



Semiotics of Rape

Sexual Subjectivity and  
Violation in Rural India

Rupal Oza



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SEXUAL SUBJECTIVITY AND  
VIOLATION IN RURAL INDIA

*Rupal Oza*

DUKE

DUKE UNIVERSITY PRESS

*Durham and London*

2023

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Printed in the United States of America on acid-free paper ∞

Project editor: Bird Williams

Designed by A. Mattson Gallagher

Typeset in Minion Pro by Westchester Publishing Services

Library of Congress Cataloging-in-Publication Data

Names: Oza, Rupal, author.

Title: Semiotics of rape : sexual subjectivity and violation in rural India / Rupal Oza.

Description: Durham : Duke University Press, 2023. | Includes bibliographical references and index.

Identifiers: LCCN 2022028093 (print)

LCCN 2022028094 (ebook)

ISBN 9781478019343 (paperback)

ISBN 9781478016717 (hardcover)

ISBN 9781478023982 (ebook)

Subjects: LCSH: Rape culture—India. | Rape—India—Attitudes. | Rape victims—India. | Rural women—Crimes against—India. | Social structure—India. | Social problems—India. | India—Social life and customs. | BISAC : SOCIAL SCIENCE / Anthropology / Cultural & Social | HISTORY / Asia / South / General

Classification: LCC HV6569.I4 O93 2023 (print)

LCC HV6569.I4 (ebook)

DDC 362.883920954—dc23/eng/20220829

LC record available at <https://lcn.loc.gov/2022028093>

LC ebook record available at <https://lcn.loc.gov/2022028094>

Cover art: photograph by the author

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*For Jayshree Oza*

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## AUTHOR'S NOTE

Throughout this book, names and places have been changed, with the exception of Bhagana. Stories about Bhagana are widely known, and I quote from them and from Satish Kumar, who has been the spokesperson for the continued protests. All given names that appear alone, including those of people I spoke with in Bhagana, are pseudonyms. Field notes and most interviews, likewise, have been anonymized.

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## P R E F A C E

I completed a draft of this manuscript between 2020 and 2021, in the wake of eighteen months of tumultuous events that began in Delhi in December 2019, and during a still-devastating global pandemic. It felt both dissonant and urgent to be writing about violence during this time.

In 2019, I had returned to Delhi just as the draconian National Registry of Citizens (NRC) and the Citizenship Amendment Act (CAA) went into effect. CAA creates a pathway to citizenship for those the government deems “illegal,” but only if they belong specifically to Hindu, Sikh, Buddhist, Jain, Parsi, and Christian communities from three Muslim-majority countries—Pakistan, Bangladesh, and Afghanistan—and if they entered India before 2014. The act notably excludes Muslims from these protections, and it also excludes people fleeing violence and persecution from non-Muslim majority countries, such as neighboring Rohingya Muslims fleeing from predominantly Buddhist Myanmar. The related NRC aims to make a list of all the “legal” citizens of India, and where it has been implemented, it has forced residents to try to prove that they have been in the country since at least 1971. Those who fail to prove their citizenship, in many cases only because their names



have been misspelled in official documents or because they left their papers behind when they fled their homes decades ago, have been threatened with imprisonment in newly built detention camps. The government has spoken about the NRC as critical to rooting out “infiltrators,” a term many Muslim Indians understand as a derogatory code aimed at them by the right-wing forces in power. It is widely understood that while the NRC is carving out paths to statelessness for disfavored groups, the CAA is creating paths to citizenship for preferred groups, and that both aim to bolster a dangerous and mendacious anti-Muslim politics that casts Muslims in India as foreigners and Muslims abroad as barbaric. Of course, any serious student of Indian history will know that Muslims in India, today approximating well over 200 million people, have always been an integral part of the social and national fabric.

The Hindu right-wing–led Bharatiya Janata Party (BJP) made the NRC part of its election mandate in 2019, and in November BJP’s home minister Amit Shah declared that the NRC would be applied all over the country. But both the NRC and CAA have been met with opposition. Protests against the CAA and NRC started in Delhi in December 2019, and soon spread across the country. As the scale of the protests grew, several state governments defied the central government and claimed that they would not implement these laws in their states.

In Delhi, the protests against CAA and NRC were centered around the neighborhood of Shaheen Bagh, where a group of Muslim women began a peaceful protest. These protests gained widespread support and were boosted by public disgust with the brutal violence police and factions of the BJP unleashed against students demonstrating in Jamia Millia Islamia and Jawaharlal Nehru University (JNU), two of the country’s premier institutions of higher education. In both Delhi-based institutions, students had been actively participating in protests against the new CAA and NRC laws when, in early January 2020, a group of masked men and women armed with metal rods broke into JNU’s campus and attacked students and teachers. Shouting slogans against “anti-nationals,” these masked attackers belonged to Akhil Bharatiya Vidyarthi Parishad (ABVP), the student wing of the BJP. Various accounts by students, teachers, and journalists concurred that the Delhi police stood by while they were being attacked (*Caravan* 2020). Images of students being dragged with their heads bleeding led to trenchant public critique of the Hindu right and the Delhi police, and pointed to their joint complicity with the ethnonationalist, communal politics of the BJP.

When I went to Shaheen Bagh in January 2020, I saw posters of Ambedkar, Savitribai Phule, and Bhagat Singh adorning the tent erected by the



community of protestors there.<sup>1</sup> One side of the tent was covered with the preamble of the Constitution in large font. Calls for *aazadi* (freedom) and slogans against the CAA and NRC resounded among those gathered, while poetry and songs of solidarity quickly spread through social media, bringing more people together. In an era of rising right-wing, authoritarian governments across the world, including the overwhelming electoral victory by the BJP in 2019, these protests across the country felt like the first glimmers of a shift presaging a different set of possibilities. After an era of right-wing consolidation and a sharp rise in communal tensions and sectarian politics, these protests against the CAA and NRC brought together diverse coalitions and groups of people across multiple divides. Dalit, Bahujan (subaltern), Advasi (Indigenous), and Muslim solidarity was powerfully on display and articulated in protest and song.

India's caste divisions, which include strict rules of segregation regulating against "pollution" from lower castes, were upended as people from across communities and castes ate together and shared songs, stories, and slogans articulating aspirations for a more free and just society. Spreading quickly across social media platforms, these images of solidarity spurred others to join. On a cold winter day in the middle of January, a group of farmers from Punjab—the state neighboring Haryana, where the rest of this book is based—began to unload large cooking utensils under an overpass and set up a *langar*—a community kitchen. They had come to Delhi to express solidarity with demonstrators in Shaheen Bagh, and they began to feed people. Bearing signs and posters that read "Bhai sey bhai ladney na payee phir se 47 banney na paaye" (May brothers never fight again, may 1947 never be repeated again), the images and stories of Punjabi and Muslim men and women coming together in solidarity moved and inspired millions. They also constituted a forceful response to the hateful divisiveness of the BJP.

Then, just as the protests and acts of solidarity were gaining momentum, a global pandemic forced everyone to sequester. In March 2020, when India instituted a nationwide lockdown, thousands of migrant workers, suddenly without jobs or ways to get back to their villages, were seen walking for hundreds of miles. The breathtaking lack of support for the poor laid bare the violence of the state toward the people who had built and run the cities and towns, and who were now abandoned and treated as disposable. Soon, students from JNU and other groups began to mobilize support for these migrant workers. I was back in New York to begin a new semester of teaching, joining others in the diaspora as we watched and witnessed in horror, and scrambled to find ways to support from afar.



As social distancing became the norm to deal with the COVID-19 virus, it exposed the evisceration of social infrastructures that has since the 1970s left the poor everywhere vulnerable to premature death (Gilmore 2007). In New York—a city ravaged by the early days of the virus, which left thousands dead—the most affected were people in the communities where I lived: mostly immigrants and people of color who are part of the brutal contingent economy. When my neighborhood shut down, the ambient sounds and smells of daily life—conversations in multiple languages, students walking to school, music blasting from cars, street vendors—were replaced by the unrelenting sirens of ambulances. The public hospital in the neighborhood, one of the few still left in the city, overwhelmed by patients standing in a serpentine line to get into its emergency room. In those brutal early days, we learned that nurses and doctors at the public hospital did not have enough personal protective equipment to stay safe as they cared for the hundreds of sick and dying patients coming through the doors. Yet again, it took neighbors and a community to raise money to fund items urgently needed by public healthcare workers, exposing the utter failure of health infrastructure in the city and country at large.

In India, conditions were deteriorating fast. Following the shutdown there, the injunction to socially distance was untenable and ludicrous. Most people in India, except for a relative minority with caste and class privileges, live in small, crowded homes and communities. Moreover, efforts to deal with the pandemic using distance and segregation fortified dominant-caste customs of purity and pollution. As a result, the vulnerabilities that Dalits, Bahujan, Advasi, and other marginalized communities routinely experienced became more exacerbated during the pandemic. Charu Gupta, K. Satyanarayana, and S. Shankar (2020) write about dominant-caste Hindi literature from the early twentieth century, which is replete with commands to guard against pollution from Dalit men and women. This literature was deeply concerned with “intimate sexual liaisons and illicit collusions between savarna [dominant-caste] women and Dalit men.” The regulation of touch, and the injunction to not touch in response to the virus, “mirrors . . . distinct social histories of preservation and upholding of caste hierarchies” (Gupta, Satyanarayana, and Shankar 2020).

Dalit literature has documented in painful detail the manner in which dominant castes have required the excessive performance of distance from those they consider subordinate, so that even their shadow will not pollute them (Bama 2012). These practices of separation are manifest in architecture such as an arch or doorway that leads to a powerful family’s cluster of



homes like the ones on the cover of this book. Villages, towns, and cities across the country have long practiced their own versions of social distancing by segregating Muslims through active discrimination in housing (Jamil 2017). In villages I visited, Dalit *bastis* (neighborhoods) were usually located on the outskirts, physically separated from the rest of the village. With the pandemic, these physically demarcated spatial arrangements found renewed sanction, and their apartness was reinforced by anxieties about maintaining social segregation.

Given the historic, structural discrimination against Dalit, Bahujan, Adivasi, and Muslim communities, there is no doubt that we will see a gravely disproportionate death toll in these communities once the impact of the virus is better discerned. The death in these communities is commensurate with that in Black neighborhoods in the United States, which have also historically faced severe discrimination, and which have been disproportionately devastated by the virus. A *Washington Post* report about the impact of the virus demonstrates that majority-Black counties suffered “three times the rate of infection and almost six times the rate of death” endured by white counties (Thebault, Tran, and Williams 2020).

In those early months of the pandemic, the starkness of institutionalized, structural racism upended liberal understandings of race as simply a matter of personal prejudice. While the pace of pandemic devastation slackened a bit in the summer of 2020, it was followed by the brutal killings of Ahmad Arbury, Breonna Taylor, George Floyd, and Jacob Blake by white police officers and vigilantes. In the days that followed, city after city across the United States erupted in protest and anger, leading to a summer of racial reckoning led by the Black Lives Matter movement. The juxtaposition of the pandemic, which exposed the inequities that made Black, brown, and immigrant people particularly vulnerable to the virus, against a series of brutal murders that exposed structural racism, shifted the terms of public discourse in the country. These murders further exposed white supremacy and police brutality, and again demonstrated their capacity to destroy lives within a juridical and political system that shields both from prosecution or meaningful accountability and redress.

In India, where the pandemic was unexpectedly muted during the last four months of 2020, the hope was that life would return to normal—ease for those who could enjoy it and to the status quo of normalized despair for those who could not—as the vaccines rolled out. However, by March 2021 a calamitous surge in the virus left hundreds of thousands dead. In the interim, another crisis would engulf the country. While falsely claiming victory



over the virus, the BJP used this time to push through three agricultural acts, which are often referred to as the 2020 Farm Bills, and which directly undermined farmers and their livelihoods. These acts were the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, and the Essential Commodities (Amendment) Act. These acts would fundamentally change the way "agricultural produce is stocked, marketed and sold" (Tur 2020). From the moment they were introduced as ordinances to when they were pushed through into law governing the whole country, farmers from Punjab and Haryana, later on joined by farmers from Uttar Pradesh—all states that depend heavily on agriculture—began protesting. They argued that these bills would introduce a corporatization of agriculture and would further immiserate them by eliminating the government-supported minimum prices they received for their produce. They expressed that even the minimum prices that they received from state granaries were woefully inadequate, given the rising cost of fertilizer, pesticides, and other expenses. The notoriously high numbers of farmer suicides in India, attributed primarily to steep debts borne by agricultural workers, should illuminate the seriousness and harm of government policy that further attenuates the capacity of farmers to sustain themselves and their families.

All of the farmers I met and spoke with in Haryana were in significant debt and struggling to make a living. As I show in the chapters ahead, their efforts to make a living and the inability of farming to support their livelihoods pervaded the stories I heard. As the state turned a deaf ear to the grievances of farmers, they began arriving in Delhi in droves to protest the farm laws. The BJP government directed the Delhi police to close the border and deploy water cannons against the arriving caravans of farmers. As news of this mistreatment of farmers spread, support for them grew and reached a peak in November 2020, when, according to one report, over 250 million people joined them in protest against the farm laws (Pahwa 2020). A year later, Narendra Modi—in an unexpected capitulation—repealed all three farm laws. Many view this as BJP's effort to appease farmers who are key to their electoral prospects in the upcoming assembly elections in Punjab and Uttar Pradesh (*Scroll.in* 2021).

The strategy of appealing of different segments of the population was also deployed by the BJP earlier in 2021, when another set of assembly elections loomed. BJP began to organize large rallies, particularly in states where they hoped to defeat political parties opposed to their right-wing mandate.



