When Protest Made The State

How The Government Stole The Anti-Rape Movement

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~ Better never means better for everyone... It always means worse, for some. ~

Margaret Atwood

Took A Village

Working on this project has really illustrated the value of the phrase "It takes a village". This project would have been nowhere and nothing if it hadn't been for the untiring hard work and support of so many many people. While I realise that an acknowledgement will hardly equal the work they have put in and the hours they have spent helping me through but for now, this is the least I can do.

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Abstract

What are the consequences of politicising the concerns of marginalised populations through mass demonstrations? I investigate this question due to the recent upsurge of protests surrounding previously marginalised issues, witnessed globally - ranging from protests around sexual violence, to immigration, LGBTQ issues and voting disenfranchisement. However, little work has been done to investigate the long-term consequences of these mass demonstrations on the very populations they purport to represent. In an investigation of mass demonstrations against rape in India, I find that mass demonstrations can mobilise a wide coalition of constituents. While policy advocacy of a minority issue is often organised and led by advocacy groups, a mass demonstration can elicit policy interest on a policy issue in a much broader coalition of constituents. However, while a policy *interest* is evoked, we see divergence in policy *preferences* due to the broad based nature of the new coalition. Given the diversity of policy preferences, government actors can select the policies that support the status quo or policies that serve their own interests. This is in direct contrast to policies that are promoted and pushed through by activists and advocates, through the bureaucratic process. Activists and advocacy groups must push through legislative policies in incremental steps over extended periods of time a "slow boring of hard boards" (Weber 1965). I therefore find that when the policy agenda is shaped by activists, and over a long period of time, the policy outcomes are narrower in scope and breadth, and in tune with activist principles - as a result of activists retaining control over the policy agenda. When the policy agenda is shaped by a broader constituent base, and by extension their elected officials, it becomes relatively easier to co-opt the policy agenda from activists. This co-optation typically results in catering to the interests of the majority as opposed to the minority/vulnerable. This

therefore results in either inadequate policy or in some extreme cases, policy that is antithetical to the interests of the minority/vulnerable community at the heart of the policy debate. I draw on a variety of rape cases in India and evaluate the long term consequences of either mass demonstrations that arose in response to them, or advocacy campaigns that were waged on behalf of the survivors. Specifically, I find that governments use the threat of rape as raised by mass demonstrations to curtail the rights and liberties of specific segments of the population in India. This curtailing of rights is not always deliberate or conscious, but the consequences are uniquely felt by marginalised populations. This project therefore calls upon us to more systematically analyze the consequences of partaking in mass demonstrations to better understand when we may be doing more harm than good, and to mitigate damage that we may cause.

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Chapter 1

Introduction

1.1 Project Overview

This project investigates the democratic means by which governments can undermine democratic principles. I look at how governments use public outrage over rape to increase their punitive power over marginalized populations and strengthen their surveillance policies. I do so by exploring the impact of anti-rape demonstrations on governmental response to violence against women (VAW) in India. Historically, governments have responded to activist agitations on issues of violence against women through small, incremental concessions. In the last decade however, we see the increased occurrence of large-scale anti-rape demonstrations globally, indicating an increased public interest in VAW. These protests draw widespread attention to the issue of violence against women, thus forcing government action, most notably amendments in sexual violence legislation. I however find that the longer-term consequences of this renewed interest in public violence against women has negative repercussions on civil liberties, specifically for marginalised populations. In the aftermath of anti-rape protests, public concern about security and safety increased manifold. This isn't dis-

similar to how concerns about the safety of the territory increases in the aftermath of terrorist attacks. Governments can under certain conditions therefore move from a policy of incremental concessions to co-optation for their own purposes. By relying on a narrative of "security" the guise of protecting women allows governments to curry favour with enraged and frightened voters while simultaneously strengthening their stronghold on the security apparatus of the state, through the implementation of a variety of disciplinary measures e.g. curfews, surveillance techniques, and the death penalty. The State (or parts thereof) can derive immense political value from measures such as these as it allows them increasing control over their citizens. This control can in turn be leveraged into multiple benefits - ensuring less push back from the citizenry, financial benefits through the selling of big data and the increasing corporatisation of the State, and the ability to reshape the citizenry into whatever the government sees as ideal.

I therefore study the formation of public opinion and trace the incorporation of protectionist narratives into political discourse at multiple levels and institutions in India federal, state, local, parliament, and bureaucratic. I find that the variation in incorporation of the narrative is strongly correlated with spikes in anti-rape demonstrations. Constituencies which witness anti-rape demonstrations see a subsequent uptake of the protectionist narrative, while communities that see low political agitation continue with the incremental approach of historical feminist agitation in improving the rights of women. Furthermore, I find that the Indian government extends the scope of this "protectionist" narrative to policy areas other than rape legislation. Specifically, I find the government uses this narrative to push through policies reshaping higher education, and pass sanitation policy, a key electoral promise by the government. Violence against women as an issue area proves to be particularly

prone to State capture as it allows for narratives of protection and safety to supersede narratives of autonomy and citizen rights, thus justifying government co-optation of the movement, and democratic civil liberties by extension. Specifically, we see that citizens are willing to trade the civil liberties of *vulnerable* populations (minority communities, marginalized populations women and men), in return for increased security for women from communities of privilege. The security-liberty trade-off is therefore rooted in the power structure of the community, where security for the privileged is increased by decreasing civil liberties for the marginalized and vulnerable. Additionally, this increased security for the privileged comes at a cost as well. While they may get security in the short term, the increasing securitisation of the State that corresponds with this increase in personal security will in the long term allow for redefinitions of what a good citizen is or who a vulnerable population is. The project therefore contributes a new approach to understanding the classical security-liberty debate, by reimagining how citizens perceive security and violence in the public sphere.

In this chapter, I briefly introduce my research question as well as the key schools of thought that I am in conversation with. I then describe the research approach adopted by the project to answer the question, and a brief overview of the empirical cases. I also present a summary of the theory and my findings. I finally conclude with what I believe the key contributions of this project to be, as well as an outline of the subsequent pages.

1.2   Introduction

"We had stopped expecting, we had become like a herd of sheep being led on. But Nirbhaya woke us up. Nirbhaya is not resigned to fate. She, with her will to live, her tenacity to fight, has ignited the minds of lakhs of Indians to stand up in protest

against gender crimes and against the apathy of a vote-leeching government which

does not consider women to be part of their vote bank, as Arnab Goswami rightly

said."[1]

Nirbhaya,* a 23-year old physiotherapy student, was brutally gang raped on a moving bus on December 16th, 2012 and left to die by the side of a road.[2] She eventually succumbed to her injuries 13 days later. Her rape and subsequent death captured a latent fury within the Indian people and protests shook the world's largest democracy for over a month, transitioning from a private shame to a public fury.[3] Less than a year later in June 2013, a 20 year old student was similarly gang-raped and brutally murdered in Kamduni, West Bengal resulting in protests that shook the State and the newly-elected State Government (Dutta, September 8, 2013), launching a series of protests in West Bengal.

The national and state governments had little choice but to finally acknowledge the violence that women in their jurisdictions experienced on a daily basis. Feminist activists, who had long been fighting the problem of violence against women (VAW), leapt at the chance to demand stronger legislation and to keep the problem high-lighted on the national agenda. If history was any indication, they had a very limited window of political opportunity to push through change before the issue fell out of public favour again. Their coalescing efforts in the aftermath of the protests worked - legislatures and executives at the federal and state level went to work overhauling the State apparatus aimed at fighting VAW.

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[1](Basu, December 23, 2012)

[2]Nirbhaya (or Braveheart) is what Jyoti Singh Pandey was nicknamed by the Indian media. Indian sexual violence laws prohibit the public naming of victims of sexual violence, unless the survivor or her family after her death, make it public on their own volition. Jyoti's father named her publicly to indicate that rape victims shouldn't be ashamed of having been raped. The Indian public and media however, still refer to her as Nirbhaya and are hesitant to name her.

[3]These protests also laid precedent for the rest of South Asia, and other parts of the developing world.

Is this therefore a turning point in how India politically envisions VAW in the public sphere? Will Indian governments be forced to now consider rape a severe social, political and economic problem that is hampering the ability of Indian citizens to live full lives? Has political anger, exercised via mass demonstrations, effectively brought feminist concerns into the mainstream?

1.3   Research Question

This project explores the consequences of politicising the concerns of marginalised communities and bringing them into the public and explicitly political sphere - essentially the process by which issues such as women's issues gain legitimacy as a political issue and what the consequences of this new-found legitimacy are. It does this specifically by tracing how Violence Against Women (VAW) became integrated into public discourse in South Asia over the last decade, as an instantiation of the bringing of gender issues into the public political sphere from the margins of the political discourse. While feminist activists have for many years envisioned violence against women (VAW) as being inherently political (Cudd, 2006), this urgency hasn't necessarily been echoed by those outside feminist circles. Due in large part to the focus on dowry deaths and domestic violence in previous feminist mobilisation, VAW has been considered a private concern for the most part. However, in recent years we see a noticeable shift in public discourse surrounding issues of women and the violence they face on the streets, at the hands of strangers.[4] This shift manifests itself

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[4]Specifically forms of stranger rape as manifested on the bodies of women in public spaces. Other forms of violence meted out on the bodies of women, such as Intimate Partner Violence, Cyber stalking and Domestic Violence, continue to find little to no support publicly, either socially or politically.

in the occurrence of mass protests globally against rapes of women[5], integration of Gender-based Violence (GBV) measures into International Organisation work and interventions,[6] as well as a renewed (and new in many cases) political focus on analysing and preventing GBV as illustrated by President Obama of the United States (2012), "Preventing and Responding to Violence Against Women and Girls Globally".[7]. This interest isn't all uniform though. As we see in the case of the Trump Administration for instance, the rape of a high school classmate by two undocumented teenagers was used to support their crackdown on immigration and undocumented residents in America (Klein, March 28, 2017). The spectre of refugees raping European women has become a mobilising image for the European right-wing, since the New Year attack on women in Cologne (2016) purportedly propelled by recent emigres to the continent (BBC, January 5, 2016; CBS and AP, January 11, 2016). In both these cases, we see an appropriation of feminist movements against sexual violence by political and neoliberal forces, as illustrated in the US case (Bumiller, 2009; Corrigan, 2013).

Scholars have focused on the central role of social movements in bridging the gap between informal and the formal politics. This project builds on that scholarly endeavour to ask if protest necessarily leads to *good* policy? The tenuous link between protest and policy has long been theorized to be a normatively positive one, a mechanism that reflects the will of the people, democracy at play, and often a better forms of representation for marginalised groups than electoral politics (Weldon, 2011; Tarrow, 1983; Schumaker, 1975; Kitschelt, 1986). This project however, challenges this school of literature by complicating the protest space and the process by which

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[5]Menon (December 24, 2012); Bhan (February 1, 2013); Dutta and Sircar (2013); Capozzola (December 26, 2014); Ghosh (June 4, 2012); Gillis (November 1, 2013); Davis (December 13, 2013)

[6]USAID (2017, 2015)

[7]This coincides with the re-emergence of contentious politics (social movements) that we are witnessing on a global scale in the last century, with

the informal interacts and negotiates with the formal. It does so by differentiating between interest and preferences here (Beckwith, 2014) - While constituencies of people may have a similar interest in a policy area, their policy preferences on the issue may vary drastically. This is not to say that social movements don't represent disadvantaged voices and marginalised groups (Strolovitch, 2008). However, as research indicates, governments may know how to co-opt public fervor and repurpose it to serve their own ends (Davenport, Johnston and Mueller, 2005; Sheptycki, 2005; Fernandez, 2008; Della Porta and Reiter, 1998). This school of literature however, has failed to consider significantly the additional repercussions that government co-optation can have on already vulnerable populations. This is significant as the literature on intersectionality finds that an "elision of difference in identity politics is problematic, fundamentally because the violence that many women experience is often shaped by other dimensions of their identities, such as race and class (Crenshaw, 1991, 1242). Drawing therefore on the literature on intersectionality and violence against women (Crenshaw, 2018, 1991; Collins, 2003), this project therefore draws on this disparate group of literatures to argue that governments can co-opt protest, reflecting a certain responsiveness to public demands. However, this often results in significant costs being borne by vulnerable populations.

This project therefore investigates the interaction between the State and the social movement that emerges in opposition to the State, specifically the consequences of the interaction.[8] Specifically, how do the State's policy decisions on the issue of VAW affect Dalit, Muslim and Tribal men and women, and those from lower socio-economic classes?

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[8]The State here stands for the theoretical construct of a State, as opposed to the specific people in place as Government or the Regime. While the State cannot be assumed to be unitary, given there are different segments of the State, we generalise here to capture any aspect of the State that a demonstration may be directed at. This could be the executive branch, the parliamentary branch, specific ministries, even specific politicians - depending on the circumstance.

- How has the increase in interest in VAW manifested itself vis-à-vis political outcomes within the Indian state?

- Additionally, how does this focus on violence against women change the nature of the State and the State's relationship to it's citizens?

I extend the arguments of this literature to analyse how governments respond to the newly emerged political issue of sexual violence within their jurisdictions. The range of options available to a government when interacting with a social movement include ignore, concede, co-opt and repress. While historically, the government in India has chosen to ignore or concede quietly, I find that they now choose to either directly co-opt the movement and/or tacitly support movements aimed at undermining dissent and shaping public opinion. Sexual violence as a specific policy *interest* leaves room for a range of subsequent policy *preferences* (Beckwith, 2014) which the government is able to exploit for their own long-term interests - utilising entirely democratic means and principles in their response to public demonstrations critical of their actions. However, as we see in the Indian cases discussed in this paper, the government's long-term interests can (and often do) exist in opposition to the interests of the most marginalised constituencies within the nation-state. The longer-term consequences of this political interest in public violence against women therefore has negative repercussions on civil liberties, specifically for marginalised populations.

1.4   Summary of Argument

I find that while mass protests (that erupt in response to brutal rapes) play a critical role in legitimizing the issue of VAW, the subsequent policy platforms that emerge tend to reinforce the security apparatus of the government and roll back hard-won

liberties for womens rights and causes. My research illustrates that VAW becomes a political talking point only after the incidence of mass protests in these regions. For instance, VAW is absent from all election manifestos before these recent mass protests but are fast becoming ubiquitous in all national party manifestos, typically immediately after a mass protest in their home state. However, the policies that accompany such politicization tend to impinge on the rights and liberties of populations such as poor men and women. men and women from marginalised communities and college students (not coincidentally, a group very likely to be protesting and demanding an expansion of rights for the marginalised) - such as reduced access to public space, the criminalization of political activity perceived to be anti-administration, increased surveillance of womens movements and a corresponding securitization of the country. Examples include the installation of CCTV's in all public places, increased power for communal bodies and the police, surveillance through phones and mandatory registration of immigrants, implementation of curfews for women college students especially in reaction to increased student agitation, all guised under the language of "protection" of women. while these policies could technically benefit (or harm) anyone within their purview, I find that these policies have a differential impact on different demographics of people. Most of these policies are designed to benefit those from majority or dominant communities, while they tend to ignore, if not hurt, more vulnerable communities. While this may not be an active attempt to further marginalise vulnerable populations, the relative success of these policies in providing differential benefits provides governments a means by which to more deliberately deploy similar policies in other contexts beyond VAW, as deemed appropriate.

This is further highlighted when making both a temporal and spatial comparison, where similar cases of rape resulted in the participation of dedicated activists

as opposed to public outrage. NGOs and VAW activists worked with gender main-streamed bureaucracies instead, resulting in less attention on the public agenda but an incrementalist approach to battling VAW that is less prone to "state capture". These changes have included the faster filing of charge sheets in criminal encounters, increased street lights and "last-mile connectivity"[9] in planning public transportation. This differential impact on public policy can be understood as a story of conditions under which VAW attracts mass outrage and when it doesn't. VAW when perpetuated against marginalized communities fails to draw the attraction of large vote banks and therefore isnt deemed political enough to cause public outrage. This however allows feminists to retain control over the policy process that redesigns anti-VAW policy and protecting it from state capture, allowing for feminists to lobby and act on behalf of marginalised and vulnerable populations.

In the case of VAW, public outrage and protest might do more to reinforce the security apparatus of the country and undermine feminist progressivism than other modes of civic participation within the context of South Asian politics. Focus group participation favored a strong inclination to take away freedoms to ensure security - the implementation of the death penalty or chemical castration for rapists - which accompanied a strong anti-immigrant tone, victim-blaming and slut-shaming (to borrow a feminist phrase), while retaining the "protectionist" tone. Most women participants simultaneously retained the issue of VAW as one of their primary political concerns however, thus indicating the political base to which public agenda is catering to. Government policies and the political capture of the movements further illustrates the reinforcement of the government at the expense of the cause. The two primary protest

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[9]Ensuring that it is possible for people to take public transportation till the end of their route, not just to a major hub where they would have to then walk from there. Many socio-economically poor neighbourhoods aren't directly connected to the public transportation hub and therefore the residents of these neighbourhoods have to walk the "last mile" home. This leaves them vulnerable to crime as well as inconveniences them on a daily basis.

movements detailed in the subsequent chapters become political battlegrounds in due course of time, with minority parties using them as a means by which to pelt criticism at the parties in office, and VAW becomes yet another indicator for comparing party success.

However, why are feminist actors not able to more effectively design policy at the national level that can curry favour with the vote banks electing parties into office? Or do they choose not to? Activists argue that feminism in India is torn between engaging and resisting the State (or parts thereof) (Rajan, 2003). "Some movements have feared that a close relationship with political parties might lead to their co-optation and deradicalization, while others have seen parties as vital to advancing women's political interests" (Basu, 2010), a debate that continues unresolved.[10] Additionally, feminist groups must navigate the specifically tricky terrain of being both nationalist (or "Indian") and feminist at the same time, especially given the current political climate where a narrative of national security concerns help propel a conservative ideology forward. Indian feminists must therefore fight for women's rights while simultaneously r (Narayan, 2013), otherwise be labeled anti-national and lose their funding licenses. Feminist actors therefore often draw on legal strategies to quietly push through legal change (alá Bevacqua (2000)), which while effective, does little to change public opinion. this results in the further marginalization of those women who aren't considered "Indian enough" such as Muslims, Dalits or those from the North East of the country.[11] The intersectional nature of the struggle against VAW therefore yields potentially hefty explanatory power when explaining the divergence

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[10]These tensions are evident till date.

[11]Gender-based violence in India is intrinsically tied up to caste and communal politics as reflected in the stories of Mathura and Bhanwari Devi's rapes (Mathur, October 10, 1990; Abraham, 2002), Dalit women, whose rapes at the hands of upper caste men were dismissed, suppressed and forgotten by the Indian authorities. Women of lower castes are therefore silenced on multiple fronts, on account of their gender, caste and often correspondingly, their class (Chakraborty, 2003; Rege et al., 2003; Rege, 2006).

in protest mobilization and by extension, the resulting policy formulation.

1.4.1 Outline

The project is therefore divided into 4 parts: in Chapter 2, I situate the problem of Violence Against Women (VAW) in a global context - both theoretically, and politically. I then introduce my theory of how anti-rape demonstrations influence policy preferences and public policy with an eye on combating VAW. In Chapters 3 and 4, I investigate the two different pathways to anti-rape public policy formation that have occurred in India so far. These chapters ask how public policy around the issue of rape is formed and what it consists of, comparing and contrasting activists and those emerging from mass demonstrations. Chapter 5 asks how the government responds to demands for changes in violence against women and what the consequences of this are on vulnerable communities. Chapter 6 extends the policy analysis to topics beyond anti-rape legislation, to investigate how the government can expand the scope of it's surveillance state to beyond just anti-rape policies.

1.5 The So-What of VAW Policies

Beckwith (2001) asks us to develop a political movements theory that takes both women and women's movements into account (375). She argues, "women's movements are excellent cases for integrating citizen challenges to states and societies" Beckwith (2001, 383). The project's emphasis on mass protests allows us to better understand the pressures that a democratic citizenry can impose on its elected officials, but it also warns us of the consequences of political "pandering" and state capture. Creating policy in response to short term demands, like a protest campaign, leaves both policy makers and citizens vulnerable - vulnerable to weak policy as well as co-optation of

citizen anger. Additionally, by focusing on an intersectional issue topic, we can better understand how minority issues and those that affect marginalised populations are reflected in public policy debates. Understanding the processes by which marginalised or minority populations attempt to influence public policy and integrate themselves into the public agenda more broadly, is an critical part of the democratic process. Evaluating the efficacy of such processes is an integral part of evaluating the quality of democracy, an essential activity in developing and emerging democracies.

Chapter 2

Theory

2.1   Puzzle

While governments have historically ignored violence against women (VAW) as a policy priority on their domestic agendas, in recent years we see governments (on a global scale) begin to incorporate VAW concerns more frequently into domestic policy agendas. However, we see variation in both the pace of adoption as well as the policies that are being adopted. In some cases, the incorporation of VAW has been gradual while in some others, the uptake has been sudden and abrupt. Additionally, the policy agendas that emerge have varied as well. While some policies adhere more closely to what feminist actors support, others range in their effectiveness: some are merely ineffective while others are more detrimental to the rights and liberties of women. What therefore explains this variation in policy uptake and policy agenda?

2.1.1 Research Question

While this project empirically focuses on violence against women, it is primarily interested in understanding how socio-political issues become distinctly political in their own right. What allows the transition of an issue from being within the purview of just society, or family, or religion, to being an issue that now also falls within the political realm? While issues of women's rights, and women's safety are a classic example of an issue going from the "personal" to the "political", other issues that would fall under this issue are refugee and immigrant rights, LGBTQ rights, indigenous population issues and environmental issues amongst others. This project therefore asks and contributes to a series of research questions:

- When an issue becomes "spectacular", who shapes and drives the policy agenda?

- What are the consequences of this control over the policy agenda on different demographics?

This project specifically looks at anti-rape demonstrations in India to investigate this issue and therefore draws on the literature on VAW and feminist mobilisation in India to better answer these questions.

2.1.2 Argument

I argue that mass demonstrations in support of a neglected policy topic elicit dormant policy interests in populations forcing government action. However, these policy interests result in policy preferences that are more varied than those recommended/supported by institutionalised advocacy groups. Political actors select the policy preference that is more in line with the status quo (securitization in the empirical cases) policies, than institutionalised (feminist) principles. Catering to protest

campaigns instead of social movements has consequences on the rights and liberties of vulnerable communities (such as women and men from marginal communities, those without citizenship rights, those without de facto citizenship rights), thus highlighting the need for an intersectional *and* gendered theory of public policy.

2.1.3 Outline

In this chapter, I outline some schools of thought who have weighed in on this topic and discuss both their contributions to my research as well as highlight areas of disagreement. I provide definitions and operationalisation of some key concepts that emerge from this study and provide the basis for my theory on how public policy comes about. I then present a summary of my theory, as well as the resulting hypotheses. I include a brief discussion of the methods employed by this project as well as the data that is employed to make these arguments. I conclude with a summary of what I see the contributions of this project to be, as well as a road map of how the rest of this project will map out.

2.2   Literature Review

Social movements that combat VAW are both empirically and theoretically a new phenomenon, and therefore this study provides us a new approach to studying VAW as well as provide us with a new means of understanding state-citizen relations. Can and how do feminist actors engage citizens in prosocial behaviour? How does the state respond to citizens protesting organized feminist interests? What are the consequences of these protests on public policy formation? Theories of democratization predict a decrease in mobilization with increasing democratization due in part to the increase in institutionalized actors involved in the political scene (Hipsher, 1996; Ox-

horn, 1996) but the successful politicization of gender as a cleavage (as made evident in the protest environment) could imply a cross-cutting dissatisfaction with the status quo, at least on the part of those protesting. Diamond and Morlino (2005) use a multi-dimensional approach,(including both procedural and substantive questions as well as the links that connect them) to evaluate how different understandings of democracy impact activists, politicians and civil society. Rothstein and Teorell (2008) ask questions about the exercise of power as opposed to just the access to power thus raising questions about the impartiality of institutions that exercise government authority. By focusing on a monolithic conceptualization of democracy, much of the traditional literature has been unable to understand the differential impacts that a diversity in democratic institutions and democratic practices can have. How then can we better understand who exercises power as opposed to just those who have *access* to power? Additionally, what do these citizen-driven protests tell us about the creation of power? Can these protests be seen as a site for the creation of new power, alternates to the hegemonic/traditional sources of power in society? I look to a variety of literatures to better understand how scholars have conceptualised this issue so far and what they are unable to explain, that this project could potentially contribute to.

2.2.1 The Potential in Participatory Democracy

[1] The literature on participatory democracy informs this dissertation by explaining why the rise of mass demonstrations is an increasingly common political phenomenon and what they represent on an conceptual level within democracies. Globally, we

are seeing increasing concerns about the quality of democracy in previously established democracies. Citizens have become more critical of democratic institutions and political actors, such as political parties, politicians and parliaments. Democracy is also threatened by authoritarian tendencies in countries such as Russia, Turkey, India, the Philippines and Kenya amongst others. Liberal democracies, which are based on basic values such as electoral integrity, freedom, equality and diversity, are under crossfire. The most common way of participating voting at elections has declined in most democracies since the 1970s, and the share of citizens belonging to political parties has waned dramatically (Kölln, 2014). The demands from populist parties in Europe to "take back control from the EU" and enforce strict immigration policies have been increasingly successful, resulting in the increased attraction of anti-establishment policies or politicians, such as the British referendum on leaving the European Union, "Brexit" and the American presidential election with the victory of the politically inexperienced Donald J. Trump. Even in the Nordic countries, commonly known for their generous welfare states and high levels of social and political trust, populist-nationalist parties have gained between 13 (Sweden 2014) and 21 per cent (Denmark 2015) of the popular vote. Accordingly, the "crisis of democracy", "the end of representative politics" (Tormey, 2015), and even the "death of democracy" (Keane, 2009) have been declared. Democratic institutions, developed in the 19th and 20th centuries, seem to be somewhat out of touch with the popular demands in current societies. The 'old' representative mechanisms are challenged through denunciations of misrepresentation and decreasing voter turnout, an increasing political mistrust and sudden, non-predicted and populist electoral outcomes to mention just a few. however, a democratic system cannot survive without a link between the popular will and the policies of the government. We must therefore bear witness to the

fact that at the same time, we are experiencing a boom of new institutions and procedures fostering the involvement of citizens and civil society in order to complement representative democracy - e.g. referenda or dialogue-oriented citizen assemblies and deliberative mini-publics (e.g. Geißel (2013); Setälä (2014); Reuchamps (2016); Newton and Geissel (2012)). Political will-formation and decision-making are no longer limited to elected bodies of representatives, but can be described as multi-faceted procedures.

2.2.2 Appropriating Voices

One of the classical questions at the heart of the study of public policy is whether "ordinary citizens significantly influence the specific policy choices of government?" (Lindblom, 1968, 2) Citizens typically rely on their votes to influence politicians - Ahuja and Chhibber (2012) for instance, find that rich voters in India vote because they expect material benefits from the state, some kind of access to the state, or because voting is their civic duty, while poor voters vote as an exercise of their most valued right in a democracy that ignores them beyond Election Day. I therefore focus on the relation between contentious politics, and public policy - the impact citizens have on public policy choices through their wielding of their right to dissent, to disobey and to exercise their right to electoral politics. This project responds to exhortations by McAdam and Tarrow (2010) to connect the study of social movements to electoral politics more explicitly. While many recent studies have focused on the link between social movements and electoral politics such as Cowell-Meyers (2014); Schussman and Earl (2004), their focus has inevitably drawn from movement leadership and those that go onto hold elected office as having impacts on electoral politics and policy. I however disaggregate the social movement to focus on the *rank and file* and their

relation to hegemonic parties, akin to what Thachil (2011) does when he focuses on public service provision as how poor voters relate to elite parties in India. I thereby investigate the underlying attitudes of the mobilization and the consequences of this mobilization on outcomes of political interest (McAdam and Tarrow, 2010).

2.2.3 Advocacy Groups and Public Opinion

The literature on advocacy groups and public opinion allows this dissertation to theorise on the impact of institutionalised actors on the public policy agenda. One important criterion to evaluate a democracys performance is policy congruence, or the degree to which policy outcomes reflect the preferences of the broader public Dahl (1971)[1-2]. Classic democratic control mechanisms to ensure policy congruence are free and fair elections (Stimson, 1991; Wlezien, 1995). However, elections typically revolve around a limited set of ideologically-laden issues, are only held once every few years, and only punish inefficient policy makers after the fact. Between elections, political parties are expected to mediate between citizens and elites. However, in recent years we see diminishing party membership and increased electoral volatility, and therefore political parties are facing severe difficulties in performing this mediating role (Whiteley, 2011). Rasmussen, Carroll and Lowery (2014) argues that advocacy groups are filling this policy gap and creating a new world of interest advocacy. Advocacy groups consist of movements and organizations with a political interest and which are external to the political system, ranging from NGOs, social movements and labor unions to corporate lobby groups Baroni et al. (2014); Beyers, Eising and Maloney (2008). Especially now that traditional channels of representation are failing, advocacy groups are increasingly thriving. They can become active on very specific or technical issues, their agendas are largely autonomous from party political cleavages

and party agendas, and they can easily maneuver outside explicitly public sphere if they so desire Culpepper (2010); Beyers, De Bruycker and Baller (2015). While advocacy groups are important channels of representation, little theoretical and empirical research has systematically addressed their function in aggregating and representing citizens preferences in political decision making across the globe (for recent reviews, see Burstein (2014); Bevan and Rasmussen (2017)). What therefore are the conditions under which advocacy groups facilitate or cripple the connection between citizens and political decision making?

Advocacy groups aggregate the preferences of segments of society and represent these interests in political decision making, such as agenda-setting, policy formulation or decision making processes. Citizens are generally unaware of political decisions being made, or they often lack the knowledge and organizational means to get their voices heard at the political level (Burstein, 2014; Page and Shapiro, 1983). Advocacy groups can inform citizens and give them a political voice in political decision making processes, where they would otherwise stay silent. Political decision makers, on the other hand, are scarce for time and often need to rely on unreliable or incomplete information when estimating the preferences of their constituents. Advocacy groups can provide them with crucial information about public preferences and grievances with limited transaction costs for the policymaker involved (De Bruycker, 2016; Bouwen, 2004; Bevan and Rasmussen, 2017).

Advocacy groups therefore can, and often do, act as a bridge between citizens and policy groups, advocating for the interests of citizens, without being tied down to electoral vote banks. However, advocacy groups can also be an important cause of biased political decisions that run counter to what the majority of the public would prefer. Some illustrative examples include the lobbying scandals that make it to the

news headlines. Democracy, or at least its participatory form, implies the equality of participation, where a diversity of interests and preferences are allowed access to political decision making procedures (Verba, Schlozman and Brady, 1995; Schlozman, Verba and Brady, 2012). In practice, there are stark inequalities between different advocacy groups and the interests they represent. A number of scholars have argued that the access to and influence on political decisions by advocacy groups is biased towards a privileged set of well-endowed interests (Danielian and Page, 1994; Verba, Schlozman and Brady, 1995; Schlozman, Verba and Brady, 2012). The interference of advocacy groups may thus under some circumstances be particularly beneficial for the well-endowed or affluent segments of society. In their function of representing societal interests, advocacy groups can thus both improve or cripple the democratic legitimacy of political decision making procedures. Understanding better when advocacy groups misrepresent public interests, or which kinds of groups don't translate public interests to the political agenda, is key to the project and currently undertheorized.

The congruence between public opinion and political decision making has been the topic of a rich literature spanning across the disciplinary borders of political science, public policy and sociology (see e.g. Wlezien (2017); Burstein (2014)). Advocacy groups have long been underestimated when assessing how public preferences come about and translate into political decisions. In the several important seminal contributions on policy congruence and responsiveness advocacy groups are either excluded altogether or only represented via the most powerful players (see e.g. Page and Shapiro (1983); Wlezien (1995); Gilens (2012); Stimson (1991)). Existing scholarship can generally be divided in three camps: The more pluralist camp argues that advocacy groups are able to strengthen the link between public and elites (Dahl, 1973; Rasmussen et al., 2014); while elitists claim that specific groups interests prevail at

the expense of public preferences (Schnattschneider, 1960; Danielian and Page, 1994). Still, other studies present a more mixed view of advocacy groups influence on policy-making and representation (see e.g. Burstein (2014); Rasmussen, Mäder and Reher (2017); Bevan and Rasmussen (2017); De Bruycker (2017)). I therefore explore not only how advocates and citizens attempt to influence policy but also consider how policy-makers may in turn attempt to change the hearts and minds of citizens and their respective advocacy groups in an effort to achieve political objectives (Slothuus, 2008; Zaller, 1992). Moreover, I will engage with the limited existing work on how advocacy groups seek to manipulate public opinion to build awareness or support for their policy goals (see e.g. Kollman (1998); Andrews and Caren (2010); Dür and Mateo (2014)).

2.2.4   Social Movements and Mobilization

The dissertation looks to the existing literature on social movements to better understand how mass demonstrations come about and how they interact with the State, while representing the public (or parts thereof). Traditionally, political science research typically looks towards the literature on contentious politics to understand social movements. Weldon (2002, 62) defines them as "a form of political mobilization in which membership and action are based on claims of justice, a common *interest*."[2] Coglianese (2001)[1] adopts a more value-neutral approach to defining social movement - "A social movement is a broad set of sustained organizational efforts to change the structure of society or the distribution of society's resources." Diani (1992)[16] differentiates between social movements and protest campaigns by arguing that "the

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[2]Similarly, Fuentes and Frank (1989, 179)'s definition of a social movement: "Social movements have in common individual mobilization through a sense of morality and (in)justice, and social power through social mobilization against deprivation and for survival and identity."

essential condition is that the sense of belongingness exceeds the length of the public activities and campaigns. Collective identity may thus either become a precondition for the creation of new and different identities (and consequently, of new and different social movements); or provide a persistent, though latent, basis for a new upsurge of mobilisation campaigns under the same heading." A protest campaign on the other hand is defined by Almeida (2014)[6] as campaigns that "operate as shorter-term acts of collective defiance rather than as longer-term social movements". Campaigns typically focus on demanding change of a specific policy and disband after the movement, thus best capturing a protest in itself as opposed to a larger movement within which it could be nested. Almeida argues that these are exemplified by the formation of temporary alliances that piece together campaigns with a unifying slogan and goals, and a few specific acts of contention - strikes, boycotts, rallies, sit-ins, demonstrations, amongst others. This difference between social movements which have been able to build a collective identity and in many cases refined an organisational strategy, and a protest campaign that emerges in response to a political opportunity and dies soon after, is at the crux of this study.

