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## **'It's not a grave we must fit in': the Kashmir women fighting for marital rights**

***Women are slowly gaining rights and finding the strength to shake off the social taboos around ending a bad relationship.***

By Furkan Latif Khan

The Guardian (09.12.2020) - <https://bit.ly/38hh10J> - Parveena Jabeen was all set to get married, but in Kashmir weddings are extravagant affairs.

Traditionally, brides in the valley of Kashmir would take a trousseau with them to the groom's house, including clothes, jewellery, makeup, gifts for the in-laws and even furniture.

Jabeen's father died when she was 19 and so, as the eldest of four, she worked as a tutor to feed her family. In August 2019, when Kashmir was put under a political lockdown, she lost her job.

Jabeen was worried that she might be mocked if she asked relatives for help, but then she heard of a group that supported women. "I approached them because I felt that they would not talk about helping us throughout the town," she says.

Kashmir weddings, an important social function, are notorious for their extravagance and at times the state has intervened to put restrictions on expenses.

"Families end up selling their properties, taking out loans, for unnecessary social customs. We don't want to encourage that practice, so we do not buy gifts for in-laws or home furnishings," says Shehryar Khanum, a founding member of Mehram, a charity to help struggling brides.

The organisation also supports new brides and women trying to leave bad marriages. "She explained to me how I should take care of myself after marriage, to be vigilant and responsible. She insisted that I should not give up work, no matter what happens, because that is the only way to keep my future secure," says Jabeen.

This advice is essential, says Khanum: "We come across so many women who are asked to give up work after marriage. It is an unspoken rule that this is a reasonable thing to say, which it is not," she says. "In Kashmir very few women are upfront about their rights – religious or legal. As an organisation, we believe that they should be."

In Kashmir, tradition has a big impact on decision-making, says Prof Muzammil Jan, who has studied Kashmiri women's changing roles in society. "Even religion is misused in the context of women's empowerment.

"The majority of women's decisions are forced on them by male decision-making power, whether she is married or unmarried."

Most marriages are under sharia law, where a document is signed by both the bride and the groom, and the clauses are often seen as set and so are rarely edited. But Mehram is trying to change that. "We are working on a model, nikkah-naama, where we want to include the rights of the bride in writing," says Khanum.

While the Indian constitution has been adjusting to enshrine women's rights, the legal structure of Kashmir has been slower to catch up. In August 2019, a constitutional amendment withdrew Kashmir's special status, extending laws from India to the region, and it is now possible for women to demand compensation for abuse in a marriage, as well as medical expenses and residential rights.

"The new laws aim to provide women with legal remedies by way of independent adjudicating bodies like family courts. These laws give women right to claim maintenance from court under exclusive provisions," says Viqas Malik, a lawyer in Kashmir.

But bureaucracy is slow. The state's only women's commission was disbanded and it is not yet known when a new one will be established. There is little trust in legal structures to deliver justice to women.

"Institutions here are almost always inclined towards reconciliation. That means that you are overlooking justice and replacing it with what is socially acceptable, which may not always be just," says Khanum.

Sarah Mir (not her real name), 35, has been frequenting Mehram's office for several months. Mir's marriage was arranged by her brother. "I met my husband for the first time on the day of my ring ceremony. I barely saw his face. I saw his face on the photos of the ceremony later," she says.

Mir found she was expected to be her husband's housemaid. "I was disrespected, neglected and even beaten by him," she says. "But I did not share any of the abuse with my family because I did not want to worry them."

Eight months into her marriage, Mir's father died and she went home. "Eventually, he came with all his family members, asking me to adjust to the life I was given and only then I would be accepted back in his family."

Mir registered complaints against her husband with multiple agencies but nothing persuaded him to discuss the marriage. Even her local police station did not file a complaint, Mir claims. "He wants the divorce to take place in a cave, so that the judgment is in his favour," says Mir.

In Kashmir, the predominant body for marital settlements are mohalla committees, a group of local people, who are invited to mediate by the families. But most mohalla committees are headed by men, says Khanum. "So it is often just a superimposition of the social view, rather than justice."

Mir sees no solution yet in sight but visits to Mehram have been therapeutic. "I am thankful, for the mental support. Otherwise, I feel like I would have committed suicide," she says. "Most women going through distressed marriages struggle to find support and are told that marriage is a grave and they must fit in it."

Mehram is trying to fill that void. "Right now, I think some women are here just to talk. We are trying to create a space where women feel that it is their place, talk to each other and share their experiences," says Khanum.

There is a WhatsApp group where women can share insights on their legal and marital rights.

"I faced a lot of problems while growing up. And I was worried that I would not be able to sustain if I face marital problems. But after joining this group and getting in touch with other women, I have been feeling so much more secure," says Jabeen. "I feel supported."

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## **Generational change in India: How might raising the legal age of marriage from 18 to 21 change the lives of girls?**

By Aarushi Khanna

Equal Measures 2030 (04.12.2020) - <https://bit.ly/3lXN6jS> - India is home to the highest number of child brides in the world. UNICEF estimates that almost half of the child marriages in the world happen in South Asia, 1-in-3 of which are in India[1]. The existing legal framework sets the minimum legal age of marriage for girls in India at 18 which the current political leadership is considering revising to 21. An announcement in this regard was recently made by the Indian Prime Minister in August 2020. Women's rights organisations and gender equality advocates have expressed their apprehension about the proposed change in the law.

Decisions around marriage in India are governed by a complex set of compounding factors: poverty; dowry where the younger the bride, the lower the dowry expectation; a way to protect the family honour; a means to prevent rape and pre-marital sex; and perceptions around labour and productivity[2]. All these factors serve as obstacles to conforming to the child marriage law. This is also the reason families consider education for young girls as less of a priority and more of a futile investment since girl's productive capacities are often believed to benefit her marital family. The practise of early marriage is often justified by parents and guardians as a means of securing girls' future and protecting them from the risk of physical and sexual violence. The law in its current form is also used by parents and community members to control and punish girls from choosing their own partner. In reality, it is a means of exercising control over young women's bodily autonomy.

Though declining, the practise of child marriage is clearly rampant in India. Even 40 years after the enactment of the current Child Marriage Prohibition Act, the number of young women to be married under 18 remains extremely high, 1-in-4 [3]. The proportion of women aged 20–24 who were married before age 18 was 50% in 1992–93, 47% in 2005–06 and only saw a noticeable dip of 19% between 2005 and 2015[4]. Increased access to education, increased literacy of mothers, and government investment were contributing factors that have enabled this impressive dip in the last decade. India's progress has been strong but not fast enough to eliminate the practise by 2030. So why is the government looking to revise the age of marriage law?

Two reasons:

- To achieve better maternal health outcomes: Early marriage in India is linked to early pregnancy and the subsequent increased risk of maternal mortality. The government is of the view that increasing age at marriage would delay age at first pregnancy and would lead to better maternal and child health outcomes.
- The other compelling argument supports demographics: Delaying age of marriage is linked to delaying age at pregnancies and likely to reduce the overall number of pregnancies[5].

Sahaj, our partner in India is of the view that this approach is rather simplistic and removed from the ground reality. Improved maternal and child health outcomes rely on financial stability, good nutrition, and level of education and not just the age at pregnancy. Being part of the national and state level advocacy on the issue, Sahaj believes that the conversation needs to focus on factors that enable young women to be empowered to make informed decisions. Over the last decade India has seen a decline in both child marriage and fertility, these shifts have not been an outcome of legislative changes but a result of investment and interventions in health, education, skilling, and financial inclusion. The government must be cognizant of these factors and recognise that a legal intervention at this point is unnecessary.

"In my opinion changing the age at marriage won't lead to a reduction in maternal mortality. The real cause for that is the lack of and poor quality of maternal health services available." 18 years old, peer educator, Vadodara, Gujarat.

So, what can the government do? Here is a list of other areas that the government might focus on to eliminate this harmful practice by 2030.

- Invest in improving education outcomes for girls. At the current pace of change an estimated 68% of girls ages 20–24 will have completed secondary education by 2030[6]. All barriers that lead to increased dropouts by girls must be identified and addressed to ensure that every girl completes secondary education by 2030.

- Improve access to comprehensive sexuality education (CSE) to promote bodily autonomy, increased decision making and healthy sexual behaviours and activities that are linked to a decrease in risky behaviour and contribute to eliminating harmful practices. School closures due to Covid-19 are further hindering the delivery of CSE and reproductive health information.
- Invest more to ensure universal access to quality contraception, maternal health services, and safe abortion services. India's progress on meeting contraception needs of married women only improved by 6.9% between 2008 and 2018[7]. Reproductive health services have been severely impacted by Covid-19 and are likely to impact progress on contraceptive access across India.
- Create job opportunities. The pandemic triggered a migration crisis in India. The announcement of the lockdown resulted in massive job losses of daily wage laborers who had migrated to large cities for work. It is estimated that over 10.6 million migrant workers returned to their home state with no further income prospects [8]. In such times of socio-economic uncertainty, migrant parents with young daughters are marrying them off early to secure their future and ensure their well-being.
- Listen to girls and keep their interest at the centre of all policy and programme. Covid-19 has led to major disruption in the education system with the closure of schools and their lives, increasing risk of early marriage and other harmful practices. When Sahaj spoke to young women in different parts of Vadodara (Gujarat) about their thoughts on proposed change in law they said...

"Its my appeal to the government to change the education system, improve the quality of teaching in government schools, provide compulsory computer training, provide scholarships and vocational training to start businesses and work so girls are not a financial burden on their family and can negotiate life decisions." 21 years old, Vadodara, Gujarat.

"India has committed to eliminating the practice of child marriage by 2030 as a part of the Sustainable Development Agenda. Covid-19 is adding another layer of complexity, there is a fear that years of progress made on the issue may rescind. The children's helpline in India has already reported a 17% increase in distress calls related to early marriage in June-July this year compared to 2019[8]. In this context India must prioritise improving access to education, quality sexual and reproductive health and nutrition while empowering young women and girls."

\*\*Members of the Sahaj team include Hemal Shah, Nilangi Sardeshpande, Rashmi Deshpande, Renu Khanna, Vaishali Zararia

#### Footnotes:

- [1] <https://www.unicef.org/india/what-we-do/ending-childmarriage#:~:text=While%20the%20prevalence%20of%20girls,the%20prevalence%20of%20the%20practice>.
- [2] <https://www.girlsnotbrides.org/child-marriage/india/>
- [3] <https://www.unicef.org/india/media/1176/file/Ending-Child-Marriage.pdf>
- [4] National Family Health Survey – 2,3,4 estimates <http://rchiips.org/nfhs/>
- [5] <https://www.thehindu.com/news/national/government-may-relook-age-of-marriage-for-women/article32364889.ece>
- [6] Equal Measures 2020 Data hub <https://data.em2030.org/2020-index-projections/data-explorer-by-country/>.
- [7] Sahaj Bending the Curve Factsheet, 2020 <http://www.sahaj.org.in/factsheets.php>
- [8] [https://www.business-standard.com/article/current-affairs/struggling-to-find-work-under-mgnregs-bihar-migrants-head-back-to-cities-120101900238\\_1.html](https://www.business-standard.com/article/current-affairs/struggling-to-find-work-under-mgnregs-bihar-migrants-head-back-to-cities-120101900238_1.html)
- [9] <https://www.bbc.com/news/world-asia-india-54186709>

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## India: Women at risk of sexual abuse at work

### *Poorly enforced laws leave informal workers no recourse.*

HRW (14.10.2020) - <https://bit.ly/31rJeQV> - The Indian government's failure to properly enforce its sexual harassment law leaves millions of women in the workplace exposed to abuse without remedy, Human Rights Watch said in a report released today. The government should urgently ensure compliance with its 2013 [Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act](#), or POSH Act as it is popularly known.

The 56-page report, "[No #MeToo for Women Like Us': Poor Enforcement of India's Sexual Harassment Law](#)," finds that while women in India are increasingly speaking out against sexual abuse at work, in part due to the global #MeToo movement, many, particularly in the informal sector, are still constrained by stigma, fear of retribution, and institutional barriers to justice. The central and local governments have failed to promote, establish, and monitor complaints committees – a central feature of the POSH Act – to receive complaints of sexual harassment, conduct inquiries, and recommend actions against abusers.

"The #MeToo movement helped to shine a light on violence and harassment at work, but the experiences of millions of women in India's informal sector remain invisible," said Meenakshi Ganguly, South Asia director at Human Rights Watch. "India has progressive laws to protect women from sexual abuse by bosses, colleagues, and clients, but has failed to take basic steps to enforce these laws."

Human Rights Watch conducted field research and over 85 interviews in Tamil Nadu, Haryana, and Delhi, including with women working in both the formal and informal sectors, trade union officials, labor and women rights activists, lawyers, and academics. The findings also draw upon research by Indian organizations.

Women, inspired by the global #MeToo movement, who came forward with complaints against men in senior positions have often encountered a backlash, including threats, intimidation, retaliation, attempted bribes, gaps and bias in legal procedure, and stigma. Those accused have frequently used the colonial-era criminal defamation law against the women who dare to speak out. These produce a chilling effect deterring other victims from coming forward.

The September 2020 alleged gang rape and murder of a 19-year-old Dalit woman in Uttar Pradesh state highlighted both rampant violence against women in India and structural violence against poor and marginalized communities. The authorities' response illustrates the barriers women face in accessing justice.

The vast majority of India's women workers, 95 percent (195 million), are employed in the informal sector. These include jobs from street vendors, domestic work, agriculture, and construction, to home-based work, such as weaving or embroidery. There are also 2.6 million early-childhood care and nutrition workers under the government's Integrated Child Development Services; over 1 million Accredited Social Health Activists (ASHA) who work as community health workers; and 2.5 million midday meal cooks, who prepare the free lunches provided in government schools.

"For women like me, what is #MeToo? Poverty and stigma mean we can never speak out," said a part-time domestic worker who was sexually harassed by a security guard. "There is no place safe for women like us."



The 2013 POSH Act mandates employers to take steps to protect female employees from sexual harassment in the workplace and to provide procedures for resolution, settlement, or prosecution. It widened the definition of the workplace and covered the informal sector, including domestic workers. It protects all workers in any place visited by the employee during the course of her employment, including transportation.

The law builds upon the 1997 “Vishaka Guidelines” set out by the Supreme Court, mandating that employers take steps to protect female employees from sexual harassment at work after Bhanwari Devi, a government social worker, was gang raped in 1992 by men angered by her efforts to stop a child marriage in their family.

The POSH Act requires employers to create an Internal Committee at each office with 10 or more employees. For other establishments with less than 10 employees and for women working in the informal sector, the state government’s district officer or collector is required to form a Local Committee in each district.

These committees handle complaints and recommend actions ranging from a written apology to termination of employment, providing an alternative to filing a criminal complaint with police. Under the POSH Act, the government is also responsible for developing training and educational materials, organizing awareness programs, monitoring implementation of the law, and maintaining data on the number of sexual harassment cases filed and resolved in the workplace. But studies show that many of these Local Committees simply do not exist, and when they do, there is no publicly available information on how to access them.

“Most women suffer in silence until it becomes unbearable, and then they just try to get another job,” said Sonia George, a senior official at a trade union. “They do not want to tell their families either because they are afraid that they will be prevented from working.”

Domestic workers are especially at risk of sexual harassment and violence due to their isolation in private homes and their exclusion from many key labor protections guaranteed to other workers. For domestic workers, the POSH Act says that Local Committees must refer the case to the police, leaving no civil remedy. The Indian government should amend the law to ensure that domestic workers have the same access to time-bound justice through the Local Committees as other workers, Human Rights Watch said.

While most private sector companies have Internal Committees, many exist merely on paper to show compliance without any commitment to improving the workplace culture. Employers do little to fulfill their other duties, such as prevention, raising awareness about what constitutes sexual harassment, and consequences for such behavior.

In both the formal and informal sectors, the government should set up effective monitoring systems for committees and publish regular reports to ensure transparency and accountability. The government should establish Local Committees at every level of the local government to ensure easy access and conduct regular training for committee members, district magistrates, and other relevant district officials.

In June 2019, the Indian government, representatives of Indian workers’ groups, and representatives from Indian employers’ associations all voted in favor of the International Labour Organization Violence and Harassment Convention, a landmark treaty that establishes global standards to prevent and respond to violence and harassment in the workplace.



India should ratify the ILO treaty and fully enforce the POSH Act, Human Rights Watch said.

"The Indian government should stand for the rights of women, whether they are domestic workers, government scheme workers, or office workers, to work in safety and dignity," Ganguly said. "The government should coordinate with workers' organizations and rights groups to address sexual harassment and violence as a key workplace issue, partner in information campaigns, and ensure that those who face abuse can get the support and remedies they deserve."

### ***Illustrative cases from the report***

#### **Shanta (name changed), health worker**

Shanta, 38, an ASHA health worker in Haryana, said that health workers are particularly vulnerable when they are called to work at night. If they bring a complaint, they come under intense pressure from family of the accused, society, and their own family to withdraw it. In January 2014, Shanta was called by a contractor at a construction site to help a woman who was about to give birth. She said she accompanied the woman to a hospital, but the ambulance driver tried to molest her on the way back:

I didn't say anything at home because I was scared, but I called the medical-in-charge and told him what happened. The staff and supervisors helped me, and we found the driver after three days. But then the police and other ASHA workers asked me to compromise. He apologized in front of dozens of ASHA workers and they asked me not to file an official complaint. But no one told me that there was a law, and I could file a complaint at a Local Committee.

#### **Kainaat (name changed), domestic worker**

Kainaat, 25, became a domestic worker when she was 12 after her family migrated from West Bengal to Gurgaon in search of work. For the first few years, as a child, she labored as a live-in domestic worker in various homes, suffering beatings and threats. In 2012, when she was 17, an older man sexually harassed her:

When his children and grandchildren would go out, he would purposely stay home and keep following me around. He would pat my back, but then his hands would wander. I tried to ignore. Once when he did this, there was no one at home so I went to the washroom and did not come out until others returned. I knew no one would believe me if I told them, so I kept quiet. That man used to tell me, "Wear a short dress, you will look better in it." I put up with it because I had to earn to support my family. But I finally quit because I was so frustrated and decided not to work as a live-in maid anymore.

#### **Shalini (name changed), domestic worker**

Shalini was sexually harassed for months by a security guard of the apartment complex in Gurgaon, Haryana, where she worked as a part-time domestic worker:

He would say he loved me. He would wait by the elevator at the end of my shift and when I was alone in the elevator, he would make lewd remarks. One day, it went too far when the guard took out money, forced it into my hands, and asked me to go with him. That day, I cried endlessly when I went home and told my husband I wanted to go back to the village. My husband and my brother-in-law went to the colony and complained to the head of security, whom they knew, and

the guard was quietly transferred. If my employers had come to know, they would have likely blamed me. That is why I kept quiet.

For women like me, what is #MeToo? Poverty and stigma mean we can never speak out. There is no place safe for women like us. Not our workplaces, nor our homes, and not the road we take.

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## **Balrampur: Anger grows after new India 'gang rape' death**

***The death of a second Dalit woman in a few days after an alleged gang rape has shocked and angered India.***

BBC News (02.10.2020) - <https://bbc.in/33AmZJW> - The 22-year-old was dragged into a vehicle after going to apply for admission at a local school and raped, her mother told the BBC.

The news follows the death of another Dalit woman, 19, on Tuesday after an alleged gang rape by upper-caste men.

Dalits are at the bottom of the caste system. Despite laws to protect them, they face widespread discrimination.

Both attacks took place in the northern state of Uttar Pradesh. News of the first sparked protests in the streets in the state.

Police have registered complaints of rape and murder and arrested two men in connection with the latest case, which took place in Balrampur district.

The earlier attack happened some 500km (310 miles) away in Hathras district. The victim was grievously injured and died in a Delhi hospital on Tuesday after fighting for her life for two weeks.

Police said on Thursday that according to a forensic report the first victim was not raped. But a Delhi hospital recorded on admission that she was both raped and strangled on 14 September. The woman's family also said she had been raped - her mother telling media that she found her daughter naked, bleeding and seriously injured in a field.

The second victim also died on Tuesday but national media picked up the news on Thursday, after a heavy backlash on social media over sexual assault and caste violence in India.

Dalits, formerly known as untouchables, have suffered public shaming and attacks for generations at the hands of upper-caste Hindus.

### ***What do we know about the latest incident?***

The victim's mother told the BBC that the family started to panic when she did not arrive home at her usual time on Tuesday evening. She said her daughter had gone to a nearby school to apply for admission on Tuesday morning. When she was returning home, a group of three or four men stopped her and forced her into their vehicle.

The mother alleges that they drugged her before raping her. "They broke my daughter's leg, they broke her waist," she said, adding that the men put her in a rickshaw after and sent her home.

"When she arrived, she looked very weak. Our daughter couldn't speak or get up. When we asked her what had happened, she couldn't answer," she added.

Ten minutes later, the victim complained of a "burning sensation" in her stomach, prompting the family to rush her to a local hospital.

"But since her condition was very serious, the doctor asked us to take her to a larger hospital in the city - but she died on the way there," the mother added.

"While officials are not confirming whether the victim was raped, they have also not denied the family's allegation," local journalist Saurabh Mishra said.

### ***What reaction has there been?***

The news has spurred furious reactions on social media. The state's former chief minister, who sits in opposition now, hit out at the ruling Bharatiya Janata Party (BJP) government.

