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A Rape, a Murder and a Movement

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This publication is one of two comparative studies on sexual violence undertaken by the South Africa and the India offices of the Heinrich Böll Foundation

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01 INTRODUCTION

In 2013, the India and the South Africa offices of the Heinrich Böll Foundation embarked on a learning exchange project on sexual violence. The project produced two comparative studies which critically examined public responses to the gruesome murders and rapes of Anene Booysen in South Africa and young woman in India. Considering that levels of violence against women are high in both countries, but either widely ignored or regrettably taken as normalcy in mainstream politics, what were the dynamics and specific factors and circumstances that propelled them into national and international prominence and can unpacking this influence the development of enhanced strategies to tackling endemic violence against women?

In December of 2012 the rape of a young woman by a group of men in the India's capital city of Delhi gained unprecedented media attention and led to major and continuing protests across the country. The rape victim, a twenty three year old medical student, was on her way home from a film show, with a male friend. The two boarded a bus, assuming it to be a privately contracted public bus (the transport system in Delhi draws on a number of private contractors to make up the shortfall in buses) and found themselves more or less alone, barring the six men, the driver and his friends, who subsequently brutally assaulted them, raped the young woman multiple times, and then threw the two out of the bus on

a lonely stretch of road, presumably to die in the harsh winter cold of Delhi.

The moment the news of the assault broke, huge, spontaneous protests erupted across the city. The bus stop from where the two victims were picked up, is close to Jawaharlal Nehru University, one of the three major universities in the city. Hundreds of students and faculty walked in protest, retracing the steps of the victims. In the centre of the city, at Jantar Mantar, a space that has become known for being home to many protest marches, people gathered through the day and into the night, lighting candles, singing songs, performing spontaneous plays and demanding State action. Unusually, these protests

included not only women, but also men: they cut across class and caste, region and geography, urban and rural or semi-rural, and they drew unprecedented media attention both at the national and international levels. Questions were raised in the media, in political forums, in international media and indeed at the governmental level.

Fearful of this spontaneous outbreak of people's anger, the State reacted by trying to control it – they closed down metro stations leading to the sites of protest. Not to be deterred, people took buses and drove. The State then closed all roads leading to the protest sites in the city centre. People reacted by walking. The number of places where they gathered increased and diversified. In residential areas in the city, resident welfare associations – hitherto known only to involve themselves in local issues such as drains, roads, amenities – took to organizing candlelight marches, demanding safety for their daughters. And across the board, a demand arose for the State to react, for politicians to speak out – something they did, belatedly, and somewhat ham-handedly. The then Chief Minister of Delhi, Sheila Dixit, finally expressed her concern and sympathy, other politicians attempted to do the same, but despite this, there were also those who claimed, like self proclaimed

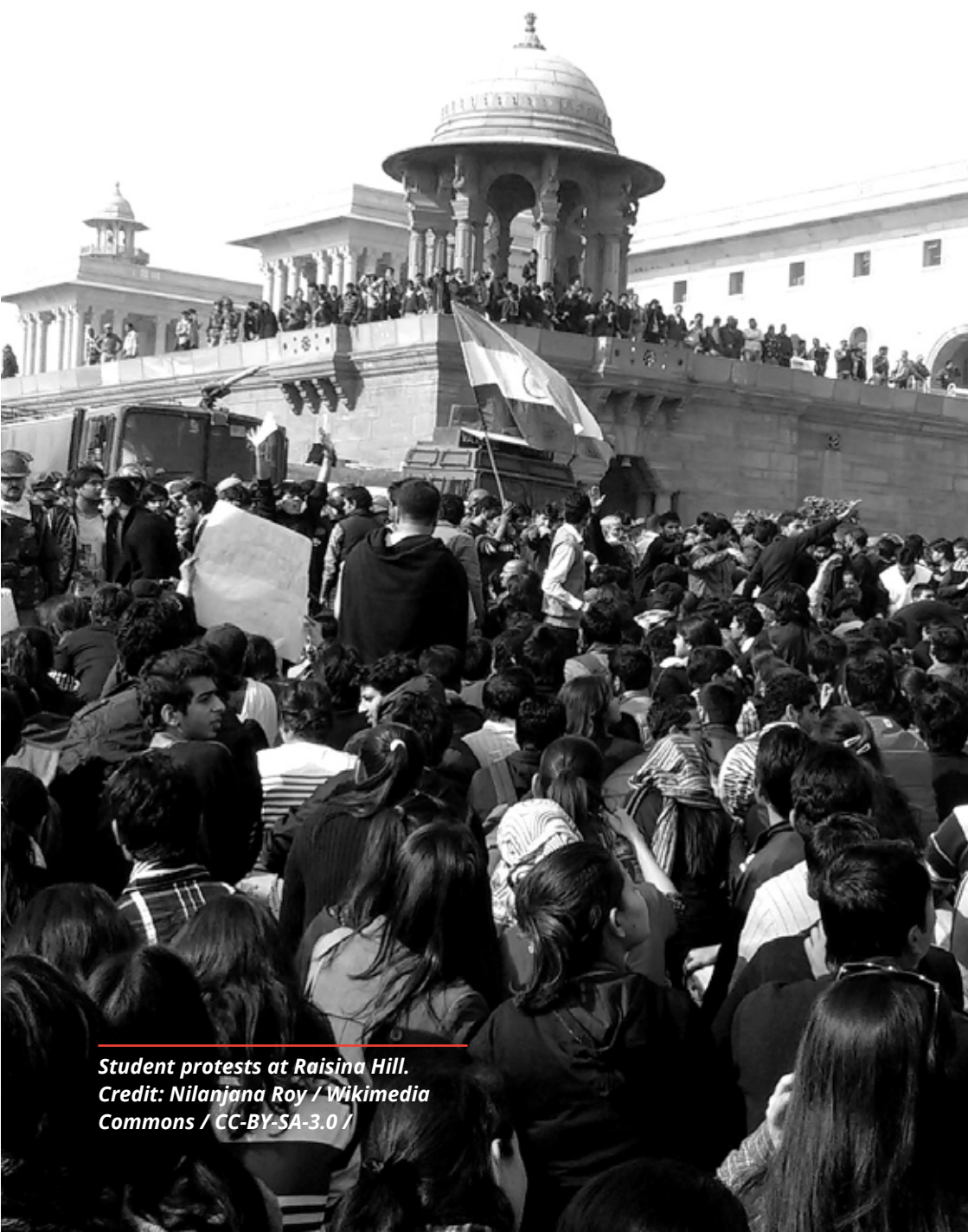
godman¹, Asaram Bapu, that rape victims needed to treat their rapists like brothers and then rape would not happen, or that rape happened, as claimed by Abhijit Mukerjee, the son of India's President Pranab Mukerjee and a Member of Parliament, only to 'dented and painted' women.