Aligned with this goal, BJP officials granted permission to the organizers of the Kumbh Mela, a Hindu religious gathering of thousands on the banks of the River Ganga, despite the persistence of the global coronavirus pandemic. These large gatherings, driven by BJP's political ambitions, contributed to a devastating surge of the virus in India, crumbling the weak infrastructure already vulnerable from years of divestment in public welfare. Hospitals ran out of oxygen even as state and local governments denied any shortages. Once again, it was community mutual aid that lessened the suffering caused by state neglect and organized abandonment. In this case, Sikh *gurudwaras* (temples) began to organize oxygen *langars*, offering free food and oxygen to those who came for help (Anand 2021). Their efforts helped alleviate hardships, but the death toll remained astronomical. Crematoriums ran around the clock, but many still had trouble laying their deceased loved ones to rest. Conditions were so dire that even more privileged people, with money and with the political connections to call in favors, were unable to receive adequate care or protection for themselves or their loved ones. Poor people from Dalit, Bahujan, Adivasi, and Muslim castes and communities had it worst, and they have been forced to secretly bury or cremate the bodies of their loved ones in the middle of the night, while fearing getting caught and being beaten by police for breaking curfew. For me, back in New York, the news felt unrelenting as we heard about friends, family, comrades, and activists succumbing to the disease. Grief took on a new shade and meaning.

Writing about rape in the wake of all of these events, I was left with questions, dilemmas, and discomforts in trying to make sense of a world eviscerated in so many ways. Drafting the final pages of a book on rape during a global pandemic made me acutely aware of the pervasiveness of violence at different scales—from the most intimate to the global. Profound structural inequities laid bare how caste, race, gender, and class shielded some from the devastation to which the majority were exposed. Local and national governments and institutions mandated with the responsibility to care for people were at best unable and in many instances unwilling to recognize and ameliorate harm endured by people whose lives they considered less valuable. This politics of unequal recognition made clear, once again, that from the perspective of the powerful some forms of harm are more deserving of redress and restitution, at the expense of others.

I want to conclude this brief preface by juxtaposing the response and recognition by the courts and the police of two rape cases that illustrate this difference between the recognition of harm to some and the lack of recognition or erasure of harm to others. The first case involves the gang rape by



dominant-caste men of a young Dalit girl in Hathras in September 2020. The second rape case involves Tarun Tejpal, a prominent investigative journalist who was accused of raping his colleague in 2013. In the first instance, the brutal assault on the young girl in Hathras was overlooked, denied, and rendered invisible, and her rights were repeatedly denied by the police and local government. She had to die before she was finally recognized as a victim deserving of justice. Meanwhile, the Bombay High court in Goa acquitted Tejpal of all charges in May 2021. In her judgment, the sessions judge even blamed the woman who filed the rape case against Tejpal for not demonstrating what the judge considered to be sufficiently visible signs of distress after her assault, and for expressing solidarity with the young Dalit girl who had been gang-raped in Hathras (Asthana 2021). The young Dalit woman was denied recognition as a victim and thereby denied rights and restitution; meanwhile Tejpal, a dominant-caste and class man, was rendered blameless and freed from any responsibility for the harm he caused.

The politics of recognition reveals that some people, that some lives, that some subjectivities are worth more than those who are most vulnerable. I will have more to say about the politics of recognition toward the end of this book. I raise it here to anticipate how the recognition of a person's value and credibility in a rape case, and the recognition of the harm they have suffered, is tethered to a matrix of power and to the formation of the subjectivities of raped women, which is what I explore in the pages that follow.

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## ACKNOWLEDGMENTS

Researching and writing this book resulted in amassing an inordinate amount of gratitude to many friends, colleagues, interlocutors, guides, and family that make fiction of the solitary credit of authorship.

My first set of deep gratitude goes to the families of victims of assault I met in Haryana. The parents, siblings, and in particular to the women themselves: I am humbled by the generosity with which they shared their stories, offered their understanding of what occurred, and gave critical insights about the social landscapes they were navigating.

To Manisha Mashaal and Rajini Mashaal, fierce activists and amazing organizers, my profound gratitude. I have learned so much from both, their sharp perceptions of deep-rooted caste politics in Haryana offered an unparalleled understanding of rape. I am so grateful also for the generosity with which they shared their home. The memory of the days and nights spent together and the friendship we forged will remain with me all my life.

Rajat Kalsan was a generous and wonderful guide to the courts and cases in Haryana. Along with activists and others, our initial stay in Haryana was facilitated by him. I am so grateful for the wisdom, pathways, and sharp



analysis of caste politics. His fierce and *bekauf* (unafraid) activism has made him a powerful force for justice in Haryana. Balvant Singh Bondiya offered generous friendship and was also a key guide to the cases and courts in Haryana. His long-standing activism on behalf of Dalit rights has made him exceptional for the vastness of his knowledge and respect he has garnered. I am also grateful to Lal Bahadur Khawal, who is well versed with rape cases and the manner in which they are navigated. His insights on compromise cases and the way the special sessions courts work was key to understanding how rape cases wind themselves through the court systems. I owe a debt of gratitude to the Tawar family for their hospitality. On many occasions they generously hosted us when we faced challenges in finding a place to stay.

To the many other people I met in Haryana through the course of this research, I am so very thankful for their incredible kindness. I refrain from naming them or even identifying the places where they reside in an effort to protect them. I remain circumspect about revealing details that could inadvertently divulge the identity of cases I researched. They are village panchayat members, *sarpanches*, and village elders who were so generous and hospitable. To the young women I met in the villages who spoke about their love for sport, their hope for themselves, who demonstrated their deep friendships with each other, their attempts to hold out on marriage, their deep appreciation for the sacrifices their families make, their conflicts and struggles, their understanding of violence and the rapidly changing world around them: words inadequately express my deep appreciation and gratitude for all that I learned in their company.

Travel through rural Haryana took us to a wide variety of places as I followed the cases I was investigating. During these trips I was occasionally accompanied by activists or lawyers working on some of these cases. Wherever we went, we were offered food and refreshment—always. In district offices, police stations, homes of village *sarpanches* and elders, hospital administrators, and lawyer's chambers, all of whom I met extended tremendous courtesy to me and to those I was with. In all these instances, even though I was familiar with the common cultural practice of offering refreshments to visitors, I was also aware that my class and caste position often played a role in opening doors and extending courtesies that are not always extended to those without the privileges I inhabit.

Women's rights groups in many of the districts I visited were particularly important. Some of the ones I visited were affiliated with All India Democratic Women's Association (AIDWA), which is associated with the Communist party of India (Marxist). Guidance by Jagmati Sanghwan and



Inderjeet Singh was instrumental in developing an appreciation of how the agrarian crisis saturated violence everywhere. They shared their time with incredible generosity, offering names and contacts of people I could speak with in different districts. Their reach and decades of organizing on the ground meant that they had deep familiarity with farmer distress and gender-based violence all over Haryana. I also met with members of Mahila Samakhya in different districts. At these gatherings too, those I met opened their homes to us whenever we visited.

I first met Prem Chaudhry after I had read her books and articles. She was already a towering figure for her meticulous analysis of Haryana. Over the years as my research progressed, I would meet and talk with her about who I met, the dilemmas I faced, and the many concerns I had. She always found time for me to hear about my work. Her guidance and insights were key as I struggled with understanding what I was encountering in rural Haryana.

The bulk of my research transpired between 2015 and 2016. In the fall of 2015, I was at the Center for the Study of Law and Governance (CSLG) at Jawaharlal Nehru University (JNU) as a visiting fellow. I am deeply grateful for the warmth and welcome I received from Amit Prakash while I was there. In the nine months of the fellowship, I had the profound privilege of getting to know and befriending the many amazing faculty at CSLG. I was such a pleasure to get to know Chirashree Dasgupta, P. Puneet, Pratiksha Baxi, Ghazala Jamil, and Nupur Chowdhury. At JNU, I was also at the Jawaharlal Nehru Institute of Advanced Studies (JNIAS). My deep gratitude to G. J. V. Prasad for giving me the opportunity and the pleasure to meet with so many other fellows and present my work. While at JNIAS it was particularly wonderful to meet Gordon McOut, to whom I remain in debt for his advice and help. My time in JNU overlapped with the wonderful scholar and artist Mangai, whom I was fortunate to meet and befriended. I recall with great fondness the dinner we had together at JNU and then again when I visited her in Chennai. I look forward to the time when we may be together again. Just as I was finishing my time at JNU, Shirin Rai joined CSLG. The brief times together were memorable and such fun. My gratitude to Shirin for reading parts of the research that emerged from my work in Haryana and for taking the time to write letters of support.

My stay at JNU coincided with the incredible student uprising and lectures on nationalism. Beginning with backlash against students for an event they had organized in February 2016, the student wing of the Hindu right labeled these students as anti-national. The conflict inspired some of the most trenchant critiques of nationalism and who constitutes being part of



the nation. In these uprisings the communal politics of the BJP and others were laid bare. The violence of authoritarian regimes was evidenced in their attempts to charge students under sedition laws for their critique of the Hindu right. There was increased distress and anger over the arrest of students some of whom remain in jail to this day. The campus in those months was vibrant with conversations and lectures. The fiery and inspiring responses by Kanhaiya Kumar, the then president of the student union, articulated trenchant critique of the BJP and the prime minister, propelling him to national fame.

Janaki Nair among many others helped organize these open lectures attended by hundreds of students and supporters filling the steps leading to the administrator's offices at JNU. The solidarity of faculty and students and staff was inspiring as those days revealed a different possibility in poetry, word, and song. My days at JNU were indelibly marked by these student uprisings that I had the privilege to witness.

I am also grateful to Janaki Nair for her friendship and the countless dinners she hosted during my days at JNU. Her and Devyani's warm home was a welcome refuge. My special thanks also to Pratiksha Baxi, whose friendship sustained me as I conducted difficult research in rural Haryana. Her reminders to take care of myself while doing research were acts of such generosity and kindness. Pratiksha introduced me to Malavika Parthasarthy, who was just finishing her training as a lawyer and helped me understand some of the legal language and terms. Working with her was delightful. To Ghazala Jamil, who also extended herself, I am so grateful for the warmth of her friendship. I remember still with great fondness the evening we spent at her home.

In JNU at the Center for Women's Studies it was such a pleasure to meet several friends and colleagues. I am so grateful to Navaneetha Mokkil, G. Arunima, Lata Singh, and Papor Bora for the warmth they extended. In January 2019, I was invited by the Center for Women's Studies to present on part of my research. I am so grateful to Navaneetha Mokkil and Lata Singh for organizing the talk and for members of the audience who engaged with it.

While in Delhi, Professor Ravinder Kaur from the Department of Humanities and Social Sciences at the Indian Institute of Technology offered generous advice and encouragement on the project. Professor Kaur also introduced me to Dr. Neerja Ahlawat from the Department of Sociology at Maharshi Dayanand University. My deep gratitude to both for their support and assistance during my research. It was through Professor Ahlawat that I



met Suman Malik, whose knowledge of Haryana rural life and familiarity with the language and idiom taught me so much. I am so grateful for her help, guidance, and friendship.

I owe a debt of gratitude to Mary John for her friendship and deep generosity with which she offered suggestions, patiently heard my concerns, and enthusiastically encouraged by research. My time in Delhi and Haryana would have been vastly different and much less rich had it not been for the time that Mary took to guide and help me as I wrestled with so many dilemmas and worries. She was in so many ways a mentor par excellence. I am so grateful for her friendship.

Just as I was initiating my research, Women against Sexual Violence and State Repression (WSS) released their report on Bhagana, specifically linking the relationship between caste atrocities, land, and sexual violence. I am grateful to Mary for introducing me to activists in WSS, some of whom were old friends and comrades. At one of their meetings, I briefly met Rajni Tilak before her untimely demise. Her work on bringing attention to issues of sexual violence against Dalit women has been groundbreaking. It is also through Mary that I got to know the wonderful, Ajita Rao. Mary and Ajita were instrumental in organizing a panel at the Law and Social sciences Research Network (LASSNET) conference in December 2016, where I presented the early reflections on my research in Haryana.

At the Center for Women's Development Studies, I am also grateful for N. Neetha for her help as I tried to make sense of census and other data. My deep gratitude also to Uma Chakravarti for meeting with me in the early days of my research and for her advice. In Chennai, meeting V. Geetha was particularly wonderful. I am so very grateful for her generous read and engagement with my essay on consent. The evening with her remains a fond precious memory.

Since the Mirchpur atrocity in 2010, Human Rights Law Network (HRLN) had been deeply involved with organizing in Haryana with a network of activists and attorneys. As I was initiating my research, they put me in touch with key activists and attorneys in Haryana. My deep gratitude to Colin Gonsalves and Sneha Mukherjee for their help and friendship. I assisted Sneha and other lawyers at HRLN with some of the complex issues with the cases we were encountering in Haryana and went with them to villages as we researched cases. I am so grateful that our work together led to re-initiating HRLN's projects in Haryana after the May 2017 meeting in Jind. HRLN's support of young Dalit women advocates is remarkable and led to their support of Manisha Mashaa's important organizing work in Haryana.



In January 2015 I also met Asha Kowtal, who is the General Secretary of the All India Dalit Mahila Adhikar Manch, just as I was exploring research work in Haryana. I am grateful for the advice and caution that she offered during our meeting. While I had already made contact with Manisha Mashaal, my meeting with Asha helped me further comprehend and appreciate the significance and simultaneous precariousness of Dalit organizing in Haryana. Asha also introduced me to the scholar and artist Thenmozhi Soundarajan. In spring that year, along with my friend and colleague Smita Narula, we collaborated with Thenmozhi to organize a few speaking engagements at Hunter College for Manisha and other Dalit activists and scholars.

I am fortunate to have exceptionally supportive colleagues in the department of Women and Gender Studies (WGS) at Hunter College, CUNY. After spending nine years as director of the then program in WGS, when it became a department we were fortunate to hire Catherine Raissiguier as the chair. She was instrumental in my being able to take two years off: the first as a visiting scholar at JNU, and the second for my sabbatical. The two consecutive years afforded me time and space to do my research. I am so very grateful for the time off and for my colleagues who protected my time away. I know that having such support is not usual, and am especially thankful. Thanks to Jennifer Gaboury, who through all these years of struggle and organizing at Hunter has been a wonderful comrade and friend. My deep gratitude to Lisa Steadwell for her help and friendship. I was so fortunate to have Ros Petchesky as a colleague and wonderful friend at Hunter. I am so grateful for her support and encouragement. In the past few years, we added to our ranks and are lucky that Chris Mitchell, Kelly Nims and Deb Tolman joined the department and I am grateful to count them as colleagues and friends. The excellent adjunct faculty Boon Lin Ngeo, Carmelina Cartei, Daniel Polyak, Katherine DeLorenzo, and Portia Seddon have been the most generous of colleagues.

