Sexual Violence in India: The History of Indian Women's Resistance

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History

Abstract

This research seeks to recontextualize the understanding of the ways women resist sexual violence and agitate for change of socio-cultural and political practices in India. Modern Indian women's social movements were revitalized in the 1970s with the Mathura rape case in Maharastra. The historical context of this impactful activism is framed through analysis of four pivotal rape cases—Mathura, Bhanwari Devi, Imrana and "Nirbhaya," otherwise known as the Delhi gang rape case. The assertive and innovative resistance of women includes such tactics as sit-down protests, marches, rallies, candle light vigils, street theatre, presentations, ad campaigns, freeze mobs, and social media. The persistent actions of Indian women continue to generate public awareness, spawn alterations of national laws, and advance the examination of patriarchal and hegemonic male centric social systems. Based upon the scholarship of Radha Kumar, Mangala Subramaniam, Debolina Dutta, Oishik Sircar, Himika Bhattacharya and Deepti Misri, this research aims to reframe the understanding of the ways women resisted sexual violence within recent history.

Introduction

This paper will trace the trajectory, from 1970 to today, of sexual violence in India, the Indian women's collective agitation against it, and its socio-political and legal impact on the Indian nation. I focus on India not because of the international media attention but for the protest movements by the common people in India. According to the United Nations (UN) report of 2012[1], there has been an abysmal increase in incidents of rape and sexual violation of female bodies across the globe. The United States, Sweden, and many other "first world" nations have a higher number of rapes than India per se. In India, however, the protest against rape has become a mass movement. It has not only forced legal changes but also forced people to question socio-cultural practices that demean female bodies and perpetuate violence against it.

Additionally, this paper also addresses the misconception of the West about the brown woman in need of saving.[2] The Anglo-American world has long assumed that women in third world countries are oppressed and need to be redeemed or liberated. However, since the 2012 Delhi gang rape, the thousands of men and women continuing to agitate for the safety of women, regardless of class or caste, give a very different picture. This, among other things, has challenged the international rhetoric on the victimization of Indian women.[3] The movement proved, yet again, that women in India are not submissive, subordinate, or asking anyone to save them. They are capable of speaking for themselves.

Over the past 40 years, there have been countless incidents of rape that have affected multitudes of individuals and families in India. While many of these attacks are not publicized, there are numerous other accounts of rape, which continue to occupy a major portion of everyday news reportage. Out of the innumerable women who have experienced sexual violence in India, this paper will focus on four cases—Mathura, Bhanwari Devi, Imrana,

1. United Nations Office on Drugs and Crime 2012, "The Eighth United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems," *United Nations Office on Drugs and Crime (UNODC) CTS2013_SexualViolence.xls*. (2012), accessed July 8, 2014, www.unodc.org.
2. Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason: Toward A History of The Vanishing Present* (Cambridge: Harvard University Press, 1999), 284.
3.   Poulami Roychowdhury, "The Delhi Gang Rape: The Making of International Causes," Feminist Studies 39, no. 1 (2013), accessed July 4, 2014, https://illiad.boisestate.edu/illiad.dll?Action=10&Form=75&Value=314959.

and "Nirbhaya," otherwise known as the Delhi gang rape case. These specific accounts not only illustrate the way rape is used as a tool to proclaim power, but these cases also reveal the myriad ways women have historically vocalized and exhibited their resistance to sexual violence.

Indian women's activism, individually or as part of an organization, is documented as early as 1892 with the founding of 13 groups. Despite a collective lull in group building from 1947-1971, over a period of 20 years, only 29 total new groups were created; by contrast, the decade of the 1970s is often referred to as a period of "awakening for the women's movement in India's history."[4] From 1972-1976 alone, a total of only four years, 15 new organizations working on gender issues were created.[5] This increase is indicative of the awareness of many women of the need to systematize and harness their collective energies to bring about change within society for the benefit of women.

