

Event, Response, and Avenues Toward Justice:
Historicizing the “Delhi Gang Rape” of 2012

by

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A note on terms, and inclusivity: Throughout this thesis, I consistently use the term “women” while discussing patriarchy, misogyny, and gendered and sexualized violence. Though universally pernicious, these issues are disproportionate and different in the contexts of trans and gender-nonconforming people. Regrettably, I cannot adequately address these nuances in this project. The elision of their unique experiences from this thesis reflects that its main subject was a cis woman, and that the media also customarily omits or neglects narratives of non-normative gender and sexuality.

For “Nirbhaya,” her family, and all who fight daily and globally for women’s safety and equality.

In memory of Jyoti Singh Pandey.

INTRODUCTION

In embarking on this project, I did not anticipate that one of my greatest challenges would be an issue of naming. But this was the problem I faced immediately; in undertaking the most preliminary steps of research last spring, I confronted the question of what the event that would be the subject of my study—the fatal gang-rape of Jyoti Singh Pandey, later given the pseudonym “Nirbhaya,” meaning “fearless one,” aboard a bus in Delhi on December 16, 2012—was to be called. “The Delhi Gang Rape,” was one term for it I came across often in my research; offshoots of this included “The Delhi Rape Case,” or “The 2012 Delhi Rape.” Journalists and scholars also commonly used “Nirbhaya” and “The Nirbhaya Rape.” “That was the one on the bus, right?” was a question I heard often from friends.

Beyond finding various names for the event, tracking the monikers bestowed upon the victim, Jyoti Singh Pandey, proved equally difficult. Due to federal laws in India preserving anonymity for victims of sexual violence, reporters had to find alternative names to identify the subject as they broke the news and tracked the development of her story. “Nirbhaya” was the most prominent pseudonym crafted for her, but other common ones included “Damini,” meaning lightning and referring to the 1993 film by the same name, which portrayed a rape survivor’s fight for justice, and “India’s Daughter,” the nickname after which Leslee Udwin titled her documentary with *BBC* that covers the event. After Jyoti’s death, twelve days following the attack, her parents chose to publicly release the name of their late daughter, claiming a desire to

eliminate the shame placed on her for her suffering, and for the world to know her story.¹ But the name “Nirbhaya” had stuck, as did a few of the others.

In addition to monitoring the various phrases under which results of my research might be listed, based on what scholars and journalists used to refer to the event and its subject, I also grappled with what term(s) I would employ to write on this event. Over the course of this project, my tendency to utilize certain names over others fluctuated. In some moments I felt strongly that I should call her by her name, Jyoti or Jyoti Singh, to respect and honor her life, to convey that she was more than just a victim, and more than just a symbol of a greater issue—that she was a person, a woman, a life taken too soon. I avoid Pandey primarily because her friend who was assaulted with her on the bus was also named Pandey, but also because I found referring to her by only her last name to have an effect of dehumanization.

At other times, employing the term “Nirbhaya” felt most appropriate, in that it was representative of the phenomenon that her assault became, of the weight it held, and of the momentum it gained. To me, “Nirbhaya” showed that Jyoti and her death were a force, and I use it to refer to both Jyoti herself and the event as a whole. The “Delhi Gang Rape” fit better in other instances, demonstrating how the event became so infamous that it could be recognized just from the city where it took place and the most ambiguous description of its contents.

Sometimes I simply refer to her fatal rape as “her fatal rape,” or as “the event,” each an accurate descriptor, I think, for evoking what took place on December 16, 2012 and how it shaped the future that followed. I oscillate between uses of the terms “rape,”

¹ Jalees Andrabi Nada Farhoud, "India Gang Rape Victim's Father: I Want the World to Know My Daughter's Name Is Jyoti Singh," *Mirror*, January 5 2013.

“murder,” “assault,” and “attack”; while each are factually correct, certain terms connote the sexual nature of the crime, while others emphasize the severity of the brutality, and some are more generic. Currently, scholarly discourse debates the merits and accuracies of using the term rape as opposed to sexual assault. Rape implies nonconsensual penetration, whereas sexual assault is considered a more inclusive term for nonconsensual sexual acts.² Some prefer the term rape because it conjures a sense of brutality; others contest it on the same grounds, since sexual violence is pernicious even when it doesn’t match the man-in-the-bushes stereotype.³ Rape has been historically conceived of as a more gendered word than sexual assault, thus drawing attention more towards violence experienced by women, which some argue is advantageous and others the opposite.⁴ I use them each at varying moments because it was indeed a rape, an assault, an attack, and a murder.

I became familiar with the “Delhi Gang Rape” in the year after it occurred, when I began exploring the possibility of studying abroad in India. Some people employed the event an argument against my going, suggesting that, because of it, the country as a whole was unsafe for women. Others used it to suggest the opposite, saying that India was now safer, that the rape served as a wake up call, and that it resulted in greater security for women. To me, the event was blurry: a thing that could have happened anywhere, but happened there; a thing that could still happen anywhere, including there; a thing that happened and seemed to hold meaning, but that I didn’t totally understand.

² Krystal Skwar, "Rape or Sexual Assault? Which Word We Use Matters More Than You'd Think," *Bustle*, November 14 2014.

³ Emily Bazelon, "The Word You Are Searching for Is Rape," *Slate*, February 13 2014.

⁴ Rajesh Talwar, *Courting Injustice: The Nirbhaya Case and Its Aftermath* (New Delhi, India: My House Publishers, 2013).

* * *

A twenty-three-year-old woman, Jyoti Singh Pandey, was raped aboard a bus at night in Delhi. She was raped by six men. They all raped her and beat her while she fought back, and they even used an iron rod. They destroyed her insides. They threw her off the bus and she was taken to the hospital, but the doctors couldn't fix her insides so she died. The men were arrested and tried in court and found guilty, and the death penalty was discussed. People cared when they heard the news and took to the streets to show it. Politicians were forced to listen, but it was hard to tell if things were changing or not, if India was a safe place not, or if modern technologies and Western clothes and going out at night were the sources of this violence or not.

The “Delhi Gang Rape,” with all this confusion, seemed like something that had just happened; something that Americans thought about when they thought about India; something we had heard in the news a few years back, briefly mourned, and stored in the back of our memory. But for many others, particularly those closer in space and context to the event, it was something that had happened before and would happen again; something they thought about when they boarded buses and read the news; something they had mourned more than briefly, cried over, feared, protested. More than a fleeting headline, the Nirbhaya rape was something that changed laws, discourses, and lives.

But what was it about the rape of Jyoti Singh, exactly, that made it so monumental? In the three years since it has passed, journalists and academics have offered theories for why it happened in particular ways and what it means that it did. Moreover, they have produced important analyses and reflections on the event and its meaning. I use and reference many of these in my thesis, and am indebted to them for their contributions. In light of this work, I saw that a pressing question remained

unanswered: in a world, a country, and a city where sexual assault—in many cases fatal—happens with abhorrent regularity, why did *this* event capture local, national, and international interest?

It was with this curiosity, and my academic interest in the contemporary history of South Asia, that I embarked on this project. Perhaps by examining the event through a different discipline—that of history—an understanding of why this particular act of sexual violence became infamous could be unearthed. If history is indeed “the study of the human condition as it has unfolded in time,”⁵ then surely it can be a valuable disciplinary lens through which to understand the assault of Jyoti Singh and public responses to it. As such, this thesis applies an historical perspective to a phenomenon typically studied through the lenses of sociology and cultural and media studies, in order to gain new insights into the qualities and processes that caused the “Delhi Gang Rape” to become more than just the fatal rape of one woman.

Of course, it was no accident that historical work on this event was sparse. When my project commenced, it had been hardly two years since the assault was perpetrated. This is a short span within which to publish any scholarly work on a topic, let alone historical work, which by its nature implies the passage of time in some (unidentifiable) amount. Besides discerning how to refer to the event, another of my most significant challenges in conducting this project was reconciling my historical approach with the extremely recent timing of its subject. In light of this, my thesis seeks to answer the immediate question of why “Nirbhaya” became a “cause célèbre,” but also seeks to

⁵ "Wesleyan University History Department," <http://www.wesleyan.edu/history/>. Accessed October 2015.

understand how to conduct the histories of recent events, and, in turn, the capacities and limitations of history as a mode through which to understand and improve the world.

HISTORIOGRAPHY

With this approach, certain lines of scholarship become essential to informing my project. The first is the niche body of work on sensational sexual violence in urban settings. The next is historical and sociological scholarship on gender, sexuality, and violence in India generally—a massive selection that I have picked from with attention to my specific endeavor, but in no way have approached comprehensively. The last are the existing works on the Nirbhaya rape, largely belonging to fields of media studies and sociology.

Judith Walkowitz's *City of Dreadful Delight* and Patricia Cline Cohen's *The Murder of Helen Jewett* served as my roadmaps to historicizing an urban crime that is both overtly brutal and sexual in nature. Walkowitz explicates the Jack the Ripper murders of Victorian England, contextualizing them within the historical moment of gender relations, sexual politics and other cultural ideas and forces, as well as highlighting the role played by media coverage in shaping public discourse on the topic.⁶ Similarly, Cohen investigates the role of media in shaping the sensational murder of a New York prostitute in the early nineteenth century, delineating how local values at the time the event transpired shaped both the contexts in which the crime was committed as well as the responses to it.⁷

⁶ Judith R. Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (Chicago: University of Chicago Press, 1992).

⁷ Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York* (New York: Alfred A. Knopf, 1998).

These texts function as useful guides to exploring and analyzing instances of brutal sexual violence, public responses to them, and their connections to and influences on the contexts and spaces in which they are committed. For example, they each explicate notions of “being at home in the city,” a male privilege in both contexts and in that of 2012 Delhi.⁸ Walkowitz and Cohen also discuss the role of media in shaping the discourse on these two brutal sex crimes, providing parallels and comparisons to the media’s role in the Nirbhaya event.⁹

My work lies at the nexus of the fields of South Asian studies and gender and sexuality studies, and thus draws on texts that address peculiarities of the operation of gender in Indian society, especially with regard to its intersection with identities of caste and class.¹⁰ These works discuss the historical relationship between caste, class, and gender—some arguing that the upward mobility of rural communities comes at the expense of women, others that gender roles are decided by caste and class, more so than by sex. They also examine gender and sexuality in India in the contemporary period, including the transformations of Indian perceptions of women and the actions of men based on those perceptions that occurred as a result of the country’s opening up to global markets and cultural influences during the economic “liberalization” policies of the late 1980s and its concomitant effect on India’s understanding of itself as a nation.¹¹ Together, and alongside other scholarly works on the topic, these texts provide an

⁸ Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*, 16.

⁹ *Ibid.*, 226; Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York*, 15.

¹⁰ Karin Kapadia, ed. *The Violence of Development: The Political Economy of Gender* (New Delhi, India: Kali for Women, 2002); Subhadra Mitra Channa, *Gender in South Asia: Social Imagination and Constructed Realities* (New York: Cambridge University Press, 2013).

¹¹ Rupal Oza, *The Making of Neoliberal India: Nationalism, Gender, and the Paradoxes of Globalization* (New York: Routledge, 2006).

important foundation for exploring questions of gender and sexuality in contemporary India.

Contemporary history is another area of scholarship informing my project; specifically, theory on what constitutes this field and how its study should be pursued. A cohort of scholars, but especially Berber Bevernage, discuss challenges and strategies to constructing narratives of the recent past, as well as the moral implications of inscribing recent events—particularly those connected to political and social issues—in the historical canon.¹² Partha Chatterjee and Dipesh Chakrabarty provide important scholarship on the making and functioning of postcolonial India, delineating the interwoven dynamics of its history, society, and politics.¹³ This field is helpful for understanding the context of the modern, globalized, postcolonial Indian state and society in which the event and by which the discourse was shaped.

The existent body of scholarship on the Nirbhaya Rape emerges predominantly from the disciplines of sociology and media studies; as such, my project endeavors to rectify the current lack of historical work on the event. Nadja-Christina Schneider and Fritzi-Marie Titzmann's volume, *Studying Youth, Media, and Gender in Post-Liberalisation India*, addresses the event directly, and uses it as a point of departure to argue that the three categories named in its title are linked in ways that shape and frame the current

¹² Berber Bevernage, "The Past Is Evil/Evil Is Past: On Retrospective Politics, Philosophy of History, and Temporal Manichaeism," *History and Theory: Studies in the Philosophy of History* 54, no. 3 (2015).

¹³ Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton, NJ: Princeton University Press, 1993); Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton, NJ: Princeton University Press, 2000).

moment in India.”¹⁴ Schneider explains, “the exceptional densification of communication about the ‘Delhi Gang rape’ served as a starting point to explore the diverse landscape of mediated discourses on gender in the contemporary Indian context.”¹⁵ She underscores the convergence of the realms of media studies, youth culture, and gender studies in the event and aftermath of Jyoti’s murder, thus providing opportunity for the present scholarly examination of the topic through a historical lens. Finally, the text builds on the existing scholarship in each sphere—media, youth, and gender—and analyzes their interaction in the particular context of contemporary India through the event of the Nirbhaya rape.

Other academic work on the “Delhi Gang Rape” also analyzes how media coverage shaped popular understandings of Jyoti and the demographic of young, aspirational Indian women she came to represent. Scholars critique perceptions of the demographic that her assaulters represent, and the ways that international reporting on the event as it unfolded was born from and perpetuated historical relationships of power between the West and the developing world.¹⁶

Finally, my study comes on the heels of the controversial 2015 *BBC* documentary, *India’s Daughter*, which is specifically about the Nirbhaya event. The film provides a narrative account of the event and, to a degree, responds to it. It focuses primarily on interviews with the victim’s family, with one of the assailants, Mukesh Singh, and his defense lawyer, as well as with various scholars and politicians who

¹⁴ Fritzi-Marie Titzmann and Nadja-Christina Schneider, ed. *Studying Youth, Media, and Gender in Post-Liberalisation India: Focus on and Beyond the "Delhi Gang Rape"* (Berlin: Frank & Timme GmbH, 2014), 12.

¹⁵ *Ibid.*, 15.

¹⁶ Poulami Roychowdry, ""The Delhi Gang Rape": The Making of International Causes," *Feminist Studies* 39, no. 1 (2013).

provide their commentary on the event.¹⁷ The film is certainly productive, especially as a means to educate the Indian and international public on the events that occurred, the government's and court's responses, and the broader issues of rape and gender discrimination in the country. However, it is limited in its scholarly analysis, leaving space for a project like mine to supplement the account with historical contextualization and deeper examination of how this particular event captivated the eyes and hearts of the public like nothing had before.

Thus, while critical scholarship on the Nirbhaya rape does exist, it is limited in scope to the important but singular fields of sociology and cultural and media studies. As such, alternative insights into the event's meaning, and its historical significance in particular, remain largely untouched. My thesis addresses this gap by examining the "Delhi Gang Rape" through historical and historiographical lenses, which might yield new awareness to supplement findings discovered by studies in other disciplines. More specifically, it will focus on issues of temporality, including hot-button issues in Indian society during the historical and cultural moment of the event, the ways different groups within society understand and stress over time, and the ways varying notions of time shape history and the events that make it up.

ARCHIVE DESCRIPTION AND OUTLINE OF CHAPTERS

Another challenging aspect of conducting historical research on a recent event is the lack of a formal or conventional archive. As such, my primary sources exist predominantly on the Internet, in the form of news articles from major American, British, and Indian

¹⁷ Leslee Udwin, "India's Daughter: The Story of Jyoti Singh," (New York: Assassin Films, Women Make Movies, 2015).

(English language) publications. The sources I most commonly use—a synthesis of those with the highest national and international readerships and those producing content on the event and related issues in the most abundance—include *The New York Times*, *The Washington Post*, *The Guardian*, *BBC News*, *The Times of India*, *The Hindustan Times*, and *The Hindu*.¹⁸ Articles from these media outlets, beginning on December 17, 2012 (the morning after the assault) and nearing the present day, provide the details of what took place leading up to, during, and after the rape. These documents form the foundation for my first chapter, which offers a detailed account of the night of the attack and a chronicle of public responses to it in the forms of protests, the trial of the accused, statements by Indian politicians, the rise in media coverage, and fledgling shifts in public discourse.

These news publications also significantly inform Chapter Two, which comprises the initial layer of analysis of the “Delhi Gang Rape.” In addition to the descriptive stories utilized in Chapter One, this chapter uses articles that venture more deeply into the political, cultural, and social circumstances and consequences of the rape and responses to it. As such, op-eds and blog posts from these major news outlets, as well as the left-leaning, activist-oriented Indian blog *kafile.org*, constitute a significant portion of

¹⁸ The assault and its aftermath were, of course, covered in the Hindi news media as well, though seemingly in a less thorough manner than by its English counterparts. In answer to the question of how Hindi media reported on the event, one Indian citizen, K. [name withheld], stated, “generally, National Hindi TV channels sensationalise the crime part of any incident more than English ones.” He continued, “my personal feeling is Hindi media might have sort of blaming more on women as an invitation for such incidents (may not be explicitly)...And rural India, [which] reads regional newspapers, [the] tone of Hindi regional print media might have been different.” Certainly, the question as to the role of Hindi (and other regional) language media in shaping the national discourse—especially among its contingent that did not know English—merits further exploration.

the primary sources.¹⁹ Chapter Two also incorporates the 2013 Delhi Human Development Report, the J.S. Verma Committee Report, scholarly research in the field of media studies, and journalistic and social media coverage of the event.²⁰ These sources all contribute to a theoretical understanding, outlined in the chapter, of the Nirbhaya event as one that gained exceptional gravitas due to the intersection of five factors: gender and sexuality, caste and class, corruption, mobility, and media and technology. I employ scholarship on Delhi, caste, and gender in India as secondary sources in support of this analysis.

Chapter Three applies a historical-cum-theoretical lens to the preliminary analysis provided in Chapter Two by exploring the convergence of the elements involved in the Nirbhaya rape, their temporal qualities, and the phenomenon of the rape becoming understood as an event, which I term “eventification.” In addition to articles about the assault and responses to it, I introduce scholarly works that theorize the functioning of time as primary sources. These include analysis of Reinhart Koselleck’s space of experience and horizon of expectation, and the phenomenon of acceleration as articulated by Hartmut Rosa and Ronald Havelock.²¹ Lastly, I draw upon work by

¹⁹ It is important here to mention *The Organiser*, effectively the right-wing equivalent to *kafila*. Its reactions generally criticize the Congress-led government for failing to ensure the safety of women. I reference this site less frequently than *kafila*, instead accessing the views they uphold through mainstream journalistic coverage of the statements and actions of political figures, conservative groups, and others. For *Organiser* articles specific to the Nirbhaya event, see: 12/23/12, 1/13/13, and 1/20/13 issues, available online at www.organiser.org.

²⁰ Nadja-Christina Schneider, *Studying Youth, Media, and Gender in Post-Liberalisation India: Focus on and Beyond the "Delhi Gang Rape"*; Roychowdry, ""The Delhi Gang Rape": The Making of International Causes."

²¹ John Zammito, "Koselleck's Philosophy of Historical Time(s) and the Practice of History," *History and Theory: Studies in the Philosophy of History*, no. Virtual Issue 1 (2012); Hartmut Rosa, *Social Acceleration*, trans. Jonathan Trejo-Mathys (New York: Columbia University Press, 2013); Ronald Havelock, *Acceleration: The Forces Driving Human Progress* (Amherst, NY: Prometheus Publishers, 2011).

Jacques Derrida and others on theorizing the characteristics of an event.²² As such, the chapter demonstrates how the convergence of the five elements, all containing temporal tensions among the population, catapulted the rape of Jyoti Singh to the level of an international phenomenon.

Finally, Chapter Four ponders the event in the context of contemporary history by assessing how Jyoti and her rape have been remembered, commemorated, and historicized by her family, the Indian public, and political figures. Once again, news articles function as the primary sources for this chapter (many from the same publications used in Chapters One and Two), depicting commemorations of the event, and evocations brought about by recent, related occurrences. To analyze these I apply theories, predominantly from Bevernage and Jeffrey Blustein, on contemporary history, communal recovery from violence, and the relationships between acts of remembering—especially with regard to the dynamics among past, present, and future, and possibilities for justice.²³

In sum, the following chapters will describe, unpack, and analyze the rape of Jyoti Singh Pandey, the responses to it, and its meaning as an event in contemporary history. In so doing, this thesis aims to uncover the reasons for the assault's exceptional resonance in local, national, and global consciousness.²⁴ It postulates that the

²² Jacques Derrida, "A Certain Impossible Possibility of Saying the Event," *Critical Inquiry* 33, no. 2 (2007).

²³ Bevernage, "The Past Is Evil/Evil Is Past: On Retrospective Politics, Philosophy of History, and Temporal Manichaeism;" Jeffrey Blustein, "Forgiveness, Commemoration, and Restorative Justice: The Role of Moral Emotions," *Metaphilosophy* 41, no. 4 (2010).

²⁴ The reach of the Nirbhaya event was unprecedented for an instance of sexual violence in India. However, this reach was inherently exclusive along class lines, as certain demographics were limited from access to knowledge about the event. Moreover, others who did have access to knowledge about the event sometimes willfully abstained, especially in the international sphere, further limiting the event's audience.

convergence of five factors, each with preexisting temporal tensions, produced an unprecedented popular reaction at varying scales. Lastly, this project endeavors to illuminate the historical quality of this very recent rape, prompting speculation about the methods and implications of constructing narratives of recent events.

CHAPTER ONE

A Narrative of the Event and Responses

On December 16, 2012, Jyoti Singh Pandey and her male friend, Avindra Pratap Pandey, boarded a bus in South Delhi on their way home after seeing a film. The six other men aboard the bus brutally raped Jyoti; on December 29, she was pronounced dead at a hospital in Singapore. The case, which has come to be known as the “2012 Delhi Gang-Rape” or “Nirbhaya”—the pseudonym, meaning “fearless,” bestowed upon her by the Indian press in lieu of publicizing her identity—caught hold of Indian popular interest, instigated mass protests in Delhi and other Indian cities, and became an international media sensation.

I delimit the temporality of the “Delhi Gang Rape” as beginning when Jyoti and Avindra stepped onto the bus on which they were attacked, and as ending when Jyoti was pronounced dead in a Singapore hospital. However, this thesis explores how this attack has transformed over time into what I term the “Nirbhaya phenomenon,” which encompasses public, political, legal, and media responses to the assault, and which continues to develop in the present.

The goal of this chapter is to narrate the unsettling yet pivotal details of what occurred on the night of December 16, and in the week and months that followed. I acknowledge at the outset that any narrations is subjective, as well as the particular sensitivity of constructing a historical narrative of this event.¹ I have attempted to relay the necessary details and factual occurrences in a manner that is both engaging and illuminating of the nature and sentiment of the event as it unfolded. While at once a

¹ For more on the narrative process in history, see the essay titled “The Historical Text as Literary Artifact” in: Hayden White, *Tropics of Discourse: Essays in Cultural Criticism* (Baltimore, MD: John Hopkins University Press, 1978).

compelling story, the rape and murder of Jyoti Singh Pandey was more than just a story—it was a life taken, a power structure reinforced, a society shaken. At the same time, it is only with a thorough and critical understanding of the characters participated, actions taken, words spoken, and opinions expressed can one theorize the assault’s metamorphosis into an event of unprecedented international interest for its kind. I endeavor to produce a clear and informative narrative here by first depicting what I define as the “Delhi Gang Rape,” and then providing background information on relevant individuals and exploring important responses that followed the assault, details of the “Nirbhaya phenomenon.”

“DELHI GANG RAPE”

Jyoti met Awindra Pratap Pandey, the twenty-eight-year-old friend and IT specialist with whom she went to the movies on the night of the attack, through a mutual friend.² Awindra belonged to a higher caste, a detail that caught interest as the public speculated as to the nature of their relationship in the aftermath of the assault.³ On the evening of December 16, 2012, the two made plans to see the new Hollywood movie, *Life of Pi*. The film was directed by a Taiwanese-born American and based on a best-selling novel, written by a Quebecois Canadian, about a fantastical Indian refugee.⁴

² Jason Burke, "Delhi Rape: How India's Other Half Lives," *The Guardian*, September 10 2013. I rely primarily on Burke’s chronicle of the assault from this article as the basis for my own narration. I found his long-form article to be the most comprehensive and detailed presentation of the event. Admittedly, his sources are not listed, but the information he provides did not conflict any other accounts.

³ Ibid.

⁴ Ang Lee, "Life of Pi," (20th Century Fox, 2012).

Jyoti and Awindra watched the film at the Saket Mall in South Delhi. Unlike many other patrons of the upscale shopping center, the pair was relying on the city's public transportation, which had earned a reputation for unreliability, to get home after the movie ended, a little before nine o'clock in the evening. The safest and most efficient option for traversing the city would have been the Metro, but a route from Saket Mall to Dwarka required transferring lines and a commute that would likely take more than an hour.⁵ Another affordable possibility was to take an auto-rickshaw, but no driver was willing to drive them all the way to Dwarka. Weighing their options, the pair commissioned an auto driver to take them to Munirka, a bus stop two miles from the mall, where they could ride a public bus back to Jyoti's home.⁶

After waiting for a couple of minutes, a bus arrived, driven by Mukesh Singh. Unbeknownst to Jyoti and Awindra, aboard the vehicle were five of his friends— together, they comprised the six assailants. Mukesh and his friends had been hanging out drinking, and had set out earlier in the evening “looking for fun,” using the bus that Ram Singh, the group's ringleader drove for work.⁷ The juvenile, playing the role of the conductor, yelled out the window, announcing that the bus was heading “for Palam crossing and Dwarka sector one.”⁸ According to Awindra's statement to the police, the juvenile leaned out of the bus and addressed Jyoti by asking, “Where are you going, *didi*?” using the colloquial Hindi term for elder sister.⁹

⁵ "Delhi Metro Rail Route Map," http://www.delhimetrorail.com/otherdocuments/route_map.pdf. Accessed January 2016.

⁶ Burke, "Delhi Rape: How India's Other Half Lives."

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

The pair, aiming to return to Dwarka, boarded the bus and asked how long the ride would take. Ram Singh answered that it wouldn't be long. Another "passenger" asked the same question about his supposed destination. Besides Jyoti and Awindra, the only people present on the bus were the six assaulters: the driver, Mukesh Singh; the conductor, who was the juvenile; two "assistants," Ram Singh and Akshay Thakur; and two "passengers," Pawan Gupta and Vinay Sharma. All were male.

