
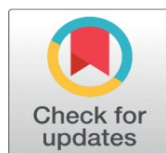


POVERTY, RAPE VICTIMS AND SOCIAL STRUCTURE: A STUDY ON A MARRIAGE INSTITUTION IN THE INTERFACE: CASE STUDIES OF KHUNTI AND GUMLA DISTRICTS OF JHARKHAND

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ABSTRACT

Micro studies as a perspective is inevitable to examine problems of the society. This research article concentrates to understand social impediments against victims of rapes from the perspective of poverty, gender, and community interface. Field work experiences reveal that the administrators, security personnel have misconceptions about tribal marriage institutions. Most importantly, the problem is that the tribal rape victims are treated differently due to misconceptions of the administrators. At this background present research article concentrates to understand different aspects and meanings of the “Dhuku” marriage institution of the Munda, Oraon and Ho from insiders’ perspectives and critical view point from the outsider’s perspective. Present study considers following variables like ‘poverty’ and ‘gender’ for analyzing the problem. Interviews were conducted and case studies are presented. Nineteen case studies presented among which ten respondents are insiders and nine outsiders. This paper recommends practical solutions to address problems of tribal women and men victims.

Keywords: Dhuku Marriage Institution, Rape Cases, Poverty, Costly Customary Practices, Dominant Patriarchal Notions on the Marriage Institution, Gender Relations

1. INTRODUCTION

1.1. TRIBAL WOMEN AND SOCIAL STRUCTURE

The gender equality and higher status of woman is a fallacy and it contradicts in the tribal customary laws. The rules to inherit property in tribal communities are regulated by customary laws. They think that it’s the wish of god that the inheritance will go in male line and women are excluded from land rights. The women were sanctioned the jobs of mothers, daughters, sisters wife’s and widows. They perform these duties and also work hard for the food security. In return they only get food, clothes and shelter. Before marriage they work in the family production system; go to remunerative jobs, work as agricultural laborers in the land of neighbors and work as seasonal migratory workers or as domestic workers to distant places. Same routine continues after marriage. Only owners of land are changed. Father in

law becomes owner of land. During old age women work in husband or sons land. Despite lifelong hard work they cannot accumulate any property because the women from the patriarchal societies never inherit immovable properties. The women are most likely to perform unpaid jobs in the unorganized sector. Therefore, poverty is a life time experience for women. They remain dependent to the family and society for ever. The single women as mother, sister and widow are more vulnerable in this situation as the men dominance doesn't allow them to survive.

Education can break through their bondage. But young girls need to be babysitters for younger siblings, assistant of mother in the house hold cleaning and washing activities before adolescence. Do cooking jobs to give relief to mother while at home. They do studies after participating to all those household activities. Due to such social structure women remained backward because she has to do multi task at all stages of her life.

In the discussion of marriage institutions usually bride price is found in those communities in which women have huge contributions to food production. Women may have the rights to choose to partners but she doesn't have the rights over bride price. Shifting cultivation and plough cultivation also heavily rely on women. After so much contributions to food production women remain impoverished in the tribal society. Krishna (2005) he stated in his writing "Gendered price of rice in north-eastern India" that the payment of bride price do not protect women against the exploitation within the family. Instead it plays instrumental role in controlling women.

2. REVIEW OF LITERATURE

Kapadia (1966) has analyzed marriage and family, he stated that the Marriage is considered as one of the oldest social institutions of extension of relations between and among men and social groups, as per patrilineal values women and gifts were exchanged.

Megu (2016) in her unpublished PhD thesis, Entitled, "Unwed Mother..." discusses that in the past the Adi young women can live in relationship with a man, and stayed with her parents until the couple be able to construct a separate home for them. In this period of time they may have children too. Earlier such young man work in the cultivable field of father in law and assisted him in different work activities. Megu (Ibid) further mentions that that marriage practice of the Adi is on the crossroad due to changes happen in the society. At present, men are going for studies and jobs far flung places. Many cases are found that later many men denied their responsibilities and those women were referred as unwed mothers. Traditionally the couple worked hard to build up their homes and in the changing situation the men get separated easily as they didn't go by any customary binding. At this background Megu finds that the Adi Kebang (traditional village administration) imposes fine on those men. Community members also engaged in debates to set high fine on men, who denied their responsibilities.

