuum of (gendered) control’ is the denial of capabilities, which this chapter will now address.

4.4 Marital violence and denial of capabilities

One characteristic feature of the case studies above, as well as in the narratives of most other respondents, is the various ways in which the respondent’s choices were constrained (by both material and cultural constraints). This was in both pre-marriage and post marriage stages, especially when they concerned critical aspects of life such as education, marriage, employment, which are interlinked to the choices that they had access to, when they were facing violence within marriages. Most respondents spoke about the absence of, or limited choices that they had, at various points in time and the manner in which they had to navigate around these limited choices in order to mitigate the circumstances that they were in. This often led them to situations which seemed to be framed by factors that were often not within their control or (in some ways) not their own doing. As *Urmila* shared, “*my life did not take shape the way I wanted*”. In retrospect, some respondents also regretted certain decisions that they took or behaviours that they enacted (often under various forms of pressure), with the intention of mitigating the violence but which instead turned into impediments that furthered their vulnerabilities. For example, *Deeksha* now regrets quitting her job owing to her husband’s pressure, *Urmila* regrets not speaking up earlier, and *Jahnabi* regrets conceiving a child owing to the coercion from her in-laws.

The capabilities approach is useful to elucidate the lack of or limited freedom, and the interlinked choices that most respondents had to cope with – both pre-marriage and post-marriage. Monumoti Barman, has been in charge of a shelter home called Gold Swadhar Griha, over the past 15 years, and primarily interacts with women from marginalised socio-economic backgrounds facing gender-based violence. She underlines the infringement and repeated violation of ‘individual freedoms’/ (*byokti swadhinota*) as MV:

“MB: Ours is a patriarchal/male centric society so what happens is men can get away with anything women cannot. Girls grow up believing marriage as the ultimate goal of one’s life. It is a very rare set of girls who aim to stand on their own feet and become independent

- though this mindset is slowly rising. This is the reason for the increase in domestic violence – women accept their fate as it is. They will sit when they are asked to, will stand when they are asked to and their entire lives are dictated by their spouses – this is a dominant practice in our society. However, each of us have our individual freedoms that no one has the right to object to or put restrictions on them – in domestic violence restrictions are placed on these individual freedoms as well. When women are battered constantly and later on restrictions placed on their individual freedoms, at some point in time women reach the saturation point and try to come out of that relationship... After a girl is born, she is controlled by her parents, then her husband, then her children – all her life she lives under the shadow of the various roles she has to play. But then we have our own identities, our own individuality."

4.4.1 Marital Violence in relation to denial of capabilities: reflections from the data

Pseudonym		Mitali	Natasha	Sneha	Saira	Bidisha	Tora	Neeta	Kriti	Himakshi	Sangeeta	Anima	Minu	Sumona	Rehaana	Urmila	Pallavi	Rekha	Jahnabi	Grishma	Deeksha	Jyoti	Seewali	Sum of denials
Age		47	34	32	36	26	48	31	40	36	34	36	26	40	27	38	39	25	46	39	47	49	28	220
Bodily integrity																								220
Base	To be secure against sexual assault and domestic violence	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	22
The forms	Physical violence	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20
	Acute/ severe physical assault							1			1					1	1	1						9
	Sexual violence						1				1	1		1			1	1	1					8
	(Marital) Rape					1					1	1		1			1	1	1					8
	Accused of infidelity / suspected of being promiscuous		1	1		1		1		1		1		1		1	1	1	1	1	1	1	1	12
	Not having opportunities for sexual satisfaction				1				1	1	1	1					1	1	1	1				9
	Reproductive coercion					1					1	1	1	1	1		1			1	1			8
	Coerced to terminate pregnancy										1													1
	Violence causing miscarriages							1								1								2
Bodily health																								22
Base	Physical/ mental health affected	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	22
The forms	Attempted to end their lives										1		1							1				3
	Denied healthcare	1							1		1						1		1					5
	Denied food/ water	1		1	1			1							1		1		1	1	1		8	
	Denied shelter		1	1			1		1		1		1		1		1	1		1				8
	Senses, imagination and thought																							
	Denied an adequate education						1	1								1			1	1				5
	Control over one's environment.																							
	(B) Material- the right to seek employment on an equal basis with others																							
	The Forms	Prevented from seeking employment / further studies	1	1	1	1	1	1		1		1				1	1		1	1	1	1	1	11
	Given excessive housework	1	1	1	1	1	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	15
Affiliation																								
(A) to engage in various forms of social interaction																								
The forms	Isolated/ movement monitored/ Prevented from meeting natal family/ friends	1	1	1	1	1	1	1	1								1	1				1		9
	Stalked/defamed/ surveilled through phone/ social media/ CCTV									1	1				1	1	1		1			1		6
	Denied a phone/ calls and interactions monitored			1	1			1		1						1	1				1			7
Base	(B) Having the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	22
Other factors																								
Economic factors	Dowry related violence	1	1	1	1	1	1	1		1							1	1			1			8
	Earnings/ resources controlled/ misused	1	1		1					1		1									1			6
	Stridhan stolen/ controlled/ pawned							1		1														2
Maximum denials/ respondent		8	10	10	15	11	7	16	6	13	9	15	6	8	9	18	17	11	9	12	8	13	7	

Table 1: Capabilities denied/ respondent

The narratives of the women demonstrate specific capabilities (taking Nussbaum's categories) that were denied to the women or did not have access to (refer to Table 1 above); the coding here links to individual case studies i.e., each vertical column represents an individual respondent, and each row represents the forms of denial under each capability. Three capabilities were taken as the 'Base' – which means that these were by default denied to all the respondents; these are bodily integrity (freedom from sexual/domestic violence) since all of them are or have faced MV, bodily health, since all respondents spoke about their physical and mental health being affected and affiliation (to be treated with dignity and self-respect) as every respondent spoke of feeling humiliated and loss of self-respect (often in retrospect). This does not imply that capabilities absent from the list are not denied; since respondents shared what they deemed to be the most important among their experiences, and also because they are relying on their memory, certain capabilities such as 'play' and 'other species' may find no mention. For example, the majority of the respondents spoke about being unfairly burdened with domestic labour, which would have had an adverse effect upon the time they spent in leisure, but the latter is not mentioned in any of the narratives. Apart from the individual capabilities that were denied, certain economic forms of violence such as dowry related violence, earnings/ resources controlled/ misused, 'joutuk' stolen/ controlled/ pawned, have also been listed as they too contribute to the overall oppression. Certain components of specific capabilities also have overlaps with others and hence, they are often not entirely distinct. For example- one aspect of 'Bodily integrity' is to be free to move around physically, which is connected with the freedom to interact with others under 'Affiliation' and also can be related to 'Emotions', which entails the freedom to form attachments with others.

As seen from the Table 1 above among all respondents, *Urmila*, *Pallavi* and *Neeta* seem to be denied the maximum number of capabilities. They can hence be identified as the ones who have faced severe violence and control.

The distinct forms and impacts of violence which took place under the denial of each relevant capability are explained below.

4.4.1 a) Bodily health entails, “being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter” (Nussbaum 2011, p. 33).

Irrespective of the range, severity, frequency and duration of the control and violence faced, all women interviewed spoke about the adverse effects it had on their physical and psychological health (refer 3.2 in Appendix 3). At times, adverse physical health was a direct outcome of direct physical assaults (in the form of broken bones or cuts, burns, loss of voice due to choking etc), and in other cases, it was a consequence of non-physical violence (such as verbal, psychological etc.) that affected the physical health as women spoke about loss/gain of weight, loss of appetite, sleeplessness etc. In some cases, women’s physical health was acutely compromised due to the physical trauma they had to endure; while *Anima* was forced to go through eight abortions against her will, *Urmila* suffered four miscarriages owing to repeated physical assaults. *Neeta* had a miscarriage owing to denial of adequate medical attention, and the strenuous nature of the housework that she had to undertake while pregnant. All forms of violence affected the respondents psychologically and they used two ways to describe this: the psychological impact that their ongoing experience of violence had on them (for example, in the form of loss of self-worth) and certain specific acts/ behaviours which affected them psychologically (by producing fear) such as throwing of cooked food or breaking of objects around the house or the overall life under the threat of violence (refer to 3.3 in Appendix 3). A majority of the respondents asserted that the impact of the mental trauma that they had to endure was far greater than the impact of direct (physical) violence.

Self-harm or suicidal tendencies were observed among some of the respondents; *Grishma*, *Himakshi* and *Anima* had tried to end their lives at some point during their stay with the perpetrator(s) (refer to 3.4 in Appendix 3). Some respondents, like *Anima* and *Natasha*, also spoke about being in a state of limbo questioning their own identity. With the exception of *Sangeeta*, none had sought any professional help to deal with the psychological effect.

Another factor of the violence that has been brought to light is the denial of basic human rights such as healthcare, food/water, and shelter by the perpetrator (s) as noted by five, eight and nine respondents respectively. Denial of shelter refers to instances where

respondents were not allowed to reside in the marital household and were forced to move back with their natal families as seen in the case of 3 respondents, or in the case of *Saira*, who is now residing within the same housing compound as her in-laws in a one room basic accommodation after community intervention. The inhumaneness of it adds to the layer of vulnerabilities, especially for those who have no source of income or limited financial help and are stuck within equally harmful situations; for example, *Neeta* was coerced to move out of her marital home and is now residing with her elder brother, who also physically assaults her, and is pressurising her to return to her abusive husband. *Himakshi* too is in a similar situation. Though she moved back with her natal family, she is facing violence in the natal household and is contemplating returning to her husband for the sake of a safe financial future for her 6-year-old son.

4.4.1 b) Bodily integrity entails, “being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction” (Nussbaum 2011, p. 33). While bodily integrity was violated in the case of all the women interviewed, the forms/range, severity, and frequency, differed across respondents.

Physical violence was faced by 20 of the 22 women interviewed; in 7 cases not only the husband, but marital family members also took part in it. Physical assaults included slaps, kicks, cuts (causing grievous hurt too in some cases), burns, pushing, throwing of objects with the intention of causing physical harm, choking (causing loss of voice/difficulty in swallowing), breaking of bones, pulling of hair, banging of head against walls/ window rods. The frequency and severity differed among respondents; while 8 respondents faced severe acute forms routinely, which could have even resulted in their death (refer to 3.5 in Appendix 3), others faced less life threatening but routine violence (refer to 3.6 in Appendix 3). In several cases, women spoke about losing consciousness owing to the severity of violence. Triggers for physical violence varied; while in some cases it was resistance in the form of speaking up or filing of formal complaints, in others, women were battered for something as mundane as asking the reason for coming home late. *Rehaana* and *Minu* were subjected to violence for giving birth to a girl child/ child; male child preference is relatively low in Assam (and NER) but as these cases show, there are exceptions. A few respondents spoke about inadequate healthcare access and 8

respondents spoke about various forms of reproductive coercion that they had faced such as pressure to conceive, undergo forced abortions and/or having no say in contraceptive use.

7 of the 22 women interviewed spoke about their experience of sexual violence (refer to 3.7 in Appendix 3); there is greater silence around it owing to the cultural underpinnings of associated shame and honour. Four respondents were raped by their husbands and in the case of *Urmila* it occurred multiple times a day for almost a decade. The range of sexual violence was not restricted to marital rape but also included other forms, such as being forced to imitate sexual acts from pornographic material, verbal sexual abuse, comments targeting sexual purity/character, and refusal of the husband to consummate the marriage. As a relevant factor, 13 of the 22 women spoke about their husbands being either addicted to sex/pornography or being promiscuous. While sexual violence was mostly perpetrated by the husband, three respondents were also targeted by other male members in the marital household. *Sewali* was repeatedly raped by her father-in-law, while *Bidisha* and her 3-year-old daughter were both inappropriately touched by her father-in-law on numerous occasions. *Rekha*'s brother-in-law also made sexual advances towards her and was blamed by her husband for 'attracting' attention upon herself and subjected to severe physical violence when she confided in him. *Sumona* was sexually abused by her father since she was a child and opted to marry in order to escape the abuse at home. Sexual coercion was also reported, as in the case of *Urmila* and *Rekha*. Moreover, *Kriti*'s first husband with whom she spent 5 years did not consummate their marriage.

It is important to mention *Sangeeta*'s case here as she was the only woman who was aware of her sexual rights and chose to walk away from a relationship (her second marriage) in which she was not sexually satisfied. Having conceived a child as a result of marital rape in her first marriage, she divorced him after 7 years of marriage after a lengthy court battle. Her second husband, whom she divorced after a year of marriage, suffered from sexual dysfunction, and shamed her for prioritizing her own pleasure over family welfare. Cases such as *Sangeeta*'s are not common; coming from a upper middle class family with good academic credentials, she had her natal family by her side and she herself was financially secure. She had the awareness, will and the social capital to realise her capabilities.

Additionally, each respondent spoke about being verbally abused, as accompanying all other forms of abuse; it was perpetrated by both the husband and the marital family members. It was routine and intertwined in everyday communication. The forms within it included yelling/shouting, use of derogatory words, obscenities, lewd remarks, threats (to kill her, to kill the children, to throw acid, to instil fear and force compliance, etc.), taunts directed at the woman and her natal family, body shaming and so forth. These were specifically intended to humiliate and belittle with the intention of targeting the self-worth and dignity of the respondent.

4.4.1 c) One of the aspects under '*Senses, imagination, and thought*' is the freedom to pursue an education, which in the current context needs to be linked with the freedom to pursue paid employment, framed under point (B) *Material of Control over one's environment* and emphasises the 'right to seek employment on an equal basis with others' (Nussbaum 2011, p. 33-34).

One of the main factors cited by women for staying in the abusive relationship was for economic reasons, as they lacked the financial means to support themselves and their children, especially when the natal family was not supportive or did not have the material capacity to support them. 11 respondents were prevented from gaining paid employment and 6 respondents were not allowed to pursue higher education, which had a detrimental effect on their employment potential, rendering them economically dependent. A few like *Bidisha*, *Neeta* and *Jyoti* could not pursue an education or employment more specifically due to materially disadvantaged backgrounds, in which woman's education is often given further low priority. A few like *Deeksha* and *Pallavi* were also forced to quit well-paying jobs owing to pressure from their husbands to prioritise their responsibilities as a wife/mother. Denial of education or employment had a notable impact on the exit options that one had access to. For example, *Anima* could leave her abusive husband along with her 6-year-old daughter since she was confident of supporting herself and her daughter owing to her job in a government department, whereas respondents like *Urmila* and *Bidisha* are still living in precarious situations. With minimal financial support, they were economically dependent on their perpetrators, except in instances where they were supported by natal family members. The possibilities for those who were in the lower economic group were further limited, leaving them no alternative but to stay on with their perpetrator(s). A

majority of the respondents considered that the reason they were restricted from pursuing an education or gaining employment was to keep them in a subservient position which would ensure and sustain their domination.

4.4.1 d) The capability of Affiliation entails the freedom “to engage in various forms of social interaction” and can be linked to the capability of Emotions that embody the freedom “to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger” and the freedom to move freely from place to place under Bodily Integrity (Nussbaum, 2011, p.33-34).

Nine respondents spoke about their physical movement being severely restricted, as they were also not allowed to stay in touch with their family and friends. Any form of resistance or questioning on their part was met with additional violence, which made the whole experience quite isolating, as they were left with no immediate support systems to help them cope. For different time durations, four respondents were not allowed to keep mobile phones and their telephone conversations were strictly monitored when they were permitted to make calls. Additionally, six respondents also spoke about technologically driven mediums that were used to harass and monitor their movements. These include misuse of bank accounts and social media, as well as phones, with the intention to defraud, slander and spy on the women. Respondents were often forced to share their online passwords under the guise of proving trust and allegiance to their husbands. Apart from monitoring interactions on social media regularly, *Jahnabi's* husband would also contact her acquaintances through her social media accounts and con them to lend him money. He often misused her bank account details and forged her signature to make transactions; he would flee after borrowing money from acquaintances, friends and family, as well as from strangers, making her the primary target. *Natasha's* husband hacked into her bank account to download her bank statements to support his claim in front of the court that she is financially sound and hence, not in need of the maintenance amount that the court had directed him to pay. Misuse of social media platforms such as Facebook, WhatsApp and Instagram to malign the women was also in evidence; *Rehaana's* husband posted an advertisement on Facebook along with her photograph claiming that she is a sex worker, while *Himakshi's* husband would routinely

hack into her social media account to keep track of her whereabouts. *Anima*'s husband slandered her reputation by sharing her phone number with unknown men claiming that she is a sex worker. *Jyoti*'s husband has installed CCTV cameras in the only room that she uses in the house and also in the kitchen; she complained to the police who allegedly took a bribe and refused to take any action. Additionally, her elder son has also installed a recorder on her phone to monitor her calls.

Parallel to the denial of capabilities mentioned above and tied in closely with the 'continuum of (gendered) control', is the aspect of gendered domestic labour that has also stood out as the major impediment in the realisation of most of the capabilities listed above specifically related to education and employment.

4.4.2 Gendered domestic labour: As a site of violence and as an impediment to realisation of capabilities

The gendered division of labour is in fact the key to women's subordination across geographical spaces (Bourdieu, 1977, cited in Bhattacharya, 2019, p.24). The violence inflicted through the seemingly non-violent setting of household chores and care work, was mentioned by many (15/22) of the respondents as an unfairly burdensome and unjust practice. The data demonstrate the belief that it is the woman's responsibility to engage in housework as a wife/daughter-in-law was in varying degrees internalised by the women, but at the same time it is a domain involving both subtle and extreme forms of violence, as respondents were often verbally and physically assaulted for not executing the household chores according to the standards set by the marital family. Husbands of the respondents were often prompted to commit violence against them by marital family members citing inadequate time spent or sub-standard quality of housework performed. The unfair burden of gendered domestic labour had a compromising effect on: i) bodily health, both physical and psychological and ii) ability to be financially independent, as a majority had to forgo employment or education opportunities. The verbatim accounts (refer to 3.8 in Appendix 3) also flesh out the everydayness of this burden. The expectation of a wife/daughter-in-law to contribute to the housework, while no such contribution was expected of the men, is one aspect that cut across classes; respondents were often judged by their ability to perform the various tasks related to but not restricted to cooking,

cleaning, washing, caring for children and the elderly etc. Working women were additionally burdened with the dual demands of paid employment and housework, which further compromised their health as seen in the cases of three respondents. In response to a question concerning what, according to her, constitutes MV, *Mitali*'s comment about the nature of this domestic labour speaks to the unfairness of the practice as 'torture':

"M: For me it would be the economic aspect (she was expected to hand over her earnings to her father-in-law) and the way they made me work around the house, that would be another aspect, isn't it? It is not that I have never ever done household chores, I've helped in household chores since I was a child but you don't put all the burden on only one person, each member of the house has to contribute their bit. Before going to work I had to cook food, again after returning I had to cook, again at night I had to cook and if sometimes when something doesn't taste right, they'd yell at me. It's not necessary that every day the taste of the food I cook will be excellent, sometimes there can be mistakes. I never had to cook in my own house, the fact that I did there they should've been grateful. If you do household chores willingly that's a different thing but when you are forced to do so, that is torture."

Standard measures of economic activity often do not take into account the unpaid services provided within a household which includes housework and care of members, mostly undertaken by women and girls (Chakravarty, 2021). In 2019 a nation-wide time use survey conducted by NSS India, found women spend 299 minutes (approx. 5 hours) in "Unpaid domestic services for household members" against men who are recorded to spend 97 minutes (approximately one and a half hours) daily. The figures for care work are also uneven at 134 minutes and 76 minutes respectively. The repercussion of this inequality can be directly observed in the employment sector. As stated earlier, the World Economic Forum's Global Gender Gap Report 2021, ranks India 140th among 156 countries, falling 28 places from its previous ranking in 2020. One of the main drivers of this decline is the decrease in woman's labour force participation which fell from 24.8% to 22.3%. The corresponding male participation figure is 79.6%. The report also highlighted that the estimated earned income of women is only one fifth of men's, putting India among the bottom 10 countries on this indicator. Violence that is manifested through the medium of gendered domestic labour practices, both as an everyday pressure

and as an impediment to realise major capabilities, was observed in the present study to constrain daily life, with long term implications.

4.5 Adaptive preferences, benevolent subordination, and symbolic violence

The concepts of adaptive preferences, benevolent subordination and symbolic violence have been observed to be quite relevant in explaining the choices that respondents made and for interpreting *how* the violence that occurs is sustained or considered justified.

"It is only when I started exploring outside that I realized that there are people to help us - that there are people with us – we do not have to let our lives get ruined." Grishma (39 years)

The forms of violence that have been listed above meant that respondents often had to navigate around the limited choices that they had access to. For example, Jyoti eked out a living within the confines of her home within the restrictions placed on her, as seen above. For a larger part of Grishma's marital life when she lived with her husband (she is still married to him but lives separately through a residence order), she believed that what she was experiencing was a part of married life. She stayed on especially for the welfare of her two sons. This was underpinned by a kind of internalized moral blackmail, especially since she and her sons were financially dependent. It was also because she was unaware of her rights: for almost a decade and half, she did not permit herself to think that there was a permanent way out of the violence she was facing.

Data from the study demonstrates that the choices that women had, and allowed themselves, were influenced by structural constraints (both material and cultural) that operate at individual, interactional and institutional levels (refer to Figure 7 in page 53). These choices were influenced by individual conditioning and internalisation primarily owing to the socialisation process (Habitus driven) and reinforced by both informal (immediate family) and formal support systems (located at the interactional and institutional levels). One of the factors that stands out from the narratives of the woman is – in varying degrees, the normalisation of what was happening to them and the acceptance of their subservient position as a woman and within the roles that were assigned to her as a daughter/wife/daughter-in-law, as they often struggled to meet the

expectations set for them. This is however, not a constant- i.e., this also changed across time as women developed reflexivity driven agency (more on this in Chapter 7). Additionally, irrespective of the frequency and severity of violence that they faced, their experiences were often invalidated by both formal and informal support systems; they were often comforted with assurances that whatever they were experiencing was nothing but standard practice within marital relationships and that they were expected to be tolerant and patient.

Citing Sen, Mill and others, Nussbaum (2011) argues that women often exhibit 'adaptive preferences' in order to adjust to their status as second-class citizens. They often adapt their desires, goals and behaviours according to their social situations and habits; they may choose to undervalue their capabilities or prefer not to focus upon the development of their capabilities, owing to social habituation and social pressure (Nussbaum, 2001, cited in Pyles and Banerjee, 2010, p.45). Owing to her adaptive preferences, a woman may experience some pain at physical violence but may not view the violence as a violation of her rights. However, there is something wrong with viewing oneself not as a bearer of rights and as a citizen whose dignity and worth are not at an equal level as others (Nussbaum, 2001, 2005). Adaptive preferences can be closely linked to agential responses that are an outcome of habitus-reflexivity interactions (refer to Figure 29 in page 228) that occur and transform over periods of time. At varying points in time, most respondents either did not consider their experience as an aberration or as a violation of their rights, or they were aware of their situations but were constrained by multiple factors to bring about any positive change.

Understanding violence as rights violation is a perspective that is missing, as highlighted by Rahmirekha Borah and Nijanju Dutta, two senior members of the North East Network (NEN) – an NGO that works on gender-related issues including domestic violence in Assam and parts of Northeast India. They observe:

"ND: In Assam it is a rights-based perspective that is lacking among the people. Now when you talk about feelings, it is fairly easy to express if you feel humiliated, insulted, sad or whatever. But if you start talking about a particular woman's rights in that same track, she herself will take a step back...In the broader sense of violence if we see, any form of rights

violation is violence, right? But if you start talking in that language, the woman gets uncomfortable and then that topic shuts down then and there itself. It is very easy to talk about feelings, when you talk about feelings you're talking in abstract form, because there is no one to blame and you are talking about yourself which becomes very easy. There is no concept of rights here. Even among the educated, not just those who can read and write but even those about whom we can say have a lot of knowledge, even they have no concept of rights. Suppose you have a curfew of 9 to get back home and at the same time there is no such deadline for your brother, if you tell her that this is a distinct differentiation, her counter argument would be that's because they care for me. The emotion of care is there but if you tell them that your rights are being violated, they will never get it and we are exhausted trying to make people understand this very fact.

RB: We have come across women, working women in fact, who to date do not know how to use the ATM card or they say that it stays with their husband. When I've asked why is it so, they have answered whenever I'm in need of money my husband takes it out from the bank, both of them stay together, are well paid, maybe she even gets more salary than her husband still she doesn't know how to use the ATM, she might not even have seen her ATM card ever."

The narratives of the respondents and comments made by several members of the civil society, underscore the consensually subservient position that women often tend to occupy which is both internalised – as part of the habitus, and also externally reinforced – through formal and informal institutions and networks. The idea of ‘benevolent subordination’ – a term coined by Dr. Temsula Ao (2014), a poet, folklorist, and writer from the neighbouring state of Nagaland, to underline the subordinate status of Naga women in all spheres of life, particularly visible in the political arena, is relevant to explain the internalisation. She argues that though there are no ‘tangible’ indicators of ‘abuse’ of women in the state such as dowry deaths or physical abuse, and Naga women do enjoy some personal freedom as compared to their counterparts in other parts of the country, their status has historically been subordinate to men who were considered the ‘protectors’ of women and the society as a whole. She asserts that the ‘benevolent subordination’ of the past has now taken a new form which is passed off under the auspices of female empowerment; “a clever way of seemingly granting equality to women

in Naga society" (p.131). Citing Ao to elucidate the context of Assam, Dr. Rakhi Kalita Moral, who is an Associate Professor and gender scholar at Cotton University, Assam (in the interview for this study), argues that under this form of subordination, women are made to believe that it is good for them and that they are indeed under the protection of men who will take care of them. Their role is thus restricted within the domestic ambit in which they are not encouraged to have any personal ambition.

In fact, both 'hostile sexism' and 'benevolent sexism' are complementary and cross culturally prevalent ideologies serving to justify and maintain patriarchy and traditional gender roles (Glick and Fiske, 1997, 2001). However, while the former is often rejected by women, the latter is more likely to be endorsed by women in sexist cultures, as it is laden with protection and affection to women who embrace conventional roles; by rewarding women for conforming to a patriarchal status quo, benevolent sexism inhibits gender equality (*Ibid*). It has also been demonstrated that people who express benevolent sexism are less likely to be recognized as holding sexist views than when expressing hostile sexism (Barreto and Ellemers, 2005). The possibility of benevolent sexism escaping scrutiny is distinctively high due to the perceptions of warmth associated with it and thus manages to conceal its ideological functions that serve to maintain gender inequality (Hopkins-Doyle et.al, 2019).

Additionally, as stated in the literature review, the concept of symbolic violence is also useful in explain the workings of MV. Due to its covert nature that ensures order and social restraint through indirect, cultural mechanisms rather than direct and coercive social control, the underlying power relations often go unquestioned and are perceived as natural, a given and unchangeable (Jenkins, 2002; Thapar-Björkert et.al, 2016). Bhattacharya's (2009, 2019) research on highly educated young, middle-class Assamese women demonstrate that the subtle process of socialisation (and cultural values) that stems from patriarchal power relations is so deeply entrenched within the Assamese society that even highly educated middle-class women continue to be subjected to symbolic power maintained by misrecognition, as they continue to bear the prime responsibilities for housework and childcare.

The dynamics that produce benevolent subordination and symbolic violence, leading respondents to develop adaptive preferences have been observed to be similar; they require the compliance of individuals in accepting their subservient position for the violence to be manifest without any direct forms of subjugation. Together, they aid in highlighting the extent to which violence is possible and explain the ‘justification’ that is often given for it. *Minu and Grishma’s* comments below, highlight this naturalisation of men’s gendered behaviour’.

“Anyway I am a woman and if a woman says anything to a man when his mood is off, it naturally aggravates their anger. Men’s anger is totally different, we cannot deal with it – when they get angry, they can beat us, even kill us and throw us somewhere, which is why I just used to keep quiet and say nothing.” Minu (26 years)

“You know, he is otherwise a very good man – had he been treated for his (alcohol) addiction, he would have been better person”. Grishma (39 years)

One of the most common complaints made by the respondents was the ‘unreasonableness’ of expectations from them as women and the accompanying violence that they had to face, which was backed by what they considered to be unjustified anger that the perpetrator(s) directed towards them. In developing countries such as India with wider gaps in most gender-based welfare indicators, patriarchy operates by legitimizing unfair and unreasonable expectations of gendered behaviour that prioritise male entitlement and superiority, and manifests as overt and covert forms of anger directed towards women. Dr. Sangeeta Goswami who holds the distinction of being the first Counselling Psychologist to have set up an independent counselling clinic in North East India in 1996 and established MIND India (an Institute of Positive Mental Health & Research) in 2006, routinely engages with issues related to women and violence including women who face MV. She argues that the role of a wife or daughter-in-law embodies certain expectations, and it is when these expectations are not met that violence occurs, and that this is underpinned by a socially ‘excused’ anger that justifies a certain degree of violence within marriage. As she put it;

"SG: If the society is excusing you and you are not punished for your acts – that becomes a kind of a norm again. K: Like you get away with it. S: Yeah, so you feel that it is justified. I think that also plays a role here. When people say that 'Oh! I'm an angry person and that I have no control over myself and that is why I hit her. If she would've stopped there, I would not have hit her' – those are the things which we actually need to address."

This 'justified' anger acts as a catalyst in excusing certain behaviours and practices by maintaining that life with the perpetrator(s) is otherwise peaceful, unless he/they are angered due to any (seeming) aberration that can be attributed to the respondent. It aids in authorizing unaccountability to the perpetrator(s) since they are projected as non-violent individuals unless triggered by some action of the respondents. This also causes women to rationalise their experiences. For example, *Minu* was advised by her in-laws not to engage in any form of conversation with her husband if he was drunk and visibly upset so as to further avoid conflict; her husband's atrocities were thus justified if *Minu* did the opposite. Quite a few respondents were often advised by well-meaning often natal family members, to not engage in any activity that enraged the perpetrator(s) and to act as per the expectations. Alternatively, parallel to violence which is attributed to 'justification', agency manifestations (Chapter 7) will highlight the spectrum of actions that have been taken by respondents to navigate around MV.



Figure 10: *Grishma*

4.6 Discussion

The definition of violence is contested, and this contestation is itself part of the process of the reproduction of and indeed opposition to violence; this occurs differentially and unevenly in distinct cultural and historical contexts and shapes the personal circumstances and future courses of action available to individuals facing violence (Hearns, 1998). Though the term 'violence' can be used precisely or vaguely, it is important to acknowledge that violence is not one thing; it is simply a word, a shorthand, that refers to a mass of different experiences in people's lives (Ibid). Since addressing *what* is violence is not as straightforward a process as it appears to be, a suitable starting point could be to begin with 'What do we mean when we use the word violence?' or the 'meanings and power relations are associated with terms such as violence, violence against women, domestic violence and forced marriage?' (Gill and Anitha, 2011, p.2). An integral part of the definition of violence is however, the recognition of violence or the threat, potentiality or possibility of violence (Hearn, 1998). The two principal strategies that are used to hide male violence are through *legitimization* and *denying* (Westmarland, 2015). The former works by not defining certain acts or behaviour as violence, and the latter specifically consists of not seeing the violence and its consequences (Romito 2008, p.95, cited in Ibid, p.xii).

Taking into consideration the complexities associated with recognising and naming violence, one of the fundamental questions seems to be *how* certain behaviours/actions/situations come to be defined as violence. This study has attempted to elucidate this through the accounts of women who have come to recognize/name violence in their everyday marital life, revealing *how* and *what* comes

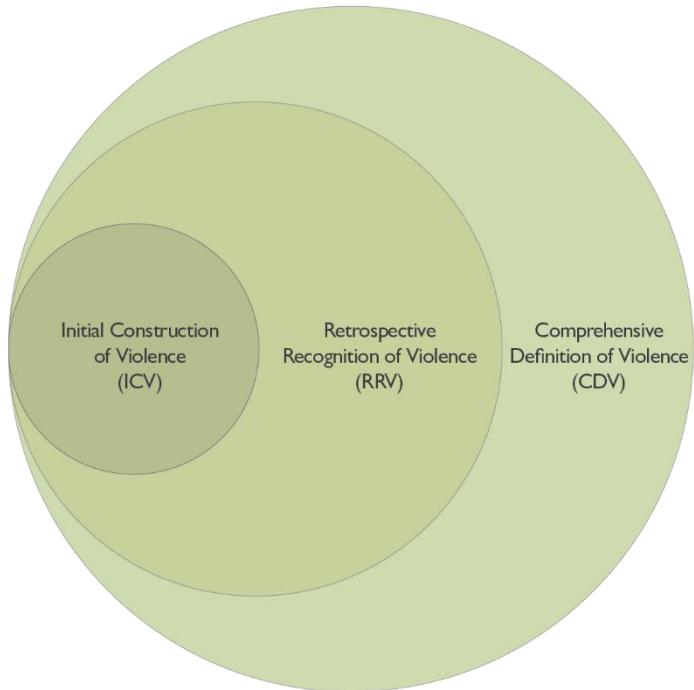


Figure 11: Definitional strata in marital violence (MV)

to be known as violence and *what* does not. The definition of MV in this study is thus understood by the initial construction of violence (ICV in Figure 11) and what respondents retrospectively recognised as violence (RRV), contingent upon the ability to recall, and the relevance or impact that certain behaviours/ incidents had on their lives. Additionally, it includes within its ambit those forms and aspects which (a) have been experienced by respondents for which they did not have the 'language' to describe them (such as coercive control), (b) are still not legally recognised as violence in India (such as marital rape), and (c) were concealed as justified: all together these are included within a comprehensive definition of violence (CDV)⁴². Figure 11 aids in illustrating the definition of MV in this study. It can be suggested that the wider the gap between RRV and CDV, the higher could be the acceptability or justification assigned to MV. It has also been observed that in varying degrees and scenarios, justifications for intimate partner/MV have been observed to be quite common in non-western or developing country contexts such as Nigeria (Oyediran, and Isiugo-Abanihe, 2005), Cambodia (Yount and Carrera, 2006), Egypt (Yount and Li, 2009), Mexico (Peña et.al, 2012), Ethiopia (Guracho, and Bifftu, 2018) and Tibet

⁴² This doesn't mean that it's complete or all-inclusive and can never be improved upon. It can be considered a holistically representative definition.

(Rajan, 2018). A review of 23 articles covering 61 countries reported prevalence of IPV justification, ranging from 2% to 64% across a diverse range of scenarios; while the lowest justification was reported from New Zealand and Cyprus, countries such as Burkina Faso, Ethiopia, Ghana, Iran, Jordan, Kenya, Nigeria, Palestine, Tanzania, Uganda, Zambia, and Zimbabwe had up to 50% or more of the respondents justifying IPV in at least one scenario (Waltermaurer, 2012). Hence, future typology development in MV, especially from non-western settings, can benefit by taking into consideration the inconsistencies which arise due to gaps specifically between RRV and CDV in naming or recognising violence.