Mathura Rape Case

The Mathura rape case in 1972 is considered a watershed moment that brought the various women's groups together for one united cause. In March of that year, a 16 year-old tribal girl named Mathura, her brother, Gama, and Mathura's employer, Nushi, along with Nushi's cousin, Ashoka, were taken to the local police station. Gama had complained that Nushi and Ashoka had kidnapped Mathura; Mathura and Ashoka were in a relationship and had planned to marry.[6] While in custody at the Desai Ganj police station in Chandrapur district Maharastra, Mathura was allegedly raped by two or three apparently drunk male police officers.[7] Upon encouragement from family and neighbors, Mathura registered a case against the policemen; nevertheless, the lower court "held that she was 'of loose morals'" and ruled in favor of the officers. Conversely, the Nagpur Bench of Bombay High Court reversed the lower court's ruling;[8] yet on appeal, the Supreme Court overturned the high court's judgment and acquitted the policemen. The court cited that "Mathura did not raise an alarm and had no visible marks or injury on her body," indicating that she did not resist the advances, and furthermore, "because she was used to sex, she might have incited the cops to have intercourse with her."[9] Other reports at the time suggested that Mathura was not a virgin; therefore, the judge ruled it as consensual sex, not rape.

The court proceedings entered the public realm in 1979 when four Delhi University law professors wrote an open letter of protest to the chief justice of India. Interestingly, earlier in the decade one of the four authors, Lotika Sarkar, the first Indian woman to graduate from Cambridge and the first woman to graduate from Cambridge with a Ph.D. in law, had served on the Status of Women Committee. Subsequently the following year, Dr. Sarkar created the first feminist group against rape, Forum Against Rape.[10]

Once women's groups "seized the issue…the debate was increasingly brought to public attention," Dr. Sarkar told the New York Times in 1980.[11] In addition to several marches that took place in many cities around India, "seminars on rape and the law" were presented, as well as a sit-down protest in New Delhi, and articles on rape appeared daily in national newspapers. The courts received increased pressure to not only re-examine

4. Mangala Subramaniam, *The Power of Women's Organizing: Gender, Caste, and Class in India* (Lanham, Lexington Books, 2006), 30-32.

5. Ibid., 31.

6. Geetanjali Gangoli, "Controlling Women's Sexuality: Rape Law in India 2011," *International Approaches to Rape*, (2011) 105.

7. Palash Ghosh, "Young Indian Rape Victim Dies: A Look Back at Mathura, Another Incident That Changed Rape Laws," *International Business Times*. (May 2013), accessed July 4, 2014, http:///www.ibtimes.com/young-indian-rape-victim-dies-look-back-mathura-another-incident-changed-rape-laws-1227193.

8. Mary Fainsod Katzenstein, "Organizing Against Violence: Strategies of the Indian Women's Movement," *Pacific Affairs*. (1989) 62.

9. Ghosh, *International Business Times*.

10. Vibhuti Patel, "In Memoriam: Lotika Sarkar 1923-2013," *feministsindia.com* (February 25, 2013), accessed July 4, 2014, http://feministsindia.com/in-memoriam-lotiak-sarkar-1927-2013.

11. Michael T. Kaufman, "Rape Case Reversal Infuriates Indian Women's Groups," ProQuest Historical Newspapers: The New York Times (1851-2010) (April 20, 1980), accessed July 4, 2014, http://libproxy.boisestate.edu/login/url=http://search.proquest.com.libproxy.boisestate.edu/docview/121059415?accountid=9649.

Mathura's case but also the "general attitudes toward sexual offenses."[12] Women prominently agitated to show their support for Mathura; to express their united intention to resist future inexcusable, poor treatment of rape victims; and to raise a combined national awareness of rape pervasiveness.

Bhanwari Devi Rape Case

These outward expressions of anger and refusal to remain subservient did not stop the incidents of rape or sexual harassment of women. Another historically significant rape case also involved a woman of lower caste and men in positions of power and authority. Different from Mathura, the rape case of Bhanwari Devi occurred while she was carrying out her employment duties.

For approximately seven years before the incident, Bhanwari Devi worked as an employee of the Rajasthan state sponsored Women's Development Program. Her job consisted of encouraging her fellow villagers to follow laws such as the abandonment of child marriage practices. This was no easy task since she was a Dalit, India's lowest caste, and her actions effected upper-caste men.

