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Realities, Reactions, Changes.“

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List of Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSW	Commission on the Status of Women
GoI	Government of India
ICRW	International Center of Research on Women
ICTs	Information and Communication Technologies
IPC	Indian Penal Code
MDGs	Millennium Development Goals
NCRB	National Crime Records Bureau
NCW	National Commission for Women
NGO	Non-governmental Organization
NHRC	National Human Rights Commission
SAP	Structural Adjustment Package
SDGs	Sustainable Development Goals
SDTs	Sex-determination Tests
SLL	Special & Local Laws
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN Women	United Nations Women
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
WHO	World Health Organization
WRVH	World Report on Violence and Health

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1. Introduction

New Delhi. Gang-rape. 23-year-old student in Hospital.

These words echoed in the international media day to day following an ordeal happened in December 2012. Nearly every day new reports came along informing about the conditions of a young woman who was gang-raped by six men in a bus in the capital city of India until she had to die of her injuries. Due to this much debated and, sadly speaking, famous case in Indian and international media of the young student shocked India and rekindled the discussion about violence against women in India. Women's activists screamed out that violence against women was not a new phenomenon and spoke out to the government's responsibility to improve the conditions for women so they would not have to fear violence any more. This case of the 23-year-old student, which gained so much attention, was an initial spark to find out more about violence against women in India which is mainly based on gender and has been a sad part of Indian history until the present. It must be remarked that this affair was one that was noticed and which aroused great attention, but thousands of other cases stay in hiding.

In India violence against women based on gender manifests itself in many forms and is rooted in different contexts. There is a differentiation in structural violence, personal violence and violence which is related to cultural circumstances. After the case of the student who had been raped, the media reported crimes against women in quick succession and women's activists called attention to the impact of gender-based violence and the various forms which can occur. Women came together from all over India and demonstrated against the horrendous conditions of the judiciary, as well as the oppression through the patriarchal and religiously sanctioned system. Fact is that women in India have to fear gender-based violence from the time before they are born until they die.

When studying literature about gender-based violence against women it was conspicuous that there were often found sentences like: “Violence is the most pervasive yet least recognized human rights violation in the world (...)” (Heise; Ellsberg; Gottmoeller 2002: 5), or “Gender-based violence is perhaps the most widespread and socially tolerated of human rights violations (...)” (UNFPA 2005: 1) or “Violence against women takes many forms – physical, sexual psychological and economic. These forms of violence are interrelated and affect women from birth to old age.” (UN n.y: 1) Undoubtedly violence against women is a very widespread, complex and interdisciplinary theme – not to say, a phenomenon – which occurs in every part of the world in every context. It is effecting health, economic, political, social, cultural or religious domains. Since the 1970s the topic has been part of international declarations as well as women's movements and it is an important issue regarding to human rights. The fight against gender-based violence against women and women's suffering costs money, time and lot of assertiveness.

Gender-based violence against women is a human rights violation and with no doubts an issue concerning all women in developing as well as industrialized countries. India is a country in reversal which gains economic growth and has gone through a lot of socio-economic and political reforms in the last decades. The struggle between globalization and tradition influences especially the lives of women in India. Even though a lot has changed regarding to the status of women and their representation in public life, yet patriarchal and religiously sanctioned structures are present. The Indian society is heterogeneous - there are women who are rich and women who are very poor, but they have one thing in common - the problem of gender-based violence as a phenomenon and an instrument of power of the " man's world " .

It is the main purpose of this thesis to analyze the situation of women in India as well as the correlation between women's life situations and the occurrence of violence according to the common developmental literature. The reactions of the legislative to end violence against women as well as the importance of women's activism will be highlighted followed by some approaches for change. It must be stated that the topic cannot be described to its full extent, simply because it is very complex. Women are not a homogenous group and it is definitely not a purpose to speak for all of them.

The aim of this thesis is to give an overview and try to figure out the most important threads of a very diverse and multifaceted topic. As already mentioned, the thesis is based on literature review and it should contribute to a better understanding of the topic. The work should make it possible to look behind the scenes of cases of gender-based violence against women in India like the one mentioned.

In the following there will be a description of the chapters in order to give a short summary of the topics discussed in the work according to the research question: Which forms of gender-based violence against women exist in India according to common developmental literature, what are the reactions to gender-based violence and which approaches for change are reasonable to eradicate the fear and danger of violence towards women in India?

In the first chapter, the definitions of gender and violence will be discussed to lead to an explanation of what gender-based violence means in general terms. Therefore violence will be analyzed according to the peace approach of Johan Galtung's theory of the connection between structural, personal and cultural violence and the health approach of the World Health Organization (WHO). Violence against women will be highlighted within the international agenda and its relevance in eliminating violence against women. The theoretical framework will be outlined by theories of identities like "thwarted identities" according to Henrietta Moore and the meaning of "bicultural identities" and "hybrid identities" and their meanings to the lives of women in India.

Subsequently with the background of the theories of identities, women's status and challenges focusing on the meaning of family, marriage and patriarchy will be summarized. This second chapter will figure out the most common forms of gender-based violence against women from "womb to tomb" such as female infanticide and sex-selection, child marriage, sati, dowry murder, sexual harassment and rape. This chapter will be concluded with the description of the reality of the above mentioned example case of the gang-rape in New Delhi.

The third chapter is dedicated to the reactions to gender-based violence against women in India from the side of the legislative, women's movements and religious leaders. The various laws and amendments that followed as a reaction will be described and their meaning to end violence against women will be revealed. Women's movements and activism as major components of fighting against violence and for women's rights as well as their implementation will be subject of the second part of this chapter followed by the reactions of religious leaders, again added by the reactions of these in the example case.

After the analysis of the realities and reactions to gender-based violence against women in India, approaches and strategies for change will be the topic. The responsibility of international organizations, the national government and religious leaders as well as the significance of cultural norms relating to the changes will be in focus added by the importance of education and media to determine reasonable approaches for change leading to gender equality and the end of gender-based violence against women.

2. Theoretical Framework

Before analyzing gender-based violence against women in India, it is necessary to examine the definitions of gender and violence followed by the concepts of gender-based violence and violence against women. Violence against women will be highlighted regarding to the importance in the international agenda and in the Millennium Development Goals (MDGs) and the after 2015 debate. As an effort to try to define the framework on an “explanation” of the phenomenon of violence against women, theories of identities will be introduced.

2.1. Gender-based violence

The aim of studying gender-based violence against women, its effects and consequences is to state the facts, to find an “explanation” followed by a solution for the problem of violence to solve the question why human beings are using violence against each other. To analyze gender-based violence it is necessary to understand the concepts of “gender” and “violence”.

2.1.1. Gender

In the 1970s the theoretical discussion about the difference between “sex” and “gender” found its beginning. Sex as the biological difference between men and women and gender as the social attribute which is gained by the individual during the socialization as a member of a community. Sex is therefore described by the United Nations Development Programme (UNDP) as biological features that do not change and are universal. In contrast, gender is a complex mix of socially given attributes. (UNDP 2001: 67)

A lot of components play a role in defining gender such as “(...) roles, activities, responsibilities and needs connected to being men (masculine) and women (feminine) in a given society at a given time, and as a member of a specific community within that society.” (UNDP 2001: 67)

The changeable and dynamic gender relations are learned in a social process, influenced by one's education, family background, the political and economic situation, one's life in culture, tradition and religion. Gender refers to men and women and should include both when developing strategies for change in society. The relationship and interaction between men and women is crucial in the discussion about gender. (UN Women 2001: 1) Gender relations also refer to the relationship between individuals and their broader community and affect the access to resources. In gender analysis, the change of these roles can help to improve the conditions of life within a society. (UNDP 2001: 67)

Gender equality comprises that all rights, opportunities and responsibilities do not depend on if someone is born female or male. Equality stands for the same rights and access to resources for everyone and for the needs of both women and men are equally significant in decision making processes. (UN Women 2001: 1) Gender equality is a goal to achieve and needs major changes at many levels. One strategy to overcome gender inequality is gender mainstreaming. Gender mainstreaming is to ensure that

“(...) women's as well as men's concerns and experiences (are) an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.” (ECOSOC 1997/2 in UN 2002: 1)

Nevertheless the situation of women does not only depend on gender relations and gender inequality. Other factors like ethnicity or class (or caste) have to be considered to empower women. (Goethe et al. 2000: 4)

Gender is a variable and complex issue which is discussed in a lot of (feminist) theories. Ann Oakley made gender as a matter of “culture” and sex as a matter of “nature” a subject of discussion. (Oakley 1972: 16 in Frey 2000: 6) Gender develops because of the distinction to the meaning of sex.

During the 1970s, women were the first time participating in the development discourse and practice. Women in Development (WID) was the first approach of feminists to engage in the discourse. In the 1970s Esther Boserup published her study on “Women's Role in Economic Development” which criticized the marginalized role of women in economics grounded in inequality. This kicked off a wave of analyses from other feminists to women's status in society and development. (Benería; Sen 1981: 279)

Indeed, there are also theorists, who criticize the differentiation between sex and gender. The argument implicates that social behavior is connected to the bodies and the physical features. Another theory contains that the women's parity adjudges women specific feminine attributes and influences women's social behavior. (Frey 2000: 7)

Many non-western feminists criticize the western sights of the debate on gender; they argue that not all women are in private sphere, taking care of children. Especially in the western context, the concept of the nuclear family is not given and women in developing countries also gain different social positions. Mohanty, as one of the first non-western feminists challenged the western feminism in "Under Western Eyes: Feminist Scholarship and Colonial Discourses" in the 1980s. She argues that western feminists too often portray women in non-western countries as "(...) traditional, religious, family-oriented, legally unsophisticated, illiterate, and embattled in nationalistic revolutions (...)." (Lorber 2010: 89)

The variable gender is "cross-cutting" and "socio-cultural" as it is a part of all other cross-cutting variables. Gender is not defined by individuals but by their role in society and how the role ascriptions have emerged. (UN Women 2001: 1) To find out how such role ascriptions, or how gender is socially established through ones behavior or the way one dresses, West and Zimmermann (1987) coined the phrase or theory of "Doing Gender". Doing gender implies that gender is constructed through interaction. If Gender is seen as a social construct, it has to be seen as a category, where boundaries between masculine and feminine merge. Judith Butler (1991) influences the discussion about the concept of gender when she says that sex is a "gendered category" and the goal is not to orientate on feminine nor masculine role stereotypes and mix it up to find an own way, but it is to flee from the pressure, Gender encumbers on the individual. (Frey 2000: 7)

Butler (1990) pointed out the possibility that there is no distinction to be made between sex and gender which was denied by Yanagisako and Collier (1987) because one cannot assume that the biological sex is the basis for the social and cultural gender, referring to hermaphroditism or androgyny. (Moore 1994: 13)

Butler assumes that gender is a kind of doing, a performed activity, not something one has or is. No one does one's gender alone but in interaction with other persons. Through performativity the concepts of male and female are brought into "being", that means that certain performances of women and men, related to their sex or certain rules which are to follow by men and women create gender. (Lobrer 1994:2 in Smit 2012: 5) "Gender appears natural but is socially constructed and 'performed' as an act, rather than an aspect of our identities that pre-exist in our actions (...)." (Lobrer 1994: 2 in Smit 2012: 5)

Smit states the following theory about the reinforcement of gender hierarchies:

"Following Butler in her theory of performativity, which seeks a distinction between 'doing' and 'being' suggesting that not only that 'certain ways of being' can lead to certain actions, but also that 'certain ways of doing' lead to certain ways of being, I propose that this quote exemplifies how challenging societal forces, accelerated by globalization and consumption, have challenged fantasized ideals of being and imposed identities upon men and women in ways that have created and reinforced gender hierarchies." (Smit 2012: 10)

Regarding to Butler's definition of gender gender-based means any issue, which is based on and rooted in gender-structures learned in a social process. Gender-based as an adjective therefore means that the certain matter is grounded in social structures according to one's gender, not in random action.

Empowerment

Empowerment is the ability of "(...) individuals acquiring the power to think and act freely, exercise choice, and to fulfill their potential as full and equal members of society." (UK Department for International Development (DFID) 2000: 11 in Smyth 2005: 584 in Parpart 2010: 2)

During the women's movements in the 1980s, when feminists were unsatisfied with the development interventions regarding to women's issues in development the concept of empowerment emerged. The concept of women's empowerment challenges not only patriarchy but also other issues or structures like class, race, ethnicity, religion and caste "(...) which determined the nature of women's position and condition in developing societies." (Batliwala 2007: 558) The social construction of gender became a tool of analysis in development and change and soon became a modern word in development

language and an essential part in all development strategies and programmes. Batliwala criticizes that empowerment became a “buzzword” and that the “(...) sharp political perspective from which it arose became diffused and diluted.” (Batliwala 2007: 559) Empowerment came up as an issue for critical thinking of educational theorists like Paulo Freire in 1970 and moved into mainstream development discourse. (Parpart 2010: 2)

Women’s Empowerment according to Amartya Sen’s Developmental Model reveals that “(...) gender-inequality is more rooted in social attitudes than in psychological and genetic factors.” (Patniak 2010: 12). Sen’s theory of empowerment of women sees the state responsible for women’s welfare but also sees women as “agents”, who are in need to have a position in society, namely an independent role. Subsequent women are active agents in society who can choose to act or not and how to act, rather than being merely the receivers of help. It is to mention here that not every woman has the strength and the resources to act how and whenever she wants. Sen interconnects variables which influence women’s well-being like an independent income, employment outside the home, the ability to have rights and to be educated and literate. In India, men are seen as the major or only breadwinners and women are dependent to the men’s income. According to Sen, a woman who earns her own income to contribute to the family makes herself more visible in society, as the work at home does not count as productive work. The variables are therefore to make women more visible. When women are educated or able to own land they are more independent and can be agents. If the role of women in families would change to a condition where both men and women could profit in the family, then the psyche of the society may change. (Patniak 2010: 13f.) Figure 1 shows the conceptual framework for women’s empowerment.

Figure 1: Women's Empowerment Conceptual Framework

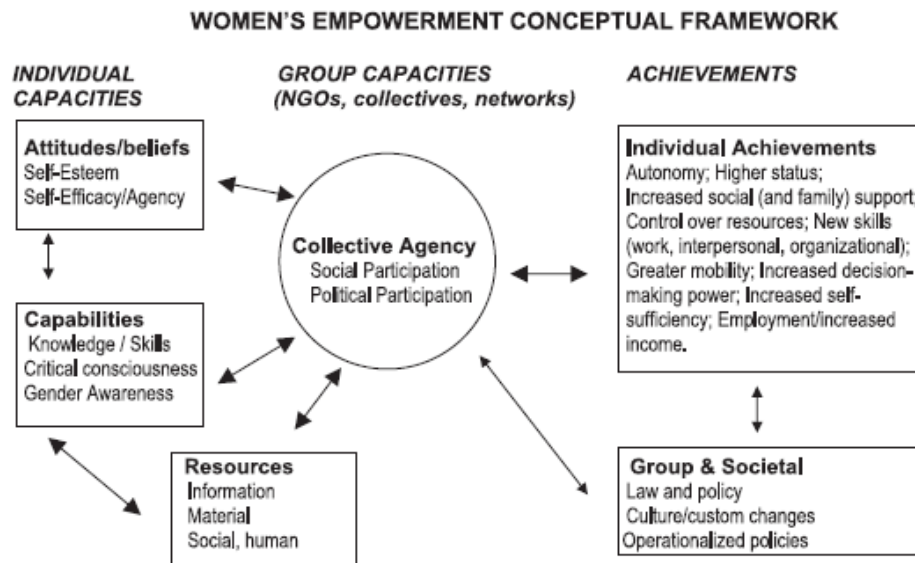


Fig. 1. Women's empowerment is an outcome of a process whereby individual attitudes (self-esteem and self-efficacy) and capabilities (knowledge and skills and political awareness), combined together with collaborative actions (social and political participation), and reciprocally influenced by resources (information, material, and social/psychological) result in a transformation to desired achievements (individual, group, and societal).

(Magar 2003: 512)

2.1.2. Violence

Violence is everywhere. It is a phenomenon which appears in so many different contexts and ways. Therefore it is very difficult to consider each and every form of violence as it appears in a very complex way in cultural, personal, direct, self-direct, structural, collective, physical, psychological, intended, manifest or latent ways. Violence is an issue discussed inter- and transdisciplinary in all subjects of studies. In this thesis it is not the aim to describe violence to its full range of meanings but to give a short overview of what could be relevant in discussing violence against women in India. Therefore violence will be defined through the health approach by the WHO and the relevance of violence in peace studies: violence as an obstacle for peace.

The WHO defines violence as follows:

“The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.” (Krug et al. 2002: 5)

This definition gives a bright understanding of violence, how it is used and affects human beings’ physically and psychologically. It is influencing development and causes deprivation. Violence, according to this definition, does not always have to end in injury or death, but the psychological harm is a major side-effect of violence.

The World Report on Violence and Health (WRVH) on all forms of violence notices that not every use of force is meant to cause an injury, so might not intend to cause damage to the person. (Krug et al. 2002: 5) Violence against a human being is a complex issue because it implicates many types and kinds of violence which can merge and overlap. The different forms of violence can take place in different settings: violence against oneself, violence in the family, the community, at the workplace; violence by state instruments, in conflicts or violence in form of trafficking, forced prostitution, etc.

In understanding violence and what violence is or can be or mean in fighting against it, the work of Johan Galtung aroused attention. He defines violence as “(...) present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations.” (Galtung 1969: 168) He says, when violence occurs, there cannot be peace. Anyone who is fighting against violence or who experiences violence in any way is looking for peace, which one cannot have until one is free from the fear of violence. (Galtung 1969: 168) Galtung explains furthermore the forms of violence in particular and discerns between structural, personal and cultural violence.

Structural, personal and cultural violence will be explained in the following parts of this chapter according to the peace approach and the health approach, which both are the connectional approaches in discussing gender-based violence against women in India.

2.1.2.1. Structural violence

In case of structural violence, there is no single person to be harmed because violence roots in the structures, the sources of gender inequality.

Galtung assumes that structural violence is caused by inequality. He states the ideas of “actor, system, structure, rank and level” in which an actor has goals in a system or actors can be systems that interact and they can be on different levels in those systems. So one system can be a set of structures and in each structure an actor can be at different ranks, in high or low positions. An actor can be a nation which one can see as a structure, for example a set of states or districts, an organization or local chapters. Each can lead to the individual human being in the end of the chain. The systems are in interaction and there are different mechanisms which are possible in the social order. In a social system the group which is ranked at the lowest, is endangered to be oppressed because the one ranked in higher positions fear that the marginalized groups might collect their power and demand changes in the system; but they are deprived of this power. Structural violence effects a person indirectly because of repressive structures. (Galtung 1969: 175-178)

The WHO defines structural violence with the term “collective violence” which means violence by a group in social, political or economic surroundings. Social violence means violent acts of a group out of hate like terrorism or mob violence. Political violence encloses conflicts, wars, and similar acts where violence is used. Violence which is motivated by economic gain like acts with the purpose of disrupting economic activity and denying important services for economic success is called economic violence. (Krug et al. 2002: 6f.)

According to Hoivik, structural violence is a “(...) hybrid concept, half empirical and half theoretical.” (Hoivik 1977: 59), a concept based on the gap between the world we observe and a world one can simply guess. Violence is a tool to end lives, structurally and directly. Structural violence lies between an actual and potential society and social structure and is hardly concrete, because when deaths are counted, they are counted related to direct violence. (Hoivik 1977: 59f.)

2.1.2.2. Personal Violence

Personal violence means the direct somatic violence against a human being. Galtung approaches personal violence from two sides. On the one hand there is the tool which can be the human body itself towards all kinds of weapons. On the other hand there is the target which is the human being and has to be “shut down” or made useless so that it loses its functions. Nevertheless Galtung refers to armed violence in conflict situations the concepts can be transferred to the meanings of gender-based violence. The output of a violation can be physical or mental or both. Personal violence hits a person directly in different forms. Direct violence means that there is an actor who actually commits violence against someone else, in this case a human being and that the actor tries either to kill or to stop the human being from functioning. This can occur with the “denial of input”, so to not provide essential sources for the human being as food and water; or through the “denial of output”, to stop the movement. (Galtung 1969: 174f.)

The WHO describes the following forms of personal violence: self-direct, interpersonal and community violence. Self-direct violence is violence which is used against oneself including suicide and self-mutilation. Interpersonal Violence means on the one hand family and intimate partner violence and on the other hand community violence. Family or intimate partner violence is, in contrast to community violence, violence between family members and intimate partners, including child abuse and abuse of elderly, mostly taking place at home. Community violence is violence between individuals who are not related outside the home including rape or sexual assault, youth violence, institutional violence in workplaces, schools, prisons, etc. (Krug et al. 2002: 6f.)

Violence in the family

The most common form of gender-based violence against women is intimate partner violence committed by a husband or an intimate male partner. Although abuse in same sex partnerships exists and women can also be violent against men and boys, the majority of perpetrators are male partners. This most common kind of violence could appear in each household in different settings and can be physical and psychological. If abuse occurs in the same relationship continuously, it is called “battering”. Physical abuse often comes along with psychological violence like humiliation, intimidation and various controlling behaviours. (Krug et al. 2002: 89) Certain surveys reveal that women

often report that psychological violence is more difficult to endure. (Heise; Ellsberg; Gottmoeller 2002: 6)

In statistics, many women have been killed by their husbands (not so conversely) occurring differently all over the world depending on the availability of weapons. (Krug et al. 2002: 93) Like kerosene which is used in daily routine in India, where women are victims of violence, being burnt caused by insufficient dowry which is easily to claim as an accident.

