

Violence, Protest and Change: A Socio-Legal Analysis of Extraordinary Mobilization after the 2012 Delhi Gang Rape Case

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Abstract

On December 16, 2012, a 23 years old woman was brutally gang raped in a moving bus in Delhi. She eventually died after 13 days. Her death sparked a nationwide protest and grabbed the attention of the media resulting in endless debates, effusive speeches and unending vows by political parties to ensure safety of women. As a result of the uproar, a fast-track court swiftly tried the case, convicted and awarded the death penalty to the four accused persons which was confirmed by the High Court on March 13th, 2014. Of the two other accused, one died in custody while the other received three years sentence in a reform facility on account of being a juvenile. Though, this was not the first case of gang rape in India, yet, it compelled the government to take measures which it hadn't taken before. A committee, under the leadership of Justice Verma, was created to suggest changes in the Criminal Law, which were soon implemented. The voice of dissent made a dent in the legal system though the multitude of prevalence has not yet declined. The unrest also made an impact on the public discourse relating to violence against women. This paper aims at exploring the changes in the discourse on gender violence that took place in the broader socio-legal context

Keywords: Sexual violence, justice, women, law, Protest, Women's Movement, 16th December gang rape case, patriarchy, dissent, capitalism, globalization, media, social movement, India, social media, change

Contextualizing Rape in Socio-legal Arena

The 16th December 2012 Delhi Gang Rape was not the premier instance of a brutal gang rape, and neither did this startling event end brutalities against women.

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The National Crime Record Bureau data reveals that in the year 2012 itself a 3% increase in rape incidence has been reported as compared to that in 2011ⁱ. In fact, sexual assault is happening everywhere in the country in different forms like incest, molestation, outraging modesty of women and others. These figures represent the tip of the iceberg because many of the cases are not even reported formally and legally. Hence, sexual violence against women is not a new form of crime rather it has been there for generations where men use this form of violence to subjugate and suppress women.

Conventionally speaking, sexual violence has been perpetrated by men who misuse their positions of power against women, in structural subordination. Often, higher caste men rape dalit and tribal women; police rape women from poor households; army and militants rape women in conflict and insurgency-hit areas such as Kashmir, Chhattisgarh, Jharkhand and the north east region. Even within the four walls of home, young girls face sexual attacks by their fathers, brothers, uncles and cousins; besides, wives are also victims of marital rape which is till now not recognizes as a crime in India. Many of these cases are never reported as the fear of 'shame' and dishonor prevent women to share their trauma even within their own family or friendship networks. The task of reporting it to police and recounting in the courtroom is an entirely different ordeal. The 'silence' around the rape has been attributed to not only failure of the legal system to deliver justice but also to the asymmetrical social structure where male hegemony prevent women to speak out against injustice meted to them in public or private spaces.

The major campaign against rape took place in the year 1979, when the Supreme Court acquitted two policemen of charges of rape and assault in commonly known as the Mathura rape caseⁱⁱ. This crusade construed rape as legitimate social issue and identified state as an institutional site that trivialize violence by converting the testimony of rape into evidence of consensual sexⁱⁱⁱ. This resulted in the amendment of rape law as codified in the Indian Penal Code by the colonial rulers in 1860. Since then significant changes have been made in the rape law.

Post Mathura, debates have been initiated in the cases of Rameeza Bee, Manorama Devi, Bhanwari Devi, Arun Shanbaugh, and others but in all these cases deliberations were confined to limited segments of the society.

Even, recently, there are cases like the one where 45 year old Surekha and her 17 year old daughter were raped by upper-caste men in Khairlanji in 2006; Seema was raped in a police station in Jaipur in 2010, Soni Sori, a 35 year old adivasi woman from Chhattisgarh was tortured in custody in October 2011^{iv}. Locally protests were made against these incidences but these cases never received a wide coverage by the Indian media^v. Masses were excluded from these discourses and rape was not considered as an issue that can be discussed publicly.

Debates about death penalty for the culprits in rape took place in the court rooms, among legal professionals, in judicial domain and among feminists and human rights scholars long before it came into public domain. Neither the victims, nor their families or people, in general have participated in the deliberations relating to rape. Perhaps, because the common norm is that anything relating to sexual violence need to be suppressed. Silence is maintained consciously around the issue as this relates to honour and *izzat* of a woman and her family. A woman if dare to raise her voice was stigmatized and often outcast by the community. If somehow the matter reaches the police or the court, it is the integrity and the character of a woman which is questioned. The police, lawyers, judicial community all appear to be colluding against a woman who defies the social and moral code and step out to share her ordeal of violence. And the sexual predators assume that they will not have to face any consequences.

In fact, the legal system is designed in a manner that it chastises the victim rather than the culprit. In the adversarial process of trial the role of the victim is to report the incident to the police and provide evidences as a witness. It is the investigating officer who conducts the investigations, the public prosecutor argues the matter and the judge decides whether the crime has been committed. However, it has been seen that the police rarely conduct the investigation in an unbiased manner. The medical experts use two finger test to determine if the woman is habituated to sex^{vi}. The public prosecutor hardly gets time to interact or to listen to the victim's saga of brutality. The defence lawyer, on the other hand, often, uses cheap tactics during cross examination to 'win' the case.

The system ends up in derogating and embarrassing the victim during the process. Often, pressure tactics are utilized to terrorize women to compromise the case.

Frequently, witnesses turn hostile weakening the prosecution's case or the judges show sympathy to the offenders on the pretext that they are 'young, with a family to support,' 'not a proclaimed offender' and that 'the woman is a habitual liar' among others. The preconceived biased notions and insensitivities relating to women occupy the actors involved in the justice delivery system^{vii}. In the process the victim becomes invisible justice becomes elusive and obscure^{viii}.