The ‘continuum of (gendered) control’ that has been observed to pervade both pre- and post- marital life has been identified as one of the main factors that facilitates the sustenance and non-recognition of MV. Identifying and including the wider spectrum of restrictions, behaviours and tactics within this aspect of control, may provide a richer framework to understand the experiences of MV. Linked to the ‘continuum of (gendered) control’ and acknowledging the mediation of intersecting inequalities based upon gender or class among others, is the denial of capabilities. While recognising that violence within marriages differs in severity, frequency, pattern and control, the capabilities framework is better suited to assess both the type as well as impact (both short term and long term) of MV upon individual autonomy and freedom. As shown in my data (Table 1 above), MV has resulted in capability deprivation in almost every major category cited in Nussbaum’s list (2011). Moreover, violence in relation to capabilities was observed to share a temporal and recursive relationship; while on the one hand denial or inaccessibility of certain capabilities in the pre-marriage stage were observed to play a significant role in increasing vulnerabilities during marriage, on the other hand, certain capabilities were also denied or affected after marriage as an outcome of violence. This chapter has also attempted to demonstrate that MV can act as a critical conversion factor in the translation of resources into capabilities and often goods that a woman owns or can use, including her human capital: the existence of these resources is not sufficient to predict the functionings that she can actually achieve (Strenio, 2020).

To summarise, acknowledging the material-cultural contexts specific to each respondent, the type and impact of MV that have emerged in the study and the mechanism through which it is sustained, can possibly be located within a triad of violence (Figure 12 below).

It can be underlined that (i) the 'continuum of (gendered) control' that pervades both pre-marriage and post-marriage phases, is also linked to (ii) the denial of capabilities, which is furthered by and sustained through the (iii) operation of adaptive preferences, benevolent subordination and symbolic violence, which has also been noted to be influenced by (i).

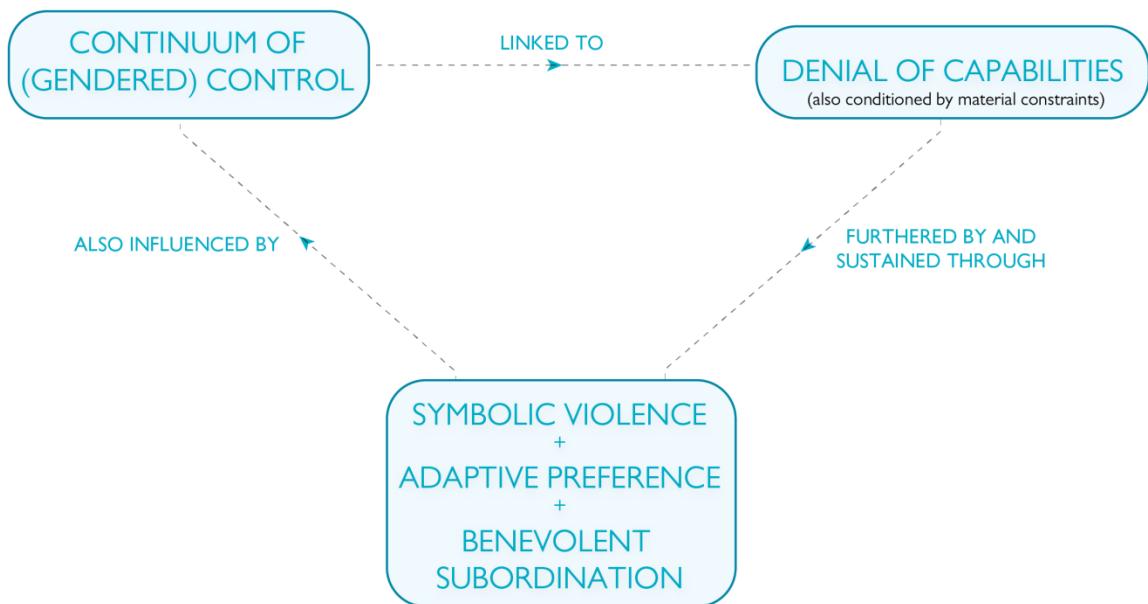


Figure 12: The triad of marital violence (MV)

Chapter-5: Re-victimisation or secondary victimisation within and through the civil-criminal justice system

“Do you think to deal with the ‘system’ is easy? Not at all – the ‘system’ only belongs to those who have money and wield power... The system inflicted violence is tremendous. I have reached a stage when I feel that the violence inflicted by the ‘system’ is far greater than what I faced from my husband... The ‘system’ has to change... No one will get justice in a system like ours, it is a complete mess.”

- Urmila, (38 years)

Picking up from the previous chapter on typology, in which the forms and impacts of MV that were experienced by the respondents were discussed, this chapter will focus on the impediments within the justice delivery system and the diverse ways in which the existing system can be misused and subverted, and thus demonstrate the manner in which respondents were additionally victimised both within and through the civil-criminal justice system (CCJS). The terms ‘re-victimisation’ or ‘secondary victimization’ or ‘secondary wounding’ have often been used to indicate the invalidation, insensitivity and the sense of injustice associated with unfavourable trial outcomes, and other negative ‘victim blaming’ attitudes that are often encountered by women survivors of violent crime such as, rape or IPV within the formal support system, especially with the sense of injustice associated with unfavourable trial outcomes. Existing literature on it is supported by evidence across countries such as Germany (Orth, 2002), Australia (Ragusa, 2012; Matsakis, 1992, cited in Westmarland, 2015; Laing, 2017), South Africa (Nqopiso, 2017), United States (Patterson, 2011), and in the context of multiple other countries (Gezinski and Gonzalez-Pons, 2021). While the concept of re-victimisation will be used to analyse the data in this chapter, it will also highlight the material discrepancies (related to procedural delays or inadequate budgetary provisions) that also contribute to it. In India, institutional deficiencies rooted in the culture (manifested as misogynistic values and practices) and the material context in dealing with gender based violence against women, have been extensively and vociferously highlighted by several feminist legal activist and scholars (Menon, 1995; 2004; Agnes, 1998, 2016; Jaising, 2009; 2015; Gangoli and Rew, 2011, Gangoli, 2016; Nigam, 2019, 2020, 2021; Vaishnavi, 2021; Rawat and Chaudhary,

2022) and also widely covered by the media (Thakur 2016; Raghavan, 2020; Nair, 2020; Ambast and Rastogi, 2021). This chapter contributes to this growing body of literature with evidence based upon the experiences of women facing MV who have approached and sought formal help from institutions specifically based in Assam.

This chapter is divided into two parts. 5.1 – Part 1 begins with a brief summary of the various remedies that are available for women facing domestic violence, ranging across constitutional, criminal and civil capacities, followed by a brief critique of the inadequacies of the criminal legislations which paved the way for the initiation of the PWDVA (Protection of Women from Domestic Violence Act), which is a quasi-civil act which was implemented from 2006. This will be followed by a brief description of the PWDVA and its provisions along with the associated court process and support mechanisms. 5.2 – Part 2 contains the analysis of the data and will begin with a critique of the current legal definitions for their failure to adequately recognise and register distinct forms of violence that respondents have faced. Secondly, specific procedural impediments which respondents have encountered within and through the system will be highlighted. These are related to: a) Lack of procedural awareness and police inaction b) Bribery, corruption and SLAPP⁴³ litigation (strategic lawsuits against public participation) and c) Process specific and implementation specific lapses. Thirdly, I will focus on what has emerged as an overlapping theme: the misogynistic value system that underpins the dominant practices and perspectives within the CCJS. This will be followed by an assessment of the material deficits in the support for existing legislations. Lastly, this chapter will argue that apart from the material deficits clearly evident in the CCJS, what appears to be a critical issue is that rather than facilitating any form of restorative or retributive justice, it seems to be practicing and propagating similar biases and prejudices that lead to the occurrence and sustenance of MV.

⁴³ A term coined by Professor George W. Pring and Penelope Canan in 1992: “the apparent goal of SLAPP or frivolous counterclaims is to stop the common citizens from exercising their political rights or to punish them for doing so” (Nigam, 2021, p.152).

5.1 – Part 1: On constitutional rights, domestic⁴⁴ violence legislations and personal laws

Figure 13 below lists the constitutional rights that are meant to safeguard the rights of a citizen of India against violence, and also cites the various criminal and civil remedies that women can access when they face violence within a marriage or in ‘a domestic relationship’(explained below). The criminal and civil Acts can be combined with other relevant Acts or Sections of the Indian Penal Code (IPC), such as Section 307 IPC (attempt to murder), Section 503 (criminal intimidation) according to the experience of the complainant. Of the remedies listed below, Section 498-A (The Anti-cruelty Act) and PWDVA (Protection of Women from Domestic Violence Act) are the most relevant and have been reportedly⁴⁵ invoked by a majority of the respondents in the study. Additionally, although rape by strangers is criminalised under Section 375, exception 2 exempts marital rape unless the wife is under 18 years of age or if the rape is committed upon a judicially separated wife (Poddar, 2022; Sachdeva, 2022). Section 3 of the PWDVA recognises sexual violence, but a woman can only seek civil remedies under it. It can also be cited as grounds for divorce under the provision of ‘cruelty’ as per 498-A.

Moreover, India follows the personal law system under which certain civil and property matters (marriage and divorce, custody and guardianship, adoption and maintenance, as well as succession and inheritance) of Hindus⁴⁶, Muslims, Parsis, Christians and Jews are governed by their respective religious laws (Gangoli, 2007; Herklotz, 2017). India follows a plurilegal system – in Gopika Solanki’s terminology, of family law which can be described as ‘shared adjudication’ under which the State has restrained authority and shares adjudicative authority with religious and societal actors and organizations (Solanki, 2011). This system has been conceptualised as a remnant of colonial jurisprudence, wherein a policy of non-interference in ‘personal customs’ led to codification of Personal Laws which was based on detailed discussions and consultations with primarily male representatives of distinct religious bodies (Singh and others cited in, Gangoli, 2016). The proposal for the

⁴⁴ The term domestic violence is used in all legal terminology in India. In PWDVA marital violence falls under domestic violence and in others marital violence itself is referred to as domestic violence (example- 498-A)

⁴⁵ This study did not have the possibility of reviewing the latest copies of court documents. At times relief requests/criminal charges were dropped/ freshly levied as the case progressed and respondents were not aware of the current status of their cases.

⁴⁶Buddhist, Jains and Sikhs fall under Hindus as well.

formulation of a Uniform Civil Code (UCC) that would lay down a uniform law for all Indian citizens irrespective of their religious affiliation, on family and property matters, has been at the centre of debate for over a century without any clear consensus (Business Standard, n.d). While this system has been argued as discriminatory against women in some form or the other (Menon, 2012), some such as Agnes (2016b) argue that although all personal laws are gender unjust, they are not gender unjust in the same way and hence what is necessary is uniformity of rights and not law. Though personal laws do not cover MV, they are relevant when respondents have filed for divorce/ maintenance/ custody under them along with other civil/criminal sections.

Type of rights/ laws	Implemented from	Title and content
Constitutional Rights	1950	Article 21 Guarantees the right to life including the right to live a life with dignity and the right to live a life free from violence to its citizens
		Article 15 No citizen of India shall be discriminated against on the basis of religion, caste, sex or place of birth and that the state may make special provision for women and children
Criminal Remedies	1961	Dowry Prohibition Act (DPA) Under the DPA, the giving and taking of dowry was deemed a criminal offence with a minimum imprisonment of 5 years and a minimum fine of fifteen thousand rupees (150 pounds approx) or the amount of the value of such dowry, whichever is more, with the burden of proof lying with the defendant
		Section 498-A or 'the Anti-cruelty Act' Cruelty to the wife by the husband or his relatives was rendered a cognizable and non-bailable offense that was punishable with imprisonment up to three years and a fine; cruelty was defined as both physical and mental, and any harassment associated with the demand for dowry
	1986	Section 304-B or the 'Dowry death Act' Criminal prosecution of the husband and in-laws, if her death was a result of burns or any other injury within seven years of marriage under suspicious circumstances, and if it could be proven that she was subjected to cruelty or harassment by the husband/ in-laws in relation to the demand for dowry
		PWDVA (Protection of Women from Domestic Violence Act) Defines domestic violence as physical, sexual, verbal and emotional, and economic violence and includes any woman in a domestic relationship in a 'shared household'. Offers remedies, such as - Protection orders, Residence orders, Monetary reliefs, Custody orders, Compensation orders and Interim orders, to a woman with the possibility of invoking criminal proceedings for violating orders.
Personal laws	Enacted in different years, specific to each religion.	Matters related to divorce, custody and guardianship, adoption and maintenance, succession and inheritance are determined by personal laws

Figure 13: List of available constitutional and legal remedies

5.1.1 Critique of criminal remedies

Despite the existence of the constitutional rights and legislations cited above, the position of women in Indian society is highly variable and to a large extent depends upon the intersections of caste and class (Gangoli, 2011). Without a clear definition, domestic violence was still considered a 'private' matter until 2005, with remedies confined to civil courts for divorce, and criminal courts under Section 498-A and Section 304-B (Bhatia, 2012; LCWRI, 2013a; Rao et.al, 2017). Several reviews of the implementation of the criminal laws underlined the lacunae at various levels that specifically related to low rates of registration and conviction, inaction and corruption among law enforcement officials, prejudices and hostility against women during court proceedings, insensitive and callous responses of the police, and allegations of misuse of evidence (Agnes, 1998; Suneetha and Nagaraj, 2005; Abeyratne and Jain 2012). Section 498-A also proved to be an inadequate remedy because it worked on the basis of deterrence (fear of arrest) rather than on the basis of the rights of the woman (LCWRI, 2013b). 'Cruelty' under 498-A, refers to:

"(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demands for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

Though this section provides a definition of domestic violence as cruelty by encompassing physical and mental cruelty including abetment to suicide, it was rarely used except in cases of grave physical injury or death, invoked primarily in dowry-related cases of domestic violence (Kapur, 1993, cited in, Gangoli and Rew 2011, p.425). Additionally, this framing of cruelty was also found to be too narrow and insufficient as it did not include sexual violence, economic violence, or threats of violence (LCWRI, 2012). Despite its notable objectives, it also generated tremendous controversy with several data sources providing evidence asserting the widely held perception that it was misused by women to 'break up families', 'punish in-laws', and 'extort money'; detractors argued that by sanctioning the immediate arrest of a husband and/or his relatives, the Act went *too far*

to protect women from violence (Lodhia, 2009). To address the alleged misuse of Section 498-A, especially stressed by men's rights groups, the Supreme Court of India has recently provided a safeguard by issuing a directive ruling out immediate arrest: any arrest made should satisfy the provisions laid down under section 41 of the Civil Procedure Code (Zeenews, 2018). Also, as criminal law by nature mandated the involvement of the State and its agencies by requiring the police to take action, make arrests and investigate and prosecute, more often than not the law was rendered defunct due to the sheer inaction, which was institutionalized across the country, along with the policy of 'counselling, conciliation and mediation' (Lodhia, 2009; LCWRI, 2012). Introduction of section 498-A thus did not lead to escalation of convictions in domestic violence cases but did grant married women a legal tool to challenge their marital family when subjected to domestic violence (Gangoli and Rew, 2011). In the absence of an expeditious civil remedy many women were reluctant to wage lengthy battles in the courts (Grandle 2003, cited in Rajesh, 2010, p.120). Additionally, the criminal remedies of Section 498-A and 304-B, did not provide any respite to women who faced violence in natal relationships or relationships that lacked the legal sanction of marriage (LCWRI, 2012). They had little to offer in terms of the immediate needs of women related to protection, shelter and monetary relief (Jaising, 2009). Owing to inadequate provisions under the law, women often had little choice but to endure the violence or be ill equipped to deal with the consequences of reporting violence in a society that had little acceptance of divorce (Hornbeck et.al, 2006).

The need for a law that was a combination of both civil and criminal remedies was felt - a civil law that would restrain the perpetrator from committing violence, and simultaneously provide for the other needs of the woman facing violence, with punitive provisions to ensure the enforcement of the orders (Jaising, 2009). This would especially cater to women who wanted the violence to stop, review their relationship and options in life, and negotiate their problems with their husbands in a dignified manner in an atmosphere free from physical or mental violence (Jaising, 2015). A need was felt to move away from criminal and punitive measures to civil welfare measures and thus the PWDVA was passed in 2005 and was implemented from October 26th, 2006, after more than a decade of struggle (Ghosh and Choudhuri, 2011; LCWRI, 2013a).

5.1.2 On the Protection of Women from Domestic Violence Act (PWDVA)

The PWDVA defines domestic violence in the broadest possible terms by including physical, sexual, verbal, emotional, and economic violence and includes any woman in a domestic relationship in a 'shared household'. It is a gender specific law that offers certain remedies, such as Protection Orders, Residence Orders, Monetary reliefs⁴⁷, Custody Orders, Compensation Orders and Interim Orders to the woman under civil law, with the possibility of invoking criminal proceedings for violating orders. The civil nature of remedies was deemed appropriate in consideration of the fact that women facing domestic violence required holistic support which cannot be met by a criminal proceeding or a divorce petition (Jaising, 2009). The Act 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". By including a wide range of female claimants such as women in live-in relationships, sisters, mothers, daughters, widows, and divorced women, apart from women in marital relationships, the PWDVA 'destabilizes' static notions of the family; it can also be invoked by women who find themselves in bigamous marriages⁴⁸ or marriages that might otherwise be considered invalid under law (Lodhia, 2009). While this Act enables the wife or the female member in the relationship to file a complaint against the husband/ male partner/ relatives (both male and female) it does not permit the husband/ male partner/ relatives to file a complaint against the wife or any female member (Ibid). The Act responds to a certain socio-cultural context of women facing violence from multiple family members by offering a legal definition of domestic violence that is distinct from most western framings of domestic violence in interpersonal settings between two individuals (Mukhopadhyay, 2019).

⁴⁷ Additional provisions also exist for women across religions to claim maintenance from her husband under the provision of Section 125 of the Code of Criminal Procedure (CrPC). Under this section, "any person who has sufficient means to maintain himself cannot deny the maintenance to the wife, children, and parents if they are not able to maintain themselves" (Saurabh, 2021).

⁴⁸ It is not mandatory to officially register a marriage in India- very often marriages take place with rituals specific to one's religion/ community with family/ community members as witness. Adultery is no longer a criminal offence in India.

The PWDVA is envisaged as a one stop, all-inclusive and comprehensive Act for a woman to access both judicial services as well as other welfare services, primarily with the purpose of violence prevention rather than calling upon punitive action. The Act is particularly designed to operate in conjunction with other civil laws (e.g., family laws) and criminal laws (e.g., Section 498-A), with the purpose of reducing the multiplicity of forums and providing multiple avenues for women to seek legal redress, simultaneously (LCWRI, 2013a). It provides a mechanism of state facilitated infrastructure through a number of stakeholder organizations or implementing 'agencies' (see Figure 14 below) to facilitate a woman's access to justice and associated services, with the Department of Social Welfare or the Department of Women and Child Welfare as the nodal agency (LCWRI, 2013b). This infrastructure consists of protection officers, service providers, the police, shelter homes, medical facilities, and magistrates. The nodal agencies of the Central and State Governments are required to ensure adequate infrastructure to protection officers, effective coordination, devise protocols for service delivery, provide periodic training for PWDVA agencies, create awareness on the law, and allocate a budget for its implementation (Ibid). The Protection Office (PO) is the key state agency appointed to receive complaints from the aggrieved woman and record 'Domestic Incident Reports' (DIR)⁴⁹. They are required to provide information on available legal rights and remedies and facilitate a woman's access to justice and support services. Additionally, the PO is required to assist the court in serving notices, collecting evidence, and enforcing orders and to coordinate with other stakeholders involved.

⁴⁹The 'Domestic Incident Report' (DIR) is a report made in the prescribed form on receipt of a complaint of domestic violence from an aggrieved person. It is mandatory to fill this up by the PO or any of the service providers when approached by a woman reporting violence. It is the first or the first institutional record of the violence (Mukhopadhyay, 2019). Filling of the DIR does not automatically trigger a legal proceeding but is the first institutional record of domestic violence and acts as a crucial component of legal evidence if and when legal proceedings commence (Ibid).

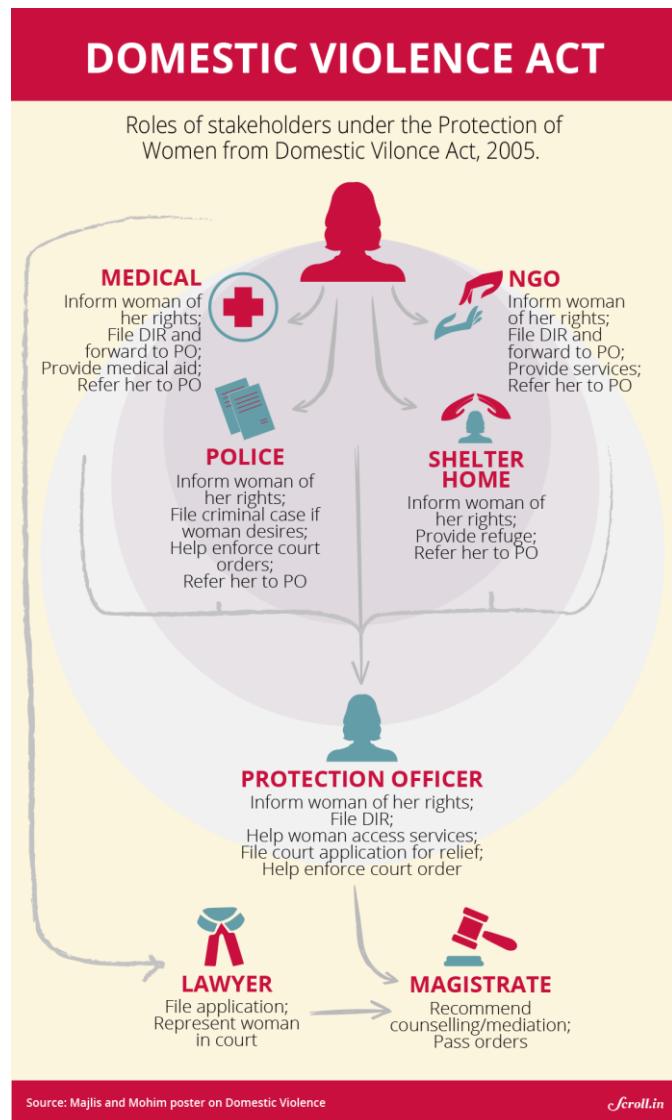


Figure 14: Role of the various stake holders involved in PWDVA (Masjis and Mohim poster cited in Johari, 2017)

However, the PWDVA has not escaped criticism, especially owing to lack of clarity on certain aspects and associated ambiguities (Abeyratne and Jain, 2012). Ghosh and Choudhuri (2011) highlight four objections on the PWDVA: i) the Act is alleged to be gender discriminatory in raising the fear of possible misuse to harass men, with 'men's rights' organizations, such as *Save Indian Family Foundation*, claiming that a large number of males complain of harassment and even violence by women; ii) there is reason to believe that certain offences such as sexual violence are unprovable in nature including a lack of clarity on acts such as 'insults' and 'jibes' considered as emotional violence; iii) by including live-in relationships in a culture that still considers marriage to be the only

sanction for cohabitation, it may render women more vulnerable; and iv) the most notable objection is that it targets only male offenders - this being only partly valid as female relatives of male offenders can be prosecuted under the Act though they cannot be singled out for any act of domestic violence. Hornbeck et.al (2007) argue that the most significant limitation of the PWDVA is its civil character, which does not permit criminal punishment of the perpetrator, as a result of which, women are left with Sections 498-A or the 304-B, which have already been proved as inadequate remedies.

Commenting on the status of legislative reforms for women rights, Flavia Agnes (2016a) argues that inadequate infrastructure and a hostile atmosphere for women within court spaces have meant that existing legislations has had limited success on the ground, rendering them 'ornamental'. Apart from massive backlogs of cases that cause delays in expediting orders, she highlights the lack of a competent and efficient legal aid across all levels of the courts: family courts where matrimonial lawsuits are filed, magistrates' courts under which cases of Domestic Violence Act are litigated, and sessions courts which deal with the sexual abuse of women and children. She argues that though the very purpose of family courts, first set up in the year 1989, was to decrease dependency on private lawyers through adequate guidance from the court staff, this has failed as it is impossible for a woman to approach these courts without the aid of private professional lawyers who often charge prohibitive fees. This poses additional challenges for the economically weak, who are also the most vulnerable, but they too often prefer to hire private lawyers, as the free legal aid that is available is perceived to be poor quality (*Ibid*). Additionally, she highlights that extremely low remuneration paid to lawyers in the panels of these courts and the associated low status within the legal fraternity has ensured that only those who are without a viable practice of their own enrol as panel lawyers, which further increases the chances of compromise or 'collusion'.

5.1.3 The court process

Bande (2017) demonstrates the process involved from the filing of a complaint/DIR to the passing of the final order (Figure 15). Once a DIR is filed, a court application addressed to the Magistrate should be filed to access reliefs under the existing legislations. The PWDVA emphasises a timely and quick process, stipulating that the first date of the hearing in

court after receiving an application shall not be beyond three days from the date of receipt, and that the magistrate shall 'endeavour' to dispose of every case within 60 days from the date of the first hearing. Once both parties appear before the Magistrate and are heard, either an interim order for immediate relief should be passed or the couple is advised to avail themselves of counselling under registered professionals. If the matter is resolved through counselling, the final order is passed. However, if the parties decide to proceed further legally, the parties are requested to provide evidence supporting their arguments which are then scrutinised by both parties, based on which the final order for relief/ compensation and other provision is then passed. Violation of any order passed by the court is a punishable offence that will result in imprisonment of up to 1 year or a fine of INR 20,000 (c. £200 approximately). An appeal against the order/s passed can be made in the Sessions court within 1 month. In case a criminal section like 498-A is also levied (refer to Figure 16 below), adjudication ranges from the registration of the FIR⁵⁰ to the preparation of charge sheet, investigation, evidence collection, recording the statements of the parties, medical reports, cross examination, and so on (Nigam, 2021). As emphasised by respondents in this study too, every stage of the proceedings is time consuming with lawyers, judges, and court staff playing a critical role in drafting, pleading, producing a list of witnesses, recording statements, and so on (*Ibid*). Figure 15 below demonstrates the steps involved when relief measures under PWDVA are involved and Figure 16 demonstrates steps when a criminal case runs alongside PWDVA.

⁵⁰ First Information Report – formal complaint restricted to only criminal proceedings under 498-A or other related criminal provisions. PWDVA being a civil Act does not require an FIR.

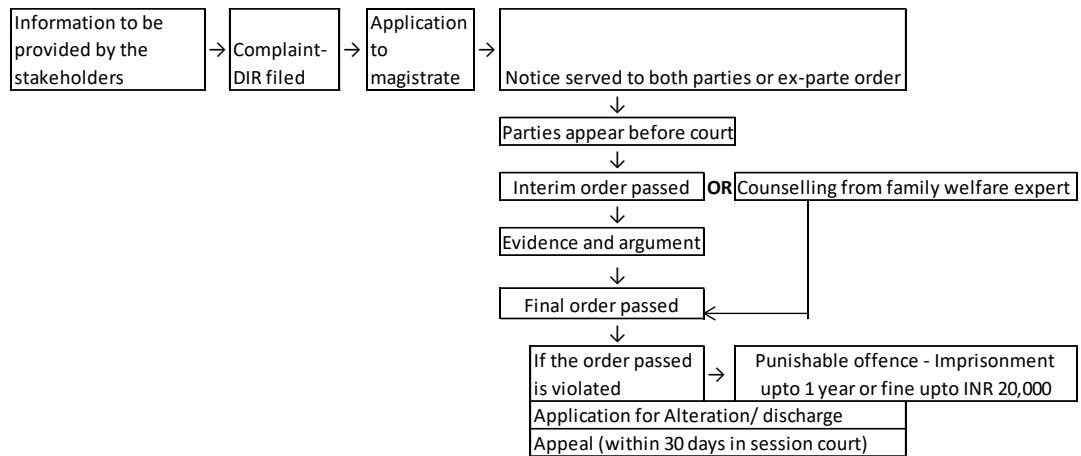


Figure 15: Court process in PWDVA (Bande, 2017)

Flowchart Stages of Domestic Violence Case in Court

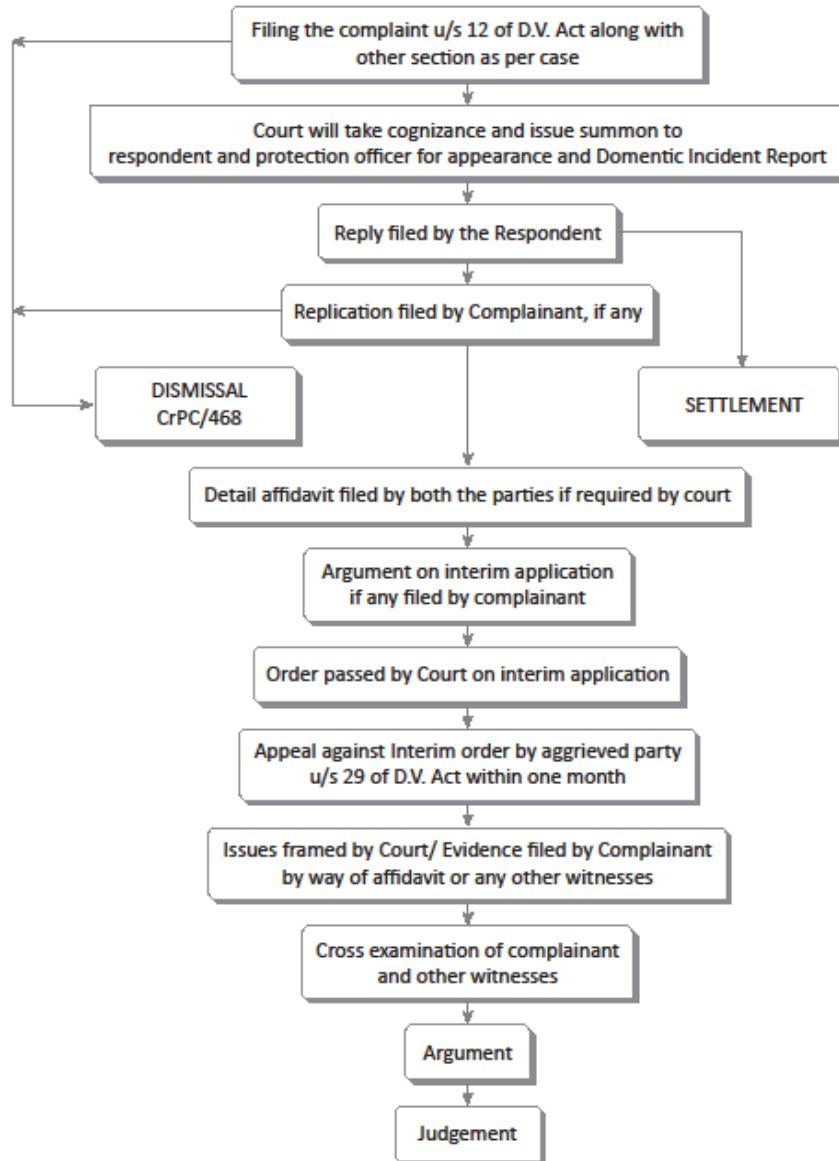


Figure 16: Stages when PWDVA is applied with other criminal charges (Legal Gurukul, 2020)

Part 2: Experiences of respondents within the CCJS

Prior to the analysis of the data, it is relevant to state that only very few women who experience MV actually seek help and even fewer seek formal help, as per the latest NFHS data (2019-2021). Table 2 below highlights this data:

Background characteristic	Never sought help		Sought help from any source	Sample size
	Never told anyone	Told someone		
Never married	71.9	12.2	15.9	2814
Married	78.4	8.4	13.2	19,928
Widowed/ divorced/separated/deserted	62	12.7	25.3	1499
Type of violence				
Physical only	79.5	9	11.6	19,622
Sexual only	80.6	9.5	9.8	759
Both physical and sexual	61.3	9.9	28.8	892
Persons who committed the violence				
Current husband only	79	8.6	12.4	14,881
Any previous husband only	61.2	13.1	25.7	1197
Any husband and others	70	9.1	20.9	3,060
Own family members only	80	8.1	11.9	3,901
Person(s) other than husband or own family	68	15.1	16.9	1,086
Missing	68.7	10.4	20.9	148
Total	76.6	9.1	14.3	24,273

Table 2: Help seeking to stop violence: Percentage distribution of women age 15-49 years who have ever experienced physical or sexual violence by whether they have told anyone about the violence and whether they have ever sought help from any source to end the violence according to type of violence and background characteristics, India 2015-16 (NFHS, 2019-21)

This data gives an idea about the overall help seeking behaviour of women (whether married, widowed, divorced, separated or deserted) facing violence, and points to the sources from which most/least help is sought. It underlines that out of the total sample, only 13.2% of (currently) married women and 25.3% of widowed/ divorced/ separated/ deserted women have ever sought help to stop violence. Overall, the percentage of women who sought formal help was relatively higher for those who faced both physical and sexual violence (28.8%).

Additionally, as highlighted in Table 3 below, out of those who sought help (all women irrespective of marital status), only 6.9% sought any form of formal help (doctor/ medical

professional/ police/ lawyer/ social service organisation), of which only 3.3% sought help from the police.

S. No		Type of violence			Sample size
		Physical only	Sexual only	Both physical and sexual	
1	Own family	65.4	55.1	65.4	65.2
2	Husband's family	27.5	26.4	31.5	28.8
3	Current/former husband	1	2.8	0.8	1
4	Current/former boyfriend	0.2	0.3	0.5	0.3
5	Friend	13.5	24.4	16	14.5
6	Neighbour	10	2.6	12.4	10.6
7	Religious leader	1.4	0.8	2.6	1.8
8	Doctor/medical personnel	0.6	0	2.8	1.3
9	Police	2.5	0.9	5	3.3
10	Lawyer	0.9	0.9	1.5	1.1
11	Social service organization	0.8	2.5	2	1.2
12	Any formal help (8+9+10+11)	4.8	4.3	11.3	6.9
13	Other	1.8	0.9	2.2	1.9
	Number of women	2,268	75	1,121	3,463

Table 3: Formal and informal help accessed by women (NFHS, 2019-21)

These two data points indicate that sources of formal help are not the most sought after by women who are facing or have faced violence in marriages. Rather, it is to immediate families that women most often turn to for help, with natal families (65.2%) prioritised over the husband's family (28.8%).

5.2.1 Definitional and registration inadequacies

Data from the present study attest that the current legislations in place are highly inadequate to register the complete range, severity, frequency, or duration of violence, or to reflect any pattern or record the level of control or coercion that respondents have faced within marriages. Additionally, other distinct forms of MV that have been experienced – such as marital rape, technologically driven surveillance methods and certain forms of economic violence find no recognition under the current legislations.