There are two patterns of identifying intimate partner violence according to the WRVH: the “escalating form of violence” and the “moderate form of relationship violence”. The escalating form of violence is abuse in different ways and includes rape, beating, threats and controlling behaviour. The more moderate form of violence in a relationship is what is also known as battering which is common, even legal, in many societies. It is seen as a men’s right to beat his wife to punish her for not playing the proper role of a woman who looks after the children, cooks, agrees with the man, for refusing sex, and generally questioning the man’s behaviour. These aspects are the same in industrial as in developing countries. In some societies, there are women who agree with the punishment of beating as a consequence of misbehaviour from the woman against the husband. The husband or other members of the family are “allowed” beating the woman up in certain situation and many women agree with that. (this probably has to do with not knowing their rights) (Krug et al. 2002: 93-95)

Community Violence

This form of violence is still part of the interpersonal form of violence and takes place inside a community which means that it is not inside the family but not directly under the control of the state. Women who are part of a community often experience violence when they do not behave in a way the community expects. When a women is not married, she can be a victim of sexual harassment or abuse, she can be forced into prostitution by the community to support the community. Rape might be used in the community as an instrument of power and control of the community leaders which can lead to exclusion or stigmatisation of the women by her family. Besides rape and other forms of sexual violence, violence in the workplace, trafficking, etc. this form of violence can also be structural. (Benninger-Budel; Lacroix 1999: 73)

Sexual Violence

Sexual violence against anyone has clearly major effects on mental and physical health, causes deaths, also through suicide, HIV infections and murder. There are many theories about the motive of the perpetrator, but it always comes with the exertion of power over the victim. Many men think their actions are legitimate, because they are married to the women.

Sexual violence is, according to the WRVH is

“(...) any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.” (Krug et al. 2002: 149)

There are also customary and belittled forms of sexual violence as child marriage. Marriage itself is often used to legitimate sexual abuse or violence. All over the world this is a, partly legal, form of force against girls. The girls, who are often very young, fear their future husbands, whom they do not know at all. They don’t know anything about sex and the first time after getting married is being forced by the husband most of the time. The average age of a child getting married goes from 10 to 19 years. (Krug et al. 2002: 156, 157)

Most likely the consequence of sexual violence is pregnancy. A woman who was forced to have sex at a young age loses the feeling to have control over her own body and does not use protection also in her future sex live. Despite pregnancy a woman can have several gynaecological complications like vaginal bleeding or infections. Moreover there is a high chance to get an HIV infection or other sexually transmitted diseases, especially for sex workers. Mental health problems after being abused are very common. Depression and post-traumatic stress are consequences which, in some cases lead to suicide. In many societies, women are socially shut out from society or family because they put shame on the members of the family. Then, in some cases also legal, the rapist has to marry the woman to escape their debt by quasi making the union legal. (Krug et al. 2002: 162-164)

2.1.2.3. Cultural Violence

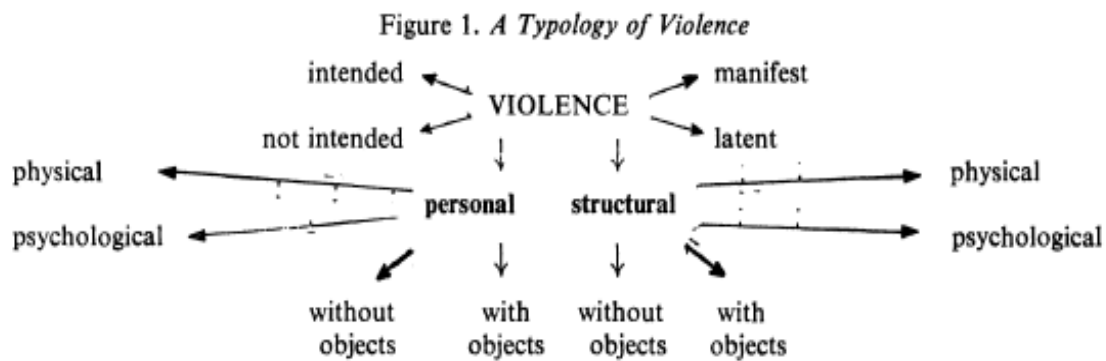
Cultural Violence means “(...) aspects of culture, the symbolic sphere of our existence – exemplified by religion and ideology, language and art, empirical science and formal science (...) – that can be used to justify or legitimize direct or structural violence.” (Galtung 1990: 291) The definition states that not entire cultures are violent but single aspects can be used to legitimize violent acts, both structural and personal and makes violence “right” or “normal” for perpetrator and victim. Then women think violence against them is a “normal” way to be punished by the husband or mother in-law for whatever reason. (Galtung 1990: 291)

Structural and personal violence are according to Galtung two “super-types” and cultural violence can be added as the third one and completes a triangle.

The United Nations (UN) Study of the Secretary General of ending violence against women states that cultural norms can both empower women on the one hand and justify violence against women on the other hand. The behavior of human beings is influenced by cultural practices and power relations which arise from these behaviors. Culture is very dynamic and has been changing over decades and historical events. Women suffer from some forms of cultural traditions called “harmful traditional practices” but are also actors who deliver their knowledge to their children. (UN 2006: 31-33) “Culture can be most usefully viewed as a shifting set of discourses, power relations and social, economic and political processes, rather than as a fixed set of beliefs and practices.” (UN 2006: 33)

To summarize and explain further, direct violence is an event, structural violence a process and cultural violence a permanence. (Galtung 1990: 294) Violence can also be seen as an influence which means that a violent act is a triangle of a person who influences, a person who is being influenced and a mode of influencing. Modes of influencing could be physical or psychological. Physical violence is a form of violence that becomes apparent when a person gets hurt, for example when a family kills a woman because of insufficient dowry, or that shows up psychologically which also can have a lot of appearances like threatening, brainwashing or battering. The threat of physical violence is crucial because it can be still violence when no one is hurt, just like when someone destroys a thing it can be a psychological threat. (Galtung 1969: 169) Further it is to distinguish between negative and positive, intended and unintended violence and manifest and latent violence. (Galtung 1969: 170-172)

Figure 2: A Typology of Violence



(Galtung 1969: 173)

Figure 2 shows the forms of violence and the complexity and the typology that is behind the concept of violence, in some cases the forms of violence are overlapping.

To explain the cause of violence and where it is actually rooted, multiple levels have to be analyzed. The biological and personal history of a person determines the development either becoming a victim or a perpetrator of violence. Characteristics and experiences have a strong impact on this development. Additional to the individual, the person always is in relation to other individuals who influence their being as victim or perpetrator. Schools, workplaces, neighborhoods influence the individuals on a community level such as the heterogeneity, population density, etc. Rates of violence

can also be influenced by the highest level of societal factors. This level includes all cultural norms that support violence as a solution of conflict, sees suicide as an individual choice and other norms created by society as economic, social, health and educational policies. (Krug et al. 2002: 12f.)

Gender-based violence is discussed within women's rights and the situation of women in society. In fact, gender-based, as concluded above, as an adjective means any matter which is based on gender. As discussed before, gender means the social attributes which are gained by the person through social interaction. That means that the term gender-based refers to women and men. Gender-based violence occurs in various dimensions, affecting individuals or families by other individuals, communities or by state forces and can include multiple forms of violence. Researching for this thesis, it occurred that gender-based violence against men and boys is not that multifacetedly discussed as violence against women and girls. Although, my thesis comprises gender-based violence against women and does not dispute gender-based violence against men and boys in detail.

From the sight of anthropologists, who work directly in the field, this impression of the term gender-based violence is defined: Gender-based violence "(...) reflects the political-economic structures that perpetuate gender-based inequalities among people and populations." (Wies; Haldane 2011: 2)

To connect gender-based violence in general with violence against women, violence against women will be described in the following passage regarding to its appearance in the human rights framework as the international framework will also play a role in the national framework to eradicate gender-based violence against women in India.

Gender-based violence against women encompassed a lot of behaviors that are directed to women and girls all over the world. Despite there are regional differences, Heise, Ellsberg and Gottmoeller summarize this behaviors: "(...) wife abuse, sexual assault, dowry-related murder, martial rape, selective malnourishment of female children, forced prostitution, female genital mutilation, and sexual abuse of female children." (Heise; Ellsberg; Gottmoeller 2002: 6).

2.2. Violence against women

Violence against women is in most literature regarded to and defined by the term “gender-based” because, in fact, violence against women is meant as violence against a person because of gender excluding the simple act of violence against someone who is accidentally a woman. In this thesis, when violence against women is discussed, girls are included, actually all women from the moment they are born until they die.

Violence against women is defined by the UN in Article 112. of the Report of the Fourth World Conference on Women in 1995 as:

“(…) any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring In public or private life. (…)” (UN 1996: 48)

And in Article 117. of the same:

“Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. In many cases, violence against women and girls occurs in the family or within the home, where violence is often tolerated. The neglect, physical and sexual abuse, and rape of girl children and women by family members and other members of the household, as well as incidences of spousal and non-spousal abuse, often go unreported and are thus difficult to detect.” (UN 1996: 49)

Violence against women deals with certain forms of violence, according to the Programming Essentials of the report of United Nations Women (UN Women) "Ending Violence Against Women and Girls" the most common forms of violence against women are intimate partner violence, domestic violence, sexual violence and harassment, and emotional and psychological violence. Trafficking, forced prostitution, female genital mutilation (FGM/C) or child marriage as well as not that well-known forms as honor-killings, dowry, acid-throwing, femicide, female infanticide and prenatal sex selection, economic and political abuse or abuse of the elderly attached. All forms of violence can occur in public or private sphere and can affect all women, even though women and girls who are members of minorities, HIV-positive women, migrants or women in armed conflicts are especially vulnerable. (UN Women 2013a: 3)

There are a lot of risk factors for women and girls, which can make them more vulnerable or bring them rather in danger such as substance abuse, low levels of education, limited economic and political opportunities, conflict, lack of safe spaces for women and girls where they can be prevented from experiencing violence. (UN Women 2013a: 8) These risk factors are depending on the surroundings, settings and proceedings. There are a lot of risk factors which cannot at all be influenced by women such as “being young”. These are factors on an individual base. In the relationship setting, marital violence is the marker to emerge violence in a relationship. On community level it is important how the community reacts to violence against women and what is offered to protect women, like shelters or other places where they can go to. Social support through women’s groups, etc. seem to be a factor for protecting women from violence as they have a good social background. (Krug et al. 2002: 96-100)

Violence against women, can elicit a lot of consequences on different levels like injuries, mental illness, substance abuse, poor social functioning, lower productivity and lower income, costs for medical treatment and reproductive health problems. The consequences compromise direct, immediate as well as long-term consequences such as psychological suffering. (UN Women 2013a: 10) Pregnancy and diseases can follow up forced sex and other forms of abuses. If a woman in a relationship experiences violence while she is pregnant, it has consequences for the foetus and it can cause miscarriage, stillbirth, injury of the foetus, etc. HIV/Aids is also a consequence which affects the whole society. (Krug et al. 2002: 100-102)

Patriarchy, “the systemic domination of women by men”, plays a major role in finding the cause of violence against women as the status of women and men has been arranged in a hierarchical way – men with the power and control over women and women who have to subordinate men. Patriarchy is rooted historically and in social and cultural norms and it influences laws and rights, an issue women have fought against since ever. Violence against women is a mechanism to preserve patriarchy, the male authority. (UN 2006: 28f.)

According to Mies the cause of violence against women is also presumed in the lack of men’s power and control over women and girls. To maintain power over women’s lives, a patriarchal and capitalist system is needed to increase growth. Mies explains violence against women with the “(...) global division of labor under the dictates of capital

accumulation (...)” (Mies 1986 in Rudd 2007: 91) because women’s work is invisible on the labor market and men try to maintain their position as breadwinners and earners of productive capital. (Mies 1986 in Rudd 2007: 91)

2.2.1. Violence against women in the international agenda

Researching human rights committees, resolutions, programmes and instruments is never ending as there are many different kinds of papers. There are ones to declare human rights “in general”, including all major human rights issues. They can also include articles about the elimination of discrimination or violence against women. And there are human rights committees, declarations, etc. about violence against women respectively ending violence against women separately. In this chapter the aim is not to describe each and every declaration, but give examples to analyze how the integration of women’s rights changed in the declarations.

The Universal Declaration of Human Rights (UDHR) in 1948, where equal rights for everyone regardless to one’s sex, origin, ethnicity, class, colour, religion or political opinion is stated. (UN 1948: Art.2)

Before the UDHR, in 1946, the United Nations Economic and Social Council (ECOSOC) was founded by the UN. Thereof, in the same year, a functional commission has been established to promote gender equality and the empowerment of women: The Commission on the Status of Women (CSW). The CSW is in charge of “(...) promoting women’s rights, documenting the reality of women’s lives throughout the world, and shaping global standards on gender equality and the empowerment of women.” (UN Women n.y.a)

In 1966 the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) stated in the direction to prohibit violence against women with the statement that prohibits “(...) discrimination on the basis of sex (...)” and guarantees “(...) the equal right for men and women to the enjoyment of all rights set forth in the Covenant (...)” (Benninger-Budel; Lacroix 1999: 22f.) and the prohibition of violence against women in the workplace. These Covenants as well as The International Convention on the

Elimination of Racial Discrimination are grounded in the UDHR and incorporate women's specific rights only at a glance. In 1989 the "Convention on the Rights of the Child" is one of the rare "mainstream" instruments, which uses both feminine and masculine pronouns and shows explicitly that the rights refer equally to men and women, also including protection of children from sexual violence. (Benninger-Budel; Lacroix 1999: 22f.)

Gender-based violence against women as a violation of human rights became well-known as part of the UN Decade for Women 1975-85. Containing the first resolution on violence against women and establishing the United Nations Development Fund for Women (UNIFEM). The United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, worked on by the United Nations Commission on the Status of Women, which was a significant gender-specific instrument. Article 1 of the Convention says that:

“(...) the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” (UN 1979: Art.1)

The Committee on the Elimination of Discrimination against Women stated in the general recommendations 12 and 19 issues regarding to define gender-based violence and violence against women as a form of discrimination. (UN 1986-1999: Art.12, Art.19) It could be seen as the precursor of the Declaration on the Elimination of Violence against Women in 1993.

A major breakthrough in the women's movement was the Vienna Declaration and Programme of Action, adopted by the governments participating in the World Conference on Human Rights in Vienna in June 1993. In Vienna the first time women's rights were discussed independently. In the Declaration it was stated, that gender-based violence should be eliminated in private and public sphere, on a national and international level through legal measures. (UN 1993a: 1)

“Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated.” (UN 1993a: 1)

To extend this important issue in the need to fulfill global expectations to eliminate violence against women, the United Nations General Assembly adopted the Declaration on the Elimination of Violence against Women in the concern that violence against women is a barrier to achieve peace, development and equality. In this declaration, violence against women is defined and stated as a result of (historical) unequal power relations between men and women. (UN 1993b: 1)

The Programme of Action includes the participation of states to be active in carrying through human rights of women. Within the Conference, it was made clear that the equal status of women should be included in mainstream UN mechanisms. That was a major step as the UN bodies were obliged to ensure human rights activities address the human rights of women – violation and gender-specific abuse. (Benninger-Budel; Lacroix 1999: 50f.)

The definitions of violence against women were already determined in the Declaration on the Elimination on Human Rights as this was adopted within the Fourth World Conference on Women in Beijing in 1995. Within the Platform for Action many issues regarding the life and situation of women have been discussed like women and poverty, health, education, women in media, environment, armed conflict, etc. Violence against women is defined as:

“(...) any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” (UN 1996: 48)

Chapter D., Articles 112. to 130. include the definition of violence against women as well as a description of what kind of acts include violence against women and the target group. It says that violence against women is rooted in historically manifested unequal power relations and illustrates the need of an approach to eliminate violence against women and the need for data. It is an appeal to the participating governments to recall data and adopt and prioritize violence against women in their policies. Actions to be taken by the governments are listed. (UN 1996: 48-56)

Through the Platform of Action it is pointed out that violence against women affects women before they are being born until they die. It concerns the whole “life cycle” beginning as a fetus with female infanticide because a boy is expected, continuing with girls who are being mutilated or married at a young age and forced to consummate the marriage with a way older man. Many women who are not married are getting raped, sometimes forced to marry the rapist. As adults women are also vulnerable to experience violence in public and private sphere. Also within marriage and as elderly women they are in danger suffering from violence all over the world. (Benninger-Budel; Lacroix 1999:15f.)

Associated with these development on an international level there has been set off an avalanche of resolutions, conventions and studies. To mention particularly the In-Depth Study on all forms of violence against women in 2006 by the Secretary-General highlighting all forms of violence and the unacceptability of those. In 2008 the global campaign “UNiTE to End Violence Against Women” initiated by the same. The campaign should raise awareness and lead to increase political will to change the situation and end violence against women all over the world. (UN n.y.)

Although the human rights instruments and laws experienced a major development regarding to VAW and discrimination of women, it is generally reflected on men’s position in society. Through history human rights have had an important meaning, but the question if human rights can be universal has been discussed in a lot of scientific disciplines.

The described women’s rights to live in a world without discrimination are important and a lot of people want to live in a world where these rights are not only theoretically but also practically viable. Human rights are supposed to be rights for human beings. The fact that women do not have the same rights as men is a pervasive reality. This reality, indeed, is not highly reflected in the universal human rights. Despite the fact that many people do not know that they have rights, the implementation of a right of a women in a rural settlement could be something that is not tangible.

Human rights are “(...) supposed to be gender-neutral, it generally reflects a male perspective and has an unequal impact on women”. (Benninger-Budel; Lacroix 1999: 30) A high number of human rights violation against women takes mostly place in private sphere, in households or in families. Women experience their husbands, family members, or community members as perpetrators. Those are mostly present in public sphere. The international human rights laws and instruments are dedicated to political sphere which occurs as the public sphere. Many women who are victims of violence, do not have access to the public sphere. This vicious cycle leads to the fact that male dominance in societies is maintained. (Benninger-Budel; Lacroix 1999: 30)

The UN follow three discourses in the matter of gender-based violence. On the one hand there is violence against women and girls as a matter of equality between men and women. On the other hand the increasing forms of discrimination increase the risk of women being victims of violence. Thirdly, the interdependence of human rights is reflected in efforts to find out the causes of violence against women. It is argued that the global discourse on violence against women has an inter-gender focus, which means that it is about a level of equality and non-discrimination between men and women. The elimination of violence against women has to follow an approach which is based on an inter- and intra-gender level. (Manjoo 2011: 7)

UN human rights have a vast demand covering all issues of human life and despite to this they are seen critically and can be seen as “(...) intellectually frail – lacking in foundation and perhaps even in coherence and cogency (...)”. (Sen 2005: 151) Sen argues that human rights and capabilities have a common motivation, but simultaneously differ.

Amartya Sen’s capability approach is central for the UNDP and Human Development Report. He argues that every human being should equally have a basis of capabilities and that the important issue to reach a person’s well-being is not only what a person earns for an income but what a person is able to do or to be within his or her environment. Issues like income should not be the main focus in making out a persons’ well-being but is what Sen calls an important “functioning”. The total of the functionings are concluded in the capability set. The focus is therefore not on the money but on the capabilities. If a person has something to eat but fasts then he or she has the

capability to buy food and even when he or she is not well nourished, there might be an inner freedom and well-being. (Sen 1980 in Hicks 2002: 137-140)

Sen sees human rights as "rights to certain specific freedoms" and capabilities as "freedoms of particular kinds" and establishes a connection between the two concepts. "The idea of 'capability' (...) can be very helpful in understanding the opportunity aspect of freedom and human rights". (Sen 2005: 153) Two persons can have different opportunities even in the same set of means. There is for example the person who is able to be well nourished but fasts or a person who does not have the opportunity to be well nourished because of lack of functionings like regular income. The person who is actually well-nourished does not have to live in freedom but has the capability to choose levels of functioning, different to a person who does not have the opportunity to be well-nourished. A person who fasts and a person who is starving out of lack of opportunity is quite different even when the functionings do not differ. (Sen 2005: 154f.)

Human rights as universal formulations to reach freedom, are dependent on their ability to survive and win through. For that the role of public reasoning is very important to understand, in politically repressive regimes which do not allow public discussions, many human rights are not asserting themselves. (Sen 2005: 163) "The viability and universality of human rights and of an acceptable specification of capabilities are dependent on their ability to survive critical scrutiny in public reasoning". (Sen 2005: 163)

Linked to gender-specific or gender-sensitive aspects the capabilities or the opportunity "to be and to do" can ensure that gender-related issues in development would be treated with the same significance than those issues related to both men and women. Regarding to the capability approach, women, as disadvantaged, suffer from a wider range of environmental deprivation as they have a greater reliance on subsistence agriculture and as a fact according to UN Women, environmental sustainability affects the well-being of people majorly. Women could play an important role in finding solutions to environmental degradation through participation in decision-making processes on all levels. That would be another argument why the well-being or freedom of women is significant in development issues. (UN Women 2013b: 25)

2.2.2. The MDGs and after 2015

The MDGs, established in the year 2000 by the UN, are eight efforts that should be realized, committed by 189 states to achieve in 2015. The eight goals to achieve until 2015 are to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability and to develop a global partnership for development. (UNIFEM 2008/09) All of these goals can be seen from a gender perspective and are a central element of all developing programmes of different NGOs, organisations and governments.

