



The situation of women and gender-specific violence in India

SUMMARY *The gang rape and murder of a young woman in Delhi in December 2012 triggered mass protests and a worldwide debate about violence against women in India. Some laws are insufficient, but most commentators agree that the lack of security for women is mainly down to failure to punish rapists and other perpetrators of violence. The government commissioned a report to improve laws and implementation.*

Public security has so far not been a priority in India, while women traditionally rank low in society. Selective abortion and poorer care and education for girl children contributes to discrimination. For decades, fewer girls have grown to adulthood than boys, which has resulted in women being in the minority in India.

Women do not benefit from a status laid down in a unified civil code, so their position depends on their community. Political representation has, however, been greatly improved by introducing reserved seats on village councils.

In the economy, women generally receive lower salaries. Most work in the informal sector. Call centres are a generally positive example of recent employment opportunities for educated women.



© appujee / Fotolia

In this briefing:

- Context
- The gang rape case and repercussions
- Violence against women in India
- Women's rights and position in India
- Role of women in the Indian economy
- Main references

Context

India is a comparatively unsafe country for women. The [Rule of Law Index 2012-2013](#) ranks India second lowest in the world for order and security. India also does not fare well in the UN Development Programme's [Gender Inequality Index](#): place 134 of 187. The gang rape and murder of a young woman in Delhi in December 2012 gave rise to mass protests and a worldwide debate about violence against women in India. Rapes, "femicide" and "dowry deaths" also raised questions about the general position of women in Indian society.

The gang rape case and repercussions

The case

On 16 December 2012, a 23-year old female student died after being raped in a bus by six men and thrown out of the moving vehicle afterwards. [Naila Kabeer writes](#) that one reason for the amount of attention the case triggered is the victim's level of education. She had been one of the first women from her village to go to university. Often, the victims of rape are from lower classes or castes. The perpetrators in question emanate from a lower class than the victim, which is also unusual for sexual violence in India. Women with disabilities and Dalits (members of the lowest castes often still treated as "untouchables") are

over-represented among the victims of rape¹.

Civil society reactions

Delhi saw **mass demonstrations** after the crime, which the local police at first tried to suppress violently. Female students initiated the demonstrations, but they were soon joined by men who support their cause of making the streets safer for women in Delhi and beyond. Many protestors went as far as demanding the death penalty for the rapists, as did government officials, a development about which the EU is concerned.

Religious-conservative representatives, including politicians, some of them women, tried to turn the blame on women themselves.² At this end of the spectrum, the calls are not for more, but for less freedom for women, and a return to traditional values.³

Political and legal responses

The political class saw the need to respond to the mass protests and put the six men on trial unusually fast, not years after the deed, as too often happens.

The government has since commissioned a [report](#) on the reform of penal law for sexual violence. Its proposals, to be discussed in Parliament in summer 2013, include speeding up justice and introducing punishment for marital rape, domestic rape and rape in same-sex relationships. Apart from this, the committee of judges who wrote the report consider that bad governance is to be blamed for the "unsafe environment", not insufficient laws.

Current laws

In India, rape is defined as penetration of a woman's vagina, mouth or anus without her consent. The minimum punishment is set at seven years imprisonment, but there are numerous exceptions which can reduce the term if the judge decides to invoke them. For the rape of children under 12 or of pregnant women, or rape committed by a police officer or civil servant, the

"theoretical" minimum punishment is ten years. Gang rape triggers a punishment of all participants, even if they did not all penetrate the woman. For rape within a marriage, the man may only be punished if his wife is less than 15 years old. Commentators agree that these laws, at least in the way they are implemented today, do not constitute sufficient deterrent.

New laws

Some were introduced a mere 50 days after the rape, allowing the death penalty as one possible punishment for crimes which cause the victim's death. The minimum punishment for such brutal rape was [raised to](#) 20 years in prison. Other sexually motivated crimes such as stalking, ripping off someone's clothes or acid attacks are also covered by penal law for the first time. The perpetrators are being tried in a newly established [fast-track court](#).

The [EP's Resolution on violence against women in India of 17.1.2013](#) adds that the police need gender-sensitive training and special units to fight violence against women perpetrated by police officers themselves. The EP's [Delegation for Relations with India](#) intends to raise the topics of women's rights in its next visit, possibly in spring 2013.