In the social arena, the families in order to protect their honour and reputation often maintain silence around the issue of rape. The community or the society hardly has any system to support the victims of crime rather these associate shame and stigma with the victims of rape. Possibly, the premeditated regressive and patriarchal beliefs about rape guide the general perception, attitude and behavior of the society. The deep misogynistic set up is visible even in the ambush of modernism where attitudes and mindsets often remain rooted in traditional notions^{ix}. The political, religious and the cultural norms are twisted to create a situation where women have no autonomy or control over their bodies. The media including the Bollywood movies, TV serials, the rituals, traditions, religious scriptures all reinforce behavior where women is perceived as an object or commodity.

Protecting women's body is the *modus operandi* of this system and from the birth a girl child is made to obey the diktats of the repressive regime. Therefore, often it is the woman who gets raped is blamed for the same^x. For men, no social or moral codes are imposed. Relatively, in the patriarchal societies, to be a man implies that one is strong, independent, masculine and dominant. Male aggression is routinely exempted as an ordinary fact of life^{xi}. Masochistic values are endorsed by the society which upheld masculinity as a great virtue and legitimize all actions in the name of manliness while subjugating femininity.

Why The Masses Protested in This Case?

The dissent against patriarchy for which women's organizations in India and elsewhere have been raising for decades took a new shape and form when thousands of men and women came out on street demanding punishment for the culprits and seeking safety and security of women.

It was a turning point in the history when such a large scale mobilization quivered the fundamental premises of the largest democracy, attempts to encounter state's oppression making it answerable and accountable. The protest was so vehement that it continued even when police force took various measures to prevent it, resulting in injury and death of people from both the sides. The state used military strategies to disperse people to prevent them from protesting and sprayed tear gas and water cannons but this could not damp the public spirit.

Indian media named this woman who was gang raped in a moving bus in December 2012 as 'Nirbhaya', 'Damini', 'Jyoti' which imply fearlessness or courage to stand against her perpetrators. While doing so the media valorized her and played a role of creating a perfect victim^{xiii}. However, the common women irrespective of their background could easily relate to her. Perhaps, at the core of this atypical inundation is empathy and general indignation against violence one faces as a woman in public or private spaces. Her anonymity and her backdrop as a common woman aspiring to do something in life allowed each woman to see her own story of life and death. Many women who walk on the streets face the similar situation of sexual harassment every day. While chasing their dreams or going through the rigmarole of daily routines women experience a thousand humiliations from being stared at, stalked, groped, molested, or leered at, and they put up with all these forms of vulnerabilities. In fact, often these women step out of the four walls with the apprehensions and in the process negotiate their safety and security as the price of their freedom and liberty. Most of them are frequently compelled to carry this frustration and helplessness with them with a deep desire to do something against it. The vicious assault on Nirbhaya is the extreme form of this daily continuum of sexual violence and therefore many women could connect to it easily. This incident, in some way, helped them to provide a platform to pour out their resentment against the asymmetrical, oppressive, exploitative system. Possibly, this obscured collective resistance against violence encourages women from varied background to come together.

This element of shared understanding of violence and a buried feeling of resistance against the daily experiences exploded when the media portrays the minute by minute report related to this story. 'That girl could have been any one of us' is the slogan that was raised during the protest by women who felt vulnerable and could visualize the fact that this brutal attack of violence could have been perpetrated on them.

Also, this tremendous social reaction was not only due to fear of sexual violence rather it is an assertion of freedom and demand for independence which exhibits itself in the form of voice of protest against the culture of repression. Many women in the patriarchal society have grown up in an environment which imposes taboos and restrictions on the ways one should sit, move or carry oneself in spite of the fact that they are now moving out for the purpose of education and employment. There is a buried antipathy against such oppression. Consequently, this mobilization is related to the growing realization among women about their right to lead a life with dignity, freedom, autonomy and liberation from these repressive ideologies. It was not an imprudent reaction, but an authentic, spontaneous engagement of the common people with the complex issue of gender discrimination.

The outbreak of fury here was also an expression of collective anger against the State's failure to implement the rule of the law or to ensure safety and security to women in the city where many women are mobile. It was against police and judicial apathy and against the culture of impunity that drives the criminals to indulge in crimes with the knowledge that one can do anything and still can escape the clutches of law. It was against the culprits who commit terrible crimes and use the anonymity of the city to escape. It was against the culture of violence against women that is permeating everywhere and the inefficiency of the system to prevent it.

This crusade in this gang rape case is different as it includes not only women but also men as fathers, brothers or friends who may be concerned about the safety and security of women as daughters, sisters or friends. It involved men who, except few, never joined in struggle against 'women's issue'. Though 'protection of women in their families' could be a major concern, yet, involvement of men is one of the notable characteristics of this mass resistance; and this has not happened earlier^{xiii}. The gender dynamics, therefore, have played a significant role. Not only during the protest but also as evident in this case, a young man was involved from the very beginning. He was accompanying the girl that evening and tried to defend her in the bus. The protest was therefore not related to men versus women's issue rather this unrest was against systemic violence that oppressed half the population. The people in this case may not be directly aware that they have been resisting against patriarchal and capitalistic forces rather it was the concern relating to 'protection' of women that mobilized many.

And one of the unusual fact here is that some of these male protestors may be perpetuating male dominance within their own given spaces be it the home or the workplace, yet they were the part of this mobilization.