In 2007, there were four more targets added to the MDGs, which are related to gender issues. These targets are achieving full and productive employment and decent work for women and young people, to achieve universal access to reproductive health and treatment of HIV/AIDS for all and reducing biodiversity loss. A target of reducing violence against women is still missing, but is included in the priorities of MDG 3 – Promote gender equality and empower women. The empowerment of women is the “driver of efforts” to achieve the MDGs and it is a goal to achieve within all categories of the MDGs. (UNIFEM 2008/09: 117)

Goal 3, promoting gender equality and empowering women, is focused on the MDGs Report including Target 3.A. to eliminate gender disparity in education and states. There have been made major achievements globally but the gender gap is still not defeated. Greater access to primary education is only given in Eastern Asia but when it comes to secondary education girls are still in disadvantage. In most regions more women are enrolled in tertiary education than men but more men are likely to pursue tertiary education in Western and South Asia. The numbers on the tertiary level of education have to be highlighted as 62 per cent of all countries show more enrolment of women compared to men, but in countries with low enrolment rates men outnumber women. Women’s access to the labour market is depending on each country and the kind of work. In non-agricultural sector, the number of women who have wage-earning jobs is, for example in Eastern Asia, Central Asia, and Latin America, is nearly equal to men, but in Western and Southern Asia the number of women in wage-earning employment is under 20 percent. Furthermore, if women have access to wage earning

jobs, it does not mean that they have proper payment and a secure job. (UN 2013: 18-21)

In 2012 the UNs Conference on Sustainable Development (Rio +20) took place in Rio de Janeiro, Brazil, to discuss a sustainable future after 2015. The main outcome was to set up a process to launch Sustainable Development Goals (SDGs) to follow the MDGs and converge with the post-2015 agenda. To ensure the achievement of gender-equality and to promote women's rights and women's empowerment, UN Women calls for a commitment to these three target areas in the post-2015 development framework and the SDGs and it will address the gender-based inequalities that prohibit women's empowerment and usage of their rights. This approach focuses on achieving freedom from violence against women and girls which must be included in every future framework. Gender equality in capabilities and resources is the second target area including good health, reproductive health and rights of women, access to resources, decent work and equal payment to strengthen or build women's economic and social security. The third target area is gender equality in decision-making power in public and private institutions which should ensure that women are an active part in democratic decision-making and that their voices are heard. Those target areas are the minimum standards, but every country will have its own additional objectives to achieve the overall goals. (UN Women 2013b: 16-18)

2.3. Identities

Assuming that personality and behavior of individuals are based on various identities attributed to gender, class, ethnicity, nationality, sexual orientation and other people in a social dynamic system also violence against women can be discussed within the term identity or gender identity. In the case of India, the women's identity is at a wide range a result of her life in private sphere, the move from private to public sphere and the new construction of her identity as an empowered woman who can visit a school or university and participate on the labor market or in politics. That means that women are now in public sphere. But, public sphere is what has been and still is men's sphere and when women do not fulfill their gender identity and do not obey honor codes, they are

vulnerable to get punished. (Smit 2012: 4) The reason for gender-based violence can be explained by the theory of “thwarted identities” by Henrietta Moore.

Gender identity, based on gender roles in society, is constructed through the different ways of the concepts “man” and “woman”. Gender and sex or sexuality construct the role of men and women in a society. Society, individuals, policy makers and different institutions describe the role of men and women in certain ways which leads to an adoption of these categories of the individual and leads to what is called “identity” or gender identity. Men and women are captured in gender identities, so they are persons who are defined by differences. The categories “man” and “woman” and the way they are described have an impact on the “(...) representations, self-representations and day-to-day practices of individual women and men”. (Moore 1994: 51)

Gender identity is acquired by human beings when they are born into a cultural context, is being produced and reproduced over time. The problem is that gender identity is often gained through the biological sex, and then developed in contact with the social group as gender identity is also a matter of socialization. (Moore 1994: 54)

Moore notices that there is no single femininity or masculinity for both women and men but

“(...) variety of possible femininities and masculinities which are provided by the contradictory and competing discourses which exist, and which produce and are reproduced by social practices and institutions (...)” (Moore 1994: 63)

When it is assumed that violence is an act of power, power is itself sexualized and indicated with gender difference. So, when femininity and masculinity are no fixed issues, women and men have to take up different positions, also subject positions to form their identity. Therefor regarding to identities and interpersonal violence Moore characterized the term “Thwarted identities”. Thwarted as “(...) the inability to sustain or properly take up gendered subject position, resulting in crisis, real or imagined, of self-representation and/or social evaluation (...)”. (Moore 1994: 66) Thwarting also results in the absorption of many subject positions and results in a struggle with one’s identity or the identity with another person as a critic on not fulfilling expectations regarding to the gendered identity. Violence can therefore be an outcome of not being able to control the behavior of other persons e.g. the perpetrator, who is the one who is thwarted. (Moore 1994: 66-68)

Harvey gives an example of a man who was married but cheating on his wife. He did not have total control over the woman so when he came home, he used to beat his wife to exercise the power he attributed himself as his identity. The identity of this man was thwarted as he was not able to control the relationships with these women. (Harvey 1994 in Moore 1994: 69f.)

“When we come to a final consideration of the relationship between violence and gender, it is clear that violence of all kinds is engendered in its representation, in the way it is thought about and constituted as a social fact. In its enactment as a social practice it is part of a discourse, albeit a contradictory and fragmented discourse, about gender difference.” (Moore 1994: 69f.)

India’s youth has to deal with new identities, mainly rooting in globalization and so called “modernity”. Economic reforms and neo-liberal globalization result in materialism and a social and cultural fabric of society. Especially in the middle class, “(...) in addition to their local identity, young people develop a global identity that gives them a sense of belonging to a worldwide culture and includes an awareness of the events, practices, styles, and information that are part of the global culture.” (Arnett 2002: 777) The local identity is based on their everyday life in the local environment and includes the practice of local traditions. Arnett calls the development of two different identities, which can interact and interfere with each other, “bicultural identities”. (Arnett 2002: 777)

The concept of bicultural identities and the deal with both global and local identities is crucial in Indian society. Many Indian citizens aspire for a live in public sphere, educated and employed, like in the booming high-tech economic sector. Despite this “modern” life, when it comes to important life decisions, many young people prefer to follow their local customs and traditions. On the one hand they have an identity to participate in the global world and on the other hand an identity to follow Indian traditions, like having an arranged marriage, taking care for parents in old age and other things. Arnett describes the merge of global and local elements in young people’s lives as “hybrid identities”. (Arnett 2002: 778)

These theories of identities are to consider leading over to the beginning of the next chapter which is about women in India and the meaning of family, marriage and patriarchy according to common literature.

3. Gender-based violence against women in India

Describing gender-based violence against women in India is a very diverse purpose. It is a product of social context and varies within the state on regional basis. Many men as well as women believe that violence against women is acceptable under certain circumstances. Low dowry, consumption of drugs and alcohol or violence experienced in the family make women more vulnerable. In the Indian context, many women do not know that there are services available for them to address in case of experience of violence, not to mention shame and the consequences women experience when they call for help. (Coast; Leone; Malviya 2013: 3-4)

Coast, Leone and Malviya state in a survey “(...) that tolerance towards gender-based violence is relatively high, with an absence of social sanctions for men that resort to violence.” (Coast; Leone; Malviya 2013: 18). Also, marriage is seen as a setting, where women are safe and protected, which is definitely not the case. Women are supposed to be married, in the opinion of the family and the state. The woman finds herself in a socially sanctioned setting, but she is not protected from violence exerted by her husband or her in-laws. (Coast; Leone; Malviya 2013: 18) This only gives a glimpse of how Indians experience violence, both men and women, with no aspiration to integrity.

According to Sharma and Gupta forms of gender-based violence against women in India could be physical and sexual, psychological, verbal, social, emotional, intellectual and financial. This variety of violence is faced by women who are “(...) placed on the wrong side of power and hierarchies (...)”. (Sharma; Gupta 2004: 115f.)

The National Crime Records Bureau (NCRB) recorded a number of 244.720 cases of crimes against women in India in 2012. For comparison, in 2008 195.856 cases have been reported, over the years the number of incidents increased, spread all over the country. Only eight countries stay under 1.000 cases in 2012. (NCRB 2013: 79) Of course it is to notice that this number can be tripled by the number of not reported cases.

Before describing which forms of gender-based violence are stated in common literature, the aim is to find out about the life of women in India, especially the meaning of marriage and family as well as the patriarchal system influencing their everyday

lives. These explanations are followed by an analysis of structural and personal violence as well as some of the most common types of gender-based violence in India.

3.1. Women in India

"(...) social discrimination and economic deprivation on the basis of gender is common to all [women], irrespective of religion, caste, community or state." (Das; Khawas 2009: 3)

Before analyzing gender-based violence against women in India the aim is to take a quick step to try to understand the life and challenges of women in India and to understand how the circumstances of women in India are constituted according to common developmental literature. The aspiration to resume the identity of women in India, especially as a non-Indian woman from a western background, is actually very difficult. The purpose is not to describe "for" all Indian women how their situation is. India is a big country with many states and the life of a woman depends on where she comes from, where she migrated to or in which family she was raised. When talking about "urban" or "rural" women the claim is not to universalize all urban or rural women but give a glimpse of what is stated in common literature.

Indian history is a history of colonialism of different invaders, who had different interests in the particular time. Seen from a simplified perspective, the rough history of India could be seen as tripartite. The period before Europeans came to India, the era of European colonialism and the time after independence from British rule. Each episode of the history of India brings changes into politics, religious matters or power relations. The most significant change regarding to the situation of women in India came with British rule from 1858 to 1947, which had major influence on the development of contemporary India.

According to Geetanjali Mukherjee it is difficult to find out about the circumstances of the life and status of women before British colonialism because there are just a few documents left. For example the texts of Tryambakayajvan's *Stridharmapaddhati* (translated by Julia Leslie) which narrate about girls whose obligation is to get ready to

be married. Women on the market or in agriculture are not mentioned in these precolonial texts. The focus of former literature was generally to explain women's duty to get married early to a man from the same caste. The parents usually undertook the decision for their children. The texts stated the importance of giving birth to sons – women who only gave birth to daughters were treated very badly. Male preference and harassment of women with merely female children was therefore an important issue in former times. Women's lives were supposed to be dedicated to their husbands and when the husband died the woman was miserable her whole remaining life. The few women who could escape from the patriarchal household mostly got famous but these women were exceptions. (Mukherjee 1999: 259-260)

In the nineteenth century the main question was how women could be modernized. The thoughts were focused on traditions like sati, child marriage and dowry which were stated as perverse and cruel. British rule was pursuing commercial aims, introduced new relationships and had brought a "western" view into India which was instrumentalistic, precise, and effective. (Mukherjee 1999: 250)

Within the traditional meanings and the modernization of those, the matter of women became a certain field or category within tradition was debated. The literature of British writers was mainly about women's questions regarding to the tradition, culture and society – not including the discussion about what women actually wanted. Western reformers had the idea that there was only hope for India when western ideas and institutions were integrated into Indian society. According to them a new gender ideology and modification of the treatment of women would have been necessary. (Mukherjee 1999: 253-254)

Through colonial domination, a new ideology emerged to redefine gender relations. New ideas came together with indigenous concepts. But not everyone agreed that it was necessary to change gender relations. Some Indian intellectuals mentioned that also European women suffered hardship. Many of those intellectuals saw that the illness of society could be cured by empowerment and education for women. In the last decade of the nineteenth century, a reformist ideology came up: Women were to be pitied. Mahesh Chandra's speech about the misery of Indian women echoed in the western hemisphere and was recited during the whole century. Colonial officials agreed also that religion played an important role in Indian life, even the central one. (Mukherjee 1999: 255-259)

Many Indian customs like sati, dowry and others were labeled by colonial India under British rule as socially evil, barbaric or exotic. Legal measures were taken by colonial rulers to eradicate these customs and in this context the status of Indian women in Hindu society became a central theme of the colonial powers. (Mukherjee 1999: 10) Culture and colonialism mashed, interrelated and both changed over the time of British rule. (Mukherjee 1999: 11) “They attempted to destroy almost all indigenous institutions, knowledge notion of ethics and, most importantly, the sense of self-worth among the people of South Asia.” (Kishwar 2008: 83)

In 1947 India and Pakistan reached independence from British rule through the non-violence movement which Mahatma Gandhi put into motion. During this time, a difficult and formative era dawned. After Mahatma Gandhi had been killed in 1948, his right hand Jawaharlal Nehru and later Indira Gandhi took over his aims. According to Forbes, three observations regarding to the situation of women could be made directly after independence. The joy of victory was annulled by the refugee problem – many women were kidnapped or abused; women were upset because of the bureaucracy and institutionalization of women; during the struggle for independence, some women had accepted the dominance of the Congress. (Forbes 1996: 226)

In 1949, the Constitution of India was established by the Government of India (GoI) within the Constituent Assembly with the aim to provide the rules for the new Indian state. It contained “(...) that the citizens, men and women equally, have the right to an adequate means of livelihood (...)” (GoI 2007: 21) including equal pay of work for men and women and a certain amount of seats in *panchayats* (village councils). (GoI 2007: 131)

In the present, women can be elected as prime minister which is a very significant achievement. India had a woman for president from 2007 to 2012, named Pratibha Patil. Whether as members in parliament or in village councils, in business as leaders in all fields of business the number of women increases. Although the number of such success stories is comparatively rare. Significant is the gap between those women who have access to education and those who lack even basic education. According to Trivedi, most Indian women have no access to education, which means that they have less

formal jobs, get paid less than men, and their health situation is worse. Today's India is very dynamic and since independence, much has changed for women. (Trivedi 2010: 181-183) They participate actively in politics – women are ministers, ambassadors and prime ministers. Significant is also the fact that almost the same amount of women and men vote in elections. Some women follow the head of the family, some are simply interested in politics and it is not to say that women vote for women only. Even though the role of women in Indian politics is remarkable compared to other countries, the total equality, as promised in the Constitution of India, has not been reached and guaranteed. (Forbes 1996: 229)

Forbes says that, the circumstances that some women self-portrait themselves as “typical Indian women”, as mothers who take care of their family, is not very helpful to change the situation of women in India, as there are politicians who fight for women's rights. Having a woman as premier, could have raised all women's awareness that they have more rights and possibilities to move up in society. Women can be effective poles, like Indira Gandhi, but the political participation of women has not holistically favored the empowerment of women and the awareness of their rights. (Forbes 1996: 236)

Judging by the Indian economy and the strength of consumers, one may think there should be more equality. In the media there is usually only one view: Women in India need support and relief. But this is a western view and will not help to solve the problem of women's struggle between tradition and modernity. In fact, many women do not profit from the economic growth of the Indian state – 80% of women in India live near the poverty line. Even though, on an individual level, a large number of women suffer from poverty, but in the last two centuries – many changes have occurred regarding to the status of women. (Trivedi 2010: 181-183)

Forbes states that the status of women should be improved by the modernization of economy but in reality this is not the case. Women who leave the household to go to work in a factory have no prospect of a better life with more income. In most factories, women are being exploited. A phenomenon in mostly all issues regarding to women in India is that oppression occurs in poor as well as rich families. Women in wealthy families often have no privileges mostly because the parents invest their money in their sons – daughters are being denied. This is illustrated by the fact that in many middle

class to wealthy families, the homicide of the female fetus (femicide) in the womb is customary. (Forbes 1996: 241)

The dependence of the phenomenon of violence against women on the economic situation is significant for studying gender-based violence in India. Gender-based violence does not only happen in households of rural women but is a major challenge for rich women, too. One might think that women who have a job and actively participate in economic life will probably fight for better terms. But it is to mention that settled and improved economic status does not mean that these women fight against oppression. Forbes says also that a woman, who reaches an improved economic status would rather spend her money for the dowry of her daughter than for her education. (Forbes 1996: 242)

In contrast to western feminists, who claimed winning a constitutional parity in existing constitutions, Indian women were adjudicated a favorable constitutional status which can be assessed. Crucial is that Indian women are usually not seen as a single woman, but always in relation to the family and the community. To determine the status of women in contemporary India it is necessary to look back at the relationship with the family, and those of the colonial status. (Trivedi 2010: 184)

According to Ghadially there are four main events which have influenced women's lives and status in the Indian society: the structural adjustment package (SAP), the neo-liberal globalization, information and communication technologies (ITCs) and majoritarian fundamentalism.

The SAP was announced by the Finance Minister in 1991 and included export promotion, cuts, privatization, restricted imports, and currency devaluation. They led to an impact on both urban and rural women in the fields of manufacturing labor in urban areas and the shift from subsistence to cash crops for export. Women in urban areas were forced into the informal sector and rural women into wage labor, both groups with payment under average and unequal to men. With the SAP the Indian economy opened to the world market and globalization brought economic expansion in India. But it did not really bring improvements for women. As a consequence of excluding women many working sectors, they found themselves in sex tourism, in service sectors such as domestic work, entertainment, prostitution and trafficking. Investment of foreigners in

India posed a risk for workers when the investors left the country. As many benefits the globalization brings for the Indian market, it brings more advantages for women who are wealthy, highly educated and urban. Regarding to gender relations and gender roles, the cultural globalization entered India too. The access to television increased significantly in urban as well as rural areas. The Indian television and movies had an impact on family and gender because male dominance and themes like arranged marriage and love matches played a major role in these movies. In parallel with globalization new ICTs have established in India and women's movements use this tool for campaigns. A problem is that many women do not have access to ICTs because of various reasons like a low level of education, illiteracy, high costs, little time and many more. Regarding to the women's status in politics and society the Hindu nationalist parties in the 1990s promoted women who were bounded to tradition and culture. As opposed to this, Indian feminists speak out for a new Hindu woman who is educated and employed, also empowered, but in defending Hindu traditionalism and faith. That led to discrimination against Muslims and prioritized Hindu nationality over Indian nationality which created gaps between ethnicities and between women. (Ghadially 2007: 18-21)

3.1.1. Meaning of family

According to Mukherjee, the meaning of family changed, at least for a part of the Indian society. There is no baseline data for measuring the change in Indian families. There are a few studies in different villages but rare existing statistics. There are different opinions about what is typical for Indian families. Many researchers discussed the meaning of family in India, there are many theories about the way a family is defined. (Mukherjee 1999: 24ff.)

Segal describes the typical Indian family as a joint family. That means that the "(...) family is strictly hierarchal, patriarchal, and patrilineal." (Segal 1999: 215). The "traditional" Indian family is constituted of more family members than husband, wife and children. It covers three or more generations living together in one household. Such a joint family can consist of more than one family, as the sons bring their wives to the parental house and the spouse might bring some of her family members. Anyway, there

is a bright understanding that the wife should give in her life for the family and is dependent to the husband and his family. Women seem to be dependent on men their whole lives, as they are dependent on their fathers, then husbands and then older sons. (Segal 1999: 215)

Within a marriage or a household with all family members, the gender roles are clearly stated. The men are the heads of the family, they usually work, earn money, make decisions and expect loyalty from their relatives. Women have to take care of the husband's family and have to be loyal to her husband, taking care of the children and mostly staying in the house. (Segal 1999: 216)

Children and elders as well have an important role in the family. Children are the representatives of the family and should contribute to the well-being of the family through high achievement. The status of children in the family depends on age and gender and so does the relationship between siblings. Elders are authoritatively important parts of the family, respected in Indian society as it is believed that they are wise, provide special goods for the family and share their knowledge about culture and traditional customs. (Segal 1999: 217)

In times of industrialization, urbanization and westernization the meaning of family has changed. Whereas in rural areas family means a living together of grandparents, unmarried brothers or sisters and married children, in urban areas the family unit has been narrowed down to what Talcott Parsons calls a nuclear family. The nuclear family stands for what is urban, modern and industrial. The development of nuclear families is a result of changes in economy and society. Because of economic reasons the rural population was forced to leave their homes and to migrate to the cities. Those people simply had not enough chances to earn enough money to support their large families. In some cases, men go without their families to work in the cities, which leads to division of households. Men often take their wives and children to the city too, so a nuclear family is established. Another theory is, that the modernization, industrialization and urbanization strengthened the joint family because more hands were needed for business and kin is able to support and protect. (Mukherjee 1999: 20-22)

There is one issue, which is nearly the same for every Indian family: a male descendant is preferred. That underlies the poor status of women in Indian society. It is a big financial problem that in case of marriage, the women's family has to pay dowry. A male child also carries the family name and stays at home, supposed to take care of the family later. The women have to move out of the family and thereof cause costs for the family, when she is getting married – many families see female descendants as a burden and that is why they are especially vulnerable at every age. (Segal 1999: 218f.)

Women or girls are seen as a part of the family with some reservations. This phenomenon is known as *paraya dhan*, the “wealth of aliens”, which means that the female child is a temporary part of a family and her real home is the marital family. When women are not happy in the marital family because they experience violence or humiliation, in most cases they have nowhere else to go. (Kishwar 2008: 35)

3.1.2. Meaning of marriage

“(...) marriage, a common life event, is particularly important in the analysis of inequality because it is the point at which gender inequalities are negotiated and the division of labour is defined.” (Rudd 2007: 90)

Marriage plays a very important part in everyday life in India, both women and men should have the goal to get married to be settled in society. The marriage system is quite different depending on religion and region and it is mostly arranged marriage, arranged by the elderlies in the families. An overview of different marriage systems will be given to understand the importance of family and the background of marriage system.