I am fortunate to have had wonderful colleagues and friends read and engaged with various parts of the book. My deep gratitude to Catherine Raissiguier, Dina Mahnaz Siddiqi, Jinee Lokaneeta, Linda Martín Alcoff, Mary John, Pratiksha Baxi, Srimati Basu, Sonali Perera, and V. Geetha. I want to especially thank the two anonymous reviewers for their generous reading and engagement with the manuscript. Their thoughtful suggestions for revisions pushed me to think through my theoretical and empirical work, and is just the kind of response one could hope for. I remain in their debt.



To Ken Wissoker, I am so delighted that the book is with you and Duke. Thank you so very much for your advice and support shepherding the book through.

I worked with two editors. Micha Rahder was able to copyedit the manuscript within a very short deadline. I am so grateful for her help. To Leili Kashani, a wonderful development editor who read and worked with the prose and was able to capture so accurately my intent and purpose: thank you, dear friend, for all your help.

I am fortunate to have wonderful friends in the United States and India who through the challenges of life have kept me grounded and helped ease my heart and mind. Their political commitments to justice are an inspiration and hope against growing authoritarian regimes. They are Ali Mir, Amita Swadhin, Anjali Kamat, Balmurli Natarajan, Biju Mathew, Jinee Lokaneeta, Prachi Patankar, Prerana Reddy, Ronak Kapadia, Ragini Shah, Saadia Toor, Sangay Mishra, Sangeeta Kamat, Svati Shah, Sreevidya Kalaramadan, Tejasvi Nagaraja, and Tony Alessandrini. To the wonderful friends from the South Asian feminist reading and writing group—Anu Sharma, Dina Siddiqui, Jinee Lokaneeta, Madiha Tahir, Ritty Lukose, Saadia Toor, Sanghamitra Padhya, Sareeta Amrute, Sonali Perera, Tejaswini Ganti, Vasuki Nesiah—my gratitude for reading parts of the manuscript and offering sharp incisive comments. The profound challenges that the pandemic wrought on our lives would have been so much worse had it not been for a vibrant community of friends in Jackson Heights. My thanks to Anjali Kamat, Arun Venugopal, Chris Stone, Gonzalo Casals, Kavita Misra, Leili Kashani, Manijeh Moradian, Meera Nair, Manu Bhagvan, Sandra Gresl, Sahar Romani, Sohl Lee, Sweta Vohra, Ryan Gerety, and Sree Bhagvan. To friends new and old in India, it is always such a joy to see them during my trips back. They are Anusha Khan, Balvant Singh Bondiya, Feisal Alkazi, Keval Arora, Jatinder Marwaha, Manisha Mashaal, Mary John, Mukul Kishor, Navneetha Mokil, Neena Singh, Neha Dixit, Pankaj Rishi Kumar, Preeti Singh, Pratiksha Baxi, Rajat Kalsan, Rohan Shivkumar, Shriti Malhotra, Shalini Singh, Shuddha Sengupta, Vidya Das, and Vijay Krishna Acharya. Special thanks Anjali Kamat, Ali Mir, Kavita Ramdas, Ragini Shah, Saadia Toor, Sanjay D'Souza, and Zuli Ahmad for their wonderful friendship. Their presence in my life has made it rich, comforting, and warm.

My family has been a source of joy and their support for me is unwavering. My gratitude to cousins in Bangalore, Mumbai, Pune, London, and Germany. To aunts and uncles, I recall with great fondness the times we



shared through the different events and occasions. I am glad that I had the opportunity to have those memories before so many of them passed away. I deeply feel the loss of that generation of my family and with them the stories and narratives that filled our gatherings with laughter and delight.

My nieces are tremendous sources of happiness. It has been a special pleasure to see them grow; to Priya Venkat, Meghna Purkayastha, Kajori Purkayastha, Anya Oza, and Yamini Oza: I love you all so very much. To my brother Nilay, my gratitude and love for his unwavering support and for always welcoming us to his home. To my sister-in-law, Sarah, thank you for all the love and support. To Bhuvana and Dipanker, Kalpana and Ramesh: their homes have been places of love, laughter, and very good food. Thank you for your love, generosity, and support.

To Ash, whose partnership in my life has given me immeasurable love, laughter, and happiness. With tremendous patience and generosity, he has accepted my long absences as I researched this book, always supportive and encouraging of my work. He has been my most steadfast of champions. Thank you—always—for being my *humsafar*.

My tremendous gratitude also to Badam Singh, who tirelessly accompanied me on my various trips to Haryana, befriending the many people I met. He remains in touch with many of them and keeps me abreast of their news. His open generosity and enthusiasm for our journeys into rural Haryana made the long trips comfortable and delightful.

My mother-in-law, Sharada Rao, did not see the book in print. But she has always championed my work and been a strong fierce supporter. Her support and wisdom I miss every day. My father-in-law, Professor S. R. V. Rao, is one of the most resilient and accommodating people I ever met. The graciousness with which he accepts life's vicissitudes are a source of inspiration. I am always delighted to spend time with him. I was fortunate to spend the year doing this research in the company of my father, Ashok Oza. He was always incredibly proud of my achievements and supported my choices without reservation. I deeply regret that I did not get to see this book published. I keenly miss his presence every day. Finally, to my mother, Jayshree Oza, who has been my staunchest supporter. Her steadfast belief in justice for all has guided her incredible work on education in India. She is also gracious in her love for everyone and embodies enormous capacity for kindness. It is to her and all that she continues to teach me that I dedicate this book.

This research which was supported by funding from the American Institute of Indian Studies senior short-term fellowship (2016) and the



PSC-CUNY Enhanced award (68851–00 46). I am also grateful to the CUNY Mid-Career Faculty Fellowship program for giving me the opportunity to work on parts of the book. An earlier version of chapter 1, “Consent,” appeared in the Autumn 2020 issue of *Signs: Journal of Women in Culture and Society* as an essay titled “Sexual Subjectivity in Rape Narratives: Consent, Credibility and Coercion in Rural Haryana.” I have had the good fortune to share parts of the book in various forums with scholars who engaged with it. To Lila Abu-Lughod, my gratitude for inviting me to the 2018 Religion and the Global Framing of Gender Violence Workshop at Columbia University where I shared an early version of the chapter on consent. During the 2020–2021 academic year I was fortunate to be a fellow at the Center for Place, Culture, and Politics at the CUNY Graduate Center. My gratitude to Ruthie Gilmore for encouraging me to apply and to Peter Hitchcock and Sonia Vas Borges, as well as all the other participants who read and offered wonderful feedback on the chapter on land.

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## Introduction

I first met Sanjay on a hot summer afternoon in 2016. His T-shirt was rolled up to his biceps, and a crude tattoo was barely visible from under his left sleeve. Sanjay was a shy young Dalit<sup>1</sup> man around twenty years old who in August 2015 was accused of kidnapping and raping Kavita, a Jat girl he knew from his school. He was out on bail when we met.<sup>2</sup> A few weeks later, Sanjay was acquitted of both crimes by the special sessions judge. There is a long legal history in India of leniency toward men in rape cases (Satish 2017). This case, however, was not an instance of that kind of corruption. Sanjay's case was different: he and Kavita were in a two-year relationship and had decided to run away together to get married. However, Kavita was just shy of turning eighteen and was therefore not legally recognized as an adult. When her family discovered her affair they contacted the police, who apprehended the young couple while they were hiding in Mumbai and brought them back to the village.

Sanjay and Kavita's story is not unusual. Affairs made public, or those considered illicit for breaching boundaries of caste or class, are often disciplined through a series of violent measures. Dominant castes and classes,



and the people and institutions invested in safeguarding their power, often deploy the charge of rape in these cases to mobilize the power of the state—specifically its police and courts—into restoring and guarding these boundaries. The accusation is part of a structure of revenge and retribution by dominant castes against the subordinate caste or class for going above their station. Sanjay and Kavita's families, their lawyers, the judge, and the police were all aware that this was not a story of kidnapping and rape, and yet they all played a role in the drama of filing a case and participating in the subsequent trial that unfolded. In this story of revenge, the state, in the form of the police and courts, colluded in restoring boundaries of caste and class. But Sanjay and Kavita's story is also about how the drama of revenge was interrupted by the judge who acquitted Sanjay. It is a story about young love and defiance, and about how these forces grate against existing social mores. It is a story emblematic of changing social landscapes.

*Semiotics of Rape: Sexual Subjectivity and Violation in Rural India* is about rape in rural Haryana, a small northwestern state in India. In my three years of researching the subject, I read about hundreds of rapes in multiple reports documented by feminist groups and human rights organizations and followed eight cases in depth through a series of interviews and conversations with the accused, the women, their families and community members, and the authorities involved. Of course, I could not speak to women who died or were killed during or after their rape, but in each of the eight cases a different assortment of people with some relation to it were willing to speak with me about the rapes.

Rather than speculate about why rape occurs or attempt to explain its persistence, this book focuses on what a rape charge does. I look at a rape case as a site where anxieties and battles over changing gender politics, rural crisis, complex sexual subjectivity, and caste politics are articulated. Rape is a particular kind of violation that is often treated as a social dispute rather than as a crime (Baxi 2014).<sup>3</sup> In other words, a rape charge is not only about bodily violation; it is also a mechanism and language through which other crises and tensions are navigated and revealed. Sanjay's case, for instance, exposes growing resentment by Jats about what they perceive as Dalit mobility set against their own decline. The dominant perception among Jats is that "Dalits take their jobs and then their girls" (Chowdhry 2009a). Several times in the course of this research I heard the lament that economic mobility had enabled Dalits to acquire fashionable attire. The lament, spoken with a degree of resentment, exposed dominant-caste concerns over losing political, economic, and cultural prominence.<sup>4</sup> Intercaste relationships,



especially between dominant-caste women and Dalit men, as in Sanjay's case, generate upper-caste apprehensions about losing control over domestic sexual economy. Rape cases then become the venue where lawyers, judges, police officers, and village elders adjudicate what they all consider to be a pernicious fraying of the social fabric in an effort to stem it.

Consider for instance my conversation with the attorney Kavita's family had hired. Mr. Sihag has a chamber (lawyer's office) in the court complex. As we sit facing his large table, our conversation begins more generally about rape in the village. He bemoans that there is no longer any difference between the village and the city. In a clever turn of phrase, he says, "Gaon mein fasal kharaab hai, par sheher mein nasal kharaab hai" (In the village crops are bad, but in the city lineage/progeny are bad). In the context of our conversation, his allegorical alliteration suggests that the loss of family values is no longer limited to people in the city. "Kharaab" is a particular phrase used in the vernacular to mean bad and immoral, and rape is often referred to as "kharaab kaam." Speaking specifically about Sanjay's case, Mr. Sihag said prior to the courts reaching a judgment in the case, that the special session's judge for rape cases was very good and that the girl was not innocent of having eloped with the boy. Even though he was Kavita's attorney, Mr. Sihag acknowledged that this was not a case of rape and that Sanjay had been falsely accused. Mr. Sihag knew that the case was being prosecuted even though Sanjay had clearly not committed a crime, and that it was being litigated for reasons that went well beyond any questions about Sanjay's guilt or innocence.

As this case demonstrates, rape trials exceed the specificities of particular cases and are the terrain through which punishment for caste violation, loss of power, and changing gender politics are all expressed. The mobilization of state power in this case, as expressed by the police who apprehended the young couple and the courts that charged Sanjay with rape, reveals the state's investment in preserving and consolidating caste hierarchies by prohibiting intercaste relationships and alliances. Yet when the courts acquit the accused, as they did with Sanjay, this collusion and effort to consolidate caste hierarchies is rendered incomplete. I am interested in how caste structures are simultaneously consolidated, challenged, produced, devolved, reformulated, and realigned in the wake of a charge of rape.

I suggest that love affairs and sexual violations substantially impact both individual and community status and honor, can reshape the reputation of an entire village, animate conflicts over caste and land, and generate new sexual choices and intense battles over them.<sup>5</sup> Rape cases both bother and



sediment patriarchal structures and relationships, and are a lens through which the architecture of subordination is both consolidated and defied. Messy conflicts emerge in the aftermath of rape, exposing dilemmas, struggles, alliances, and compromises, all of which appear in unexpected ways. In the wake of a rape charge, feminists and human rights advocates in particular often face unexpected and difficult questions and challenges.

The complex and multifaceted landscape of rape cases enfolds a very wide range of constituencies—including police officers, feminists, and human rights activists—each of which, in very different ways, marshals these cases to advance particular scripts. Police officers, for instance, draw on stories such as Sanjay and Kavita's to advance their deceptive claim that most rape cases are false and are only filed to manage reputational damage from an illicit affair. Human rights groups and feminist activists, on the other hand, focus on documenting how women and their supporters are discouraged from filing rape cases and how they are often coerced against filing a report, especially if that report aims to accuse those in power.

Reports by different Dalit, feminist, and human rights groups tracking rape cases in India have a record of offering compelling evidence of police and court malfeasance, sometimes clashing with members of a victim's or survivor's own community. This clash happens when these reports champion a rape survivor's story, while members of her community choose to instead echo police efforts to undermine her credibility and claim that her rape allegations are false. In other instances, the woman's kin fight bravely to defend her, while at the same time still blaming her for the shame her rape has brought upon her family, community, and village. And finally, for the young woman, who is the focus of a rape case, it forces an uncomfortable reckoning with the village and her family.

As I slowly parsed through the multiple narratives in the rape cases I read about and those that I followed more closely, I did not focus on determining which of the contesting claims were most credible. Instead, I examined how the different narratives functioned as a series of "scripts" produced to secure particular outcomes. I theorize scripts guided by an astute observation made by Manisha Mashaal, a feminist Dalit activist who explained that rape cases usually feature three different stories: one crafted by the courts and attorneys, the other by a woman's family, and the third by the woman herself.

