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From “living corpse” to India's daughter: Exploring the social, political and legal landscape of the 2012 Delhi gang rape



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S Y N O P S I S

On December 16th 2012, Jyoti Singh, a 23 year old physiotherapy student, was brutally gang raped by six men on a bus in South Delhi, India. The severity of the attack and the inadequate response of the Indian government to the crime provoked nationwide protests and demands for legal reform. While other rapes have prompted public outcry, this particular crime inspired elevated interest, not only in India but around the world. This article addresses the relationship between the evolving social, political, and legal discourses surrounding rape in India that permeated the attack and its aftermath. By situating Jyoti Singh's case within a longer genealogy of responses to sexual violence in India this article reveals several unanticipated outcomes such as the distinct patterns of public outcry and protest, notable shifts in prior socio-legal narratives of rape and the pioneering content of the Justice Verma Committee report.

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“When a woman is ravished what is inflicted is not merely physical injury, but the deep sense of some deathless shame.”
[Rafique v. State of Uttar Pradesh, 1981]

Introduction

On December 16th 2012, six men brutally gang raped Jyoti Singh,¹ a 23 year old physiotherapy student, on a bus traveling through South Delhi, India. She died of the injuries she sustained thirteen days later. The severity of the attack and the inadequate response of the Indian government to the crime led to massive public protests that began in the capital and within days had spread to other parts of the country (Yardley, 2012). While other rapes have prompted public outcry, this particular attack inspired elevated interest, not only in India but around the world. The public response in India also marked a critical shift away from the socio-legal understanding of rape as a “deathless shame.”

In an effort to probe the public attention the case attracted, this article addresses the relationship between the evolving social, political, and legal discourses surrounding rape in India

that permeated the event and its aftermath. Jacqui Alexander's concept of ideological traffic will illuminate the complex discursive terrain made visible in the form of public protests, political responses, and demands for legal reform that followed the December 16th attack. Alexander's study of the regulatory practices of the state and heterosexualization pushes up against “the limits of linearity” in a chronological and hermetically sealed narrative of the colonial, neocolonial, and imperial periods, arguing instead that we consider “the ideological traffic that occurs within and among them” (2005:13). She suggests that “bringing neocolonialism into ideological proximity with neo-imperialism has made visible the different ways in which ideologies and practices traffic within the two spheres” (Alexander, 2005:246). I utilize the concept of “ideological traffic” here to bring together in ideological proximity the otherwise disparate discourses of law, politics and societal norms as they produce certain ruptures in the socio-legal landscape in which sexual violence cases are adjudicated. Factors such as societal perceptions of shame and honor, hegemonic framings of sexual violence in the media, and the role of legal and political structures interact with one another in delineating the offense of rape.

The ideological traffic surrounding the 2012 Delhi gang rape case reflects evolving gender relations in contemporary India and the patriarchal anxieties they provoke; class inequities in an era of global capital; and ongoing questions about women's safety and security in the public sphere. The hyper visible outcry by the public in the days after the attack identified patriarchal ideologies and victim blaming rhetoric, marking an important rupture in the national consciousness. The crisis that emerged out of what became transformed in public protests into the rape of "India's daughter" forced the state to critically reexamine its response to rape. What the world witnessed in the aftermath of the crime were previously dormant segments of the population evidencing a collective rage that spoke powerfully back to Indian law's often limited construction of legally *legible* rape victims.

Print and electronic media have discussed this case extensively and recent scholarship has explored specific dimensions of its after-effects through postcolonial and feminist critique (Dutta & Sircar, 2013; Roychowdhury, 2013), media studies (Rao, 2014) and the lens of youth culture (Atluri, 2013). This study breaks new ground by exploring some of its less visible aspects — the new patterns of public protest in support of Jyoti Singh, who transformed from a "living corpse" to "India's daughter" in the public consciousness, the problematic framing of rape in politician's statements following the incident, and the evolving representational agency and visibility of contemporary rape victims under the law. Heeding Jyoti Puri's warning that "sexual discourses are tools of power dispersal... [and therefore they] produce truths about subjects, structures, and histories" at a range of social, institutional and cultural levels (Puri, 2006:146), I seek to disentangle below some of the discourses of sexual violence that predated and followed the attack. Doing so indicates that while change occurred at a number of different societal registers, these shifts produced both subversive and regressive outcomes.