Basumatory (1925), hundred years back the Bodo reformer Kalicharan Bramha, the religious Guru, identified the high bride-price as an impediment of the young boys' education. The poor parents of the boys used to send their sons to earn bride-price. Therefore, to attract boys to education this religious Guru lowered down the bride-price and fixed it in a very low cost. The followers of the Bramha still practice that custom of low bride-price.

Chandrakantha (2014) has discussed the types of tribal marriages. He analyzed different types of marriage systems according to their customary laws, like arrange marriage, marriage by purchase, marriage by service, and marriage by capture, marriage by consent or elopement, marriage by exchange, probationary marriage, intrusion marriage, widow marriage, polygamy and marriage by test.

The Hindu Marriage Act, 1955 does not recognize live in relations and nor does the Code of Criminal Procedure of India. The only Act which has implied the existence of live in relationships is the protection of women from Domestic Violence Act, 2005 (PWDV). For the purpose of protection and maintenance of women, an aggrieved live in partner may be granted alimony under the Act.

In August 2010, the Supreme Court held that a live-in relationship that has existed for a long time will be considered a marriage and that the children born to such a couple will not be illegitimate. Justice P Sathashivam and Justice B S Chauhan of the Supreme Court passed this judgment and it will have strong legal implications on disputes to the legitimacy of children who are born to live-in partners

The above references put emphasis on certain points like relationship between marriage custom and economy relationship. The men in tribal societies as mentioned above negotiate their marriage relationship only when they are able to give bride price and marriage feast. Otherwise, they used to go for marriage by service. Therefore, in the

patriarchal societies for the men, who are usually in the economically disadvantageous position might have preferred flexible customs of marriage. At the same time the social systems provides a sanction to them whether positive or negative.

2.1. OBJECTIVE OF THE STUDY

- 1) To analyze women and poverty relationship
- 2) To understand the rape and marriage institution relationship – interpretation of the outsiders.
- 3) To find out the challenges faced by the ‘Dhukuni’ from insiders perspectives.
- 4) To analyze patriarchal interpretations against Dhuku marriage institution
- 5) To suggest some corrective measures.

3. METHODOLOGY

The data for the present paper has been collected by bringing both primary and secondary data. The primary data has been collected from the fieldwork through personal interviews of community members and from outside the community. Secondary data has been collected from articles, books, newspaper and research paper etc. The area of the study was Khunti and Gumla District of Jharkhand. Due to the sensitivity in the theme of the present topic the snow ball sampling is only followed to select victim samples. The researcher contacted victims through officers and members of One Stop Centre, Anti Human Trafficking Unit, District Child Protection Unit, and Child Welfare Committee, Mahila Thana, Mahila Mandal and Mahila Samiti.

The data is presented in the following four tables. Table 1 depicted the sample of the research participants. Members of 54 Dhuku families are interviewed. Apart from them ten persons mostly from the Munda and Oraon families shared their opinions. Nine persons belong to other than tribal communities are interviewed. They are mostly employed in the administration and Government welfare programs. Area of study-the name of villages is presented in the Table 2. Names of research participants are presented in the Tables-3 & 4.