Tarrow (1998, 76) defines political opportunity as "consistent ... dimensions of the political environment that provide incentives for collective action by affecting people's expectations for success or failure." Examples of expanding political opportunity structure are increasing access to participation, realignment within the political system, emergence of influential allies, and a fractured or fracturing political elite amongst others. The purported value of this political process approach is that "activists do not choose goals, strategies, and tactics in a vacuum. Rather, the political context, conceptualized fairly broadly, sets the grievances around which activists mobilize, advantaging some claims and disadvantaging others. Jenson (1985) makes

the case for how struggles over discourse shifted the political opportunity structure for women activists in France. Tarrow (1998) argues that a movement can be considered vital when it spins off new master frames, as the American feminist movement did. Framing and discourse here work to create and shift political opportunities including structural opportunities. Winter (2008, 4) defines framing as "the process by which political leaders communicate about issues by emphasizing certain features of an issue, downplaying others, and assembling those features into a coherent narrative with clear implications for policy action." (6) "Frames specify *how* to think about things, but they don't point to why it matters." (Ferree and Merrill, 2000, 485)

While much of this literature has focused on how activists have mobilised to challenge and resist governments, and institutions, I find that political parties use these tactics as well to co-opt and recreate narratives about public mobilisation, often while in government. In effect, governments are using the very tools created to fight them to strengthen their political bases and grip over the state. Specifically, while research on the political repression of social movements has often focused on the role of police or physical repression, (Davenport, Johnston and Mueller, 2005; Sheptycki, 2005; Fernandez, 2008; Della Porta and Reiter, 1998), Starr et al. (2008)[252] convincingly argue that "other forms of repression have been less visible and not well understood." Starr et al focus on the impact of surveillance on mobilisation and free association, finding that surveillance of social movements has a destructive influence on young peoples access to resources, opportunities for progressive action, recruitment, and political consciousness. Fernandez (2008) found that state repression of social movements through surveillance is successful whether it deploys covert or more overt means e.g. violent forms of repression involving police action. Furthermore, fear of being surveilled also has a dampening effect on collectives and individuals. For instance,

Davenport, Johnston and Mueller (2005) and Boykoff (2013) found that organisations shift towards defensive practices when members fear they are being surveilled. Other researchers found that surveillance can push individuals away from overt collective resistance (i.e. protests and rallies) towards forms of covert resistance (Johnston, 2005), or in some cases, towards more violent forms of resistance (Della Porta, 2006). However, Heynen and Van Der Meulen (2016)[24] argue that "systems of surveillance are deeply gendered" and call on us to further investigate the intersectional impacts of surveillance. For instance, Kovacs (2017) analyses the gendered nature of surveillance, arguing it disproportionately reduces womens mobility and access to freedom, thereby limiting their political activism. According to Koskela (2002), surveillance via CCTVs erodes womens confidence in institutions of power, while Law and Bruckert (2016) argue that surveillance through social networks (the surveillance web at strip clubs) allows for even those without technological capacity to participate in surveillance tactics and extend forms of control onto marginal bodies.

2.2.5   The Problem of Violence Against Women

In 2013, 35% of women globally experienced "physical and/or sexual intimate partner violence or non-partner sexual violence. [...] Some national violence studies show that up to 70% of women have experienced physical and/or sexual violence in their lifetime from an intimate partner."[3] Research conducted by the Minority Groups Right International additionally indicates that minority and indigenous women face disproportionately higher levels of violence in both situations of war and peace (MRG, 2011). This violence can take multiple forms ranging from domestic violence, intimate partner violence, sexual assault to custodial violence and rape used as a weapon of

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[3]UNWomen (2014)

war to list a few (Anderlini, 2007; Jayawardena and De Alwis, 1996; Kannabiran, 2007; Pahl and Pahl, 1985; Whitworth, 2004).

Violence Against Women as a (potential policy) issue area therefore is comprehensive of most types of violence that target women specifically. Women become victims by virtue of being women, not because of their actions or socio-economic standing or other typical determinants of violence. Cudd (2006) argues that violence against women should be considered an oppressive violence as the violence is both credible and systematic. Violence becomes credible when the dominant group threatens violence against a subordinate group, and the subordinate group perceives this threat and acts in accordance. What unites all women therefore is their subordination at the hands of men primarily. Violence against women, for being women and by virtue of being women, exists in all societies and this social threat of violence acts as a tool of oppression against an entire half of the population, creating a gendered hierarchy that is oppressive in its very origin. The implication therefore, is that gendered violence cuts across race, class, rural-urban divides and all other intersectionalities, thereby affecting nearly everyone in society, making it an issue of political importance for every member of society. However, as Cudd points out, considering this violence systematic is epistemologically different as it becomes 'invisible' in our parlance, invisible to the public even while being oppressive and consequential to those victimized by it. Simultaneously, VAW as opposed to women's employment or education is an issue that is construed as particularly divisive as it requires an overhaul of the *social* institutions in place, often targeting religious, cultural, and ethnic practices and institutions.

Mobilizing around an invisible, unknown violence therefore is challenging and efforts to do so have primarily been lead by women activists, NGO's and the feminist movement in the case of VAW. The USA for instance can credit the women's move-

ment and feminist organising with placing rape on the public agenda (Bevacqua, 2000), while autonomous women's movements across the globe have been one of the primary determinants of VAW legislation (Htun and Weldon, 2012). However, for the most part VAW is considered a private issue, typically considered only within the socio-cultural context and of concern only to women, a niche political issue at it's best (UNWomenWatch, 2006; UNWomen, 2014; Arneil, 2001; Davis, 1998). Domestic violence and intimate partner violence for instance are highly researched but mostly from a public health angle[4], with DHS data being one of the primary sources of data on VAW in developing countries for researchers (Rutstein et al., 2004; Carlyle et al., 2014; Fineman and Mykitiuk, 1994; Pahl and Pahl, 1985; Bhattacharjee, 1991; Stellings, 1993). This is further compounded by the fact that in patriarchal societies,[5] where men are the dominant force and the society is created and organized along these lines, most institutions of public purpose and power are "designed and populated primarily by men" (Sapiro, 1983) and thereby restrict women's unhindered access to these structures. Vidyamali Samarasinghe discusses the normalization of gendered ways of life in South Asia specifically and how "political activism, identified with public sphere of activity, seems to be far removed from the everyday lives of women." (Samarasinghe, 2000)

2.2.6   International Actors and Anti-Rape Legislation

While there can be significant overlaps, a movement focused on women's issues aren't necessarily lead by liberal feminists and the issue, its resolution and the movement

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[4]For example, the most common tag in Sage journal *Violence Against Women* is "Domestic Violence" followed by "Intimate Partner Violence". "Sexual Assault" more generally, is only the seventh most common search term.

[5]Patriarchy is defined as being a form of societal organizing where "men not only have greater control over the public sphere then women, but they also dictate the running of the household through the domestication of women's roles"(Boynton and Malin, 2005).

itself aren't necessarily defined and framed by feminists. This theoretical dissonance becomes increasingly significant given contemporary trends of citizens using social movements to pressure governments into responding to critical issues. India, the world's largest democracy for instance, has resisted significant change on multiple occasions and yet in 2013, the government concedes to protest demands and amends the relevant sections (i.e. those pertaining to sexual assault) of the Indian Penal Code, Indian Evidence Act and the Code of Criminal Procedure,[6] all in the aftermath of a mass protest. Other recent mass protests in response to the rapes and often murders of women, such as those in India, Turkey, Kenya and South Africa amongst others experience similar consideration from their national governments.[7] What therefore motivates this switch by governments, to go from an incrementalist, "two-steps-forward-one-step-back" approach to complete overhaul and mainstreaming of VAW legislation? I argue that the representation of new *preferences* within anti-rape demonstrations allows governments to find policy options that match their own preferences. It is therefore the scale, composition and social consequences (indicators of policy preferences within the group) of the anti-rape demonstrations that determine when a State is able to incorporate VAW into their political agenda while serving their own long-term interests. Gender and politics research has focused primarily on the primacy of women actors within the women's movement (Beckwith, 2001), which in and of itself is a critical aspect of the gendering of social movements, or the inclusion of gender in our analyses of contentious politics (Kuumba, 2001). However, the increasing inclusion of VAW on the public agenda, raises the issue of other constituents involved in the new conversations that surround issues of rape and

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[6]Which now provides the death penalty in cases of rape.

[7](Menon, December 24, 2012; Bhan, February 1, 2013; Asquith, Feb 23, 2015; Davis, December 13, 2013; Capozzola, December 26, 2014; Ghosh, June 4, 2012; Gillis, November 1, 2013; Davis, December 13, 2013; Heese and Allan, February 18, 2011; Rush, June 4, 2015; Dutta, October 20, 2016)

women's rights - as investigated in this project. While allies have always played a critical role in moving movement issues to the forefront of formal politics, I argue that allies are playing a more central role than ever before in the mainstreaming of gender issues.[8] While feminist activists have therefore brought recognition to the issues surrounding VAW beginning in the 1970s (Keck and Sikkink, 2014), we have seen little public mobilization around the issue.[9] Keck and Sikkink (2014) for instance argue that VAW was mostly missing from the agenda of the women's movement till the 1970s but then it rapidly became integrated in the global discourse due primarily to the efforts of international women's networks that collaborated with the human rights networks to form the transnational campaign on violence against women. Increasingly since 1975, International Women's Year as declared by the UN, laws to fight Violence Against Women (VAW) have become an integral part of the discussion on human rights and global feminist activism. The 1970s were dedicated to drafting and passing the world's first comprehensive and legally binding instrument to prevent discrimination against women and the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) was eventually adopted in 1979 (and passed in 1981). Joachim (2007) stresses the importance of international treaties, specifically the role played by the UN and international NGOS in bringing about a legally binding international instrument that precipitated change on the domestic front. Signing an international treaty, Jutta argues, helps civic groups *within* a country ally with and fight alongside international actors to bring about change at the national level. The emphasis on international actors is also extended to the domestic implementation of laws by True and Mintrom (2001) who focus on the role of transnational advocacy

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[8]I hesitate to use the term "gender mainstreaming" (Caglar, 2013) due to its connotations surrounding the inclusion of women in institutions and a corresponding rise of "femocrats" (Schild, 1998). Instead I wish to focus here on the mainstreaming of gender into public discourse and informal politics.

[9]That is, until very recently.

networks in bringing about change at the domestic level. They discuss the importance of gender mainstreaming in state machinery and how state institutions that are aware and inclusive of women and feminist concerns will be forced to take more concrete steps to bring about gender equity. TANs are instrumental in effectively gender mainstreaming government departments at the domestic level. Avdeyeva (2007) additionally argues that ratification comes about in part because of perceived or real social pressures on states to assimilate with their regional partners, and compliance or implementation with said ratification is therefore dependent on the vulnerability to social influence.

A majority of the work in the field has additionally focused on the legislative and institutional means by which feminist actors and organizations combat VAW (Weldon, 2002, 2011). While governments across the world have increasingly adopted various measures to protect the rights of women in the last 4 decades, these measures are far from comprehensive and more importantly, uneven across national legislatures. Traditionally, scholarship has pointed towards an array of causal variables to explain this passage of legislation: the presence of women in governments, feminist movements, the ratification of CEDAW, district magnitude, strength of left leaning parties (Sanbonmatsu, 2003; Haas and Blofield, 2005; Htun and Weldon, 2012). This research however typically assumes that the legislation that emerges would be in line with the demands of the women's movements and feminist principles - a conflation of interest and preferences (Beckwith, 2014). As we see in this paper however, recent changes in legislation in South Asia have been driven less by the work of women's groups and more by public outrage. Gender and mobilisation research has analysed the role that women play in these movements but this conflation of women and women's movements fails to empirically capture what we see in South Asia (Baldez,

2002; Beckwith, 1985; Banaszak, 1996; Weldon, 2002).

2.2.7 Intersectionality and Social Movements

I finally draw on literature on intersectionality to better understand how different communities within India are affected differently by both mass demonstrations and government policies. Social movements are one such example of advocacy that we are seeing in increasing quantities in recent years. They play a critical role in local, national and international politics, mobilising a range of diverse groups and interests. Exploring who is included and who is excluded within these movements is a critical project. It is a task that requires an intersectional lens to examine how multiple and overlapping points of oppression shape power dynamics within social movements and by extension, political environments more generally. I draw here on the definition of intersectionality by Collins (1998) "As opposed to examining gender, race, class, and nation, as separate systems of oppression, intersectionality explores how these systems mutually construct one another." With historical and theoretical roots in Black feminism and women of color activism, intersectionality as a concept can be critical in addressing concerns relating to inclusivity and representation in social movement (Davis, 1998; Moraga and Anzaldúa, 1981; Crenshaw, 1991).Crenshaw (1991)[1255] for instance argues that "intersectionality offers a way of mediating the tension between assertions of multiple identity and the ongoing necessity of group politics" as well as that " any discourse about identity has to acknowledge how our identities are constructed through the intersection of multiple dimensions?" More than four decades later, acknowledging diversity, inequalities invisibilities, as well as desires to "organize on ones own" (Roth, 2004) amongst political activists has become increasingly important to gender and politics, LGBTQI+ politics, and race and politics scholars;

many of whom argue that identifying and analyzing power dynamics between and amongst different identity groups is critical to exploring issues of access and inclusion within civil society movements (e.g. Crenshaw (1991); Strolovitch (2008)). However, this call for an intersectional perspective on social movements discourses, practices and politics of alliances and conflicts is far from being systematically adopted by social movements scholars. Whilst intersectionality has constituted a paradigm shift in gender studies (Hancock, 2007), and has become increasingly important for scholars of race and ethnicity as well as LGBTQI politics (Kearl, 2015), it is not clear whether those active within other types of social movement, or those studying them, also take account of difference and the interactive effects of identity markers and structural inequalities. While research exploring intersectionality and social movements will necessarily appeal to scholars of womens, civil rights, labor unions, migrant rights and LGBTQI+ movements; issues of inclusion, accessibility and accountability are critical for all of those working on social movement studies.

While movement entrepreneurs and political elites may be more constantly engaged in defining the political nature of the movement and the issue at hand, citizen participation comes in at critical moments and then can ebb while other political work continues in its absence. Movement entrepreneurs (drawing on a definition from Baldez (2002)) have a vested interest in drawing in supporters for their cause, to ensure political and social support for their causes. When do citizens respond to efforts by movement entrepreneurs? Additionally, their reactions can range from social mobilization that draws political attention to the issues, increased dialogue and awareness about an issue, petitioning the government and political actors for answers and reform, or dismissal of the issue entirely. When a citizen has to make a strategic political decision about where to invest their political capital, it is rational to select

those instances where they stand to benefit most (Ostrom, 1990; Rydin and Pennington, 2000). Victims and events where they see themselves, or see the potential for harm to themselves, are most likely to be considered a worthy investment.

Theories about the consolidation of social identity as a reason for protesting therefore find most resonance here. I combine this with the intersectional aspects of the politicization of violence against women and propose that the represented identity of the survivor, in juxtaposition with the identity of individual protesters is what is critical in determining if one will protest or not. The emotional aspects of protesting are amplified when the grievance is felt by a victim who is considered as part of the in-group (van Stekelenburg and Klandermans, 2013).Groups that are marginalized and occupy a lower status in society will either not have the political capital required to have an issue framed to draw them in or enough political capital to be expended on behalf of the cause. Thus, only those in-groups that are politically dominant will coalesce and protest. A brutal act against someone perceived as one of their own allows for the resolution of the collective action problem that is inherent in social mobilization. However, if the recipient of violence is from a group marginalized along lines beyond just gender,(Chandra, 2006; Rege et al., 2003; Chakraborty, 2003; Kannabiran, 2007) then the frames won't resonate with the social world and group implications (Winter, 2008) won't manifest. On the flip side, the relative identity of the perpetrators might also have a similar effect on the desire to politically mobilize but in the opposite direction. This would be due to the in-group/out-group identification by protesters, where the perpetrator becomes an enemy that can reinforce group-identity. Social cleavages therefore allow us to predict which events will catalyze a protest and which won't, and therefore which *types of rape* make it to the public agenda and which don't.

2.3   Definitions

I draw here on established definitions as within the literature to guide my work.

- Policy *interest* - substantive values "that politics puts into effect and distributes" (as defined by Jónasdóttir (1988)[40])

- Policy *issue* - "issues are strategic choices that emphasize components of interest as a point of mobilization and policy initiative. Derived from interests, issues are more specific, immediate, and limited." Beckwith (2014)[4]

- Policy *preference* - "preferences constitute a range of discrete, limited alternatives in relation to a specific issue." (Beckwith, 2014)[4]

- Public Opinion - Defined as how individual opinions are formed and changed; how these same individual opinions are aroused and mobilized into the form of collective opinion; and how that collective force becomes involved in political governance Crespi (2013)

- Protest Campaign - Short term event of contentious politics, typified by an act of collective defiance centered around a singular policy issue (Almeida, 2014)

- Advocacy group - Organisations that provide "historically marginalised groups with an alternative mode of representation within an electoral system that provides insufficient means for transmitting the preferences and interests of those citizens" (Strolovitch, 2008)[4][10]

- Historically neglected policy interest - A policy topic that represents the interests and value of a historically marginalised group

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[10]Advocacy is defined as "rights based expression and association" (Boris and Mosher-Williams, 1998)[4]

2.4 Summary of Theory
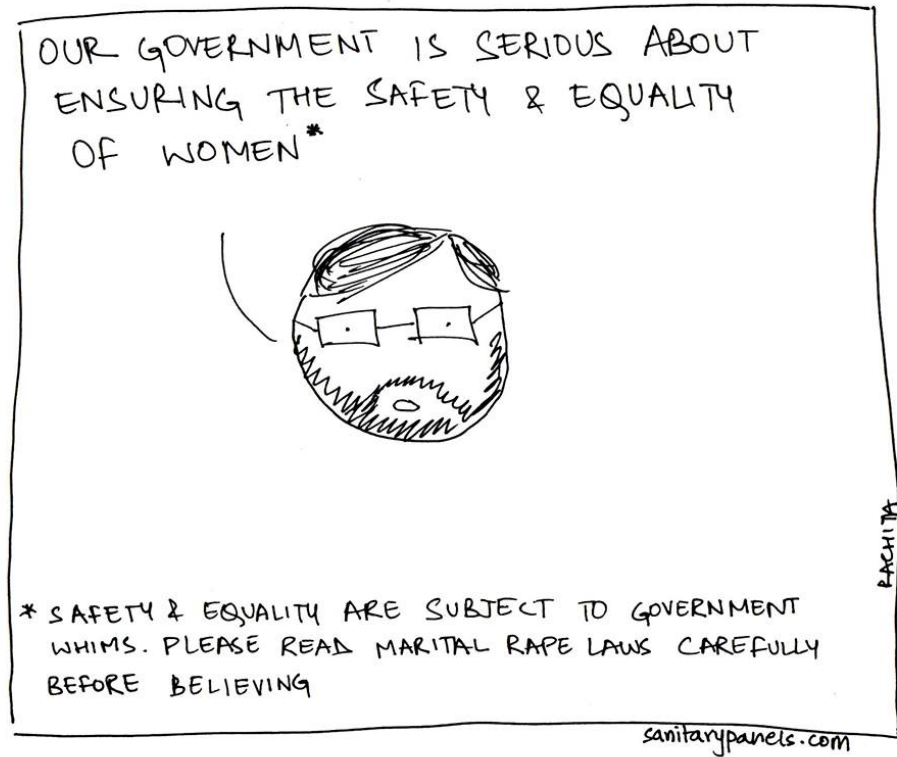
Figure 2.1: Whimsical Government Definitions of Rape

I argue here that specific cases of VAW can mobilise a wide coalition of constituents, due to the intersectional nature of VAW as a political issue. In essence, while most mobilising around issues of VAW has been organised and led by women's organisations, VAW as an *issue* can and does attract conservative and liberal constituents or *interests* to borrow from the typology proposed by Beckwith (2014), people from different classes, religions, and other social cleavages. This is further amplified in developing countries where women's role in society is complicated by competing forces of neo-liberal economization and traditional societal structures, that result in women navigating the public arena while still being restricted socially and in private (Schild,

1998; Rozario, 2006; Gottlieb, 2016). Feminist activists can therefore navigate the support of women's rights and fight VAW on the grounds that it violates women's autonomy, a central notion in feminist thought (Cudd, 2006). More conservative constituents approach the issue from a contrary point of view that results in a similar behavioural outcome. With conservative constituents, the violation of women is akin to the violation of community honor (Hossain and Welchman, 2005), and therefore VAW poses severe risks to communal solidarity and purity. This is where the *interest* may match, but the policy *preferences* differ (Beckwith, 2014).

This therefore means that VAW can be framed politically by voices across the political spectrum, allowing for capture by political voices to further their own ends. The spectre of the Othered Stranger raping women and dishonoring communities allows for the rallying up of support for strategies that "protect" communities and preserve national honour. These strategies also deliver more power into the hands of governments and strengthen their hold over society. Furthermore, by acting upon the demand for VAW, the state is able to communicate care and concern thus helping rebut the onslaught of anti-government anger directed at them. An effective State machinery therefore, can channel the anger directed at them into proactively building up a state that benefits them. I further find that the State extends the successful deployment of their "protectionist" narratives to other policy areas in which they have policy preferences that typically haven't found public support.

Why were feminist actors not able to more effectively impact policy at the national level that could curry favour with the vote banks electing parties into office? Or do they choose not to? Feminists have argued that feminism in India is torn between engaging and resisting the state (Rajan, 2003). "Some movements have feared that a close relationship with political parties might lead to their co-optation and de-

radicalization, while others have seen parties as vital to advancing women's political interests" (Basu, 2010), a debate that continues unresolved. Additionally, feminist groups must navigate the specifically tricky terrain of being both nationalist (or "Indian") and feminist at the same time, especially given the current political climate where a narrative of national security concerns help propel a conservative ideology forward. All political actors are expected therefore to pledge primary allegiance to national unity and the Indian vision, a narrative that has underscored Indian politics since it's inception. Indian feminists must straddle the boundary between being feminists and being Indian, fighting for women's rights while simultaneously retaining Indian values (Narayan, 2013). When translating to public policy formulation and in the interest of getting laws passed, this results in the further marginalization of those women who aren't considered "Indian enough" such as Muslims, Dalits or those from the North East of the country. Gender-based violence in India is intrinsically tied up to caste and communal politics as reflected in the stories of Mathura and Bhanwari Devi's rapes (Mathur, October 10, 1990; Abraham, 2002), Dalit women, whose rapes at the hands of upper caste men were dismissed, suppressed and forgotten by the Indian authorities. Women of lower castes are therefore silenced on multiple fronts, on account of their gender, caste and often correspondingly, their class (Chakraborty, 2003; Rege et al., 2003; Rege, 2006). The intersectional nature of the struggle against VAW therefore yields potentially hefty explanatory power when explaining the divergence in mobilization interest and preference and by extension, the resulting policy formulation.

I derive this argument from an analysis of the government response to the anti-rape demonstrations centered around Nirbhaya (Delhi, 2012-2013) and Aparajita (Kolkata/Kamduni, 2013). This analysis allows me to investigate this theory at both

the national level and the state level. Nirbhaya was the biggest protest campaign centered around rape in India, when this project was finished. Aparajita is a very similar case to Nirbhaya, but at the state level, as opposed to national.The details if both the actual crime at the heart of the protests are very similar (young college student from a low socio-economic status gang raped by strangers in a public place, and brutally murdered after) as well as the impact these rapes had on the public (mass protests for over 2 months). They therefore share a comparative advantage, but allow us to draw conclusions from both a national case and state level case. Furthermore, I compare the policy outcomes of the national government and the state level with states where anti-rape demonstrations didn't occur or didn't represent varied policy preferences. At the national level, I compare the current response to responses in the past, utilising a temporal comparison to circumnavigate the solitary unit problem. I draw on a combination of data gathering techniques - surveys and focus groups aimed at capturing policy preferences, and textual analysis and interviews aimed at capturing government responses. I finally extend this analysis to two other case studies to evaluate the validity of the approach - the new toilet policy being piloted by the Indian government under BJP rule, and college agitations across India demanding equitable hostel access for men and women.

2.4.1 Variables

I essentially look at how the occurrence of mass demonstrations/protest campaigns influence policy outcome. I find that to estimate policy outcome, I need to first estimate policy interest and policy preference.

I operationalise them as listed below for analytical purposes

- *Mass Demonstrations* - Protest campaigns that include (a) over 500 people[11], (b) include acts of collective defiance (sit-ins, rallies, marches, political demonstrations) and (c) dissipates within 3 months

- *Policy Outcome* - The policy changes that come about in response to either protests or institutionalised social movement advocacy.

- *Policy Interests* - The political topics that citizens value as important to them

- *Policy Preferences* - The policy outcomes that citizens wish for with regards to a policy interest

- *Policy Uptake* - The decision to incorporate the political issue into the political agenda (No Uptake, Slow Uptake, Fast Uptake)

- *Policy Agenda* - The political priorities of the political unit as defined by elected officials and bureaucrats

Furthermore, I present below a list of the key actors involved in the project.

2.4.2 Actors

1. Political Actors

2. Elected Officials

3. Bureaucratic Actors

4. Civil Society Actors

5. Feminist Activists

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[11]As derived from the criteria in the GDELT database and by Almeida (2014)

6. Civil Society Leaders

7. Civilians

Essentially, the first 2 sets of actors represent the political set within this universe. They include those elected into office, but also party officials, campaign donors and other political actors who aren't running for office but are instrumental in shaping political discourse and policy agendas. Bureaucratic actors are responsible for the implementation of such policy but are also the liasion between advocacy actors (civil society actors, leaders, and feminist activists) and the political sphere. Finally, we have civilians who respond to exhortations by civil society leaders and political leaders, and comprise public opinion.

2.4.3 Scope Conditions

This project is limited to the policy uptake of VAW in India where mass protests are not an established means of political communication between political institutions and constituents. Additionally, this project is aimed at explaining the consequences of policy uptake on marginalised communities. It is less able to explain the consequences when marginal populations are not the focus. While this project can have legs beyond the India case, it doesn't test the argument on protests outside India.

2.5   Theoretical Diagram

I propose two potential pathways to policy outcomes. Both assume heterogenous policy preferences in society but society is mobilized along different lines and levels. Mass demonstrations, centered around a protest campaign, mobilise society in one pathway while activists mobilise in the other. Essentially, as we see in Figure

2.2, the principal actors motivating a mobilisation will determine who controls the final policy agenda. When institutionalised actors (such as activists, advocates or interest groups) mobilise policy preferences, they tend to retain control over the policy agenda. However, when uninstitutionalised actors mobilise policy preferences via mass demonstrations, the government is able to co-opt the mobilisation and drive the policy agenda.

INSTITUTIONAL APPROACH

| Heterogenous Policy Preferences in Society | → | Invested Actors Mobilise Niche Policy Preferences | → | Invested Actors Drive the Policy Agenda | → | Policy Oriented Toward the Institutional Interest |

CONTENTIOUS APPROACH

| Heterogenous Policy Preferences in Society | → | Mass Protests Mobilise Niche Policy Preferences | → | Government Actors Drive the Policy Agenda | → | Policy Oriented Toward the Government Interest |

Figure 2.2: Pathways to Policy Outcomes

2.6 Potential Arguments

Given the exploratory nature of this study, I propose here some potential arguments that could explain the divergence in policy uptake and agenda as witnessed in the Indian cases.

- A_1: If a set of policy issues evokes one dominant policy preference (proposed by a narrow coalition of actors), then the policy outcome will align with the institutionalised interest.

Given heterogenous policy preferences as existing in society, it is possible that if a dominant policy preference emerges from a policy issue, then the policy outcome will align with this interest. This dominant policy preference is most likely to be proposed by an advocacy group, or a narrow coalition of actors who have had time to institutionalise their policy preferences. This institutionalisation allows for more control over the policy agenda due to the role of advocacy groups as institutionalised actors representing a policy interest that the public may not have much knowledge about (drawing here on the work by Burstein (2014) discussed above). This does not imply that this policy preference will be a *good* outcome, just that it will align with the institutionalised preferences.

- A_2: If a set of policy issues evokes multiple policy preferences, then the policy outcome with align with a dominant actor's strategic preferences.

However, if multiple policy preferences emerge from a policy issue, as it happens in the aftermath of a protest campaign/mass demonstration, control over the policy agenda is essentially up for grabs since there is no strong institutionalised group leading a charge. Different sets of actors can therefore lobby for the support of the

protesters, and therefore the policy outcome may more closely align with the interest of the political agenda and political actors, as opposed to those outside government like NGOs and advocacy groups. In the Indian case, this has tended to be the security apparatus of the State, often at the neglect of other segments of the Indian state. In such cases, governments have found that co-opting the public agitation serves them even better than ignoring or repressing protests. Given that these mass demonstrations are more akin to protest campaigns and therefore don't have a dominant institutionalised actors with defined policy preferences, government bodies with defined policy preferences can make their preferences the priority within the policy agenda. However, while gender mainstreamed bureacracies (Caglar (2013); True and Mintrom (2001)) tend to ally with advocates and play a critical role in the institutionalised approach, the security apparatus of the State plays a more central role in the Contentious Approach.

My research seems to indicate that this happens across ideological divides of partisan politics - that is, regardless of party ideology, we see this trend taking place. We see some variation in speed of co-optation based on whether the party is in power or not, but beyond parties outside power aligning with protesters quicker than the party in government, we see little variation in co-optation of policy platforms. Overall, I find that the government seems more likely to choose to co-opt contentious politics (as demonstrated by mass agitations), when the resulting policy preferences are varied. Specifically, they are likely to do so when either a set of proposed policy preferences confer immediate benefits to their dominant constituents, or when a set of proposed policy preferences align with pre-existing policy preferences (that benefit their dominant constituents) that haven't made it to the policy agenda yet. The consequences of this selective co-optation however, are that the interests of marginalised populations

or minority communities are neglected, most likely resulting in either ineffective or harmful policy outcomes.

2.7 Methodology

2.7.1 Why VAW Policy

I argue here that specific cases of VAW can mobilise a wide coalition of constituents, due to the intersectional nature of VAW as a political issue. In essence, while most mobilising around issues of VAW has been organised and led by womens organisations, VAW as an issue can and does attract conservative and liberal constituents people from different classes, religions, and other social cleavages - *interests* to borrow from the typology proposed by Beckwith (2014). Feminist activists can therefore navigate the support of womens rights and fight VAW on the grounds that it violates womens autonomy, a central notion in feminist thought (Cudd 2006). More conservative constituents approach the issue from a contrary point of view that results in a similar behavioural outcome. With conservative constituents, the violation of women is akin to the violation of community honor (Hossain and Welchman 2005), and therefore VAW poses severe risks to communal solidarity and purity. This is where the interest may match, but the policy preferences differ (Beckwith 2014).

This therefore means that VAW can be framed politically by voices across the political spectrum, allowing for capture by political voices to further their own ends. The spectre of the Othered Stranger raping women and dishonoring communities allows for the rallying up of support for strategies that protect communities and preserve national honour. These strategies also deliver more power into the hands of governments and strengthen their hold over society. Furthermore, by acting upon the

demand for VAW, the state is able to communicate care and concern thus helping rebut the onslaught of anti-government anger directed at them. An effective State machinery therefore, can channel the anger directed at them into proactively building up a state that benefits them.

While this study focuses empirically on VAW policy, this argument can be extended to other policy areas that affect vulnerable communities primarily and have therefore historically been neglected by dominant policy discourse i.e. immigration, refugee rehabilitation, sanitation policy, and tribal rights.

2.7.2   Case Study Analysis

I draw on comparative analysis of cases here, with both a temporal and spatial comparison.

Processes		
	Institutional	**Contentious**
Public Opinion	*National Level:*	*National level:*
	Delhi (2012)	Delhi (2012)
	Subnational Level:	*Subnational Level:*
	Mathura	Kolkata (2013)
	Bhanwari Devi	Kolkata (2014)
Elite Response	*National Level:*	*National level:*
	1983 Criminal Law (Amendment) Act	2013 Criminal Law (Amendment) Act
	2013 Criminal Law (Amendment) Act	*Subnational Level:*
	Vishakha Guidelines	West Bengal
	Subnational Analysis	Uttar Pradesh

My research design is centered around comparative case studies that draw on both a temporal and a spatial comparative analysis within India. Spatially, I conduct a sub-national comparison within India that allows me to control for key demographic factors, and institutional arguments, but varies activist history, occurrence of mass demonstrations, and elite interests. Temporally, I compare the processes by which the policy agenda around VAW was shaped until 2012, and post 2012. In 2012, we see the first mass demonstration occur in response to the gang-rape and murder of a 23 year-old student in India. Mass demonstrations become a lot more common after this 2012 triggering event. The 2012 cutting point therefore, allows me to evaluate the effect of mass demonstrations (as a part of a protest campaign) on the policy agenda around VAW. However, the 2012 VAW policy agenda shifted the conversation at the national federal level and therefore we shift to a subnational level to evaluate the differences in public opinion and elite responses, as caused by the presence or absence of mass demonstrations. Comparability: We see variation in policy outcomes both with a temporal comparison policy outcomes before 2012 and then policy outcomes after 2012. We also see variation at the subnational level. Policies at the state level in West Bengal and Delhi differ considerably from policies in Karnataka, Tamil Nadu and Maharashtra.

2.7.3   Data

I draw on a wide variety of data sources for this project. I combine archival and case study research with primary qualitative and quantitative data. I draw on existing research done on the women's movement in India and the anti-rape movement in South Asia, and complement these with interviews where possible with leading activists and civil society leaders. I conduct surveys and focus groups with civilians to establish

how public opinion is formed within these political contexts. I utilise a combination of interviews and textual analysis (government and party documents) to determine how policy agendas are determined and policy is shaped. I finally draw on interviews and ethnographic research to understand how the government has deployed successful policy narratives in new policy areas. I therefore interact with government officials, activists, civilians, students and journalists for this project.

2.8 Cases

I briefly introduce my two primary empirical cases here, as well as the secondary ones used for further validation of the argument.

2.8.1 Nirbhaya

"She is the momentum, the impact. And the hurricane. Bless you Nirbhaya, we are all with you."[12]

Nirbhaya[13], as she came to be known in public, was a 23 year old physiotherapy student from the poorer strata of society. Her father worked in the airport as a baggage handler and her mother ran their house. On the night of 16th December, she and a male friend were returning home after a movie screening. Given the scarcity of public transportation in the city, they eventually hitched a ride on a bus that claimed it was headed in the direction of the city center. However, the six men in the bus who had presented themselves as strangers and fellow passengers were in fact known to one another and were in the habit of using this bus to lure unsuspecting victims

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[12](Basu, December 23, 2012)
[13]Marin 2013

into being robbed. Nirbhaya, however, provoked a different criminal intent from these men.

> The conductor closed the doors of the bus. He closed the lights of the bus and came towards my friend and started abusing and beating him. They held his hands and held me and took me to the back of the bus. They tore my clothes and raped me in turns. They hit me with an iron rod and bit me on my entire body with their teeth. They took all belongings, my mobile phone, purse, credit card, debit card, watches etc. Six people raped me in turns for nearly one hour in a moving bus. The driver of the bus kept changing so that he could also rape me. [...] Half of the time I was unconscious, but whenever I came to consciousness they beat me up. My friend tried to save me but these people beat him every time he came forward to save me. They also beat him with an iron rod and hit him in the head.[14].