Because of the sustained nature of the protests and their somewhat sympathetic treatment by the media, and because of the international attention, pressure mounted on the Indian State to act, and in subsequent months, a new law was put in place that extends and broadens the definition of rape.

In the aftermath of these events, the question has often been asked: what was it about this particular case that caught the public imagination? And was the attention only momentary or did it lead to any change? If yes, what was the nature of such change and how, if at all, could it be tracked.

A little less than two months after the Delhi incident, another incident of rape, this time in South Africa, caught public attention and drew media coverage internationally, although perhaps not on the same scale.

¹ Godman is an Indian colloquial term for a type of charismatic guru in India.



*Student protests at Raisina Hill.
Credit: Nilanjana Roy / Wikimedia
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On the face of it, the two incidents do not have much in common, except perhaps for the brutality towards the victim, but it is interesting to look at them together, if only to make a comparative analysis of how the issue of violence against women, and particularly sexual violence, is addressed in different countries. The South African victim, a teenager called Anene Booysen, worked as a cleaner at a construction company. On the day in question, she had apparently gone out with friends to a local pub, and had then left some time later along with some of her friends. The next morning, she was found by a security guard, still alive but barely so. A few hours later, she died. Like the victim in India, Anene² had been gang raped and brutally assaulted, and the protests that followed this assault were, according to media reports, at least partially inspired by what had gone on in India in the previous month. Unlike in India, however, the protests were not sustained, nor did they draw the same kind of international media attention, although such attention was not entirely absent.

² The law on rape in India prohibits the making public of the name of the rape victim/survivor while there is no such restriction in the South African law. This is why Anene Booysen is mentioned by name, while the name of the Indian rape victim is withheld.

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02 A TRADITION OF PROTEST

India is no stranger to protests. A vibrant, if imperfect, democracy, its history, like that of South Africa, shows how civil protest has been used as a weapon to mobilize people to fight for change. Indeed, the history of India's freedom movement, rather like the history of South Africa's anti-apartheid movement, describes varied protests such as against the imposition of a tax on salt, against foreign cloth, and many others that together created the ground for the departure of the colonial rulers.

Mass protest has continued to be used as a pressure tactic against the State in independent India too, whether it is against the building of huge dams, or against nuclear reactors, or for the right to information, or education, or work and more. Delhi's protest marches in the wake of the December 16 incident were drawing on this long history, but also, on a more recent history of protests over two issues

that had galvanized the city: one, a series of angry demonstrations against the acquittal of a murderer with political connections who was accused of murdering a young woman tending the bar at a party, and two, a series of huge mass protests led by a Gandhian, Anna Hazare, and a civil rights activist, Arvind Kejriwal (who has since on to become the Chief Minister of Delhi) against corruption, an emotive issue in India.

During both of these protests, people from all walks of life came together to raise their voices and occupied the large public grounds where protests were being held, camping there for days on end, defying the State's attempts to block their travel routes and demanding State action. The December 16 protests are firmly located in this tradition. What marked them as different was that this was the first time that people from diverse backgrounds were protesting on what is generally

seen as a 'women's issue'. In the past, ever since the mid-seventies which are seen as the starting point for the current phase of women's activism, feminist groups had used protest like all others to demand change and action. Recent changes in different laws for example – the law on marriage, inheritance, rape, domestic violence, sexual harassment, and

more – have all come about as a result of campaigns conducted by women's groups across the country. However, by and large, participation in these campaigns has been limited to women – most men have kept away, seeing these as 'women's issues'. This is why the post December 16 protests became so significant.

RECENT CHANGES IN DIFFERENT LAWS FOR EXAMPLE – THE LAW ON MARRIAGE, INHERITANCE, RAPE, DOMESTIC VIOLENCE, SEXUAL HARASSMENT, AND MORE – HAVE ALL COME ABOUT AS A RESULT OF CAMPAIGNS CONDUCTED BY WOMEN'S GROUPS ACROSS THE COUNTRY. HOWEVER, BY AND LARGE, PARTICIPATION IN THESE CAMPAIGNS HAS BEEN LIMITED TO WOMEN – MOST MEN HAVE KEPT AWAY, SEEING THESE AS 'WOMEN'S ISSUES'. THIS IS WHY THE POST DECEMBER 16 PROTESTS BECAME SO SIGNIFICANT.



Credit: Manish Jaju

03 VIOLENCE AGAINST WOMEN IN INDIA

Violence against women is not new in India. Nor is the issue of rape. National Crime Records Bureau statistics put the number of cases of reported rapes in India at one every twenty or twenty two minutes. In the year 2011, some 24,206 cases or rapes were reported in India. It is well known that reported cases, wherever they are, touch only the tip of the iceberg. Actual numbers, if they could be counted, are much higher – and as a general rule of thumb, reported figures need to be multiplied at least by a factor of ten to get a more accurate picture.