Table 1 The Sample of the Interview

Sl. No.	Sample of the present study	No. of Men	No. of Women	Total
1	54 Dhuku families	21	33	54
3.	Insider	2	8	10
4	Outsider	5	4	9

Source: Fieldwork: 2022-2023

Table 2 Sample Villages of Khunti and Gumla of Jharkhand

Name of the Block	Name of the Village	Total household	Total Sample Household
Murhu	Rango	70	06
Khunti	Chalangi	206	09
Khunti	Nachitola	09	01
Torpa	Sarangloya	51	05
Torpa	Birta	259	10
Dumri	Asro	160	08
Raidih	Pakartoli	72	12
Sasai	Dahutoli	40	03
Total		867	54

Source: Fieldwork: 2022-2023

Table 3 List of Informants: Insider

S.N	Age	Gender	Insider (who practice from Khunti and Gumla)
1.	30	Female	Binita Tirkey
2.	58	Female	Rani Tirkey
3.	68	Female	Silomi Nag
4.	36	Female	Rekha Purti (Ward member)
5.	38	Male	Bisram Chutiya Purti
6.	33	Female	Fulmani Purti
7.	38	Male	Daskir Purti
8.	26	Female	Anita Champi
9.	50	Female	Biswa Purti
10.	21	Female	Sunita Munda

Source Fieldwork: 2022-2023

Table 4 List of Informants: outsiders

S.N	Age	Gender	Outsider
1.	33	Male	Ajay Kumar Sharma (SI Khunti)
2.	45	Male	Ramjanul Haque
3.	46	Male	Altaf Khan (District Child Protection Officer, Khunti)
4.	40	Male	Emile Barla (Bachpan Bachao Aandolan)
5.	36	Female	Dularmani Tudu (In charge, Mahila Thana, Khunti)
6.	35	Female	Suman Kumari (In charge, Mahila Thana, Gumla)
7.	40	Male	Akash Pandey (In charge, AHTU, Gumla)
8.	30	Female	Neha Tiwary (Bachpan Bachao Aandolan, Gumla)
9.	45	Female	Pradeep Kumar (Mahila Mandal, Gumla)

Source: Fieldwork: 2022-2023

4. FINDING AND ANALYSIS

4.1. OCCUPATION AND LIVELIHOOD ACTIVITIES OF THE WOMEN UNDER STUDY

All women referred in this study do multi tuskling and they are contributing highly to economic activities in their respective families. They manage all works related to cooking, washing clothes and utensils, caring jobs, look after the children and elderly persons including guests. All these respondents do each and every step of farming from seed sowing, transplanting seedlings, and weeding, harvesting, carrying production to home, threshing and winnowing as well as drying and storing. All these ladies maintain poultry of birds-chicken, duck, and pigeon, have pig sty and goats. They grow and sell vegetables and rice beer. During lean period these ladies migrate to work in kilns as brick workers, daily wage laborer, house help etc. Despite of so much hard work they are usually unable make substantial profit due to the unregulated markets.

4.2. RAPE AND MARRIAGE INSTITUTIONS: OUTSIDER'S PERSPECTIVE

The outsiders play significant role in the life and living of the tribal communities. They are usually economically well to do position. They mostly occupy white collar jobs, and in the trading in the tribal areas since long back. Outsiders, who are mostly belong to caste communities and settled in the state of Jharkhand for their jobs or trading, maintain a stereotypical outlook against the tribal people. The hegemonic mindsets of outsiders are reflected in the following case studies.

Case Study 1: Ajay Kumar Sharma, SI, AHTU, Khunti, there is a custom called dhuku in which couple lives without marriage. In Khunti police station many such cases comes in which boy betrayed the girl after living with her. They plan to live as dhuku and they maintain relationship like married couple. Because of Dhuku girls are falling into the worse situations and sometimes they files case against them.

Case Study 2: Ramajnul Haque, SI, Mahila Thana, Khunti, he said, dhuku is a common tradition here and due to dhuku tribal people are living together without marriage and they don't have any document which would give the women and their kids the inheritance right over the husbands property. The dhuku widow also doesn't get rights in the husband's property.

Case Study 3: Altaf Khan, District Child Protection Officer, Khunti, he said due to android mobile the children get to know many things at early age. They are exposed to rice beer also. Family pays very little attention toward the activities of children. They know their tradition and rights. They know they can choose their mates. Because of that many times they become victim of early age marriage. The rape cases happened in Khunti district during lockdown and most of the victims and accused were minors. Those cases come under POSCO.