In my research, I found that even though the scripts about rape cases were different and at times contradictory, they were all nevertheless exceptionally unified in the common subject of their scrutiny. As the subject of investigation, the woman alleging rape was central to the scripts that



her rape would generate, and the outcome of rape cases rested on how her subjectivity was crafted. I understand subjectivity in two ways: first as the production of an identity that is recognized by the courts, such as a raped victim demonstrating a distressed mien. I go on to suggest that such identities are produced by structures such as the law, the state, and the patriarchal family. The raped woman's identity crafted in these structures attenuates her autonomy to craft a different sovereign narrative about her subjectivity. The second manner in which I understand subjectivity is by following how women navigate their rape cases and, through them, express their autonomy.

For instance, among police officers, a raped woman's subjectivity was crafted as morally compromised: a woman who voluntarily engaged in an unsanctioned affair. Members of the woman's community at times repeated this narrative, stigmatizing her for disgracing the reputation of her family. In contrast, among activists and attorneys on her side, the raped woman's subjectivity was crafted by highlighting her vulnerability, where justice for the victim/survivor often depends on a narrative of innocence to afford protection and restitution of her rights from the courts and law. Excluded from these different scripts is the subjectivity of the victim/survivor herself, and it is her story and her own sense of reality that I am most concerned with uncovering in this book.

*Semiotics of Rape* is about how rape cases become the venue where women's sexual subjectivities and the sexual violations they have endured are debated. My inquiry into what rape cases do elicits three questions around which this book is anchored: What is the sexual subjectivity of the raped woman in Haryana? How is this sexual subjectivity forged through and against multiple scripts at different scales? What does sexual justice mean, and how does it intersect, in uneasy and sometimes conflicting ways, with social and political justice? In asking these questions, I parse out the different forms of subjectivity that are generated under conditions of violence. In my effort to grasp the relationship between subjectivity and violence, I turn to Saidiya V. Hartman's (1997) work, which theorizes the agency and will of people under conditions of slavery. I do not draw on Hartman to construct a false parallel between enslaved people and raped women. Instead, I draw on Hartman's capacity to deftly capture the subjectivity of those who are subjugated without reducing them to the dehumanizing scenes of their abjection. By paying attention to the subject formation of women who have been raped, and by refusing to see their subjectivities as defined entirely by the violent act of rape, I aim to apprehend how raped women can reclaim autonomy and sovereignty over their subjectivity.



I deliberately use the term “sexual subjectivity” rather than “sexual agency.” They are not the same. Sexual agency is evident in cases like Kavita’s, in which women are compelled to file rape cases after their illicit affairs are discovered, pressured by the need to mitigate the effects of reputational harm, as well as in cases that are colloquially referred to as “breach of promise to marry” cases, in which women file rape charges against lovers who lure them with the commitment to enter into a matrimonial alliance only to later abandon them. These cases are not rape cases—they do not involve violation of bodily integrity—but they do demonstrate sexual agency by the women who enter these relationships. While these cases are certainly evidence of deception by men, some of whom are of dominant caste and class who lure women into relationships with them, they also demonstrate particular kinds of sexual agency in that these women enter into these alliances even when they cannot be certain of the outcome of the relationship. However, by focusing on sexual subjectivity, my efforts pivot in a different direction. I pay attention to how women navigate their cases, what they have to say about the choices they make, and how they—at times—defy the abjection to which they are subject. By focusing on subjectivity, I examine what is possible to reclaim.

I’ll elaborate by briefly discussing a case I deal with later in chapter 2. This case entails the alleged gang rape of a young Dalit woman I call Komal by two Jat and two Other Backward Classes (OBC) men.<sup>6</sup> It ended in a compromise, or an out-of-court settlement, after dragging on for four years. Cases like this, involving gang rape, and more critically, violence against lower-caste individuals, are often marked by threats and coercion against victims and survivors, who are generally forced to settle out of court. Dalit attorneys and activists who had organized around Komal’s case feared that the compromise happened because Komal’s family was coerced by dominant-caste men into settling. However, Komal insisted that the compromise was a just outcome. Her demeanor after the case ended demonstrated relief and a steadfast belief that the settlement was a fitting end. An inquiry into subjectivity in Komal’s case allows me to ask: What did the compromise allow her to recuperate? While the outcome of her case is contrary to more conventional notions of justice that seek a guilty verdict and accountability through incarceration, and while the outcome was disappointing for activists who wanted to see whoever raped and beat Komal be convicted for the crimes against her, what can we understand about Komal’s own insistence that the outcome was a good one? What can we learn by taking her claim seriously, and not dismissing it as merely misguided or a simple product of fear and exhaustion?



In explicating the difference between sexual agency and sexual subjectivity, I also seek to dislodge the idea that subjectivity in rape cases is only tied to the sexual encounter. In so doing, I ask: What can we discern about the sexual subjectivity of the raped women that escapes the flat and stultifying characterization of her as solely a broken, powerless victim or as a sullied, disgraced woman? (Or, I might add, that refuses caricaturizing her as a strong, heroic survivor?) Through my research, I found that raped women refused to remain confined by the sexual scripts about them. They crafted a subjectivity that continually ventured outside these narratives, frustrating attempts to congeal a single, flattening story about them. In some of the cases I followed, the subjectivity of raped women was evident in the articulation of their will or, as in Komal's case, in their insistence on an outcome contrary to more conventional notions of what justice looks like. The stories I followed revealed more complex subjectivities than what a victim/ survivor framing allows for. I was able to discern them by looking closely at how subjectivity enables a more expansive understanding of subjection. I argue that the sequestering that the shame of rape anticipates bringing to women tainted by it is never quite complete. In other words, I am looking at the production of agency in abjection, and it is to an understanding of subjectivity in abjection that I now briefly turn.

#### SUBJECTIVITY AND ABJECTION

According to feminist historian Dubra Mitra, from the mid-nineteenth until the mid-twentieth century, the prostitute was a foundational concept in the study of social life in India (2020). Mitra writes, "everyone was invested in an explanatory reasoning that could narrate the failures of female sexuality as a symptom of uneven social development" (18). I suggest that if the prostitute served to "delineate deviance" at the turn of the century, then the raped woman in the contemporary moment functions as symptomatic of social degeneration. In multiple conversations, including the one with Mr. Sihag I referred to earlier, many of my interlocutors pointed to the growing number of rape cases as evidence of growing perversion. Since they understood rape cases as a mechanism through which women and their families often dealt with illicit affairs, these interlocutors also pointed to women's sexual agency as a source of moral degeneracy. Identifying deviant bodies, such as the prostitute and the raped woman, offers a way to mark that which is profane, corrupt, and stigmatized. Literary theorist Richard Pedot, drawing on Julia Kristeva, says that this maneuver of identifying



that which is abject is about “what society must exclude to persist” (2013, 2). The raped woman in this formulation is the abject figure that must be excluded or sequestered to maintain societal order.

The raped woman is considered abject because she is a source of stigma, held responsible for her own violation, and consequently a specter against which all other women must be perpetually vigilant. Dubra Mitra (2020) writes, “Dictates of shame and stigma not only were enacted in everyday forms of social control of women’s sexuality but were also key in making disciplinary forms of social knowledge” (1). Consider for instance my conversation with young women in the village of Malud, for whom the “haunting presence” of deviant female sexuality was a persistent concern.<sup>7</sup> The five women gathered were keenly aware of the threat posed by the stigma of rape. They knew that if tainted their families would face social ruin, and they spoke with some frustration about how women were considered the *izzat* (honor) of their families, while also facing social scorn for being raped and molested. While some changes over the last few years had resulted in more autonomy in their lives, and they were now able to study longer, this new autonomy had also brought increased vigilance from their families. The daily dose of news about rape and violence against women generated a sense of perpetual peril against which young women had to actively inoculate themselves. They spoke about how women’s attire, their use of cellular phones, their presence in public, and who they spoke with were all arbitrary measures of potential deviancy against which young women’s reputations were gauged. Through our wide-ranging conversation, the specter of the raped woman emerged as a disciplining device that produced and shaped subjectivities.

Dominant social forces at once reject the raped woman, subject her to social abandonment, and at the same time perpetually recuperate her haunting presence to underscore the threat she represents and to keep people, and women in particular, in line. In a recently edited collection on abjection, Maggie Hennefeld and Nicholas Sammond (2020) write that “the abject exists in necessary opposition to the productive fantasy of the individual or social body as an agential or sovereign being” (12). For the women in Malud, the figure of the raped woman produced increased vigilance by their families so that they would not be tainted by its deviancy. In contending with the “productive” capacity of abjection, I intend to delineate the subjectivity of the raped woman. Understanding how the raped woman functions as an abject figure allows us to understand and name how she generates shame and stigma, while simultaneously instigating perverse fascination.



Abjection has been the source of considerable academic interest. A concept first developed by Julia Kristeva (1982) in her study of self through psychoanalysis, the object is that which generates revulsion. For Kristeva, abjection is central to subject formation. The object is a source of fear and fascination and something that must be rejected for the subject to exist. But Kristeva elaborates that the object was not discarded and excluded; abjection “does not radically cut off the subject from what threatens it—on the contrary, abjection acknowledges it to be in perpetual danger” (9). It is this co-constitution between subject and object that serves to generate subjectivity. Theorizing abjection in relation to minoritized populations in Britain, Imogen Tyler (2013) develops the concept of social abjection. In it, she is concerned with “the process through which minoritized populations are imagined and configured as revolting and become subject to control, stigma, and censure, and the practices through which individuals and groups resist, reconfigure and revolt against their object subjectification” (4).

I turn to the concept of abjection to make intelligible the subjective potential that is not fully ensnared by the subordination of the raped woman. I draw on Saidiya V. Hartman (1997), who articulates how may we discern the agency of the enslaved, who is in an “indefinite and paradoxical relation to the normative category ‘person’” (56). In the exhausting determinants of slavery, Hartman is looking for the “infinitesimal ways in which agency is exercised” (56). So while the abjected person is rejected as revolting, this person is nevertheless “not without the possibilities of a perverse form of agency” (Hennefeld and Sammond 2020, 18). And it is in these perverse forms of agency that I identify the subjectivity of the raped woman. It is this agency of abjection that Hartman captures when she argues that “the abjection of the captive body exceeds that which can be conveyed by the designation of or difference between ‘slave’ woman and ‘free’ woman” (83). The abjection of the raped women, similarly, exceeds that which can be confined by the shame and stigma to which they are subjected.

In narrating Komal’s story and the stories of several of the other raped women, I make their subjectivity legible precisely to underscore the agency they exercise. The raped women I met and spoke with had complex responses to the stigma and rejection they faced. They were deeply aware of how they were shunned as sources of shame in their families, and yet they articulated their own positions, which at times diverged from those of their families as well as from those who were seeking justice on their behalf. Komal’s story in some ways exemplifies this complex subjectivity but was not an exception among the cases I followed.



While I am concerned with how raped women construct their subjectivity, I draw on abjection not to showcase their passive resistance, but to expose the limits of their abjection and to understand the disbelief, rage, and social isolation that they are forced to endure. In articulating their suspicion of raped women, the police and attorneys, the neighbors, and the women's own kin generate a script in which the subjectivity of the raped woman is cast as deviant. But their rape script itself was productive of the investments it revealed.

#### SEXUAL SUBJECTIVITY AND THE FORMATION OF A RAPE SCRIPT

Explored in some detail by Sharon Marcus (1992), the term "rape script" suggests that the "violence of rape is enabled by narratives, complexes and institutions which derive their strength not from outright, immutable, unbeatable force but rather from their power to structure our lives as imposing cultural scripts" (389). Marcus here is pushing back against masculinist understandings of rape that constructs it as something that "is tantamount to death" and can only be "feared or legally repaired, not fought" (387). Marcus suggests instead that rape be understood as a language and a narrative, which can be changed, therefore allowing us to "resist the physical passivity it directs us to adopt" (392).

While Marcus understands the rape script as a discursive formation that ossifies to generate passivity, I use the term differently. In this book, I theorize the rape script as a language crafted to be audible to particular audiences in order to generate desired outcomes among them. It is a deliberately produced narrative that is honed to be recognized by its target audience. When a compromise on a rape case is reached—meaning when a plaintiff drops charges and reaches an out-of-court settlement—each side generates a script to narrate the story of the rape and to explain how an outcome was reached. Each side labors to create a script that casts its side in the best possible light. In the chapters that follow, I track when a script is formed, to whom is it audible, and what it does. I pay attention to the times it works and to when it falls apart. Kavita and Sanjay's case is an example of the latter, a case in which the rape script crafted to punish a Dalit man fell apart when the judge recognized it as a story fashioned to get revenge and refused to play along.<sup>8</sup>

I diverge from Marcus's understanding of script by theorizing it as the formation of a deliberate narrative. I differentiate between script and narrative



by identifying scripts as a sedimentation of narratives that congeal into an audible form. By referring to a script as audible, I mean that it has been shaped into something readily recognizable among its intended audience, among whom it will resonate because it has already been rehearsed multiple times. So for instance, those in positions of power such as the police or dominant castes rehearse particular claims about Dalits (as untrustworthy, dirty, and criminal) and rape cases (as predominantly based on false allegations by unvirtuous women). The challenge then for those in subordinate positions is to make their own claims audible in a mainstream soundscape that denies the possibility of their existence as they see it themselves. What Miranda Fricker (2008) theorizes as illegibility, I understand as inaudibility. For Fricker (2008), an aggrieved person whose complaints have been rendered inaudible suffers an injustice that amounts to what she calls hermeneutical injustice, something which “occurs at a prior state, when someone is trying to make sense of a social experience but is handicapped in this by a certain sort of gap in collective understanding—a hermeneutical lacuna whose existence is owing to the relative powerlessness of a social group to which the subject belongs” (69). So against powerful existing scripts and the institutions that support them, those who are marginalized have to craft their own scripts in order to make themselves audible.

Civil rights and feminist groups have for years attempted to fight back against the “deflated degree of credibility” accorded to women and people from subordinate castes by documenting the unceasing violation of women’s bodies. Through this work, they have been able to identify repeating patterns of structural injustice. Their documents, fact-finding reports, testimonies, anecdotes, prose, and fiction are all part of what I consider thick layers of narratives that have congealed into an audible, recognizable script. These layers of narratives are particularly significant because they have forged a language through which sexual violations can be identified and named, and around which claims for justice can be made.

