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India’s Daughter: The Rape that Galvanized a Nation  

The Events of December 16, 2012

On the evening of December 16, 2012, at about 9:00 pm, a 23 year-old paramedical student and her male friend boarded a private bus going from the districts of Munirka to Dwarka, in India’s capital, New Delhi. There were six other men on the bus, including the driver, Ram Singh. The men taunted the couple, asking what they were doing alone at night. When the woman’s friend tried to intervene, the other men on the bus beat, gagged and knocked the man unconscious with an iron rod. Dragging the woman to the back of the bus, the men, including the driver, raped and beat her and brutalized her with an iron rod. The victims, stripped of most of their clothing, were then thrown from the moving bus. The driver attempted to drive the bus over the woman but her male companion pulled her to safety. A passerby called the Delhi Police after finding the victims at 11:00 pm. Both were taken to a nearby hospital for emergency treatment. The woman’s injuries and damage to her internal organs were so severe that only 5% of her intestines remained inside of her. She underwent three operations at the Indian hospital before the government decided to transfer her to a hospital in Singapore that specialized in organ transplants. Doctors involved in her care questioned the government’s decision to move the victim, suspecting that the move was political rather than medical. One doctor advising the team of doctors called the choice “ethically and morally wrong” as her chances of survival were almost nonexistent. The victim, surrounded by family members whom the government arranged to accompany her died on December 29, 2012 in a foreign land far from home.
National and International Responses

As news of the rape spread, demonstrations took place across the nation and even internationally. On December 21, 2012, public protests were held at several major landmarks in New Delhi. Thousands of protesters took to the streets with demands of security and justice for Indian women and girls. Protests at both Raisina Hill and India Gate turned violent and police responded by firing teargas shells and water cannons on crowds. After the victim died, the city of Delhi was forced to seal off large areas close to government buildings and sent hundreds of armed police and riot troops to the streets as a precaution to maintain calm in the city’s streets. Protests also broke out in the Indian cities of Bangalore, Calcutta, Kolkata and Mumbai. Demonstrations were also held in Bangladesh, Nepal, Pakistan and Sri Lanka—all countries that had similar high rates of sexual and domestic violence.

Social Media

Activists used online sites such as Facebook and others to galvanize and agitate the public into action. Within four days, the online campaigning site Change.org received over 65,000 signatures for a petition addressed to India’s President and the Chief Justice of India to implement proposed measures to curtail—even stop—the high rates of gender violence in the country. A Smartphone application called Fight Back that used location based technology and enabled its users to raise panic alerts while tracking their location was created in response to the events in India. Demonstrations were organized using Facebook, including a one-day “Aurat Bandh” – a call for women to abstain from going to work or caring for their families, and “Enough is Enough” – a protest to collect signatures for a petition seeking capital punishment of the six alleged rapists.

Government Response

On December 24, with protests and demonstrations mounting, the Indian Prime Minister appealed to the public to remain calm. That same day, the Delhi High Court Chief Justice declared the creation of five “fast track” courts dedicated to trying rape cases. In the weeks after the victim’s death, the national government announced new measures to demonstrate its commitment to women’s safety. These included: bans on buses with tinted windows or curtains, requirements that buses have passenger overhead lights on at night, and an increase in night shift police officers to perform random checks on drivers and assistants.

On December 22, 2012, a three-person committee headed by former Chief Justice of India, J. S. Verma, was established to develop recommendations on amending laws on sexual assault cases of an extreme nature. The Committee solicited suggestions from judicial heads, members of the media, leading statesmen and public figures, as well as members of the academic community and various human rights organizations in India and overseas. Overall, the Commission received over 6,000 emails and more than 80,000 suggestions in response to the solicitation. The final report, a 657-page document, was submitted on January 23, 2012. Recommended changes to laws included:

- No death penalty for rape, rather a maximum punishment of life imprisonment
- Juvenile age should not be lowered from 18 to 16 years
- Stalking should be made punishable with minimum of one year jail term
- Voyeurism should become punishable under the law with up to maximum seven year jail sentence
- If a woman killed a rapist while attacked, she should claim right to self defense

* By lowering the juvenile age to 16 years, offenders involved in heinous crimes against women could be tried under the criminal laws.
• A need to review Armed Forces Special Powers Act in the context of extending legal protection to women in conflict areas

• Trying security personnel facing rape charges under ordinary law

• Making the trafficking of minors a serious offence

The report also stated that police had failed to provide protection to women and that the government had failed to enforce sexual assault laws. Additionally, the report called for the elimination of political influence over police departments, and urged nationwide education campaigns on gender equity.

On February 3, 2013, India’s President gave his assent to the Criminal Law (Amendment) Ordinance that would allow rapes that lead to the death of the victim to be treated as a capital offense. However, no amendments were made in response to key suggestions from the commission including criminalizing marital rape, reviewing the Armed Forces Special Powers Act and trying military personnel accused of sexual offences under criminal law, and barring politicians facing such cases from contesting elections. The national Law Minister claimed that 90% of the Verma Commission’s recommendations were incorporated into the Ordinance despite protests from critics who noted that the legislation was “piecemeal and fragmented” and did not include recommendations such as making marital rape a crime, re-examining the Armed Force Special Powers Act, bringing charges in criminal court against those in military service accused of sexual assault, and forcing politicians facing reelection to recuse themselves from cases where they might have a conflict of interest.

References:
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Endnotes

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