The institution of marriage changed over epochs and societies. In modern times the most important or relevant aspects of marriage are religious, social, and legal. According to Russel the legal aspect is essential. Marriage is seen as a physical and moral union and the very basis of a family. In many societies in modern times the family is only complete with children, so it is about procreation of legitimate children. (Russel in Mukherjee 1999: 30f.)

In Islam marriage is a civil contract which is permanent until divorce. It is a sacred religious ceremony and the aim of marriage is not only procreation, but also mutual enjoyment. It is also seen as necessary for every man to get married. In a Shia marriage both parties have to understand the contract, the particulars of the husband and wife are clearly specified and all ambiguities should be removed. The Shia community is one of the most represented minor communities in India. (Mukherjee 1999: 35-37)

Hindu marriage is a sacrament or religious bond. Marriage is a holy union between man and woman with the aim of getting children to offer "oblations for the salvation of his deceased parents and ancestors and repay their debts and for the peace of their soul in the next world." (Mukherjee 1999: 37) If a man does not have a son, the son of the daughter can perform these duties. Marriage is a union by god which continues after one or both partners die. Widow marriage is seen by reformers and rational thinkers as a logical result. Aim of the Hindu marriage is "Dharma (religion and duty), Artha (money and prosperity), Kama (worldly pleasures) and Moksha (salvation)". A Hindu has to be married to be his full self. The main aim regarding to procreation is that the aim of Hindu marriage is to bring a son into the world, because it is part of the sacrament. Widow Remarriage is spurned. Even if there is no legal ban it is seen as hideous (for Muslims it is a normal feature). In Hindu society there is the practice of dowry, which is different to the custom of Maher (Muslim). While dowry is given to the family of the husband by the bride's family, Maher is given to the bride from the groom's family. (Mukherjee 1999: 37-39)

Sikh marriage is a religious sacrament which is meant to be life-long. There is no theory of rebirth in this concept. The Sikh marriage is seen as the simplest form of marriage because it is not bound on rituals and both sides are equal. No one is inferior by the other. (Mukherjee 1999: 39-40)

The Indian Christian marriage is different to the European one because there are still some aspects from Hindu society. Christian marriage aims the full development of personality, procreation and establishment of social contact and relationship. Marriage is a sacred contract between two people. (Mukherjee 1999: 40-41)

Many women are in very bad conditions in between the concepts of marriage. They are treated like slaves, being beaten, harassed or even burnt to death. Family matters should stay behind the four walls of each household. A woman cannot simply go to the police to complain, often the police tells women not to bring family matters to the outside. (Mukherjee 1999: 42f.)

3.1.3. Patriarchy and son preference

In this thesis it is assumed that violence against women is gender-based and used by men and also other parts of the family to control women and to exert their power which is deeply rooted in patriarchal and religious sanctioned systems. The system of patriarchy in the Indian context will be discussed further.

Patriarchy “(...) refers to a set of social institutions that deny women the opportunity to be self-supporting, thereby making them dependent on male relatives for survival, and that otherwise favor men in the intrafamilial allocation of resources and power.” (Mason; Taj 1987 in Malhotra; Vanneman; Kishor 1995: 284)

Segal writes that in India the cultural customs are deeply rooted in patriarchy. That's easily explained by the fact that families usually prefer to have sons. Families and communities put women under pressure to bear a son. If women only bear daughters, they are treated very badly, experience violence and in some cases the daughter is abandoned or killed as a fetus or as a new born. It is believed that the family can only survive with sons, which is rooted in the gender roles. Sons stay at home, get dowry and secure the family economically. Despite the cultural and religious differences, male preference is similar in many cultures and religions all over India and the gender role of women as well. (Segal 1999: 216)

Discrimination by gender, the marriage system and women's role in economics are aspects of gender inequality in patriarchy. (Malhotra, Vanneman and Kishor 1995: 285)

The attitude of Indian men to women in society comes from ancient religious scriptures and is culturally sanctioned. In the oldest Hindu law, the Manusmriti, it is written that women are weak and should not be independent and these beliefs have been taken along until contemporary India from nationalist parties. Traditional gender roles play a major role for Hindu politicians. (Smit 2012: 9)

National Parties in India, even if they differ from each other in several manners, have the nationalist doctrine in common. According to Banerjee “(...) a nationalism is gendered in that it draws on socially constructed ideas of masculinity and femininity to shape female and male participation in nation building (...)” (Banerjee 2003: 167). Women play a major role in teaching rituals and protect the Hindu culture and create an idea of a nation, a nation which is ethnically and religiously distinct from others. They use religious symbols to spread the idea of a masculine Hinduism and strengthen the imagination of Hindu warriors who defend mother India or *Bharatmata*. These warriors protect India, often outlined as a woman, and Indian women who need to be protected from the enemy, like the Muslim minority and some Hindu nationalists believe that they have to “rape Muslim women in order to vindicate the dishonor of Hindu womanhood”. (Banerjee 2003: 175)

Sharma and Gupta state that

“(...) violence against women arises from patriarchal notions of ownership over women’s bodies, sexuality, labor, reproductive rights, mobility and level of autonomy. Deep rooted ideas about male superiority enable men to freely exercise unlimited power over women’s lives and effectively legitimize it too.” (Sharma; Gupta 2004: 117)

Men’s identity in a patriarchal system is therefore according to Moore “thwarted” as already discussed in the theoretical framework. Thwarted means not to be able to take up a gendered position, in this case in a patriarchal system, when a man cannot take up his position as the one who “owns” a woman exercises power over her. If the exercise of power is not possible or a man sees his power in danger, he uses violence against the woman. With using violence he has back the control over himself and the other person and the gendered identity is asserted. (Moore 1994: 66-68)

“Masculinity represents the range of men’s beliefs about manhood and men’s need to exert influence and control in their lives, especially in their intimate partner relationships, and how much power women should have vis a vis men.” (Nanda et al. 2013: 3)

A study of the ICRW made in seven states in India, shows that men’s masculinity is influenced by their childhood and experience in their family. Economic stress could endanger a man’s role as breadwinner and provider of the family and influence his masculinity. These gender roles are a major influence on men’s behavior in an intimate partner relationship. (Nanda et al. 2013: 4-6)

After discussing some variables of the status of women in India, this chapter refers to some actual forms of gender-based violence against women in India. As already explained in the theoretical framework, according to Galtung, there are three major forms or types of violence. Structural violence, direct violence and cultural violence. Cultural violence is here treated as a cross-cutting theme, not an exclusive form of gender-based violence in India.

3.2. Structural violence

Structural violence describes this phenomenon as a kind of societal custom. In the case of India it means that family members use violence against women to oppress them and exert power to preserve their identities. Structural violence begins in the family, aims at the community, the governmental institutions, state policies and in the end it affects the whole Indian development towards equality between men and women. Compared to that, personal gender-based violence against women is violence done by one man or other family members against a woman intentionally to hurt or kill her. In the Indian case, structural as well as personal violence overlap with cultural violence because the intention is mostly rooted in customs and traditional practices. The forms of violence referred below – sati, dowry murders, rape, female infanticide, sexual harassment and child marriage – are examples of violence as stated in common literature as the most common forms of gender-based violence against women.

The reality of women in a patriarchal society like it is in India is very harsh. Women experience direct and indirect domination by men in public as well as in private sphere.

“She is not only robbed of her dignity and pride by way of seduction by the men outside, but also, may become a victim of cruelty by her saviors, within the four walls of her house. However, her trauma does not end here, it may even go up to the extent of forcing her to commit suicide or she may be burnt to death for various reasons including that of dowry.” (Sharma; Gupta 2004: 114)

But not only men are the ones who use violence to dominate women in families. Mothers-in-law, sisters-in-law, uncles and the broader community can be perpetrators of violence to undermine women. The in-laws can have a major influence on the women's decisions to join their husband on the pyre or to kill a female fetus. Gender-based violence is so complex and widespread in its different forms that it cannot be the aim in this thesis to describe every form and its horrible effects on individuals as well as communities and the state.

Structural violence based on gender is violence which is used against a man or a woman to show the dominance over the other in riots or armed conflicts. The act of violence can be perpetrated by one actor to a human being but, contrary to marital or domestic violence, it is not personal. It takes place in the public sphere, in riots, for example during elections, or is perpetrated by the state to oppress certain movements.

Especially sexual violence is a too common weapon in wars but also trafficking, sexual slavery and other horrible scenarios are possible once the political and social order is out of control. As structural violence is a public issue, it is discussed all over the world when it occurs in conflict. That doesn't happen when it comes to personal violence within families. (Srinivasan 2011: 16)

Also moral agendas like a dress code or a certain lifestyle, and the implementation of thuggish behavior is also structural violence. In India, especially in many cities, the vindication or defense of sexual harassment in public sphere is usual because it is a response to inappropriate dressing or behavior of the women. “It is the systematic targeting of particular lifestyles, spaces and dress in the name of cultural conversation that makes this sort of harassment political.” (Srinivasan 2011: 17) Also when a patriarchal society where men think that women should dress in a particular way or that they should stay at home and bear children only, it is structural violence to try to vindicate to “punish” them for an illicit behavior. (Srinivasan 2011: 17)

Structural violence plays a major role in all forms of violence because of the significant role of the patriarch and religious sanctioned system in India. All forms of violence are often excused by men. They think that a woman deserves to be punished, as well as in private and public settings and when this way of male thinking won't be conquered, the problem will persist. The problem is, that the documentation of structural violence is very poor. It is known that it happens but the real consequences and the frequency, how often it occurs it not documented completely and over time it gets invisible. (Srinivasan 2011: 18)

Panda and Agarwal state that development is mainly measured by the economic growth but needs to be evaluated in terms of the improvement of human capability, like Amartya Sen (1999) claims that "Development requires the removal of major sources of unfreedom." (Sen 1999: 3 in Panda; Agarwal 2005: 823) Women's property status and the risk of marital violence need particular attention in the development debate. (Panda; Agarwal 2005: 823f.) Gender gaps and inequalities effect the Indian society and nearly all development domains. Violence against women and discrimination are rooted in gender inequalities. It is part of the development and must be discussed. (Hay; Sudarshan; Mendez 2012: 179)

3.3 Personal violence

Violence against women in the household or family is complex as the family hardly never means a relationship between a man and a woman but includes a whole household of the husband's parents, brothers, sisters and aunts and uncles. Within the household the custom of dowry plays a major role. Is the family not satisfied with the dowry, the women can be tortured, driven into suicide or murdered. (Sharma; Gupta 2004: 116)

Gender-based violence against women in families mostly happens to women who are dependent on their husbands and his family so women have nowhere to go when they experience violence, physically or psychologically. In course of the research for this thesis, it was clear that most women do not go to the police to report a crime against their families, maybe because they do not know that they have the right to do so. They are not aware that violence is a human rights violation or they are too ashamed and

think that the husband may have a reason to beat. Besides many women feel guilty and they are told they deserve punishment.

Segal explains further that one very common form of personal violence is wife battering. Many women are battered by their spouses regularly. Fire, household items or other things are used to beaten the women and usually cause serious injury. Deprivation of food and other basic needs is also a form of battering. Many men believe that they have the right to punish their wives with these forms of battering, believing also that the woman provoked his behavior and that she deserves this treatment. In many families or societies this form of violence is accepted quietly and many women themselves think that the husband has the right to punish them as they “belong” to the husband. (Segal 1999: 225) Globally, wife battering is one of the most common forms of violence against women in a domestic setting. In India it often occurs related to dowry, as dowry murder or violence for not bringing adequate dowry (Sharma; Gupta 2004: 118)

Women are often abused as slaves who have to serve the family, the consequence is that women are kept as marginal workers or unpaid family workers in households. They are “(...) under-represented in decision making positions (...)” (Hay; Sudarshan; Mendez 2012: 179) and they do not have a chance to speak for their rights to reach change.

Another issue regarding to personal violence is, that it is an underreported form of violence against women. Mostly common is psychological abuse which overlaps with physical and sexual abuse and has widespread consequences for the victim, the children and dehumanizes the husband. The consequences are effecting the whole society as the productivity and the participation in human life is endangered. (Panda; Agarwal 2005: 824)

Sexual violence in households is has been examined by various studies as a very sensitive topic of Indian society, still undermined by a culture of silence. A study in households in five Indian districts analyzes the data of a survey in 2007 where women in the households are asked if they experienced sexual violence within the household shows that 41 percent of the married and 28 percent of unmarried women experienced violence in the past 12 months. Especially vulnerable appeared to be Dalit women, which belong to one of the lowest castes. Referring to non-sexual violence, pushing was

the most remarkable kind of violence against women. (Coast; Leone; Malviya 2013: 6-11)

The Indian example shows that as nearly 80, 50 % (2012) of the Indian population are Hindus, it is important to consider the meaning of the influence of culture and tradition in this discussion about what is violence. The concept of violence in a Hindu Society contains the element of sacralizing. It is transmitted in former periods that sacrifice was an element of order and a regular feature in Hindu ritual and life. Sacrifice was not seen as killing, but as a necessity to uphold the order. Wedded to a theory of violence is a theory of non-violence, which occurred in early history as “ahimsa” which stands for obliterating violence. (Vidal; Tarabout; Meyer 2003: 15f)

The Indian and Hindu society is shaped by these concepts and the history of the meaning of violence to occur as something necessary. Especially regarding to Indian women, violence against them, direct or indirect, is often connected to or explained in traditional meanings, like when woman sacrifices herself on her husband's pyre or when she is getting murdered because of insufficient dowry.

3.4. Gender-based violence against women from “*Womb to Tomb*”

As a preliminary point it is to say that gender-based violence against women in India is happening and it is happening from “Womb to Tomb” as Sinha expresses it. The title of this chapter can also be called “types of gender-based violence against women in India” but when I heard the impression of Rangila Sinha as a title of a paper presented in the National Seminar on Women’s Empowerment, it was the perfect titling of gender-based violence in India. It represents its magnitude and its influence on women from the womb until they die, can include babies before birth, infants, children, adults and elderly. They are always in danger and have to fear violence.

The author reveals the different phases and the types of violence which are happening in each phase of human life. Beginning with pre-birth there can be sex-selective abortion and effects of battering during pregnancy to the mother. As an infant there can occur female infanticide and any form of sexual, physical or psychological abuse and as a child malnutrition, child marriage and child prostitution. As an adult there can be rape, dowry murders, neglect during pregnancy, psychological, physical and sexual abuse in workplace, intimate partner violence and partner homicide, as elderly forced suicide of widows as well as every form of abuse. (Sinha, R. 2010: 379f.)

Each type of gender-based violence against women in India explained below is not exclusively to allocate either to structural, personal or cultural violence but each form can have structural and personal magnitude and should explain both types of violence further with these forms or examples of gender-based violence against women. Cultural violence is to be seen as a persistent factor influencing the types of violence.

In the following chapter, female infanticide and sex-selective abortion, child marriage, sati, which pertains widows, dowry murders, sexual harassment and rape will be described. Applicable for all types described below is that it is the aim of this chapter to summarize the most important issues of each type of violence regarding to what women in contemporary India are confronted with according to common literature. Rape will conclude the chapter and will be further explained by an example case of the in 2012 gang-raped student in New Delhi.

3.4.1. Female infanticide and sex-selective abortions

Female infanticide and sex-selective abortions are mechanisms to control the population all over the world. Children who are not wanted can be identified through different invasive and non-invasive tests before the baby is born to find out whether the fetus is male or female or disabled. In India, many women undergo these tests, which are a financial burden, to identify the sex of the baby. There are a lot of women who just take the test for sex-selection and to abort their female children, even if the practice of taking prenatal tests only for sex-selection is under penalty, it is still custom. Here this crime is against children and women as there is a lot of pressure on women from society and family to abort or kill the female child in the womb or after birth. Because of the societal pressure it is structural violence which ends in direct violence to the women and their female children.

In the 1980s, sex-selective abortion of female fetuses became quite popular, not only in urban areas but also in rural regions as there were mobile ultrasound units which have been carried to rural areas and made sex-selection accessible. Sex-selective abortion is actually more common than female infanticide, but both is hardly documented. (George 1997: 124) Oldenburg refers to female infanticide as preemptive dowry murders and crimes with cultural fingerprints. (Oldenburg 2002: 5)

What is mostly following is abortion but if this is not possible or often too expensive, female infanticide is exerted. That means that the female child is killed within a few hours or days after birth through malnutrition, illness or outright. In the NCRB infanticide in general is recorded under “Crimes against Children” – 81 cases were reported in 2012, 63 in 2011. This is just a dark figure like in all statistics about crime against women and children. (NCRB 2013: 95) According to Dalvie, in the 1990s, 6,7 Million abortions were induced per year in whole India. Although the numbers are hardly documented, there are different kinds of sources and different numbers, like three illegal abortions follow one legal abortion in rural and four to five in urban areas. (Dalvie 2008: 37)

Since the Medical Termination of Pregnancy Act in 1971 abortion has become legal but still there are so many illegal abortions. Arnold, Kishor and Roy suggest that many women do not have the money to pay for the approved medical practitioners as it is

required within the Act. Especially when the pregnancy is in the second or third trimester, women need two medical practitioners to approve an abortion. Added to this, the required standards are especially in rural areas are not given to perform abortions and in general, there are only a few health centers allowed to perform abortions because of the certain standards required. (Arnold; Kishor; Roy 2002: 760f.)

According to the Census of India in 2011 the sex ratio of the age group from 0-6 years is 919 females per 1.000 males. In 2001 it was 927 females per 1.000 males in total India. (Office of the Registrar General & Census Commissioner, India 2011: 1) This shows a high sex ratio and a decrease from 2001 to 2011 referable to the female infanticide and sex-selective abortions, relating to unreported pregnancies and birth.

Infanticide was, in colonial times, mostly thought to be dedicated to dowry murders. Mukherjee writes, based on statistical evidence, that sex ratios show that also in other classes or cultures like upper class Hindus, Sikh or Muslims, who did not practice dowry, also committed female infanticide was committed. (Mukherjee: 1999: 4f.)

Through prenatal diagnostic technology and sex-determination tests (SDTs) it is possible to find out the sex of the baby at a very early age and it is used in many parts of the world as a technology to choose whether to bear or abort the baby. Sex-selective abortions are very common in India, as the patriarchal society prefers a son to be born. National family planning policies demand smaller families so women select their babies prenatally. This problem will always be present as long as the society prefers a son to be born. The International Center of Research on Women (ICRW) claims that the decisions made by women to use prenatal diagnostic is a decision influenced by men. (Nanda et al. 2013: 1) Many women though are under heavy pressure of society and also want to use this method not to bear a girl. Also in-laws and other parts of the family or community and the dependence of the woman to those play a major role regarding to this decision.

In the 1970s, sex determination through amniocentesis became quite popular, at first to determine “genetic abnormalities”, but onwards the sex of the fetus. Amniocentesis was banned in 1976 by the government to make sex-selection illegal, but that does not mean that sex determination has stopped, if anything, it even has increased. These tests are

mostly done within ultrasounds or as a side effect of those. The parents pay a fee which is very little compared to what they would have to pay for dowry if they get a female child. (Sudha; Rajan 1999 in Arnold; Kishor; Roy 2002: 762)

3.4.2. *Child marriage*

Violence against children, male and female, in particular is also very often seen in India mostly regarding to child marriage and child labor including child prostitution. This kind of violence can be seen as psychological violence, exerted by the parents or persons who send the children to work, force them into prostitution or to get married. Many children who get married at a young age are abused by their husbands and the marriage is consummated without the children knowing what sex is. Many children suffer from pain and get their first child at a very young age which endangers both the mother who is still a child and the baby itself.

Child marriage is defined on the one hand as the arranged marriage between a man and a woman at the age from 14 to 18 and on the other hand as betrothal when the children get engaged or married off at a very young age but sent off to the husband's family at the age of 15 in a special ceremony called *gauna*. (Kishwar 2008: 20)

Scholars found out that child marriage is not an ancient phenomenon. There is no exact time when the system became usual in India. Mukherjee supposes that child marriage became prevalent when foreigners invaded in India because young girls were be in danger of being enslaved by the invaders (Mukherjee 1999: 45).

Of course, child marriage is seen, especially from a western view, as a horrible thing which can steal the childhood away too fast. But there are also examples of child marriage which seem to be necessary or understandable in a way. Kishwar gives an example of a family in South India: The mother was married when she was 18 years old but she decided to get her daughter married after puberty when she was 16 years old. The decision was leaded by the fear that the daughter could suffer from violence in the near environment along the railway because men were delegated by the police to take bribes from the people, therefore much anti-social behavior came up in the region. As a

result, many female children had to stay at home for safety reasons. A lot of children and women were attacked day and night so the mother decided to get her 16 year old daughter married early to keep her in a safe environment, the husband was regarded a protector. When a child gets attacked and raped when she is not married, her life is ruined. (Kishwar 2008: 18f.)