Once the bus embarked, Jyoti and Awindra noticed that they were not on the expected route back to Dwarka. Instead, they were beginning to circle Delhi's Outer Ring Road, a highway circumventing the majority of the city. Also noticing that the other occupants had closed the front door of the bus, which typically would remain open to collect more passengers, the pair suspected that something was wrong.¹⁰

Awindra began to voice objection to the bus deviating from its declared route, and was met with taunts from the other passengers. Ram Singh asked him what he was doing out at night with a woman, which led quickly to a fight.¹¹ The other men joined in, wrestling Awindra to the floor of the bus. One of the men called for "the rod" as Awindra struggled to fight off the attackers. Jyoti screamed for help and banged on the bus's windows, to no avail. Mukesh continued to drive the bus along the highway, turning around upon reaching the neighborhood of Mahipalpur, a hub of cheap hotels and restaurants. A local CCTV camera later produced video footage of the bus passing through the area.¹²

¹⁰ Shubhomoy Sikdar, "Delhi Gang-Rape: Victim Narrates the Tale of Horror," *The Hindu*, December 23 2012.

¹¹ Ibid.

¹² Burke, "Delhi Rape: How India's Other Half Lives."

Ram Singh and Thakur dragged Jyoti to the back of the bus. According to the juvenile's statement to the police, "they beat her and pressed a hand over her mouth and tore her clothes off."¹³ Ram was the first to rape her, but soon the rest of the men joined in, while others held her down and bit her as she tried to fight back by biting and scratching. Awindra, in his attempt to fight them off, had been knocked unconscious by use of the rod. Ram temporarily took over the driving position so that his brother, Mukesh, could participate. In addition to oral, vaginal, and anal penetration, medical exams revealed that the iron rod they had called for to subdue Awindra was also used to penetrate the victim, and was the cause of much of the damage to her genitals, uterus, and intestines. According to the juvenile, Ram Singh reached inside her and "pulled out flesh."¹⁴ Shortly thereafter, Jyoti's bleeding intensified and she lost consciousness.

As the bus approached the area of Mahipalpur for the second time—at 9:54 p.m., according to the CCTV cameras—the men dragged the two victims, each semi-conscious, and pushed them out the front doors of the bus.¹⁵ It appears that they attempted to run over the victims with the bus, but Awindra was able to pull them out of the way. The bus drove off, leaving Jyoti and Awindra naked and beaten on the roadside, where they laid—slipping in and out of consciousness, visible to the highway's passengers—for forty minutes. After the fact, Awindra recalled cars slowing down as they encountered them, and then continuing down the highway. Gradually, a crowd began to gather around them, but nobody took action of any kind until an off-duty highway toll collector saw the crowd and notified his control room, which then alerted

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

the police. A few different officers arrived; one acquired sheets from a nearby hotel to cover the victims, there was conversation about which district's force was responsible for the situation, and then the pair was driven away in a police car.¹⁶

It was not until an hour later that Badri, Jyoti's father, received a call from the police. He was informed that his daughter had been in an "accident," and was in Safdarjung Hospital in South Delhi, one of the capital's largest public medical centers. When he arrived, she was lying on a stretcher, her eyes closed. According to his account, he touched his hand to her forehead, thinking she was unconscious, but she opened her eyes. She cried. He told her, "it will be alright, *beta*," using a Hindi word for child. But the doctors already knew the likelihood of her survival was tragically low. They performed surgery to remove her small intestines, which showed symptoms of gangrene, as well as elective abdominal surgery, but the wreckage was overwhelming and infection was spreading throughout her body.¹⁷ Some medical professionals involved told her father that it was unlikely she would live longer than a few more hours. She lived for twelve more days.¹⁸

Over the next eight days, Jyoti Singh was able to give official statements on two occasions.¹⁹ On the evening of December 25, she closed her eyes for the last time. She lived for four more days, during which time she was flown in a special air ambulance to the intensive care unit of Mount Elizabeth Hospital in Singapore. Medical professionals reported that the Singapore clinic was better equipped to deal with "trauma and serious

¹⁶ Ibid.

¹⁷ India Today Online, "Delhi Gangape Victim Regains Consciousness, Recounts the Sunday Night Horror in Her Statement to the Police," *India Today*, December 20 2012.

¹⁸ Burke, "Delhi Rape: How India's Other Half Lives."

¹⁹ India Today Online, "Delhi Gangape Victim Regains Consciousness, Recounts the Sunday Night Horror in Her Statement to the Police."

medical complications” as well as “carrying out multiple organ transplants.”²⁰ Though the details of the transfer remained blurry to the public, inciting controversy and suspicion of government corruption in its own right, the decision was apparently made “at the highest level.”²¹

On December 29, 2012, Jyoti Singh Pandey was pronounced dead. Her body was flown back to India, and she was cremated in Dwarka. Her ashes were carried to the riverside near her father’s village where they were released into the Ganga.²²

* * *

To complete the story of the fatal rape of Jyoti Singh Pandey, we must return to the night of the attack, to track the steps of the six assaulters following the crime. After they threw Jyoti and Awindra off the bus and attempted to run them over, the men drove the bus back to the Ravi Das colony²³ where most of them lived and parked it in an alley. There, they washed off the blood, feces, and other evidence of the assault, and burned the victims’ clothes, except for Awindra’s shoes, which they kept.²⁴

Awindra managed to describe to the police what the bus had looked like, and they searched for it through the night. They used CCTV footage from nearby hotels to discover that the bus, with the word Yadav printed along the side, had passed through Mahipalpur multiple times in the hour before the police were called to the scene. With this information, they found the owner, who pointed the police to Ram Singh. Officers

²⁰ Durgesh Nandan and Jha Kounteya Sinha, "Delhi Gang-Rape Case: Girl Critical, Admitted to Singapore Hospital," *The Times of India*, December 27 2012.

²¹ Ibid.

²² Burke, "Delhi Rape: How India's Other Half Lives."

²³ The settlement is named after Ravidas, the North Indian *Dalit* (formerly known as untouchable) *sant*-poet of the late 15th and early 16th centuries.

²⁴ Burke, "Delhi Rape: How India's Other Half Lives."

found him sitting inside the bus, parked in the Ravi Das settlement. He tried to run, but was caught. His shirt was stained with blood, and it was clear that the bus had recently been washed. Ram quickly admitted to the crime, and even presented the officers with two iron rods, covered in dried blood, from inside the bus. The police also found Gupta and Sharma in the colony, each in their respective homes. They found and detained Mukesh Singh en route to hide in his home village in Rajasthan where he planned to hide out, and Thakur was found attempting to do the same when he arrived at his village in Bihar. The juvenile was picked up from the bus station where he slept.²⁵

“NIRBHAYA PHENOMENON”

This is the story of the fatal rape of Jyoti Singh Pandey. Unlike many other instances of sexual violence, even lethal ones, her tale garnered immense visibility, which it has since maintained. Theories as to why this was so will be explored in the coming chapters, but first we must trace the story’s remaining developments—its cascading aftermath—from its initial appearance in the local news, to international protests, to the responses of India’s politicians, to the trials of the accused, to its influence on national discourses.

In order to fully understand the aftermath, some background is necessary. Jyoti Singh Pandey was the firstborn child of Asha Devi and Badri Singh Pandey, who belonged to the Kurmi caste, an agriculturalist group registered as a Backward Caste (BC).²⁶ She was born in Delhi, after her parents sold their ancestral land in a rural Uttar Pradesh village to move to the nation’s capital city with the hopes of giving their two

²⁵ Ibid.

²⁶ PTI, "My Daughter's Name Was Jyoti Singh, Not Ashamed to Take Her Name: December 16 Gangrape Victim's Mother," *The Indian Express*, December 16 2015. BC and SC (Scheduled Caste) refer to the caste groups recognized by the federal government as marginalized. I will address the issue of caste in more detail in Chapter Two.

children greater economic and social opportunity. In Delhi, her father worked multiple jobs, in factories and the local airport, to support their family, which included two younger brothers to Jyoti.²⁷ They lived in a small home in Dwarka, a neighborhood on the outskirts of Delhi that has become home to many migrants over the past few decades, and recently to an energetic, upwardly mobile, emerging middle class.

Though convention and pervasive patriarchal ideology has incentivized many Indian families in such an economic position to alleviate financial strains by prioritizing the needs—especially educational—of the male children, Jyoti’s parents resolved not to sacrifice the education of their daughter, whose ambition and passion for learning (science, in particular) became evident from a young age.²⁸ Originally aspiring to become a doctor, ideally a neurosurgeon, she ultimately pursued a more affordable degree in physiotherapy, and worked nights at a call center to foot the bill. She had just completed her degree, the start of her career impending, before her attack.²⁹

As noted in the introduction, Indian law provides that the identities of rape victims remain protected to preserve anonymity. In the absence of a name, when news of the assault broke, the public and media offered their own monikers for Jyoti, of which “Nirbhaya,” meaning fearless, became the one most commonly used. On January 5, 2013, Jyoti’s parents revealed her name to the public.³⁰ Her father, Badri, explained their reasoning for publicizing their daughter’s identity following her death: “My daughter didn’t do anything wrong...I am proud of her. Revealing her name will give courage to

²⁷ Jason Burke, "Delhi Gang Rape Victim's Tragic Death Transforms Her Family's Life," *The Guardian*, March 12 2013.

²⁸ Burke, "Delhi Rape: How India's Other Half Lives."

²⁹ Burke, "Delhi Gang Rape Victim's Tragic Death Transforms Her Family's Life."

³⁰ Nada Farhoud, "India Gang Rape Victim's Father: I Want the World to Know My Daughter's Name Is Jyoti Singh."

other women who have survived these attacks. They will find strength from my daughter.”³¹

Jyoti’s aspirational narrative was one prominent feature of the media coverage that swelled in response to the assault. Other highlighted themes and details included the social and economic backgrounds of the assaulters (most of whom were poor urban migrants), debates over the morality of the attack, coverage of protests and other expressions of discontent by the Indian population, politicians’ responses to the assault, the actions and inadequacies of the police and legal structures, and the legal proceedings of the crime. The event was covered heavily during the final days of 2012 and into the start of the new year—immediately after the attack, the arrest of the assailants, the transfer of the victim to the Singapore clinic, and her tragic death—first by Indian sources, followed quickly by global news media sources. Figure 1.1, below, presents a visual representation of the ebbs and flows of media coverage by focusing on two major Indian, English-language news publications: *The Hindu* and *The Times of India*.

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³¹ Ibid.

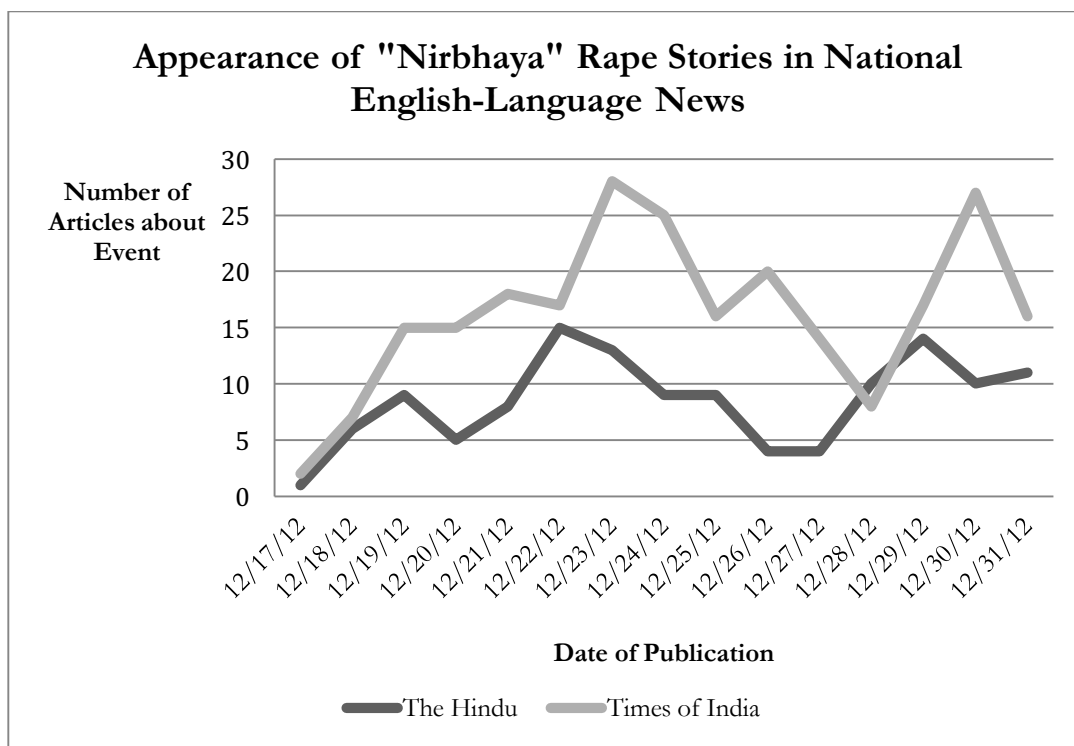


Fig. 1.1: Appearance of “Nirbhaya” Rape Stories in National English-Language News.³²

The assault against Jyoti Singh was perpetrated on the night of Sunday, December 16, 2012. As shown in in Figure 1.1, the attack became local and national news the next day. By Tuesday, December 18, the streets of Delhi were filled with protesters. That day, *The Washington Post* published an article covering the protests, noting that participants were primarily from the (heretofore characteristically apathetic) middle class.³³ Many leaders of the demonstrations were college students, and a majority were women. They gathered around a local police station and blocked a major highway on that first day; over the coming weeks they also organized at major monuments such as India Gate and Lodhi Gardens, the Delhi Police Headquarters, outside the residence of

³² This chart uses articles published specifically on the rape of Jyoti Singh, as well as ones on closely related topics (such as her declining health, increasing protests, or the arrests of the assailants) from the first day after the assault until the end of 2012, very shortly after her death.

³³ Rama Lakshmi, "Gang Rape of a Woman on a Bus in New Delhi Raises Outrage in India," *The Washington Post*, December 18 2012.

Delhi's Chief Minister, Sheila Dikshit, and at Rashtrapati Bhavan (the presidential palace), where police employed force to prevent them from marching on the grounds.³⁴

On the first day of protests, demonstrators held up signs saying, "My Voice is Louder Than My Clothes," "Your Gaze is Bad, Why Blame Me?" and "Delhi's Shame," among others and vocalized desires for better camera surveillance around the city, regulation of safety standards for automobiles and buses, and monitoring over misallocation of police resources for elite members of society.³⁵ Protesters also appealed for more rapid court procession of rape cases (with an astonishing 100,000+ cases pending); more immediate police registration of rape reports; improvement of Parliamentary laws on sexual violence; and the firing the Delhi police commissioner in light of his response to the protests.³⁶ Another demonstration by students of the city's Jawaharlal Nehru University entailed a silent march from campus to Munirka, the location where Jyoti and Awindra boarded the bus, shortly after the announcement of her death. Students held signs expressing their admiration for the victim and mourning her passing.³⁷

On Wednesday, December 19, "three Members of Parliament—Jaya Bachchan, T.N. Seema, and Jharna Das Baidya—participated in a protest outside Delhi Police Headquarters," including "demanding a public apology from the Police Commissioner for police inefficiency and inability to prevent crimes against women," according to an

³⁴ Gardiner Harris, Heather Timmons, and Niharika Mandhana, "Protests over Rape Turn Violent in India," *The New York Times*, December 23 2012.

³⁵ Lakshmi, "Gang Rape of a Woman on a Bus in New Delhi Raises Outrage in India."

³⁶ Heather Timmons, "Protests over Rape Turn Violent in India."

³⁷ Jason Burke, "Angered India Demands Change after Gang Rape Exposes a Society in Crisis," *The Guardian*, December 29 2012.

article from *The Times of India* published the next day.³⁸ Within a week of the assault, a ban was enacted on protesting in the capital city, but the streets remained filled with activists. Delhi's police responded primarily with force, including the use of tear gas, water cannons, and bamboo sticks, and dozens of protesters were arrested as demonstrations peaked on Sunday, the one-week anniversary of the rape.³⁹

A significant amount of community organizing behind and in addition to the protests was facilitated through digital media, especially social media websites such as Twitter and Facebook. Activist groups utilized the online platforms to disseminate logistical information about upcoming protests, publicly articulate their stances on the issues at hand, and communicate directly with members of the press covering the assault and demonstrations.⁴⁰ These websites were also used to put forth grievances and demands directly to politicians, constituting what Adhvith Dhuddu, founder and CEO of the Bangalore-based social media management firm Alive Now, called an "online agitation."⁴¹

In its first story on public reactions to the assault, published just two days after it occurred, *The Washington Post* included a series of popular tweets posted online that merits inclusion here in full, to demonstrate the wide reach of social media as a platform for political expression and organizing:

@rukmini_shrini: I find this Munirka rape terrifying because the girl made the same risk assessment I often make: male companion + public transport = safe.
@ArvindKejriwal7: 635 rapes regd in delhi during 2012. Anyone punished so

³⁸ Sanjay Ojha, "Protests against Delhi Gang Rape," *Times of India*, December 20 2012.

³⁹ Heather Timmons, "Protests over Rape Turn Violent in India."

⁴⁰ Sruthi Gottipati, "A Guide to Protests for Women's Safety in Delhi," *ibid.*, December 19.

⁴¹ Adhvith Dhuddu, spoken to Indu Nandakumar and Akanksha Prasad, "Delhi Gang Rape Case: Facebook, Twitter 'Anchoring' Protest," *The Times of India*, December 24 2012.

far? No? Doesn't it encourage such crimes? Each rape case shud be decided in 1 month

@ZahirJ: Not enough to condemn rape. As men we need to acknowledge the misogyny we are fed, we buy into, we propagate

@realpreityzinta: Its disgusting how unsafe Delhi is becoming 4women! Either there should be capital punishment 4 rapists or they should be castrated #Justice

@ShomaChaudhury: Rapes here go on becoz the discussion is always becomes about women's dress, emancipation, character and culture! Glad the outrage's peaked

@CourtWitness1: Dear MP's⁴²: Your outrage is fake as long as you collectively put your security above ours. Every cop added to VIP detail means more crime.⁴³

These tweets cover an array of topics related to and evoked by the Nirbhaya rape, many of which I will address and unpack in Chapter Two. At the time, about sixteen million Indians had Twitter accounts, making it a powerful platform for mass communication on the popular level.⁴⁴ Facebook, the other most widely used social media website by Indians in the contemporary moment, and Twitter thus emerged in the wake of Jyoti's assault as a medium through which to publicize political opinions and grievances, as well as make and disseminate plans for organizing on the streets in addition to on the Internet.

Expectedly, the police did not delay in responding to the demonstrations around the city. It became evident that their quick action was at least partially incentivized by the locations chosen for protests, many of which were symbolically marked elite or legally owned by politicians and other powerful figures, or even the headquarters of the Delhi Police itself. For example, citizens marched outside the residence of Chief Minister

⁴² MP is an abbreviation for Members of Parliament.

⁴³ Lakshmi, "Gang Rape of a Woman on a Bus in New Delhi Raises Outrage in India." Though their identities were not authenticated by *The Washington Post*, it appears that notable individuals whose tweets are featured here include: Rukmini Shrinivasan, writer and editor for *The Hindu*; Arvind Kejriwal, prominent politician of the Aam Admi Party (and current Chief Minister of Delhi, succeeding Sheila Dikshit); Preity Zinta, Indian film actress; and Shoma Chaudhury, Indian journalist and reporter.

⁴⁴ Akanksha Prasad, "Delhi Gang Rape Case: Facebook, Twitter 'Anchoring' Protest."

Dikshit,⁴⁵ and the presidential palace, where police attempted to disperse the demonstrators, utilizing water cannons and tear gas, beating individuals with bamboo sticks, and making numerous arrests.⁴⁶ In certain instances, according to reports, the officers were responding to violence in the crowds, such as the attack on a Member of Parliament's vehicle; it is also worth noting that a trend of violence in the demonstrations emerged in correlation with the involvement of political parties.⁴⁷ In other cases, peaceful demonstrators (including students) were the recipients of police use of force, further provoking anger among protesting citizens.

As protests erupted throughout India, they also began to arise in other countries. Other South Asian nations, in particular, mirrored the actions of their Indian counterparts and organized in the streets of their own cities to express solidarity with the victim and demand safety and equality for women in India, their home country, and the rest of the world. Demonstrations occurred in Nepal, Sri Lanka, Pakistan, and Bangladesh, among others, all countries where gender dynamics operate in a like manner, and where the cultural context is similar to that of India. Activists from these protests told *The Guardian* that they were inspired and invigorated by the masses of individuals marching in Delhi and around India to do the same.⁴⁸

In general, India's politicians were much more prompt in their responses to the public expressions of discontent by citizens than they were to respond to the news of the assault itself. Conspicuous in his absence from the conversation following the rape was

⁴⁵ As a formally designated "Union Territory", New Delhi elects a Legislative Assembly, similar to any state in the Republic. The party possessing the majority of seats then selects a Chief Minister. Dikshit and her party represented the Congress Party.

⁴⁶ Heather Timmons, "Protests over Rape Turn Violent in India."

⁴⁷ Ibid.

⁴⁸ Jason Burke, "Rape Protests Spread Beyond India," *The Guardian*, January 4 2013.

Rahul Gandhi, then the General Secretary of the Indian National Congress Party, and a political icon of “young India.”⁴⁹ *India Today* wrote, “even though the Delhi protests were essentially a movement of, for and by the young, the nation’s self-styled youth icon only surfaced for a sanitised meeting at his mother’s house with a delegation of protesters on December 23.”⁵⁰ Gandhi’s absence was emblematic of his cohort of young politicians, deemed representatives of the nation’s young generation, who also refrained from becoming involved in the political turbulence following the assault.⁵¹ The magazine went on to posit that the disconnectedness of the young politicians from this issue—and therefore from the young generation, who championed this cause—was a sign that, despite their age, they belong and subscribe to an old-world way of practicing politics (supported by the fact that many of them are the children of India’s former and current leaders).⁵² Indeed, the majority of their more seasoned colleagues also stayed out of the debate that came to the fore after the “Delhi Gang Rape,” at least until constituents took the streets and global citizens demanded responses.

However, over time, official statements from the nation’s elected leaders on the Nirbhaya event began to accumulate, especially as the event gained national and international notoriety. *The Hindu* characterized the swelling conversation among politicians about the Nirbhaya rape and its implications for larger issues of gender equality and safety as, “in the main, dramatic but meaningless calls for summary trials,

⁴⁹ The Indian National Congress Party, commonly called Congress, is one of two major political parties in post-independence India. It is the left-wing party.

⁵⁰ Bhavna Vij-Aurora, “Young and Elsewhere,” *India Today* 2013. His mother is Sonia Gandhi, President of the Congress party.

⁵¹ Ibid.

⁵² Ibid.

castration and mandatory death penalties.”⁵³ Certain political figures made strong public statements expressing varying perspectives on the issue, from coming out in support of the protesters to blaming the growing influence of American culture for sexual violence in India. Interestingly, politicians were not divided along this spectrum based on political party—some representatives of the Bharatiya Janta Party (BJP) fell on the side of the protestors, and plenty of Congress members criticized the victim for her assault and women in general for the persistence of rape in the country.⁵⁴ Notably, there did appear to be slightly more sympathy for the plight of women and acknowledgment of rape culture and institutional deficits by female politicians than among men.

Sushma Swaraj, a BJP representative in Parliament and former Chief Minister of Delhi, reacted to the assault against Nirbhaya with criticism toward the Delhi police and the nation’s government, as well as advocating for the death penalty as punishment for the accused. “There are no words left to condemn this,” she lamented just days after the rape.⁵⁵ In the same vein, Renuka Chowdhury, a representative of the Congress party, declared, “a terrible, terrible atrocity has happened...I am not going to allow this incident to become another statistic” during a session of the Rajya Sabha⁵⁶ on the Tuesday following the attack.⁵⁷ The next day, Home Minister Sushilkumar Shinde made a statement in Parliament announcing changes in jurisdiction over the Delhi Police that

⁵³ "Time to Be Ashamed," *The Hindu*, December 26 2012.

⁵⁴ The BJP is the other major political party of post-independence India. It is the right-wing party.

⁵⁵ Lakshmi, "Gang Rape of a Woman on a Bus in New Delhi Raises Outrage in India."

⁵⁶ The Rajya Sabha is the upper house of India’s Parliament

⁵⁷ Anjani Trivedi and Niharika Mandhana, "Indians Outraged over Rape on Moving Bus in New Delhi," *The New York Times*, December 18 2012.

were to be enacted in order to better ensure the safety of the female population, including placing GPS tracking devices in police vehicles.⁵⁸

Many of their cohorts took a markedly different stance on the assault and its meaning in Indian society. Mohan Bhagwat, the chief of the Rashtriya Swayamsevak Sangh (RSS), responded to the rape of Nirbhaya by proclaiming, “where ‘*Bharat*’ becomes ‘India’ with the influence of Western culture, these type of incidents happen.”⁵⁹ This quote from an important figure, with deep and widespread social implications, will be thoroughly explored and unpacked in Chapter Two, but its inclusion here is necessary to depict the types of responses various Indian politicians had to the rape of Jyoti Singh. Abhijit Mukherjee, Congress MP from West Bengal and son of the nation’s President,⁶⁰ reacted by expressing a similar scorn for women operating outside traditionally prescribed roles; according to *The Washington Post*, he “called the protesters ‘highly dented and painted’ women who go partying in discos and then decide to turn up and take part in demonstrations.” He later apologized for his remarks.⁶¹

Kailash Vijayvargiya, a minister in the Madhya Pradesh government aligned with the BJP, similarly reacted by critiquing the behavior of the victim. He compared Jyoti’s having gone on a date with a man who was not her husband to a scene in the *Ramayana*

⁵⁸ Gargi Parsai and Aarti Dhar, "Gang Rape: Government Announces Slew of Steps," *The Hindu*, December 20 2012.

⁵⁹ Swati Sharma, "Booze and Chinese Food: Indian Politicians Explain the Causes of Rape," *The Washington Post*, July 17 2014. The RSS is a right-wing, Hindu Nationalist organization. It is associated with the BJP.

⁶⁰ In India, the President is a constitutionally mandated appointment and the official head of state. This position should not be conflated with the Prime Minister, who is the head of government. Effectively, the president acts at the advice of the Prime Minister, who is the leader of the cabinet.

⁶¹ Jamila Bey, "In India and Beyond, Shock at a Woman's Death," *The Washington Post*, December 29 2012.

where Sita crosses the *lakshman rekha*, the “moral limit,” thereby enabling the demon Ravana to abduct her. This, by implication, blamed the victim for her fatal gang rape.⁶² Asha Mirje, a Congress leader in Maharashtra, similarly questioned the actions of the victim, portraying them as causes of the rape, ““Did Nirbhaya really have to go to watch a movie at 11 in the night with her friend?”” she asked skeptically, and expressed her conviction that, “rapes take place also because of a woman's clothes, her behavior and her presence at inappropriate places.”⁶³ Mirje’s response underscored that opinions about gender equality and violence crossed political, social, or gendered lines.