The continuum of violence that has been observed to permeate the 'everyday' life of the respondents and is characterised by the presence of chronic fear, threat, micro-regulation, coercion and the resulting impact on physical or mental health, finds no acknowledgement

in the current reporting format of the Domestic Incident report (DIR). The DIR primarily accommodates individual incidents/acts of violence and requires the complainant, or any stakeholder who is filling it on her behalf, to list the ‘Date, place and time of violence’, ‘Person who caused domestic violence’ for all categories recognised by law i.e., ‘Physical’, ‘Sexual’, ‘Verbal and Emotional’, ‘Economic’ violence and ‘Dowry Related Harassment’. One is required to ‘tick’ specific incidents/acts listed under each category if it has been experienced. Additionally, since there is no scope to record frequency or pattern, the current format is inadequate for reporting repetition, which is a critical factor in assessing the risk that a woman is in. An employee from the District Social Welfare office⁵¹, who is one of the primary contact persons for filing the DIR, said that though there is scope to attach extra sheets along with the DIR if a woman wishes to add specific details, it is conditioned by ‘how much’ the woman is willing to share and time constraints at their end due to the high workload, as the PWDVA is one of many schemes that the team handles. *Anima* who had suffered close to a decade of several forms of violence and is now divorced, aptly highlights the issue with this system of recording violence:

“Anima (A): I told the Judge that when a woman is being thrashed black and blue it’s impossible for one to even stand, let alone go and write down the date or time. If he had hit me only for 2-3 days maybe I could’ve remembered it but since it was on a daily basis I couldn’t remember. Even if I wanted to, I couldn’t. I said that loud and clear!”

Thus, placing a tick mark against a specific category neither allows one to describe any pattern or frequency, or record the severity of the experience faced. Additionally, though women have the possibility of invoking the criminal section of 498-A or the ‘Anti-cruelty Act’, the definition of cruelty under it has proven to be inadequate on multiple counts, as highlighted above. Apart from the challenge to bring in sexual violence, economic violence or even threats of violence, within this definition, a serious limitation of this Act is the high threshold set for what counts as cruelty, such that, to qualify, it should drive one to end one’s life or that it should result in grave injury (Jaisingh, 2009). The vagueness of the wording and its ambiguity reduces its interpretation to a matter of individual subjectivity.

⁵¹ This District Social Welfare officer is also the Protection officer in Kamrup (Metro) district.

Data obtained from several police respondents⁵² confirm that irrespective of the legal definitions of violence, it is only narrowly interpreted and, in most cases, reduced merely to physical violence. The incompetency and inadequacy of the current system to even acknowledge sexual violence is highlighted by this comment below by an assistant sub-inspector from police precinct B:

"Asst sub-Inspector (ASI): If we see that the woman's injuries are critical, we immediately send her for medical examination so that she can get treated immediately. After she receives the basic medical care, she gives us in writing as to what grievance she has in the form of an FIR (First Information Report). K: And what action is taken if someone is facing sexual violence? ASI: Yes, such violence also takes place but then it is a personal matter between the couple".

Another point that needs to be highlighted is the occurrence of certain forms of control and violations which can currently be committed with legal impunity freeing the perpetrators from any form of accountability. As referred to in the previous chapter, these are specifically related to marital rape, reproductive and other forms of coercion and control, and certain technologically driven means of surveillance. Currently, six specific forms of controlling behaviour are collected in the NFHS data: is jealous or angry if she talks to other men; frequently accuses her of being unfaithful; does not permit her to meet her female friends; tries to limit her contact with her family; insists on knowing where she is at all times; and does not trust her with any money. However, even these are yet to be included in the legal framework.

Thus, the existing definition of domestic violence within the PWDVA or the 498-A and the format of registration under the DIR, does not have the scope to adequately represent the distinct forms, severity, frequency, or the nuanced experiences that underpin the continuum of violence that women have experienced. It fails to recognise new ways in which the violence is perpetrated (such as technology facilitated abuse) which has the potential to provide new and important sources of evidence. Even existing scope to

⁵² 5 respondents were from 3 police precincts were interviewed. They are anonymized as A (3 respondents: 1 Asst Commissioner of Police, 1 Officer in Charge, 1 Assistant sub inspector), B (1 Assistant sub inspector) and C (1 Officer in Charge) respectively. (Refer to 1.2 in Appendix 1).

register sexual, verbal and emotional violence are not fully utilised. Additionally, it is open to interpretation which rests on the subjectivities and biases of those operating within the CCJS and thus reduces MV to what is understood and accepted as violence by individuals who are at the frontline dealing with women who face violence.

5.2.2 Procedural impediments

Before beginning with the specific procedural impediments that have been highlighted within the system, it is crucial to note that irrespective of the range, severity or duration of the violence faced by respondents, recourse through the police or the legal route was not the first measure undertaken to mitigate the violence. As stated earlier, data shows that 18/ 22 waited for 5 years or more before approaching any formal source of support and for 9/ 18 this wait was for than a decade. Additionally, apart from two respondents who were themselves engaged in the legal profession, knowledge of the relevant laws and procedures was absent in most of the cases. It is only after approaching legal aid that respondents claimed to have some awareness about the legislations or the kind of reliefs available to them; this awareness too was conditioned by their education or literacy levels. The legal language used in Acts is also not easily decipherable by the lay person; for example, the PWDVA itself consists of 5 sections and 37 sub sections. Due to lack of awareness about the law, respondents had often lost considerable time before approaching any formal source of help. Those who were economically most vulnerable were the worst affected.

5.2.2.1 Lack of procedural awareness and police inaction

Though the PWDVA has placed the Protection Office at the forefront of all DV complaints (as highlighted in Figure 14 above), due to initial unawareness about the Act and its provisions, for a majority of the respondents (17/22), it was not the PO but the police who were the first point of contact in the formal support system. As per Section 4 of the PWDVA, the police have a duty to inform the woman of the PWDVA and the relief provisions under it, her rights to make an application (DIR), the availability of the Protection Officer and service providers, her right to free legal aid and the right to file a complaint under 498-A. This information was not provided to any of the respondents who

had approached them. Contrary to the official process, most police intervention ranged from an informal chat with the couple to encourage them to reconcile (this happened in the case of six respondents on multiple occasions), forwarding of cases to formal counselling centres such as the one run by TISS (Tata Institute of Social Sciences) located at Panbazar⁵³, non-registration of an FIR if the respondent had expressed the wish to register a formal complaint, and at times shaming and chastising the woman for approaching the police for bringing a 'private' matter to them. These interventions are not a part of the official procedure and hence, it was not surprising that none of the 7 police officials who were interviewed were even aware of the exact procedure under PWDVA, often giving obscure and conflicting statements on being asked about the exact process that is followed.

For example, two senior officers of police precinct A, spoke about intervention in the form of forwarding cases for formal counselling or mediation aimed at reconciliation of the couple, and the filing of an FIR only after no attempt of reconciliation/mediation occurs. They said that investigation begins after the registration of the FIR, after which evidence is collected and statements taken from available witnesses and a chargesheet⁵⁴ is filed, and ultimately the case forwarded to the respective court. Henceforth, police intervention is required according to the direction of the court. However, the process mentioned applies to 498-A and not PWDVA; though the latter is the latest legislation which came into force almost 17 years ago, awareness about the Act and the process were observed to be quite limited with familiarity still lying with the criminal legislation of 498-A. As mentioned in Part 1 above, the PWDVA was brought into force to counter the inadequacies with the 498-A; hence, lack of awareness about it defeats the very purpose of its initiation.

Additionally, registration of an FIR applies only for 498-A with the possibility of having witnesses only when violence takes place in the presence of others. It was unclear as to how witnesses to violence that occurs in private, or that is not possible to be

⁵³ A special cell for women is run by a leading institute – Tata Institute of Social Sciences (TISS) in the premises of a police precinct. It supports women through counseling services, aids them in linking with free legal aid, possible employment and sustains contact through follow ups.

⁵⁴ A chargesheet is required to be filed within 90 days of registration of the FIR

demonstrated in the form of evidence (such as verbal abuse or psychological impact or medically undiagnosed sexual violence), is collected. In addition to the flawed assumption that there will be witnesses to the violence, they are more likely to be members of the husband's family and unlikely to side with the aggrieved woman. A few respondents also reported that a common tactic used by the perpetrators was their tendency to hit in areas in the body that were usually concealed under clothes so that bruises/ marks were not easily visible to others. *Sneha*, who herself is a judicial services officer shares from her experience, both as a complainant and as a practitioner, that there have been instances (including in her case) when police have either compromised the investigation or closed the case, citing lack of sufficient evidence. She had initially filed an FIR under 498-A, and later on had also applied for relief measures under PWDVA.

"Sneha (S): In my case, I was fortunate enough that the case was registered. It helped that I come from a somewhat privileged background. Often what happens is that when women approach the police, the police take a bribe from the other side and somehow make a false entry and do not register the case. Even if they register a case, what is commonly done is that they will (falsely) claim to have conducted the investigation and then file a report for closure citing insufficient evidence. In my case though they did not do this, it was also not that they conducted a very proper investigation either. K: What did they do during the investigation process? S: They claimed to have found some evidence, which I only provided them with, and then they gave a chargesheet but they did not arrest my husband or in-laws. The police helped them in evading arrest by accepting a bribe. The more you have money, the more you'll have influential power. Ultimately it all comes down to that."



Figure 17: The broken switchboard at Grishma's house: "*There is not a single object in my house that has not been a witness to the violence*"

Demands for evidence were even made in the case of immediate threat to life requiring protection: in the case *Urmila*, who had in one instance approached the police precinct D when she was brutally hit (though without visible marks) and chased out of her home with a machete by her husband, was denied a case registration on the grounds of lack of evidence.

Refusal by the police to register a FIR was observed in the case of six respondents. On being questioned about the issue of non-registration, several reasons were cited by respondents from the police administration. They accused women of approaching the police on 'impulse' without premeditation and withdrawing the cases soon after, causing increased paperwork formalities for an already over-burdened and under-staffed department. This claim, however, is in contradiction with data related to the time taken by a majority of the respondents to approach any formal help source. At times women were accused of lying and hence misusing the law in order 'to get back' at their husbands and in-laws and hence FIRs were allegedly registered only when the officer was convinced (often on the basis of outward appearance and behaviour) about the intentions of the aggrieved woman. Data on the higher proportion of acquittals and low conviction rate are often put forward as evidence to suggest that the section 498-A is misused by women; this claim overlooks the role of gendered state institutions in conceptualising and implementing the law (Trivedi and Singh, 2014) and the various pressure techniques that are often applied against women to forcefully 'settle' or to withdraw their cases (Nigam, 2021). The 'misuse' of the domestic violence law has been viciously propagated by the Men's Rights Associations in India for quite some time now and is expanding to the extent that the police, judiciary, lawmakers, and the executives are often found to be actively acting on it (*Ibid*).

In the case of all respondents in this study who were informally counselled by the police along with their husbands (at times on multiple occasions), the violence did not stop but rather strengthened the resolve of the perpetrator(s) to carry on with impunity. A common practice after a session of informal counselling was to get a document⁵⁵ signed

⁵⁵ I have not seen any such document but from description, it appears to be a type of informal attestation by the perpetrator to stop the violence.

by the perpetrator(s), attesting that he/ they will stop the violence. Such a document, however, does not hold any value in the court of law and in none of the cases did it result in change in the situation for the respondent. Additionally, in this study, non-registration can also be attributed to 'benevolent intentions' that the officials (irrespective of gender) cited in order to 'save the family' (see 5.1.3 below) and 'in the best interest' of the family and the woman, while subsequently denying women the agency to decide for herself. Additionally, in 4 cases 'out of jurisdiction' was cited as a reason for non-registration, which is against Section 154 of the Criminal Procedure Code, under which police stations are legally bound to lodge a Zero information report, irrespective of the jurisdiction, and transfer the case to the appropriate jurisdiction later (Indian Kanoon, n.d.).

Dismissal of genuine cases by the police were also noted by concerned members of the civil society who highlighted instances where women are dismissed on frivolous grounds such as 'non-appearance of the woman as helpless or destitute', for being 'too outspoken', and at times by constructing it as a '*ghoruwa kajiya*'/ a matrimonial dispute or a private matter that needs to be sorted between the couple and hence deemed non-serious. One respondent who is a service provider commented, "*I'm saying this off-record, but sometimes we have to tell particular women, to 'act' helpless when they approach the police*". Some civil society respondents also said that cases of MV are given low priority in the police and judiciary, owing to additional issues related to under-staffing and case overload. A legal service provider reported that limited awareness about the Act and related processes is also quite common among members of the judiciary, so that rather than recommending any kind of relief, including immediate relief measures such as protection orders under the provision of 'interim order', litigations carry on for years.



Figure 18: Food splatter at Grishma's house: *"He would come home and throw the cooked food around"*

5.2.2.2 Bribery, personal connections, and strategic lawsuits against public participation (SLAPP) litigations

In the cases of nearly half of the women respondents, when they eventually approached the formal support system, they were allegedly threatened by husbands and members of the marital family who claimed they had power and influence in the police and higher authorities. They also spoke about bribes paid by perpetrators mostly to the police and lawyers, at various stages of the investigation process and the subsequent futility of approaching them as it translated into no interventions or sham investigations in most cases. Apart from bribing the police, the marital families of four respondents held considerable influence and misused their power to influence the judicial process and further harass the women.

Rehaana talks about her experience when she approached the nearest police station at 11 PM, after a brutal episode of physical violence:

"R: They didn't pay any attention to me instead reprimanded me for coming out of the house late at night and threatened to put me in jail. Their behaviour was deplorable and I came out crying with no place to go...It was past 11 o'clock by then... the police officials are all corrupt. I did file a case but nothing came out of it...I even warned the Officer in Charge (OC) that they can't do everything at the expense of taking bribes...My husband sold off his bike, then through any means whatever money he got, he went and gave it to the police so that he wins, his reach is quite far. He has his channels."

Urmila speaks of one incident in which she had gone to a police station to procure a document related to her case:

"U: The lady constable scolded me for asking for such a dated document claiming that she has to go through so many dust covered files to get my document – can you imagine the nonsense? Isn't it their job? and most importantly they ask for bribes... for every small task they ask for money... to give me that document they asked for 500 INR I think...I could not pay anything".

Grishma's case additionally highlights the misuse of power and influence that led the officials in the nearby police precinct B to play a passive role, and the risk this posed to herself and her children. Married for 18 years, the severity of violence faced by *Grishma* was such that she would lock two wooden doors that led to her bedroom when she went to sleep at night to protect herself and her two children from the physical abuse of her husband. On multiple occasions she suffered broken bones and in one instance she was left with a partially burnt face. She tried to end her life on two occasions. The police in the precinct B nearby were often informed of the on-going abuse when things got out of hand, yet they chose to play a passive role because her in-laws were quite influential in the area. They paid a visit only when the violence got extreme, when they would then detain her husband for the night and release him the next day⁵⁶. She now has a Protection Order after a prolonged court battle but only because she had the means to hire a good private lawyer.

Several respondents alleged that the police often did not file charge sheets even after the registration of an FIR, after accepting bribes from the perpetrating parties. In fact, there have been allegations of police officials demanding and accepting bribes from both parties. Responding to bribery charges that have been mostly levelled against officials in police precinct B (this precinct has been approached the most number of times by respondents due to the centrality of its location), an Asst. sub inspector argued that not all officials are corrupt and that these allegations are baseless, aimed at maligning the police. The OC (officer in charge) of the said precinct refused to be interviewed.

Another feature that has been highlighted by the respondents in lieu of the bribes paid to the police is the application of sections involving lesser penal action. For example, in the case of *Urmila*, though section 307 (for attempt to murder) and section 503 (for criminal intimidation) should have been applied, considering that her husband had on many occasions caused her injuries that could have resulted in her death and had also threatened to kill her many times, these were not applied. The only section that was levied was 498-A, and though the FIR was filed in 2017, she has no update on its status and suspects that her husband has bribed the officials at that precinct. Corruption is not only

⁵⁶ This practice is of detention and not arrest. No immediate arrest can be made under current legislations.

confined within the police alone; Natasha, who has spent close to three years appearing in various courts during which her husband has only appeared three times, spoke about her influential in-laws using the system to their advantage. She talked about instances where even "*judges hide petition files and say that they have not received it yet*". Three respondents spoke about monetary demands by lawyers employed by state-based organisations that are supposed to provide free legal aid to individuals with limited financial means. Respondents who were the most economically vulnerable were the most affected due to their inability to pay and were often left with no alternatives but to consider going back to their perpetrator(s), abandon their cases or hire private help which further drained limited resources. Even private lawyers have been accused of misleading the women in order to prolong their payments in lieu of their services. Ilushmita Konwar, who is the centre administrator of OSC has alerted the authorities of misgivings regarding lawyers employed by the state to provide free legal aid but is yet to see any positive progress on the matter.

In the latest data (2021) published by Transparency International, the CPI (Corruption Perception Index) score for India is 40/100⁵⁷; ranked at 85 among the 180 countries covered (Transparency.org, 2021). According to the Global Corruption Barometer – Asia (one of the largest surveys on corruption and bribery on accessing public services in the region with a sample size of 20,000 participants across 17 countries), India has the highest overall bribery rate at 39% and the highest rate of citizens using personal connections at 46% (Transparency.org, 2020). Overall, the results of the survey demonstrate that while the police are the public service with the highest bribery rate at 23%, courts make more use of personal connections at 20% (Ibid). Several studies based in India have brought to notice that corruption within the police has been one of the main reasons for the weak enforcement of the domestic violence laws; often cases against the affluent and the powerful elude thorough investigation, leading suspects to escape prosecution or civil penalties through payment of bribes (Ghosh and Choudhuri, 2011; Abeyratne and Jain, 2012; Ghosh, 2013; Rao et.al, 2017). In 2018, the Social Welfare department of Assam was

⁵⁷ A country's score is the perceived level of public sector corruption on a scale of 0-100 where 0 means highly corrupt and 100 means very clean (Transparency.org, 2021).

caught in an INR 2000 crore⁵⁸ corruption scandal and during this time all files related to domestic violence complaints were stalled (Loiwal, 2018); *Urmila*'s case was one among those.

Another novel technique through which the system can be misused or manipulated while draining a woman's resources is through the filing of false litigations, as faced by three respondents after they sought formal support. Retaliatory litigation cases which are known as SLAPP are often filed with the intention to censor, intimidate, and silence critiques by burdening women with the cost of legal defence until they abandon their criticism (Nigam, 2021). It is a common tool of harassment applied by the rich and powerful (*Ibid*). *Pallavi*'s case (below) highlights this point well. Though she has a Protection Order against her husband who is a high ranking official in a specific government department, he continues to harass her. She says,

"P: In spite of having a protection order from court, because he (husband) has 2-3 friends who are DSPs (Deputy superintendent of police), he calls them up, they send over the police jeeps, the constables then ask me to come with them to the station. K: But how can they summon you like that without any specific reason? P: He has filed a false case against me. K: So, the police are fully supporting him? P: Yes. If I dial 100 or call police precinct D, the OC would tell me that it's my personal matter and that they would not interfere in it. Despite the court order, which they should in fact implement, they say it's my personal matter and that they would not interfere. Once this OC called me at 11 at night and told me that he has to take a statement of mine and asked if I could come to the station. At 11, in the night! That is where my husband has his reach and can use his powers. They are the ones who have harassed me a lot."

According to the PWDVA, any breach of a protection order should be punished with either imprisonment, a fine, or both but as clearly observed in the case of *Pallavi*, this clause is not routinely implemented by the local police. It falls upon the aggrieved woman again to approach the court if there has been any violation of an order. *Tora*, who is fighting various

⁵⁸ 1 million GBP = 10 crore INR approximately.

SLAPP litigations filed against herself and her natal family by her influential husband, over several years with no closure in sight, recounts her ordeal:

"T: There were these several (false) criminal cases - against myself and one against my brother as well. In these cases, the police are involved, and one is supposed to take bail – those have been running for almost a decade now. And the funny thing is that he knows that his complaint does not hold water, but he is still doing it because that is a way to drain my resources. That is what these men do - drain the woman's resources - whether financial or personal - in all ways. And then the degradation of going to a court and being treated like a criminal. So, what does that do to women? Again, class structures come in right? As a middle-class woman from Guwahati and from an established family - I will be dishonoured in court. So, in a way it is like using the existing social structures to abuse and harass the woman. And the judges themselves, the way they treat the woman is abominable."

Money, power and influence therefore seem to predominate in the functioning of the CCJS, and interplay with existing structures to further harass women rendering any form of restorative or retributive justice challenging to attain. *Deeksha*, echoes this point:

"Deeksha (D): When it comes to loopholes, the system can be easily manipulated if influential people are involved. My husband through his contacts could exert power and now he's free and enjoying his life. I have to suffer and I'm the one at loss from all aspects. I cannot concentrate on anything, my mind cannot cater to positive thinking. I do not have a place to stay, or maintenance or any other facilities."

5.2.2.3 Process and implementation-specific lapses

Though Figure 13 and Figure 14 (above) indicate that there seems to be a timeline in place for specific court processes, data from the study indicate that several factors can cause lapses within the system and there are several ways in which they can arise. As noted above, the PWDVA states that the first date of the hearing in court after receiving an application shall not extend beyond three days from the date of receipt and that the magistrate shall 'endeavour' to dispose of every case within 60 days from the date of the first hearing. This 60 day limit was not met in the case of any of the women who had

invoked the PWDVA in this study. Several factors were cited by respondents that caused delays and lapses in the court process.

Absence of the accused parties on the date of the hearing was common with frivolous excuses being accepted as grounds for non-appearance; for example, in 1 case a fake medical document was submitted as evidence for sickness by the opposing party. Courts continue to give dates if the accused do not appear and as a result, considerable delays occur. The role of the Protection Office is limited to serving the notice (to appear in the court) and seldom extends beyond it. Delays occur even in court hearing dates with gaps of two to three months being common; a massive backlog which exists at all levels of the judiciary and has been highlighted in several studies is one of the possible reasons for this (Agnes, 1998; Anand, 2016; Abbas, 2019; Nigam 2021). Six respondents alleged that judges granted extended time - often amounting to several years, to opposing parties to present evidence or defence. In one case the judge has been accused of accommodating the husband who is posted out of the town for his job and allocating the court dates at his convenience. In two cases the husbands were given the freedom to question the respondents though they are not legally permitted to do so. The transfer of judges every two years was also stated as an additional roadblock, as every new judge required time to get acquainted with the intricacies of the case. Timelines thus set on paper were not met, and at times it took months to initiate trial proceedings even after a notice was issued. SLAPP litigations are still not recognised as an offence/ crime in India, and they too can go on for years, as seen in the case of 3 respondents. In most instances, closure in court cases happened only after private help was hired, which indicates that though the economically better off have some possibility of movement within the system, women with limited financial means were stuck within it. Even when private help is hired, it is common for cases to take a minimum of 4-5 years for closure, especially when criminal sections are also applied, as seen in the case of 2 respondents. Thus, whilst the legal process can appear to have a clear pathway there are many potential ways in which it can be complicated, subverted or delayed.

It was also common for accused parties to furnish false evidence particularly regarding income, and especially when women claimed any form of monetary relief. One legal service provider claimed that while it is relatively easy to prove the actual income of an

accused if he is employed in the public/ government sector, it is challenging if he does independent business or works in the private sector. Moreover, even if an order is passed, there is no institutional follow up procedure in place to ensure that it is implemented; it is the woman, through her lawyer, who has to make a complaint if orders are violated. *Urmila* was ordered a very small maintenance amount of INR 2000/ month (c. £20 approximately) after a prolonged court battle in which her husband provided false proof under-stating his income. *Rehaana* was ordered an interim relief by the court INR 3000/ month (c. £30 approximately) but had not received the payment for the past 10-11 months. Natasha too had not received the maintenance amount of INR 10,000/ month (c.£100 approximately) over the past 10 months. Additionally, relief orders passed by the lower/ trial courts can again be challenged in the higher court or appellate courts (in this case the High Court), during which time husbands have often refused to act upon the passed order.

Other procedural lapses specifically related to the incorrect filing of the DIR, were also raised by one respondent. This had serious negative repercussions, considerably weakening their case in the court. When asked about this lapse, a senior official of the PO said that earlier DIRs were filed by a clerk in the office who had limited sensitivity and training and hence such lapses could have been possible. However, he asserted that there is a better sensitised team and an improved system in place at present.

Concerned civil society respondents expressed the view that extensive delays in the official processes often cause complainants to lose faith in the system. Consequently, women often end up withdrawing their cases owing to exhaustion of resources, loss of drive or will to persist, increased pressure from husband and at times even from natal family members to either give the marriage another chance or to meet 'out of court' settlements through mutual divorce or informal separation. Closure through 'mutual divorce' after dropping all charges against the perpetrator(s), claiming little or no relief was seen in the case of two respondents. The option of 'out of court settlement' was often suggested to those who had spent a considerably long time fighting their cases, by their lawyers and at times even by judges who presided over the case. This often entailed dropping of all criminal charges and/or relief claims against the perpetrator(s) in lieu of a 'mutual divorce' and/or one-time monetary payment. *Urmila*, who has filed criminal

charges against her husband and has also applied for civil reliefs, has spent close to 5 years in courts. She has now exhausted all available resources and after having met with roadblocks for most available state support, is now in the process of dropping all charges and opting for a 'settlement'. Those like *Deeksha*, *Pallavi* and *Unmesh* who still continue to persist are paying the price of straining their limited resources.

5.2.3. Misogyny within the system: on ‘mediation’, ‘lack of tolerance’ and the ‘pro-family’ narrative

Figure 19 below, identifies the dominant belief systems and associated practices of officials within the CCJS who often reduced the violence faced by women to ‘marital dispute’ or ‘discord’, undermining the interests and welfare of those who approach them. Instead of upholding constitutional values and the rights of women who face MV, the police, the judiciary and most related institutions facilitate the restoration of a patriarchal order (Nigam, 2021). Three most prominent manifestations of the misogyny in the system were in the form of a) institutional hostility, b) respondents accused of not being tolerant enough, and c) a pro-family focus. Figure 19 below contains verbatim evidence to support these points.

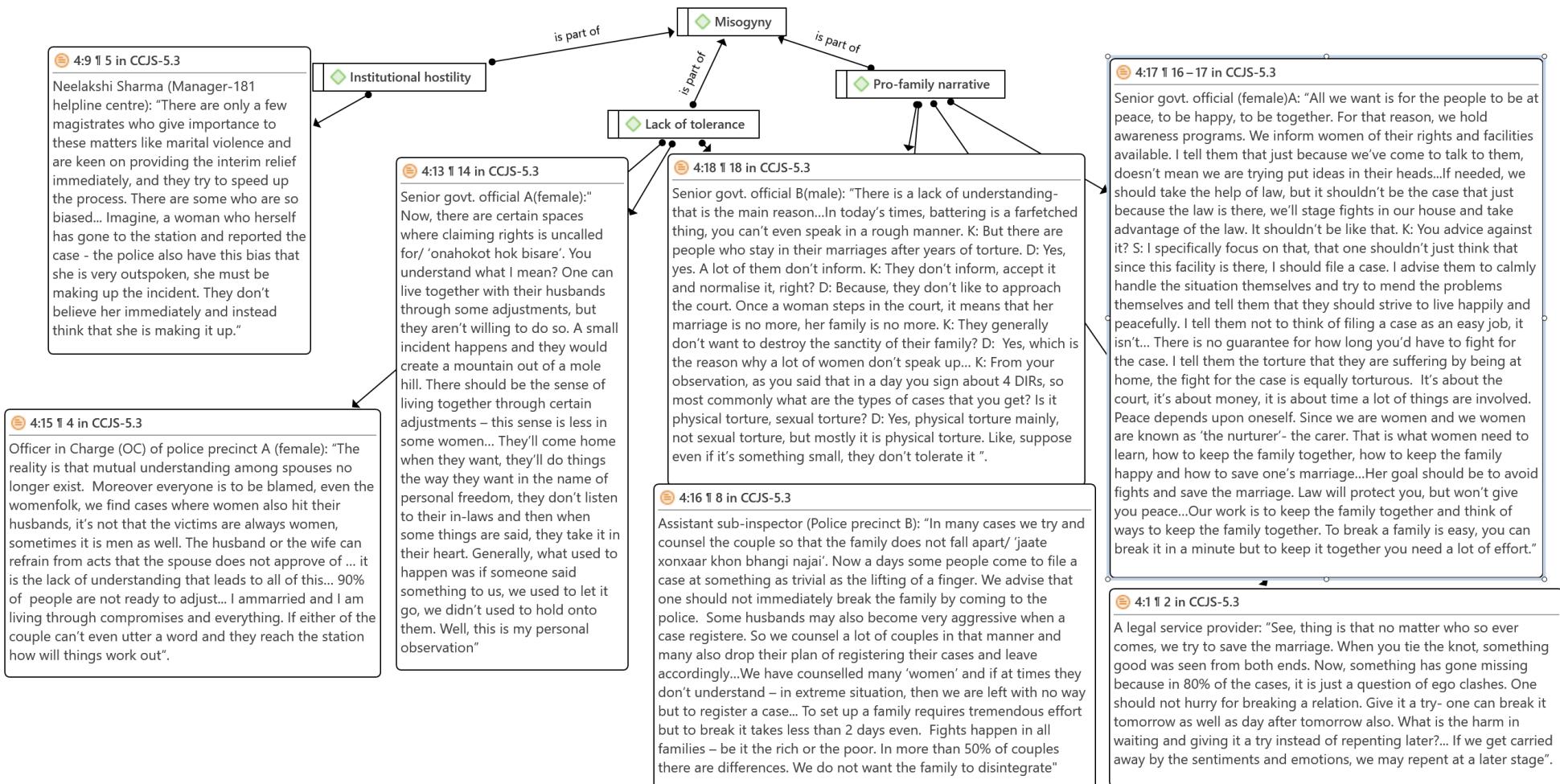


Figure 19: Misogyny within the CCJS

With the exception of the OSC, 181 helpline centre and certain service providers (such as the Human Rights Law Network, The Kalsi Trust etc.), several respondents shared that they encountered insensitivity and hostility at various state-based institutions. They were often disbelieved, shamed, blamed, or chastised for making a private matter public. Several respondents also complained of not being given a chance to speak about their experience or feeling 'unheard' in court, having to depend on 'sympathetic' judges, leaving the hope for justice to mere 'chance'. A few respondents felt under pressure – at times even by well-meaning officials, to 'look' or 'behave' in a manner that fitted the stereotype of a 'woman in distress'; any action or behaviour indicating '*outspokenness*' or '*unwomanly conduct*' or '*uneven-temperedness*' or even a hint of aggression, had the possibility of negatively affecting their case. When *Tora* went out of the country to pursue a course, after '*doing everything by the book legally*' and had to appear before a judge once she was back, she was referred to as the '*polai jua suwali joni*'/ the girl who had run away. *Natasha* is awaiting the transfer of the current judge, who is allegedly extremely biased towards her influential husband.

An integral part of the pro-family outlook is the practice of counselling ('*bujuwa bohua*') aimed at mediation or reconciliation of the couple and offered both informally and formally. Though this has not worked for any of the respondents in this study⁵⁹, several members of the civil society have confirmed that at times it does work, and couples continue to live together; there is no follow up process taken up to check on the status of violence thereafter. In the absence of any data on the post informal/ formal counselling stage, it is not possible to gauge its success. Irrespective of the overall harm (both physical and psychological) or the acute nature of the violence that the respondents had faced or the duration before approaching any formal help, they were encouraged to ignore it and to resolve their disputes and fights for the sake of their children/ family.

As highlighted in Figure 19 above, the dominance of misogyny in the system is evident from the verbatim reports of certain respondents across the police and judiciary in which they justify their (prejudiced) action/ in-action through their 'benevolent' intentions of

⁵⁹ This is also implicit in the criteria because this study primarily interviewed women who did not live with their perpetrators anymore. Barring the case of *Pallavi* and *Jyoti* whose living arrangement were known only after interviewing them, the rest of the respondents do not live with their perpetrators anymore.

‘saving the family’. Though this intention on the surface appears to respect the interests and well-being of all members of the family, it places a disproportionate amount of pressure on the woman to ‘adjust’, ‘compromise’ or ‘tolerate’, and downplay her suffering and sacrifice her wellbeing to keep the family intact. As noted by Nigam (2021) and others, women are clearly facing a backlash within the CCJS for speaking up against violence, as evident from this study as well; respondents were often accused of ‘not being tolerant enough’, ‘seeking rights inappropriately’/ ‘*onahokot hok bisare*’, ‘not toeing the line’, ‘falsely accusing the men with the intention of monetary gain’. At times this resentment was also expressed towards parents of women for not encouraging the daughters to save the family. Additionally, the invalidation that was observed to be common among several officials within the CCJS, counters the struggles faced by respondents in the complex and challenging process of ‘naming’ or recognising the violence and the nuances of it (as demonstrated in the previous chapter).

Additionally, a few respondents across the CCJS highlighted the rising instances of MV committed by women and expressed their concerns about men, as they are left without the scope of seeking any legal recourse due to the gendered nature of the law. Without any comparable nationwide data to substantiate these concerns, it isn’t possible to gauge the prevalence and incidence of MV against men India. In fact, there is a dominant men’s right movement that is currently campaigning to convert the DV legislations into gender neutral laws (Nashrulla, 2015). However, considering the glaring inequalities as pointed out by the various gender-based indices, it is unlikely that MV (as elsewhere in the world) is gender symmetrical in India and Assam within it, pointing to a possibility that the concerns of some civil society respondents may not be based on actual evidence.

5.2.4. Budgetary deficits, lack of monitoring and inadequate infrastructural support

While the Indian Government’s commitment towards undertaking reforms to ensure women’s rights and elimination of violence against women and girls (VAWG) is reflected in legislation and policy reforms, several reports have highlighted that the translation of these, including that of the PWDVA, is not backed by adequate budgetary allocations. In addition, it has been noted that where allocated budgets exist, they are underutilised (Mukhopadhyay, 2019; Sen, 2014; OXFAM, 2016, 2021). In fact, a recent report which

tracked the translation of the government's commitments on VAWG to budgetary commitments, highlights that the current budgetary allocations are less than even a quarter of what is actually required to maintain the minimum standard of VAWG response services (OXFAM, 2021).