As in other societies in the world, violence against women remains, still, the least talked about and most hidden of issues – the conspiracy of silence around them being created by virtually everyone involved, perpetrators, victims, society at large, laws, religion and patriarchal practices. In the Indian women's movement, however, this is an issue that has dominated

much mobilization and action, and campaigns have focused not only on domestic violence but also political violence, the violence of war and pogroms, violence at the hands of the State and much more. Although certain changes – such as a recent (2005) law on domestic violence – have come about, what is clear is that violence against women continues to be perhaps the most significant obstacle to what is seen as 'development' and its perpetrators enjoy a degree of impunity that is shocking and that is premised not only on legal tolerance and social sanction, but also on deep-rooted beliefs in the secondary status of women.

If Indian society is tolerant of violence against women, so also is South African society: institutionlised sexual assault at the hands of whites (despite apartheid, the black woman's body was always meant to be available for the masters), and its widespread prevalence in post

apartheid society, are well known. Like India, South Africa too has fairly progressive legislation (with marital rape being recognized) but its implementation leaves a great deal to be desired. In both countries rape, sexual assault and other forms of violence against women are widespread, and while the occasional case may get public attention, most remain in the realm of invisibility. This is why, when something erupts into public attention, it is worth noting why and how this happens.

What was it about this particular rape case then that caught the public imagination? There isn't a single clear answer to this question, but perhaps some speculations can be hazarded. The young woman in question was an aspiring medical student, she belonged not to the wealthy privileged class, nor to the really poor class or caste, she was not fully rural, or urban. Her family, the father a baggage loader at Delhi airport, the mother a housewife, had migrated from their village to the city seeking a better life in this they represented the aspirations of thousands of other Indians who follow similar paths. Unusually the father had sold some land to gain money for

his daughter's studies, allowing her to fulfill her dream. On the day in question, she had been to see a film with a male friend – such friendships, earlier frowned upon, represent much of what is happening between young people in the new India – and they were returning home at a reasonable hour of the night, he escorting her to her home. In other words, in every way, she was the 'normal' young woman you might meet on the street. Everyone could feel for her.

In most societies, women who have had to face rape are often stigmatized, as if they are the guilty ones. While this cuts across the board, it is true that certain kinds of rape, or the rape of certain women evokes more outrage than that of others. Caste rape, for example, where Dalit women are particularly targeted by upper caste men and sometimes by their own men, is so naturalized in Indian culture, that it evokes very little outrage, and even the legal machinery sees it as something that is a part of our society.

Rape by the army, common in places where the army has impunity such as in certain parts of

northeastern India, and in Kashmir, is seen often as collateral damage, and sometimes even permissible for those 'poor deprived' army men who are defending the nation. The woman's body, her autonomy, is the price that is paid for the defence of the nation. So these evoke less outrage. Not so long before the young medical student was raped in Delhi, we saw the brutal rapes of Dalit women in the state of Haryana and in Kerala, but those incidents did not lead to the same kind of reaction.

This one, however, did. Although protests erupted in the streets of Delhi almost immediately the incident took place, and were sustained over a considerable period of time, it took the political establishment of the country a few days to react, and it was not until the incident and the subsequent protests had received considerable media coverage, that political leaders in Delhi felt obliged to speak out: clearly violence against women was not high on their agenda.

ALTHOUGH PROTESTS ERUPTED IN THE STREETS OF DELHI ALMOST IMMEDIATELY THE INCIDENT TOOK PLACE, AND WERE SUSTAINED OVER A CONSIDERABLE PERIOD OF TIME, IT TOOK THE POLITICAL ESTABLISHMENT OF THE COUNTRY A FEW DAYS TO REACT, AND IT WAS NOT UNTIL THE INCIDENT AND THE SUBSEQUENT PROTESTS HAD RECEIVED CONSIDERABLE MEDIA COVERAGE, THAT POLITICAL LEADERS IN DELHI FELT OBLIGED TO SPEAK OUT: CLEARLY VIOLENCE AGAINST WOMEN WAS NOT HIGH ON THEIR AGENDA.



WHY IS
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*Delhi protests Credit: Nilanjana Roy /
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04 THE MEDIA

The media, meanwhile, were out in full force, although media reactions were mixed, turning from the initial hawk-like and sensationalist ones to a more measured, more serious reporting, sustained over an unprecedented period of time. There were ways in which media reaction, while adhering to the media tenet of finding sensation where there is none, leaping to conclusions and then retracting, was also, in this incident, different.

A number of talk shows involved feminist activists, rape survivors who were willing to speak out were encouraged to do so, politicians who responded in their usual prejudiced ways were put on the spot and questioned, serious editorials appeared in the papers. There is little doubt that the media took the issue seriously – other cases that happened around the time were also given considerable coverage for example – but not without their usual dose of sensationalism. The legal bar on

mentioning the name of the rape victim was adhered to, her family was left alone to grieve, especially after the victim died, and some media also took the trouble to visit the homes of the rapists and examine the social and economic conditions there that could have led to the men becoming so violent.

The international media too kept the spotlight on India, although for different reasons. For many – for example Chinese media – this became a way of showing up how bad India was towards its women. For others, for example, western media, this became a way of showing the ‘backwardness’ of India, its attitude to women, and of showing how violent a society India was. The spotlight was firmly turned away onto another place, another culture, and no questions were asked, except in rare instances, about how bad things were for women in their own countries. For example, India



Credit: Ramesh Lalwani

began rapidly to be called the 'rape capital' of the world, and countries also issued travel advisories to tourists and others planning to visit the country.