* * *

An equally important aspect of this narrative was the repercussions for the accused. As noted above, the assaulters were brothers Ram and Mukesh Singh, Vinay Sharma, Akshay Thakur, Pawan Gupta, and the juvenile, reportedly called Raju.⁶⁴ The trial began on January 21, 2013, which excluded Raju, who was tried in Juvenile Court, and (later) Ram Singh, who was pronounced dead by hanging in Delhi’s Tihar Jail on March 11, 2013. Judge Yogesh Khanna of the Delhi High Court convicted the four remaining accused on September 11, 2013. The crimes for which they were convicted included

⁶² Rama Lakshmi, "Amid Rape Fiasco, India's Leaders Keep up Insensitive Remarks," *ibid.*, January 4 2013.

⁶³ Angus Macswan and Shyamantha Asokan, "Female Politician Suggests Indian Women Invited Rape," *Reuters*, January 29 2014. Mirje’s rhetorical question is factually incorrect; Jyoti and Awindra were leaving the theater to return home around nine o’clock at night. The role of exaggeration in exacerbating the discourse should not be overlooked.

⁶⁴ Burke, "Delhi Rape: How India's Other Half Lives."

rape, unnatural sex, murder, conspiracy, and destruction of evidence.⁶⁵ The juvenile, tried separately in August 2013, was sentenced to three years in a juvenile reform home.⁶⁶

Ram Singh, the group's ringleader, was a thirty-three-year-old widower who worked as a bus driver—giving them access to the vehicle they used to rape Jyoti Singh. He lived in the Ravi Das colony in Delhi, where he garnered a reputation among his neighbors for troublemaking, alcohol abuse, and brawling. His family migrated to Delhi from the village of Karauli in Rajasthan over twenty years prior in the hopes of economic mobility, which they struggled to achieve.⁶⁷ Ram Singh was the first of the assailant to be arrested, as the police found him inside the bus used for the assault.

According to the testimony of a Delhi police officer in court,

When we reached near the bus one person got down from it and after seeing us he started running, I chased that person and apprehended him... Upon inquiry that person disclosed his name as Ram Singh (since deceased). He had also destroyed evidence. The seats of the bus was found wet. Some blood was visible on the corner of the wall touching the ceiling as well as on the floor of the bus. On [being] asked about it, the accused did not respond satisfactorily."⁶⁸

Speculation has since persisted as to whether his death, by hanging, was suicide or murder.

His younger brother, Mukesh Singh, was the driver of the bus on the night of the assault. The pair lived together in the settlement, and Mukesh worked occasionally as a driver and cleaner on his brother's bus. He denied the charges against him, that he raped Jyoti and struck her and Awindra with an iron rod, offering the alibi that he was driving

⁶⁵ Burke, "Delhi Rape Trial: Defence Cites Gandhi in Plea against Death Penalty," *The Guardian*, September 11 2013.

⁶⁶ Ibid. I examine the circumstances and timing of his release in Chapter Four, below.

⁶⁷ "Profiles: Delhi Gang Rapists," *BBC*, December 20 2015.

⁶⁸ HTCorrespondent, "Delhi Gang-Rape Verdict Day: Who Said What in Court?," *The Hindustan Times*, September 10 2013.

the bus the entire time the two were aboard.⁶⁹ He was found guilty, based on evidence that others of his cohorts took turns driving so that he could participate in the rape.⁷⁰

Vinay Sharma lived in the same slum as the Singh brothers in South Delhi. Like Ram, he was known for his proclivity for brawling. He worked as an assistant in a gym, and reportedly took artificial supplements to increase his physical strength.⁷¹ At twenty years old, Sharma was the only one of the six assaulters to have a high school education; in the summer of 2013, he was denied a request for bail so that he could take one of his university exams, which he instead took inside the prison.⁷² In court, he claimed that he was not in the bus on the night of the assault, and instead was at a music function, but was found guilty based on DNA investigations linking him and the other five assaulters to the crime.⁷³

Pawan Gupta, whose father testified in corroboration, used the same alibi. A nineteen-year-old fruit seller, he had grown up in the rural town of Basti in Uttar Pradesh. He came to Delhi to help his parents run their fruit stall, thereby ending his schooling. According to a relative, he had ““fallen in with the wrong sort”” in Delhi.⁷⁴ Like Vinay, he was found guilty despite his proffered alibi based on DNA evidence.⁷⁵

⁶⁹ "Profiles: Delhi Gang Rapists."

⁷⁰ Miranda Kennedy, "How India's Rapid Changes Are Putting Women at Risk," *The Washington Post*, January 4 2013.

⁷¹ Udwin, "India's Daughter: The Story of Jyoti Singh."

⁷² "Profiles: Delhi Gang Rapists."

⁷³ HTCorrespondent, "Delhi Gang-Rape Verdict Day: Who Said What in Court?."

⁷⁴ Jason Burke, "In the Delhi Slum Home of Gang-Rape Accused: 'We Are Good People'," *The Guardian*, December 31 2013.

⁷⁵ HTCorrespondent, "Delhi Gang-Rape Verdict Day: Who Said What in Court?."

Akshay Thakur, a twenty-six-year-old from a village in south Bihar, had migrated to Delhi only a year earlier, where he earned wages by assisting on Ram Singh's bus.⁷⁶ He fled back to his village after the assault and was arrested there on December 21, 2012, five days after the crime. In court, he testified that he was not in Delhi on the night of the rape, claiming he had already left for his village in Bihar, where his wife and baby lived.⁷⁷ Once again, DNA evidence disproved his alibi.⁷⁸

Lastly, there was the juvenile, whose case was tried separately by the Juvenile Justice Board. He also used to assist on Ram Singh's bus; according to Mukesh Singh, he had a knack for tricking people into boarding the bus.⁷⁹ The oldest sibling of six, he left his family's village in Uttar Pradesh at age eleven to earn money doing contract labor in Delhi. Initially, he sent money back to his family, but stopped after a few years. They did not know if he was still alive until the police informed them of the crime their son had committed. On August 31, 2013, he was found guilty of the charges against him. His sentence, three years in a reform facility, was the maximum available to a juvenile. On December 20, 2015, he was released, despite fierce protest and legal challenges.⁸⁰

The trial against the five adults—Ram was still alive when it began—commenced in January and was closely monitored by the Indian public. One of many notable aspects of the case was how quickly it went to trial—less than a month had elapsed from when the crime was committed. Initially, the court issued a ban on media coverage of the trial on the grounds that “public emotions attached to the incident were raw and daily

⁷⁶ Burke, "In the Delhi Slum Home of Gang-Rape Accused: 'We Are Good People'."

⁷⁷ "Profiles: Delhi Gang Rapists."

⁷⁸ HTCorrespondent, "Delhi Gang-Rape Verdict Day: Who Said What in Court?."

⁷⁹ Udwin, "India's Daughter: The Story of Jyoti Singh."

⁸⁰ "Profiles: Delhi Gang Rapists."

reporting could influence the proceedings.” This gag order was eventually lifted in March, based on a “ruling in favor of a petition arguing for transparency.”⁸¹

The defense lawyers for the five adults accused were appointed by a district court in New Delhi, since all were of low socioeconomic standing. Manohar Lal Sharma was the attorney for Mukesh Singh and Pawan Gupta, A.P. Singh the attorney for Akshay Thakur and Vinay Sharma, and V.K. Anand the attorney for Ram Singh.⁸² Of the three, Sharma was the most outspoken, offering his opinions about the morality of rape, the behavior of women, the proceedings of the trial, and more to journalists. He also participated in interviews for the BBC documentary, *India's Daughter*, where he rehashed his opinions. One notable statement he made, revealing his stance on the issue, was, “until today I have not seen a single incident or example of rape with a respected lady.”⁸³ Interviews with A.P. Singh, another one of the lawyers, are also featured in *India's Daughter*, where he offers opinions similar to those of Sharma.

The judicial process against the accused shifted from a trial against five adults to four in March 2013, when Ram Singh was found dead in his prison cell at Delhi's Tihar Jail. This news upset the Indian public, primarily because it revealed serious flaws in the prison's internal security. Ram “had hanged himself from a grill on the ceiling by tying his clothes and pieces of blanket together to make a rope” according to prison authorities.⁸⁴ The five assailants were supposed to be under strict suicide watch in the

⁸¹ Rama Lakshmi, "Drama Greet Media at New Delhi Gang-Rape Trial," *The Washington Post*, March 25 2013.

⁸² Sruthi Gottipati, "In Delhi Gang Rape Case, a Controversial, Outspoken Lawyer for the Defense," *The New York Times*, January 16 2013.

⁸³ Ibid.

⁸⁴ Rama Lakshmi, "India Orders Investigation after Gang-Rape Defendant Ram Singh Is Found Dead," *The Washington Post*, March 11 2013.

prison, “but there was no surveillance camera inside Singh’s cell, and a night patrol guard had last seen him at 2.30 a.m. during his round.”⁸⁵ Delhi’s Home Minister, Shinde, publicly acknowledged Ram Singh’s death as “a major security lapse,” while his lawyer insinuated “foul play” was involved, and his father alleged it was murder.⁸⁶

In September, Judge Khanna ruled that the four remaining adult accused were guilty and sentenced them to death by hanging. This conclusion was in alignment with the expressed desires of the victim’s family, as well as significant portions of the Indian population. Others called for life sentences in prison, or, of course, for the men to be ruled innocent. The prosecuting attorneys also fought for the death penalty, arguing that the case qualified as “the rarest of the rare” and emphasizing that the attempt to run the victims over after throwing them out of the bus constituted a premeditated attempt at murder.⁸⁷ The judge made his decision after receiving testimonies from eighty-five witnesses, the victim’s statements before her death, and DNA and bite mark evidence linking the accused to the assault. The defense lawyers appealed Judge Khanna’s decision, moving the case from the Delhi High Court to the Supreme Court. It has since remained pending.⁸⁸ The juvenile has since completed his sentence—three years in a reform institution—and was released in December 2015.

In addition to the trial of the accused, another important response to the event took place within the legal sphere: The Justice Verma Committee (JVC) report. The Report of the Committee on Amendments to Criminal Law was crafted by the three-

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Burke, "Delhi Rape Trial: Defence Cites Gandhi in Plea against Death Penalty."

⁸⁸ PTI, "Nothing Has Changed since Dec 16: Nirbhaya's Dad," *The Times of India*, December 15 2014.

member commission—Justice J.S. Verma (who was the chairman), Justice Leila Seth, and Gopal Subramaniam—and published on January 23, 2013. The committee, assigned to review laws for sexual crimes, identified “failure of governance” as the “root cause” of sexual violence in India.⁸⁹ They specifically used the term “rape,” as opposed to “sexual assault,” in their report due to considerations of preexisting definitional distinctions between rape and sexual assault written into Indian law (specifically, that sexual assault only includes non-penetrative acts).⁹⁰

In contrast with the wishes of Jyoti’s family and other Indian citizens, the JVC recommended rigorous imprisonment for seven years to life, rather than the death penalty, as the punishment for rape (for causing death or permanent coma, and for gang-rape, the minimum should be twenty years). The report suggested punishments for other crimes of a sexual nature as well, such as harassment, voyeurism, stalking, and trafficking. It submitted that police register all complaints of rape, that all marriages be registered to ensure consent, and that the legal definition of sexual assault be expanded to include offenses against all gender identities and include marital rape. The report also recommended significant reform on the part of the police, whose negligence it cited as a pernicious cause of high rates of sexual crimes and violence against women in the country.⁹¹

Not only in the legal sphere, but in the political and social spheres as well, the Nirbhaya rape quickly and consistently affected the amount and ways that gender equality and sexual violence were regarded and discussed in India. Statistically, an

⁸⁹ Prasad Sanyal, "Recommendations of the Justice Verma Committee: 10-Point Cheat-Sheet," *NDTV*, January 24 2013.

⁹⁰ Talwar, *Courting Injustice: The Nirbhaya Case and Its Aftermath*.

⁹¹ Sanyal, "Recommendations of the Justice Verma Committee: 10-Point Cheat-Sheet."

increase occurred in the amount of rape and other sexual assault crimes reported in Delhi and around India. While this initially appears to represent a rise in the frequency of the crime itself, it very likely demonstrates that a shift in the cultural climate has empowered more victims of sexual violence to recognize and report a historically under-recorded crime.⁹² Along the same vein, after the rape of Jyoti Singh, substantially more articles, studies, and informal conversations on the topics of gender equality and women's safety arose. Qualitatively, a more open discussion of gender dynamics, including a sense of public shame with concern to rape—that it is not the woman's shame, but the country's shame⁹³—developed following the Nirbhaya assault.⁹⁴

Specifically, Indian news media saw a rise in reports of rape and sexual assault following the “Delhi Gang Rape.” In addition to the unprecedented amount of reporting on the rape of Nirbhaya, since December 2012 the Indian news media has featured substantially more coverage of instances of sexual violence than ever before.

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⁹² Shivani Singh, "Rape Victims Being Heard in Delhi, Now Give Them Justice," *The Hindustan Times*, November 17 2014.

⁹³ As stated by Delhi resident Vinita Trapathi, personal conversation, 2015.

⁹⁴ Swati Sharma, "What India Has Learned from the Delhi Gang Rape," *The Washington Post*, September 13 2013.

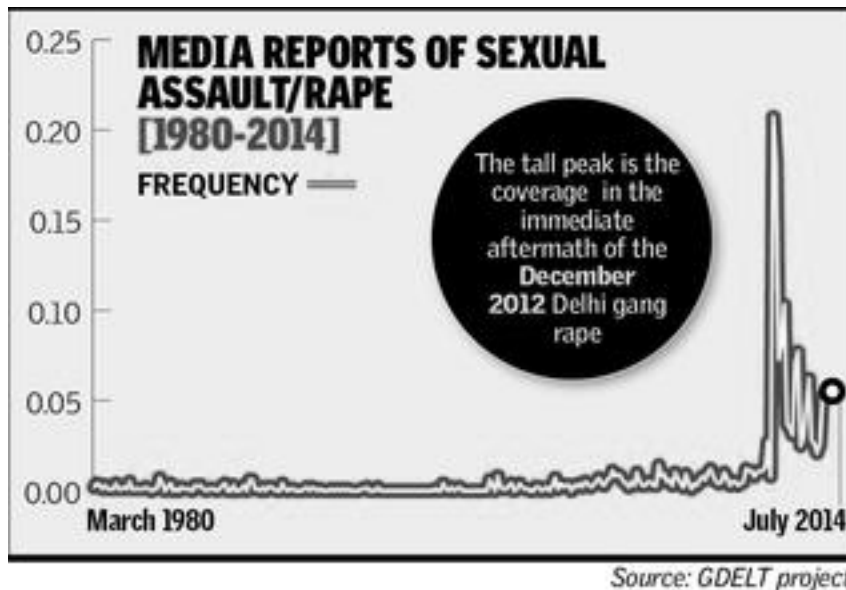


Fig. 1.2: Media Reports of Sexual Assault/Rape [1980-2014].⁹⁵

According to the GDELT project,⁹⁶ the world's largest database of media reports, the frequency of media reports on sexual assault and rape peaked immediately after the rape of Jyoti Singh, and, between then and July 2014, remained markedly higher than anytime before since the 1980s.

Since the Nirbhaya attack, people in India have been talking about sexual assault, struggling to define sexual assault, reporting sexual assault, reporting *on* sexual assault, and fighting against sexual assault with greater regularity than ever before in the nation's history. Yet, the question remains as to why. Why did *this* instance of sexual violence galvanize a nation? We turn to this question in the following chapter.

⁹⁵ Ajai Sreevatsan, "Has the Media Suddenly Turned a Spotlight on Rape?," *The Hindu*, August 3 2014.

⁹⁶ The GDELT project monitors the world's broadcast, print, and web news from nearly every country in over 100 languages. All data is normalized to compensate for an exponential increase in news outlets over the last 30 years. See: www.gdeltproject.org.

CHAPTER TWO

Elements of the Storm

Scholars, journalists, and other social commentators, in looking at the 2012 “Delhi Gang Rape,” have highlighted a set of features of the event that they see as being particularly disturbing, contentious, or salient. Some have pointed to the gruesome brutality of the rape itself and to the socio-cultural climate that has enabled such violent sex crimes to occur; some to the hope embodied by the victim, who migrated from a rural village to a capital metropolis in pursuit of an education in medicine; some to the ghastly flaws in the institutions meant to prevent and mitigate violent crimes in India; some to the swaths of urban citizens in India who feel unsafe navigating the cities they occupy; some to the dissemination of information and opinions about the event with unforeseen speed and reach via digital technologies. I contend that all of these factors are relevant, and, moreover, that it was the confluence of them all in this event that caused this instance of sexual violence, and not any other, to strike such a chord among the Indian and international populations. In other words, it was a “perfect storm” of these “elements”—gender and sexuality, caste and class, police and government corruption, mobility and urban spaces, and media and technology—that turned the fatal rape of Jyoti Singh Pandey into the “Nirbhaya phenomenon.”

Why did an event encompassing these five factors resonate so strongly with the global public,¹ at the end of 2012? Put simply, they were already on the mind. These elements all represented hot-button issues, in Delhi, in India, and internationally, in the

¹ As mentioned earlier, this “global public” was indeed limited. Socioeconomic status excluded many people from these conversations, while others voluntarily chose not to engage in them. This term, “global public,” is meant to be inclusive of all who interacted with the event in any form and to any degree, from marching in protests to reading a news article about it thousands of miles away.

historical moment when Jyoti Singh was murdered. Ideas were already surfacing in popular discourse about the treatment of women, the relative prospects for members of different caste and class groups, the quality of the city and country's government and police, the navigation of urban space, and the rise of digital and social media and technology.² The Nirbhaya rape, then, elevated these voices to new platforms—courtrooms, street protests, news outlets, and social media—from which they could be heard. People now had a tangible example to support their stances on these issues; in turn, Jyoti's rape became the symbol for each of these disagreements. It inspired people—college students, politicians, mothers, fathers, daughters, sons—to publicize or demonstrate their assessments of where India currently stood and in what direction they hoped it would go. In other words, the debates that emerged in response to the death of Nirbhaya centered on a simple, timeless question: what is right, and what is wrong?

GENDER AND SEXUALITY

As with any instance of sexual violence, Jyoti's rape prompted discussion about the meanings and functions of gender and sexuality. Especially because she lived for almost two weeks following the assault, the event was recognized first as a rape, and only later as a murder, too. This characterization was reflected in the emerging discourse surrounding the event, which focused on the sexual nature of the violence, and, accordingly, the gendered terms of the interaction. It produced lively discussion about

² In the international sphere, this discourse was contextualized by India's emergence as the last surviving BRIC country, and hopeful expectations for the country as an international economic actor. The rape of Nirbhaya, by certain views, represented a symbolic regression of the modernizing nation, thereby making the country less appealing to foreign investors. An op-ed in *The Chicago Tribune* concluded, "India's much-hyped modernity isn't looking so modern." See: William Pesek, "Rape Wakes a Nation to Shame Hidden Behind Gloss," *The Chicago Tribune*, January 4 2013.

how gender was operating as a social force in contemporary Delhi, and India, bringing to the forefront preexisting disagreements between different groups and individuals on this topic. At the heart of this debate was a question of morality—what is acceptable for whom when it comes to gendered and sexual transactions?—which manifested in the responses to this event as: who is at fault for this act of sexual violence?

Though the Nirbhaya event brought these questions to the forefront, they had already been gaining traction in Indian public discourse. Statistically, the early twenty-first century in Delhi has seen higher rates of violent crimes than other cities in India, including the highest rate of rapes, kidnapping, and abductions.³ But anger had also been brewing among many of the city and country's women, and other like-minded citizens, over the ubiquity of unwanted sexualizing and objectifying interactions between the genders. Avantika Shukla, a female college student in Delhi, told *The Washington Post* shortly after the event, “it was as if my built-up anger and frustration at suffering sexual harassment silently over the years just boiled over.”⁴ According to many, this type of brutality is exhibited daily, in interactions ranging from “eve-teasing” (the popular euphemism for street harassment) to rape, occurring with enough frequency to earn the city the pseudonym of the “rape capital” of India.⁵

India, like much of the world, has long been a patriarchal society, and the roots of contemporary gender inequality (manifesting often in the form of sexual violence) certainly lie in this tradition of global and cultural patriarchy. However, in order to

³ Alakh N. Sharma, "Delhi Human Development Report 2013: Improving Lives, Promoting Inclusion," ed. Institute for Human Development (New Delhi: The Book Mint, 2013), 167-68.

⁴ Rama Lakshmi, "A Day in the Life of a Young New Delhi Woman," *The Washington Post*, January 9 2013.

⁵ Rana Dasgupta, *Capital: The Eruption of Delhi* (New York: Penguin Group, 2014), 139.

understand the increase over recent decades of gender-based violence in India, we must also look at factors of the contemporary period, and analyze them in the context of this historical background of colonialism and postcolonialism. Vijay Raghavan, chairman of the Center for Criminology and Justice at the Tata Institute of Social Sciences in Mumbai, explained his theory as to why gender-based violence has become so prominent in contemporary India, and especially in its urban spaces. He claims, “women are rising in society and fighting for equal space, and these crimes are almost like a backlash,” emphasizing that tensions about cultural shifts in prescribed gender roles have been rising contemporaneously with rates of sexualized crimes.⁶ In *Capital*, author Rana Dasgupta corroborates this idea by emphasizing the sadistic nature of these instances of sexual violence, characterizing them as endemic of a “low-level, but widespread, war against women.”⁷ He argues that the surge of sexual violence in Delhi and other Indian cities has been brought about by (male) anxieties produced by the rapidly changing economy and society of India with the onset of economic liberalization, which has created space for women to enter the public sphere, both occupationally and socially.

These insecurities have arisen not just in reference to the economic threat posed by women as a result of this cultural transformation, but also to a potential shift in the power dynamics of sexual relationships between the genders. As journalist Veena Venugopal writes, “when did desire become a male privilege? There is so little conversation about a woman’s desire for sex that a lot of people simply assume it doesn’t exist.”⁸ To support this claim, she references an article from *The Times of India* article,

⁶ Vijay Raghavan, quoted in Sruthi Gottipati and Heather Timmons, "Indian Women March: 'That Girl Could Have Been Any One of Us'," *The New York Times*, December 30 2012.

⁷ Dasgupta, *Capital: The Eruption of Delhi*, 139.

⁸ Veena Venugopal, "When Women Ask for It," *kafila.org*, February 11 2013.

titled “Women Too Have High Sex Drive.” “Did you not know that?” she asks rhetorically.⁹ Unfortunately, her question is necessary, given the prevailing climate of sexual ignorance apparent in India today, which slips easily into sexual violence.

Following her lead, let us briefly unpack the *Times of India* article cited by Venugopal, which was published four months after the fatal rape of Jyoti Singh. First, the author (whose name and gender identity are not revealed in the article) calls in *four* doctors in various sex-related fields to introduce the idea that, contrary to popular belief, “with various sexual techniques and arousal methods, even women can enhance their sex appeal and thus give their sex drive a much needed boost.”¹⁰ They then provide tips for “how a woman can overtake her man in sex drive,” which are listed as the following: “take charge of foreplay,” “plan for a sensuous night,” “dress attractively,” “exchange naughty gestures,” “make kissing a memorable experience,” and—the icing on the cake—“don’t insist too much on contraception.”¹¹ Though a tangential paragraph explaining how each of these suggestions is utterly misogynistic is certainly warranted, suffice it to say that articles such as these clearly illustrate the pervasive patriarchal (and heteronormative) mindset that enables sexual violence against women to occur with such frequency and intensity in contemporary India.

This is the Delhi, the India, in which Jyoti Singh and her male friend boarded a bus after dark on the way home from seeing a Hollywood film. While some Indians viewed this act as a perfectly acceptable exercise of rights and freedoms, many others understood it to be part of a pernicious trend away from the traditional male-dominated

⁹ Ibid.

¹⁰ “Women Too Have High Sex Drive,” *The Times of India*, April 26 2013.

¹¹ Ibid.

and male-directed society. Thus, when news began to spread of the assault against Jyoti Singh, most people (politicians being the notable exception, until civil discontent became undeniable) showed little restraint in expressing their opinions about who was to blame for this occasion of sexual assault, and how to prevent more violence like this from occurring in the future.

One common assertion was that modernity and Westernization were to blame for the rape of Jyoti Singh and, by extension, the prevalence of sexual violence at this moment in Indian history. According to one op-ed, “India’s entrance onto the world stage has led to confusion about sexuality, morality and tradition.”¹² Referring to the post-Nehruvian “liberalization” of India’s economy, beginning in the late 1980s, which opened the country to an incursion of Western goods and values, the author suggests that the effect of this change in policy has been to complicate the landscape of gender and sexuality.¹³ Onto a background of female docility, subservience, and relegation to the home, the modern era, especially post-“liberalization,” projected public handholding among couples and billboard images of sexuality, as well as increased female presence in the city’s commerce, and therefore the city’s public spaces.¹⁴ As a result, “the rules are in flux, and no one is quite sure what is acceptable.”¹⁵

¹² Kennedy, "How India's Rapid Changes Are Putting Women at Risk."

¹³ This was not the first time such fears were expressed throughout India’s history. Similar controversy surfaced in the late 1920s and early 1930s in response to Katherine Mayo’s book, *Mother India*. Hindi publications suggested (and lamented) a rise of loose women in India based on increasing education, economic independence, and the like. For more on this controversy, see: Mrinalini Sinha, ed. *Selections from Mother India* (New Delhi, India: Kali for Women Press, 1998).

¹⁴ William Dalrymple, *City of Djinnns: A Year in Delhi* (London: Harper Collins Publishers, 1993), 24.

¹⁵ Kennedy, "How India's Rapid Changes Are Putting Women at Risk."

With regard to gender and sexuality, members of the Akhil Bharatiya Vidyarthi Parishad (ABVP; in English, All Indian Student Council)¹⁶ spoke out in response to the rape of Jyoti Singh by criticizing the recent transformations of Indian culture. One student leader at Delhi University explained, "there has been a decline in moral values and this encourages problems [such as rape]," promoting the position that India was a haven for women before coming into contact with modern and Western ideas.¹⁷ "We must save our culture not just embrace another," said another ABVP representative, adding, "these kind of incidents never happened in India 200 or 300 years ago."¹⁸ This statement exemplifies the ideology of this camp, which romanticizes traditional India as safer for women than it has become since the onset of economic liberalization and liberating ideas about gender and sexuality.

In fact, one of the most public voices from the Right was that of Mohan Bhagwat, chief of the RSS. His statement on the rape of Jyoti Singh was mentioned briefly in Chapter One, but warrants reproduction here—not least because it garnered frequent comment. "Such crimes hardly take place in '*Bharat*,'" Bhagwat claimed, "but they occur frequently in 'India.'" Bhagwat invoked the ancient Sanskrit name for the subcontinent to articulate his sense that India has devolved from a former state of high morality.¹⁹ According to his view, the forces responsible for the death of Jyoti Singh are

¹⁶ The ABVP is a rightist, Hindu Nationalist student group, the offspring of the BJP. Its own articulation of its founding mission is particularly enlightening with respect to ideas of history and progress. For further information, see: "Akhil Bharatiya Vidyarthi Parishad," <http://abvp.org/history>.

