Violence Against Women in India: Origins, Perpetuation and Reform

Emma Livne

Department of History
Global Studies, Spring 2015
Carnegie Mellon University
I. Introduction

Violence against women is an international phenomenon. In India, rape, sexual assault, physical and verbal abuse become especially pervasive given their strongly roots in India’s history and societal norms. The issue of violence against women grows increasingly urgent, statistics illustrating that violence against women is on the rise. Between the years of 2001 and 2011, the number of crimes against women has risen an alarming 59%, the number one crime being rape (John 2013). Though critics question whether figures reflect an upsurge in crime or an upsurge in crime reporting, evidence of institutional and cultural gender injustice remains unarguable. This paper begins its examination of violence against women in India by first studying the origins of such through the theoretical framework of hierarchy, India’s national history, and cultural perpetuation. The paper then shifts its focus to the incident, aftermath and implications of the most reported rape case in India’s history: the December 2012 gang rape case in Delhi, India. A watershed moment for questioning the broader implications of violence, the Delhi rape continues to influence the lens through which rape is seen in India. The subsequent sections highlight the comprehensive Verma report and government perspectives that followed the incident. The paper integrates analyses of violence against women through considerations of history, culture, case study, and reform. Underlying this work, this paper explores tensions between progress and cultural and historical influence, shortsighted institutional changes, and normalized gender and class divides. In connecting these tensions to modern data and experiences, I purposefully attempt to provide a degree of reasoning for the otherwise unreasonable.
II. Origins of Violence

The Framework of Hierarchy

Before studying the relationship between India’s hierarchal culture and violence against women, it is necessary to investigate, from a higher level, the very notion of hierarchy. The paper seeks to study the theoretical framework of hierarchy through sociologist Fernand Dumont. The foundation of Dumont’s work on the caste system defines hierarchy as the religiously-inspired idea of the superiority of the pure over the impure. Within his theories of “homo hierarchicus”, Dumont rejects Western interpretation of the caste system as a mere form of social stratification, additionally refuting the belief that caste is the antithesis of equality. Dumont instead argues that Indian society must be understood in its own terms. The crux of the Indian social system is the single principle of opposition, and separation, between the pure and the impure. This opposition is deeply engrained in Hinduism, with the idea of purity and pollution. Dumont furthers his argument by maintaining that caste system is not only a rational, comprehensible structure, but that its underlying hierarchy is a “universal necessity” (Khare 2006: 46). Dumont posits that even if it is not recognized directly or formally by society, it will arise nonetheless in an ideologically similar construct, such as racism or the patriarchy.

Extending the argument to the twenty-first century, Dumont’s very idea of hierarchy can be found in the social fabric of Indian society today through the patriarchy. Dumont self-proclaims that his work foremost creates a model for the traditional caste system in its ideal, unaltered state, and subsequently, uses deductive reasoning to fit real-world circumstances. This being so, Dumont’s view of the caste system in its traditional form cannot be directly applied to
India today (Khare, 42). The distinction of the “untouchable” caste has been removed from the Indian constitution. However, the connotations behind subjugation of the impure, in relation the pure, are still prominent in today’s society. Dumont explains hierarchy as a fundamental social entity, classifying individuals and groups in accordance with their “degree of dignity” (Khare 2006: 44). This framework of ranking then engages with divisions of social power, economic stance, and the mutual relationship between the different ranks. The gradation of status defined in Dumont’s work underlies India’s current gender hierarchy in its Hindu majority. The distinct rigidity of modern patriarchy “assigns females to a position distinctly subordinate to males: constrained, dependent, exploited oppressed, physically and psychically endangered” (Miller 1993: 366). The idea of purity in relation to gender has been normalized in the Indian populace, and the marginalized societal roles of women follow suit.

Though I acknowledge that Dumont’s work was monumental in the international discussion of caste, I also believe it to be problematic. The system of hierarchy in India is far more complex, and changing than Dumont had envisioned. The framework of caste emerged at the end of the 1700’s as a multifaceted social phenomenon that took different forms in various regions. Over time it has transformed in accordance with extrinsic factors. In particular, it grew to become a unitary, structured social order due to British colonization. Colonizers controlled the colonized by re-administering the caste structure in a way that would undermine India’s indigenous rulers and traditional power system. In other words, the British utilized the social system to rationalize institutional inequalities. Dumont fails to recognize the discrepancy between pre-colonial and post-colonial caste systems. By explaining caste solely as the single, homogenous entity that it became after colonization, he excludes minority groups and marginalized communities once considered an intrinsic part of the social system: Muslims,
Dalits, and members of scheduled tribes (Roberts 2008: 461-3). The modern form of hierarchy that perpetuates violence against women must be understood not only as a historically normalized status quo, but as a byproduct of colonial influence.