Nirbhaya and her friend were eventually thrown out of the bus on to the side of the road and the police only arrived to take them to a hospital 30 minutes after they were abandoned. Nirbhaya's friend later reported that they were ignored by people who passed them on the street in their dire conditionSengupta (December 17, 2012). Nirbhaya was taken to a local hospital and treated for her injuries and then eventually airlifted to Singapore, where she finally succumbed to her injuries 13 days later.

Her rape and subsequent death was the catalyst for the first mass demonstration in India protesting rape. The brutality of the rape and her physical conditions grabbed headlines and newspaper coverage beginning December 18th and combined with the media coverage, students and women primarily, took to the streets in every

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[14]Nirbhaya's testimony to a magistrate in Delhi prior to her death (Marin, January 12, 2013).

metropolitan city in the country PTI (Dec 29, 2012). These protests did not let on and students persevered in their rallies and marches for over 3 weeks, from the date of the rape till past New Year's. Some of these protests were met with force "when police had charged with batons, fired water cannons and teargas in clashes with protesters" while "A sizeable area in downtown Delhi was plunged into a security lockdown with India Gate and the Raisina Hills a strict no-go area in the aftermath of the young student's death in Singapore, drawing condemnation from protesters."PTI (Dec 29, 2012). This reaction by the government faced adverse reactions from the protesters who had remained anti-violent for the duration of the protests. As one protester stated, "This is insensitivity. There is complete lock down. You have the metro stations shut. You have a road completely blocked. This is undemocratic."[15] This intense civic agitation that was broadcast both nationally and internationally ensured speedy government action. These protests also laid precedent for the rest of South Asia, and other parts of the developing world, as previously mentioned. Less than a year later in June 2013, a 20 year old student was similarly gang-raped and brutally murdered in Kamduni, West Bengal resulting in protests that shook the State and the newly-elected State Government (Bhabani, January 29, 2016).

2.8.2   Aparajita

Aparajita[16] was a 20 year old student from the peri-urban area of Kamduni, on the outskirts of Kolkata, West Bengal. On 7th June, 2013, she was returning from college when she was brutally gang raped and murdered by a group of local men. Her body was found in the fields by her brothers, launching civilian unrest against police au-

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[15]This was in reaction to the government shutting down public transportation in an attempt to control and constrain the public protests. (Ibid)

[16]Another moniker coined for the victim by the media, much like in the case of Nirbhaya. *Aparajita* means undefeated, much like *Nirbhaya* meant fearless.

thorities in Kamduni that lasted days. Indian paramilitary forces had to be deployed to quell the local agitations, alongside women's organisations that descended upon Kamduni from across the country. The protests started in the peri-urban municipality but eventually over the course of the week, extended all the way to Kolkata itself, with marches being lead to the seat of the State government in Kolkata. These marches snowballed quickly from being primarily local Kamduni residents to include celebrities in the region, university students, members from opposition political parties and residents of Kolkata and other peri-urban municipalities (Bhabani, January 29, 2016). This case therefore witnessed similar mobilisation patterns to Nirbhaya, albeit on the state level. Similarly, much like how Nirbhaya launched protests across India, the Kamduni case too launched protests across West Bengal - namely the #HokKolorob protests in 2014.

2.8.3 #HokKolorob

I therefore additionally focus on the #Hokkolorob protests in Kolkata, India that were centered around Jadavpur University. Jadavpur University is one of the premier academic institutions in Kolkata, India and is considered an intellectual hub in the city known for it's intellectual rigor and undertones. However, Kolkata has in recent years seen a slip in the cosmopolitanism and safety within city borders with an increase in VAW, rolling back of civic rights, implementation of curfews and the rise of a "thug" culture.[17] On August 28th 2014, a Jadavpur student was molested on campus and her male friend beaten up for intervening. Initial reports to both the police and the University were disregarded and the Vice-Chancellor (associated with the ruling party) prevaricated on multiple occasions with regards to taking action in accordance

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[17]Much of this has been attributed to the Trinamool Congress Party that came to power in 2011, unseating the Communist Party of India (Marxist) at the end of a 34 year tenure.

to the guidelines imposed after the 2013 overhaul of the sexual assault legal apparatus in the country. After student demands had been rejected at the administrative level on September 16th, the students staged a sit-in blocking access out of the administrative building. Police forces were eventually called in and after a 24 hour negotiation period which failed to move the students, punitive action was taken against the students to break up the rally. Police and civil cadres (also associated with the ruling party) arrested 36 students, beat up many more and allegedly molested many female student protesters. Thus began the #Hokkolorob movement or *Let There Be Noise*, which continued till January 2015. The student body rejected the authority of their Vice-Chancellor and demanded his resignation, and the mass protests that started in Jadavpur University spread both locally and globally. The #Hokkolorob Movement is considered one of the first social movements in India to employ social media and internet activism to coordinate the movement and disseminate information. Much of this data is therefore employed to analyse the frames of contention deployed by the agitators and supporters, alongside interviews and textual analysis.

2.8.4 Pinjra Tod

From its origins in localized campus struggles for equitable gender access to hostel accommodation, Pinjra Tod has succeeded in building a significant social movement. Its initial struggles were restricted in scope, in the numbers of participants, and in the limited nature of their victories, but in September 2015, a small protest at a university in Delhi became the catalyst for a nationwide movement involving women students from across the country, all demanding equitable access to higher educational resources. The participants were women otherwise separated by geography, class, caste, religion, and socio-economic background, but coming together in sup-

port of equal access to education, and bound by their shared sense of alienation from institutional educational spaces. We see in Pinjra Tod the successful genesis of a national movement, one which achieves small-scale incremental but steady victories while developing a sense of activism and an increasingly heightened awareness of the student bodys latent political potential.

For instance, while the movement has primarily been framed as fighting for gender neutral housing policies and equitable access to educational resources, it has also proven to be a successful catalyst beyond what might be strictly considered womens causes, becoming a key player in political actions intended to keep college campuses secular, resist the tide of oppressive nationalism currently sweeping India, shield minorities from caste and religious based violence and protect educational funding from government attempts to privatise and corporatize higher education (@pinjratod Instagram account). It has also, so far, done this while retaining its political autonomy and remaining independent from political affiliation with university bodies and organisations like Womens Development Cells and other womens Non-Government Organisations.

2.9 Contributions

This chapter establishes a number of contributions, as well as providing the basis for an empirical contribution to be made. Drawing on an inductive research design where the project investigates cases empirically to draw conclusions, I find that mass protests provide the government means to co-opt a political cause for their own benefits. Often times, this co-optation is at odds with the interests of vulnerable communities. This project focuses on cases of anti-rape mobilisation in India over the last 50 years (as detailed in the next 4 chapters), and therefore the conclusions it

draws are limited to India and anti-rape policies. However, these findings could hold in other contexts beyond India. We have seen manifestations of it in the American context with governments using the rape of white women as a means by which to take away the rights and liberties of black populations for instance. The Indian cases allow us to see how mass demonstrations, the politicisation of rape in a rapid timeframe, provides the government with a legitimate means by which to co-opt the conversation around rape for a variety of reasons, thus extending the argument.

Additionally, this project makes three unique contributions to our understanding of gender and the State. First, it allows us to further build on the work by Crenshaw (1991) and explore how intersectionality can work as a method. This project allows us to focus on *who* is doing the seeing of politics, as opposed to *what* is being seen. By doing so, we move beyond intersectionality as currently understood within feminist thought, to see for instance how a Brahmin (such as myself) writes about acts of violence against Dalit populations. How does the positionality of the researcher reflect on the politics of narrating violence for instance? This project reiterates certain acts of violence multiple times through the project to allow for the centralisation of ideas and yet, this comes at a cost to readers, especially those not in positions of power within social circumstances. How does the model of writing within political science therefore serve to hurt and hinder the rights and liberties of the marginalised?

Furthermore, the project's emphasis on caste highlights the means by which caste membership is one of the more dominant forms of gender oppression within the Indian subcontinent. Women's membership in higher castes allows them to further oppress women of lower castes. Specifically, we see that the oppression of lower caste women comes at the benefit and often behest of upper caste women (and men). Brahmin women benefit when Dalit women are made to clean up after them. Higher caste

privilege is protected through the oppression of lower caste rights.

Finally, this project opens up the conversation around how institutions of power and privilege can negotiate with and uphold the rights and privileges of the marginalised. Either intentionally, or unintentionally, institutions can and often do coopt the voices of the marginalised. It is therefore imperative that social activists are aware of how our conversations and activism can work to uplift the voices of those without our privilege while not taking over the voices.

Chapter 3

Let The Experts Speak

"It may also be pertinent to mention here that while the present incident of gang rape of a young woman in Delhi has proved to be the tipping point and led to a nationwide outrage and the constitution of this Committee, this issue has been the subject of rigorous debate, research, analysis and study,spearheaded by the womens movement for over 25 years. The problems are therefore known, the issues formulated and the range of potential answers, solutions and way forward have on many occasions been presented to the government and Parliament."

Vrinda Grover, JVC Submission

3.1   Introduction

This project focuses on the impact of mass demonstrations on official VAW policy. These protests against brutal rapes are however juxtaposed against a long history of violence within these same political and socio-cultural contexts that met with little to no public attention, leave alone resistance and protest. Much of this invisible violence, has been at the heart of institutionalised advocacy in India for many decades now.

The feminist movement in India had been focusing on the fight for women's rights for decades by the time Nirbhaya was murdered, except due to a variety of circumstances, political *and* strategic, their fight was focused on pushing through change through bureaucratic means, relying on the executive branch and the legal system to effect lasting change.

This chapter elaborates on the institutional approach introduced in the previous chapter and distilled in Figure 2.2. The chapter also traces the subsequent impact on policy formation and government policy on VAW. The Institutional Approach has been the primary approach in India when it comes to shaping the debate on VAW, until we see a shift post Nirbhaya's murder in 2012, especially in public opinion around the issue. I therefore explore in this chapter the process by which public opinion around the issue of rape historically came to be, as well as the actual content and variety of this institutionalised public opinion. I draw primarily on a temporal analysis, pre and post 2012, as well as a spatial analysis, with a focus on 4 sites within India - Delhi, Kolkata, Mumbai and Bangalore. I also compare actors and movements that have been institutionalised for a considerable number of years as well as a newer movement that emerges but follows the institutional model - Pinjra Tod. This chapter therefore provides us with an understanding of one pathway by which public opinion around rape is shaped and the consequences of this approach. We can therefore contrast this with newer (and more contentious) pathways to shaping public opinion that emerge through the public protest process. This then allows us to better understand the pressures that the differential pathways apply on elected officials and bureaucrats who must implement this project and the subsequent policy outcomes. I detail below my research design for this chapter, and the data used. I then present my findings as well as the implications.

3.1.1 Institutionalised Approaches

I expect actors to become more adept at coalescing over policy preferences over time, thus reflecting the nature of the institutionalization of the advocacy movement. However, given what we know of the place of womens issues and violence against women in a historical context, it is unlikely that we will see a lot of sustained public attention surrounding the issue. The combination of institutionalization and the policy area therefore, will result in a strengthening of policy demands over time, but these policy debates will be restricted to select advocacy and bureaucratic circles for the most part. To that end, I trace the evolution of the institutionalized approach to better evaluate how policy formation comes about and to what end.

3.2 Evidence

I draw primarily on archival data, interview data, textual data and ethnographic data for this chapter. I triangulate my data sources to better capture the trends over time and ensure internal validity to the data gathered. While the interview data draws on snowball sampling to expand its sample, the archival data and ethnographic data draws from rigorous case selection rooted in theoretical conceptualisation. Overall I find evidence that supports the importance of the institutional approach in bringing about legislative change and policy implementation, but for the most part this change happens beyond the purview of the explicitly public sphere. This approach has therefore resulted in incrementalist changes to public policy, but these changes are less likely to be reversed after many years, as evident in a temporal analysis.

3.3 Feminist Organising Historically

The 2016 World Economic Forum Global Gender Gap ranks the Health and Survival of Indian women (which includes prevalence of gender violence as a segment of its composite score) at 142 out of 144 countries, indicating the severity of the problem in the world's largest democracy (Samans and Zahidi, 2016). The National Crime Records Bureau Report of 2015, published by the Indian Ministry of Home Affairs, finds that domestic violence (34.6%) is the leading cause of Crimes Against Women, followed closely by "Assault on Women with Intent to Outrage her Modesty" (25.2%). Rape compromises 10.6% of Crimes Against Women (Bureau, 2015).
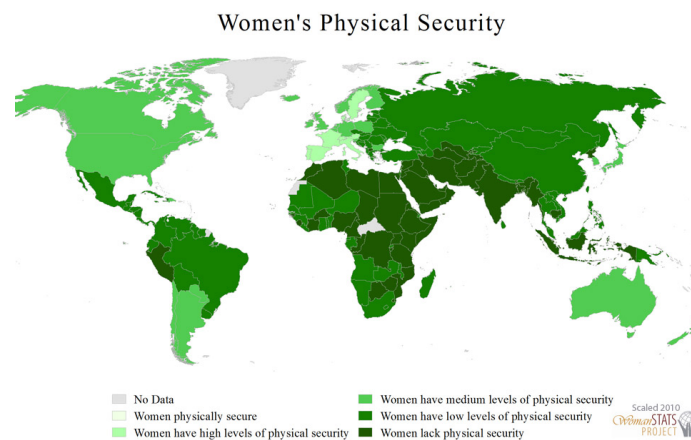
Figure 3.1: Women's Physical Security Globally

This is all against the backdrop of a conflicted feminist movement, due to the specific vagaries of the Indian feminist movement and the Indian nation-state. Indian feminist have argued that academic feminism and feminist theorizing has for the most part been restricted to Western Thought (Chaudhuri, 2005) which has lead to many Third World feminists rejecting the feminist label in much of India's women's movement. (Kishwar, 2005) Indian feminist scholars argue that those who mobi-

lize and defend feminist concerns in the Third World must grapple with the fear of merely espousing a "symptom of their "lack of respect for their culture", rooted in the "Westernization" that they seem to have caught like a disease."[1]. In a bid therefore make feminism more palatable to the large swathes of the Indian population for whose edification and benefit, feminist goals and principles are espoused, feminism must therefore become an inherent part of the *national political landscape*" of India (Narayan, 2013). However, this attempt to disperse the benefits of feminism to larger segments of the Indian population results in conflicting approaches to political action, primarily decisions to either actively partake in politics or insist on autonomy. This isnt a debate restricted to Indian feminist circles either. Bumiller (2009) for instance finds that the American feminist movement allied with the State in an effort to criminalise rape and violence against women but many feminists within the movement were plagued by the compromises they had to make, including but not limited to the carcelisation of the American state. As Basu (2010) argues with reference to the Indian feminist movement, "Some movements have feared that a close relationship with political parties might lead to their co-optation and deradicalization, while others have seen parties as vital to advancing women's political interests", a debate that continues unresolved. Feminist groups must therefore navigate the specifically tricky terrain of being both nationalist (or "Indian") and feminist at the same time. India's long history with rule by foreigner powers, inclusive of but not limited to British colonialism[2] has led to the dominance of national unity as an issue of unmistakeable salience[3] both politically and rhetorically. Uday Mehta for instance argues that:

It is plain that a country on the verge of Independence, marked by dizzy-

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[1]Quotes in original: Narayan (2013)
[2]Only one of many foreign powers to have ruled India
[3]Mehta 2010

ing, often fractious, and potentially centrifugal diversity - not to mention a diversity that had long been used to justify imperial subjection, and one in which the prospect, and then the reality, of Partition had loomed for many years - would be vigilant, indeed, obsessed with national unity.[4]

All political actors therefore pledge primary allegiance to national unity and the Indian vision, a narrative that has underscored Indian politics since it's inception. Extending this to the feminist movement therefore, "In India, feminism and nationalism were closely inter-linked... The cause was Indian; the goal India's freedom. The women's movement in India has none of the man-woman antagonism characteristic of women's movements in the West."[5] This incorporation into the nationalist movement was repaid with discussion of minority and cultural rights and the incorporation of them into the Indian Constitution. However, the consequences of this amalgamation of the Indian nationalist movement and the feminist movement has lead to the essentialization of Indian women such that there exists a "conflation of the Indian woman wit the Indian nation and culture and its very special identity."[6] The consequences of this essentialisation on feminist concerns are far-reaching. The "Mother India" imagery that is rampant in Indian culture identifies India's national pride with the sanctity and safety of their women. Women therefore become symbols much like they do in cultures where the community's honor is invested in the women themselves, such as the tribal Bedouin culture in the Levant where "a woman belongs to her people and carries family honor".[7]

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[4]Mehta (2010)(16)

[5]Aparna Basu (1976: 40) as qtd. in Chaudhuri (2005)(xxi)

[6]Chaudhuri (2005) (xx)

[7]Sonbol (2003) (47)

3.3.1 Mathura and The First Sexual Assault Law

This is not to say that parts of the feminist movement hasn't resisted this essentialisation. Women activists have been mobilizing since the 1970s around the issue of gender violence, with a primary focus on wife beating in the early 70s (Kumar, 1993), but eventually shifting the focus to violence perpetuated by the State by the end of the decade. Patel (2012) argues that this is in part due to the Emergency during which "large-scale violations of civil and political liberties by the state, including reports of sexual assaults, rapes and brutality against women by the police and security and paramilitary personnel" (Kumar (1993) as qtd in Zaidi, Ghosh and Chigateri (2016)) changed the political calculus of what violence was. The Emergency, and the violence committed by the State, provided the political impetus and the political opportunity for the women's movements to rally around issue of police and military violence, and custodial rape became triggers for localised protests. These protests were critical of the security apparatus in the districts and utilized a series of civil disobedience tactics, may drawn from the repertoires employed and deployed during the Independence struggle. The protests however, never moved beyond the district level and justice still remained a pipe dream for the most part. All this changed with the Mathura rape case in 1972 which was eventually picked up by lawyers and women's right activists in 1980[8]. Mathura, an adolescent girl from a tribal community was raped and sexually assaulted by two police officers in a police station and her family's attempts at reporting this crime went unnoticed by the public for 8 years. She had been brought to the station because of her involvement with a man from a higher caste family, as her family was concerned she was being coerced into having sex with him. However, the two constables on duty took this to mean that she was "sexually habituated and

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[8]Anandan (December 26, 2012); Kaufman (April 20, 1980)

thus their assault and rape of her wasnt considered criminal by a local court. A High Court however convicted the two accused for dereliction of duty, thus resulting in a legal standstill. The case eventually reached the Supreme Court who had to arbitrate between the acquittal by the local court and the conviction by the High Court. The Supreme Court acquitted the accused, claiming that there wasn't enough evidence to argue that her consent had been obtained through fear of reprisals by the police who were raping her. While this case too had remained a cause for local agitation for the better part of a decade, it was only after a lawyers' collective heard about the Supreme Court verdict that they took to the legal grievance system to publicly demand changes in how the Indian court system arbitrated rape cases (Baxi et al., 1979). As Baxi et al. (1979) argued, "The Court gives no consideration whatsoever to the socio-economic status, the lack of knowledge of legal rights, the age of victim, lack of access to legal services, and the fear complex which haunts the poor and the exploited in Indian police stations."

This letter (coming 11 years after Mathuras rape), that drew onto the legal apparatus as opposed to the civil disobedience tactics adopted hence far, served as a catalysts for women's organising across India, centered around demands for retrials of rape cases (Mathura, and Rameeza Bi) and the centering of custodial rape in the feminist discourse of the times. This agitation eventually lead to the Criminal Law (Second Amendment) Act of 1983 where custodial rape was now made punishable, the burden of proof was shifted to the accused, revealing the name of the victim was punishable by law, women doctors conducted the medical examination, and a woman's indication that she hadn't consented was considered rebuttal enough.[9] This was however tacked onto an amendment that primarily dealt with dowry deaths that

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[9](Government, 1983)

hadn't abated since the Dowry Prohibition Act of 1961.[10] Additionally, it took 3 years for the demands of the movements to crystallise into the law, and many aspects of the demands were absent in the final versions. This long process of negotiating the amended law robbed the campaign of their fervour and momentum, thus effectively dismantling the anti-rape campaign of the 70s. Finally, this created some significant schisms within the feminist movement that took many activists decades to overcome (Interview with members of National Federation of Indian Women). Much of this conflict was centered around the decision by activists in urban centers to shift towards an institutionally oriented approach and initiate conversations with the legal system, while local activists were still oriented towards a more contentious approach aimed at dismantling the system of oppression they noted as paramount in their lives. The division between radical politics and a more centrist approach remains for the most part a division between rural and urban politics according to activists, reflecting more than just the tension dictated by the decision to ally with the government or retain autonomy. This is better reflected in the violence that surrounds the Bhanwari Devi rape in 1991, as detailed in the next section.

3.3.2   Vishakha Guidelines

The feminist movement again coalesced around issues of violence in the 90's, centered around the gang rape of Bhanwari Devi, a State employee whose responsibilities included bringing increased awareness to child marriage in her local community. Bhanwari Devi worked for a program established by the State government of Rajasthan that aimed to empower women in local communities through conversations with *sathins*, trained women employees who could hold village forums on topics such

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[10]This act criminalized the act of demanding dowry but is rarely enforced.

as child marriage, dowry, maternal health, property rights amongst others. *Sathins* were themselves local village women who were provided a (meager) honorarium in return for leading workshops across villages, and helping to redress social ills and grievances.

It was in retaliation for her intervention into a child marriage in her village, Bhanwari Devi was gang raped by the village elite (she herself was of a much lower-caste, an Untouchable or *Dalit*) in 1992 (Madhok and Rai, 2012). When she went to file a police claim, she faced additional harassment at the hands of the police as they marginalized her claim in the interests of sticking to the "law.[11] She was not examined within the requisite period as no women doctors were present, her report was delayed even further as the legal departments were shut for the day and she was made to deposit her skirt as evidence thus further harming her "modesty", the very attribute the Indian state purported to protect[12]. As with the Mathura rape case, Bhanwari Devi's rape proved to be the catalyst for additional feminist organising. While the Mathura rape case shed light on custodial violence that targeted women, Bhanwari Devi's rape while performing her professional duties drew the spotlight to the lack of redressal options available to women sexually assaulted in the work place. While activists were unable to bring justice for Bhanwari Devi, her case started the movement for anti-harassment laws at the workplace. The Vishakha Guidelines, which provide a set of procedural guidelines to be followed in the workplace in cases of sexual assault and harassment, were disseminated by the Supreme Court in 1997, and eventually gave way to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Vishakha and Others, 1997). Bhanwari Devi however, is still waiting for justice. She and her husband were ostracized for many

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[11]Utilizing procedural evasion in retaliation for her activism, to draw on a theoretical framework proposed by Sen, Vallejo and Walsh (2018).

[12](Mathur, October 10, 1990)

years by the village due to her status as both a survivor of sexual assault, and as someone who challenged the village hierarchy by reporting the village elite who control resources and opportunities for the village (Interview with activists in Bhilwara, Rajasthan, who work with Bhanwari Devis family). Much of the tension between activists in Rajasthan has therefore revolved around how to bring about justice for Bhanwari Devi, and by extension how to better design programs that incorporate womens concerns. Aruna Roy, of the Mazdoor Kisan Shakti Sangathan, argues for a more radical approach to fighting what are perceived to be social evils in the rural context. Some senior activists within MKSS and sister organisations like Barefoot College and Tilonia for instance, have espoused intolerance of women activists within the organization choosing to wear the *purdah* - the veil. They argue that even the act of women choosing to adopt the *purdah* is antithetical to a vision of a violence free India for women. This has caused some significant divisions between those who work on the grassroots and those who work in Jaipur (the capital of Rajasthan), and Delhi. However, in spite of this conflict, there is also a lot of collaboration that exists when big controversies arise and marches to the Central Government must be organised for instance. Essentially, as one activist argued - "We might disagree, but we dislike government unfairness more (Interview with grassroot worker in Rajasthan, Tilonia).

3.3.3   State Sanctioned Violence

In the meantime, other acts of violence and other forms of injustice continued unabated. Violence by paramilitary forces continues to be a critical cause for concern in large swathes of India. Thangjam Manorama was arrested by an Indian paramilitary force in the middle of the night in her home state of Assam, which was under military rule at the time of the arrest (2004). While there was no evidence prior to her arrest,

the Army claimed that they had found weapons at her home after the fact. Her dead body was found near her home the day after her arrest, bullet ridden and allegedly raped and tortured. Her (alleged) rape and murder while in custody of the Indian Paramilitary Forces in Assam lead to protests against the Armed Forces Special Powers Act (AFSPA) in the North East and Delhi, primarily launching the Meira Paibis protest by the Mothers of Manipur (Rehman, 2017). A group of 30 women walked naked across the town of Imphal, Assam to the headquarters of the paramilitary force in protest, demanding that they too be raped as they were also Manoramas (and by extension all victims of paramilitary violence) mothers. These protests still continue to this day to little avail. While Manoramas family has been awarded compensation, there has been no justice awarded to her killers since the State had no jurisdiction due to the AFSPA and the central government claims national security and thus wont release the report of the investigation (Kannabiran, 2007). While the feminist movement has unequivocally been against the AFSPA, activists in the Northwest have expressed frustration that activists elsewhere continue to be complicit with the very institutions that they have been fighting (Interview with WRAG activists). However, this is disputed by activists at NFIW and AIPWA who argue that they arent complicit with violent institutions such as the Army and paramilitary forces, and the Courts are for the most part a neutral institution if ineffective at curbing government violations. State violence, and state-sanctioned violence is widespread in India and has been for many years. Multiple Adivasi (tribal) women in Bastar, Chhattisgarh were raped by security forces who were stationed there to control the Maoist insurgency that is centered around Adivasi communities(Karat, January 12, 2017). Communal violence and the "Love Jihad" is yet another battle site for violence perpetuated against women's bodies by State sanctioned forces and therefore also a site for fem-

inist organising. In 2013 for instance, communal violence in Uttar Pradesh between Hindus and Muslims resulted in the displacement of tens of thousands of Muslims into makeshift camps where many of them still reside. It therefore took 4 years before the gang rapes that had occurred during the riots even came to public notice. Amnesty International India (2017) produced a report in 2017 that highlighted the struggles of 13 women who had been gang-raped but were offered no recourse or legal remedies, instead having been rebuffed by various police stations and other aspects of the criminal justice system. Journalists and activists have consistently worked on the issue for the last 5 years but these stories remain very much on the margins of the public consciousness. While we witness activists coalescing and mobilizing support for these campaigns and many others, they were either much delayed or very localized. The extended protests against the AFSPA in Assam for instance revolved primarily around the actions of merely 5 activists (The Mothers of Manipur) and their political actions over the course of a decade. The protests for Mathura took place 8 years after her rape, Bhanwari Devi never saw justice. Women activists in all these cases continued to rely on legal redressals for the crimes committed against women, and protesting locally with other women activists. Senior feminists have mixed feelings about their relation to the legal system. While many of them have spent years critiquing the Indian state and the State apparatus, they still rely on their relations with the bureaucracy and political parties to effect change. Usha Ramanathan for instance argues that the process of changing the hearts and minds of people, while a worthy endeavor, takes decades, while legal change can be implemented a lot earlier regardless of public support. This approach has caused some significant generational conflicts within the Indian feminist movement, especially in recent times. However, as discussed below, this has primarily burgeoned *after* the organising around 2012

and Nirbhayas death.

3.4 Nirbhaya and Post 2012 Organising

The reliance on legal institutionalised tactics didn't change drastically from prior repertories of contention when Nirbhaya was murdered in 2012. Women's groups organised to protest the day after the gang rape, December 18th. The All India Democratic Women's Association (AIDWA) filed for the police permission and No Objection Certificate required to stage a demonstration and walk, and were joined by the Jawaharlal Nehru University Student Union (JNUSU). These original signatories of the police permission application had on multiple occasions prior to this event protested together and continue to protest various other grievances till this date. Lenin, the JNUSU President recalls it being relatively mundane to organise the protest and the police permission - almost rote, given how often they would do it. Other feminist organisations joined in the protests within hours of the Police Permission, again as normal.

Even once the protests snowballed and drew national level political attention, the feminist actors within the space responded in the same way they had in the past with the Mathura and Bhanwari Devi cases. At the behest of Vrinda Grover, a nationally acclaimed feminist lawyer (Grover (January 5, 2013)), feminist organisations and other civic society actors submitted suggestions and solutions to the Justice Verma Committee (JVC) which was established by the Government in response to the protests that had caused the city to come to a standstill. The JVC were a trio of esteemed judges and lawyers who were entrusted with the responsibility of drafting recommendations for the government to take into consideration when amending leg-

islation dealing with sexual assault.[13] The JVC asked for submissions on "Possible amendments in the criminal laws and other relevant laws to provide for quicker investigation, prosecution and trial as also enhanced punishment for criminals accused of committing sexual assault of extreme nature against women, and connected areas such as gender justice, respect towards womanhood, and ancillary matters."(J. S. Verma, 2013). An evaluation of these submissions provide us with comparative leverage into understanding how advocacy groups have approached the issue of formulating public policy in response to fighting rape and violence against women. I coded a total of 25 manifestos, representing 65 organisations.[14] These organisations include feminist organisations, women's autonomous collectives, political parties, international rights, university departments, professional associations, academics and individuals. They were obtained from Vrinda Grover's personal collection as well as what the legal clerk for Justice Leila Seth, a sitting member of the JVC, was able to release. They were coded for

- Theoretical Interventions

    - Changes in Language

    - Framing of the Issue

- Changes to Existing Laws

    - Changes to the Armed Forces Special Powers Act

    - Marital Rape as an exception

    - Expansion of Custodial Rape

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[13]This is par for the course when legislations need to be overhauled in Indian jurisprudence. Parliament establishes Law Commissions to help draft recommendations and suggestions for legislative overhauls.

[14]Listed in the appendix

- Proposed Solutions

  - CCTV cameras

  - Police Presence

  - Shelters

  - Death Penalty and Castration

These concepts were derived from the organisation of these documents themselves as well as the focus groups to provide for a uniform comparative lens. This iteration of the findings do not include the debate surrounding the repeal of Section 377, which effectively criminalises homosexuality within the legal system. However, these were also coded for as they were a consistent theme across many of the manifestos due to the overarching feminist themes of these documents as submitted to the JVC. The recommendation of the repeal did not however make it into the official Justice Verma Report, and therefore never made it to the debate in Parliament.[15] I focus here on solutions that show up (albeit in different forms) across the institutional and the contentious approach, as well as the ones that don't necessarily show up.

Overall, these organisations all propose a similarly holistic approach to fighting sexual violence. Many of them are cognisant of the vulnerabilities of specific populations - women of lower castes, tribal women, rural women - and raise similar issues - marital rape, rape by security forces, rape as an attack on bodily and mental integrity as opposed to the honour of a woman, opposition to the death penalty, and

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[15]The absence from the Justice Verma Report may have been for a variety of reasons. It may have been a recommendation that the JVC did not wish to consider, deeming it either inappropriate, beyond the reach of the current debate, or one that there wasn't enough consensus about. However, it may also have been because the Delhi High Court had just recently repealed Section 377 and the case was currently pending in the Supreme Court (The Supreme Court reversed the High Court's decision later in 2013), therefore removing it from the jurisdiction of the JVC. Justice Leila Seth (one of the sitting members of the JVC) said she was unable to comment on this aspect when interviewed.

opposition to making the law gender-neutral vis-a-vis the perpetrator. They all promote an expansive understanding of sexual assault. There is some variation noted in the proposed solutions - role of policing, shelters, CCTVs and gender sensitisation training. Much of this has to do with the jurisdiction of the organisation writing the report itself. So the report by Women Against Sexual Violence and State Repression focuses primarily on violence committed by security forces, and custodial violence. The Lawyers Collective and the Students Bar Association of the National Law School are most concerned with legalese and the limitations and abilities of the legal and judiciary system. However, one of the trends noted was the level of repetition in the documents. Vrinda Grover, the lawyer responsible for contacting many organisations requesting submissions and input, said that many civil actors drew on previous collaborative work done on the topic of sexual violence, an opportunity that she herself helped organise when requested. Additionally, they worked together to stress key demands across the manifestos and submissions, relying on the expertise of specific organisations. While they stressed many key themes to be aware of while amending the legislation, nearly all of them are also aware that this is but one step in the fight against sexual violence. This collaboration that is very strongly evident across the submissions, is supportive of the institutional approach. On short notice, Vrinda Grover was able to tap into a feminist network that has expertise on the topic and these organisations themselves were able to tap into prior work and therefore build on each others work where possible. This allowed them to present a united front, even across the geographical distance, and differences in funding, size, focus, and experience. While there are some differences that are noted below, on the whole we see a uniform picture being presented with little disagreement about what anti-rape laws should look like.

3.4.1   Language of New Laws

One of the primary concerns raised by these manifestos is centered around the pre-existing legal language used to describe sexual violence. Partner for Law in Development (2) argue that "Outdated and offensive terms such as 'rape' 'ravishment' 'enticement' 'chastity' 'outraging of modesty' in the substantive provisions, to be replaced with terms that define harms in terms of sexual assault, violence and violation of bodily integrity." Amnesty International argues for a similar approach - "Criminal law should identify rape and other sexual violence as crimes against the physical and mental integrity of the victim, not as a crime against modesty, morality or honour." (2) - an argument that is echoed in the Jagori submission as well (2) amongst others.

The submissions also demand changing the conceptualisation of the term victim in sexual violence cases. The Alternative Law Forum for instance argue that

> It is proposed that the conceptualization of victim broaden from 'woman' to 'person' so as to also protecting all those who are assaulted on grounds of their gender identity. Our conceptual understanding is that sexual violence is always gendered and that it is perpetrated on account of ones gender. Thus it is not only women, but all those who are perceived to be transgressing the boundaries of gender who are subject to sexual assault. This includes female to male transsexuals, hijras, kothis, effeminate gay men and all those who violate the social codes of gender. Our proposal is rooted in the concrete history of discrimination and seeks to extend protection to vulnerable groups.[16]

Essentially, we see an attempt to shift the conversation away from being one focused on violence against women to one that is more expansively conceptualised around

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[16]Alternative Law Forum (January 4, 2013)(2)

gender based violence. This is in direct contrast to the existing legal code which reflected colonial understandings of rape and assault, as reflected in the terminology - "Assault on Women with Intent to Outrage her Modesty and "Insults to a Womans Modesty. This reliance on terms considered outdated by the feminist movement reflects what many consider one of the primary flaws of the anti-rape thinking in India. The assumption is that rape is a crime because of its connection to a womans modesty, and less a crime because of the attack on a humans bodily integrity, thus a shift to gender-based violence becomes a central rallying point for much of the feminist movement.