There are more reasons or explanation of why parents get their children married at a young age. Child marriage is still dangerous and a human rights violation against the right of being a child and the right to be protected. Kishwar shows a few explanations which should be taken into consideration within decisions and implementation of policies and laws. Child marriage has its reasons in the need of taking care of the elderly because many men have to go to work outside the villages. When they go to the city without being married the danger that they stay in the city and are not able to take care of the parents is high. Also when those men get better jobs, they get higher dowry, so it is better to marry girls earlier for paying less dowry. Moreover sexual activity before marriage can be very dangerous for women because when they get pregnant and the man refuses to take care, the woman will have hard times to find another man. (Kishwar 2008: 19)

3.4.3. *Sati*

“(...) under Hindu Law the woman’s first primary duty is to her husband.” (Mukherjee 1999: 62)

The meaning of sati is ambiguous, there are different interpretations of sati in literature. The most popular definition for sati is, that it is the event of a woman joining her husband on his pyre. But sati derives from the word *sat* which means truth what can also simply mean that sati is a woman who is true and not a women who “spontaneously combusts”. Through British rule and interpretation the word sati became the description of a woman who burns herself on her husband’s pyre. (Kishwar 2008: 84)

Sati is an example of structural violence, as there is no actor who uses direct somatic violence against a human being, but the human being is forced due to certain circumstances and beliefs through the belief system, which is a cultural system.

There are many questions involved when one thinks about sati: Is it suicide or murder? Should anyone get punished and who should get punished – the woman for committing suicide or the ones who drove her into this act? How is that evaluable? What if the woman did it out of real love for her husband and desperation about his death? Should her children get punished for that?

After independence many cases of sati occurred and it was also an issue of the women's movement by then. After one case of sati in 1987, the discussion about sati grew louder and the Sati Prevention Act was enacted. According to it, sati is "(...) the burning or burying alive of any widow along with the body of her deceased husband or any other relative (...)" (GoI 1988: 1) According to this Act, anyone who commits sati can be punished but also anyone who makes a person believe that sati is a necessary thing to do due to beliefs and traditions. How that is possible to evaluate, is the question.

In Hindi sati has a different definition: Sati is a person, not a thing or a practice. Generally in Hindu sati means "to be a good and truly faithful wife, who is devoted to her husband". (Hawley 1994: 11) The faithfulness is a criterion for the husbands' health and welfare. When the husband dies before the wife, which is very common when older men marry younger women, then it seems like something had been wrong during marriage. This is why there is something unfavorable about widowhood. Sati can also mean the avoidance of widowhood. Until the husband is officially dead, which is when he is buried or cremated, the woman has the time to separate his physical death to his ritual one to avoid joining him on the pyre. That means that sati and widow are different things, a sati is not a widow in this case. Many Hindu speakers in the urban area use sati as the word for women and not in the meaning of "practice of sati" Every time a sati is enacted, the devotion to her husband becomes manifest and the actual act of immolation is done. This is why there is a connection between sati as a person and sati as a practice. The Indic speech prefers being or becoming sati than doing sati, but there is definitely a connection. Also, in addition to sati as a person and as a practice, there is another meaning: Sati as the goddess. But, there is no connection between sati and her history

and sati as a self-immolation. Sati, the goddess, did not burn herself, her husband was actually still alive when she died. (Hawley 1994: 11-14)

But it is another issue that might have stamped the definition of sati. As already mentioned, the traditional sati contains the story of the goddess Sati, who is the Daughter of Daksha and the wife of Shiva. Daksha insults Shiva by refusing to include him in his sacrifice, Sati enters the fire herself. With that she shows her unconditional loyalty to her husband. It is told that Shiva takes Satis corps around the world. (Courtright 1994: 30f.)

In colonial India, when western travelers and civil servants came there, many of them saw the ritual of immolation and interpreted their own meaning into it. They were eyewitnesses of Sati, they were outstanding the traditions, which produces Sati (in their eyes). (Courtright 1994: 41f.)

Sati in its meanings circumscribes the division between tradition and modernity. The patriarchal traditionalists see sati as a devotion of a wife to her husband. In the eyes of modern writers, politicians or feminist writers, Sati means a waste of life because of traditional values. Sati is, unlike other rituals, not happening in public. It is illegal and must not be arranged in advance. What is known about Sati, is what is left behind. (Courtright 1994: 28-30)

Sati is, in comparison with dowry, a custom which does not occur very often in India also due to the fact that sati is compared with suicide and not seen as a crime. The NCRB recorded under the Sati Prevention Act only two cases of sati, one in 2008 and one in 2011 and no such case in 2012. (NCRB 2013: 81)

According to common literature about gender-based violence against women sati is also not a very wide spread issue but it was an aim to add sati to this thesis because it shows that it is a part of the life of widows and makes clear the devotion of a wife to her husband. It plays an influential role in all forms of marital violence as dowry death, child marriage or female infanticide. Also, sati is seen as a precursor for dowry as in both systems one can interpret that women immolate themselves.

3.4.4. Dowry murder

One of the most dramatic forms of gender-based violence against women in India is so called “dowry murder”, “dowry death” and “bride-burning”. Dowry is a system which is an interplay of structural, personal and cultural violence. It is a tradition, a custom which is reality in today’s culture in India, rooted in a patriarchal Hindu society. Whenever one reads about dowry system in literature and media, related to violence against women, it is based on gender and it is mostly called dowry murder or bride burning because many women are being killed by their husbands or in-laws due to insufficient dowry. This type of violence can be personal, as murder is a direct personal act of violence with an actor and a victim, and it is also structural as it is a system which is rooted in a structure of capitalism and materialism which brings families to do something as horrible as burning a bride to get the son back to the wedding market to earn more dowry. Dowry murder is the best example for gender-based violence against women in India and its horrible facets, influencing laws and policies and having been a main issue in women’s movements since their existence.

The burning of wives is seen as an extension to the above explained phenomenon “Sati”, the immolation of widows to join their husbands on their pyre. In both cases the women immolate themselves, are assumed to sacrifice themselves or are being sacrificed. Burning the wives is a method of husbands and in-laws, of getting rid of the wife, so that the man can be put back onto the wedding market to get another wife, maybe with a bigger dowry. Related to dowry, the in-laws, especially the mother in-law plays an influential role because she can act with or without the husbands knowing it. This cruel method is used because the committer of the crime, the husband or the mother-in-law, has an alibi. In most of the Indian households it is common to use kerosene stoves in the kitchen and tins of fuel. These stoves are known to explode frequently which lets the murder mostly look like an accident. The fuel can be poured over the victim easily and a lighter can do the rest, the nylon sari is burning very fast. Mukherjee recognizes further, that the cause of this dangerous phenomenon is a cultural problem. Dowry is in many studies related to female infanticide, which is one of the most spread forms of murder in India. Dowry constructs women as financial burden to their homes as infant and later as brides. In 1961 the Indian Parliament banned dowry within the Dowry Prohibition Act in 1961 and made it illegal but it changed nothing in

practicing this custom. The reason for dowry was always seen two-folded. Some are making the tradition and the culture responsible and others the westernization, which brought materialism and capitalism. (Mukherjee 1999: 1-3)

The Dowry Prohibition Act in 1961, which penalized anyone who gives or received dowry with imprisonment, defines dowry as follows:

“(…) ‘dowry’ means any property or valuable security given or agreed to be given either directly or indirectly- (a) by one party to a marriage to the other party to the marriage or (b) by the parents of either party to a marriage or by any other person, to either party to the marriage or any other person; (…)” (GoI 1961: 1)

The Act prohibits the giving or taking dowry and makes it punishable but the dowry system did not abate. The NCRB recorded in 2000 6.995 cases of dowry deaths, in 1995 it was a number of 4.646 cases, and in 2012 8.233 cases (NCRB 2013: 10) so the official number of dowry deaths increased but the dark figure has to be much higher as dowry death is often hidden under the pretext of accidents.

What Mukherjee is asking is: what made dowry disappear in the west and make it worse in India? In the nineteenth and early twentieth century dowry was seen as a support for the women. It was working like an economic safety net in a setting where women married and moved to other villages, which has been usual to do until nowadays. In the unfamiliar new homes they did not inherit land, so the resources they received through dowry gave them safety. This resources were under their control, the dowry was given by the family and sometimes the whole village. Women had partly control over the mostly home produced items and other material – it was intended for emergencies too. In colonial times, the meaning of dowry changed in general. (Mukherjee 1999: 4-6)

Materialism and the increasing range of consumer goods under British rule became available and the expenses for weddings, gifts and entertaining the guests were getting more important. Since postcolonial period the trend has gone in the direction that ceremonies which have been related to daughters and parents have changed immensely. (Mukherjee 1999: 8-9) The extent or amount of dowry depends on the status of male and female in society. When the woman is less educated or economically unequal to the man, the dowry increases. Men who are more educated, are able to earn more money so they demand bigger dowry. (Mukherjee 1999:159)

Traditionally, dowry or *dahej* is a symbol of the status of a family and consists of a part for the bride, called *stridanam* and a part for the groom called *dakshina*, which is the main part and includes several gifts for the groom and his family, where the bride will live after marriage. (Rudd 2007: 92) As discussed in the previous part of this chapter, marriage is highly important in Indian society – some families would do anything to get their daughters married and also for the daughter it is seen as (the only) step into her life outside her family's home into her future life. Only after getting married she is seen as a worthy woman or part of the society. A woman is buying herself into a new life, which could be a life of slavery and harassment from her husband as well as the in-laws. (Mukherjee 1999: 158) Women are often seen as goods as part of a contract and when the income for the husband's family is not sufficient, it can lead to abuse and dowry murder. (Rudd 2007: 92)

Women are not supposed to be part of the decision what and how much dowry they give to their husbands. It is more like a gift from one man to another, everything is decided for the woman, the dowry as well as the wedding celebration itself, and she should show her happiness and gratitude, whether she feels it or not. The gifts are directly given to the in-laws or groom but not to the woman herself. If it would be given to the woman herself, this could be an argument for a sense of dowry or it could be seen as a security for the bride. But under the given circumstances the woman does not even know what happens with the gift, especially when it is cash. She has no right to take the money, deposit it and save it for the case of divorce, widowhood, or abandonment. (Kishwar 2008: 163-165)

Another less violent side of dowry is that it is seen as a voluntary gift from the bride's family to the groom to secure the bride, to make sure about her welfare and to show respect to the groom's family. If it is voluntarily, why should it be wrong? Kishwar considers this point of view as doubtful because in other cultures presents to the groom's family are not common. Families are in the duty to get their daughters married and to perform their daughter's marriage, frequently under pressure that the dowry is sufficient. If the family is poor or rich, if the daughter is not married she will not be fully accepted in society. The marriage market is harsh, women older than 26 have a hard time to find a husband and also the dowry gets higher. Under these conditions

dowry cannot be seen as something that is voluntarily given because it depends on many issues and turns out as a market where negotiations are made and where the status of the groom, his parents, brothers and uncles plays an important role. The bride's family negotiates dowry, or make suggestions about the amount but giving less dowry than expected endangers the honor of the family. (Kishwar 2008: 160f.)

Many women, who couldn't stand the pressure of dowry anymore because being harassed by their husbands or in-laws, have been getting divorced since it was made legal in the 1980s. This fact, that women decide for themselves, for their own way of life, sets the patriarchal belief system in danger and let gender-based violence increase. The identities of men have become thwarted through the empowerment of women, as discussed in the theoretical framework of identities. Furthermore, Oldenburg mentions that many women commit suicide because they cannot easily go to their parents' home after divorce. Some parents don't know about the miseries of their daughters but some are refusing to shelter their daughter because of pressure of the community and shame. (Oldenburg 2002: 224f.)

3.4.5. Sexual Harassment

Sexual Harassment is defined as an

“(...) unwelcome sexually determined behavior as: physical contact, a demand or request for sexual favours, sexually coloured remarks, showing pornography and any other unwelcome physical, verbal or non-verbal conduct of a sexual nature, for example leering, telling dirty jokes, making sexual remarks about a person's body, etc.” (Supreme Court guidelines 1997 in Patel 2007: 112)

Sexual Harassment in public sphere, can concern all women who move outside the houses. Sexual harassment happens in the streets, in public transport and at the workplace.

At the workplace, sexual harassment is well known and sanctioned are initiated against it. In the media as well as in many organizations it is an aim to raise awareness about sexual harassment and about how to respond to it as a women and also as an employer. There are a lot of myths about sexual harassment at the workplace. The definition above is a definition for the extent sexual harassment can have. Still some acts from men

against women at the workplace are not seen as sexual harassment especially by men because of the myths which are not only believed by men. One myth for example is that women enjoy sexual innuendoes or sexual harassment in forms of random physical contact or dirty jokes, which are seen as harmless flirts or provocation. Also some people, not only in men's opinion, think that when a woman dresses a certain way she does not deserve better. But getting a punishment for not dressing appropriate. In this regard the question arouses what kind of clothes are appropriate. It is seen as a woman's fault and that she could have prevented sexual harassment with different appearance or behavior. Many women are so ashamed that they don't say anything. Their silence includes many people to think that women like it or it does not trouble them. Many of those myths are common practice in workplaces in India but sexual harassment is "humiliating, intimidating, painful and frightening" and has to be prevented. (Patel 2007: 112f.) The prevention is in the responsibility of the employer but the problem is that 92 percent of all women who are employed, work in the informal and unorganized sector, where they cannot count on statutory protection. (Patel 2007: 109)

Sexual harassment on the street, including public transport, is another horrible humiliation which is embarrassing for women and very difficult to respond to. For many women sexual harassment on the street seem to be something normal they have to live with. Every women move in the streets they have to protect themselves and their body parts. This actually disturbs women's freedom.

As well as street sexual harassment, reporting the crimes is a very big problem. Many women who experience any form of sexual harassment in a public space, which is mostly crowded or in a bus, train, shop, bar, etc. do not report it for the reason that it is impossible to find the perpetrator. Some women might also think that when it happens "only" once or twice, there is no reason for reporting. Also their families often do not want them to go to the police. (Srinivasan 2011: 9)

The NCRB recorded in 2012 45.351 cases under Section 354 and 9.173 cases under Section 509 of the Indian Penal Code. 509 means the insult to the modesty of women and 354 the assault on women with intent to outrage, more specific, like a distinction of work and street sexual harassment is not been made. (NCRB 2013: 81)

3.4.6. Rape

Here, rape in the means of personal violence is a directly committed crime by a man to a woman. Rape is one of the most common forms of violence in India, especially in cities. In the year 2004 the shocking fact was stated that in New Delhi every 24 hours a woman was raped. It is reported that women and girls of lower castes or economic status are more in jeopardy of being raped. (Narayanan 2012: 3)

According to the NCRB 24.923 cases of rape have been registered in all India. Compared to the previous years, the number increased (NCRB 2013: 8), but the cases which are not reported, the dark figure of crimes against women is hard to imagine. Here it is to say that rape even if there are cases committed by men to men and also by women to men, rape of women, also often by more than one man, is the most common reported case. It is also stated under the chapter "Crimes against women" from the NCRB, rape of men by men is not given attention in this discussion. Again and again since the last year cases have been reported in the newspapers all over the world telling stories about women who were raped by groups of men and stating that women are in danger of being raped at any time and situation in their lives. Not even the accompaniment of their boyfriends or other company ensures safety for the women. It is a cruel and horrifying fact that there are some men outside who seem to have fun in other people's pain. Rape is, of course, not an Indian phenomenon but the rape cases which are reported in the media are of such a brutality and cruelty that the question arises, why such cases happen so often, especially in cities, and what is the reason therefore. In this passage it is the aim to shortly describe what rape is and then go further to the case of the 23-year old student who was gang-raped in Delhi. This case will be a matter of each following chapter as the aim is to discuss an example case for realities, reactions and changes in the matter of gender-based violence against women in India. It is a case of a woman in the city of Delhi, so in an urban setting.

Rape is a form of sexual violence, which is the forced penetration of the genitals using certain body parts or objects. Rape can take place in many different settings: within the family, between married couples or other relatives, rape by strangers, systematic rape in a war or armed conflict. If there are more than one perpetrator, it is called gang rape. Sexual violence emerges in forms of unwanted sexual advances or sexual harassments, sexual abuse of disabled people, elderly and children, forced marriage, denial of the

right to use protection to prevent sexually transmitted diseases, forced abortion, female genital mutilation, forced prostitution and trafficking. (Krug et al. 2002: 149-150)

Especially in a big city like Delhi, the settings are not safe for women and bring them constantly in dangerous situations as there are no measures being taken to prevent sexual violence against women in form of rape. In parking lots and on pavements there should be precautions as women are vulnerable to rapists who operate in cars. (Baxi 2003 in Narayanan 2012: 5)

Women who work in the service sector experience an increase of violence against them especially on their way to work or home from work. Even though there are legislations which oblige the employer to make sure that women are safe when commuting between work and home, many women have been victimized. The cases of rape have risen about 30 percent between 2003 and 2007. (Trivedi 2003: 200) That does not have to mean that the cases actually increased but the number of women who reported the cases did increase.

In 1860 rape and its punishment have been defined in the Indian Penal Code (IPC) and it is said that each sexual intercourse without a woman's consent is rape. The IPC section regarding to rape got a few Amendments ruling custodial rape and marital rape. The punishment for rapists is stated with minimum seven years in prison, forcing wife to sex was punishable by two years. Anyway, the problem is, that the Indian government needs so much time for judgment that it can happen that one of the parties died already. Another issue is that under the IPC many girls report a rape even if it didn't happen in order to ruin someone's life. The law is misused and it is hard to handle the distinction between a real case and a fake one. (Goel n.y.) This argument is reality and when it is about sexual harassment and the complaint about women that their husband or a stranger harassed them then it is a possible imagination that women misuse the criminal code. But, for sure it is not common that women make fake complaints about rape cases, as when they are victims of rape, the Indian society may not provide any protection but claim that it is her fault. Shame would be brought over her and her family. The misuse of the rape law might exist but it seldom occurs.

Example Case: The 2012 Delhi gang rape

"Indian media named her 'Nirbhaya,' or 'fearless,' as rape victims cannot be identified under Indian law." (George 2013)

The example case is about a case of an unbelievable brutal and horrible act of personal violence against a young woman in New Delhi. This case got famous because of the cruelty and the consequences. In the chapter, which contains the realities of gender-based violence against women in India, the aim is simply to describe what has happened in Delhi to that young woman and show by means of this one case, how violence can become a reality in women's lives. In this case an everyday event in an urban setting, namely going by the bus, became a terrible trap for a young woman.

The 23-year-old student, who studied physiotherapy in New Delhi, was going to a cinema to watch a movie with a male friend of hers, a software engineer. They wanted to go home by public transport after watching the movie and decided to take the bus. A bus stopped and the bus driver told them that the bus would go in the direction needed. It was 9.30 pm when they got onto the bus but the bus was heading in another direction and that made the two getting suspicious. Shortly after, six men inclusive the bus driver, who were accused later, started a discussion about what or how or why they went out this night. The discussion did not last long, two of the accused took the girl to the back of the bus and her male friend was hit on the head. (Biswas 2012) The woman was gang-raped by the men and abused in a horrible way using a bar which caused massive internal injuries until she got unconscious. After this horrible act of violence, the men threw the woman and her friend naked out of the bus a little bit outside of Delhi city. (George 2013) The 23-year-old woman was taken to hospital and after six days the doctors reported an improvement. The woman was able to speak and told this horrible story to the senior police official and a sub-divisional magistrate. (Biswas 2012) Unfortunately her condition worsened and she died after 13 days because her injuries. Her case started rolling a whole wave of will to fight against violence against women in India.

The six men were all assaulted and arrested in a very fast trial, not common for cases of violence but the attention of the international and national newspapers lead to a fast trial. One of the men, the bus driver, hanged himself in prison which caused another furor. Four men, the main perpetrators, still alive, were convicted to death penalty, probably also because of the pressure of the public. (The Times of India 2013)

Another detail of the case is that out of 706 rape cases which were filed in 2012, only one case, namely this example case, ended in conviction. (George 2013)

4. Reactions to violence against women in India

This chapter will reveal the reactions to gender-based violence against women in India. Three actors will be in focus: the legislative, the women's movements and activism and the religious leaders. On a national level the legislative adopted many laws, policies and amendments to react to the social injustices regarding women. Many achievements have been reached by the legislative but not without the pressure of the women's movements and activism. They identified the nuisances that influenced women's lives in public and private sphere and got active. As the social injustice have not ended for women in India yet, women's movements and activism still play a major role to call out what has to be done and to act to improve women's status in a patriarchal system. Without the influence of growing women's movement and activism in India, there would not be a great achievement in government policies. Reactions to violence against women come also from religious leaders, here mainly the Hindu right wing. The example case, concluding this chapter sketches out how those parties have reacted.

4.1. Legislative

“Social Legislation does not determine social behaviour” There is a major gap between the legislation of violence against women and the practice in society. (Kishwar 2008: 13)

As discussed earlier, the United Nations give the “universal” human rights framework and therefore the task to the Indian government to ensure gender-equality and to protect women from gender-based violence. India is initiating gender-sensitive planning in the legislative and several other programmes. The policies, bills and amendments are oriented towards the order of international guidelines to gender-sensitive planning.

In 1950 the Constitution of India (COI), a written document which determines the Indian government system, became effective. From 1951 to 2012, 98 Amendments were added to the Constitution, a very dynamic document which should ensure different overall concepts that represent the Indian union of states on all levels. The Preamble says, that justice, liberty and equality should be assured to all Indian citizens and the Constitution defines in 22 parts the ideal of the Indian state(s). In part three, the

fundamental rights are described beginning with the Right to Equality: “The State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them.” (GoI 2007: 7) That is like the UDHR a universal aim which, looking at a patriarchic and religious sanctioned belief system, has not been reached. Women are discriminated on each grounds described in the Constitution of India also by state representatives such as police officers or the judiciary. According to political violence, which here means not taking women and their problems seriously, a solution seems far off. The government should not only state universal rights but also implement them.