However, no matter how blind it was to its own realities (rape statistics in the United States for example, show a higher incidence of rape than in India but that did not stop reporters from representing India as the worst place in the world) media attention, particularly that of the international media, did serve

one purpose and that was to cast a harsh spotlight on the Indian State's self representation as 'India shining', an image that had been already quite badly dented by the country's poor economic performance and its declining growth rate. The question that began to be asked was: how could a country that saw itself as a super power, an economic giant, afford to treat its women so badly. No doubt this also pushed the Indian government into taking rapid action.

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Call Joint Parliament
Make Tougher Laws for
Rape & Sexual Exploitation

BOYCOTT REPUBLIC DAY CELEBRATION



Let us all
stand
together and
take this
pledge

The Government of India Parliament
is responsible for daughter's safety
and the future of the nation.
We demand that the Government
take the following steps to ensure
the safety of girls and women:

Credit: Ramesh Lalwani



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05 THE WOMEN'S MOVEMENT & THE STATE

For women activists who had for long been demanding changes in the law on rape, and security for women on the streets, this incident launched them into a more intense engagement with both the State and the public on these issues. While the protest demonstrations in most places were heterogeneous and cut across class and gender lines, it was women activists who kept attention focused on the issue at hand. It was they who argued against and advised caution on the growing demand for the death penalty, pointing out how it had achieved little across the world, they who tried to keep the protests from being politicized and turning into slanging matches between political parties; they who lobbied with politicians and who put pressure on the State to act.

This had the desired reaction and the State instituted a committee to look into the question of rape. The findings of the first committee,

the Usha Mehra committee, disappeared into some dark hole and its report has not yet been made public and is not accessible, although in recent months information has leaked out that the committee had recommended one stop rape crisis centers in all states.

The second committee – the Justice Verma Committee – made up of three members, was at first received with some skepticism by women activists who asked why, for example, the committee did not include even one woman lawyer or activist who would have direct knowledge of the situation on the ground. They pointed to the presence of several such women in the legal field, including one, Indira Jaising, appointed by the government as the Additional Solicitor General of India. However these fears were soon laid to rest when the Justice Verma Committee actively solicited women's cooperation and invited women's

organizations from across the country to come and 'give evidence' on the sorts of changes they felt should be instituted in the new law. The committee's mandate was to come up with a set of recommendations that could be incorporated into new legislation on rape and sexual violence that the State would then put in place. In doing this, the committee showed itself open to a wide range of issues including questions like the death penalty, those relating to sexual identity, particularly that of transgenders, those relating to gender specificity or neutrality of rapists and rape victims, support services for survivors, and more. These questions were intensively debated in the two days that the committee met with activists and discussed their written submissions. Among the issues highlighted by women's groups were: a change in the definition of rape beyond just penile penetration to take in penetration by all sorts of objects; the recognition of marital rape; bringing in gender neutrality in the definition of rape victims so that transgenders, men and boys could also be included, and more. In the end, the Committee produced its report – one day short of the thirty day deadline it had been

given by the government – and the report was widely hailed as the most progressive document about women to come out of India since independence and certainly since the publication, in 1974, of the Committee on the Status of Women Report. The Justice Verma Committee Report did not limit itself to the issue of sexual assault but deliberated and wrote on a wide range of issues to do with women in India.

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06 THE NEW LAW ON RAPE

One of the direct results of the protest marches and the findings of the Justice Verma Committee was the drafting of new legislation on rape, which first made its appearance as an Ordinance and was later discussed in Parliament and adopted as an act. For women's groups, this victory, while important, was a limited one. The new law did not take into account – unlike the South African legislation – the issue of marital rape. It brought in the death penalty, something women's groups had, by and large, been opposed to. It also did not accept fully the demand made by many groups that the perpetrator of rape be gender specific, i.e. male, but the victim be gender neutral because, as women's groups pointed out, men and transgenders were also targets of rape and this was one of the most silenced aspects of sexual assault. But the law did bring in a wider range of crimes under the ambit of sexual assault, so that things

such as stalking etc were also now criminalized.

In many ways, the new law built upon the changes that had come about in the rape law in 1983, the first major changes to be made since the colonial period. At the time, a sustained movement against rape at the national level had forced the State to sit up and take notice and bring in some key clauses in the law. Most significant among these was a change that held that in cases of custodial rape, that is, when the victim could be said to be in the perpetrator's custody, as an employee or held in a police station, if an accusation of rape was made, and if medical evidence showed that rape had taken place, the accused would be presumed guilty until he could prove himself innocent, and the minimum mandatory punishment would be ten years.

PHOTOGRAPH:

Credit: Ramesh Lalwani



NEXT CAN BE ☹️

PROTEST IS ON
AT JANTAR MANTAR

@16 December Kirti

Generally opposed to harsh punitive measures, women's groups had, by and large, supported this change because of the numbers of reported incidents of rape by the police. In the years between then and now, other developments, such as the use of rape as a weapon of war, for example in sectarian violence, had led to the need for mass rape to be recognized. The new law, with its extended definition of rape, brought in some of the clauses women had asked for, and left out some key ones. For many people, the feminist opposition to punitive justice in the shape of the death penalty seemed difficult to understand because of a widespread belief that the death penalty would act as a deterrent. Equally, the feminist insistence on recognition of marital rape came up against strong opposition as most people believe marriage to be a sacrament, and somehow within that, the belief that the man has the right to the woman's body seems to have almost a kind of stranglehold.

