

# **VIOLENCE AGAINST WOMEN**

**IN NORTHEAST INDIA**

**H. Sudhir  
Jubita Hajarimayum**

# Violence Against Women in Northeast India

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**with special reference to Assam,  
Manipur and Tripura**

*Edited by*

**H. Sudhir**

**Jubita Hajarimayum**

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### Violence Against Women in Northeast India

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## Foreword

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This present volume *Violence Against Women in Northeast India* (with special reference to Assam, Manipur and Tripura), is a product of a three-day regional seminar under the same name, a first-of-its-kind of venture in India's Northeast, organized by the Erema Gender Empowerment and Resource Centre, Manipur under the sponsorship of the Indian Council of Social Science Research (ICSSR), New Delhi at Imphal, Manipur during 21-23 August, 2003. The seminar was conceptualized on collaborative partnership for government, non-government, institutions of civil society, social researchers and activists representing the three sister states of this region viz., Assam, Manipur and Tripura as a part of our odyssey to have a deeper understanding of this serious problem, to develop integrated strategies, to respond effectively to it and to enhance prevention intervention in this vulnerable social target group—Women. Stemming from the conviction that the progress of the society in the northeast today also has its practical meaning in understanding the issue, the seminar represents one forward step in the process of assembling a human resource of the region committed to ushering in a culture of progress. The uniqueness of the seminar is in its dedication in expediting to bridge the wide gulf between the research findings and practices.

Though this region has shown a growing instance of violence against women in varying degrees, this serious issue has to remain for long unfocused. Sensing urgency to sensitize this crucial issue and a need for a creative thought that can

facilitate to a better understanding of this violent issue, the perspective of the seminar was crucially designed to create a platform to explore and discourse upon the extent, dynamics and problem of violence against women in the region; examine the overall impact at varying degrees; impact of advocacy and public awareness campaign; social attitude; evaluate national and state responses; and develop viable intervention strategies for effective implementations. It is indeed a matter of joy that this initiative bore fruit in the form of bringing forth this present anthology of revised seminar papers as a piecemeal contribution to the larger phenomenon of the issue of violence against women. I am hopeful that this volume will be invaluable for social researchers, academicians, policy makers, administrators, practitioners and activists in India and abroad.

March 8, 2005  
Imphal

**Jubita Hajarimayum**  
*Secretary*  
*Ereima Gender Empowerment and*  
*Resource Centre*

## Preface

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One area of primacy as a parcel of the broader analysis of the gender issue is the serious concern of violence against women in the northeast region of India. As part of its objective to provide a forum for cordial relationship and interaction among the people from varied professional expertises in the search for a creative understanding of the current scene of violence against women in the northeast, the Ereima Gender Empowerment and Resource Centre (EGERC), sensing it a need of the hours, initiated a three day regional seminar on Violence against women in Northeast India (with special reference to Assam, Manipur and Tripura), under the auspices of the Indian Council of Social Science Research ICSSR), New Delhi during 21-23 August 2003 at Imphal, Manipur

The seminar was structured aiming at shedding light on the state of violence against women in this part of India. Broadly, the seminar aims to develop enabling collaborative platform for different professional backgrounds to respond effectively to the problem of violence against women in the region. Specially the seminar aimed to sensitize the problem of violence against women in the region, create a platform to explore the issue by accessing information from different resource persons, organizations and individuals regarding the extent, dynamics and problem of the gender based violence, monitor and evaluate the impact of advocacy and problem awareness, disseminate the experiences, wisdom and findings of various organizations, institutions and individuals in the region to challenge the issue successfully.

Despite the higher social role and status of women in this region against her counterparts in other parts of India, women here face a variety of violences in varied forms due to a number of contributing factors in different contextual settings, which are explored herein by the paper contributors.

The present volume is a compilation of selected papers after revision and modification in the light of the discourse during seminar. The successful organization of the seminar and its translation into this crystallized current shape owe to many capacities for their support and co-operation in various forms. We acknowledge with gratitude to the Indian Council of Social Science Research (ICSSR), New Delhi for the financial assistance through which the initiative could be materialized successfully.