Various reports and assessments have pointed out that key policies exclusively aimed at women, including the PWDVA, continue to be trapped in a vicious cycle of underutilisation of allocated funds resulting in lower allocations, which poses an additional challenge as higher allocations are required for expanded coverage and better service delivery (Mukhopadhyay, 2019; Sen, 2014; OXFAM, 2016, 2021; Ambast and Rastogi, 2021). From the 12th five-year plan (2012-2017) the centre's contribution to the implementation of the PWDVA was under the 'Umbrella scheme for Protection and Empowerment of Women' (OXFAM, 2016). Though the budget allocation increased from INR 20 crores (approximately 2.1 million pounds) in 2012-13 to INR 67.5 crores (approximately 7.2 million pounds) in 2013-14, it was reduced to INR 50 crores (approximately 5.4 million pounds) in the year 2014-15 as the previous years witnessed a complete non-utilization of funds, reflecting the central government's lack of commitment to addressing violence against women (Sen, 2014). The centre's funds have now been discontinued⁶⁰ with implementation of the PWDVA completely dependent on state funds and with no minimum benchmarks set up by the Ministry of Women and Child development, this allocation varies across states (Sen, 2014; OXFAM, 2021). Another study that looked at budget allocations and expenditures on the PWDVA across 28 states, indicated concern over the low expenditures incurred in spite of the meagre allocations; possible reasons included inadequate human resources in place, lack of awareness among implementing officials and also among women for whom the Act was devised (Jhamb, 2011). Several reasons have been cited for lapses in the implementation of the PWDVA; these relate to lack of political will, lack of public awareness, underlying systemic issues such as widespread poverty, low levels of education, unsupportive social norms, economic dependence of women, lack of co-ordination among various stakeholders, an overburdened system and insensitivity among implementers, lack of monitoring and

⁶⁰ Data on the year from which it has been discontinued is not available. However, the last available budget was 2017.

evaluation, and insufficient fund allocation (LCWRI 2012, 2013; OXFAM 2016). While no specific report evaluating its implementation is available for Assam, the current budget (2021-22) has allocations for OSC and the 181 which are under the Nirbhaya scheme (mentioned above) but the PWDVA finds no specific allocation. Respondents from the district social welfare office (which also acts as the Protection Office), spoke about the need for a dedicated team and funds for its successful implementation. Without adequate fund allocation, the disproportionate burden of its implementation is currently borne by service providers who have cited fund shortages directly affecting the women who approach them for assistance.

Additionally, even after almost a decade and half of its enactment, there exists no national level comparable data available on the implementation of PWDVA. The sixth and last monitoring and evaluation report on the PWDVA conducted by the Lawyers Collective that specifically focused on an analysis of court orders across 27⁶¹ states in India in 2013, demonstrates the grossly inadequate investment in institutional capacity and infrastructure mandatory for the success of the law (LCWRI, 2013a). The larger picture that emerges from the report is the failure of the state to adequately support the positive potential of the law to bring about changes in the family dynamics, as implementation of the law was compromised by the negative bias and prejudice of a large section of advocates, government officials and judges. Rather than interpreting and applying the law broadly and expanding its use, remedies are being denied to women “on grounds that not based in the law but that are derived from patriarchal ideas about the status of women” (Ibid, p. xi). This report proposed a scaling up of the commitment of all State branches, significant escalation in investment with adequate appointment of PO’s and training to personnel involved to ensure effective implementation of the Act.

Appointment of POs has not been uniform across the country; in some cases existing government officials are burdened with the additional responsibility of PO as well (Mohapatra, 2017). In the case of Kamrup (metro), the district social welfare officer plays the dual role of PO. The current PO expressed that he was not given any training and has his hands full with a range of schemes under him apart from the PWDVA. This, in spite of

⁶¹ Assam was not included.

the Women and Child development minister Maneka Gandhi, urging chief ministers of all states in 2018 to appoint a sufficient number of POs, after it was brought to her notice that officers were given additional charge of PO in most cases (Outlook, 2018).

5.3 Discussion

Data from this study demonstrates that irrespective of the range, severity or duration of the violence faced by the respondents, legal recourse was not the initial measure undertaken to mitigate MV; the violence was often tolerated for years (18/22 respondents waited for more than 5 years before approaching any formal help) before any formal support was approached. As highlighted by others earlier, this study too concludes that the current system in place often ends up prioritising the preservation of the marriage and family over the well-being and welfare of the women facing MV and is grossly inadequate in offering any form of restorative or rehabilitative justice.

At present, there appear to be wide gaps between – i) ‘what is experienced⁶²’, ii) ‘what is legally defined’ and iii) ‘what is legally interpreted’ as marital violence: currently, (iii) is a subset of (ii), which is a subset of (i) (Figure 20 here). Three significant drawbacks have emerged from the current definitions and dominant interpretations of violence within the CCJS. Firstly, although current definitions include a wide range of violations (physical, sexual, economic, verbal, or psychological and dowry related), dominant understandings within the CCJS still seem to prioritise physical violence with visible



Figure 20: Strata of definitional inadequacies in MV

⁶² Refer to page 128 for what is defined as experience of MV in this study

grievous injuries; one of the main purposes of bringing in the PWDVA was to counter this very drawback and hence, narrow interpretation defeats the purpose of its initiation. Past evidence from India has also demonstrated that dominant familial and cultural norms within which certain behaviours against married women are deemed acceptable, continue to influence the judicial process despite the existence of legislations that criminalise such behaviour (Gangoli and Rew, 2011). Secondly, while acknowledging the former, unless the current definitions are adapted to recognise MV as routine or patterned which occurs in a continuum, and the aspects of control, coercion, and micro-regulation within it are recognised, women will not be able to holistically represent their experiences. The current framing of domestic violence under the CCJS assesses MV as the sum total of individual acts and erroneously filters out crucial nuanced experiences that underline the continuum that occurs within the context of control and micro regulation. In this process it manages to invalidate the cumulative effect of multiple forms of violence upon the physical and mental health of respondents. Additionally, the CCJS not only invalidates the nuances of MV that respondents have faced but also ignores the nuances of resistant agency (described in detail in Chapter 7) demonstrated by them. It overlooks the time taken and the underlying challenges that respondents have often faced in moving from ICV to RRV (refer to Figure 11 in Chapter 4) and subsequently in developing resistant agency.

In fact, limitations of the incident-based approach have been extensively argued in the Western feminist literature on intimate partner domestic violence, for its failure to recognise the pattern of abusive behaviour – emotional, financial and sexual – that are often observed to precede individual cases of extreme physical violence and are assessed as isolated incidents (Gangoli and Rew, 2011). This approach could also be seen as ‘watering down’ how domestic violence is viewed and perceived while disconnecting it from gender, power, and control (Kelly and Westmarland, 2016). Measuring domestic violence in ‘incidents’ “fails to capture its heart and reality: what is measured counts, and not counting means the everydayness of violence is again hidden, minimised and trivialised” (*Ibid*, p.125). The limitations of Indian legal understandings of domestic violence also largely lie in its incident-based understanding, which fails to acknowledge the extent of the forms of social practice that lead to patterns of abuse within domestic violence (Gangoli and Rew, 2011).

Additionally, elimination of the crucial clause of immediate arrest under 498-A, combined with the civil character of the PWDVA (which does not permit immediate arrest or criminal charges against the perpetrator(s) even in instances of life-threatening violence), significantly increases the vulnerabilities of women whose lives require immediate protection. If women have to wait for prolonged periods of time for a 'protection order', with dismissive or unsupportive police personnel who often place the onus of providing evidence on them, the very purpose of having this as a possible remedy is defeated since they could even end up losing their lives during the waiting period. The risk is even higher if sexual violence is involved, which mandates a far higher degree of sensitivity and responsiveness, as the current manner of police intervention seems grossly inadequate.

The re-victimisation or secondary victimisation of the respondents that occurred through various procedural impediments are related to a) procedural unawareness and police inaction, b) bribery, use of personal connections and c) process and implementation specific lapses, and most importantly d) the deeply entrenched misogynistic value system and practices. These impediments involve both material discrepancies (infrastructure/budget related) and culture related discrepancies (value/belief systems and subsequent practice). There seems to be a wide gap between values/ beliefs which underpinned the inception of legislation and those which are evident in practice. A possible explanation of this gap and the dominance of androcentric beliefs and practices can be made through the concept of 'norm circles' (see Chapter 2). According to this concept, members of any organisation in specific roles (officials within the CCJS in this study) are also at the same time members of norm circles that are much wider in extent, and these hold the potential to influence their performance in the role. To elucidate, two women respondents who are officials in the CCJS (refer to Figure 19), argued that women should be tolerant and make compromises for the sake of the marriage and family while justifying this view through the argument that they too are women and have lived their marital lives through compromises and adjustments. The values that they have internalised owing to their identity as a woman (and can be attributed to their habitus), gets replicated by them in their role in the CCJS, hence they transfer these expectations onto women who approach them for help. Data from the study suggests that irrespective of gender, often individuals who occupy roles within the CCJS, seem to be strongly influenced by the wider norm

circles that they are a part of; their identities as a husband/ wife, father/ mother, son/ daughter play a major role in ‘how’ they perform their role as representative of the police/ judiciary as they carry their habitus and internalised value systems into their official roles as well. The data here provides support to feminist theorists who have argued that “law is a crude and limited device and is circumscribed by the dominant ideologies of the society in which it is produced” with existing beliefs and assumptions shaping the context of a legal provision (Agnes, 2011, p.xxiii). Even when changes successfully occur on a doctrinal level, they can and will fail if those who are responsible for implementing the laws revert to interpretations that merely replicate old results (Ibid).

The provision of counselling which is liberally practiced both informally (as the first remedial measure across institutions) and is part of the formal process (the provision of single or joint counselling can be advised by a Magistrate at any stage of the proceedings) further highlights the pro-family focus of the CCJS at the cost of the welfare of the wellbeing of the women. The major drawback of this provision is the common tendency of reducing the violence to a *‘ghoruwa kajiya’*/ marital dispute or discord, ‘petty quarrels’, ‘small misunderstandings’, ‘ego tussles’. This erroneously places both individuals on an apparently equal footing without taking into consideration any unequal power dynamics between genders (and generations) in a marital relationship. These derive from the structural inequalities that operate within a marital relationship and already place women in a disadvantageous position leaving her with limited bargaining power in the relationship. Although this provision has been cited to have worked on a majority of the cases as proposed by several civil society respondents, it is prone to misuse as “emotional blackmail, social stigma, parental pressure, economic dependency and a host of other coercive reasons” that often drive women (as observed in this study too) to renounce the fight for justice and compel them to go back to the abusive environment (Rajesh, 2010, p.124). This provision has the possibility of causing an additional delay of up to two months and further infringes upon the woman’s constitutional right to speedy disposal of her case, at the same time exerting psychological pressure on her to reconcile with her abuser (Ibid). Though the claim about reconciliation of couples after informal counselling cannot be ascertained in this study, as it primarily interviewed women (except for 2 respondents) who are officially/unofficially separated from their perpetrators, the claim of withdrawal

of registered cases was made by certain civil society members and also observed in the case of 3 respondents. However, these claims of cases 'registered on impulse' or apparent 'reconciliation' need to be understood in light of the associated material- cultural considerations specific to each respondent.

5.4 Conclusion and Recommendations

"You have to tackle the problem at the root, from where it is arising. If I have cancer in my hand and I'm treating my foot eventually it will spread to my whole body. Now even if the Acts are in place the root issue still exists, just making the Acts won't stop the crime."

- Ilushmita Konwar, Centre administrator – One stop centre (OSC)

Data from this study supports the stand made by others such as Gangoli and Rew (2011) who have asserted that though existing domestic violence legislations in India appear on paper to be established upon feminist critiques of patriarchal power relations dating back to the 1980s, feminist conceptualisations have only partially penetrated the law-making and law enforcement process while law itself is largely embedded in forms of culturally sanctioned patriarchal power. The current legal system in India still appears to be a microcosm of a wider patriarchal structure which is predominately androcentric and reiterates gender stereotypes (Nigam, 2021). It is specifically geared to cater to those who are resourceful and privileged while those on the margins are denied access for want of money or knowledge (Ibid). Though the Indian constitution grants all its citizens the rights to live a life free from violence and discrimination on the basis of sex, responses and available infrastructure, the CCJS does little to uphold or facilitate these rights in the arena of marriage. The PWDVA was envisaged as a tool to enforce equality within the family and in relations that were historically considered as 'private'; its enactment was considered a historical moment by uncovering the connections between the public and the private in order to rid the system of these erroneous distinctions (LCWRI, 2013a, p.7). Unfortunately, the public–private distinctions are still invoked to justify the unequal status of women in families, owing to which the autonomy and personhood of women stand immensely compromised (Rajesh, 2010; Nigam, 2021). However, though at the "general level, it is it is safe to say that most feminists have little or no faith in legal solutions to violence", given

the limited viable alternatives apart from the formal structure of law at the level of activism, it still remains a significant arena for feminist intervention for many (Gangoli, 2016, p.158).

Several interventions have been listed by concerned respondents in the civil society to address drawbacks in the current system. These suggestions have many overlaps with what other scholars and reports have highlighted earlier, and span both the cultural and the material. A major deterrent cited is the misogynistic value system that has been observed to be commonly held by officials within the CCJS. Unless timely and adequate intervention in the form of gender sensitization and a trauma informed approach is carried out at all levels of the CCJS to address and alter dominant value/belief systems, tackling MV through additional legislations will meet with limited success. Scholars such as Rawat and Chaudhary (2021) suggest that in order to address the existing misogyny and prevalent sexism, balancing the gender imbalance is required, through increased representation of women in the judiciary and gender-based training. However, without addressing the latter, the former might just result in tokenism. As has been observed in this study, women officials too have been bearers and practitioners of the same misogyny that male officials have engaged in. Additionally, training on the latest and relevant legislation, specifically on the PWDVA, its processes and provisions should also be carried out. Though the PWDVA necessitates the liaising of all stakeholders involved (refer to Figure 14 above), this needs strengthening especially with the police as they are still the first point of contact for women facing MV and have limited awareness about it. Another need that is evident from the data is the requirement to include marital rape, reproductive coercion and certain technologically driven means of surveillance, within the definition of domestic violence (and MV within it). Academics have repeatedly pointed out that by removing the exception of marital rape from the definition of rape will erase the immunity that is based on unconstitutional grounds granted to married men to escape accountability for marital rape (Poddar, 2022).

Responding to a recent PIL (Public Interest Litigation) filed by We the Women of India, an NGO at the Supreme Court of India, the bench remarked that grand laws are made in the country with hardly any mechanism in place to assess their effectiveness on the ground (Thomas, 2022a, 2022b). The petition highlighted that though the Act provides a 'Network

of Assistance' to assist women at all stages of the process, and that a list of protection officers, service providers and shelter homes are to be maintained at all official websites and police precincts, this was still not done and hence the petition was filed to implement the provisions of the law (*Ibid*). Implementation of the PWDVA still requires significant budgetary and infrastructural overhauls. Only when these are successfully addressed, can there be a holistic support system in place for women facing violence, covering short- and longer-term needs. Respondents of this study have suggested a range of short-term and long-term solutions. Beginning with adequate measures for spreading awareness about the Acts and provisions under it, some of the short-term solutions suggested involved covering of immediate needs and process specific support such as short-stay homes, creche facilities, adequate facilities for conducting medico-legal examination, good quality free legal aid and strengthened appropriate psycho-social counselling. Incorporation of skills-based training and education facilities for acquiring gainful employment, creation of adequate housing facilities, introduction of behaviour change programmes for men (and women), risk-assessment for individual cases to assess the level of harm and continued mental health support facilities are some of the long-term solutions suggested.

In spite of several international reports, national indices and academic articles highlighting the high rate of bribery and use of personal connections, the country is yet to see the political will and effective policy backing to enforce the existing anti-corruption laws (Verma, 1999; Quah, 2008; Lamani and Venumadhava, 2013; Lee, 2018; Transparency.org 2020, 2021). As observed in this study, courts are another site of gender-based violence, perpetrated by the powerful and resourceful men who deploy various strategies to harass the women (Nigam, 2021). The present study endorses that women in India require an Anti-SLAPP legislation in general, and specifically in cases of MV, so that women do not encounter further harassment within (and through) the system.

Chapter 6: Structure as context in marital violence

Several key informants⁶³ from civil society (Base: 23) who were interviewed for the study stressed the need to locate the phenomenon on MV within the backdrop of a 'transitioning society'. They attribute this transition to structural changes which are occurring at the economic, political and social levels and are also influencing interpersonal relationships and marital relationships within it. Three interlinked themes that have emerged from the data underpinning this 'transition' are, a) the influence of 'mainstream/ mainland/ Hindi belt/ North⁶⁴' India (*I will use the term mainland India for now*) and the subsequent entry of dowry culture, b) the effect of economic development within globalisation, and c) the (post) conflict background. Prior to discussing these themes, one of the crucial aspects relevant to the topic under study is to what extent the narrative about gender egalitarianism, which is often cited to set the context of Assam and the NER⁶⁵ apart from the rest of the country, remains strong.

One of the questions posed to civil society members was on what basis Assam⁶⁶ was (or still is) distinct from or similar to the rest of India or mainland India with regard to the status of women. Some of the factors that were highlighted by the respondents to underline the difference were: the absence of a rigid caste⁶⁷ hierarchy, influence of the progressive Neo-Vaishnavite socio-cultural-religious movement in the past, influence of the liberal culture/ practices of the resident/ neighbouring tribal societies, and the absence of dowry culture.

⁶³ Any reference to respondents in this chapter refers to this group unless stated otherwise.

⁶⁴ These terms are used interchangeably by the respondents.

⁶⁵ At times respondents have cited the region i.e., NER instead of referring to 'Assam/ Kamrup(metro)/ Guwahati' since there are historical overlaps of Assam (as a region) with other states. The present geographical region of Assam is a recent construction.

⁶⁶ Due to the existence of numerous communities- both indigenous and migratory, religions, ethnicities etc, it is challenging to account for intra-region or the diversity within Assam/ NER. For ease, 'Assam' / Guwahati has been broadly used by myself and the respondents. The reference to 'society' is also made broadly.

⁶⁷ A (primarily Hindu) rigid hierarchical social stratification system guided by notions of purity and pollution and based upon hierarchy, endogamous separation and occupation.



Figure 21: At Ima market (Mother's market), Manipur – the only market in the world run exclusively by women

6.1 The myth of gender egalitarianism

Respondents have asserted that though these aspects have indeed created relatively fewer vulnerabilities for women, to a certain extent facilitating the ground for some degree of space and agency, these do not ensure a society free of discrimination or violence towards women. Rather, as pointed out by Dr. Anurita Pathak Hazarika, (below) who is the State Co-ordinator of Assam for the NEN (Northeast Network), a Women's rights-based organisation, there exist variations of patriarchy in the region which cause the 'structural base' to be different, but the impacts on lives of women are none the less same, subjecting women to the same conditions which exist in the rest of the country and resulting in their 'domination, suppression and control'. She asserts that though the presence of a less rigid caste hierarchy and absence of certain social exclusionary practices reduce women's vulnerability to an extent, these do not translate into a violence-free society for women. She says,

"APH: We are different from the rest of the country because we don't have what is called the strict caste hierarchy and visibility of women is quite high. Within a strict caste hierarchy patriarchy takes a stronger hold. When the hierarchy is absent, we don't have the issues of untouchability⁶⁸ and women are less vulnerable to the issues around it. Hence, women here are more visible. But that doesn't mean that there is no violence and discrimination in their lives...In some other parts of India, you have the purdah⁶⁹ system which you won't find here. Purdah is not only about covering your face, right? It is about covering your body, your sexuality, bodily integrity - it controls our language, our communication, right? – we do have some space here in these areas. For example, here in a village in Assam, the father-in-law would tell the daughter-in-law to take the child for breastfeeding – that mention of feeding the child connotes the space of the breast, and you will never find people from mainstream India talking like that. Language is controlled; the communication is also controlled by these kinds of structures but here you will not find that. That is also another kind of uniqueness of the region. This is what I have to say in

⁶⁸ A by-product of the caste system according to which individuals born into lower castes are discriminated against in public (jobs/ employment) as well as in private spaces (inter-caste marriages are at times not allowed resulting in murder of erring couples in extreme cases, in certain other parts of India).

⁶⁹ Practice of seclusion of women from and in public spaces through concealing clothing such as the veil/ burqa.

terms of our region's difference with the rest of India... We are similar due to unequal power equations in the society which is again controlled by patriarchy. In domestic violence and the overall discrimination of women - the domination, the suppression, the exploitation, are all very similar across the country – only the degrees are different. Only difference is that our structural base varies from them and in those terms, Northeast is better due to the absence of a rigid caste hierarchy."

Respondents have attributed the absence of a rigid caste hierarchy in Assam specifically to the influence of the Neo-Vaishnavite movement- a 16th century socio-cultural movement led by saint-scholar-reformer *Srimanta Shankardev*, which propagated the removal of class inequalities and caste hierarchies by including people belonging to various caste groups and tribal communities within its fold (Sharma, 2011). This movement had a firm impact in shaping 'religiosity' in Assam by its propagation against the rigidity of Brahmanical⁷⁰- Hindu⁷¹ practices of caste rigidity, polytheism, and sacrificial rites and discrimination, which were prevalent in most other parts of India (Bora, 2018). However, though this movement succeeded in laying the foundation for secularism to foster, it was not totally devoid of discrimination towards women as they were kept away from the religious sphere, citing the similar notions of 'purity and pollution' that are also an integral part of Hinduism (Ibid).

Dr. Rakhee Kalita Moral – a leading gender scholar and Associate Professor from Cotton University, Assam argues that gender empowerment in the current context is a façade that is maintained and sustained, and the prevalent version of patriarchy which she labels as 'pretentious patriarchy' is more dangerous due to the double standards that are embedded in it. To strengthen her argument, she leads us to the low representation of women from Assam/ NER in politics. She argues,

"RKM: Distinction between genders is very apparent in the North (India) – in the mainland, because of cultural standards, traditions and customs and they are completely unapologetic about it. Why I think that there is nothing softer about the patriarchy here is

⁷⁰ Brahmins under Hinduism are considered to be the highest caste – refers to the high caste, highly oppressive and discriminatory practices of Hinduism.

⁷¹ India has a majority Hindu population of 79.80% as per the 2011 census data. 54% Hindus reside in the NER with the majority Hindu population residing in Assam (61.47%).

because this is a pretentious patriarchy – you believe that you let your women be or that you give them ample freedom but at the bottom of it or the core of it are such deep prejudices against how women work, how they function, what they ought to do, where they ought to be. It is only that it masks itself and I think that is even more dangerous because you claim that you are not patriarchal but actually you are. Whereas in the North you claim that you are patriarchal, and you remain patriarchal. So, there is pretentiousness and a certain kind of double standard which I find (well, this is a subjective view) also because for a long time an image has been thrust on the northeast of India and Assam in it, that we are more gender equitable, that we are much more tolerant, we are much more giving but I figured when I was also working with women⁷² that despite the outer kind of semblance of empowerment and freedom, there is much rampant prejudice and so many patriarchal kind of resistances to women's spaces. One index which I always bring to the table is the number of women in politics from this region. If you are to look at women's participation in politics, and claim that there is equality, how come there are so few women in the political arena?"

At present, there are only 3 women (there are 543 total members out of which 78 are women) representatives in the national parliament from the entire NER; among the 3 there is 1 woman representative from Assam (News 18, 2019). Women's political participation is also extremely low at the local governance level in Assam; even though women's participation has increased at the grass-root level owing to government reservation facilities that mandate 33% reservation of seats for women, their involvement was discovered to be involuntary, as male members of the family often regulated their choices and involvement (Ahmed and Moorthy, 2021). In the last Assam state assembly elections of 2021, out of the 946 candidates, only 76 were women, out of which only 5 (3.97%) won, which was lower in comparison to the 2011 and 2016 elections (Ibid). Meanwhile, there has been vehement opposition from various tribal bodies against the imposition of Article 243 (T) which mandates a 33% representation of women of Scheduled Castes and tribes in urban local bodies as well (Mohan, 2018). The main reason

⁷² Her work specifically focuses upon woman combatants of the banned armed militancy group- ULFA (United Liberation front of Assam) (Moral, 2014, 2015).

cited for this opposition is infringement upon local traditions and customs apart from being in opposition to the customary laws.

Customary laws are intrinsic to the identity of most tribal communities and are part and parcel of their culture and tradition; these are not written laws but numerous unwritten norms that prescribe rules of conduct to individuals and regulate behaviour and day-to-day life (Fernandez et.al, 2008). Additionally, most tribal communities of the region including parts of Assam fall under the Sixth Schedule of the Indian constitution which enables Autonomous district councils to safeguard the rights of the tribal people and permits the implementation of customary laws over and above national legislation (Hazarika and Das, 2019; Taskin, 2019). Customary laws thus attain the force of law in a particular society as they are observed continuously and uniformly for an extended period of time (Fernandez et.al, 2008). They act as powerful tools that impact and define the roles of men and women and are often observed to be restrictive and highly oppressive for women (Hazarika and Das, 2019). These customary laws are often at loggerheads with constitutional laws and in this case with the policy that mandates 33% reservation of women in governmental bodies. Thus, women of these communities are rendered vulnerable compared to their non-tribal counterparts of the rest of the country as they are denied certain rights and protection owing to their tribal status (Hazarika and Das, 2019).

Customary laws were also tied in with another factor that has been cited to set the narrative of gender egalitarianism in the current context i.e., the influence of liberal societies on the tribal communities' especially matrilineal societies of the neighbouring states of Meghalaya and Nagaland, which are often heralded for granting greater autonomy, agency, and freedom to women. All the states of NER except Assam have a predominantly tribal population and though most states follow patrilineal norms, certain communities in neighbouring border states of Meghalaya and Nagaland follow matrilineal norms in which the lineage and descent passes from the mother to the daughters (Haobijam and Singh, 2022). However, the commonly held perception that matrilineal and tribal societies or tribal societies practice equality between genders is often countered by scholars and activists across the region (Nongbri, 2000; Chankija, 2017; Mukhim 2019). In most tribal societies across the region, the predominant distinction of gender identity

which is set by the traditional councils and the ancestral inheritance rights neither allow women to hold decision making powers nor allow them to inherit ancestral property (Kikon, 2019). Presenting evidence from the neighbouring state of Meghalaya, Nongbri (2000) asserts that though descent through the mother grants women a fairly high degree of autonomy and influence, it does not guarantee their liberation from gender subordination or gender discrimination; by virtue of vesting descent rights on the mother, women are often objectified as symbols of culture and tradition and their sexuality subjected to a strict social and moral code in order to uphold the honour of the family and society. Additionally, though the responsibility of matrilineal descent enhanced the agency of women in the family and in the economy, their corresponding marginal position in politics proved to be a roadblock in converting this opportunity to their advantage (Ibid). Moreover, by projecting the gender-based division of labour as a natural aspect of complementarity, men have managed to keep women out of the legal political process where and through which policies are formulated and implemented (Ibid).

6.2 Entry of dowry culture, influence of the Hindi belt/ mainland India

Another context that was cited by respondents to separate Assam/NER from the mainland India context was the absence of a dowry culture and the influence and presence of certain practices which were favourable to women. Against the practice of dowry which is prevalent in most other parts of India, certain social practices of the NER and in this case Assam were and are still in favour of women: for example, apart from the practice of '*joutuk*' (mentioned in page 108 of Chapter 4) which was meant to provide security to the bride, is the practice known as *juron diya*: in eastern and central Assam and *tel bhardiya*; in western Assam, it is the bride groom who has to send gifts such as jewellery, clothes, fish, betel nut and coconut to the bride before the actual marriage ceremony (Deka, 2008; 2013). Another social practice that was prevalent mostly among the tribal societies was that of *gadhon* or bride price which often took the form of a demand, at times both in cash and kind, by the parents of marriageable girls; if a prospective groom and his guardians fail to fulfil the demands, marriage negotiations are either cancelled or the groom is given the option to serve for a year or two in the prospective bride's home in lieu

of the cash or kind demands⁷³ (Deka, 2008). Another practice called *burha diya* entails a couple eloping and living together without social sanction and getting married when their children are of marriageable age in order to remove the taboo of 'illegitimacy' from their children (Deka, 2008). These practices however have an economic element embedded; unlike the system of dowry where the girl child is considered a burden, women in Assam were considered an economic asset and in some tribal societies it is still acceptable for the bride to make a formal demand from the groom at the time of marriage (Deka, 2013).

However, despite the prevalence of the practices cited above, as stated earlier in Chapter 4, data from the study demonstrates that '*joutuk*'/ dowry related harassment was faced by 9 of the 22 respondents interviewed. While direct demand of dowry before marriage was made only in the case of *Rekha*, 8 other respondents spoke about the harassment they faced owing to dissatisfaction on the part of their husband/in-laws with the things that were voluntarily gifted by their natal family members during marriage. Data from this study also demonstrated that monetary demands and expectations from the woman's natal family in certain instances continued throughout the duration of their stay with the perpetrator(s).

Respondents linked the entry and rise in dowry related harassment to a number of factors including the increasing influence of mainland India, and broad shifts in lifestyle aspirations as an outcome of socio- economic changes owing to a highly consumerist globalised economy. Ilushmita Konwar, the centre administrator of the One Stop Centre (OSC) in Kamrup (metropolitan) district, and Neelakshi Sharma, the Manager of toll-free helpline '181' for women affected by violence in Assam, have reported that it is now quite common for women to also report harassment by in-laws in relation to the alleged low quality or quantity of things brought in with them. Rashmirekha Borah – Assistant Project lead of the Northeast Network (NEN) who has extensively worked with women who are facing MV in various parts of Assam corroborates this aspect:

"It is when expectations from the bride (and her family) are not met, that trouble begins".

⁷³ The practice of *gadhon* is not without criticism. It has been criticised on the ground that it reduces the status of women to a commodity and also limits the women's right to divorce as it mandated return of the bride price to the husband's family.

Ms. Chikimiki Talukdar, who is the chairperson of the Assam State Commission for Women (ASCW) reports a change in the amount or the number of gifts that brides are now given by the natal family, as compared to earlier times and claims that, as a consequence, this has led to comparison between families, creating the ground for harassment. She says,

"CT: Nowadays, a lot of things are brought along by the bride - from furniture, fridge, washing machine, whatever things are supposedly required to run a household, everything is to be given. Earlier, it was just a bed, and some cutlery. People didn't have much in those days. Lives were simpler. Earlier only one pair of 'mekhela sador'⁷⁴ was gifted by the groom's side to the bride in 'juron', nowadays you have to give 13-15 pairs. Through this, what happens, is that a sort of comparison happens – that their daughter got these many things, my daughter didn't get these many things. Someone's daughter-in-law had brought all these things when she came, our daughter-in-law didn't bring as much."

This change in the nature of "joutuk" given is linked to the changing economy and the corresponding changes that are occurring in everyday lives as a result. Dr. Arupa Potongia Kalita, who is the recipient of the Sahitya Academy award (the highest literary honour of India) among other notable awards and a leading feminist voice from Assam, especially on issues related to women and conflict (Kalita 2015, 2017), makes this connection; she attributes the entry of the dowry culture to the increasing influence of mainland India, and ties it with the broader socio-economic changes brought in by globalisation and its impact upon women in particular.

"APK: Now-a-days the extravagance that you see around is a reflection of the cultural changes that are happening in the Assamese society. We did not have this earlier. K: How do you think that is happening? APK: We have been greatly affected by the Hindi belt. Even our marriage rituals have changed. 'Mehendi', 'sangeet'⁷⁵ etc. were never a part of our society. We had Juron, Odibaah etc. Many of our girls now do Karwa Chauth⁷⁶ - we never had all that. The Hindi Belt has played a very crucial role and also the consumerism that has been brought in with socio-economic change – with globalisation. Globalisation has

⁷⁴ Traditional attire of Assamese women.

⁷⁵ Popular (primarily) north Indian wedding rituals

⁷⁶ A north-Indian custom in which a wife fasts for a husband's long life. It has been criticised for being archaic and patriarchal.

brought many things closer to us. Earlier everything was segregated but globalization has opened up many aspects, so people are consuming more and more. TV, mobile networks have brought things closer to us. I believe that the economy is the core – we cannot attempt to understand any aspect without taking into consideration the economy. So, all depends on globalization and the associated socio-economic changes, political changes- the information technology has also brought things closer to us. The market dominates and you cannot escape the market. It has impacted many things including literature, clothes, fashion- many aspects in the lives of women.”

Dr. Kalita’s views are echoed by Indrani Raimedhi, an award-winning journalist, author and columnist from Assam, who has written extensively on women-related issues (Raimedhi 2014, 2017). She connects the entry of dowry culture to an aspirational lifestyle and a highly consumerist culture that has stemmed from an increase in disposable incomes, especially over the past two decades or so, which has also fostered the growth of certain regressive values. She notes,

“IR: Because you have ‘mehendi’ and ‘sangeet’, as part of a wedding, so why not go the whole way and give ‘dowry’ as well – that is the attitude. Also, there is a very crass form of materialism going on. K: ...and from where do you think it is coming from? I: It is coming out from disposable incomes, higher standard of living, influence by television – influence by films/ media etc. There is an aspirational lifestyle going on. So, in that aspirational lifestyle, they don’t realise but they are actually regressing backwards into giving dowry and all. They don’t realise it.”

Raimedhi and other civil society respondents have linked this regressiveness with certain broader socio-political changes that are occurring at the national level and with repercussions felt at the local/ regional level, impacting inter-personal relationships.

6.3 Economy and urbanisation

As noted above, the changing economy, the type of urbanisation associated with the economy, and participation of women in the workforce, are relevant for understanding MV. To explain this, we need to briefly comment on the development path of Assam and the NER to date.

It took several decades after independence of India (1947) for rail and road communication to develop in the NER (Misra, n.d). Unfortunately, by then Assam's (and NER's) economic problems had reached a stage of no return: the absence of a proper communication network, industrial infrastructure, meant that development failed to take off and trade and commerce suffered. In consequence, several populist movements rose which subsequently paved the way for armed militancy and thus began the vicious circle of under-development, unemployment and insurgency (*Ibid*). The overall growth rate of the NER has never been at par with that of the rest of India; for more than three decades, (1980–81 to 2012–13) the contribution of the region to India's national income has exhibited a falling trend (Chakraborty, 2018). Though it was assumed that India's North East was at the forefront of the policies specifically set for the region's development, this assumption is far from the reality as the region is at the periphery and not at the helm of affairs (Bhaumik, 2009; Sarma and Choudhury, 2017; Srikanth, 2018). In the overall development paradigm, the role of the entire region has been reduced to that of a facilitator to serve strategic security needs of the nation along with vested economic interests that have not particularly benefitted the citizens of the region. The usual markers of growth owing to globalisation seem to be conspicuous by their near absence in the NER, as the region contains all the necessary characteristics of places that are likely to be bypassed by globalisation (Saitluanga, 2013). Its 'landlockedness, small market and weak economic base, as well as insurgency and bad governance' hinder the growth process and prevent full penetration of globalisation as indicated by its negligible percentage composition of Foreign Direct Investment (*Ibid*). The impact of globalisation that has been felt in the region has been termed as 'industrialization of consumption' (Rimmer and Dick, 2019, p. 22, cited in Saitluanga, 2020, p.65), owing to the proliferation of shopping malls and global retail franchises. In most cities of the region (including Guwahati), the only visible changes caused by the low intensity globalisation include a changing skyline of cities with the erection of mobile transmission towers and renovations of buildings for multinational companies' outlets (Saitluanga, 2013). The formal economy failed to grow and instead depleted with the increasing emergence of the informal economy (Bhattacharya 2018, cited in Saitluanga, 2020, p.65). Owing to the near absence of large-scale industries, the urban economy in the region is currently dominated by the informal sector.