When people from subordinate castes are violated, they are forced to face a rape script shaped with an additional layer of caste violence. The violation of Dalit women functions as the means by which dominant castes humiliate and maintain access to Dalit bodies. By access to bodies I refer not only to sexual access, but also to the dominant castes’ capacity to extract labor from Dalit bodies and to secure their compliance with modes of behavior and deference that are in line with dominant-caste ideological hegemony. It’s an exertion of terror and power that helps dominant castes ensure, for example, that Dalits perform their subjugated status by maintaining



physical distance so as not to “pollute” their caste superiors, lowering their eyes in their presence, and by acquiescing to the injunction to live only in the segregated, dilapidated outskirts of villages and towns. There is a long history of dominant-caste men abusing Dalit women’s bodies as retribution, punishment, and as a means of expressing and consolidating their power (Kannabiran and Kannabiran 2003; Rao 2011). There is now also a rich and growing archive of stories, prose, poetry, and testimonies—created by Dalits and their allies—that together generate a vocabulary and scaffolding through which atrocities against Dalits can be named, identified, and challenged.

To understand how particular scripts are crafted, it is critical to uncover and examine the history and political landscape of a place (Teltumbde 2019). Charu Gupta (2016), for instance, examines how in precolonial India, in the United Provinces, “the image of the Dalit woman’s body as the site of evil and pollution gave way to a vision of her suffering and victimized body” (55). For Gupta, this shift in thinking about Dalit women provided upper-caste reformers with “a stamp of historical legitimization” (56). Attending to these place-based histories, as Shailaja Paik (2018) has shown, is also key to understanding that “Dalit women’s agency belonged to them as well as to the culturally specific and historically contingent arrangement of power in which they were located” (4). In Haryana, two significant political moments led to greater Dalit awareness and political organizing, which also helped congeal a particular script about sexual violation.

The first of these political moments occurred in April 2010 in Mirchpur village. After a skirmish between a young Dalit boy and some Jat youth, Jat men looted, ransacked, and burned eighteen homes in the Dalit-caste Valmiki community as retribution for what they perceived as an insult by Dalits. During the rampage, a disabled seventeen-year-old Dalit girl, Suman, and her seventy-year-old father, Tarachand, were burned alive. Even though elders of the Dalit community had asked for forgiveness from the Jats in the village, the Jats responded with brutal vengeance. The police were informed, but they did not intervene to stop this violence against Dalit families.

Unlike many other instances of dominant-caste violence against Dalits, the Mirchpur incident, and more specifically the political mobilization that followed it, compelled the police to file a complaint against 103 Jats from the village. After advocates for the Dalit community in Mirchpur successfully argued that trial courts in Haryana would never hold the Jat men accountable for their crimes, because local Jat judges would never indict members of their own caste *biradri* (community), the case was moved to Delhi (Human Rights Law Network 2011). In a landmark judgment, fifteen



Jats were convicted for their crimes in Mirchpur, while eighty-two people were acquitted (*The Hindu* 2011). When the case recently came up for appeal, the Delhi High Court rejected it and sentenced the fifteen defendants to life imprisonment, calling the attack premeditated (Singh 2018).

The second significant political moment for Dalits in Haryana followed the brutal rape and subsequent death of a young woman in Delhi in December 2012. Her rape and death were followed by a national outpouring of grief and outrage, and political mobilizations in her support took place across the country. Nirbhaya became a household name.<sup>9</sup> Meanwhile, a range of activists and feminists noted and increasingly voiced a troubling, sharp contrast: namely, that equally brutal incidents of rape and violence against Dalits, Muslims, and Adivasis had consistently failed to garner attention or generate commensurate outpourings of grief (Dutta and Sircar 2013, 299). Feminists and Dalit scholars have of course long pointed out that whether or not an instance of extreme violence against a woman receives attention and results in public outrage is intimately tied to her caste and social position, and that such support and outrage is almost entirely absent when the violated woman is Dalit (Anandhi and Kapadia 2019; Ciotti 2019, 79). The massive reaction to Nirbhaya's rape and death generated renewed attention to the comparable silence about violence against Dalit women. This development, along with the fact of rising crimes against Dalits, mobilized civil and human rights groups to document cases of rape in Haryana and to support the women filing charges. These groups focused on Haryana, because reports indicated it has the third highest rate of crimes against women after Assam and Delhi (National Crime Records Bureau 2018, 195).<sup>10</sup>

Consequently, over the next few years, several reports emerged detailing the challenges Dalit women face while attempting to file rape charges in Haryana. In response to a particularly complex case involving the gang rape of a Dalit girl and a land dispute in Bhagana (a village in Haryana), a joint report was produced by two groups concerned with civil rights and violence: the Association for Democratic Rights (AFDR) and the People's Union for Democratic Rights (PUDR). Women Against Sexual Violence and State Repression (2014) also generated a detailed independent report on the relationship between sexual violence, caste-based atrocities, and land disputes in Bhagana. Simultaneously, Human Rights Watch (2017) documented the systematic efforts by members of the police and judiciary to stop Dalit women from pressing charges alleging rape. In addition to these civil and human rights groups, Dalit rights groups like the All India Dalit Mahila Adhikar Manch (AIDMAM 2018) also generated reports on atrocities against



Dalit women. Feminist activists such as Rajni Tilak, who was part of the National Confederation of Dalit and Adivasi Organizations and Rashtriya Dalit Mahila Andolan, was central in drawing attention to the specificities of violence against Dalit women and the forms of oppression they face.

In the wake of anti-Dalit violence in Mirchpur and the rising number of rape cases in Haryana, organizing efforts by human and civil rights groups, particularly Dalit activists and lawyers, drew much-needed attention to caste and gender violence in the country. Their efforts were part of a larger intellectual and political shift led by increasingly assertive Dalit activists and intellectuals (Anandhi and Kapadia 2019). This shifting terrain was the context for the emergence of a rape script that recognized the sexual violence inflicted on Dalit women and that insisted that Dalit women deserve protection and restitution. This rape script helped mobilize resources. Notably, it pushed back against the bias built into police stations and courts against women who allege rape, thereby challenging institutions that have historically prevented women from accessing justice.

But efforts to craft this important script necessarily truncated the contradictions and paradoxes of particular cases, and more significantly, flattened the agency and subjectivity of Dalit women (Ciotti 2014). At the scale of political mobilization, the script of rape and compromise—in which a raped woman is forced to drop her case in exchange for financial compensation—followed a template, albeit one derived from multiple stories of disenfranchisement and hundreds of cases where justice was denied. This script made a compelling case for paying attention to violence against Dalit women and to how dominant-caste threats can force subordinate castes to acquiesce, drop rape charges, and settle out of court.

However, at more intimate scales, such as that of the victim herself and her home, this script about rape and compromise changes and refracts. A closer look at this rape script makes apparent that a particular woman's story is often more complex than what the script can accommodate. This is not to say that the script is inaccurate; instead, I suggest that it is incomplete. Through my research, I saw various advocates for women's rights navigate between different "scripts" to try and "fit" a particular story of rape or compromise into one that would allow them to make a particular claim. In most of the cases I researched, a gap between a scripted narrative and the untidy details of the case persisted, despite efforts to align the two. In this gap, paradoxes emerged that compel difficult questions about what justice looks like at different scales. What are we to do when the story of rape differs among different publics, or when the desired outcome of a rape case, and



the very definition of justice, diverges across scales? I suggest that thinking at the intersections of different scales may help us navigate diverging ideas about what constitutes justice in a rape case.

#### SCALE AND JURISDICTION IN RAPE NARRATIVES

To understand how rape animates different publics in rural Haryana, I draw on rich discussions of scale within geography. Since the 1980s, geographers have engaged in a long and varied discussion on scale as a way to understand social and political phenomena. Scale in human geography is about the relationship between particular jurisdictional boundaries, such as the national and global. While the field of human geography has extensively theorized how scales are made, contested, and transformed in relation to capitalist production, feminist geographers have pointed to a lack of attention to social reproduction in these theories (Katz 2001; Marston 2000). Drawing attention to how intimate scales such as the home and body are deeply imbricated in capital relations, feminist geographers have suggested that the “global and the intimate constitute one another” (Mountz and Hyndman 2006). The most common understanding of scale is as a nested hierarchy of smaller to larger scales, even if many geographers have come to contest and enrich this framing (Brenner 2001; Cox 1998; Howitt 1998; Marston, Jones, and Woodward 2005; Smith 1984).

I draw on this work by geographers to consider the publics and conflicts that rape in Haryana animates by thinking through the relationships between bureaucratic and intimate scales. I understand bureaucratic scales as village boundaries, wards, and districts that have an administrative function. Jurisdiction by these units is established through mundane governmental practices. The bureaucratic scales of districts and wards are codified through everyday mechanisms of administration and taxation, which reproduce their boundaries as ontological givens. Negotiations by village council officials with district offices over resources, compensation for crop failure, or a water dispute generate bureaucratic processes that render the scale and hierarchy of village and district as established, undisputed, and solidified. These scales are recognized because members of the state bureaucracy occupy positions such as district magistrate or district collector, making concrete the district as an administrative unit. Similarly, villages have specific boundaries and elected representatives who are assigned to negotiate with district officials on behalf of the village.



Intimate scales, in my understanding, are the space of the *basti* (neighborhood), home, and the body. S. Anandhi and Meera Velayudhan (2010) ask that feminist geographers be attentive to how neighborhoods are sharply divided and how boundaries of caste and religion are violently enforced (40). Contests over who has sovereignty and jurisdiction over these intimate scales are animated in the wake of rape cases. In these contests, previously invisible boundaries of caste and gender are enforced. In rural Haryana, men retain control and jurisdiction over both the home and the women in their household. Domestic sexuality is under the purview of the patriarch and needs to be protected, and in the case of young women, bartered with in marriage (Das 1996).

In cases of intercaste violence, the relationship between intimate and bureaucratic scales is made especially relevant. It is the gendered Dalit body that is subject to brutal violence in response to the perceived or actual upward mobility of Dalit lives. In her theorizing of the massacre of a Dalit family in Khairlanji in 2006,<sup>11</sup> Anupama Rao (2011) argues that “the brutal ritual desecration of the gendered Dalit body is a technology of violence that resurrects *archaic* forms of sexual violence and punishment in direct proportion to the politicization of Dalits, and the state’s efforts to outlaw practices of caste violation.” She continues to say that this technology of violence is “a counter response on the ‘creative’ semiotic ground of violation and violence that relocates struggles over Dalit identity to streets, homes, and to spaces otherwise invisible to the state’s modern, nonarchaic glance” (612). In chapter 4, I show how despite laws against brutalizing people based on their caste status, caste violence remains illegible in rape cases. This invisibility of violence at an intimate scale on the Dalit body, which exists despite laws that prohibit it at the bureaucratic scale, is precisely what Rao points out.

I am interested in understanding how the rape charge is navigated between bureaucratic and intimate scales. Who has jurisdiction and control in these different scales? What is rendered visible and audible at intimate scales that is otherwise made invisible by the courts and the law? What scripts are generated? How are jurisdiction and sovereignty over intimate spaces challenged and consolidated in the wake of a rape charge? These questions guide my understanding of the contests over jurisdiction and sovereignty in two specific ways.

First, I am interested in who is invested in establishing jurisdiction over the intimate scales of the body, home, and *basti*. Exposing those who are invested in having jurisdiction over these intimate scales helps uncover who has a role to play in the construction of a rape script. By focusing on the intersection of intimate and bureaucratic scales, I suggest that at each scale



the narrative of rape shifts and changes, animating various publics, each invested in different outcomes. The bureaucratic scales maintain patriarchy, so what does it mean when those invested in intimate scales collude with the police and the courts to establish jurisdiction over the home? What forms of control and caste politics are solidified?

Second, I consider how efforts by village elders and the male head of the household to maintain jurisdiction over the home may entail, for the woman who files a rape case, losing sovereignty over other intimate spaces, such as her body. In chapter 1, I explore the story of a young woman in a consensual relationship who is forced to file a rape charge against her lover. In an effort to establish jurisdiction over the neighborhood and the home, Dalit village elders and the young woman's father compelled her to file a rape case. For the young woman, her affair was a demonstration of her jurisdiction over her sexuality. Her village community and family did not sanction such a display of sovereignty, and their efforts to wrest back control required that she acquiesce jurisdiction over her body and sexuality.<sup>12</sup>

Rape is a violation of sovereignty at the intimate scale of the body and sexuality. It makes visible and disrupts contests of jurisdiction over these scales. In the context of patriarchal control over women's bodies and the home, rape is a violation of not only a woman's bodily integrity, but also of male jurisdiction over the household and over sexual access to the women who reside in it. Rape animates all of these scales, and responses to a violation entail efforts to restore jurisdictional boundaries and hierarchies. In the chapters that follow, I employ this framework of scale to think through what a rape charge does at different scales. How might these incongruencies help form a more robust understanding of political negotiations in the wake of a rape charge, and consequently push us toward more nuanced constructions of justice?

## THE QUESTION OF JUSTICE

In January 2019, I was working with Dalit lawyers and activists from Haryana, along with a Delhi-based human rights organization, to draft a petition addressing compromise cases for the Supreme Court. Courts in India have long known that there is an unofficial "culture of compromise," where the two parties involved in a case come to an out-of-court settlement, and the plaintiff agrees to drop charges. These compromise settlements are not only against the law in criminal cases, but in instances of sexual violation, they are often produced through intimidation and coercion. Activists and lawyers in Haryana



have for years been documenting cases of rape and various atrocities against Dalits that end in compromise. They argue that Dalits are often threatened with more violence and social boycott if they do not drop charges or if they do not agree to compromise on their cases. Social boycotts can have a very serious impact on the lives of those they target, and can include, for example, denying a person access to work and a livelihood. The petition we were crafting together sought to convince the Court to recognize the coercion and violence in compromise cases, and to take steps to mitigate them.