¹⁷ Jason Burke, "Indian Culture War Breaks out over Delhi Gang Rape," *The Guardian*, January 15 2013.

¹⁸ Ibid. Clearly, this is an egregious factual inaccuracy.

¹⁹ TNN, "Rapes Occur in India, Not Bharat: Rss Supremo Bhagwat," *The Times of India*, January 4 2013.

those of modernity, the liberalization of economy and society, and the influence of Western culture. As such, Bhagwat and others assert a return to the norms of traditionalist India—where women stay in the home after dark, where they do not go out to see movies with male friends, where they do not go to malls to see American films, and where they do not fight back when men perceive them as the object of a sexual encounter—to restore the morality and the safety of the nation.

This was the same argument upheld by Mukesh Singh, driver of the bus in the Nirbhaya case, and his lawyer, M.L. Sharma. Mukesh used this logic to implicate the deceased as responsible for her own rape and murder. Jyoti's first offense, he explains, was her mere existence as a woman. "Women who go out at night have only themselves to blame in case they attract attention of male molesters," he explained in an interview with *BBC*.²⁰ Furthermore, "while being raped, she shouldn't have fought back. She should have just remained silent and allowed the rape," he asserts.²¹ He supports this accusation by suggesting a return to traditional gender norms: "Housework and housekeeping is for girls," he reasons, "not roaming in discos and bars at night or wearing wrong clothes."²²

Sharma, Mukesh's defense attorney, echoed his client's sentiment, but placed his judgment instead on Jyoti's friend, Awindra. "This all happened because of the lust of the boy," he told *The New York Times* in a telephone interview, "this is the boy who

²⁰ Kounteya Sinha, "Nirbhaya Gang-Rape Convict Blames Victim for the Fatal Assault," *ibid.*, March 2 2015.

²¹ *Ibid.*

²² *Ibid.*

should be hanged.”²³ According to Sharma, Awindra caused the fatal rape of his friend through his willingness to accompany her as she defied the traditional behavioral expectations for an unmarried woman. Moreover, Sharma implies, because Awindra engaged in a relationship with a woman other than a traditional arranged marriage—even though the men who did assault her, including the man Sharma is defending in court did the same, only through forcible sex rather than consensual movie-going—Awindra should be held responsible for the attack on her in which he did not participate, and from which he tried to protect her until he was knocked unconscious. This, indeed, is the logic of those advocating for a return to India’s past practices of gender and sexuality.

Proponents of these views argue that Indian culture, in particular, “extols the virtues of womanhood and their role in society,” as evidenced by its many revered female symbols, goddesses, and even politicians.²⁴ Yet, as British journalist and blogger Sunny Hundal points out, “traditional values say women are only important not in their own right, but because they produce children and preserve culture.”²⁵ While he fails to recognize similar manifestations of misogynistic tradition in the global patriarchy, he does problematize key aspects of the responses to the Nirbhaya event that falsely imagined India’s past as harmonious for women.

Indeed, many other voices in India placed the blame for the rape of Jyoti Singh, as the court did, on the six men on the bus that night. The demands of protesters—who

²³ Gottipati, "In Delhi Gang Rape Case, a Controversial, Outspoken Lawyer for the Defense."

²⁴ Sunny Hundal, "India's Bitter Culture of Rape and Violence," *The Guardian*, January 3 2013.

²⁵ Ibid.

began public demonstrations within a day of news breaking about the rape—for “unqualified freedom and right to live without fear of violence, in the home or the street; day or night; irrespective of what they wear or do,” exemplified this.²⁶ Their response to the event regarded sexual harassment and assault as forces that endangered the safety and liberty of the female Indian population, held perpetrators of such acts accountable, and sought justice for victims and survivors. This group expressed desire for a new Indian—and universal—culture, which prioritized the freedom and equality of its citizens regardless of gender; one created from new beginnings, and not in the model of their nation’s past.

For some, the “Delhi Gang Rape” invited a critique of masculinity, male culture, and gender discrepancies in contemporary India. In a post for *kafila.org*, scholar Esha Shah declared, “the pain of the victim is shared collective pain, but the brutality of the act is certainly not the shared collective responsibility.”²⁷ First and foremost, the responsibility belongs on the shoulders of the six men who committed the act. But Shah also argues that their actions—and similar instances of brutal gender-based violence—were embedded in “deep-rooted structures of violence in our [Indian] society.”²⁸ Like Shah, many other protestors and activists recognized this particular act of sexual violence as a product of global and local systems of governance and ideology that devalue, restrict, and eroticize women, while empowering men vis-à-vis sexual conquest and

²⁶ “Delhi Gang Rape Protests: Defining Moments at India Gate,” *Economic Times*, December 24 2012; “Voices against Rape,” *The Hindu*, December 22 2012; Mohammad Ali, “Angry Protests across Delhi over Gang-Rape,” *ibid.*, December 20.

²⁷ Esha Shah, “Delhi Gang Rape--Understanding the Structure of Violence,” *kafila.org*, February 1 2013.

²⁸ *Ibid.*

social domination of the opposite gender. For evidence of this, just return to *The Times of India* article described above, “Women Too Have High Sex Drive.”

Some residents of the Ravi Das colony, where Jyoti’s assaulters were living, echoed this frustration with the disproportionate policing of women’s behavior compared to that of men. Shivam Vij, a journalist and blogger based in Delhi, reports that one young woman lamented, ““why should boys have all the freedom?””²⁹ Her discontent was supported by another woman in the colony, saying, ““nobody rapes a man who comes home at 2 am,”” to which another replied, ““that is how it is... Even if a woman becomes a top bureaucrat in our society she is still seen as a woman.””³⁰ This criticism of gender norms woven into the fabric of society became louder and more widespread in the aftermath of the “Delhi Gang Rape,” provoking many Indians to question whether traditional Indian society could be used as the foundation for a contemporary society that is equal and safe for women, or whether the deep-rooted misogyny embedded and institutionalized in the history of India, and of much of the rest of the world, would require them to start from scratch.

In an op-ed for *The Guardian*, British journalist Suzanne Moore proposes the latter: “The new India can only be birthed through the rights of women to be free, safe and equal,” she claims.³¹ After the Nirbhaya event, many Indians became convinced that this could only be achieved by radically reforming the patriarchal structures that have persisted throughout India’s history, rather than by looking to their beginnings as a guide. Thus, the rape of Jyoti Singh touched on and brought to the forefront a

²⁹ Shivam Vij, "Why the Delhi Rapists Should Not Be Hanged," *ibid.*, February 15.

³⁰ *Ibid.*

³¹ Suzanne Moore, "Delhi Gang Rape: In India, Anger Is Overtaking Fear," *The Guardian*, December 31 2012.

preexisting discrepancy within India as to what is right and wrong with regard to gender and sexuality as they operate in and, indeed, shape society.

CASTE AND CLASS

Tensions surrounding functions of caste, class, and their intersection have a long and complex history in India, and remain sources of aggravation in the present. In the contemporary moment, public debate about caste centered around two opposing ideologies. The first was the traditionalist view, derived from classical Hindu scriptures and perpetuated in current iterations throughout India's history, that a group's caste status is indicative of its members' merit or value. This idea originates from the cosmogony in the ancient text, *Manusmṛiti*, in which it is written that the human population was created in four strains: "priests" (effectively, the Brahmin caste), "rulers" (Kshatriya), "commoners" (Vaishya), and "servants" (Sudra), suggesting that humanity can be divided into four types and arranged in a hierarchy, where the value of each group is defined by its occupation or role in society.³²

The other view, which gained prominence in the early twentieth century, was that caste had been and continued to be a systematically oppressive institution, with its effects manifesting presently in insurmountable disparities of opportunity and capital between high and low caste groups. As R. S. Khare asserts, this was constituted by the historic "social deprivation and oppression" (as well as economic deprivation and

³² *The Laws of Manu*, trans. Brian K. Smith and Wendy Doniger (New York: Penguin Books, 1991), 6-7.

oppression) of the lower classes.³³ B. R. Ambedkar, one of the leaders of the *Dalit* liberation movement, argued that the concept of caste was harmful to society, and especially to those at the bottom of the hierarchy, because its practical application translated into an “anti-social spirit,” where each group’s first priority has become “protecting its own interests.”³⁴ The development of society organized by this system of isolation, where certain groups are endowed with a surplus of resources and privilege while others are restricted from access to them almost completely, ingrains and reinforces the social and economic deprivation of the lower groups.

Indeed, current statistics indicate that membership in a low caste tends to translate into greater economic suffering, as “the Scheduled Caste (SC) population comprises the largest proportion of poor and vulnerable in India,” and lower income status has the consequential effect, in general, of diminishing quality of life.³⁵ While progressives have contended that this income gap exists due to a history of institutionalized marginalization of low castes, impeding them from achieving economic development (in much the same way as has been done to women vis-à-vis the patriarchy), traditionalists have viewed it as evidence of the relative ineptitude and unworthiness of the low castes.

Disagreements about the relevance of caste in contemporary Indian society, and its detrimental effect on the social and economic livelihoods of many of its citizens, have

³³ R. S. Khare, *The Untouchable as Himself: Ideology, Identity, and Pragmatism among the Lucknow Chamars* (Cambridge: Cambridge University Press, 1984), ix.

³⁴ Valerian Rodrigues, *The Essential Writings of B. R. Ambedkar* (Oxford: Oxford University Press, 2002), 269. *Dalit*, translating to “oppressed,” is the political name for castes considered “untouchable.” The term was popularized by Dr. Ambedkar.

³⁵ Sharma, "Delhi Human Development Report 2013: Improving Lives, Promoting Inclusion," 43, 34.

been reinvigorated in recent decades with the onset of economic liberalization. India's entrance into the global marketplace has caused significant shifts in the country's economy and culture, convincing some that the institution of caste has been rendered obsolete in contemporary global society, while suggesting to others that India's traditions, including caste, must be preserved in the face of moral corruption from the influences of Westernization and modernity.³⁶ Questions about caste and class have also been relevant in India's development discourse since the country has experienced a surge of rural to urban migration, both in search of economic opportunity and as involuntary displacement due to national development projects.³⁷ It is in the context of these circulating ideologies that the Indian population watched the death of Jyoti Singh, and the conviction of her assaulters, unfold in the winter of 2012-2013, inspiring many to voice their opinions as to the meanings of the respective caste and class statuses of the victim and the perpetrators.

Thus, for some, the "Delhi Gang Rape" was received as a political opportunity to further a caste-ist and classist agenda in the public discourse. They attempted to contextualize the individual biographies of the six assaulters, and their perpetration, as exemplary of a historical nationwide trend of increased crime rates among poor and low-caste populations. These individuals responded to the Nirbhaya assault by emphasizing the narrative that, "many of the increasingly frequent gang rapes have been perpetrated by young, poor, unskilled, often semi-literate men who are low in the tenacious Indian

³⁶ Vijay Prashad, *Untouchable Freedom: A Social History of a Dalit Community* (Oxford: Oxford University Press, 2000), xvi.

³⁷ Dasgupta, *Capital: The Eruption of Delhi*, 262. See also: Nivedita Menon and Aditya Nigam, *Power and Contestation: India Since 1989* (Nova Scotia, Canada: Fernwood Publishing Ltd., 2007).

caste system and find little place in new Indian cities.”³⁸ Significantly, this reporter introduced this particular response by describing its advocates as individuals who “are disorientated by the pace of change or sense they have much to lose,” alluding to both their commitment to tradition even as time continues to move forward, as well as the threat to their privilege posed by the presence of marginalized groups (in this case low-caste, poor men) in the city.³⁹

The prevalence of this demographic in Delhi and other cities at this moment in history was due, in large part, to the increased migration from rural to urban areas currently taking place in India.⁴⁰ Sentiments about this phenomenon, which has been credited with catalyzing the rise of the Indian slum, were also featured in the discourse about the murder of Jyoti. The same people who suggested that rapes are more common among poor, low-caste men—including international news sources and other commentators—also utilized this event to promote the idea that India’s cities are suffering from the influx of low-caste and low-class migrants. They engaged a rhetoric that paints the lower classes and castes as chronically destitute, dirty, and delinquent. For example, an article in *The Guardian* describes the assaulters as “unregistered semi-legal squatters,” portraying them to fit the archetype of the “criminal poor” and thereby furthering the caste-ist and classist discourse of Indian conservatives and international paternalists.⁴¹

³⁸ Burke, "Indian Culture War Breaks out over Delhi Gang Rape."

³⁹ Ibid.

⁴⁰ As put on display in: Katherine Boo, *Behind the Beautiful Forevers: Life, Death, and Hope in a Mumbai Undercity* (New York, NY: Random House Inc., 2012).

⁴¹ Jason Burke, "In the Wake of the Delhi Bus Rape, What Is the Future for India?," *The Guardian*, January 2 2013.

Alternatively, others interpreted the assault against a woman by low-class and/or low-caste men as a product of the systemic inequality ingrained in Indian society through the institution of caste, rather than as indicative of the inherent depravity of these groups. Indeed, another article in *The Guardian* suggests low-caste, poor men are more likely to commit rape, then concedes in the very same sentence that the caste system was “tenacious” and acknowledged the severe challenge faced by migrants who often enter the city without adequate resources.⁴² Moreover, according to Shivam Vij, “that even the women of the Ravi Das camp share patriarchal ideas about men and women pointed me towards the thought that the ‘collective conscience of society’ was what produced their barbarism.”⁴³ His observations from conversing with the assaulters’ neighbors—other low-caste, poor men and women—indicated that the problem of gender discrimination and violence in Indian cannot be designated to a particular subset of society (except, perhaps, that of men), but rather is the product of collective ignorance and systemic inequality. Thus, another response to the “Delhi Gang Rape” was a counter-discourse to this association between low social and economic standing and an affinity for crime, which recognized that committing acts of sexual assault is not determined based on one’s caste, as well as that low-caste and class men are more vulnerable than men ranked higher than them in social and economic hierarchies.

This argument is particularly salient in the context of the Nirbhaya rape because of the historical connection between caste violence and gender violence. Contemporarily, this can be seen in the rhetoric surrounding the low-caste migrants in urban slums, especially with regard to the circulating myth that they are the demographic most

⁴² "Indian Culture War Breaks out over Delhi Gang Rape."

⁴³ Vij, "Why the Delhi Rapists Should Not Be Hanged."

responsible for India's high rates of sexual assault. As women's studies scholar Tara Atluri elucidates, "the 'suspect' migrant man is blamed for gendered violence in ways that reinforce existing hierarchies of class and caste, support neoliberal urban development, and leave a wider structure of patriarchal violence that cuts across class and caste divisions unquestioned."⁴⁴ As such, a misleading idea that the migrant group is more violent and less moral than other sectors of society is disseminated, a notion that serves to protect and maintain an unequal system of caste, which itself is violent against women, by deflecting attention away from that hierarchy.

Moreover, the oppression created, established, and reinforced through the system of caste, throughout India's history, has created a climate rife with hostility, vulnerability, and desperation. As a result, the disempowered classes have been inclined to assert and claim their agency, worth, and existence by demonstrating their ability to dominate another group. This may be understood as a direct result of a hierarchical system of social and economic ordering; the lower groups seek to cultivate value by proving that they are not the lowest, that they are at least more powerful than somebody else. According to the operations of various identity factors in Indian society, low-class and low-caste men perceive themselves as capable of overpowering women, and especially similarly low-class and low-caste women, whose lives are dictated, and whose collective and individual agencies are restricted, by their location at the nexus of two marginalized identities. Meanwhile, more privileged classes and castes of men do not suffer from the same stigmatization or denigration, and therefore do not feel the same pressure to demonstrate their worth through force. In this way, the system of caste

⁴⁴ Tara Atluri, "The Young and the Restless: Gender, 'Youth,' and the Delhi Gang Rape Case of 2012," *Sikh Formations* 9, no. 3 (2013): 375.

works as an institutional mechanism to entrench gender oppression in India (just as other systems, namely the global patriarchy, function in international contexts).⁴⁵

Furthermore, historian Anupama Rao outlines how caste violence has historically been recreated as gender violence. In such cases, she explains, “perpetrators do not conceive [sexual harassment and/or assault] as violation,” due to a historical precedent of the normalization of sexual violence by upper-caste males as simply a perk of their privilege.⁴⁶ Rao qualifies this assertion with the exception of “when they encounter resistance, in which case they brutally assert their rights,” highlighting the implicit understanding of rape as an ordinary part of caste and as a tool to reinforce hierarchical social ordering through the humiliation of the victim, and their community, by extension.⁴⁷ Mukesh Singh’s comments about the rape of Jyoti, that “she shouldn’t have fought back” and that “she should have just remained silent and allowed the rape,” then, are invested with new meaning in light of Rao’s claim about the connection between caste violence and sexual violence. As low-caste men, the assaulters’ actions can be viewed as an attempt to gain power stripped of them by the hierarchy of caste through the assertion of the power they inherit as men, exercised through the subjugation and denigration of women (or, in this case, one particular woman).⁴⁸

Sexual assault is one of the most notable and pernicious manifestations of the caste system’s operation to reinforce itself through gendered violence. Sociologist Devika Narayan maintains this view and applies it to the “Delhi Gang Rape.” She directly

⁴⁵ Anupama Rao, *The Caste Question: Dalits and the Politics of Modern India* (Los Angeles: University of California Press, 2009), 221.

⁴⁶ Ibid., 222.

⁴⁷ Ibid.

⁴⁸ Sinha, "Nirbhaya Gang-Rape Convict Blames Victim for the Fatal Assault."

contests the conservative argument that slum-dwellers are uniquely inclined to commit acts of sexual violence, asserting that the culture held by traditionalists as a bastion of morality is, in fact, “a culture that has institutionalised violence against women as a means of communal and castist retaliation, a method which employs women’s bodies as ammunition in infinite different battles.”⁴⁹ Tying back to Vij’s earlier conclusions, Narayan substantiates the relationship between caste oppression and gender oppression, both of which operate on institutional levels in Indian society, and both of which defenders of tradition seem willing to maintain.

Complicating the discourse surrounding the operation of caste and class in response to the Nirbhaya event—and arguably adding to its pathos—was the fact that Jyoti shared a similar, though not identical, background with many of her assaulters. Like most of them, her family had migrated to Delhi from a rural village. In the city, she lived in Dwarka, a transitioning neighborhood, which, like the Ravi Das colony, “is a place of constant change as it expands into the semi-rural hinterland.”⁵⁰ However, it seemed that Jyoti’s life was moving in a much different direction than those of her assaulters.

Many citizens took interest in the “Delhi Gang Rape,” then, due to the victim’s rising caste and class status. With regard to caste, her trajectory can be characterized by a transcendence of low-ranking, village-dwelling caste towards a global, cosmopolitan caste. Through her family’s voluntary migration to Delhi, her procurement of a high-quality education, including learning the English language, and her pursuit of an occupation in medicine, Jyoti was on the road to becoming more aptly defined by

⁴⁹ Devika Narayan, "Some Thoughts on Rape, Sexual Violence and Protest--Responding to Responses," *kafila.org*, January 10 2013.

⁵⁰ Burke, "In the Wake of the Delhi Bus Rape, What Is the Future for India?."

membership in a global group of young professionals, connected through the language of English across technological media by a shared optimism and ambition, than to the agricultural caste from which she originated.

Some viewed her as a symbol of hope, of progress, of a more equal India, where caste wouldn't define a person's ability to succeed, and where the restrictions placed upon certain groups by an unequal system of caste could be overcome. For instance, a feature in the magazine, *India Today*, shortly after her death described Jyoti Singh as "another young Indian, twenty-first century India's greatest demographic asset, dreaming a secure future in the Capital of possibilities."⁵¹ The publication's portrayal of her—a young woman, embracing the opportunities offered by modernity, on her way to a better life in the city than she could have had in her native village—embodied all of the aspirations of the "average" Indian citizen. Her story as such enabled similarly disadvantaged Indians to eulogize her as a beacon of hope for their own lives. Jyoti's death, therefore, was particularly poignant, in that it took on the symbolic meaning of the fragility, and perhaps the impossibility, of the dream of transcending caste and class boundaries.

Others who engaged in this discourse held a more cynical (or perhaps more realistic) view, arguing that her upward social economic mobility was the real reason behind the resonance of her case. They argue this opportunity was afforded to her by her belonging to the Kurmi caste, which is commonly regarded as part of the "creamy layer": an informal moniker meant to represent the small portion of Other Backward Class (OBC) caste groups that qualify for reservations and other provisions due to their history of oppression as a low-ranking caste, but whose collective economic and social

⁵¹ S. Prasannarajan, "The Angry Indian," *India Today* 2013, 12.

livelihoods are, by some margin, better than the remaining OBCs.⁵² This distinction plausibly could have contributed to her ability to pursue an education in the city while her attackers, also poor migrants, received less schooling and worked practical jobs.

Moreover, some also argued that her case only received wide attention because of her upward mobility; if she had been an “average” low caste woman who was brutally raped—as so many have been—it would not have captured the collective consciousness of the nation and the world as it did. Indeed, studies have shown that journalistic reports on sexual violence “often consider class and caste when determining what stories become part of the news agenda.”⁵³ In fact, the “national English language press in India report crimes concerning middle or upper class urbanites in greater number and detail than stories centered around tribal or lower-caste characters.”⁵⁴ Thus, some people determined that the Nirbhaya event gained such traction in the popular imaginary because Jyoti was credited with more value by society than would have been a *Dalit* laborer or housewife, for example. The world listened to and cared about *this* case, it can be argued, because she was more like the reading population of international news, and more like the way such readers imagine themselves to be, than many other women suffering from sexual violence in India. She was aspirational, so her death became inspirational.

CORRUPTION

⁵² Pradipta Chaudhury, "The 'Creamy Layer': Political Economy of Reservations," *Economic & Political Weekly* 39, no. 20 (2004): 1990.

⁵³ Jennifer Velagic and Daniel Drache, "A Report on Sexual Violence Journalism in Four Leading English Language Indian Publications before and after the Delhi Rape," (York University, 2013).

⁵⁴ *Ibid.*, 3.

Globally, India is perhaps best known as having a penchant for corruption. Not only does that seem to be the preferred mode of viewing the country from the outside; discontent has been brewing among much of the country's own population with regard to perceived corruption throughout the government, its police force, and citizens themselves. As such, rising frustrations with police and government corruption erupted at the news of the Nirbhaya rape, and were only exacerbated as citizens came into contact with lawmakers and law enforcers during protests and public statements after the assault itself. Debates emerged in the public discourse between those who believed that the rape of Jyoti Singh and the police and legal actions that followed demonstrated the growing obsolescence of the country's political institutions, and those who pushed for an invigoration of this existing infrastructure.⁵⁵

Indeed, corruption within the government and its bodies has become an increasing source of frustration among the general Indian population in recent decades. The popular perception, explains Pratap Bhanu Mehta, president of the Center for Policy Research in New Delhi, has become that the state functions "for the benefit and protection of a few—and mostly politicians," and, moreover, citizens are becoming increasingly motivated to publicly express their discontent in this regard.⁵⁶ In this climate of contempt, a brutal crime, or any other example of violation can sparkplug public and passionate demonstrations in protest of the institutions under whose jurisdiction the act

⁵⁵ Interestingly, both sought to rectify the atrocity of the "Delhi Gang Rape" through tightening public morals and serving harsh legal punishments. However, their ideas of whose morals needed adjustment and who deserved harsher punishment were opposite, based on their orientation towards the past or the future.

⁵⁶ Heather Timmons, "Protests over Rape Turn Violent in India."

of violence occurs.⁵⁷ In the case of Jyoti Singh, the extent to which these expressions of discontent occurred was unprecedented.

One prevalent assertion made by these protesters was that India's method of politics was outdated. A reporter for *The Guardian* stated, in light of the "Delhi Gang Rape," "for decades, politics in India has involved deference, hierarchy and handouts, or archaic ideologies unchanged since the Cold War."⁵⁸ The assault of Jyoti Singh demonstrated the continuation of this tradition of corruption, according to many. It took approximately an hour, once Jyoti and Awindra were thrown off the bus and onto the side of the highway, for the police to arrive at the scene and begin transporting them to the hospital. This demonstrated corruption among its people, that they could be swayed by other concerns to not immediately call for help; among its police officers, whom many thought hesitated or lingered before reaching the victims; and among its government, under whose "governance" acts like these could happen so persistently

The police department, which in Delhi still operated directly under the Home Ministry, was a particular target of criticism among this camp.⁵⁹ Citizens condemned the police force, as well as the state controlling it, for continuing to function essentially as it did in the colonial era, even in the current democratic India. They contended that this dynamic entailed the police serving as "an oppressive arm of the government," a residual feature from the relationship between the state and its police branch in India during the

⁵⁷ Walkowitz's *City of Dreadful Delight* (1992) and Cohen's *The Murder of Helen Jewett* (1998) both demonstrate this phenomenon, although for similar crimes in rather different cultural contexts (except for the ubiquity of misogyny and patriarchy).

⁵⁸ Burke, "In the Wake of the Delhi Bus Rape, What Is the Future for India?."

⁵⁹ Aarti Dhar, "Gang Rape: Government Announces Slew of Steps."

colonial era.⁶⁰ For them, that Jyoti Singh was gang-raped on a bus and thrown onto the side of the highway was yet another indication that the branch of the state meant to ensure the security of its citizens was failing, and failing because of internal corruption. Moreover, that the assault occurred on a bus, and that police didn't arrive at the scene until almost an hour after Jyoti landed there, became evidence that the laws and their upholding needed to be updated to match the needs of an ever-modernizing nation.

Discontent with politicians that emerged after the rape of Nirbhaya consisted primarily of condemnation for failing to take accountability for the governing and legal flaws that enable gender inequality. Many were angered by politicians' statements in the aftermath of Jyoti's rape that blamed the Westernization of Indian culture or even the actions of the victim herself for causing the event. For instance, recall Mohan Bhagwat making the claim that rapes rarely happen in "*Bharat*," but frequently in modern India, placing the blame for the "Delhi Gang Rape" and others like it on a changing Indian culture.⁶¹

Many Indians also took issue with political leaders' suggestions that the government should continue ways of the past that jeopardize safety of women. Babulal Gaur, a Home Minister of Madhya Pradesh, responded to allegations that his government had fallen short with regard to the prevention of sexual assault by defending the act of rape itself. He said, "it is a social crime which depends on the man and the woman. It is sometimes right and sometimes wrong," simultaneously deflecting responsibility from the democratic government to structure a society that protects the safety of all its citizens equally by calling it a "social crime," for one, and even condoning

⁶⁰ Sharit K. Bhowmik, "Police and Society," *Economic & Political Weekly* 21, no. 6 (1986): 241.

⁶¹ TNN, "Rapes Occur in India, Not Bharat: Rss Supremo Bhagwat."

rape as an action that is acceptable and worthy of a purpose and place in that society, for another.⁶² Statements such as these, in the aftermath of the “Delhi Gang Rape,” demonstrated to many of India’s citizens that its government’s corruption and moral bankruptcy played a significant role in shaping the country as a place that is unsafe for women.