"After Hathras, another daughter has been gang raped and brutalised in Balrampur," Akhilesh Yadav tweeted, adding that the government should act quickly in this incident.

On Twitter, the case has been among the top discussion trends with thousands of tweets from political leaders and Indians decrying the attack.

The previous incident also continued to dominate social media and news. Officials imposed Section 144 in the district, which means no more than four people will be able to gather - a measure often used to contain protests.

On Thursday, Priyanka and Rahul Gandhi, leaders of the opposition Congress Party, walked into Hathras to meet the victim's family after the leaders' vehicle was stopped by officials. Video footage on social media showed Mr Gandhi falling down in the ruckus which ensued as Congress party workers walked alongside the Gandhis, even as police officials try to stop them.

The two leaders were later seen being taken away in vehicles by police.

Startling pictures and video footage have also emerged showing of hundreds of workers from the Samajwadi Party, which sits in opposition in the state, being rounded up and detained by police in the area.

Earlier on Wednesday, activists condemned the police after the family accused them of cremating her body without their permission. Protests also broke out in Hathras and other cities, including the capital, Delhi.

A senior district administration official, however, denied the allegation, saying the family's consent had been obtained.

Rape and sexual violence have been under the spotlight in India since the 2012 gang rape and murder of a woman in Delhi, which led to huge protests and changes to the country's rape laws.

But there has been no sign of crimes against women and girls abating.

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## **India: Dalit woman dies weeks after gang rape, triggering protest**

***The 19-year-old victim was gang raped by four men in Uttar Pradesh's Hathras town, about 100km from New Delhi.***

Al Jazeera (29.09.2020) - <https://bit.ly/34cR2GZ> - A woman died in hospital in the Indian capital, New Delhi, on Tuesday, weeks after authorities said she was raped by a group of men, triggering protests and opposition criticism over what it said was a failure to protect women.

Her case was the latest in a string of gruesome crimes against women in India that have given it the dismal reputation of being one of the worst places in the world to be female.

One woman reported a rape every 15 minutes on average in India in 2018, according to the latest government data released in January.

"There is next to no protection for women. Criminals are openly committing crimes," Priyanka Gandhi Vadra, a leader of the opposition Congress party, said on Twitter.

The 19-year-old victim, belonging to the Dalit community – formerly known as "untouchables" – was attacked and raped on September 14 at a field near her home in Hathras district, 100km (62-mile) from New Delhi, authorities said.

Police have arrested four men in connection with the crime.

On Monday, the woman was brought from a hospital in Uttar Pradesh state to New Delhi's Safdarjung Hospital, where she died while undergoing treatment, authorities said.

About 300 protesters from the Bhim Army, a party championing the rights of Dalits, entered the hospital building and shouted slogans near the mortuary where the woman's body was kept.

"We will take the matter to fast-track court for the faster investigation and collection of evidence," district authorities in Hathras said in a statement.

#Hathras trended on Twitter as social media users expressed outrage at the latest case of gruesome sexual assault.

The woman's home state of Uttar Pradesh, which is governed by Prime Minister Narendra Modi's Bharatiya Janata Party (BJP), ranks as the most unsafe state for women in the country.

Last December, a 23-year-old Dalit woman was set ablaze by a gang of men as she made her way to a court in Uttar Pradesh to press rape charges.

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## **India's Covid crisis sees rise in child marriage and trafficking**

***India's coronavirus lockdown has had an adverse impact on children, pushing up incidents of child marriage and child labour, reports the BBC's Divya Arya.***

BBC (18.09.2020) - <https://bbc.in/2FWHNT5> - Thirteen-year-old Rani has just won her first battle in life. Her parents tried to force her to marry this summer, but Rani reached out for help and managed to stop the wedding.

Rani (not her real name) was in the eighth grade when India's federal government suddenly imposed a lockdown in March, shuttering everything from schools to businesses to stop the spread of coronavirus.

Within a month, Rani's father, who was battling tuberculosis, found her a match. Rani was not happy. "I don't understand why everyone is in a rush to marry girls," she said. "They don't understand that it is important to go to school, start earning and be independent."

It is illegal for girls under the age of 18 to marry in India. But the country is home to the largest number of child brides in the world, accounting for a third of the global total, according to UNICEF. The charity estimates that at least 1.5 million girls under 18 get married here each year.

This year might be worse. Childline, a children's helpline, has reported a 17% increase in distress calls related to early marriage of girls in June and July this year compared to 2019.

Millions lost their jobs during the prolonged lockdown from the end of March to early June. Many of them included India's informal and unprotected workers, who, have been pushed deeper into poverty.

According to the government, more than 10 million of these workers, many of them young men, returned to their hometowns and villages during the lockdown because of loss of work. So parents of young girls - worried for their safety and anxious about their future prospects - are marrying their daughters off to ensure their wellbeing.

Another reason is that parents are expected to pay for big weddings, but covid restrictions have limited the size of weddings.

So parents who have received offers of marriage this year have been quick to take them up, according to Manisha Biraris, the assistant commissioner for Women and Child Welfare in Maharashtra state.

"It was easier, cheaper and they could get away with inviting very few people."

Although the country began reopening in June, many jobs have not returned and the economy is still struggling. Schools are still shut, leaving vulnerable adolescents at home.

Schools have been agents of change in India, especially in poor communities like the eastern state of Odisha, where Rani lives. They are a space where girls can reach out to teachers and friends for help when facing pressure to marry from their family.

But with schools closed, a crucial safety net is gone.

"In extremely poor communities, girls are already not encouraged to study. Once they leave school it's hard to convince families to get them back in," said Smita Khanjow from Action Aid, which has been working on UNICEF's special program on child marriage in the five most-affected states.

Rani's close school friend was married off early this year, she said. But Rani said she was able to stop her wedding after she called the emergency national helpline for children, Childline. Along with the help of a local NGO and the police, staff at Childline were able to stop the ceremony.

But Rani's troubles didn't end there. Her father passed away soon after.

"I want to go back to school when it reopens, and now I need to work harder as my father is no more," she said. "It is my responsibility to help my mother run the household."

The situation has been dire for boys too. According to Ms Khanjow, from Action Aid. She and her colleagues are increasingly coming across cases of teenage boys being pushed into working in factories to support their families

In India, it is a criminal offense to employ a child for work. But according to the last census, in 2011, 10 million of India's 260 million children were found to be child labourers.

It's not an easy decision for families. Four months into the lockdown, Pankaj Lal gave in to a trafficker's offer for his 13-year-old son. He had five children to feed but almost no earnings from pulling his rickshaw.

Mr Lal agreed to send his son more than a 1,000km (690 miles) from his native Bihar state to Rajasthan to work in a bangle manufacturing factory for 5,000 rupees (\$68; £52) per month. That is a substantial sum for a family struggling to survive.

Mr Lal broke down as he described his decision to send his son so far away.

"My children had not eaten for two days," he said. "I volunteered myself to the trafficker, but he said nimble fingers were needed for this work and I was of no use to him. I had almost no choice but to send my son away."

Despite restrictions on transport and movement, traffickers were able to tap into their powerful nexus to move children across state lines using new routes and luxury buses. Suresh Kumar, who runs NGO Centre Direct, says a crisis is waiting to happen. He has been rescuing child labourers from traffickers for more than 25 years.

"The number of children we have rescued has more than doubled from last year. Villages have emptied out and the past months have seen the traffickers grow stronger and make use of the lockdown which has stretched authorities and the police," he said.

Childline, however, reported a drop in distress calls related to child labour. Activists say this could be because children give in to their parents cry for help.

The government has taken steps to stop trafficking, including passing a more stringent law, and asking states to strengthen and expand anti-human trafficking in the wake of the lockdown.

States have also been asked to spread awareness about trafficking, and keep shelters for women and children accessible even during the pandemic.

But, activists say, most traffickers get away with paying fines because they are connected to powerful people. Mr Kumar said families rarely report trafficking, and those that do register police complaints are threatened.



Mr Lal 's family got lucky - the bus carrying his son was stopped while on its way and the children inside were rescued. His son is now quarantining in a child care centre in Rajasthan and will return home soon.

"It was a moment of weakness," he said. "I will never send my child to work again even if it means we have to survive on morsels."

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## **India's COVID-19 gender blind spot**

***India's women stand to lose from the country's COVID-19 policies in many ways.***

By Bansari Kamdar

The Diplomat (27.04.2020) - <https://bit.ly/3eVEybf> - The second most populous country in the world, India, has been under a nationwide lockdown since March 24, 2020 – one it intends to continue till May 3, 2020. At the time of writing, there have been a total of 27,890 confirmed cases and 882 deaths from the pandemic in India. While most agree that the lockdown was necessary to contain the spread of the coronavirus, the problem remains in how it was implemented.

Indian Prime Minister Narendra Modi's eager and abrupt lockdown policy came with many blind spots – putting the country's most vulnerable at a disproportionately greater risk than others. According to The Print, nearly 200 people, largely migrant workers, have died during the lockdown due exhaustion, hunger, denial of medical care, suicide, and even vigilante killings.

Women, who make up around half the nation's population, also remained largely absent from the government's COVID-19 policy, to the extent that the government had to be reminded that feminine hygiene products like sanitary napkins were essential items during the lockdown.

### ***A rise in domestic violence***

There has been an uptick of intimate partner violence (IPV) cases around the globe associated with lockdown policies, from the United States and United Kingdom to France, China, and India. In their eagerness to flatten the curve and limit the spread of coronavirus, government-instituted lockdowns may be endangering the lives of women, particularly in the absence of policies to check and balance against the rising violence against women.

In India, a woman is subjected to an act of domestic violence every 4.4 minutes, according to the Crime in India Report 2018 by the Indian National Crime Research Bureau (NCRB). One in three women will experience intimate partner violence in their lifetimes. There is already an uptick in these cases, with the National Commission for Women (NCW) in India registering 587 cases between March 23 and April 16, up from 396 cases between February 27 and March 22, reports Al Jazeera.

In response, the NCW has also recently launched a WhatsApp number making it easier for women to ask for help, alongside a helpline and email option.

Past research has shown that domestic violence cases rise significantly as mobility restrictions foster more tension and strain in the household over security, health, and job losses. State governments in India have been encouraging women to report violence and

India's Women and Child Development Minister Smriti Irani asked the states to ensure that women's helplines are functioning. However, this may not be enough.

IPV cases are often gravely underreported. According to the National Family Health Survey (NFHS) of 2015-2016, less than 1 percent of the victims of domestic abuse sought help. Women's limited mobility and lack of access to helplines and the internet could greatly limit this reporting. Only 29 percent of Indian women have access to the internet, according to a recent UNICEF report.

In New York City, while calls to domestic violence helplines dropped, organizations helping women find emergency shelter observed a steep increase with one showing a 35 percent increase in calls from women looking for shelter. However, shelters for victims of abuse in India remain unsafe and inadequate.

There is a dire need for a policy, like the one in France, where the government provides abuse victims with a place to stay away from their abusers. Additionally, reaching these women in distress has to be constituted as an "essential service" in India.

### ***India's falling female labor force participation rate***

Women face increased financial instability in times of crisis. According to a report by Bain & Company and Google, women were already the worst hit by India's unemployment crisis. While the overall Indian unemployment rate was at 7 percent before the lockdown, it was already as high as 18 percent for women.

As the pandemic worsens India's unemployment problem, women will often be the first to let go when firms start cutting costs given cultural norms devaluing women's work and also because women are less likely to work in sectors where telecommuting is possible.

According to the Indian government's Periodic Labor Force Survey (PLFS) of 2017-18 by the National Sample Survey Office (NSSO), only one of four women aged 15 years and above are working or seeking work. India has one of the lowest female labor participation rates in the world and it has been falling over the past decade. The World Economic Forum ranks India the fifth lowest (149th) on its Global Gender Gap Report on economic participation and opportunity metric, trailed only by Pakistan, Yemen, Syria, and Iraq.

In response to the crisis, the Indian government has announced cash transfers of 500 rupees (\$6.50) to the women who have a Jan Dhan account over the course of the next three months, but that may be inadequate as many lose their jobs and economic mobility.

Furthermore, according to the International Labor Organization (ILO), 81 percent of Indian women work in the informal economy. The informal sector, which makes up a majority of the Indian economy, is the worst hit by the coronavirus-imposed economic slowdown and requires targeted economic policies, government bailouts, and support measures. The economic costs of the lockdown may be disproportionately borne by women in the end.

### ***The additional burden of care***

One of the primary reasons that women leave the workforce or do not enter it in the first place is their unpaid caregiving responsibilities at home. Longstanding patriarchal social norms and cultural expectations have put the burden of caring for children, the elderly, and the household on Indian women.

In India, according to the Organization of Economic Cooperation and Development (OECD), women perform nearly 6 hours of unpaid work each day, while men spend a paltry 52 minutes. This burden is likely to increase amid the lockdown as Indian men continue to not help in the household.

Not only does the burden of unpaid work limit women's economic mobility and time, there are also dangerous consequences to women neglecting them. Nearly 41 percent of participants in a survey by OXFAM India stated that it was acceptable to beat a woman if she failed to prepare a meal for the men in the family and one in three thought that it was acceptable to beat women who failed to care for children or left a dependent unattended.

### ***Girls education and nutrition***

According to a recent statement by the Indian Finance Minister Nirmala Sitharaman, the gross educational enrollment of girls is higher than boys in India. However, their mean years of schooling remain almost half that of boys, with girls getting 4.7 years of schooling in comparison to 8.2 years of schooling for boys. Girls are spending nearly half as many years in school as boys. With the economic downturn, girls' education could be even less prioritized.

Nearly 96 percent of children in rural India are studying in government-run schools that provide cooked mid-day meals to children. With the schools shut down till May, children's education is likely to suffer, along with an increase in malnourishment. The situation will worsen for girls as they are more dependent on the mid-day meal programs given the gendered nature of nutrition provision in households with limited resources

### ***The way forward***

These are just a few examples of how pandemics often heighten gender inequities and affect men and women differently. Disasters expose and intensify the systemic and structural cracks in the current system and lockdown has shown that gender-blind policies could worsen these issues and leave women and girls more vulnerable than ever.

As the lockdown begins to be lifted or partially lifted around the country, India urgently needs gender-sensitive policies addressing the increasing violence against women, the widening gender disparities in labor force participation, rising school dropouts and malnutrition among girls, and women's disproportionate unpaid work and caregiving responsibilities.

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## **Indian women protest new citizenship laws, joining a global 'fourth wave' feminist movement**

By Alka Kurian

The Conversation (24.02.2020) - <https://bit.ly/2PrKihE> - Women are among the strongest opponents of two new laws in India that threaten the citizenship rights of vulnerable groups like Muslims, poor women, oppressed castes and LGBTQ people.

The Citizenship Amendment Act, passed in December 2019, fast-tracks Indian citizenship for undocumented refugees from Bangladesh, Afghanistan and Pakistan – but only those who are non-Muslim. Another law - the National Register of Citizens – will require all residents in India to furnish extensive legal documentation to prove their citizenship as soon as 2021.

Critics see the two laws as part of the government's efforts to redefine the meaning of belonging in India and make this constitutionally secular country a Hindu nation.

Since Dec. 4, 2019, Indians of all ages, ethnicities and religions have been protesting the new citizenship initiatives in scattered but complementary nationwide demonstrations. The uprisings have persisted through weeks of arrests, beatings and even killings across India by the police.

But the most enduring pocket of resistance is an around-the-clock sit-in of mostly hijab-wearing women in a working-class Delhi neighborhood called Shaheen Bagh.

### ***Women take charge***

Since Dec. 15, 2019, women of all ages – from students to 90-year-old grandmothers – have abandoned their daily duties and braved near-freezing temperatures to block a major highway in the Indian capital.

This is a striking act of resistance in a patriarchal country where women – but particularly Muslim women – have historically had their rights denied.

The Shaheen Bagh protests are as novel in their methods as they are in their makeup. Protesters are using artwork, book readings, lectures, poetry recitals, songs, interfaith prayers and communal cooking to explain their resistance to citizenship laws that, they say, will discriminate against not just Muslims but also women, who usually don't have state or property papers in their own names.

On Jan. 11, women in the Indian city of Kolkata performed a Bengali-language version of a Chilean feminist anthem called "The Rapist is You." This choreographed public flash dance, first staged in Santiago, Chile in November 2019, calls out the police, judiciary and government for violating women's human rights.

### ***A dangerous place for women***

India is the world's most dangerous country for women, according to the Thompson Reuters Foundation. One-third of married women are physically abused. Two-thirds of rapes go unpunished.

Gender discrimination is so pervasive that around 1 million female fetuses are aborted each year. In some parts of India, there are 126 men for every 100 women.

Indian women have come together in protest before, to speak out against these and other issues. But most prior women's protests were limited in scope and geography. The 2012 brutal gang rape and murder of a 23-year-old Delhi woman – which sparked nationwide protests – was a watershed moment. All at once, the country witnessed the power of women's rage.

The current women-led anti-citizenship law demonstrations are even greater in number and power. Beyond Shaheen Bagh, Indian women across caste, religion and ethnicity are putting their bodies and reputations on the line.

Female students are intervening to shield fellow students from police violence at campus protests. Actresses from Bollywood, India's film industry, are speaking out against gender violence, too.

### ***Women's secular agenda***

With their non-violent tactics and inclusive strategy, the Shaheen Bagh women are proving to be effective critics of the government's Hindu-centric agenda. Their leaderless epicenter of resistance raises up national symbols like the Indian flag, the national anthem and the Indian Constitution as reminders that India is secular and plural – a place where people can be both Muslim and Indian.

The Shaheen Bagh movement's novel and enduring strategy has triggered activism elsewhere in the country.

Thousands of women in the northern Indian city of Lucknow started their own sit-in in late January. Similar "Shaheen Baghs" have sprung up since, in the cities of Patna and even Chennai, which is located 1,500 miles from Delhi.

### ***Global women's spring***

India's Shaheen Bagh protests form part of a broader global trend in women's movements. Worldwide, female activists are combining attention to women's issues with a wider call for social justice across gender, class and geographic borders.

In January 2019 alone, women in nearly 90 countries took to the streets demanding equal pay, reproductive rights and the end of violence. Young women were also at the forefront of the 2019 pro-democracy protests in Hong Kong, Lebanon, Sudan, Brazil and Colombia.

As I write in my 2017 book, such inclusive activism is the defining characteristic of what's called "fourth wave feminism."

There isn't a common definition of the first three feminist waves. In the United States, they generally refer to the early 20th century suffragette movement, the radical women's movement of the 1960s and 1970s and the more mainstream feminism of the 1990s and early 2000s.

Fourth wave feminism appears to be more universal. Today's activists fully embrace the idea that women's freedom means little if other groups are still oppressed. With its economic critique, disavowal of caste oppression and solidarity across religious divides, India's Shaheen Bagh sit-in shares attributes with the women's uprisings in Chile, Lebanon, Hong Kong and beyond.

The last time women came together in such numbers worldwide was the #MeToo movement, a campaign against sexual harassment which emerged on social media in the United States in 2017 and quickly spread across the globe.

Shaheen Bagh and similarly far-reaching women's uprisings underway in other countries take #MeToo to the next level, moving from a purely feminist agenda to a wider call for social justice. Women protesters want rights – not just for themselves, but human rights for all.

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## **Landmark ruling grants women equal rights in Indian army**

By Swati Gupta

CNN (17.02.2020) <https://cnn.it/32wU3Ra> - India's Supreme Court ruled on Monday in favor of equal rights in the armed forces, ordering the government to grant permanent commission and command positions to women officers on par with men.

The judgment, seen as a landmark decision for the Indian military, means that all women will now be eligible for the same promotions, ranks, benefits and pensions as their male counterparts, irrespective of their years of service or whether they had retired.

Female officers have long campaigned for this change, which will allow them to serve a full tenure and achieve a higher rank, with greater salary and leadership potential. Currently, women are inducted into the army through short service commissions, which only permit them to serve for 10 to 14 years.

"This change will lift up women -- not just in the army but all girls across the country and the world," said Lt. Col. Seema Singh to reporters after the court ruling.

Though the court's ruling does not permit women to serve in army combat units, like the infantry or artillery corps, they are now eligible to command entire battalions or head the intelligence department. Promotions to command positions will be considered on a case-by-case basis, said Archana Pathak Dave, one of the lawyers representing the female officers.

The decision comes after the government told the court that female officers were not physically and physiologically suitable to hold permanent commissions in the armed forces.

"Women officers must deal with pregnancy, motherhood and domestic obligations towards their children and families and may not be well suited to the life of a soldier in the armed forces," the central government stated.

The court said that the government's arguments were based on discriminatory gender stereotypes, and rejected their plea to overturn a 2010 Delhi high court order on the same policy.

In its 2010 ruling, the Delhi court stated: "A PC (Permanent Commission) carries with it certain privileges of rank, including pension. These women officers have served well the armed forces of the country in the areas of operation they were recruited for and have worked in this capacity for 14 to 15 years. They deserved better from the respondents."

"In matters of gender discrimination a greater sensitivity is expected and required," it added.

The Indian government agreed last year to give permanent commissions to women, but said it would only apply to female officers who had served less than 14 years -- excluding hundreds of women who had already served out their short service commissions.

Aishwary Bhati, one of the lawyers representing female officers, said the government's decision denied women a route to leadership positions: "It is not about money, it is about career prospects."

In handing down its verdict on Monday, the Supreme Court delivered a powerful defense of equality, saying in the judgment that it was time for change in India's armed forces.