3.4.2 Accessibility

This focus on making the new law more accessible and considerate of vulnerable groups is reflected across submissions. Aastha Parivaar (January 5, 2013) for instance argues that it is necessary to "Make adequate laws and amend existing laws that recognize the inviolable right of all women including women in sex work, to say no to force and violence. This includes the law relating to marital rape."(1) Saheli Women's Resource Centre (January 5, 2013) argue that "The notions of purity and honour linked with women have resulted in giving lesser or no protection of law to those considered to be less pure and less woman (like sex workers, transgender people or people with intersex variations) and therefore are denied access to the law and their rights. Sexual assault needs to be addressed as an assertion of power (power of caste, class, community, patriarchy, army, police and State) and an act of violence, not a sexual act."(2)

Multiple organisations draw attention to the increased vulnerability of minority women - Forum Against the Oppression of Women (January 5, 2013) for instance

state that "There are many measures that we are suggesting for ensuring that people are able to make legitimate complaints and that there is a system that makes those from the margins poor women, Dalit women, adivasi women, women in political conflict regions, migrant women, sex workers, transgenders, and others confident of using the system that often goes against them."(2) A collective of disability advocates additionally argue that "Girls and women with disabilities are more vulnerable to exploitation. They are considered as soft targets with the perpetrators assuming that they can get away easily. In many cases such women are unable to comprehend or communicate about such acts of violence or assault they face. Some reports suggest that they are upto three times more likely to be victims of physical and sexual abuse as compared to other women." (Aarth Astha et al, January 4, 2013)(1) Women's Research and Action Group (January 5, 2013) also argue that "Recognising sexual assault in certain specific situations of conflict based on community, ethnicity, caste, religion and language, as well as physical / mental disability of the victim merit special recognition."(2)

3.4.3   Aggravated Sexual Violence

Arguments for adopting an intersectional approach to fighting sexual violence complement the stress on expanding definitions of aggravated sexual violence within the criminal justice system. The Verma Committee Report (2013) had solicited input on cases of aggravated sexual assault, in response to the brutal gang rape of Nirbhaya. However, many feminist actors pushed back on what they perceived to be a limited understanding of aggravated sexual assault. 19 of the 25 documents therefore used this as an opportunity to discuss the various manifestations of rape that could be considered aggravated. Much of this becomes an opportunity to discuss violence

committed by security forces and violence perpetuated along communal lines.

Amnesty International (January 4, 2013) for instance, in their Amicus Curiae Brief argue that "Domestic law should also criminalize rape and other crimes of sexual violence as crimes under international law. Sexual and gender-based violence committed in the context of an armed conflict can amount to war crimes. If committed as part of a widespread or systematic attack against civilians, they can also be crimes against humanity whether in the context of armed conflict or not... There should be no immunity from prosecution for sexual and gender-based crimes, for example for members of the police force or armed services, or high-ranking officials or heads of state." (2-3) Indian organisations provide more specific arguments with respect to this concept. The Partners for Law in Development argue specifically for an expanded consideration of aggravated circumstances surrounding sexual violence - "Section 376 to include instances of sexual assault during sectarian (caste, ethnic, communal) violence, sexual assault against physically and mentally disabled women, and sexual assault carried out by the security forces."(2) All India Democratic Women's Association (January 4, 2013) argue that "In the sections on aggravated penetrative and non-penetrative sexual assaults we further feel that sexual assault by personnel of the armed forces and by personnel of the para-military and other allied forces, as also private armies engaged by the state, should be included. Similarly, penetrative and non-penetrative sexual assault at the time of or together with other forms of communal or caste or sectarian violence should be categorized as an aggravated form of sexual assault." (6) Significantly, almost the entirety of the Women Against Sexual Violence and State Repression (January 5, 2013) submission as well as the People's Vigilance Committee on Human Rights (January 5, 2013) submission, is focused on the inability of the law to protect women from the violences perpetuated on their bodies by security

forces - the Indian military, paramilitary forces, private militias hired by the State for security purposes and police responsible for security during periods of conflict. Much of this violence happens on the so-called margins of Indian society - in the Northeast, in Kashmir, in the Naxalite belt, and to those of the lowest castes, Muslims, impoverished poor - and is therefore not within the political purview of much of the Indian population. These submissions therefore spend significant amounts of their opportunity to dialogue with the JVC to draw attention to these problems.

Many organisations also framed aggravated sexual violence as an expansion of the older debate on custodial violence. Alternative Law Forum (January 4, 2013) for instance argue that "Currently the notion of custody is restricted to police officer, public servant, management or staff of a jail or women's or children's institutions. The understanding of custody should be widened to include paramilitary forces, armed forces, and Special Forces that may be constituted under special laws, given the prevalence of reported instances of sexual violence being committed by such forces."(2) This is an argument one also sees echoed by Gujarat Women's Rights Groups (January 5, 2013)(2), Jagori (January 5, 2013)(2), Lawyers Collective and CEHAT (January 5, 2013)(13). Additionally, a group of organisations focused on police reform on India proposed suggestions for implementation of these reforms and the means by which to make them most effective (CHRI, January 5, 2013). Gujarat Women's Rights Groups (January 5, 2013) go on to argue that "In cases of aggravated sexual assault, punishment should be for life imprisonment till death with no remission." (7)[17]

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[17]A life sentence in India currently is 14 years.

3.4.4 Marital Rape

Another specific subset of violence that many of the submissions focus on is the exclusion of marital rape under existing legislation. Alternative Law Forum (January 4, 2013) argue that "The exception under Section 375 of the Indian Penal Code relating to sexual intercourse by a man with his wife ought to be deleted... It is widely known that sexual assault is often perpetrated by a person known to the victim and in this context, the guise of marriage ought not to be a shield under which sexual assault continues to be perpetrated."(2) Amnesty International (January 4, 2013) argue that the "Criminal law should enable the effective prosecution of any person suspected for acts of sexual violence, and there should be no exemptions for certain perpetrators (such as in 'marital rape')."(3) The reasoning here is that "Marriage does not imply consent of the wife to sexual intercourse with the husband. For any sexual act between the husband and the wife to be consensual, the consent of the wife must be real and explicit and not assumed." (Partners for Law in Development, January 5, 2013)(3), an argument that the Lawyers Collective and CEHAT (January 5, 2013)(8-10) detail in great length. This too is a theme echoed across 22 of the 25 documents

3.5 Solutions

Moving beyond the definitions and range of the law, some of the documents also tackled what could be termed solutions to the problem of violence against women. In this section, I discuss some of the main proposals that show up across documents. I also discuss ideas that only appear in a few in a separate section at the end.

3.5.1 Shelters

One of the primary suggestions found across documents was that of shelters for women survivors. These shelters as proposed, covered a range of functions - in some cases, it was suggested they act as liaisons between survivors of violence, and the criminal justice system. In others, it was recommended they be a literal shelter for women fleeing from retaliation. Partners for Law in Development (January 5, 2013) recommend shelters with an expansive scope

> "The state must establish Violence Against Women Assistance Cells which would be responsible for providing immediate access to quality and free medical attention, psychological counselling, legal aid and other support services as may be required by the victim. These cells should be uniformly available and accessible in urban and rural areas, in zones of peace and conflict... These Cells must provide 24hour service, including access to interpreters for disabled victims, access to translators for victims who do not speak the local language, transport facilities, access to information about legal aid, compensation schemes and so on."(3)

A coalition of Gujarat Women's Rights Groups (January 5, 2013) suggest an even more expansive and detailed scope for proposed shelters (3)

> Crisis support centres to specially handle violence against women should be set up at block and district level and at sub city level which should have personnel trained to handle cases of rape and sexual assault on women. The cell will be intimated as soon as a case of sexual assault on women is reported in the area/police station. The cells will be staffed with trained personnel in social work, legal skills and trauma counselling so as to ensure the victim the support. Case workers from these crisis cells can be

assigned each of this case.

Each support centre should be provided adequate security for safe functioning and protection of the rape survivors.

Information regarding such centres shall be widely disseminated and made public in local language through various means and modes. This is to ensure that women and victims of the area can approach the centre in case the police do not take up their complaints immediately. If the police refuse to register a complaint, the case worker should know how to assist the victim in filing a private complaint before a magistrate.

These centres should function round the clock and additionally have access for disabled, access to same-language personnel, transport facilities, access to information.

Other organisations, such as Jagori (January 5, 2013)(4) and Hazards Centre (January 5, 2013) propose that shelters serve more as preventive measures, advocating for "[Provision of] adequate shelter for homeless women according to the Supreme Court orders and Master Plans. The number of safe shelters for homeless women should be in proportion to the number of homeless women in the city." (Hazards Centre, January 5, 2013)(3)

3.5.2 Police Patroling

The role of the police is one of the more fraught aspects of these documents. The tension primarily emerges from the somewhat contradictory claims in these texts that on one hand, the police are often the very cause of the violence perpetuated against women and minorities, thus justifying the need to expand our definitions of aggravated sexual assault. On the other hand, many of these organisations demand increased

police patroling, even sending them into vulnerable areas, where purportedly they skew the power balance in their favour. Some of them propose solutions to navigate these tensions while some don't acknowledge the contradiction. Additionally, there is limited consensus amongst the actors in this analysis on the issue of police as a preventive measure.

All solutions are presented against a backdrop of deep cynicism and criticism on the role of the police in cases of violence against women. People's Vigilance Committee on Human Rights (January 5, 2013) for instance state that the primary problem is "The enormous social obstacles due to caste based feudal and patriarchal system encountered in registering complaints, in the conduct of thorough investigation, in the protection of witnesses, in fast and efficacious prosecution and in unbiased adjudication in other words, the issues of implementation of the law, and the functioning of the police and judicial machinery which necessarily precede sentence in absence of police reform and judicial reform."(1) Saheli Women's Resource Centre (January 5, 2013) additionally argue that their "work with victims of violence revealed that even laws were highly inadequate in recognizing and redressing such violence and there was deep sexist bias in the police, legal and judicial machinery. As a result women refrained from going to police stations and in the absence of any social or governmental support systems continued to live with violence. ... dealing with insensitive, anti-woman and corrupt police and legal machinery in the implementation of these measures continues to be a major impediment in seeking justice." (1)

It is against this backdrop therefore that actors must propose solutions that involve the police but are also cognisant of there failings and inadequacies. For instance, All India Democratic Women's Association (January 4, 2013)(7) argue that "... in cities and towns increased patrolling and deployment of police, including police women

in public places should take place. The police should map vulnerable areas in each metropolitan city and town where such crimes are likely to take place and accordingly ensure police presence. The infrastructure in cities should be improved to make them safer for women. In cities and towns lighting plays a crucial role particularly in public places and this should be carried out. Jagori (January 5, 2013) echoes this suggestion (4), as do a few others. CHRI (January 5, 2013) go one step further and argue for the need for "education and training on police subjects, including on-the-job training on community policing and liaison with vulnerable sections such as women, children, disabled persons and senior citizens." (7) thus ameliorating some of the potential contradictions inherent in this discussion.

However, we see some more significant contradictions emerge when discussing the role of women in the police force. Student Bar Association National Law School of India University, Bangalore (January 5, 2013) argue that "Women police officers should be given a greater role in investigations work. Women officers should become an integral part of the police organisation, performing a special role dealing with crimes against women and children and tackling juvenile delinquency. Women police officers should share all the duties performed by male officers. We strongly recommend that women officers should be recruited in much larger numbers than at present, particularly to the ranks of Assistant Sub-Inspectors and Sub-Inspectors of Police. (10) CHRI (January 5, 2013), in collaboration with other civic organisations working on police reform demand that "Each Police Station must have a Women and Child Protection Desk, staffed, as far as possible, by women police personnel, to record complaints of crimes against women and children and to deal with the tasks relating to administration of special legislations relating to women and children." (7) However, they also "reject the notion that all women police stations are empower-

ing of policewomen and privileging of complainants. In fact it isolates women into a sidelined category who are not expected to come in the way of the business of 'real' policing." (4) The Women's Research and Action Group (January 5, 2013) also make it a point to note that "Recruitment of women into the police force, by itself, will not ensure that victims-survivors of sexual assault are treated in a dignified, humane and respectful manner. Training in this regard is required for both male and female police officials." (5)

3.5.3 CCTVs

One of the more creative solutions to the police harassment issue is the usage of CCTVs. As will be noted later in this project, CCTVs are traditionally suggested as a means by which the police can keep an eye on the public - which no group suggests. While one group directly rejects this notion (Gujarat Women's Rights Groups (January 5, 2013) (7) - Gujarat groups express great discomfort being under the culture of constant surveillance being suggested by Gujarat Police and also reject the current order passed that says that girls should not be asked to go to tuition classes before 7 a.m. and after 9 p.m.), two other groups suggest using CCTVs *inside* police stations, as a means to surveil errant and possibly criminal, police behaviour. Partners for Law in Development (January 5, 2013) for instance state that "There should be CCTV cameras inside police stations, to monitor police performance and recording of complaints." (6) while Forum Against the Oppression of Women (January 5, 2013) ask for "CC TV cameras in police stations to make sure that the procedures for receiving of complaints are followed and implemented at every level." (2)

3.5.4 Death Penalty and Castration

The one aspect where there is absolute unanimity in the sample is on the issue of the death penalty. Absolutely none of the groups/signatories support the death penalty in cases of rape, or chemical castration. Student Bar Association National Law School of India University, Bangalore (January 5, 2013) spend over 3 pages detailing legal arguments against the death penalty as well as providing evidence that supports their case. The reasons are plentifold, but the recommendation is the same - no death penalty or chemical castration for rape, not even including aggravated circumstances or sexual violence. In many instances, even the wording is the same - indicating the collaboration that occurred amongst these separate actors and collectives to ensure that certain key themes were echoed constantly throughout the process.

We see a variety of different reasons provided but they all reach the same conclusion vis-a'-vis policy outcomes. Partners for Law in Development (January 5, 2013) state that they "are strictly opposed to the suggestion that sexual offences should be punished with death penalty. Firstly, there is no scientific basis for claiming that death penalty has deterrent effect. Secondly, there are studies that show that as punishment becomes stricter, the rate of conviction falls. Finally, death penalty embodies the idea of retribution which is as violent as the offence for which it is being suggested... [They] are also opposed to chemical castration as a punishment for those convicted of sexual offences. Sexual assault is embedded in a framework of power and has got very little to do with sex." (3) Jagori (January 5, 2013) unequivocally states "No death penalty. We recognise that every human being has a right to life. Our rage cannot give way to what are, in no uncertain terms, new cycles and cultures of violence." (2) Forum Against the Oppression of Women (January 5, 2013) also claim that "The logic of awarding death penalty to rapists is based on the belief that rape

is a fate worse than death. Patriarchal notions of 'honour' lead us to believe that rape is the worst thing that can happen to a woman. There is a need to strongly challenge this stereotype of the 'destroyed' woman who loses her honour and who has no place in society after shes been sexually assaulted." (3)

In other instances, organisations are more explicit about their vehement opposition to the death penalty. Women's Research and Action Group (January 5, 2013) claim that they "believe that death penalty becomes a tool in the hands of the State to further exert its power over its citizens, which [they] do not support." (7) Forum Against the Oppression of Women (January 5, 2013), a collective of queer feminists are particularly critical of the death penalty. They begin their document with a clarification of their stand on this issue - "We are particularly against the death penalty. Our vision of justice does not include death penalty, which is neither a deterrent nor an effective or ethical response to these acts of sexual violence... We also believe that castration, chemical or otherwise, should not be a punishment awarded to rapists. Any form of corporal punishment is barbaric and has no place in a civilised polity." (1) They expound in a later section

> We refuse to deem 'legitimate' any act of violence that would give the State the right to take life in our names. Justice meted by the State cannot bypass complex socio-political questions of violence against women by punishing rapists by death. Death penalty is often used to distract attention away from the real issue it changes nothing but becomes a tool in the hands of the State to further exert its power over its citizens.

> The State often reserves for itself the 'right to kill' through the armed forces, the paramilitary and the police. We cannot forget the torture, rape and murder of Thangjam Manorama by the Assam Rifles in Manipur in

2004 or the abduction, gang rape and murder of Neelofar and Aasiya of Shopian (Kashmir) in 2009. Giving more powers to the State, whether arming the police and giving them the right to shoot at sight or awarding capital punishment, is not a viable solution to lessen the incidence of crime. (3)

Other organisations explicitly link the death penalty to the unequal toll this would take on vulnerable communities. People's Vigilance Committee on Human Rights (January 5, 2013) for instance, draw on existing sociological research to make a comparative case against the death penalty - "As seen in countries like the US, men from minority communities and economically weaker sections make up a disproportionate number of death row inmates. In the context of India, a review of crimes that warrant capital punishment reveals the discriminatory way in which such laws are selectively and arbitrarily applied to disadvantaged communities, religious and ethnic minorities."

This conversation has recently been revived in India with the rape and murder of an 8 year old child in Kathua, Kashmir. The government, responding to criticism that they arent acting efficiently enough in the case of the rape and murder, have proposed the death penalty for all rape cases of children. This debate has again caused the emergence of the same schism in the public sphere, as the conversation around Nirbhaya had. While many argue (key government actors included) that the rape of children is a particularly heinous crime, feminists raise similar concerns around the death penalty as they did in 2012-2013. The primary concerns here are that children and families are less likely to report crimes if the perpetrator (more often than not, someone known to the family and the victim) is likely to be sentenced to death. Additionally, concerns about how this will affect sentencing and convictions

are moving to the center of the debate - research shows that sentencing and convictions *decrease* after the introduction of the death penalty, as judges are less likely to convict when the death penalty is the sentence (significantly more important in India where jury trials arent an option) Kaplan, Dunn and Jackson (2016); Roychowdhury (2016); Smart (1990).

3.5.5 Misc

The submissions were not limited to the solutions presented above, and many had other suggestions as well. These are a sample of the options presented in this sample, primarily those with a comparative component that link this approach to the contentious approach. For instance, the concept of a curfew and a dress code are critiqued by People's Vigilance Committee on Human Rights (January 5, 2013) - "The current policy of clearing the streets of vendors, closing shops by a specific hour of night and chasing away other people who occupy public space at night makes the street more unsafe for women. This policy should be stopped as a greater presence of people and well-lit public areas at night are essential in reducing the danger to women traveling to and from work as well as homeless women. Women should be given priority in being given vendor licenses and employment in public transport. Women should not be forced to comply with gender specific dress codes and women employees should be able to able to chose their dress code." (10) Finally, Gonsalvez and Hiremath (January 5, 2013) argue that "The State has an obligation to put technological applications to the use of women (as in to be able to respond to women in distress), but always without violation of any persons human rights." (3) While these receive short thrift in these submissions, technology, curfews and dress codes are recurrent themes in the focus groups and surveys conducted and analysed in the second half

of the chapter. Finally, Takshashila (January 5, 2013) recommends a crime survey to better understand the scope of the problem. They stress that a paucity of data implies that no legal remedy based on statistics and crime data will be adequate, and may even be harmful.

3.6 Shortcomings of the Process

The possibility of legal remedies being inadequate, and maybe even harmful is one that resonates across the submissions, even while they participate fully in the process. The manifesto that was submitted by the People's Union of Civil Liberties for instance, presents a very comprehensive approach to fighting sexual assault that addresses the underlying power structures that feminist attribute VAW to.

> ()... we would like to state that it is imperative that the above exercise needs to be done for all cases of sexual assault not just "extreme" or "aggravated" cases as it would be unscientific to look at only one end of the spectrum instead of seeing the continuity in sexual offences which if unaddressed ultimately lead to sexual crimes of an extreme nature. Also it is important that this exercise which is being undertaken by 30 years addresses all dimensions including the definitions of sexual assault and rape, sentencing, the criminal justice system, the command responsibility, accountability and grievance redressal measures, compensation, reparation and rehabiltation of the survivor, long term structural issues and budgeting.[18]

The PUCL Submission is critical of the outdated notion of "modesty of women" as opposed to bodily integrity, the gender neutrality of the victim, lowering the age

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[18](PUCL, January 5, 2013, 2)

of consent to safeguard against communal and moral policing and the systematic failure in the enforcement of laws and procedures. They are also however cognizant of the fact "that the increasing violence and sexual assaults against women cannot be addressed by mere legislative changes. By its very nature law steps in only after the event, by which time the damage is already done and the task left is only establishing culpability and imposing punishment."(PUCL, January 5, 2013, 2) This is supported by the Saheli Women's Resource Centre (January 5, 2013) manifesto, which states that "Further, we feel that the pervasive culture of sexual violence against women is not something that should be solely addressed through criminal legislation. The point of view required here is not only that of safety of women, but that of womens constitutional rights as citizens and dignity as human beings. Women have a constitutional right to life and liberty, to enjoy life free from the fear of sexual violence and assault. It is a vision of such a society where individuals are empowered and fearless that should drive forward the legislative and institutional efforts to address sexual violence against women." (3)

People's Vigilance Committee on Human Rights (January 5, 2013) additionally draws our attention to the absence of an intersectional lens in the policy discourse that surrounded the Nirbhaya rape - "The debate has also largely failed to take into account the deeply patriarchal character of our social institutions with caste biases, and law enforcement machinery which render women in general and dalit, Tribal and Minority women in particulars vulnerable to violence in the family, in the larger community, in their work places and public places." (1) Organisations are also pretty critical of the public outrage and anger that emerged post Nirbhaya. Women's Research and Action Group (January 5, 2013) caution us to be wary of falling for political baiting - "We believe that such suggestions are made for political

expediency and to assuage public outrage at this point in time, without any genuine attempt to substantially understand and address the complex issues contributing to violence against women and girls, particularly sexual violence." (1) Finally, Lawyers Collective and CEHAT (January 5, 2013) request introspection from society - "We must channelize this mobilization to begin introspecting and then transforming the social norms and State institutions and structures, which sanction disrespect and discrimination against women. These reforms must begin from our homes and then embrace all other community and State structures. "(1)

One of the challenges faced by the women's movement was that every legal reform they were successful in lobbying for, took up over a decade of organising. Much of this has been attributed to the marginalisation of certain demographics in Indian politics and society such as Kashmiri women (deemed outsiders), or Naxalites (deemed traitors) or those in the lower castes and therefore, feminist argue that they have no choice but to rely on State apparatus.
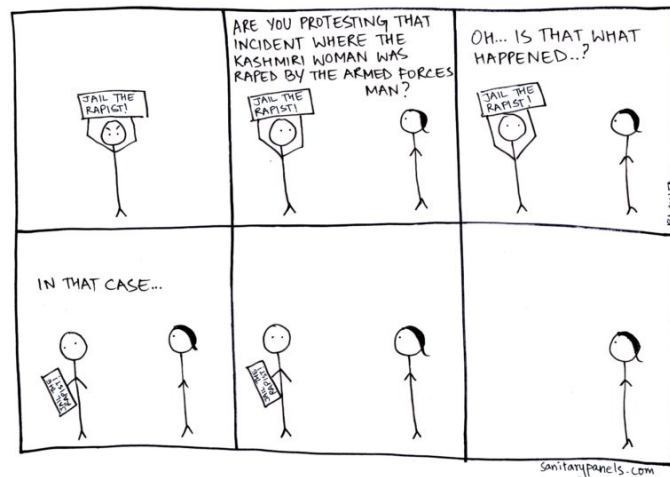
Figure 3.2: Who Do We Protest For?

While a considerable leap in legislation aimed at preserving women's rights therefore, these new anti-rape measures however became a means to further marginalize

women in other aspects. As Agnes (2002) argues, legal reforms were slow to achieve reform but also "they may be injurious to women and other marginalised sections or they may simply hide or relocate the fundamental problems" (844). For instance, the laws established to protect victims after Mathura were the very ones used to marginalize Bhanwari 12 years later[19]. Their status as women additionally marginalized along caste and class lines served to restrict their access to justice with Mathura's rape coming to the public knowledge only 8 years later and Bhanwari Devi never receiving any justice.

Overall, we see organisations invested in engaging with the legal system while simultaneously being critical of the shortcomings of such a process. Grover (January 5, 2013) expresses this dissatisfaction most succinctly when she reflects on the Government's past failures in taking into consideration the work done by the feminist movement, in spite of a long history of the two being entangled.

> It is perhaps for this reason that I approach this Committee with some skepticism and fatigue. While I appreciate that this Committee is determined to make its recommendations in a time bound manner, I do however think that a consultative interaction with womens rights activists and those who have been working in this sphere, could have contributed to making the recommendations more robust and attuned to our concerns.

3.6.1 The Import of Intersectionality

Additionally, we see that very often the reliance on legal institutionalised tactics don't bring about the justice that activists themselves are demanding. The 2012-2013 Nirbhaya rape protests came a mere few months before the rape and murder

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[19]Abraham (2002)

of a 20 year old Dalit student in Jind, Haryana in August 2013. This rape and murder was almost identical from a criminal standpoint to the Nirbhaya case - a young student in her twenties was gang-raped, mutilated and eventually murdered and abandoned. However, this case took place in a rural environment where her caste status was socially more highlighted and pronounced than with Nirbhaya. In this case, the police failed to register a Missed Persons Report in a timely fashion and there were attempts by the police and district administration to declare the case a suicide. Additionally, they were initially violent with the local community protesters (nearly all Dalit community members - approximately 300 of them) with this violence fading into apathy within a week.

Womens activist groups therefore, specifically those involved in Dalit and minority rights, alongside journalists from 6 news media outlets, newspaper and television included, embarked on a fact-finding mission, a common tool within their repertoires, to address the institutional problems inherent in this case. Under the aegis of the All India Dalit Mahila Adhikaar Manch (AIDMAM - an organisation dedicated to the political and social issues specific to Dalit women in India), the group conducted a thorough investigation of the incident and submitted a report to the Haryana district authorities with their findings, in the hopes of ensuring speedy justice for the victim.

Essentially, this group does a significant amount of the investigative work that typically should be conducted by a police agency. The police on the other hand, are reportedly abusive to the victim's family, actively try to derail the investigation, and do not cooperate with the investigation launched by AIDMAM. The official report published by AIDMAM for instance states that "Both officials [the leading police officers in the district] were extremely hostile and reluctant to enter into discussion with the team"(AIDMAM, September 11, 2013) while the victim's family reported

being beaten by sticks when demanding justice at the police station and the women members being assaulted by male police officers. The report concludes with their concerns about the police investigation declaring the crime a "suspected suicide" instead of a rape and murder, as is the trend with over 20 similar crimes against Dalit women that were reported in just Haryana in the first half of 2013. The investigation raises some significant concerns with regards to how the rapes and murders of Dalit women are treated by the police and other State machinery. In spite of the (brutal) similarities with Nirbhaya's recent murder, the Jind case doesn't even make it past local news. Local police actively derail investigations when Dalit women are targeted, often assaulting women themselves. Protesters are ignored or repressed when Dalit, which further marginalises them within already precarious political conditions.

They recommend an independent inquiry by a federal body instead of local agencies (including an inquiry into the local agencies themselves), the classification of the case as a hate crime to ensure provision of funds and resources, the establishment of a commission to investigate the spate of crimes against Dalit women, as well as police reform. While AIDMAM and their allies continue to advocate for the rights and interests of Dalit and other vulnerable communities, they find little success when it comes to the rights and privileges of Dalit communities, even in the aftermath of an agenda setting event like Nirbhaya's murder. However, they still negotiate with government institutions, utilising trade-offs between federal and local agencies for instance.

3.7   Conclusion

To that end, we see that this narrow range of actors are mostly consistent in their policy recommendations, and that these suggestions tend to be critical of the Govern-

ment and their status quo vis-a-vis women's rights and interests. These suggestions have evolved over time, and are converging on a consensus that for the most part echoes radical feminist politics from around the sub-continent. Yet there exists a discomfort in these documents, borne out of the necessity of interacting with institutions they dont necessarily support or endorse. However, as the feminist movement has evolved over the decades in India, we see an evolution in their institutionalization and their ability to present a coherent front to the public. A recent movement *Pinjra Tod*, started only in 2015 is reflective of this evolution in the ability of feminists in India to coalesce and affect change within and beyond legal institutions. It is also evident of the means by which the government has tried to fight back against feminist and radical politics, also further espoused in later chapters.

Chapter 4

What We Talk About When We Talk About Rape

4.1 Introduction

Nirbhaya,* a 23-year old physiotherapy student, was brutally gang raped on a moving bus on December 16th, 2012 and left to die by the side of a road. She eventually succumbed to her injuries 13 days later. Her rape and subsequent death captured a latent fury within the Indian people and protests shook the world's largest democracy for over a month, transitioning from a private shame to a public fury. Less than a year later in June 2013, a 20 year old student was similarly gang-raped and brutally murdered in Kamduni, West Bengal resulting in protests that shook the State and the newly-elected State Government (Dutta, September 8, 2013). These two protests form the basic crux of my comparative analysis of the impact of mass (Dutta, September 8, 2013) demonstrations on public policy formation.

4.1.1 Contentious Approach

As is evident in the attached images taken at the Nirbhaya protests and the Kamduni protests,[1] the signs of protesters rely on a multitude of imagery and reasoning to protest VAW. While some rely on the assertion of rights because "The world belongs to me too!" and the intrinsic wrong in violence, "Enough is Enough! No more Violence', others situate the wrong in locating women within the locus of their relation to other men, as mothers, sisters and daughters thus relying on rhetoric that values women only in relation to the men in their lives. It is here therefore that we see the emergence of divergent public opinion interests and preferences vis-à-vis the issue of rape, and by extension, violence against women. By extension, it is in this inherent contradiction that we see public outrage but no dominant policy preference, which I argue in the next chapter, the government is able to best exploit for their own purposes.

Figure 4.1: Women Protesting VAW

4.2 Talking to the Rank and File

This chapter therefore focuses on the nature of the public discourse that follows in the aftermath of this rapes as illustrated in a survey and in extensive focus groups.

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[1]Pictures provided by collaborators in the project

Figure 4.2: Protesting VAW in India

Understanding why citizens participate in these protests is critical as it is their participation in mass protests that threatens the vote banks of the political elite. I therefore deployed an extensive survey across two urban sites, 252 respondents total, to capture their conceptualisation of rape as a political issue; attitudes towards VAW generally, political issues of concern, attitudes towards women and minorities, support for anti-rape solutions, media impact, efficacy of political actions and specifically, the role of mass protests.[2] This is complemented by in-depth focus groups that draw from a socio-economically representative sample of Indians to explore these ideas at more length.

Sampling was primarily be conducted at the neighbourhood level to ensure broad demographic representation. Distinct neighbourhoods were identified and classified by primary demographic occupancy. Efforts were be made to include Muslim and Dalit neighbourhoods, neighbourhoods of different classes (as defined by rent values in the area), older and newer neighbourhoods (this typically captures variation in length of familial residency in the city) - information for this classification was sourced primarily from research conducted by Quantum Research and cross-listed with the Census if necessary. A random address was selected and then interviews solicited following a strict Go Right approach, with a limit of one unit per settlement (stand alone houses,

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[2]Survey attached as Appendix B

apartment complexes, dwellings, etc.) being interviewed and a skipping pattern of 5 households to ensure no spillover effects. However, this was still an urban-biased study. Most mobilization empirically occurs at the urban level which is where my study is focused. I attempted to rectify this rural deficit through interviewing migrant labourers since all 3 cities have a considerably strong daytime migrant population - domestic help for instance will account for this. The survey experiment was conducted in collaboration with Brand Scan Pvt. Ltd and their field agents in the urban settings in India.

In addition to the surveys, I conducted focus groups in four cities (Delhi, Mumbai, Kolkata, and Bangalore; for a total of 84 participants). The focus group participants were recruited to represent a range of socio-economic classes and occupations, as elaborated upon below.SEC or Socio-Economic Classes and their proportions in the Indian population were sourced from the Market Research Survey of India, an organisation that collects and publishes this detail to enable ease of research.

4.2.1   Who Is Talking?

I present here demographic details on who my participants were across surveys and focus groups. While the survey represents the socio-economic break up of India, the focus groups are more targeted. I recruited participants across each socio-economic group in India. While the focus groups were conducted in urban centers, the recruitment guide specifically included migrant labour and immigrants as a means by which to capture rural populations to an extent. This isn't an entirely accurate measure but the project is also simultaneously urban focused due in large part to the protests that took place in primarily urban areas (even for rapes that happened in rural areas). The sample here skews female but only slightly. These focus groups are focused

on eliciting opinions held by the general public. These are distinct from the groups organised on college campuses to elicit data on those specific social movements. I conducted a total of 12 focus groups across 4 urban centers - Delhi, Kolkata, Mumbai, and Benguluru. These four cities are 4 of the largest metropolitan centers in India and distributed across the North, South, East and West (the largest city in each region). I focus on the largest to be able to capture more diversity - each city is also a hub for local immigration.

Delhi						
	FG1	**FG2**	**FG3**	**FG4**	**FG5**	**FG6**
Gender	2M; 4F	F	M	F	M	F
Ethnicity	3 North 3 Other[3]	3 North 3 Other	3 North 3 Other	3 North 3 Other	3 North 3 Other	3 North 3 Other
SEC	A1/B2	B2/C	B2/C	B2/C	D/E1	D/E1
Age	18-24	30-40	25-30	30-35	35-40	40-45
Occupation	Students	Housewives	Shopkeepers Petty Traders	Shopkeepers Petty Traders	Informal Sector	Domestic Help Cooks

Other Urban Metropolitan Centers						
	Kolkata	**Kolkata**	**Mumbai**	**Mumbai**	**Bengaluru**	**Bengaluru**
Gender	3M; 2F	5F	5M	5F	5M	5F
Urbane	5 Urban	3 Urban 2 Other[4]	3 Urban 2 Other	2 Urban 3 Other	2 Urban 3 Other	3 Urban 2 Other
SEC	B2/C	D/E1	A1/B2	B2/C	B2/C	D/E1
Age	18-24	25-40	30-45	25-35	25-40	25-40
Occupation	Students	Domestic Help	Shopkeepers Petty Traders	Housewives	Migrant Labour Informal Sector	Factory Workers Domestic Help

Essentially, I try to understand here how citizens talk about issues of VAW in casual conversation, especially in the aftermath of such political awareness raising efforts. I find different levels of political awareness and activity in the group but no activists (this was done on purpose - they were screened out during the recruitment questionnaire for the focus groups). I evaluate political efficacy, indicators of their support for women's rights, minority rights, fairness and religious freedom, as well as their attitudes towards civil disobedience and public dissenting. Many respondents credited Nirbhaya with being their a-ha moment, often invoking her memory of their own volition. I therefore try to determine how this influences their attitude towards VAW measures, other political measures, as well as their political calculus overall. I present below findings aggregated across the Nirbhaya and Aparajita cases, with a further subsection analysing the #HokKolorob movement. I disaggregate the cases thus to best account for the similarities in the mobilising event. I summarise however with the trends I note *across* the three cases that I focus on here.

4.3   Drawing Room Conversations

Feminist activists have long lamented that the population doesn't consider violence against women a significant problem. Historically, we see little recognition of VAW as being a significant political issue beyond advocacy circles. While the cases of Mathura, Bhanwari Devi, Thangjam Manorama are central to most feminist organising in India around issues of VAW, these women have almost no public recognition. However, in the aftermath of the 2012 violence, we see that VAW is of considerable importance to sample populations. 80% of the sample population for instance consider VAW as moderately important or higher.