Needless to say, the economy has limited accommodation capacities for women and the nature of employment too has been mostly precarious and located primarily in the informal sector. A latest study comparing NSSO data (2011-12) on employment for the past two decades, corroborates that though female workforce participation rate in Assam has increased, most of the employment was informal in nature (84.5%) (Saikia, 2019). Data on women's education and employment in India (National Statistical Office (NSO), 2020) ranks Assam fifth among all states in India while comparing the literacy rate, with a male literacy rate of 90.1% and a female literacy rate of 81.2 %. According to the census of India data the overall literacy rate, including the female literacy rate has steadily increased; from 65% in 2001 to 84% in 2011. Additionally, the All-India Survey of Higher Education 2019-20 reports an overall 18% rise in female enrolment in higher education from 2015-16 to 2019-20; females constitute almost half of the total enrolment of 38.5 million at 49%. However, contrary to expectation this encouraging statistic in women's education has not translated into a corresponding positive scenario in the employment sector. Recent World Bank data finds that the female labour force participation rate (FLFPR) in India has fallen from 30.27% in 1990 to 20.8% in 2019; the dip is similar in both the formal and informal labour sector. Further, one of the main drivers of India's low position in the Global gender gap report (2020) is the gendered pay gap: estimated earned income of women is only one fifth of men's, putting India among the bottom 10 countries on this indicator. The unavailability of jobs in the formal economy explains why a majority of the educated women respondents, who have faced violence, are unemployed or engaged in precarious job scenarios. Due to the insecure nature of jobs in the informal economy, even lesser educated respondents were observed to be often stuck with economically non-viable incomes. Since one of the key reasons that women have cited to stay on with their abusers is the lack of financial independence, unless the current urban economy generates sufficient opportunities for women with different education and skill levels across distinct economic classes, women will have limited options to leave violent marriages.

6.4 The (post) conflict background

Another key aspect that has been highlighted by the respondents is the background of conflict, which has left an indelible impact on practices in formal as well as informal institutions. Rooted in colonial history, conflicts in Assam date back more than four

decades and mainly revolve around the three issues of land, (ethnic) identity and immigration (Singh and Sharma, 2018). There are three ongoing types of conflicts at present: the State vs the armed activists, ethnic conflicts between groups, and factional fights between different militant groups. Citizens of the state have been at the receiving end of two groups: the state security forces and the armed militant groups (Ibid). Though there has been a dip in active insurgency related violence in the past two decades, owing to the signing of various ceasefire agreements, sporadic incidents of violence are still common. It was as recent as 2008 that serial bomb blasts by one of the armed groups ripped across the state, killing 81 people and injuring 470. Owing to its 'disturbed area' status, Assam, along with certain other states in the region are still under the notorious AFSPA (Armed Forces Special Powers Act), which grants impunity to members of the state armed forces to shoot, kill and imprison any individual on the mere basis of suspicion of threats to national security. Dr. Anurita Pathak Hazarika connects the dip in insurgency related violence in the state to the entry of investments for businesses from other parts of India, paving the way for a consumerist culture to grow in its aftermath.

"APH: You have to look at the history of Northeast India and compare it with how it is different from the present times. The region had decades of conflict – there was no development, no investment and now militant groups are coming over ground. This applies for Assam as well. From conflict what happened is – though post-conflict has still not happened fully because even now bomb blasts happen, even now there are conflicts between two communities, but because dialogues (with the militant groups) are in progress, it gave an immediate opportunity for the investors. Another reason is because now the extortions are not taking place as they took place in earlier times. In the last 8-9 years, malls have come up. The malls came in and made us consumers. No one has come to establish a cultural centre here. There are zero cultural spots where there can be an exchange of ideas."

Dr. Uddipana Goswami traces changing gender structures and the rising materialism culture with the social-cultural changes related to the 'conflict economy' which has taken root over the past two decades in Assam. She says that because of the specific nature of this economy, the 'so called' development that the city of Guwahati has witnessed in the past decade and a half has not brought in holistic growth but has led to the creation of

huge amounts of disposable income and conspicuous consumption of a section of the population while widening inequalities at the same time.

She says, “UG: Sometime back in 2006, I had written a blog piece⁷⁷ about the changing face of Guwahati when the so-called development was just starting. I saw a flashing new face of Guwahati and this is a face that I don’t recognise - not the Guwahati of my childhood. So I started to question as to why this was happening and related it to the conflict background of Assam and the conflict economy that has grown up- so it is all related. You cannot look at any change in this society without looking at the conflict background. People do that but this is a historical anomaly. So we had all these Indian (state) agencies coming in – we had insurgency – we have people who are benefitting from the conflict in so many different ways – it changed the entire structure of society. Overnight people amassed wealth - bought cars, built houses etc. It all goes back to that. It all goes back to the SULFA⁷⁸ period - it all goes back to rehabilitation grants. It all goes back to conflict and since then our society has changed. Not all the changes are bad – maybe we do need them. The malls and big stores come from that. So, it is a historical progression, and we have to look at it to link. So you have to link the economy to the social changes to the cultural changes – gender structures – all of that.”

The last part of the twentieth century witnessed unprecedented civil and social revolt in the NER; in Assam the general air of resistance was struck by the historic students' movement – also popularly known as the 'Assam agitation', of the 1980s against what was seen as illegal immigration from across the borders disturbing the demographics and consequently, the economy as well (Moral, 2015). Running almost parallel to this movement was a slowly simmering confrontation with the state by a self-styled rebel outfit called the *Sanjukta Asom Mukti Bahini*, or more popularly, The United Liberation Front of Assom (ULFA) (Ibid). Insurgent activities of the ULFA peaked in the late 1980s, and the next two decades witnessed strict state military operations to curb militancy related violence, which weakened militant bases but severely curtailed civil and democratic liberties (Dutta, 2021). This period also witnessed plundering of public funds, meltdown

⁷⁷ <https://ifellows2006.wordpress.com/fellows/uddipana-goswami/>

⁷⁸ Surrendered United Liberation Front of Assom (SULFA) cadres

of the economy with state finances hit by the counter-insurgency operations (Ibid). Sahni and Routray (2021) assert that much of the chaos during this period is also linked to the rehabilitation grants that were granted by the government to individuals who had joined various armed militant groups to surrender and abandon the way of the gun. They argue that these concessionary policies resulted in the creation of a gigantic, organized crime conglomerate that retained all the instruments and practices of terrorism while abandoning its political intent, and operated substantially under the protection of, and in collusion with, the state and its agents. In fact, several state reports indicate signs of an artificial economic boom financed by funds accumulated through extortion and the siphoning of government resources, leading to dramatic increases in disposable income and conspicuous consumption among a narrow section of the state's population (Ibid). Moreover, despite the entry of neoliberal economic reforms in the early 1990's in India, it was only from the first decade of the 21st century through the introduction of the Look (Act) East policy⁷⁹ that the economy of Assam started to reflect a moderate upsurge in growth. However, several concerns have also been raised under the neoliberal framework of development as envisaged under this policy considering the region's unique nature of economy, the pattern of resource, demographic composition, political administrative structure and security scenario (Patgiri and Gogoi, 2022). Creating the space for private players and multinational companies, activities associated with this neo-liberal growth have been linked to significant economic, social and environmental costs, including plundering of natural resources, appropriation and privatisation of resources that were previously community owned, large-scale displacement of people, human rights violations, and loss of biodiversity (Ibid). Baruah (2009) echoes the arguments of other scholars of Assam and asserts that though tempting, the notion of a 'development fix' does not hold much water while responding to the various armed conflicts of the region, as state weaknesses and state failure are required to be held equally accountable, although they evoke little interest in Indian policy documents (Ibid).

It is thus argued that the context of the 'frontier culture of violence' is what sets the region apart from other parts of India when violence against women is concerned (McDue Ra, 2012). This culture is located within the distinct political, social, and economic

⁷⁹ Refer to Chapter 1 for description

circumstances of the region, within which two spatial contexts are located: the external non-familial and the internal familial context. These are analytically separable, but the distinctions are blurred in reality as violence emanates from the continuous interplay between the two (Ibid). Like other conflict-affected areas across the globe, conflict in the region including Assam has disproportionately affected women and girls due to their status in society and their sex (North East Network, 2004). Under the shadow of conflict, the region has witnessed a resurgence of patriarchal values and norms, which have further brought in new restrictions on the movement of women, control over what they wear, and more overtly sexual violence such as rape, which is systematically used as a tactic against them (Ibid).

Dr. Uddipana Goswami also links the increased militarisation of the society, especially that used by the government to control insurgency related violence in Assam, to the strengthening of patriarchal structures and seeping in of hegemonic forms of masculinity, which contribute to the perpetration of violence against women. Violence against citizens of the region, specifically of women by security forces and by the armed militants have been documented in various studies from the region (Banerjee, 2001; C-nes and HBF, 2011) and have also been the base of a rich critical fiction literature (Barua 2008, 2010; Kalita 2015, 2017; Kashyap 2013, 2021). While numerous cases of human rights violations including rapes and molestations have been reported against Indian security forces, to an extent the same brutalisation has mirrored itself among the armed insurgents who too have been accused of shameful treatment of women (Goswami, 2020). In fact, women of the region were often caught between two sets of opposing patriarchal powers: one composed of the state and the other of the rebels (Banerjee, 2001). Building upon existing literature from Assam and from her extensive ethnographic experience, Goswami (2020) links violence within the home that occurs within the domestic sphere, with the larger political violence and argues that though the connection between the two is not readily made, both are indeed related and gendered processes. Since policy approaches that excuse all wrongdoing by aberrant state forces and law keepers, as well as by former outlawed militants through non-accountability, citizens are condemned to constantly live under a shadow of violence; patriarchal structures that grant impunity to political violence in the streets also legitimize domestic violence within the home (Ibid) often creating

pathways for the normalisation of violence. Thus, the external non-familial context, or violence in the public space, owing to the overall militarization of the society (comprising of both state forces and armed militant groups) needs to be connected to violence against women that occurs within inter-personal relationships as well (McDuira 2012; Moral 2014,2015; Goswami 2020).



Figure 23: 'Vehicle owners beware'

6.5 Discussion

Though the phenomenon of women's inequality is universal, its magnitude and severity vary from one country to another and even within a country, intra-region and intra-community variations exists (Choudhury and Kumar, 2021). This has emerged in the current study as well. Responses from the civil society suggest that though it is relatively safe to assume that women in Assam (NER) are better off considering certain aspects of visibility, mobility and specific dimensions of agency, one needs to proceed with caution in proposing a homogeneous narrative of equality between the genders or among women across distinct religious, ethnic or class identities. While certain socio-historical backgrounds do set the context apart from the rest of India, this relatively better position by itself does not translate into equality between genders. It seems that it is only when the comparison is done with a lower benchmark i.e., the status of women in most other parts of India, that the position of women in Assam appears to be better, but this position by itself does not translate into gender egalitarianism. As in the rest of the country, here too women play the role of preservers of family honour, necessitating compliant obedience to gendered norms (Bhattacharya, 2009, cited in Ray, 2015, p.307). In fact, data from the study supported by other regional/state level indices, highlight the glaring inequality between genders and indicates that there is much to be addressed in order to narrowing this gap. In other words, the good that is claimed seems not to be good enough to claim gender egalitarianism.

The rise of dowry related violence needs to be located within the broader background of changes that are occurring due to globalisation of India's economy. India's policy of liberalisation which was adopted since the 1990's augmented migration of various groups of people such as traders, service-holders, merchants' labour and others, from the rest of India into Assam and with this influx began the gradual changes that influenced local traditions and customs (Deka, 2013). This social change is predominantly driven by Brahminical-Aryan customs primarily from the North of India and a simultaneous growth of materialism; rituals such and customs of *sangeet*, *mehendi* and even dowry have now made inroads into the marriage systems in Assam (Ibid). While the technological boom has reduced isolation among citizens across the country, it has simultaneously led to an adoption of certain rituals/functions which are deeply rooted in enhancing notions of

purity and pollution which have been observed to amplify existing inequalities. As demonstrated above, limited accommodation for women across distinct education or skill set levels in the current economy further accentuates their vulnerabilities when facing violence in marriages.

Few studies have explored the indirect impact of conflict on violence upon women and fewer studies have explored the association between armed conflict and post-conflict interpersonal violence, but understanding the link is crucial for disrupting cycles of violence both immediately following and long after peace is declared (Kelly et.al, 2018); McWilliam's (1997) essay highlighting the Northern Ireland experience and Kelly et al's (2018) study that focuses upon Liberia, are among the few that have examined this link. These studies have noted the increased vulnerability of women and children in conflict zones, and the trickling down of violence from the public space to the private. While in the former the violence is exerted by state armed forces and perpetrators are unknown, the latter is inflicted by one's own kin. Both situations are a product of militarisation of the society and together propagate a frontier culture in which 'violence is routine, frequently witnessed and, normalised'; in this context distinction between violence against women in public and in the home is blurred (McDuiie Ra, 2012). Although the Northeast is unique in the Indian context, similarities can be drawn to other frontier areas and borderlands in other parts of the world, where militarization and marginality are found to coexist in a permanently fragile milieu (*Ibid*). Though it is beyond the scope of the current study to make any substantial link between the conflict violence and MV, as pointed out by the civil society academic/ activist respondents, this background is nonetheless important in the current context due to the inter-linkages between the two.

To summarise, though certain axes such as caste can be considered to yield less impact within the intersectional lens, considering specific historical influences, certain other axes such as regional marginality, ethnicity (embodying exclusionary customary laws), the status of disturbed areas etc. need to be taken into account while analysing violence against women including MV in Assam. Though changes that are occurring at the political and socio- economic levels do not have the same impact upon all women equally (considering their class, caste, religion, ethnicity which influence their education, employment etc.) they exert influence albeit in various degrees in the realisation of an

individual's capabilities, which in turn have been observed to impact upon their choices (discussed in the next chapter) when they faced violence within marriages.

Chapter 7: Towards an explanation of Agency in marital violence: Locating its characteristics, enablers, and deterrents

Though previous chapters in this study present an implicit idea about the types of agentic stances that respondents have demonstrated in dealing with MV, this chapter makes an attempt to explicitly discuss its nature and characteristics, along with its enablers and deterrents.

A key premise that is relevant prior to the analysis is the broader context of the worldview within which respondents are located. One of the primary mechanisms by which culture⁸⁰ exerts its influence on an individual's real and perceived options to address IPV, is through a worldview: "a deep-seated cultural value about the relative priority of one's own goals and desires and those of the collective to which one belongs" (Yoshioka and Choi, 2005, p. 513). An individual's relationship to the collective to which they belong is strongly shaped by their worldview (ibid). The orientation that individuals are aligned with is fundamental in the context of gendered IPV, as it occurs within specific social contexts which shape how they judge themselves and are evaluated by others (Liang et.al, 2005; Kennedy and Prock, 2018). Recognising variations between groups and communities, historically, Latinos, African Americans, Asian-Americans, American-Indians, and many Middle Eastern countries are known to tend toward a collectivistic orientation as opposed to Euro-Americans, who primarily tend to identify with a more individualist orientation (Lawson, 2013). The nature of support available both in the formal and informal support networks, the corresponding level of access to available services, and the overall nature of options for women facing MV may also vary with this orientation (Ibid). As observed particularly in Chapter 5, respondents had to face invalidation even from members of formal state institutions (within the CCJS) and were often seen to be at the receiving end of their (misplaced) anger and chastisement at various stages. A contextual statistic which is relevant here is from a recent United Nations' report titled 'Progress of the World's Women 2019-2020: Families in a Changing World' which states that though divorce rates

⁸⁰ This study rejects a culturally essentialist definition of culture under which certain traditions, values, beliefs, and practices are assigned to any culture as a stable element while obscuring the manner in which specific historical and political processes shape how a particular tradition or practice comes to occupy a central position within it (Warrier, 2008). It takes a nuanced understanding of culture and cultural identities as bound by space and time, multifaceted, changing and underlines that all cultures have internal tensions (Ibid).

in India too are seeing an upward trend, it still has one of the lowest divorce rates globally, estimated to be around 1.1% (Prasad, 2022). Combined with the previously stated NFHS data on the low percentage of women who have ever approached any formal institutions for help on facing violence (6.9%), it indicates that access to formal help may or may not be available or even a feasible alternative for women facing MV in the current context. Hence, agentic stances that have been documented in the study need to be understood within the broader context of the worldview along with the existing contingencies owing to distinct forms of inequalities in the broader socio-political and economic context (described in the previous chapter) within which respondents are located.

To begin with, Table 4 below gives a brief overview of the current status of the respondents:

Current status	Number
Divorced (through private lawyer)	6
Lives separately (not divorced)/ (case in court)	5
Lives separately (not divorced)	5
Lives separately (not divorced) (in shelter home)	3
Living separately (through Residence order and Protection order)	1
Living with perpetrator (through Protection order)	1
Living with perpetrator (through Residence order)	1
Total	22

Table 4: Current status of respondents

Recognising intra-culture variations, agential expressions in this study aids in the development of a nuanced understanding of agency under oppression (MV in this case) by treading a path between the binary opposite stands of 'victimhood' and 'survivorhood', and by not considering the two as mutually exclusive. In order to demonstrate the

diversity and complexity in agential expressions, this chapter will begin with the case study of *Grishma*, followed by a brief description of the nature of agential action documented in this study. Secondly, certain enablers and constraints that have been observed to operate in the agential trajectory of respondents will be underlined. The sources and components particularly related to stigma and stigmatisation will also be discussed in detail. Thirdly, supported by Figure 29 (in page 228 below), this study will argue for a hybridity of gendered habitus and reflexivity in agential action in order to interpret the decisions and actions taken by respondents. Lastly, this chapter will end with a discussion that will argue for a framing of agency that encourages moving beyond an essentially individualistic conceptualisation in which women are singularly assessed according to whether they leave or stay without considering the distinct material-cultural constraints under which they act.

7.1 Case study of *Grishma*

Grishma is a 39-year-old of two, from village X in the district of Patshala (approximately 100 kms from Guwahati) who was married in 2004 when she was 21 years of age and has lived in Guwahati since then. She was yet to complete her Undergraduate degree when the marriage was proposed by her husband, and though she was assured by the marital family that she would be able to finish her degree after marriage, the assurance proved to be futile. The match was considered a good one, as her marital family was economically better off than her natal family. She moved in with her marital family after the marriage and within three months was aware of the full scale of her husband's alcohol addiction and his inherent violent character. He was a highly controlling person who would often come home drunk from work, pick fights, and physically attack everyone in the household. She too was not spared. For a year after marriage, she did not share anything with her natal family out of (internalised) shame: "*I was embarrassed to share with my mother that my husband hits me – they were under the assumption that I was in a happy marriage. More than fear – I felt ashamed. I have seen so much love between my parents – when I saw the opposite here, I was embarrassed to share it with them*". *Grishma*'s marriage had periods of relative normalcy as well. She recalls her husband being affectionate towards her after the birth of her first child, after a year of the marriage. However, when she realised that the affection and changed behaviour was short lived, she felt compelled to

share her ordeal with her parents. As an act of resistance and supported by her parents she went to her natal home and stayed for 21 days. Her husband and in-laws were taken aback by her (relatively) long stay. *Grishma* too thought that she had made her point and returned to her marital home soon after. However, things were stable for only a month. Soon after an episode of severe physical battering, she tried to end her life by setting herself on fire. She was spotted by a family member before any major burns occurred and was taken to the hospital where she was pressured to lie and attribute the burns to an accident during documentation. *Grishma* thought of ending her life a second time after another violent episode at home but changed her mind at the last moment owing to the love and responsibilities that she felt for her new-born child. She went to her natal home instead and stayed there for 3 months; her child was brought to her. Though she had no intentions to return, she felt (both internal and external) pressure. She says, '*a married daughter staying in the natal home for so long does not look good – neighbours had also started to question*'. By then, her husband promised to mend his ways and she believed him. This time too, the situation was 'normal' for a month and a half after which the battering resumed and in fact intensified. This went on for 3 years. Numerous short stays with her natal family continued. In between both families initiated a discussion in which the police were also informally involved, and her husband assured everyone that he would change for good. *Grishma* along with her husband and child had by then moved to the upper floor of the same house, within the same compound and started to live and eat separately. This living arrangement worked against her as she had to now single-handedly bear the brunt of her husband's rage and battering. According to her account, her in-laws began to alter the narrative of the abuse in front of relatives and neighbours. She says, "*Rather than saying that my husband was an addict and an abuser, they now started telling everyone that both of us were at fault - that the problem was due to the two of us fighting as we could not get along - they started to change the narrative. A couple fighting has different connotation than 'torture' / 'otyasaar' - the connotation itself is different, isn't it?*" Her exit next time was encouraged by her father and a case for 'maintenance' (under section 125 CrPC) was also registered in court. With support from her parents, she enrolled her child in a school close to her natal family and took up accommodation near the school. Her in-laws and her husband would occasionally visit specifically to visit the grandchild. She was once accused of bringing dishonour to the marital family by leaving

the household, but she countered them. She said, "*I told them that it is in their home that the daughter-in-law is abused, so how can I be held accountable for upholding the honour of the family? How can they claim to be honourable people in the first place? Isn't it? My in-laws were extremely offended at this incident*". Meanwhile the court had ordered her husband to pay a maintenance amount of INR 5000/ (c. £50 approximately) month. She stayed away for a year this time and also took up a course to train as a 'beautician'. Meanwhile, her child passed the entrance examination for a top-tier school in Guwahati and her marital family expressed support to pay for the education. *Grishma* herself was incapable of bearing the expenses owing to her limited capabilities to gain viable employment. She decided to move back to Guwahati for the sake of her child's education and also because she did not want to be blamed for being selfish/stubborn and hampering her child's future. Around this time, her brother-in-law was getting married, and she was invited by her marital family and also by her husband to move back with them. *Grishma* agreed. She trusted her husband again and it was also convenient for the purpose of their child's schooling.

This time 'normalcy' was sustained for one and half months, after which the battering and verbal abuse resumed and escalated. This time she stayed on for 7 years. She thought doing everything within her means and by performing all duties expected from her as a wife or mother would placate her husband and he would stop being violent. The violence did not cease. On specifically bad days, police from the neighbouring precinct would be informed but her husband would only be detained for the night and released the following morning. During this time, she was coerced by her husband to conceive, and they had a second child. The violence was every day and numerous visits to the hospital were made to fix broken bones and cuts; she was pressured to lie every single time. Several times during this period, she requested her in-laws to admit her husband in a de-addiction/rehabilitation centre, but her requests were not taken seriously. In order to protect herself and her children she would often lock two wooden doors that led to the bedroom; at present her husband has managed to break the first wooden door increasing their vulnerability. In 2018 through a message forwarded on WhatsApp, *Grishma* became aware of the 181 helpline and the One stop centre (OSC). She contacted them and was aided in accessing legal aid and in her application for reliefs under the PWDVA. It was

around the time when she was putting together a criminal case against her husband, that she was attacked by her husband who partially burnt her face. Accompanied by her children, this time she went to the police herself and registered an FIR; the charge sheet is yet to be filed and reach the court. Her husband was jailed for 14 days but was released on bail; she suspects that her influential in-laws had bribed the police. She has since been granted a residence order and a protection order under the PWDVA. She also plans to apply for a divorce and custody of her children, after the remaining reliefs that she has applied for under the PWDVA are granted. She does not want to leave the marital house as she believes that it is her right to live there and also because she does not want to cause further strain on the limited resources of her natal family considering she herself is not financially stable. Though her husband lives in the same compound and no longer lives with them, he often tries to forcefully enter her apartment; he broke the windowpanes and the peephole in the door a few days before the interview was conducted. She is informally supported by her marital family for her day-to-day needs and in the education of her children but is otherwise ostracized by them. She tries to support herself by selling handloom clothes informally. She says, *“It is only when I ventured out that I realized that there are people to help us- there are people with us – we can’t let our lives get ruined.”*



Figure 24: The Brahmaputra – “*The Brahmaputra is one of the largest rivers that flows through the length of Assam. It holds significance in this study as three respondents had reached its banks with the intention of ending their abuse by ending their lives*”

7.1.1 The nature of agency under marital violence⁸¹

Grishma's case study demonstrates that decisions that she made and the actions that she took cannot be bracketed under the binary and discrete categories of 'staying'/'acceptance' or 'leaving'/'resistance'. Every one of her actions encompassed everyday decision making which involved almost automatic actions as a short-term survival mechanism (such as having cooked hot food ready for every meal before her husband returned from work, tidying up the house, among others) as well as deliberate strategic choices often among precarious options involving long-term life implications (such as registering a case, leaving the marital home, not giving in to the pressure of vacating the marital home, among others). It demonstrates situations in which she struggled between dispositions owing to her gendered habitus (developed as an outcome of her socialisation) and what clearly appears to be reflexivity driven agency in which she was able to identify (in various degrees at distinct time periods) the risks involved in staying with her abusive husband. Decisions that she took at distinct time periods, was enabled by the (relative) support she received from her natal family and strengthened later by the support and access to help through the 181 helpline and One stop centre (OSC). However, she was also constrained by strong material barriers such as: her and her children's financial dependence on her husband and marital family; the economic constraints of her natal family, her inability to earn a viable income etc.; the cultural barriers such as influence of the larger society in which she feared being judged as a 'bad' wife/selfish mother; the inaction by the police from the neighbouring precinct owing to the influence of her marital family; among others. Hence, it would be inadequate to assess her solely on the basis of her current status – being in her marital home and not yet formally separated from her husband - or by the fact that she took recourse to formal help as an outcome of rational objective deliberation only later in life. By considering only her current status, she might mistakenly appear to be passive or neutral or as someone who has tolerated the abuse for 18 years. On the contrary, the nature of her actions cannot be dismissed or labelled as passive acceptance. Rather they were constrained or enabled by the distinct position she

⁸¹ Any reference to agency in this chapter refers to agency under marital violence.

occupied within a distinct set of material-cultural constraints-enablers at any given point in time.

For others like *Sumona*, the impetus for action was through a prioritisation of existing risks in at any given point in time and taking decisions to minimise the (assessed) harm. Sexually abused by her father since she was a child, she belongs to a lower middle class Bengali family from Guwahati. Educated to the 12th standard, she opted to marry at the age of 18 to the first man to show an interest in her, in order to escape from the abuse of her father. Her marriage took place after a particular incident in which she attempted to end her own life. Married in 2008, she has two teenage sons with her husband; her second son was born after she was maritally raped. Since the beginning of the marriage, she has been used to bear all the household expenses from a small business that she still runs from home and also from the income of another part time job. Unemployed and addicted to alcohol, her husband used to torture her mentally, physically and sexually. During the stay with her husband, she had approached 3 different police precincts and a formal complaint was registered only the third time, in 2015. This was also the year she changed her rented accommodation and “*threw him out of the home*”. As she describes,

“Sumona (S): In 2015, I threw him out of the house. I told him he could no longer live with us and if he wanted to stay with us, then he had to pay the rent. I would work the whole day and come home, only to be tortured by him, that won’t work anymore. So I asked him to leave”

Her husband felt intimidated when the police had finally registered an FIR and has stayed out of Sumona’s way since then. She does not want a formal divorce and is content with the way things are at present.

She says: *“S: I don’t bother to care about him anymore. He doesn’t have any place in my house or my heart. I don’t have so much of time to proceed towards a formal divorce as it would mean make the numerous rounds of the court and fighting the case in front of other people. I have to take care of my kids, take care of my house and go for work as well. I was a victim of tremendous torture and I passed through it. I don’t need anything else now. I’m happy the way I am.”*



Figure 25: *Sumona*

Actions performed under MV thus, can be defined as any action taken by the respondent to protect herself and/ or children with the aim of mitigating the harm that she could perceive at a given point in time (acknowledging that these can differ from the actual or real risks) and also includes both willing-unwilling compliance. It was common for most respondents to perform certain actions or behave in a particular manner to appease the perpetrator(s). Actions performed under MV does not solely refer to actions that result in radical or even progressive changes, as it can also apply to those actions that are performed to seek continuity and stability subject to the capacity to endure, resist, suffer, and persist within a system of domination (Mahmood, 2001, cited in Agoff and Herrera, 2018, p.54). It is temporal since actions were contingent upon the level of awareness that one had about the situation and *what* was considered as a violation at any given point in time (refer to Figure 11 in page 128), the corresponding level of change that one desired, and the existing material-cultural constraints-enablers at distinct levels (refer to Figure 7 in page 53) that existed to convert the desired change to reality. The temporal agential trajectory thus, varied for each respondent as each of them had a distinct set of material-cultural constraints-enablers at any given point in time and cannot be judged by the current status (leaving/staying) in the relationship. For example, as seen in *Grishma's* case, her final stay was preceded by numerous episodes of leaving.

Thus, agency under MV has been observed to cover a wide range of actions within a spectrum; on one extreme end of this spectrum is willing compliance, while on the other end is active resistance.

7.2 In between staying and leaving: key enablers and deterrents in the agential trajectory

Recognising the multiple forms of women's agency under MV, specific factors have been documented to play critical roles in the agential trajectory. These are related to the duration for which respondents were in self-denial/ pretence/ non-recognition of the situation as abusive, the nature of responses from informal and formal support systems following disclosure, the level of stigma that operated and the role and nature of emotions.

Fundamental to prevent endorsement of common notions of the apparent passivity of women while dealing with IPV, it is crucial to understand the meanings, reasons, and motives they have for specific actions (Agoff and Herrera, 2018). In retrospect, respondents often said that they were often in (self) denial despite recognising the violence (in various capacities) or its harmful impacts. This self-denial is also connected to a 'culture of pretence' (Francis et.al 2016) which was observed to be built by respondents in order to protect themselves (and their children) from shame, and feelings of failure that were linked with living with a violent partner, lack of any viable alternatives to end the abuse, or maintaining the outer semblance of an intact family. *Tora*, who started to publicly write about her experience after ending a phase of denial lasting two years, describes the reason behind her state of denial and finding courage and solidarity thereafter thus:

"K: You have been quite vocal about your experience T: The reasons for being vocal are because a) it is therapeutic, and it helps me and b) because people do not understand what is happening. So, for example when I first 'came out' – for two years I was silent- I did not speak. When I wrote the X article- I got numerous calls – from fiery, feisty professors and 9 out of 10 of them had faced domestic violence but they did not speak about it. So at one level there is also that hypocrisy. That was me at some point of time – "I can't be the one. I can't be a victim. I am educated. I am independent – right?" It's a class thing - so that is another structure here. My domestic help who gets beaten by her husband - she is a victim of domestic violence but me - a university Professor, I can't be a victim of domestic violence and be at her level. So, that comes in there. Sorry! I get very fired up when I talk about that. Anyway, that is one thing and I also found that it gave people a lot of courage. People reached out – I got strength from that sort of solidarity."

One attribute that can possibly be associated with the initial self-denial or 'non-recognition' of abuse is the level of one's internal conditioning as an outcome of having a gendered habitus that normalises or justifies violence in a marital relationship, though the degree to which this applied varied for each respondent. At times, this 'culture of pretence' was not only imposed internally but externally as well. For example, as observed in the case of *Grishma*, the internalised shame of having to disclose the true state of her marriage to her natal family existed alongside external pressure – by members of her

marital family, who encouraged her to lie to her natal family and also in front of hospital staff when questions were raised about her (visible) injuries. This culture of pretence can also be attributed to periods of relative normalcy when the violence was not as severe or intense, and also when abuser(s) were relatively considerate towards them and the children (when present). The presence of children was observed to act in two ways (not mutually exclusive and variable over time): at times respondents spoke about extending the stay with the abuser(s) owing to internalised pressure to tolerate the violence for the sake of their children and their future; on the other hand, children were also cited as one of the primary motivators by certain respondents for finally exiting from the relationship as they intended to create a safer and secure future for them.

It was observed that this initial period of non-recognition or self-denial was shorter for respondents whose initial (and retrospective) definitions were closer to the comprehensive definition of violence (CDV) (refer to Figure 11 in page 128). This was specifically observed in the case of *Mitali* who was the only respondent who formally ended the relationship through a divorce in 3 months. Support from her natal family and her financial independence also acted as enablers in her case. Financial independence and support from the natal family, however, did not always ensure early (final) exits as observed in the case of respondents such as *Deeksha* and *Anima*, possibly owing to the higher degrees of stigma that they had associated with themselves (more below in 7.2.1).

The end of this initial phase of self-denial/ pretence/non-recognition was an important milestone in the agential trajectory of most respondents as it was only after its end that they were observed to take up distinct types and degrees of affirmative action-oriented agency. This stage does not however imply complete non-compliance or only active resistance. In fact, during this period it was common for respondents to still comply by what was expected from them, but it also included sharing their experiences with informal support systems and approaching formal support systems in a few cases. Asian cultural traditions that predominantly place emphasis on privacy of the family, fear of divorce, and gender roles that place men in superior social standing often prevent many women from seeking help outside the family, even after identifying IPV as a problem (Liang et.al, 2005, p.77). This second stage has also been observed to be crucial, as the nature of support and extent of validation received at this point often influenced the subsequent courses of

action for each respondent. For example, as observed in the case of *Grishma*, though constrained by material factors, her natal family has been standing by her within their limited capacities to date. Support that she received from the 181 helpline and the OSC also strengthened her resolve to claim her rights and work towards prospective solutions according to her needs and priorities. As discussed in detail in Chapter 5, irrespective of the severity of violence faced by respondents and the level of disclosures made about it, in certain cases respondents had faced invalidation from both informal and formal support systems and were advised to reconcile by well-meaning family members or officials within the CCJS and also blamed for the state they were in. This invalidation, as observed by others before (Baird et.al, 2021; McCleary-Sills et.al, 2021), is at times dependent upon whether or not the violence is deemed to have crossed the threshold of what is considered 'normal' or 'tolerable' by her immediate support system and even within the CCJS. This invalidation has been observed to accentuate vulnerabilities for those who were economically the most vulnerable. For example, *Himakshi* at present can think of no option but to go back to her abusive husband as she is constrained by the inadequate emotional and material support from her natal family and is not qualified enough to find viable employment to support herself and her child who requires constant medical care.

Closely linked to validation from both informal and formal sources of support was the aspect of stigma and stigmatisation associated with the identity of being a woman facing MV.