"The time has come for a realization that women officers in the army are not adjuncts to a male dominated establishment whose presence must be 'tolerated' within narrow confines," the court said.



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## **Unnao rape case: Indian woman set on fire on way to hearing dies**

***An Indian woman who was set on fire on her way to testify against her alleged rapists has died of her injuries.***

BBC News (07.12.2019) - <https://bbc.in/2Rz3o7x> - The 23-year-old died late on Friday after suffering cardiac arrest at a Delhi hospital. She had 90% burns.

She was attacked on Thursday as she was walking to a hearing in the rape case she filed against two men in March in Unnao, in northern Uttar Pradesh state.

Five men, including the alleged rapists, have been arrested, Indian police say.

The sister of the victim, whose name has not been released, told the BBC that she wanted the death penalty for the pair.

She said the family would continue to fight the case against them in court.

Rape and sexual violence against women have been in focus in India since the December 2012 gang-rape and murder of a young woman on a bus in the capital, Delhi.

But there has been no sign that crimes against women are abating.

According to government figures, police registered 33,658 cases of rape in India in 2017, an average of 92 rapes every day.

Unnao district has itself been in the news over another rape case.

Police opened a murder investigation against a ruling party lawmaker in July after a woman who accused him of rape was seriously injured in a car crash. Two of her aunts were killed and her lawyer was injured.

Separately, on Friday, Indian police shot dead four men suspected of raping and killing a young female vet in the southern city of Hyderabad last week.

That case sparked widespread outrage, and the killing of the suspects, in what rights activists believe may have been an extra-judicial killing, sparked jubilation among local residents.

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## **'Historic' day as India outlaws 'triple talaq' Islamic instant divorce**

***Minister says women now have justice but Muslim groups accuse Hindu-led government of community interference***

The Guardian (31.07.2019) - <https://bit.ly/2YfcQ4j> - India's parliament has approved a bill outlawing the centuries-old right of a Muslim man to instantly divorce his wife, drawing accusations of government interference in a community matter.

Narendra Modi's Hindu nationalist administration has been pushing to criminalise "triple talaq", under which a man can divorce by uttering the word "talaq", meaning divorce in Arabic, three times in his wife's presence.

Following Tuesday's upper house vote it now only requires the signature of the president – considered a formality – to become law.

The lower house backed the bill, which will make anyone practising instant divorce liable to prosecution, last week. India is one of the few countries where the practice has survived in law. It was declared "unconstitutional" by the supreme court two years ago.

"This is a historic day, the injustice that was going on with Muslim women, India's parliament has given them justice," law minister Ravi Shankar Prasad said in Delhi.

Some Indian Muslim groups have said triple talaq is wrong, but believe the practice should be reviewed by community leaders rather than the government.

Asaduddin Owaisi, an MP from the opposition All India Majlis-e-Ittehadul Muslimeen party, said the BJP failed to reform Hindu society and was instead targeting Muslims.

Critics have long accused the BJP of a bias against minority Muslims. The BJP denies the allegation but says it is opposed to the appeasement of any community.

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## **India arrests after women's heads shaved for resisting rape**

***Two people have been arrested in India's Bihar state after a group of men shaved the heads of two women as "punishment" for resisting rape.***

By Geeta Pandey

BBC (28.06.2019) - <https://bbc.in/2XAYL06> - The group, which included a local official, ambushed the mother and daughter in their home with the intent of raping them, police said.

When the women resisted, they assaulted them, shaved their heads and paraded them through the village.

Police say they are searching for five others involved in the incident.

"We were beaten with sticks very badly. I have injuries all over my body and my daughter also has some injuries," the mother told the ANI news agency.

The women also said that their heads were shaved in front of the entire village.

'There's no fear of law'

The attempted rape is a sexual crime, but the subsequent assault, tonsuring the women's heads and parading them through the village is an assertion of male power in a community, deeply entrenched in patriarchy.

What is most worrisome is that the assaulting mob was led by a government official - an elected representative whose job is to look after the welfare of his people, not attack them.

The audacity of the crime shows how in parts of India there's no fear of law.

To begin with, poor marginalised groups find it hard to even convince the police to lodge complaints. Then their cases are shoddily investigated and an overburdened slow-paced judicial system mean the powerful often get away with blue murder.

Public anger and outrage, that occurs every time a crime of this nature occurs, is short lived.

What is needed is much more consistent action from the authorities, bringing swift justice to the victims of such crimes and restoring the rule of law in remote rural areas of the country.

Some men entered the victims' home and tried to molest the daughter," a police officer told local media, adding that her mother helped her fight off the men.

The state's women commission has also condemned the incident, saying that "further action" will be taken.

This is not the first time such an incident has occurred in the state.

In April, a teenage girl was attacked with acid for resisting an attempted gang rape.

And a few months back, a woman in Bihar was assaulted, stripped and paraded naked through the village market.

Public outrage over sexual violence in India rose dramatically after the 2012 gang rape and murder of a student on a Delhi bus.

The issue became a political flashpoint again in 2018, after a string of high-profile attacks against children.

However incidents of rape and violence against women continue to be reported from across the country.

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## **Religion blamed for India's poor gender equality grade**

***Hindu view that women are incapable of being independent is seen as the main cause of discrimination***

UCANews.com (12.06.2019) - <https://bit.ly/2WFEx5L> - A global study of gender equality has placed India nearly at the bottom, with some research and rights groups accusing religion of playing a major role in Indians discriminating against women.

The Sustainable Development Goals Gender Index ranked India 95th out of 129 countries. The index measures how well nations are progressing toward achieving gender equality by 2030, which is part of the 17 sustainable development goals set by the United Nations.

The index, developed by U.K.-based Equal Measures 2030 and released on June 4, is a joint effort of regional and global organizations. It placed Denmark at the top and Chad at the bottom.

However, India fared better than its neighbors, with Pakistan at 113, Nepal at 102 and Bangladesh at 110. China was in 74th position.

Gender equality progress is measured by a set of indicators including the proportion of seats held by women in national parliaments. India ranked 16th in the region as women made up only 1.8 percent of parliament in 2018.

Another indicator is the extent to which a national budget is broken down by factors such as gender, age, income or region. India scored zero, the worst in the region.

The percentage of seats held by women in India's Supreme Court was the fourth worst in the region.

Allen Frances, a women's rights activist in New Delhi, said the gender gap in India is "deep and dreadful" as women comprise 48 percent of the nation's population of 1.25 billion.

Discrimination against women results in social evils such as child marriage, Frances said. India has 24 million child brides, 40 percent of the world's 60 million child brides.

Research done by Reshma Elizabeth Thomas of the University of Madras this year claims that religion is the main cause of depriving women of equality.

For most Indians, the ideal concept of women comes from Hindu mythology as 80 percent of Indians are Hindus. The non-Hindu population is also impacted by the majority view that women are incapable of being independent and should depend on men all through their lives, the research claimed.

"In some ways, these attitudes are used to justify violence against women. They blame the woman by saying she didn't behave like Sita (wife of Hindu Rama known for her obedience). If she did, she would be fine," Thomas wrote in her research.

Despite being educated and financially sound, Indians are under pressure to produce sons as heirs and sometimes resort to female feticide.

"All these factors are coming into play and creating this toxic mixture, which has turned violence against women into a bigger issue today," Thomas said.

Parul Chaudhary, a project fellow in the department of gender studies at the National Institute of Education, told ucanews.com that various religions and their personal laws can lead to discrimination against women.

"In religious personal laws, we see several norms that are discriminatory against women. The civil laws have positioned women as equal to men. For example, among Muslims, the position of women is very poor as it is a male-dominated religion that takes its personal laws seriously," Chaudhary said.

"Most women consider it is their part of their faith and culture to depend on men. In India women grow in such a conditioned way that they think that men are superior and women are in a subordinate position."

Hindus and Muslims together account for more than 94 percent of Indians, while about 6 percent are Buddhists, Christians, Jains and Sikhs — religions that advocate gender equality.

## Election 2019: Can West Bengal's female candidates win?

***Women make up nearly half of India's 900 million voters, but they are still poorly represented in the country's law-making bodies. One political party is trying to correct the balance by nominating 41% female candidates. The BBC's Geeta Pandey travelled to the state of West Bengal to see how they are faring.***

BBC (17.04.2019) - <https://bbc.in/2UpBPLA> - On a bright sunny morning, as an open jeep decorated with bright yellow and orange flowers hurtles along the dirt track from one village to the next, women in colourful saris and men rush to greet Mahua Moitra.

They shower bright orange marigold petals on her, place garlands around her neck and many reach out to shake and kiss her hands. She waves at them, greeting them with her palms joined: "Give me your blessings."

Young men and women whip out their smartphones to take photos and selfies. On the way, she's offered coconut water and sweets.

Ms Moitra, who is contesting the general election as a candidate of the state's governing Trinamool Congress Party (TMC), is campaigning in her constituency Krishnanagar.

In one village, party workers tell her about an old man who's too ill to come to meet her, so she walks to his home to greet him.

Her jeep is followed by dozens of bikes and their riders, all young men, chanting slogans like "Long live Trinamool Congress, Long live Mamata Banerjee."

The loud, colourful procession is led by a small truck, fitted with loudspeakers, from which announcements asking people to vote for Ms Moitra are played on a loop.

With the election season well under way in India and political leaders criss-crossing the length and breadth of the country, addressing rallies, I'm travelling across the country to see if the high-decibel campaigns are addressing the real issues that actually affect millions of people. One of them is getting more women into parliament.

In India, only 11% of members of parliament are women, and in state assemblies it's 9%. In a list of 193 countries this year, India was ranked 149th for female representation in parliament - below Pakistan, Bangladesh and Afghanistan.

A bill to reserve 33% of seats for women in parliament and regional assemblies has been pending since 1996, so the decision by the TMC - led by West Bengal Chief Minister Mamata Banerjee - to give 41% of her party nominations to women has created a huge buzz.

Ms Banerjee, who set up the TMC in 1998 after falling out with the Congress party, is a feisty politician who was named one of Time magazine's 100 most influential people in the world in 2012.

Her female candidates, says my BBC Bengali colleague Subhajyoti Ghosh, are an "interesting mix" of career politicians and first-timers. They include actors, doctors, a tribal activist and the 25-year-old widow of a recently-murdered politician.

Ms Moitra, the TMC's national spokesperson and a member of the state assembly since 2016, is among 17 women who have made it to the party's list of 42 general election nominees.

A former investment banker with JP Morgan, she gave up a well-paying job in London in 2009 to return to the heat and dust of Indian politics.

Her decision left her family aghast. Her parents, she told me, thought she was "insane". Some party workers too had their doubts - "she's a memsahib", they said at the time, "she won't survive".

But she has survived - and thrived. In 2016, she won the Karimpur assembly seat that no non-Left party had won since 1972 and has now set her eyes on the national parliament.

She's agreed to let me follow her on the campaign trail, so for two days I've been a "fly on the wall" - standing behind her in her jeep, travelling in her car, watching her strategise with party workers, aides and confidants.

The previous evening, I had watched her be the chief guest at a college cricket match and address a gathering at the local market in Plassey.

A four-hour drive from Kolkata, Plassey is the site of the famous 1757 battle between the British East India Company and the local ruler supported by the French.

Ms Moitra takes her spot to speak and clearly takes aim at Prime Minister Narendra Modi and his Bharatiya Janata Party (BJP) as she talks about a deadly suicide attack in Kashmir and India's subsequent air raid in Pakistan.

"What's the point of saying you killed all those terrorists in Pakistan? It's not important who you killed in Pakistan or how many. What's important is you failed to protect our soldiers."

She talks about how the government has failed to create jobs and accuses the BJP of trying to divide Hindus and Muslims.

"You have taken away our livelihoods and you're trying to teach us about [the Hindu god] Ram and [Muslim saint] Rahim? I don't have to write my religion on my forehead," she declares to loud claps from her supporters.

Elections in the past were to change the government, she says, but this election is to save the constitution of India. "It is no ordinary vote."

Her main rival is the BJP's Kalyan Chaubey, a former footballer who played in goal for India. So drawing a football analogy, she declares: "I'm an A-league centre-forward player, stop my goal if you can. I am here to win."

Kakoli Ghosh Dastidar, a founder member of the TMC and two-term MP, says to nominate so many women is part of a "continuous process" followed by Mamata Banerjee because "you can't develop a society without uplifting the status of its women".

In the last general election in 2014, she points out that the party nominated 33% women and 12 of their 34 MPs in the outgoing lower house were women.

Ms Banerjee, she says, believes that gender sensitive laws will come only if more women are in power.

At a campaign rally that Dr Ghosh Dastidar addresses in Kumhra Kashipur village in her constituency Barasat, women are seated in the front rows.



Their opinion though is divided over whether having more women in parliament will actually benefit other women.

Supriya Biswas says it's easier if their MP is a woman because then it's easier to approach her. "For, who can understand a woman better than a woman?"

Archana Mallick and Meena Mouli, who live just across from the rally ground, point to the broken roads near their homes and complain about poor medical facilities in their village. They say that the candidate's gender is "inconsequential" and what's important is "who works for our benefit".

Studies, however, show that female representatives bring economic growth to their constituencies because they are more concerned than men about issues such as water supply, electricity, road connectivity and health facilities.

Saswati Ghosh, professor of economics at Kolkata's City College, says that politics in India is "still very patriarchal" and it's "absolutely necessary" to elect more women MPs.

"It is important to have more women in lawmaking bodies because I think after a certain number, you'll reach the threshold level and that will lead to change. I don't know if 33% is the magic number that will change the quality of discourse, maybe 25% can do the trick?"

Critics, however, question whether celebrities are the right candidates to bring about that change.

Prof Ghosh says actors and celebrities make for "winnable candidates" and that's why all parties choose them even though sometimes they may not be the right candidates to reach that threshold.

But, she says that Ms Banerjee is a strong leader who's regarded by many women as "a role model who inspires more women to come into politics".

And that's something that many Indians think the country sorely needs.

In their manifestos, the main opposition Congress party has promised to pass the women's reservation bill, if elected to power. So has the ruling Bharatiya Janata Party, although it had made similar promises in its last manifesto and did nothing about it.

By allotting 41% seats to women, Ms Banerjee has shown that one doesn't need to set artificial quotas to elect more women.

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## **Analysis | What is forcing Indian women to stay at home?**

***Early marriage is not responsible for the low female labour force participation. Blame the male backlash effect for it.***

By Punarjit Roychowdhury

The Hindustan Times (01.04.2019) - <https://bit.ly/2WCRHfm> - India has one of the lowest female labour force participation rates in the world. In 2017, only 27% of adult Indian women had a job or were actively looking for one. The comparable figure for the rest of world was 50%. Equally alarming is the fact that the earnings and wages of

women who are employed are low. According to the Global Wage Report 2018-19, the hourly wages of women are 34% less than men in India, a disparity that is highest among 73 countries mentioned in the report. It is often suggested that a major reason for the poor labour market outcomes of Indian women is the high incidence of child marriage in India. Advocacy group ActionAid estimates around 33% child marriages in the world happen in India. The average age of marriage for women also continues to be significantly lower compared to that in many other developing countries such as countries such as Brazil, Chile, Kenya and Pakistan.

Early marriage hampers labour market prospects of women in two ways. First, it interrupts a woman's formal education, which negatively impacts her labour market outcomes. Second, early marriage leads to early motherhood. This causes younger brides to focus more on the home (raising children, for example), in turn, reducing their likelihood of participation and productivity in the labour market. In light of this, it is often proposed that one way to address the issue of dismal labour market prospects of Indian women is through policies that can potentially delay their marriage.

Can marriage delaying policies improve women's labour market prospects in India? I recently collaborated with Gaurav Dhamija (a doctoral student at the Shiv Nadar University) to examine this question.

Using nationally representative household data of close to 40,000 women from the Indian Human Development Survey 2012, I found that delaying the age of marriage for women does not lead to better labour market outcomes for them.

One possibility is that delaying the age for marriage does not lead to more education and lower fertility for Indian women. This, however, does not seem to be the case. Indeed, older brides in my sample, are more educated and have lower fertility (as measured by the number of children).

I believe that my results can be explained by what is known as the "male backlash" effect.

According to this theory, the more educated (and hence empowered) a woman, greater is her chance of facing domestic violence. This is because when gender roles and power relations are redefined, men resort to violence to reinstate a culturally prescribed norm of male dominance and female dependence. In fact, in a recent study published in *Population and Development Review*, based on data from the National Family Health Survey 2005-06, sociologist Abigail Weitzman finds unequivocal evidence of Indian women who are at least as educated as their husbands have a higher likelihood of experiencing frequent and severe intimate partner violence than women who are less educated than their spouses.

Since the theory of backlash effect predicts a positive relationship between violence and educational attainment of women, and because education increases with women's age at the time of marriage in my sample, it is reasonable to claim that older brides, as compared to younger brides, are likely to face more male backlash and be denied the freedom to work. This male backlash effect could nullify the positive effects of more education and lower fertility and, therefore, Indian women's labour market prospects.

These findings suggest that for improving labour market outcomes of Indian women, conventional policies that talk about delaying marriage and laws to prevent child marriage may not be sufficient. Such policies must be complemented by smart and effective interventions to curb the male backlash effect. For example, gender quotas in politics and the corporate sphere could be useful in reducing male backlash. These steps must be taken through coordinated efforts of the government, panchayats, and NGOs to

ensure that outdated gender role and age role beliefs do not serve as impediments for women to enjoy the fruits of delayed marriage.

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## **Dear dissenters, 'Khafz' involves cutting a girl's genitals too**

By Masooma Ranalvi

The Quint (25.02.2019) - <https://bit.ly/2TUZOIP> - (On 6 February 2019, **The Quint** published a statement by WeSpeakOut – an organisation led by survivors of Female Genital Mutilation (FGM) – on why there needs to be an end to confusion over FGM terms. Following this, the Dawoodi Bohra Women for Religious Freedom (DBWRF) reached out with a counter-statement that **The Quint** also published. Their statements can be read [in this article](#). Now, Masooma Ranalvi, founder of WeSpeakOut, responds with her opinion piece below.)

The DBWRF is trying to make an imagined distinction between the harmful practice of Female Genital Mutilation (FGM) vis a vis what it calls the 'harmless' practice of Khafz. I say imagined because FGM/Khafz both involve the cutting of the genitals of a girl child.

There are testimonies of scores of women who have described in detail the pain, trauma and psychosexual impact Khafz has had on their bodies and minds. In constantly repeating, ad nauseam, that Khafz is harmless, we are committing the sin of turning our backs on the women in our community who have suffered, and questioning their credibility.

Yes, the Dawoodi Bohra women are undoubtedly educated, but it is some of these very educated women who are today unquestioningly following the lead of a religious leader who categorically defends khafz for all young girls while ignoring the pleas of those who have suffered.

### ***For so many, Khafz is a 'bad memory'***

We are hearing from many women, some of whom wish to remain anonymous because of fear of social boycott (and this shunning does happen within the small close knit business-based community), who tell us that they no longer agree with khafz, and are quietly retiring the practice in their own families while publicly stating that their girls have been cut.

These women tell us that khafz is a bad memory, has had a negative impact on their sense of sexuality, and feels archaic and wrong – which is why they will not risk this potential for harm on their daughters.

Even if khafz is the "mildest form" of FGM, it involves cutting a child's clitoral hood for no medical reason. The clitoral hood is a very thin membrane and doctors have stated that it is very likely that both traditional cutters and medical doctors will do damage to the clitoris even if a cut to the clitoris was not intended. The clitoral hood has a function – it is not extraneous skin – so what is the purpose of removing it?

What psychological function does it serve to put 7-year-old year girls through this frightening ritual? Why are they told to never speak of it again? What does it teach them about their bodies and specifically, their genitals and sexuality? It teaches them that they don't have any control over them.

Let us also remember that any change and social reform always stems and starts with a few. It is their efforts and zealous work to do the right thing that creates more awareness amongst people – and it is always a few who question the status quo and have the courage to stand up against oppressive patriarchal practices. And, yes, it is true that our voices are being drowned out by many in the community who are backed by money and political clout.

How many women have to have suffered for it to matter?

### ***What is the True Purpose of Khafz?***

In the affidavit filed by the Ministry of Women and Child Development (who is a respondent to the PIL filed before the Hon'ble Supreme Court of India) in categorical terms, records that there is no prevalence of FGM in India today nor any studies on the same. The reference is to the NCRB ( National Crime Records Bureau) records.

Nowhere in Indian Law is FGM specifically defined and enumerated as a crime, thus, how would it be regarded as a crime and how will the NCRB have any records of it as such?

For there to be any data on FGM, the government must carry out studies to determine national estimates. This is exactly one of the main demands of the WeSpeakOut campaign and we have petitioned the Government to do this – but so far, studies have not been authorised.

FGM is not the same as Male Circumcision. There is no mention of FGM in the Quran. FGM is not practised uniformly in the Muslim world. Only some communities in some countries do so. In India, out of the 180 million Muslims, only the 1 million-strong Bohra community and a small sect in Kerala practise it that we currently know of. In fact, historians have found that FGM predates Islam and Christianity and was part of feudal Arab tribes. It is clearly a hangover from a feudal history wherein women's sexual desires and sexuality were believed to be so powerful that they had to be controlled.

If women are independent, educated and no longer considered the property of men, then what is the true purpose of khafz?

It's time for women to have control over their own bodies, once and for all.