*Origins Through History*

The emergence of a patriarchal hierarchy can be traced throughout the foundations of India’s history, from the Pre Vedic Period to India post-Independence. In doing so, the deeply ingrained quality of subjugation becomes apparent. The beginning of civilization saw no legitimate gender hierarchy, nor violence against women. Within the Vedic Period (1500-800 BCE), however, society became increasingly structured. Despite women being honored as sacred within the Hindu culture, this time period also saw the establishment of the institution of marriage. This developed the obligation of women to remain in the household, and to birth a son. Following the Vedic Period, from around 500 BCE to 1850 CE, this dichotomous role for women was further cemented. Women came to be regarded as both an object of control and one of worship. Required to serve as both a submissive wife and a beacon of chastity, women soon became defined by the standards set by their husbands and families. This paradoxical role pushed upon women can be related back to Dumont’s theory of hierarchy and the opposition of purity versus pollution. Furthermore, women also saw the separation of the two. On one hand they were revered as goddesses, while on the other, their presence and participation was forbidden in religious practices. The Post-Vedic Period also saw the arrival of sati: a Hindu funeral ritual in which a widow commits suicide by way of lighting herself on fire. The immolation traditionally
served as evidence of the widow’s devotion to her deceased husband. Child marriages began shortly after, during the Muslim Period (Bhardwaj 2015).

Subsequently, within the British Period (1858-1947), the influence of Victorian values took hold. A clear example can be seen in the changing perspective on sex. Though India developed Kama Sutra, a literature on sex, and has ancient texts that speak of sex freely, foreign presence saw to the stigmatization of sexual liberalism. Since this time, Indian culture has been marked by conservatism, and proceeds to consider sex a taboo. Indirectly, this perception offers cause for violence against women (Sharma 2014). Also during this time, women strongly became considered representatives of Indian culture and spirituality, and consequently were often kept at home in order to protect and preserve these entities from foreign influence. I interpret this purposeful protection as the emergence of Indian nationalism. As British colonizers attempted to assert their control over the population, they sought to reform Indian traditionalism, being strongly critical of women’s lack of autonomy and role in the family. In response, India gained a particularly gendered model of nationalism in order to protect what they believed to be an essential part of their cultural identity (Chatterjee 1993: 3-13). This distinct tension between colonial forces and historical norms in effect created a new kind of patriarchy, different from that experienced before and during colonial times. The post-colonial patriarchy still present today exemplifies the theme of tension between those attempting to address the hierarchal status quo through reforming the roles of women, and those who call upon cultural and historical tradition in order to resist change.

Towards the end of British rule, women increasingly found their marginalization and inequality to be unacceptable, and so began to fight for position in mainstream society. Upon India’s independence in 1947, many women participated in a large push-back against the
patriarchy, viewing the emancipation as an opportunity to pursue progress (Bhardwaj 2015). By bringing cultural analysis beyond merely declaring a lack of gender equity, we are able to further understand India’s own tolerance of inequality. The work of Geert Hofstede, the founder of comparative intercultural research, allows us to do just that. (Sharma 2014). Hofstede has established a parameter known as “power distance”, defined as “the extent to which the less powerful members of institutions and organizations within a country expect and accept that power is distributed unequally” (“What About India” 2015). The dimension is notable because it attempts to explain Indian culture and inequality not through a third-party perspective, but through the attitude and opinions of existing members. India received the high score of 77 on power dimension, which illustrates an acceptance, or perhaps dependency on hierarchy. The dimensional analysis reveals that the country’s societal structure is top-down, and that those who are lesser in the hierarchy, such as women, are expectant of their unequal rights (“What About India”). India also scores highly on Hofstede’s dimensional analysis of masculinity, signifying a highly patriarchal cultural. This score highlights a lack of equality between sexes, as seen through their role in society (Sharma 2014). Hofstede’s work in cultural analysis in relation to India begins a conversation on the ways in which the nation’s culture and society serve to propagate violence against women.

Social and Cultural Perpetuation

With the origins of violence against women traced throughout history, this section of the paper works to identify the diverse set of factors that perpetuate, and often represent the root of the problem. In connecting the various forms of subjugation and violence, I work to point out the
tension between progress and resistance. *De jure* institutional changes pursued by the population, government and apolitical groups are consistently resisted by social actors blinded by *de facto* cultural and historical pressure. These actors are equipped by normalized perpetuations of violence that withstand progress: India’s gendered model of nationalism, patriarchy, female foeticide, dowry, and conditions of poverty.

**Patriarchy**

Often the most commonly referenced cause of violence against women, the patriarchy can be defined as a social system in which men are placed above women. This being so, group mentality and social practices follow suit, often resulting in the oppression and exploitation of women (Sharma 2014). As outlined in the section on the origins of violence against women, India maintains a strong cultural expectation of women to be chaste and obedient. The normalization of this expectation manifests into women’s acceptance of their prescribed gender roles. This is not to say that women approve of nor appreciate their subjugation, but rather they are socialized to tolerate and even rationalize it. The third National Family Health Survey (NFHS-3 2005-2006), assessed this concept by asking female respondents whether a husband was justified in hitting or beating his wife in different situations. The most accepted reasoning held that 41% of women agreed that a beating was justified if the wife ‘shows disrespect for her in-laws’. Secondly, 35% of women agreed with the reasoning of having neglected the house and/or children. Other significantly accepted circumstances include the wife arguing with the husband, or failing to cook properly. Over half of all women surveyed justified domestic abuse for at least one of the reasons (NFHS-3 2005-2006: 474-9). These numbers directly evidence the
power distance parameter defined in Hofstede’s analysis, as they are indicative of an established
gender hierarchy.