Case Study 4: Emile Barla, Bachpan Bachao Aandolan, the tribals don't give land to the women. The women all her life remains depending on male members of the family. They demands for the land rights are going on for tribal women. We have seen many cases in which when we bring back the trafficked woman to the family they don't accepts her. The reason is poverty and the woman feels helpless because they can't do have inheritance rights.

Case Study 5: Suman Kumari, In charge, Mahila Thana, Gumla, there are some traditions in tribal culture which give freedom to choose mates like "Dhuku" which is provoking young couples to living together and because of that young girls are falling into trap. The boy after being in relationship with girls left them and those cases comes as rape cases. Live-in relationship without formal marriage will not have all the rights. The cases of dhuku come under only the Protection of Women from Domestic Violence Act 2005. In some cases girl go to another place with the boy and the boy sell the girl to the traffickers. In some case girls are raped by group of people. Dhuku is atrocious which lead to the sexual assaults and domestic violence cases.

Case Study 6: Dularmani Tudu, In charge, Mahila Thana, Khunti, the girl knows the whole situation but still many times they become prey to some bad intentional boys who gives false promises to the young women and just take her privilege, after using the girl the man betrays her. In some cases the man marries another woman. Dhuku is positively sanctioned tradition but in today's situation it is misused.

Case Study 7: Akash Pandey, In charge, AHTU, Gumla, in some cases the man traps the woman in his love and calls her to another city where he works and when she fall in the trap they sell her to the traffickers and in some cases the dhukuni left her dhukua after kids also. She goes to become another man's dhukuni. Dhuku allows living together without marriage but the couple don't get respect specially the woman, she can't apply vermilion or take part in family rituals, after husband's death she can't claim for her husband's property. She never gets any legal rights. Children out of dhuku marriage system don't recognized socially. They are not allowed to get piercing which is traditional ritual to get recognition. In Jharkhand thousands of couples are living like this and they don't go for marriage because marriage is costly affair for them. The rights for the women and their children are different in both the marriages. Dhuku and rice beer is responsible for many crimes in Jharkhand.

Case Study 8: Neha Tiwary, Bachpan Bachao Aandolan, Gumla, the Dhuku women face suppression from the community until they get married. They are not treated equal to married women and people tease them. The dhuku couple and their children don't get recognition and respect in their community. The children are not allowed for the ritual in which they pierced the ears of the children. When dhuku women die her last rites are not performed in the village people's graveyard. Every village has some customs about it and in some villages the men also don't get space in the village's graveyard.

Case Study 9: Pradeep Kumar, Mahila Mandal, Gumla, they provide employment opportunities to the rural women. They help women to become self dependent. These women earn for their families and work hard but the male members of their family are not as active as the women are. Their earnings are taken by their husbands or they control their women. Dhuku is common here and most of the marriages start with dhuku in tribal communities.

4.3. ANALYSIS OF CASE STUDIES FROM 1-9

Above mentioned case studies highlighted something in common and that is related to the marriage custom. A few case studies discussed about the problem of non inheritance of property by women. All these persons, who shared their views, created an idea that as if all problems of women are connected to marriage institution. Even one case study appreciates importance of bride price. The concept 'bride price' in the tribal communities is perceived critically. The novel 'Kanyar Mulya' was written by Lummer Dai, a member of the Adi tribe wrote the other meaning of 'bride price'. It told about the painful experiences of the bride price for women.

4.4. DHUKU MARRIAGE INSTITUTION IN PRACTICE: CASE STUDIES

Case studies are presented here give detail life experiences of victims and their family members. The case study draws attention to in-depth study of events or conditions as well as their connections.

Case Study 10: Binita Tirkey, age- 29 a resident of Khunti, Jharkhand. She is from Oraon community. She is a dhukni, in dhuku, her husband used to come to her village in festivals and occasions. They liked each other but they were from poor background and were not able to give feast and bride price. So they started living together without marriage in 2016. She has two children. According to her there is no problem in living together without marriage. Accept some rituals which she is not allowed to perform. But she has no regrets for that.