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## **World Bank signs agreement to launch new social impact bond**

The World Bank (19.02.2019) - <https://bit.ly/2ItIjZc> - Today the World Bank, UN Women and Small Industries Development Bank of India (SIDBI), along with some ten leading wealth managers and corporates, came together to launch a new social impact bond – Women's Livelihood Bonds - that will help rural women in some of India's poorest states to set up or scale-up their own enterprises. This will be the first time that a social impact bond will connect investors with rural women entrepreneurs.

Till date, India's National Rural Livelihoods Mission (NRLM) - the country's largest initiative to improve the livelihoods of the rural poor, supported by the World Bank - has brought 50 million rural women into collectives and Self-Help Groups (SHG). Over the last 5 years these rural women's collectives have leveraged \$30 billion in financing from commercial banks.

But while women's collectives could borrow from banks and microfinance institutions, individual women entrepreneurs faced many challenges when seeking to finance their own enterprises. Loans of Rs. 0.5 - 5 lakh is often viewed as being too small and too risky and charged interest of 20 to 24 percent.

The new Women's Livelihood Bonds (WLB) will now enable individual women entrepreneurs in sectors such as agriculture, food processing, services, and manufacturing to borrow around Rs.1 lakh to Rs. 1.5 lakh at 13 percent or less per annum - almost half the current cost.

Women in the states of Bihar, Jharkhand, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh and the North Eastern states, among others, are expected to receive most of the credit.

Support for individual women's enterprises will help create millions of jobs. For instance, an investment of Rs.1 crore could potentially support 100 women entrepreneurs, in turn providing jobs to another 300 to 400 people.

The new bonds will not only enable SHG women to graduate from "group borrowing" to "individual borrowing" but will also allow them to shift from development assistance towards more market-financed programs.

The bonds will be raised by SIDBI with the support of the World Bank and the UN Women. SIDBI will act as the Financial Intermediary and channel funds to women's entrepreneurs through Participating Financial Intermediaries.

The WLB will be unsecured, unlisted bonds with a fixed coupon rate of 3 percent per annum and a five-year tenure. They will be backed by a corpus fund to be mobilised through Corporate Social Responsibility (CSR) contributions and through grant support from UK's Department for International Development (DFID). The Corpus Fund will monitor and track the program. The Corpus guarantee cover will enable women entrepreneurs to access credit at much lower rates of interest.

Some of the biggest wealth management agencies like Centrum, ASK, Ambit, Aditya Birla capital among others have reached out to high net worth individuals and impact investors to raise funding. Companies like TATA Communications, Chemicals, Trent and Voltas have also expressed interest in investing.

It is expected that nearly Rs. 300 crores will be raised through multiple tranches in the coming months.

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## **Child marriage widespread in Bihar, Rajasthan and Bengal: Unicef report**

***The Unicef report said in Tamil Nadu and Kerala child marriage prevalence was below 20 per cent.***

India Today (12.02.2019) - <https://goo.gl/PA6u59> - Although child marriages in India have declined, a few states like Bihar, West Bengal and Rajasthan continue to carry on with the harmful practice and there is nearly 40 per cent prevalence in these states, the Unicef said.

A new report 'Factsheet Child Marriages 2019' released by the United Nations International Children's Emergency Fund (Unicef) late on Monday stated that while in

Tamil Nadu and Kerala child marriage prevalence was below 20 per cent, they were pockets of disparity concentrated in tribal communities and amongst particular castes, including the Scheduled Castes.

Child marriage threatens girls' lives, well-being and futures and if efforts were not accelerated, more than 150 million girls would be married off before their 18th birthday by 2030.

Improving rates of girl education, proactive government investments in adolescent girls, and strong public messages around the illegality of child marriage and the harm it causes were among the reasons for the shift, it pointed.

It also showed that the prevalence of girls getting married before 18 years of age in India has declined from 47 per cent in 2005-2006 to 27 per cent in 2015-2016.

"While the change is similar with all states showing a declining trend, the prevalence of child marriage continues to be high in some districts. The focus is on geographies that have high (50 per cent) and medium (between 20 per cent to 50 per cent) prevalence of child marriage," it said in a statement.

The report revealed that worldwide, an estimated 650 million girls and women alive were married before their 18th birthday and globally, the total number of girls married in childhood is estimated at 12 million per year.

"South Asia is home to the largest number of child brides with more than 40 per cent of the global burden (285 million or 44 per cent of the global total), followed by sub-Saharan Africa (115 million or 18 per cent globally)," it noted.

In Latin America and the Caribbean, there was no evidence of progress at all, with levels of child marriage as high as they were 25 years ago.

However, there is a silver lining as well, the report stated that the practice of child marriage has declined around the world.

In the past decade, the proportion of women who were married as children decreased by 15 per cent, from 1 in 4 (25 per cent) to approximately 1 in 5 (21 per cent), that's around 25 million child marriages that have been prevented.

In South Asia, a girl's risk of marrying in childhood has declined by more than a third, from nearly 50 per cent a decade ago to 30 per cent at present, largely driven by great strides in reducing the prevalence of child marriage in India.

The report mentioned that the global burden of child marriage is shifting from South Asia to Sub-Saharan Africa, due to both slower progress and a growing population. Of the most recently married child brides, close to 1 in 3 are now in sub-Saharan Africa, compared to 1 in 7, 25 years ago.

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## **Forced to marry 53-year-old man, minor attempts suicide, saved by villagers**

***The timely intervention by villagers prevented a 15-year-old girl from committing suicide by jumping off an overhead water tank to avoid her marriage to a 53-year-old man in Telangana's Yadadri Bhongir district on Monday.***



By Srinivasa Rao Apparasu

Hindustan Times (12.02.2019) - <https://goo.gl/9mM6KM> - The timely intervention by villagers prevented a 15-year-old girl from committing suicide by jumping off an overhead water tank to avoid her marriage to a 53-year-old man in Telangana's Yadadri Bhongir district on Monday.

The incident occurred at Shivalal Thanda hamlet of Alair block. Noticing the girl climbing up the overhead tank, some villagers rushed to her even before she could reach the top and brought her down after pacifying her.

The villagers handed her over to the local Anganwadi teacher Manjula who, in turn, informed the Integrated Child Development Centre (ICDS) project officer Chandrakala and supervisor Uma Rani of the incident. They took her to the police station and lodged a complaint there.

According to Alair police, the girl, a class 10 student at a government school at Motakonduru, had been staying with her uncle Bhaskar for the last two years. Her parents died of illness after marrying off their first three daughters. For the last few months, her uncle Bhaskar had been pressuring her to marry 53-year-old Yadaiah of the same village. Yadaiah already has a wife and two children.

The girl was also not being allowed to attend school for the last few days. "Unable to bear the harassment, she escaped from the house and went to her relatives at Shivala Thanda on Monday where she attempted suicide," Alair sub-inspector Venkat Reddy said.

The police had filed a case against Bhaskar and his wife under the Prevention of Child Marriage Act.

Child Rights Association president P Achyuta Rao demanded stern action against the girl's uncle for forcing her to marry an aged man who was already married.

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## **Dawoodi Bohra practice of khafz has been wrongly labelled as female genital mutilation by those with an agenda**

By Samina Kanchwala

First Post (06.02.2019) - <https://bit.ly/2X8ujr8> - Amid allegations that Dawoodi Bohra women are oppressed, mute spectators of a patriarchal system, we — the Dawoodi Bohra Women's Association for Religious Freedom (DBWRF) comprising over 72,000 practicing Dawoodi Bohra women — would like to set the record straight about our practices and the community, in light of the International Day of Zero Tolerance for FGM (female genital mutilation).

DBWRF wishes to highlight that Dawoodi Bohra women are among the most progressive and educated in India, having a near 100 percent literacy rate. Further, women from the community hold powerful positions across various sectors such as IT, law, medicine, education, engineering, architecture and retail businesses among others; we are empowered and in fact, encouraged to build careers for ourselves. Personalities such as Mariya Ratlami (ISRO scientist), Rashida Vandeliwala (dietician), Tasneem Amiruddin (illustrator) are living proof of the impact of Dawoodi Bohra women.

Our religious texts too call for empowering women, and rectors have compared the position of women in the community to that of the brain in the body. Dawoodi Bohra women are also driven by principles of philanthropy and work to drive solutions pertaining to digital literacy, awareness around first-aid, cleanliness, menstrual hygiene and even end-to-end services for differently-abled children — to name just a few initiatives.

The women of the community are deeply pained that despite having cemented their position as business leaders, responsible citizens, loving mothers and homemakers, in a highly educated and gender equal community, we have come under scrutiny for our harmless practice of female circumcision (khafz). The same has been wrongly labelled as female genital mutilation by those with an agenda against the community.

DBWRF wishes to state that there is a big difference between khafz and FGM. The former, as practised by the community is a harmless procedure, unlike FGM. Khafz is safe and performed according to standard operating procedures which have been in circulation within the community. These guidelines laid down by the DBWRF mandate that khafz be carried out only by a trained and qualified medical practitioner in an OPD/clinic and with the consent of the mother/guardian of the child.

Khafz has been a practice within the community for over 1,400 years. Just as men of the community undergo circumcision, so do our women, and hence we see it more as an act of gender parity. The standard operating procedures for conducting female circumcision sets out the manner in which khafz is performed, with great care of the child, under the expertise of a trained medical practitioner and with the consent of the mother or guardian. We are well educated and empowered women who are committed towards ensuring the safety of our daughters and would never do anything to harm them.

The confusion arises since most people are unaware that unlike FGM, khafz involves a harmless nick on the prepuce. Female circumcision is far less invasive than male circumcision. During khafz, the clitoris is not touched at all, and great care is taken by trained medical practitioners to ensure safety at all levels.

Khafz is based on and motivated by a gender equal interpretation of the Abrahamic Covenant (Genesis 17 of the Hebrew Bible), and like the men, women of the community also undergo circumcision. It is disturbing to see our harmless, religious and cultural practice being labelled as female genital mutilation by those with a vested interest against our community.

DBWRF wishes to state that there should not be an iota of doubt surrounding khafz, and as a forward-thinking yet culturally-rooted community, we are fighting to preserve our religious practice as devout Dawoodi Bohras.

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## **Asia's expanding illicit market: brides**

By Tharanga Yakupitiyage

IPS News Agency (25.01.2019) - <https://bit.ly/2FYygEM> - Paradoxically, the world's most populated countries are facing a population crisis: a woman shortage. And it's women who are paying a brutal price for it.

According to the World Health Organisation (WHO), the natural sex ratio at birth is approximately 105 boys to every 100 girls.

However, decades of gender discrimination, which favoured having boys over girls, has left India and China with 80 million more men than women.

“When women lack equal rights and patriarchy is deeply engrained, it is no surprise that parents choose to not to have daughters,” said Human Rights Watch’s (HRW) Senior Researcher in the Women’s Rights Division Heather Barr.

Now that there is a shortage of women doesn’t mean that women become more treasured or valued, she noted. Instead, there are very harmful consequences.

“[Women have] become a commodity which is in demand, so in demand that people will use violence to acquire it,” Barr told IPS.

“The stories we heard were really unbelievably shocking even after having spent many, many years on human rights issues,” she added.

The “bride shortage” has triggered trafficking as women are lured under false pretences and sold as brides.

Bordering China is Myanmar’s Kachin and northern Shan states which has seen iterations of conflicts over the last decade.

HRW found that traffickers often prey on women and girls in those regions, offering jobs in and transport to China. The women are then sold for 3,000 to 13,000 dollars to Chinese families struggling to find a bride for their sons.

Once purchased, women and girls are often locked in room and raped so that they can quickly provide a baby for the family.

Often times, women and girls are even sold by people they know—sometimes even by family members.

“The idea that there is a situation, a set of social pressures, a sense of lawlessness that is so extreme that it is causing people to sell their own relatives...it is shocking,” Barr said.

In India, bride trafficking has become common in the northern states such as Haryana which has only 830 girls to every 1,000 boys.

In a study, the United Nations Office on Drugs and Crime (UNODC) found in over 10,000 households, over 9,000 married women in Haryana were brought from other States.

Most of those women came from poor villages in Assam, West Bengal, and Bihar where their families, desperate for money, struck deals with traffickers. There are also cases of girls being resold to other people after living a married life for a few years.

According to the 2016 National Crimes Records Bureau, almost 34,000 were kidnapped or abducted for the purpose of marriage across India, half of whom were under the age of 18.

While the immediate consequences for women are clear, there may also be long-term consequences of the distorted sex ratio.

“Part of the reason that we should be worrying about it is that we simply don’t know what the long-term consequences of this are. We don’t know how this might change societies, but this is something that is going to have an effect through generations,” Barr

told IPS, highlighting the need for action including better prevention efforts and law enforcement on trafficking and violence against women.

But at the end of the day, governments must do more to address the root cause of the imbalance—gender discrimination.

Though sex-selective abortion is illegal in India, it is still a widespread practice in the country. In fact, approximately five to seven million sex-selective abortions are estimated to be carried out in the South Asian country every year.

China's now two-child policy may also continue to pose a threat to women and girls, as well as the future stability of the country's population.

"The most fundamental problem is gender inequality and most fundamental solution to this is that you have to change the dynamics in society that makes sons valued and daughters not valued," Barr concluded.

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## **UN report says India's infant mortality rates lowest in five years, four-fold decline in gender gap in girl child survival**

Opindia (18.09.2018) - <https://bit.ly/2MLB4sn> - The number of infant deaths reported in India for the year 2017 is the lowest in five years. According to reports, the United Nations Inter-Agency Group for Child Mortality Estimation (UNIGME) has stated in its report that 8,02,000 infants died in India in the year 2017, the lowest in five years.

The UNIGME report states that in 2016, 8,60,000 infants had died in India. Yasmeen Ali Haque, the UNICEF representative in India has stated, " India continues to show an impressive decline in child mortality deaths, with its share of global under-five deaths for the first time equalling its share of childbirths."

Yasmeen Ali Haque also reportedly stated that the efforts for improving institutional delivery along with a countrywide scale-up of newborn care units joined with robust immunisation drives have been instrumental in achieving the feat. According to reports, India's infant mortality rate was 44 per 1000 live childbirths. In 2017, the gender-specific mortality rate has come down to 39 per 1000 live male childbirths and 40 per 1000 live female childbirths. Haque added that the four-fold decline in the gender gap in the survival of girl children is even more heartening.

In 2012, a UN report had stated that the gender gap in child mortality in India is far worse than the global average in developing countries and as girls have biological advantages over boys for better adaptability and resistance to diseases, the child mortality rate of 56 boys for every 100 girls dying suggests a disturbing socio-cultural trend of neglect and lack of care for the girl child.

The recent UNIGME report states that globally a total of 6.3 million children had died in 2017, 1 in every 5 seconds. Most of these deaths were due to preventable causes. A majority of these deaths, 5.4 million is among children below 5-years of age. Laurence Chandy, the director of data, research and policy in UNICEF has stated that simple measures like access to clean water, sanitation, electricity and vaccines can drastically reduce the numbers. Chandy added that over half of the 5.4 deaths among children below five had occurred in sub-Saharan Africa and a further 30% In South Asia.

The UNIGME report states that most children under 5 die due to preventable causes like complications during birth, pneumonia, diarrhoea, neonatal sepsis and malaria. The report also stated that for children everywhere, the riskiest period is the first month after birth. 2.5 million of the 5.4 million deaths under were of infants in their first month. Even within countries, rural areas show a 50% higher rate in neonatal deaths than urban areas.

In India, the recent increase in awareness over sanitation and the government's drive to ensure toilets in every household is widely considered a strong factor in bringing down death rates among the population. A recent WHO report had stated that over 3 lakh deaths due to sanitation-related diseases were prevented in India due to the government's push for Swachh Bharat Mission. In Uttar Pradesh, an aggressive immunisation and awareness programme called Dasatk has been able to significantly bring down deaths due to Japanese Encephalitis. UNICEF India had praised UP CM Yogi Adityanath's government recently for successfully immunising every child in the state against Japanese Encephalitis.

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## **To cut underage marriage, expand RTE, say experts**

By Ambika Pandit

The Times of India (12.09.2018) - <https://bit.ly/2OdGMVH> - A report on child marriage and teenage pregnancies that analyses the data from National Family Health Survey-4 (2015-16) shows a direct co-relation between underage marriages and educational status of girls.

Citing low prevalence rates where girls have completed secondary education, the report by National Commission for Protection of Child Rights and voluntary organisation Young Lives makes a pitch for making secondary level schooling a fundamental right.

Findings show the completion rate of secondary schooling is considerably higher among unmarried girls aged 15-19 years in almost all states. Even National Human Rights Commission secretary general Ambuj Sharma emphasised the need to extend the right to education from Class VIII to the secondary level.

The NHRC is also planning to recommend to the ministry of women and child development a uniform age for marriage for both men and women. In 140 countries, age of marriage is 18 for both men and women. Last month the law commission in a consultative paper on family laws suggested the legal age for marriage for both men and women across religions should be recognised at 18 years, the universal age for majority.

The study based on NFHS-4 data shows that of the 15 to 19 year old girls, who at the time of the survey reported to have been married before the legal age of marriage, 30.8% had never been to a school and 21.09 % had education up to the primary level. The percentage of girls who had secondary education and were married before 18 was 10.2%.

Those with higher levels of education were further down to 2.4%. While overall prevalence of child marriage declined from 26.5% in 2005-06 to 11.9% in 2015-16. Bihar is a case in point. The state recorded a significant decline in child marriages from 47.8% in 2005-06 to 19.7% in 2015-16.

The study also reveals that amongst the married girls aged 15 to 19 years, 31.5% girls were found to be have babies. Almost a quarter of the married girls in the age group of 15 to 16 years had at least one child.

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## **FGM: Court should not decide validity of religious practice on PIL: Dawoodi Muslim group**

Business Standard (26.08.2018) - <https://bit.ly/2LE3nZ6> - A group of Dawoodi Bohra Muslim community members today told the Supreme Court that the courts should not decide the constitutionality of a centuries-old religious practice of female circumcision through the public interest litigation (PIL) route.

The group said said female circumcision is practised by a few sects of Islam including the Dawoodi Bohra community and the validity of this be examined, if at all, by a larger Constitution bench.

A bench headed Chief Justice Dipak Misra, hearing a PIL filed by a Delhi-based lawyer challenging the practice of female genital mutilation (FGM) of minor girls of the Dawoodi Bohra Muslim community, was told by senior advocate A M Singhvi that the validity of a religious practice cannot be examined in a PIL jurisdiction.

"The object of female circumcision (FC) and male circumcision (MC) is a religious practice in Islam and they are related to purity aspect," Singhvi, appearing for over 70,000 Dawoodi Bohra Muslim women, told the bench which also comprised justices A M Khanwilkar and D Y Chandrachud.

He said though male circumcision (MC) is followed by all sects of Islam, the FC is being observed by few sects including the Dawoodi Bohra community and the validity of this be examined, if at all, by a larger Constitution bench.

He said that if the government would have brought a legislation banning the FC then it could have been challenged on the grounds of violation of Article 14 (right to equality), but this recourse, would not be available to the community if the court decides to examine the validity of the practice.

He also referred to the apex court's judgement on right to privacy and said that the PIL petitioner has been entering into private area of the community.

Singhvi said that no affected Bohra Muslim woman has come to the court challenging the practice and to allege that it has harmed her emotionally and physically.

The advancing of arguments remained inconclusive and would resume on August 30.

Earlier, the apex court had said that the female genital mutilation (FGM) of minor girls of the community leaves a "permanent emotional and mental scar" on them and the practice may be held as violative of dignity of women as prescribed in the Constitution.

The apex court had also said that the fact that the FGM is being practised from tenth century is not "sufficient" to hold that this formed part of the "essential religious practice", which cannot be scrutinised by court.

Attorney General K K Venugopal, appearing for the Centre, had reiterated the government's stand that it was opposing the practice and said that this has been banned in many countries like the US, the UK, Australia and around 27 African nations.

The practice causes irreparable harm to girl children and has many health repercussions, the top law officer said and referred to Article 25 to highlight the point that a religious practice can be stopped if it was against "public order, morality and health".

The bench was hearing the PIL filed by Delhi-based lawyer Sunita Tiwari against the practice in the community.

Tiwari, in her plea, sought a direction to the Centre and the states to "impose a complete ban on the inhuman practice" of 'khatna' or "female genital mutilation" throughout the country.

Female genital mutilation is performed "illegally upon girls (between five years and before she attains puberty)" and is against the "UN Convention on the Rights of the Child, UN Universal Declaration of Human Rights of which is India is a signatory", the plea said, adding the practice caused "permanent disfiguration to the body of a girl child".

**HRWF note:** As stated in our report [Women's Rights and Religion](#), there is no legitimate justification – religious, health, or otherwise – for FGM/c. It is a dangerous and sometimes deadly practice and illegal under international law. Religious leaders are key in movement to change community mindsets and end the practice.

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## **Women from the Bohra community are fighting against Female Genital Mutilation to win back their freedom**

***The women of the Bohra community are fighting against Female Genital Mutilation to win back their sexual and bodily freedom as heated debates are ensuing everywhere about the malpractice.***

News18 (15.08.2018) - <https://bit.ly/2LlwW1F> - India celebrates its 72nd Independence Day this year but the fight for freedom is far from over for several women of the Dawoodi Bohra Community, who are seeking a ban on the practice of Female Genital Mutilation/Cutting (FGM/C) -- a religious practice in the Bohra community which violates women's freedom to have control over their own body, their right to privacy, and their sexual freedom.