A particularly powerful societal implication of the patriarchy regards the ways in which
the government and the public address the safety of women, and its strategies of reform. In the
aftermath of the 2012 Delhi rape, Kavita Krishnan, secretary of the All India Progressive
Women’s Association, gave a speech entitled “Freedom Without Fear...”. The speech was
largely publicized for its unique focus on the government’s misguided attempts to blame victims
for the nation’s high rates of rape. It directly attacks Chief Minister of Delhi Sheila Dikshit and
police commissioner Neeraj Kumar for their failure to adequately protect women. Further,
Krishnan references their public statements in which they reason that rape incidents are largely
because of women dressing certain ways or choosing to be out late at night without escorts. She
argues that women need not justify being out late, but rather “women have a right to freedom
without fear”, and that is what requires protection and respect (Krishnan 2012).

The speech points to the convoluted terminology used in legislation and media when
describing safety and protection of women. The law effectually perpetuates gender hierarchy by
solely focusing on the sexual wrongs of men, in order to protect the otherwise “good” and
“chaste” Indian women (Dutta 2015). Rather than referring to practices to protect women’s
independence and livelihood, safety is most often referenced in relation to women taking
measures to protect themselves through remaining inside the house, dressing conservatively and
traveling with male escorts. In other words, the campaign about violence against women is
dominated by a patriarchal understanding of safety and violence. In the conclusion of her speech,
Krishnan again urges the government and the Indian public to defend women’s right to freedom
without fear. The public outcry that day called for the resignation of Sheila Dikshit, and was
received with water cannons from the Delhi police force. The speech created a chant for freedom that continued on in future protests, and is representative of the women’s movement’s call for counter culture against violence. Krishnan evidences how the patriarchy indirectly blames women for the violation of women’s safety (Krishnan 2012). Despite its strength, the majority of the speech illuminates overall themes and past failures of the Indian government and culture. By not going beyond such, I posit that Krishnan perhaps misses an opportunity to suggest pragmatic solutions for future implementation of the protest’s ideas.

As a consequence of the patriarchy, men are considered of higher value than women. This establishes the cultural view that sons are preferable to daughters. The inequality faced by women and girls even results in their denied right to being born. In 1996, the World Health Assembly addressed female foeticide as an “extreme manifestation of violence against women” (Sarna 2003). Declining sex ratios indicate that female foeticide and infanticide are on the rise. Statistics from the International Center for Research on Women (ICRW) as well as the United Nations Population Fund (UNFPA) illustrate the discrimination experienced by modern Indian women through the popularity of sex selective abortions. The 2015 birth rate in India is 1.12 boys for every 1 girl, which largely deviates from the standard biological rate of 1.04 boys to every 1.06 girl (Chartoff 2015). The development of sex determination tests has enabled the remarkably high rates of sex selective abortions. Surveys conducted in the late 1980’s report that nearly one hundred percent of abortions at clinics and women’s centers in Mumbai were of girl foetuses (Sharma 2014).

In an attempt to provide reasoning for the origins and persistence of female foeticide, one article points blame to the popular cultural understanding that men, and men only, must function as financial providers for the family. Following suit, a prospective son would be able to
contribute to a family’s income, while birthing a daughter would result in heightened financial burden. This belief promotes societal pressure on women to bear a son (Chartoff 2015). Though efforts have been made to prevent this disastrous patriarchal phenomenon, female foeticide remains a pressing issue. Legislation such as the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act of 1994 have failed to be effective, as seen in the rising rates of female foeticide particularly in rural and Northern regions (Sharma 2014). Currently, the Indian government financially incentivizes giving birth in a government hospital. They offer a higher sum when the child is female in an attempt to push back against cultural devaluing of women.

_Dowry_

The system of dowry perpetuates oppression and violence against women. A traditional social practice, dowry is the ritual of a bride’s family giving cash and/or goods to the family of the groom, as an accompaniment to their giving away the bride. Originating in wealthier, upper-caste families, dowry spread to become a significant cultural phenomenon for people of all castes and class. Though it was prohibited by India’s Dowry Prohibition Act in 1961, dowry maintains a significant presence in Indian culture (Sharma 2014). Dowry furthers the discrimination behind female foeticide, as parents will increasingly equate birthing a girl child with financial loss. While having a son would result in the family gaining cash and/or goods from dowry, having a daughter would mean having to make that payment. Thus, families pursue sex-selective abortions to eliminate the financial burden (Sarna 2003). The implications of dowry become increasingly potent when the dowry given is considered unsatisfactory, or demands are unfulfilled. In the year 2011 alone, the National Crime Records Bureau of India recorded 8,618
female deaths related to dowry conflict. Numbers of dowry casualties are even higher as perceived by other organizations: the Asian Women’s Human Rights Council estimates a horrifying 25,000 women between the ages of 15 and 24 are killed or harmed by dowry disputes.

The prevalence of dowry violence persists in modern India for a number of reasons. Perhaps foremost, dowry continues to be a deeply-rooted religious practice. Indian culture believes marriage to be a social necessity. An otherwise unmarried daughter is a social and financial burden on the family. Furthermore, Hindu traditionalism dictates that success and happiness of marriage heavily relies on the practice of dowry. The combination of these two social nuances enables the normalization and popularity of dowry to continue. Due to the fact that divorce has a social stigma in Indian society, wives are more likely to remain in their marriage, and tolerate abuse. Though feminist movements recognize its atrocious effects on women, public action against dowry is inconsistent, and remains amongst higher class and caste groups. Dowry has additionally become method of displaying social status through wealth. In a hierarchal society such as India’s, the pursuit of a higher social status or economic class is prevalent, creating an environment conducive to dowry. Rising westernization and consumerism in modern India worsens this environment through its creation of dowry “inflation”. The heightened materialism of families looking for immediate wealth and status serves to augment dowry demands, making them increasingly difficult to appease (Banerjee 2014). Unsatisfied dowry demands continue to fuel the harassment, abuse and often lethal violence against women.
It is important to make note that gender hierarchy is deeply linked with hierarchies of economic class and ethnicity. The subjugation of women is thoroughly enhanced by conditions of being low caste or class, and associated living conditions, including but not limited to poor education, a lack of access to health, and inhibited social mobility (Miller 1993: 370). In 98% of rape cases in 2012, the offenders were known to the victim. This being so, the “cost” to the victim of reporting a rape is extremely high due to their lack of economic independence, and fear of becoming socially ostracized from their family or society (John 2013).