Politicians also distracted attention from the culpability of the state and the need for reform within it by virtue of their own compromised records. This discrepancy surfaced when certain political groups attempted to join the demonstrations following the assault. Monisha Kaur Sudan, an activist involved in the Nirbhaya protests, expressed her frustration at the hypocrisy of political parties inserting themselves into a movement of the people. “These are the same parties who have fielded rapists and criminals as their MLAs and MPs,” she explained, referencing Members of the Legislative Assembly and Members of Parliament who have been accused of rape or other illegal activities, highlighting the frustrations of many at the pervasiveness of corruption and misogyny within the Indian government.⁶³ Even if not involved in allegations themselves, Sudan continued, “every time somebody gets raped, these politicians, with their feudal mindset, blame the victims for provoking rapists into raping them,” lodging the same criticism that officials have repeatedly attributed the problem of sexual violence in India to cultural factors, and highlighting the past-mindedness of this view.⁶⁴

Furthermore, many citizens were of the opinion that the government, in response to popular expressions of discontent, were enacting unhelpful changes and

⁶² Sharma, "Booze and Chinese Food: Indian Politicians Explain the Causes of Rape."

⁶³ Monisha Kaur Sudan, spoken to Mohammad Ali, "Students Upset at Protest Turning Political, Violent," *The Hindu*, December 24 2012.

⁶⁴ Ibid.

making empty promises in order to appease the insurrection. An op-ed for *The Hindu* penned almost immediately after the assault offers an excellent example of such expressions:

Ever since Sunday's savage crime, India's political leadership has been loudly engaged in what it appears to believe is advocacy of women's rights — in the main, dramatic but meaningless calls for summary trials, castration and mandatory death penalties. The same leaders will, if past record proves a guide, do absolutely nothing to actually address the problem. For all the noise that each gang-rape has provoked, Parliament has made no worthwhile progress towards desperately-needed legal reforms. Even nuts-and-bolts measures, like enhanced funding for forensic investigations, upgrading training of police to deal with sexual crimes, and making expert post-trauma support available to victims, are conspicuous by their absence.⁶⁵

In the same vein, others perceived the decision of the Delhi High Court to hang the rapists—admittedly, a consequence that many participants in the protests, and even Jyoti's own parents, were calling for—as a cop-out.⁶⁶ This sector of activists understood the death penalty to be an inadequate solution for preventing future rapes, on the one hand, and a convenient political tactic to present an appearance of justice without actually creating a structure of governance that ensures the safety of both genders equally, on the other. This was one reflection of widespread disappointment among citizens in the failure of the Prime Minister and his administration to affect any meaningful change on the state level with regard to gender and security.⁶⁷

As a solution to this, the Justice Verma Committee (JVC) was established to reform existing policies and laws in order to improve the safety and equality of women after the rape of Nirbhaya. As described in Chapter One, the committee shined a harsh light on the complicity of India's political authorities, including its police force, in

⁶⁵ "Time to Be Ashamed," *ibid.*, December 26.

⁶⁶ Vij, "Why the Delhi Rapists Should Not Be Hanged."

⁶⁷ *Ibid.*

perpetuating a structure conducive to sexual violence and inadequately protective of women's safety through laws and through corrupt behavior—which they termed “failure of governance.”⁶⁸ Addressing this, the JVC proposed that politicians with outstanding allegations of law breaking should resign their posts and that police officers who fail to file an FIR (First Information Report) after a reported rape should serve jail time.⁶⁹

The Indian government's response to the Verma Committee's report resulted in the passing of the Criminal Law Act of 2013, which altered certain existing laws on sexual crimes, although many citizens were still dissatisfied and perceived this to be an insufficient adoption of the recommendations. They believed that the committee's report was not discussed in Parliament with enough prudence, urgency, or depth of inquiry.⁷⁰ Some even reasoned that the committee had only been set up “as a smokescreen, as a diversionary tactic that could mislead both the committee and civil society in general into believing that it had serious and honourable intentions to address the question of systemic sexual violence.”⁷¹ Thus, while meant to curb the popular perception of a corrupt government unbothered by the critical needs of women, some individuals recognized the JVC—and the government's select implementation of its recommendations—as an effort to, once again, appease its citizens without affecting meaningful or adequate change.

⁶⁸ Sanyal, "Recommendations of the Justice Verma Committee: 10-Point Cheat-Sheet."

⁶⁹ Simon Denyer, "New Delhi Rape Panel Calls for Changes in Governance and Way India's Women Are Treated," *The Washington Post*, January 23 2013; Daniel Drache, "A Report on Sexual Violence Journalism in Four Leading English Language Indian Publications before and after the Delhi Rape."

⁷⁰ Shuddhabrata Sengupta, "Water Cannons, Tear Gas, Ordinance: How the State Responds to Protests against Rape and the Justice Verma Committee," *kafila.org*, February 3 2013.

⁷¹ *Ibid.*

The population's censure of corruption extended beyond representatives to the police force, chastising both its consistent failure to protect the safety of women, and its immediate failure in its response to the Nirbhaya protests. Evidence of a problem in this regard in Delhi, specifically, lay in the discrepancy between official statistics, which record that "Delhi has a lower rate of crime than many cities in the country," despite a sentiment of vulnerability among much of its population, especially its marginalized and minority groups.⁷² Generally, according to the "Perceptions Survey of the Delhi Human Development Report" in 2013, citizens expressed dissatisfaction with the police "in terms of the lack of both approachability and promptness of response displayed by police personnel," a feeling which likely extends to residents of other Indian cities, too.⁷³

One cause of this dissatisfaction identified by critics of the police was the gender breakdown of the officers. They drew a connection between the force's failure to adequately protect its women and the fact that most of its officers, and leaders, were men. This equates to patrolling and handling of sexual assault cases by officers who are less sensitive to the preferences and vulnerabilities of women, often creating an uncomfortable or unsafe environment for survivors to report the crimes against them. For example, the sister of a rape victim who committed suicide after her demeaning experience with the police explained, "the police refused to file a complaint. Instead, they asked my sister such vulgar details, it was as if she was being raped all over again," and noted that, in this case, "there was no lady police officer, they were all men."⁷⁴ As

⁷² Sharma, "Delhi Human Development Report 2013: Improving Lives, Promoting Inclusion," 33.

⁷³ Ibid.

⁷⁴ Rama Lakshmi, "National Uproar over Young Woman's Death Triggers Public Conversation About Rape," *The Washington Post*, December 29 2012.

her somber account demonstrates, a consequence of the unbalanced gender makeup of the officers, as well as inadequate training of officers for handling sexual crimes, was that the police fail to prevent sexual violence, and deal with such instances inappropriately when they occur. This, again, was indicative of a systemic social issue, many argue, such that “police gender breakdowns, like the police themselves, are just part of the problem, in many ways a product of larger social attitudes toward gender and sexuality.”⁷⁵ The rape of Jyoti Singh, wherein the police did not arrive at the scene until nearly an hour had passed, ignited this common frustration and compelled people to protest.

More directly, supporters of the protest movement were understandably angered by the police’s response to the Nirbhaya demonstrations. In many cases, violence was used by police officers present at the protests, which irked participants not only because it was directed at them, but also because they saw it as a reflection of the misguided priorities of the state. After she said she had been tear-gassed, Kulsoom Rashid, a protester, expressed her frustration to *The New York Times*: “Hundreds of rapists are running scot-free, and the entire Delhi police is standing here to stop people like me?”⁷⁶ Her rhetorical question echoed the sentiments of many others who saw the police response to the Nirbhaya event as indicative of a fundamental misdirection of attention and resources within the force in general.

The police responses also demonstrated the connection and mutual corruption between them and the state by revealing, according to the perceptions of many, an alliance between the two that deprioritizes the wellbeing of the common citizen in favor of the elite. Police focused much of their efforts at the protests on containing the

⁷⁵ Max Fisher, "India's Rape Problem Is Also a Police Problem," *ibid.*, January 7 2013.

⁷⁶ Heather Timmons, "Protests over Rape Turn Violent in India."

participants within certain areas, and especially on keeping them at a distance from the homes and offices of politicians. As *The New York Times* reported of one protest site, “the crowd swarmed over the India Gate monument in the city center and were prevented from marching on the Rashtrapati Bhavan, or presidential palace, only by the intervention of hundreds of police officers.”⁷⁷ The police’s diligence in physically restricting the protesters from reaching spaces marked as elite,⁷⁸ in the wake of the assault of a girl that “could have been any one of us,” angered many citizens, and reminded many of them—especially women—that they would remain vulnerable as long as the police force and resources are controlled by and invested in the central government.⁷⁹

Recognizing this partnership of corruption among the most powerful forces of the state, many individuals had complaints about the permeation of corruption throughout society at large. Some attributed this to the failure of individuals and bodies—police, courts, and lawyers—to properly uphold the law; others argued for the need for reforms to the laws themselves.⁸⁰ Either way, after the rape of Nirbhaya, people came out in unprecedented numbers and with unprecedented vigor to lodge their complaints about how their nation was being run and to express their ideas for a better future in India. These demonstrations revealed the ever-widening gap between how

⁷⁷ Ibid.

⁷⁸ In addition to the Rashtrapati Bhavan, the police force was also diligent in its defense of the bungalows, in the area of the capital famously designed by Edwin Lutyens, occupied by Members of Parliament, and provided many high-ranking officials with security detail. See: Maitreyee, "Rape: In Lutyens' Delhi, Police Attack Unarmed Protesters," *One India*, December 22 2012.

⁷⁹ Heather Timmons, "Indian Women March: 'That Girl Could Have Been Any One of Us'."

⁸⁰ Vidya Venkat, "No Country for Women," *The Hindu*, March 8 2015.

India's democratic government and its democratic constituents envisioned the quality and improvement of the nation.⁸¹

At the core of this disagreement was the issue of corruption, the symptoms of which unequivocally benefitted the nation's elite, including its governing individuals and bodies. As the "Delhi Gang Rape" and consequential protests illuminated, "nobody really knows the exact extent of corruption in India. However, everybody is aware that it is all pervasive and that it is eating inexorably in to the vitals of the nation."⁸² The event allowed India's citizens, already concerned about growing corruption, to put their collective finger on this previously intangible notion; as such, it came to represent all the problems created and sustained by India's corrupt government, and became the impetus to put forth an alternative vision for the nation's future.

MOBILITY

An important aspect of the Nirbhaya protests was that it represented—symbolically and, to an extent, physically—an attempt at reclaiming the city. Demonstrations following the assault could hardly be contained to the designated sites of protest, and instead occupied spaces where women were stripped of agency, such as along the route from where Jyoti and Awindra boarded the bus to the spot on the highway where they were thrown off it. The ways protesters envisioned and manipulated physical spaces—in Delhi and cities beyond—indicated a feeling, in light of the "Delhi Gang Rape," that while some were entitled to the city, its features, and apparently its inhabitants, others did not belong and

⁸¹ Burke, "In the Wake of the Delhi Bus Rape, What Is the Future for India?."

⁸² Arun K. Agrawal, "Corruption in Historical Perspective: A Case of India," *Indian Journal of Political Science* 68, no. 2 (2007): 325.

were not safe in it. The problems of ownership over and navigation through urban spaces are not unique to India or to the twenty-first century, but have been exacerbated by the country's increased development and urban migration over the past few decades. As such, that Jyoti had migrated to the city, and that the assault against her took place while she was commuting across the city via a "public" bus, rendered her as a victim of not only sexual violence, but also of the violence by the city.

The proliferation of female bodies occupying public spaces, particularly after dark and outside one's immediate neighborhood, was a relatively new phenomenon to India, especially in urban settings. Historically, women of the subcontinent have been given jurisdiction over the home and not much else, and have been encouraged or required to both work inside it and remain within its walls after nightfall.⁸³ This convention had gradually been changing, especially since economic "liberalization," as women entered the workforce outside of the domestic sphere and generally practiced greater autonomy than afforded to them in the past. Yet, the country's infrastructures—especially those within its cities—had yet to adjust to properly accommodate this change, creating a climate that was less safe and less navigable for women than it is for men.⁸⁴ Moreover, Delhi in particular was notable for its reproduction of social stratifications in its physical spaces, rendering it rather hostile for women and other minority groups. Dasgupta describes the city as one "of hierarchies and clannish allegiances, where very few people from any sector of society enjoy the idea of social distinctions being lost—

⁸³ Channa, *Gender in South Asia: Social Imagination and Constructed Realities*, 83. This was arguably exacerbated by British policy in the nineteenth century. See: Janaki Nair, *Women and Law in Colonial India: A Social History* (New Delhi, India: Kali for Women, 1996). As Nair notes, however, the verdict is mixed: much colonial legislation technically "improved" the status of women.

⁸⁴ Channa, *Gender in South Asia: Social Imagination and Constructed Realities*, 158.

and it has no truly democratic spaces.”⁸⁵ In this context, the rape of Jyoti Singh can be understood as a particularly grotesque example of the ways that India’s cities have become disproportionately unsafe for women.

This interpretation is bolstered by information about where Jyoti and Avindra were coming from and where they were assaulted. They were returning from seeing a film at a mall in Saket, South Delhi; according to one report, shopping malls were one of the few, if not the only, places in urban settings in which Indian women felt safe, due to their brightness and openness.⁸⁶ Furthermore, another report indicated that, in Delhi, “while most women did not feel safe in public spaces, the workplace and public transport emerged overall as spaces perceived to be the least safe for women,” and, indeed, it was during her commute home via public transport that Jyoti was raped.⁸⁷ As such, when news of the Nirbhaya assault spread, women and members of other marginalized groups who felt vulnerable and disenfranchised in public spaces (especially within cities) felt compelled to speak up about their own dissatisfactions.⁸⁸ Jyoti’s rape became the signal for many Indians that it was finally time to treat safety and security as urgent issues, further engendering the support of national citizens and propelling the event to become a “cause célèbre.”

Those who responded to the rape of Jyoti Singh by underlining issues of mobility and autonomy addressed social and cultural norms that restricted, patrolled, and

⁸⁵ Dasgupta, *Capital: The Eruption of Delhi*, 16.

⁸⁶ Tracy McVeigh, "More Buses, More Streetlights: How to Make India Safer for Women," *The Guardian*, September 14 2013; Shilpa Ranade Shilpa Padhke, Sameera Khan, "Invisible Women," *Index on Censorship* 42 (2013).

⁸⁷ Sharma, "Delhi Human Development Report 2013: Improving Lives, Promoting Inclusion," 33.

⁸⁸ Ellie Violet Bramley, "Can the Safecity App Make Delhi Safer for Women?," *The Guardian*, August 13 2015.

censured the movements and actions of women. As Channa explains, “most households in India were, at least till the 1990s, averse to daughters going in for any kind of paid work,” preferring they fulfill the traditionally female duties of keeping the house, raising children, and the like.⁸⁹ However, with the onset of liberalization policy, women joined the non-domestic workforce to a much greater degree than ever before. Combined with a collective relaxation on social restrictions of women, this resulted in both genders commonly occupying public spaces.⁹⁰ Yet, the persistence of certain familial and social expectations of women—including that they not engage in casual relationships with men, that they return home by dark, and that they dress modestly, for example—alongside the emergence of women in the public sphere created contradictions that “have made women increasingly vulnerable to degradation and violence.”⁹¹ For example, women in India routinely endure sexual harassment, understood (as noted earlier) by many as “eve-teasing,” while moving in vehicles, on public transport, and on the streets.⁹² Thus, Jyoti’s rape aboard a moving vehicle became “a reminder to all women in Delhi that the city belongs to men.”⁹³

Indians who responded to the Nirbhaya event by expressing discontent with restricted and perilous mobility for women primarily did so by joining the marches and demonstrations on the streets of Delhi and other cities. Some also communicated these frustrations via opinion articles, social media, and other written forms. However, the

⁸⁹ Channa, *Gender in South Asia: Social Imagination and Constructed Realities*, 83.

⁹⁰ *Ibid.*, 158.

⁹¹ Kapadia, *The Violence of Development: The Political Economy of Gender*, 43.

⁹² Channa, *Gender in South Asia: Social Imagination and Constructed Realities*, 161.

⁹³ Rahul Roy, "What Do Men Have to Do with It," *kafila.org*, December 28 2012.

physicality of the protests mirrored the nature of the issue at stake: that the cities of India belonged, by and large, to the country's elite men. As Shivam Vij recounts,

The protests that Delhi saw non-stop for thirty days after 16 December were so inspiring that it is hard to explain what it felt like. We were out there, in morning and at night, without police permission to protest, and not limiting ourselves to the designated protest areas. We, the people of Delhi, deserve our due for making that moment historic. Not that we were doing anyone a favour: we were only reclaiming our city for ourselves.⁹⁴

The immensity of the protests, which drew thousands of citizens in Delhi and across India, the refusal to remain within areas allotted by the police and persistence in overtaking colonial spaces (marked by architects Edwin Lutyens and Herbert Baker) for society's elite, and the fervent vigor of the participants characterized the demonstrations as acts of reclamation of public space for groups that had been pushed to the margins of society—namely, women.

Many Nirbhaya protesters argued that inadequate public transportation made Indian cities disproportionately unsafe for its women. As urban populations and female participation in the workforce have expanded, the need for mass transit has risen at a pace with which the cities have failed to match.⁹⁵ In Delhi, the Delhi Transit Corporation (DTC) was the institution responsible for providing public bus transportation; but, as the "Delhi Human Development Report" indicates, many members of marginalized groups, such as women, felt vulnerable aboard these vehicles.⁹⁶

The newly instituted Delhi Metro has been received as a safer option for traversing the city for women, containing gender-separate cars and surveillance cameras,

⁹⁴ Shivam Vij, "In Delhi's Defence," *ibid.*, September 14 2013.

⁹⁵ Burke, "Delhi Rape: How India's Other Half Lives."

⁹⁶ Sharma, "Delhi Human Development Report 2013: Improving Lives, Promoting Inclusion," 32.

but has not solved issues of mobility entirely because it does not reach many of the city's neighborhoods—including, problematically, many of its low-income areas, problematically.⁹⁷ The insufficiency of Delhi's transportation infrastructure—and, in turn, those of other Indian cities—was thus cited both as an enabling factor in the rape of Jyoti Singh and as an indicator that the country's physical structures have been informed by its patriarchal governance and social structures; in other words, that urban spaces and their amenities have been “designed with an ‘invariably male’ user in mind.”⁹⁸

This problem was exacerbated by the layout of Delhi, in particular, rendering it virtually impossible to navigate by foot.⁹⁹ As a result, the presence of automobiles has proliferated congruently with the (attempted) growth of public transport. Personal cars were primarily owned by the middle and upper classes, while the lower classes generally ride in taxis and auto-rickshaws as alternatives or supplements to the city bus and Metro. However, moving vehicles, especially ones that are entirely enclosed (unlike auto-rickshaws), had also proven to be potentially unsafe means of transportation for women. K. T. Ravindaran, an urban planner, notes that, “one of the most common places of rape in Delhi is a moving vehicle,” because they afforded those in control of the vehicle with exceptional privacy and mobility.¹⁰⁰ When these features of the city's transportation services were abused in such a way by the assaulters of Jyoti Singh, many citizens of Delhi and other Indian cities recognized the disproportionate insecurity for women

⁹⁷ Lakshmi, "A Day in the Life of a Young New Delhi Woman."

⁹⁸ McVeigh, "More Buses, More Streetlights: How to Make India Safer for Women."

⁹⁹ Dasgupta, *Capital: The Eruption of Delhi*, 17.

¹⁰⁰ Neyaz Farooquee, "Can Urban Planning Help India's Cities Reduce Sexual Violence?," *The New York Times*, September 26 2013.

attempting to traverse urban spaces and criticized the institutions responsible for the disparity in safety.

These vehicles can be transformed into sites of sexual violence with particular ease under circumstances in which the roads are not being well patrolled, they asserted, such as in cities rife with police corruption. Social commentators highlighted this inconsistency in response to the Nirbhaya rape, stemming from the patriarchal nature of the institutions at hand. As Vij writes, “bus drivers will still be able to commit crimes inside the bus because hanging the five rapists is not going to end the sort of corruption in Delhi Traffic Police which lets private buses do what they like on the roads.”¹⁰¹ After the assault against Jyoti Singh, thousands of citizens joined together on the city’s streets to express the same frustrations and to request that changes to be made, on the individual, structural, and cultural planes, to make public spaces equally safe for men and women.

In turn, Delhi’s state government attempted to answer the demands of the Nirbhaya protesters for a safer and more easily navigable city, at times by defending their institutions and decisions, and at others by promising reforms. Chief Minister Dikshit was the target of much disdain from citizens and activists after the attack on Jyoti Singh, for failing to ensure safety for the city’s residents. In a prefatory statement to the 2013 “Delhi Human Development Report,” she responded, “it is heartening to know that people have appreciated our efforts to modernise the city transport systems. We are aware of the concerns particularly with regard to public safety, but we are committed to

¹⁰¹ Vij, "Why the Delhi Rapists Should Not Be Hanged."

work towards a safer city with the help of citizens of Delhi.”¹⁰² While it was clear that, given the public’s anger following the Nirbhaya event, Delhi’s government and institutions began working to make the city more accessible to all parties, primarily by attempting to expand options for public transportation, her statement also reveals that the task remained incomplete.

Another 2013 report, “Invisible Women,” contended that Delhi’s government could be taking quicker and more effective actions towards making the city safer for women than it has, explaining that, “changing attitudes may take time but the provision of infrastructure can be a simple one-time policy decision, which reinforces the point that women belong in public space.”¹⁰³ The authors, supporting the claims of the Nirbhaya protesters, criticize the tendency among Indian officials to place responsibility for citizens’ safety on their own shoulders, as Dikshit did in her statement, and censure them for failing to take accountability for the ways that the systems in place contribute to violence in their cities, especially against women.

The heightened awareness of public safety issues for women, on the state and civil levels, has also had the unfortunate effect of further limiting the mobility of women in certain respects. Many of the measures being taken in the name of improving the security of India’s public spaces—prior and in response to the Nirbhaya rape—have done so by making it more convenient for women to remain inside, rather than safer for women to leave their homes.¹⁰⁴ The women-only car on the Delhi Metro is a salient

¹⁰² Sharma, "Delhi Human Development Report 2013: Improving Lives, Promoting Inclusion," 11.

¹⁰³ McVeigh, "More Buses, More Streetlights: How to Make India Safer for Women;" Shilpa Padhke, "Invisible Women."

¹⁰⁴ Rukmini S., "Rape, Rhetoric and Reality," *The Hindu*, December 19 2014.

example of this—while in an immediate sense it creates a more secure environment, on a wider scale it fails to address the root causes of gender-based violence, such as misogynist ideologies and histories, and, as such, enables the continuation of gender discrimination. Thus, even as protesters brought to light the many issues of women’s safety and mobility after the rape of Nirbhaya, the problem, many argued, persisted. The question proliferated, then, as to whether the mobility of India’s women should be expanded or restricted (as it had been historically) to facilitate their safety.

MEDIA AND TECHNOLOGY

Jyoti’s rape could not have become an “event” in the modern age without media coverage. Recent innovations within the media itself, and technology in general, are important for understanding how issues of gender and sexuality and their reception have changed in recent decades, in India and globally, and how that context shaped the way news of the event was transmitted and galvanized public interest, protest, and expression. The proliferation of television, the Internet, and digital cameras in India during the late twentieth and early twenty-first centuries, in concurrence with other economic and social changes, shaped the ways different communities (locally and internationally) perceived women and developed opinions as to how they should behave and be treated. The rise of online news sources, the digitalization of print news media, and the explosion of social media similarly contributed to evolving understandings of gender and sexuality in India, as well as made possible the wider dissemination of international ideas throughout India and of Indian events internationally.

Yet, according to a report on sexual violence journalism, the Nirbhaya assault was “the most extensively covered rape case in recent Indian history.”¹⁰⁵ The confluence of the four previous factors with these developments in media and technology offers a possible explanation as to why the local and international media focused on the story of Jyoti’s assault and why readers and viewers were captivated and catalyzed by it.

An important pretext to the “Delhi Gang Rape,” which explains why issues of gender and sexuality in the media and online were already on the surface of India’s collective consciousness, is the cultural shift that had been taking place approximately since India’s economic liberalization (or perhaps a few years earlier). The emergence of the Internet, introduction of Western media, and evolution of local popular culture transformed the amount, content, and implications of portrayals of women and of sexuality in the mainstream. One scholar, Rupal Oza, presents a theory for the creation of a “new Indian woman” as a result of this, who “was associated, on the one hand, with deteriorating Indian culture attributed to satellite television, and on the other, to the emergence of a more complex representation of women iconic of liberalized India.”¹⁰⁶ This (relatively) novel concept of womanhood and female potential was viewed by some as a victory for Indian culture and an important step forward toward gender equality in the nation. Others, however, found it unsavory or unacceptable and cite increasingly liberal notions of gender and sexuality, associated with Westernization, international commerce, and individualism, as causing “decay” in Indian society.¹⁰⁷ The opposition

¹⁰⁵ Daniel Drache, "A Report on Sexual Violence Journalism in Four Leading English Language Indian Publications before and after the Delhi Rape," 2.

¹⁰⁶ Oza, *The Making of Neoliberal India: Nationalism, Gender, and the Paradoxes of Globalization*, 22.

¹⁰⁷ Burke, "Indian Culture War Breaks out over Delhi Gang Rape."

between these two stances—as well as the spectrum of perspectives in between and around them—informed the national audience that witnessed the Nirbhaya event.

Accordingly, shifting ideas about gender and sexuality were reproduced in the media coverage of Jyoti's assault. On the whole, both local and international media tended to portray the victim to fit the rubric of the “new Indian woman,” regardless of how Jyoti may have self-identified or acted.¹⁰⁸ This depiction imbued her with a quality of aspiration that captured the sympathies of the nation and the globe, especially in contrast to the portrait painted by the media of her assaulters as poor criminals.¹⁰⁹ As such, and in light of aforementioned contemporary ideologies about Indian women, her rape and murder came to symbolize a collective loss both for feminist progress and for India's development. This was just one of the many ways that the media's representation of “Nirbhaya”—before a backdrop of an increasingly liberated “new Indian woman”—touched on preexisting issues in the Indian and international discourse, providing an added temporal urgency to the event.

The primary vehicle through which this rendering (and others) of the event spread was news media, which arguably had unprecedented reach at the time of Jyoti's rape because of the density of news available online. Notably, the story was picked up and spotlighted first by the Indian national news, which, in the past, has tended to gloss over instances of sexual assault or harassment. While national coverage of gendered violence, typically, “has been quite rare bearing a regrettable resemblance to banal crime briefs or sensational stories rather than demonstrating a deep engagement with the subject of violence as an enduring social feature,” this was not the case for the rape of

¹⁰⁸ Roychowdry, “The Delhi Gang Rape”: The Making of International Causes,” 283.

¹⁰⁹ *Ibid.*, 284.