We are grateful to all the resource persons for the sacrifices made to come all the ways to present the papers personally and handing over their revised papers for publication. We are grateful to the support staff at the center for their unrelenting co-operation in the successful organization of the seminar and towards translating it into this present shape of the volume. Mention may be made of Rk Joyshree, Bhavina Sharma, Lakhikanta, Bimol, Sushil and Suresh. We thank Mr. M.P. Misra of Akansha Publishing House, New Delhi for his keen interest and warm co-operation in publishing the volume.

The publication of this volume has been a little delayed because of the time given to the authors to modify and revise their papers and tedious editorial challenge.

A painstaking editorial task has been carried out yet it can be once more shared in the meantime that all the views expressed in the articles are of the authors entirely and they do not reflect the ideas of the editors or the institute.

**H. Sudhir**  
**Jubita Hajarimayum**

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# 1

## Note on Violence Against Women

—*Vasudha Gupta*

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### INTRODUCTION

The term 'violence against women' means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses, but is not limited, to the following:

- ❖ Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- ❖ Physical, sexual and psychological violence occurring within the community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

In addition to the above, there could be acts of violence against women, which include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and pre-natal sex selection.

Acts or threats of violence, whether occurring within the home or in the community, instill fear and insecurity in women's lives and are obstacles to the achievement of equality and for development and peace. The fear of violence, including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities.

The strategic objectives of the Beijing Platform for Action suggest adoption of a 'holistic and multi-disciplinary approach to the challenging tasks of promoting families, communities and state that are free of violence against women'. There has been extensive recognition by Government and society of the growing trends in cases of violence against women.

There are altogether international efforts for addressing violence against women and the main instruments are: UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), World Conference on Human Rights - Vienna, UN International Conference on Population and Development - Cairo and UN Fourth World Conference on Women - Beijing, 1995.

## **VIOLENCE AGAINST WOMEN - SITUATION IN INDIA**

Women in India are vulnerable to various forms of violence based on gender due to unequal relationship between men and women.

- Because a woman is considered a weaker sex both in terms of physical strength and in having a say in the socio-cultural set up. They are subjected to physical violence like rape, female infanticide, and sex-related crimes. This reason is the understanding of society of female sexuality and its role in social hierarchy.
- Because of her relationship *vis-à-vis* man, a woman is vulnerable to domestic violence, dowry murder etc. This reason relates to society's concept of a woman as the

property and dependent on a male protector, father, husband, son etc.

- Because of the social group to which she belongs, a woman, in times of war, riots or ethnic, caste or class violence, may be raped and brutalized as a means of humiliating the community to which she belongs. This also relates to male perception of female sexuality and woman as the property of man.

The National Crimes Records Bureau (NCRB) under the Ministry of Home Affairs, Government of India has been collecting and recording data on gender based violence. The statistical data compiled by the Bureau on crimes against women during the years from 1990-2001 (Annexure A) show that there is an increasing trend in violent acts committed. The increase may, to an extent, reflect the effect of spread of literacy, awareness generated among women to their rights and legal protection that have been strengthened in the last two decades and the willingness of women to come out and seek help be it violence by third party or from within a family. On the other hand, judicial activism, NGO intervention, and law enforcement agencies' willingness to take cognizance of crime against women have together contributed to an increased reporting of cases. Women now approach police or courts more freely for remedy.

### **LEGISLATIVE MEASURES - LEGAL RIGHTS OF WOMEN**

Women could also be victims of forced violence or crime commonly recognized such as 'Murder', 'Robbery', 'Cheating' etc. The crimes, which are directed specifically against women, are characterized as 'Crimes Against Women'. These are broadly classified under two categories: -

#### **(1) The crimes identified under the Indian Penal Code (IPC)**

- (i) Rape (Section 376 IPC).
- (ii) Kidnapping & abduction for different purposes (Section 363 - 373 IPC).