Violence against women in India

Forms of violence

According to [Human Rights Watch](#) (HRW), 24 206 **rape** cases were registered in India in 2011, which is seen as just the tip of the iceberg. HRW explains that many women are turned away by police or hospitals, or subjected to degrading examinations such as the "virginity test". Between 2003 and 2007, the Indian government reported a 30% increase in reported rape cases (with a [further increase](#) of 20% between 2007 and 2011), and even a 50% jump in **abduction, kidnapping and molestation** cases. The analyst Lisa Trivedi considers that this at least means that more women are breaking their silence, and possibly also an absolute

increase in cases. Journalist Bénédicte Manier reports that collective rapes have increased in rural areas.⁴

Because of the still very widely practised dowry tradition, **girls** are seen as a burden, who will profit only the future in-laws. Thus, since prenatal diagnostics became affordable to the middle classes, female embryos are aborted much more often than male ones, although pre-natal gender-selection is illegal.⁵ In all social classes, girls have a higher risk of being denied adequate healthcare or education than boys. This gender-specific discrimination has, over the years, already led to around 36 million women "missing" in India⁶, especially in the north of the country. Some sources estimate that the number of victims of this "[femicide](#)" has grown as high as 50 million today.

Women also continue to be victims of "**dowry deaths**", committed by their husbands or their families if the bride's family refuses to pay a further addition to the dowry, or so that the man can marry again and benefit from another dowry.⁷

Possible causes

Journalist Sujata Madhok⁸ explains that India's big cities attract, besides middle class (present and aspiring) professionals, crowds of uneducated young men looking for a better life outside their villages. Their view of women follows patriarchal stereotypes in the way they should behave and dress. This contrasts starkly with the sexual connotations of images used in advertising and the mass media. Contacts between young men and women are not free, but mostly determined by their families. Many young men will therefore grow up with little contact with girls or women outside their homes, which does not help them to respect them as equals. This and the phenomenon of the millions of "missing women", leaving some men without wives, leads to frustration among men, some of whom release it through acts of violence. In the big cities, some of the rapists are uneducated men who feel inadequate in the face of

women with jobs or a good education, as may have happened in the recent case. While 300 million Indians benefit from the country's rapid economic development, 800 million remain excluded. Economic liberalisation has not changed society enough, with the result that many patriarchal attitudes remain.⁹

Women's rights and position in India

Status questions

The Constitution of India guarantees equality to all irrespective of sex (Art. 14, 15, 16, 39). India has a [Ministry of Women and Child Development](#).

Trivedi explains that women's lives are determined by their family and community contexts. No unified civil code exists. Instead, women's civil status depends on the personal / customary laws of their religious communities, which regularly undermine principles enshrined in the constitution. India's large Muslim community, for instance, does not treat women equally after a divorce. For Hindus, a [conference report](#) explains that Dalit women suffer from multiple discriminations because of their gender and their social class.

Education

The government has made schools free and decreed education a "right for every child". Girls nevertheless are more often kept out of school to help their mothers in the household, or because the distance to travel is seen as too great in rural areas. Early marriage and frequent moves of parents contribute to high school dropout rates for girls of working or lower middle class origin. A wide gap seems to exist between urban and rural areas: According to the academics Rada Sharma and Shoma Mukherji, the urban middle classes regard female education as an asset. The literacy rate is currently 82% for men and only 65% for women.

Political representation

A few prominent women have risen to the highest political positions, but this has not necessarily meant better policies for women. Experts in a [radio discussion](#) consider elections to be fought along dynastic and caste lines, not gender.

Since 1992, one third of seats on all local village councils (**Panchayat**) have been reserved for women, following the 73rd constitutional amendment. Commentators see this provision as a tremendous success, with women taking responsibility for their local communities even if they are illiterate. Women's rights organisations have been instrumental in making women aware of their possibilities. While in the early years of the reserved seats men often acted as proxies for their wives on the councils, women are now successfully taking decisions on education and healthcare, working towards reducing alcohol consumption (to reduce domestic violence) and against corruption. In 2009, Prime Minister Manmohan Singh proposed to increase the quota to 50%. Some regions are already [implementing](#) this provision.

At national level, however, the issue is more contested: the "**Women Reservation Bill**", which seeks to introduce the same 33% quota for the Indian Parliament and state assemblies, has been in the legislative process for 16 years, as forces in the Lower House demand quotas for other disadvantaged groups as well.

Role of women in the Indian economy

Academics John Adams and Jason Kirk quote a study from 1999 that reported a

22% full time employment rate for women, as opposed to 52% for men. Women are mainly active in the household as mothers, cooks, cleaners and as farm workers.¹⁰ [SEWA](#), the Self-Employed Women's Association, estimates that 94% of women work in informal sectors of the economy.

Female employment varies across India's regions and is directly proportional to their literacy and educational levels, and inversely proportional to fertility rates and population growth. For example, many women in south and west-central India are gainfully employed and bear fewer children than in the north of India (rich as well as poor regions), where few women work outside the household.