FGM/C, also known as Khafz, is the process of intentionally changing or causing injury to a girl or woman's genital organs for non-medical reasons. The operative words here being 'intentionally' and 'non-medical reasons'. The World Health Organization (WHO) has called this procedure a violation of human rights of girls and women.

Yet, routinely, six-year-old or seven-year-old girls of the Bohra community are made to undergo this process, where their clitoris hood is either cut or nicked without their consent. Until 2011, however, it wasn't known that FGM/C was a prevalent practice in India.

"In 2011, the first petition against FGM by Tasleem came out and it got some media attention," said Aarefa Johari, a journalist by profession, who had undergone FGC as a child.

"Then, I started speaking out. That also triggered a lot of reactions. In the next three to four years, Insia Dariwala who was writing a script on the issue met me. Priya Goswami made a film on it called 'A Pinch of Skin'. Then, a few of us met online and a conversation began," she recalled. Johari, along with Dariwala, Mariya Taher and Priya Goswami is the



founder of Sahiyo, an NGO that fights for women's rights and against the practice of FGM/C.

The conversation that Johari is talking about is not just fairly recent, but also anecdotal for the most part. In the last seven years, many women from the Bohra community have come out and spoken about their experiences of undergoing FGM/C. The Bohra community has a rich history of trading, they are popular for their cuisine, and the literacy rate is much higher among Bohra women.

However, regardless of it all, women of the community have been coerced into continuing this procedure for generations. Most women who have come out and spoken against FGM/C recall it to be a traumatic experience. Sift through the media reports on FGM/C, and you will find intricate personal accounts of women, unfolding the details of how they, as little girls, were taken by their mothers or grandmothers to midwives on the pretext of a party or shopping, and then pinned down and nicked or cut in their most private part, not just without consent but also without prior intimation.

Several women confessed that they felt betrayed, and the overall experience has had a negative psychological impact on them. However, the worst part about undergoing this 'irreversible' process is not just the post-traumatic stress but also several physical and sexual problems that they have to live with for the rest of their lives. In many women, Khafz curbs sexual desire, while others endure pain during intercourse and complications at childbirth. These women also face a high risk of urinary tract infections.

And yet, despite the obvious negative effects of FGM/C, getting rid of the practice in India, amending old laws or coming up with new ones to curb the practice is not as easy a task as one might think.

Currently, the Supreme Court, which is hearing PILs filed by lawyer Sunita Tiwari and two Bohra women, is in the process of deciding the legality of FGM/C.

Advocate Aanchal Singh, one of the advocates of the Lawyers Collective, who along with Indira Jaising is representing women who are against FGM/C, said that they have formulated their arguments around Article 14, 15 and 21 of the Indian constitution.

"We have argued that the practice of FGM/C is against Article 21 of the constitution, which guarantees the fundamental right to life, personal liberty, and dignity. Since the practice is also to curb the sexuality of a woman, and therefore, trying to control her, so it is against her right to equality as well...The practice is against her dignity and personal autonomy too."

However, Singh said that the Union of India claims that FGM/C is already an offence, as there are existing laws under Indian Penal Code and POCSO (Protection of Children against Sexual Offences) against it. Under IPC 319-325, the intent to 'hurt' or cause 'grievous hurt' covers FGM/C. While POCSO's Section 3 (penetrative sexual assault) and Section 5 (aggravated penetrative sexual assault) can be used to curb the practice.

"To implement POCSO, there has to be a sexual intent," said Singh. "However, in the case of FGM/C, there is no sexual intent of the midwives. It is done as a religious practice," she added. Therefore, neither of these laws inclusively covers FGM/C. Coming up with a new law or amending an already existing one, or coming up with specific guidelines to address FGM/C are some of the things that the apex court might have to look into in order to curb the practice in India, pointed out the lawyer.

The PILs against FGM/C are, however, facing opposition from the Dawoodi Bohra Women for Religious Freedom (DBWRF), a collective of 70,000 Bohra women, who have filed an

intervention in the ongoing case saying that FGM/C falls under the right to practice their own religion which is guaranteed by Article 25 and 26.

"Why are people calling such a small procedure 'mutilation'?" asked the Secretary of DBWRF, Samina Kanchwala. "Do people not know the meaning of mutilation? This is my religious right, this is my basic religious tenet. It is very important for our spiritual being. This is not forced upon anyone, it's a choice that you make. There are people who do not want to do this, and that's fine. But why do you deny this right or this freedom to people who actually want to perform it? I should be given the freedom to practice my religion because this practice is completely harmless." she added.

Several survivors, however, tell a different story and often say that women who choose to speak out against the practice, or parents who decide not to make their daughters undergo FGM/C often face discrimination. Saleha Paatwala, who had undergone FGM/C as a child said, "Girls who don't go through this practice are sometimes not even invited to religious activities,".

"One girl had spoken against this practice and after that video was out, she and her family was asked to apologize to the clergy. She was told to remove herself from the video or she might face excommunication." Paatwala confessed.

Talking about how the community reacts as and when women speak out against FGM/C, Insiya Dariwala, a co-founder of Sahiyo said, "I think it's very subtle...It's not like they are going to ostracise you or throw you out of the community because you are speaking against FGM/C. But it isn't accepted very nicely. They might not tell you that they are against what you are saying, but they make sure that you know. They try to get to you via your family, instead of directly talking to you. "

Another claim that DBWRF has made is that the process of FGM/C is harmless. "First and foremost, we do not touch the clitoris at all. What is done is just a nick on the prepuce (hood)," said Kanchwala.

"There are papers that also mention how it is beneficial and hygienic. It's about enhancing, it is not about curbing sexualism. Tell me one thing if it exposes your clitoris, should it enhance or should it decrease your pleasure? Any scientific mind will tell you that it is for enhancing the pleasure," she added.

Shujaat Vali, a gynecologist, and a surgeon, however, said that "I have also seen cases where the clitoris is either disfigured or very small in Bohra women. I examine them when they come for pregnancy-related treatment. I have seen that Bohra women, who have undergone FGM/C in their childhood, have a damaged clitoris which in turn does a lot of damage to their sexuality, and their arousal."

Vali also pointed out that Khafz is quite different from male circumcision. In male circumcision no harm is done to the penis, it is only the foreskin that is removed, however, in female circumcision the hood and the clitoris is so close that it is nearly impossible to remove the prepuce (hood) without hurting the clitoris. So in most cases, inevitably, the nick is not just of the clitoral hood.

After DBWRF filed the intervention in court, another debate on whether FGM/C is an essential or non-essential part of their religion has begun. Many of the women I interviewed said that the practice does not have any mention in Quran.

In fact, a woman (who doesn't wish to be identified by her real name) who had also undergone FGM as a child and is now supporting the movement to abolish the practice said, "Propagators of FGM cite religious texts to continue practicing Khafz. But

researchers have found that the practice pre-dates Islam. While Khafz is mentioned nowhere in the Quran, these other religious texts being cited talk about religious purity and continuing this practice to pleasure the husband."

"However, in all the community discourses, this has not come forth. It has always been about religious purity. They conveniently leave out the part about FGM/C being done for the husband's pleasure." she added. Apparently, the clitoris hood is also referred to as the 'haraam ki boti' or an immoral lump of flesh which causes women to become promiscuous. Therefore, it is nicked/cut to curb any sexual desire.

Recently, the practice of FGM/C has stopped among the same community living in several western countries.

"Similar practice has been banned by the same community in several other countries, by their community heads called Syedna. In a recent judgment in New South Wales, a mother, a midwife, and a Sydena who propagated the practice of FGM/C, were accused and found to be culprits," pointed out Singh.

"After this judgment, there was a resolution passed by several Syednas across the world, where they have asked members of the community to follow the law of the land they live in and prohibited the process of FGM/C," she added.

So, the arguments that are being put forth by those who are against FGM/C are that it is not an essential practice because had it been essential, Syednas of different countries would not have exempted women from undergoing it. Also, if it is not an essential practice, then why should women in the Indian Bohra community still undergo this process?

One of the biggest hindrances for the women who have been fighting against the practice of FGM/C is the lack of data. The Ministry of Women and Child Development maintains that there is no data collected by the National Crime Records Bureau, and therefore, the ministry claims that FGM/C doesn't exist in India.

Masooma Ranalvi, who is a member of WeSpeakOut, the largest survivor-led movement against FGM/C said, "It was a secret practice for a really long time. Nobody knew about this, it is only when women started speaking out that people realized what had been happening in this community."

"The only way for the government to have data would be for the government to undertake research. The government can hear the women who are speaking out, who are saying that this has happened to them, who are survivors. The onus should be on the government to collect data," she added.

WeSpeakOut recently did a research on FGM/C, where they did field interviews of 94 participants and found that 75% of all daughters of the study sample were subjected to FGM/C, which means it continues to be practiced on little girls. They also found that 97% of women who remembered their FGM/C experience from childhood recalled it as painful.

"The verdict is still awaited in the ongoing case against FGM/C, but the observations by Supreme Court have been very positive so far. One of the observations being that no one has the right to tamper with the bodily integrity of a person. The tampering and cutting of genitals are irreversible. One has to live with it for all their lives. We are happy with the court's observations." added Ranalvi.

WeSpeakOut and Sahiyo are continuously trying to sensitize people about this practice. However, the Supreme Court judgment will play a crucial role in how the community

continues to see FGM/C in future. The lack of knowledge about their sexual parts is common among most Indian women, including women from the Bohra community, therefore, sensitization on female anatomy is also a must.

"The Bohras are also devout followers of Syedna," pointed out Saleha Paatwala, "if he comes out and guides them to not practice FGM/C, people will most certainly obey," she added.

A few measures to curb FGM/C would be to talk to doctors and bringing out reports from the doctor's association which call this practice as harmful. Efforts need to be made to include this in the school curriculum for adolescents to make them understand why it is practiced, and an in-depth study by the government to prove its prevalence in the community will also go a long way in addressing FGM/C.

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## **India's death penalty for rapists of young girls could push them to kill**

***With the majority of rapes committed by someone known to the victim, the new law could drive offenders to murder to avoid detection***

By Rituparna Chatterjee

The Guardian (24.04.2018) - <https://bit.ly/2qZ8CKP> - n Saturday India's government approved the death penalty for convicted rapists of girls under the age of 12, amid a groundswell of public outrage following the gang-rape and murder of an eight-year-old Muslim girl in Jammu and Kashmir state.

The shocking case involved a girl from the Bakarwal nomadic tribe, who was out grazing her horses when she was abducted, drugged and murdered after a week of torture and repeated rape. It led to a nationwide outcry for swifter justice.

However, the hastily issued executive order is facing criticism from activists and politicians, who say the death penalty, usually meted out for severe crimes in India, will not be a deterrent to child rapists without an overhaul of the criminal justice system.

"I am afraid this [executive order] has very little credibility because what is required is certainty of punishment," the leader of Communist Party of India (Marxist), Brinda Karat, told reporters.

According to the National Crime Records Bureau data from 2016, in 94.6% of cases, the perpetrator is known to the victim – usually a brother, father or someone from the family's social circle. Reporting rape in India's patriarchal family structure is often fraught with victim shaming and further alienation.

Child rights activists fear the introduction of the death penalty will make families more likely to cover up sexual crimes, and that rapists might kill their victims to avoid detection.

Critics are also concerned that the order, which was approved by Prime Minister Narendra Modi's cabinet on Saturday, makes no mention of boys. In a country where male children often grow up in an atmosphere that discourages them from showing vulnerability, experts say such a discriminatory legal provision will fail boys who have been sexually assaulted.

Unlike the current Protection of Children from Sexual Offences Act (Pocso) 2012, which is gender-neutral and defines any person under 18 as a child, the new ordinance will stop boys who have been sexually abused from seeking the same justice accorded to a girl of their age, says gay rights activist Harish Iyer.

"I principally stand against the death penalty. This discriminatory legislation implies what boys are taught growing up – that they have to be the protector and not the protected. Children are vulnerable to sexual assault, irrespective of gender," Iyer said.

A nationwide survey of crimes against children conducted by the ministry of women and child development in 2007 found that half of India's children had been sexually abused.

Iyer said the new executive order was a shortcut for an overhaul of a criminal justice system that often discriminates against the poor. "This is sexism of a different nature, it favours one gender. What about protection of intersex children? Unless the crime is female foeticide, which is specifically gender-oriented, this is a shortcut for real measures."

He said the government should prioritise fast-track courts, child-friendly police stations, and a national registry of sex offenders. The new law proposes stricter punishment for convicted rapists of children under 16 years of age. Its definition of the victims and proposed age limit has triggered a debate about categorising victims of the same crime.

"What's the explanation for death penalty for 'gang rape of children below 12 years'? The state is a man. Why else would the reproductive age of a girl be the determining factor for the kind of punishment meted out to the rapists?" journalist Kota Neelima wrote in a Facebook post.

In 2016 India recorded an alarmingly low conviction rate (18.9%) for crimes against women. In that year, of all the child rape cases that came before the courts under the Pocso, less than 3% ended in convictions.

An issue of such a grave nature should have had a public discourse with participation from civil society stakeholders. By its nature, an executive order can be announced by the president of India on recommendation from the federal cabinet and does not require consultation.

After the gang rape of Jyoti Singh in Delhi in 2012, India introduced tougher rape laws and launched fast-track courts, but the measures have not deterred violent sexual crimes.

In addition, homelessness and poverty increase the vulnerability of children to sexual predators as parents have to leave them on their own to go to work, making them easy targets.

In an election year, the ruling Bharatiya Janata Party (BJP) wants to be seen as proactive in taking strong steps to make India safer for women. However, it is implementation, the real challenge in India, that will determine its true intention.

**Further reading:**

[India's cabinet adopts death penalty for rape of girls under 12](#)  
[The death penalty ordinance has no leg to stand on](#)

## **Indian Supreme Court to examine legality of polygamy**

***The practices of 'nikah halala' and polygamy are discriminatory, say women's rights groups***

By Karuna Madan

Gulf News India (26.03.2018) - <https://bit.ly/2pGg50G> - Months after declaring the instant "triple talaq" form of divorce unconstitutional, India's Supreme Court (SC) on Monday agreed to examine the legal validity of polygamy, as well as "nikah halala" — an Islamic process required to remarry one's divorced wife.

A Constitution Bench of the court, comprising five of the most senior judges, will next month hear four petitions challenging the legal validity of the two practices.

Bharatiya Janata Party (BJP) lawyer Ashwini Kumar Upadhyay filed a petition, along with two Muslim women and another lawyer from Hyderabad, demanding a ban on polygamy and 'nikah halala'.

"Banning polygamy and 'nikah halala' is the need of the hour to secure basic rights for Muslim women. I know so many women who are victims of polygamy. We want the Supreme Court to look into the plight of thousands of Muslim women across the country," Upadhyay said.

Over the years, several women's rights groups have said the practices of 'nikah halala' and polygamy were discriminatory.

According to a Hyderabad-based petitioner, whereas the Muslim law allows a man to have multiple wives by way of the temporary marriages or polygamy, the same permission is not extended to women and therefore the law violates the fundamental rights of Muslim women.

While polygamy is the practice of being married to more than one woman, 'nikah halala' is a practice meant to curb divorce.

Under 'nikah halala', a man cannot remarry his former wife without her going through the process of marrying someone else, consummating that marriage and getting divorced.

Meanwhile, the court on Monday issued notices to the central government and Law Commission asking them to make their stand clear on several such petitions asking for the two practices to be abolished.

The court observed that the five-judge bench which examined instant 'triple talaq' last year had kept open the issues of polygamy and 'nikah halala'.

In its judgment, the top court had described instant 'triple talaq' as "bad in law". "Instant 'triple talaq' is not integral to religious practice and violates constitutional morality," the court had said.

In August last year, Chief Justice J.S. Khehar had said "we have taken a conscious decision to deal only with triple talaq and not polygamy or 'nikah halala'".



When the Attorney-General (AG) requested all three issues to be heard together, Justice Khehar had said, "It does not even happen in T20 cricket that one can take three wickets in one ball."

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## **Youth in India take on tribal elders to end virginity test of brides**

By Roli Srivastava

Thomson Reuters Foundation (06.02.2018) - <http://tmsnrt.rs/2Bf345x> - Vivek Tamaichikar didn't think of food and festivities when he started planning for his marriage this year in western India. He instead started a campaign against the virginity test that elders would impose on his bride.

The couple are members of the nomadic Kanjarbhat tribe, which is spread across states including Maharashtra. Members follow caste councils, comprised of elders who dictate rules including rituals performed on wedding nights.

Newlyweds are asked to consummate the marriage while elders sit outside their room.

The bride is first checked by women for any wounds she could possibly bleed from, and the groom is allowed into the room only after that.

Afterward, he tells the council if his wife was a virgin - a verdict that hinges on whether or not she bled during sex.

Young women who fail this test may be abandoned or face a "social boycott", even though Maharashtra has banned village councils from imposing such penalties.

Tamaichikar, 28, said his family told him that he and his bride would be ostracised by the community if they refused the test.

"I realised the societal pressure was huge and decided to speak publicly against it," Tamaichikar told the Thomson Reuters Foundation.

Childhood memories of a woman who failed the virginity test also contributed to his decision.

"I remember enjoying my cousin's marriage party one night, and seeing her being beaten up the next morning," he said.

Unelected caste councils hold sway in various communities in India, delivering judgements and punishments to those defying their rules. India's Supreme Court in 2011 described one such council in northern India as a "kangaroo court".

Nandini Jadhav of Maharashtra Andhashraddha Nirmoolan Samiti, which campaigns against superstitious practices, said the advocacy group has been fighting virginity tests for five years.

"Even women do not see anything wrong in checking a girl's virginity," said Jadhav, adding that more young men are now speaking out.

"The message is reaching a wider set of people." Tamaichikar's group has expanded from about half a dozen young members to about 60 since he started it in December.



This is the first time members of his community - where even doctors have obeyed the council's rules - are speaking against the ritual. "At least the doctors could have explained to the community that the virginity test was not scientific," Tamaichikar said. "But they didn't, fearing a boycott."

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## **India Supreme Court intervenes in 'love jihad' case**

***An Indian woman at the centre of an inter-religious marriage row may leave her father's custody and resume her studies, the Supreme Court has ruled.***

BBC (27.11.2017) - <http://bbc.in/2Bk3ch6> - Hadiya Jahan, who is in her 20s, was born into a Hindu family, but converted to Islam and married a Muslim man.

Her family alleges she was brainwashed as part of an anti-Hindu conspiracy. In May, her marriage was annulled.

The court did not accept that she did not know her own mind. It has still to rule on whether her marriage is legal.

Marriages between Hindus and Muslims have long attracted censure in conservative Indian families, but the attachment of a deeper, sinister motive to them is a recent phenomenon.

Hadiya Jahan, earlier known by her Hindu name Akhila Asokan, has always insisted that she acted out of her own free will.

She had asked the Supreme Court to let her husband, Shafin Jahan, be her guardian. But it named her college dean as guardian while the case continues.

Radical Hindu fringe groups have described her case as a typical example of "love jihad" - a term they use to accuse Muslim men of participating in a "conspiracy to turn Hindu women from their religion by seducing them".

Ms Jahan and her husband appealed after the high court in the state of Kerala annulled their marriage. The Supreme Court ordered an independent investigation.

She was summoned to testify by the top court on whether she had been forced to convert.

Ms Jahan told the three-judge bench, headed by Chief Justice Dipak Misra, that she wanted her freedom and to see her husband, who would support her financially.

"I want to complete my studies and want to live my life according to my faith and as a good citizen," she said, the Hindustan Times reports.

She also said that she had been kept in "unlawful custody" for 11 months by her parents. The court removed Hadiya from her father's custody and said she could live in the college hostel to finish her education. The judges also ordered police protection for her.

The next hearing is scheduled for late January.

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## **Sex with minor wife is rape, rules Supreme Court**

***Exception clause to the heinous offence of rape allows a man to have sex with his wife who is not aged below 15.***

By Krishnadas Rajagopal

The Hindu (11.10.2017) - <http://bit.ly/2yaPrRw> - The Supreme Court on Wednesday held that a man will be punished for rape if he is found to be guilty of having sexual intercourse with his minor wife.

A Bench of Justices Madan B. Lokur and Deepak Gupta read down exception 2 to Section 375 (rape) of the Indian Penal Code (IPC).

The exception clause to the heinous offence of rape allows a man to have sex with his wife who is not aged below 15.

### ***Verdict ends disparity***

With this verdict, the court has ended the disparity between this exception to Section 375, which allows a husband to have sexual relationship with his 15-year-old wife, and the definition of 'child' in recent laws such as the Protection of **Children** from Sexual Offences Act, 2012, which includes any person below the age of 18.

The verdict also ends tacit acceptance of the exception clause in the IPC provided to child marriages, which was declared illegal and is a punishable offence, though a social reality especially in rural parts of the country.

The court had agreed with NGO Independent Thought, which filed the petition challenging the exception, on how when sexual intercourse with a minor aged below 18 with or without her consent amounts to rape under IPC, it is not so once she is married.

The NGO had argued that the exception was a violation of the fundamental right to life and equality of minors.

The judgment, though the Bench had said time and again that it did not want to delve into the issue of marital rape, now inevitably opens a window for law on marital rape.