Though this protest also involves student but it is different from the one made in 90s^{xiv}. The protestors in this case of gang rape were ordinary men and women, who had no history of activism, joined hands and expressed solidarity on 'women's issue'. It happened without political or organizational support or intervention. This is a discrete indicator of social change where a large number of people got awake and involved in finding solution to the menace of crime against women. This is reflected in the fact that the Justice Verma Committee received more than 80,000 submissions, and this indicates concerns among people about violence^{xv}. This resistance is different from all other interventions held earlier where masses came together without any mobilization by the leaders^{xvi}. There is no comprehensive plan of action neither there is any broader agreement around any issue, rather there are layers of voices, some demanding capital punishment for the rapists other raised broader issues of gender discrimination, violence, freedom and oppression, and this lead to widespread democratic debate on women's rights.

The generational or cultural gap between the civic and political leaders and the younger lot could not deter the later to express and channelize their own opinion on the issue of women's safety. The leaders from different sects blamed not only women for sexual violence but also accused modernity that is symbolized through education, food habits, dressing style and use of technology. However, the social media played an instrumental in mobilizing youth outrage. Many of these protestors were young and educated. This is despite of the fact that the internet penetration is relatively low in India, but 135 million people online are under the age of 35 and perhaps exposure to different social norms and influence of broader horizons through internet helped them to think differently. In this case, a generation that is equipped with smart phones and active on Facebook, whatsapp and Twitter created its own rules of engagement with the given socio-political milieu and marched ahead to write its own destiny discarding old rules^{xvii}. Prior to this the social media has been successful in launching *pink chaddi* campaign in 2009^{xviii} and slut walk in 2011^{xix}. Both these campaigns were organized by young women who were demanding the right to safety in public places and not by any of the women's organizations in India.

Besides students, the working class (mostly white collared) people from the aspiring middle classes, who mostly, until this case happened, remained indifferent to the social movements came out on streets. Until now, many in the Generation Y were frequently considered as consumerist and apolitical engrossed with the individualist culture perpetuated by neo liberal policies since 90s.

A comfortable life style achievable because of the easy corporate jobs prevented many from engaging in activities designed to promote collective causes. However, this case elicited empathy from young educated males perhaps because they find it is easy to embody their own aspirations with a story of a young, educated, urbanite woman aspiring towards a career in a society segregated by social divisions. The brutal violent backlash in the present case created a furor and an apprehension that it could be them who could be violated that created an awakening which later surfaced into a collective rage. This is a significant element of this struggle when the youth and the working class people asserted themselves for 'women's issues'. The solidarity that surfaced was not based on any theoretical or ideological approach rather it epitomized antagonism against a system that could not provide for essentials. By registering their dissent, the generation of young men and women demonstrated that it is consumerist, but it can also be political. This is a heartening sign that in spite of the pervasiveness of patriarchal culture there is also a glimmering hope somewhere that change is possible.

Further, the rape tragedy happened within the heart of the capital. The gang-rape therefore challenged the core competence of the city administration, the police and the legal system. With its cosmopolitan nature and advancement, the city of Delhi is a symbol of growth, yet it is also a home to abject poverty. The experiences of this transition are therefore dissimilar for different people. For those who are educated, the pace of advancement is slow because of the obdurate backwardness. For those who are conservative, decline in social and cultural values is taking the toll. The dynamic nature of the city therefore is unacceptable to many. These widening inequalities in terms of power, affluence and values are creating situation that lead to resistance. Delhi, consequently, is becoming a city of hope as well as despair, it is a city of dream and desires but also a city of delusions and nightmare, where amidst skyscrapers exists slums and shanty dwellings, and amidst wealth and affluence there subsists poverty and vulnerability and among the efforts to establish peace and harmony there exists violence and brutality.

Indirectly, the protest was therefore against the very culture of violence of the city which is endorsed by the consumerism and consumption on one hand and the repression and marginalization on the other. In the wider scenario, the dissent was against those reforms that are creating these divides.

The case also represents a clash between the new and the old, between the modern and the traditional and a conflict between the two Indias created due to pushing of neoliberal agenda^{xx}. The liberalized economy has one hand seemingly added to improve the status of women by providing education and jobs and indirectly an opportunity to assert freedom and liberty, yet on the other hand it also incites a fierce backlash against them not only in terms of wage differentials or denial of opportunity to take up top jobs but also violence in its extreme forms at workplaces, at homes, and at public spaces.

The free market economy commoditized women and made a way to perpetuate a combination of asymmetry, deepening inequalities and volatility. This is something similar to what Faludi^{xxi} has referred as Backlash which posits many problems to the women's liberation movement in the United States in late 80s. She shows how the creators of commercial culture distort feminist concepts to sell products, the manner in which the feminist ethic of economic independence is twisted into the consumer ethic of buying power, and the feminist quest for self-determination is warped into a self-centered quest for self-improvement.

In this atrocious gang rape case, the perpetrators of extreme violence were men from the slum neighbourhood. The Prime Minister of India within a few days after the incident happened termed that the footloose migrants are responsible of such gruesome act of violence. This statement ignores the fact that this situation is created due to blindly and thoughtlessly adapting the neoliberal economic policies without reflecting on its sociopolitical impacts. These rapists inhabited an environment in slums where brutality is the custom and where sexual and physical violence takes place every day. Men and women in this hostile situation feel helpless, excluded, marginalised and oppressed. Extreme degradation, destitution and viciousness lead them to believe that brutalization is a norm. Marginalisation generates despair, anger, fury, frustration and a sense of desperate rejection.