- (iii) Homicide for Dowry, Dowry Deaths or their attempts (Section 302/304-B of IPC).
- (iv) Torture, both mental and physical (Section 498-A of IPC).
- (v) Molestation (Section 354 of IPC).
- (vi) Sexual harassment (Section 509 of IPC) (referred to in the past as Eve-teasing)
- (vii) Importation of girls (upto 21 years of age) (Section 366-B of IPC).

## **(2) The crimes identified under the Special Laws**

Admittedly not all laws are gender specific, but the provisions of various laws, which affect women significantly, have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some Acts which have special provisions to safeguard women and their interests are:

- (i) Commission of Sati (Prevention) Act, 1987 (3 of 1988).
- (ii) Dowry Prohibition Act, 1961 (28 of 1961).
- (iii) Indecent Representation of Women (Prohibition) Act, 1986.
- (iv) Immoral Traffic (Prevention) Act, 1956.
- (v) Medical Termination of Pregnancy Act, 1971 (34 of 1971).
- (vi) Child Marriage Restraint Act, 1929 (19 of 1929).
- (vii) Hindu Marriage Act, 1955 (25 of 1955).
- (viii) Hindu Succession Act, 1956 (3 of 1956).
- (ix) Contract Labour (Regulation & Abolition) Act, 1970 (37 of 1970).
- (x) Equal Remuneration Act, 1976 (25 of 1976).
- (xi) Factories Act, 1948 (63 of 1948) as amended in 1976.
- (xii) Maternity Benefit Act, 1961, (53 of 1961).
- (xiii) Criminal Law (Amendment) Act, 1983.
- (xiv) Special Marriage Act, 1954.

- (xv) The Family Courts Act, 1954.
- (xvi) Employees State Insurance Act, 1948.
- (xvii) Plantation Labour Act, 1951.

## **STEPS TAKEN TO CURB VIOLENCE AGAINST WOMEN**

Under the Constitution of India law and order is a state subject. The responsibility for dealing with enforcement of the concerned acts, therefore, rests with the state governments. The registration cases, investigation, detection and prevention of the crimes against women are primarily with state government/union territory Administrations. However, the Government of India has initiated a number of measures apart from legislative changes in the relevant acts. Instructions/guidelines have been issued to the state governments/union territory administrations to effectively enforce legislation relating to crimes against women and monitor the enforcement.

The Minister of Human Resource Development has written, during August 2000 to all State Home Ministers stressing the need for including gender sensitization modules as a component of training courses for enforcement machinery in the state level police training academies and also on the need for gender sensitization of judiciary. NGOs have been constituted to monitor the implementation of the Supreme Court's guidelines.

Various statutes exist, which recognize women specific crimes, both social and physical and the need to combat it. This has led to various proactive and preventive measures including protective legislation for women. The impact of these measures and legislation, however, requires to be strengthened. The Government has also been strengthening the existing legislations and developing new institutional machineries through extensive research and review. In addition to gender sensitization of law enforcement personnel and so forth on one hand and on the other, it has set up and running projects that provide support to vulnerable women like short stay homes, hostels for working women etc and rehabilitation of victims of violence. The Central Social

Welfare Board is implementing the scheme of Family Counselling Centres (FCCs) to provide preventive rehabilitative service to women and children who are victims of atrocities and family mal-adjustments. At present, 17 FCCs are running in district police headquarters in different states. 19 FCCs are functioning in Police Headquarters at Delhi, Kerala, West Bengal, Orissa, Tripura, Pondicherry, Assam, Karnataka, Manipur, Goa, Maharashtra, Punjab, Haryana, Meghalaya, Nagaland, Uttar Pradesh, Sikkim, Tamil Nadu and Madhya Pradesh.

In order to address the phenomenon of domestic violence, which is widely prevalent but has remained largely invisible, the Government has introduced a legislation titled 'Protection from Domestic Violence Bill, 2002' in the Lok Sabha on 8th March, 2002 to empower magistrates to grant protection orders to victims of domestic violence and provide other relief. The Bill envisages that the protection officers would assist a victim of domestic violence to be secure from violence and help her access shelter homes, health care, legal advice etc.