The court had questioned the reason for Parliament to create an exception in the penal law declaring that sexual intercourse by a man with his minor wife is not rape.

It had asked the reason behind such an exception in the IPC when the age of consent was 18 years for "all purposes".

"We do not want to go into the aspect of marital rape. That is for Parliament to see if they want to increase or decrease the age of consent. But once Parliament decided that we have fixed 18 years as the age of consent, can they carve out an exception like this," a Bench of Justices Madan B Lokur and Deepak Gupta had asked the Centre during the hearings.

"When you [government] recognise the age of consent to be 18 years for all purposes, then why this exception," it had asked.

The government counsel had defended the exemption as something Parliament had given due thought and consideration about.

During the hearing, the Bench referred to the aspect of child **marriage** and said that despite there being law that held it illegal, the practice was still going on.

"Whether or not it [child marriage] is a social reality, for 70 years we have not been able to remove it," the Bench had observed.

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## **Young girls abused in south Indian temple rituals – rights commission**

***Rituals involve the girls being dressed as brides and then having their dresses removed "virtually leaving them naked"***

By Anuradha Nagaraj

Thomas Reuters Foundation (26.09.2017) - <http://tmsnrt.rs/2xWemtY> - The practice of keeping young girls in village temples to be worshipped as goddesses as part of rituals in south India amounts to abuse and slavery, the national rights commission said.

The rituals in which girls are dressed as brides and then "their dresses are removed, virtually leaving them naked" is a form of the banned devadasi system, the National Human Rights Commission said in a report published on Monday.

Practised in the southern states of Tamil Nadu and Andhra Pradesh and parts of western India, the devadasi system, which "dedicates" girls to a life of sex work in the name of religion, continues despite being outlawed in 1988.

"They are denied to live with their families and have education. They are forced to live in Mathamma temples, deemed to be ... public property and face sexual exploitation," the commission said in a statement.

The report was referring to a 15-day festival in parts of Tamil Nadu, which concluded on Tuesday, where local goddesses are worshipped and seven young girls are chosen by the community to stay in the temple.

The state government has denied accusations of abuse.

"Our child protection team has visited the temple in question and parents are there to take care of the girls," said K Veera Raghava Rao, the administrative head of Madurai district in Tamil Nadu.

"These are 200 year old traditions that are practised in many village temples across the region. We have not found any case of abuse and our officials are monitoring the functions. We have asked them to cover the girls with a shawl."

But campaigners said that in the name of tradition, hundreds of girls between the ages of seven and 10 years are made to stay in the temple premises during the festivities.

These girls, or Mathammas as they are referred to in parts of Tamil Nadu, are then forbidden to marry and must earn their living by dancing at the Hindu temples.

In some cases young girls being initiated into the practice have to be bare-chested with only garlands and jewels covering them, while in others they are made to carry pots of liquor as part of the celebrations, child rights campaigners added.

"As you travel through the region, the names keep changing, but the fact is that women are being forced into prostitution in the name of rituals," said Priyamvada Mohan Singh, a criminology professor who carried out a survey in 2016 on the devadasi tradition for the Indian government.

"The tradition exists in Tamil Nadu, Andhra Pradesh, Karnataka and Maharashtra. We have documented many cases during our research."

The National Human Rights Commission said the practices violated the children's rights and asked both the Tamil Nadu and Andhra Pradesh governments to respond in four weeks.

**Additional information:** [NHRC notice to the Governments of Tamil Nadu and Andhra Pradesh over allegations of continuance of Davadasi system like offering of girls to Goddess Mathamma \(25.09.2017\)](#)

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## **"A feeble no may mean yes": Indian court overturns rape conviction**

***Activists say Delhi high court's decision in case of film director Mahmood Farooqui sets a worrying precedent on consent.***

By Michael Safi

The Guardian (26.09.2017) – <http://bit.ly/2y7UsNy> – An Indian court has overturned a rape conviction against a film director, ruling that a "feeble no" can signal consent, especially in cases where the alleged victim is well-educated.

Women's rights activists said the decision "muddies the water" around consent in a country struggling to curb high levels of sexual violence, rampant street harassment and deeply entrenched patriarchal attitudes towards sex.

Mahmood Farooqui was sentenced to seven years in prison in 2016 for sexually assaulting an American postgraduate student while she was visiting his home in Delhi.

The woman claimed Farooqui, the co-director of the 2010 Bollywood film *Peepli Live*, forced himself on to her while drunk, ignored her when she repeatedly said no and restrained her arms when she tried to prevent him from removing her clothes.

Appealing against the decision in Delhi's high court, lawyers for Farooqui argued that the encounter never took place and that if it had, he had not been aware the victim did not consent.

Justice Ashutosh Kumar overturned the conviction on Monday, concluding he had to give "the benefit of the doubt" to Farooqui on both arguments.

He found it was unclear whether Farooqui had known the alleged victim did not consent because, even though she testified that she had repeatedly said no to his advances and tried to physically resist, she accepted she had ultimately gone along with it.

"Instances of woman behaviour are not unknown that a feeble no may mean a yes," he said.

Karuna Nundy, a supreme court lawyer who advised on India's most recent reform of sexual assault laws, said she was concerned about the precedent the judgment set.

"It muddies the waters and will confuse a lot of the issues around consent," she said. "What the law says is that consent may be silent, it may be non-verbal, but it has to be unequivocal. And so when somebody says no – even when you think it's feeble – and there is no subsequent unequivocal yes, then there is no consent."

The alleged victim told the court she stopped resisting out of fear she could be harmed in the same manner as a Delhi physiotherapy student whose rape and murder in 2012 sparked international protests. Farooqui only released her when she feigned an orgasm in order to persuade him to stop, she said.

The judge said the alleged victim's conduct would have sent Farooqui a message that she consented, "even though wrongly and mistakenly".

"What [Farooqui] has been communicated is ... that the [alleged victim] is OK with it and has participated in the act," he said.

The judge argued that "in an act of passion, actuated by libido," consent could be complex, "and it may not necessarily always mean yes in case of yes or no in case of no".

He said a firm no was not necessarily required in cases where the people involved were strangers, "in some kind of prohibited relationship" or if one of the parties was "a conservative person".

"But [the] same would not be the situation when parties are known to each other, are persons of letters and are intellectually/academically proficient, and if in the past there have been physical contacts," he said.

"In such cases, it would be really difficult to decipher whether little or no resistance and a feeble no was actually a denial of consent."

The Times of India criticised the decision in an editorial, arguing that the court may have "set a potentially dangerous precedent that a no does not always necessarily mean no".

It said: "It is easy to see defence lawyers lapping this up in cases of rape and other sexual offences even where there the alleged victim has explicitly said no to argue that the accused may not have perceived it as a firm no. It is a slippery slope the court should have avoided stepping on to."

Vrinda Grover, the lawyer for the alleged victim, said the decision was "dishonest in law and fact". An appeal will be filed in the Indian supreme court.

It is the second legal decision to draw outrage in recent days, after three law students were granted bail last week while appealing against a sexual assault conviction from March.

The students were convicted of using nude photographs of a woman to blackmail her into having sex with them over an 18-month period. Releasing the students on bail, the Punjab and Haryana high court said the victim's behaviour could be interpreted as a "misadventure stemming from a promiscuous attitude and a voyeuristic mind".

The court said her story did not "throw up gut-wrenching violence that normally precede or accompany such incidents".

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## **The abuse of India's triple talaq verdict**

***Triple talaq, like the made-up 'Love Jihad', has become yet another anti-Muslim tool in the hands of the far right.***

By Flavia Agnes

Al Jazeera (04.09.2017) - <http://bit.ly/2yoArPL> - The triple talaq judgement pronounced by the Constitution bench of five judges of the Supreme Court of India has been hailed as "historic" by all concerned. While the operative part of the elaborate ruling comprising of three different and diverse judicial opinions captured in 395 pages is just one line: "By a majority of 3:2 verdict the practice of talaq-e-biddat - triple talaq is set aside", it provides sufficient scope for diverse ideologies to lay a claim to it.

It is understandable that Muslim women who have suffered the indignity of triple talaq (or instant divorce by saying the word "talaq" three times) and those who helped them to approach the court are rejoicing because the judgement is a clear victory to the position espoused by them: that the Supreme Court must declare the practice of instant and arbitrary triple talaq as invalid.

However, the judgement itself is not path-breaking, as there was an earlier ruling in 2002 which held that triple talaq is invalid and it has been followed by several High Courts. Since there was no media hype back then as the one we are witnessing today, the 2002 judgement was overlooked by women's groups and individual women. But an astute lawyer could have used it to bring respite to victims of triple talaq.

The opposing faction, i.e. members of the All Indian Muslim Personal Law Board (AIMPLB) who argued that the government should not interfere with the right of minorities to their tradition, culture, belief, and faith are also rejoicing since Chief Justice Jagdish Singh Khehar (concurring by Justice S Abdul Nazeer) declared that personal laws are an integral part of the freedom of religion guaranteed under Articles 25-26 of the Indian Constitution, which the courts are duty-bound to protect.

On the other hand secular women's groups are rejoicing on the ground that the judgement pronounced by Justice Rohinton Fali Nariman (for himself and Justice Uday U Lalit) has struck down triple talaq as unconstitutional and has given a boost to the view that family laws must be state governed and gender just distanced from any religious ideology. However, the verdict of Justice Nariman is in the minority as the crisp 27-page verdict delivered by Justice Kurian Joseph dissented from it. It is his verdict that helped to clinch the issue and maintain the delicate balance between striking down triple talaq and securing freedom of religion.

Even while declaring triple talaq invalid, Justice Joseph preferred to stay within the confines of Islamic law and examined whether instant triple talaq forms an essential core religious practice. Since a 2002 judgement had already declared instant triple talaq invalid, he had no hesitation in concluding that triple talaq is not an essential core of Islamic law in India and hence declared it invalid. So this became the majority view only to the extent of holding it invalid.

On the other hand, he also concurred with Chief Justice Khehar and Justice Nazeer that personal laws of minorities are protected by the Constitution as fundamental rights, which helped to make this a majority view, a clear statement against the enactment of a uniform civil code, contained in Article 44, which is a mere directive principle of state policy.

### ***A minority-bashing exercise***

However, the Hindu majority has projected this carefully crafted and delicately poised judgement as an anti-Muslim verdict and a clear signal to bring in a uniform civil code, a demand which has been on the radar of the ruling Bharatiya Janata Party (BJP) as a whip with which to beat the Muslim community.

The challenge to patriarchal monopoly has been transformed into a minority-bashing exercise by BJP supporters who claim that it was the support of Prime Minister Narendra

Modi to the cause of Muslim women's rights that gave the Supreme Court the courage to pronounce a clear verdict against triple talaq.

The right wing Muslim bashing politicians were quick to express their views. The Chief Minister of Uttar Pradesh, Yogi Adityanath, known for his anti-Muslim views, wasted no time in welcoming the judgement. Calling for an end to the Muslim practice of triple talaq, the chief minister also advocated the enactment of uniform civil code. Another Hindu extreme-right outfit Vishwa Hindu Parishad (VHP) attacked the AIMPLB on triple talaq, saying the Islamic body was not ready to give equal rights to women, whom they treat as an "object".

VHP's international working president, Pravin Togadia, said in a statement that the government should enact a law against triple talaq to ensure justice for Muslim women and for the nation's taxpayers. A law should also be drafted for banning more than two children and ushering in the common civil code.

### **Public lynching of Muslims**

While the issue of triple talaq has received wide publicity from the right-wing politicians, there has been a marked silence on a corresponding issue affecting the Muslim community - that of public lynching of Muslims. Even though Prime Minister Modi in his address to the nation from the Red Fort mentioned the issue of Muslim women and triple talaq, there was a total silence on the issue of public lynching of Muslims.

The lynching of Muslims on the mere suspicion of slaughtering cows, storing beef or merely because they "look Muslim" has gone on unabated and reached a new low with the stabbing of 16-year-old Junaid Khan on June 23.

At the same time, the government is today poised to introduce a new "gender just" law to replace the Muslim Personal Law based on Islamic law - in the name of saving Muslim women from the tyranny of their archaic laws. The words uttered by an important minister in the Modi government, Mr Venkaiah Naidu (now vice president of India) on May 20, the day after the Supreme Court hearing on triple talaq concluded, are revealing: "It is for the society to take up the issue and it will be good if the [Muslim] society itself changed the practice. Otherwise, a situation may arise where the government will have to bring in a legislation [banning triple talaq]".

The government was not trying to "interfere" with personal matters but was only trying to ensure justice to all women and equality before the law, he added. Coming in the wake of the lynching of Muslims, the assurance sounds hollow.

The issue of Muslim bashing has another curious implication in the "Love Jihad" bogey which gets whipped up during election campaigns. Far-right Hindu groups allege that "Love Jihad" is a conspiracy by Muslim groups to lure Hindu women into marriages with Muslim men and to convert them to Islam. They encourage parents of Hindu girls to file cases against their daughters' Muslim boyfriends.

The recent judgement of the Kerala High Court in the case of a 24-year-old Hindu girl who had converted to Islam and had married a Muslim is a cause for concern. The High Court held that the girl, under the influence of her Muslim husband, was not in a state to give free consent to the marriage. And further, the ruling declared that the consent of parents and their presence during the marriage is crucial. When the husband approached the Supreme Court against this ruling, it rejected the plea that the girl should give evidence in court and instead directed that the case should be investigated by the National Investigation Agency (NIA) to explore whether it is a ploy by an Islamic terrorist organisation to convert Hindu women.



Strangely "Love Jihad" and "uniform civil code" make contradictory claims yet both are being used within a majoritarian public discourse to attack the Muslim community.

The flip side of this discourse is that the myriad ways in which the rights of Hindu women are violated including child marriage, the plight of widows and gruesome violence due to dowry demands are all being made invisible.

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## **Patriarchy doesn't harm women alone**

***If men are engaged in the process of empowering women and towards a gender-equitable, violence-free world, it will benefit both***

By Harish Sadani

LiveMint.com (25.01.2017) - <http://bit.ly/2kqMhEc> - At least five or six cases of various forms of violence against girls and women from different cities are being reported every day since reports of the New Year's eve incident in Bengaluru led to an outcry. Drawing attention to the seriousness of gender-based violence, there is a demand for stronger punishment for male offenders. But very little attention has been focused on what is being done to address the root cause of the issue.

If men and their attitudes are "part of the problem", can we address the problem effectively without involving men as "part of the solution"? In our vision of a gender-just society where there is peaceful coexistence of men and women, does a person belonging to the "oppressor" gender have a role?

If yes, what would be that role? Are the empowerment and assertion of the oppressed and the sensitization and transformation of the powerful, mutually exclusive agendas?

Gender issues, including gender-based violence, are seen largely as "women's issues" by all concerned—a majority of policymakers, women's groups, funding agencies and media. This approach insulates men from the process of transformation, reinforces masculine stereotypes and deepens the gender divide.

Patriarchy disadvantages women but it also brings a set of behavioural norms and responsibilities that hinders men from expressing their pressures to perform in adherence with traditional notions of masculinity. Masculinity, in its current form, harms not only women but also men in the long run. Men cannot cry or express emotions freely, they have to be always winners/achievers, bread-earners, caretakers, etc. They have to perform at various stages from bedroom to boardroom. They cannot do household chores without the fear of being labelled "sissies".

If gender is a social construct, then men are not born violent and aggressive. It is faulty socialization and upbringing that promotes a macho image. Do we find alternatives to this model of masculinity?

There may be umpteen examples of women as role models for girls who are growing up, but there is a woeful dearth of positive role models among men; role models who can embody a gender-sensitive society and engage adolescent boys and young men in the discourse. We have examples of sportsmen like Roger Federer who have expressed what "healthy relationships" mean to them personally, but when did we last hear sportsmen in India talking about gender?

We need to address how men analyse perceptions of masculinity and create appropriate alternatives. But to do this, men must first feel the need to do so. Men can introspect on the existing dominant model of masculinity when they are able to relate to the issue; when they know the “costs” of increasing violence on women to them individually and socially.

If men are involved in any intervention that seeks to stop or prevent violence against women, it may help in making the lives of women safer and healthier, but what’s in it for them? What are they going to get out of it? Unless this is answered seriously, we will not come up with any meaningful strategy of engaging men in the long term.

A paradigm shift in looking at women’s issues as gender issues, which are equally men’s issues, is not going to be easy. With all our social sub-systems—family, religion, governance and media—reinforcing patriarchal, male-dominated attitudes, it will definitely be a process that will face periodic threats, hiccups and setbacks.

Apart from addressing men as a group, it calls for simultaneous interventions with different groups of men. For instance, we need to address men in the police not just as law-enforcing agents but also as men. Similarly, we need to reach out to men in the corporate and healthcare sectors, in Parliament, male bureaucrats, male journalists, religious leaders, school and college teachers and administrators.

A couple of token gender-sensitization programmes for these men is not going to change the male mindset. What is required is focused, long-term intervention with a clear vision and purpose of “process-oriented” work by all stakeholders. There has to be a pool of male facilitators in all sectors who can engage men in a gradual process of transformation and humanization. It calls for investment, financial and otherwise.

The moot question is: Do we have a sizeable number of people who would like to invest their time and effort in engaging men towards addressing gender issues? Even if a handful of them do (like this writer, who has been working on the issue for 24 years), there is a dearth of people who would strengthen their efforts.

If men are engaged in the process of empowering women and towards a gender-equitable, violence-free world, it will benefit both. Men also would be liberated from the shackles of patriarchy. If they are liberated, their own lives would become humane, enriching and harmonious.

Gender-based crimes against girls and women will increase in this neo-liberal society of ours in the coming years. What will change is only the nature and forms of violence. There will certainly be more crimes by minor boys.

It would then be, perhaps, too late for all concerned to seriously examine the root cause of the problem.

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## **Only a new law will guarantee Indian women have rights to land: scientist**

By Rina Chandran

Reuters (21.12.2016) - <http://reut.rs/2hr94LY> - India must pass a law granting women equal rights to land as men if the country is to ensure more food is grown for its more than 1 billion people and greater respect for the environment, a leading scientist said.

M.S. Swaminathan is known as the father of India's 'Green Revolution' for developing high-yielding varieties of wheat in the 1960s that helped make the country self-sufficient in food.

As a member of the upper house of parliament he drafted a bill in 2011 to protect the rights of women farmers. Although the bill lapsed when his term ended in 2013, Swaminathan, 91, has not given up hope that a similar law will be passed.

"We need to increase awareness of the need for equal rights for women farmers, but we also need a law that guarantees it," he told the Thomson Reuters Foundation in an interview.

India's constitution gives women equal rights but rarely do they exercise those rights when it comes to land ownership - "a complex social issue that is tied to how we treat the girl child versus the boy child," Swaminathan said.

"The father may say: 'I am giving my daughter dowry for her marriage, so I don't have to give her land.' They are afraid they will lose control of the land if they give it to the daughter," he said in an interview at his office in the southern Indian city of Chennai.

Women make up more than a third of India's agriculture workforce, yet only about 13 percent of farmland is owned by women, according to official data.

Land is usually transferred through inheritance in India, and it is almost always men who inherit land.

While a Hindu woman is entitled to a share of land owned by her father, she is generally under pressure to give up this right when she gets married.

Some states issue joint titles when they allocate land to the landless poor. But rarely are women added to old titles.

### **Destitution**

As more men from villages migrate to urban areas in search of jobs, their wives and daughters tend to the land.

But land titles are almost always in the man's name, and women farmers are denied loans, insurance and other government benefits because their names are not on the titles.

"Men may do the plowing, but the rest of it - including harvesting, threshing, storage - is done by women," said Swaminathan, who was named by Time magazine in 1999 as one of the 20 most influential Asians of the 20th century.

Women farmers tend to grow more food crops rather than cash crops, and are more sensitive to the environment and to their children's long-term needs, Swaminathan said.

"But we are slow to acknowledge the important role of women, and slow to give them rights," he said.

India ranked 130 of 155 countries on the UNDP's gender inequality index, worse than countries including Cambodia and Zimbabwe, on parameters such as infant mortality and education.

Swaminathan studied agriculture after witnessing the terrible effect of the 1943 Bengal famine, which is estimated to have killed more than 3 million people.

In more recent years, he said he has been struck by the plight of widows of farmers who killed themselves in western Maharashtra state following crop failures.

"The land is immediately claimed by his father or brothers, and the woman is left destitute. It is heart rending," he said.

**Other reading:**

[Women in India are paid 33% less than men, says International Labour Organisation](#)

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## **Transgender women in India face bias despite laws, says activist**

By Rina Chandran

Reuters (06.12.2016) - <http://reut.rs/2gBCBII> - Transgender women in India face persistent bias that denies them education and jobs despite India having progressive laws for transgender people, according to a leading activist.

In a landmark judgment in 2014, India's Supreme Court ruled that transgender people had equal rights under the law, and granted legal status to the third gender.

Alongside the right to marry and inherit property, they are also eligible for quotas in jobs and educational institutions.

But most of India's estimated 2 million transgender people face discrimination from a young age with transgender women particularly abused, reflecting the entrenched patriarchy in the country, said Laxmi Narayan Tripathi, a founder of the Asia Pacific Transgender Network.

She said many transgender people are thrown out of their homes by their families, lack a formal education and are denied jobs. They are forced into sex work, begging or dancing at weddings to make a living.