After preventing the marriage of a nine-month-old child in 1992,[13] she was gang raped in front of her husband by members of the ruling caste who coincidentally constituted the village government. Not surprisingly, the local police investigated her claims with the assumption that she was lying. The lower court acquitted the five men implicated in the case. Justice Jaspal Singh pronounced that rural gang rapes do not occur as multi-caste assailments—four men were Gujjars, and one a Brahmin; therefore, rape was impossible. He further stated that "Indian rural society would not degenerate to the extent that they would lose 'all sense of caste and class, and pounce upon a woman like a wolf."[14] Bhanwari Devi's experience clearly showed the connection between rape and power. The men who raped her were in positions of authority and influence but because her social ranking was lower than theirs, combined with her professional efforts to discourage the traditional practice of child marriage, they exercised their power over her through rape.[15] Long-established caste politics dictated that she be put in her place and taught a lesson.

Although there was no justice given to Bhanwari Devi and her rapist remain free, through the activism of women's social movements and their increasing influence on the judiciary, eventually guidelines were created to "ensure prevention of sexual harassment of women."[16] These guidelines are known as the Vishakha Guidelines. Essentially, the guidelines define harassment and place the responsibility of stopping the persecution upon the employer, not the individual.[17] Many years following her assault and because of her continued pro-activeness against societal wrongdoings, Bhanwari Devi is considered a feminist icon who continues to advocate for women's rights.[18]

Imrana Rape Case

In the ensuing 10 years following Bhanwari Devi's maltreatment, rape has not ceased. However, the response of the courts towards the victims has improved due to the labors of several women championing the rights of all women. To illustrate this point, consider the 2005 rape of Imrana by her father-in-law. While her husband was working in a neighboring town, Imrana, age 28 at the time, and her five children were living with her in-laws. One June evening, her father-in-law, Ali Mohammad, crept into her sleeping quarters and threatened to shoot her and her sleeping children, who were next to her, if she did not yield to him.[19]

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12. Ibid.
13. Debolina Dutta, and Oishik Sircar, "India's Winter of Discontent: Some Feminist Dilemmas in the Wake of a Rape," *Feminist Studies* 39, no. 1 (2013), 296.
14. Ghosh, *International Business Times*.
15. Subramaniam, *The Power of Women's Organizing*, 44-45.
16. Geetanjali Gangoli, "Indian Feminisms: Issues of Sexuality and Representation," Popular Culture in a Globalised India, edited by K. Moti Gokulsin and Wimal Dissanayake, (Hoboken: Taylor and Francis, 2009), 57.
17. Ibid.
18. Dutta and Sircar, "India's Winter of Discontent", 297.
19. T.K. Rajalakshmi, "Fighting for Imrana," Frontline, (July 29, 2005), accessed July 5, 2014, http://www.frontline.in/static/html/f12215/stories/20050729006512100.htm.

News of the rape spread around the village, Charthawal, which is located in Muzaffarnagar district, Uttar Pradesh. The local governing body, panchayat, declared her marriage to her husband, Noor Elahi, illegal. When she was told to marry her rapist and that her current husband would become her son by Islamic law, she chose to rely on the support of the National Commission of Women, along with other leading women's organizations, and defied the ruling of the male dominated panchayat. With the backing of her husband, she did not marry Ali Mohammad.[20] Sixteen months later, lower court judge, R.D. Nimesh sentenced Mohammed to a 10-year prison term and rejected a plea for leniency by saying, "...if a woman was not safe in her marital home, she could not feel safe anywhere."[21] Mohammed was also fined 10,000 rupees for the rape and 3,000 rupees for a separate charge of criminal intimidation with an additional three-year prison sentence.[22] Courtesy of the efforts of "women's groups, democratic rights groups, and others"[23] who agitated for Imrana's rights and basic human dignity, her perpetrator received punishment by law. This progress clearly shows the impact of female mobilization; it simultaneously proves Indian women are not in need of being saved by Western sources.

Outcomes

Undoubtedly, the agitations generated by the female population of India improved human rights conditions for many women. Because of the demand for justice surrounding the Mathura rape case, for example, the laws pertaining to custodial custody changed.[24] Likewise, notable changes in the sexual harassment laws evolved because of the hard work of many people who were involved in Bhanwari Devi's desire to obtain justice. These two cases, along with Imrana's rape case, are well known in India. On the other hand, it was the brutal sexual violence forced on "Nirbhaya" that shed unprecedented, unwanted negative attention on India and its rape culture. Moreover, the world witnessed the extensive passion with which India's women worked for societal change.