'Crimes Against Women's Cells' have been set up in the states of Andhra Pradesh, Punjab, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh, Himachal Pradesh, Karnataka, Madhya Pradesh and in the union territories of Chandigarh, Delhi and Pondicherry.

During the Women's Empowerment Year, 2001, the department has written to all state governments to set up district level committees headed by the district magistrates to review and monitor cases of crimes against women. State governments such as Andhra Pradesh, Chhatisgarh, Haryana, Kerala, Madhya Pradesh, Meghalaya, Mizoram, Orissa, Punjab and Uttar Pradesh have reported to set up such Committees.

The Government of India has also initiated steps to organize an effective campaign to sensitize the public about violence against women and also initiated action to compile and collate statistical information pertaining to seven types of crimes against women. These are (i) rape (Section 376 of

Indian Penal Code), (ii) causing miscarriage (Section 312 to 316), (iii) harassment, both mental and physical in a marital relationship and offences relating to marriage (Chapter XX of IPC, (iv) dowry death (Section 304 B), (v) molestation as defined by Section 354 of Indian Penal Code, (vi) kidnapping and abduction (Section 366), and (vii) procurement of minor girls (Section 366 A).

## **EMPOWERMENT OF WOMEN**

Ultimately one of the major causes e.g., the economic dependence of women and lack of financial independence leads to atrocities against women. The need to make them economically independent has, therefore, been given utmost importance in recent schemes, projects and programmes over the past two decades. The Government has launched many schemes such as Women's Economic Programme (NORAD), Support to Training and Employment Programme (STEP), Socio-Economic Programme (SEP), Condensed Course for Vocational and Educational Training (CCE&VT) etc. for their uplift and self-sustenance.

The scheme, 'Women in Difficult Circumstances (Swadhar)' launched by the Department of Women and Child Development is an innovative approach to cater to the requirement of various types of women in distress in diverse situations under different conditions. The schemes provide shelter, counseling and training for women in difficult circumstances who do not have any social and economical support.

A social advocacy-cum-legal literacy drive through 'Education Work for Prevention of Atrocities on Women' is being implemented by the department since 1982. It provides financial assistance to voluntary organizations working for the upliftment and betterment of women and for the prevention of atrocities against women, for propaganda, publicity and research work. Production of publicity materials like pamphlets, booklets, hoardings, posters, slogans, surveys/studies on particular aspect of violence/atrocities against women qualifies for financial assistance under this scheme.

Since 1996 the Government has sought to involve the state governments and NGOs to confer economic empowerment through the vehicle of Self Help Group formation. The Swashakti Scheme being implemented by Department of Women and Child Development, Government of India in nine states with ultimate objective of making Self help groups self sustaining units and economically viable. The economic strength, thus, garnered will enable women to understand domestic and external operations.

Legal literacy has been made part and parcel of all the programmes that have been launched by Government of India in the recent past, such as Swashakti (Rural Women's Development and Empowerment Project) and Swayamsidha.

There is also a programme to generate general awareness among the rural and poor women, the Awareness Generation Programme (AGP). The broad aim of this programme is to create awareness among the rural and poor women on various social issues so that they can realize their potential in the family and society. Since 1993-94, special emphasis is being given to the participation of women in Panchayati Raj Institutions and their role in national integration and communal harmony.

## **INSTITUTIONAL MECHANISM**

### **Department of Women and Child Development**

The Department of Women and Child Development was set up in the year 1985 as a part of the Ministry of Human Resource Development to give the required impetus to the development of women and children. In its capacity as the nodal agency looking after the advancement of women and children, the department formulates plans, policies, and programmes; enacts/amends legislations affecting women and children and guides and coordinates the efforts of both governmental and non-governmental organizations working field in the of women and child development. Apart from this, the Department of Women and Child Development also implements certain innovative programmes for women and children. These programmes are in the areas of employment

and income generation, welfare and support services, gender sensitization, training for employment and income generation and awareness generation.

