

SEX & GENDER

Protest as a Means of Political Change: An Indian Case Study

How the 2012 gang rape of Jyoti Singh and the protests that followed changed a nation

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Students protest rising violence against women in Delhi, India, on December 22, 2012. Photo credit: [Nilroy \(Nilanjana Roy\)](#) / CC BY-SA.

In this current political moment of mass protests for racial justice across America, many of us are wondering how effective these protests are. Can marching in the streets lead to enduring change? Can dissent and disruption help us achieve a more equal and just society?

Consider what happened in India eight years ago — for it's an astonishing testament to what an outpouring of popular protest can achieve in a modern liberal democracy.

It all began with a grisly gang rape.

On December 16, 2012, six men attacked Jyoti Singh, a 23-year-old student, and her male companion on a bus in Delhi, India. The attack lasted for forty minutes. The assailants gang-raped Jyoti Singh, sexually assaulted her with an iron rod, slapped her in the face, kicked her in the abdomen, and bit her lips, cheeks, and breasts. Afterwards, the perpetrators dumped the two victims on the side of the

road and tried to run them over. Jyoti Singh died a few weeks later; her companion survived. Badri Nath Singh, the victim's father, said of the attack: "They literally ate my daughter. There were bite marks all over her."

News of the rape spread quickly. This was only the most horrifying in a recent series of heavily publicized rapes of women in India. Outraged by the lack of effective prosecution of the men responsible for this series of rapes and alarmed by the nauseating details of the latest incident, protesters poured into the streets of Delhi, the Indian capital. Riot police responded with tear gas and water cannons, injuring some protesters — and causing the size of the crowds to balloon. In response, the Indian government hastily announced an inquest into the rape of Jyoti Singh, with particular attention to the police response.

These events created a political opening for gender justice in India. Protests were held throughout India and around the world. In the weeks that followed, Indian citizens came together to protest violence against women and to demand more of the Indian government. Countless Indians — people of all ages, socioeconomic levels, educational levels, religious backgrounds, and ideological backgrounds — came together in support of gender justice. Rarely had the country witnessed such a widespread outpouring of public outrage.

What happened in India in 2012 has obvious echoes in what has been happening in the United States in the aftermath of George Floyd's murder by the police in Minneapolis.

In both cases, we find pervasive violence triggering mass protests in a society proud of the protections and civil rights enshrined in its constitution. The United States claims to be a democratic model of civil rights for the world — and yet many Black men live in fear of death at the hands of a hostile police force. India claims to be the largest and most diverse democracy in the world — and yet it is the most dangerous country in the world for women, whose fear of rape and murder is a constant companion.

These sad facts remind us that democracy is not simply about institutions and constitutions. Democracy cannot be fully contained in institutions and laws. Democracy is a way of life one that is learned and lived in civil society, in public spaces, and on the streets. Democracy is also a way of life that is practiced in our homes and our religious communities.

In India, democratic institutions and laws have long been complicit in creating the very gendered atmosphere of violence that protesters sought to change. When protesters in India demanded gender justice in Jyoti Singh's name, some Indian politicians responded by blaming the victim: She went out at the wrong time of day, she wore the wrong clothes, she went out with the wrong kind of man, she wasn't religious enough, she was too "Western."

Other politicians called for a return to purdah (gender-based segregation, including veiling) to protect women from sexual predators.

Still others called for segregated buses to secure women's safety — or for mandatory overcoats to protect women and girls from rape. These politicians' responses to Jyoti Singh's murder demonstrate how gendered norms operate within democratic institutions, and how these norms are used to exclude Indian women in the name of inclusion.

Yet this was not the sole response to protests in India. The Indian government established the Justice Verma Committee (JVC), chaired by J. S. Verma, one of India's most renowned jurists and experts on human rights. His committee proposed changes to criminal law as it relates to sexual assault. The report was widely hailed as a landmark document.

The case of India's response to the rape of Jyoti Singh suggests that there is no linear, progressive path to racial or gender justice in liberal democracies. Rather, the path forward is uneven, contradictory, and complex. These kinds of massive protests are integral to the functioning of democracy because they can expand what is politically thinkable and what is politically possible. These protests create a progressive political opening; they unsettle the status quo. And yet these openings are often followed by renewed efforts at political closure.

The JVC report is an example of the inclusionary potential of the state. It is an instance in which the Indian state identifies *itself* as complicit in creating and maintaining gender-based inequality, discrimination, and violence, and proposes radical changes to current Indian law to transform gender relations and eradicate gendered violence. The committee intervenes in a way that opens up the possibility for more egalitarian relations within a liberal democracy.

It is noteworthy, too, that Verma's committee concluded that law alone is not sufficient for ameliorating women's subordination; because the law is embedded in a complex social and religious context, his report calls for a change in both the law and customary norms.

To achieve gender equality, the JVC proposes a separate bill of rights for women, which would define certain cultural, social, and religious practices as patriarchal, imposing unjust limits women's agency, dignity, and equality. The bill of rights would also protect women's right to complete sexual autonomy.

In addition to proposing a bill of rights for women, Verma has called for an expansion of what counts as actionable violence under the law to include marital rape, acid attacks, stalking, sexual harassment, and sex trafficking. Last but not least, the committee proposed that gender justice be expanded beyond women, to include protection of rights for all sexual and gender identities, including lesbian, gay, bisexual, transgender, and intersexual persons.

Verma's committee had produced a radical document — one that went too far for India's political class. The 2013 Anti-Rape Law passed by India's Houses of Parliament incorporated only some of the JVC's recommendations. Among other provisions, the new law expanded the definition of rape, increased penalties for

sexual assault, covered acid attacks, outlawed “voyeurism” by men, barred the use of a victim’s past sexual history in determining consent, and made gender-insensitive police and doctors more accountable.

The new law, though sweeping, nevertheless ignored several of the JVC’s recommendations. It failed to repeal the exception to marital rape, failed to let soldiers be prosecuted in civil courts, and failed to extend rights to lesbian, gay, bisexual, transgender, and intersexual citizens.

The limitations of the Anti-Rape Law demonstrate the uneven evolution of Indian attitudes toward sexual violence against women, and gender equality. The protests that followed Jyoti Singh’s gang rape, and the subsequent work of the Verma committee, both exemplify a political opening — a promise of gender justice. The limitations of the Anti-Rape Law illustrate the closure of that opening.

We learn that achieving gender justice through legal reform in a liberal democracy is difficult. And the sites of political change can be unexpected. In my own research, for example, I was surprised to discover that religious spaces, often assumed to be antithetical to modern citizenship and oppressive towards women, can instead be sites that promote gender equality. Some Sikh women link gender equality and religious freedom as shared goals. Through their participation in devotional organizations, these women gain access to public spaces, build solidarities across differences, and create more egalitarian relations.

We are living in uncertain times, not only in the United States, but around the world. Political openings appear and disappear with dizzying swiftness. With the uncertainties come fears: a fear of a retrenchment of racist and sexist power structures; a fear of renewed oppression; and a fear of authoritarian crackdowns on the ability of citizens to protest in the first place.

And yet, as a scholar of race and gender in liberal democracies, I choose to hold on to hope. I hold out hope that we can perhaps understand and feel the pain of our fellow citizens who experience race and gender-based violence. I hold out hope that we can perhaps eradicate race and gender-based violence. I hold out hope that we can create more egalitarian relations in liberal democracies.

Because we have made headway before. And we can do so again.

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