"Nirbhaya" Rape Case

So who was "Nirbhaya?" By many accounts, she was similar to many of New Delhi's young, up and coming urban inhabitants. She worked in a call center in the evenings and went to school as a physiotherapy intern by day. She aspired to claim a better life than the poverty riddled existence her parents had left behind in Uttar Pradesh when they moved to New Delhi 30 years earlier. She also had two younger brothers; she enjoyed her academic studies and talking on her mobile phone like other 23 year-old girls.[25]

On Sunday, December 16, 2012, she and a long-time male friend, Awindra Pandey, watched the *Life of Pi* at a theater located in South Delhi. Unfortunately, because of the lateness of the hour when the movie finished, no rickshaw driver was willing to drive the long distance to their respective homes. "Nirbhaya" and Awindra had the misfortune to believe the bus and riders which eventually picked them up had only professional intentions. According to Awindra, the altercation began shortly after the bus fare was collected by the fake attendant; the five men who pretended to be passengers knocked him unconscious and then each took a turn raping, biting, and sodomizing "Nirbhaya" with a metal pipe. Then the driver took a turn violating her.[26]

When the moving bus stopped over two hours later, the rapists threw the two naked, lifeless victims off the bus, and then tried to run them over. Protests began the day after her rape and continued for over a month. Awindra survived; however, "Nirbhaya" died less than two weeks later in a Singapore hospital. The result of transferring her

20. Shoma Chatterji, "Victimised Again," *India Together.org*, (April 25, 2007), accessed July 5, 2014, http://indiatogether.org/rapevict-women.
21. Press Trust of India, "No leniency could be shown in Imrana's case," expressindia.indianexpress.com (October 20, 2006), accessed July 5, 2014, http://expressindia.indianexpress.com/news/fullstory.php?newsid=75867
22. Ibid.
23. Network of Women in Media, India (NWMI), "Protest against AIMPLB for its position on the Imrana case," Network of Women in Media, India, (n.d.), accessed July 4, 2014, http://www.nwmindia.org/articles/protest-against-aimplb-for-its-position-on-the-imrana-case.
24. Ghosh, *International Business Times*.
25. Jason Burke, "Delhi Rape: How India's Other half Lives," *The Guardian*, (September 2013), accessed July 4, 2014, http://www.theguardian.com/world/2013/sep/10delhi-gang-rape-india-women.
26. Ibid.

to Singapore caused some people to speculate that government officials aided in her medical treatment due to the fear of backlash; ironically, the same quality medical care and doctoring was available in India.[27]

"'This is not an isolated incident,'" said Ankita Cheerakathil, a St. Stephen's College student, at a protest rally 11 days after the rape. "This is the story of every Indian woman."[28] Sangeetha Saini echoed similar sentiments at a candlelight vigil held the day after "Nirbhaya" died. "That girl could have been any one of us…We can only tackle this by becoming Durga."[29]

India's women interpreted the violation and death of "Nirbhaya" on a very personal level. Whereas India's law prohibits the public release of rape victim's names, people gave the Delhi gang rape victim alternate names that induced inspiration and expressed feelings regarding a personal connection. For example, "'*Jagruti*' (awareness), '*Amanat*' (cherished property), '*Nirbhaya*' (fearless), '*Damini*' (lightning), and '*India's brave heart daughter*'" were a few of the most widely used names.[30] It was as if people posthumously adopted her into their family; her rape experience and background made her relatable to their own aspirations and circumstances.

Protests

The fact that people related to "Nirbhaya" and thought her assault to be so cruel and atrocious, along with the lack of protection offered by police and elected public officials, which pervades the country, caused emotions to run high and anger spilled over onto the streets of New Delhi. Thousands of people joined other women and children who were protesting in front of the presidential palace and the India Gate monument. In addition to police, India's elite special forces, Rapid Action Force, intervened in controlling the massive crowds. Some of the control tactics included a hastily enacted ban on groups of more than five congregated people, tear gas, bamboo sticks, and water cannons. Officials also shut down central subway stations, limited busing services, diverted traffic, and implored people via national TV to "stay away."[31] Several citizens even camped at protest sites and were arrested.[32] Women throughout India protested and demanded that their voices and grievances be heard.