### **National Commission for Women**

The Government has set up a statutory body called National Commission for Women (NCW) with a specific mandate to study and monitor all matters relating to the Constitutional and legal safeguards provided to women; review the existing legislations to suggest amendments wherever necessary; and to look into complaints involving deprivation of the rights of women. NCW is receiving complaints relating to dowry/atrocity cases, dowry related suicides/death/murder etc. These cases are duly processed in the commission under Section 10(1) (f) and 10(1) (g) of the NCW Act, 1990 and referred to the appropriate authorities such as police, district magistrates etc with the Commission's recommendations for expediting action under the criminal laws and bringing the guilty persons to trial in the Court. These cases are tried in courts having criminal jurisdiction under Sections 304-B, 498-A, 302 etc. of the Indian Penal Code. NCW has conducted Parivarik Mahila Lok Adalats as a form of alternate dispute resolution with the help of NGOs and Legal Aid Boards at state and district levels to facilitate access to law enforcement systems and faster justice delivery to poor women in case of family dispute, dowry harassment etc.

Immediately after enactment of National Commission for Women Act, 1990 on 31st August, 1990, the Government had, by way of D.O letter dated 30.10.90 from the then Minister for Labour and Welfare, requested the chief ministers of all state governments to consider constitution of State level Women Commissions with functions and powers similar to that of NCW. Since then, the government has been requesting the state governments to set up State level Women Commissions. D.O letters at the level of Minister-in-charge of the Ministry of Human Resource Development/Department of Women and Child Development have been issued on 22.2.93, 24.8.95, 25.10.96, 4.6.99 and on 20.8.2001. The issue

of setting up of State Women Commissions is also taken up with the state governments/union territory administrations during the meetings held by the Government periodically with state ministers and secretaries-in-charge of Women & Child Development.

### **Central Social Welfare Board**

The Central Social Welfare Board (CSWB) is an apex national organization involved in programmes for the welfare and development of women, children and disadvantaged groups. The Central Social Welfare Board was set up in 1953, with the objective of facilitating a bridge between government and the voluntary sector in the country to reach benefits of Government schemes to the backward sections of our society. At present, the CSWB is engaged in supporting thousands of voluntary organizations all over the country to implement programmes for disadvantaged groups of women and children.

### **Rashtriya Mahila Kosh**

The National Credit Fund for women called Rashtriya Mahila Kosh (RMK) is a poverty alleviation strategy, which is using the Self-Help Group concept successfully. RMK is poised to expand, with support from the national budget to its corpus fund, its loaning programme from the present level of about Rs. 190 million to Rs. 1000 million per year by March, 2003 and will be catering to a variety of micro-credit needs of about half a million borrowers.

### **National Institute of Public Cooperation and Child Development (NIPCCD)**

Since 1986, a separate Women's Development Division has been functioning in the Institute. The Institute has been sensitizing enforcement machineries, training NGOs and pursuing legal advocacy and literacy. It has been acting as a Lead Training Agency (LTA) for 'Swashakti' and is Lead Agency for implementing 'Swayamsidha' which aims to make rural women economically independent giving them strength to combat violence against them.

## **Parliamentary Committee on Empowerment of Women**

A Parliament Committee on Empowerment of Women has been constituted in 1997 for considering the reports of the National Commission for Women, to examine the measure taken by the government to secure women's equality and to report on the working of welfare programmes for women etc.

## **Non-Governmental Organizations**

In India, NGOs and umbrella organizations are powerful and active agents in gender advocacy and training. In areas such as women's rights, economic and political empowerment of women and violence against women, the contribution of voluntary sector and the government's collaboration with them have brought about positive results. Increase of women in parliamentary and local government levels has come about as a result of government policies including legislations, ably supported by NGO advocacy. The NGOs in India have taken up a number of programmes to prepare women to contest elections and occupy elected positions.

The CSWB acts as an umbrella organization networking through State Welfare Boards and through them thousand of voluntary organizations.