7.2.1 On stigma and stigmatisation, and the role of emotions

A number of studies have asserted the role of stigma around the experience IPV as it has been observed to have damaging internal effects, such as lowered self-esteem, and shame and external effects, such as decreased help-seeking, while also increasing the risk of re-victimization (Overstreet and Quinn, 2013; Kennedy and Prock, 2018; Murray et.al. 2018; Dichter et.al, 2020, Mahenge and Stockl, 2021; Crowe et.al, 2021). The Integrated Intimate Partner Stigmatization Model, which is an extension of the Intimate partner Stigmatization Model, incorporates five sources to understand experiences of IPV related to stigma (Murray et.al. 2018; Crowe et.al, 2021). These are: i) Cultural stigma - related to societal stereotypes or beliefs about those who experience IPV; ii) Internalised Stigma - associated

with the extent to which individuals begin to believe negative stereotypes linked to IPV as applicable to themselves, leading to heightened feelings of guilt, shame, and self-blame; iii) Anticipated stigma - about negative reactions which are expected by the individual facing violence once disclosure about the abuse is made; iv) enacted stigma - when individuals are discriminated against as a result of their experiences of IPV; and v) perpetrator stigma, including stigmatizing messages from one's perpetrator which could include emotional, verbal, and psychological abuse, isolation or devaluation of survivors (Ibid). The model is useful as it highlights that stigma can generate from both internal and external sources located at the intrapersonal level (i.e., internalized and anticipated), the interpersonal level (i.e., perpetrator and enacted), and societal (i.e., cultural) levels. It also asserts that feelings of shame, guilt, blame, loss of status and other negative emotions are the common components of stigma.

In this study too, the role of stigma has been observed to be multi-dimensional, displaying elements of all five components cited in the Integrated Partner Stigmatisation Model. The aspect of stigma also helps in explaining possible reasons for those respondents who had the financial means to support themselves and their children (such as *Anima* and *Deeksha*), yet undertook extreme risks to maintain the marriage, with negative repercussions on their physical and mental health as well as on their professional lives. For the purpose of analysis the operation of stigma in this study has been divided into four levels: i) internal: self-imposition by the respondent, ii) external: by informal support systems i.e. natal/ marital family and iii) external: by formal support systems – by police, judges⁸² etc. iv) external: by neighbours/ extended family members or that which was attributable not to anyone in particular but broadly referred to as 'society' – '*xomaje ki kobo*'/ '*manuhe ki kobo*' (what will the society say?/ what will people say?) (see Figure 26).

⁸² Has been described in depth in Chapter 5 so not discussed here.

Respondent	Stigma references	Form
Bidisha	<p>"I have no tears left. I cry alone as I feel embarrassed to show my true emotions in front of others... K: So nothing changed even after your brother intervened.B: Nothing, they would blame me for everything. They just wanted to malign (shame) me in front of everyone –no one should take my side...My FIL had just reached home and when he saw us arguing, he questioned my husband's masculinity – had it been his wife, he said he would have physically hit her to submission. He also shamed my husband for being dragged to the police station because of my complaints."</p>	Internal External- by family External - by society
Rehaana	<p>"Earlier when he had thrashed me, twice I had considered of filing a case against him, but my father didn't allow saying it would hamper our reputation...My father is known to solve problems in other's households in the village- what would people say if his daughter cannot sort out her marriage."</p>	Internal External- by family External - by society
	<p>"K: But even after having to go through so much of trouble you were ready to go back to him. Was it for the sake of your daughter? R: Yes, mainly for my daughter and to save my parents honour. Already when I had eloped with him, I harmed my father's reputation... Because of me my parents are in so much of tension today, I'm their only daughter, I have two brothers....my father is in a lot of pain, and it is all because of me".</p>	

	<p>"K: Do the village folk pass comments? R: Yes, they do. They talk about how I couldn't save my marriage, no one comes and tells us directly, but I sense it."</p> <p>"K: You suffered it all quietly? R: Yes. I only suffered it all because of my parents. Otherwise, I wouldn't have. Even now when I say I'm ready to go back to him it's only because I don't want to put my parents to shame in the society."</p>	
Neeta	<p>"It was prior to 15 days of my marriage I told my mother that I didn't want to get married. My mother told me that since all the arrangements had been made, I should get married for the sake of saving the honour of the family. Only because my mother told me to keep the honour of the family intact, I got married."</p> <p>"As I was staying at my natal home, the neighbours started asking why I was there even after getting married. People were curious to know what had happened, why was I here, for how many days I will be here, they asked all those questions. My mother used to tell them that I was living with them for a few days. Then my mother took me back to my in-laws."</p>	External- by family External - by society
Minu	<p>"Now as girls, once we have come out of our parents' house, after all that has happened, I feel weird to go back, there are girls who do go back to their parents, but for me it's different. If I go now, my parents won't say a word to me, but nearby our house lives my aunt and uncle and my cousins, they will of course scold me and taunt me, and I feel it's better not to</p>	External - by society

	listen to such things. If I stay here and work, I don't have to listen to anyone's comments, but if I go back, I will get three meals a day but along with it I will have to listen to hundred comments from everyone."	
Deeksha	"Now even I could've given the story to the media but the stigma of embarrassment - it's there, it's very much there, that people would laugh at me."	External - by society
Sneha	K: "Did you also feel any kind of shame initially? S: Yes, shame in the sense because it was a social marriage and that too a marriage that happened in such a grand manner. I had this thought as to what will I tell people. K: That was a very overwhelming feeling? S: Yes, quite overwhelming and only those who suffer understand it. I can't tell you how I used to feel when people used to visit and I didn't want to come in front of them because what will I tell them and moreover what will they ask me or tell me."..." No doubt, a stigma remains that I'm a divorcee."	Internal External-by family External - by society
Pallavi	"My brother worries that if I come to my mother's place without getting divorced then again, my husband will get another opportunity to create a ruckus and might again call up his police friends to lock me up and if that happens, we will have a bad name in the society. For so long my parents have held such a good reputation, so if the police come or if people come to know that court related matters are going on, people usually don't take it in a good manner."	External- by family External - by society

Jahnabi	<p>"J: But I do feel that when these things, the torture had started had I opened my mouth then it would have been different. K: Do you think the society in some way had influenced you for not speaking up sooner. J: Because of society yes. In our society a daughter-in-law should never talk back and when the same things come from your mother, they tend to influence you. Moreover, we live in a small town, words spread like wildfire so I didn't really want that my parents had to suffer because I decided to not keep shut. I did try a lot but when it was too much even my mother said that it's definitely up to me what I wanted to do with the situation.</p>	Internal External- by family External - by society
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Figure 26: Stigma at different levels (shame/honour/ stigma references are grouped)

Preoccupations with shame and honour embedded within stigma were observed to play a critical role in aspiring to maintain the heteronormative familial form in which unequal terms of a marital relationship are sustained. Socio-cultural barriers that are rooted in values, attitudes, and norms, in help seeking in response to IPV have been reported from countries such as Tanzania (McCleary-Sill et.al, 2016), Indonesia (Aisyah and Parker, 2014) and among South Asian immigrant communities in the UK and USA (Abraham, 2000a, 2000b, 2005; Burman et.al, 2004; Burman and Chantler, 2005). In these studies, gendered social norms have been observed to normalise IPV and impose stigma and shame upon survivors for reporting IPV, rather than upon perpetrators, as a consequence of which they are silenced by their fear of social consequences. In contrast to more individualistic non-honour-based cultures, ideals of feminine sacrifice and family loyalty tend to be stronger in cultures of honour (Vandello and Cohen 2003). Cultures oriented towards collectivism often tend to prioritise family cohesion and coupled with traditional gender roles, create strong pressures for women to stay in relationships and sacrifice oneself regardless of the danger or harm involved (Ibid). Expressions of agency are hence diverse with different societies and groups having distinct forms while differently valuing particular actions; for example, speaking one's opinion might be positively valued in one context but negatively

valued in another (Aisyah and Parker, 2014). Similarly, actions that are considered 'weak' or conversely considered as 'brave' can also differ according to context. For example, in this study respondents were often observed to feel pressured – both internally and externally, to remain in the relationship, and were regarded as 'good' wives or 'brave' mothers, while being rewarded in the form of tacit acceptance for tolerating the abuse for the sake of the family and/or children.

Additionally, it was observed that emotions played a distinctive role in the agential trajectory of each respondent. Emotions are a constituent part of any social phenomenon (Bericat, 2016) and though they are channelled by distinct cultural and structural contexts, they are not wholly determined by them and tend to have an independent existence specific to every individual (Turner, 2009). They are strongly related to the nature of individuals as dependent and vulnerable yet intelligent beings (Sayer, 2005). Like reason, emotions are about something, specifically things which are key to one's well-being and which we value and yet are not fully within our control (Ibid). "For any kind of social condition to 'affect' us, we must be the kinds of beings capable of suffering, happiness, love, humiliation, shame, etc" (Ibid, p.38).

Irrespective of their specific material realities, respondents navigated around a range of often conflicting emotions such as fear, shame, guilt, anger, duty, love, while dealing with and strategizing their responses to the violence. At times emotions were observed to motivate, providing the impetus for action which played a key role in influencing the 'tipping points' or in determining the thresholds which propelled affirmative action oriented or resistant agency. For example, it was anger at the unfair nature of the treatment meted out to them that in some cases influenced them to temporarily or permanently leaving the perpetrator(s). Contrarily, high levels of internalised stigma combined with higher levels of external stigma led to heightened emotions of shame or guilt which created further obstacles to their efforts to stall the abuse. Emotions such as duty (often felt towards children), shame (of bringing dishonour to the natal family) and love (towards the perpetrator), coerced respondents to tolerate the abuse and overruled the anger that they felt. Emotions such as anger, happiness, pride, and shame seem "to be common to all cultures, but what they tend to be aroused by or about, varies among cultures, and within them, according to social position" (Sayer, 2005, p.37-38). Associated

emotions and the role of stigma underpins the framing of agency as being deeply intersubjective; one is not free to shrug off or ignore roles and expectations that others have from them, though one does not have to conform unthinkingly (Showden 2011a). Hence, the effect of intersecting norms, obligations, and institutional constraints over the span of a person's life experiences, may provide the potential to spot reasons behind why presumably the supposedly "right choice" of leaving an abuser is not realised, offering another example of the always partial and constrained nature of agency (*Ibid*).

To summarise, a number of factors located in the material-cultural contexts across individual, interactional and institutional levels have acted as constraints or enablers in the agential trajectory of each respondent. Factors related to the material domain are associated with the availability of financial support for self-sustenance and children, short-long term housing support, access and scope to develop gainful employment, and status of their applications in civil-criminal justice system and the nature of support received through it, among others. Aspects related to the cultural domain are the level of denial-recognition of the violence, the kind of validation received from informal and formal support systems, the nature, and levels of stigma at various levels, and the presence of conflicting pressures and emotions that respondents faced felt towards the perpetrator or towards children.

A useful concept to understand individual specific responses in the agential trajectory is through the hybridisation of habitus and reflexivity.

7.3 On Hybridisation of habitus and reflexivity in agential actions

In ordinary circumstances, one's habitus functions in a way that involves neither introspection nor calculation, as an individual's dispositions and the field's positions lead to practices without requiring activation of rationally based strategies; it is usually when "crises" occur i.e., when there is a loose fit between dispositions and positions, that reflexivity and rational strategizing appear (Mouzelis, 2008). Violence in marriage can be labelled as a 'crisis' situation and data from this study demonstrates that a respondent's agential stance at any given point in time is dually influenced by her habitus and reflexivity. It also demonstrates that both components undergo changes over time while

acknowledging that changes in the habitus are difficult and take longer. This change too is temporal and the degree to which changes occur within these two components is contingent upon the specific experience of violence and the respondent's awareness about her situation (refer to CVR definition) which is further conditioned by the material-cultural constraints-enablers and the emotions that she feels at a given point in time.

The concept of cleft habitus or divided habitus (Bourdieu, 2000) is relevant to explain the transformation in the habitus component of the respondents. This concept builds upon the potential of habitus to adapt to changes and more specifically when there is a mismatch between one's primary habitus (pre-marriage or pre-violence stage in this study) and the habitus required in the new field (post marriage when violence is encountered) (Bourdieu and Passeron 2007, p.78, cited in Friedman, 2016, p.131). This is particularly relevant when a field undergoes major crisis or sudden change and its regularities (even its rules) require profound changes, which could also be through heightened consciousness associated with efforts to changes so that individuals are "torn by contradiction and internal division" (Bourdieu, 2000, p. 160). Once faced with this distinct experience of violence after marriage, women were forced to revisit and alter their previous ways of being, which were a product of dispositions developed in the pre-marriage/pre-violence stage.

For example, both *Saira* and *Urmila* spoke about feeling out of place/ fearful/ awkward at their marital household while performing simple mundane tasks such as the manner in which they sat, dressed, tied their hair, and so forth. At times even ordinary actions such as opening the refrigerator, to eat their fill, switching on the water filter, having a hot water bath, induced fear and discomfort.

In the case of *Neeta*, the simple act of standing in the verandah/courtyard for a breath of fresh air would result in verbal and physical abuse: "*(my husband) he would accuse me of staring at some man in the nearby residence.*"

On returning from work, *Urmila's* husband would question her on the manner in which her hair was tied or the way she was dressed. As she said, "*You will not believe but during my stay with him, I did not once dress in a way I desired... he would dictate the way I tied*

my hair or wore lipstick. I had to dress the way he wanted me to dress... I had no individuality." Talking about the role of her in-laws she said, "*Things turned so bad that I was even scared to open the refrigerator and eat anything. How do you eat if my father-in-law taunts me all the time about the (insufficient) things my natal family has given me during marriage?*"

Similarly, *Sneha* said, "*At night I used to feel thirsty, and they would not even allow me to get water. I used to have the tap water from the bathroom. The treatment meted out to me was inhuman actually.*"

Saira describes her situation, "*I had once seen a movie in which someone said that when you constantly tell a person that he/she is ugly, they begin to view themselves in that light. In their house, I was always being told that I was not good looking, I was not educated. They would correct me on my sitting postures. In winters, when you feel cold, your feet naturally curl up under you when you sit - on that they said that I don't know to respect them. I don't know how to talk to people, I didn't know this, I didn't know that...everything I did, they found a mistake in that and bickered about it!*"



Figure 27: *Saira*

The constant criticism and surveillance that women were being subjected to in the marital household propelled them to confront dispositions that they had developed during their socialisation process or during the pre-violence phase (see Figure 29 below), and thus began a process of transformation as they had to figure out an 'adjusted/compromised way of being'. Thus, we have a habitus (H1 - pale blue in Figure 29) that a respondent embodied prior to the experience of violence, but as she encountered and dealt with the unique social situation of violence in the marital household, her habitus too underwent transformation (H2- in mid blue tone). It is at this point that the auto-pilot mode of H1 negotiated with the conscious (reflexive) internal conversations, and the process of transformation began. However, this did not mean a complete transformation from H1 to H2, with H2 being independent of H1—the habitus during this stage had elements of both pre-violence phase and those developed during the experience of violence (H1 and H2). This transformation is also a catalyst for interpretation and learning, with H1 playing a major role in determining the degree of transformation in H2; the level or degree of transformation is unique to every respondent as thresholds for tolerance and catalysts for self-protection differed. The elements of H1 that were retained in this phase were those that did not cause conflict in the marital household – for example, many respondents had internalised care and cooking responsibilities as core to their identity as a married woman, certain belief systems that facilitate tolerance and adjustment of violence for the sake of the family and children etc. Accordingly, since all respondents (barring two) that have been interviewed in this study now stay apart from the perpetrators, H3⁸³ (habitus in the post marriage phase- dark blue in Figure 29) retained elements of both H1 and H2 and contained fresh elements that had developed owing to the experience of violence. For example, *Sneha* reclaimed her independence by clearing the judicial services exam and gained employment; for *Urmila* it was tying her hair in the way or dressing up as she was used to; and for some it was a new sense of confidence and self-affirmation. However, H3 did not always include positive embodiments as some, such as *Himakshi* and *Rehaana*, regretted speaking up against the violence, because of the new challenges this led to. *Neeta* who was coerced to move out of her marital home and is now residing with her

⁸³ At the moment the Figure 29 shows Hn instead of H3 assuming the post violence stage will last till the end of life and the habitus may undergo (hypothetical) changes up till then.

elder brother, is now facing physical and verbal abuse from him, as he is also pressurising her to return to go back to her husband.

The nature of the respondents' reflexive deliberations also varied. These did not indicate a gradual progression from the ordinary or mundane kind of reflexivity to a more critical one. Their reflexive deliberations and subsequent action took various forms; the decision to not take any action was also an outcome of such deliberation. Other deliberations involved seeking help from informal support systems such as immediate family and friends, devising innovative mechanisms to deal with everyday violence or seeking help from formal institutions such as NGO's, the police or judiciary. Hence, the transition in reflexivity happened in a cumulative manner, though not necessarily in a uniform manner or in a positive or negative direction i.e., reflexivity at phase 2 (R2 in the Figure 29 below) involved learning and assessments from R1. Similarly, Rn involves learnings from R1 to Rn-1.

Figure 28 below, gives an idea about the tension between respondents' gendered habitus and reflexivity

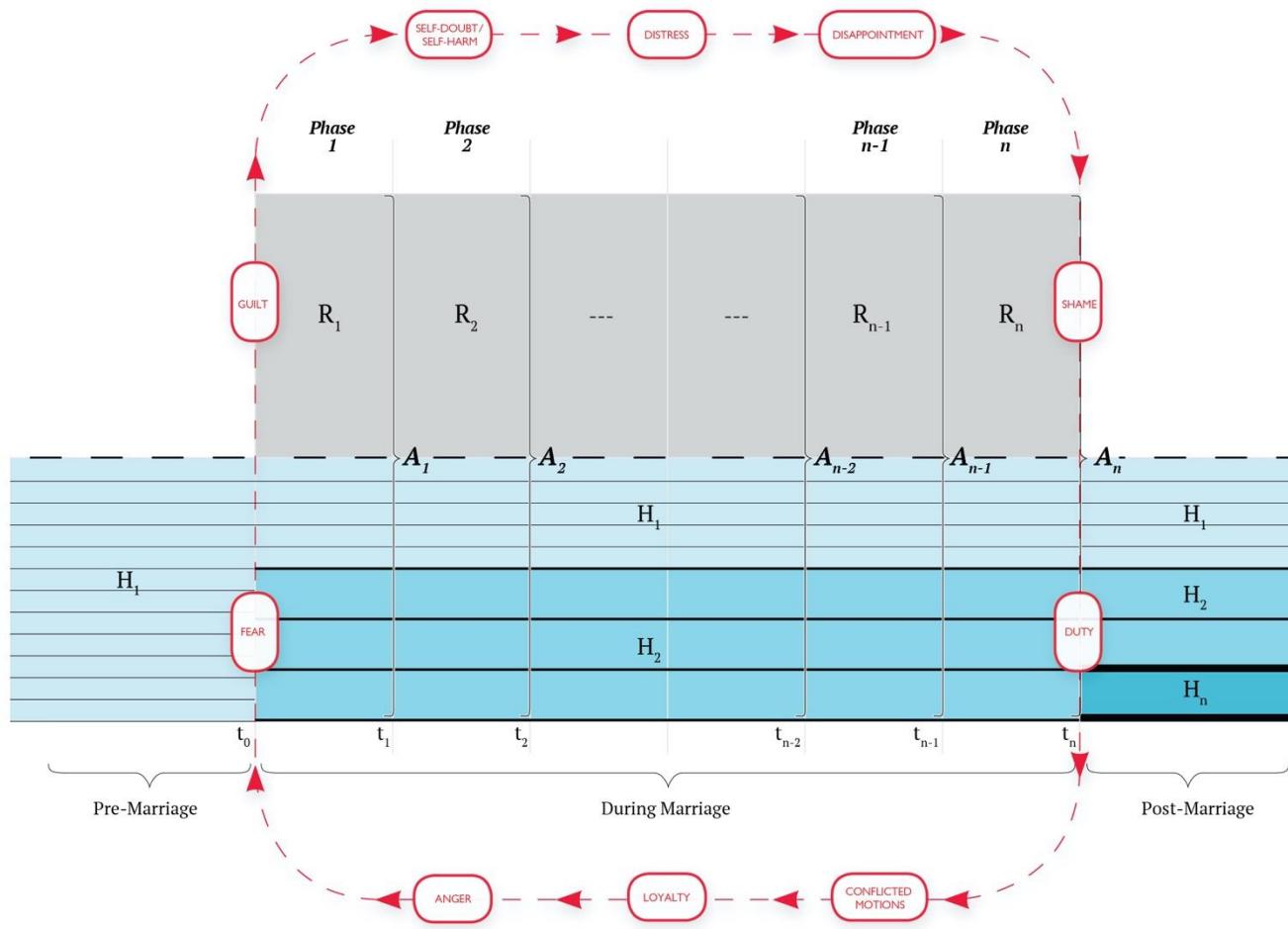
Bidisha	<p><i>"My mother-in-law had beaten me so severely that I had to go to the police... I am a person who is stubborn but I also have self-respect... there is a limit to which I can tolerate mistreatment ...Even before that day, I had been beaten several times by my husband. I tolerated that because he was good to me at times. But can one tolerate to be hit by one's MIL? One cannot."</i></p>
Deeksha	<p><i>"His ego is really big. K: ...maybe he thought that a wife should always remain subordinate to the husband and you are so qualified. D: Yes, he wanted to keep me suppressed and since I was qualified, he might have had a complex because of it. K: You think so? D: Yes, it seems like that. That must be the only reason, because other than that there was nothing as such. I've never done anything wrong till date. K: His male ego got hurt that</i></p>

	<i>you are so much qualified and were doing well professionally...D: ...which is why he made me lose all my power and now he is harassing me".</i>
Sneha	<i>"Basically, I have quite a temper and have a mind of my own. If I make a mistake and then you come and scold me, I'd listen to you, but if I've not done any mistake and you come and scold me, I can't tolerate that...Moreover, they insulted my parents and my background. Even if a girl belonging to the poorest of the poorest household will never tolerate something of this sort about their parents' house."</i>

Figure 28: Habitus reflexivity tension

Thus, agency under MV embodied the complex manner in which conscious reflexive deliberations as well as habitus embedded in acquired dispositions, while continuously steered by the emotions that each felt at any given point in time. As pointed out earlier, resistant agential responses cannot be bracketed under the binary category of conformity and non-conformity or staying and leaving as it involved a myriad range of actions across both short term and long-term survival strategies.

Elaborating upon Figure 28, an attempt has been made to explain the phases within the habitus-reflexivity interaction through Figure 29 below.



Time = $t_0, t_1, t_2, \dots, t_n$

H_1 : Habitus in Pre-Marriage; H_1+H_2 : Habitus in During Marriage; $H_1+H_2+\dots+H_n$: Habitus in Post-Marriage

R_1 : Reflexivity in time $t_0 - t_1$; R_2 : Reflexivity in time $t_1 - t_2$; R_n : Reflexivity in time $t_{n-1} - t_n$

A_1 : Agency in time $t_0 - t_1$; A_2 : Agency in time $t_1 - t_2$; A_n : Agency in time $t_{n-1} - t_n$

Figure 29: Agential trajectory in marital violence (MV)

Data suggests a series of phases (Phase 0 to Phase n) of responses in a woman's experience of violence. This is not to suggest that this is a 'one fit' for every woman interviewed – as observed, one can be at any phase at the very first instance of violence which is also contingent upon how further or closer one is from the comprehensive definition of violence (CDV); it does not suggest a gradual progression from R1 and H1 to Rn and Hn. Moreover, the phases were spread across distinct time periods – it lasted for a few months for some respondents (as seen in the case of *Mitali* and *Natasha* who actively resisted within 3 months of the marriage) and decades in others (such as *Deeksha*, *Grishma*, *Jyoti* and others). Movements from one stage to another were also observed to be influenced by structural (material-cultural) constraints-enablers, which varied across individuals.

- i) Phase 1- this stage is when the woman is highly compliant and largely conforms to gendered expectations as a woman/ wife/mother/ daughter/ daughter-in-law. Her actions at this stage are the result of mostly being in autopilot mode owing to the influence of H1 (her pre-marital habitus). Her 'ways of being' are questioned here and the process of transformation begins where she starts figuring out altered 'ways of being' i.e., H2 (post-marital habitus). Reflexive deliberations at this stage may involve awareness about her situation but choosing to conform owing to several reasons (cited above). She might choose to defuse the situation by doing as her husband or in-laws dictate; for example, by staying silent, engaging in sex without consent, doing all housework, tolerating, or normalizing all forms of control. This stage would involve denial or concealment of violence from others. i.e. $\{A1 = R1 + (H1+H2)\}$
- ii) Phase 2- this second stage might bring in some kind of conscious awareness of the violence that the woman is facing along with assessments about the resources or the lack of it, to change her situation. This stage might also include softer informal forms of conflict resolution perhaps involving the natal and marital families. She might decide to conform or resist after assessing her status at this phase. These might involve devising innovative mechanisms to manoeuvre around or resist daily violence such as locking the bedroom door, going to the natal family for a

temporary stay, questioning or speaking up. This stage has also been observed to escalate violence in certain cases. Habitus at this stage is under transformation and would have elements of both H1 and H2. i.e. $\{A2 = (R2 + \text{learnings from } R1) + (H1+H2)\}$

There can be several phases in between (Phase 3 to Phase n-1)

- iii) Phase n: Depending upon their analysis of the situation, this phase has a critical reflexivity component and involves major decisions mostly revolving around permanently leaving the partner, decisions regarding pursuing a legal case etc. To re-emphasise, reaching the second or the n stage did not automatically translate into complete transformation or abandonment of practices or beliefs rooted in H1 - it merely meant that at this stage, the woman would have taken steps to consciously address the violence that she has been facing. At times, those respondents in this situation were not quite aware of the long term or adverse consequences that this would have. Acting upon one's critical reflexivity often led to vulnerabilities of a different range and was not restricted to positive outcomes. For example, despite going to the authorities and complaining about her husband, who in one instance broke her hand in a fit of rage, *Himakshi* was left with no choice but to consider going back to her husband as she felt abandoned by her parents and lacked the resources to find adequate employment. *Sneha* on the other hand has begun life afresh as a higher official in the judicial services which was made possible through the emotional and material support of her parents, and she herself had the resources to do so owing to her educational qualifications. Hence, the 'space for action' (see page 56 in Chapter 2) seems to have expanded for some respondents and contracted for others, at Phase n in the present study. i.e. $\{An = (Rn + \text{learnings from } Rn-1) + (H1+H2)\}$

A hybridisation of habitus and reflexivity in agency thus aids in demonstrating the temporality of agency under MV. As respondents evaluated their agential trajectory in retrospection, quite a few also shared positive insights and attributed their 'new-found'

strength or capabilities to the difficulties they encountered in life owing to the violence they faced. Without discounting material contexts, analysis of the agential trajectory also holds the potential to facilitate customised or specific respondent-oriented strategies to mitigate harm through identification of distinct points of intervention. For example, those whose framings of violence are much distant from the CDV might benefit from awareness raising training modules about the nature and forms of MV.

7.4 Discussion

Several studies that specifically looked at responses towards IPV among South Asian and immigrant women in the US and UK or through evidence from the Global South context (Abraham, 2000b, 2005; Vandello and Cohen, 2003; Burman and Chantler, 2004, 2005; Aisyah and Parker, 2014; Tonsing, 2016, Pells et.al, 2016, Agoff and Herrera, 2018) have advocated looking beyond the liberal jurisprudential terms of agency that often restricts itself to the single act of leaving an abuser, due to its tendency to overlook constraints located in the wider social, political, and economic contexts. This is necessary to counter the dominant narrative that women in these communities remain or return to abusive partners as a choice driven by weakness or helplessness that facilitate subsequent victimisation (Ewen and others cited in, Meyer, 2016). This study also supports the framing of agency that moves beyond an essentially individualistic formulation in which individuals are singularly assessed by their status of leaving or staying without considering the material-cultural constraints-enablers present. Data from this study demonstrates that an act of staying or leaving cannot solely be assessed as an act of passive acceptance or active resistance but is rather often, an outcome of much deliberation contingent upon material-cultural constraints-enablers. As pointed by Agoff and Herrera (2018) earlier, kinds of agency manifestations in IPV provide indications of rupture with some of the rules that govern marital relationships, without breaking with the traditional or dominant gender model. Respondents cited several complex and intertwined factors that influenced their agential trajectory. Some were related to material factors associated with the status of financial support for self-sustenance and children, status of short-long term housing support, access and scope to develop gainful employment, status of cases in civil-criminal justice system including nature of support received through it, among others. Certain others in the cultural domain are the level of denial or recognition of the violence, the

nature of validation received from informal and formal support systems, the nature and levels of stigma at various levels and the presence of conflicting pressures (to end the abuse, keep the family intact). Additionally, a myriad range of often conflicting emotions also played a key role in it.

Evidence from this study supports the recognition of agency under MV as temporal and frames it as any action taken by respondents to mitigate (the assessed) harm or minimise the (recognised) violence at any given point in time. These were observed to be an outcome of deliberations that were dually influenced by one's gendered habitus (and the related cleft habitus) and reflexivity, while being contingent upon material-cultural constraints- enablers, and the nature of emotions felt at a given point in time. This study also emphasises that one aspect of contradiction – inherent within an individual's location within various structures (such as class, culture, religion and other ideological and institutional frameworks) holding the potential for effective political action (Mohanty, 2003) - can be located in the tension between their gendered habitus and reflexive deliberations, which tended to influence affirmative action-oriented or resistant agency in respondents. Data from the study underlines that despite the distinct nature of agency specific to each respondent they were not completely unresponsive to what was happening in their lives and used a range of tactics to stall the (assessed) harm to protect themselves/ children. This leads us to another key understanding which the concept of habitus often conceals: individuals do not necessarily become habituated to everything and anything indifferently as they can often know or sense (fallibly, but with some degree of success) a rough difference between circumstances that enable them to flourish and circumstances that do not (Sayer, 2005). The varied nature in the agential spectrum of the respondents underpins that though certain positions may be long-lasting (the period of violence), they did not always get used to them. Data also underlined that speaking up or active resistance did not always result in an 'expanded space for action'. While it may have reduced the immediate threat of or the direct impact of violence from the perpetrator(s), it also led to the creation of further unanticipated challenges and constrained their space for action.

It is thus clear that the agential trajectory of each respondent is unique, guided by distinct habitus-reflexivity compositions across time while being constrained or enabled by

distinct material-cultural contexts. Analysis from this chapter – specifically Figure 29 - can be used as a reference to develop a framework to devise ‘customised intervention plans’ for women facing violence in intimate partner relationships including MV. For example, a woman with high levels of internalised stigma, coupled with an internal conditioning that is facilitating the normalisation of the violence can initially benefit through an awareness module about MV. On the other hand, if someone is able to recognise the violence, but is constrained through other material constraints (such as lack of adequate funds, housing needs etc.) can benefit through linkages with government facilitated financial support programmes or through the employment generating training programmes, which may aid in planning a coping or exit strategy for herself and her children (if present). Earlier recognition of the ways in which their emotions are working could also help validate and further the understanding of MV. Such customisation can also aid in fleshing out constraints-enablers at distinct intersections of class, caste, age, ethnicity, religion among others, and in addressing the pitfalls of generic programmes designed to address ‘all’ women facing marital violence. It encourages us to move beyond a one-size-fits-all type of intervention that runs the risk of being blind to specific intersections that influence individual women. This can inform screening and identification protocols and also aid in informing service responses, intervention type and the kind of post-separation arrangements that are in tune with individual needs.

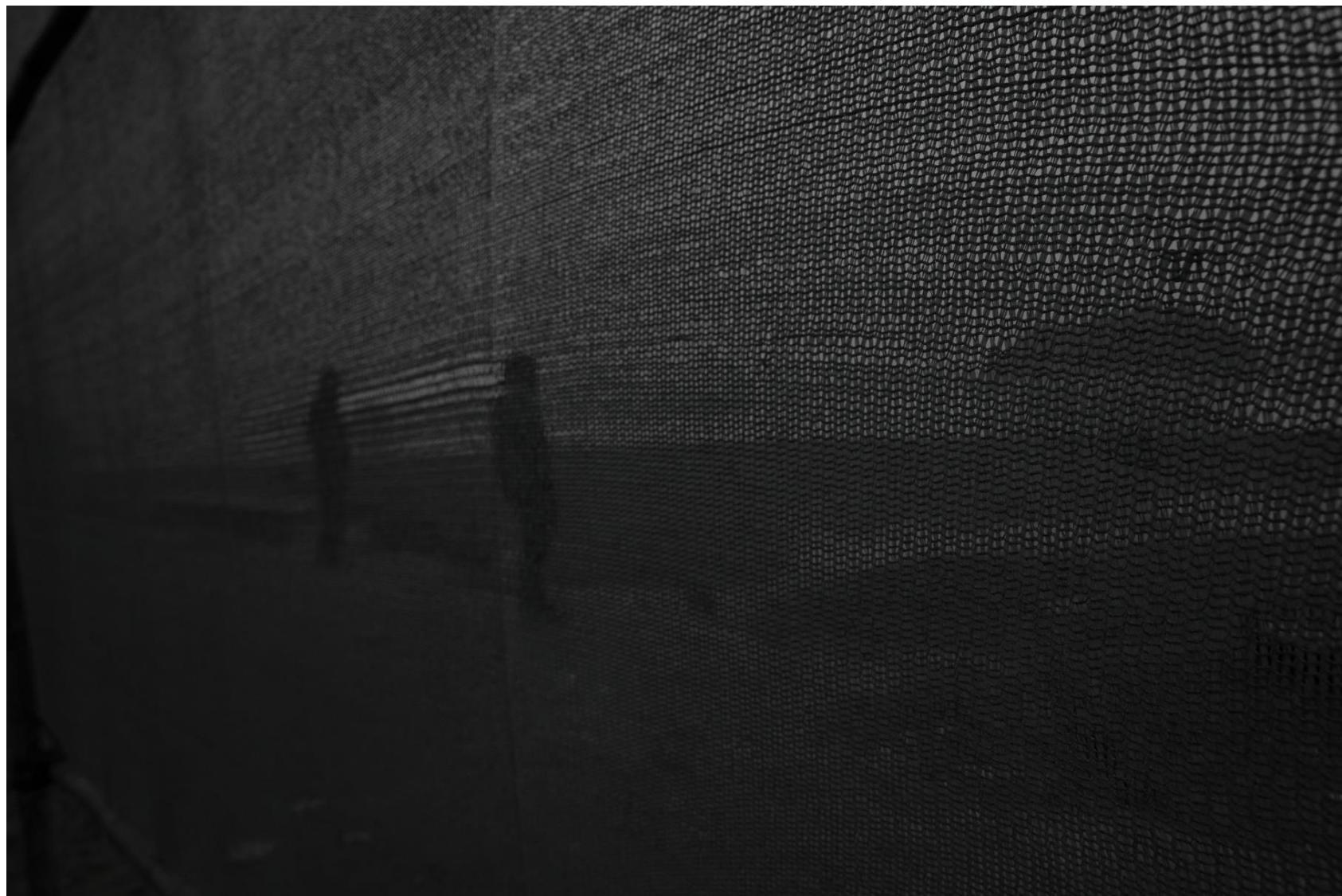


Figure 30: 'Invisible perpetrators'

Chapter 8: Conclusion

Starting with a brief overview of the broader aim of the study and the specific research objectives, this chapter will underline the key findings of each chapter and then identify specific gaps which the overall study has contributed to. It will conclude with a few concluding remarks.