The activism was not limited to mass protest in the street seeking punitive measures. Activists, common people, and intellectuals expressed their demands and concerns about the punishment and its long-term impact on sexual violence against women. One of the pertinent issues at hand was the demand for justice. In this regard, the infuriated public not only wanted the harshest of punishment but also something that would shame masculine prowess that is often believed to be the first reason for rape. There arose a public outcry for castration of rapists. In January 2013, Himika Bhattacharya and Deepti Misri wrote an op-ed analyzing the validity of this suggestion. They based their opposition to this method on the following three points: rape does not only occur within a heterosexual context; it provides an unjustifiable excuse for institutions to promote and safeguard sexual assault, especially as it structurally relates to "caste, class, sexuality and disability, which shape sexual violence;"[33] and finally, the implementation of castration relies on the fallible logic of "good, protectionist masculinity as the way"[34] to create safer communities. Though castration was not legally mandated because of this case, one notable result did come to

27. Madhav Nalapat, "Girl Was Shifted Abroad To Divert Responsibility," The Sunday Guardian, (December 29, 2012), accessed July 4, 2014, http://www.sunday-guardian.com/news/girl-was-shifted-abroad-to-divert-responsibility.

28. Heather Timmons and Sruthi Gottipati, "Indian Women March: 'That Girl Could Have Been Any One of Us'," The New York Times, (December 30, 2012), accessed April 30, 2014, http://www.nytimes.com/2012/12/31/world/asia/rape-incites-women-fight-culture-in-india.html?pagewanted=all&_r=0.

29. Ibid. Saini's reference to Durga evoked the name of the Hindu goddess who slew a demon according to Hindu mythology.

30. Dutta and Sircar, "India's Winter of Discontent", 299.

31. Heather Timmons, Gardiner Harris, and Niharika Mandhana, "Protests Over Rape Turn Violent in Delhi," *The New York Times*, (December 23, 2012), accessed July 6, 2014, http://india.blogs.nytimes.com/2012/12/23/protests-over-rape-turn-violent-in-delhi.

32. Ibid.

33. Himika Bhattacharya and Deepti Misri, "Against Castration: Himika Bhattacharya and Deepti Misri," *Kafila*, (January 15, 2013), assessed July 3, 2014, http://kafila.org/2013/01/15/against-castration-himika-bhattacharya-and-deepti-misri.

34. Ibid.

fruition. The prevailing public outcry motivated the central government to appoint highly regarded Chief Justices and jurists to a committee tasked with the creation of a report within 30 days from December 22, 2012. Their assignment encompassed recommending criminal law amendments that pertained to sexual violence.[35] It was known as the Justice Verma Committee. When the committee solicited public opinion relevant to eradicating sexual violence, over 80,000 suggestions were received.[36]

Resulting Changes

Upon presidential and parliamentary consent, the amendments became law on April 3, 2013. The passing of this law provided harsher conviction sentences for rapists, "including life terms and even the death penalty;"[37] rigorous consequences for acid attacks, stalking, and voyeurism were also included. Furthermore, fast-track courts were set up to facilitate swifter justice and police officers are now required to register rape complaints. Moreover, the burden of proof changed from the victim to the accused.[38] On the other hand, the government disregarded feminist requests and Justice Verma Committee recommendations to lower the age of consent from eighteen, exempted marital rape and military sexual assaults, and "did not recognize sexual violence against women from marginalized communities as aggravated forms of the crime."[39]

Although this landmark alteration of rape laws was a welcome change by many people, no one was under the illusion that it would finally end rape throughout the country. A year and a half after the brutal rape that shook the globe, women in India continued to agitate for nationwide transformation from current societal norms toward attitudes and behaviors that provide all women with safety and self-determination.