In an attempt to contextualize violence against women economically, media has blamed the cultural understanding that men, and men only, must function as financial providers for the family. Women do not have economic independence, nor do they have the freedom to pursue employment in many situations. They are thus disempowered and dependent on their families, or husbands in marriage. Consequently, parents increasingly prefer sons over daughters. Further, men who are unable to provide for their family are more likely to relieve stress through domestic violence. In a survey by ICRW and UNFPA, 40% of men who reported facing economic stress admitted to perpetrating violence, contrasting the 27% of men who had not faced this stress (Chartoff 2015). This trend speaks volumes on the inversely related relationship between wealth and age, as lower class men are more likely to feel financial burden, and thus more likely to become aggressive against their female family members.

The influence of poverty on the lives of citizens extends to a lack of education. According to the 2005-2006 National Family Health Survey, a significant proportion of the Indian population is reported to have received little to no form of education. Data illustrates that
a lack of education is much more prevalent in females than males, as 41.5% of women of all ages reported having received no education, while the same parameter reported for men was 21.9%. Stark disparities between education levels can be seen across varying income levels and states (NFHS-3 2005-2006). Studies identify one of the “roots” of the issue of violence against women to be education, or a lack there of. Lower education and literacy rates for women lead to a reluctance to seek help, decreased awareness of their rights and laws, and a dependency on male family members. Particularly relating to sexual violence, the Indian education system still does not contain any sex education programming. The World Health Organization claims that sex education promoting safer sex reduces sexual activity early-on in life (Sharma 2015). India’s avoidance of institutional sex education due to conservatism and political alliances leads to sexual curiosity and a lack of knowledge (Sharma 2015). I argue that these two qualities represent sub-factors in the persistence of violence against women. Lack of knowledge of women’s rights and what defines consensual, safe sex inadvertently allows men to carry on ignorant of the wrongness of violence against women.

The effect of an education results in a more equalized preference between sons and daughters. Statistics show that 46% of men with no education reported having a high preference for sons. The percentage of those who expressed this preference decreased by 8% for those who received secondary education, and 19% for those who had received some form of higher education (Chartoff 2015). A lack of education additionally contributes to women’s acceptance of inequality and gender hierarchies. In reference to the aforementioned NFHS-3 survey on justification of beating, rates of justification for beating is strongly inversely proportional with education and wealth. Amongst female and male respondents alike, education level was a directing force in the question of justifying violence. 62% of men with no education justify one
or more reasons for abuse, compared to the 34% of men with 12 or more years of education (NFHS-3 2005-2006: 474-9).

**Opposing Claims**

On a broad scale, India maintains high rates of violence against women, gender hierarchies and marginalization of women. The examination of these rates leads to consideration of the cultural and socioeconomic circumstances as causative factors. However, before making this claim, it is necessary to question the feasibility and ethics of this examination. Is it right, if at all possible, to blame Indian society and culture for the presence of violence against women? Can we pragmatically speak of Indian culture as one entity? Is gender hierarchy an essential component of India, or can we remove violence while maintaining Indian uniqueness? In order to strengthen my argument, I will pursue these questions and their associated opposing claims.

In speaking of traditional and modern Indian culture, one must take into account the enormous size and diversity of the Indian country. It is near impossible to define an exclusively “Indian culture” due to the geographical differences in religion, language, cultural nuances, socioeconomic level, etc. Even minor generalizations in a population of India’s size disregard the diversity of millions of Indian citizens. Some suggest that many of the current issues surrounding violence against women are not uniquely Indian, but rather are characteristics of patriarchal societies internationally. More specifically, “regressive social codes that disproportionately penalize women are not unique to India, and have been a social hurdle in all countries when it came to extending political, legal, and economic rights to women” (John 2013). Statistics across the globe follow suit, showing gender gaps in the literacy rate, an extremely low sex ratio, and
high instances of domestic abuse. However, by making this claim, this argument unintentionally offers excuses for Indian violence, nearly normalizing the current crisis by relating it to several other recognized countries. In this way, the claim fails to hold Indians and Indian cultural practices accountable (John 2013).