However, women raise it as a political concern more often than men. While
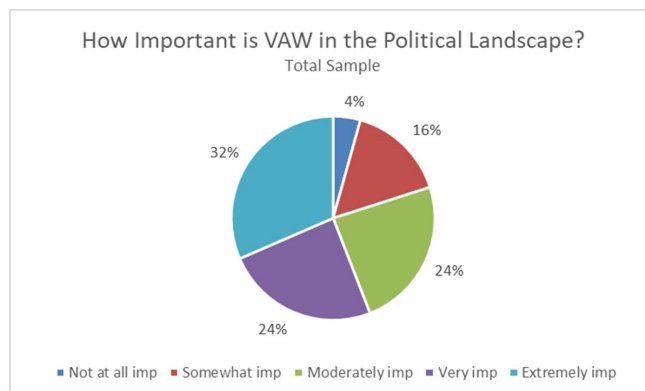
Figure 4.3: How Important Is Violence Against Women?

almost half of women consider the issue to be **extremely important**, only 20% of men think so. However, almost half of all men surveyed still consider VAW to be either **extremely** or **very** important, as a political issue.

Importance of VAW in the Political Landscape

Figure 4.4: How Important Is Violence Against Women? (Gender)

A qualitative disaggregation of this data however, indicates variation along socio-economic lines and gender lines. While some women raised the issue of VAW on their own as a primary public concern for them, men only raised it after much prompting,

and were easily distracted by other topics of political interest.[5] Middle income women surveyed in focus groups however seemed to indicate little interest in the topic for instance, as did upper middle class men, and to an extent, poor men. Conversations about the effectiveness of the government in addressing women's issues did not elicit responses, without prompting for middle class women (and even with for middle class men). For comparative illustrative purposes, conversations about the issue with upper middle class women in Delhi for instance did not elicit responses in the same way as conversations with women from the lower socio-economic end of the income spectrum.

Upper Middle Class Housewives (Delhi)

Q: We are talking about the points he had raised on women's issues, at the political level. The earlier governments had not placed much importance on these problems. We are talking to you see what has actually happened.
A: Kejriwal employed the wrong sort of people for his promotional campaign. He won even though all of us did not vote for him.
A: He can't keep his house clean, how will he clean up society. Prices have shot up, everything is so expensive.
A: They have to do something about cleanliness... Children fall ill when they clean the garbage, they get infections from the filth.

Middle class women were less able to and less invested in discussing the daily implications of VAW while women from the working class were more likely to discuss the issue but also display a sense of helplessness alongside.

Working Class Women (Delhi)

Q: What about the promises he made regarding safety of women?
A: No nothing has happened on that either.
A: A month and a half ago, a woman activist was bringing her children home from school - she got beaten up the traffic cop.

However, poorer men and poorer woman brought up issues of women's safety considerably earlier than middle class men and middle class women.

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[5]Issues of corruption and the economy were most pressing for men, across the classes.

Focus Group with male informal labourers, Benguluru

> *Q. Any other issues [that you consider as politically important]?*
> A. Safety. Security.
> A. Safety for women is essential.
> A. It is essential for everybody- women and others.

Focus Group with women domestic workers, Delhi

> *Q. Has there been any change with respect to safety ? Has it got better or worse?*
> A. The situation has worsened over time.
> A. The problem is that safety and security are under the purview of the Central Government not the State so the current party in power here cannot do much in his area. They have however cut down the level of corruption.

This seems to reflect their life experiences - middle and upper class women are less likely to experience harassment on a daily basis while the women surveyed from the lower classes reported exposures to violence on a more frequent basis. What we find therefore is that while people will consider VAW as an important political issue, they are unable to explicate further when prompted as to what means to them individually, especially if they're in the upper classes.

What then do the public think of when prompted about the issue? In the subsequent sections I highlight the various aspects of VAW that are raised by citizens as well as the aggregated responses as derived from the

4.3.1   Societal Responsibilities

Participants were also asked who they thought was primarily responsible for the violences committed against women. A large proportion of the sample (42%) attributed the violence to a combination of society and government. Merely government only

received blame 13% of the time, while society was held responsible 23%. Religion was attributed the fewest times (1.5%). For instance, a male participant in his 30s argued that

> *Q: Talking of safety for women, have any of the political parties, the AAP, BJP, or the Congress before that done anything on this issue? What have they done.*
> A. For that you have to change the mentality of people give them information (knowledge). It is all in peoples minds what can the government do? It cannot force you.

Others agreed to an extent. **Focus Group of Male Shopkeepers and Petty Traders, Mumbai**

> *Q. What do you understand when we talk of safety? What comes to mind when we talk of women's safety?*
> A. The maximum incidents happen in NOIDA. But that is under the UP State Government, not Delhi or Centre. There is an incident every day in NOIDA. Delhi is right next to UP so people give Delhi a bad name too.
> A. The government has to educate the masses change their way of thinking. They should ave policemen all over. In parks, on the roads.
> A. But policemen can be bribed (to look away)
> A. Every colony has a RWA and a park and a community hall. You can hold meetings every week to counsel women initially there will be just a few, maybe 10 then there will be 20 and so on. They will listen and learn. This has to be done regularly in every colony.
> A. This weekly meeting to inform and educate is very important.
> *Q. So does that mean that the responsibility to disseminate this knowledge lies with society? With the RWA's?*
> A. The RWAs are anyway trying to counsel and help residents. Once the mentality changes, things will get better.

The consequences of this disparate attribution are that the resulting protest campaign isn't directed at any specific actor, and therefore dissipating some of the agitation. It additionally allows the government the option to deflect responsibility to other institutions and therefore potentially ignore the agitation and policy issue.

4.3.2   Protest Efficacy

This is not to say that the civilians thought of the protests as being ineffective. Survey respondents in fact seemed to believe that the protests for Nirbhaya were overall more effective than protests in India generally.
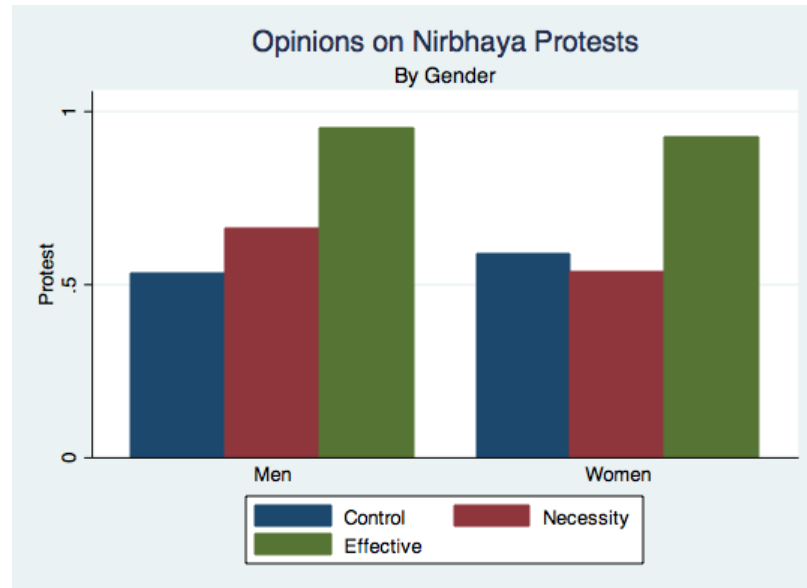
Figure 4.5: Efficacy of the Nirbhaya Protests

Survey respondents were more likely to believe that the Nirbhaya protests were effective than other protests ("Control"), men more so than women but not significantly different. Men, unsurprisingly, were also more likely to think the Nirbhaya protests were "Necessary" to draw attention to the issue of VAW than women.

However, when asked about the protests and their participation in them, the responses were significantly varied. Responses to questions about who organised the protests ranged from society - "But in each society, the senior people were there to guide." (37 year old housewife, Delhi), to critiques of the government "No MLA or such take the initiative in anything here." (31 year old petty trader, Kolkata). Most believed that protesting this issue was essentially a civic duty "Go home to home and

convince them. Then fix a time. We have to be united. When we are fighting for everybodys rights, they have to make time for it." (38 shopkeeper, Bombay).

However, one of the issues raised by women across the 4 cities was that of time. Many of them said they had been unable to protest, even though they sympathised with Nirbhaya, as they didn't know where to leave their children while they were out in the protest marches. Additionally, the women complained that older women in their families and neighbourhoods often acted as moral police, reporting back on perceived inappropriate behaviour, participating in protests included.

(Focus Group of Middle Class Housewives, Delhi)

> A. They are scared they will get yelled at their husbands for taking part in protests.
> A. The families do not approve they would prefer that you sit at home and feed the kids.
> A. If women go out and protest, the neighbours and families will talk ill of them - but if a man does so nobody says anything. Women are scared of being reprimanded by their mothers-in-law. So no, we cannot go out together on a protest march.
> A. People gossip about you. They will not join you in your protest even if they agree with what you are doing. They would much rather sit and talk behind your back.

This is part of a larger problem surrounding the perceptions of women protesting being considered not "correct" behaviour. A 42 year old woman from Bengaluru for instance stated that "They talk ill of those who give them a reason to gossip we also need to be careful not to give them occasion to malign us. We have to behave in a correct manner." When asked what constitued "correct behavior", the response was "Dressing properly when we go out, doing our own work quietly . Do not do anything that can be interpreted in a negative way by others."

What we see therefore is that while the population believes that protests are an efficacious means to highlight the problem of VAW, these protests aren't actively

attended by women very often. If women can't attend these mass demonstrations due to societal pressures, we effectively have a lot of men highlighting and promoting the issue of VAW in the public arena. While this isn't necessarily a problem, it does mean that the perspective that gets voiced on slogans and as the protest campaign demands, and by extension the public awareness around the issue, is a masculine one.

Public awareness in itself therefore about both the Nirbhaya case, and other rape cases more generally is high. Every time participants were prompted with the Nirbhaya story, they would follow up with a story of a more recent rape (from within the last week). However, when asked about the political and societal repercussions of Nirbhaya, opinions split along gender and class lines. Women and poorer men said change had stalled while middle class men were optimistic about the future.

4.3.3   Violent Environments

All women interviewed stated that they felt unsafe for instance, but this was more pronounced in the North and East than the West and South, and in cities than in villages. Many of their statements about safety impinged on their freedom to move around, their access to space (even private space), and a constant threat invading all aspects of their life.

> "We do not feel safe. If we go out alone or go out late at night, we feel scared."
> "We have to think twice before venturing out anywhere."
> "Not just that. It is unsafe to stay alone at home too. You are scared even at home."
> "If you tell anyone outside the house (vegetable vendor, shopkeeper) that a certain house has a single woman or an elderly person living by herself/himself, then it becomes a safety issue for them there is no security after that."

This is magnified when compared to both urban environments *and* the North.

Respondents in Delhi were quick to suggest that they felt more unsafe in the city than in villages. This was observed a little less in the Kolkata focus groups, and a lot less in Bangalore and Mumbai (2 of the women interviewed were from rural environment in the Mumbai female focus group). However, in the cases of Delhi, Kolkata and Bangalore - women from poorer backgrounds felt additionally victimised/helpless.

Female immigrants working as domestic help in Delhi

Q. Is the incidence the same in villages and in cities / towns?
A. It is more in Delhi I feel. They talk about this being the capital where conditions are better but that is not so. It is an unsafe place. A. We cannot go anywhere alone. We have to take someone along for safety. In villages it was safe earlier but now it is as dangerous there as in Delhi."

Focus Group with Domestic Help, Kolkata

Q. What are your views on womens safety in Delhi?
A. We do not feel safe. If we go out alone or go out late at night, we feel scared.
A. We get harassed even when we travel by bus or minibus guys misbehave. They take advantage of the crowd to misbehave.
A. You get harassed even when you are sitting. They stand next to you in a suggestive manner. This happens even when you are standing in the crowd. They brush against you in a bad way.
A. They push against you when getting down or going past you. They rub shoulders against you. Its not nice.

Focus Group with domestic workers and factory workers, Delhi

Q. Do you face this kind of problem at night or in buses?
A. No even during the day. Delhi is not a good place. They misbehave any time of day. They dont spare little children either.
Q. Where, during the day?
A. In the alleys, in parking lots, in narrow lanes they hang around in such a way that you cannot get past them easily. They take advantage of these narrow spaces, they lurk behind cars waiting for you.
A. They pass comments, brush against you, whistle at you...

A. They stare at you in a (lecherous gandi) way, they look at your clothes in a way that makes you uncomfortable. We usually try to dress modestly, cover ourselves up so that they dont say or do anything.
Q. Who are these men who behave like this?
A. All of them. All ages, all religions, all backgrounds, all places no exceptions.

While women feel safer in South India, much of it is entangled with notions of chivalry and women needing protection. - "[Here] In Madras, in buses, men do not sit if there is a woman standing. But in Delhi on the Metro, you see ladies standing while the men are sitting. In Madras, men offer seats to women immediately." *(38 year old housewife, Benguluru (from Chennai originally))* This was however a point of pride for women in Bangalore, and women from the South more generally. Chivalry is far from being dead or even wished dead in much of the public sphere.

4.4   Solutions

What does this all mean therefore for how the public propose fighting the issue that they are at least aware of, even if in a token form? What are the policy preferences that emerge and how much variation do we see amongst these preferences?

4.4.1   Violent Justice

Primarily, we see a lot of support for very violent forms of justice, even if what that would entail isn't clearly understood or even contemplated. This is in marked contrast to the absolute condemnation of violence that was espoused under the institutionalised approach by activists (as seen in the previous chapter). Support for the implementation of CCTV's in all public places, increased police presence generally and death penalty for rape is very high across the genders and age groups, all of which

are reflected in recent policy recommendations by the national government.[6] Support for CCTVs was almost unanimous as was support for police presence on public transportation and women's police cells established in all neighbourhoods. Support for the death penalty was a little tempered at 78% respondents in favor of but in focus groups, even detractors favored a brutal response to perpetrators - chemical castration for instance found great favour. Curfews and dress codes were the least popular, which differs from government recommendations and in some cases implementations.
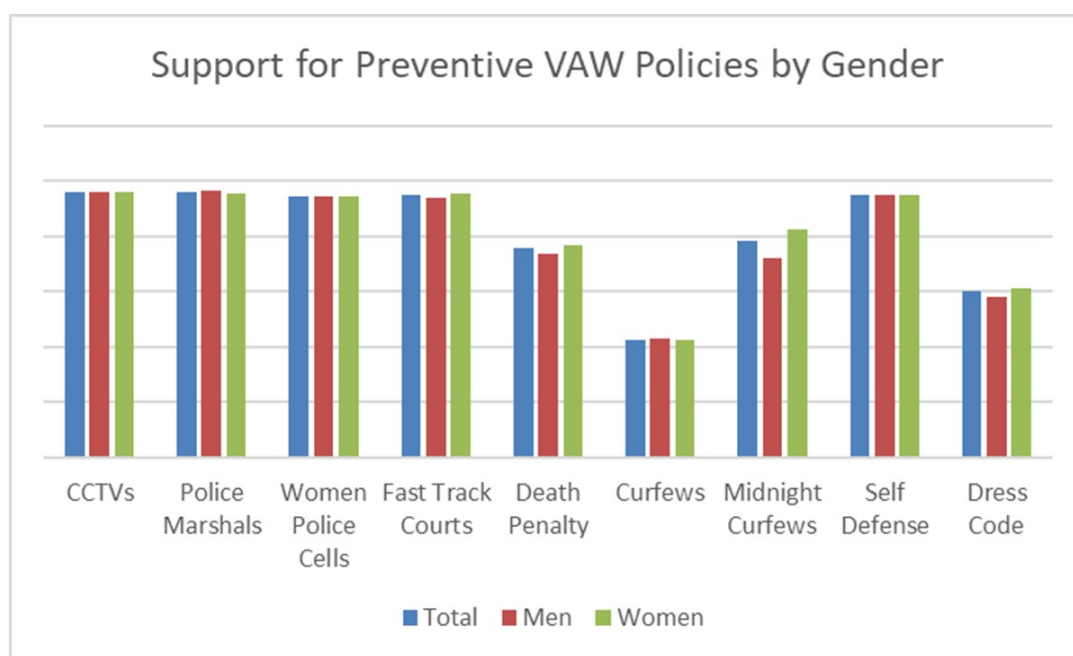
Figure 4.6: Support for Policies - Gender

As is evident however, we see emphvery little variation amongst the genders or even across age groups in the survey. This was corroborated in the focus groups. Participants in focus groups were very vocal in their support for more violent acts of retributive justice, across region, gender and age.

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[6]However, as illustrated in a subsequent chapter, these changes are being used to restrain student's movements and repeal gender-neutral educational policies.
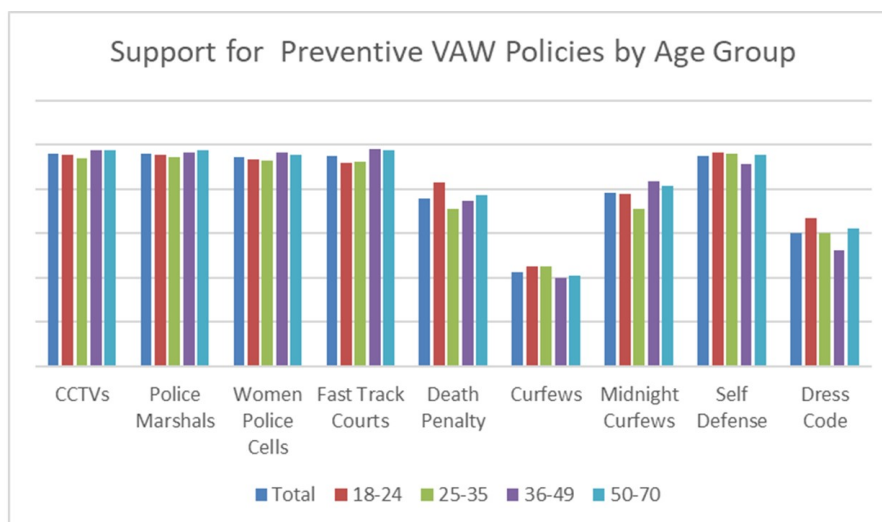
Figure 4.7: Support for Policies - Age

"If they are punished, other potential perpetrators may get frightened and not misbehave or indulge in acts of violence. Then such incidents will decrease. If they are punished severely e.g. their hands are cut off or something, then they will think twice before doing anything. Hanging them (death penalty) will not achieve anything - once they are dead, its over. Instead they should be punished in such a way that they do not repeat their offences. Imprisonment is not a solution either." - *(45 year old middle class housewife, Delhi)*

"Cut off some body part so that they never forget the punishment meted out for their offences. They need to realise the extent of what they have done." - *(19 year old college student, Bombay)* "The girl was subjected to untold pain and agony. Hanging is too good for them - they will not suffer any pain. The punishment should be in line with the pain and agony inflicted and it should others pause before they even think of doing such acts. People are no longer scared of death. " - *(24 year old male*

shop employee, Kolkata)

This was compounded by the belief that the system itself was unjust, as evident in a range of quotes from across focus groups.

A. Such things happen everyday and the police can do nothing about them.

A. That is because whoever does such things is usually well connected so they escape any kind of reprisal

A. There is no punishment after they are apprehended the case drags on for months and then they go free.

A. Such people should be shamed in public and then shot in front of everybody.

While there is unusually high consensus amongst respondents in the survey about which policies they support, what must be noted is that due to the nature of the survey, they were provided these options and asked how much they supported them as means by which to fight VAW. The survey options themselves were derived from media reports that emerged during the Nirbhaya 2012 rallies which aggregated public opinion at the time about proposed policy preferences. When not provided prompts in the focus groups, the proposed solutions were a lot more ambiguous. However, what was common across all respondents was (1) a belief that the "system" was unjust and rigged against them, and (2) that violence begat violence. While some respondents remained silent and didn't volunteer their opinions in this part of the focus group, it is hard to determine if they didn't have opinions to offer, if they agreed and didn't see the need to contribute or if they disagreed but were unable to offer a differing view point within the group conditions. What we find therefore is that

while people have strong feelings and emotions about the topic, they aren't unable to translate this investment into the policy *issue* into concrete policy *preferences* all the time. In subsequent sections therefore we find that conversations about specific, concrete policy recommendations more often than not become loaded with emotions and feelings but there seems to be little introspection into what exactly they are proposing or even supporting.

4.4.2   Policies, Rules and Regulations

We find support for specific policies as well.

CCTV Cameras:

Q.The Aam Aadmi Party in their election campaign had promised to install cameras and CCTVs in public spaces for safety purposes. Has that happened? Is it a good idea?

A. It is being done. The idea is very good.

A. Nothing is happening.

A. No it is under process. They have installed CCTVs and also stationed police some 200m away. So as soon as something untoward happens accident or anything the police arrive at the spot immediately.

A. The miscreants get caught immediately. If they are speeding or even if they jump a red light, they are caught on camera.

Q. Do you think that installing CCTVs invade our privacy? That they can keep track of all our movements ?

A. Not if they install them in offices or in buses.

All conversations about public transport found a way to become about CCTV

cameras in fact.

> A: Kejriwal had said there would be guards on every bus but I travel by
> bus and there are incidents of thieving every day pocket-maars. Women
> still get harassed in buses. They had promised to install cameras in buses
> but that has not been done.
>
> A.There are no cameras, nothing.
>
> Q.Do you feel that installing cameras will help in matters of safety for
> women?
>
> A.So far there are no guards or cameras on DTC buses there is no safety
> at all.

Police

The Police are seen as not doing enough while also being perceived as too masculine a force. There is a lot of support for women police officers for a variety of reasons.

Kolkata Focus Group - Women

> Q: What else can be done to help women? A. Have a women's cell at
> the police station to help us. Helpline to assist in cases of thefts.Some
> kind of proceedings to be done at the police stations. Take action against
> the police if they don't help. Q. What else needs to be changed from the
> current system? A. Lady police at police stations. Children in schools
> (young girls), in buses are getting molested Q. What needs to be done to
> prevent this? A. Have ladies in the buses to keep an eye on young girls
> travelling in the buses. In school buses.

Additionally, the policing aspect of society is literal in many cases. Increases in police presence are related to the police curtailing current social trends (pubs, malls, etc).

Q. An important issue for every election is safety of women. Is this the responsibility of the political party in power or is it the responsibility of society at large? A. No, society cannot do anything. Until those in power put pressure on the police thee will be no safety. A. Girls should be taught how to defend themselves. A. There are pubs in all the malls in Gurgaon. The men come out drunk , very late at night if they see women you can well imagine how they will behave. If there are no policemen around they misbehave with women. The police should see that these places close early. If a girl is travelling alone in a bus, there should be a police person to endure that she is safe. The colonies should have police patrols at night. There is nothing like that now.

We find one instance of support for CCTV cameras being related to policing policies. This is primarily an argument that the lower class proposed where they, in tandem with ideas proposed by activists, suggest using CCTV cameras to monitor police behaviour as opposed to the behaviour of civilians.

Benguluru Focus Group - Migrant Labour

A: Police for security and safety - not to extort money from you.

A: The police work only if they can extract money from you. Q: How would you change that? A:If cameras are put up. their actions will also get recorded. How can they just take money without a challan (receipt).

Other proposals suggested all managed to reinforce an insider/outsider perspective. The argument essentially revolves around the idea that the responsibility for solving the issue of VAW lay with others. *Anti-Immigrant Labour*

A. To stop this, the government has to take control. Stop immigrant labourers.

A. Get proper police verification.

A.Impose greater tax on outsiders otherwise they refuse to go back.

Self Defense

A. All women should be taught self-defence. Q. How will you teach them? How will you organize them? A. Teach children in school along with music, dance, theatre etc. Half an hour a day. A. Set up camps in community helps to teach ladies and women every colony has a hall or park. A. Encourage women to come and learn. Q. How will you start these camps? Who will initiate it ? One of us or.. A. Yoga camps are held they are very popular. Similarly start the self defence camp and spread the word women will come in large numbers. A. Somebody who attends the camp can then motivate others to join in. Q. Wont your family members object to your joining in? A. No they will not object after all it is for our own safety.

4.4.3 Who's To Blame?

For instance, while support for curfews and clothing restrictions only met with support from 23% and 32% of the survey respondents, there was a tendency to blame "modern" and independent women. This cut across the participants with college students agreeing with middle class men and poorer women.

"If girls are bold, there is no problem. If they are not so, if they are lazy, then there is a problem." - *(19 year old female college student, Kolkata)*

"Sometimes it is also the girls fault - they stand in line to hook the boys - then whose fault is it?" - *(30-something housewife, Bengaluru)*

"Girls dress inappropriately, they wear shorts and skimpy tops - so they get targeted more. The world has changed so even girls have become very forward. They invite trouble." - *(34 year old male petty trader, Bombay)*

"If girls wear clothes that expose their body, men will misbehave with them. It is girls from very rich homes or those who have a bad character who dress like this and get targeted by men. When parents in rich families are too busy to bring up their children, their daughters go "bad". They see that their parents have no time for them so they act out or do what they see on TV." - *(27 year old female factory worker, Delhi)*

"Though in some places even the girls behave badly with the boys. Especially girls from rich homes, upper class (bade ghar ki ladkiyan). At times they encourage the boys who then take things further.
When walking past we have heard these girls saying all kinds of "galat baat" (inappropriate talk). Nowadays nobody has any sense of shame - the girls are shameless and the boys are no better. They are both equally bad.
" *(Upper middle class housewives, Delhi)*

We see that while in concept, they don't support the idea of a clothing restriction, they do in fact blame women's clothing choices for the violence that may be perpetrated on their bodies. A large part of this contradiction is tied up with the

conflation between what women wear and whether they may be perceived as "modern" - comfortable with members of the opposite sex socially.

4.4.4   Good Citizens, Bad Citizens

Who else is held responsible for this violence that seems to pervade all aspects of women's lives? This victim blaming of women goes hand in hand with a classist take on the issue - the middle and upper class blame immigrant populations and other outsiders while the lower classes blame the upper classes indirectly. A range of statements on both sides of an invisible and constructed class barrier indicate that there is major class distrust when it comes to who is considered more violent towards women. Alcoholism and literacy are often the main purported reason but they are closely associated with class arguments.

So for instance, we see many arguments to do with a lack of literacy and increased violence against women.

> "Those who are illiterate - they look at these women in a negative manner, But educated people see them differently." - *(42 year old male petty trader, Bombay)*

> "If the man is educated, has a job, is settled then even if he sees a girl in a lonely area, he will not misbehave. But if the man is uneducated or drunk then he has no sense of right and wrong. He thinks he can get away with his misdeeds so he attacks the woman. If someone educated -like me has had a drink too many he will still not misbehave." - *(29 year old male petty trader, Kolkata)*

"It is mainly uneducated people who indulge in such incidents. Educated people have more sense." - *(33 year old male shopkeeper, Kolkata)*

The reliance on literacy is further compounded by an *us-them* framing where favourable literate areas are surrounded by unfavourable non-literate areas, thus creating literal geographies of good and bad citizens.

"A. Delhi has the highest literacy rate in the country (80%), barring Kerala which is at 92%. If you look at Kerala you will see that such incidents dont happen there people dont need to resort to crime. Girls can stay out late, they can wear gold jewellery and go out but they are safe because of the high literacy rate. There are fewer crimes when the people are educated.

Q. What about Delhi then? What does this mean for Delhi and safety?

A. Delhi is surrounded by less educated States UP, Punjab, Haryana. People from those states come to Delhi they are the real culprits for every crime that takes place in Delhi.

Q. So what you are saying is that outsiders are making Delhi unsafe.

A. Yes.

This *us-them* framing is seen most explicitly in the literal construction of physical spaces to emphasise the dichotomy of who is a threat and who isn't.

A. In our colony there were incidents before. We have the rail tracks and slums on one side this side was more dangerous, more prone to such incidents. Then the residents got together, collected money and put up a

gate to keep the bad elements out. Now the residents know why the gate has been put up so do the miscreants so this has wrought a slight change in their mentality and their thinking. - *33 year old housewife, Mumbai*

This spatial dichotomy results in an anti-immigrant bias, with immigrants seen as encroaching on "good" space. These immigrants can be rural residents migrating to the city, college students from other parts of the country who are in the city for higher education, and even foreigners from outside India, and beyond the subcontinent. The idea of "immigrant" therefore is rather encompassing, but there is a general strong anti-outsider bias.

"The main reason for such violence in Delhi is because of the immigrant population. They run away after committing crimes and nobody can catch them. Bangladeshis, South Afrikans, - there are so many people from out of town that you will never know who the criminals are. Murder, rape, kidnapping - these are all perpetrated by outsiders. Permanent Delhi residents are usually not involved in these horrific crimes." - *(37 year old housewife, Delhi)*

Q. Daily workers who come from outside Delhi?

"They come for a few days as labourers . There was this case in Gandhi-nagar - 4 men kidnapped a 4-year old, inserted [...]inside her, raped her for 3 days continuously while watching blue films, shoved broken glass bottles inside her and into her mouth - she died. They were not from Delhi."

"All violent crimes are committed by non residents of Delhi.

"People put up apartments and rent them out without checking the tenants' details - Lakshmi has become a centre for sex-trade. Men and women live together in the same house. The girls stay as PGs and to fund their

college fees and other expenses they resort to the flesh trade."

"People from Nepal and Rajasthan come here, get an Aadhaar card and become official Delhi residents - touts charge them and help them get these cards."

(Focus groups of upper middle class respondents, Delhi)

"Nowadays you dont even see Kejriwal he is on his own trip. He just announced huge compensations for Muslims affected by the recent riots no Hindu has ever been given such large amounts. Akhilesh Yadav gave 35 lakhs, Shiv Senas gave 11 lakhs. They have been promised government housing and a job per family this was in UP." - *(30 year old shopkeeper, Delhi)*

"The Muslims are being given so much compensation it comes from our pockets the other poor are being deprived. No Hindu is looked after like this. The tax we pay on water, electricity, goods etc is being given as compensation." - *(39 year old migrant labourer, Bombay)*

Some do try and defend against the bias however, though this is rare. Groups of strangers seem to come to a consensus of who is an outsider relatively quickly.

A. The violence and bad behavior is mainly because of the Biharis in Delhi. The government needs to flush them out first. A.No that cannot be done you cannot isolate one community and ask them to leave. Delhi is for all. And you cannot say all Biharis are criminals.

On the flip side, you see the poor indirectly blaming the rich through causal relations being drawn between alcoholism and violence against women.

"It is the educated elite who do it, maybe after drinking when they are drunk. They have no control over themselves. But they do not misbehave

with their mothers, sisters or neighbours. They do so with women who are on their own. Nobody in their right senses will rape they know they will get beaten up by the police, but when they are drunk they lose control and even if they get beaten up they dont realize it." - *(32 year old migrant labourer, Delhi)*

As is evident, a lot of the *us-them* narrative also translates into a story about who the police protect. A 27 year old factory worker discusses a story about a friend of hers - "This single lady who stays here with her child has an "understanding" with the police - they visit her often "socially". Her maid complained to the police about her saying she had wrongly accused her (the maid) of some misdemeanor but the police did nothing about it because they were friendly with the lady."[7]

In many cases VAW was also considered to be a primarily upper class affair through a geographical argument (again an indirect blame game). Posh neighbourhoods are considered less safe as the streets are emptier and therefore more lonely.

"Even if something happens to somebody, they do not think about going out and helping. They ignore them and move away even if something happens in front of them. In other areas, when something happens, there are a few people who come forward and say something but in my opinion, "high-status" people never do anything to help." - *(20 year old female college student, Kolkata)*

"though people will not comment much in posh areas, when something untoward happens, nobody steps forward to help." - *(42 year old domestic worker, Delhi)*

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[7]On the flip side, you have a 35 year old upper middle class housewife arguing that the police protect women who work as domestic help (hinting at allegations that the police are involved with domestic help).

What is to be noted here is that while the upper classes are rather open about blaming outsiders, either geographic or socio-economic, poorer citizens hesitate to directly blame those in positions of power above them. While the indirect links they draw indicate strongly that they too subscribe to an *us-them* narrative, they are less direct about this in a blame game.

4.4.5 Support for Government Policies

These divergent attitudes have essentially resulted in support for almost any government action that is seen to be "fighting" the problem of Violence Against Women. Even poorer men who rail against increased police presence due to their complicity in the harassment of street vendors and other petty traders, simultaneously support policies which will increase powers for police and make them even more ubiquitous. Figure 4.8 reports disaggregated data on support for the Criminal Law (Amendment) Act, 2013 that emerged in response to the 2012-2013 Nirbhaya protests.
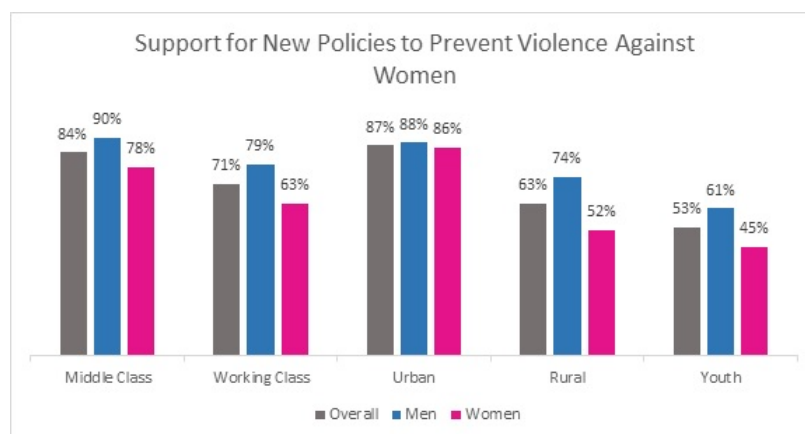
Figure 4.8: Support for Policies - Demographic Details

What we see therefore is a high policy interest, that is being provided a policy preference to adopt. These policies are seen as "active" policies that are attempting to solve the problem. However, as we know from the work done by institutionalised

feminist activists, these preferences are notoriously harmful to women and society et large. How then we do understand why these preferences find support with the citizenship and not those promoted by activists? I turn here to the role the media establishment has played in highlighting certain forms of information and certain arguments, and the challenges posed by such an approach

4.5   Knowledge and Where We Acquire It

"The news is all pretty much rape stories."[8]

One of the key themes that were noted in this study was sources of knowledge for the public. A significant majority of the population surveyed said that their primary source for news was the TV and news channels on TV. Radio and Internet sources were secondary, while print media came a distant third, along with social media. One participant for instance, discusses the ubiquity of news consumption - "Even illiterate people can see news on TV and understand what is happening - what crimes, where, how and what can be done about them etc." Media consumption is not restricted to just poor people. A focus group of middle income urban women found that they too drew most of their information from tv shows and tv news - "Even when there was a lady on the bus, the driver threatened to have her fired if she complained about him. We saw this on Savdhan India. Even Crime Patrol [both true crime shows] shows real incidents."

This fits into a larger narrative about violence against women in South Asia. When prompted with a news report on rape, everyone had a story of their own - these stories are omnipresent in the Indian imagination, almost ubiquitous when it comes to the information environment that surrounds the Indian population. However, Tiwari

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[8]Chuski Pop - a podcast by two South Asian women

(December 24, 2012) draws our attention to the nature of the crimes that are reported and advocated for in society and by the media. "The stories being played up are often about victims from the middle class and rapists from poorer sections." These stories are associated with national outrage while the rape and murder of a 20 year old Dalit student mobilizes only those women marginalized by both their gender and their caste.[9] What then do we understand about how editorial decisions are made about what information to report and what to sideline? Which stories are being brought to the attention of the public and whose deaths are made significant?