This dejection among men is likely to take expression in dominating women who are the most accessible targets or women bear the brunt of these men's buried need to assert power. The rape in this case is used as a powerful way of reasserting one's dominance in relation to the victim, and to those who feel threatened by this violence. The mobilization therefore obliquely is against the system that promotes such extreme form of brutalization, exclusion and marginalisation. The resistance was against such system that creates imbalance and asymmetry and the one that fails to create synergy between conflicting values.

The ferocious brutality of the attack on Nirbhaya also reveals fearsome consequences of widening inequalities in a rapidly growing, modernizing and globalizing economy. It took place in the busiest street of the capital where increasingly predatory sexual culture permeates the notion of seemingly emerging modernity. The neoliberal forces which tend to reassert patriarchy in its new and virulent form is evident in this case where one of the rapists did attribute to this when he asked the male friend of the girl as "where he was taking the girl in such time of the evening"^{xxii}. This case demonstrates the typical model of feudal patriarchy clubbed with capitalistic hegemony thus assaulting women with double edge sword. The gender hierarchy here is constructed in local contexts but shaped by globalised material relations which gives rise to a situation where some men may fail to achieve the traditional norms of masculine success^{xxiii}. As men find their avenues to status, wealth and power blocked, violence against women has presented as an alternative means by which to express masculinity^{xxiv}. It is also a way to punish women for their rising economic and social status.

The protest therefore implicitly is against the policies which created a widening gap between haves and have-nots between educated and illiterate and among traditional and modern values.

The challenge before any society lies in the fact that it has to comprehend the hierarchical gender relation implicit in the socio-cultural context where men assert power and control over women using violence as a tool to subjugate^{xxv}. In this case, on the one hand the girl and her friend hail from urban, liberal and educated background, and on the other, the culprits are from the environment where illiteracy and ignorance prevails which reinforces the stereotypical norms that women should be confined within social and moral boundaries.

In this case, the rapists represent carriers of the conservative, masochistic, patriarchal values against an educated woman who symbolized the notion of modernity. Hence for these men, this girl is transgressing the social and moral norms set by the society. These ideological differences between the girl and the culprits, in a way, reinforces the fact that power and notions of freedom, liberty and justice have remained deeply class based and androcentric, reflective of the opinions and interests of men. The backlash of fundamentalist beliefs also points to the system that aspires to be inclusive and socially expansive, yet it remained essentially exclusionary and patronizing.

The ferocity in which the rapists in this case attack the girl was brutal. Rape here is not about nonconsensual sex. It is about power, torture and brutality. She was gang raped inside a moving bus and when the woman's friend, a software engineer, tried to intervene, he was beaten, gagged and knocked unconscious with an iron rod. The men then dragged the woman to the rear of the bus, beating her with the rod and raping her while the bus driver continued to drive. Medical reports later stated that she suffered serious injuries to her abdomen, intestines and genitals due to the assault. Later it was identified that a rusted, L-shaped implement of the type used as a wheel jack handle was used to inflict injury. After the beatings and rape ended, the attackers threw both from the moving bus. The brutality of attack and its vicious images created by media compel masses to demand for retributive justice. While the ferocity of the violence in this case was horrendous, however such brutality is not unprecedented in this country.

Further, the culprits in this case were men from the slum who evoked the image of 'beasts' or 'monsters' in the eye of common middle class people in manner that rapists in the police force, the army and the upper castes do not. Probably, the economic and social background from which these accused came from is the reason enough to portray them in the limelight as the brutes who attacked the girl belonging to a different status. In a society stratified on the basis of class, caste, social and economic status and gender this kind of violence has its own manifestations.

According to this theory, the protest therefore is an expression of class outrage which demanded the death penalty or chemical castration of the rapists.

The crusade was against the vulgar display of masculinity and power. It was against the objectification and dehumanization of women. It was against treating a woman a sexual object to be used and abused in the competition of exhibiting masculine power. In gang rape, group dynamic come into play where each man's sexually violent act increasingly verifies the abusive act of the next and others who are participating and waiting to violate the woman and are there to applaud the vulgar displays of masculinity. Gangs are seen as sources of affirmation for the masculinity exercising coercion and validating power. It is therefore not enough to have sex with the victim against her consent but it is also necessary to beat her, to repeatedly rape her, to use foreign objects, to laugh at her, and compelling the victim's male partner to watch the act^{xxvi}. For men who engaged in such organised predation, rape is more than about power, dominance and superiority. The use of excessive force and debasement vividly illustrates that rape is linked to an act of resentment by those who struggled with the transition against those who appear to succeed. Rapists of such dispositions are seldom deterred by the penalties of law. Their sense of impunity seems to be heightened. Also, the gang rape in a moving vehicle has its own dimensions where legitimacy is sought from joint action as well as this created a distorted illusion that a moving bus which has tinted windows is beyond the reach of law. The campaign was therefore against such system that deters the victims rather than the culprits, a system that provides impunity to the rapists and a system that is androcentric and excludes women out of its purview.

The Dissent and its Wider Implications

The vicious attack of sexual violence on 16th December 2012 galvanized a large scale public response in the form of mass protests and demonstrations which found their way across every nook and corner of the democracy without any formal coordination. It is a mass protest were a large number of people expressed solidarity - A solidarity that is beyond any political party, beyond any women's or human rights organization, beyond any religious or social group. It consists of voice of anonymous people unrelated to each other coming out of their free will because they felt something is not right. The outrage was extraordinary. The physiotherapy intern lay in the hospital for 13 days surviving before the final ordeal. During this period thousands of citizens came out shouting slogans and protesting on the streets demanding justice. The state's effort to trivalise violence and deal with the rape case in dismissive manner was overshadowed with the furor in public spaces where a number of people demand concrete action.