Because compromise in criminal cases is illegal, court records do not document whether a case was compromised. A tell-tale sign is when they note that the witness for the prosecution turned suddenly hostile toward their own lawyer, abruptly changing their story and claiming that no rape took place or that they cannot identify who the perpetrator was. However, not all cases in which the witness turns hostile are compromise cases, so the numbers of compromise cases are difficult to estimate. Anecdotal evidence by activists and lawyers suggests that up to 70 percent of rape cases end in compromise. Dalit activists I worked with affirmed that when a case involves Dalit victims and perpetrators from dominant castes, it almost always ends in compromise. I heard over and over again about how dominant castes used social boycotts, threats of violence, routine humiliation, and coercion as tactics to suppress Dalit claims for rights and justice. This narrative about compromised cases and the urgency to have something done about them was compelling.

However, as we began to document cases where compromise had occurred, the activists began to explain that in many instances, the families no longer wanted to talk about their case and had moved on. As we talked further and unearthed details about specific cases, the story about compromise became much more complex and at times contradictory. Some of the cases fit the “script” about how compromise is usually inextricable from coercion and threats. But in other cases, the story differed or was more ambiguous. In some instances, compromise occurred with the express intent of the victim, such as in the case of Komal, which I briefly mentioned earlier. We were forced to confront stories that lacked a clear narrative of coercion, and which were perplexing. The gaps and inconsistencies of these stories brought into sharp focus what Shailaja Paik (2018) and other feminists have argued, that “Dalit women’s fragmented, flawed, complex, and contradictory lives cannot be confined to linear readings” (3). Throughout a day-long meeting, the political intent of the petition we were drafting, and its necessity, grated against some of the incongruities in the cases we discussed, creating dissonance. There was a gap between, on the one hand,



a political strategy needed to address real systemic coercion by dominant castes, and on the other, the messy inconsistencies of the cases, which did not neatly fit the script of coercion.

The differences we encountered between the neat script of coercion and the more ambiguous, messy cases underscore how justice (encompassing fairness, the repair of harm, and/or respect for a victim or her wishes) is sometimes but not always aligned with conventional forms of social and legal justice, which entail making every effort to punish perpetrators as a means of securing accountability for their crimes. What, in light of these divergences, does sexual justice mean? My research following rape cases and interviews with attorneys and activists converged with what other legal scholars have argued: that the law and courts do not offer justice—in the sense of a meaningful repair of harm—to rape victims or to society.

While the activists and lawyers I worked with were clear on how juridical structures were failing to provide justice by consistently failing to hold violators accountable for their crimes, they spent less time examining what the divergent strategies, “failures,” compromises, and resistance told us about how we might think about justice in the first place. It is one thing to agree that the court system and law, saturated by those in power, are not concerned with safeguarding the lives and rights of the subjugated, and that they frequently fail to provide any modicum of justice. It is quite another to then look carefully at the quiet refusals, silent resistance, and deliberate disengagement by victims/plaintiffs as efforts to craft an alternative to the types of justice on offer through legal institutions. In the third question of justice around which this book is anchored, I look closely at some of these strategies as a way to consider what sexual justice might look like. Such an inquiry would ask, for instance: How are we to understand Komal’s exoneration of the four men accused of raping her? Might we consider her refusal as a way to think about sexual justice that allows her to reclaim a degree of control and autonomy over the narrative of her assault?

If subjectivity in rape cases emerges through the recognition of the victim/survivor as a person in need of restitution, then that subject is constituted through those structures. For instance, victims/survivors have to appear and be made audible as distressed and vulnerable to be “recognized” as victims or survivors of rape. In such a formulation, “the subject recognizes itself in opposition to that which is different” (Thomas 2019). Such a theory of recognition imperils the subject such that “if subjectivity is the result of hostile conflict, then recognition must inevitably exist as a relation of domination” (215). But what if compromise in cases such as Komal’s allows



for disengagement with conventional justice and its limitations? Could such withdrawal reveal what Kamari Maxine Clarke (2019) says, that “contemporary . . . legalisms are part of the larger tyranny of violence that does not stop with the individualization of criminal responsibility and trial performance” (15)? While Clarke is here writing about the International Criminal Court, her critique nevertheless echoes what feminist legal scholars have long claimed: that the courts advance a form of violence rather than stem it. What forms of subjectivities may be possible with disengagement from systems of law that imperil more autonomous possibilities? This central question animates the chapters in this book.

#### ARC OF THE BOOK

The chapters follow how the story of rape in rural Haryana was told to me. I begin in chapter 1 with the story of *marzi* (consent). I heard over and over that the majority of rape cases were false because they stemmed from relationships that were illicit but consensual, or that rape charges were filed as retaliation against a lover in a failed affair. In this chapter, I track how *marzi* is perverted to mean “corruption” rather than “permission” and “agency.” The case I follow is of a young Dalit woman I call Vineeta who was in an impermissible relationship with Pradeep, a Jat man.<sup>13</sup> When a rape case was filed in response to this illicit affair, it seemed to corroborate police claims about how rape cases stem from false allegations. But I argue that both the rape case and the use of consent to discredit it are about disciplining unruly sexuality. Changes in women’s sexual subjectivity in rural Haryana are a source of tremendous concern and anxiety. *Marzi*, then, is not about recognizing or respecting sexual subjectivity; instead, it is a narrative of perversion deployed to bring straying women back into the libidinal folds of domestic patriarchy.

In this chapter, I draw on Saidiya V. Hartman’s (1997) deft analysis of “will” in *Scenes of Subjection* to understand how we might think through subject formation under conditions of coercion. I use this work to consider how women’s sexual subjectivity is illegible and unacceptable even when she gives consent. Hartman is drawing on historical narratives of enslaved women who were raped. Toni Irving (2007) writes that the import of these histories is manifest in the contemporary mistreatment of Black women who are assaulted. She says, “How the law currently deals with rape reinscribes the historical notion that for black women sex is never against their will” (69).

I draw on the violation of Black women’s bodies as a way to theorize the harm done to Dalits, following scholars who are calling for exploring such



parallels. Shailaja Paik (2014), for instance, suggests a “‘margin to margin framework’ for the production of knowledge and the practice of political solidarity” (75). The issue of consent/nonconsent for particular kinds of women, those who were enslaved, Black women, and Dalit women is outside of dominant frameworks of discernment, rendering invisible the autonomy of personhood accorded to these women. *Marzi*, I argue, raises the specter of women taking control of their sexual choices, a possibility which patriarchal society considers intolerable. I draw on Vineeta’s case to demonstrate how she crafts her sexual subjectivity through deliberate choices, a rejection of shame, and claims of autonomy. Despite her efforts at autonomy, Vineeta’s rape case ended in compromise, and was about compensating her father for the loss of her value in marriage. Since these extra-legal out-of-court settlements were so frequently evoked by village elders, the woman’s kin, and even attorneys as a way to deal with rape cases, chapter 2 deals with compromise in rape cases.

Chapter 2 picks-up where Vineeta’s case ended, with an out-of-court settlement called a *shamjauta* (a compromise). If the first most frequent story I heard about rape cases was that they were in fact consensual, the second most frequent story I heard about rape cases was that most end in compromise. Here I draw on the second argument I make, about how sexual subjectivity is forged in and through multiple scales, animating different publics invested in its outcome. In rape cases, once a First Information Report (FIR) is lodged and the accused is located,<sup>14</sup> the accused perpetrator is usually taken into custody unless bail is granted. It is at this stage that the family of the accused initiates measures to pressure the victim’s family into a *shamjauta*. While common, compromise in criminal cases is illegal in India. In the courts, judges and attorneys are deeply aware of compromised cases and participate in them through the drama of false testimony.<sup>15</sup> By “false testimony,” I don’t mean a fabricated accusation of rape, on which a prosecution’s case is sometimes based. I’m instead referring to the testimony that withdraws the allegation of rape under conditions that everyone knows involves coercion, but participates in as if it doesn’t. Some judges, recognizing the frequency of rape cases ending in compromise, even ask victims during the trial if they were coerced into dropping charges. Such questions reveal how contradictions and divergences from the rape script are animated at different scales to anticipate particular outcomes.

I draw on three compromise cases to illustrate, in different ways, the gaps between the script of rape and the actual intimate details of each case. These gaps force us to consider what justice means in these cases. At each scale,



the illegal out-of-court settlement animated different concerns and forms of relief. But what did justice entail in these cases? Conflicting alliances and contradictory outcomes are part of the story of compromise, in which what is just is not simple or easily discernable. In this chapter, I draw on Audra Simpson's (2014) theorizing of refusal as a way to consider compromise not as a failure, but as generative of autonomy and deliberate disengagement. Through these cases, I ask what refusal allows. Of course, it's one thing if a woman refuses to press charges against a man because he didn't actually rape her or because she doesn't draw satisfaction/repair from punishing/imprisoning him. It's another if she refuses to press charges because she has been threatened with violence if she does.

Dalit scholars, activists, and lawyers, as well as extensive documentation in fact-finding reports, prose, and fiction, illustrate how dominant castes have the resources to convince or coerce Dalits and those of subordinate castes into compromise. In cases such as Vineeta's, for instance, the possibility of a compromise exists because Pradeep's family has land and can compensate her family for dropping charges. In Bhagana, the tale of rape emerges in the wake of a conflict over land, and the land-owning, dominant-caste defendants can explicitly or indirectly force the Dalit plaintiffs to drop their charges, because the latter rely on working on the land owned by the dominant caste. Because social relationships between different social and caste groups are navigated through who has access to and control over property, issues of violation, secrecy, and power are metastasized through these thick relationships.

Chapter 3 follows this story of land and the political-economic conditions that stem from it. In this chapter, I show how social relationships in rural Haryana are navigated through differential caste and community access to land (Chakravarti 2018). For instance, Dalits and people from subordinate castes are often compelled to settle rape cases out of court because of the precarity of their political and economic conditions. They cannot afford to refuse the demands of the powerful without paying a very steep price; their refusal to acquiesce would result in social boycott and a backlash that would threaten their very existence.

This chapter shifts the scale of analysis to situate the trajectory of neoliberalism in Haryana. The paradox between a high rate of gross domestic product (GDP) generated by the service, manufacturing, and real estate sectors and a declining rural economy marks the crisis in Haryana. This shift of scale and lens is important because it reveals the political-economic construction of Jats as a powerful caste who hold dominion over rural



Haryana. Understanding this caste's decline in power over the last two decades helps situate their violence and anger toward those of Dalit and subordinate caste who, in the same period of Jat decline, experienced a modicum of upward mobility. Jats perceive that these subordinate castes and classes advanced at their expense. So when Jats are accused of rape by Dalits it fuels their anger, and they can use their political clout to suppress such accusations precisely because they control the land.

If the prevailing narrative is that most rape cases are false and end in compromise, then when, and under what circumstances, are rape cases believed? Chapter 4 concentrates on cases in which death follows a rape case, and determines that death is what makes the allegation of rape more credible. I examine why spectacular death in rape cases, whether of the rape victim or of a member of her family, elicits gravitas in cases that, before the death, were not taken seriously or were viewed with suspicion. I suggest death credits the violation with veracity. I do not mean to suggest that rape allegations are only believed when they are followed by death, or that there must be a death for there to be a conviction for rape. My aim here is to examine how cases of rape that are followed by death compel acknowledgment by a state whose primary mode of response to rape has otherwise been disbelief. In so doing, I return once again to Saidiya V. Hartman's (1997) work to think through what death in rape cases makes possible. I use Hartman's analysis of how only some types of harm inflicted on an enslaved person are visible to the law as a theoretical scaffolding to understand how death generates recognition of the harm caused by the act of rape.

Juxtaposed against death that follows rape, I examine how women who survive are often referred to through a zombie metaphor of *zinda laash*, the living dead. What purpose does it serve to think about raped women as the living dead? In this chapter, I argue that the term *zinda laash* reveals the disquiet that rape survivors generate. So while death after rape makes the case believable, life in the aftermath of rape is offensive. Following two cases in which death followed rape, I examine the perverse validity granted to rape in the wake of death. I also draw on Ruth Wilson Gilmore's (2007) oft-quoted definition of racism as "the state-sanctioned and/or extralegal production and exploitation of group-differentiated vulnerability to premature death" (247) and apply it to understand premature death among Dalits. Drawing on Gilmore, I see that what Akhil Gupta (2012) calls the "structural violence" of the state renders some people more vulnerable to death than others.

I conclude this book by reflecting on a series of questions that emerge through the rape cases I follow and document: Which institutions, social



groups, and caste politics are drawn into the conflict, and what investments do their positions divulge? How do we understand consent in the context of larger structures of coercive practices and caste violence? Does *marzi* matter? Why is women's sexual subjectivity only acceptable under secrecy? What do changing neoliberal politics in rural Haryana generate for women's mobility and subjectivity? These queries expose the architecture of the social life of rape and consequently propel a reflection on what justice may mean in rape cases. I suggest that sexual subjectivity turns our attention to a consideration of how harm is recognized and by whom, who gets to be considered a victim, and what a victim's refusal to seek justice through the courts might do to our understanding of justice. I dwell on three terms: refusal, recognition, and justice. In parsing out each of these terms, I am looking to see how the cases I draw on offer different notions of justice beyond the carceral.

#### THE CASES

Let me briefly address the rape cases I followed. As I explain further in the section on method, finding cases of rape was extremely challenging. In my effort to be sensitive and careful, but also because I wanted to closely investigate the cases and how they were navigated in the village, I followed eight cases in depth. There are three issues I would like to explain about the nature of the cases I followed. First, the eight cases are not illustrative of a statistical sample or majority, rather they are instances that illuminate the social life of rape. Second, the cases I follow seem to echo claims made by the police, attorneys, and bureaucrats. I intentionally chose to examine cases that seem to mirror the claims of these authorities in order to understand and expose the discursive maneuvers they employ to make, for instance, women's agency corrupt. I also sought to understand how compromise is at times facilitated by malfeasance and is at other times evidence of it. Finally, unlike the previous chapters on consent and compromise, both of which feature cases that ended in out-of-court settlements, the chapter on death deals with rape cases that better fit what convention dictates they should look like. The two cases I followed here were the only cases that led to a conviction. While the argument I make in this chapter is that death brings more credibility to rape cases, I want to be clear that not all cases in which death occurs are believed. I specifically looked at rape cases that were granted a degree of credulity in the wake of death to expose how the law and courts treat such cases differently than others. While the stories of



all the cases inform all the chapters, some cases are more central to the arc of certain chapters than others.