4.5.1   Changing Calculus of Power

"There are as many stories as there are media options - each media has its own story." [10]

Swati Bhattacharya, a veteran of the Indian news media establishment described the media room as entirely masculine for most of her career. Media organisations would sideline women systematically in the editorial room and this in turn affected the *voice* of the media. Journalist Neha Dixit argues that Nirbhaya did in some ways change her position in the news room therefore. She claims that in a pre-2012 world, there was a certain dismissiveness to pitches related to sexual violence, or at the best, relegation to small columns. She finds that there is a degree of seriousness that is granted to her pitches now, allow her to renegotiate the space she is allowed in the media. We see this reflected in a certain ubiquity of news stories centered around violence against women in the news media in recent years. Senior journalists have therefore been able to negotiate this moment and expanded the *voice* of the media as it exists. The proliferation of alternate media sources online have assisted in this

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[9]AIDMAM (September 11, 2013)
[10]Focus Group of college students in Delhi

(Interview with Priyanka Bhojpuri, journalist) as these provide exponentially more freedom when it comes to story pitches and voices. News establishments like First Post and Cobra - recent entrants to the field of news media and entirely online - were for instance the first to break the story on "Love Jihaad", a concerted effort by the Hindu nationalist movement to incite violence against Muslims in India by claiming that they were engaged in targeting Hindu women for conversion through means of romance and seduction. The Dalit news media is also a recent phenomenon but a fast growing one, thanks to the rapid increases in literacy and technological in roads within the Dalit community. This proliferation of alternate news sources has allowed previously marginalised voices both access to the public sphere which was earlier denied to them[11], as well as a means by which to pressure the mainstream media to take them seriously. Shazia Nigar's story on Love Jihaad for instance, forced bigger newspapers to report on the issue as well (Interview iwth Shazia Nigar, 2017).

However, in spite of these positive changes to the media room, journalists also find themselves handicapped by their very successes. Some of the issue raised by journalists include the emphasis on corroboration for stories on sexual assault, the normalisation of violence in the news media and a hostile political environment.

Journalistic Integrity

While stories are being approved more often than in the past, reporters are simultaneously being increasingly told to keep activism out of their work. While this isn't explicit all the time, journalists find that it is veiled behind an increased stress on "journalistic neutrality" and the need for corroboration. Corroboration however becomes very complicated when attempts need to be made to preserve the anonymity

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[11]Dalits made up less than 2% of mainstream media news rooms in according to a report by the Press Council of India in 2015.

of survivors of violence.[12] Neha Dixit for instance found that her research into the Muzzafarnagar communal riots was not picked up the commissioning newspaper as she was unable to corroborate the victim testimonies. Dechen Wangmo from the Bhutanese Broadcasting Company additionally argued that reporting becomes even harder in small communities (such as Bhutan and Nepal where she reports) as identity protection is essentially not possible. Additionally, media in much of the developing world is young and therefore journalists arent trained to be gender sensitive. This essentially sets these young journalists up for a clash between the ethics of reporting and the business of reporting, with ethics often being sacrificed. Dixit argues that there need to be different standards for reporting on VAW stories, but what that would entail is unclear, even to her.

Normalisation of Violence

The business of reporting is complicated by the fact that one of the stronger diktats now is *No deaths, no stories.* All reporting occurs only when there is a "Crime" against women. Bhattacharya suggests that the gender lens is missing in editorial rooms as only "Extreme Violence" is deemed news while everyday violence is not reflected. Editors consider Gender Based Violence to be a *Hot Topic* but also simultaneously consider Female Genital Mutilation to not have an "angle" as there are no deaths. A *Times of India* report from December 2015 (on the anniversary of Nirbhaya's murder) for instance, highlights only rape, stalking and molestation under a report on safety for women in Delhi (Figure 4.9). Interviews with beat reporters*[13] at the newspaper indicate that these are the only aspects of gender based violence that are understood in their newsrooms.

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[12]Interviews with journalists Neha Dixit, Bhasha Singh, and Swati Bhattacharya
[13]*Requested anonymity given their junior status at the newspaper

Figure 4.9: Media as Advocate

According to the International Association of Women in Radio and Television presentation ("Reporting on Gender Based Violence in the 21st Century"), these editorial decisions about what counts as GBV in society and what gets excluded has had consequences on the normalisation of violence within our society. Powerful editors are able to construct and determine "what is violence?" A patriarchal media establishment only focuses on atrocities which portray women as victims and goes against the interests of women. Reporting on VAW therefore reflects a systemic rationality of power in our society where the rapes of Dalit women are under reported

(as seen in the Jind case) while the assaults perpetrated upon middle class Hindu women become magnified. As reflected in the focus groups, this isn't an accurate portrayal of the experiences of women in India, where lower class women are much more likely to experience assault.

This has lead to fatigue about rape stories now alongside cynicism. In focus groups, a college aged student noted that "There are as many stories as there are media options - each media has its own story." A young housewife cynically noted that "The true story was not shown in any media" while a middle aged petty trader stated "They will do anything for money." Journalists working on the topic therefore lament that they are failing to engage when they write due to the variety of rules imposed upon them.

Hostile Political Environments

These rules aren't limited to the ones imposed within the news room. Many journalists claim that the rights that the women's movement have won are being taken away by a hostile political environment. The spread of a regressive movement, in the larger societal context influences the kind of reporting that happens. Many journalists are now being forced to ask how they report in this hostile environment where being regressive gets political mileage. Paromita Vohra for instance argues that the Indian laws only work for the "right" woman. Rapes must fit the category of being: Urban, single, middle-class raped by a stranger, where women are unwilling and men are aggressive. Essentially, 1) No one cares about the Dalit or Adivasi woman and 2) Focus is only on the ACT of violation and the immediate aftermath. The media therefore can't write about date rape, acquaintance rape, family rape etc. Vohra finds that if there is a process of negotiation for survivors (as we all know there is),

the media will ignore it.
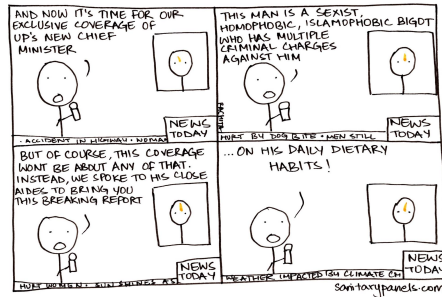
Figure 4.10: Governmental Carelessness

Priyanka Borpujari further argues that only talking about rape allow us to sidestep other GBV issues, such as exploitation of labour, lack of access to public transit and safe streets, sexual harassment at the work site, and limited access to public amenities. She finds that the aftermath of a rape only further strengthens the carceral state due to a conflation between Justice and Punishment. Falling in line with Bumiller (2009) about the impact of the neoliberal state on American society, Borpujari claims that the Carceral State is essentially patriarchy winning by oppressing men (most often poor men or men from marginal communities) as opposed to changing the underlying structure. News stories that only focus on the punishment aspects of a trial, or the punitive measures proposed are complicit in creating this narrative of the carceral state. She therefore suggests pitching news stories that challenge the patriarchy's dichotomous division of society into victims and demons, instead proposing narratives that don't victimise, demonise or idolize. This has found more success in digital media and alternate media than the mainstream so far but the ubiquity of rape stories in the mainstream media is yet to abate.

4.6 Conclusion

Nirbhaya and Aparajita received justice must more promptly than is typical. What is different in these cases is what is considered "justice". As we note in the evolution of public opinion across these cases, participants are more varied in their opinions and policy preferences. This is in direct contrast to the almost identical demands of the feminist movement. However varied we find the general public opinions though, they tend to adhere closer to a carceral notion of "justice" than those proposed by the advocacy groups. Policies that could hamper the rights and liberties of marginal populations therefore, find support when shrouded under a guise of "protecting" women, even when research indicates that these policies in fact hamper women's freedom and security. As made evident in the next chapter, the government manages to harness this outrage and anger to push forward harmful policies on an an unsuspecting and unaware population, in many cases eradicating the work done by feminist activists over decades.

Chapter 5

Straight from the Politician's Mouth: "Official" Talk on Rape

5.1   Introduction

> "It was election time so political parties also exploited the incident for
> their own benefit."[1]

This chapter explores the consequences of politicising marginalised communities and bringing them into the public and explicitly political sphere - essentially the process by which issues such as women's issues gain legitimacy as a political issue and what the consequences of this new-found legitimacy are. As established in previous chapters, feminist activists have for many years envisioned violence against women (VAW) as being inherently political (Cudd, 2006), but this approach hasn't been echoed by those outside feminist circles. In recent years we witness a noticeable shift in public discourse surrounding issues of women and the violence they face on the streets, but a discourse that weighs heavily towards a carceral understanding of the violence.

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[1]Delhi focus group participant

This chapter therefore investigates the interaction between the State and the social movement that emerges in opposition to the State. How does the State respond to the increased interest in crimes against women vis-à-vis political outcomes while still protecting it's interests? Research indicates that governments may know how to co-opt public fervor and repurpose it to serve their own ends (Davenport, Johnston and Mueller, 2005; Sheptycki, 2005; Fernandez, 2008; Della Porta and Reiter, 1998). I extend the arguments of this literature to frame how governments respond to the newly emerged political issue of sexual violence within their countries. I argue that they do this through either direct co-optation of the movement and/or through State sponsored movements aimed at undermining dissent. As observed in the previous chapter and under the contentious approach highlighted in Figure 2.2, sexual violence as a specific policy *interest* leaves room for a range of subsequent policy *preferences*. It is this policy preference range that the State is able to exploit for their own long-term interests - utilising entirely democratic means and principles in their response to public demonstrations critical of their actions. However, as we see in the Indian case discussed in this paper, the State's long-term interests can (and often do) exist in opposition to the interests of the most marginalised constituencies within the State. The longer-term consequences of this political interest in public violence against women therefore has negative repercussions on civil liberties, specifically for marginalised populations.

5.2   Evidence

I study the evolution of public discourse (policy and public debate) on VAW by focusing on comparable cases within the Indian context. I trace these narratives at multiple levels and in multiple institutions in India federal, state, local, parliament, and

bureaucratic, while varying the independent variable at these levels (anti-rape demonstrations). Specifically, I focus on what is now known as the December 16th rape of Nirbhaya, as a critical juncture in the global conversation about VAW. While Nirbhaya demonstrations challenged the national government, I also analyse the rapidly evolving discourse at the state level by focusing on how the All India Trinamool Congress Party's election campaigns have evolved since 2010 (when the part started running for office in West Bengal, an Eastern state in India) and the recent elections (2017) in Uttar Pradesh won by the Bharatiya Janta Party. I finally look briefly at the debate surrounding the installation of public toilets in rural India, an election campaign promise by the current party in government - as a test of my theory beyond the obvious anti-rape legislative and policy preferences. I analyse a combination of documents - election manifestos, Ministry of Women and Children reports, Budgets and reports by Fact Finding Missions. Given the paucity of documentation in India, I use the combination of documents to better capture what the intent of political parties is, as well as what eventually gets implemented. I complement these with interviews with government officials where possible, and activists with reference to the sanitation debate.

I capture government intent and action through a variety of means. Primarily, I conduct an analysis of government documents as issued by political parties in the lead up to elections. I analyse and compare Election Manifestos from 2004, 2009 and again 2014, to capture the most immediate change in discourse surrounding the issue of Violence Against Women. I cover a total of 14 parties that contested seats in the Lok Sabha elections, with 8 parties covering 2009 and 2014, and 4 parties covering all 3 elections. Election manifestos are not common practice for most political parties in India, with only the larger national parties issuing them every election. Many

smaller and regional parties avoid election manifestos as both a matter of convenience, and intention.[2] Party leadership reportedly prefer not to document the party vision in concrete terms so as to avoid controversy both within the party leadership, and the rank and file. Party conferences verbally agree to adhere to a broadly defined party vision and allow their agents flexibility in representation to voting constituents. Officials say that this helps them negotiate candidate egos and also allows them some leeway when it comes to enacting policies after winning office. The Election Commission of India (ECI) has issued guidelines for best practice to all registered parties for the introduction of election manifestos in upcoming elections but this is yet to be enforced. The ECI hopes to cut down on the promises of "freebies" to voters as a anti-corruption measure, and the introduction of written manifestos is one such step in that direction.[3] Even where parties have issued election manifestos over the years, there is little record of these documents, with party officials often not knowing where these are stored or whether they even existed. To this end, I therefore also draw on reports by committees tasked with investigating the issue of VAW, Ministry of Women and Children annual reports, and Government Budgets to supplement information where possible.

I rely on texts for a variety of reasons. First and foremost, however sparse, these documents provide a documented historical snapshot into the evolution of the discourse. Second, while politicians aren't bound to their party's election manifestos, the manifestos reflect the nexus of political concerns architects of party ideology thought to be of important consideration. Finally, in the case of Government Budgets and Ministry of Women and Child's Development, these documents are at least partially

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[2]Interview with DMK and AIADMK party officials. 2017.

[3]The ECI is currently receiving comments on the proposed change in practice and their primary concern is that smaller parties who often cater to poorer and more rural populations, will be dealing with illiterate populations and therefore be disadvantaged by these best practices.

a case of putting your money where your mouth is.

5.3 Gendered Violence, Democratic Violations

Nirbhaya* was a 23-year old physiotherapy student who was brutally gang raped on a moving bus on December 16th, 2012 and left to die by the side of a road. She eventually succumbed to her injuries 13 days later. As detailed in previous chapters, her rape and subsequent death captured a latent fury within the Indian people and protests shook the world's largest democracy for over a month, transitioning from a private shame to a public fury. These protests also laid precedent for the rest of South Asia, and other parts of the developing world. Less than a year later in June 2013, a 20 year old student was similarly gang-raped and brutally murdered in Kamduni, West Bengal resulting in protests that shook the state of West Bengal and the newly-elected State Government (Dutta, September 8, 2013). The anti-rape demonstrations dew over tens of thousands people to the streets, in urban, metropolitan and semi-urban areas. Anti-rape demonstrations are now increasingly common in response to crimes against women, even if they don't draw the magnitude of the crowds we saw in 2012-2013.

Governments have a range of options open to them when faced with a social movement. They can choose to concede, ignore, co-opt and repress. Concessions carry costs as governments must compromise on their own interests, while repression results in fiscal costs or the more significant cost of escalation by movement actors. With reference to the anti-rape movement in India, the Indian government has typically therefore ignored the movement - a low cost option. This has been made possible by the fact that the movement hasn't typically enjoyed mass public support. Nirbhaya however, becomes the turning point in much of the discourse surrounding rape in
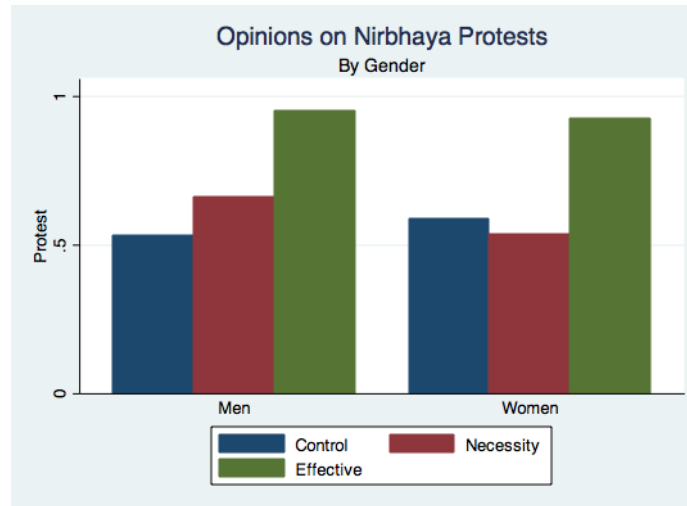
Figure 5.1: How effective were the Nirbhaya protests in bringing attention to the problems faced by women in India?

India. Much of this is attributed to the demonstrations that occupied the streets for a month and the public imagination for much longer. The effectiveness of the Nirbhaya protests is considerably higher than those of other protests in India, as per the results of a survey I conducted 3 years after the triggering event. Over 93% of survey respondents claimed to know of Nirbhaya and the case, at least 3 years after the fact, if not at the time. This name recognition is higher than any other case of sexual violence in India, resulting in Nirbhaya being referenced in every story about sexual violence in India, as per an analysis of media reports. I therefore use these anti-rape demonstrations as the comparative leverage point around which I study the change in the nature of public discourse on VAW in India.

The uptake of feminist concerns by the State has always been a problematic enterprise. Bumiller (2009) for instance, in her analysis of the highly publicised Central Park rape trials, finds that a "feminist alliance with the state" to be largely unavoidable given that policies aimed at tackling sexual violence must necessarily rely on the carceral state in some form or the other. However, she also argues that this collu-

sion lead to feminist political innovations being "incorporated into the regulatory and criminal justice apparatus" (2) and thus resulted in increased punitive consequences for communities of colour. The theoretical argument proposed here is therefore an extension and elaboration of this story.

State policies and the political capture of the movements illustrates the reinforcement of the State at the expense of the cause. These protest movements become political battlegrounds in due course of time, with minority parties using them as a means by which to pelt criticism at the parties in office, and VAW becomes yet another indicator to compare party success across. Having become the cause célèbre, in one case the appointment to head a commission on evaluating means to fight VAW became a cushy political job as it allows access to top Bollywood stars.[4]

"That point where that goonda[5] just came and took away the stool from our organiser, a woman! It was just so... I couldn't go back after that. The protest was supposed to be for women you know, where we got to speak and cry for the girl but no. They had to come ruin that also for us. They always just take over. I didn't go back. I didn't want to have more men telling me what to do. What is he, my father?! Good for him that all of a sudden he is worried about us but still. I don't want to go anymore."[6]

I find that while mass protests (that erupt in response to brutal rapes) play a critical role in legitimizing the issue of VAW, the subsequent policy platforms that emerge tend to reinforce the State and roll back hard-won liberties for womens rights and causes. My data illustrates that VAW becomes a political talking point only after the incidence of mass protests in these regions. For instance, VAW is absent from

[4]Interview with AITC Goverment official in Kolkata, India. 2017
[5]A goon, colloquially often used to describe young men who engage in rowdy behaviour
[6]Participant in focus group

all election manifestos before these recent mass protests but are fast becoming ubiquitous in all national party manifestos, often immediately after a mass protest in their home state. However, the policies that accompany such politicization tend to impinge on the rights and liberties of women and college students (not coincidentally, the groups most likely to be protesting and demanding an expansion of rights for the marginalised) - such as reduced access to public space, the criminalization of causes perceived to be anti-State, increased surveillance of womens movements and a corresponding securitization of the State. Examples include the implementation of curfews for women college students especially in reaction to increased student agitation, suspension of students if found protesting, installation of CCTV's in all public places, increased power for communal bodies and the police, all guised under the language of "protection". This is in contrast with the states where anti-rape demonstrations either didn't take place or primarily represented only feminist and liberal constituencies. The demands of activists, who work with gender mainstreamed bureaucracies instead of legislative bodies directly, resulted in less attention on the public agenda but an incrementalist approach to battling VAW that is proving less prone to "state capture". These demands have included the faster filing of charge sheets in criminal encounters, increased street lighting and "last-mile connectivity" in planning public transportation.

In the case of VAW, public outrage and protest might do more to reinforce the State and undermine feminist progressivism than other modes of civic participation within the context of South Asian politics. Focus group participation conducted in urban and semi-urban centers favored a strong inclination to take away freedoms to ensure security - the implementation of the death penalty or chemical castration for rapists - which accompanied a strong anti-immigrant tone, victim-blaming and slut-

shaming (to borrow a feminist phrase), while retaining the "protectionist" tone. Most women participants simultaneously retained the issue of VAW as one of their primary political concerns however, thus indicating the political base to which public agenda is catering to. A survey conducted in 2015 by the author, in affiliation with the National Federation of Indian Women found that the law, along with other policies that were passed under the aegis of the Minister of Women and Child's Development have been met with approval by Indian citizens. However, survey results also show that this approval is not consistent across sub-groups of the population. For example, men support the policies more than women. Additionally, women from the middle and upper middle classes in urban areas support these policies much more than poorer women, women from rural areas, and younger women.
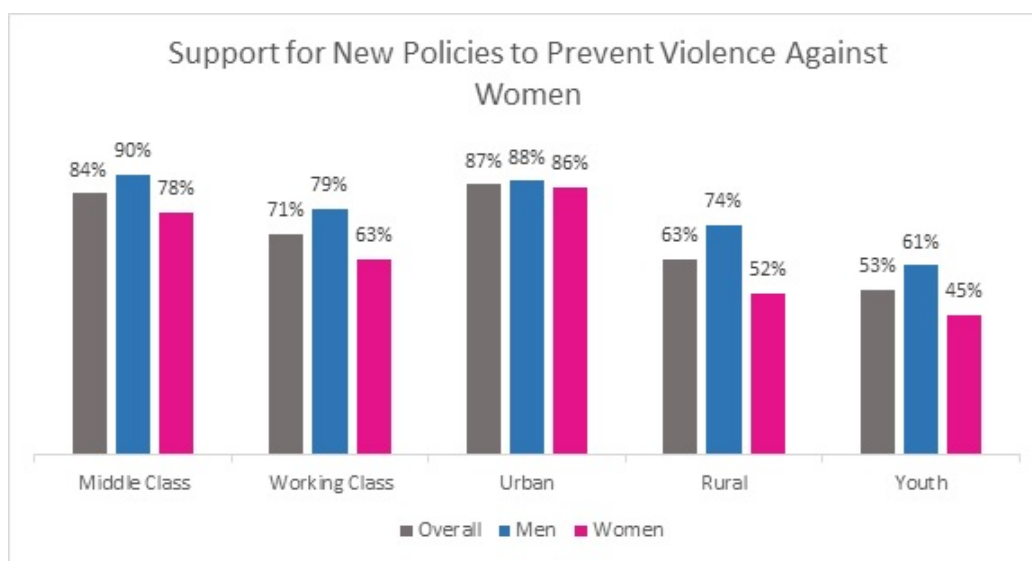
Figure 5.2: Support for Government Action to Prevent VAW

Overall, we find that the policy preferences of citizens, in a post-protest world, are in favour of government action. However, there is variation in the extent of support for the policies, and it is this variation that governments are able to exploit. As evidenced in the next section, we see that the ability of the government to exploit this variation

in preferences is predicated on their constituents as well as their proximity to power at time of anti-rape demonstrations.

5.4   Whatever You Do, In Word or Deed

India held General Elections for the Lok and Rajya Sabha (Parliament of India) in 2004, 2009 and then again in 2014. The Indian National Congress (INC) lead alliance, the United Progressive Alliance (UPA) formed the government in 2004 and held office for 10 years, when in the 2014 elections, they were defeated by the National Democratic Alliance (NDA), lead by the Bharatiya Janta Party. One of the many criticisms and perceived failings of the UPA was the increasing problem of decreased physical security for women and the rise in violence against women in public spaces. The rape and murder of Nirbhaya in Delhi, the seat of government power and under the jurisdiction of the INC State Government in Delhi, did little to assuage the image of the INC as being unable to maintain security in the country. The public anger directed at the Government helped accelerate the establishment of an Ad Hoc Legal Committee that provided the Coalitional Government with recommendations to change the Criminal Law, changes that came into being in March 2013 as the Criminal Law (Amendment) Act of 2013. However, these changes were interpreted as being inadequate in the face of the decreasing popularity of the UPA and the BJP and AAP swept into power in the subsequent elections. The 2014 elections therefore, saw the BJP win national office and the Aam Aadmi Party (AAP) take over the State government in Delhi.

Overall, an analysis of manifestos drawn from 2004 and 2009 elections illustrate that women's issues when mentioned are given short thrift. The absolute amount of space and detail given to them does not change significantly dependent on the size

of the manifesto itself. For instance the Janta Dal (Secular) 2009 Manifesto is less than four pages long, while the BJP Manifesto in the same year is 49 pages long. However, the JD (S) manifesto dedicates 459 words to discussing their promises to women while the BJP spends 704 words. This may at least partially be attributed to the repetition in the suggestions and promises. For instance, every party surveyed pledged support for the Women's Reservation Bill in Parliament, that would hold 33% of seats for women legislators. This extends to the 2014 Election Manifestos as well, indicating the primacy of this issue in Indian politics.[7] Other recurring issues include maternal mortality and female infanticide, self-help groups for women, and communist party support for labour protection.

Six out of the thirteen manifestos mention violence against women, but propose little by way of concrete policy. This is in direct contrast to policies related to national security, agriculture, manufacturing, health amongst other, The 2004 NDA for instance states under their section on Women's Empowerment that "Laws to check female foeticide, dowry, child marriage, trafficking, rape and family violence will be strictly enforced. Societal efforts to curb these ills will be encouraged." The 2009 CPI(ML) states that they intend to "Protect women from all sorts of family and social violence, and exploitation." They also criticise the UPA government for doing little to check the increase in exploitation and atrocities committed against women and children. The 2004 CPI(M) manifesto supports amending the Domestic Violence Bill as proposed by women's organisations (but do not specify to what extent), as well express support for a law regarding sexual harassment in the workplace. The National Congress Party in 2009 promises that "Law would be enacted against sexual harassment at the workplaces." and "Atrocities and dowry related crimes against

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[7]It must however be noted, that the Bill was passed in 1993 and introduced reservations at all local level legislatures but has failed to pass at the national level.

women would be promptly dealt with and exemplary punishment meted out to the guilty."

In keeping with classical theories of the importance of leftist parties and alliances to women's progress, it must be noted that the Communist Party of India (Marxist) and the Communist Party of India (Marxist-Leninist) manifestos both dedicate the most amount of space and considerable detail to women's issues in this pre-Nirbhaya world. The CPI(M) also has periodically come up with a separate manifesto related to women's issues, unlike any of the other larger parties. While there are fissures within these parties when it comes to voting for policies to prevent VAW, as explored in a subsequent section, the constituencies of these parties adhere most closely to classical feminist policy preferences. The CPI(M) and the CPI(ML) are therefore least likely to promote policies that punish the poor and the marginal communities.

5.4.1 Post 2012 Manifestos

Q. Do you think that this issue of womens safety is a political issue? Is this discussed during elections? A. It is talked about only during elections. It is only a ploy to garner votes. A. Kejriwal had said that he would install CCTV cameras at every road junction. Where are these cameras? There is nothing anywhere and rapes and similar incidents continue to take place. A. No cameras in buses too. Q. So this issue was discussed in your locality during the elections? A.It was promises were made but they did not keep their word once they came to power. A. When women get harassed or molested in buses and they ask the driver or conducter to help, they ignore the matter. A. That is what happens in Delhi even when somebody is getting harassed in public in full view of people nobody

steps forward to help. They say it is not their problem. A. They do not want to get involved in other peoples problems they fear that they may get trapped in the middle.

In 2014 however, we see crimes against women be mentioned in every one of the 8 manifestos published that year. CPI(M) calls out the decreased physical security in their Political Resolutions, "There was an alarming increase in the scale and nature of attacks on women. Sexual assaults against women, young girls and children grew exponentially. Patriarchal and market values have resulted in widespread violence against women." AAP promises to provide "A Delhi that is safe for women" as one of their 11 overarching goals for their term in city government. The BJP manifesto states it in their introduction itself (the second sentence) when critiquing the performance of the UPA Alliance that had held power for the previous decade - "At the same time, corruption, scams and **crime against women** have reached to unacceptable levels."[emphasis mine] Both the BJP and AAP go on to win office from the INC at the national and city level respectively.

This narrative is distinct from the one being espoused by the INC that was in power during Nirbhaya's rape and murder. While the INC discusses crimes against women, they in fact downplay the issue. The INC highlights the passage of the Criminal Law (Amendment) Act, 2013 in their manifesto multiple times, as they do their support for the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. Beyond their lauding of the Criminal Law (Amendment) Act, 2013, the INC 2014 election manifesto fails to provide concrete measures to fight the problem of violence against women. The All India Trinamool Congress (AITC) similarly, witnessed significant public outrage over violence against women in July 2014 and then again in December 2014. They too only mention

violence against women, primarily to support the establishment of Fast Track Courts to exclusively try "cases of atrocities on women, so that strong punishment is meted out to culprits immediately. Justice delayed is justice denied." Much of the public outrage was directed at the specific governments in office for having failed to create an environment safe enough for women and therefore the complicit parties focus either on their accomplishments and/or downplay the extent of the problem in their election campaigns. While my theory does not predict these variations, the logic does extend to encapsulate these findings. The INC initially opts for a classical ignorance strategy in response to the anti-rape demonstrations, having failed to capture the variation in policy preferences in the Nirbhaya protests. This preliminary choice to ignore costs the INC significantly, and they are unable to recover politically from it. We see a similar pattern emerging in recent months with the Kathua rape case in Kashmir and the ruling party, BJP. A more detailed discussion will follow in the conclusion.

5.5   Policies, Rules and Regulations

I look for government stance's on specific policies to see how they relate to what participants proposed and what activists suggest.

> A. You have to have laws to curb drinking. A. Institute fast track courts to deal with the crime quickly. A. Hang the perpetrators at the earliest. A. Like when Gill was in Punjab, all Pakistani terrorists were shot on sight, no case, nothing. It eliminated the terrorist problem. If there is a case it drags on lower court, High Court, Supreme Court... A. We spend taxpayers money by imprisoning and protecting criminals best to kill them at once.

With the participants, we essentially saw a shoot at sight approach to policies and justice more generally. Correspondingly, the policies that find support in these manifestos primarily consist of installation of CCTV's in public places, increased police presence, information technology, and the establishment of Fast Track Courts dedicated to crimes committed against women. More importantly, the 2014 manifestos are the first ones to discuss violence against women explicitly. However, the measures they support are recurring features in previous manifestos and the political arena more generally.

For instance, the BJP has indicated support for CCTVs in their 2004 manifesto, and promoted its usage under the Prevention of Terrorism (POTA) Act, 2002 that was passed when they were last in power (Government, 2002). Both instances, CCTVs were promoted as an anti-terrorism measure and justified as a means to strengthen the intelligence agencies of the State. CCTVs have therefore been one of the few measures that have implemented under the aegis of the new legislation. In 2013, the Union Budget established the Nirbhaya Fund with Rs. 10 billion set aside for the "empowerment, safety and security of women and girl children" through a combination of "government and the non-government sector initiatives to uphold the dignity and ensure security of women" (Bureau, April 26, 2013). While NGOs have failed to garner any money from the fund for any of their proposed projects, the Ministry of Finance recently approved a project proposal by the Ministry of Railways to install CCTVs in railway stations across India. The intent to install CCTVs in railway stations is part of a composite security plan that has been 8 years in the making and is aimed at reducing terror threats. The project however had to be put on hold due to a lack of funds, and limited public support. However, by framing their pre-existing security concerns as stemming from concern about women's safety, the Ministry of Railways

succeeds in securing money for a project that promotes increased surveillance and pre-dates the current focus on women's issues.

Beyond the alignment of CCTVs with pre-existing policy preferences, I find evidence that not only are CCTVs ineffective at preventing VAW, in some cases they exacerbate dire circumstances for women. CCTVs so far only record data, and do not help prevent crimes as they happen. Recent cases, such as the brutal murder of a 24-year old woman in Chennai at a train station, has caused some concern among women (Correspondent, June 24, 2016). The woman had been stalked previously, violently attacked and was eventually killed in public. The police were unable to prevent escalation from stalking to murder in spite of police reports and complaints filed by the victim, and even during the attack, failed to respond quickly enough to prevent the attack that CCTVs were recording. Women therefore raised concerns about the purpose of the CCTVs if they cant be used to prevent attacks as they happened.

Additionally, the CCTVs installed in stations and in open spaces near slums disproportionately inconvenience women. Women who reside in slums and other makeshift colonies report that these are some of the spaces they would use for access to bathrooms and privacy for hygiene purposes. However, now that they are being recorded in these areas, they are hesitant to use them, forcing them to return to the communal bathrooms where they get more harassed and become vulnerable to disease. Additionally, some women report being harassed by police officers who now have camera recordings of them accessing bathroom facilities at stations which legally is not allowed. These women therefore must now avoid the areas where these police patrol and are stationed, making it harder for them to go to work and leave their homes.

Another proposal by the Ministry of Home Affairs in collaboration with the Ministry of Information Technology (yet to be funded but approved in-principle by the Ministry of Finance) focuses on the role of wifi and technology in preventing violence against women. They propose:

> Integration of the police administration with the mobile phone network to trace and respond to distress calls with minimum response time. Instructions will be issued by the Ministry of Information Technology to all mobile phone manufacturers to introduce, mandatorily, an SOS alert button in all the handsets. Manufacturers will also be instructed to launch SOS alert system in the existing handsets through free downloading of suitable software.

All of this is in keeping with the current NDA Government's initiative to establish smart cities across India and enable digital connectivity across the country. They propose in their 2014 Manifesto to "set up a National Optical-Fibre Network up to the village level; and Wi-Fi zones in public areas" as well as "Wi-Fi facilities [...] made available in [urban] public places and commercial centres." The integration of increased connectivity with women's safety finds its apex in the development of safety apps for smart phones (beyond the Suraksha/SOS button), which now range in the hundreds. The AAP has also promoted Wi-Fi as a solution to the problem of Violence Against Women:

- We will make Wi-Fi freely available in public spaces across Delhi. Citywide Wi-Fi can help in bridging the digital divide. It will also provide an impetus to education, entrepreneurship, business, employment, and also tie in with womens safety initiatives.

- Our government will provide a Suraksha/SOS button on every mobile phone. We will work towards its connectivity to the police, nearest PCR van, relatives and volunteer community.

  A: Wi-fi is free but hat only helps the rich, the poor do not benefit. They have no money for such things. A. Colleges were to have become wi-fi ed but no college has wi-fi even now. Only the rich can benefit from such things .

However, as Ranganathan (2017) finds, "womens safety initiatives in general and safety apps in particular do not meaningfully engage with male entitlement over womens bodies or attempt to unseat male hegemony that underlies violence." She argues that app developers neglect any and all existing research on violence against women and are therefore unable to design apps that capture the empirical realities faced by women. For instance, typically these apps allows women to signal police and family in case of an attack. However, the National Crimes Records Bureau indicates that less than 5% of rapes in India are perpetuated by strangers.[8] The signaling intent of these apps therefore will fail to be effective when family members choose to be wilfully unaware of the violence being perpetuated in their homes, and the police claim to be unwilling to intervene in a 'family matter.' For instance, Figure 5.3 shows us an advertisment taken out by a telecom company in India that has close ties with the government. The company's selling point to the public is the ability to track their mothers, daughters, wives and drivers. The very framing of the ad indicates that they are catering to men of a higher socio-economic status by promising them the ability to monitor the movement of those within their purview.

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[8]In 2015, offenders were known to the victims in 95.5% of reported cases, down from 98.2% in 2012.