Regarding to women’s rights and the equal treatment of men and women, the fourth part of the Constitution of India inter alia ensures the right to means of livelihood and equal pay for equal work for men and women. (GoI 2007: 21) An important achievement was the participation of women in the *panchayats*, which are governmental bodies, so called village councils. In two amendments in the Indian Constitution, the reservation of 33 percent of all seats for women was appointed. Many non-elite women who were not literate, became the chance to be part of *panchayats* and they got a new voice on a local level. But, the new gained participation on the local level had its limitations and remained confined by the state. The number of seats was enlarged in 2009 when the new Prime Minister increased the seats to 50 percent through another amendment of the Constitution. The seats are reserved for women but what is if women want to have seats which are not reserved? (Trivedi 2003: 198f.)

Very important regarding to the status of women and the knowledge of the government of India to women’s issues is the National Commission for Women (NCW), set up as a statutory body in 1992 under the National Commission for Women Act in 1990. Its aim is to improve the status of women and empowerment through organized programmes and expert committees working together nationally with NGOs, social workers and experts. (NCW n.y.) In 1974 the report of the Committee on the Status of Women in India (CSWI) “Towards Equality” was a key document in the evaluation of to what extent women are systematically marginalized in India especially in public sphere. The report denounces the governmental programmes and their failure regarding to the empowerment of women in public life and at the same time it decries the mass media as

a medium which reinforces a negative “mode of representing women”. (Sinha, M. 2010: 366f.)

To ensure the adherence of human rights in India, the government edited The Protection of Human Rights Act in 1993 in the same year as the World Conference on Human Rights was held in Vienna, where women’s rights were discussed exclusively. The Act states that the Indian government constitutes the National Human Rights Commission (NHRC) and defines tasks of the commission and the way to guarantee human rights and to report human rights violations. (NHRC 1993; 2006: 3) On the website of the Commissions one can fill out an online form to complain about a human rights violation of any kind. Also statistics are transparent on the welcoming page, for example in October 2013 there were 7.806 complaints whereof 6.679 cases were disposed and 28.929 cases were under consideration. (Srivastava 2013: 8) That shows too clearly that not every complaint can be treated and that many cases take a few years to be dealt with. Under consideration does probably not mean that the case is at court already or that a hearing has been proceeded. Especially in the case of violence against women, which is a human rights violation and a widespread and serious problem, the NHRC should ensure that complaints are taken seriously and that there are fast track courts and special courts for women. So if they are abused by their husbands, neighbors or anyone who lives nearby women won’t have to live with or near this person until the case gets finally under consideration.

According to the NCRB crimes against women are classified under two categories. The first are crimes under the IPC drafted in 1860 including

“(…) rape; kidnapping and abduction for specified purposes; homicide for dowry, dowry deaths or their attempts; torture – both mental and physical; assault on women with intent to outrage her modesty; insult to the modesty of women; importation of girl from foreign country (up to 21 years of age) (...)”(NCRB 2013: 79).

The crimes under the special & local laws (SLL) including specific laws addressing women’s issues as the Dowry Prohibition Act in 1961 or the Commission of Sati Prevention Act in 1987. (NCRB 2013: 79)

To regulate the Indian jurisprudence, the IPC was drafted in 1860 under British rule and therefor under British influence. (Gaur 2011: 7) The IPC in its original form had 23 chapters and 511 sections. Many sections have been amended and deleted and still, amendments are drafted and needed. The IPC is a general penal law and it covers what is recognized as social evil. (Gaur 2011: 8f.) The largest chapter of the IPC is chapter 14, which contains the offences affecting the human body, for example the section 304B in which dowry death is amended, section 312 to 318, where miscarriage and injuries to unborn children are regulated or section 498A in the chapter 10a which makes cruelty by husband or his relatives punishable. (Gaur 2011: 19, 23) The IPC is a 153 year old document and even if there are still a few categories which are still relevant, the IPC will have to be reformed and amended continuously in order to react to the dynamic economy and several changes in Indian society.

The policies under the IPC and SSL concerning gender-based violence against women in India will be described further. As a major purpose, it is a need to mention that the contents of these laws and policies are not quoted in all their completion. Instead, it is the intention to refer to the most influential ones which can be seen as an improvement, also an improvement induced by the women's movements and some important figures in Indian politics. Although they can be seen as improvements, still a law which punishes a certain behavior is not effective in preventing a crime. Especially crimes against women are underreported and not transparent due to various reasons. As many Acts might have a few Amendments or have been updated, the general statements of the law will be outlined in the order of the previous chapter from "Womb to Tomb".

Abortions were regulated by the Medical Termination of Pregnancy Act in 1971. It was issued to "(...) provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto." (GoI 1971: 1) That means that women are protected from any "unnecessary" abortions by medical practitioners. It contains rules for abortions but does not have an exclusive punishment for abortions of female fetuses included. (GoI 1971: 1) Rather the Act is more dedicated to medical practitioners than to the woman or her family itself. The Act allows the abortion of a child up to 20 weeks when the pregnancy is a high risk for the woman or the child as well as when the woman got pregnant through rape. From 20 weeks of pregnancy on, the opinion of two medical practitioners has to be obtained, no details

attached. (Dalvie 2008: 39) In 1996 The Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act came into force which also prohibited sex-selection. According to Tandon and Sharma, these provisions have been misused and they are not in the interest of women. (Tandon; Sharma 2006) There are also women who are forced to do SDTs and abort a girl child, forced by the family or by societal pressure. It doesn't seem effective changing the problem with SDTs and female foeticide by putting it under punishment. Female infanticide, SDTs and abortion of the female fetus will not decrease due to legislation, the reasons to do so root deeply in the patriarchy and the preference of sons.

The Child Marriage Restraint Act in 1929 provided a definition of who a child is and what child marriage implicates. It issues punishment for marriage of a male below 21 marrying a girl child below 18 and for whoever celebrates a child marriage. Also, parents or anyone who is in charge of the youngsters should be punished with imprisonment. (GoI 1929: 1) The Child Marriage Restraint Act made child marriage legal or the problem of child marriage official but it did not void it. (Kishwar 2008: 17) The Hindu Marriage Act in 1955 contains nearly the same restrictions as the Child Marriage Restrain Act but both acts have loopholes and still many conservative think child marriage is legitimate. According to Mukherjee, some parents would rather risk to pay a fine than miss the chance to step up the ladder to higher social status or to leave their young children unmarried. One year before the Hindu Marriage Act, the Special Marriage Act was enacted which also regulated divorce which is usually easier to initiate for men than for women. The Act contains the regulations that a woman can get payment after divorce and that the wife can sue the husband for any crimes or violence committed against her. (Mukherjee 1999: 292f.)

Sati as structural violence was a serious issue because many employers mistreated widows and ejected them. The government responded with the Sati Prevention Act in 1987. Questions about the underlying causes of Sati were rarely discussed. (Forbes 1996: 252) The Sati Prevention Act in 1987 was mainly adopted because of the pressure of women's organizations after a case of sati (Roop Kanwar). It says that:

“(...) if any person commits sati, whoever abets the commission of such sati, either directly or indirectly, shall be punishable with death or imprisonment for life and shall also be liable to fine.” (GoI 1988: 1)

According to this sentence anyone can be arrested who is nearby a woman burning herself on her husband's pyre, no matter if she did it voluntarily or under pressure of the family. The people arrested have to prove that they are innocent in court and that often turns out to be difficult.

In 1961 the Parliament also issued the Dowry Prohibition Act which defines dowry and imposes penalty for giving or taking dowry with imprisonment. (GoI 1961: 1) Albeit, it's regarded to be doubtful if the Act is an enhancement for women and if it protects them from oppression and discrimination through her husband or relatives. Even though the Dowry Prohibition Act in 1961 and several additional laws added to it and the IPC in the 1980s, the custom of dowry actually increased. Especially in elite and socially higher positioned families, the custom was retained. A reason could be that they are offered very high dowries because of their high position and wealth. (Kishwar 2008: 17)

According to equal payment, the Parliament enacted The Equal Remuneration Act in 1976.

“An act to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment (...)” (GoI 1970: 1)

This Act is again necessary, of course, but it has to be effectively implemented to eliminate discrimination. Especially that women's work in households is not seen as productive work is a discrimination.

The Protection Against Sexual Harassment of Women Bill in 2004 was drawn up to protect women from sexual harassment in all sectors also addressing the employers and their responsibility to make sure that sexual harassment at work places is reported. The NCW added the suggestion that authorities are needed where women can complain about experience of harassment on district levels. (Ghadially 2007: 22f.) The IPC states that any “(...) word, sound or gesture that is intended ‘to insult the modest of a woman’ or intrude upon her privacy (...)” (Srinivasan 2011: 9) is criminalized. The definition of the IPC leaves room for interpretation, and statements from the police officer and the intention of the perpetrator will be left behind. (Srinivasan 2011: 9)

Another improvement in sexual harassment at the work place is the Protection of Women against Harassment at Workplace Bill in 2010. It defines sexual harassment and its aim is to establish measures to protect women at the workplace. Addressing the employer, it states that an Internal Complaints Committee should be installed at branches with more than 10 employees which is counseling and acting like a civil court. (GoI 2010: 3f., 6)

A more concrete form of the protection of gender-based violence against women in India is the Protection of Women from Domestic Violence Act in 2005. This act is not only related to dowry but to all forms of violence in the domestic area:

“(...) harms or injuries or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; (...)”. (GoI 2005: 3)

The Act shows that domestic violence is taken seriously and that it is given attention to a field which is mostly underreported and not visible.

In 1983 the New Rape Bill was amended to the IPC and a new definition of rape was established, so the seriousness of rape was given attention. Section 498-A was introduced in the IPC as a criminal law. It stated that violence or cruelty against women is penalized with prison and fines. Also it became contractual to examine women's bodies in case of unnatural death within five to seven years after marriage.

"498A. Husband or relative of husband of a woman subjecting her to cruelty.-- Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine." (GoI 2012: 2)

This is especially concerning dowry - related deaths. Women have been able to profit from this law by suing the husband and many women have used it to fight against domestic violence. (Kishwar 2008: 16) There are reports about misuse of Section 498-A by women. Because it can be used against whoever they want, even against children or any other family members. That's why many people are afraid of 498-A and the consequences, e.g. of being accused innocently. (498a.org n.y.)

Even though child marriage and SDTs are forbidden by law, the number of SDTs and child marriage have increased as the sex ratio in several Indian state shows. When thinking about the violations of these laws and the fact that they are not strictly implemented by courts and police, then the sense of making the laws is questionable. Corrupt police and judges, the whole machinery who is supposed to implement laws is the reason for a dysfunctional legal system regarding to assert a prohibition for dowry. A critical point is that when a whole community or village believes that dowry is a tradition and therefore alright, it's in fact not possible to arrest a whole village for practicing dowry. It's the same with child marriage. If the state pushed through drastic measures, how many people and who exactly would have to be arrested – husband, parents or parents in law? (Kishwar 2008: 13f.) When someone from outside is a witness of a child getting married, it is questionable to call the police or bring them into court because they might be in prison for a few days and then they will have to pay back the lawyer's fees their whole life and the case might start not before a few years have gone past. (Kishwar 2008: 18f.)

4.2. Women's movements and activism

This part of the thesis highlights the importance of women's movements and activism in India and gives an overview of significant movements. All over India women have realized the importance of getting involved in the development and improvement of the situation of women in India and an improvement has been already made to a wide range. It is to mention that in women's movements educated women from the elite are represented to a higher degree because they have, opposed to women in rural poor regions, access to education and to the public sphere in general. Through programmes from women's organizations it has become an aim to address all women in the Indian states.

Vindhya acknowledges that the overlapping of the complexity of gender identity in India and the caste and religious identity is a major challenge for women's movements in India. The question is, where to address the aims of the movement as there is no single gender identity or a women's identity. The general aim is to achieve gender equality and equal opportunities for all women but how is that possible if "women" are not a homogenous group? (Vindhya 2007: 70)

The first women's movement (first wave feminism) in India made religion and tradition responsible for the suffering of women and demanded education reforms and legislative changes. The ones who founded the movements identified the oppression of women because of their gender. In the second half of the nineteenth century women became the first time participants in public debates about their needs. With the doctrine that women would be better in facing women's needs many women joined political organizations and dialogues. Especially in education and health, women could make successful progress. The Women's Association in 1917, the All India Women's Conference in 1926 was newly formed, arisen from the effort of Mithulakshmi Reddi, who campaigned among others to end child marriage. In 1929 success was achieved with the demand of the implementation of the Child Marriage Restraint (Sarda) Act which limited the age of girls to 14 years (and later to 18 years). These first organizations were only accessible for elite urban women, who were supported by their families, and had major influence upon governmental officials. (Trivedi 2010: 188-191)

Before independence, “(...) some women were drawn away from women’s issues towards the cause of national independence (...)” (Trivedi 2010: 193) while other women were still fighting for access to education and health service. The experience in politics before independence had been important for the development after independence. The experience helped women to participate and play important roles after independence in 1947. Women’s organizations dealt with different issues. So they put forward laws against dowry, rape and sexual harassment and enforced the maintenance of the rights of livelihood. Many Indian women, who were not in women’s movements or organizations or political parties, protested against issues that were related to their community, so for example they demanded the access to fuel or clean water. (Trivedi 2010: 193-194)

The Indian state and society went through a major struggle in this period and Indira Gandhi, at that time Prime Minister of India, called out declaration of national emergency in 1975. Different movements, also women’s movements fought for changes in the state to reassert democracy. Especially the women’s movements at that time made efforts in participating in politics. (Subramaniam 2004: 636)

In the 1970s many grassroots movements developed in India. Together with the Declaration of the UN they led to the proclamation of an International Women’s Day as part of the International Women’s Decade, targeting to assess the status of women. The report “Towards Equality: The Status of Women in India” in 1974 was the source of the development of several women’s movements in India. (Ghadially 2007: 15)

The explosion of women's movements regarding to gender-based violence began in the mid-1970s but escalated in 1979, when a small group of women brought out a magazine in which they represented all aspects of women and their situations and debunked the patriarchal system as an oppressive structure where women's needs were ignored. The women's groups had several subjects for discussion like rape and dowry death. A law was demanded to punish rapists but it was somehow clear that the law would not protect women from rape. (Forbes 1996: 245)

The movements developed out of several pre-existing groups, without a definite group leader. The movements consisted of women of all castes, classes, and religions. (Forbes 1996: 242f.) It resulted in the establishment of United Women's Liberation Struggle Conference in Pune 1975, where over 700 women came together and various topics

were discussed, inter alia the focus lay on traditions, beliefs and institutions as the sources of oppression. Violence against women and the institutional framework for the maintenance of gender differences were the main topics. The first step of the movements was to break the silence and to criticize the existing structures. (Forbes 1996:252) Women's movements were increasingly paying attention to the deaths of young married women, because the number of victims through combustion was exceptionally high and the cases were treated as accidents. (Forbes 1996:252)

In 1983, the issue of rape was discussed also in the New Rape Bill as addition to the IPC. A new definition of rape was established and the seriousness of rape was given more attention. Rape has been a central issue of women's movements since the 1970s, when the movements started. Protests started against rape of women from lower caste and unjust treatment of rape cases by the judiciary. As an example for such injustice stands the case of Mathura, who was raped by policemen who got acquit of the charge because the court held that she deserved it. The verdict was justified that the girl had already had sex with her boyfriend before the rape. This was not a singular case, but there were many when men were assumed to be innocent by the court even though the evidence was overwhelming. Feminists stated that the reason for these mechanisms lie in the oppression of women because of their traditionally lower status. The honor of the family is dependent on the women's body and social and that shows that political conflicts are decided over women's bodies too. (Voykowitsch 2013: 13)

In 1985 it was reported that there were 55 autonomous women's groups all over India. Main concerns of these groups were fighting violence against women and achieving more attention in the political world. The first time, precarious issues were put into attention regarding to violence against women like reproductive health, high infant and mortality rates, sterilization abuse and the inadequate access to health services for women regarding to pregnancy, family planning, abortion and child birth. Feminist economics and several women's groups discussed also the issue of equal working conditions for men and women. They claimed fair working conditions for women and insisted that women's unpaid work in the households should be considered in the Gross Domestic Product (GDP). Gender stereotyping, the image of women in the media, women's rights and political participation as well as other social problems addressed to the situation of women were an issue of the movements. (Ghadially 2007: 15)

These are examples for amendments added to the existing laws as explained above. Women's groups were not really satisfied with the laws meeting their needs. In 1980 women's groups enrolled a series of improvements for women in India. With the first cells for women opened in Mumbai followed by establishing police and social workers helping the women in court, police stations or in prison. Especially important were the centers for women set up by different women's groups, where women were able to bring up their problems and complain about cases of domestic violence. Women's groups also exerted pressure on the government to include women in decisions, to set up a department for women's affairs and to change the definition of work in order to integrate the various fields of women's work into the definition. Not only women's groups addressed gender issues and women's status in India, but also International agencies, the state including the police, judiciary and political parties, as well as non-governmental organizations (NGOs). Women from the women's movements joined with the aim to change the negative development bottom-up. (Ghadially 2007: 16f.)

In the 1980s, sexual harassment at the workplace was a central concern of women's movements in India. Women's movements in Goa and other regions demonstrated against sexual harassment and made this theme a theme of public attention and achieved some major improvements in forms of amendments of the rape law. In 1997, the Supreme Court established guidelines which should be followed in a case of sexual harassment and the GoI asked the NCW to draft the legislation. Before, the IPC had not been perfectly clear and led the decision about what outrages a woman's modesty to the police officer. Many women's organizations worked on the draft and included the unorganized working sector as a result the Sexual Harassment of Women at Workplace Bill in 2006 was enacted. (Patel 2007: 109f.)

The issues of women sourced in the women's movements found its place also in the universities. In the 1970s it began with the Research Centre for Women's Studies in Mumbai with the purpose to prevent the victimization of women by educating them. The development of the First Women's Studies Centre led to the institution of the Indian Association of Women's Studies at the SNDT University in Mumbai. Conferences, researches, events and journals, such as the Indian Journal of Gender Studies established in the 1980s, made the oppression of women visible in all forms. Women's social identity changed and their education and occupation were markers for

this change. As positive the establishment of women sounds in the first place it is to notice that women experienced a lot of difficulties like lack of financial resources, the negative labeling of feminists and, as the most enormous problem, resisting patriarchy at all levels. (Ghadially 2007: 17)

In 1992 the NCW was established to figure out the legal safety of women and to guide the government to draft Bills on the behalf of women's safety. Regarding to domestic violence, the Domestic Violence Against Women Prevention Bill was outlined in 1999 to redefine domestic violence and to optimize help through legal mechanisms. To protect both family members and wives of abusers, the Protection of Women from Domestic Violence Bill was drafted in 2005. (Ghadially 2007: 22)

Women's movements in contemporary India still have the general principles they had in their beginnings but they expanded in all levels:

“(...) urban, rural, small, large, informal, formal, localized, national, internationally affiliated, and combinations of all these forms, such as local informal branches of national organizations.” (Subramaniam 2001; Desai 1996, 1988; Desai; Patel 1985 in Subramaniam 2004: 635)

Women's movements and organizations on a local level combine older types or models of programmes as self-help groups with modern practices to improve women's lives in form of projects. A lot of those organizations are linked to others all over India and internationally. Many of the NGOs who fight for women's rights or violence against women are dependent on foreign aid because the government does not see the need for support. In this matter the priorities should have to be changed. (Subramaniam 2004: 636)

The aim of the movements is to enhance the situation of women and also to find out why women have been oppressed in this patriarchal system over centuries. (Ghadially 2007: 16) In the 1980s, women's organizations demonstrated when women died because of dowry but later the emphasis of resistance changed in the direction of finding ways to prevent the dying of women because of gender-based violence.

Women activists had and still have a lot of methods to make their voices heard as “(...) holding rallies, protest marches, dharnas, street plays, yatras, seminars, conferences, exhibitions, training workshops, media coverage, public campaigns, agitations, demonstrations” and so on to raise awareness and help women who suffer from the patriarch society. (Ghadially 2007: 15f.)

Kishwar criticizes that many women's organizations are focused on the women's rights as a wife and the author argues that the focus should additionally lie on women's or girls' rights as a sister, mother and a daughter. (Kishwar 2008: 37)

In present day there are so many organizations whose concern it is to fight against oppression and violence against women and who react towards cases of gender-based violence against women. As it would be too verbose to number all movements or activists have been of great importance in this matter, two examples will be given. On the one hand there is Manushi, which is a forum for women's rights and on the other hand there is SEWA that addresses to women in the informal sector. International organizations as UN Women and others have a branch for India too and work closely with the government.

Manushi

Manushi is a forum for women's rights and democratic reforms founded in 1978 to discuss effective solutions in a culturally sensitive way. It informed about economic, political and social problems in contemporary India. Manushi has a special focus on the struggles of women and other marginalized groups in society and publishes in the magazine "Manushi - A Journal About Women and Society". Publishing of this magazine and a wide range of other activities raises national awareness. The founder of the organization is Madhu Kishwar, who makes sure that the concern of Manushi is presented to governing bodies and representatives. Manushi has a lot of tasks to fulfil like carrying out research, conducting advocacy campaigns, reviews and studies, providing legal aid and counselling to women and vulnerable persons and initiating, keeping up or managing dialogues between all parties. (Manushi n.y.)