An evidence-based analysis of women in India requires addressing the ways in which this paper is inextricably influenced by its sources, perspective and standards of ethics. To do so brings into discussion theories of cultural relativity. Cultural relativism refers to the anthropological concept that an individual or group’s beliefs or actions ought to be evaluated in relation to their own culture. This principle takes hold in consideration of Western ethnocentrism and maintaining respect for vast diversity of non-traditional cultures. In relation to human rights, we begin to delve into moral relativism and the concern of human rights, and what is right or wrong. Claim can be made that certain Indian cultural nuances that result in the subjugation of women are not universally unjust, but rather, are only unjust as seen from a Western perspective. Following this claim, though violence against women may be considered unacceptable, India’s patriarchy and gendered hierarchy represent inherent aspects of the nation’s uniqueness, and should be respected as such. However, this argument is fundamentally problematic in its justification of discrimination and social exploitation. Notable anthropologist Julian Steward argues against moral relativism on the grounds that "either we tolerate everything, and keep hands off, or we fight intolerance and conquest — political and economic as well as military — in all their forms." Moreover, to defend unjust practices on the grounds of protecting cultural uniqueness would be to suppress intolerance (Steward 1948).
III. A Case Study: The 2012 Delhi Gang Rape

Having examined the origins and persistence of the problem of violence against women in India, it becomes necessary to present a thorough analysis of the rape case that changed it all. A watershed moment for questioning the deeper meaning of rape in India, the 2012 Delhi gang rape case has and continues to demand national and international attention. In this section I will examine the details of the incident as well as the public outcry that followed, focusing on analyzing the rape reporting of the incident, as well as its broader implications. In doing so, I reveal the ways in which the Delhi gang rape case overshadows India’s long history of sexual violence against lower/caste/class women.

On December 16th, 2012, a 23-year old physiotherapy student was returning home at around 9:30pm after watching the movie “The Life of Pi” at a theater in Saket, a well-off neighborhood in South Delhi. She was accompanied by her 28-year old male engineer friend. While waiting at a bus stop, they were called into a deluxe white bus. According to the victim’s statement, they assumed that it was a public vehicle and were told that it would take them to their destination. They boarded the bus, with the only other passengers being five men and the driver. As the bus changed from the expected route and the doors were locked, the male friend became suspicious and approached the other men. The assailants became aggressive, and hit the friend over the head. As he lost consciousness, the woman was dragged to the back of the vehicle, and for the next several hours was brutally gang-raped and tormented (Sikdar 2012). The young woman was beaten and violated with a metal rod to such a degree that the action brought out an estimated 95% of her intestines. She was additionally found with bite marks on her body (“Delhi Bus Gang...” 2012). After she fell unconscious, she and her male friend were dumped on the side
of the road. The Delhi police later discovered the victims, bringing the two to an emergency hospital. The young woman was in extremely critical condition, and underwent multiple invasive surgeries in both Delhi and a specialty hospital in Singapore. She passed away from a cerebral edema twelve days after the incident (Sikdar 2012).

The assailants were found and taken into custody of the police within twenty-four hours of the rape. Five of the men were identified as being between the ages of 19 to 35, with the sixth being a minor (Sikdar 2012). It is important to be reminded that the victim was a 23-year-old, educated, middle-class woman. She represented Indian values and precautions, as she was accompanied by male escort, conservatively dressed, and traveling at a reasonable hour of night. Her strength and fighting spirit were a constant focus of media publications. The Deputy Commissioner of Police in South Delhi described her as “fearless and bold”, just as her doctor noted her bravery for withstanding the many struggles she faced (Sikdar 2012, “Delhi Bus Gang Rape...” 2012). Immediately following the Delhi gang rape, thousands of Indian citizens filled the streets, within Delhi and across the country. The unprecedented public outcry withstood time, and even the controlling efforts of police forces, as protesters demanded justice and change in their legislation and society. In explaining why this particular instance drew this mass attention, we must examine the social identification felt with the victim. The characterization of the victim created the perception that she not only was blameless, but could have been anyone. The middle- and upper-class population deeply identified with her, thereby felt a sense of connection and compassion. Further, their empathy of her pain instilled in them a sense of anguish against the system that failed her (Sharma 2014).
The 2012 Delhi rape case was the most prominently publicized case of sexual violence in Indian history. Traditionally in rape reporting, an examination of particularly severe incidents have the opportunity to delve into a deep understanding of the crime. However, prior to the Delhi gang rape case, media rape reports were demoralizing, focused on cases of upper class and caste, and lacked broader context. The 2012 case quickly became a watershed moment for rape reporting in Indian print media. Following the case, media stories of rape increased in circulation by 30% (Drache 2014). The personal story-line of the victim represented Indian society values, which resounded deeply with the population. Additionally, the horrific details provoked disgust and frustration in the reader. The amalgamation of these two attributes resulted in an increase in public outrage. The mass outrage created increased publicity, which in turn lead to heightened outrage, so on and so forth. The Delhi case raised the conversation on women’s safety, resulting in a demand for societal and immediate legislative change that ultimately has been unmet in recent history. An analysis of four leading Indian English language publications reflected five themes: personal story-line, public outcry, women’s safety, police handling and legislative. Implicitly, the empirical analysis provides insight on the reasons why the Delhi rape case in particular caught extensive national and international attention. However, it fails to address the rape cases left silent due to their comparative lack of extreme severity and consequential public attention (Drache 2014).
Influence of Caste and Class