## **FUTURE PROGRAMMES**

### **Action Plan for implementing the National Policy for Empowerment of Women**

The Government of India has adopted a National Policy for the Empowerment of Women. The goal of the Policy is to bring about the advancement, development and empowerment of women by creating an environment through positive social and economic policies and programmes for development of women in all spheres of life. Para 7.1 of the Policy lays down as under:

- 7.1 Institutions and mechanisms/schemes for assistance will be created and strengthened for prevention of such

violence including sexual harassment at work place and customs like dowry; for the rehabilitation of the victims of violence and for taking effective action against the perpetrators of such violence. A special emphasis will also be laid on programmes and measures to deal with trafficking in women and girls.

The Government is drafting a National Plan of Action (POA) to implement the National Policy for the Empowerment of Women. The POA will focus on creating support infrastructure to compliment legislative efforts, creating a conducive environment to women for reporting cases related to violence against them. Gender sensitivity among the policy makers will be strengthened along with awareness on the prevention of atrocities on women.

### **Enactment of Protection from Domestic Violence Bill, 2002**

In order to address the phenomenon of domestic violence which is widely prevalent but has remained largely invisible in the public domain, a legislation titled 'Protection from Domestic Violence Bill, 2002' has been introduced in Lok Sabha on 8th March, 2002 to empower courts to grant protection orders to victims of domestic violence and provide other relief. The Bill has been referred to the Parliamentary Standing Committee attached to the Ministry of Human Resources Development for examination and report.

### **Drafting of Bill on sexual harassment at workplace**

The Supreme Court of India, in its judgment dated 13.8.97 in a civil writ petition, laid down detailed guidelines to be followed by employers at all working places to prevent sexual harassment of women. The guidelines, inter-alia, stipulate that committees will be set up by each employer to handle complaints of sexual harassment. In accordance with the guidelines laid down by the Supreme Court, the government has initiated action to constitute complaints committees in all ministries/departments of the central as well

as state governments, public sector undertakings etc. So far 58 ministries/departments of Government of India and 24 state governments and union territory administrations have reported setting up of complaints committees. The Central Civil Services (Conduct) Rules have been amended to include sexual harassment as a prohibited conduct. In order to ensure implementation of the guidelines in the private sector, Industrial Employment (Standing Orders) Act, 1946 has been amended.

The National Commission for Women is drafting legislation relating to prevention of sexual harassment of women at workplace.

The phenomenon of violence against women and girl children particularly in India's northeast is recognized, yet lack of proper and research oriented initiatives brought about an imminent vacuum of information on the subject. Sensing the need to fill up the space and towards a scholarly understanding of the issue, the present volume examines the multifaceted dimensions of the situation of the region with special attention to the three states viz, Assam, Manipur and Tripura. The study investigates the various aspects of violence against women of this region viz., structural factors, instances, trends, dimensions, impact, societal attitude, response of the law enforcing agencies etc. Apart from highlighting some of the policy implications of the issue, the beauty of the work lies in inventing some valuable innovative ideas, which will be of tremendous value in the way of familiarizing this issue of the region effectively to the social researchers, policy planners and activists in working out pragmatic approach and feasible policy towards responding it more meaningfully.

**H. Sudhir** was an ICSSR doctoral fellow at the Center for Historical Studies, Jawaharlal Nehru University, New Delhi before joining Manipur University as Assistant Professor in History. Besides publications in the reputed journals, his papers have been presented in many academic forums. He is currently engaged with a research work on gender and globalization in the northeast India.

**Jubita Hajarimayum** studied at the Centre for Social Medicine and Community Health, Jawaharlal Nehru University, New Delhi. Apart from presenting many research papers in the national academic forums, she has the credit of presenting papers in the international conferences in Bangkok (Thailand), Mindanao and Manila (Philippines), Lulea (Sweden). She has exposure programmes in US, Sri Lanka, Stockholm and Norway. Beside her academic background she has a long experience of working at the grassroots on women's issues particularly on violence against women, reproductive and sexual health, HIV/AIDS and women. Presently she is the Secretary, Ereima Gender Empowerment & Resource Centre (EGERC). She was honoured for a well managed project entitled Women's participation in Decision Making among the Self-Help Groups and Community Based Organizations in Manipur, India, by Centek, Lulea University of Technology, Sweden.

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