Nirbhaya.¹¹⁰ Recognizing the potential scale of emotional resonance that the tragic story held—the story of a “new Indian woman” on the path to transcending social and economic limitations thwarted by a group of drunk, criminal poor—the Indian press, followed shortly by the international, chose to and continued to publish (in print and online) coverage of the event. Significantly, the reportage focused heavily on the backgrounds of the victim and of the assaulters, allowing news sources, as scholars Daniel Drache and Jennifer Velagic posit, to keep and even gain readership long after the assault and the victim’s passing.¹¹¹

The possibility for interactivity through commenting on online news stories further catalyzed the popularity of the story and the media’s continued coverage of it.¹¹² Articles published online about the assault received exceptional amounts of comments by readers, and the comment sections became an important site for discourse about this particular assault, as well as sexual violence and gender inequality in general. Though dominated by expressions of misogyny and heteronormativity, both sides of the debate were represented in these Internet-based conversations.¹¹³ The capacity for digitized versions of news articles to facilitate discussions about the rape of Jyoti Singh, and rape in general, thus substantially contributed to the case’s magnitude in the local and global consciousness(es).¹¹⁴ In this sense, the timing of the Nirbhaya event—that it happened in

¹¹⁰ Sudha Rajagopalan and Thomas Poell, "Connecting Activists and Journalists," *Journalism Studies* (2015): 719.

¹¹¹ Daniel Drache, "A Report on Sexual Violence Journalism in Four Leading English Language Indian Publications before and after the Delhi Rape," 13.

¹¹² Nadja-Christina Schneider, *Studying Youth, Media, and Gender in Post-Liberalisation India: Focus on and Beyond the "Delhi Gang Rape"*, 48.

¹¹³ *Ibid.*, 54.

the age of the Internet—played a significant role in transforming it from just another instance of sexual violence into an international media sensation.

Following the lead of the online commenters, journalists themselves began to expand the coverage of the “Delhi Gang Rape” beyond reports of the event itself and the backstories of the individuals involved to a broader discussion of gender issues. Without relinquishing the sensational storylines, the press also published articles that contextualized the assault in a wider inquiry into the fight towards—and obstacles in the way of—gender justice in India and, although less so, internationally.¹¹⁵ In this way, the ongoing discourse in Indian society, reaching its peak in the aftermath of Jyoti Singh’s rape, became featured in the national and global press and thus became a focal point of the nation’s and the world’s attention.

Not only did the press discuss the “Delhi Gang Rape” in the context of larger issues of women’s safety and gender equality, it also, as a result of the wide readership of the Nirbhaya coverage, increased the amount of reporting done on other instances of sexual violence. According to the study conducted by Drache and Velagic, “rape reporting increased by roughly 30% after the Delhi Rape, with the Delhi Rape taking between 10-20% of the share of rape stories across varying storylines.”¹¹⁶ Perhaps most importantly, this debate, including criticism of India’s government and culture, became an essential part of public discussion, lending urgency to addressing the case of Jyoti

¹¹⁴ A relevant and contemporaneous example of this was the Arab Spring. Though occasionally problematic, for a prominent source that compiled tweets produced during this period, see: Alex Nunns and Nadia Idle, *Tweets from Tabrir: Egypt's Revolution as It Unfolded, in the Words of the People Who Made It* (New York: OR Books, 2011).

¹¹⁵ Daniel Drache, "A Report on Sexual Violence Journalism in Four Leading English Language Indian Publications before and after the Delhi Rape," 16.

¹¹⁶ *Ibid.*, 2.

Singh and to enacting legal reform to better protect the safety of women in India.¹¹⁷

Krishna Khunti, a Mumbai resident, told *The Guardian*, on the transformation of the national media's coverage of gender issues after the Nirbhaya event: "It is still not doing enough to educate the masses about violence against women, but the media conversation is finally moving in the right direction."¹¹⁸ Her comment points to how the evolving medium of the press framed the assault against Jyoti Singh in a manner that propelled the event into a media sensation, as well as highlighted and expanded contemporary discussions of gender justice.

Unique to this moment in history, the news was not the only media source "covering" Jyoti's story. Users of social media—Twitter and Facebook, most prominently—also latched on to the event, sharing news articles, op-eds, blog posts, and self-composed thoughts and opinions about what had happened and what it meant for India and the world. As *The Guardian* reported shortly after the assault, "the protests that have erupted in Delhi against the rape and assault a week ago of a 23-year-old girl are reverberating across social media," yielding the effect of inviting new participants to engage in both sides of the discourse on gender relations in India.¹¹⁹ Social media was utilized by citizens to raise awareness about the event itself and the broader social discussions that it galvanized, to lobby to lawmakers, to organize protests, and even to connect and communicate with journalists writing about the same issues in the press.

Arguably the most prevalent use of social media in response to the "Delhi Gang Rape" was simply to facilitate and engage different swaths of the Indian population in

¹¹⁷ *Ibid.*, 22.

¹¹⁸ Sunny Hundal, "Delhi Rape: One Year on, Has Anything Changed for India's Women?" *The Guardian*, December 10 2013.

¹¹⁹ Akanksha Prasad, "Delhi Gang Rape Case: Facebook, Twitter 'Anchoring' Protest."

the conversations sparked by the assault. In this sense, the democratic nature of the platform allowed more voices to join and interact with each other than would have been possible without the Internet. For example, users discussing the rape of Jyoti Singh did not “constitute a community,” scholars Thomas Poell and Sudha Rajagoplan determine, but instead used it as “a platform for general public communication.”¹²⁰ The non-discriminatory nature of social media also had the effect, in turn, of making activism and the prospect of joining activist efforts more accessible, which also contributed to the swell of discourse surrounding issues of public and women’s safety after the rape of Nirbhaya.¹²¹ Thus, while making space for voices at all points of the spectrum of opinion about gender issues—this was apparent especially in blog posts, which run the gamut from “Look Westward in Disgust” (*The Guardian*) to “No Country for Women” (*The Hindu*)—websites such as Twitter and Facebook were predominantly used in support of the activist cause.

The progressive leanings of social media users in response to the Nirbhaya event also manifested in a substantial effort via platforms like Twitter and Facebook to address lawmakers and other authorities to demand legal reform, as well as to address the general public to organize physical protests. The CEO of an Indian social media management firm described the response to the “Delhi Gang Rape” via social media as an “online agitation.”¹²² He explained, “people are asking the lawmakers to wake up through these social networks,” as well as communicating with each other to spread news about

¹²⁰ Thomas Poell, "Connecting Activists and Journalists," 725.

¹²¹ Ibid., 726.

¹²² Akanksha Prasad, "Delhi Gang Rape Case: Facebook, Twitter 'Anchoring' Protest."

demonstrations.¹²³ Thus, the level of connectivity through social media available at the moment of the attack facilitated extensive possibility for communication about, and therefore engagement in, the assault and the issues it involved.

Finally, social media sites served to facilitate the communication between civilian activists and news reporters, another feature of the response to the Nirbhaya rape that was unprecedented in India's long history of sexual assault cases. As various reports corroborated, "among the most active social media users are many journalists, feminist activists, students, and more generally young middle-class women and men."¹²⁴ By providing a space in which these actors could connect with, listen to, and be heard by each other, social and news media converged and mutually reinforced the efforts of the other—journalists were given notice of protests and other events to cover, and activists were given platforms to make their demands public.

Though social media deserves credit as a platform for facilitating discourse and engendering meaningful change in response to the Nirbhaya assault, its limitations were also evident. The majority of its users are part of the middle class, first and foremost.¹²⁵ Furthermore, studies indicate that "Indian citizens who use social media are more likely to live in cities, hold a passport, and share values with social media users in the West," demonstrating that while it does democratize conversations to a degree, it is still far removed from being an all-inclusive medium (though this may change over time, as the

¹²³ Ibid.

¹²⁴ Thomas Poell, "Connecting Activists and Journalists," 720.

¹²⁵ Ibid.

Internet widens in accessibility).¹²⁶ Indeed, this problem of excluding wide swaths of India's population is evidenced in analyses of social media responses to the "Delhi Gang Rape." As Poell and Rajagopalan report, "the near-absence of tweets on the interplay of gender, caste, and ethnic biases in violence against women suggest that Twitter exchanges on gender violence exclude vital issues and voices."¹²⁷ Thus, even with interactive nature of digital news media and social media in the contemporary era, the voices that gained access to the spotlight following the Nirbhaya event were still largely those of the elite or upwardly mobile classes.¹²⁸

In discussing the role of the media in shaping responses to the "Delhi Gang Rape," it is imperative to address the intersections and distinctions between Indian and international media coverage as well as their effects. A number of activists and scholars have argued that reports of the event and its responses by the Western media were "paternalistic," "misogynistic," and even "neocolonial" in their portrayals of the actors at play and the society at large.¹²⁹

In an op-ed for *The Guardian*, Irish scholar and journalist Emer O'Toole makes a compelling, if subversive, argument that Western coverage of the event has criticized Indian society and culture as particularly conducive to gender violence while

¹²⁶ Smeeta Mishra, Valerie Belair-Gagnon, and Colin Agur, "Reconstructing the Indian Public Sphere: Newswork and Social Media in the Delhi Gang Rape Case," *Journalism* 15, no. 8 (2014): 1067.

¹²⁷ Thomas Poell, "Connecting Activists and Journalists," 729.

¹²⁸ In light of this, tweets in Hindi warrant further exploration. A similar phenomenon occurred with the use of social media during the Arab Spring, in which tweets in Arabic (notably, ones by affiliates of the Muslim Brotherhood) were overlooked especially by Western activists. For a salient example of this, see: Idle, *Tweets from Tabrir: Egypt's Revolution as It Unfolded, in the Words of the People Who Made It*.

¹²⁹ Nadja-Christina Schneider, *Studying Youth, Media, and Gender in Post-Liberalisation India: Focus on and Beyond the "Delhi Gang Rape"*, 12; Emer O'Toole, "Delhi Gang Rape: Look Westward in Disgust," *The Guardian*, January 1 2013.

conveniently leaving out the meaningful work towards gender equality being made by protesters in India and the pervasiveness of rape culture in the West as well. Moreover, she acutely and controversially elucidates the influence of “the relationship between poverty, lack of education and repressive attitudes towards women, and, by extension, the role of Europe in creating and sustaining poverty in its former colonies” in shaping this discourse. She continues:

Attitudes towards women in the east were once used by colonialists to, first, prop up the logic of cultural superiority that justified unequal power relations (the "white man's burden") and second, silence feminists working back in the west by telling them that, comparatively, they had nothing to complain about.¹³⁰

O’Toole highlights the nuances of international gender relations throughout history and the role of the media in its contemporary iterations, demonstrating the complexities involved in global reporting and reception of an event that seems at once universal and extremely local. Devika Narayan similarly chastised Western media coverage of the Nirbhaya event for reporting in a manner that suggested “that rape is exclusively indigenous to a particular culture, community or region,” when, in fact, “it is not an exotic ritual that the uncivilised third world practices...and neither is it unique to the modern, urban, ‘westernised’ India.”¹³¹

While the critical perspectives of O’Toole and Narayan are essential to a cohesive understanding of the international media’s role in shaping responses to the “Delhi Gang Rape,” other scholars have also pointed out the beneficial consequences of international interest in the story. As the Indian feminist scholar Urvashi Butalia argued, “that the case got so much international media attention pushed our government to take some action.

¹³⁰ O’Toole, "Delhi Gang Rape: Look Westward in Disgust."

¹³¹ Narayan, "Some Thoughts on Rape, Sexual Violence and Protest--Responding to Responses."

Because they were embarrassed by this attention, because they did not want to be seen as a country that is violent towards its women. It destroys the image of India as the rising super power.”¹³² Her analysis illuminates the potential power of the international community to affect the course of events, even abroad, through the media, as well as the perceived susceptibility of the Indian government to act based on international opinion. The rape of Jyoti Singh and responses to it, especially those housed in the media of the Internet and news sources, “needs to be contextualized within a rapidly changing, diversifying and globalizing society which is as much confronted with new ruptures, asymmetries and inequalities as it may still be shaped by the old-established structures of a patriarchal social order.”¹³³

Yet the confluence of social, digital, and news media have also enabled the press to report on live events with unprecedented immediacy, in terms of both time and space, a shift in recent decades that was highlighted in the “Delhi Gang Rape” case.¹³⁴ As a result, increased reporting on events such as this one, combined with civilian voices, exerted substantial pressure on the Indian government to make reforms and have been recognized as at least a contributing factor to the government’s enactment of legislation in this direction.¹³⁵ Thus, while a rapidly evolving culture of media and technology was already on the minds of Indian citizens, the interaction between media and the assault undoubtedly contributed to its widespread resonance. Indeed, such was the case for the

¹³² Nadja-Christina Schneider, *Studying Youth, Media, and Gender in Post-Liberalisation India: Focus on and Beyond the "Delhi Gang Rape"*.

¹³³ *Ibid.*, 12.

¹³⁴ Valerie Belair-Gagnon, "Reconstructing the Indian Public Sphere: Newswork and Social Media in the Delhi Gang Rape Case," 1070.

¹³⁵ Daniel Drache, "A Report on Sexual Violence Journalism in Four Leading English Language Indian Publications before and after the Delhi Rape," 22.

other elements as well: tensions surrounding gender and sexuality, caste and class, corruption, and mobility already lingered beneath the surface of society, and burst forth due to their entanglement in the Nirbhaya attack. The effect of this phenomenon occurring for all five factors at once, then, proved to be truly monumental.

CHAPTER THREE

Time, Singularity, and the Making of an Event

Indeed, the presence of all five of these elements in one event was a rare occurrence. Perhaps it was this alone—simply the presence, and nothing more, of five issues relevant to the contemporary Indian context—that caused the rape of Jyoti Singh to catch and hold the attention of the national and global public. But, in this case, these elements manifested in a complex manner; each one did not appear independently from any other, just as each factor does not exist independently from any other in society at large. Rather, they interacted with each other, affected each other, and informed each other. The discourse that emerged after the event reflected this fluidity between the factors, as articles and op-eds rarely touched on just one element without making reference to or directly addressing another.

The elements that provided thrust to the Nirbhaya event were not just overlapping; they also (each and collectively) were rooted in anxieties and disagreements about, and expressed in terms of, time and morality. Each issue, with brewing tensions brought to the surface by the assault of Jyoti Singh, engaged diverging opinions among local and global populations about the present state of India,¹ and how reform or adjustment along the lines of each issue should look to achieve a more perfect or ideal version. Specifically, the “Delhi Gang Rape” incited debates as to whether that ideal should be drawn from examples of the past or carved into a new future, and whether India was keeping pace with the progression of society along the lines of these issues. As such, each element provoked debate about what was right and what was wrong, which underscored a divide between groups based on their outlooks with regard to time.

¹ And, ostensibly, the world.

Thus, the nature of the elements, being both convergent and temporally provocative, shaped the “Delhi Gang Rape” as an “event.” As such, the rape of Nirbhaya (and the responses to it) caught the world by surprise, affected the course of history, and was—and was perceived to be—decidedly unique.

CONVERGENCE

Ultimately, while each of these elements was contentious in its own right, what made this particular rape so striking was its unique quality of involving and evoking all five elements at once. The force of a single tragedy encompassing so many hot-button issues proved to be tremendous in grabbing, jolting, and directing the consciousness of not just a city and a nation, but also, to a degree, a global community. The Nirbhaya assault was particularly charged because of the ways that these five factors manifested not just discretely, but also overlapped and intertwined with each other. Indeed, while Chapter Two outlined the ways that each factor was addressed individually in popular discussion and reporting, in many instances, commentary on the event addressed more than one issue at once, due to the entanglement of these contemporary social issues and the complex dynamics of the event.

For example, American journalist Miranda Kennedy writes for *The Washington Post*, “unfortunately, Delhi’s notoriously corrupt police force allows a sense of ‘anything goes’ to flourish in the city. There is no better symbol of that than the bus, which careened through Delhi’s streets for at least an hour while its occupants took turns driving it, so that each of them could rape the young woman.”² This demonstrates that the problems women experienced in traversing Delhi via public transport were directly

² Kennedy, "How India's Rapid Changes Are Putting Women at Risk."

related to the rampant corruption of police and other government offices. Indeed, the bus passed through security checkpoints on its journey along Delhi's highways, exemplifying the mutual reinforcement of police negligence and lack of security for women in city streets.³ When ideologies about gender and sexuality that devalue the bodies and agency of women are intrinsic to society and embodied by citizens occupying those same streets, then an act of prolonged and horrific sexual violence such as the one against Jyoti Singh can feasibly be committed, and completed, inside a vehicle traveling along one of the city's highways.

Kiran Bedi, a former high-ranking female police officer in India and now a popular public commentator and occasional politician, identified this precarious combination after the rape. "Security in mobility for a woman is the first right she needs to be guaranteed!" she wrote, "Failure to ensure this is clear failure of governance!"⁴ Kennedy and Bedi's points underline the convergence of three factors—mobility, corruption, and gender and sexuality—in the Nirbhaya event. For one, they locate the problem of disproportionately high rates of women experiencing violence as they attempt to traverse the city (especially via public transport) as a problem of patriarchal dominance and marginalization of non-males, and point out that women are more likely to encounter such violence outside of the home, which has limited the agency and liberty of this historically and institutionally excluded portion of the population. Moreover, they delineate the role played by police negligence and corruption in enabling the perpetuation of this unsafe and harmful dynamic, exemplifying the convergence of

³ Ibid.

⁴ Niharika Mandhana, "Indians Outraged over Rape on Moving Bus in New Delhi."

multiple tenuous elements in the assault of Jyoti Singh, which contributed to the event's resonance among the public.

The inclusion of numerous contentious factors in the “Delhi Gang Rape” is underscored by Narayan’s incisive commentary on the systemic and cultural foundations for violence deployed along gender and caste lines. In response to the Nirbhaya assault, she emphasizes the “traditional” Indian ethos that some claimed was safer for women, “a culture that has institutionalised violence against women as a means of communal and castist [sic] retaliation, a method which employs women’s bodies as ammunition in an infinite different battles.”⁵ This debate, and particularly her stance on it, engages the complex and interwoven histories of the social constructions of gender and of caste, as they intersected and surfaced in the rape of Jyoti Singh. As explored in Chapter Two, this legacy of merging and interaction between these two social phenomena evoked passions as they did so once again in the rape of an upwardly mobile female by six poor, low-caste men.

As journalist Jason Burke phrased it, “the moment [Jyoti and Awindra] climbed into the unlicensed private bus driven by their attackers the good and the bad elements of India's ongoing transformation collided.”⁶ The “good elements” he refers to include, presumably, the increasing economic opportunity, spread of technology, access to wealth, and means of the traversing the city. The “bad elements” would be the corruption, the inconvenient bus routes followed by overcrowded buses, the widening income gap, and the messages and norms that promote hyper-masculinity and

⁵ Narayan, "Some Thoughts on Rape, Sexual Violence and Protest--Responding to Responses."

⁶ Burke, "In the Wake of the Delhi Bus Rape, What Is the Future for India?."

devaluation of women. Because of Jyoti's story, the stories of her assaulters, and the story of Delhi's development up to the contemporary moment, these elements all became relevant in the scene of the assault. As Burke suggests, because all of these currently debated issues were encompassed in the event, once it transpired, Jyoti Singh became "Nirbhaya." As such, she—and the assault against her—became an unrelenting needle prodding at the growing tensions in Indian society, and a symbol for the resistance against traditionalist and antiquated ideas, laws, practices, and people.

TEMPORALITY

The responses to the "Delhi Gang Rape" were, at their core, expressions of fears and desires for how India had transformed and would transform over time. The conversations following the assault of Nirbhaya were characterized by a temporal quality because tensions about time—about what was happening in the present, whether things were better in the past, and what would happen in the future—were already stretching towards the breaking point within Indian society. The way the discussion produced by the murder of Jyoti Singh was framed around issues of temporality renders the event of interest to historians, who aim to understand "the human condition as it has unfolded in time."⁷ As such, study of the event warrants the application of theoretical frameworks about time to gain greater insight into the arguments presented and the reason for their intensity and urgency. For this, it is helpful to turn to Koselleck's reflections on temporality—particularly, his understanding of "the arrayed past for any given present" as the "space of experience," and "the cutting edge of future possibilities for any given present" as the "horizon of expectation"—as well as the idea of "acceleration"

⁷ "Wesleyan University History Department". Accessed October, 2015.

developed by Havelock and Rosa.⁸ Looking at the event, and responses to it, through these lenses illuminates what might be regarded as a “temporal panic” already brewing in the context of each factor, and the way that this underlying anxiety about time shaped various responses to the event.

Koselleck’s definitions of the space of experience and horizon of expectation, outlined above, allow us to see how responses to the Nirbhaya rape gestured in two temporal directions. One group of commentators looked to the past as a blueprint to shape the present, who may be termed “experiencists,” and another, opposite group, whom we may regard as “expectationists,” looked to an unwritten future to provide guideposts for the present. Though not a strict dichotomy—expectationists occasionally looked to experience as a model for what to avoid or eliminate, for example—reactions to the “Delhi Gang Rape” generally fit this dualistic rubric.

The rape of Jyoti Singh and the responses to it also illuminate that processes of acceleration were at work and yielded significant consequences for society. According to Rosa and Havelock, in certain historical moments or periods, the rate at which change occurs may be greater or smaller than at others. When this rate is greater during a certain period of time in a certain place, it may be classified as a period of acceleration.⁹ Finally, by assessing the relevance of these theories of temporality to the postcolonial context in particular, an understanding of the temporal nature of the discourse on the “Delhi Gang Rape” can be ascertained.

⁸ Zammito, "Koselleck's Philosophy of Historical Time(s) and the Practice of History," 128-29.

⁹ Rosa, *Social Acceleration*, 21; Havelock, *Acceleration: The Forces Driving Human Progress*, 10.

Experience Versus Expectation

The dissonance between the types of incendiary reactions produced by the rape and murder of Jyoti Singh with regard to gender and sexuality—some calling for a reinforcement of female modesty and subservience, others for a recalibration of gendered norms and judgments—can be examined through the dichotomy of the space of experience and the horizon of expectation. A desire for a return to the values and conventions of the past, drawing on a space of experience to determine what India should look like, stood in marked contrasts to an imagined a future that significantly altered mainstream social expectations for gender—a gendered horizon of expectation, in other words. Indeed, what distinguished the ideologically enflamed debate over gender and sexuality, which arrived at the forefront of national discourse by virtue of the Nirbhaya event, was the way it emphasized and was shaped by perspectives on time.

Experiences during and in reaction to the British Raj in India set a historical precedent for gender and sexuality being regarded as a temporal issue. Partha Chatterjee argues that, “Indian nationalism, in demarcating a political position opposed to colonial rule, took up the women’s question as a problem already constituted for it: namely, as a problem of Indian tradition.”¹⁰ Nationalists used the site of the home—the domain of the woman—to establish a uniquely Indian national culture, thus placing the responsibility (and perhaps burden) of maintaining an indigenous spiritual purity, untarnished by the hegemony of Westernization, on women.¹¹ As such, questions about the roles of women, especially with regard to operation inside and outside the sphere of

¹⁰ Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories*, 119.

¹¹ *Ibid.*, 126.

the private residence, already possessed a temporal quality—a division between tradition and modernity—as India entered its period of independence.

The rape of Jyoti Singh has become an important event (especially for historians) because it opened the floodgates for a debate about the contemporary state of the so-called “women’s question,” and the present moment in India’s gender history. As Devika Narayan writes, the fatal assault became “an opportunity to pledge our commitment to a vision of a gender just society,” for the expectationists; for the experiencists, it was an opportunity “to reclaim their ownership of women.”¹² In this way, the debates following the attack were a manifestation of the tensions already brewing in Indian society, and intensified by the brutal rape of Jyoti Singh, about evolving and contradictory notions and operations of gender—and, importantly, their temporal implications.

In the case of gender and sexuality, the expectationists also looked to the space of experience, but to the opposite end as the experiencists; they reference the past to highlight the point that women have historically been subject to patriarchal norms and misogynist violence for centuries (if not millennia), and use this retrospective understanding to underscore the need for a rejection of the prior and construction of a new landscape for gender and sexuality. This temporal disagreement between the experiencists and the expectationists over imaginations of what issues of gender and sexuality should look like in India—which, at its heart, is about what is right, and what is wrong—galvanized the Indian (and, to a lesser degree, international) population in response to the “Delhi Gang-Rape.”

¹² Narayan, "Some Thoughts on Rape, Sexual Violence and Protest--Responding to Responses." She calls the experiencist group, “Ambassadors of Tradition,” a term I quite appreciated.

The conversations about caste and class that emerged in response to the rape and murder of Jyoti Singh were also imbued with a tension between experiencists and expectationists, where the former insist on the continuation of a hierarchical social stratification based on caste (and, consequentially, class), and the latter criticize the system as archaic and oppressive, lobbying instead for a society with equal opportunity. Already a point of contest within India's discourse, this disagreement about whether to maintain an institution of the past or eradicate it for a new future was spotlighted and intensified with the murder of Jyoti Singh Pandey.

As such, the Nirbhaya event encouraged a popular discussion of the relevance of the caste system in a contemporary society, and an honest appraisal of how it shaped the livelihoods of individuals and groups. By engaging sensitivities about caste and class, this particular instance of sexual violence caught the interest of many who might otherwise pay it less attention. It initiated a discussion about time, regarding which direction in time the country should look in determining what is best for Indian society in the present, and whether a historical component of Indian society—the caste system—remained pertinent, or belonged in, the contemporary period.

With regard to corruption, the assault highlighted how, whether by ignorance, deliberate intent to maintain a system in which they benefit, or some combination thereof, Indian politicians, police officers, and other government officials have, in general, refused to listen to the growing portion of its citizens who have requested a new direction for Indian gender relations (and other social justice issues). Instead, their continued corruption and backwards-looking policy-making has revealed a collective preference for ways of the past, that seek to rectify or abet social issues through return to tradition and tightening restrictions rather than affording autonomy.

This dissonance between the growing future-oriented sector of Indian society and past-oriented authorities with regard to corruption was effectively, then, a discrepancy over time—over which direction in time to look for a model for India’s political and social systems. In this case, the experiencists, many among the Indian “elite,” lauded the already existing political and legal institutions, which have historically benefited them and reinforced their political and economic superiority. The expectationists, presumably consisting of the disenfranchised classes and groups, middle-class progressives, and many of the country’s women, sought to reform the old system of authoritative operations (one that ties back to colonialism), which would not prioritize the wellbeing of any social group over another, and which would deviate from the hierarchical nature of India’s past governing structures.

Temporal disagreements also arose with regard to mobility within Delhi, emblemized by the response of former Prime Minister Manmohan Singh who “promised to view the street protests since the young woman’s attack as evidence that ‘a young India...genuinely desires change.’”¹³ His use of the rhetoric of development, and the proposition that making public spaces safer for women (rather than making it easier for women to remain in the home) was a critical component the country’s pursuit of this development, matched the sentiments of many of his constituents seeking reform and progress on the interpersonal and institutional levels.

