

Writer's statement: Before reading, please note that this article is very descriptive and triggering. It goes into heavy detail regarding rape, violence, and murder, so if any of these topics are out of the reader's comfort zone, please avoid reading further. Additionally, I would like to mention that I am incredibly proud to be of Indian descent. India is home to some of the most beautiful communities, religions, places, and people. Though this article focuses on a deep flaw within the country, it would be criminal to not mention that India is much more than the issues discussed in this article.

Rape, Religion, and Policy in India

India is a country of many cultures. It is a country of 122 languages, nearly 20,000 dialects, a wide array of religions, and states more distinct than European countries. However, a culture common among the almost 1.4 billion people is the one ignored by the pasty tourists holding Canon cameras (each of which cost the same as the Indian GDP per capita): “rape culture.” In India in 2021, an average of 86 women were raped daily, according to the National Crime Records Bureau's (NCRB) 'Crime in India 2021' report. India is often called the rape capital of the world, a phenomenon referred to as a “rape culture.” “Culture” is often synonymous with tradition, beliefs, values, and history; it is an agreed-upon social norm. How is it acceptable for a country like India, which prides itself in being the world's largest democracy, to have an agreed norm of rape? Along with democracy's promise of freedom, comes the guarantee of law and policy that protects and represents the people. Yet the Indian Supreme Court has chosen to continually uphold flawed principles from the partly outdated Indian Penal Code.

The act of rape is a weapon. It is an assertion of power and control. When speaking with Professor Shandilya of Gender Studies and Asian Civilizations at Amherst University, she summarized rape culture in India through three monumental cases, the Mathura rape case of 1972, the Nibhaya gang-rape case of 2012, and the ongoing Bilkis Bano case of 2002. These cases all expose deep inequalities within India, ranging from extreme poverty in Indian villages to Hindu-Muslim riots, it is clear that these rapes were symbolic of who truly has the power. They were, at the core, an act of war, from one side to another. What we know to be painfully true, through these crimes, is that India isn't homogenous. It is a country that's secularity can be beautiful, but the diversity has become a target by many, including the current political party in power.

Kaveri Murthy, an Indian gender studies and political science graduate and current teacher of history and political science acknowledges that: “what perhaps would be threatening to the norm in a state in North India would not necessarily be a threat to the norm in South India, but then what is acceptable somewhere in North India would not be acceptable in South India.” What holds this country together is

the government, headed by Hindutva (Hindu Nationalistic) Narendra Modi and his Bharatiya Janata political party.

Mathura was a tribal orphan girl living in Desaijanj, a village in the state of Maharashtra. She lived with her older brother and lived off of labor to keep food on her plate. She was a servant for Noshi, an older woman in her village when Noshi's nephew Ashok met her and decided to marry her. When Mathura's brother found out, he went to the police station and filed a complaint that his sister was kidnapped by Ashok. Their local police station issued a general investigation and called Ashok, his family, Mathura, and her older brother to the station. Once the investigation was over and everyone left, they requested that Mathura stay. The two police officers that were supposed to protect and fight for Mathura, raped her. She was only 14. Mathura's case was not unique. But what was unique was that Mathura went to the courts. Her case was first heard on June 1st, 1974 in a sessions court, and the police officers were found not guilty. Once appealed to the Bombay High Court, the decision was overturned and the police officers were given one and five years, respectively. But Mathura's young feminist probono lawyer, Vasudha Dhagamwar, knew justice for Mathura was not yet achieved. The Indian Supreme Court overturned the judgment of the High Court by three arguments. For one thing, Mathura did not verbally announce her non-consent. Secondly, her body was not bruised. And finally, Mathura did not pass the two-finger test. The degrading test required medical professionals to attempt to insert two fingers into a rape victim's vagina to see whether or not she was 'habituated to sex.' Murthy noted that "every single medical professional knew that this two-finger test was absolute bullshit. But it takes a while for these laws to change...and I know for a fact that that happened after Nirbhaya."

The Nirbhaya case is regarded to be the most brutal and vile rape case in the history of India, a country accustomed to gender-based violence, and it shook the world. Nirbhaya translates to fearless, and was used as the name of the victim, Jyoti Singh, during the trials as Section 228A of the Indian Penal Code prohibits the names of rape victims to be publicized. However, Jyoti's mother has told the media, "My daughter's name was Jyoti Singh and I am not ashamed to name her. Those who commit heinous crimes like rape, their heads should hang in shame, not the victims or their families." Jyoti Singh was headed home with a male friend after watching Life of Pi in theaters when they were coerced into entering an off-duty charter bus occupied by six male strangers. The bus driver locked the door and began driving off of the typical route, and when her friend asked what was happening, a fight broke out between the men, causing her friend to be hit on the head with an iron rod. Jyoti was violently raped by the men while the bus driver continued to drive around Delhi. After the attack, Jyoti and her friend were left to die on the side of a road. They were found by a passerby and the police rushed both of them to Safdarjung Hospital in Delhi and then Jyoti was flown to Singapore hospital 11 days later. She succumbed to her injuries two

days after arriving in Singapore. By communicating through signs and writing in the hospitals, she verbalized that she wanted justice.