Intense debates were initiated about sexual violence and the conditions of women in society which was never witnessed at this large scale earlier.

The dissent and its impact indicate that it is possible for protesters to make their voices heard by those who are usually impervious to public grievance while bringing out the sheer scale of gender prejudice women face on daily basis.

Consequently, a fast track court was given the task of trying the case and assailants were tried relatively quickly in the socio-legal climate where the trial in sexual assault cases often languishes for years. Death penalty was imposed on four convicts just 9 months after the incident by the trial court. A rapist hanged himself in prison and an 18-year-old who was a juvenile at the time of the attack was sentenced to three years in a reform home. This swift action on the part of police and the court was all due to the public outcry which mobilised the political leaders, judiciary and the legislature alike. It highlighted the fact that justice can be delivered swiftly provided there is a will to do so or of there is a pressure to pull up the performance. The most poignant example of change following the Gang Rape was the creation of the Justice Verma Committee by the Indian government to reassess laws relating to sexual crimes in India, extending to the very definition of rape. Subsequently the Criminal Law Amendment Act 2013 was enacted altering the criminal laws available for dealing with crime against women in India. Attempts were made to hire more female police officers by the Delhi police. Telephone help lines and mobile apps were created to support the victims of violence.

The protest in the gang rape case has become a landmark in the fight for women's rights in India, leading to legislative changes and moving gender to the center stage of political debates. The contest in this case helped to open up a dialogue defining rape in new perspectives. Rape became a national issue. Every newspaper carried report for weeks on rape on the first page which has not happened earlier. All the private news channels analysed infinitesimal details of the story^{xxvii}. Views were sought from the political leaders who stridently argued about the issue and suggest the manner in which women should dress and move to 'protect' themselves. Legal experts were called on by the channels to debate about the legal provisions, procedures and course of actions in rape cases. The opinions of the experts from various field were sought to explain the issue of rape in the wider context.

The politicians found it as a case to cash on the emotional waves surrounding the issue and paid lip services to the issue to women's safety and security. The godmen preached movingly on the need to 'protect women from the influence of the modernity' and issued diktats about how women should behave. Common people expressed their concerns, fears and worries in public for either through exhibiting solidarity on the street or discussion the issue in public and private spaces – in buses, in metros, at the café houses, tea shops and in homes. The discourse on women's bodily integrity and dignity went all round in public spaces as well as in private homes and within the living rooms.

The emerging voices reflect on changing ideologies as evident from a poster which says 'don't tell your daughter not to go out, tell your son to behave properly'. There were posters and placards that carried the slogans 'don't teach us how to dress teach men not to rape' and 'your gaze is the problem so why should I cover myself up', (*teri nazār buri to parda main karun?*), *meri skirt se uunchi meri awaaz hai*" (my voice is higher than my skirt) "don't tell me what to wear, tell your sons not to rape", "*men karein to stud, main karoon to slut?*" (If men do then they are 'stud', if I do then I am referred as a 'slut?'). The other slogans raised were "*mahilaein mange azadi, sadak pe chalne ki, raat mein nikalne ki, kuch bhi pehenne ki,*" (Women demand freedom, to walk on the streets, to go out at night, to wear anything they like). The shifting ideologies are reflected in the slogan 'Don't get raped' which was revolutionized to 'Do not rape' while squarely laying onus on men to not indulge in such heinous crime rather than preaching women about do's and don'ts. Many slogans were based on the principle that women's dress or her mobility or her disposition has nothing to do with getting raped. The protest therefore raised larger questions relating to sexual violence and discrimination against women. The changing scenario has awakened India and created awareness about various socio-legal issues as witnessed in debates regarding strengthening police and judiciary. Bringing equality within homes is a hope that is reflected in dynamic vibrant environment.

The electronic and digital media provided a space to express concerns regarding rape. Social media sites like Facebook and Wats app were used to articulate anguish to the brutal gang rape. A black dot was publicly used to symbolize shame and as an image of pain, injustice, anger and helplessness. Online petitions were signed to demand justice in the case. A year later a "Womanifesto" put forward by several organizations called for all political parties to agree to a common minimum program to improve women's safety in Delhi^{xxviii}.

In fact, during the election campaign, every political party pledged women's security issue as its commitment to women's safety though it's an altogether different issue that none of these parties nominated women candidates in the General elections held in 2014.

However, intense discussions on the issue relating to women's safety at this large scale have never been imagined earlier. Debates were initiated to reform the legal system and a demand is being made to create a single window system to support rape survivors. Rape became a public issue rather than an 'intellectual', 'legal' or a 'women's' issue. Open deliberations about rape in 'public spaces' began a new chapter in Indian history by removing cultural taboos surrounding 'private' issues. This incident changed the discourse around rape taking it out from the zone of 'silence' and privacy into the open domain and displays the manner in which personal becomes political. The aftermath of this vast mobilization appears to be heartening as evident from increasing awareness among people about the violence issues and the open debates reconstructs gender relations.

The deliberations seem to have implanted the seeds of change as it provides a fertile ground to sensitize common women of their rights and shaping a shift in societal attitudes. The discussions provide a space to reflect on perpetual inequity and social injustice.

Unsurprisingly, reporting of cases of violence increased significantly. This, however, does not mean that the quantum of incidences of violence has actually increased. Rather, seemingly women then feel empowered to report their cases. Rape cases after this incident are often being highlighted on a regular basis by the Indian media to serve as a reminder of how ordinary and porous violence is and how it has been pushed beneath the carpet earlier. Reporting of high-profile cases also increased which suggests that women feel more comfortable going public with reports of violence cases^{xxix}. This is an important breakthrough in a country.