Outside of Parliament, the promise of fast track courts was also upheld, with this case being handed over to a fast track court and tried on a day to day basis, even though the

verdict was only delivered some nine months after the case had actually happened, and the court awarded the death penalty to the rapists, one of whom was seen as a juvenile and was therefore put in the hands of the juvenile justice court and another died in prison in mysterious circumstances. While feminists welcomed the decision to bring about a speedy conclusion to the case, theirs were the only voices attempting to look at this decision in a balanced way. The legal system in India is mired in all kinds of delays engineered by lawyers who drag cases on for long years and judges who are more than willing to let this happen and who often are party to such delays themselves. This has resulted in an enormous backlog of cases at all levels of the court system in India, with people often waiting for justice for years, sometimes decades. Feminist groups have been critical of this system of delays, pointing out that often, in cases of sexual violence and assault, by the time judgments come, the victims have had to live with the stigma of being raped women (an injustice in itself), or they have moved away from places where the incidents took place and cannot be traced, or they have no interest any longer in the

legal process. It is in this context that the government's decision to hand over this case – and others that would come up – to fast track courts was welcomed, but feminist groups were also aware that this would mean that other cases in the purview of fast track courts, would have to be delayed in order to accommodate the new ones. Thus the interests of one set of justice seekers would be pitted against those of another.

Nevertheless, while keeping the dialogue alive, and being critical of gaps in the new law, women's groups were also open to working with the changes that had come about. Indeed, one of the things that marked this particular interaction between the State and women's groups was that it did not turn into a confrontation in which women's groups rejected the State and refused to work with it = twenty years ago this kind of reaction would have been a real possibility. While recognizing the limitations of the new legislation, women's groups raised questions about its gaps, and resolved that they would continue to engage with the State to bring in the changes that they felt needed to be there. A critique was mounted of the State's refusal to include marital rape, and its

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refusal to take away the army's special powers and privileges and bring rape by men in the armed forces, especially in areas where the Armed Forces Special Powers Act was in existence, under its purview. In Kashmir and the northeastern states for example, where there have been long, sustained movements against the Indian State, the army functions under an act entitled the Armed Forces Special Powers Act that gives it unprecedented powers, and unprecedented impunity.

Nor did women's activism stop at engaging with the State on the question of law. During the deliberations of the Verma Committee women's groups had provided the members of the committee with detailed information, research and recommendations on the need for ensuring safety for women in urban areas, providing better lighting across the country, in working with companies employing women in the information technology area where women had to travel at all hours of the day and night – in other words on a wide range of issues. Another key issue that women's groups highlighted was that of caste rape: they

pointed, for example, to the increasing evidence of the rape of Dalit women across India and emphasized the need for the State to turn its urgent attention to this, showing how such rape did not result in the same kind of outrage that the December 16 incident had raised, because of the widespread internalization of caste inequality in India. These engagements continued post the bringing in of the law, and do so today. In this, they show not only the maturity of women activists but a willingness to see the question of violence against women in its entirety, rather than look at it piecemeal and address it piecemeal.

PHOTOGRAPH:

Credit: Manish Jaju

HOSPITAL

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करने वालोंको
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07 THE WIDENING DIALOGUE ON GENDER AND VIOLENCE IN INDIA

The December 16 rape case also led to much reflection on what were the root causes of violence against women in India and how these can be addressed. Interestingly, discussions and conversations on the subject, which would earlier have been limited to women's groups or women activists, now, perhaps because of the media attention, became more wide-ranging. Thus schools in many cities began discussions with their students on why women faced violence, their unequal status in Indian society and how this impacted society as a whole. Such interactions were not only limited to elite schools, but spread across the board with municipal schools and non formal institutions also taking part in them.

Anecdotal evidence also suggests that parents in different places showed considerable concern for the safety and security of their children, asking whether it would not be useful to institute sex

education in schools and if this was to be done, how it could be brought in. At a recent discussion on the need for sex education, counselors who work in schools spoke of how many more people coming to them shared their anxieties about the prevalence of violence against women and how they could deal with it.

Surprisingly, the media also did not give up their focus on violence against women, keeping up their reporting of cases and a number of subsequent incidents came to light. Indeed police statistics showed that in the three months following the December 16 rape case there had been a spurt in reported cases of rape, which had almost doubled, leading to speculation about whether the number of cases had actually increased or whether more women were coming out to report.

None of this, however, answered the question of the prevalence of

and deep acceptability for gender based violence in India. Why was it that in a society that at some levels offers considerable space to women, there continues to be such deep prejudice against them? There are no easy answers to this question.

Among the answers that are often offered is the fact that India is a deeply traditional society and both tradition and culture in this country firmly place women in an inferior position. While there is no doubt of the truth of this statement, it is also true that in the last few decades India has urbanized rapidly and many changes have come about on the ground. In urban areas, women for example are now coming out into public life and taking up new kinds of jobs, jobs that were not open to them previously such as working in call centres, in business processing and information technology companies. These new forms of economic engagement often result in increased self-confidence among women, a different sense of self, and the willingness to change. The question, however, remains – is the social milieu around them ready for this kind of change? As well, although the lines between city and village remain sharp, they

have also, over the years become increasingly blurred. With the spread of television, the mobile phone, and the wide availability of consumer goods, comes also the desire to possess these goods. This, coupled with the failure of governance and the absence of the State from the lives of people who are often just on the outskirts of the city and who lead very hard lives, makes for a tension that the Indian state has not yet been able to deal with.

One of the remarkable things about the December 16 case was that for the first time, different questions began to be asked. There was a curiosity about who the rapists were, what sort of conditions they came from, what led them to the city and why they were so hostile to the young woman who became their victim, and indeed to the young man who was accompanying her.

While these questions cannot be easily answered, it is clear that the men who committed the rape came themselves from poor homes where violence towards women was not uncommon, and where conditions of life were harsh. But this is not the only reason. Economic and social

tensions can lead to violence and that violence can take the form of hitting out at the most vulnerable, in this case women. But as the December 16 incident showed, the men had committed one robbery just before this incident so sexual assault was not the only thing on their minds. Also, while economic tensions can contribute to rape, it would be a mistake to look at that as the only contributing factor. As is well known, most sexual assaults and rapes take place not in the public world, but inside the home and from known people and unless this is addressed, it will be difficult to move ahead.