The aftermath of the 2012 Delhi gang rape examined within a broader context of sexual assault in India illustrates the tension between different levels of caste and class. Massive feminist protests following the Delhi rape case, composed of predominantly upper-caste privileged women, serve to overshadow the equally horrific and substantial assaults of lower-caste women. Past sexual assault incidents, such as the Mathura and the Bhanwari Devi cases, had successfully initiated conversation and legislative change, similar to that of the 2012 Delhi case. However, the exceptional media and public reaction to the Delhi gang rape has indirectly silenced the history of sexual violence experienced by lower-caste/class women. Several other academic papers have already theorized on how the Indian upper caste, middle class public have found the details of the Delhi incident to be terrifyingly relatable. After all, the victim was a student, she was returning home at an “appropriate hour”, and even was with a male friend/escort (Dutta 2013). Referring back to the paper’s discussion of gendered nationalism, I believe that the victim represented the very tension between traditionalism and modernization. She was well-educated yet conservatively dressed. She was free to enjoy herself at the movies, yet made sure to return home by 9pm. In other words, she reflected the position of today’s Indian woman being relatively modern, yet still having to “display the signs of national tradition” (Chatterjee 1993: 9). Taking this theoretical interpretation a step further, feminist author Dutta argues that the victim’s characterization was effective in garnering middle and upper class outcry and fear, “the migrant, working-class identification of the perpetrators resonated with the middle-class anxiety over the enemy other” (Dutta 2013: 297). The geographic location and social identity of the victim have problematically become qualifiers in the selection of which rape cases are brought to
public and media focus. While publication surrounding the 2012 Delhi rape brought sustained national and international attention, cases of violence against women belonging to scheduled tribe and/or scheduled caste groups failed to catch the public eye. In other words, though the Delhi case was worthy of the attention it received, it also serves to silence the plight of marginalized women all across the country (Dutta 2013).

Just as the Delhi rape reporting overshadowed sexual assault cases of lower caste and class women, it additionally overshadowed India’s rich history of violence. March 1972 marked the first monumental mobilization against violence towards women. The public outcry followed the rape of 16-year-old tribal girl, Mathura. Mathura was visiting the police station for an unrelated complaint, when she was raped by either two or three drunk policemen on duty. Within judicial court, the case experienced several injustices: (1) the Supreme Court did not believe Mathura’s claim that the sex was non-consensual due to the lack of resistance marks or injury to her body, and (2) the judge suggested that Mathura might have instigated the sexual intercourse with the policemen, due to the fact that she was not a virgin prior to the incident (Ghosh 2013). The court acquitted the assailants, and the mass outrage that emerged led to four law professors writing a letter to the Chief Justice accusing the system of human rights violations against women (Dutta 2013). One year following the rape, legislation declared “that if a rape victim says she did not consent to having intercourse, the court would have to presume likewise”. Further changes in legislation include maintaining anonymity of rape victims during legal proceedings, and an increase in jail time for custodial rapes. The Mathura case additionally led to the establishment of two of the most prominent women’s rights organizations to date (Ghosh 2013). Relating back to the twenty-first century, the Delhi rape case has had success in raising serious questions on violence against women in India. However, it additionally has had the effect of
“exceptionalizing this event in a way that has the capacity to elude not only the rich lineage of feminist activism and struggles against sexual violence, but also the memories of several other, equally brutal experiences of sexual violence against women from marginalized communities” (Dutta 2013: 297).

Bloodlust and Repercussions

The Indian middle class, particularly in Delhi, stormed the streets in response to the 2012 rape case. The capital government in time resorted to city curfews, and police to violence. As protest intensity grew, so did the call for blood in retribution for the rape. Though many protests argued for progressive action, such as safer public transportation and more efficient judicial and medical rape processing, many others demanded the death penalty and castration of the rapists. Feminist Dutta argues that the recent outrage and demands for capital punishment of rape assailants have silenced traditional feminist arguments. Though in her article she does not state her opinion directly, it is clear that she believes the bloodlust to be misguided, and unimportant in comparison to feminist pursuits. Commenting on the death penalty or castration, she implicitly claims that the demands are irrational, and violate an accused person’s right to a fair trial (Dutta 2013: 294-5). Following the Supreme Court trial, India’s judicial system determined the Delhi gang rape to be an exceptional case of violence meriting an “exemplary punishment of death”, and consequently gave the de. Four of the six men involved were hung, the fifth being a minor, and the sixth having committed suicide while in prison (Sharma 2014).
IV. Legislation and Government

The Verma Report

In response to the 2012 Delhi rape, a selected committee under the leadership of Chief Justice J.S. Verma created a 650-page comprehensive report on existent law preventing and prosecuting sexual crimes against women, as well as recommendations for needed improvement. The committee sought the expertise and opinion of a diverse set of contributors, including but not limited to women’s groups, social activists, academia, eminent persons, National Commissions, lawyers, constitutional bodies, medical personnel, mental health practitioners.

Though violence against women has tragically been a theme across the globe, the report finds that the case in India is made unique by social circumstances. Particularly, societal factors often contribute to an Indian woman not reporting sexual assault. These factors include fear of losing the respect of society and family, increased difficulty in later finding a respectable future husband, renouncing her chastity publicly, pressure from parents who fear the social stigma, and fear of the interrogation process. The societal shame of rape pushed upon women have assigned them “an inherent disability to report crimes of sexual offenses against them (Verma 2013: 84). Beyond societal standings, the committee argues that ultimately, the root cause for the unsafe environment for women is failure of good governance. To improve governance, the State must actively pursue correcting India’s “historical imbalance in consciousness against women” to enable the empowerment of women, and through doing so, social, economic and political equality (Verma 2013: 8).
The report supports that existent national laws require adjustment and proper
execution in order to maintain the safety and dignity of women. Presently, certain sections of the
penal code, namely Section 509 and 354, include problematic terminology that refers to sexual
harassment as acts that “insult the modesty” of women. This backwards language works to
maintain the patriarchal belief that women must be chaste and honorable. The 2012 Criminal
Law Amendment Bill did not alter this problematic language, nor did it follow the Verma
Report’s recommendations to make the Indian Penal Code more gender neutral. Existent law
discusses rape as a crime that involves penetration of a woman. The Verma Committee
recommends the legal consideration of rape regardless of gender. In light of the violent details of
the 2012 gang rape, in which the victim was sexually assaulted using an iron rod, the definition
of rape within Section 375 of the Penal Code demands broadening to include penetration with
any body part or object. Consent must not be assumed from the relationship between the accused
and the victim, nor a lack of physical resistance to the penetrative act. Additionally, the
committee proposes that the punishment for rape be extended to 10 years to life imprisonment.
For cases of gang rape, the Report recommends 20 years to life (Verma 2013: 444).