This study is set within the background context of Assam (and NER) being relatively better off than 'mainland India' as regards the overall status and visibility of women, and the historical absence of certain regressive practices such as dowry or female foeticide. It sets out to examine the roles and interconnections between structural factors and women's agency in MV to make the structural factors that support and sustain MV more explicit, and to understand how women who face MV deal with it, in order to analyse and make explicit how such violences occur and are maintained or resisted. This study is informed by a Critical Grounded Theory (CGT) methodology that explicitly emphasises data-led research, which created the space to strengthen its aims and objectives in tandem with discoveries made in the data. Since CGT also encourages the continuous interaction between theory and data, it also provided the scope to refer to distinct domains of relevant literature at different stages of the study. As data collection progressed, a multilevel inquiry facilitated by Gender Structure Theory (GST) became relevant, as it identifies gender as a structure and provides a framework to identify its operation across individual, interactional and institutional levels. GST also provided an additional dimension of analysis through the making of material-cultural distinctions at each of these levels.

Based on the key structures identified as relevant (refer to Figure 7 in page 53) for this study, four key areas of MV emerged: a) a typology that details *what* is occurring as MV, and assesses factors that are conducive for such violences to occur, b) the manner in which re-victimisation is occurring through and within the civil and criminal justice system (CCJS), c) a structural context that underlines the changes occurring at a broader economic, political and social level, and which aided in locating the phenomenon of MV within the backdrop of a 'transitioning society', and d) *how* agency is manifest including identification of certain key enablers and deterrents. In tune with the broader aim and specific

objectives that the study set out to address, a qualitative methodology was chosen as the primary methodology with photographs used sparingly as an illustrative tool. Data was gathered from two respondent groups: i) women who have faced MV, and ii) key informants from civil society drawn from academia, police and judiciary, local administration, and NGOs (non-governmental organisations).

8.1 Summary of key findings

A Typology of MV developed from these data sources, focusses upon *what* has been faced by respondents within marriages and offers explanations of *how* it occurs – in the manner and extent it does (Chapter 4). Experiences of MV shared by the respondents were contingent upon three critical factors: their ability to recall it, the relevance or impact that certain behaviours/ incidents had on

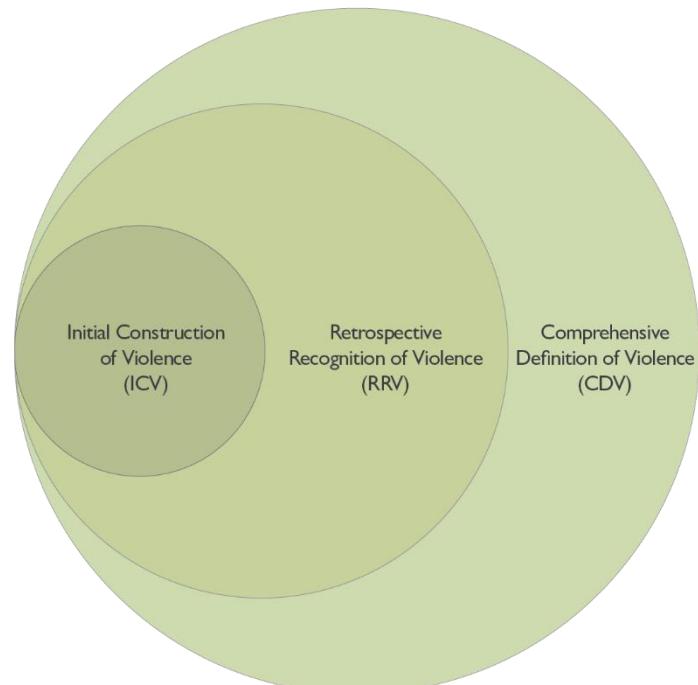


Figure 11: Definitional strata in marital violence (MV)

their lives, and what they retrospectively recognised as violence. As shown in Figure 11 here, the definition of MV in this study included forms that were initially constructed by respondents as violence (ICV) and was then extended to include those forms which were retrospectively recognised by them as violence (RRV). Additionally, it includes within its ambit those forms and aspects which (a) have been experienced by respondents for which they did not have the 'language' to describe (such as coercive control), (b) are still not legally recognised as violence in India (such as marital rape), and (c) were concealed under distinct justifications (such as anger): these were included to extend the definition into a comprehensive definition of violence (CDV). The existing literature on the typology of IPV (which is primarily dominated by the Global North) has been considered as the a priori reference point for CDV; this is not to imply one universal definition of MV or an attempt

to fit all that has been faced by respondents in this study into an existing framework. Rather, an open-minded approach was adopted to accommodate and elaborate upon context-specific manifestations (both material and cultural) of MV as well. It is proposed that wider the gap between RRV and CDV, the higher the acceptability or justification assigned to MV by any woman (or individual). Furthermore, taking a cue from Kelly's conceptualisation of 'continuum' (1987, 2003), a continuum of (gendered) control was observed to pervade both pre- and post-marital life and identified as one of the key factors that facilitate the sustenance, normalisation, or non-recognition of MV in the present study. This 'continuum of (gendered) control' is mediated by intersecting inequalities, which results in a denial of capabilities. Taking into consideration the unique feature of the presence of more than one perpetrator (which situates the violence beyond intimate partners), the capabilities approach (CA) has facilitated an assessment of both the type as well as the impact of MV (both short term and long term) upon individual autonomy and freedom. By calculating the number of absences of capabilities that each woman interviewed experienced (as shown in Table 1 in page 111), the CA holds the potential to represent the profound impacts of MV, demonstrating the limits of women's capabilities to lead a life that all are entitled to. As a consequence, the seemingly non-violent setting of household chores and care work has emerged as a domain involving both subtle and extreme forms of violence where respondents were often verbally and physically assaulted for not executing the household chores according to expected standards, presenting a major impediment in the realisation of their capabilities. This approach brought often overlooked violences to the surface. As discussed in Chapter 4, acknowledging material specific constraints-enablers for each respondent, together with the concepts of adaptive preferences, benevolent subordination and symbolic violence helps to explain the choices that respondents made and to interpret *how* the violence that occurs is sustained or considered justified. Bearing this in mind, the framework thus developed underlines that MV occurs through a (i) 'continuum of (gendered) control' which is also linked to (ii) a denial of capabilities, which is furthered by and sustained through the (iii) operation of adaptive preferences, benevolent subordination and symbolic violence, which has also been noted to be influenced by (i) (illustrated through Figure 12 below).

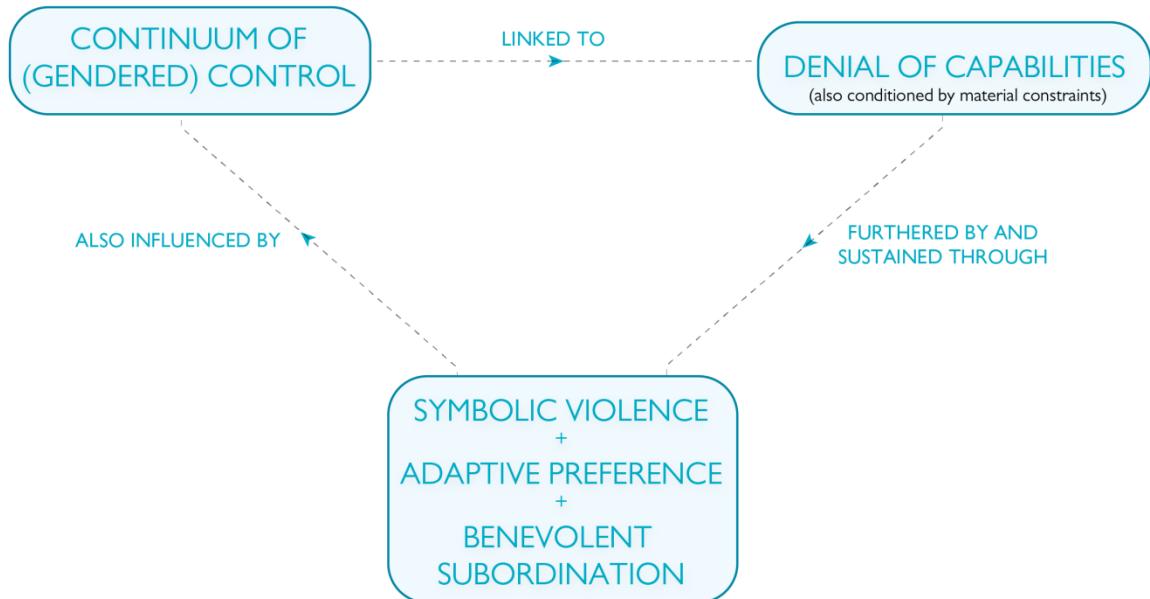


Figure 12: The triad of marital violence (MV)

Chapter 5 of the study focussed on the impediments within the justice delivery system and the diverse ways in which the existing system can be misused and subverted, and thus highlighted the manner in which respondents were re-victimised both within and through the civil-criminal justice system (CCJS). In tandem with the latest NFHS (2019-20) data, this study demonstrates that irrespective of the range, severity or duration of the violence faced by the respondents, legal recourse or formal help was never the initial measure undertaken in response to MV. Findings of this study demonstrate that the current system often ends up prioritising the preservation of the marriage and family over the well-being and welfare of women facing MV and is grossly inadequate in providing any form of restorative or rehabilitative justice. There appear to be wide gaps between i) 'what is experienced', ii) 'what is legally defined' and iii) 'what is legally interpreted' as MV: currently, (iii) is a subset of (ii), which is a subset of (i) (refer to Figure 20 above). Three key drawbacks have emerged from the current definitions and dominant interpretations of violence within the CCJS. Firstly, although current definitions include a wide range of violations (physical, sexual, economic, verbal or psychological and dowry related), dominant understandings within the CCJS still seem to prioritise physical violence over others. Secondly, while acknowledging the former, unless the current definitions are adapted to recognise MV as routine or patterned and occurring on a continuum, along with the role of coercion, control and micro-regulation within it, women will not be able to holistically represent their experiences or get justice. Current legal definitions which assess MV as the sum total of individual acts fail to register the cumulative effect of its multiple forms on the physical and mental health of respondents. Thirdly, current interpretations of MV within the CCJS overlooks the time taken and the underlying challenges that respondents have often faced in moving from ICV to RRV (refer to Figure



Figure 20: Strata of definitional inadequacies in MV

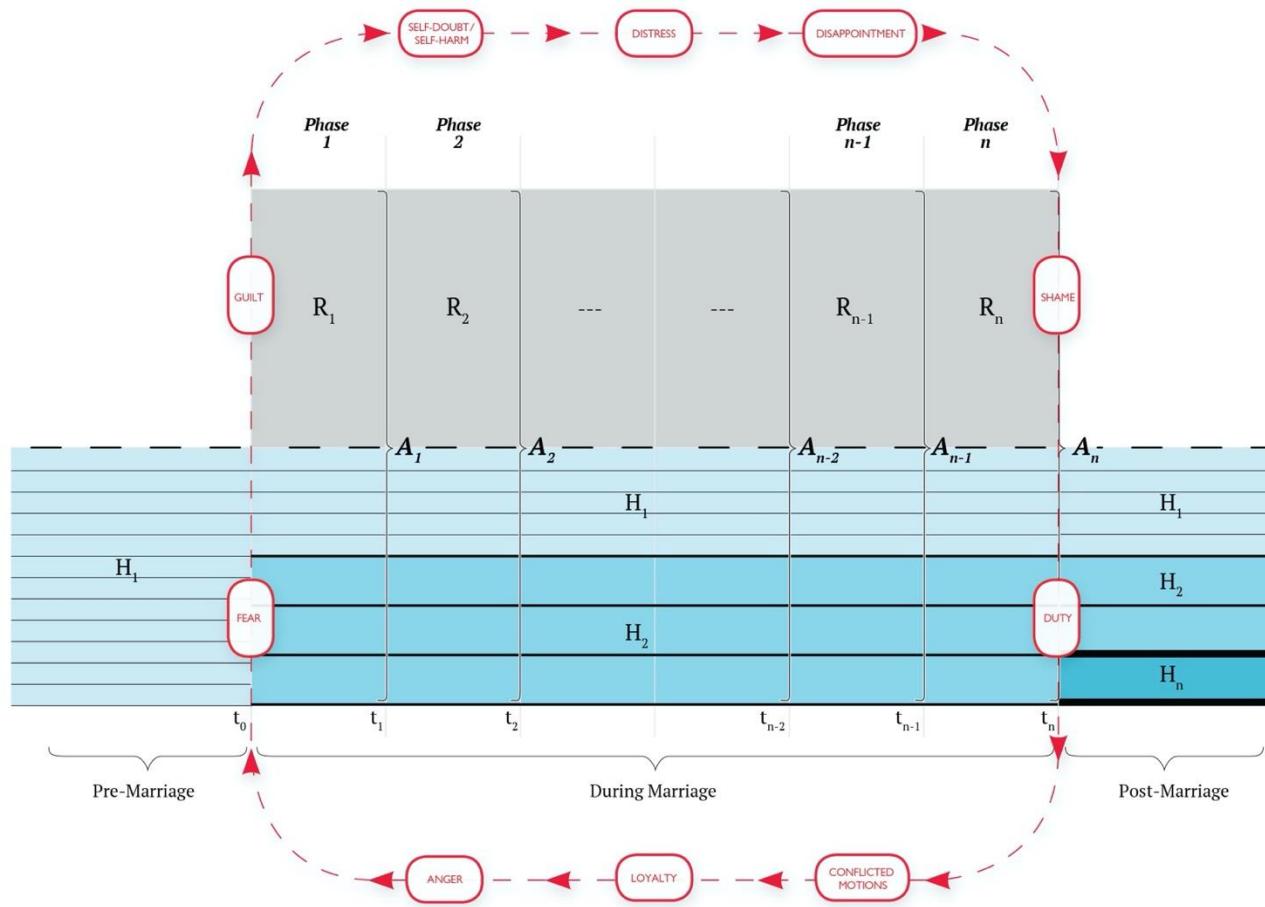
11 above) and subsequently invalidates resistant agency demonstrated by respondents. Further, the re-victimisation of women in this study is attributed to various procedural impediments. These are related to a) procedural unawareness and police inaction, b) bribery, use of personal connections and particularly through SLAPP litigations that were often registered by the perpetrators(s) against the women, c) process, implementation and specific lapses related to prolonged court procedures, submission of false evidence, non-appearance of accused parties on hearing dates, among others, d) through the deeply entrenched misogynistic value system and practices, and e) budgetary deficits, lack of monitoring and inadequate infrastructural support. These factors point to both material discrepancies (infrastructure or budget related) and culture (value/belief systems and subsequent practice) related discrepancies. The concept of 'norm circles' (Elder-Vass, 2010a, 2010b) has been useful to understand the latter. It was observed that officials within the CCJS, seem to be hugely influenced by the wider norm circles that they are a part of; their identities as a husband, wife, father, mother, son or daughter played a major role in *how* they performed their role as representative of the police or judiciary, as they often tended to replicate their internalised value systems in their official roles as well.

Key structural changes are occurring at the economic, political and social levels, and provide a crucial backdrop for locating MV in a transitioning society (see Chapter 6). Three interlinked themes that have emerged from the data underpinning this 'transition' are, a) the influence of 'mainstream/ mainland/ Hindi belt/ North' India and the subsequent entry of dowry culture, b) the effect of economic development within globalisation, and c) the impact of a (post) conflict background. The entry of dowry and dowry related harassment documented in this study needs to be analysed within the context of changes that are occurring as an outcome of globalisation of India's economy and the subsequent influence of dominant practices of 'mainland India'. Though it is beyond the scope of the current study to make any substantial link between the conflict related violence and MV, this background is nonetheless important due to the inter-linkages between the two. Data demonstrates that though certain axes such as caste can be considered to yield less intersectional impact in this regional context, certain other axes such as regional marginality, ethnicity (embodying exclusionary customary laws), the status of disturbed areas, and so forth, need to be included simultaneously when analysing violence against

women, including MV, in Assam (and NER). While acknowledging that structural changes that are occurring at the socio- political-economic levels did not have the same impact upon all respondents equally (considering their class, caste, religion, ethnicity which have influenced their education, employment and living standards) they were observed to exert influence, albeit in various degrees, in the realisation of women's capabilities and impacted upon their choices when they faced violence within their marriages.

My analysis has attempted to add to the existing literature on agency under MV that encourages a nuanced understanding by treading between the binary opposite stands of 'victimhood' and 'survivorhood' or by not solely reducing it to passive compliance or active resistance (see Chapter 7). Agency of respondents under MV had a temporal trajectory, as actions taken by them were contingent upon the level of awareness that they had and/or *what* was considered as a violation at any given point in time (see Figure 11 above), the corresponding level of change that was desired, and the existing material-cultural constraints-enablers. It can be defined as any action taken by the respondent to protect herself and/ or children with the aim of mitigating the harm that she could perceive at a given point in time (acknowledging that these can be differ from the actual or real risks) including both willing-unwilling compliance. Thus, agency in the present study has been observed to cover a wide range of actions within a spectrum; on one extreme end of this spectrum is willing compliance while on the other end is active resistance. Recognising the presence of multiple forms of agency under MV, certain factors were identified to play critical roles in the agential trajectory. These are related to the duration for which respondents were in self-denial/ pretence/ non-recognition of their situation as abusive, the nature of responses or the status of validation received from informal and formal support systems following disclosure, the level of stigma that operated, and the nature of often conflicting emotions that one felt at any given point in time. The nature of support and extent of validation received from formal and informal support systems influenced subsequent courses of action for each respondent; in certain cases, respondents faced invalidation from both informal and formal support systems and were advised to reconcile by family members or blamed for the state they were in. Stigma was observed to operate across four levels in this study: i) internal (self-imposed) to the respondent, ii) external – from informal support systems i.e. natal/marital family, iii) external from formal support

systems such as police, judges and others in the CCJS, iv) external from neighbours/extended family members and 'society' in general. Additionally, the role played by emotions in the agential trajectory is also acknowledged. Respondents often felt conflicting emotions such as fear, shame, guilt, anger, duty and love, among others, while dealing with and strategizing their responses to the violence. Emotions were observed to play dual roles: as motivators, prompting thresholds of tolerance and propelling affirmative action-oriented agency, and contrarily, high levels of internalised stigma combined with higher levels of external stigma, leading to heightened emotions of shame or guilt that created further obstacles to their efforts to stall the abuse.



Time = $t_0, t_1, t_2, \dots, t_n$

H_1 : Habitus in Pre-Marriage; H_1+H_2 : Habitus in During Marriage; $H_1+H_2+\dots+H_n$: Habitus in Post-Marriage

R_1 : Reflexivity in time $t_0 - t_1$; R_2 : Reflexivity in time $t_1 - t_2$; R_n : Reflexivity in time $t_{n-1} - t_n$

A_1 : Agency in time $t_0 - t_1$; A_2 : Agency in time $t_1 - t_2$; A_n : Agency in time $t_{n-1} - t_n$

Figure 29: Agential trajectory in marital violence (MV)

Lastly, acknowledging these last points, one of the major contributions of this thesis is to offer a theoretical framework (Figure 29 above) that highlights the hybridisation of habitus and reflexivity in agential action in MV. Although this study does not claim to make an exact demarcation between actions which can be attributed to habitus or to reflexivity, this is an important distinction none the less, as acknowledging this hybridity might aid in moving beyond essentialist explanations of agency in MV. By underlining a spectrum of actions in the agential trajectory and the material-cultural constraints-enablers that have an impact upon them, this study avoids the categorisation of a woman facing MV as a 'victim' or 'survivor', or through a single act of staying or leaving the perpetrator(s). Rather, the phases highlighted through this framework underline the myriad actions that were often undertaken by respondents as a part of both short-term and long-term survival strategies. Additionally, the study has also shown that exercising agency did not always mean an active resistance to existing gender norms and that active resistance did not always lead to a violence- or oppression-free situation, as it often placed women in other distinctly disadvantaged positions that were not intended or anticipated. Thus, there were both ameliorative and backlash effects across time which differed for each respondent; agency manifestations were observed to have an ameliorative effect in the long-term for some, others encountered a backlash effect as well, especially considering the status of certain structural impediments.

8.2 Concluding remarks and way forward

To conclude, data from this study has underlined the need for recognition of MV across the individual, interactional and institutional (both formal-informal) levels. Aspects of coercion, 'continuum of (gendered) control', micro-regulation, gendered domestic labour (as a site of violence), specific forms of sexual violence (such as marital rape) and technologically driven means of harassment and abuse, need to be brought within its ambit. One of the key areas that can play a significant role in developing this expanded understanding and subsequent recognition of MV is the education system. Existing implementation of the legal provisions available for women facing MV requires attitudinal, budgetary and infrastructural overhaul. Agency under MV needs to be understood across the CCJS and other relevant responders within the distinct material-cultural constraints

and enablers, as it is only by acknowledging its nuances that a deeper understanding and improved response to MV can be developed.

Finally, findings from this study can be situated within specific identified gaps in existing research. The first relates to the context of literature based upon empirical evidence on MV which remains scant from the Global South. This study draws attention to 'a periphery within the periphery'; considering that knowledge based upon evidence from India itself is limited and taking into account the marginal position occupied by Assam (and NER) in the wider Indian landscape, due to its specific historical and colonial past. Second, this study has attempted to decolonise certain areas of academic knowledge about MV by unpicking some of the presumptions that are often broadly associated with women from South Asian communities facing violence in marriages. I address this gap by asserting the need to consider distinct forms of violence and violations that occur within marriages, the need to acknowledge a spectrum of actions within the MV agential trajectory, and by acknowledging the role of distinct structural (material-cultural) factors. Lastly, by stressing the role of both structure and agency in MV and the complex manner in which they are interlinked, this study also aims to inform practice, so that essentially reductionist explanations do not further aggravate the status of women facing MV.



Figure 31: 'We are worshipped as Goddesses in this society but the worshippers torture their women at home"- Urmila

Appendices:

Appendix 1: List of respondents

1.1: Profile of respondents who have faced marital violence

S.No.	Pseudonym	Source of contact	Age	Rural/ Urban origin	Education level	Occupation/ Employment status	Current living status	Religion	Community	Children
1	Jahnabi	ASCW	46	Urban	Masters	Runs a small paying guest accommodation and Assamese tutor	Lives separately (not divorced)	Hindu	Assamese	1 daughter
2	Kriti *	Personal	40	Urban	Masters	Temporary teaching	Divorced	Hindu	Assamese	None
3	Mitali	Personal	47	Urban	Bachelors, B.Ed	Permanent Teacher	Divorced	Hindu	Assamese	None
4	Sneha	Personal	32	Urban	Judicial services	Government judicial officer	Divorced	Hindu	Assamese	None
5	Saira	OSC	36	Urban	Bachelors	Temporary teaching	Lives separately (not divorced)/ (case in court)	Muslim	Bengali	None
6	Himakshi	ASCW	36	Urban	Bachelors	Receptionist	Lives separately (not divorced)	Hindu	Assamese	1 son
7	Grishma	OSC	39	Rural	12th	Small business	Living separately (through Residence+Protection order)	Hindu	Assamese	2 sons
8	Urmila	OSC	38	Rural	Bachelors, Diploma(not complete)	Unemployed	Lives separately (not divorced)/ (case in court)	Hindu	Assamese	None
9	Rehaana	ASCW	27	Rural	Bachelors	Unemployed	Lives separately (not divorced)/ (case in court)	Muslim	Assamese-muslim	1 daughter
10	Anima	OSC	36	Urban	Bachelors	Govt Railway services	Divorced	Hindu	Telegu	1 daughter
11	Deeksha	Key Informant	47	Urban	Judicial services	Temporary teaching	Lives separately (not divorced)/ (case in court)	Hindu	Assamese	1 son
12	Pallavi	Key Informant	39	Urban	MBBS(Doctor)	Sabbatical	Living with perpetrator (through Protection order)	Hindu	Assamese	2 sons
13	Sewali	Key Informant	28	Rural	Primary school	Unemployed	Lives separately (not divorced) (in shelter home)	Hindu- tribal	Karbi	None
14	Bidisha	Key Informant	26	Rural	High school	Unemployed	Lives separately (not divorced) (in shelter home)	Hindu	Assamese	1 daughter
15	Neeta	ASCW	31	Urban	High school	Unemployed	Lives separately (not divorced)	Hindu	Assamese	None
16	Natasha	OSC	34	Urban	PhD	Unemployed	Lives separately (not divorced)/ (case in court)	Hindu	Assamese	None
17	Rekha	Key Informant	25	Urban	High school	Unemployed	Lives separately (not divorced)	Hindu	Assamese- Ahom	1 son
18	Jyoti	181	49	Rural	High school (drop out)	Unemployed	Living with perpetrator (through Residence order)	Hindu	Assamese	2 sons
19	Minu	OSC	26	Rural	Illiterate	Unemployed	Lives separately (not divorced) (in shelter home)	Hindu	Assamese	3 daughters
20	Sumona	181	40	Urban	Higher Secondary (12th standard)	Small business	Lives separately (not divorced)	Hindu	Bengali	2 sons
21	Sangeeta*	Personal	34	Urban	PhD (about to begin)	Medical Researcher	Divorced	Hindu	Assamese	1 son
22	Tora	Personal	48	Urban	PhD	Lecturer	Divorced	Hindu	Assamese	1 son

*Both Kriti and Sangeeta were married twice and faced MV in both marriages

1.2: Profile of civil society members

S.No	Organisation name	Category/ Designation	Name
1	One stop centre (OSC)	Centre administrator	Ms.Illeshmita Konwar
2	Guwahati University	Academic/ Novelist	Dr.Joanna Mehjabeen
3	Not applicable	Academic/ Novelist	Dr.Arupa Potongia Kalita
5	Police precinct A	Assistant Commissioner of Police	Anonymous
6	Police precinct A	Officer in charge (OC)	Anonymous
7	Kalsi Trust	Service provider	Mr. H.S Kalsi
8	Swadhar Greha	Shelter home	Ms. Monumoti Barman
9	Cotton University	Academic/ Novelist	Dr. Rakhee Kalita Moral
10	181 Helpline	Manager	Ms. Nilakshi Sharma
11	Assam state commission for women (ASCW)	Chairperson	Chikimiki Talukdar
12	Assam Tribune	Journalist and author	Indrani Rai Medhi
13	North East network	Non-governmental organization	Dr.Anurita Pathak Hazarika
14 and 15	North East network	Non-governmental organization	Ms. Nilanjali Dutta and Ms.Rashmireka Borah
16	Police precinct B	Asst. sub inspector	Anonymous
17	MIND India	Counsellor and psychologist	Dr.Sangeeta Gowami
18	Police precinct C	Officer in charge	Anonymous
19	Panbazar special cell for women	Centre manager	Ms.Gulsoom
20	Not applicable	Academic/ Novelist	Dr.Uddipana Goswami
21	District Social welfare department	Protection officer	Mr.Debojit Bora
22	Police precinct A	Asst. sub inspector	Anonymous
23	Anonymous*	Judicial officer	Anonymous

Appendix 2: Participant information sheet (PIS) and consent forms

2.1: PIS for respondents who faced marital violence

I am Kausiki Sarma, a PhD student at Lancaster University, based in United Kingdom, and I would like to invite you to take part in a research study that looks at the issue of domestic violence in the district of Kamrup (Metro), Assam. I am looking at how a woman deals with domestic violence including physical, verbal, economic and sexual violence, the kind of support that she receives, how she copes and other related factors. Being an Assamese, I have myself witnessed women in my family and friends who have experienced violence in their married lives and this study is an attempt to look at this important issue that needs attention.

Please take time to read the following information carefully before you decide whether to participate in the research.

What is the study about?

This study aims to understand what the experience of domestic violence is like for women in Kamrup (Metro) district of Assam. I am interested in the personal, family, community and legal aspects.

Why have I been invited?

You have been approached because I would like to hear about your experience of violence and how you have dealt with it. I am aware that it takes courage to talk about and against any form of violence – be it verbal, economic, physical or sexual and I will be very grateful if you would agree to take part in this study.

What will I be asked to do if I take part?

If you decide to take part, you can choose when and where we will do the interview. During the interview, I will ask about the challenges faced by you in your relationship with your (ex)-husband, the support you received and the process you followed if you have approached the court/police or other authorities.

What are the possible benefits from taking part?

By taking part in this study, you will contribute significantly to an immensely under researched area of domestic violence in the state of Assam. Your insights will aid in the better understanding of violence inside the home – an aspect that often remains hidden in our society. Your experience may also motivate others who are in similar violent situations, to speak up about their ordeal. Your experience (in which all your personal details will be anonymised) may be referred to while framing future policies related to domestic violence.

Do I have to take part?

No. It's completely up to you to decide whether or not you take part. Your participation is voluntary.

What if I change my mind?

If you change your mind, you are free to withdraw at any time during the interview and anytime up to the next 2 weeks. If you decide to withdraw from the study, I will remove any ideas or information (data) you contributed to the study.

What are the possible disadvantages and risks of taking part?

There is no particular disadvantage or risks of taking part but you will have to invest approximately one hour of your time. I will also make sure that no family member and no-one else who knows you will hear about your interview.

Will my data be identifiable?

No, your data will not be identifiable as I will keep all personal information about you (e.g. your name and other information about you that can identify you) confidential, i.e. I will not disclose any identifying details in my final report or future publications if any and nor will I share it with others at any time.

Any translator/transcriber if hired will sign a confidentiality agreement and I will not share your contact details with him/her. I will also remove any identification detail from the written record of your contribution.

How will we use the information you have shared with us and what will happen to the results of the research study?

I will use the information you have shared with me only in the following ways:

- When writing up the findings from this study, I would like to reproduce some of your views and ideas that you have shared with me. I will only use anonymised quotes (e.g. from my interview with you), so that although I may use your exact words, you cannot be identified.
- For research purposes only: This will include my PhD thesis and other publications such as academic/professional journal articles. I may also present the results of my study at academic conferences or share it with practitioners/policy makers.

How my data will be stored

Your data will be stored in encrypted files (that is no-one other than me will be able to access them) and on password-protected laptop. **For further information about how Lancaster University processes personal data for research purposes and your data rights please visit our webpage: www.lancaster.ac.uk/research/data-protection**

What if I have a question or concern?

If you have any queries or if you are unhappy with anything that happens concerning your participation in the study, please feel free to write to me at k.sarma@lancaster.ac.uk. My supervisors are Professor Corinne May-chahal (c.may-chahal@lancaster.ac.uk) and Professor Andrew Sayer (a.sayer@lancaster.ac.uk), Department of Sociology, Lancaster University, LA1 4YT, United Kingdom, Telephone number: +44 (0)1524 594095

If you have any concerns or complaints that you wish to discuss with a person who is not directly involved in the research, you can also contact: Professor Imogen Tyler (Head of the Department of Sociology) at i.tyler@lancaster.ac.uk

Sources of support

If you feel you might need some further help after the interview, please contact:

SAKHI One stop centre (Kamrup Metropolitan):

Address: NEVARD, Ajanta Path, House number 37(A), Hatigaon, Guwahati-7810038,
Assam

Email id: sakhi.oscghy@gmail.com

Assam state commission for women (ASCW):

Address: Beltola - Basistha Road, Near Shankaradeva Nethralaya, Saurabh Nagar,
Beltola Tiniali, Guwahati, Assam 781028

Email id: ascwguwahatia@gmail.com

This study has been reviewed and approved by the Faculty of Arts and Social Sciences and Lancaster Management School's Research Ethics Committee.

Thank you for considering your participation in this project.

2.2: PIS for key informants in the civil society

I am Kausiki Sarma, a PhD student at Lancaster University, based in United Kingdom and I would like to invite you to take part in a research study that looks at the issue of domestic violence in the district of Kamrup (Metro), Assam. The study focuses on assessing connections between structural factors that operate at the micro and macro level and the role of individual agency in the abuse. As an Assamese, I have myself witnessed women in my family and friends who have experienced violence in their married lives and this study is an attempt to look at this important issue that needs attention.

Please take time to read the following information carefully before you decide whether to participate in the research.

What is the study about?

This study aims to understand the myriad dynamics surrounding domestic violence in the context of Assam; I am especially interested in exploring if there has been any wider socio-cultural change that can be attributed to the higher incidences of domestic violence. For example: Assam did not have the dowry culture earlier but there has been an increase in dowry-related violence in the past decade. Moreover, I am interested in knowing what is recognized as domestic violence and if there are differences between individual, social and legally accepted definitions. Additionally, this study looks at factors spanning the interpersonal, community-social and the legal aspects.

Why have I been invited?

You have approached because I would like to hear about your work experience and to broadly have your opinions about changes in our society and on evolving gender dynamics.

What will I be asked to do if I take part?

If you decided to take part, you will be interviewed at a time and place convenient for yourself. During the interview, I would ask about the various aspects related to your work and certain evolving aspects about our society in the context of violence against women.

What are the possible benefits from taking part?

By taking part in this study, you will contribute significantly to an immensely under researched area of domestic violence in the state of Assam. Your insights will aid in the better understanding of violence inside the home – an aspect that often remains hidden in our society. Your contribution may help to frame future policies and initiatives related to domestic violence.

Do I have to take part?

No. It's completely up to you to decide whether or not you take part. Your participation is voluntary.

What if I change my mind?

If you change your mind, you are free to withdraw at any time during the interview and anytime up to the next 2 weeks. If you decide to withdraw from the study, I will extract any ideas or information (data) you contributed to the study.

What are the possible disadvantages and risks of taking part?

There is no particular disadvantage or risks of taking part, but you will have to invest approximately one hour of your time.

Will my data be identifiable?

No, your data will not be identifiable unless you permit otherwise and wish to disclose your identity. If you approve of me disclosing your identity, in my final report and in any future publications, I will willingly do so. However, if you wish your identity to be anonymised, I will keep all personal information about you (e.g. your name and other information about you that can identify you) in confidence, i.e. I will not disclose your personal details in my final report or future publications, and nor will I share it with others.

Any translator/transcriber if hired will sign a confidentiality agreement and I will not share your contact details with him/her.

How will we use the information you have shared with us and what will happen to the results of the research study?