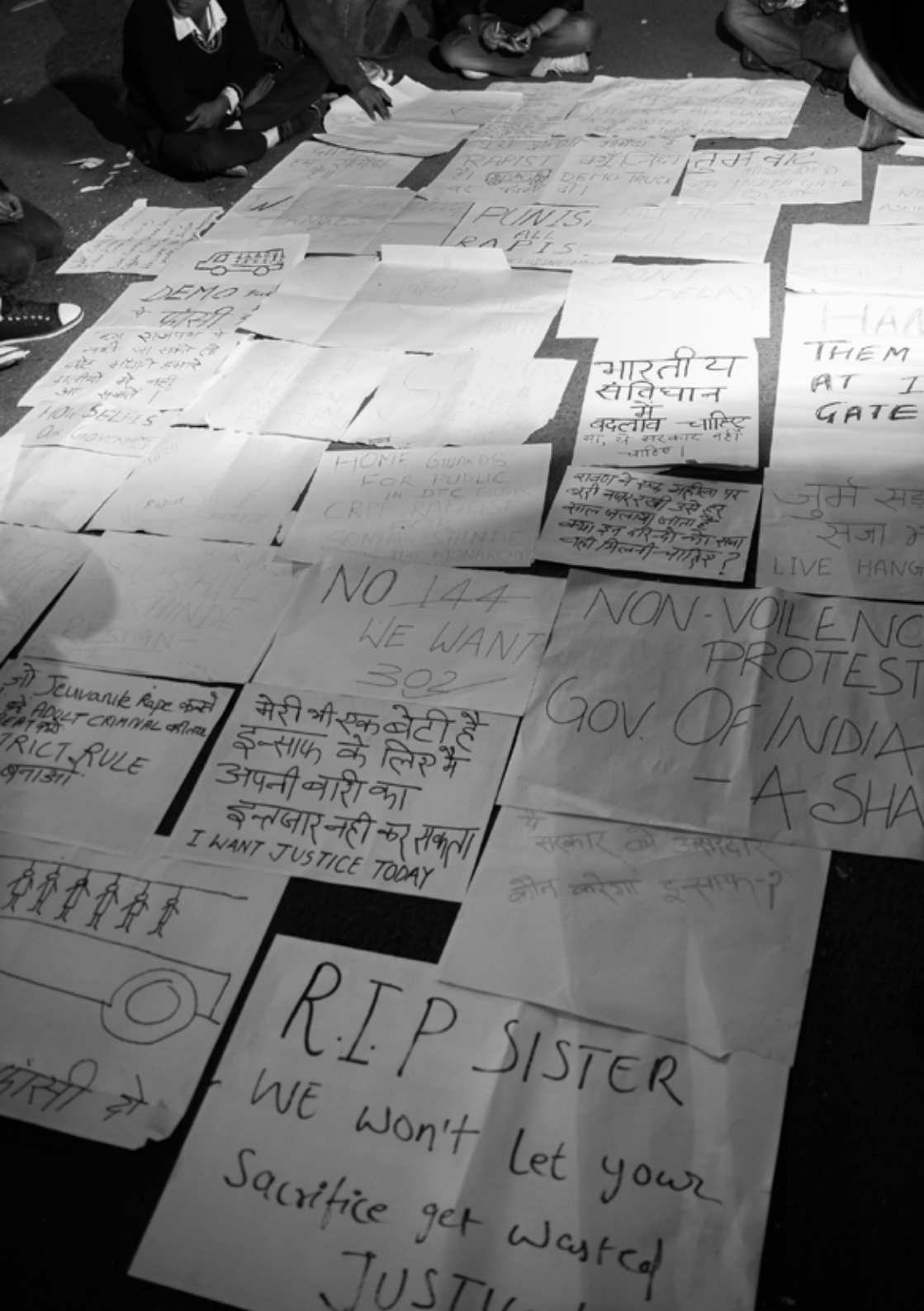
This is also why the State's reluctance to recognize marital rape as a crime is a serious lacuna. The message that this sends out is simply this: that if rape is legalized, as it is if it is not recognized within marriage for the conclusion then is that if the man 'owns' the woman he can rape her, then it is acceptable, and it is only where it is not legalized, i.e. if it takes place outside of marriage, that it becomes a crime. From seeing rape within marriage as 'legal' it is not a long stretch to begin to see rape within the home, within the family, as legal. And this means that the majority

of rapes will therefore not even be recognized, let alone dealt with in legal or social terms.

As well, in most societies, and India is no exception, rapists enjoy a sort of impunity that encourages them to continue to use rape as a weapon to keep women in subjugation. In places like Kashmir and the northeast in India, or in cases of caste rape, conviction rates are so low as to be negligible. Indeed, in Kashmir for example, raising the issue of sexual violence is seen as contributing to the anti-nationalism of Kashmir. This is how for example the rape of 30 women in Kunan Poshpora in 1991 was dismissed by the Indian state as a fabrication, although for twenty years or more no woman in those villages has been able to marry because of the stigma. Similarly, action in cases of the rape of Dalit women is often slow and negligible, thereby leading to the conclusion that some rapes are more acceptable than others.

PHOTOGRAPH:

Credit: Manish Jaju



यह जेलों में जाओ
RAPIST वगैरहों
की डेफो ट्रक
पर चढ़ो जा!

तुम वाद
के लिए जाओ

PUNISH
ALL
RAPISTS

DEMO

के घंटी

एक राजपूत ने
नर्मदा का पानी पी
जैसे ब्राह्मणों के पदों
जैसे गंदे गे नहीं
आ सकते!