Methodology

Sections I and II draw on an in-depth analysis of print and digital media coverage of the Delhi gang rape case in the period between December 2012 and December 2014. I examine both national and international publications to highlight discursive frames operating in the regional response and the narration and circulation of information about the case beyond India's borders. Section I exposes recurrent refrains in the public's critique of the government's inaction in the case and a particular identification with Jyoti Singh as a victim. Section II illuminates a contrasting set of responses by political leaders in the aftermath of her death and during the parliamentary debate on the proposed anti-rape bill, which reveal static assumptions about "acceptable" female behavior and narrow constructions of "legitimate" victimhood. These responses provide insights into the patriarchal norms and values that shape the state's perceptions of rape, which the media and protestors challenged.

Sections III, IV, and V focus on socio-legal responses and socio-political framings of rape in India. The strategic juxtaposition of these discourses reveals both contradictions and complicities in the shifting topography of sexual

violence in India. I begin, in Section III, with a brief examination of the juridical history and legal framework of rape in India, which remains deeply embedded in particular societal understandings of gender, shame, and patriarchal violation. In Section IV, I analyze a series of Indian Supreme Court cases involving rape that reveal a preoccupation with female chastity, the heightened evidentiary demands placed on rape victims, and the social stigma surrounding rape, each of which have served to exacerbate the challenge of securing convictions in rape cases. Section IV is an analysis of the Justice Verma Committee report, which was commissioned by the Indian government shortly after the attack on Jyoti Singh to review and offer recommendations for amendments to existing laws on sexual violence. This report rendered stunningly visible the intricate challenge of utilizing the criminal justice system to address rape. As the following section lays out, the changes the government enacted in the 2013 Criminal Law Act proved far more modest than those the Verma Committee had recommended.

Discursive terrain is messy and the post-December 12th landscape I trace below is no exception. Wendy Hesford suggests that certain globally visible forms of violation and abuse can engender a "human rights spectacle." She argues that "spectacular rhetoric activates certain cultural and national narratives and social and political relations, consolidates identities through the politics of recognition, and configures material relations of power and difference," which in turn shapes responses to particular human rights subjects (Hesford, 2011:9). Though the crime against Jyoti Singh did not technically activate human rights law, her case and the hyper visibility of its aftermath certainly operates within a parallel realm of spectacularity. When a case elevates to the level of spectacular violence, the local context within which these crimes emerge can often become obscured. In the section that follows I examine the public protests and media framings that followed the attack with the objective of making more overt the relationship of these responses to particular shifts in gendered visibilities and new narratives of protest.

I) Societal responses to the 2012 Delhi gang rape

The crime and the responses to it produced a meta-narrative in what became a panopticon-like surveillance of the nation. What made this case transnationally legible was that it enabled prior gendered and Orientalist scripts to resurface (Roychowdhury, 2013). Global media outlets' coverage of the case emphasized India's distinct misogyny and cultural backwardness (O'Toole, 2013; Purves, 2013) thereby reifying the presumption that there are particular "cultural" forms of violence to which Indian women are uniquely subject (Kapur, 2002; Mohanty, 2003; Narayan, 1997). Elora Chowdhury (2014) posits as one feminist alternative to such framings adopting a transnational analytic of care when examining spectacular events such as the Delhi gang rape. This analytic is cognizant of the propensity to empathize with certain victim typologies and to consume particular hegemonic framings of "crisis" in lieu of precise inquiry into the structural processes (both regional and global) that underlie such incidents. Drawing on Chowdhury's transnational analytic of care how might we unravel, in a

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