In the late 1970s the number of cases reported in the newspapers about women who died at home by a fire by accident or because of committing suicide raised doubt within Manushi and other organizations and they demonstrated that these could not have been accidents but murders and had to be taken seriously and not hushed by the police. After protesting against dowry murders in front of the houses of families where a young wife

had died and in front of police stations, their main theme to fight against became dowry, dowry circumstances and dowry deaths. This organization distinguished itself from other organizations because it started with its own members in being role models. Every member of Manushi was urged to make sure that marriage was consummated in their own families without dowry. But that was not always easy to carry out, because women were dependent on their husbands socially and financially. A movement which leads to “anti-dowry” is very complex and cannot be rationally enforced. The call for justice for women who were obviously murdered by their husbands or in-laws came out to be frustrating for Manushi and other organizations because the legal outcome and the juridical processes were lengthened and to convict men or families for murdering the women had not the wished outcome. The focus was lead to women who experienced violence in their families. They should be helped through counseling and supporting them and their families. That often meant to be a dangerous step for the affected woman to turn against her husband and his family. (Kishwar 2008: 22-27)

SEWA

A model for a grassroots women’s organization is the Self-Employed Women’s Association (SEWA) which has existed since 1972 and is by now internationally recognized. It addresses the issues of poor and self-employed female workers. To be employed does not necessarily mean the empowerment of women within society or the labour market. Moreover, the employment of women leads to a break with traditional rules, like delay in marriage or living independently from the in-laws. SEWA assesses that roughly 94 percent of women in India work in the informal sector. SEWA’s main focus lies on helping women to gain full employment. Additionally there are programs addressed to improve literacy, health care, housing, abilities to leadership and self-reliance. Besides, social services are provided for the members. Also micro credits for women’s financial independence have been a success by SEWA. (Trivedi 2003: 201f.)

Male reformers

In the mid - nineteenth century many male reformers were emanating to strengthen women’s rights by establishing raising awareness in their communities regarding inequality, injustice and oppression women had to live with. They set up institutions for women’s education, shelters for widows or were generally fighting for gender equality. The institutions for educating women set up by men were the reason why women were

able to become teachers, doctors and politicians in public sphere. These male reformers acted like a buffer between the women who wanted to participate in public sphere and those who criticized this development. Mahatma Gandhi stated during the freedom movement in the twentieth century that women's role was essential in public affairs and that women had to play a role in public affairs to make politics receptive for women and their problems. Gandhi saw the struggle for gender equality as an important part of the struggle for freedom in India not only through using laws. Many men led the farmer's movements where the most significant mobilizations for women's rights came through. Women's studies and institutions were also set up by men. This development had to be seen critically because women did not have to fight for themselves to gain these rights like it was the case in the western world. Men fought the battles women were supposed to fight. Some women appreciated the male reformers and honored them for their activism but many women struggle with the idea of men contributing to women's issues. (Kishwar 2008: 51f.)

4.3. Religious Leaders

While the contemporary women's movement in India described above is based on pro-left principles, the women's activism within the Hindu right is the opposite. The Hindu right has a major influence and the two opposites fight out a contest of who defines gender identities in which way and how Indian women and men should be. The right wing activism is characterized by militancy and women who are no longer only seen as victims of violence but are actually violent. This defines a new and converse identity of women in relation to their participation in society – as militant activists with communal forces. (Vindhya 2007: 63-64)

Hindu nationalism is always seen in contrast to “the others” like Muslims or Christians under colonial rule. If a crises arises, Hindu nationalists think that the solution is only a Hindu state where Hindus are able to practice Hindu culture in proudness. The hierarchy of the caste system as well as patriarchy and the subordination of women are issues included in the Hindu culture. “Western” views do not fit in this system of beliefs so it has to be excluded. The Hindu nationalist parties' belief system organized in *Sangh Parivar*, the collective of the Hindu nationalist parties, shares the concept of exclusion

of “the others”. In this opinion people who do not live in India are no real Indians because they cannot be hundred percent loyal to their nation. Golwalkar, who is the ideologue of the organization Rashtriya Swayamsevak Sangh (RSS) and the Hindutva (constitute the concepts of Hindu) nationalism have great influence in contemporary India. The Sangh Parivar offers an identity of women who are strong and powerful parts of the community and at the same time devoted wives and self-scarifying mothers always referred to the community. Gender identity is communal which means that a woman can be educated and go to work but she still has to be a dedicated part of her community in a traditional way. Power therefor does not mean that a woman has power to participate in the sense of real emancipation. Actually, it’s a means of power to fight against influence from other ideologies and for Hindu traditionalism. (Vindhya 2007: 64-65)

Crucial is, that not only men are holding up patriarchy and undermine women’s movements who fight for equal right and changes in the status of women, but there are also women who play major roles in Hindu nationalist movements, undermine the pro-left women’s movements and act violently against minorities. The number of women who are active in politics as well as women’s wings of each party increase and have become important parts of the Sangh Parivar and in promoting Hindutva. They are outside the private sphere, but their empowerment is limited and “(...) leads them to a complicity with fascist intolerance and violence, and towards the creation of an anti-democratic social and political order.” (Sangari 1993 in Vindhya 2007: 67)

How some religious leaders react to cases of violence against women is also explained in the example case of the 23-year-old student in Delhi.

Example Case: The 2012 Delhi gang rape

The reactions to the rape case of the 23-year-old student in Delhi have been quite diverse and likewise significant. The government of India reacted of course with consternation as the public would expect it and it also reacted with the fast implementation of the trial. Globally, the reaction was the same, everyone appalled by the case of the young student but also pointing out that there are several different types and forms of violence in India which are as important as this case but stay in private and underreported. (Ghosh 2012)

It's not surprising that the strongest and very loud reaction came from women themselves. There were a lot of cases of violence against women in the media, but not a single case aroused that much attention as the Delhi gang rape in December 2012. Women protested on the streets, discussions occurred in the media to call for justice and for harsher penalty for the perpetrators of violence against women, especially in this case as it was so cruel and horrible that whole India was in a state of shock. Not only in Delhi but also in other cities, women came together to demonstrate but the public attention especially in this case has also to be criticized. Questions like 'why now?' and 'why this case?' or 'was it because it was a student and would the case have gained the same attention would it have been a Dalit woman?' have come up. These questions are impossible to answer clearly but last but not least the attention has helped women in India to raise awareness of the problem of gender-based violence in India. (Voykowitsch 2013: 12f.)

There is another considerable reaction to the Delhi rape case and violence against women in general. This reaction is considered to have a bad influence on women's empowerment and the promotion of gender equality: the reaction of political and religious leaders. Compared to those of women's movements, there is not such a great online availability of documents or statements made by religious leaders. But Voykowitsch outlined those side of reactions in the *Südwind Magazin*. One politician's reaction was at first asking what a young woman was doing outside at that time of the evening anyway. Mohan Bhagwat, the chief of the Rashtriya Swayamsevak Sangh (RSS), a Hindu right wing party, blames westernization for rape and violence against women. Rape only exists in cities, where westernization has a negative impact. It's said

that Bharat, which represents the traditional India in the minds of those parties, and the traditional religious leaders would respect women. In contrast modernized India with all its societal and economic changes is meant to be the reason for violence. A Guru stated that the blame lies within the woman because she acts or dresses in a certain way and is therefore guilty of being raped or abused. (Voykowitsch 2013: 13f.)

In the context of this thesis, the religious leaders claim that the rape was not necessarily personal violence but it had a structural component because the men kind of did their duty as men and punished the woman for being out late or being modern, going to university or whatever.

5. Approaches for change – the way forward

A next step after analyzing the forms of gender-based violence against women in India and the reactions and responses from the government, the women's organizations and the religious leaders, is to take a look at possible approaches or strategies to improve the situation of women who are in fear of violence in nearly every situation in their everyday lives. In public as well as in private sphere it can be hard for women to live in peace. Interestingly there is not even a distinction between rich or poor, higher or lower status in society, urban or rural. Every woman in India can experience gender-based violence which is a human rights violation and has to be prevented.

Furthermore, it is important to “(...) change perceptions, attitudes and behaviours that condone and justify violence against women and girls (...)”. (UN Women 2013b: 22) As discussed earlier, many woman think it is normal to be beaten or abused by their husbands or their in-laws in different ways and that they should accept it. The percentage of women who think that violence is “normal” has to be measured. To ensure security for women and girls is also an important target to achieve the decrease of violence against women and girls. A well functioned system is needed, where women have open access to health services, protection or shelters. A fair lawsuit, an access to a court or the possibility to report a case of violence against them is absolutely necessary. That violence against women is underreported is a main problem and has to be changed. This can be possible in the recruitment of women in the police force and in setting up special women's or domestic violence courts, but for this, indicators are needed. (UN Women 2013b: 22-24)

A custom like Sati shows how much women depend to their husbands and that the problem of gender-based violence is deeply rooted in Indian society. Not only women's status in the society is an indicator of the extent and the reasons for gender-based violence against women. According to Sharma and Gupta (2004) “(...) violence against women has to be visualized in a wider context (...)”. (Sharma; Gupta 2004: 118) There are legislations to ban violence against women but this should not be the only way how violence against women should be addressed and tried to be prevented. Additional to the legal system, economic independence, access to education and a change of the

mindset in legislative and judiciary are requirements. The whole society would be affected by those improvements. (Sharma; Gupta 2004: 118) “Restructing society in terms of power and role relationship while emphasizing the egalitarian values is the need of the hour.” (Sharma; Gupta 2004: 118)

In this chapter some strategies for improvement are mentioned beginning with the elimination of gender inequality and the important role of international organizations, the government and NGOs and other voluntary organizations and wide-spread cultural norms which can cause gender-based violence.

Gender-based violence against women is deeply rooted in gender inequality and has to be hurdled. A lot of factors play a role in the overcome of gender inequality and the social and cultural norms in India. The patriarchal and religious sanctioned system has to be combated to guarantee that women and girls do not have to fear gender-based violence and gain their freedom and peace in private as well as in public sphere. To promote gender equality and peace for women and girls the role of international organizations, the role of the Indian government and the cultural and traditional norms will be under focus. Another important improvement in preventing and eliminating gender-based violence is the access to education which plays an important role in the field of awareness-raising.

5.1. Role of international organizations

International organizations have been playing an important role in fighting against violence against women over decades. India signed the CEDAW in 1980 and the UN has its own branch in India. "UN India" is led by the Secretary General with a woman as Resident Coordinator together with the government of India. According to the standards of the UN, a country like India has to achieve gender equality. The task of an international organization is to put on pressure on the Indian government in order to guarantee that the government not only sign a document and implement laws, but is responsible for the enforcement of the obliged achievement. Therefore the international organizations have to be present and there must be regular communication with governmental officials to the effectively end or delete gender-violence.

International organizations like the UN, UNIFEM, WHO and others are the ones who give guidelines and recommendations on a national level to fulfill to prevent gender-based violence against women. There are several UN agencies represented in India, like the International Labour Organization (ILO), the Joint UN Programme on HIV/AIDS (UNAIDS), the UNDP, UNESCO, UNFPA, UNHCR and the WHO. (UN in India n.y.) Representative exclusively for women's interests and issues is UN Women in India with its headquarters in New Delhi. It works closely with the government to ensure that international agendas are integrated in the national standards for achieving gender equality. Focus of UN Women is on the reinforcement of women's economic status, on ending violence against women and guaranteeing peace and security as well as on national planning and budgeting. (UN Women in India n.y.)

The UN and WHO give general recommendations to end violence against women and these will be summarized in the following passages followed by an overview of the programmes of UN Women India in the field of fighting violence.

The UN's Study of the Secretary General's "Ending violence against women. From words to action" in 2006 gives recommendations, assuming that gender-based violence against women is a consequence of inequality. It is recommended, or more a given obligation, to fulfill all human rights, especially the right for women to be free from discrimination, to exercise leadership on all levels in each sector to enforce human rights and to fruitfully implement laws and state policies to guarantee gender equality and to strengthen women to participate in leadership. With the removal of all laws which discriminate women, the gaps between international standards and national laws should be closed. Further, the knowledge base of all forms of violence against women should be strengthened and data to all forms of violence should be collected and evaluated. On a multisectoral level strategies should be built and coordinated nationally and locally. That coordination among different levels should ensure women the access to effective help and support. Gender-based violence is expensive and the state needs to allocate its funds and resources in this direction accordingly to make sure that budgets are gender perspective. (UN 2006: 134-140)

Followed by other recommendations from the UN, these are the general ones on a national level. In the case of the Indian state and its efforts to end violence against women, many of those recommendations are fulfilled partly or at least in progress, for example in laws and policies but especially those laws and policies show that if implemented, it does not mean that the situation women automatically improve. It has to be mentioned that putting women in leadership can also backfire, as there is a strong Hindu right wing. It can have the effect that women in politics place value on dowry or sex-selection in their families.

All these recommendation are best practice in general means, but in reality the well-known problems still exist. As mentioned a woman who is under pressure from her family still won't go to complain about any form of violence if the general patriarchal system is not hurdled.

The WHO defines three ways to prevent violence in general on different levels of occurrence of violence. Regarding to preventions on a public health approach, violence can be prevented before it occurs, immediately after it occurs and in a longer term. More precisely, violence can be prevented through different kinds of interventions like universal interventions in school classes through enlightenment, selected intervention aimed for those who have higher risks for violence and indicated interventions aimed at those who have already suffered violence. According to the WHO, the focus in both industrialized and developing countries is on prevention after violence occurs but the focus should be shifted to violence prevention before it even has happened. (Krug et al. 2002: 15) In this regard the type or form of violence is of importance. If a woman in India or elsewhere experiences structural violence like maltreatment from the side of her husband or in-laws or if she is under psychological pressure, structural and personal violence, should be prevented. The word 'prevent' is associated with the avoidance of violence before it occurs. It can also mean that women who already experience indirect psychological violence or battering will be freed from their perpetrators. Important for this step is that there are possibilities for women to go to shelters, police stations and other drop-in centers. Through these kinds of help awareness can be raised, which means an important achievement.

The WHO recognizes the multifacetedness of violence and sees the need of an approach which covers intervention and risk levels in several different stages. There is influence on individual risk level to modify risk behaviors and, concerning personal relationship,

to create a healthy family atmosphere, on levels of public sphere it is important to address themes that can lead to violence. In a wider range it is necessary to address the larger cultural, social and economic factors that could cause violence. According to the WHO these factors should be changed in favor of peace as well as gender equality. (Krug et al. 2002: 16)

How the international guidelines are used on a national level shows UN Women India which is implementing several programmes to end violence against women in India. Besides training women in leadership positions for their empowerment and participation in local government there is economic empowerment which means increasing the rights of women to own land and protect them especially in the unorganized sector; In addition there has to be effective gender budgeting. All mentioned factors are influential in ending violence against women. After all, there is a sector which is exclusively instituted to end violence against women. The sector "Ending violence against women" deals with the prevention of trafficking, domestic violence and HIV in order to make cities like Delhi safer for women. (UN Women in India n.y.)

The government of India should implement features of the international law on a national level as the Supreme Court of India stated that international instruments like the CEDAW, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Beijing Platform for Action should, as discussed in the theoretical framework above, regard it a duty to integrate the gender sensitive contents of the international instruments into national laws. (Johnson 2004: 26)

5.2. Role of government

The government plays an important role in the way forward and in implementing approaches for change. The following suggestions are directly addressed to the government whereby some issues are general recommendations in which the government plays an important part in implementing or supporting. Ensuring gender equality is on a wide range in the responsibility of the government, because it can invent special programmes to address to the community, the family and the individual – man as well as woman.

The government of India has enacted a lot of policies, laws and amendments of these laws over the years to protect women from gender-based violence and to achieve gender equality. As in many other countries too, gender equality is and women's needs are registered on paper, what doesn't mean that the problem is solved. When certain laws cannot be implemented, like prohibition of child marriage, dowry or SDTs, possible solutions have to be addressed to the different groups of people.

Kishwar asserts that there might be the ones who are simply too “foolish and backward” to accept that laws. Then there are the ones who want to change something, but ask themselves why the law is not accepted by the majority or why it is frowned upon not to be married young or to practice dowry. There could be something wrong in the way the laws are communicated. The seriousness of the effects of practicing dowry, child marriage or female foeticide have to be shown more effectively. State representatives should be able to implement certain laws with a strength. They should have the will power and should not be driven by corruption. When a law is implemented and causes more problems than it solves, it should be thought through. Not that a law against discrimination against women should be abolished but possibly seen in another way or strategy. (Kishwar 2008: 15)

Most laws and prohibitions by the government are added by more and more additional provisions and there is a tendency to frighten people by making laws more rigorous. In this way the adherence to certain laws are tried to be forced through, often with limited success. Instead, the questions what people or certain communities want, why they are not abiding the legislation and why they are still practicing dowry and letting their children get married in such a young age, should be in focus. (Kishwar 2008: 16)

Mukherjee suggests to the government that it should implement shelters or special units of police offices where women can complain about all forms of gender-based violence on a district level. These institutions must be accessible and women should be heads of those offices, the cases should be recognized and support should be given by representatives of the shelters, like police officers, legal aid workers, counselling experts and representatives from women's organizations. The staff should be trustworthy and trained towards a sensitive dealing with victims of violence. To show their presence in the district, they should better have uniforms. It is also important that

each state has its own headquarter where the needs of the individual state are discussed and considered. (Mukherjee 1999: 228f.)

When it comes to the law-enforcement machinery, the staff should also be trained regarding to gender and violence as well as to a sensitive commerce with women who experienced violence and want to complain about it. Gender-sensitive training should be part of the education of each policeman and –woman as well as the judiciary and medico legal personnel in this sector. (Mukherjee 1999: 230) A NGO in Delhi called Sakshi initiated gender-awareness training for the judiciary. Through workshops women's issues should be addressed to judges and lawyers to enable them to see cases of gender-based violence with another view and to make them aware of the seriousness. (Johnson 2004: 26)

Additional to the shelters and special units there should be a helpline which is reachable day and night and free for women to contact the special police units in situations of danger. The helpline should be casted by counsellors and it should be connected to women's centers or shelters. Phone booths can be implemented in all districts to ensure that every woman in rural as well as urban areas has access to it, assumed that not every woman has her own cell phone.

As Patel suggests, helpline services should be also implemented in workplaces in the case that women want to complain about sexual harassment. All workplaces should have a complaint mechanism with a committee and special counsellors where women have to be represented in superior number. The head has to be a woman and the possibility of collaboration with an NGO or another organization has to be given. The complaints should be time bound and the victim has to be protected and safe in the time of the process. (Patel 2007: 113) Through the support of women's organizations at court and the aroused public attention, more and more women will possibly complain about sexual harassment. As a result more and more women will be enlightened and that means to be a reasonable way to avoid sexual harassment.

There are women's organizations and NGOs represented in supporting women in courts. They are also present in certain districts, but definitely not all over India. That's logical because many NGOs, voluntary and women's organizations which fight against oppression and gender-based violence depend on financial assistance from outside

India. Nevertheless, the government should also increase its funding for the prevention of gender-based violence and the organizations which fight against it. Anyway, it is an improvement if the government itself implements certain contact points. Additionally, the communication and the cooperation between the government and women's organizations will be strengthened as the organizations can be consultants in implementing the shelters. The NGOs and volunteer organizations have often led the government to amendments and raised awareness, they were not uncommonly pioneers of change in combating violence against women. (Mukherjee 1999: 228-230)

UN Women suggests in the post-2015 frameworks the stand alone goal with the target area to end violence against women and girls and therefore defined certain target areas. Assumed that gender-based violence is a result of unequal power relations, it is a sign of gender-based inequalities and has to be eradicated in the favor of all women and for the sake of positive development in all areas. To eradicate gender-based violence it is necessary to measure violence in all forms. That means that some countries can base their measures on the data available or have to interrogate data on the rate of intimate partner violence, traditional practices and the number of women who experienced violence or got married before 18. (UN Women 2013b: 22-24) The collection of data should be in the responsibility of the government and coordinated with the financial ministry to provide gender sensitive budgeting.

According to the Report of Prajnya Trust, a research center in Chennai, in 2010, all forms of gender-based violence against women have in common that they are in general well reported by several surveys and reports, so data is actually available. But what is missing are the correlates. It has to go beyond the simple connection of data which gives the information: there is violence against women and it is too much. But what are the backgrounds of these women, their social situation, household profile and general context? And if services are available for women, how do they respond to that, does shame still play a major role and what are the reasons? (Menon in Srinivasan 2011: 7)

Anyway, the collection of data is the beginning of research in the issue of gender-based violence in India but what is known by any research team is, as Srinivasan names it "the tip of the tip of the iceberg". There are a lot of NGOs and governmental institutions researching on violence against women, but they have to be better connected and they have to know from each other's research. There is a need to be transparent and keep

their websites updated, otherwise the progress will be impeded. Many research institutes, especially NGOs, plan the research but they do not plan how to act to change policies because they are out of funds. (Srinivasan 2011: 7f.) The government should be responsible for the collection of data, namely regularly and transparently, being accessible for everyone. With the help of civil experts the government should use existing frameworks and create new ones to collect data and include data from the health sector. Srinivasan suggests that each country should have a data base which can be used by NGOs for smaller researches or research based on this data, for example for verification purposes. Above all, the government should raise funds to invest in research. (Srinivasan 2011: 8)

Further, women should have access to property to be economically independent and they should have inheritance rights. Kishwar suggests possible ways to end dowry respectively the circumstances of dowry such as making sure that daughters and sons are treated equally regarding to inheritance. This can be very effective as if the daughter needs not to give up her property rights in favor of her brother or family to pay the dowry, parents might not give dowry for their daughters. Gifts should not be given in terms of marriage, daughters should get an income generating property and most importantly, the property should be on her name. Cash should be in form of a fixed deposit and it should not be allowed to sign it away to her husband or his family. One major step would be to loosen the concept of marriage and the meaning of marriage in society, especially the right to refuse marriage should be a realistic option with no serious consequences. Women have to be seen without immediate link to marriage as her most important and meaningful life event. (Kishwar 2008: 174f.)