NON BELIEFS
On GODWORTHY

HANG
THEM
AT I
GATE

भारतीय
संविधान
में
कदवीव चाटिए
ना, वे सरकार नहीं
चाटिए।

जुर्म सब
सजा में
LIVE HANG

HOME GUARDS
FOR PUBLIC
IN DTC BUS
CRIP, RAPEST
SOMETHING
THE MONARCHY

बालों के रक्त जहिल पर
अरी नजरबी उले हू
संगल धलसो धोना है
म्या देव वी नो नो सभा
अरी मिलनी-गातुर?

NO 144
WE WANT
302

NON-VOILENC
PROTEST
GOV. OF INDIA
- A SHA

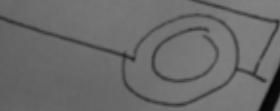
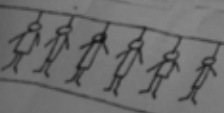
मेरी भी एक बेटि है
इन्साफ के लिए मैं
अपनी बारी का
बैतजार नहीं कर सकता
I WANT JUSTICE TODAY

यह
सरकार को उसका
कीम करेगा इन्साफ?

R.I.P SISTER

WE won't let your
Sacrifice get wasted
JUSTICE

जो Tevarik Rape करने
के ADULT CRIMINAL को
TRICT RULE
बनाओ



धंसी को

08 CONCLUSION

Much has happened in India in the last year and a half to keep violence against women at the centre of public attention.

The December 16 rape case led to considerable rethinking on the issue of sexual assault and rape in India and nearly a year later, one of the important things to note is that the subject has not disappeared from the public agenda. During this period, other incidents of sexual assault came to public attention and to which December 16 became a sort of reference point. Statistics provided by the police in Delhi and other cities showed that in Delhi specifically, reported cases of rape had gone up almost three times in a period of six months following the December 16 case. Were these just copycat crimes or was it that women were actually coming out to report more, following the promise of rapid action post December 16? While it was not easy to find an answer to this

question, the general speculation, among women activists and indeed among the police force, was that more women were indeed coming out to speak. Police personnel who refuse to register complaints of sexual assault are punishable under the new provisions of the law, which was seen as an enabling step for women to report. It was also during this time that a survivor of gang rape in Kolkata, Suzette Jordan, took the brave decision to speak out about what happened to her, despite allegations by the ruling party in West Bengal that her allegation of rape was politically motivated. Suzette's assertion that she would fight and that rape was not the worst thing that could happen to a woman, was important in raising a different kind of dialogue on the issue. Subsequently, another survivor of gang rape, a young photojournalist from Mumbai, while not revealing her identity, used her media access to keep the issue on the public agenda.

Around the time of the December 16 case, an incident that came to be known as the Suryanelli case, that of the repeated rape, over a prolonged period, and by different men, of a poor young woman from Kerala, and the alleged involvement of powerful politicians in it, remained in the eye of the media.

Shortly after the new law on rape was enacted, the government took a long overdue step, that of bringing in a law on sexual harassment which had, till then, functioned as a set of guidelines suggested by the Supreme Court of India. While this law too was not entirely to the satisfaction of women activists, it nonetheless came into effect and, when read in conjunction with the law on rape, created a climate in which sexual violence could not now be treated with such impunity or indeed ignored if women were able to speak out about it. A high profile case of allegations against self-proclaimed godman Asaram Bapu, who had earlier made statements about women treating their rapists as brothers, led to his arrest and incarceration despite considerable opposition from his followers. And later, another high profile case involving Tarun Tejpal, editor

of a well known magazine Tehelka, led to his arrest for questioning. The trial in this case has, at the time of writing, not yet begun.

It is in this context that we need to look at the question of whether anything has changed at all since December 16. While it is difficult to say whether change has been at all widespread, or indeed what its scale has been, the fact that there is now much more public attention to issues of sexual violence is something that is important to note. Women activists point to other things worth noting: the involvement, in issues that were previously seen only as 'women's issues' of young men who are willing to stand up and be counted and to speak out for women. Equally, speaking out against women, or making anti women statements in public, is now not so easy and most politicians would think twice before doing so. Many women activists will say that while it is difficult to pinpoint change, their sense is that something has begun to shift somewhere. However, notwithstanding the importance of even conversations and discussions around the issue, it is not until we begin to address the deep-seated acceptability of violence against women in our

society and look at it in all its manifestations – so marital rape, army rape, caste rape – that we will begin to start the process of addressing this issue. The process of thinking may have begun, but there is still a considerable distance to go.

Change, in a country the size and complexity of India, is always difficult to measure. In the end, it is often anecdotal evidence that provides the possibility of hope. A few months after the December 16 incident, a group of young women from Kashmir, all in their twenties, took an unprecedented step. They filed a petition in the courts, asking for a review and reopening of the Kunan-Poshpora case, referred to above, a case of mass rape by the army, in two villages, Kunan and Poshpora in Kupwara district in Kashmir. Despite strong evidence to the contrary, two investigative reports had held that there was no truth in the claim of rape made by the 30 victims from the two villages. However, over the years, these victims lived – and some of them died - with the stigma of rape, and it was only in 2012 that, inspired by the protests in Delhi, six young women, who were infants when the case had taken place,

took up cudgels on behalf of the survivors and gathered together a 50-woman strong group to file the petition. Today, they are working together to break the silence on this particular history, pooling their energies not only to fight the case but also to provide a record of this history in the form of a book. The attention this group of women brought to the issue after a gap of two decades has already borne results with men who had earlier participated in ‘covering up’ and had asserted that nothing had happened, now coming out to reveal how they had been pressurized into taking what were clearly compromised stances. It took the unfortunate rape and death of the young woman in Delhi to galvanize her sisters across the country into action: sometimes, one tragedy can act as a catalyst for change.