Improving the protection of women necessitates reducing the current delays in rape
reporting, aid, and judicial processes. Current police forces do not prioritize sexual assault
complaints. The amalgamation of their skewed opinion on rape and the lack of structure in the
reporting process leads to major delays to providing the victim aid. Though the Verma Report
surprisingly fails to suggest a time-constrained judicial procedure for rape cases, the Report
highlights several recommendations for reform for police. Many of these recommendations echo
the findings of the 2006 court case Prakash Singh and Ors. Vs. Union of India and Ors. Police
forces currently do not receive requisite training in order to register the case and attend to the
needs of assault victims. The Verma Report proposed formally training officers in assisting victims irrespective of the offense in an appropriate, sensitive manner (Verma 2013). The police force ought to be expanded in order to increase oversight. Regarding the structure of the police force, the report recommends the establishment of a State Security Commission ran by the Chief Minister of each respective state, to maintain that state police exist free from political influence, and are held accountable to the law and orders from superior officers. Police officers who have performed with high levels of ability and character ought to be given more responsibility and leadership. The report also acknowledges the limitations of the police force as often the sole protector of women’s safety. This being so, it recommends augmenting the force with community policing ran by local volunteers, and an increase in street lighting, due to the high correlation between assault cases and nighttime (Verma 2013).

The Verma Report has been acclaimed as perhaps the most comprehensive, multidimensional report in the pursuit of increasing women’s rights and safety. However, though it is taking strides forward, I argue that these strides are not nearly at the rate necessary given the extent of the current issue of violence against women. For example, though the Verma Committee highlights how sexual harassment and violence are intertwined with economic conditions, it fails to move beyond observations into progressive recommendations. The report notes the vulnerability of women worsened by inadequate public transport, a lack of toilet facilities, and no electricity. It even goes so far as to comment that the state currently ignores the fundamental rights of women, while spending wastefully on the resources of the rich (Verma 2013). In this way, the report is successful in their acknowledgement of the economic gap and its consequences. However, the report’s recommendations on criminal law fail to address, in any aspect, cases of sexual violence and economically and socially vulnerable women in particular.
Similarly to the pattern that consistently emerges in media rape reporting, crimes against lower caste lower class women are silenced within the judicial and legislative systems. The Verma Report does not include content on neither the prevention nor the punishment of crimes against Dalit or any of the other millions of marginalized women across India (Verma 2013). This pertinent failure questions the comprehensiveness of the report across all social and economic sectors, thus questions the potential effectiveness of its recommendations for the nation as a whole.

Foremost, I believe that the Verma report is severely hindered by the framework through which it views women and its own culture. This hindrance speaks to the persistent tension between attempts to address the gendered hierarchy and violence against women, and the pressure felt from cultural and historical norms. While the authors of the Verma report attempt to pursue progress, I argue that they are limited by their own shortsightedness: a repercussion of their existing in a normalized patriarchy. The institutionalization of India’s patriarchal culture and history has made it so that what may be considered progressive by India’s standards, in reality is not so. The report recommends overwhelmingly de jure changes, such as police and judicial reform, failing to even recognize the de facto matters that require reconciliation: limited visibility of violence against women, stringent divides amongst caste and class, lack of education, etc. It cannot see beyond its more subtle inequalities, and consequently focuses primarily on what the government and executive bodies can do to improve the lives of women. It does not even begin to discuss the ways in which India must actively empower their women through education and provisions of resources that would allow them further societal and economic autonomy. Current cultural and social practices exemplify the tension between de jure and de facto, between institutional efforts to achieve progress and the pressure of traditional
cultural norms. Through its short-sighted choices of reform and lack of progressive thought, the Verma report reinforces this very tension.

**Government Views and Response**

Faced with the attention of its country and the world, Indian government officials have responded in a diverse set of ways. The 2014 elections for Prime Minister resulted in a landslide victory for Narendra Modi, leader of the Bharatiya Janata party. Following the elections, Indian President Pranab Mukherjee announced a zero tolerance government policy for violence against women. Additionally, he promised to reform of the country’s ineffective, lethargic criminal justice system. Whereas the opinions and pledges of the federal government have been considered progressive in the context of Indian politics, the same cannot be said within state institutions. Two government officials of central, poorer states referenced the violence with ignorance. The senior representatives, both belonging to the Bharatiya Janata party, were quoted as saying that rape is “sometimes right, sometimes wrong”, and “no one commits rape deliberately” (Burke 2014). Though the government at large varies in view on gender hierarchy and violence against women, the public is hopeful that India is on the right track, particularly under the leadership of current Prime Minister Modi.