"We have among the most progressive laws for transgender people: the 2014 judgment gives us the right to choose our gender identity, so if I believe I'm a woman, I'm a woman," Laxmi said at a panel hosted by the Thomson Reuters Foundation and Asia Society on Monday.

"But people are still biased. That's why no one will hire us, except in the non-profit sector, and we have no choice but to beg or do sex work."

Laxmi, who prefers to go by her first name, was born into an orthodox Brahmin family. She became one of the most flamboyant advocates for transgender people, petitioning to recognize the category on all official documents including passports.

Transgender women, known as hijras, have long been considered auspicious in India. They are featured in Hindu mythology, and their blessings are sought at weddings and births, even as abuse and exploitation are common.

**Treated as inferior**

Transgender people were included in India's census survey of 2011 for the first time. There are 490,000 transgender people in the country, according to official data, a number that activists say is only a fraction of the real number.

But there are moves to extend more benefits to the community. The eastern state of Odisha this year became the first to give transgender people welfare benefits such as pension and housing.

India is also revising its rehabilitation scheme for bonded laborers to include transgender people.

Laxmi said while the law is supportive, biases against transgender women reflect the entrenched patriarchy in India, where the mistreatment of women has become a major issue in recent years.

Indian women face a barrage of threats ranging from child marriage, dowry killings and human trafficking to rape and domestic violence, largely due to deep-rooted attitudes that view them as inferior to men.

"When to be feminine itself is not acceptable, then everything becomes taboo: red lipstick is taboo, being flamboyant is taboo, dressing a certain way is taboo," said Laxmi, wearing a bright orange saree with chunky jewelry, and her trademark scarlet lipstick and red sindoor on her forehead.

"When a woman still becomes powerful, the patriarchy assassinates her character and calls her names."

But the community cannot wait for laws to improve its lot, and must continue to fight for its rights, she said.

"No one will bring us our rights to our doorstep; we have to lobby, we have to all be activists. We have to demand and take our rights," she said.

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## **The Indian caste where wives are forced into sex work**

***For girls and women from the Perna caste, entering the sex trade is a normal next step after marriage and childbirth.***



By Maya Prabhu

Al Jazeera (28.11.2016) - <http://bit.ly/2fCTxfb> - When Sita\* comes home in the morning, her husband is usually still asleep. She has worked through the night, selling sex on the highways tracing Delhi's periphery, but she will bathe, cook breakfast, and get the children ready for school before getting some rest herself.

Here, in a tumble-down corner of Najafgarh, a patch of urban villages stitched into the Indian capital's fraying hem, what Sita does for a living is no secret. Sita belongs to Perna caste, and among the women and girls of this acutely marginalised community, entering the sex trade is a usual next step after marriage and childbirth.

"My first child died shortly after being born. When [my second-born] daughter was around one year, that's when I started this work," she says. Married in her mid-teens to a Perna man she hadn't met before, she estimates that she was 17 when she became the sole earner in her young family.

Now in what she guesses to be her late 20s, Sita still leaves the Perna basti (settlement), each night with other women from the community to tout for customers in "random places": bus stops, lay-bys and parks far from their own neighbourhood and out of view of the police. They travel in a group, sharing the rickshaw fare and the risk of assault.

"We try to get it done quickly," Sita explains. They conduct encounters in cars or hidden outdoor nooks. While one woman is with a client, a friend will make sure to stay within shouting distance. Each client pays between 200 rupees and 300 rupees (\$3-\$4.50). In a night, the women can expect to make as much as 1,000 rupees (\$14.60), or as little as nothing.

### ***'Born into poverty'***

Leela\*, a mother of four in her late 30s, has known since she was "very little" that her community was engaged in what is termed "intergenerational prostitution". Unlike Sita and many others, she only entered the sex trade when she was widowed, and moved back to Dharampura locality in Najafgarh, her childhood home.

For her, it was the natural path for a woman looking for work: her own mother died young, but she remembers that her aunties used to "go out at night".



Husbands herded goats, or didn't work at all. "I don't know why. You can say it is the traditional way," she says. But it is less a ritual than a remedy for an inherited economic need. "This work is our compromise. It's our way to make a living," Leela explains.

"A Perna woman is born into poverty, into a marginalised caste, and she's female - so she's already thrice oppressed," says Ruchira Gupta, the founder of the anti-trafficking NGO Apne Aap, which has been working with the Najafgarh Perna community for more than five years.

"As soon as she gains puberty, she is married, and after the first child, the husband pimps his wife. And she can't resist - she only has this community. She feels she has no path of escape. She is consumed for eight or 10 years, and then she is asked to put her daughter into prostitution."

Gupta explains that girls who resist prostitution are often physically abused by their in-laws, who expect their son's wife to contribute to the family finances. Leela's own daughter - now a stay-at-home mum living elsewhere in Najafgarh - moved back in with Leela for a short period to flee her new family's pressure to start sex work.

"They were threatening her, 'We will tear your clothes, we will put you on the streets naked,'" Leela says.

With Apne Aap's backing, she was able to convince an informal community court that her daughter should be allowed to make the choice independently. But one NGO worker explains: "We don't often meet women as courageous as [Leela]."

Sita pre-empts suggestions that her husband or in-laws pressure her into the work she does, saying: "It's my own choice," and pointing out that recently, her husband has found regular work as a driver and earns at least as much as she does.

But even in the absence of coercion, choice is a fraught concept in a community which is not only economically and socially marginalised, but historically excluded from the rights and freedoms of citizenship.

### ***An historic disadvantage***

Zoom out from this small community at the edge of India's capital, and the Pernas become just one dot among many thousands, scattered on the map of what a 2008 government-commissioned report described as "the most vulnerable and disadvantaged sections of Indian society".

These are the DNTs, or Denotified and Nomadic Tribes of India, who are still more commonly recognised in mainstream society under their colonial-era classification: the Criminal Tribes.

Historically itinerant traders, entertainers, and folk-craft practitioners, DNT communities are often compared with the Roma in Europe. Like "gypsies" elsewhere in the world, whose lifestyles made them difficult to bring under state control, the wanderers were regarded with suspicion by India's British rulers.

After the Criminal Tribes Act of 1871, a raft of castes were "notified", that is, branded "hereditary criminals", alienated from traditional sources of income, and made vulnerable to a range of state-sanctioned abuses.



Following India's independence in 1947, the stigmatised tribes were "denotified", but these communities have been unable to shake what academic Meena Radhakrishna calls their "historic disadvantage".

Welfare programmes have been offered to the most marginalised communities - those social groups classed as the Scheduled Castes (SCs) and Tribes (STs).

But even officially eligible DNT communities, such as the Pernas, who are recognised as "SC", often do not gain access to these opportunities.

"It is difficult for these people to stake a claim to the government programmes because of the stigma of being labelled as ex-criminal tribes," says Subir Rana, an anthropologist who has spent time among the Pernas of Najafgarh.

Not only has their past taught the community to be wary of the state, but their alienation from mainstream society has meant many of them are ignorant of their rights.

For example, getting a caste certificate - the necessary proof of eligibility for benefits - is difficult when many community members hold barely any government identification of any kind.

When Apne Aap began a campaign for improved documentation, only four or five individuals in the Perna community had certification of their "SC" status. With NGO intervention, this number has swollen into the 30s - but, workers say, it has been a struggle.

"Government always tries its level best to reach these people," says BK Prasad, Member-Secretary of the temporary National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, "but even these people have to come to the government. Most of the time, these people do not come."

He recognises that DNTs may require "a special approach".

An earlier DNT commission, responsible for the 2008 report, issued a slew of suggestions for government, centring on the recommendation to address the needs of DNTs separately from other disadvantaged social groups. Upon release the report was, in the words of civil servant and consultant to the commission Pooran Singh, "put into the almirah [closet]".

The new Commission is making a priority of addressing a deep information gap: at this point there is zero reliable, countrywide demographic information on denotified communities, a state of affairs which gives credence to Rana's sense that "they have become the lowest of the low; they are invisibles".

While the first order of business is the creation of a comprehensive list of DNT communities, the ultimate goal, according to Prasad, is that "they should be mainstreamed into society in a way that is not too much of a change for them".

Mainstreaming will be a trickier proposition for DNT communities that have found their way into the sex trade. "Once you become associated with a trade like this, it is very hard to integrate," says Anuja Agrawal, a sociologist who has studied DNT communities involved in intergenerational sex work.

"Giving up [sex work] happens only when a very concerted effort is made; when other opportunities then become available."

### ***First signs of change***

Back in Najafgarh I speak to a young woman from the Sapera caste, a DNT community traditionally involved in snake-charming and wedding-drumming, who describes the stigma that follows her Perna neighbours.

She has nothing bad to say about them, she explains. "It's their occupation. How will they survive without it?" But, she concedes, "general caste [non-DNT] people get angry that they do such kind of 'wrong work'."

Apne Aap's field workers report that Pernas are ignored, avoided and barred from certain shops.

Prasad's proposal is to remove young girls from their familial contexts: "If we can wean children away, get them admitted to [state] residential schools - because beyond a certain age, slowly, slowly, they will follow their parents. Children imbibe what is happening around [them]."

He adds: "This change will happen slowly. It is true that everyone who is educated up to high school does not get a job." He estimates that if 10 percent try for a new sort of life, perhaps 2 percent will succeed.

This mirrors Ruchira Gupta's approach.

Now 14, Leela's younger daughter is on one of several Apne Aap scholarships to a private boarding school. She has already progressed further in her education than anyone else in her family. Her classmates don't know much about her background but they know what's relevant: she's bright, and a really good dancer.

I meet her when she is home for a weekend. She is a gazelle of a girl, as nice as Leela, with a gently teasing sense of humour she practises on me, in English, over WhatsApp. Unlike her mother, who never went to school, or her older sister who dropped out to become a wife, she won't marry until she's in her 20s, Leela says.

"My daughter says when she gets a job, we'll go away," says Leela. For her family, it's the first glimpse of an alternative path.

Leela's children - the schoolgirl and the housewife - are not the only signs of a gradually broadening field of options.

Nowadays, Sita tells me, it's becoming normal to send your daughters to school: "That's the first stage."

***\*Names have been changed to protect the privacy of individuals.***

**Other reading:** [India: 6% girls experience harassment before age 10, 41% before age 19](#)

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## **Witch-hunts in India: We don't talk about this form of violence against women**

First Post (05.11.2016) - <http://bit.ly/2fdftvN> - In Assam, two women, both related, were pushed into a well and buried alive on the night of 31 October. They were murdered after being branded as witches. According to one of the three men accused of the crime, their actions were justified because the women had "used black magic to infest with insects the well from which we drink water".

This news made us all do a double take: are women still being murdered because someone thought she was a witch, or decided to call her a witch? Depressingly, this isn't a stray crime — according to these completely horrifying statistics, a 'witchcraft'-related death is reported almost every third day in India. The National Crime Records Bureau (NCRB) data shows that 2,290 people — mostly women — were killed in India between 2001 and 2014 for witchcraft, and we can guess what these numbers have become in 2016.

But the lack of conversations around witch-hunting is also telling. We don't talk about this form of violence against women in the way we have finally come to heatedly discussing sexual violence in India. The Assam murders on Monday remains just a news report that people chanced upon Tuesday morning. It isn't any different in other parts of the country that report a high rate of violence against women branded and persecuted as witches.

Earlier this year, the National Human Rights Commission (NHRC) had to issue a notice to the Rajasthan Chief Secretary and the Director General of Police, demanding a report on the action taken on cases where women have been victims of witch-hunts. This came after it took suo motu cognisance of the issue, suddenly realising that women like Mangi Devi in Bhilwara district of Rajasthan had not seen any justice after she was called a witch and attacked with red-hot iron rods in 2014.

But a witch-hunt goes far beyond hunting for so-called witches. Often, branding women as witches and using this compelling superstition to target them is a sinisterly easy way to get hold of their property, or money, or simply for revenge. In Bhilwara, where the family of a woman, stoned to death on this pretext in 2010, still hasn't seen justice. Her son, explaining the hidden agenda, says his mother was killed by the 'upper' caste people she worked for when she asked for payment. He also says that this 'upper' caste family had been pressuring her to give up her land. Now, after her tarring and murder as a witch, they have usurped her property, he alleges.

A friend from Bihar tells me that when he was a teenager, he grew up seeing witch-hunts in areas like Madhuban, Bariarpur and Kharagpur. He remembers stories of women raped in the fields, and if they protested, they would sometimes be branded as witches to cover up the possibility of a police complaint. Sometimes, they would be murdered. Other times they were compelled into taking a kind of shame walk, where they were forced to admit to being witches; or the shuddhikaran, where they were coerced into drinking cow piss and eating human shit.

The matter-of-factness with which he tells these stories — stories that he says often make the front pages of local newspapers — is alarming. It is as though this threat of being branded a witch has become so normal for women in parts of India that no law seems to make a difference. Unbelievably, the Assam Witch Hunting (Prohibition, Prevention and Protection) Bill 2015 was passed as recently as in August last year, and in Rajasthan it was passed four months before that. Reports of women attacked after being branded witches, like the five killed in two weeks in Bhubaneswar this September, or the one in Jharkhand who was stripped, beaten, and then gang-raped in June, or the woman who was publicly tortured in a Malda bazaar this February, seem to have come and gone with none of us responding.

So why is there this strange silence around violence against women in the form of witch-hunting? There is the unsettling sense that our way of looking at this sort of lynching is as though it is something exotic and unreal, perhaps as something that we once read about in history textbooks and forgot. Or is it that we just don't want to think about it because it happens in places that we only occasionally talk about in our conversations on violence against women?

Every year, data about the huge number of reported cases of women killed in witch-hunts are released by the NCRB, and every year there are reports comparing these statistics among various States. In the midst of all this number crunching, we don't seem to have even begun to talk about this horrendous crime in the way we have finally started to talk about other kinds of violence against women. There is an urgent need to open up these conversations, because without them there is no way of addressing it, and we cannot keep ignoring these women.

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## **A dark trade: Rape videos for sale in India**

***In kiosks in Uttar Pradesh, videos of what appear to be rapes from around the country are sold for less than \$3.***

Al Jazeera (31.10.2016) - <http://bit.ly/2eAE7CJ> - In this industrial northern state, you can buy footage of a woman being raped for the price of a cheap meal.

Al Jazeera found several videos that appeared to depict rape for sale across the state. They cost from Rs 20 to Rs 200 (30 cents to \$3) and are transmitted to a customer's mobile phone in a matter of seconds.

The faces of the women are visible in these films. Their voices are clear. The attacks on them are brutal.

In Meerut, a city in western Uttar Pradesh, an area mostly known for the manufacturing of sporting goods, local contacts indicated that the movie files, marketed as "rape videos", were available in nearby villages.

With shopkeepers cautious about selling them to non-locals, one local man in the village of Incholi - roughly 15km from Meerut - agreed to buy one and show it to Al Jazeera.

Shahnawaz, who declined to use his real name, said that the videos are not generally made with the intention of being sold on the open market. Still, he's heard a lot about them.

"They make it to blackmail the victims [of rape] ... so that they don't go and file a complaint in the nearest police station," Shahnawaz explained.

Sometimes, he said, the videos are stolen from the perpetrator's phone when he takes his device to a shop for repairs. The stolen footage is then sold to anyone who asks for it.

Most shopkeepers are careful to sell the videos only to locals, and generally deny any knowledge of them. Some, however, agreed to share explicit videos, including rape clips, with Al Jazeera.

One of them admitted that he had many such "local films", as the videos are euphemistically referred to. There are watchwords in the trade - akin to a secret handshake - that let the sellers know that a customer seeks rape videos - as opposed to other pornography, which the kiosks also sell.

Once a rape video reaches one dealer, it spreads like wildfire, through applications such as WhatsApp, to other parts of the country. In fact, "WhatsApp sex videos" is one term used for rape videos in this part of the country.

In the village of Saharanpur in western Uttar Pradesh, one man who readily admitted that he frequently purchases pornography - particularly videos of rape - told Al Jazeera that he buys them from other nearby villages.

The videos he buys at shops and kiosks come mainly from other customers who sell the footage to the shopkeepers, he explained. He has a collection of these films on his laptop and described the rape footage as "pornography".

He watches the videos, he said, because they give him "peace of mind".

### ***'Rape video, what is this?'***

While customers seem to be savvy to the availability of the latest rape video, local police appear to be oblivious.

When Al Jazeera contacted the District Inspector General of Police for Saharanpur Range, A K Shahi, he said he did not know what a rape video was.

"Rape video ... ye kya hota hai (Rape video, what is this)?" he asked.

Upon being informed, he said that if provided with the video, he would take action.

The Inspector General of Police for Meerut Range, Ajay Anand, told Al Jazeera that he was too new to the job to know anything about the videos.

"I have been posted here recently. Hence I don't have any idea of these rape videos being sold in the market," he said.

"I am not in a position to comment. I don't know the authenticity of these rape videos. I need to see them first before making any comment."

Al Jazeera was able to buy several of the videos with relative ease from different locations.

A senior leader of the Bhartiya Janta Party, Sanjeev Balyan - who is also a member of parliament for Muzaffarnagar in Uttar Pradesh - said that he believes the government's insensitivity towards women is a major factor in the rise of sexual violence in the country.

"In my constituency, I have heard about such videos being sold but police have taken no concrete action to stop this social malice. This proves how insensitive this government is towards the safety of women and their dignity," he said.

"In states like Uttar Pradesh, there is no supremacy of rule and order. Police act at the orders of politicians; even local politicians have an influence on police forces," he added.

### ***Dominance and extortion***

The videos Al Jazeera saw were deeply disturbing, and included what appeared to be a minor. One woman begged her rapists to stop, saying that her only recourse would be suicide. Another begged her assailants to at least stop recording the attack.

Anti-rape activists said the making of such videos is largely a display of dominance.

Mangla Verma, a Delhi High Court lawyer, who also works with the Human Rights Law Network, explained: "Rape is seen as an assertion of power by a man over a woman. It is

in this process that he films the act, showing that he can not only commit rape, but also record the same and circulate it among others."

"This is how patriarchy works," she added.

While it is difficult to confirm that all of the videos show footage of actual rape rather than emulating rape, their presence on the market is particularly troubling given the prevalence of sexual assault in the country.

"This reflects a culture of rape in this country. Rapes are not just being committed but also glorified through [the] sale of such videos. It is shameful that such a market exists right under the nose of the governments and there are buyers of such videos," said Brinda Karat, a former member of parliament in Rajyasabha and also a Politbureau member of the Communist Party of India.

"The state machinery has completely failed to curb it. It is ironical [sic] that ... a country where there are governments which are sending people to jail for possessing bottles of alcohol is so insensitive towards such crimes committed against women."

Indeed, despite introducing stringent laws to curb crime against women after the high-profile 2012 gang rape case, crimes against women continue to rise.

According to the National Crime Record Bureau of India, in 2014 a total of 337,992 incidents of violence against women were recorded, showing an increase of 9 percent over the previous year.

In 2015, the number of rape cases declined by 5.6 percent to 34,651 reported cases, down from 36,735 in 2014. However, other sexual offences, such as sexual harassment, stalking, voyeurism and "assault on women with intent to outrage her modesty", increased by 2.5 percent.

The news that such rape videos are being sold is of particular concern to victims of the crime, who fear that they will further perpetuate violence against women.

Sixteen-year-old Shikha (not her real name) is a victim of rape. She told Al Jazeera: "It is obnoxious to know that now such videos are being sold. I can only imagine the ordeal of those victims who have been filmed while being raped."

After she was raped in her village in March 2015, Shikha endured "shaming" by her classmates and had to drop out of school.

Her family pressed charges against her alleged rapist, who is currently incarcerated, awaiting trial.

"[The videos] will bolster the morale of the perpetrators who would now know that they cannot only commit such crimes with complete impunity, but also circulate the video of the crime," she said.

"I can only imagine what the women have to go through ... one can only wonder what would have happened to these victims whose videos are being sold in the market," said Shaikha.

"I don't doubt that many of them might have resorted to committing suicide."

**Other reading:** [Khwezi showed how to challenge rape culture – the rest is up to us](#)

## The female Sharia judges of India

***Can women-run Islamic courts bring gender justice to India's Muslims? One group that is training India's first class of female 'qazis,' or Islamic judges, thinks it can.***

By Emily Feldman

The Daily Beast (18.10.2016) - <http://thebea.st/2erttyH> - From her home in the Indian city of Bhopal, Safia Akhtar listens in on her neighbors' most intimate dramas.

As often as three times a week, women pass through her door to complain of deceitful husbands, evil in-laws, abandonment, and abuse. Akhtar, a grandmother, hears from both sides of each dispute before dispensing justice, according to the teachings of the Quran.

She is a female Sharia judge.

There are few in India, but that is changing as a movement of Muslim women, fed up with misogynist practices in their communities, take matters of Islamic justice into their hands.

Zakia Soman, a prominent activist, is among the women leading the charge. Her organization, the Bharatiya Muslim Mahila Andolan, or BMMA, has been fighting for Muslim women's rights for nearly a decade and is now training what it says is India's first class of female "qazis"—Islamic judges who oversee marriage, divorce, and other personal matters in Muslim communities. Akhtar is part of the inaugural class of 30 women.

"There is now an alternative voice within India's Muslim community which is demanding justice and equality for women. And the most important thing is that more and more Muslim women are coming forward in support of [this change]," Soman said.