Such a process of change may not have begun in the same way in South Africa with the Booysen case. But it is significant that in the eyes of many in the world, the two cases were often linked, providing evidence of the fact that violence against women remains an issue worldwide, no matter what the level of ‘development’ of a particular country. What is also important

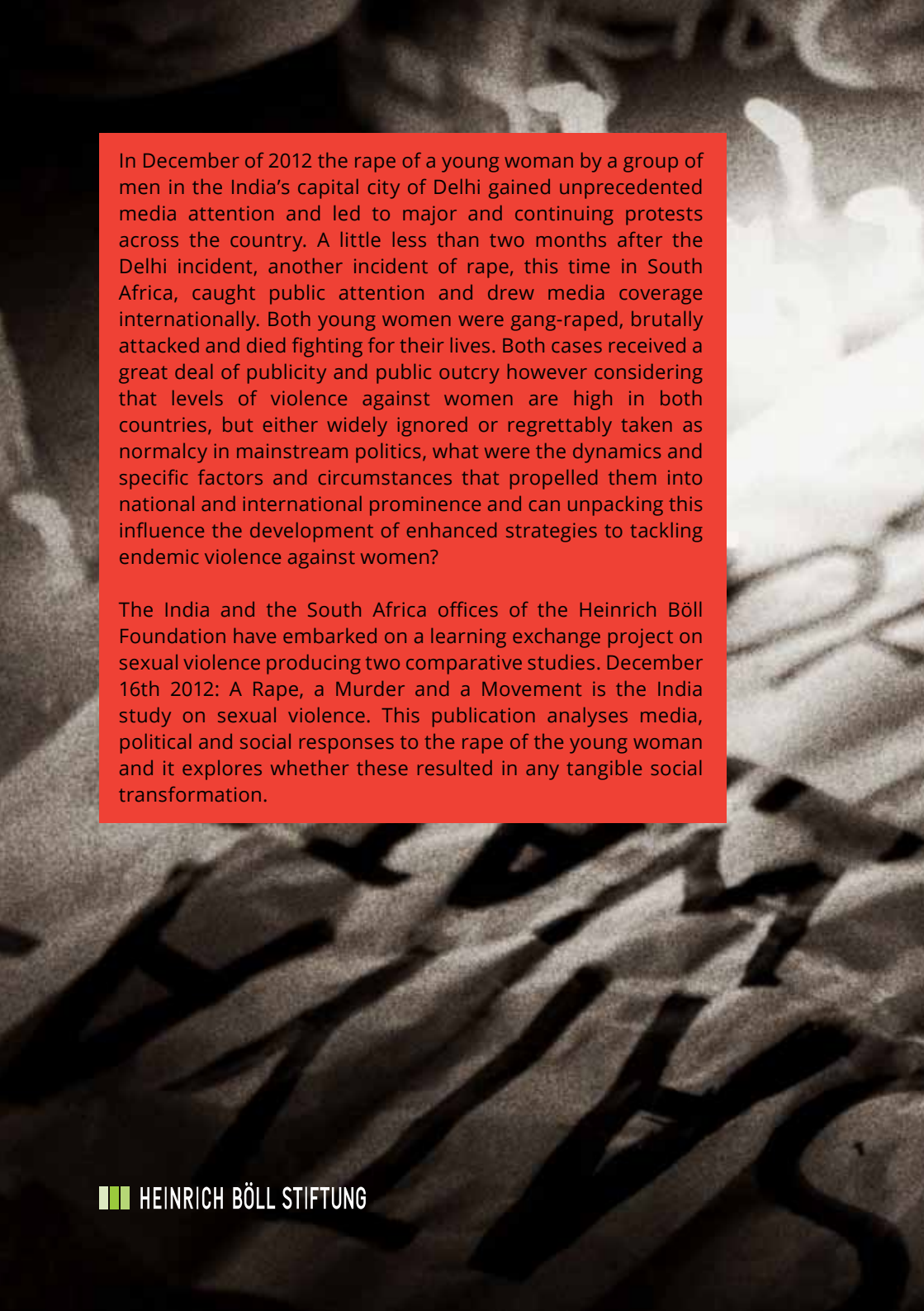
is that the protests and activism surrounding the December 16 case in India resonated across the world, providing inspiration and

perhaps even hope that change is not only necessary, it is also possible.

IN THE EYES OF MANY IN THE WORLD, THE (SOUTH AFRICA AND THE INDIA RAPE) CASES WERE OFTEN LINKED, PROVIDING EVIDENCE OF THE FACT THAT VIOLENCE AGAINST WOMEN REMAINS AN ISSUE WORLDWIDE, NO MATTER WHAT THE LEVEL OF 'DEVELOPMENT' OF A PARTICULAR COUNTRY. WHAT IS ALSO IMPORTANT IS THAT THE PROTESTS AND ACTIVISM SURROUNDING THE DECEMBER 16 CASE IN INDIA RESONATED ACROSS THE WORLD, PROVIDING INSPIRATION AND PERHAPS EVEN HOPE THAT CHANGE IS NOT ONLY NECESSARY, IT IS ALSO POSSIBLE.



Credit: Manish Jaju



In December of 2012 the rape of a young woman by a group of men in the India's capital city of Delhi gained unprecedented media attention and led to major and continuing protests across the country. A little less than two months after the Delhi incident, another incident of rape, this time in South Africa, caught public attention and drew media coverage internationally. Both young women were gang-raped, brutally attacked and died fighting for their lives. Both cases received a great deal of publicity and public outcry however considering that levels of violence against women are high in both countries, but either widely ignored or regrettably taken as normalcy in mainstream politics, what were the dynamics and specific factors and circumstances that propelled them into national and international prominence and can unpacking this influence the development of enhanced strategies to tackling endemic violence against women?

The India and the South Africa offices of the Heinrich Böll Foundation have embarked on a learning exchange project on sexual violence producing two comparative studies. December 16th 2012: A Rape, a Murder and a Movement is the India study on sexual violence. This publication analyses media, political and social responses to the rape of the young woman and it explores whether these resulted in any tangible social transformation.