I foreground the nature of the rape claims I followed rather than detail the brutal violations in case-after-case for two reasons. First, there already exists extensive documentation in reports by civil and human rights groups that details the trauma of rape and narrates the great difficulty of getting rape to be taken seriously and addressed. Such reports and documentation have effectively discredited claims by police and others that rape allegations are in the main false allegations. Scholarship on rape in South Asia and elsewhere has also offered sophisticated ways to consider how the law and state help those in power evade punishment or accountability for their crimes. This scholarship has also reiterated the violence women experience. The strategy I employ instead looks closely at police claims in order to understand how they are constructed and in order to unmask the biases baked into their logic and structures. Second, in a field already saturated with documenting violence against women, I wanted to veer away from also reciting this violence, and instead sought to excavate a different set of concerns, look at the unexpected places where agency is expressed, and consider the unconventional ways that stories of rape unfold.

#### WHY RURAL HARYANA?

Rape occurs everywhere; it does not occur uniquely in Haryana. But Haryana is crafted in the popular imagination as a place that is exceptionally violent toward women. Even though it does not have the highest rate of crimes against women, Haryana is perceived as particularly unsafe. Other states like Gujarat and cities like Mumbai distinguish themselves from Haryana and Delhi as being “safe” for women. Pratiksha Baxi (2014), in her eloquent ethnography of trial court in Ahmedabad, writes about how rape in Gujarat was viewed as mostly nonexistent except for a “few aberrant cases” (xliv). The commonplace view is that unlike “north India” (meaning, unlike states such as Haryana and Delhi), Gujarat was safe for women. This, of course, conveniently forgets the spectacular violence against women that occurred in Gujarat during the pogrom against Muslims in 2002 (Sarkar 2002).

Haryana has the highest rate of gang rape in the country outside of the northeastern states of Assam, Meghalaya, and Mizoram (National Crime Records Bureau 2018, 196). But before the perception of Haryana’s hyper-misogyny was based on crimes against women, the state was infamous because of its strong preference for sons and for its practice of deliberate



sex selection in childbearing. Even though prenatal sex determination is illegal, Haryana, along with some other states, continues to use clandestine sex-selection technologies. This preference for male progeny has led to the most imbalanced sex ratio in the country: 834 girls to 1,000 boys (John 2018). Such a skewed sex ratio, Haryana's conservative sociocultural fabric, and high crime statistics together serve to forge a place that is hostile to women and girls. Crimes against women and Haryana's poor response and failure to curb it frequently make newspaper headlines. Consider these three headlines in the *Hindustan Times*: "21-Year-Old Woman Gang Raped for Four Days in Panchkula" (2018a); "Crime Against Women on Rise in Haryana, Rape Cases Up By 47 Percent" (2018b); and "Patriarchy, Popular Culture, Unemployment: Why Haryana Is India's Rape Capital" (Dhingra 2018)." Rising rates of violence against women in Haryana have been so notable that the Indian Supreme Court sent a notice to the state's government, asking about its efforts to curb crime (*Indian Express* 2014).

In the context of these stories, Haryana emerged in the popular imaginary as a place of excessive violence. The frame of "excess" is mine, and I use it to convey how the unrelenting news about violence in Haryana generated a sense of helplessness, which in turn demanded an immediate response by already overextended civil rights and activist groups. I discuss the construction of Haryana as a place of excess in a discursive sense, drawing on sources including the popular media just noted, as well as multiple conversations with bureaucrats, lawyers, and activists. Through these mediums, Haryana emerged as somewhat indifferent to crimes against women and recalcitrant to change. I heard several bureaucrats and activists say with frustration, "Yahaan kuch nahi ho sakta" (Nothing is possible here). In this study, I attempt to dislodge this ontological frame, which fuses place and people with violence. My intent is not to negate horrific violation, but rather to open to critical scrutiny how rape generates ferment among different publics with investments in particular outcomes.

I was spurred to begin this study by a story that made national headlines and spilled onto the streets of Delhi. In March 2014, four Dalit girls were gang-raped by five Jat men in the village of Bhagana, in Haryana. The girls were all under the age of eighteen and were kidnapped and found several hundred miles away at Bathinda railway station in the neighboring state of Punjab. This horrifying event drew numerous news stories and spurred human rights and feminist groups to generate fact-finding reports, like the joint report by the People's Union for Democratic Rights and the Association for Democratic Rights (2012). As the case garnered more publicity, a



macabre tale unfolded in which it became clear that this was not only a case of gang rape, but also a dispute over common land to which Jat villagers were denying poor Dalits access.

Bhagana became emblematic of crimes against Dalits and revealed the particular vulnerability of Dalit women to dominant-caste men's violence. The history of a rural agricultural society where Jats owned most of the land left Dalits to serve in various modes of indentured labor. The consequences of this were that Dalit women who worked on these lands were often subject to violation by Jat men.<sup>16</sup> This history of systemic abuse by Jats was well known, generating a space of credibility which made it possible for the story of Bhagana to resonate. The case became a stark instantiation of Dalit vulnerability and generated outrage over the violence, resulting in public demonstrations in Delhi and overwhelming support for the victims. Bhagana offered a rare and unique opportunity to right—in this instance at least—a systemic wrong.

Through the course of this work, however, the story of rape became much more intricate than what I had initially understood. When I began my research in 2016, two years after the Bhagana case, many warned that I should avoid the Bhagana story because it had become “very complicated” and there were “multiple, different reports.” Some suggested that there were rumors that one of the girls was possibly in a relationship with one of the accused. Others flatly denied this. Some said that the girls' families had been happy to compromise for money, while others claimed that they were coerced and threatened into compromise by the dominant caste in the village. Through my research, I came to understand how particular versions of the incident facilitated particular constructions of reality. The facts of the story and its implications were narrated differently from one group of people to another. I came to understand that rather than help determine the “truth,” the multiple versions of the story revealed more about the concerns, conflicts, and power relations that rape animates. They foregrounded Michael Bakhtin's (1982) theory that “language is not a neutral medium that passes freely and easily into the private property of the speaker's intentions; it is populated—overpopulated—with the intentions of others” (294). While I did not begin my research with Bhagana, I ended with it, speaking to those who continue to sit outside the district offices and courts in protest seven years later: the mothers of the young women, activists, and attorneys with differing positions.

Over three years of research, I looked at rape in rural Haryana because it was a site of spectacular systemic violence. Unfolding in the context of a



profound rural crisis, Haryana offered an opportunity to understand what the violation of women and girls means. The rising incidents of rape and Haryana's distinction as having one of the highest rates of gang rape in the country contributed to the emerging popular imagination of the state as anachronistic, intractable, and hypermisogynistic. This research pushes back against such deterministic frames to open the question of what rape in Haryana does. It is undeniable that brutal incidents of rape do occur and solicit rigorous responses, protests, and, at times, swift justice. But leaving aside the complexity of what rape does acquiesces to flat geographies, which fit places to human traits. My effort here is to provide a robust account of incidents of violation that help us understand how village reputation, family honor, caste politics, coercion, and consent are key aspects of the story of rape in rural Haryana.

#### METHOD: THE POLITICS OF WRITING ABOUT RAPE AND CASTE

I began my research on rape in rural Haryana in the wake of the huge publicity that followed the December 2012 Delhi rape and the 2014 rape in Bhagana. The complex imbrication between caste, sexual violation, and land disputes loomed large in these stories and offered an exceptional opportunity to better understand the relationship between gender, violence, and neoliberalism, which has been the trajectory of my previous work. I began by speaking with civil and human rights groups and Dalit activists in Haryana and Delhi about the cases they had followed and supported. Some of these cases were part of reports and other organizing efforts against rape in Haryana. I initiated my research by following up on the cases that were already part of prior fact-finding and organizing efforts. But I was soon confronted with the serious challenges and dilemmas around research on rape, including the politics of speaking with women who had been violated, the risk of retraumatizing them, and the adverse visibility that my meeting with them might cause. In particular, I was concerned about the ethical and political implications of conducting interviews, as a dominant-caste and dominant-class woman, with women who did not share my privileges.

Dalit and other feminists have pointed to the neglect of Dalit and other subordinate-caste women in the history of the feminist movement in India (Anandhi and Kapadia 2019; Paik 2018; Rege 1996; Tamalapakula n.d.). Since the 1990s there has been much more visibility of Dalit women writing their own history (Pawar and Moon 2008); an articulation of a Dalit



feminist standpoint (Rege 1998); and an autonomous Dalit women's identity and need to "talk differently" (Guru 1995). A rich body of vernacular fiction and nonfiction work by Dalit women demonstrates the long lineage of their intellectual tradition (Anandhi and Kapadia 2019; Sarangi 2018; Tomar 2013;). Some of this rich work has recently been translated into English from Marathi (Dangle 2009) and Tamil (Bama 2012), and much of it cautions against members of dominant castes writing for and about Dalit women without being attentive to how doing so appropriates space. It also cautions against writing with a savior fetish, against writing that assumes a familiar "project of recovery" and rescue that elite women and women with an unexamined imperial lens have a history of producing (Akbar and Oza 2012; Paik 2018).

Attending to these cautions articulated by Dalit feminists meant treading particularly carefully as a researcher of rape. Dalit women had already been overdetermined as victims in literature and academic work, and there was a call to engage more fully with Dalit women's subjectivities as "transgressive agents" (Paik 2018). When I began this work, my focus was on the relationship between caste, rape, and land. My investigation of eight rape cases was my entry point to understanding dominant-caste discourses about false claims, compromise, consent, and death that were generated within dominant-caste structures such as the village council, the police station, the courts, and the district offices. Each of the rape cases I followed is therefore not representative in any statistical sense, but is an incident that guides my navigation into the social worlds in which these issues emerged and were adjudicated.

The biggest challenge, however, was finding cases of violation that I could investigate, and it was here that issues of caste were acute. While I began with wanting to understand what rape in rural Haryana mobilizes, I did not realize that access to people willing to speak with me would be so profoundly circumscribed. To exercise the utmost care, particularly against retraumatizing victims, I followed eight cases that had either been part of prior reports (in which the victim had already met with human rights groups, activists, and lawyers), or that were more recent cases recommended by the lawyers and activists with whom I collaborated. In each instance, the victim's lawyer, an activist, or both accompanied me as I explained my project and asked if she would be willing to speak with me. If granted permission, I would return for additional conversations that were open-ended rather than directly related to the rape.

Because my access to victims was limited by these connections to activists and lawyers, it in some ways determined who I spoke with. My relationships



with lawyers and activists in Haryana were through civil and human rights organizations in Delhi; these activists and lawyers were part of Dalit groups fighting against atrocities in Haryana in the wake of the Mirchpur case. Since the cases they dealt with primarily concerned Dalit victims, most of the cases I followed featured either Dalit or OBC victims and families. Despite my efforts to get access to rape cases that involved dominant-caste victims, this proved to be difficult. I spoke with dominant-caste lawyers in the districts and asked if they had cases in which the families would be willing to speak with me. In all three districts where I conducted research, lawyers explained that cases involving dominant castes were usually suppressed immediately. I asked several lawyers who dealt with rape if they had cases involving dominant castes, and while they did, the lawyers explained that the families were reluctant to speak with anyone from the outside for fear that doing so would compromise their reputation. In the case of Sanjay and Kavita (who is dominant caste), with whose story I began this chapter, I asked Kavita's lawyer if her family would be willing to speak with me. While he shared her father's number with me, he also discouraged me from speaking with him. According to him, the family had gone through enough with the case; Kavita was now married, and the family would not want anyone to discuss the case with them again. Given the lawyer's opposition, I did not follow up with Kavita's family.

In other districts, I also met with several lawyers who reiterated that cases involving dominant castes were usually resolved in the village or between the parties involved. Given the increase in the number of rape cases in the past few years, it was obvious that cases were being reported and filed, but getting access to them remained extremely difficult. The only time I gained access to a case of rape or molestation among the dominant castes was when a case occurred in one of the villages I had previously visited. We became aware of the case while in conversation with the station house officer of a *mahila thanna* (women's police station).<sup>17</sup> The case involved the molestation of a young girl by an older man. Both families belonged to the dominant-caste Pandit family, albeit from different classes.

One of the main reasons it was so difficult to access dominant-caste cases was that there were no dominant-caste organizations that supported victims of rape. There was no parallel to the Dalit groups, lawyers, and organizations that advocated on behalf of Dalit victims. The organizations that supported the interests of the dominant castes were the *panchayats* (village councils) and *Khap panchayats* (caste councils), which are invested in issues of lineage and disputes. The caste councils have garnered a reputation for



meting out brutal punishment against those who breach caste and subcaste boundaries and alliances. They are deeply imbricated in patriarchal structures and in efforts to maintain control over domestic sexuality. Since rape cases challenge those domains by opening them to scrutiny, caste councils work hard to make sure that such violations are not spoken about publicly. The resulting impenetrability demonstrated caste and patriarchal power, which meant curtailed support for victims of violation among dominant castes. In contrast, cases involving Dalit families had the support of Dalit activists and organizations, which emerged in the decade since the Mirchpur atrocity. These Dalit and human rights organizations, as well as women's groups in Haryana and Delhi, were involved with these cases and helped the families navigate the court system. Since victims had met with and spoken to multiple organizations, and in some cases, media outlets about their stories, some of them were open to my request to speak with them as well.

These circumstances meant that I could only follow subordinate-caste cases in my research, and this reality led some activists to question my politics as a dominant-caste woman writing about the rape of Dalit women. While I tried to meet with rape victims from different caste backgrounds, my lack of access to dominant-caste victims and the fact that only select Dalit and OBC families felt comfortable speaking with me led me to eight cases, all of which involved exclusively Dalit or OBC families. Caste politics and power dynamics were deeply apparent in this dilemma, because it was Dalit families and victims whose narratives were “open” or “available,” while people in dominant castes could inoculate themselves against such scrutiny. While limited by these complex power dynamics, the cases that I examine offer a lens through which to understand the larger phenomenon of rape and the way that rural crisis, caste conflict, and poverty all intersect with sexual violation.