Though India is a secular democracy, the government allows each religious group to manage its community's personal affairs, like marriage, divorce, and inheritance. For India's nearly 180 million Muslims—India's largest minority group and the largest population of Muslims in any country besides Indonesia—these matters are often settled by male qazis who, Soman argues, perpetuate "barbaric" and "un-Quranic" practices like polygamy and child marriage.

Soman and her colleagues have witnessed the devastating consequences of these customs and concluded that the problems that plague India's Muslim women have nothing to do with Islam—but with men.

"The Quran has provided gender justice to women," Soman said, arguing that the most notorious anti-women practices associated with Islam are "nowhere sanctioned in the Quran."

Aiming to rebalance the gender scales, Soman and her colleagues launched the Darul Uloom Niswaan, an Islamic theology center offering a qazi training program for women, which started last year.

The yearlong program begins with a deep dive into the country's laws and constitution with a special focus on legal protections for minorities and women. It then moves on to the study of Islam and the Quran "from a humanist and gender-just perspective."



"We take them through how the entire affair of interpreting the Quran and laying down the Islamic principles has been in the hands of male scholars. We then focus on verses pertaining to women—about marriage, divorce, polygamy, guardianship, a woman's [role] in society—and verses of the Quran that put across very clearly that men and women are equal in the eyes of Allah," Soman said.

By the end of the year, a diverse group of women from 10 states—a third of whom completed their formal educations and four of whom have master's degrees—will finish their training and, if they haven't started already, begin conducting marriages and settling domestic disputes.

The initiative is not without controversy. Akhtar, a longtime advocate for women's rights, has been likened in local media to Salman Rushdie and Taslima Nasrin, a feminist Bangladeshi writer in exile who fled death threats for her criticism of Islam. "Certain factions of society say female qazis should not be part of Islam and that this is un-Islamic and we should be thrown out," Akhtar said. While she says she does not fear for her safety "yet," she has stirred up angry reactions in the press.

"It's a new concept for most of the Muslims in this city, because they have never seen female qazis. They are used to seeing a man with a beard and a turban as a qazi, so it was a shocker for a lot of people," her son, Saud Akhtar, said.

The criticism doesn't only come from hardline clerics and their followers, but also from proponents of a strictly secular system that eliminates India's "parallel judicial system."

"India must have one constitution, and only those judges and courts that work under it," wrote Tufail Ahmad, author of *Jihadist Threat to India: The Case for Islamic Reformation* by an Indian Muslim, adding that "in the current era, Muslim women's liberty cannot be subject to the [Quran]."

Yet Soman argues that the overwhelming majority of nearly 5,000 Muslim women her organization surveyed across the country in 2013 said they wanted qazis to maintain a judicial role in family affairs. Even more—nearly 90 percent—said they wanted the system standardized and reformed with practices like polygamy forbidden.

The BMMA's work was further validated this summer when it released a petition calling for the abolishment of "instant" triple-talaq divorce, a contested Islamic practice, in which a man—and only a man—divorces his spouse by simply repeating the word "talaq" Arabic for "divorce," three times in a row.

The petition racked up more than 50,000 signatures from Muslim women across the country, prompting a separate declaration of support from Muslim men, signed by everyone from students to Bollywood stars.

"A lot of ordinary Muslims understand that there is gender justice in the religion and it is a patriarchal misinterpretation which has come in the way of that," Soman said, noting that she was inundated over the summer with phone calls and messages of support.

The success of the BMMA's various initiatives, especially the training of female qazis, will depend on the level of acceptance they receive at the local level. There is no standardized qazi training or certification system recognized universally among India's Muslims. The acceptance of a person as a qazi is ultimately subjective. "The authority comes socially," Soman said.

This flexibility allowed Akhtar to begin practicing as a qazi even before she began her training course. After years of Quranic study and activism with the BMMA, she was confident enough to offer her services to settle disputes.

Her new training is only adding to her credibility. The 65-year-old says she now sees between 10 to 15 cases a month that illustrate to her the "misconceptions in society about Sharia law."

Recently, for example, a woman sought her help after her husband divorced her while she was asleep. "When she got up, her in-laws informed her, 'You are no longer the wife of our son because when you were sleeping he gave you talaq,'" Akhtar explained. "There was no witness, nothing." Akhtar ruled the divorce invalid, citing the more common Quranic interpretation that requires three months before a divorce is finalized, with an eye toward reconciliation.

She also recently settled cases of triple-talaq by social media (not valid, she ruled) and another in which a man refused to give his ex-wife any financial support following their divorce. Akhtar said she helped the woman secure 1 million rupees (roughly \$15,000) in compensation.

No one is bound by her decisions. Families are ultimately free to reject her rulings and seek a second opinion somewhere else, whether within the country's legal system or by another religious authority whose interpretation might suit them more. But Akhtar and Soman are both confident that the simple presence of female qazis in Indian society will help move the gender justice dial in the right direction.

More reading: [Cong caught between Muslim votes and women's rights over triple talaq](#)

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## **Will a mobile phone panic button help stop sexual assaults in India?**

***India has a large market for mobile phones, and while access has spread to the rural areas, some say that requiring extra features on the phone may increase the cost of the phones, making them unaffordable to some women.***

CS Monitor (26.04.2016) - <http://bit.ly/21gVR9j> - As part of an effort to fight sexual assault against women in India, all mobile phones will be required to have panic buttons starting January 2017.

The new rules released this week will apply to both local and internationally manufactured phones. "Feature phones" (a term used for phones that are not smartphones) will have the panic buttons configured to the numbers 5 and 9, so that when the button is held down for a certain period of time, a phone call will be initiated to at least 10 people including police, relatives, and close friends. Smartphones will be required to have an on-screen emergency button, or introduce a feature that will initiate an emergency phone call when the on-off button is pressed three times. In addition, phone manufacturers will be required to add a global positioning system (GPS) starting in January 2018.

Currently, India doesn't have a centralized 911-type service for emergency calls, but a nationwide emergency response number may be introduced soon.

Some one billion people have access to mobile phones in India and the market is still growing, making India one of the fastest markets for smartphones. The country's department of telecommunications says that panic buttons may be a better solution than apps. In 2011 New Delhi, which is dubbed India's "capital of rape" introduced a phone app, "Fight Back" that was intended to fight assault by sending alert messages to close friends, and police. But the city continues to experience high rates of rape, with 1,813

incidences of rape in 2014, up from 1,441 in 2013, The Hindu reports, citing government data.

Campaigns against sexual assaults have taken center stage in India since the fatal gang rape of a 23-year-old student on a bus in Delhi in 2012. But despite increased campaigns, sexual assault incidents have increased since the 2012 incident that put India in the international spotlight. In 2014, for example, there were 337,922 incidences of violence – including, rape, molestation, abduction, and cruelty by husbands – perpetrated against women, up 9 percent from the figure in 2013, according to the National Crime Records Bureau, Reuters reported. And in the same year 37,000 rape cases were reported, up from 33,707 in 2013. Experts say that a high number of assaults still go unreported, though some statistics suggest that a woman is raped in the country once every 15 minutes.

India's Minister of Women and Child Development Maneka Gandhi, who has been championing the panic buttons, calls the new rules a "game changer."

"When I came to the Ministry there were proposals that women should wear necklace with an inbuilt device pressing which could trigger an alarm," Gandhi told the Hindu.

"So we thought that it is best to have the panic button on the phone. Even in rural areas women have phones now."

"Technology is solely meant to make human life better and what better than using it for the security of women?" said Ravi Shankar Prasad, minister of communications and information technology.

But there are still concerns that the measure isn't enough. Some women in rural areas don't have access to mobile phones, while some areas restrict girls from owning mobile phones saying they are a distraction to academics, Reuters reported. Others who are concerned contend that requiring GPS on phones will likely increase the cost of the phones and make them unaffordable to many women.

"So while the government might force mobile manufacturers to take customer safety seriously, a panic button by itself will hardly be a panacea," writes Shruti Dhapola, for the Indian Express. "A unified helpline, one that actually results in quick action and response from the authorities concerned will also be required. Otherwise one can keep pressing that panic button all day long."

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## **Triple talaq: India's Muslim women fight against instant divorce**

***India is perhaps the only country in the world where a Muslim man can divorce his wife in a matter of minutes by just uttering the word talaq (divorce) three times. But this controversial practice of "triple talaq" is now facing a stiff challenge - the Supreme Court is considering whether to declare it unconstitutional, writes the BBC's Geeta Pandey in Delhi.***

BBC (11.04.2016) - <http://bbc.in/1MFnxBX> - Shayara Bano's world came crashing down in October.

The 35-year-old mother of two was visiting her parents' home in the northern state of Uttarakhand for medical treatment when she received her talaqnama - a letter from her husband telling her that he was divorcing her.

Her attempts to reach her husband of 15 years, who lives in the city of Allahabad, have been unsuccessful.

"He's switched off his phone, I have no way of getting in touch with him," she told the BBC over phone from her home in the northern state of Uttarakhand. "I'm worried sick about my children, their lives are getting ruined."

In February, a frustrated Shayara Bano filed a petition in the Supreme Court, demanding a total ban on triple talaq which, she says, allows Muslim men to treat their wives like "chattel".

Muslims are India's largest minority community with a population of 155 million and their marriages and divorces are governed by the Muslim personal law, ostensibly based on the sharia.

Even though it has been practised for decades now, the unilateral instant triple talaq is clearly an aberration - it finds no mention in sharia or the Koran.

Islamic scholars say the Koran clearly spells out how to issue a divorce - it has to be spread over three months which allows a couple time for reflection and reconciliation.

Activists say most Islamic countries, including Pakistan and Bangladesh, have banned triple talaq, but it thrives in India.

For years, Muslim women in India have also been demanding a ban on the reprehensible practice - in 2004, I wrote about a similar campaign to end triple talaq.

A dozen years later, the situation appears worse.

And modern technology has made it even easier for unscrupulous men to dump their wives - using text messages as well as post and the telephone to pronounce divorce. There have also been instances where men have used Skype, WhatsApp or Facebook for the purpose.

In November, the Mumbai-based Bharatiya Muslim Mahila Andolan (BMMA - Indian Muslim Women's Movement) released a report chronicling nearly 100 cases of triple talaq.

"Since 2007, we have come across thousands of cases of oral triple talaq, rendering women destitute with nowhere to go," says Professor Zakia Soman, social activist and BMMA founder.

In a majority of the cases compiled by the BMMA, the divorced women were from poor families and most said their husbands did not honour their obligations to pay maintenance, forcing them to return to their parental homes or fend for themselves.

Indian Muslims also follow Halala - where a divorced woman has to marry another man and consummate her marriage in order to go back to her former husband.

"India is the only country in the world where these un-Koranic practices exist. These are barbaric and totally unacceptable. There's a need for a comprehensive review of Muslim personal laws in India," Prof Soman told the BBC.

In October, the BMMA wrote a letter to Prime Minister Narendra Modi demanding "reforms in Muslim divorce and polygamy laws". They also filed a petition in the Supreme Court.

Prof Soman says what makes matters worse for the women is that "this un-Islamic triple talaq is often sanctioned by the Muslim clergy - the qazis and maulvis".

Perhaps that is why the Supreme Court's decision to take up Shayara Bano's petition has been opposed by several influential Muslim groups, including the All India Muslim Personal Law Board (AIMPLB).

Its working committee member Asma Zehra is quick to "condemn" the practice, describing it as "haraam" (forbidden), but insists that the divorce rate is still very low among Indian Muslims and that the issue is being blown out of proportion by forces inimical to Islam.

"Why is everyone after us, after our religion?" she asks.

Ms Zehra says Muslims are struggling to survive under the present Indian government, led by Mr Modi's Hindu nationalist Bharatiya Janata Party, adding that the focus on the issue of triple talaq is "basically because they want to interfere in our religion" with the aim of introducing a uniform civil code.

She says that even though triple talaq has no Koranic sanction, it is not in their power to ban it because AIMPLB is "just a moral body, we can only educate people".

Ms Zehra says they are doing plenty to educate people, but activists say much more needs to be done.

"Condemning it is not enough. These practices need to be declared illegal," says Prof Soman.

"It's important that the Muslim family law is properly codified. Koran gave us our rights, the patriarchal forces have taken it away from women," she adds.

Shayara Bano, in her village in the hills of Uttarakhand, is pinning her hopes on the Supreme Court.

"I want my husband to take me back. I'm hoping to get justice from the court," she says.

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## **Indians decry Hindu leader's temple rape comment**

Aljazeera (11.04.2016) - <http://bit.ly/1RTAJU8> - Hindu religious leader Shankaracharya Swami Swaroopanand Saraswati has caused an outcry in India after saying that entry of women into the Shani temple in Maharashtra state will lead to more crimes such as rapes.

Commenting on the recent entry of women into a temple in western Maharashtra state, Shankaracharya, 94, said on Sunday that "women should not feel triumphant about visiting the sanctum sanctorum of Shani Shingnapur temple in Maharashtra.

"They should stop all the drum beating about what they have done. Worshipping Shani will bring ill luck to them and give rise to crimes against them like rape," he was quoted as saying by the Indian Express newspaper on Sunday.

Women's groups and activists decried the comment, describing the statement as patriarchal and against the dignity of women.

"Society is not going to tolerate this. Women will struggle against such mindset," Jagmati Sangwan, general secretary of All India Democratic Women's Association (AIDWA), told Al Jazeera by phone on Monday.

Last week, Maharashtra High Court struck down a 400-year-old ban on the entry of women into Shani Shingnapur temple on the ground that women cannot be discriminated on basis of their gender.

### ***Patriarchal mindset***

Many commentators on social media expressed outrage and mocked the Swami for his comments.

"Fundamentalist religious leaders feel that religious places are the domain of men," Sangwan said from Indian capital, New Delhi.

"Not only religious places, patriarchal mindset in the society needs to be attacked, which believes that women are inferior and as a result cannot be allowed equal rights," she said.

Rights groups have been fighting a similar ban on the entry of women to a famous Muslim shrine, Haji Ali Dargah, in Mumbai city.

The latest controversy comes days after Shankaracharya said that worshipping of an Indian guru known as Sai Baba has caused drought in Maharashtra state. The state's Latur district is suffering an acute water crisis, triggering water riots in some places.

Calling for "strong action", Sangwan said that "the statement is a disobedience to Maharashtra High Court as well as the Maharashtra State Assembly, which supported equal rights for women and their entry into temples".

The AIDWA general secretary called for tough laws to safeguard dignity of women.

"We have actually submitted a memorandum to law ministry that people holding responsible positions, ie religious, social or political, should face action if they attack equality of women, their dignity and equal rights."

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## **Indian villagers block women activists from Hindu temple**

Kuwait Times (02.04.2016) - <http://bit.ly/1YcRRof> - Angry villagers blocked a group of women activists from entering the inner sanctum of a temple in western India yesterday, despite a court order mandating Hindu women's right to worship.

The high court in Mumbai said Friday women had a fundamental right to enter temples and directed authorities not to bar them from any Hindu place of worship across the state of Maharashtra. Buoyed by the high court order, a group of about 30 women activists tried to enter the shrine of Shani Shingnapur temple in Ahmednagar district on Saturday, television footage showed.

But hundreds of villagers-both male and female-who believe in the centuries-old tradition of barring women from entering the shrine formed a human wall, forcing the female

protesters to retreat. "The honorable court has recognized our right to pray. Police must provide us protection and allow us to enter the shrine," Trupti Desai, the activists' leader, told TV channels.

"We will not leave without entering the platform (where the Shani idol is kept)," she said amid chaotic scenes on the temple grounds. A few Hindu temples in India ban women from entering the inner sanctum, with Kerala's famous Sabarimala temple barring all female worshippers aged between 10 and 50 years.

The court also said Friday that state authorities must implement a 1956 law on Hindu worship, which stipulates that a person who prevents women from entering a temple can be imprisoned for six months. The court's directive came after Desai challenged the ban and called it "a symbol of gender inequality" that should not be tolerated in the 21st century.

Women have also been prevented from entering Mumbai's Haji Ali Dargah mausoleum since 2011, with its trust saying close female proximity to the tomb of a revered saint is "a grievous sin" in Islam.

Maharashtra Chief Minister Devendra Fadnavis had earlier voiced support for Desai, saying Indian culture and Hindu religion gave women the equal right to pray. Around 80 percent of India's 1.2 billion population is Hindu, but the country is also home to large numbers of Muslims, Christians and Buddhists.

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## **Fighting female genital mutilation among India's Bohra**

***FGM: girl-children of Dawoodi Bohra sect are the only Muslim women in India systematically and forcefully mutilated.***

Aljazeera (07.03.2016) - <http://bit.ly/222OaUL> - About 40 years ago at the age of seven, Masooma Ranalvi was lured to a dark alley in a decrepit-looking building by her grandma's promise of ice-cream. It is a day that she will never forget.

"I remember it so clearly. I was told to lie down, my legs were held and I was cut with a razor. It was a sharp piercing pain. It was so scary and I couldn't stop crying," Ranalvi told Al Jazeera English.

After the procedure, black powder was put on the wound and for the next 10 days Ranalvi suffered silently in pain.

"It happened in such a primitive way but we were in the throbbing metropolis of Mumbai. Even to date, what happened was never spoken about."

Ranalvi, who grew up in Mumbai but has since moved to the country's capital, is one of the estimated 200 million girls and women alive today that have suffered female genital mutilation (FGM), according to the latest worldwide figures by UNICEF.

But while FGM has been well-documented in countries including Egypt, Ethiopia and Indonesia, it has been shrouded in secrecy in India, where it is practised among the Dawoodi Bohra community, a Shia Muslim sect with origins linked to Africa and which is thought to number more than one million.

While Muslims make up about 14 percent of India's population, FGM only occurs within this specific sect.



It was not until Ranalvi was in her late 20s that she read about the practice in Africa and drew parallels with what had happened to her.

"When I realised I was shattered. It was horrifying to realise that part of my clitoris was ripped out."

### ***'Speak out on FGM'***

While little was known about female genital mutilation in India, that is all changing thanks to Ranalvi and a group of women who have come together under the forum "Speak out on FGM" to tell of their experiences and to encourage other women to speak out too.

Last month a petition was launched by 17 Bohra women calling for a law banning FGM in India.

"A lot of Bohra women contacted me wanting to speak out and talk about what happened to them," Ranalvi said.

"I needed to do something about it. All of us are scarred in some way. We were cheated in a clandestine way."

Although it is not mentioned in the Quran, the Bohras consider Khatna - their name for female genital mutilation - to be a religious obligation. The Syedna, the religious head of the sect, who is based in Mumbai, supports the practice. Ranalvi said that the response of the religious head has been one of "silence".

"He has decided to keep quiet and the practice continues unabated," she said.

Dr Zeenat Shaukat Ali, a professor of Islamic Studies at St Xavier's College, in Mumbai, told Al Jazeera that the practice had nothing to do with religion.

"Nowhere is it mentioned in the Quran, it is a 'tradition'. It has nothing to do with religion. We always have this tendency to confuse religion and culture," she said.

"The idea is to suppress women, to dominate them. The practice is not acceptable for other Muslims in India except the Bohra sect. It is really not acceptable."

Ali added that she was proud of the women who were taking a stand against it.

### ***'FGM - 'a form of abuse'***

Tasneem, who didn't want to disclose her full name for fear of retribution in the community, was also cut at the age of seven. She too was lured by the promise of ice-cream.

"I realised that Khatna is not in the Quran. Why put girls through torture in the name of religion? We need to break the myth that it's compulsory. If something is advocated in the name of religion, it doesn't mean that it's right," she told Al Jazeera.

She, and other Bohra women, believe that religion is used as an excuse to justify the practice which is done to "prevent promiscuity". Others in the community label it "female circumcision" as a means of justification - just as baby boys in the community have it done for health reasons.

"God has made us the way we are. So what, sex shouldn't be for pleasure for women? We are meant to work in the house and act like robots?"

Holding back tears, Tasneem spoke of her regret at having her 15-year-old daughter also cut at the age of seven.

"I told her how sorry I am. If I was aware I would have fought against it. Every woman feels like they've been cheated," she said.

"A revolution has to come and end this practice. Ultimately it's a form of abuse."

Al Jazeera repeatedly called a Mumbai-based doctor who is well known for performing the procedure, only to be told several times that the wrong number had been reached.

### ***Stop the cutting***

For young Mumbai-based journalist, Aarefa Johari, speaking out against FGM was an obvious course of action.

She said that the psychological impacts on women are vast, ranging from intimacy issues to marriage troubles and social anxiety.

"They don't have the right to control women's sexuality. There is a complete lack of consent."

More than a year ago, Johari and four other Bohra women began a group called Sahiyo which aims to create a safe space for women to speak about their experiences. The final goal is to empower Dawoodi Bohra and other Asian communities to end cutting.

Sahiyo conducted a study to determine the prevalence of cutting among the community. The organisation study the incidence to be about 80 percent of girls, including other Bohra women who live outside India in countries including the US, UK and Australia.

"More and more doctors are doing this," Johari said.

But while Johari wants a law banning the practice, she admits it will be tough to achieve.

"We've had no response from the clergy," she said.

"If we're able to convince the leaders, maybe it'll be possible. We just need to build enough momentum and try and engage as many people as possible and then there will be a chance of legislation being effective."

Ranalvi shares the same concerns.

"Even if a law is passed, the practice is so secret it'll go underground. We need a change in hearts, minds and understanding. We have a long battle ahead and it won't happen easily," she said.

"But even if one woman is stopped from getting her daughter cut, it's a big victory for us. That will make me happy."