Figure 5.3: A Security App Being Promoted by the Current Government

Additionally, Ranganathan (2017) finds that the mandatory SOS button on cell phones comes with remote monitoring of GPS built into the technology, which will provide an unspecified (as yet) government body with the ability to track all citizens in real time. Interviews with government officials indicate that there is increasing support within bureaucratic circles for the mandatory registration of cell phone numbers of all immigrants to cities, as a measure to curb crimes against women. Focus groups held with immigrants find that the poor consider this yet another means to harass them for bribes and extort them. The reluctance of the government to introduce corresponding privacy legislation leaves many experts in the field of information technology uncomfortable with the increasing surveillance power of the state.[9] In fact, the government's push to make mandatory the Aadhaar card (the Indian equivalent

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[9]In fact, the Government recently fought a case in the Supreme Court arguing that the poor in India do not have a right to privacy. The Supreme Court has however, rejected their argument and ruled in defense of privacy.

of a Social Security Number), is seen by many as evidence of the government's opposition to privacy concerns. As indicated in Figure 5.4, the Aadhaar Card is perceived by critics as being surveillance technology masked as a secure form od identification created to enable easier access to resources. Anja Kovacs finds that the "Ministry of Women and Child Development has now made Aadhaar a prerequisite to avail of schemes aimed at the rescue and rehabilitation of victims of sexual trafficking" which labels survivors as victims of trafficking in every interaction they have with a bureaucrat henceforth. The power dynamics of this data driven interaction will for the most part continue to marginalise the already disempowered.
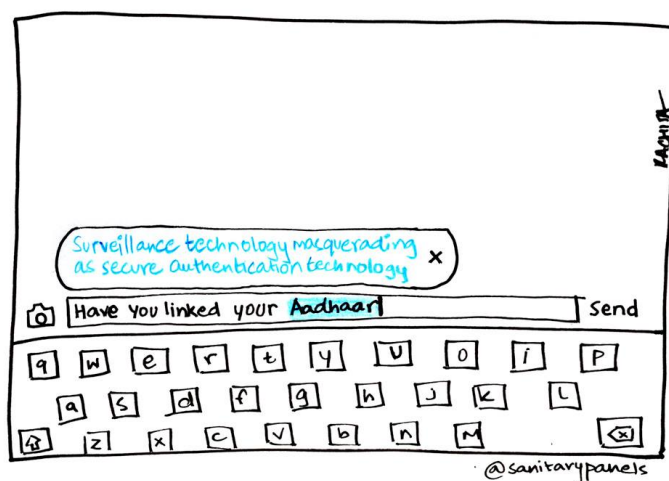
Figure 5.4: Consequences of Surveillance Technology in India

However, this aspect is not one that concerned many participants. The consensus essentially was that privacy wasn't as important as security, especially as privacy wasn't important if you weren't a criminal

Q: Aren't you worried that if cameras are put up, all your movements will get recorded? Does it not scare you?

A: Well, those who do wrong will get scared.

A: No it is not a problem. It will give us safety - that is more important
than privacy, greater priority.

5.5.1 Apps and Surveillance

The outsourcing of women's safety to cell phones and private app developers for the most part, also runs directly in opposition to women safety measures being enacted at the state and local level. The BJP and their Chief Minister candidate,[10] Yogi Adityanath, recently swept state elections in the state of Uttar Pradesh (UP) on the promise of cutting down incidents of sexual harassment of women in public places. Their methods for doing so have so far consisted of the establishment of anti-Romeo squads that patrol the streets and chase away men who are seen to be loitering.[11] However, these squads are not monitored by a bureaucratic body, but by party offices and therefore face little to no accountability to the public. They operated with complete impunity for over a month, resulting in increased extortion of Muslims in the state, poor people, harassment of those perceived to be as LGBTQ, and violence in more than a few occasions (Poonam, May 15, 2017). As seen in Figure 5.5, they for the most part participated in moral policing (through violent means) but neglected domestic violence, and violence against Dalit and tribal women (not represented in this articulation). Criticism of the squad has resulted in their incorporation into a volunteer program under the aegis of the State Police Department, and their renaming to Nari Suraksha Bal, which translated means Women's Safety Group (Pandey and Singh, May 21, 2017). This goes directly hand in hand with their support of the rise of *khap panchayats* that are informal governing councils at the local level that consider

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[10]The Indian equivalent of the US Governor

[11]A neighbouring State, Haryana, also recently launched their own volunteer anti-harassment squads entitled Operation Durga, named for the Goddess of Power in Hindu mythology.

themselves the guardians of local honour. A recent ruling by a khap panchayat in Mathura (UP), worried about the ability to track women through their cellphones, have decided to ban cellphones entirely from women in rural areas or at the least, fine women for using their mobile phones in public. This ruling was part of a larger set of diktats that were issued simultaneously and aim to clean up the image of the town - they include fines for cow slaughter, gambling, drinking, and cheating.(Chaturvedi, May 3, 2017) As research shows, this only perpetuates inequality in who has access to cellphones, and in turn, information and communication.
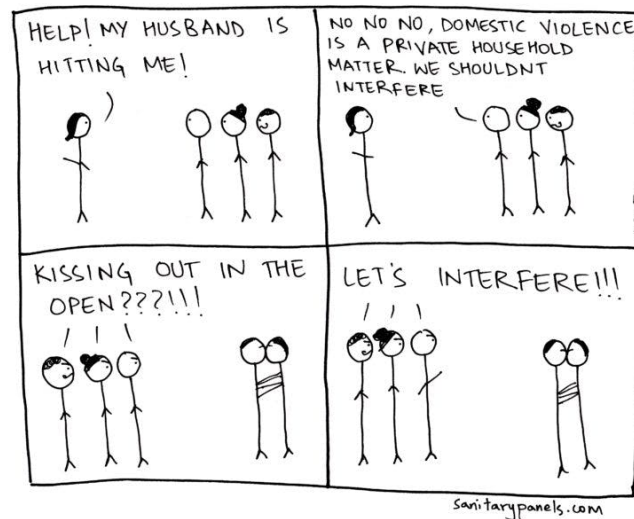
Figure 5.5: Anti-Romeo Squads Sanctioned by the UP State Government

5.5.2   Death Penalty

Support for the death penalty is yet another arena where we find close to uniform political support but only in cases of "collective conscience." (Vijay and Dash, May 13, 2017) In the aftermath of the Nirbhaya rape and murder, there was increased demand for the death penalty from large sections of the protesters. In spite of the

recommendations from women's groups and a specially constituted judiciary commit-tee to not include the death penalty (PUCL, January 5, 2013; J. S. Verma, 2013), the Criminal Law (Amendment) Act of 2013 kept the death penalty for the "rarest of rare" cases. Political parties have time and again come out in support of this, even when the women's wings of their parties oppose this measure, as is the case with the All India Progressive Women's Association (AIPWA) associated with the CPI (ML). Kavita Krishnan, in a speech during the 2012 protests, laid out the critiques of the death penalty in the cases of rape in her argument against the securitised, protec-tionist measures undertaken by governments.[12] However, the party still voted in the Lok Sabha to pass the Criminal Law (Amendment) Act with the death penalty.

In May, death sentences for the convicted rapists in the Nirbhaya case were up-held by the Supreme Court, in spite of a lack of evidence as to who actually was responsible for the violence that resulted in Nirbhaya's death (Shah, May 16, 2017) while the very day prior to this judgement, Bilkis Bano's rapists were sentenced to life imprisonment.[13] The argument employed for these differential judgements is that Nirbhaya case was the "rarest of rare" cases, however this is not in terms of the sheer violence inflicted upon the bodies of women. While Nirbhaya eventually died from injuries to her intestines incurred during the rape, the Bilkis Bano case held 11 men (including 5 police officials) from Gujarat responsible for the murder of 14 members of Bano's family, the rape and murder of 5 women, and the murder of 3 children under the age of five. While the Center asked for the death penalty in this case, the High Court handed down life imprisonment to all the accused, including those involved in the institutional cover up. The judgement, while acknowledging the brutality of the crime, chose to highlight instead that communal violence was rooted in institutional

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[12]YouTube video of Krishnan speaking outside Delhi Chief Minister Sheila Dikshit's house on December 19, 2012.

[13]Life imprisonment in India is 14 years.

biases and therefore wasn't rare, and active measures needed to be undertaken to remedy the causes of communal violence (Grover, May 10, 2017). In the Nirbhaya case however, the judges relied on the protest and outrage as their measure of how "rare" the case was, and issued the death penalty on the basis of how much the public were affected by the case. As Shah (May 16, 2017) points out, the case in and of itself wasn't rare, the outrage surrounding it was. Shah points to the rural-urban and caste divide in explaining why most cases in India go unreported, where the rapes of poor, rural, or lower caste women are ignored by institutions and the media.
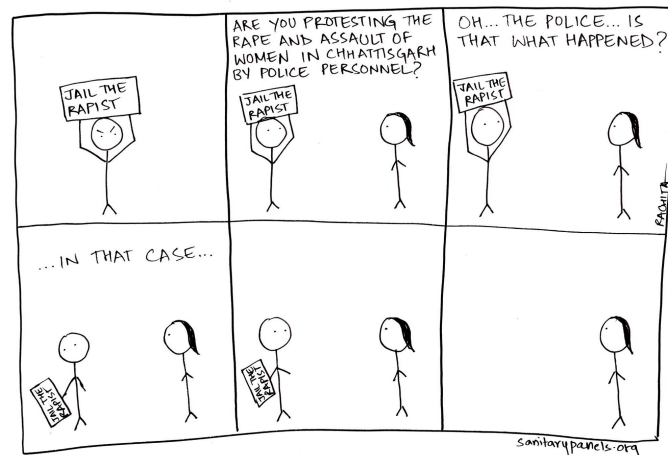
Figure 5.6: State Government's Turn a Blind Eye

Gattuso (May 17, 2017) further argues that the identities of the perpetrators play a role in how the public and Indian institutions have responded to their crime: "They did not enjoy the protections of money, power, or government connections." Compared to the perpetrators in the Bano case, who reported to the Modi government (then Chief Minister of the State, currently Prime Minister of India), the perpetrators in the Nirbhaya case fit the spectre of the poor, uneducated, unemployed immigrant that the government has for the most part used to scare women and families into accepting the surveillance state. The death penalty too becomes a tool in the arsenal of

the government, wielded to come across as effective and tough on crime, even though research indicates that most crimes against women go completely unpunished.[14]

5.6   Security-Liberty Trade-Off

The project thus warns us of the consequences of political "pandering" and state capture. Creating policy in response to short term demands, like an anti-rape demonstration, leaves both policy makers and citizens vulnerable - vulnerable to weak policy and the erosion of civil liberties. Violence against women as an issue area proves to be particularly prone to State capture as it allows for narratives of protection and safety to supersede narratives of autonomy and citizen rights, thus justifying State co-optation of the movement, and democratic civil liberties by extension. Specifically, we see that citizens are willing to trade the civil liberties of vulnerable populations (minority communities, marginalized populations women and men), in return for increased security for women from communities of privilege. The security-liberty trade-off is therefore rooted in the power structure of the community, were security for the privileged is increased by decreasing civil liberties for the marginalized and vulnerable. The contentious approach therefore contributes a new approach to understanding the classical security-liberty debate, by reimagining how citizens perceive security and violence in the public sphere. The rise of the surveillance state has far reaching consequences for the nature of democracy in the 21st Century. As Jasbir Puar argues, surveillance 'has certainly not become more democratic: who receives discipline and punishment, who is deemed worthy of pleasure and intimacy remains distributed in deeply uneven manners ." [Puar as cited in Kovacs (2017)] While large

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[14]In fact, around 20% of Members of Parliament currently are facing serious felony charges - murder, attempted murder, kidnapping, and crimes against women (Alfred, May 23, 2014; Vaishnav, 2017)

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numbers of the Indian populace has expressed support for CCTVs, and increased surveillance (all citing the classic reasoning of "If you have nothing to hide, why would you mind?"), Kovacs (2017) argues that surveillance is pre-emptive. She argues that surveillance "can also shape what you will do in the future. That is because surveillance can incentivise certain kinds of behaviour, and discourage others." By that extension, the Government is reshaping the idea of citizenship in India, and using public outrage surrounding violence against women as a means by which to harness and propel forward notions of who is worthy of State protection, what behaviour is in keeping with Indian values and principles and which communities and practices must be eradicated. Violence Against Women policies are being used as a pretext to push out the very principles that motivated interest in the issue in the first place. We must therefore ask ourselves, what other narratives can be co-opted and are being co-opted? Finally, how do we preserve the voices of the marginalised and ensure that their narratives can flourish and provide them with means to power and justice?

Chapter 6

Policy Extended

6.1   Introduction

"State is the preponderant authority that takes care of you, looks after

your well being. The State is omnisicent and the State is now working

for the Capitalist Force."

SP Udaykumar

The co-optation of the anti-VAW cause for other political causes is well documented in history. Wells (1895) for instance, noted that "Humanity abhors the assailant of womanhood, and this charge upon the Negro at once placed him beyond the pale of human sympathy." She argued on multiple occasions that the subjugation of black people was justified on (most often false) charges of black men raping women, thus inviting and inciting violent attacks (most prominently, lynching) upon a marginalised community to ensure their further marginalisation within American society (Wells, 2014, 1895, 1996). What we see see in the Indian case is an extension of that very same trend. While the government uses anti-VAW demonstrations to produce anti-VAW policy that works in their favour, I also find that they capitalise

on their success. Their successful deployment with regard to anti-rape policies is now extended to other policy arenas such as higher education, and sanitation as discussed in this chapter. Additionally, I find that this isn't necessarily a tactic limited to use by governments. I also discuss the co-optation of the anti-VAW cause by universities, and student unions - thus finding the extended legs of this argument.

6.2   Pinjra Tod - Break The Cage

" Higher education is a battleground. Because people there know their rights. Ayesha Kidwai (2017)

Higher education in India, much like elsewhere in the world, has been a battleground for political reform. Students have been integral to modern forms of political resistance in India since before the country even gained independence, in keeping with global trends where "Students' mobilization has long been a prominent feature of movements for political reform around the world.(Weiss and Aspinall, 2012)[vii] However, in recent years, student mobilisation in India has faced significant challenges from governments who aim to reduce dissent and opposition. One of the ways by which the government has exercised control over student activism is paradoxically through a reliance on traditional and heteropatriarchial means, especially with regards to how the government polices young womens politics and political activism, in institutions of higher learning.

Indian universities encompass many colleges within its administrative purview and for the most part are public institutions, controlled by government rules. These colleges very often do not ensure on-campus housing (referred to as hostels in India, known as college dormitories in other countries) for their students. A majority

of students enrolled in higher education must find their own accommodation while enrolled in college. Additionally, where hostels do exist for students, different rules apply for men and women who reside in these hostels, including but not limited to curfews, dress codes and personal technology policies. Pinjra Tod (Break The Cage) has built a significant social movement from its origins in localized campus struggles for equitable gender access to hostel accommodation. Those struggles, were initially quite restricted in their scope, in the numbers of participants, and in the limited nature of their victories. However, in September 2015, a local struggle at a university in Delhi provided the catalyst for what became a nationwide movement involving women students across the country and across educational institutions, demanding equitable access to education. The participants were women otherwise separated by geography, class, caste, religion, socio-economic background who nonetheless came together in support of their equal access to education, bound by their shared sense of alienation from institutional educational spaces.

While the movement has primarily been framed as fighting for gender neutral housing policies and equitable access to educational resources, it has proven to be a successful catalyst beyond what might be strictly considered womens causes. Pinjra Tod has become a key player in political action intended to keep college campuses secular, to resist what is described as a tide of oppressive nationalism sweeping India, to shield minorities from caste and religious based violence and to protect educational funding from government attempts to privatise and corporatise higher education. It has also, so far, done this while retaining its' political autonomy and remaining independent from political affiliation, from university bodies, and organizations like Womens Development Cells and other women's Non-Government Organisations.

The consequences of their success however, are that the movement has been

brought into direct opposition to government policies and the administration of higher education in India. The movement has faced backlash and the strengthening of repressive tactics in response to womens mobilisation. In response to a movement that is spawned on social media and draws heavily on new technology to mobilise and sustain action, the tactics the government has relied on draw upon family structures, conservative ideologies and cultural repertoires - all linked to the prevailing narratives about VAW. Primarily, I find that the government uses the threat of violence to women as a means by which to restrain the voices and potential of young women in India. I argue that this is intentional on the part of the government, as it allows them to attack and dissipate the actors, as opposed to taking on the movements frames itself. The government therefore succeeds in sidestepping the grievances raised by the movement and instead polices and represses the actors involved in the movement. While the success of these methods of repression are yet to be determined, this movement is just one of many student mobilisations the government is attempting to dissipate through attacks on their members and leaders. What we see here is a combination of preventive and repressive measures, that result in a multi-staged attack on student mobilisation and youth politics in India. In the subsequent sections, I provide a brief overview of the higher education context within which the Pinjra Tod movement and the subsequent backlash is situated in. I will then detail the various stages and forms of attacks perpetuated by the government on the women involved in the Pinjra Tod movement, as emblematic of attacks on politically active young women. I summarise with the implications of government surveillance and repression on the future of youth politics in India.

6.2.1   Methodology

I draw primarily on 27 semi-structured interviews with participants in the Pinjra Tod movement, conducted over a period of 18 months. I rely on the movements narratives as the movement is currently documenting the various punitive and surveillance measures adopted by universities, in their attempts to police the politics of young women. I interview members whose involvement cuts across the two-year duration of the movement. I also draw on a report compiled by the movement, for the Delhi Commission for Women (DCW) which documents previous abuses and the history of the struggle for equitable access to education. I also draw on secondary data culled from newspaper coverage of Pinjra Tod events, as well as the movements own record of their mobilization. Finally, I attended campaign events over a period of two months in 2015 and for another 2 months in 2017. I draw on my field notes and observations from these events to supplement my primary data.

6.2.2   Residents of an Indian College Campus

Close to 30 million students are currently enrolled in over 700 degree-granting universities and 35,500 affiliated colleges in India, and 46% of this population is women (clocking in at about 13 million). Many of these students come from distant regions of the country for a chance to pursue a higher education, and the possibility of upward socio-economic mobility. However, in 2015, only 9000 spaces were available in hostels (for men and women) in all Delhi Universities, in spite of there being over 132,000 students enrolled in undergraduate and postgraduate courses. Furthermore, these are granted on the basis of rank as opposed to need so students who score better in the end of school exams are offered hostel accommodation first. Universities dont therefore take into account a students socio-economic class (can they afford rent in

the city), or need (do they have family in the city they can live with) when providing hostel access. This is in spite of seats being reserved at the university admissions level more generally for students from marginal communities as defined by their caste, or religion in some cases.

This policy differential vis-a'-vis university admissions and hostel access has empirical consequences for marginalised students. Access to on-campus hostel accommodation is the determining factor for many students and their families when deciding which college to enroll in. Several interviewees recall having to choose a lower ranked university, because of the hostel access that was provided, in spite of admission into a higher ranked university where they would have to find alternate housing. This problem is particularly severe for women, as parents of women students tend to trust university provided housing to protect their daughters as opposed to finding independent housing in the city. Interview participants recall friends and cousins (all women) who weren't allowed to come study in Delhi at all because they didn't secure hostel housing. The rules of university access (hostels and admissions) from the beginning itself therefore create barriers for young people, especially those rooted in vulnerable communities. The government however, often uses this tenuous relationship that students have with hostel access, their family and their advent into adulthood, to repress and shape their emerging political identities. While student activists rely on a variety of modern organisational tools to form independent political consciousnesses, the government has used these traditional family ties, and social values to control and repress student activism, primarily that of young women and those from marginalised populations.

In the aftermath of the now infamous 2012 brutal rape and murder of a college student in Delhi, India, universities in India chose to make the rules for hostel resi-
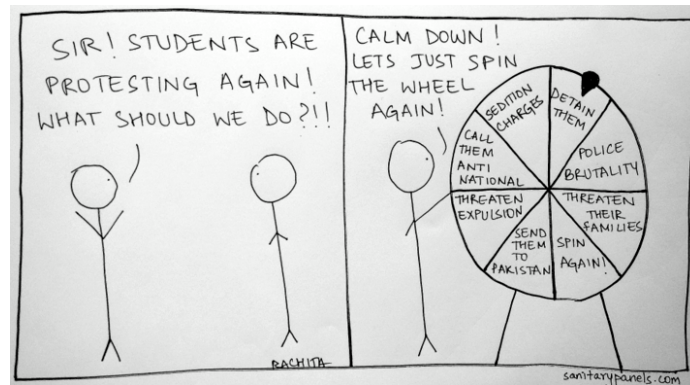
Figure 6.1: *Sanitary Panel* Comic On Government Responses to Student Protests

dency a lot more stringent and primarily gender specific. The spectre of the brutal rape allowed university administrations to roll back basic civil liberties, a move justified to parents under the guise of protecting their female wards. While this wasnt in response to the Pinjra Tod movement, this did roll back the victories eked out by previous iterations of the movement to ensure equitable hostel access in Indian higher education.

6.2.3 Repressive Measures

The newly updated regulations included but were not limited to strict curfews and dress codes, mandatory local guardians (who were residents of the city and whose approval was necessary to participate in any non-hostel sanctioned activities outside college grounds), removal of locks from room doors, and installation of CCTVs within the hostels. While these all targeted women in general, they had differing impacts on different groups of women. For instance, the impact of the local guardian whose importance was elevated under these new rules is intersectionally severe. Students come to Delhi in the pursuit of higher education from every state in the union. Those from poorer backgrounds, or more rural communities are less likely to have family in

the big city, as are those from the states that are furthest away from Delhi. Many students must rely on very distant family friends or relatives to serve as their local guardians, thus creating yet another hurdle for those whose families aren't familiar with the city, for those from traditional families, and those with fewer resources. Students from the North East of India for instance report that many of them often have the same local guardian, as anyone not from the North East tends to make racist assumptions about their sexuality and restricts their access around the city. Another student recalls her parents having to spend over a month visiting various relatives and friends of family, asking them to take responsibility for their daughter. Students who weren't previously familiar with their local guardians find that their access to the city is severely impeded as their guardians aren't willing to take on the responsibility entrusted to them by the university hostel administrators. These measures therefore further marginalise already vulnerable populations, who would have limited access to the city due to the barriers imposed on them by their gender, caste and class.

A Pinjra Tod report further details the oppressive rules at Indraprastha College for Women which enforce strict dress codes in the cafeteria ostensibly to protect 'the modesty' of the women students, especially in the presence of male staff working the cafeteria. Hindu College similarly requires a dress code to ensure the "safety of women students" and to "maintain decorum". Additionally, restrictive curfews were imposed on women residents of University hostels that required women to be back in the hostels by 630 pm in the evening in winters, and 7 pm in the summers. Previous mobilisation by women at the hostel level had over the years succeeded in establishing curfews that went up to 9 pm, and hostel residents were optimistic that they could improve on these advances. However, in the aftermath of the 2012 rape and the accompanying administrative overhaul of hostel administration, the hostel curfew

for women across the University settled at 630 pm. The Union Minister of Women and Child Welfare argued that early curfews are a necessary safeguard that provide protection from teenage 'hormonal outbursts', and therefore necessary to secure the virtue and purity of Indian youth. Feminist narratives, channeled primarily through Pinjra Tod, describe these accounts an active collusion of regressive forces, resulting in the creation of a Patriarchal Brahmanical Nation State due to the consequences felt by those not privileged by brahmanical or natilnalistic narratives of domination.

This collusion is made most significant by the fact that male residents of hostels continue to not have curfews or any barriers to their mobility at all. The consequences of this are manifold. With a curfew in the mid evening, women students are unable to attend cultural events, social events and even academic resources such as libraries and laboratories. Furthermore, landlords who rent out rooms to women students take their cue from the Government and also impose curfews on their tenants, similar rules about dress codes, CCTV surveillance and no visitor policies. The consequences of this are that University campuses essentially became all-male spaces from the evening onwards. Even if some women aren't bound by curfews, the sheer absence of so many women from the streets automatically makes women feel unsafe and vulnerable to harassment, as women who do occupy public space in any form after dark are considered promiscuous. This administrative measure, much like the local guardians, creates divisions within women, labeling some as worthy of protection and some as not. By restricting women in college from public spaces, the State makes the streets a much more unsafe site for women who must occupy public space late at night for a variety of reasons, such as those who work late and must rely on public transport to bring them home. Through the establishment of such administrative measures, the Government succeeds in labeling some women as worthy of protection (those in

higher education, those with families who will impose curfews, those who can afford to rent a private room from a landlord) while all others are left to fend for themselves on streets which are actively being made worse.

6.2.4   Punitive Measures

While the previous section detailed the measures the government has taken to co-opt youth politics before they even begin, this section looks at the various punitive measures women encounter when they do organise and resist, in any form. Primary among these punitive measures is moral policing, which draws on narratives from the "Brahmanical Patriarchal Nation State" as the Pinjra Tod movement has framed it. Additionally, legal measures aimed at ensuring complicity, flagrant impunity to administrators who live and supervise the hostels, and the implicit sanctioning of a student movement that relies on violence and threats to force women and minority men into positions of vulnerability, all work to support the suppression of dissent amongst young women and minority men.

Moral policing is a form of governance that draws its power from the structure of society, and the social embeddedness of students in social networks and families. Behaviour is monitored and punished through a reliance on moral codes as opposed to legal ones. So for instance, women are punished by hostel administrators (often referred to as wardens in the Indian context) for missing curfew through threats to call parents with stories about sexual promiscuity, as opposed to a fine, or a demerit, or other administrative rules. Women who come to college and develop a political consciousness through their interactions with peers and the larger environment, may often find themselves in opposition to their families. This disjuncture however, is exploited by wardens to slut-shame women and dangle the threat of parental disap-

proval as a way of policing behaviour. The involvement of parents in the disciplining process reflects both shaming, and infantilising as forms of governance. Wardens shaming women who miss curfews for example, both shames the woman for her adult choices while simultaneously dismissing them as not being adult enough. A primary tool in their arsenal was to call the parents of the student, to convey (exaggerated, if not blatantly untrue) reports of transgressive behaviour, primarily commentary on the students' sexual behaviour. A student recalls her father being called to be told that she had slept with all the men of a neighbouring boys' college, after she missed a curfew by 15 minutes. In another instance, the 400 hostel residents of Patiala Girls College mobilized and unanimously signed a petition demanding revision of their 6:30 p.m. curfew, to which the University administration responded by informing all parents of this petition. While every student was an adult, their parents were informed of their daughters' perceived transgressions. Many parents sided with hostel administrators and supported the suspension of their daughters' access to the outside world post the curfew, even endorsing additional punishment in some instances. Only the students whose parents were permissive of them extending the curfew, were allowed an extension. The administration in this case therefore, succeeded in creating fissures within the unanimous student body while also finding support for punitive measures to be levied at future dates.

This has significant political consequences for the development of youth politics in India, specifically amongst women. Participation in democratic practices like a protest can result in one of two dire consequences for students; official complaints to families that more often than not, relied on false reports designed to malign the student and/or loss of hostel accommodation the following year. The former works to complicate the process by which young women attempt to gain independence

from their families, as any attempts to do so are reported back to their families. The University in this case is literally surveilling their students and reporting back to families. Parents furthermore, interpret these official reports from universities as evidence that their children aren't taking their education seriously enough. A student recalls a roommate who was pulled out of college for her participation in protests about lack of amenities in her hostel, as her parents viewed her participation in politics as a lack of dedication to an education.

The latter consequences, draws on the legal might of the government. Upon admission to a hostel, students and their parents sign a contract stating that the student will not partake in drugs, alcohol, or bring weapons into the dormitory. It also however requires that the student not criticise university policy in any form or the other, or partake in political activities that can be construed as critical of the University or its benefactors. Considering that most universities in India, are public institutions, this is often used to silence opposition to the government by young students. Furthermore, these contracts are kept with the University and changed arbitrarily with no explanation provided, so students are kept unaware of which rights they have signed away. One interview participant was written up for her attempts to stage a student production of Vagina Monologues as being "obscene", even as the principle of her university organised a campus wide event with Eve Ensler (author of the Vagina Monologues), to discuss the importance of young women's freedom in democracies. Her signing the contract at the beginning of her term at the hostel was used to leverage her dropping the production of the play, even though she doesn't recall signing away the rights to participate in drama productions. Pinjra Tod also has found that many students and their families who are unfamiliar with the contract system due to their social background, sign these documents without being aware of

the content and consequences.

Universities have found other means by which to take away hostel access from students deemed too transgressive. A premier institute in India, St. Stephens College, for instance now requires mandatory interviews for admission to their hostel every year. Such a requirement works to intimidate and discourage participation in protest action as protesting for any cause can be deemed grounds for dismissal. The re-interview process was recently used as a means by which to dismiss students involved in protesting the College administration and their attempts to become autonomous from Delhi University. Autonomy will result in fee hikes and an abandonment of the reservation system that ensures students from marginalised communities are provided seats in Colleges. Students invested in protecting higher education from neo-liberalisation have been punished with the revocation of hostel privileges for the year. This approach to controlling and monitoring young people isn't even a hidden aspect about Indian politics. The St. Stephens College Principal for instance, claimed that "curbing womens movement helps them improve academically and anyone opposed to the curfew is not serious about their studies," effectively criminalizing dissent on college campuses and framing students as not serious about their study and thus deserving of expulsion. This narrative of criminalizing students (often framed as being an "anti-national narrative") finds students being arrested for organising speaker forums, as well as being charged with sedition for protesting a 1100% fee hike in one year, resulting in a literal criminalization of student politics.

This is not to say that youth politics in India have been defeated. Pinjra Tod continues to fight for hostel curfews across Delhi and the country, and celebrate every victory that comes about thanks in large part to their agitation. However, the movement has also further broadened its scope, since its inception. While still

fighting various forms of gendered institutional harassment, they also now have made alliances with other movements that are emerging to fight other forms of institutional harassment. For instance, Pinjra Tod has been active in protesting the violence meted out by educational institutions to Dalit and Muslim students. A lower caste student discusses her feelings about the suicide of a fellow Dalit PhD student through the Pinjra Tod platform, and exhorts her fellow students to "Build a platform for solidarity for only the oppressed will understand one another. The upper caste may sympathize but they will not understand us. We need to build a bond among the Dalit Bhaujan Adivasi community."

The anniversary of the brutal rape and murder of a 17 year old Dalit student in rural Bihar, India, becomes a rallying point and criticism meted out to the authorities and a society unconcerned with the violences being perpetuated on the bodies of marginalized citizens. Some members argue that the violence meted out to Najeeb, a Muslim student who went missing the day after a confrontation with members from a Hindutva right-wing political party, is an extreme example of the Brahmanical violence that is rapidly taking over India. They also credit this violent trend with the restrictions on their own lives and therefore find common ground with students protesting the institutional insensitivity to Najeeb's disappearance. Protests in solidarity with working women on International Working Womens Day, against sexual violence on campus, military impunity in Kashmir and the North East, increased violence on college campuses that disproportionately targets minority men are but some of the recent causes Pinjra Tod has joined forces with and documented their participation in. Through these protests that have moved beyond the hostel curfew issue, the members of this student collective are finding and creating new resistances aimed to reimagining the university space, in the face of increasing radicalization of

education in India. The repression of women's rights across university spaces have in many cases created opportunities for the creation of shared narratives, and thereby strengthening alliances for mobilisation.

This shared resistance however, further opens up women's mobilisation to targeted attacks, many threatening violence. The increasing encroachment of the right-wing Hindutva government in India into university spaces, assisted in large part by their sponsorship of the student body party ABVP, has forced all conversations about university spaces and freedom into an ideological divide, with members of the right-wing lodged on the opposite end of the spectrum from every other politically-oriented organisation in the Indian university space. Pinjra Tod itself, has actively campaigned against ABVP and critiqued their collusion with the very structures of oppression that the movement claims to oppose. ABVP in response, has been involved in physical altercations with protesting students, and beating up those they oppose. Mobilisation by Pinjra Tod has been met with direct threats by ABVP party cadres, often threats of rape. A participant involved in putting up posters for the movement in its initial days had to file a police report against an ABVP cadre member who called her to threaten: "we will beat you in places where like in a way which will make you understand that you [] you are women." The FIR didn't proceed beyond the filing stage as ABVP had recently won elections for student government and the police dropped the case. A clash of student groups at a protest event resulted in ABVP members attacking women, minority men, and journalists - in many cases beating up a classmate whose political allegiance and identity were previously known to the ABVP members.

Given the global wave of right-wing governments coming to power, many ideologically opposed to the issues at the heart of a womens movement, these clashes become critical to our understanding of the global resistance and the future of wom-
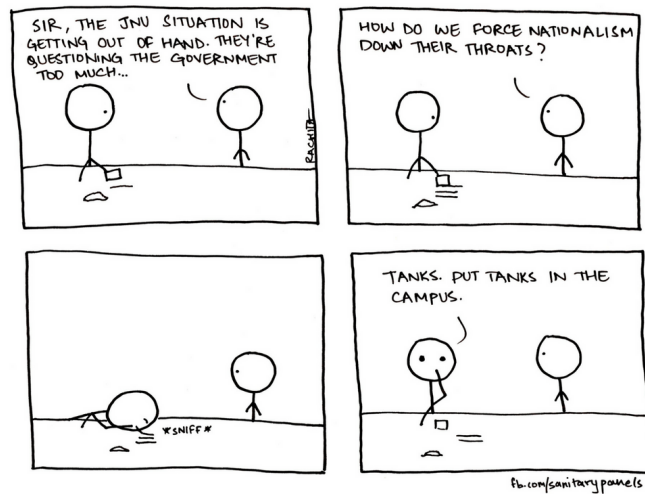
Figure 6.2: *Sanitary Panel* Comic On Government Responses to Student Protests

ens rights globally. Walsh et al (2017) find that when increases in womens civic and political participation are met with moderate retaliation from local forces, women's participation tends to decline. Young women in India are yet to abate their political activity but they do find risks to participation increasing. The Pinjra Tod movement continues to mount a resistance to oppressive government policies. The movement emulates a decentralised, anarchical organisation structure where there are no leaders and no centralised decision making. This has allowed the movement to mobilise at short notice as bureaucratic red tape doesn't dictate what actions will be planned by the movement and who will call for these actions, thus making it harder to target and repress. The decentralized nature of the movement has also allowed the movement to resist co-optation. Participants discussed the increasing professionalization of campuses, where the State has allowed for increasing encroachment by corporate sponsors, big money, and transnational networks into student causes and concerns. The involvement of big money allows for the creation of a political cadre on campuses who can afford to run campaigns independent of general student involvement,

courtesy of external monetary intervention. However, Pinjra Tod has chosen to resist co-optation by political parties right-wing, centrist, communist, liberal but also by civic groups and feminist organisations such as Women Development Cells on campus, women's wings of political parties, the One Billion Rising transnational groups, and other more corporate forms of feminism as they see it. They therefore have relied on a grassroots model to raise funds in a way that also encourages participation and ownership of the movement, "where the money is not guaranteed from before [so] you are going to each student, when you go room to room campaigning [and] people are giving you 10 rupees." In times of monetary crunches, their appeals for donations on social media brought them funding from faculty and alumni, all of whom have gone through the curfew system during their time at university. This funding strategy conflates their shareholders with their stakeholders effectively, thus situating their accountability prominently within the student body itself.