This case was a groundbreaking wake-up call to India. It was handled with the most grace and speed possible by the Delhi police force, who identified the 6 men within 72 hours, had them tried, and eventually hanged them in March 2020. The Nirbhaya case's gruesome nature forced the Indian judiciary to make major changes in their precious, flawed Indian Penal Code. Professor Shandilya credits this to “the Indian feminist movement [which] has been very active since the Indian independence. It's been a very active voice...in getting policies changed and putting laws into place.” The outrage as a result of the Nirbhaya case directly led to the eradication of many different laws regarding rape. It most notably initiated the increase of jail time for gang rapists from 20 years to a lifetime.

Nirbhaya herself was upwardly mobile. She was a physiotherapy intern in Delhi and a Hindu. Though it isn't fair to say it is the only reason her case was talked about, her socio-economic status allowed her to be heard by all of India. But unlike Nirbhaya, Professor Shandilya believes a case that is “being pushed under the carpet, by the Indian media is the Bilkis Bano rape.” In 2002, a three-day long series of Hindu-Muslim riots occurred in the state of Gujarat while its Chief Minister was Hindu Nationalist current Prime Minister Narendra Modi. During the riots, a train car caught fire, burning 60 Hindu pilgrims inside. In a rage, while blaming it on the Muslims in the area, a Hindu mob set out to destroy, hurt, and eventually murder more than 1,000 people, most of them Muslims. Bilkis Bano was 19 years old and 5 months pregnant with her second child while traveling with her family from town to town, seeking shelter in mosques and running from the mob. On March 3rd, they were stopped by a group of 11 men. The men murdered her three-year-old daughter, and other family members and gang-raped her. Bilkis Bano's fight with the Indian Judicial system was long and painful. She was terrorized by police and state officials, her evidence was destroyed, she received death threats, and had to move her case to Mumbai because Gujarat's High Court would not consider her case. The first arrests were only made in 2004 and the rapists were released by August 15th, 2022. Professor Shandilya states that “Bilkis Bano is Muslim, and these men are Hindu, so it's part of the Right-wing agenda to release these men and exonerate them...the Nirbhaya case was resolved within five years and her perpetrators were punished and the Bilkis Bano case dragged out for 15 years and the perpetrators were still not punished.”

What does it mean for India now, to look at these cases and reflect on what as a society is needed to address this history of rape in India and what is needed to change? Professor Shandilya notes that “our main goal is to change men's minds about women... we need to break the taboo about talking about it

(sexual assault) and that people in power have to come up and say it.” But the person in power, Prime Minister Narendra Modi used rape culture to his benefit by incorporating his condemnation of it into his political campaigns, but there has been no action taken other than accusing other political parties of upholding it. However, the Bharatiya Janata Party’s approach to women’s rights has been problematic. According to Professor Shandilya, “the Hindu right as a whole has done a lot to... paint women as the goddess of the house and curtail women’s rights outside the house in the Hindu right ideological framework... The woman is the keeper of the sacred home, so to speak. Their attitude towards women is like, *Shut up and bear it.*” The Hindu Nationalists continually reference Sita, a character in the Hindu epic the Ramayana. Sita is the perfect, most pious wife. She lives for her husband, he is her god and her life. Within the same Hindu cannon is the goddess Kali Ma, who is the embodiment of warrior goddess Durga’s rage. Durga Ma herself is known to be the one being that is more powerful than the all-powerful god of destruction Shiva. We see in Hindu mythology that when Shiva’s wife is mad at him, she can destroy the entire world and he is left helpless. It is clear that, as Professor Shandilya says, “It’s not only Hinduism as a religion but how it’s being promoted.”

Change in perception of these situations must take place. Murthy states: “the dominant perception [is] that if you go complain about assault, the idea that the people at the police station are not going to be very kind to you, is a very real belief right now.” To change both the treatment of women, like Bilkis Bano, in police stations, as well as the general assumptions regarding what people think of police officers, is necessary. It will take these two-step adjustments within many institutions (law enforcement, education, hospitals, etc.) in order to emerge from this ingrained rape culture. Progress is being made, but fundamental advancements will only occur when atrocities do not need to occur for policy to change.