Case Study 11: Rani Tirkey (Mother in law) age-56, Sunita Devi, age- 25 and Munni Dev, age- 28 (Daughter in laws) were in Dhuku marriage. Rani Tirkey and her husband had very poor financial condition, so they were not married. They had two sons they also followed the same way, Sunita and Munni were also dhukni. Their parents were ready for their marriage and feast but before their marriage Rani Tirkey's marriage rituals were compulsory. Because 'dhuku' couples at present receive negative sanctions in the society. So first their parents got married and then their sons. They gave feast to the village which is compulsory for marriage acceptance by the community.

Case Study 12: Fulmani Purti, age-23, she went for dhuku marriage because her partner was unable to give feast and bride price. But they liked each other and started living together. She use to go for work as domestic help and contributes her earning to the family. She is harassed by the male members of the community because they think that she is not married. According to her the married women's are safe in the society. They are working hard to earn money so that they could marry and live normal life.

Case Study 13: Rekha Purti, age-30, a resident of Khunti, she is a ward member. Rekha had two elder brothers and they were dhuku because of their poor economic condition. Both of them had kids also. The elder brother died in an accident and his wife left her child and went to her parent's house as she knew that she will not inherit anything from the husband's family. Rekha and her brother decided to take care of their brother's child. Her parents also died and she is not married yet. Her sister in law left house because she was young and she can marry again.

Case Study 14: Bisram Chutiya Purti, age- 45, a daily wage worker in khunti, his father has expired and his younger brother and mother live in the family. He is from poor family background and he wasn't in the position to give bride price and feast. So he decided to live as dhuku and started living with his partner in the family. The girl's family was not convinced for their living together. When he had two sons his wife moved in with another man. She left him with his two sons. It was a matter of shame for the family.

Case Study 15: Silomi Nag an ex ward worker, age- 65, she said, dhuku marriage gives a positive way to the people who cannot marry each other due to poverty but they want to live together. This is our tradition which is being followed by us. The dhuku couple gets equal status in the society and whenever they want they can marry with rituals in the community.

Case Study 16: Anita Champi, age-26, from Khunti, she use to sell vegetables to the market there she came to know a boy from Chalegi village. Both of them decided to live together. Her parents weren't ready for marriage, and then she

decided to go to live as dhukuni. The boy took her with him there they said from now onwards they will live as dhuku. Anita is converted to Christianity and the boy was also Christian. There were no rituals at that time. The boy parents talked to girl's parents but they weren't ready. So they finalize their marriage in the church after one year. At the time of marriage Anita's parents also came. Anita said her parents accepted her partner otherwise she would have returned to her parents.

Case Study 17: Biswa Purti (Gram Pradhan), age-50, the couple opts for dhuku because in traditional marriage system bride price and marriage feast is very important custom without which the community doesn't allow for marriage. Marriage feast includes boiled rice, vegetable curry, pulse, mutton etc. In some cases the parents refuse the proposal of marriage in that case also the couple goes for dhuku and community sanctions dhuku which is a common practice in the tribal society. Mostly parents happily accept this because they know their socio economic condition. If the girl goes without acceptance of parents as dhukuni and anything happened with her or her partner cheats her then the girls parent don't welcomes her girl again in their house because it is shameful for family.

Case Study 18: Malti Purti, Age 65, she said her husband was a married man and she came with him as dhukni. Her husband's first wife use to fight with her because she came with her husband. Malti is munda and converted to Christianity. In church second marriage is not allowed without divorce. So she remained with him as dhukuni. She has one son and her husband's first wife have two sons. Her son looks after her now because her husband is mentally disturbed.

