

## Politics

Women remain underrepresented in governance and politics, although no legal impediments hinder their participation in the political process. A 1998 "Times of India" report revealed that "domestic responsibilities, lack of financial clout, rising criminalization of politics and the threat of character assassination" are making it increasingly difficult for women to be part of the political framework. Moreover, women politicians point out that even within the political parties, women are rarely found in leadership positions. In fact, "women candidates are usually fielded from 'losing' constituencies where the party does not want to 'waste' a male candidate".

Despite the difficulties, women have made inroads to public life mainly due to the so-called "male equivalence or kinship link". The assumption here is that women access political life with the support, backing and contacts of the family, in particular that of the husband. In a study made in 1998 wherein 15 women were surveyed, 1/3 of the women MPs, for example, have "family support" in the background. However, other points out that "male equivalence" is an inadequate conceptual framework. First, because it is the public sphere (e.g. state institutions, press, and political discourse) that has to be negotiated if the family decision to put forward a woman in politics is to succeed; it is not a private, but a public matter. Second, in many cases the husbands do not support the candidature of the wife at all. It is the pressure of party political bosses that forces the issue in many cases. The centralized system of distribution of seats in mass political parties helps in this context. A party's concern with levels of representation of certain groups within its ranks, and consequences for legitimacy of the party among the under-represented groups might be the motive for including women.

Together with "kinship link" and state initiatives, an important factor impacting on women's access to political life seems to be social and political movements. These movements have created windows of opportunity and some women have been able to take advantage of these opportunities to access political life. For example, the national movement was an important mobilizer of women. Gandhi's contribution to bringing women into politics is well-documented; the left movement also mobilized women. Women's organizations were constituted under the umbrella and control of the party the Mahila Congress and the All India Women's Federation (CPI).

The 1993 passage of the "Panchayati Raj" constitutional amendments reserved 30 percent of seats in elected village councils (Panchayats) for women, which has brought more than 1 million elected women into the political life at the grassroots level. The passage of the "Panchayati Raj" was due to the Seventy-third Constitutional Amendment Act of 1992, a central government law which is supposed to be enacted by all the states and union territories. The panchayats have been assigned various subjects ranging from agriculture to poverty eradication. The panchayats have a five-year tenure, and they are given 29 subjects to look after ranging from agriculture, forestry, and fisheries to family planning, health and education.

As of 2002, there were 70 women in the 783-seat legislature. There were 6 women in the Cabinet. A large proportion of women participated in voting throughout the country (with turnout rates slightly lower than those of men), and numerous women were represented in all major parties in the national and state legislatures.

## **Violence Against Women**

Domestic violence was common and a serious problem. In a survey by the National Family Health Survey released during the year, 56 percent of the women said that domestic violence was justified. These sentiments, combined with ineffective prosecution, made progress against domestic violence difficult.

The issue of rape received increased political and social attention during the year. The press consistently reported that violence against women was increasing, although local women's organizations claimed that there simply had been increased reporting. Only 10 percent of rape cases were adjudicated fully by the courts, and police typically failed to arrest rapists, thus fostering a climate of impunity. Mass rapes often formed part of the tactics of intimidation used by upper caste gangs against lower castes, and gang rapes often were committed as a punishment for alleged adultery or as a means of coercion or revenge in rural property disputes. Numbers of reports of rape and the extent of prosecution varied from state to state. Madhya Pradesh had the highest rates of rape reported. In Assam 30 percent of rape cases involved girls below 18 years of age. Most of the victims were maidservants, some as young as 6 years old. On November 24, a medical student allegedly was gang raped in broad daylight in New Delhi. Police arrested a man and three suspected accomplices and charged them with rape, robbery, and criminal conspiracy.

Dowry disputes also were a serious problem. Although providing or taking dowry was illegal under the Dowry Prohibition Act, dowry was practiced widely. In the typical dowry dispute, a groom's family members harassed a new wife whom they believed had not provided a sufficient dowry. This harassment sometimes ended in the woman's death, which family members often tried to portray as a suicide or accident. Although most dowry deaths involved lower and middle-class families, the phenomenon crossed both caste and religious lines.

Under the Penal Code, courts must presume that the husband or the wife's in-laws were responsible for every unnatural death of a woman in the first 7 years of marriage--provided that harassment was proven. In such cases, police procedures required that an officer of deputy superintendent rank or above conduct the investigation and that a team of two or more doctors perform the postmortem procedures. According to human rights monitors, in practice police did not follow these procedures consistently. In August the Supreme Court stressed the need to enforce effectively the Dowry Prohibition Act and to increase social awareness; however, there was no indication of improved enforcement or increased awareness.

Sati, the practice of burning widows on the funeral pyres of their husbands, was banned, but continued in a few cases despite the ban. On August 6, a 65-year-old woman died after performing sati on the funeral pyre of her husband in Madhya Pradesh. The state government ordered a magisterial inquiry into the incident, and subsequently 15 persons were arrested in connection with the incident. At year's end, the suspects faced charges of murder and conspiracy.

Several traditional practices that were harmful to women continued during the year. In April a tribal woman in Madhya Pradesh was forced to immerse herself in urine in a ritual intended to cleanse her of social ostracism; the police arrested four upper caste youths at year's end. In July a married woman in Indore was forced to engage in the practice of "agnipariksha," where her hands were placed in a fire to test her fidelity to her husband, at the request of her in-laws. At year's end, the National Commission had begun an investigation into the incident.