“A whole new activist and legislative initiative for the empowerment of women through education, economic opportunities, and equal inheritance rights to natal poverty are urgently needed.” (Oldenburg 2002: 225)

Especially regarding dowry murders, government officials should be a role model and not a part of the dowry system. As long as officials and those who are responsible for implementing the law are practicing it in their own families, it becomes visible that laws aren't carried through seriously and the probability of enforcement is in danger.

The addition to the amendment made by the government that one third of women should be in the panchayats is an important regulation. Nevertheless, women who take the seats often do not act as powerful decision makers as men. Sometimes they do not even candidate.

When women have an independent income as it is common in many urban areas, then it does not mean that they are automatically empowered because the families still give dowries and women have to get married. And if women are educated and employed they have to master a lot of difficulties because the job market is still dominated by men and women have to work hard and fight against harassment at the work place and generally in public sphere. Women who are independent wage earners experience total stress because they have a double burden by managing the household and being strong in the labour market. A woman has to fulfill many roles. (Patniak 2010: 14-16) The government should provide services that address to the multiple roles women and help them to fulfil them in the health sector, in ensuring economic safety and independence and in the legal sector.

Legislative measures from the GoI as all these Acts over the years have not led to an India where all these issues are not practiced anymore. Some measures failed, some brought partly improvement but not empowerment for women and they did not free them from the fear of violence. Singh suggests that that all developmental schemes related to women's empowerment and protection "(...) should carry a component of gender awareness, literacy, family welfare and skill training so that the quality of development in sustainable and lasting." (Singh 2010: 318)

5.3. Role of cultural norms and religious leaders

Regarding to cultural violence and its prevention the WHO suggest to be very careful and sensitive and at the same time respectful when getting into conversation with religious leaders, lay groups and other prominent figures in the community in the course of planning programmes to prevent violence. (Krug et al. 2002: 16) Actually, as cultural violence in India is a cross-cutting theme influencing structural and direct violence, the government, NGOs and other institutions should involve religious leaders because when the leaders of the community in a very religious setting do not confirm, it is hard to implement a programme to reduce or prevent violence.

Partners should be included in programmes for preventing violence on all levels – local, national and global. On a local level police, educators, social workers, employers, governmental officials and health care providers should be included as partners and work together. Important improvements in preventing violence can be made through health care programmes, social services or law enforcement on a national level. Nationally there are a few obstacles to overcome violence. Especially gender-based violence is underreported and most of the time violence is dealt with when it already is too late. When a case of violence against a women appears in Indian newspaper, the state and the governmental officials have to react in a way that satisfies the victim, the nation and also globally as everyone is “watching”. But when violence happens quietly behind the doors then the will to change is not that strong, moreover the belief that violence can be prevented in a full range is not given. On a national level the focus is on visible violence, like youth violence but not on the invisible and quiet gender-based violence in households and communities. Violence prevention in India is also influenced by the WHO as it plays an important role globally regarding to health or by the UN Resolutions and Declarations that have a global influence on the national level, too. (Krug et al. 2002: 17-19) They delegated the national governments with the prevention and the abandoning of violence against women.

Patriarchy is still the most difficult cultural and social norm to deal with for various reasons. Two of them are that firstly it's a difficult task to convince men with a very masculine behavior of gender equality and secondly equality often has no values for men.

A strategy whose aim is to change the person's beliefs about masculinity and patriarchy will not be sufficient. The ICRW suggests to redirect the role of men as “(...) caring, sharing, non-aggressive and respectful (...)” (Nanda et al. 2013: 1), like creating new meaning of masculinity.

Customs and traditions lead to an acceptance of gender-based violence or at least to a belittlement especially in domestic settings. That is why some laws are not the solution to customs like dowry or child marriage and why this is such a sensitive matter.

5.4. Education

“Women's low literacy rates also negatively impact society” (Trivedi 2003: 202)

To guarantee gender equality and prevent gender-based violence in India, education and access to education for women and men equally should be one of the most important aims. In developmental literature and any programmes and concepts to prevent gender-based violence education is an important influential factor and not only regarding to violence but also to overcome poverty as well as economic deprivation and to any other developmental issues. The main goal of social governmental organizations has become the initiation of reforms in the field of education. Educating people was the main thing to do, nothing comparable has been implemented to pursue the idea of gender equality.

According to the Census of India in 2011, 65,46 percent of women and 82,14 percent of men from the age of seven years and above are literate which reveals a gender gap of 16,68 percent, in 2001 the gap was 21,59 percent. The table shows how the literacy rate has increased for women over the years since 1951, when only 8,86 (!) percent of women from 5 years and above were counted as literate. (Office of the Registrar General & Census Commissioner, India 2011: 102)

Figure 3: Literacy Rate 1951-2011

Census Year	Persons	Males	Females	Male-Female gap in literacy rate
1	2	3	4	5
1951	18.33	27.16	8.86	18.30
1961	28.3	40.4	15.35	25.05
1971	34.45	45.96	21.97	23.98
1981	43.57	56.38	29.76	26.62
1991	52.21	64.13	39.29	24.84
2001	64.83	75.26	53.67	21.59
2011	74.04	82.14	65.46	16.68

(Office of the Registrar General & Census Commissioner, India 2011: 102)

The All India Women's Conference spoke for the expansion of education before independence. After 1947 regional imbalance in education and the poor level of girls going to school were reasons for many organizations to arise with the aim to improve women's education and to find out the cause of the low participation of women in education. For the Indian government women's education was a main challenge in national development, education was a main part of the Five-Year Plan and many programmes have been launched, with major achievements. The number of girls in education has raised since independence, but that still only relates to the ones with middle and higher social status in society. In higher education, women's participation has gone from 10 percent in 1950-51 to 40,4 percent in 2004-5, but in rural areas, the situation nearly remains and women and girls still do not or cannot benefit from the possibilities of education. Many girls cannot continue higher education because of lack of accessibility. The problem was and is widespread, in rural and urban spheres and with regional differences. (Nuna 2009: 20f.)

Taking a further look at post-independence improvement in regards to the access of basic education and quality education the GoI and many Committees and Commissions with the aim to bridging gender gaps in education, useful recommendations have been made. The number of schools and girls in education has increased and the gender gap in primary education has reduced. But in secondary and higher education, the gender gap is still very high. (Nuna 2009: 30f.)

Anyway, India achieved major changes and improvements in reducing the gender gap in education. Even though diminishing the gender gap in education is a major goal to achieve it should also be an essential aim to make education accessible to girls in rural areas focusing on the circumstances.

The National Perspective Plan for Women (1988-2000) stated that if a girl has to work at home to support her family or she has a too broad way to the next school, there should be shuttles or hostel facilities especially when the school is more than three kilometers away to guarantee safety for the girl. The same should be established for higher education institutions, as well as the possibility for re-entry after a break, relaxation of age limits and a reservation of capacities for women from rural areas. Job placement after higher education should play a major part in the several institutions as well as the calling attention to jobs where the gender gap is still very high as medicine, technology, research, teaching at college or university level. (Nuna 2009: 24)

The improvements in education have been made at the university level since colonial times but university education will not help the majority of India's men and women. The effects of the investment on university level has been recognized as limited and the intention of Prime Minister Singh was to lead India to have a universal women's literacy rate. Many women's organizations agreed with that as the increase of women's literacy was also their major goal. Indian women as well as men should have a qualitative primary education to improve their lives and at a wider range, to achieve social development goals. (Trivedi 2003: 202f.) But not only the increase of the literacy rate but also the following job placement should be a part of education, because there are also many women who get educated, but cannot find a job and are finally forced to stay at home with their husbands or in-laws. Out of that reason women should also be supported by the GoI in finding a decent and safe job.

In fighting against sex-selection and female infanticide, sex education of men and women is essential. Schools and other educational institutions should have proper sex education which is not associated with shame. Sex should not be a taboo theme as it is an important part of everyone's life. Those who go to school do not implicitly have knowledge about sex, they only know what their friends tell them and this could lead to a false or incomplete picture of sex and its several consequences. According to Singh, women do have a passive role in sex relations in India due to the relation of "(...) sex

with morality because of backwardness and ignorance (...)” (Singh 2010: 158) and pleasure is often an alien concept to them. (Singh 2010: 158)

Sen’s empowerment approach shows that for women’s well-being, women have to be literate and educated as a variable. (Patnaik 2010: 12) Not only Sen but also other prominent leaders spoke out that “(...) if any woman is educated the whole family is educated.” (Bhanusree 2009: 183) Educated women can influence the society because they will be empowered to a greater extent and therefore will become more powerful in society. It is necessary that the GoI and women’s organizations as well as international bodies ensure that women have the chance to get educated. But here it is to say that many women cannot simply go to school and especially higher education as college or university without the permission of their parents, husbands and in-laws as they are regarded being responsible for children and household. Women who have the chance to get educated and be a part of public life, are also more able to control whether they want children or not and if they want to get married or not. Here a distinction between urban and rural regions has to be made. A woman who lives in the city has greater access to education as well as she might have greater access to health services and birth control. To ensure the access to education, the GoI in support of NGOs, should also be responsible for awareness-building programmes for parents, men and women with the result to change or more to improve the belief system with the goal to persuade male and female members of a family that violence is a problematic way to solve problems or to demonstrate power.

5.5. Media

To develop awareness and to address a great number of women it is notorious that the media, as newspapers, television, radio or cinemas influence human beings and their beliefs to a wide range. Especially television and radio can address so many women as nearly every household has a TV and radio nowadays, which is "on" a high amount of time a day and where awareness of women's rights can be raised.

The media has certain responsibilities as many young men and women are using it and because of that they can be influential in a positive way, but likewise dangerous. Advertisements and movies often show pictures of women that don't seem to be real and reachable for an average woman and which should not be a goal anyway. Media should have the responsibility to overcome stereotypes and take over building awareness. Media can also be a tool to educate in fields of human rights, hygiene, education, health services, sex-education, pregnancy, dowry, etc. That would improve the knowledge of women and men of those basic issues.

The newspapers have existed for a long time and it needs literacy to read them, so they cannot address everyone. Television on the other hand, even reaches the poorest and can be a medium for those who cannot read or write, too. Just like the radio, TV can broadcast discussions about women's rights or promote programmes and the participation in those.

If the media promotes such topics, of course it does not mean that everyone will stop to harass women or that gender-based violence will be eradicated. But still, when at least one woman has the courage to report violence, maybe others will follow her.

Kishwar states that it is risky to assume that when people are aware that a custom like dowry is social evil, then people won't practice it any more. But "(...) this ignores the fact that even the worst of social practices have a social rationale and can be sustained only if the interest of some powerful group in society are served by these practices." (Kishwar 2008: 171) People have to know that they do not have to be ashamed and that there are shelters or other services for them to hide from their perpetrators.

According to Nanda et al. the best is to work with men at a young age and with institutions who are close to traditional thinking of patriarchy and masculinity. The work has to begin in schools with programmes and seminars and also has to be an issue of the government, depending on the cultural background of each state. Very important too is that the main issue is what actually happens and not what is imagined. “Boys and men can be very effective change actors for gender equality (...)” (Nanda et al. 2013: 1) when they are aware of the problem and when they can empower themselves away from a brutal masculine belief. (Nanda et al. 2013: 1)

In this theses, gender-sensitive laws have been discussed and it is essential that women have access to these laws and, more important, they should know about the laws. Women who are in danger of economic deprivation, have a low legal literacy rate, especially in rural areas. A special service for women should be accessible in every district where women can go to for legal advice and support in courts, which are male dominated. (Johnson 2004: 28) The same services in the districts should make awareness-building programmes and visit women in their homes because then also women who cannot go outside or are too ashamed to make use of the service can speak out and be informed about their rights. Therefore media could interplay: Radio and television could advertise for such programmes or could build awareness directly. Flyers at public places as markets, bus stations, in the public transport, which state a few sentences about rights and which give information about the topic itself and possibilities of assistance would do the rest.

Example Case: The 2012 Delhi gang rape

The case happened one year ago and some things have changed since the gang rape of the 23-year-old student in Delhi. A fast-track court for rape cases as well as new laws regarding sexual harassment and stalking have been established. According to an article from Nirmala George, "(...) the case cracked a cultural taboo surrounding discussion of sexual violence in a country where rape is often viewed as a woman's personal shame to bear." (George 2013)

But she also claims that only because of the laws the city has not become safer for women and that it will take a long time to eradicate violence against women in a patriarchal and religious sanctioned system like it is in India. The fact that the case got so famous was a reason for a positive development for women's empowerment. Silence was broken and it was no more taboo to discuss rape in public. The attention of the media brought the problem of violence and rape into focus and raised the awareness for terrible incidents like this. Nevertheless there are still many women out there who are victims of violence and who have not experienced any change in their everyday lives. George states that activists say that since the public debate of this case in Delhi, much more complaints about sexual abuse were registered and more cases of rapes were reported in general in 2013 compared with 2012. Additionally, the political parties have women's safety on their agenda. It should be reached that women who become victims of violence do not necessarily have to be ashamed. Instead women should be encouraged to talk about incidents. The public debate of this special case showed that many women as well as men demonstrated against violence and made clear that the woman was a victim and that it was not her own fault that she was raped. (George 2013)

The financial ministry even announced a fund for women's safety but still it is not clear what should be done with it (status from 29.12.2013). The government has some ideas like SOS alert in railways, tracing persons in danger via phone or improving the safety in public transport. (Roy 2013)

Also UN Women India set up some effective programmes to end violence against women who have been launched after the gang rape in Delhi, inter alia a rally to protest against violence. Young people all over India sent in pictures which should symbolize freedom and the winners found their pictures on postcards in public places in cities.

Also local women benefit from the movement in the cities and UN Women India supports them by training women's groups to speak out and report cases of violence. Women's courts have been implemented with members of the village head to ensure that women are taken seriously and to motivate women to raise their voice. (UN Women n.y.b)

Even globally, the case in December 2012 as the icing on the cake put forward change. The Justice Verma Committee – which informed about the subsequent approval by Parliament of the Criminal Amendment Act 2013 claimed for deterrence. As Reichmann states, the laws are important but the implementation even more. The fact that violence against women is not acceptable has to be spread over all schools, workplaces, institutions and public places. (Reichmann 2013)

Before the rape case in Delhi, of course there have been other cases of rape of students at the Delhi University. In 2002 three women were raped near the University Campus and the NCW called for safety measures at the Campus. The recommendations from the NCW were that the police should patrol more often around educational institutions, help lines should be installed and awareness should be raised. Further it was recommended that the campuses should have proper lighting and the number of campus security should be increased or even a separate security for campuses should be established. (Patel 2007: 115)

6. Conclusion

With no doubt, gender-based violence against women is of great significance and relevance at all levels. Women in India are in danger of violence their whole lives and the fear of violence is thwarting their freedom and involvement. Women in India are, according to the common developmental literature, facing so many disadvantages in their social lives. The forms of gender-based violence existing in India are phenomena deeply rooted in patriarchal structures which have to be changed in the way they effect women. Women's human rights have to be protected and laws to protect their rights have to be further implemented with women to be involved in the legislative.

The cooperation between the legislative and women's movements and activists as well as religious leaders can be crucial in suggestively addressing women's issues. The society, the civilians and especially women from urban and rural areas should have the chance to participate in the decision process of the government in making and implementing policies. Preventive measures and first aid care are also important and have to be seriously implemented by the government in agreement and with participation of the civil society. Gender equality is a premise.

In India, the number of women according to the Census of India in 2011 was more than 587 million, that means 48,53 percent of the Indian population are women. (Office of the Registrar General & Census Commissioner, India 2011: 1) Which in turn means that women definitely have a major influence on sustainable development of India in several issues. Gender research's focus and approaches for change should address every woman in every household, rural and urban, rich and poor.

What is significant in India is that for sure every woman is in danger of violence in every sphere of her life. So the research has to be extended to a wider range and the budget for research of any institution should be raised to collect data and figure out reasonable strategies for change and improvement of women's lives. Despite to this, data has to be collected with a special focus on violence which is in hiding and it should gain more attention in research.

Even though each and every woman has to fear violence, there are still differences between urban and rural living conditions of woman and above, there is a great variety of those conditions within urban and rural settings. Urban women have more possibilities to participate in society, can even hold political and economic offices and therefore have a chance of climbing up the societal ladder. Those women have to take up their parts and be role models. Especially regarding to dowry powerful women must protest and stand up against this custom. It must be enforced that politicians, being role models, desist from practicing dowry. It is important that women who have already had access to education, the job market or even politics campaign for women who do not have those opportunities. Apart from this each woman should be able to decide over her favored way of live. Many women are satisfied with staying in private and taking care of the household and children. It should not be an aim to force empowerment, like western feminists might label it. Nevertheless, these decisions should be made freely by women themselves and not enforced by violent acts. Gender-based violence is an issue every woman has to be protected from. Equal opportunities in education and participation for men and women should also be also an essential condition.

The patriarchal and religious sanctioned system is despite all the efforts of the legislative of the government and the women's groups still a major issue which is inhibiting the end of gender-based violence against women in India. To change this system, it could be an approach not to eradicate it, because this is not the need of the hour and probably no reasonable and fruitful strategy. Instead, it could be a chance to work together with men and train them towards a change of their perception of women in society. It should become clear that there are other ways than committing violence to deal with the empowerment of women.

Men should experience another approach of patriarchy in a way to protect women. It is to say that not all women need or want protection in this sense but girls and unborn children have the right to be protected. Violence has to be identified as a serious issue which is in no way harmless and excusable. Education and training of men and women in that direction is necessary. If men insist on the patriarchal structure, sustainable change for women is questionable.

The insight, based on the research of gender-based violence against women in India, and the reports about cruel murders which are being explained through culture and tradition and which are so deeply rooted, make it sometimes seem impossible that there will be a solution to the problem or a chance for a change. Even though women's groups have been fighting since the 1970s, some forms of violence have got worse such as dowry murder, female infanticide and sex-selection even though these customs are prohibited. It is not easy to be confronted with all this unfairness and, while writing this thesis, nearly every month a new case of cruel gender-based violence was discussed in the media. All cases happened in India, mostly rape cases in the urban areas, where many victims turned out to be tourists. As horrible it is, women's groups should catch up with the attention and they should highlight all the cases which are not in the media, too. Only if silence is broken, the awareness of this terrible feature of India's society will be raised. And the raise of awareness is an implicit basis for initiating changes.

It is to say that gender-based violence against women in India is so complex and actually too wide a field for being completely covered by a single thesis. Each form of violence, and there are existing many, could be an issue for a research because each form has its complex and expansive background. This theme is dynamic, having changed over epochs, but nevertheless is still of the same actuality. Even though women's movements have done a major and great job in fighting against violence, influencing media and the legislative to raise awareness, the fight against gender-based violence against women in India will have to continue.

The aim of the thesis was to figure out which forms of gender-based violence against women exist in India, what were the reactions to gender-based violence and which approaches for change are reasonable. Even though it was not possible to name all forms of violence, reactions and changes, the thesis gives an overview of the complexity of themes and probably guides to further research. It is worth to research gender-based violence against women in India and to further study the development and proceedings regarding to find solutions to the problem and ways to diminish and even abolish gender-based violence against women.

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498a.org (n.y.): Why supreme court calls 498a as "Legal Terrorism"? 25 reasons "Why IPC 498A is Anti-Social?" <http://www.498a.org/top25.htm>, [23.12.2013].

Abstract (English)

The case of a 23-year-old woman who was gang-raped by six men in New Delhi in December 2012 rekindled the discussion about gender-based violence against women in India. This thesis focuses on women's life situation in India as well as the correlation between women's life and the occurrence of violence. The most common forms of gender-based violence against women in India according to common developmental literature are in discussion. Further the reactions to gender-based violence against women are in focus, considering the importance of women's movements and activism and the responsibility of the government to end violence against women in India. This thesis is concluded by some reasonable approaches and strategies for change to eradicate the fear and danger of violence against women in India.

Abstract (Deutsch)

Der Fall einer 23-jährigen Frau, die im Dezember 2012 in Neu Delhi von sechs Männern vergewaltigt wurde, entfachte die Diskussion um geschlechtsspezifische Gewalt gegen Frauen in Indien neu. Diese Arbeit konzentriert sich auf die Lebenssituation von Frauen in Indien und den Einfluss dieser durch das Auftreten von Gewalt. Die häufigsten Formen von geschlechtsspezifischer Gewalt gegen Frauen in Indien laut entwicklungspolitischer Literatur sind erläutert. Reaktionen auf geschlechtsspezifische Gewalt gegen Frauen stehen weiter im Fokus, in Berücksichtigung der Signifikanz von Frauenbewegungen sowie der Verantwortlichkeit der Regierung, Gewalt gegen Frauen zu beenden. Um die Angst und die Gefahr von Gewalt für Frauen in Indien zu beseitigen, werden Ansätze und Strategien für Veränderungen diskutiert.

Curriculum Vitae

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