Prime Minister Singh’s declaration, and the popular opinion that it echoed, stood directly in contrast to the conservative citizens and politicians who blamed the changes India has experienced in recent decades for both the rape of Nirbhaya and the general insecurity felt by women in the cities. In this case, the experiencists were those who

¹³ Kennedy, "How India's Rapid Changes Are Putting Women at Risk."

defended India's cultural, political, and infrastructural institutions, which were organized and operated based on the principle that women should generally stay in the home. They sought to maintain the systems and values of the past, and labeled the deviations from this status quo that arose in society as the causes of the violence and insecurity endured by women. Contrarily, the expectationists were the protesters, cultural critics, op-ed writers, citizens, and rare politicians who critiqued the structures and norms that contemporary India inherited from its history, and fought for changes to be made in order to address its aspects that engendered inequality and vulnerability for minority groups, particularly women, as they attempted to move throughout public spaces. In this light, the debate surrounding mobility for women that surfaced following the Nirbhaya event had a temporal quality, in that a divide arose between those who believed the past should define India's present, and those who argued that India required a wholly new future.

Evolving media, and evolving ideologies of gender and sexuality propagated through media, also played an undeniable and irreversible role in shaping the Nirbhaya event and its responses as defined by a dissonance between looking to the past and to the future. The underlying concern with temporality was especially evident in the press' depiction of the actors involved in the assault, the victims and the criminals respectively, as engaged in a "putative battle between two Indias: the first, new and modern, and the second, old and backward."¹⁴ In this respect, the tension being highlighted was between the "new and modern" India—which looked to an expectationist discourse, and to Jyoti Singh as its icon, at least as the reports described her—and an "old and backward" India—mired in an experiencist discourse, particularly as associated with the six

¹⁴ Roychowdry, "'The Delhi Gang Rape': The Making of International Causes," 282.

assaulters (as the press depicted them). The collective effort of local and international media to portray the event and its characters in this way played into and drew upon preexisting tensions in Indian society between a group desiring “progress” and another seeking a return to “tradition.”

Acceleration

Another question of time that arose in response to the Nirbhaya assault was that of acceleration, wherein a discrepancy existed between the current state of affairs in India and the rates at which certain aspects of society were undergoing change. The popularization of digital media, both news and social, allowed for the rapid spread of information and discussion about the rape, as well as organization in response to it, which was essential to the event’s garnering such widespread and passionate reactions. In this way, the “Delhi Gang Rape” became emblematic of the rate of change—arguably, “progress”—in the contemporary era, which excited some and frightened others. This acceleration of change has been made increasingly possible by new forms of, and increased access to, media and technology, as demonstrated by the transformation of the assault against Jyoti Singh into the “Nirbhaya” media sensation.

For mobility, the discourse also pointed to a problem of acceleration, in that one of the key problems identified was the inability of public transport systems to keep up with the growth and change occurring in India’s cities. The harmful effects of this inadequacy, which disproportionately manifested in sexual harassment and violence, were accumulating relatively quietly until the “Delhi Gang Rape” brought this issue to the forefront. The ubiquity of this insecurity for women using city buses and otherwise traversing urban spaces became indisputable following the assault, as did the sentiment

that the city was becoming less safe as time progressed.¹⁵ This notion that issues of public safety were growing worse and more widespread demonstrates that they, indeed, were also about time, in that they were defined by a dissonance between the evolving needs of the city's residents and the stagnation, or at least slow progress, of the city's institutions.

Finally, following the assault against Jyoti, the question arose (or, perhaps, became more urgent) as to whether the current operations of its political system and forces were a proper match for the India of this time period. Much of India changed, but the Indian state had not. In the aftermath of the "Delhi Gang Rape," the epidemic of corruption in Indian society emerged—and was spotlighted in popular discourse—not only as a direct and pernicious cause of gender inequality and violence, but also as evidence of the failure of the Indian state to maintain pace with the public needs and desires in the present. The persistence of the government, its police force, and its legislative branch (with the exception of the JVC and limited others) to retain antiquated—indeed, in many cases, colonial—political structures and practices that valued the security of the elites over the majority was understood as a failure to keep pace, to heed India's call for a democratic and egalitarian ethos. Moreover, the "progress" of the middle class—the rate at which it desires and expects change—has increased in recent decades, even as it has grown demographically, and arguably skyrocketed with the galvanizing effect of the Nirbhaya event. Thus, the discrete theories of temporality—that of experience versus expectation, and that of acceleration—provide separate yet equally relevant frameworks through which to see the clearly the causes of

¹⁵ Sharma, "Delhi Human Development Report 2013: Improving Lives, Promoting Inclusion," 33.

tension, with regard to corruption and other elements, that emerged out of the rape of Jyoti Singh.

Situating in the Postcolonial Context

Notably, and as hinted at above, the characterization of the discourse following the Nirbhaya event as decidedly temporal in nature fits neatly into the legacy of the nation's transition into postcolonial independence. The historical events of British abdication, Partition, and the establishment of the democratic nation-state of India—and the historical moment at which these fundamental geopolitical changes took place—required Indians to ask similar questions about the meaning of modernity and the relevance of the past to the present. Moreover, it precipitated the formation of two divergent camps: one towards Western versions of modernity, the other (to egregiously simplify) away from them. Chatterjee submits that these questions—and this dissonance—remain intrinsic to the course of postcolonial Indian politics; in other words, that “the search for a postcolonial modernity has been tied, from its very birth with its struggle against modernity.”¹⁶ The “Delhi Gang Rape” and subsequent discourse, so deeply concerned with the functions of time and the location of India along a timeline of progress, thus has its roots in the nation's foundational discourses as a self-governing democracy.

And yet, it is also subject to the hegemonic discourses of the West, with regard to the notion of “development.” Especially for the event's receptions and interpretations abroad, the rape of Nirbhaya and the reactions it produced were commonly framed as indication of India's failure to develop. For example, Butalia noted how Western feminists' reactions to news of the event—mostly quick efforts to help—were naively

¹⁶ Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories*, 75.

uninformed about the existence of local women's and feminist movements, verging on the paternalistic.¹⁷ She argues that this "colonial attitude" failed to acknowledge that "all our feminisms are born out of the specific conditions of the nations in which we have grown up, even though our feminisms are not national and should not be."¹⁸ This issue of colliding international feminisms in light of the "Delhi Gang Rape" represents one dimension of the problematic and hegemonic paradigm of development that informed many global conversations and perspectives on the event and its meaning. The common tendency to frame the event within a narrative of development, especially within the international community, demonstrates that the Nirbhaya rape was being conceived of, or rather expressed almost subconsciously, as a temporal issue—one concerned with progress, or a telos of improvement¹⁹—but in a light that reflected and perpetuated historic geopolitical power imbalances.²⁰

Ultimately, theories about the past, the present, the future, and accelerating rates of change illuminate that all five of these elements were particularly contentious because of anxieties surrounding the operation of time. People—deliberately or unwittingly—expressed their opinions in a way that invoked a temporal framing, be it one of experience versus expectation, one of acceleration, or one of postcolonialism. Thus, in addition to the preexisting controversy surrounding each of the factors, and the thrust provided by the convergence of all five elements in one crime, issues of temporality connected to the factors also contributed to transforming the rape of Nirbhaya into a

¹⁷ Nadja-Christina Schneider, *Studying Youth, Media, and Gender in Post-Liberalisation India: Focus on and Beyond the "Delhi Gang Rape"*, 134.

¹⁸ *Ibid.*, 134, 36.

¹⁹ As stated in class discussion by Victoria Smolkin-Rothrock, 2016.

²⁰ See: Amartya Sen, *Development as Freedom* (Oxford, United Kingdom: Oxford University Press, 1999).

sensational event.

EVENTIFICATION

This metamorphosis, from an act of violence to “cause célèbre,” is highlighted in Miranda Kennedy’s op-ed. She pinpoints the notion of a city’s transformation, occurring in a particularly drastic manner in Delhi, as prescriptive of the type of sexualized violence encountered by Jyoti. “It makes sense that this attack happened in Delhi, one of the fastest-growing cities in the world,” she argues, “Delhi appears to welcome modern women who go to college and work outside the home. But the city is not nearly as open as advertised.”²¹ Kennedy references the concept that India is currently being shaped by a state of transition, and suggests that this social climate—one constituted by a confrontation between the values of traditional village life and those of globalized cosmopolitan cities—is conducive to violence against women. Because of this, Delhi “is not as open as advertised;” it is promoting the expectationist visions of how the five elements should operate, but still existing along the lines of the experiencists in practice.²²

The cause of this violence-inducing conglomeration is ultimately due to a clash of temporal factors, between sectors of the population using blueprints of the past to dictate their actions, and those devising future-oriented guidelines for behavior. “It’s easy to blame a retrograde culture that’s hostile to women” for flourishing sexual violence in

²¹ Kennedy, “How India’s Rapid Changes Are Putting Women at Risk.” This notion—that the city was “not as open as advertised”—matches sentiments about New York and England during the Helen Jewett and Jack the Ripper murders, respectively. On the first, see: Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York*. On the second, see: Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*.

²² Kennedy, “How India’s Rapid Changes Are Putting Women at Risk.”

urban spaces like Delhi, “but rapid transformation is also part of the story.”²³ This dissonance is influenced as well by identity factors, such as caste, class, age, and access to education and technology, and institutional factors, such as patriarchal norms and corrupt governance. Its consequences disproportionately affect women in day-to-day interactions and particularly in the occupation and navigation of public spaces.

Such an analysis can also be framed in the context of acceleration; some people and places within the city are changing, with regard to all five elements, at a much more rapid pace than others, leading to friction, confusion, and violence (most frequently endured by historically and institutionally marginalized groups, such as women). Thus, Kennedy’s postulation of the transitory nature of the city in which the event occurred demonstrates that the occurrence, and astounding resonance, of the Nirbhaya assault was a product of converging factors grounded in and touching on issues of time.

* * *

It is appropriate here to step back for a moment, to pause. Are not all instances of sexual violence “events”? According to Derrida, “an event will always leave *traces* that mark the fact that there has been an event.”²⁴ By this definition, surely they all are. On the other hand, “an event implies surprise, exposure, the unanticipatable,” and in the contemporary period strong arguments can be made against the notion that gendered harassment and violence are anomalous to any degree.²⁵

Of course, Jyoti did not board the bus that claimed to be en route to her home neighborhood of Dwarka with the expectation or anticipation that it would both

²³ Ibid.

²⁴ Daniel Smith, “An Event Worthy of the Name, a Name Worthy of the Event,” *The Journal of Speculative Philosophy* 29, no. 3 (2015): 390.

²⁵ Derrida, “A Certain Impossible Possibility of Saying the Event,” 441.

commence and culminate with the violent attack that would ultimately end her life.²⁶ But, based on testimonies and experiences of other women (as outlined in Chapter Two), it is reasonable to speculate that Jyoti may have been accustomed to encountering some type of verbal or physical abuse when utilizing public transportation, or navigating the city of Delhi, in general. On the individual and communal levels, any occurrence of sexual harassment or assault can be understood as an “event”—in that it leaves significant, traumatic “traces,” especially for those subjected to it—and should be treated as such. But the Nirbhaya rape left traces not only on the lives and in the spaces of those involved, but on a national (and international) population. What made it different?

Scholar Alexis Nouss, contributing to Derrida’s lecture and discussion on “the event,” provides more useful parameters for making sense of what an “event” is, and how something becomes an event. He proposes, “one of the characteristics of the event is that not only does it come about as something unforeseeable, not only does it disrupt the ordinary course of history, but also it is absolutely singular?”²⁷ The qualities of being unforeseeable and altering history match Derrida’s assertion that an event should contain an element of surprise, and leave “traces,” affect people or things involved.

The “Delhi Gang Rape” fits both criteria. It was unpredictable, in that no one could have foreseen that Jyoti—aspirational, upwardly mobile, fighting back, fearless

²⁶ A moral note: women, and people generally, should not be expected to “anticipate” sexual violence; any insinuation that they should migrate quickly into the territory of victim blaming. Recognizing that they might become accustomed to such violence, due to the pervasiveness of rape culture and high frequency of sexual harassment and assault globally, does not transfer the onus for avoiding spaces and moments in which these acts are committed to the recipients, rather than the actors, of violence. Ultimately, speculating as to whether Jyoti “anticipated” being harassed or assaulted is useful for the purpose of exploring the nature of her rape as a historical event, in light of preexisting theories about the making of events (violent and benign), but should not be misconstrued to suggest culpability for her or other victims and survivors of sexual assault.

²⁷ Derrida, “A Certain Impossible Possibility of Saying the Event,” 446.

Jyoti—would have boarded the bus on which six Delhi migrants set out to “have some fun.” As Indian author and journalist Nilanjana Roy wrote for *kafila.org*,

She had not asked to become a symbol or a martyr, or a cause; she had intended to lead a normal life, practicing medicine, watching movies, going out with friends. She had not asked to be brave, to be the girl who was so courageous, the woman whose injuries symbolised the violence so many women across the country know so intimately. She had asked for one thing, after she was admitted to Safdarjung Hospital: “I want to live,” she had said to her mother.²⁸

The Nirbhaya attack was surprising in the philosophical sense, because the future is always uncertain until it happens. It was surprising to Badri and Asha that their daughter would never come home again. It was surprising to the six assaulters that their painfully ordinary lives would never be the same again. But, most of all, it was surprising in the *way* it happened, despite the frequency of sexual assault locally and globally. It was surprising to Delhi, and to the world, that such a clear metaphor for the fragile state of the nation’s narrative of development and the female population’s narrative of progress would emerge, as it did when Jyoti boarded that bus.

The Nirbhaya event also fit the next parameter: it altered history, both in the immediate sense of changing (or ending) the lives of those involved, and in the greater senses of inciting mass protest and media attention and influencing popular discourse and even national legislation. Additionally, that it would affect the future of gender relations in India became clear within weeks of the assault; by the end of the following year, reports indicated that, “women [were] now feeling more emboldened to ignore the stigma and report not just cases of rape, but even harassment, molestation, stalking and voyeurism.”²⁹ Recognizing that substantially more change needed (and still needs) to be

²⁸ Nilanjana Roy, "For Anonymous," *kafila.org*, December 29 2012.

²⁹ Sumnima Udas, "Covering the Rape Case That Changed India," *CNN*, December 4 2013.

enacted and ensured in order to balance out the historical institutional and social subjugation and exclusion of women, evidence still showed that the ripples of change in the direction of a more equal society were being felt across Delhi and India as a result of the strong responses “Delhi Gang Rape.”

But was it absolutely singular? Ironically, what was so unique about this particular rape was the extent to which people identified with the victim. As one participant in the demonstrations following the assault told *The New York Times*, “that girl could have been any one of us.”³⁰ The rape of Jyoti Singh was unlike any other in that its main character was unequivocally representative. Even if details of her life story were esoteric, the moment the news was broken, she became a symbol for the contemporary Indian woman; her aspirational narrative touched on sentiments familiar to virtually every Indian woman. If they could not relate, they could sympathize. As such, and paradoxically, the quotidian resonance of her persona, and the irreducible normality of the circumstances surrounding the tragic assault, made this sexual assault absolutely singular.

Moreover, or perhaps more specifically, the event’s unprecedented resonance was also due to its containing the five elements, which touched on temporal anxieties. Ultimately, tensions and divisions surrounding time—whether to look forward or backwards, and at what speed to move in any direction—were present in all five contentious elements that the “Delhi Gang Rape” encompassed, and the convergence of them all produced a “perfect storm” that erupted in the consciousness and discourse of the Indian nation. As such, the Nirbhaya rape was “absolutely singular,” for no other

³⁰ Heather Timmons, "Indian Women March: 'That Girl Could Have Been Any One of Us'."

comparable or similar instance of sexual violence ignited all five of these elements, charged by disagreements and anxieties about time.

Thus, I contend that the rape of Jyoti Singh was unforeseeable, disrupted the course of history, and was completely unique in its unequivocal relativity. The convergence of the five elements, each connected to contemporary social issues (and responses to it), created the effect of the rape becoming an event of local, national and global importance. *This* is what made the Nirbhaya rape different from any other—what propelled it to become not just another sexual assault-cum-murder, but a national and global event.

CHAPTER FOUR

Becoming and Resisting History

Now that we have ascertained how and why the rape of Jyoti Singh became an event, we must explore its implications as an event for Indian society, and for the field of history. When did the “Delhi Gang Rape” become history, and how? In what ways has the event been constituted as history, and how do these ways shape the meaning of that history differently? Is the Nirbhaya phenomenon approached by the Indian population as a token of the recent past, or as a moment in a historical process that has continued into the present? What are the sociopolitical and moral implications of rendering the event as history versus bringing it into the present?

Bevernage submits that a notion of history based on forward-moving progress is misleadingly optimistic about the future and condemnatory of the past and, as a result, promises future justice for evils of the past that may be elusive. Characterizing the past as immoral or sinister, he argues, “regrettably often tends to result in the belief that ‘this evil is past,’ or, at least, that it is anachronistic and will become past soon.”¹ Drawing on the anthropologist Johannes Fabian, he calls this temporal disjunction allochronism, or an allochronistic method of history, and supplements his assertion with a warning:

By allochronically historicizing contemporary injustice and treating it in terms of historical discourse, a distance is created between one’s own present day activities and these allegedly past or anachronistic crimes. Moreover, the historicizing stance also enables one to portray one’s relationship to this evil in contemplative terms as analogous to that of the historian or the witness rather than of the morally more problematic position of the bystander, or worse, the beneficiary or accomplice.²

¹ Bevernage, “The Past Is Evil/Evil Is Past: On Retrospective Politics, Philosophy of History, and Temporal Manichaeism,” 344. See: Johannes Fabian, *Time and the Other: How Anthropology Makes Its Object* (New York, NY: Columbia University Press, 1983).

² Bevernage, “The Past Is Evil/Evil Is Past: On Retrospective Politics, Philosophy of History, and Temporal Manichaeism,” 344.

In other words, he cautions against the tendency, which accompanies the act of rendering a recent event as one of history or of the past, to neglect or blur one's own position in or relationship to that event, thus obscuring one's potential for culpability.

This act towards absolution is the danger of a society responding to and processing an event through making it into history—especially when the event was one characterized by violence, trauma, and immorality. Bevernage fears rendering such an occurrence history so soon after it takes place (although he does not specify how long the historian must wait until it is acceptable to historicize) translates into individuals and/or the collective making the false assumption that the event is no longer typical of their present society, only of an eviler past. I argue, based on the analyses of my Chapter Two, that with regard to certain figures and entities involved in the Nirbhaya event, his fear was realized. On the same grounds, I also submit that in certain and many other cases, his apprehension proved false.

Presently, a little more than three years have passed since the date of the Nirbhaya assault, yet the event remains relevant to popular, political, and media discussions. Attention to the anniversaries of each year since Jyoti's death illuminates that memory of the violence against her remains visibly and strongly in the minds of (at least) the Indian population and government. Yet, annual commemorations of the rape also demonstrate a consistent effort to carve a space for the event in the past—to define it as something that happened, that represents a prior India that has now changed (or is in the process of changing), one that India is collectively moving forward from. Then again, conflicts with attempts to archive Nirbhaya as a relic of former India have arisen, when parallel instances of sexual violence have occurred on the streets of Indian cities, and when the juvenile assaulter completed his sentence. As such, a tension has persisted

between efforts to render the “Delhi Gang Rape” history, while aspects of the event itself and evocation of it in light of separate events have worked as an opposing force, resisting history.

ONE

Calendrical commemorations of Nirbhaya began on January 16, 2013—the one-month mark after the night Jyoti was assaulted. Individuals gathered at Jantar Mantar³ and Delhi University, where they produced art in protest of sexual violence in general, as well as in demand of justice for this specific assault. In addition, a candlelight vigil was held, and activists spoke out about the perceived inaction of the government in delivering justice following the rape.⁴

A slideshow of images from the gathering published by *The Economic Times* showed activists creating and holding posters that included phrases such as “Hang the Rapists,” “Kill the Killers of Humanity,” “Freedom Without Fear,” and “A Month is Over...Justice is Still Awaited...” in both Hindi and English.⁵ These slogans being sported on this date were strikingly similar—some even identical—to those that emerged in the protests immediately following the attack. This continuity demonstrates that a thread between the event, as a part of the past and relevant to the present, remained intact at the one-month mark. Observers of the somber anniversary also held illustrated images of nooses, women breaking free from chains, and women covering their faces, among

³ Jantar Mantar is an architectural landmark and common meeting place in Delhi.

⁴ “One-Month Anniversary of Delhi Gang Rape,” *Economic Times*, January 16 2013.

⁵ Ibid.

others.⁶ These images also recall those presented in the initial demonstrations, while holding a decisively violent aesthetic quality, suggesting that anger at the specific assault, and the society-wide problem of sexual violence that it has come to represent, was fervent at this historical moment.

Another image portrayed a man who was fasting in protest lying down at the scene of the commemoration, exemplifying the continued fight for justice and equality in light of the Nirbhaya event.⁷ Only thirty days since the attack and barely two weeks since her death, the memory of Jyoti herself, as well as her rape and its moral, social, and political implications, were still fresh on the minds of Indians. Already, citizens were organizing to memorialize her and to sustain the relevance of her assault by continuing to push political agendas in light of the event; already, a tension was emerging between carving a place for the event in the past and maintaining its relevance in the present and into the future.

* * *

Eleven months later, the anniversary of the first year since the assault was recognized both by the Indian public and Jyoti's family. Privately, her relatives held a religious ceremony in the village in Uttar Pradesh from which they had migrated to Delhi. They explicitly told the press that they hoped to "remember her in a quiet way, away from all the glare."⁸ Meanwhile, the public gathered at various locations around Delhi (such as Jantar Mantar, again) and India for memorials and vigils in her honor.⁹ The public

⁶ Ibid.

⁷ Ibid.

⁸ "India Marks First Anniversary of Gang-Rape Victims Death," *ABC News*, December 29 2013.

⁹ Ibid.

commemorations of the Nirbhaya rape on its first anniversary were similar in spirit and form—though perhaps greater in measure—to those of its one-month marker.

In addition to lighting candles and saying prayers in her memory, most attendees also used the occasion as a platform for expressing discontent regarding her specific case and nationwide failure to improve social conditions surrounding gender and violence since the event. Many protesters held signs and shouted slogans, just as they had in the days following the “Delhi Gang-Rape” exactly one year prior, such as “To Deter Rape, Punish Those Who Blame Women for Rape,” “Oppose Patriarchal Mindset,” “Fight Sexual Violence at Workplace,” and “Men Can Stop Rape.”¹⁰

In comparison to the phrases shown at one-month commemorations, the ones chosen to express the sentiments of the population at the one-year mark were more generalized. Rather than addressing the specifics from the Nirbhaya case by suggesting the perpetrators be hanged and asking for justice in direct response to that particular assault, at this moment the anniversary of the attack was used as a platform for seeking justice for a nationwide (and worldwide) epidemic of sexual violence. This reveals a transformation since the one-month anniversary in how the general public (or at least those who opted to commemorate Jyoti’s life) associated with the “Delhi Gang Rape,” temporally speaking. While the relevance of the event to the contemporary moment remained clear, the presence of the specific rape was weaker; instead, the presence of the wider social problem that the rape symbolized was stronger. As such, the event had receded further into history by this point, although the link between the event and the present moment certainly had not been severed.

¹⁰ "1st Anniversary of Delhi Gang-Rape: India Remembers Nirbhaya," *India Times*, December 17 2013.

Indeed, simply by the act of marking an anniversary—thereby crystallizing the occurrence of the event as having happened exactly one year prior—Indian society demonstrated at least the appearance (if not predominance) of a perspective on Nirbhaya as a part of the past. Yet, according to Blustein, “commemoration is a kind of memorial that...can preserve the public memory of the victims and raise moral consciousness about past abuses,” suggesting it can serve as a useful tool for communal confrontation and reconciliation with evil events, without placing them so deeply in the past that their meanings and lessons are lost.¹¹ The collective actions of the Indian public on the first anniversary of Nirbhaya’s rape, due to their balanced inclusion of both somber memorializing and political lobbying, evoke this theory—that the gathering and performance of remembering by a community can serve to maintain, rather than dissolve, the bridge between the past and the present.

Meira Kumar, the first female Speaker of the Lok Sabha,¹² was asked on this date if she identified any changes—presumably with regard to gender equality and safety—since the “Delhi Gang Rape.” She answered: “where the security of women is concerned, everything is still the same,” using her platform as a high-ranking politician and the commemorative date to keep the wider political issues raised by the assault against Jyoti at the front of public discourse.¹³ Though of course not representative of the Indian government as a whole, Kumar’s statement demonstrates that, one year after its occurrence, the “Delhi Gang Rape” still served as the most salient reference point and

¹¹ Blustein, "Forgiveness, Commemoration, and Restorative Justice: The Role of Moral Emotions," 586.

¹² The Lok Sabha is the Lower House of India’s Parliament.

¹³ Indrajit Kundu, "On First Death Anniversary of Delhi Gangrape Victim, Lok Sabha Speaker Meira Kumar Says Nothing Has Changed in Indian Society," *India Today*, December 29 2013.

catalyst for seeking change with regard to issues of gender equality and safety in India. Because the widespread and institutionalized problems which it spawned from, represented, and reminded us of had persisted, the event was remembered one year later both with sadness to honor her passing, and with passion to make meaningful political and social change.

TWO

The second anniversary of the assault was commemorated by Indian society in a manner similar to the first. It included protests demanding punishment of the assaulters and implementation of the JVC's recommendations, as well as commemorative elements, such as candle-lighting ceremonies and prayer, in honor of Jyoti's death.¹⁴ At Jantar Mantar in Delhi, observers erected placards showing phrases expressing discontent both with the Nirbhaya assault and with rape culture in general, such as "Hang the Rapists," "Rape Free India," and "Police Reforms."¹⁵ A particularly poignant sign read "Dec 16: Keep Alight the Flame Against Sexual Violence, For Women's Fearless Freedom," both explicitly referencing Jyoti Singh's moniker by including the word "fearless," and emphasizing the need to fight for gender equality and justice on the societal level.¹⁶

Thus, the actions of Delhites and other Indians at the two-year mark after the "Delhi Gang Rape" bring to mind Bevernage's suggestion to, "resist dualist thinking that forces us to choose between restitution for historical injustices and struggle for justice in

¹⁴ Staff Reporter, "Protest to Mark Anniversary of Nirbhaya," *The Hindu*, December 18 2014.

¹⁵ "People Remember Nirbhaya on Second Anniversary of December 16 Delhi Gang Rape Case," <http://www.gettyimages.com/detail/news-photo/parents-of-nirbhaya-paying-tribute-to-their-daughter-during-news-photo/460553058>. Accessed February 2016.