Several minutes into his Independence Day speech this past August, Modi shocked his audience by addressing India’s violence against women. This speech has been examined as a secondary source due to it containing Modi’s current interpretation and discussion of India’s persistent history of women’s issues. Following a discussion on the need to safeguard and honor the welfare of the country, Modi indirectly promotes a higher degree of accountability with
respect to incidents of rape. Interestingly, he addresses the issue of to whom the nation holds accountable. Indian parents consistently monitor their daughter’s behavior and appearance, creating restrictions in order to protect their safety. However, parents fail to do the same for their sons. Modi argues that parents must ask similar questions of their sons, suggesting that men ought to recognize their role in patriarchal society, and thus their potential for involvement in generating change. Understanding that rapist men are also sons, Modi urges parents to guide their children towards serving the country righteously, through honoring “mother India” and renouncing violence. Modi then references past Indian struggles such as casteism and communalism, implicitly relating them to the violence and marginalization of women. He later points towards the significant contributions of women to Indian society and glory, and argues vehemently against female foeticide (Modi 2014).

Modi focuses on other topics for the remaining majority of the speech, but occasionally delves back into his discussion on women. His points include building separate toilet facilities for girls in school, the nation’s responsibility to preserve the dignity of women by establishing well-equipped facilities, and increasing commitment towards change. The prime minister believes that open defecation and the lack of separate facilities promotes female dropouts and devalues women. Within the speech, Modi uses the word “sister” thirty-seven times, and “sister” seventeen times. Though he did not address women’s issues in his first few months of office, his progressive position was evident through his speech. His personable, forward-thinking words and actions leave the reader feeling hopeful about the future of women in India, noting that Modi spoke without the expected bulletproof glass cage (Modi 2014).

In Spring 2015, the 2012 Delhi case has emerged in the media once more, as BBC has released a highly controversial documentary on both the incident and rape in India at large. Most
notably, the documentary contains an interview with Mukesh Singh, one of the rape assailants convicted. Prior to the documentary airing, Singh was quoted as saying that “a girl is far more responsible for rape than a boy.”, and that “A decent girl won’t roam around at 9 o’clock at night”. Consequently, he explains that he and the other men “had a right to teach them a lesson” (Park 2015). These shocking excerpts quickly went viral, garnering mass media publicity. Interest grew to such a degree that the documentary was aired internationally several days prior to its scheduled date. Though the filmmaker believes the film to be an honest, essential account of the gang rape, the Indian government strongly disagreed. India’s Ministry of Information and Broadcasting banned the documentary on all national news channels, additionally restricting the dissemination of Mukesh Singh’s interview. The Indian government explained that doing so was in fact legal by their Constitution, due the fact that they were restricting free speech in order to preserve public order. Further, allowing the documentary to air would in effect be giving a voice to the misogynistic, wrongful views of Singh, and so many more. Many supported the government’s decision, arguing that given the severe patriarchy in India, the documentary gives violence a platform amongst those who may consequently see the rape as justified. Opposing arguments view India’s action as censorship of the truth, restricting awareness of the country’s problems in women’s rights. As it stands, the documentary can be seen on YouTube in India, despite the film still being black-listed on all major publications and channels in India (Park 2015). With a medium for which to communicate still present even after his death, the haunting words of Mukesh Singh carry on.
V. Conclusion

In fall 2015, I lived for several months in northern India, living first with an upper-class family in Delhi while studying Hindi and Public Health, and later on my own while conducting fieldwork in malnutrition. India’s traditionalism and gendered hierarchy dictated the ways in which I was treated, dressed and behaved, as a single, foreign woman. To name just a few examples, I was consistently fully covered in conservative, traditional clothes even in the sweltering summer. My home-stay parents required me to constantly update them on my whereabouts, and to return home by 9pm every night. I was instructed never to make direct eye contact with or smile in the direction of men in passing. When running errands or going to class alone, I was consistently met with intruding, appalled stares from groups of men. Above all else, my experiences abroad opened my eyes to the marginalization of women in India, and the lack of freedom and dignity provided to them. Each day, I was thoroughly inspired by the remarkable strength of India’s women. Impassioned and angered by the violence set against them, I began to search for reasoning for the otherwise unreasonable. In this paper, I examine violence against women first on a macro scale, focusing on the origins and persistence of violence through history and society, then on a micro scale, through the narration and discussion of the 2012 Delhi rape case. Underlying this analysis, the paper studies the major tension between institutional attempts to address violence against women, and the resistance to progress brought upon by cultural and historical norms. Public outcry of the rape ultimately resulted in the creation of the Verma report, a comprehensive report outlining recommended laws for rape, sexual harassment, trafficking, medical examination of victims and other aspects of violence. Amendments failed to include any formative recommendations from the Verma Committee report, instead continuing to leave
women unprotected from discrimination and violence. The shortsightedness of the Verma report itself is caught in the aforementioned tension, and to some degree, works to reinforce it. Examination of the 2012 rape case discloses why this case in particular developed a mass outcry, and moving forward, how long must stories of such horrific suffering continue before significant legislative and societal change takes place. At this end, the paper offers deeper comprehension of how government inadequacies and the normalization of gender injustice fuel the violence epidemic in India. In highlighting the foundation and societal development of violence, this research calls attention to the very sectors that demand future reform.
Works Cited