Alongside advocating for legal changes, other methods of protest were also adopted during this time. The country saw the rejuvenation of street theatre to propagate a message of social changes. Historically, street theatre and demonstrations have been and continue to be effective in generating awareness and educating people about the issue of rape.[40] Likewise, sharing and speaking about their own personal experiences with rape empowered and inspired many survivors and non-victims alike.[41] Unfortunately though, such agitation and nationwide outcry proved inadequate in stopping cases of rape in India. But what the Delhi incident did was to spread awareness and empower survivors of such heinous crimes. In February of 2012, a middle-aged woman was raped in a moving car, then tossed out half-naked onto Park Street in Kolkata in the "dead of night."[42] The show of support for "Nirbhaya" helped Suzette Jordan, also known as the Park Street rape victim, come out in the public domain to speak for other survivors. She challenged all allegations that portrayed her as a prostitute, promiscuous, and irresponsible. "If I fight, I need to fight for who I am, not behind a mask, not behind a screen, not behind a blurred image," said Jordan, in reference to the obscuring of her identity. She went on to say, "I was raped. I was brutally raped. I was tortured but I am alive for that and I want to fight."[43] Eventually, her physical wounds healed but it wasn't until she reached out to others by sharing her experience and making her identity unrestricted that the emotional wounds began to heal.[44]

35. Dutta and Sircar, "India's Winter of Discontent," 301
36. Devika Mittal, " 'Damini' Gang-rape case and the uproar: New quesitons on sexual violence, role of state and the need to transform the society." Social Science Research Network, (April 2013), accessed May 2014, http://papers,ssrn.com/sol3/papers.cfm?abstract_id=2254621.
37. Indrani Bagchi, "The Struggle for Women's Empowerment in India," Current History 113, no.762 (2014), 144.
38. Ibid.
39. Dutta and Sircar, "India's Winter of Discontent," 301-302.
40. Christine Garlough, "Political Uses of Folklore: Performance and Grassroots Activism in India," *Journal of American Folklore* 121 no. 480 (2008), 181-185.
41. Katzenstein, "Organizing Against Violence," 70.
42. Marco Werman, "Why Indian Gang Rape Victim suzette Jordan Went Public," PRI (August 14, 2013), accessed July 7, 2014, http://www.pri.org/sotries/2013-8-14/why-indian-gang-rape-victim-suzette-jordan-went-public.
43. Ibid.
44. Sandip Roy, "The long journey: From Park Street rape victim to Suzette Jordan," firstpost.com, (July 2, 2013), accessed May 9, 2014, http://www.firstpost.com/living/the-long-journey-from-park-street-rape-victim-to-suzette-jordan-921463.html.

Unlike previous decades when mobilization was hampered by a lack of rapid communication, contemporary activism capitalizes on modern technology and innovative methods to spark attention. Freeze mobs, for instance, have been used in public locations throughout New Delhi to agitate for change. A freeze mob consists of typically 60-70 people who suddenly pull out posters and banners with slogans carrying messages that focus awareness on the safety of women.[45] Similarly, social media outlets provide platforms for promoting social change. Facebook, Twitter, texting, and blogging provide rapid methods for disseminating information and encouragement around the country and the world at large. This is yet another way Indian women are rallying for their own needs and resisting sexual violence.

Conclusion

To conclude, in modern India the resistance of women against sexual violence is more visible than ever before. Since the 1970s, women took up the cause of advocating for basic human rights and the self-determination of each other. Although the Mathura rape case ignited the rallying cry for women's organizations to unite in a vital cause, the collective efforts of India's women continue to motivate others to action. The issue of rape has become a political issue and that in itself should be an example for women across the globe. The issue of rape is not the sole problem of India alone. UN reports show that the United States, Sweden, and other countries in the Global North have larger numbers of rape cases. What needs to be understood is that rape is integrally intertwined with patriarchy and hegemonic male centric social systems. Therefore, rape, an act of sexual violence on women, is a weapon used to exert power and to feel powerful; such heinous crimes can only be combated with collective local and global activism. It is a social malice and can only be corrected if everyone comes together to protest against it. It is not only changes in the legal system but also chauvinistic mentality that must be questioned. It is a long road ahead but Indian women's voices against rape have time and again set an example of change occurring through united activism.

Through women's agitation activities, laws, attitudes, and behaviors changed. Women advanced a significant position through their insistence on the creation of safe environments where all women, regardless of class, caste, or political affiliation can enjoy a dignified and satisfying life. The empowerment and activism of women in India is not only laudable but worthy of emulation.

Acknowledgements

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45. "A Group Of Students From Delhi Does Something Innovative For Women's Safety. This Is Their Story," *storypick.com*, (2014), accessed May 2014, http://www.storypick.com/group-students-delhi-something-innovative-womens-safety-story.

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