I followed the selected eight cases closely over the past three years, speaking with the young women who were assaulted and their kin. These interviews were conducted over several days, sometimes with activists present and at other times on my own. The conversations began not with the assault, but more broadly, allowing a tentative relationship to be forged. While the rape victims I interviewed were all either Dalit or OBC, I also interviewed dominant-caste members of the villages, including younger and older men and women. My attempts to understand how rape is navigated in the bureaucracy and by the police entailed conversations and interviews with police officers, attorneys, and bureaucrats, many of whom also belonged to dominant castes. Collectively, these interviews and observations illuminated



dominant-caste biases, distress over farming and diminishing authority, and concerns about Dalits asserting more power. The worlds that emerged through these interviews revealed the labyrinth of bias and discrimination that makes justice for women who are raped so challenging.

All conversations and interviews were conducted in Hindi, in which I am fluent, and lasted between one and two hours. At times, if the conversations were in Haryanvi (which while proximate to Hindi uses particular phrases and terms that I was unfamiliar with), I would ask one of the activists or lawyers to translate for me. The most intense period of research began in the spring of 2016, lasting from March until August. Subsequent visits were shorter and continued intermittently through January 2020. Throughout this period, I would visit the families and victims each of the six times I came back to India. Through my work with the victims and their families, I also deepened my relationships with the activist groups and lawyers who dealt with some of their cases. Over the years, I have become imbricated in a network of interactions between victims, lawyers, and activist groups. I remain in touch with them even when I am not in India, and I continue to be a part of their ongoing conversations. Where possible, I have drawn on the research for this book to help provide analysis and support for the activists I collaborated with in Haryana. Yet I am aware that leaving Haryana and Delhi comes with profound privileges and disadvantages.

As I research and write about rape in rural Haryana, several concerns shadow my work. First, I aim to write about gender-based violence in a way that expresses the voices and complex subjectivities of the women on the receiving end of violence, but that is careful to not appropriate their voices. I aim to develop an analysis that does not overshadow the complexity and contradictions of my empirical work rooted in the complex lives of the women I'm concerned with. Second, narrating such stories while located within the academic circuits of the Global North presents an ethical and epistemological dilemma about what to say and how to say it. Despite my efforts to be as attentive as possible to these issues as I produced this work, I am aware that the contradictory implications of this narrative may prove my efforts insufficient. I remain concerned about reproducing grave differences in power and the risk of adding to the authority that dominant castes have historically yielded, particularly over whose stories to tell and how to tell them. It is therefore with some trepidation that I recount empirical work from Haryana, at the risk of again reproducing serious power imbalances. And finally, I recognize the risk of writing about brutal violations against women in the Global South. Narrating such stories comes with the peril



of reinforcing congealed constructions of brutality and excess that fuse people with place.

## CONCLUSION

In January 2018, Haryana witnessed ten rapes in ten days, eliciting outrage (*Hindustan Times* 2018c). One of these cases involved two teenagers who went missing after their tuition classes. I was doing research nearby when news about this case broke, and along with activists and lawyers, I scrambled to go to the village and meet with the families of the missing teenagers. The young girl and boy belonged to different Dalit subcastes from the village. When we got there, the body of the girl had just been recovered from a water canal in another district. The postmortem report revealed that she had nineteen injuries on her body, and the medical examiner suggested that she had been gang-raped (*Scroll.in* 2018). Four days later, the body of the boy was found. The brutality of the rape and murders generated tremendous publicity, drawing local and state political figures to the village to console the family and offer support. A few weeks later, once publicity had waned, speculation about the teenagers began, suggesting they were in a relationship, had gone away together, and were kidnapped and killed by unknown persons. By this time, I had become familiar with the pattern of how this tragic story would unfold: the rumors, the police obstruction, the making and breaking of promises by the state, and over all of it, the immense grief of two families that had lost their children.

While this book recounts these stories based on empirical research in rural Haryana, the analysis that stems from it is not confined to Haryana but resonates in other parts of the country. The narrative of “false cases,” the impunity of police officers, the atrocities against Dalits, and the efforts to suppress women’s complaints are depressingly commonplace across India. The extensive scholarship by feminists in academic writing as well as in reports and fact-finding documents provides a dense and rich archive of this material.

My choice to look at sexual violation in rural Haryana, however, was deliberate. I wanted to understand what rape does to the complex web of thick relationships in village life. How does it animate structural relationships between castes? What does the claim of *marzi* in false cases do? And why does life after rape bother domestic sexuality? The pace of change in rural Haryana was, and continues to be, dramatic and tragic. In every interview, the changes in Haryana were expressed through helplessness, anger,



depression, and frustration. Familiar ways of life were giving way to the strange; old structures were being dislodged but were not necessarily being replaced by more open or equitable ones. The unrelenting struggle to make a living under conditions of neoliberal devastation saturated all the stories.

The following chapters on consent, compromise, land, and death all craft a landscape where the fallout from rape weaves together a wide range of issues. Land is evoked in stories of violation as the reason behind the violence. Land also allows those who have it to threaten and exert power over those who do not. Compromise for money, as one attorney said to me, has become a *dhandha* (business transaction), and one that the poor are often forced to engage in. *Marzi* (consent) anchors the false rape story, based on the narrative that women consented to the relationship. The specter of women's sexual subjectivity generates a broader narrative about women's immorality and functions to discredit them. Meanwhile, death gives credibility to the rape charge, while women who survive a rape are expected to live a social death.

Violence in this study was everywhere, not only in terms of the devastation experienced by the women who were raped, but also in the harm suffered by their families. Violence was not just evident in the spectacular, such as in the deaths that followed certain rapes, but also pervaded the mundane. Violence was evident in the brutal immiseration of the rural caused by the withdrawal of the state, and in struggles for caste power, featuring Jats seeking the restoration of their dominance by making violent demands to get reservation in the category of OBC. Violence was generated by attorneys and judges, by police officers and constables, and by families and communities who all suspected young women of uncontained, unruly sexuality. These women entered young adulthood shrouded with guilt and shame, bearing the charge that any unsanctioned feelings of attraction or love that they might have constituted proof of their immorality and corruption.<sup>18</sup> Violence was what Sanjay experienced when his mother and brother told him that he had ruined their family and devastated his mother's hope in him.

On the day we first met, Sanjay sat with his head bowed while his mother and brother talked about the case and the threats their family suffered.<sup>19</sup> They recalled how Sanjay's father and brother were taken to the police station and detained while efforts to find and capture the couple were underway. Police commonly detain family members as a tactic to pressure runaway couples into returning. Our conversation was interspersed with their accusations about Sanjay's irresponsibility, and stressed how his love affair had jeopardized their family. After a while, Sanjay and I were left alone to talk,



which was when I asked about his tattoo. While initially shy and reticent, after a while he talked about the case and his relationship with Kavita. He said they met while at school and would meet in secret when she went for her tuition classes. One day he brought Kavita flowers while they sat at the bus stop. His grief at what had transpired was etched on his face as he struggled with the loss of his relationship and the anger of his family. Toward the end of our conversation, I ask if the jail allowed tattoos. He looked up at me and said that it was not a tattoo. He said he had etched the letter *K* into his skin, using a splinter from a broom.

The last time I visited Sanjay and his family, his brother had called to ask if I could help him find a job. The family had spent a lot of money on the trial and Sanjay's father was no longer able to work. Sanjay's niece was almost a year old and needed clothes and medicines. It was late in the afternoon in winter and the sun was going down. Sanjay offered to walk me to my car. I asked what he planned to do and if he was looking for a job. He had remained quiet through my visit, barely speaking. I asked if he had heard from Kavita or her friend, and he said that he knew that she was now married.

We stopped on the side of the road, just before we reached my car. I asked if he were to see Kavita again, what would he say? In a quiet voice, he said he would ask, "mera saat kyu chorda?" This phrase literally translates to "why did you leave my side?" but means to convey betrayal. In her initial testimony, Kavita had said that she had gone willingly with Sanjay. She subsequently changed her statement twice, and in later testimonies claimed that she had been drugged and taken from place to place by Sanjay and his friend, and that they had both taken turns raping her. Sanjay had heard these horrific accusations in court; his plaintive question was directed at them.

As we reached my car, I felt like I should try to reassure him, and said, "App abhi javaan ho, mohabbat phir se ho gayegi" (You are young, and you'll fall in love again). He turned to me, and with quiet resolve, said, "Nahi hogi" (it will not happen).



## NOTES

### PREFACE

- 1 Bhimrao Ramji Ambedkar is widely considered the father of the Dalit movement in India, and was independent India's first Minister of Law and Justice and a chief architect of the Constitution. Savitribai Phule was a social reformer and educator, and along with her husband Jyotirao Phule, founded the first girl's school in India in 1848. She is regarded as one of the pioneers of Indian feminism. Bhagat Singh is regarded as a revolutionary fighter against British colonialism in India.

### INTRODUCTION

- 1 *Dalit* is the term adopted by those who were formerly known as "untouchable." Crafted by Dr. Bhimrao Ramji Ambedkar, the word literally means "broken people." India is home to over 200 million Dalits, and almost every village has a small, segregated section on the outskirts meant for Dalits. *Jat* refers to the dominant caste in Haryana, an agricultural community that has wielded political and economic power in the state for decades.

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- 2 The charge of kidnapping was deliberate. Prem Chowdhry (2011) writes that it is used in the case of minors because “it is an offence against the right of the parent from under whose guardianship the person is taken away. Consequently, in the case of a runaway woman, a kidnapping case is most often registered to prevent her from exercising her choice in marriage against the wishes of her parents” (299).
- 3 In 2013 several rape cases were treated as disputes by *panchayats* (village councils) across India, leading the Supreme Court to intervene. In several of these cases, the panchayat forced the girl to marry her rapist. See Deshpande et al. (2013).
- 4 In their study of dominant-caste violence against Dalits in Andhra Pradesh between 1989 and 1991, Vasant Kannabiran and Kalpana Kannabiran (2003) remark that a source of irritation and violence for the dominant caste, Tsundur, was that Dalit boys dressed extremely well (253).
- 5 I differentiate between the terms *rape* and *sexual violation*. I use *sexual violation* to indicate a range of violations of bodily integrity and *rape* to indicate the relatively narrow sociolegal category recognized in Indian juridical norms as a specific crime.
- 6 OBCs refers to a loose category of Shudra castes and subcastes, situated in the lowest rung of the Hindu varna, below the upper castes (Brahmins, Kshatriya, and Vaishya) but above Dalits. The OBCs are numerically significant, representing half the country’s population, and have been largely subordinated and marginalized.
- 7 Field notes, May 27, 2016.
- 8 I want to be clear that the Judge’s verdict to exonerate Sanjay of the rape charge did not stem from a consideration of caste politics that played out in the case. Rather, in my brief meeting with her, I realized that she did not want risk her reputation by participating in a deception. Several times in our conversation she emphasized that she was “strict,” an expression I understood to mean wanting to follow the “law.”
- 9 The names of rape victims in India are not revealed in an effort to protect their privacy. The young woman raped in December 2012 was named Nirbhaya, meaning “fearless one,” in the press and by her supporters, to acknowledge her brave struggle to survive her rape. She ultimately died from the injuries she sustained while she was raped.
- 10 Rate of crime is calculated by crime per one hundred thousand people.
- 11 Khairlanji is the name of the village in the Bhandara district of Maharashtra, India, where members of the Bhotmange family were brutally massacred in 2006. They were one of the few existing Dalit families who owned land and who had been able to acquire an education. They were allegedly killed in retaliation for a land dispute. The women of the family—Surekha and her daughter Priyanka—were paraded naked and gang-raped before they were hacked to death by members of the politically powerful Kumbi caste (which



- is classified as OBC). Priyanka's two brothers were also murdered in the attack.
- 12 Feminist scholars show how Dalit women have been misleadingly portrayed as “more equal” to men in their society, facing less restrictions and possessing more sexual freedoms than most dominant-caste women. Manuela Ciotti (2019) and Shailaja Paik (2018), among others, are critical of this framework. In my own empirical research and in the cases I followed, I found that the sexuality of young Dalit women was always closely guarded, pointing to the resilient patriarchy among Dalit households that Dalit feminists have long critiqued (Manorama 2008).
  - 13 The relationship was impermissible not only because it was intercaste—that is, between a Dalit woman and a Jat man—but also because it was endogamous, which was not allowed in the village.
  - 14 A First Information Report is a document police prepare when they receive information about a crime.
  - 15 These false testimonies are couched and also follow a predictable script, hence their recognition in court.
  - 16 There is a long history, documented by Dalit feminists, activists, and writers about the specificity of Dalit women's vulnerability to sexual violence from dominant-caste men. In her extensive empirical work, Anandhi (2019) explores the experiences of Dalit women resisting practices such as “dedication,” in which young Adidravidar Dalit girls were made sexually available to dominant-caste Naidu men (99).
  - 17 Srimati Basu (2015) writes that since the United Nations Decade for Women, women's police stations have been popularly conceived as institutions that could reduce gender-based crimes. Institutionalized in several countries, the assumption that they would reduce harm was based on an essentialized conception of women that imagines women would necessarily be more sensitive to female victims. However, ethnographies of these women's police stations, including my own experience in them, reveals that “policewomen in these units are unsympathetic to feminist approaches to gender violence and enact hegemonic gender and class ideologies” (192).
  - 18 In *Contentious Marriages, Eloping Couples* Prem Chowdhry (2007) remarks that within the peasant communities of north India, the “dominant morality does not expect emotional and erotic satisfaction in marriage and regards love and sexuality with distrust and suspicion” (2).
  - 19 Field notes, May 22, 2016.

## CHAPTER 1. CONSENT

Parts of this chapter were shared at the 2018 Religion and the Global Framing of Gender Violence Workshop, Columbia University, New York. An earlier version of the chapter was published as an article in 2020 as “Sexual