Case Study 19: Sunita Munda, age 21, she reported her case in khunti women police station. She went Jamshedpur with the boy from Khunti, he use to work there. She met him in her village where the boy uses to come. Both of them liked each other. They planned that to live together. He said he will talk to his family first. He called Sunita to Jamshedpur; he said tell your parents that you will work there. She did the same and left for Jamshedpur. She asked him to tell their parents he said he will talk to them. But before that Sunita came to know that he is marrying another girl. The girl was living with him according to dhuku tradition. The boy left Jamshedpur and Sunita came to Khunti and went to the boy's house but they said to go back because their son's marriage is fixed with another girl. Sunita then went to the police and filed a case against the boy.

4.5. ANALYSIS OF THE CASE STUDIES 10-19

Among the 10 cases as mentioned above at least five couples preferred to go to Dhuku marriage institution on financial ground and that means they were not in the position to bear costs of marriage and 'bride price'. Others might have preferred this institution to put their choices to marry somebody. Life and living after marriage as depicted in the Table-5 analyzes complicated situation that is faced by women in these communities.

Table 5 Opinions of the Interviewees: Dhuku & and Dhukuni

Case Study No	The Reason Behind Marriage	Ritual Observances	Opinion on the Marriage
1	Poverty	Pending	Happy with the tradition.
2	Poverty	Performed before sons marriage ceremony	Happy before and after marriage.
3	Poverty	Pending	Not happy because receives harassment
5	Poverty	Pending	wife left
7	Poverty	Rituals performed after one year	Satisfied
9	Poverty	Pending rituals because she was second wife of her husband	Happy with the husband being second wife of husband
10	Poverty	Pending	Left by partner, she appealed to Police and Panchayat and the man settled the case by giving compensation.

Source Fieldwork data

5. DISCUSSIONS

The tribal women of the both the sample area are facing similar situations. The women always remained in subordinate position and the patriarchal mindsets never felt to give equal rights and respect to the tribal women. Therefore, the tribal women's became the caretaker of the property only. Women gets only the maintenance from, father, brother, husband and son. Women are poorer than poor in this system. The women can choose mates but the decisions related to bride price are taken by the male members of the family. They don't prefer to go to school instead of working for the family. They participated equally in all the spheres but remain backward. The bride price and marriage feast are important aspects of marriage in the munda, ho and oaron community. But they have marriage institution like "dhuku" also which was an established tradition in previous generations. In tribal societies there are different kinds of marriages. There are marriages negotiated with rituals and the rituals can be pending until next generation's marriage. Dhuku is a tradition which allows couple living together keeping rituals pending. The tribes of Jharkhand economically not affluent and they depend on peasantry; their lands in the hills usually not fertile like riverside alluvial fertile lands are found in the other places in India. They need to earn their living by working as daily wage laborer and they usually have 2-5 children. With so many problems the rituals in a marriage is not a priority rather less important choice. The outsider doesn't find it suitable according to their eyes and blame the tradition and the people instead of finding out the actual reasons behind the crimes.

6. CONCLUSION AND RECOMMENDATIONS

The marriage institution of Dhuku is really on the cross road. The reason behind growing unpopularity behind this marriage institution is purely economic. This is an indicator of inequality, which has existed in the tribal communities. Women in these communities receive denial in case of inheritance rights over landed property. Despite women work for the food security for the family members, work in the family based production organization but their status is nothing better than laborer. The present study reveals that this is not the custom of marriage rather women are insecure due to lack in inheritance of rights to immovable property. Present study finds that the rape victims under study are poor and illiterate and was raped in a minor age.

This study clearly indicates that any marriage institution may lead to the cross road without a economic security. Progressive elements in the Dhuku marriage institution, which ignored problems of 'bride price', was flexible in celebration of customs, could not able to sustain as a good tradition in the social systems in which there is unequal access of women to social assets (property). The tribal communities of the state of Jharkhand are in the interface due to dominant presence of the people of mainland India. Traditional tribal cultural ecological relations degraded due to private ownerships of community lands, forests and resources. Therefore, this study clearly indicates that dwindling position of women in the society is clearly indicated in these marriage relations. At this background regular orientation program to the police personnel and welfare staffs are inevitable. Just to eradicate the mindset of these mainstream officers against the tribes.

CONFLICT OF INTERESTS

None.

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