Higher education in India is currently under siege attempts to neo-liberalise education threaten the democratic basis of higher education in the country, where even those from the poorest backgrounds could afford college if granted admission. Reshaping university space to primarily be welcoming only to populations that the government views as worthy of higher education, is reflective of government efforts to reshape the Indian population more generally. Marginalisation of vulnerable populations has become integral to the way the government interacts with its citizens, and a reliance on traditional narratives to do so allows the government to label attempts to resist as Western, and thus dismissed as anti-national. An approach of decentralised opposition might therefore be one of the few successful tactics of resistance available to young people in India.

6.3 Toilets: A Love Story

The consequences of the co-optation of the VAW narrative by politicians and government institutions alike, have far-reaching implications for the lives of the marginalised in India. The successful deployment of the "protectionist" narrative in the cases of anti-rape legislation opens up the opportunity to use it in other areas of policy concern to the government. One such example is the Clean India narrative in Indian politics. In recent years, the promise of providing toilets to rural areas and the urban poor has captured the political imagination, for a variety of reasons.[1] The AAP for instance promises to

- Build 2,00,000 Public Toilets: AAP will build two lakh toilets across Delhi: about 1.5 lakh toilets in slums and JJ clusters and 50,000 toilets in public spaces, of which 1 lakh toilets will be for women.

- Every school will have sufficient functional toilets built, especially for girls.

The BJP integrates their promises for the construction of toilets into multiple parts of their election manifesto, including but not limited to women's issues, housing, and the environment.

- Ensuring a basic level of Infrastructure to all - Home, Electricity, Water, Toilets and Access.

- We will transform the quality of life of women in Rural India by providing electricity, tapped water, cleaner fuel and toilets in every home.

- Create an open defecation free India by awareness campaign and enabling people to build toilets in their home as well as in schools and public places.

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[1]The widespread extent of this discourse is best captured by a John Oliver sketch on his late night show that references Modi's campaign promise to bring toilets to rural women.

- Our proposed programme will further ensure that these houses are equipped with the basic facilities of toilet, piped water supply, electricity and proper Access.

The BJP has further implemented much of these policies as part of their *Swacch Bharat Abhiyan*, or Clean India Drive, which is considered one of the major successes of the Modi government. The popularity and uniquity of this policy program is so extensive that now a separate cess is levied on all consumer products to fund the *Swacch Bharat Abhiyan* program and billions are being raised to construct toilets.

Furthermore, officials in both parties support the construction of toilets as a defense of women's safety and dignity.[2] Women who must defecate in open fields, or travel far when menstruating are increasingly vulnerable to violence, especially when traveling alone. Two teen cousins who were raped and killed in Badaun for instance, went missing one night after leaving their house to find a place to relieve themselves (Staff, May 30, 2014). The government's dedication and commitment to the toilet narrative has extended to how candidacy for office is defined too now. Many states have now amended their rules for declaring candidacy for self-government and local council office to now include a toilet at home as one of the requisites for candidacy (Singh, August 7, 2015; Bengali and N, April 1, 2016), to ensure modeling of good behaviour for their constituents.

6.3.1   Othering Of The Marginalised

However, what this narrative has failed to include is the casteist consequences of constructing additional toilets in rural areas and slums, where resources are minimal and government oversight even less. As the India Exclusionary Report (2016) finds,

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[2]Interviews with AAP and BJP officials in their Women's wings.

Dalit men and women are still disproportionately employed as manual scavengers in India, employment that they are forced to undertake as a manifestation of caste violence and for which they are then further discriminated against (Roy, May 22, 2017). Furthermore, 98% of manual scavengers across India are Dalit women, as Dalit men are now employed on a contractual basis by the government as sanitation workers. Beswada Wilson and Bhasha Singh, activists for Dalit rights ask - "Why is it that even amidst the rhetoric of development and progress in 2017, 1.3 million (Post, May 27, 2016) Dalits in India, and mostly women, are forced to manually clean human excreta? Why does the country allocate a budget of INR 16,248 crore for the Swachh Bharat Abhiyan while it has only INR 5 crore to spare for rehabilitation of manual scavengers, as per the Union Budget for the fiscal year 201718? Why is India unable to invest in finding a technology to clean sewer septic tanks without endangering human life?" Wilson and Singh (2016)

Manual scavenging as a "job" is deeply rooted in Indian casteist history. Manual scavengers, or *safai karamchaaris*, are "employed to clean dry latrines (toilets not connected to a disposal system), railway tracks, streets, septic tanks, or sewers." (Wilson and Singh, 2016) This includes cleaning of dry latrines as well as the cleaning of septic tanks (or sewage pits). While both men and women clean tanks, women primarily clean dry latrines in houses and public places. While much of this employment is at the community level, the government of India is complicit in hiring these workers as well. The Indian Railways for instance, are one of the biggest employers of manual scavengers to clean the rail tracks (most trains in India still only use dry latrines). In recent years, deaths due to being forced to work in this industry have increasingly become part of the mainstream, in large part because of the nature of the work. Dalit men for instance, consume alcohol or drugs before embarking into

the sewers to make it a little more tolerable. However, working while intoxicated in the sewers has literally resulted in the deaths of these men by drowning in sewage.

The Safai Karamchaari Andolan (SKA),[3] an organisation that works on organising manual scavengers and helping with rehabilitation, argue that the construction of toilets in rural areas inevitably devolves into pit latrines, dry toilets, and toilets with poor sanitation. While some of this is a refusal to change tradition, much of it is also just a sheer lack of water. India faces severe water problems and therefore can not provide for plumbing facilities alongside the newly constructed toilets. Dalit women in the community are then forced to become manual scavengers, regardless of their state of employment, as someone must provide the sanitation for these new toilets that don't have plumbing.[4] Their forced employment (or slavery as many view it) leads to further ostracisation from the community, including but not limited to severely reduced access to shared water resources, public spaces and physical violence when they attempt to resist or even negotiate living wages. In urban areas, Dalit men are primarily employed only in sanitation jobs and provided no resources to tackle sanitation problems in slums and other densely congested areas. The Safai Karamchari Andolan records the deaths of Dalit men and women on the job, so as to better protest government policies. As (Singh and Talwar, 2014) finds, the work Dalit men and women do allows the "civilised" amongst us to continue to project an image of development and progress, at the cost of the lives of the marginalised. Similarly, the narrative of providing toilets for the safety and dignity of women implicitly demarcates which women are worthy of dignity and safety, and which communities must be made invisible.

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[3]Loosely translated into Janitorial Workers Organisation

[4]Interview with Safai Karamchaari Andolan members.

6.4 Subverting the Institutional Narrative

The potential for co-optation of the anti-VAW cause for other political causes is not just limited to the Government however. The expansion of this argument is better illustrated in the case of #Hokkolorob protests in Kolkata, India and the changes in rhetoric employed to draw in supporters. Jadavpur University is one of the premier academic institutions in Kolkata, India and is considered an intellectual hub in the city known for it's intellectual rigor and undertones. However, Kolkata has in recent years seen a slip in the cosmopolitanism and safety within city borders with an increase in VAW, rolling back of civic rights, implementation of curfews and the rise of a "thug" culture. On August 28th 2014, a Jadavpur student was molested on campus and her male friend beaten up for intervening. Initial reports to both the police and the University were disregarded and the Vice-Chancellor prevaricated on multiple occasions with regards to taking action in accordance to the guidelines imposed after the 2013 overhaul of the sexual assault legal apparatus in the country. After student demands for a more thorough investigation and the establishment of a Sexual Harassment Cell had been rejected at the administrative level on September 16th, the students staged a sit-in blocking access out of the administrative building. Police forces were eventually called in and after a 24 hour negotiation period which failed to move the students, punitive action was taken against the students to break up the rally. Police and civil cadres (associated with the ruling party) arrested 36 students, beat up many more and allegedly molested many of female student protesters. Thus began the #Hokkolorob movement or Let There Be Noise, which eventually only ended in early 2015 with the resignation of the Vice Chancellor.

While the movement demands initially were explicitly about combating the problem of campus sexual assault, we see the demands and language shift as the movement

snowballs and expands to both domestic and international audiences. For instance, attached below is the Call for Action circulated by the organizers in late-October. This is 1 month after the protests snowballed and 2 months after the actual criminal incident. In the months preceding this Call To Action, we witness how the movement language shifts from being about VAW to being about an "ongoing struggle for justice, equality and freedom which has been denied and repressed brutally time and again by the authority, state". In fact, the Call To Action fails to even mention sexual assault as being central to this protest campaign.

#HokKolorob Call To Action

```
#HOKKOLOROB
A movement that is still
embracing newer forms of protests with each day
questioning the effectiveness of the older forms, a
movement that turned the campus walls into an epitome of
wall graffiti, has been able to progress this far and vows to
forge ahead , only because of the active participation of the
General Students in deciding the course of the movement
through countless General Body Meetings.
However with the convocation ceremony , approaching ,
24th December ,2014 and going by the ongoing struggle for
justice , equality and freedom which has been denied and
repressed brutally time and again by the authority ,state ,
please share your thoughts and discuss on what we (those
who are attending the convocation) are thinking regarding
the program of 24th December.
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Do give your suggestions regarding staging any protests
and its forms or any other possible ways to express our
solidarity with the struggle.
#Hokkolorob
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Additional texts highlight this issue more strongly. The #HokKolorob protests are known as the first social media movements in India and social media played a critical role in coordination and dissemination of information related to the protest campaign. These posters that were circulated intensely on social media show how that the policy preferences that emerge from the campaign have moved beyond the sexual harassment (as it is referred to as the "August 28th incident" in Figure 6.4) to promote the interests of the student body more generally.
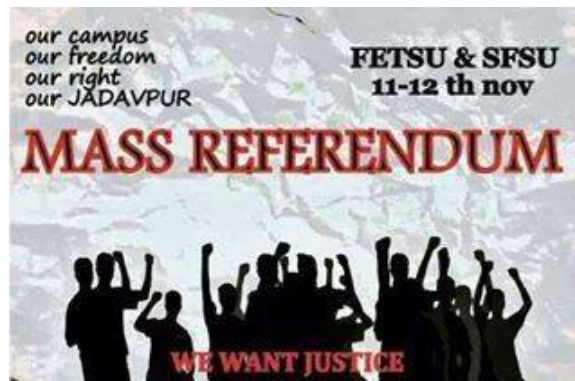
Figure 6.3: Mass Referendum

Testimonials from JU alum (who helped fund this movement) also indicate the strength of this change in narrative from one focused on violence against women. In a 17 minute video where 29 distinct testimonials are recorded, only one mentions the initial VAW protest that snowballs into this protest about accountability and transparency. The Alumni protest the police brutality meted out to peaceful protesters, the treatment of students as thugs from the street. Other students invoke the ideas

95.96% (2497) students have voted for the
resignation of the VC.
98.11% (2553) students have voted for
judicial probe for 17th sept. Incident.
97.11% (2527) students have voted for
judicial probe on 28th aug. Incident.
96.73% (2517) students have voted for
reconstruction of ICC with elected students
representatives.
90.66% (2359) Students have voted
against the ongoing surveilance in
campus..

#HOKKOLOROB

Figure 6.4: Policy Interests for the #HokKolorob Movement

from *V For Vendetta* and the idea that the protesters are fighting for "an idea, one that is bulletproof and belonging to everyone, ever citizen" (Videos on Facebook Page dedicated to the Movement).

This new narrative is controlled by students and the student union and it targets institutions that are perceived as being against the rights of students, and the democratic principles of students and university spaces. These can typically be considered as progressive and expansive preferences and goals for a social movement. The movement is also eventually successful - the Vice Chancellor resigns and student body governance becomes marginally more significant in the administration of the university. However, this is directly juxtaposed with the experiences of female students at Jadavpur University in the aftermath of the protests and the movement. One student for instance lamented that even though the movement was considered a success, she didn't feel any safer on campus than prior to the movement. Her friend commented that her parents were now even stricter about curfews and her ability to move around the city freely thanks to the increased attention that the protests had

brought about on the problems women students face when navigating the city. Other female students said that while they had participated in the protests initially, they stopped attending as the "mahaul" (environment) of the protests had become too aggressive and unsafe. So while they still supported the movement, the outcome seemed to not be as imagined for many of the women students. As one student reported, "It feels like now more of us are being harrassed on campus than before this movement started."

Chapter 7

An Argument For Optimism

7.1 Wrapping Up

This project has in essence argued that the means by which an issue reaches the public's attention can have implications on public policy formation. Primarily, it compares the two approaches driven by institutionalised actors on the one hand, and mass demonstrations emerging from places of anger on the other. While the first approach - the institutionalised - results in small incremental steps towards changing public policy over an extended period of time, the contentious approach operates on a much faster timeline. However, the implications of this difference in speed is that with the latter, control over the policy agenda is sacrificed to other more dominant actors (such as the security apparatus of the government in the case of India and VAW), while with the slower approach, instituionalised advocates are able to maintain control. With the case of India and VAW, the security apparatus of the State taking over typically results in the concerns of vulnerable populations either being neglected or even actively being hurt in some cases.

There is a model of social change that is implicit in this framework that is being

constructed. Essentially, the project has looked at the impact of critical junctures - such as the mass protests that shook India in 2012 - on longer term policy decisions. Once you have a protest event of the scale being witnessed in India (and globally), the potential for change opens up immensely. Once this change gets institutionalised in its own right - like we see in the Indian case with the new policy applications in toilet policy - new pathways/trajectories of change are created. The securitisation of the Indian state for instance has shifted the entire conversation around privacy and the rights and liberties of citizens. The Aadhaar card (India's equivalent of the American SSN as mentioned in Chapter 5) is now mandatory for any interaction involving the government in India, which essentially means the Indian government can track every aspect of a citizen's life. The underlying structure of the Indian State has shifted - with the VAW protests playing a small but significant role in the shifting.

7.2   Where To Now?

However, this is not to say that the case is lost entirely. The consequence of relying on mass demonstrations to shape public policy also means that the State inadvertently encourages the use of protests as a means by which to communicate with elected officials. While the anti-rape protests in this project eventually resulted in the BJP sweeping to power, due to their successful co-optation of the movement's demands, we in recent months see the rise of an opposing tide, *again* centered around the issues of VAW. Asifa Bano, a 5 year old child in Kathua (Kashmir), and of a nomadic poor Muslim family, was brutally gang raped and murdered by the local priest of the temple and his associates. This crime was part of a wave of crimes in India in recent years that are directed at driving out Muslims in India. When the local community protested initially, the provincial administration came down on the side

of the accused, arguing that they did so to protect India from Pakistan (part of a securitisation narrative). However, the rape and murder of a child have created a furore much like with Nirbhaya's murder, in a population primed to read these stories and take to the streets in anger. This time, the anger is directed *at* the BJP government who are in power (much like in 2012 when the anger was directed at the INC who were in power) and the BJP government has been relatively slow on the policy uptake. They too have issued an Executive Order which recommends the death penalty in cases of juvenile rape (again similar to what the INC did in 2013), which has been criticised by activists and advocates. With history repeating itself, but on the flip side, we see that there is potentially a life cycle to this relation between advocates, mass demonstrations and public policy formation. While more research would need to be conducted to evaluate how public opinion has shifted in recent years (if at all), it is possible that the incrementalist approach undertaken by feminist groups might be slowly influencing public opinion as well. Reporting on the Kathua rape case indicates that there is anger at the government for their inaction and the impunity with which the expanded security apparatus of the State has violated the rights and liberties of civilians.

7.3   Implications

This project raises more questions than it answers. While it focuses on India and VAW, it allows us to ask where else we may see this story of co-optation. What other narratives can be co-opted and are being co-opted? This translation can occur both across policy space and geographical space. For instance, we can see a similar trend emerging in the fight for LGBTQI rights in India, with an ever vociferous demand for LGBTQI rights, that simultaneously reinforce caste prejudices. Families will promote

their children's LGBTQI rights but also take matrimonial ads insisting on a fellow Brahmin spouse. Simultaneously, does this story translate beyond India? Nepal saw the Occupy Baluwatur Protests soon after Nirbhaya in India, Turkey saw the Men Wear Miniskirts Movement - how have their governments responded to the emergence of anti-rape protests? How and why would they differ from the Indian cases? Finally, how does this story translate across time? We are already seeing the emergence of a life cycle when it comes to protest and policy co-optation within the Indian case. What would a complete life cycle look like?

Finally, we must constantly be conscious of the reason behind this study - how do we ensure that our policies don't hurt the poor, the vulnerable, the marginalised, within our society? How do we preserve the voices of the marginalised and ensure that their narratives can flourish and provide them with means to power and justice? What are the tools available to us to capitalise on this engaged citizenry and create a more conscious citizenry? How do activists navigate the terrain of utilising State might while also ensuring that their work isn't sidelined, or worse, co-opted? We must remain vigilant in our research and our advocacy to ensure that those without access to voices are fairly represented.

Appendix A

Appendix - JVC Submissions

These are a list of the organisations and individuals whose submissions to the JVC were analysed for this project.

1. Aarth Astha, Delhi

2. Aastha Parivaar

3. Aawaaz-e-Niswaan

4. Abhiudaya, New Delhi

5. Action Aid-Ahmedabad

6. Akshara

7. Alfazal Education Trust

8. All India Dalit Mahila Adhikar Manch

9. All India Democratic Women's Association

10. All India Women's Conference

11. Alternative Law Forum

12. Amnesty International

13. ANANDI - Area Networking and Development Initiatives

14. Anis

15. ARCH-Vahini

16. Aziz Premji University

17. Bawana Sangharsh Samiti, New Delhi

18. Beghar Madoor Sangharsh Samiti, New Delhi

19. Behavioural Science Centre

20. CEHAT

21. Centre for Social Justice

22. Centre for Women's Development Studies

23. Centre for Care of Tortured Victims, Kolkata

24. CHETNA

25. Common Cause

26. Commonwealth Human Rights Initiative

27. Communist Party of India (Marxist)

28. Differently-Abled Welfare Federation, Kerala

29. Dilli Mahila Shakti Manch, New Delhi

30. Documentation and Study Centre for Action

31. Ekta Mahila Sangathan

32. Forum Against the Oppression of Women

33. Foundation for Restoration of National Values

34. Goa College of Home Science

35. Guild of Service

36. Hazards Centre

37. Human Rights Law Network, Delhi

38. Jagori

39. Janarth, Aurangabad

40. Karnataka Rajya Angavikalara Mattu Palakara Okkota

41. Kutch Mahila Vikas Sangathan

42. Labour Education and Development Society, New Delhi

43. Lakshwadeep Disabled Association, Lakshwadeep

44. Lawyers Collective

45. Lesbians and Bisexuals in Action (LABIA)

46. Lok Shakti Manch, New Delhi

47. Lok Vikas Sanstha

48. Joint Womens Programme

49. Mahila Kalpana Shakti, New Delhi

50. Mahila Kamgaar Manch, New Delhi

51. Mahila Vikas Sangathan

52. Manipur Rights for the Disabled, Manipur

53. Manushi

54. Marg, Aurangabad

55. Mehac Foundation, Delhi

56. Muslim Women's Forum

57. National Federation Of Indian Women

58. National Law School of India University, Bangalore - Student Bar Association

59. Navsarjan Trust

60. Nirmala Samaj

61. Olakh

62. Paschim Banga Rajya Prathibandhi Sammelani, West Bengal

63. Partners for Law in Development

64. Platform for Rights of Disabled, Orissa

65. Point of View, Mumbai

66. Prayas Centre For Labour Research And Action

67. PUCL - People's Union for Civil Liberties

68. PVCHR - People's Vigilance Committee on Human Rights

69. Saad Aangan

70. SAHAJ (Society for Health Alternatives)

71. SAFAR

72. Sahayogita Samaj Vikas Sanstha, New Delhi

73. Saheli Women's Resource Centre

74. Sahiyar (Stree Sangathan)

75. SAHR WARU

76. Samarthan Mahila Mahasangathan

77. Sangarsha Apang Ani Palak Sangh, Aurangabad

78. Sangini

79. Setco Foundation

80. Sharda Mahila Vikas Society

81. Shramjivi Mahila Sangathan

82. Snehi, Delhi

83. Sruti Disability Rights Centre, Kolkata, West Bengal

84. SWATI - Society for Women's Action and Training Initiatives

85. Takshashila

86. Tamil Nadu Association for the Rights of Differently-Abled & Caregivers, Tamil Nadu

87. The Banyan, Tamilnadu

88. Unnati - Organisation for Development Education

89. Utthan

90. Vanita Shakti Sangathan

91. Vikalangula Hakkula Jathiya Vedika, Andhra Pradesh

92. Vikas Jyot Trust

93. Viklang Adhikar Manch - Gujarat, Haryana, Himachal Pradesh

94. Viklang Morcha - Jharkhand

95. Wazirpur Industrial Area representatives, New Delhi

96. Women's Research & Action Group, Mumbai

97. Women's Studies Research Centre

98. WSS - Women Against Sexual Violence and State Repression

99. Young Women's Christian Association of India

100. Individuals: Prof. Amita Verma, Hina Desai, Rajal Chattopadhyay Varsha Bhagat Ganguly, Shilpa Vasavada, Vatsala Shah, Dr. Vanmala Hiranandani, Nanak Lalchandani, Prof. Rajlakshmi Sriram, Bhavna Mehta, Urvi Shah, Prof. Prerena Mehta, Hansa Dhar , Kunjbala Shah, Swati Joshi, Shalaka Vaidya, Usha Goel, Mamta Baxi, Sujata George, Falguni Halaiya, Rebecca Gonsalvez, Vijay Hiremath, Ved Kumari, Vrinda Grover

Appendix B

Appendix - Survey Module

INTRODUCTION AND CONSENT

Hello. My name is _____. We are conducting a survey on behalf of a graduate student studying in America. The purpose of the study is to better understand when violence against women is a political issue. There is no direct benefit to you for participating in this research study. There are also no risks to the participant. The study may help us better understand the status of women in the world. The questions will usually take about 30 minutes. All the answers you give will be confidential and all demographic data will only be reported in the aggregate. You don't have to be in the survey, but we hope you will agree to answer the questions since your views are very important to us. If I ask you any question you don't want to answer, just let me know and I will go on to the next question or you can stop the interview at any time.

Please contact Paromita Sen, the researcher, [HAND CARD WITH DETAILS] if you need more information or wish to have your participation in the survey deleted.

Do you have any questions?
May I begin the interview now?

SIGNATURE OF INTERVIEWER&Name_____DATE _____

RESPONDENT SIGNS CONSENT FORM:
IF YES: IF NO: ➔   END

➔
CONTINUE

SECTION 1: RESPONDENT'S BACKGROUND

NO	QUESTIONS AND FILTERS	RESPONSE	SKIP/END
1.	What city/town/village do you live in? How long have you lived in _____?		
2.	What state is that in?		
3.	Would you say you identify as [ADJECTIVE FOR STATE IN Q2.] If not, where do you identify yourself as coming from?	Y: 1 N: 2 Other: 3	
4.	Have you ever lived in a rural area?	Y: 1 N: 2	
5.	Please select the age group in which you belong	18-24: 1 25-35: 2 36-49: 3 50-70: 4 70 <: 5	
6.	Have you attended school?	Y: 1 N: 2	
7.	What is the highest level of schooling you have attended?		
8.	Do you identify with a religion?	Y: 1 N: 2	
9.	If yes, which religion?		

10.	Do you identify with a specific caste?	Y: 1 N: 2	
11.	If yes, which caste?		

Q. No 12
In the future, how likely would you be to (Ans from the show card where 1 stands for very unlikely and 5 for very likely)

	Very unlikely	Somewhat unlikely	Neither likely nor unlikely	Somewhat likely	Very likely
Vote based on a politician's policy on violence against women?	1	2	3	4	5
Sign a petition about violence against women?	1	2	3	4	5
Donate or raise money to fight violence against women?	1	2	3	4	5
Phone, write to, or visit a government official to express your views on the issue of violence against women?	1	2	3	4	5
Attend a local meeting about the issue of violence against women run by activists?	1	2	3	4	5
Attend a political speech, march, rally, or demonstration about the issue of violence against women?	1	2	3	4	5
Discuss the issue of violence against women with a friend, family member, neighbor, or colleague?	1	2	3	4	5
Post on social media about the issue of violence against women?	1	2	3	4	5
Engage in a different political activity related to violence against women? Please specify: _____	1	2	3	4	5

Q. No 13
How effective do you think these are in effecting change regarding violence against women: (Ans from the show card where 1 stands for very Ineffective and 5 for very effective)

	Very ineffective	Somewhat ineffective	Neither effective nor ineffective	Somewhat effective	Very effective
Vote based on a politician's policy on violence against women?	1	2	3	4	5
Sign a petition about violence against women?	1	2	3	4	5
Donate or raise money to fight violence against women?	1	2	3	4	5
Phone, write to, or visit a government official to express your views on the issue of violence against women?	1	2	3	4	5
Attend a local meeting about the issue of violence against women run by activists?	1	2	3	4	5
Attend a political speech, march, rally, or demonstration about the issue of violence against women?	1	2	3	4	5
Discuss the issue of violence against women with a friend, family member, neighbor, or colleague?	1	2	3	4	5
Post on social media about the issue of violence against women?	1	2	3	4	5
Engage in a different political activity related to violence against women? Please specify: _____	1	2	3	4	5

Q. No 14
How important do you think the issue of violence against women is in the broader political environment?

○ Not at all important	1
○ Somewhat important	2
○ Moderately important	3
○ Very important	4
○ Extremely important	5

Q. No 15
How often do you hear of news reports like the one you just read?

○ Very often	1
○ Sometimes	2
○ Rarely	3
○ Never	4

Q. No 16
Below are some statements representing different attitudes. You will probably find that you agree with some of the statements and disagree with others, to varying extents. Please indicate the extent to which you agree or disagree with each statement.

	strongly disagree	disagree	slightly disagree	neither agree nor disagree	slightly agree	agree	strongly agree
A woman should not be Prime Minister.	1	2	3	4	5	6	7
A husband should be the head of the family	1	2	3	4	5	6	7
God's laws about education, pornography, and marriage must be strictly followed before it is too late, and those who break them must be strongly punished.	1	2	3	4	5	6	7
A husband is justified in beating his wife if she refuses to have sex with him.	1	2	3	4	5	6	7
When both husband and wife work outside the home, housework should be equally shared.	1	2	3	4	5	6	7
Some of the best people in our country are those who are challenging our government, criticizing religion, and ignoring the "normal way" things are supposed to be done.	1	2	3	4	5	6	7
The husband should represent the family in community affairs	1	2	3	4	5	6	7
Women should be paid the same salary as a man.	1	2	3	4	5	6	7
Everyone should have their own lifestyle, religious beliefs, and sexual preferences, even if it makes	1	2	3	4	5	6	7

	1	2	3	4	5	6	7
them different from everyone else.							
The "old-fashioned ways" and "old-fashioned values" still show the best way of life.	1	2	3	4	5	6	7
If people work hard, they almost always get what they want.	1	2	3	4	5	6	7
A husband is justified in beating his wife if she neglects the children.	1	2	3	4	5	6	7
You have to admire those who challenged the law and the majority's view by protesting for women's rights, animal rights, or to stop industrialization.	1	2	3	4	5	6	7
Since Independence, Muslims have gotten less than they deserve.	1	2	3	4	5	6	7
A person should be more polite to a woman than to a man	1	2	3	4	5	6	7
Women should be educated as much as men	1	2	3	4	5	6	7
A husband is justified in beating his wife if she goes out without telling him.	1	2	3	4	5	6	7
Most people who do not get ahead in life probably work as hard as people who do.	1	2	3	4	5	6	7
Women should be discouraged from entering traditionally male dominated jobs	1	2	3	4	5	6	7
A husband is justified in beating his wife if she argues with him.	1	2	3	4	5	6	7
It's really a matter of some people not working hard enough; if all Dalits would only try harder they could do just as well as everyone else	1	2	3	4	5	6	7
A "woman's place" should be wherever she wants to be. The days when women are submissive to their husbands and social conventions belong strictly in the past.	1	2	3	4	5	6	7
The Dalits in UP overcame prejudice and became powerful. The others should do the same without any special favors.	1	2	3	4	5	6	7
Generations of caste discrimination have created conditions that make it difficult for Dalits to work their way out of the lower class.	1	2	3	4	5	6	7
Homosexuals and feminists should be praised for being brave enough to defy "traditional family values."	1	2	3	4	5	6	7
Reservations and quotas are a sign of how minorities actually have a lot of power.	1	2	3	4	5	6	7
Hard work offers little guarantee of success.	1	2	3	4	5	6	7

Q. No 17
How interested are you in information about what's going on in government and politics?

○ extremely interested in politics	1
○ very interested in politics	2
○ somewhat interested in politics	3
○ not very interested in politics	4
○ not at all interested in politics	5

Q. No 18
How often do you pay attention to what's going on in government and politics?

○ Always	1
○ most of the time	2
○ about half of the time	3
○ some of the time	4
○ never	5

Q. No 19
Media Exposure:

How often do you:	Everyday	At least once a week	At least once a month	Not at all
Read an English language newspaper?	1	2	3	4
Read a newspaper in another language?	1	2	3	4
Do you listen to the radio?	1	2	3	4
Read a magazine?	1	2	3	4
Watch television news?	1	2	3	4
Watch television more generally?	1	2	3	4
Use the Internet	1	2	3	4
Post on social media?	1	2	3	4
Engage in a different media form? Please specify: _____	1	2	3	4

Q. No 20
Questions Regarding Nirbhaya protests:

	Yes	No	Unsure
Do you know about the Nirbhaya protests?	1	2	3
Do you know anyone who participated in them?	1	2	3
Do you think those protests were necessary?	1	2	3
Do you think they were effective? Why?	1	2	3
Do you think protesting was rare?	1	2	3

Do you know of any similar protests?

_____
_____
_____

If you wish to talk about these issues in more detail, please contact Ms. Sen. Her contact details are on the business card that we have provided you.

INTERVIEWERS OBSERVATIONS
To be filled in after completing interview

COMMENTS ABOUT INTERVIEW: -

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

COMMENTS ON SPECIFIC QUESTIONS:

_____
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_____

ANY OTHER COMMENTS:

_____
_____
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_____

RESEARCHER OBSERVATIONS:

_____
_____
_____
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_____
_____
_____
_____

SURVEY END*

Appendix C

Appendix - Political Party Election Manifestos

These are a list of the parties whose election manifestos were analysed across the election years 2004-2018.

- Aam Aadmi Party

- All India Anna Dravida Munnetra Kazhagam

- All India Trinamool Congress

- Bahujan Samaj Party

- Bharatiya Janata Party

- Communist Party of India

- Communist Party of India (Marxist)

- Indian National Congress

- Janata Dal (Secular)

- Lok Janashakti Party

- Rashtriya Janata Dal

- Samajwadi Party

- Shiv Sena

- Telugu Desam Party

Appendix D

Appendix - Sample Focus Group Recruitment Guide

PROJECT Nirbhaya
SCREENING QUESTIONNAIRE

Respondent Name: _Kunbar PAL_

· Name of OFFICE (if working) : _____

Home Address/City/State/Zip: _R 2-58L Tuyalbaad ExT Crel-8_

Home Phone: _9717760185_ Work Phone: _____

Recruiter's Initials: _____ Date: _13/10/15_

Centre | Delhi | ✓
Group No: _____

. TALK TO ADULT Member IN THE HOUSE AGED BETWEEN 18-45 YEARS

Good...... I am from_____, a leading market research company of India. We regularly conduct market surveys for different issues and Products, and are currently conducting one such survey in the area .In this regard I would request you to spare me a few minutes to answer some questions. Thank You.

Q1, Do you or anyone in your household or immediate family work in advertising or market research?

Yes	1	THANK & TERMINATE
No	2	CONTINUE

Q2. Have you participated in a discussion group or interviews for marketing research purposes in the past 6 months?

Yes	1	THANK & TERMINATE
No	2	CONTINUE

Q3. Can yoy please your complete age_ **38**

Q4 Which category best describes the highest level of education you have completed? PLEASE READ THE LIST

Less than high school	1	Some college but not degree	3
High school graduate	2	Three year College Graduate	4
		Post Graduate degree	5

Q 5.Can you Please tell me your Occupation _Press कार्टिक_

Q6. Which category best describes your household income annually before taxes? PLEASE READ THE LIST

Under Rs. 10 k	1	
10-15 k	2	
15-20 k	3	
20-25 k	4	
Above 25 k	5	

Q7	ASK ALL. I would now like to know something about the main earner of your household? By main earner, I mean the person who contributes the maximum to the income of your household. Education of main earner of household ___ (handwritten) Occupation of main earner of household ___ press কবিলে ই (handwritten)	Code	Route

OCCUPATION 21-22	EDUCA TION Col.20	1 Illiterate	2 Literate but no formal schooling	3 School up to 4 years	4 School 5 to 9 years	5 SSC / HSC	6 Some College but not graduate	7 Graduate / Post Graduate - General	8 Graduate / Post Graduate - Professional
Unskilled Worker	01	E2	E2	E2	E1	D	D	D	D
Skilled Worker	02	E2	E1	E1	D	C	C	B2	B2
Petty Trader	03	E2	D	D	D	C	C	B2	B2
Shop Owner	04	D	D	D	C	B2	B1	A2	A2
Businessmen / - None	05	D	C	C	B2	B1	A2	A2	A1
Industrialist – 1-9	06	C	B2	B2	B2	B1	A2	A1	A1
Of Employees 10+	07	B1	B1	B1	A2	A2	A1	A1	A1
Self Employed Professional	06	D	D	D	D	B2	B1	A2	A1
Clerical / Salesman	07	D	D	D	D	C	B2	B1	B1
Supervisory Level	08	D	D	D	C	C	B2	B1	A2
Officers / Executives – Junior	09	C	C	C	C	B2	B1	A2	A2
Officers / Executives – Middle / Senior	10	B1	B1	B1	B1	B1	A2	A1	A1

RECORD SEC OF HOUSEHOLD [SA]		Code (23)	Route
A1		1	
A2		2	
B1		3	
B2		4	
C		5	
D		(6)	
E1		7	CLOSE
E2		8	CLOSE

GROUPS COMPOSITION (Circle the Group)

		FG 1	FG 2	FG 3	FG 4	FG 5	FG 6
GENDER		2 M ; 4 F	F	M	F	M	F
ETHNICITY		3N; 3 ROI	3N; 3 ROI	3N; 3 ROI	3N; 3 ROI	3N; 3 ROI	3N; 3 ROI
SEC		A1/B2	B2/C	B2/C	B2/C	D	D
AGE		18-24	30-40	25-30	30-35	35-40	40-45
OCC		STUDENTS	HOUSEWIVES	SHOPKEEPERS AND PETTY TRADERS	SHOPKEEPERS AND PETTY TRADERS	AUTOWALLAH AND CHAIWALLAH	DOMESTIC HELP, COOKS

THANK & TERMINATE

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