While these are some of encouraging signs, however, all efforts made after this incident has not reduce daily indignities and abuse for many women. The new law could not make the city any safer. It also poses a major challenge as most of the complainants have been lured into a false sense of security, believing they will get justice easily and quickly.

Increased media attention on women's issues failed to translate into improved outcomes for many ordinary women. Rather, patriarchy got an opportunity to inflict its regressive dictums to redefine gender roles prescribing women to behave, dress and move in certain manner citing women's safety as the reason. Repressive measures are again being fostered in the guise of "protecting" women which intend to curb women's freedoms and squarely blame the emergence of "promiscuous culture". Debates that propagated the image of docile obedient woman both at home and the workplace again find their way out as the voices of dissent slowed down. The backlash showed its ugly face and restrictions are imposed curbing women's mobility and personal choices as being done earlier. The onus is squarely laid on women to ensure their own safety. The state inflicted protectionist approach once again while issuing out the list of do's and don'ts for women, imposing restriction on working hours and institutions like *'kshap panchayats'* came out with their regressive diktats of ordering women to give up mobile phones and marry at the early age transgressing women's hard earned freedom while imposing restrictions on women's sexuality. The current situation in a way reinvents patriarchy in its new form within the robe of capitalism and modernity. In fact today the situation is that discussions on women's safety and security appear to be a hollow rhetorical strategy. However, it has created awareness, awakening and openness about the violence issues among general public which is a significant and momentous step towards changes in attitudes and mindsets. The situation has provided a platform where many of issues relating to violence against women and the gender inequality may be talked about openly and be acknowledged and to initiate a process of change. This new sense of freedom and awakening among women is paving a new way towards women empowerment in India.

Can Law provide an Alternative Solution?

In the voices of dissent it was noticed that the solutions that have been debated to deter rape indicate society's placed excessive reliance on the state mechanisms. There is a growing enthrallment with the law and the legal system and the belief that law will provide solution to issues relating to crime against women. However, such arguments are superficial as these do not address the roots cause of violence. Too much dependability on state machinery without taking into account its inability to provide justice to women is leading to nowhere. This argument also ignores various other factors.

Firstly, this argument overlooks the fact that the state machinery becomes active only after crime is committed; therefore, it plays a limited role of deterring or preventing the crime. Secondly, the manner in which legal system is twisted by those who have power is not taken into account while proposing law as a remedy to the situation of violence against women. It also disregards the fact that most of the people often break laws either because they are powerful and therefore abuses the legal process or they are ignorant, are legally illiterate or lack awareness regarding laws. The culture of impunity in fact motivates criminals rather than deterring them. Further, several studies have also suggested that women as citizens have often not been treated at par by the state machinery^{xxx}. The courts take into account the action of a 'reasonable man' rather than a 'reasonable woman', and that creates difference in the manner the court functions^{xxxi}. Also, what is disregarded in these debates is the fact that the loopholes exist within the adversary legal system which propagates for retributive justice and this is hardly be effective in eliminating violence against women. This system view rape as crime against society or a violation of law. A rape survivor exists at the periphery of the legal system. Focus is laid on establishing the guilt of the criminal rather than supporting the survivor of the crime. Further, the legal, judicial as well as general discourse on gender-based violence is embedded in the language of 'protection of women as daughters, wives or mothers'. This discourse seeks to communicate ownership and control of women by men. It perpetuates inequality and reaffirms norms and practices that are discriminatory. Therefore, important is to change the misogynistic culture.

The complete dependence on state machinery therefore in no way offers solution to reduce crime against women. The state has a limited role in terms of the implementation of law. Also, imposing capital punishment for rape will not address the pervasive gender discrimination and violence. What is required in far reaching systemic measures like reducing impunity, effective arrests, police accountability, speedy trials, consistent and appropriate sentencing policies, and adequate criminal justice resources so that gender justice is delivered in real terms.

Also, there is a need to emphasize the fact the state has the responsibility to create support networks and facilities for the survivors of crime like shelter homes and support structures in the neighbourhood or at the community level, provision for education and employment of the victim, policies to ensure that such crimes are being prevented and ensuring safety and security of women in workplaces and general public spaces. Therefore, the demand for restorative justice which is accountable to survivors, while rejecting the rape culture is necessary.

It is essential to look beyond the law or demanding solutions within the arena of the state though it is not to deny the fact that the state plays a vital role in strengthening the legal system and the political set up which will help sustain the culture that nurture women's dignity. While the struggle to make the state and its institutions genuinely democratic and accountable, and to eliminate patriarchy and its manifestations, there is also a need to focus on primary prevention of sexual violence. This can be done by eliminating rape cultures that are generally nourished by norms, attitudes, and practices that trivialize, tolerate, or even condone violence against women. The power inequalities need to be addressed at the broader level. The changing scenario signifies the need to both question and act beyond the oppressive gendered norms. In the name of protection, growth and development there is a need to rationalize and choose priorities to create cultures and economies that respect women.

Lessons for the Women and Human Rights Movement

As emerged from the above discussion, the dissent that emerged after the gang rape in December 2012 entails significance from the gender perspective in India. It has altered the discourse on gender violence. It indicates that there is a potential for change though this may be accompanied by a backlash. The situation reflects that there is a possibility to channelize these revolutionary forces. As Piven and Cloward^{xxxii} have argued that the expression of defiance and the emergence of protest movement entails a transformation of both consciousness and of behavior where the system loses legitimacy, people began to assert their right or demand change and there is sense of efficacy among people that they have capacity of alter their lots. Similar situation has been depicted in this social mobilization in India which indicates to the emergence of new politics of gender violence in India and the potential to serve as an instrument of systemic change.