Trivedi considers that women are disproportionately excluded from many parts of the service sector, the main source of India's

new wealth. She says that 80% of India's women live near or below the poverty line (earning US\$2 per day). They are generally **paid less than men** and have less chance of finding jobs in the formal economy. Millions of women produce clothes sold in the rest of the world, often in [dire conditions](#).

On the other hand, some women stand out as leaders in banking and business, education, science, and medicine. The microcredit system (also provided from women to women, through organisations such as [SEWA](#)) is mainly focused on women. Sharma and Mukherji state that there are many female IT specialists, but that women are under-represented in science and engineering, with men not wanting to report to female superiors, as opposed to medicine, teaching and nursing, which men

EU activities in favour of women in India

Violence against women is regularly on the agenda of the EU-India Human Rights Dialogue. The **EEAS** emphasises the EU's will to continue its engagement with Indian institutions and civil society on issues concerning violence against women, through projects such as the establishment of a Gender Training Institute and sector support programmes in education, with a focus on girls' education, as well as in the framework of the forthcoming [UN Commission of the Status of Women](#) in March 2013. The EU also [finances](#) actions against trafficking of women and children, the rights of workers in the informal sector and access to justice for vulnerable persons.

see as more "female" professions. A career re-entry for women after a break is very difficult, so most women's careers end with marriage, childbirth or the husband's posting to a different region. Career women are therefore often unmarried or have good support from their families or husbands. Most women, though well educated, opt for low-level careers. These factors seem to constitute a solid "glass ceiling" which results in only 5.3% of Indian company board positions being filled by women.

Call centres are one example of a recently fast-growing sector that offers reasonably good entry conditions for educated women. According to the academic Margaret Abraham, studies are divided over whether these centres employ a majority of women, but students and graduates of both genders seem to start under roughly the same conditions. Young women see the salary as competitive compared to other sectors, and they appreciate call centres as spaces where they are treated as equals. They can rise to middle management but most senior positions are held by men (similar to the UK and Canada). Most employees are young and single; women do not consider call centres a long-term career, possibly also

because of the working conditions. Centres are concentrated in the big cities, and working hours are mostly at night, during the working day in the USA or Europe. This poses security risks for women travelling to and from work, which some centres try to address by providing private transport.¹¹

Further reading/Main references

[Understanding contemporary India](#) / Neil de Votta (ed.), 2010. In particular chapters: 'Women in India' / Lisa Trivedi; 'India's economy' / John Adams, Jason A. Kirk.

Women in India: their odyssey towards equality / Radha R. Sharma; Shoma Mukherji, in: *Diversity Quotas, Diverse Perspectives* / Stefan Gröschl; Junko Takagi (eds.), 2012.

Disclaimer and Copyright

This briefing is a summary of published information and does not necessarily represent the views of the author or the European Parliament. The document is exclusively addressed to the Members and staff of the European Parliament for their parliamentary work. Links to information sources within this document may be inaccessible from locations outside the European Parliament network. © European Union, 2013. All rights reserved.



<http://www.library.ep.ec>

<http://libraryeuroparl.wordpress.com>

Endnotes

- ¹ [India: Rape victim's death demands action](#) / Human Rights Watch, 29.12.2012
- ² Wir wollen ein anderes Indien / Sujata Madhok, FAZ, 31.1.2013, p.27; Sexistische Politiker in Indien: "Jeans und T-Shirt sind nicht gut für Frauen" / Hasnain Kazim, Spiegel Online, 14.1.2013
- ³ [Indien in Aufruhr](#), Die Braveheart-Debatte und die Folgen für die indische Demokratie / C. Wagner; K. Roepstorff, SWP, February 2013
- ⁴ [Quand les femmes auront disparu : l'élimination des filles en Inde et en Asie](#) / Bénédicte Manier, 2008, p. 132.
- ⁵ [Gendercide](#) - the missing women / DG EXPO Policy Department, 2012, p. 17.
- ⁶ [Quand les femmes auront disparu: l'élimination des filles en Inde et en Asie](#)
- ⁷ [Indien in Aufruhr](#)
- ⁸ Wir wollen ein anderes Indien / Sujata Madhok, FAZ, 31.1.2013, p. 27
- ⁹ [Makel Frau - Die dunkle Seite der indischen Gesellschaft](#) / radio recording of 7.1. 2013 (17.05 Uhr), SWR2.
- ¹⁰ The gains from growth for women and informal workers in India: A SAM-based CGE analysis / Amushree Sinha; Haider A. Khan, in: *The Rise of China and India* / Amelia U. Santos-Paulino; Guanghua Wan (eds.), 2010.
- ¹¹ Globalization, work and citizenship: the call centre industry in India / Margaret Abraham, in: *Contours of citizenship* / M. Abraham; E. Chow et al (eds.), 2010.