¹⁶ Ibid.

the present or future.”¹⁷ They performed memorializations that simultaneously honored her passing, sought punishment for her assaulters, and asked for institutional changes to alleviate the larger social issue of which the event was a marker. The tension between past and present, at this moment, was being pulled strongly by each side: with double the time elapsed as the first anniversary, commemorations demonstrated that, for the Indian public, the Nirbhaya event remained perhaps equally as pertinent and meaningful to the present. Though decidedly a part of the city and country’s history, at the two-year mark, the “Delhi Gang Rape” remained tied to the current moment.

The second anniversary of the “Delhi Gang Rape” also entailed peculiar reporting on the ways some of the perpetrators of the assault were “remembering” the event. Allegedly, Vinay Sharma and Pawan Gupta successfully managed to bring balloons and cake—prohibited items—into Tihar Jail, which constituted part of their day of celebration for having “survived one more year safely.”¹⁸ Once their celebration was discovered, jail officials removed the items, but the message rang clear as to the assailants’ perspectives on the attack, its meaning, and its place in history. For them, the anniversary was a reminder of their “night of fun” and continued evasion of the court-issued death penalty. Her death did not merit memorialization or lobbying for change that would limit their capacity to have a night of fun like that again. In a perverse sense, the event remained close to the present for Gupta and Sharma; despite being behind bars, they remembered the date and made deliberate (if illicit) efforts to mark it. Yet the

¹⁷ Bevernage, "The Past Is Evil/Evil Is Past: On Retrospective Politics, Philosophy of History, and Temporal Manichaeism," 336.

¹⁸ India TV News Desk, "Nirbhaya Rapists Celebrated 2nd Anniversary of 'Dec 16' in Tihar?," *India TV News*, December 2 2014.

emotional distance from which they approached the event suggests that perhaps they also view it as a part of the past, and a part of their pasts as free men.

With its second anniversary on the horizon, the event was also “remembered,” incidentally, when news of a strikingly similar rape in Delhi evoked recollections of the tragedy that had struck in 2012. On December 5, 2014, shortly before the two-year mark since the “Delhi Gang Rape,” another widely reported rape took place in a vehicle traversing the streets of Delhi. The survivor, a twenty-five-year-old executive, identified her assaulter, Shiv Kumar Yadav, who was the driver of an Uber she commissioned to take her to her from Vasant Vihar to her home in the Inderlok area of Delhi.¹⁹ According to her statement in court, she fell asleep in the back of the car and woke up to Yadav sitting beside her in the backseat. She began to protest, to which he responded by slapping her repeatedly and threatening to make use of a rod—a detail that inevitably brings to mind Jyoti’s rape (and almost certainly was intended as such). After Yadav raped her, he drove her to her house, where she exited the Uber.²⁰

Once identified and taken into police custody, the accused was questioned in a special fast-track court—one of many established in response to the Nirbhaya event. He told the Magistrate that “he ‘did not commit the crime’ and that the case against him ‘[was] false.’”²¹ In the process of handling this conviction, the court also discovered that

¹⁹ Press Trust of India, "Uber Cab Rape Case: Victim Identifies Driver in Court," *The Indian Express*, January 15 2015.

²⁰ Ibid. Apparently, Yadav felt assured that he could drop her off, after assaulting her, with little risk of being caught. Presumably, he had confidence in the social and political apparatus of rape culture to silence his victim, to garner little more than apathy from the police, and to desensitize the public to her suffering. What does this tell us about the legacy and impact of the “Delhi Gang Rape” at this point? Conversely, given that Yadav was arrested, and the victim and the public did speak out, what was its legacy and impact?

²¹ Vibhuti Agrawal, "Delhi Uber Driver Accused of Rape Speaks in Court," *The Wall Street Journal*, February 3 2015.

the assailant had been involved in a rape case in 2011. As a result, he was denied a police clearance certificate—required to get an all-India taxi permit—in May 2014; he had then procured a fake certificate, at the price of 2,000 rupees,²² from another agent, Sunit Sharma, who was subsequently also arrested.²³ Once Yadav was convicted for the crime, the president of Uber India, Amit Jain, spoke out in support of the verdict, saying “sexual assault is a terrible crime and we're pleased he has now been brought to justice,” Jain promised to make changes to improve the safety of the ride service.²⁴

The Uber case gained substantial publicity—though markedly less than that of Nirbhaya—due to its haunting resemblance to Jyoti's two years before, as well as its quick trial and conclusion. This case of sexual violence evoked memories and political agendas related to the “Delhi Gang Rape,” demonstrating that the link between past and present, in this instance, remained intact. It suggested that, until such radical transformation occurred in this setting that no similar instances of rape would take place again, the assault against Nirbhaya would remain connected to the present.

Jyoti's father, Badri, spoke to the connection between the Uber Rape and his daughter's death. He questioned the success of the movements for equality and justice inspired and invigorated by the assault of his daughter, citing this parallel instance of sexual violence as evidence that Delhi remains unsafe for women.²⁵ “My pain increases every time I hear of another rape,” he disclosed, and while it is both logical and reassuring that Jyoti's loved ones would recall the tragedy upon news of any similar

²² Approximately forty US dollars.

²³ Ananya Bhardwaj, "'Rapist' Applied for Police All-Clear, Denied Due to 2011 Rape Charge," *The Indian Express*, December 12 2014.

²⁴ "India Uber Driver Guilty of Rape," *BBC*, October 20 2015.

²⁵ Betwa Sharma, "Nirbhaya's Father Says Delhi Has Not Changed 2 Years after Rape and Murder of His Daughter," *The Huffington Post*, December 16 2014.

instance, it is significant that not only they, but the whole of India, were struck with her memory when the story of the Uber Rape broke.²⁶ Arguably, Jyoti's rape was easily recalled in reaction to the Uber Rape because of the persistent efforts to memorialize and make history of her attack. In other words, the public and meaningful commemorations and evocations of the Nirbhaya assault have made it easier to recall in future cases of sexual violence. As such, it becomes an example of history and memory serving to bridge the gap between past and present, rather than distance them from each other.

THREE

On the third anniversary of the "Delhi Gang Rape," which passed just a few months ago, Jyoti was remembered and invoked intentionally once again. Her family commemorated their daughter's death, but this time in a much more public fashion, using the moment to make political statements about the prolonged status of the case against the assaulters, which is now on appeal and still awaits hearing in the Supreme Court. "The rest of the four rapists should be hanged at the earliest," Jyoti's father stated, "we have been battling for justice for three long years."²⁷ They also attended citywide commemorations of their daughter's death at Jantar Mantar, where the banned BBC documentary, *India's Daughter*, was screened as part of the ritual of commemoration.²⁸

²⁶ Ibid.

²⁷ Press Trust of India, "On Nirbhaya's Third Death Anniversary, Parents Want Rapists to Be Hanged," *NDTV*, December 30 2015.

²⁸ "3 Years of Nirbhaya Gang Rape: Delhi Government to Help Juvenile Convict Set up Tailoring Shop," *India Today*, December 16 2015.

At these sites of observations, signs were held saying, “Justice Delayed, Justice Denied,” and “Hang the Rapists” (as we saw in the one-month anniversary), referencing the recent appeal of the death penalty sentence set by the Delhi High Court.²⁹ Because of the current context—the verdict of the assaulters awaiting the final appeal in the Supreme Court, and juvenile’s completion of his sentence—during this anniversary, attention returned to the specific assault against Nirbhaya, with protestors and observers implying but not spotlighting the greater social and cultural changes needed to mitigate sexual violence. As such, despite three years having passed, the third anniversary (with the exception of the one-month memorialization) exhibited the most intimate relationship between the assault and the present.

Yet, the commemorations were still characterized by the tension between fossilization of the event through its rendering as history and revitalization of it through drawing ties to the present context. While constructing the rape as part of the past by commemorating it, the participating population consistently did so in conjunction with the undertaking of social, political, and legal agendas in response to her assault and its memory. Their actions recall Blustein’s theory, that “memories of wrongdoing, when sustained, provide the basis for the pursuit of...helping present and future generations avoid a repetition of the earlier violence and injustice.”³⁰ To what extent they have succeeded, or will succeed, remains unclear, but an irrefutable link can be observed between the Nirbhaya rape, memorializations of it, and continued fights for gender equality and safety in India.

²⁹ "Third Anniversary of Nirbhaya Gang-Rape," <http://www.gettyimages.com/detail/news-photo/protestors-along-with-the-mother-of-nirbhaya-taking-out-news-photo/501614536>. Accessed February 2016.

³⁰ Blustein, "Forgiveness, Commemoration, and Restorative Justice: The Role of Moral Emotions," 587.

Certain Indian politicians joined the public in their commemorations; many addressed lingering issues of gender inequality and sexual violence on this date by attending public events of honoring and remembering, as well as by speaking publicly. Mamata Banerjee, Chief Minister of West Bengal, utilized Twitter to express her sentiments, tweeting: “Remembering Nirbhaya on third anniversary of brutal Delhi incident. We cannot compensate her loss but government must stand by her family in every way.”³¹ In addition to continuing the growing trend (articulated in Chapter Two) of taking to social media platforms for activism, Banerjee’s tweet sheds light on the various and nuanced ways that Jyoti’s assault has been remembered. While conceding that justice for the rape and murder of Jyoti Singh can never be fully achieved, Banerjee’s statement also urges people—especially those in positions of power—to remember her, and ostensibly to act on that memory in the direction of justice. Her message fits the theoretical paradigm that history cannot fulfill the role of producing justice, certainly not retroactively, but that it can serve as a vehicle for attaining some type of future justice.

The Nirbhaya attack was brought to the front of public consciousness again, not only by intentional acts of commemoration, but also by the political issue of the juvenile assailant’s release from custody, which took place on December 20, 2015. Having completed the maximum time of service for a juvenile in a reform center, he was released and allegedly provided with a financial grant—as well as a sewing machine, to the end of establishing a tailor shop—by Delhi government’s department of Women and Child Development.³²

³¹ "Can't Compensate Her Loss but Govt Must Stand by Family, Says Mamata on Delhi Gangrape Anniversary," *First Post India*, December 16 2015.

³² "3 Years of Nirbhaya Gang Rape: Delhi Government to Help Juvenile Convict Set up Tailoring Shop."

This development, ill timed to align with the anniversary of the assault, generated frustration among much of the Indian public and for Jyoti's family in particular. They addressed a public gathering of remembrance for their daughter at Jantar Mantar; her mother lamented, "on her third anniversary, the culprit is being set free. Where is the justice in that? Does her sacrifice deserve this, justice has been denied."³³ Her father added, "for us he is the killer of our daughter who is being set free despite his heinous crime...We have failed in getting her justice, we have tried but to no avail, maybe they will listen to you."³⁴ According to another report, the pair also made the statement: "With each passing day her memories get more intense. But we are not even able to face the memories as we have failed to secure justice for her. And now there is no hope for justice!"³⁵

The coinciding of the juvenile's release with the anniversary of his victim's rape was not overlooked by the Indian public, and certainly not by Jyoti's family. Altogether, they expressed anger that justice had not been served by inadequately punishing one of her attackers and allowing him to live a free life after stripping her of her capacity to do the same. For many, his release proved that justice was elusive, especially in the hands of the institutions in place. The juvenile's release pointed to the inextricability of past from present, of her rape from its consequences, of one moment from another. As such, it points to scholar Eelco Runia's theory of historical presence, wherein "the past invades the present despite historians' attempts to put it at a distance. Far from being

³³ Siddhanta Mishra, "Nirbhaya's Third Death Anniversary, Juvenile Culprit Being Set Free," *The Indian Express*, December 16 2015.

³⁴ Ibid.

³⁵ "3 Years of Nirbhaya Gang Rape: Delhi Government to Help Juvenile Convict Set up Tailoring Shop."

represented or reproduced in the present, the past manifests its presence in the here and now.”³⁶ Even if the rape of Jyoti Singh belonged to history, the release of the juvenile exemplified its entanglement with the present and, presumably, the future.

PAST, PRESENT, AND POSSIBILITIES FOR JUSTICE

Thus, the anniversaries of the Nirbhaya rape reveal that a tension exists within the current Indian sphere between two poles: an understanding of the event as a part of the past, and an understanding of the event as relevant to and engaged with the present. By actively remembering Jyoti and her tragic assault, people have brought the event into the present despite the continual passing of time. Yet, by virtue of establishing the event as something that can be remembered, it has been characterized as a piece of the past.

Continuing activism in light of the assault has kept Nirbhaya in the present, but has also pushed it into the past by isolating it as an occurrence that can be referenced to bolster that activism. New developments and events have occurred that remind the public that the “Delhi Gang Rape” has remained representative of the current state of India, thus bringing it into the present. The event has been and continues to be pulled in both directions, illustrating a peculiar temporal quality and perhaps suggesting the need for alternative conceptions of time to thoroughly understand its active location in both the past and the present (and potentially the future).

As historian Lynn Hunt elucidates, “time feels like an essential and defining feature of human life, yet, when pressed to define it, we inevitably fall back upon

³⁶ Anita Kasabova, "Memory, Memorials, and Commemoration," *History and Theory: Studies in the Philosophy of History* 47 (2008): 335.

duration, change, and ultimately, the tenses of our languages, past, present, and future.”³⁷ If the nature of time is illusory as such, yet we collectively employ certain frameworks to construct and reconcile it, what does this mean for achieving justice for Nirbhaya specifically, and for women at large? Once something is rendered “history,” are we, in the present, distanced from it? Or does a bridge remain between that which we have carved into the past and the present moment?

According to author Anita Kasabova, commemorations “serve merely to transpose the sense of a past event”; since “both memories and history claim that what is past *was once present*,” acts of remembering past events function not to sever bridges between past and present but rather to reinforce them.³⁸ By her theory, understanding the “Delhi Gang Rape” as a part of history does not preclude it from connection to the present, and thus can be used as a vehicle for seeking change in the present despite belonging to the past. Similarly, Chakrabarty claims, “historical evidence (the archive) is produced by our capacity to see something that is contemporaneous with us...as a relic of another time or place,” demonstrating the fallacy of a definite chasm separating what is of the past and what of the present.³⁹ This alternative perspective to past and presence perhaps opens possibilities for a mutual engagement between history and justice.

Derrida challenges paradigms neatly separating past and present—especially teleology—on the grounds that it disincentivizes making memory out of the past by

³⁷ Lynn Hunt, *Measuring Time, Making History* (Budapest, Hungary: Central European University Press, 2008).

³⁸ Kasabova, "Memory, Memorials, and Commemoration," 345.

³⁹ Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference*, 238.

promising future justice that may be elusive or unattainable.⁴⁰ As such, he argues both that commemoration is important to achieving justice and that history, when conceived of as a more nuanced category than simply “the past,” can operate as a tool for working towards justice. Thus, by engaging with the Nirbhaya assault as a historical event with pertinence to the present, the Indian public contradicts conventional theoretical associations of past and present, further demonstrating the tension that exists between the two temporal directions in this case.

Bevernage provides a useful framework for conceiving of the “Delhi Gang Rape” and responses to it—one that challenges the mutual exclusivity of past and present—through his postulation of “‘transtemporal’ injustices and responsibilities,” meaning issues that cannot be relegated or compartmentalized within one specific period of time.⁴¹ The communal commemorations on the sequential anniversaries of the Nirbhaya rape, as well as the related yet separate incidents that evoke her memory within the public consciousness, demonstrate that the “Delhi Gang Rape” does not belong strictly to one moment in time. Though markers of time elapsed situate the event as a part of history, its links to present and future emerge clear and strong.

This transtemporal nature of the event can be reconciled by a paradigmatic shift from the “specific concept of historical time that conceives of the temporal dimension of past, present, and future in antinomic or even ‘dualist’ terms and treats them as discrete and mutually exclusive entities.”⁴² In other words, Bevernage corroborates

⁴⁰ Berber Bevernage, "Time, Presence, and Historical Injustice," *History and Theory: Studies in the Philosophy of History* 47 (2008): 163.

⁴¹ Bevernage, "The Past Is Evil/Evil Is Past: On Retrospective Politics, Philosophy of History, and Temporal Manichaeism," 337.

⁴² *Ibid.*, 350.

Derrida's suggestion to shift the paradigm for conceiving of time. He offers "radical noncontemporaneity" as an alternative, wherein "one can indeed no longer say what is truly 'of this time,' what is truly progressive and pointing to the future, or what really belongs to the past and whose defense is thus conservative or even reactionary."⁴³ This framework is useful for accommodating the varied and complex ways that the Indian public orients and disorients Nirbhaya as "history," allowing it to occupy space in the past while simultaneously working as an agent in the present.

To complete his theory, Bevernage claims a moral advantage to a new conception of time, submitting that "only on this basis can we create a more substantial and inclusive project of historical justice that does not force us to choose between retrospective justice, on the one hand, and justice in the present or future, on the other, but makes these reinforce each other."⁴⁴ Acknowledging and allowing for the fluidity of past and present, therefore, creates the possibility for projects, like many commemorations of Nirbhaya, that seek to work through, heal, and rebuild following trauma or violence, and perhaps achieve a modicum of justice.

A non-traditional concept of time is particularly appropriate in the Indian context. "One cannot," Chakrabarty asserts, "provide accounts of the modern political subject in India without at the same time radically questioning the nature of historical time."⁴⁵ Moreover, he suggests that in pursuit of "socially just futures for humans," we should abandon the conventional notion of "a single, homogenous, and secular historical

⁴³ Ibid., 352. Clearly, this complicates the experience versus expectation dichotomy presented by Koselleck, applied here to the elements of the storm that caused Nirbhaya to become a "cause célèbre." There are endless ways to consider time and issues concerned with temporality.

⁴⁴ Ibid., 351.

⁴⁵ Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference*, 15.

time,” corroborating the beneficial potential of radical noncontemporaneity, or alternative imaginations of time that account for its nonlinearity and lack of universality.⁴⁶

Recognition of the “Delhi Gang Rape” as an event that transcends conventional limitations of time by virtue of its relevance beyond the expiration of its occurrence is significant for understanding its interest for historians. In fact, there may be an association between the quality of this event that resists the boundaries of temporal divisions and fits into diverse spaces of time, and its evolution into a public sensation. While acknowledging that the rape made national and international headlines far before it came to be historicized or memorialized, it may also be understood that the transtemporal nature of the event has helped to provide force and meaning to the event. Indeed, the event having become relevant outside of the time frame of its own occurrence, due to the various moving pieces and consequences involved in it as well as its symbolic representation of society-wide issues, suggests that it is of particular significance for historians. Ultimately, study of the Nirbhaya rape through a historical lens is efficacious for exploring the potential cooperation between the discipline of history (specifically the contemporary field) and the pursuit of justice.

⁴⁶ Ibid.

EPILOGUE

INDIA'S DAUGHTER

The controversy surrounding *India's Daughter*, the *BBC* documentary on the rape of Jyoti Singh, which was banned in India shortly after its release, epitomizes the tension between the event becoming and resisting history. Its continued relevance in Indian and international media and discourse exemplifies the ways that the Nirbhaya assault has become both an event ensconced in history—a moment that can be referenced in the past tense—as well as a phenomenon that has continued to evolve, to affect and be affected.

In the fall of 2015, I attended a screening of the film in New York City, which was followed by a discussion with the filmmaker, Leslee Udwin, and Dr. Joyce Banda, former president of Malawi. By this point, the documentary had already been released, as well as banned by the Indian government, although by the reactions that evening I gathered that much of the American audience was learning about the event in a sincere way for the first time at this screening. The night began with an introduction from Susan Sarandon, who spoke emphatically about the “horrible mindset that leads to acceptance” of the frequency with which rape occurs, both in India and globally; she noted that this mindset is “systemic” and “widespread,” and that, while the problem may be less overt or conspicuous in the West, “certainly the seeds of it are everywhere.”¹

In the film itself, one of Jyoti's childhood friends, Satendra, relays Jyoti's perspectives about the “mindset” that Sarandon referenced. According to Satendra, “Jyoti used to say that the first and biggest problem in India is mentality,” that “the

¹ Susan Sarandon, “Introductory Remarks,” Screening of Udwin, “India's Daughter: The Story of Jyoti Singh.”

differences between a girl and a boy are created in people's minds from birth."² This thematic continuity appeared in the discussion session after the film, between Udwin, Banda, and the audience. In a particularly poignant moment, Udwin recounted her expectations and experience in interviewing rapists in India for the documentary—both participants in the murder of Jyoti Singh and other men who had committed similar crimes of sexual violence. She recalled, "I thought I was meeting monsters. The media prepared me for that. Not one of the rapists I sat and interviewed were monsters. Not one. They were absolutely normal, ordinary, unremarkable human beings," highlighting the normalization that has occurred—in India and internationally, as Sarandon reminds us—of "rape culture," of the subjugation of women and concomitant acceptability of gendered and sexualized violence.³

Moreover, "we're responsible for it," Udwin continued, "society is responsible. These men are not the rotten apples in the barrel—it would be so comforting to believe they are—the barrel is rotten, the barrel rots the apples." Her statement emphasizing the historical and systemic effect of normalizing patriarchy, misogyny, and rape culture was met with applause from the audience.

Udwin then asserted that the national ban placed on the documentary by the Indian government was indicative of this ubiquitous mindset. She shared that she was "accused of conspiracy to shame India" by creating the film, but claimed that those responsible for banning it did so without even viewing it.⁴ She was also told that "the film would lead to a disruption of law and order," which is ironic, of course, in that the

² Ibid.

³ Leslee Udwin, "Discussion," Screening of *ibid.*

⁴ Ibid.

social issues addressed and criticized in the film are themselves disruptions of law and order. “I think the real reason they brought the ban is it holds up a mirror to them,” Udwin conjectured.⁵ Her comment alluded to the hypocrisy of the restrictions being placed primarily by individuals who could be considered the targets of criticism within the film, and the general unwillingness of many participants (active or complacent) in systems of patriarchy and misogyny to acknowledge the existence and harmfulness of these institutions and cultures, let alone their own roles in perpetuating them. The ban on the film thus exemplifies how, in the case of the Nirbhaya phenomenon, the lines between history, policy, and social justice blur together.

HISTORY, POLICY, AND SOCIAL JUSTICE

India's Daughter has become the most prominent portrayal of the Nirbhaya event to date. As such, it may be regarded as a (contemporary) historical narrative; it recounts the story of an event as it unfolded in time, thus rendering the event history. Yet, it was approached and devised with deliberately political aims: to educate the Indian and global populations about the “Delhi Gang Rape” and the epidemic of sexual assault, and to incite activism toward gender equality and safety. Thus, by Udwin’s intention or otherwise, the film works to bring the historical into policy and the political into history.

The opening scenes of the film, before the title has been displayed, show moments both from the rape itself (reconstructed by showing a dark bus navigating a highway and silhouetted figures walking down its aisles, and so forth), as well as actual footage from the protests. While scenes of violence between activists and police appear

⁵ Ibid.

on the screen, a narrator's voice is heard declaring, "the silence has been broken."⁶ From its first moments, the documentary communicates to its audience that its content is both historical—depicting the story of an event crystallized in the past—and political—illuminating a severe, inadequately confronted social issue and the need for change in light of the event. Udwin seems to have adopted the view that "the historian's task is to find, or invent, a way for this object to continue living."⁷ In this way, the bridge between the past and the present becomes the bridge between the historical and the political. This film's portrayal of the Nirbhaya event thus opens the possibility for the construction of history as a method for contributing towards political activism and the potential for justice.

Continuously throughout, the film switches between actually detailing the narrative of what happened—primarily utilizing voice narration, ominous background music, and dark images aboard a bus and on the streets of Delhi—and discussion and analysis of the event, through interviews with Jyoti's parents, her family friend, the assailant Mukesh, the defense lawyers, various relevant scholars, Indian politicians, the psychologist for the assaulter, and others.⁸ Udwin refuses to choose between telling the story of the assault against Jyoti Singh and making an appeal for public political activism. She tells the story with appeals to the political weaved into the narrative; as such, the film necessarily entangles policy and history through the Nirbhaya event.⁹

⁶ Ibid.

⁷ Kasabova, "Memory, Memorials, and Commemoration," 348.

⁸ Peculiarly, Awindra, Jyoti's friend who was assaulted with her, was not interviewed. The reason for this is unknown.

⁹ This practice has been becoming consistently more common since the days of Rankean objectivity. For more on this, see: Thomas L. Haskell, *Objectivity Is Not Neutrality: Explanatory Schemes in History* (Baltimore, MD: Johns Hopkins University Press, 1998). And with regard

Moreover, Udwin's depiction of the ongoing controversy surrounding the documentary underscores the rendering of the rape of Jyoti Singh as an event, and one that has both already elapsed and yet continually producing new developments. Her film is both an effort to historicize—an attempt to widely broadcast the violence that occurred—and an effort to politicize—an attempt to increase awareness of the larger social issues of which it was emblematic. At the screening, Udwin shared that she was compelled to make the documentary by the stunning size and tenacity of protests that erupted in India following the event. She saw them as a “light” and believed the country was “leading the world by example” in terms of activism against sexual violence and for gender equality.¹⁰ Accumulating significant media coverage in its own right, the release and ban of *India's Daughter* in 2015 demonstrate the fluid relationship between the Nirbhaya event, its placement in history and time, and its potential for galvanizing meaningful political activism. As such, the documentary offers a valuable lesson about the meaning of contemporary history: the history of an event without a clear end can become, in itself, a part of the event.

Badri, Jyoti's father, articulates the historical and political aspects of his daughter's death and the revolution it invigorated, in an interview during the film.

Jyoti has become a symbol. In death, she has lit such a torch that not only this country, but the whole world, got lit up. But at the same time, she posed a question. What is the meaning of ‘a woman’? How is she looked upon by society today? And I wish that whatever darkness there is in this world should be dispelled by this light.”¹¹

to issues of gender and sexuality specifically, see: Joan W. Scott, "Gender: A Useful Category of Historical Analysis," *The American Historical Review* 91, no. 5 (1986).

¹⁰ Leslee Udwin, “Discussion,” Screening of Udwin, "India's Daughter: The Story of Jyoti Singh."

¹¹ Ibid.

Study of the Nirbhaya rape thus compels us to ponder: How is contemporary history rendered? In light of the event, perhaps Chakrabarty's assertion that "what underlines our capacity to historicize is our capacity not to" may hold some degree of truth; a recent event, inextricable from continually developing social factors and phenomena, cannot be narrativized and crystallized in the mysterious past without recognizing its intrinsic connection to the present (and, presumably, the future).¹² When the event is intimately linked to issues of political and social justice, then, the implications for rendering it history and maintaining its relevance to the present becomes not only a scholarly pursuit, but a moral one, too.¹³

¹² Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference*, 113.

¹³ For more on the roles of morality and objectivity in historical scholarship, see: Richard T. Vann, "Historians and Moral Evaluations," *History and Theory: Studies in the Philosophy of History* 43, no. 4 (2004); Haskell, *Objectivity Is Not Neutrality: Explanatory Schemes in History*. Consider one of Vann's most salient assertions, that "there is an irreducible element of moral evaluation in historiography," 26.

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