Even though temporary this phase of protest had the potential to be transformative, be a catalyst for change, reconceptualize governance, set up law and order and revitalize the concept of equality and the democracy. The discourse on gender violence has been reshaped and transformed and it is no longer a women's issue after this large scale mobilization. With both men and women beginning to become stakeholders in wanting to change, the solidarity holds great promise for the future.

At macro level, this unrest addresses the issues of governance and collapse of the rule of law and justice and at micro level there is a deep introspection about the issues relating to violence and discrimination against women^{xxxiii}.

This struggle also somehow reminds of the historic Bread and Roses movement that happened 100 years back in 1912 in the United States also known as the Lawrence Strike^{xxxiv}. The movement in India edifies on several important lessons like if people join hands together, steadfast to their aim they can win. The Lawrence strike similarly showed that the struggle can tear down artificial divisions set up by those in power based on language, background or any other segregating unit. The symbolism that is common to these two movements from gender perspectives is that women as citizens and as workers continue to bear the burden of exploitation in the capitalistic regime and their basic demands constitutes for something more than mere survival. Both these movements insist on right to safety and security for women as workers and as citizens. Looking at both the sites of protest it may be said that geography, class, time period, all people may be different but the crux is that every heart beats for freedom, justice, equality, liberty and above all human dignity – for bread and roses. In the Lawrence strike, the Industrial Workers of the World, IWW played a major role in supporting and shaping the movement^{xxxv}. Perhaps in India too, the women's movement may play a greater role in shaping the language of rights while nurturing and sustaining this movement while influencing the discourse on rape.

The reaction to the Delhi gang rape has highlighted the power of people to transform, to participate in democratic manner and to raise their voices against wrong. The vibrancy and richness of the protest need to be captured by the women's movement to make it a strong force against gender oppressive norms and violent culture. It is now the responsibility of those advocating for women and human rights to shape the language of protest from that of protection to the language of rights.

Though it is a daunting task yet the women's movement in India is now confronted with task of unloading the discourse on sexual violence out of its usual purview that promotes protection and patriarchy. The movement has to reassert the notion that the violence permeates everyday life. It is significant to challenge this culture of violence and the manner in which male female relationship is construed in material relations and social structures. It is also evident that for every step the movement takes there will be a possible backlash but there is a need to confront the notion of patriarchy and capitalism at the large level. There is a need to assert the fact that out of the deepest repression is born the greatest resistance.

This struggle may be seen as an effort to overcome overpowering market forces clubbed with patriarchy and to affect the direction of change. In retrospect, the civil society groups have been organizing multiple strategies within the localized context as well as globally.

Though, the struggle to change the world has been continuous and ongoing where only the actors and setting may change but the resistance continues, but in this case, special efforts need to be made to reshape the movement that is sensitive to gender concerns. This endeavor like other manifold efforts to organize and bring social transformation reiterates the fact that 'another world is possible'. The protest as shown above obliquely rejects the philosophy of TINA (There is No Alternative) imposed by the Washington Consensus. In fact, the protest in India after December 2012 incident indicates to the dormant capacities to bring change are potential forces that promote men and women to organize and unite against the powerful forces overcoming divisions based on class, castes, ethnicity etc and to speak the rights discourse. The participation was based on consciousness to defend or demand collective rights.

The need of the hour is to tap the potential for change by bringing systemic reforms through the use of different means and technology. In the changing scenario where technology plays vital role to mobilize people it is essential that women's movement should capture the dynamics and shape the gender discourse accordingly. This moment of protest, deliberations and contest may also be seen as a rightful time to revisit, renew and sharpen theoretical understandings of women's oppression and exploitation and to understand the social production of violence to act towards preventing it, ending it. There is need to channelize this protest that questions wrong and to create alternatives for a better world.

There is a need to point shortcomings and injustices and make visible what has been normalized and naturalized like gender roles in order to change it.

Conclusions

The protest after the Delhi gang rape was a powerful collective action from a large group of people that demands change in governance, in rule of law and in mechanisms of justice. It has triggered a social revolution and cultural shift which must be sustained, intensified and prolonged till it creates an environment that is safe for women, and promotes a society where women are respected and they enjoy freedom and liberty. It also reflects on strength in solidarity. The strife and its aftermath have created a dent in the socio-legal structure of the country and made it prosperous in terms of awareness about women's rights. The power of such vibrant social revolution cannot be ignored or underestimated. Its power to reshape the patriarchal social structure needs to be realized by those advocating for women's liberty and emancipation.

The focus needs to be expanded from the individual acts of violence against women to the broader social context and the wider social institutions and culture which promote these violent behaviours.

The sexual violence needs to be dealt in collective and institutional manner. The revolution needs to be shaped into movement which questions the very nature of the system itself. Sensitive issues relating to social exclusion and structural violence need to be addressed vigorously and systemically. Most fundamentally, there is a need to transform the way in which Indian society thinks about gender, masculinity, femininity, women's role and position in society. Mindsets need to change at every level, and there is a need to recognize the inherited prejudices of collective consciousness. Preventing rape is tied to transforming the dominant forms of masculinity that celebrate men's sexual conquest of women into healthy forms of masculinity that respects women. There is also a need to rethink development, rethink the concept of cities and rethink democracy beyond electoral democracy. The requirement is to reconsider the underlying social, economic and political values that condone or promote violence against women. Development cannot be measured in terms of economic growth alone. The social parameters need to be considered while considering the growth in totality.