I will use the information you have shared with me only in the following ways:

- When writing up the findings from this study, I would like to reproduce some of your views and ideas that you have shared. I may use quotes from my interview with you; if you wish to disclose your identity and the organisation you represent then you will be referred to accordingly and if you do not wish to disclose your identity, all quotations used from this interview if used, will be anonymised. I may also present the results of my study at academic conferences or share it with practitioners/ policy makers.
- For research purposes only: This will include my PhD thesis and other publications such as academic/professional journal articles. I may also present the results of my study at academic conferences or share it with practitioners/ policy makers.

How my data will be stored

Your data will be stored in encrypted files (that is no-one other than me will be able to access them) and on password-protected laptop. **For further information about how Lancaster University processes personal data for research purposes and your data rights please visit our webpage: www.lancaster.ac.uk/research/data-protection**

What if I have a question or concern?

If you have any queries or if you are unhappy with anything that happens concerning your participation in the study, please feel free to write to me at k.sarma@lancaster.ac.uk. My supervisors are Professor Corinne May-Chahal (c.may-chahal@lancaster.ac.uk) and Professor Andrew Sayer (a.sayer@lancaster.ac.uk) Department of Sociology, Lancaster University, LA1 4YT, United Kingdom, Telephone number: +44 (0)1524 594095

If you have any concerns or complaints that you wish to discuss with a person who is not directly involved in the research, you can also contact: Professor Imogen Tyler (Head of the Department of Sociology) at i.tyler@lancaster.ac.uk.

This study has been reviewed and approved by the Faculty of Arts and Social Sciences and Lancaster Management School's Research Ethics Committee

Thank you for considering your participation in this project.

2.3 Consent form for respondents who faced marital violence

Please tick each box

1. I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily	<input type="checkbox"/>
2. I understand that my participation is voluntary and that I am free to withdraw at any time during my participation in this study and within 2 weeks after I took part in the study, without giving any reason. If I withdraw within 2 weeks of taking part in the study, my data will be removed.	<input type="checkbox"/>
3. I understand that any information given by me may be used in future reports, academic articles, publications or presentations by the researcher/s, but my personal information will not be included and I will not be identifiable.	<input type="checkbox"/>
4. I understand that my name will not appear in any reports, articles or presentation without my consent.	<input type="checkbox"/>
5. I understand that my interview will be audio-recorded and transcribed and that data will be protected on password protected devices and kept secure.	<input type="checkbox"/>
6. According to the University guidelines, I understand that data will be kept for the duration that the researcher is a student at the university.	<input type="checkbox"/>
7. I agree to take part in the above study.	<input type="checkbox"/>

Date

Signature

I confirm that the participant was given an opportunity to ask questions about the study, and all the questions asked by the participant have been answered correctly and to the best of my ability. I confirm that the individual has not been coerced into giving consent, and the consent has been given freely and voluntarily.

Signature of Researcher /person taking the consent _____ Date

_____ Day/month/year

2.4 Consent form for key informants in the civil society

Please tick relevant box

***Please tick either 3 OR 4- whichever applicable**

1. I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily	<input type="checkbox"/>
2. I understand that my participation is voluntary and that I am free to withdraw at any time during my participation in this study and within 2 weeks after I took part in the study, without giving any reason. If I withdraw within 2 weeks of taking part in the study my data will be removed.	<input type="checkbox"/>
3. I understand that any information given by me may be used in future reports, academic articles, publications or presentations by the researcher/s. I permit my name and personal information including organisation details to be disclosed.	<input type="checkbox"/>
4. I understand that any information given by me may be used in future reports, academic articles, publications or presentations by the researcher/s. I want my name and personal information including organisation details to be to be non-identifiable and anonymised.	<input type="checkbox"/>
5. I understand that any interviews will be audio-recorded and transcribed and that data will be protected on password protected devices and kept secure.	<input type="checkbox"/>
6. According to the University guidelines, I understand that data will be kept for the duration that the researcher is a student at the university.	<input type="checkbox"/>
7. I agree to take part in the above study.	<input type="checkbox"/>

Name of Participant

Date

Signature

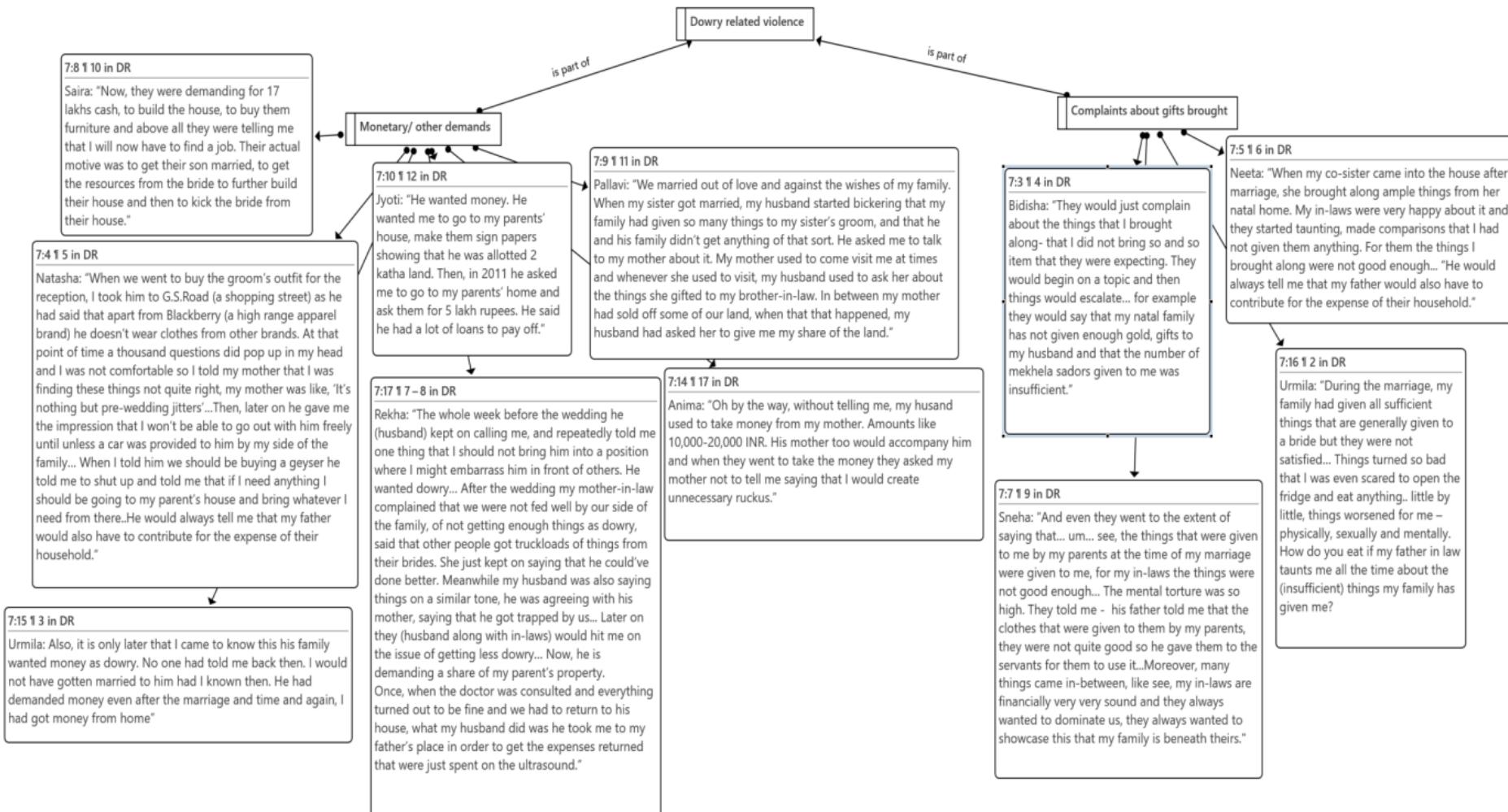
I confirm that the participant was given an opportunity to ask questions about the study, and all the questions asked by the participant have been answered correctly and to the best of my ability. I confirm that the individual has not been coerced into giving consent, and the consent has been given freely and voluntarily.

Signature of Researcher /person taking the consent _____ Date

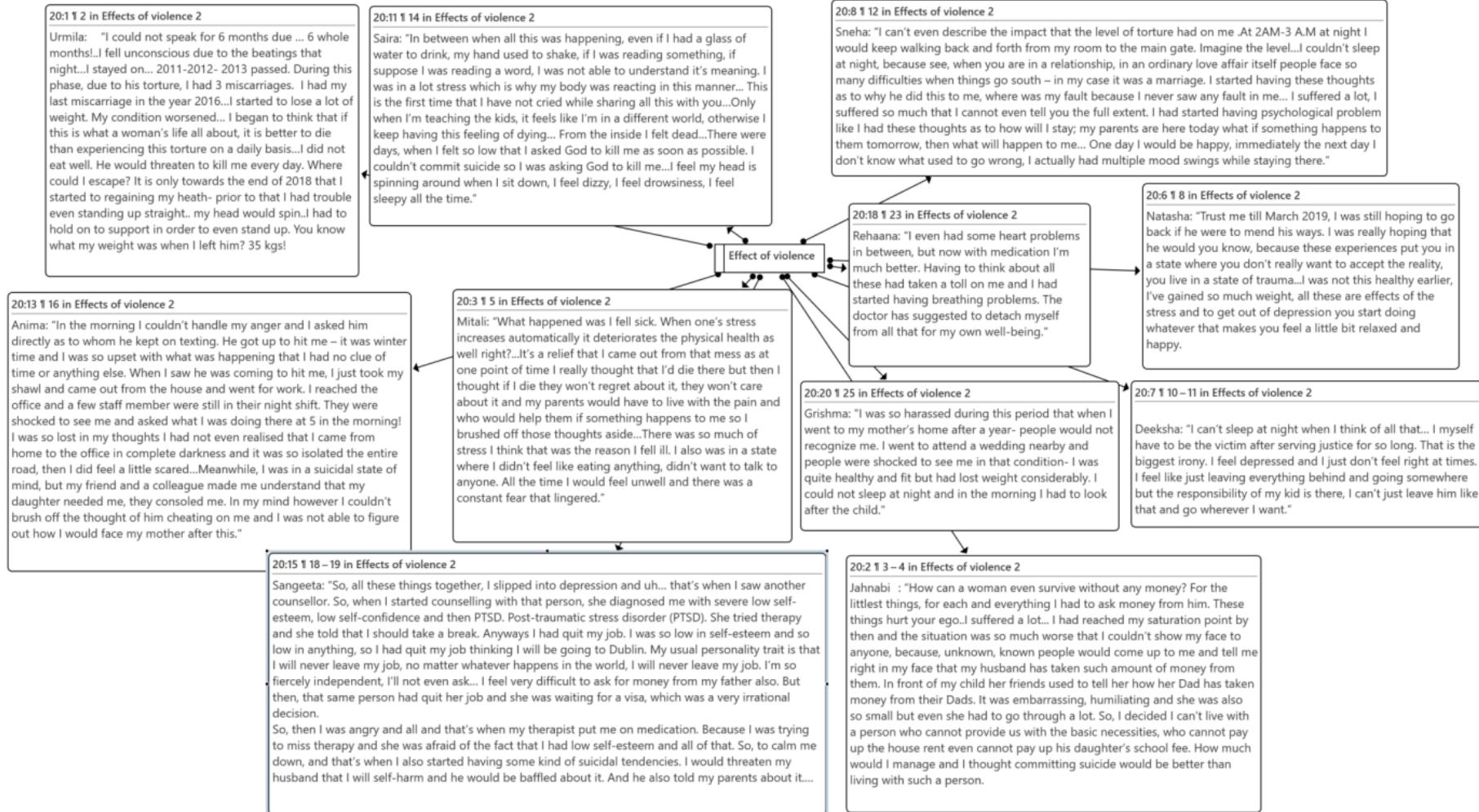
_____ Day/month/year

Appendix 3: Verbatim for types of violence (Chapter 4)

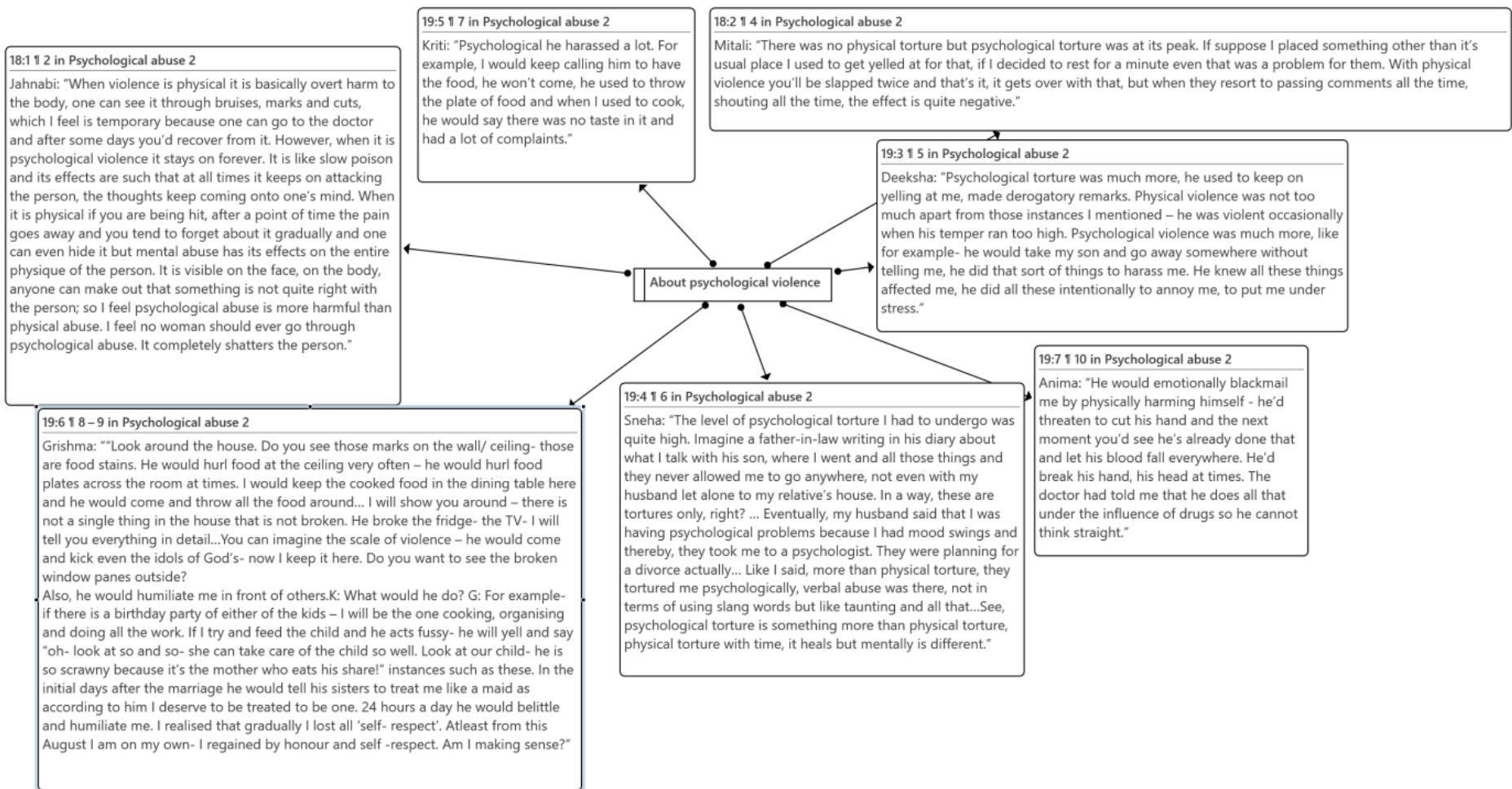
3.1 'Joutuk'/ Dowry related violence



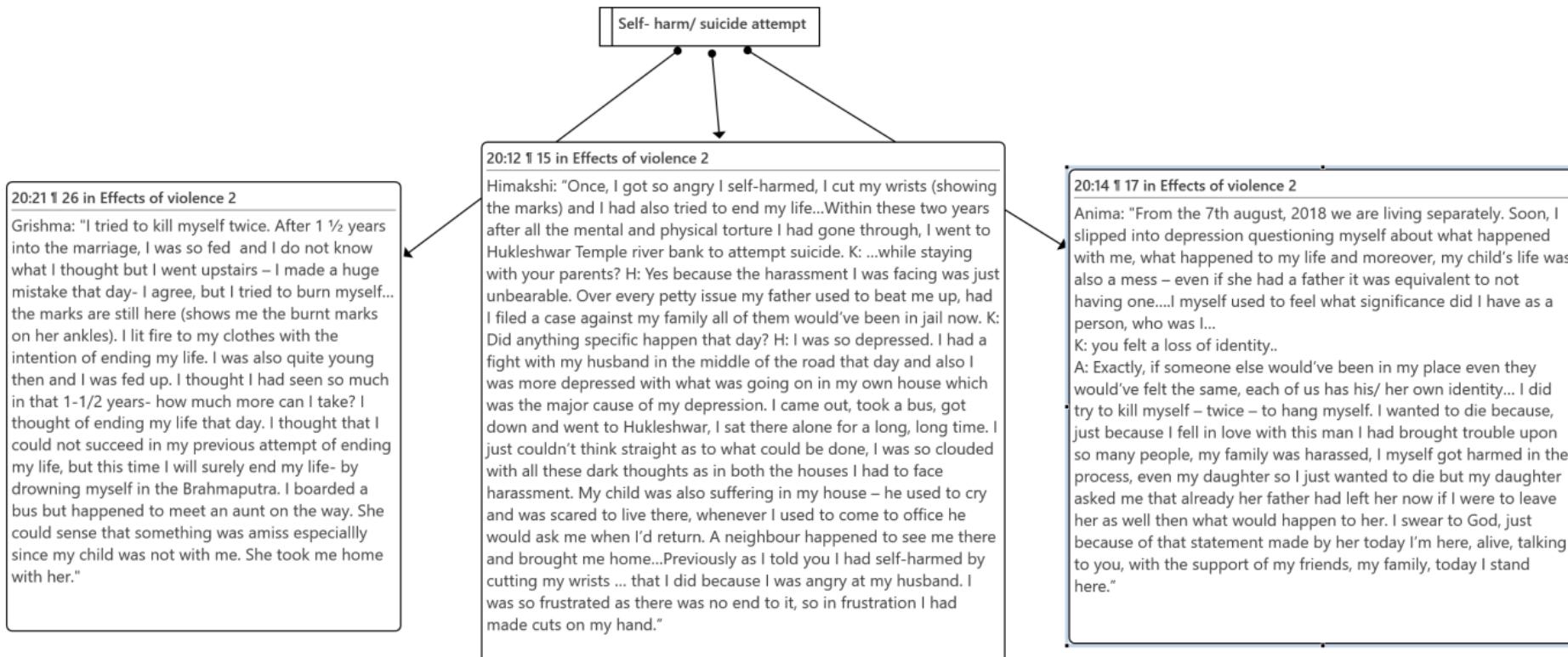
3.2 Effects of violence- physical and psychological



3.3 About psychological (impact of) violence



3.4 Self harm / suicide



3.5 Physical violence – severe/ grievous

3:1 ॥ 2 – 4 in PV

Urmila: "He would not stop at words alone – hands, feet everything was used. He would hit me, pull my hair and bang my head against the wall. He used to gym regularly and I was not physically capable to prevent the physical assault...Once he strangled me so hard that I lost my voice the next day. I woke up in the next morning and realized that I could not speak. I could not speak for 6 months...I had a miscarriage during this period. The torture was horrific. Once they threw me out of the house, tore off my clothes. Even my in laws hit me that time. They had even cut off my hair. I was left with no clothes on the upper part of my body ... I just had this part (pointing to the upper part of her lower body) covered with my undergarment. He had begun the assault and the in laws joined him. They dragged me out and left me out of the door... it was around 2:30 – 3: 00 AM in the morning. I spent the night outside. I lost consciousness for almost a week."

One day, I was not feeling well. It was around 10 AM and he was resting. I had prepared the food but had not served it on the plate. I went to lie down for a while. Seeing me sleeping sent him on a murderous rage and he threw a burning saki (a lamp for worship) at me and he dragged me from the bed and asked me to serve his lunch. When I expressed the inability to do so due to sickness, he kicked me hard on my stomach. He hit me on the head, threw a guitar at me. I was very sick by then. This assault now proceeded from the confines of the room to outside and even the construction workers saw it. This was in the month of December. He left the house after that episode. The next day morning, I suffered severe bleeding. The entire bathroom floor was red with the blood. I was petrified and started to cry. I called up doctor and rushed to the hospital immediately and seeing my condition, a scan was recommended but by the time they scanned me I had already lost the baby. He would often chase me with a machete to kill me, strangle me, spit on me.... The torture was immense."

Physical violence- part 1

3:10 ॥ 16 in PV

Sewali: "In my husband's absence my father in law raped me and threatened me that if I informed anyone about his misdeeds he would cut me up. Why would I not speak up? I spoke up- I told my sister and others as well. Why should I not speak about my father-in-law's bad behaviour? Don't I have any respect? Who does this to the daughter in law? When he came to know about it, he stood in the courtyard with a machete in his hand. He chopped off my fingers too. His beatings split my skull- it was blood all over. Chunks of my hair fell off. See these marks? He also chopped off three of my fingers."

3:5 ॥ 8 in PV

Rekha: "Whenever I used to tell him to make a living he would hit me. Once he took out a rope from the almirah and tried to strangle me with it for many days I had difficulty in swallowing...Once I had protested against him regarding something, he beat me up so badly I couldn't even sit properly, I couldn't eat, I couldn't do anything, I couldn't even stand....Another time, I had just gotten my abortion, it was not even a month and he kicked me in my stomach so hard, I was bleeding profusely...That day, as soon as we reached home, he started hitting me. I was on the bed when he hit my nose with his fist, for some time I was unconscious, his brother also came to hit me...There was no reason behind him hitting me. In the entire day he used to behave well for about 5-10 minutes and the rest of the day he just used to just abuse me. One day he smashed my head onto the iron rods of the window, I started getting pains on one whole side of my head...His father had also raised his hands on me at times."

3:12 ॥ 9 – 12 in PV

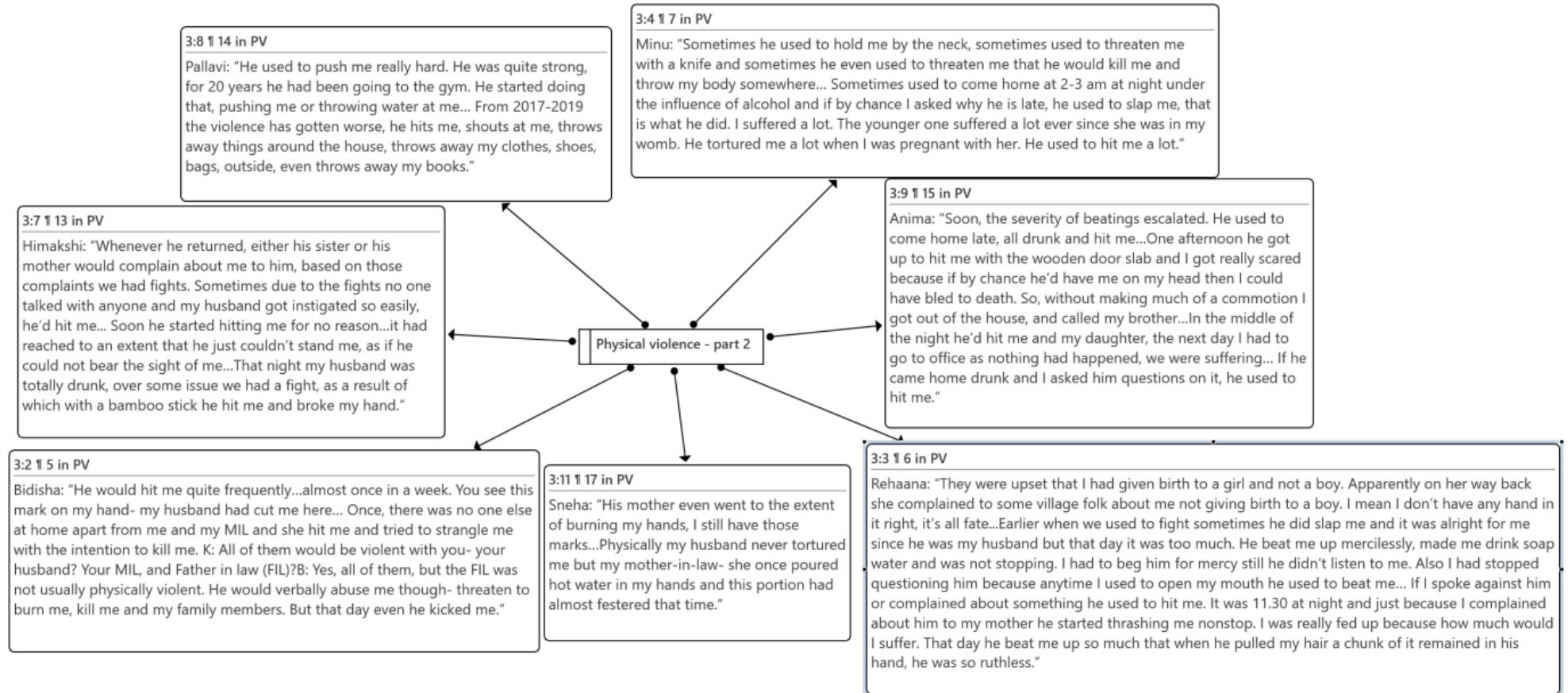
Grishma: "If there was a slight delay in opening the door after he had rung the bell, he would hit me. So after my son was born, the beatings continued- there were no specific reasons for it. He would enter the house uttering profanities. For example, if he saw that the mosquito net was not hung properly- he would tear it down. I would hang it again – he would tear it down again. He had a pattern- he would tear down- break things and by around 3 AM he would be tired and then he would fall asleep... Once he was drunk, he would totally lose track of reality. There was no end to his torture. He would hit me for no reason what so ever. There are so many bruises on my body- once when the child was 4 months old, he threw me out of the bed – and I think he has a mind of a criminal- he would hit in places that were generally concealed under clothes- so that the bruises were not visible. Since I am fair complexioned, my bruises were all the more visible after he hit me."

Earlier when we all lived together, he would beat everyone in the household but when we started to live separately, I became the only target- the scale and intensity of the physical assaults increased...I came back in June and in the month of September- it was Bishwakarma Puja and that night my husband beat me up so severely others members of the household- including my co-sister everyone came to rescue me and they had to tie my husband up in order to restrain him. The abuse was every-day.

After my second son was born, the abuse was as severe as earlier. I used to have severe stomach cramps after the second childbirth- the pain was severe but subsided after 3 days. On the 5th day, I was home but the pain was back. One day what happened was, the pain was unbearable – I gave the baby to my mother and lied down here holding my stomach. My husband saw me in the position and without any reason started to kick me hard in the stomach. My mom was shocked and forbid him from hitting me – "Oh! She is just pretending to be in pain" - that is what he said...There have been many instances in those 7 years- he once broke my arm during one violent episode. He would hit me, break my bones and my FIL would take me to the hospital – they would try and hush up the matter- that was the overall pattern.

Once after an episode of severe physical abuse, me along with my sons were hiding in the bedroom. From a hole in the bedroom door- I saw fire- I thought that the gas pipe has caught fire and that the cylinder will blast in no time. I opened the door with the intention of saving the kids. When we came out, I saw that he had lit the cushion on fire and not the cylinder- so when I came out he pressed the burning cushion into my face. I ran back to the room and my elder son bolted the door from inside. My face was partially burnt and I was in a lot of pain I have tolerated a lot- a lot!"

3.6 Physical violence – routine



3.7 Sexual violence

4:1 1 2 in Sexual violence

Urmila: "I faced a lot of sexual harassment. He used to force himself on me. Coming from a rural background, I did not have any experience sexually. He used to insist on having sex 3-4 times a day- at night, in the morning and even if he happened to be home in the afternoon. Even if I was not interested, he used to force himself. He used to watch a lot of pornography and he wanted me to replicate those acts. Those acts were not possible for me to imitate. That was one of the main issues for fighting. I could not replicate the acts and hence the fights would start. He would then hit me and try to suffocate me by pressing the pillow hard on my face.... especially if I screamed. Often, he would take the knife and hold it against my neck and force me to have sex with him. Mostly he would inflict – what do you call such torture? Threaten me with the intention of instilling fear. K: You mean threaten and intimidate you? U: Yes, I would be very scared. He would force sexual relations with me even during my menstrual cycles. Gradually, it did not matter to me whatever he did... I lost all feelings. I was devoid of all emotions and feelings."

4:5 1 7 in Sexual violence

Anima: "So he didn't change at all since the first extra-marital affair? A: Not at all
K: It was one girl after the other
A: He told me that I was not satisfying him sexually, he told me that my privates had become loose, it was a lot to take in, he wanted a young girl as per what he told me, the words he used were very derogatory."

4:4 1 6 in Sexual violence

Pallavi: "He tried to have sex with me forcefully many a times. Our rooms are separate, I always push him when he tries but then he does it forcefully. After all the beatings, from where will you have feelings of love for the other person."

4:3 1 5 in Sexual violence

Saira: "I told my husband that whatever went around the house has had an effect on me mentally and I refused to have sex with him but on that day, he forced himself on me. When one is forcing themselves on you, your body doesn't accept it and that was what was happening with me as well, my body was not accepting it."

4:7 1 9 in Sexual violence

Sumona: "The incidents which happened at night were different. That torture was also different. He used to force himself on me, I was sexually harassed."

Sexual violence

4:2 1 3 – 4 in Sexual violence

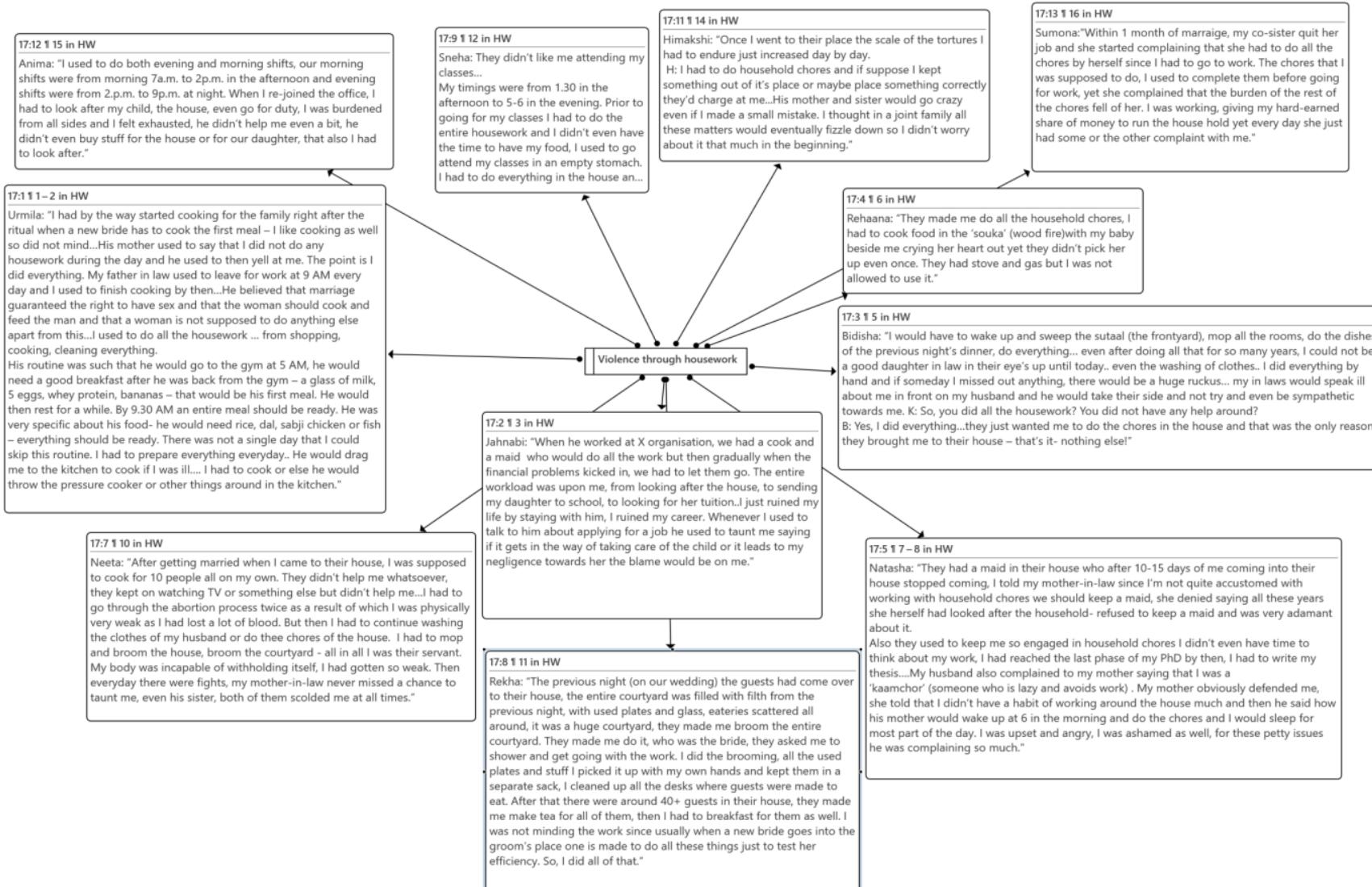
4:2 1 3 – 4 in Sexual violence

Rekha: "Sometimes if I was in no mood to have sex, he would force me. He would say that I had slept with someone in the day time which is why I was refusing to sleep with him. He used to manipulate me like that, I was left with no option and had to have sex with him. Once, his brother had told me that he liked me very much and had asked if I would like to be in a sexual relationship with him without letting his brother know. I told my husband all about it but his brother again twisted the story around and placed the blame on me."

4:8 1 10 – 11 in Sexual violence

Sangeeta: "Slowly, into the relationship, I realised that uh... um...he, he liked to have sex a lot and uh... I wouldn't say it's a wrong thing per se, because I was you know, 24, he was 29 - considered prime age at that time and... so, initially it was alright, as long as he was considerate towards me but, yeah, he used to uh... like playing rough and for me, being the first sexual experience, I used to say let us take it slow. Maybe 3 or 4 out of 10 times he would comply and the rest of the times eventually it would get rough. I kind of felt little weird as he even wanted to have sex when I was menstruating. He had these fetishes that I didn't relate with. Eventually we drifted apart and were not sleeping in the same room and were not having sex. So, I was not on any birth control or anything and then one night he came home drunk and I had not locked my room and he forced upon me. It didn't even strike me that I should take a morning pill or something and then one month down the line, I ended up pregnant."

3.8 Gendered domestic labour/ housework



List of abbreviations:

MV Marital violence

IPV Intimate partner violence

NER Northeast Region

CA Capabilities Approach

PWDVA Protection of Women from Domestic Violence Act

CCJS Civil-criminal justice system

GST Gender Structure Theory

IPC Indian Penal Code

CrPC Criminal Procedure Code

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