In remote villages, witchcraft accusations and punishments still occurred. In February a woman accused of being a witch was tortured and paraded naked in Rajasthan. Police arrested persons involved in the torture, and the District Collector ordered that the woman be paid \$105 (RS 5,040).

Societal violence against women was a serious problem. In February communal violence in Gujarat resulted in the deaths of many women. The violence began on February 27 after a Muslim mob in the town of Godhra attacked and set fire to two train cars carrying Hindu activists. Fifty-eight persons were killed, most of them women and children. In the subsequent riots, Muslim women and girls were raped, and an estimated 2,000 Muslim persons were killed. In April a fact-finding team visited Gujarat to document the impact of communal riots on women. A subsequent report stated that Muslim women had been subjected to "unimaginable, inhuman, barbaric" sexual violence during the violence.

Dalit ("untouchable" caste) women have been stripped naked by mobs and paraded around in public to humiliate Dalits who offended other castes. For example, in July two Dalit women allegedly were gang raped and paraded nude in a Sudan village following a land dispute with local businessmen. Police arrested one person in the case. According to HRW, another Dalit woman was paraded naked in Kishanganj in November due to a land dispute.

In Kashmir the Lashkar-e-Jabbar militant group required all Muslim women to wear a burqa (a garment that totally covered the face and body) when in public or risk retribution. A significant number of women in the Kashmir Valley appeared to be complying with the order, frightened by the threat of being attacked with acid, beheaded, or killed. Lashkar-e-Jabbar also further ordered Hindus and Sikhs in the valley to wear identifying marks and told transport companies to reserve 50 percent of their seats for women in an effort to separate men and women in public spaces. At year's end, Al-Badr militants ordered all women police officers in Rajouri District to quit their jobs by January 15, 2003.

In February 2001, the Committee on the Elimination of Discrimination Against Women (CEDAW) of the UNCHR continued to recommend an extensive range of legal reform, additional resources, and affirmative government action to eliminate gender inequality.

### **Laws and other policies affecting women**

Numerous laws exist to protect women's rights, including the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning) Prevention Act, and the Dowry Prohibition Act. However, the Government often was unable to enforce these laws, especially in rural areas in which traditions were deeply rooted. According to press reports, the rate of acquittal in dowry death cases was high, and because of court backlogs it took 6 to 7 years on average to rule on such cases.

Prostitution was common, with an estimated 2.3 million prostitutes in the country, some 575,000 of whom were children. Many indigenous tribal women were forced into sexual exploitation. In recent years, prostitutes began to demand legal rights, licenses, and reemployment training, especially in Mumbai, New Delhi, and Calcutta. In January the Government signed the South Asian Association for Regional Cooperation (SAARC) Convention on Prevention and Combating Trafficking in Women and Children for Prostitution. The country is a significant source, transit point, and destination for many thousands of trafficked women.

In 1999 according to NCRB statistics, there were 8,858 cases of sexual harassment. Sexual harassment of women in the workplace became a subject of NHRC consideration during the year. The NHRC instituted a committee to investigate harassment of women in the legal profession and asked universities to establish complaint committees immediately. The commission suggested the creation of a telephone hot line for complaints, initially starting in New Delhi, and gave advice to the media on reporting incidents of harassment against women. The National Commission for Women conducted 18 meetings with 568 representatives of public sector units, including public and private banks, educational institutions, corporations, universities, and hotels, to examine further issues of compliance to address harassment against women.

The law prohibits discrimination in the workplace, but enforcement was inadequate. In both rural and urban areas, women were paid less than men for doing the same job. Women experienced economic discrimination in access to employment and credit, which acted as an impediment to women owning a business. The promotion of women to managerial positions within businesses often was slower than that of males. State governments supported micro credit programs for women that began to have an impact in many rural districts.

The Government continued to review legislation on marriage; it passed the Indian Divorce (Amendment) Act during 2001; the act widely had been criticized as biased against women. The Act placed limitations on interfaith marriages and specified penalties, such as 10 years' imprisonment, for clergymen who contravened its provisions. Under the Act, no marriage in which one party is a non-Christian may be celebrated in a church.

Under many tribal land systems, notably in Bihar, tribal women do not have the right to own land. Other laws relating to the ownership of assets and land accorded women little control over land use, retention, or sale. However, several exceptions existed, such as in Ladakh and Meghalaya, where women had several husbands and controlled the family inheritance.

The traditional preference for male children continued. Although the law prohibits the use of amniocentesis and sonogram tests for sex determination, the Government did not enforce the law. The tests were misused widely for sex determination, and termination of a disproportionate number of pregnancies with female fetuses occurred. In the 12 years since the State of Maharashtra passed a law banning the use of such tests for sex determination, the state government filed charges against only one doctor, who was acquitted. Human rights groups estimated that at least 10,000 cases of female infanticide occurred yearly, primarily in poor rural areas. Parts of Tamil Nadu (Dharmapuri, Salem, and Madurai districts) still had high rates of female infanticide. In addition, parents often gave priority in health care and nutrition to male infants. Women's rights groups pointed out that the burden of providing girls with an adequate dowry was one factor that made daughters less desirable.

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