The social and material structure of gender oppression needs to be changed. Gender violence cannot be wiped out by encouraging capitalist modernity and that freedom lies not in transgressing boundaries of home but it lies beyond in leading respectful dignified lives free from fears.

The campaign against rape in isolation from all other aspects of women's oppression will not serve the purpose. It is vital to address the increasing problems facing women in all aspects of their lives. The process of struggle has enabled millions of people to question the brutal, sexist and exploitative capitalist patriarchal society and look for an alternative beyond it. What is reflected in the fearless stride of men and women who came together was the vital courage, audacity, a brazen spirit to recognize, speak out, protest and act against the manifold forms of violence. There is a need to channelize, nurture and sustain this spirit to transform the situation.

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ⁱⁱ A total of 24923 cases of rape have been recorded in the year 2012. This figure is 24206 in 2011 and 21467 in 2008 National Crime Record Bureau 2012, Crime in India 2012 Ministry of Home Affairs, India

ⁱⁱⁱ Tukaram v. State of Maharashtra (1979) 2 SCC 143

ⁱⁱⁱⁱ An open letter was written to the Supreme Court of India by four eminent personalities after which changes were made in the rape laws

^v She was stripped, sexually abused and humiliated and stones and batons were thrust upon her private parts, all this took place inside the police station where the two women police officers present were threatened to remain silent.

^{vi} Teltumbde A. (2013) Delhi Gang Rape case: Some Uncomfortable questions, EPW, February 9

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^x Desai S. (2014) The Age of Technocertainty, The Times of India dated May 5th

^x As recently stated by one of the MLA from UP Abu Asim Azmi according to whom both the man and the woman must be penalized for rape and sex outside marriage. For details Punish women too in rape cases: SP leader, The Times of India dated April 12, 2014

^{xi} As depicted from the Statement recently made by Mulayam Singh Yadav, Samajwadi Party Chief and a contender for the post of Prime Minister in the Elections in 2014 during one of his speeches during elections. According to his statement "boys make mistakes (rape) and should not be hanged". Even the manifesto of the Party declares that the rape laws will be diluted.

^{xii} Sen R. (2013) The Need for Everyday Culture of Protest, EPW January 12

^{xiii} Rather, in the case of domestic violence the men have formulated organizations and promoting the cause to dilute the provisions of Section 498 A of the Indian Penal code which is criminal law relating to cruelty within marriage.

^{xiv} During that agitation the students, mostly the middle class and the upper castes elites, came out in the street protesting against the implementation of the Mandal Commission report.

^{xv} Shakil Albeena (2013) Protest, the Justice Verma Committee and the Ordinance, EPW February 9,

^{xvi} This is different from anticorruption movement started by Anna Hazare in 2010 and 2011

^{xvii} Aaker, J. and Smith, A., 2010. The Dragonfly Effect: Quick, Effective, and Powerful Ways to Use Social Media to Drive Social Change. San Francisco: Jossey-Bass.

^{xviii} This innovative campaign was against the Hindu Right wing organization where the later was trying to protect the 'Indian culture' from the influence of western values and physically attacked young women in pubs in Mangalore.

^{xix} Slut walks or Besharmi Morcha (Shameless walks) organized in Delhi and Bhopal as a critique of victim blaming culture surrounding rape. It is in wake of the reaction of Canadian police officer's remarks and protest that followed across Canada, US and Europe that symbolize the freedom for women who refuse to live by patriarchal rules

^{xx} This argument is different from what the Hindu Right wing has asserted that rape only happens in India due to promiscuous culture and not in the Bharat which is not based on the true facts as the NCRB report shows that rape is prevalent across India in urban as well as rural areas.

^{xxi} Faludi Susan (1991) Backlash: The Undeclared War Against American Women, USA: Three Rivers Press

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^{xxvii} The reach of the media network affect diffusion of the collective action as explained by Myers, Daniel J. (1998) "Mass Media Networks and The Diffusion of Collective Violence" *American Sociological Association*

^{xxviii} The Tribune (2013) Dikshiti's six point plan to ensure women's security, December 1. Also The Hindustan Times dated 2nd December 2013 Womanifesto lays out plan to make Delhi safer for women

^{xxix} The high-profile editor of an Indian magazine known for exposing abuses of power was arrested after a young female colleague accused him of sexually assaulting her in a hotel elevator during a conference. Secondly a legal intern came out against a Retired Supreme Court Judge for sexually harassing her.

^{xxx} Kapur, Ratna and Brenda, Cossman. (1996). Subversive Sites: Feminists Engagement with the Law in India, New Delhi: Sage.

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^{xxxii} Piven FF and RA Cloward (1979) *Poor People's Movement: Why they Succeed and how they fail* Vintage, USA

^{xxxiii} Tarrow has shown that the movements can affect various spheres of life such as personal lives, policy reforms and political culture. For details see Tarrow S.G (2011) *Power in Movement: Social Movements and Contentious Politics* New York: Cambridge University Press

^{xxxiv} The 'Bread and Roses strike' in the US was one of the revolutionary movement that is remembered as the first major labor protest lead by women. During this strike in the textile factory in Lawrence, Massachusetts in 1912 around 25,000 workers made demand for fair wages and above all for dignity and respect. Rose Schneiderman a prominent labour union leader, socialist and a feminist gave the slogan pairing bread and roses. This movement insists on women's right to live with dignity and for the creation of, and participation in, a world based on egalitarianism and respect of rights of those oppressed for generations. For details see <http://breadandrosescentennial.org> and also <http://socialistworker.org/2012/01/11/a-strike-for-bread-and-roses>

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