



## SOCIAL INSTITUTIONS IN INDIA

|  |      |
|--|------|
| Early marriage                             | 0.3  |
| Polygamy / Acceptance                      | 1    |
| Poygamy / Legality                         | 1    |
| Polygamy / Prevalence Women                | n.a. |
| Polygamy / Prevalence Men                  | n.a. |
| Parental Authority                         | 1    |
| Inheritance rights of spouses              | 0.5  |
| Female Genital Mutilation                  | 0    |
| Violence against women / Legal Indicator   | 0.33 |
| Women who are beaten by their partner      | 0.2  |
| Missing women                              | 0.75 |
| Freedom of movement                        | 0.5  |
| Dress code in public                       | 0.5  |
| Women's access to land                     | 0.5  |
| Women's access to bank loans               | 0.5  |
| Women's access to property other than land | 0.5  |

Since independence, the government of India has promulgated many laws to protect women's rights. In general, application of these laws is weak. An international study by Rhoodie goes so far as to state that India "is a good example of a country with an abyssal gap between policy and practise". India's legal framework has less influence on women's rights than do the nation's religions. Some 80% of the population lives according to Hinduism and its customs and laws; the Muslim population follows the Islamic Sharia code. It is important to bear in mind the number of women subjected the following discriminations: India is home to some 500 million women.

### FAMILY CODE

Indian women hold a moderate level of authority and status in relation to family matters. The Indian authorities have fought against *early marriage* since the 19th century and have continually raised the legal age of marriage – from 12 in 1891, to 14 in 1929, 15 in 1955 and finally to 18 in 1976. But the high percentage of women married before the age of 20 shows a lack of respect for the marriage law. On a national basis, an estimated 30% of girls between 15 and 19 years of age are married, divorced or widowed. A study by Morrisson suggest that in rural areas of northern India, more than 50% of women are believed to be married before the age of 15.

*Polygamy* is legal for Muslims, who are allowed to take up to four wives. It also exists to a lesser extent amongst Hindus, particularly in cases where the first wife has not given birth to any sons. Divorce by mutual consent is the legal practise but women who initiate divorce are usually condemned by public opinion. As a result, divorce remains very rare. Repudiation, the simple act of pronouncing a marriage to be over without pursuing legal divorce, is allowed for Muslims.

Fathers alone have *parental authority* in both Hindu and Muslim families. If divorce does occur, the law assures some equality with regards to child custody but any advantages granted to the mother are often disregarded.

Hindu traditions privilege men in matters of *inheritance*, as only sons are able to inherit from their parents. In theory, these traditions were abolished by law after Independence but many women, especially in northern India, are still deprived of inheritance. Contrary to national laws passed by the Indian Union, several local states allow the exclusion of widows and daughters in land inheritance. The situation is more favourable for women in the south, where the national laws carry more weight. The Muslim population follows strict inheritance guidelines set out in Sharia, which are also discriminatory: daughters, for example, inherit half as much as sons. This is commonly justified by the argument that women have no financial responsibility towards their husbands and children.

### PHYSICAL INTEGRITY

Indian legislation protecting women's physical integrity is strong but its application is lacking. *Violence against women* is frequent: in half of the Indian states, the statistics for battered women range between 10% and 20%. The practise of dowry has been maintained, and thousands of women are murdered each year by their husbands because the dowry is too low. Official figures state that some 6 000 women are killed over dowry disputes each year, but even this number is believed to underestimate reality, since the majority of the murders remain unregistered.





low

medium

high

INDIA

Female genital mutilation is not practised in India. However, there is strong evidence to suggest that India is a country of high concern in relation to missing women (including infants, young girls and teenagers). Census data from a study by Hudson show that almost 40 million Indian women were missing in 2001. In reality, this is not new but is linked to a centuries-old tradition of killing young girls. In 1870, the authorities forbade this practise and imposed the registration of all births but girl killings continued in many small villages. Today, technological advances make it much easier to perform sex-selective abortions in villages and in cities. In addition, when children are ill, Indian fathers are more likely to pay for treatment for sons than for daughters.

### CIVIL LIBERTIES

Women's civil liberty in India is relatively low, but again largely because of traditions and customs. Women's freedom of movement is limited, particularly in village communities. The Muslim tradition of "purdah", which demands segregations of the sexes and forces women to remain in the home, prevails amongst both Muslim and Hindu communities in the north, where 80% to 85% of women have virtually no freedom of movement. The practise was adopted by Hindus during a time of Muslim rule, largely out of fear. In the south, where Muslim rule was briefer, purdah conditions are imposed on less than half the female population. In both regions, the practise is more evident in villages than in larger cities.

Women's freedom of dress is similarly influenced by religion. Villages in northern India impose the veil in accordance with purdah; southern villages are less strict about this custom. In general, women in larger towns and cities have much greater freedom of dress.

### OWNERSHIP RIGHTS

Indian legislation supports the financial independence for women to a moderate degree. Several laws guarantee women's access to land and access to property other than land, but again, these laws are often ignored in the north, as are those pertaining to women's access to bank loans. The case is different in the south: recent surveys report that 70% to 80% of women in the south have equal access to land, property, and loans and credit.

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