

## Chapter One: Introduction

The brutal gang rape of a 23-year-old paramedic student by a group of six men in a bus on 16 December 2012 in Delhi, which resulted in her subsequent death, evoked a firestorm of discourse on violence against women in India. Along with wide media coverage, there were widespread public protests, vigils, demonstrations and debates on violence against women in Delhi and other parts of the country. This combination of events propelled the issue of sexual assault to the centre stage of public discourse, forcing the state to re-examine the rape laws of the country. Christened “Nirbhaya” or Fearless by the media for her will to survive in the face of the egregious violence inflicted on her, Nirbhaya’s case marked a watershed, with wide-ranging changes to rape laws ensuing on the back of recommendations made by the Justice Verma Committee (JVC), constituted in the aftermath of the events surrounding Nirbhaya.

Over 30 years ago, another series of cases, but coalescing in particular around the infamous Supreme Court judgement on the “Mathura case”, had similarly shaken the political firmament and brought the issue of rape to the centre stage of public discourse. Mathura too had brought about large-scale legal reforms, through the 1983 amendments to the law on rape. While Mathura and Nirbhaya are significant landmarks, these are by no means singular events in the feminist struggle against sexual assault and rape.

In the intervening 30 years, fuelled by other incidents of violence, including those involving Bhanwari Devi, Bilkis Bano, Thangjam Manorama and Khairlanji, to name but a few, women’s groups have persistently sought to shape public discourse and influence law reform on sexual assault and rape (Kannabiran and Menon 2007). However, feminists have also not always spoken in one voice in making claims on sexual assault and rape, even from the early days of Mathura, with issues such as whether to shift the burden of proof in all cases of rape dividing feminists (Kumar, 1993; Menon 1999, 2004). More recent feminist claims making on sexual assault and rape have also been shaped by conversations and debates within and with those on the margins of feminist politics such as queer and dalit feminists.

While anti-rape mobilisations in India have had a robust history, domestic worker mobilisations from the 1980s remained sporadic and scattered until recently, when they gained momentum from the global mobilisations around the ILO Domestic Workers Convention no. 189/2011 (C189). Even so, domestic worker groups have made gains through important, if sporadic, laws to regulate the conditions of domestic work in a few states such as Kerala, Tamil Nadu and Karnataka.

This report seeks to address the question of when and why the state in India responds to women’s claims making by foregrounding mobilisations of women’s groups on these two issues: domestic work and anti-rape laws. In particular, it analyses the relationship between women’s claims making and laws and policies, especially focusing on the issues around which mobilisations take place, the processes and strategies of claims making by women’s groups, and the processes through which the changes in laws and policies occur. The report addresses these concerns at both a national level, as well as two subnational levels, Gujarat and Karnataka. The report also compares the differences and similarities in mobilisations, structural configurations, actors and coalitions between the two issue areas, and across the levels (national and subnational).

The report begins by laying out the conceptual framework and methodology to explain the processes of production of the research, as well as to locate the “field” of research. The conceptual framework draws on Mala Htun and Laura Weldon’s framework for analysing gender-egalitarian policy change as well as Nancy Fraser’s analysis of needs interpretation, multiple publics and representation (Htun and Weldon 2007, 2010; Fraser 1989, 2009). It is a qualitative research study based on both primary and secondary methods. Drawing on 62 interviews with key actors at both national and subnational levels, the research also relies extensively on the use of secondary material, which is particularly abundant on anti-rape mobilisations in India.

The first chapter documents and analyses around 30 years of mobilisations focused on violence against women, particularly engaging with mobilisations on sexual assault and rape laws and policies. It begins with the Mathura case, locating the changes both in the anti-rape mobilisations, and law and policies from then to the more recent mobilisations around the Criminal Law Amendment Act 2013. It also locates the particularities of the two subnational levels, documenting both differences and similarities between the national and subnational levels on claims making, highlighting issues that have consistently engaged feminist groups across the levels over the last few decades.

The second chapter examines mobilisations focused on domestic work in India. It locates the setting up of domestic worker–focused groups in the 1980s to the more recent proliferation of domestic worker groups as well as the interventions by domestic worker groups on C189, as well as mobilisations around a national law regulating domestic work. This chapter also examines the subnational level focused mobilisations, particularly those that target the machineries of subnational level implementation, whether these are “welfare” boards or minimum wage committees.

The third chapter compares and contrasts mobilisations between levels and between issues. Given the focus on the research on addressing the question of when and why states respond to women’s claims making on policy change, this chapter analyses whether the nature of mobilisations, and structural configurations influence the processes of policy change. There is also a small section outlining the question of unpaid care, and whether there are any mobilisations among the groups we have spoken to on unpaid care.

The overall argument that the report makes is that state responses to women’s claims making provide a complex and variegated picture of a non-linear, slow, sporadic and contingent process of policy change, with iterations and reiterations by women’s groups met over a period of time by non-responses, intermittent gains, reversals and wars of attrition by the state. Even so, there are differences in the relationship between claims making on domestic work and anti-rape and state responses on these issues. Domestic worker mobilisations have not had as long and consolidated a history as anti-rape mobilisations which is reflected in the nature of state responses—with policy change and law reform in domestic work remaining sporadic and scattered, whereas there have been widespread reforms in anti-rape laws, albeit with reversals as much part of the story as gains. Apart from mobilisations by groups on issues, which have been a key factor for policy change, other factors such as champions in government, mass demonstrations and protests, the openness (or lack thereof) of the policy process, the strength of networks are some of the other factors that determine when and why states respond to women’s claims making.