

TURNING TOWARDS THE BODILY SUBJECT

**THEORISING THE FIELD OF VISIBILITY IN
CONTEMPORARY INDIA**

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TURNING TOWARDS THE BODILY SUBJECT

**THEORISING THE FIELD OF VISIBILITY IN
CONTEMPORARY INDIA**

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Declaration

I, Nitya Vasudevan, do hereby declare that this dissertation titled **Turning Towards the Bodily Subject: Theorising the Field of Visibility in Contemporary India** contains original research work done by me in the fulfillment of the requirements for my Ph.D. degree in Cultural Studies from the Centre for the Study of Culture and Society and that this report has not previously formed the basis for the award of any degree or diploma in this or any other institution. This work has not been sent anywhere for publication or presentation purpose.



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Certificate

Certified that this dissertation titled **Turning Towards the Bodily Subject: Theorising the Field of Visibility in Contemporary India** is a record of bonafide study and research carried out by Nitya Vasudevan under my supervision and guidance. The report has not been submitted by her for any award of degree or diploma in this or in any other university.

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CHAPTER 1

The Public-ness of the Bodily Subject

Reading Visibility as Transaction

“In other words we want to tackle again the problem of composing one body from the multitude of bodies...”

(Bruno Latour 2005, 38)

Introduction

This thesis begins with the following questions: Why is it that we have witnessed, in the post-1990s era in the Indian context, a range of controversies, scandals and debates surrounding the sexual practices and the sexualisation of women? What will an analysis of these events then yield in terms of understanding the historical conjuncture that is the Indian contemporary?

In order to answer these questions, the thesis undertakes a symptomatic reading of the ways in which women’s bodies and sexualized practices “appear”, are “exposed”, “perform”, participate in acts of “shaming” or being shamed, are rendered “spectacle”, in the Indian context. In other words, the ways in which they *become visible*. The methodological impulse here derives from psychoanalysis – the concept of the symptom, as that which appears on the surface of the body as a way of dealing

with psychical processes underway in the unconscious, is one that the thesis uses to analyse how the bodily subject and its practices *become visible* in the public domain. It does this by arguing that the symptom, the frenzy around the sexualised body, does not derive from anxiety about sexualisation in and of itself (though it is indeed staged as only being concerned with this). This holds true for the law that regulates texts and acts, the media that reports on them, and the cultural groups and organisations that rise up either against or in defence of the sexualisation of the body. That is, the fact that the body appears in a sexualised form is not the origin or cause of the problem. Instead, the movement, or *transaction*, between the domains of private and public, and the anxiety produced by this movement in a time of dynamic change in the relationship between the state, capitalist production, and the subject of the state, are the origin of this concern. An analysis of the historical instances of publicly sexualised bodies becoming a “problem” therefore has the potential to offer an explanation of this changing relationship, and of the anxieties particular to this historical juncture.

The attempt therefore will be to examine the concept of *visibility* in relation to the *bodily subject*, locating both in terms of the *problem* termed ‘publicness’, ie. the condition of an utterance, a body, an act, being made public. The significance of visibility in this context derives from the difficulties involved in explaining why there seem to be such ‘public’ reactions to sex and the (female) body when they are usually thought of as relegated to the sphere of the private-intimate. The histories of these concerns in the domains of law, labour, politics, and technology also demand a re-examination of the field of visibility: How do we approach the question of censorship, of what can or cannot be seen, read, said, done in the public domain? What kind of

historical relationship has existed between technological change and sexual practice? How do social transformations manifest as public acts against women? What are the ways in which bodies and practices appear in the public domain and why do they appear so? And importantly, how does the question of “culture” get framed around these appearances? These are all questions that perform the task of locating the female body and sexualized practice in the *field of visibility*, a field of objects that are deemed to be ‘of public interest’.

The argument that the thesis makes operates at two levels – a) The first claim is that visibility is a *transaction*. It is not a static condition, it involves the movement of bodies, objects and texts between private and public states of being and domains of existence. The etymological meaning of transaction is ‘to drive through’. The field of visibility then is a field of transactions, and this is established through an analysis of the ways in which the bodily subject *appears or becomes visible*; b) the second claim is that this movement between private and public domains—which takes place through the various modes of becoming visible (appearing, performing, exposing, shaming, seeing, posing)—produces an anxiety deriving from the relationship between the state’s category of “public interest”, the economic and social processes of privatisation that are taking place at the current moment, and the aforementioned condition that is bodily public-ness. Anxiety, here, is used with specific reference to its Freudian meaning. It is not the same as ordinary fear, which is connected to a perceived danger, most of the time concrete and immediate. Anxiety is a form of neurotic fear, and exists without any perceivable and immediate external danger. I argue that the sexualised body itself, staged as the “danger”, is not the source of

anxiety. It is the movement between the public and private domains that produces this anxiety.

An Explanation of Key Terms

I. Public interest, privatisation and publicness: The first of these terms is a category employed by the state and refers to what the state considers to be “of public interest”. It is a category that connotes the formation of the nation-state, since it is of a different order from both “public order” and “public morality”, which were both employed by British officials and judges in governing their colonial subjects. ‘Public interest’ immediately implies the system of democracy and a legal order that is supposed to consider the “interest” of the public as a collective entity¹. The phrase appears in most of the Acts included in the Constitution, and so recurs in legal judgments and government discussions. For example, one of the ways in which citizens can approach the courts is by filing a Public Interest Litigation (PIL). The category is central to the language through which the state locates the bodily subject and its sexualised practices. These practices only appear before the state when they are examined to see if they oppose public interest. The thesis is interested in how this supposedly straightforward and state-employed notion of public interest is disturbed by its relationship to, a) processes of privatisation, and b) sexualised bodies appearing in the public domain.

¹ A random survey of legal cases before and after Independence shows that the term does not occur before the drafting of the Constitution. Other phrases like “in the interests of public justice” and “for the public good”, or, as mentioned above, “public order” and “public morality”, occur frequently in legal cases during the colonial period. The idea that the public has its own interests, that need to be safeguarded, appears co-terminously with the birth of the Indian nation-state.

“Privatisation” refers to the ways in which economic privatisation translates into and seeks to organise individual/collective behaviours and desires. It is related to the question of why private lives become more visible at this historical juncture, and how this is tied to economic transformations. Media studies scholar Sahana Udupa gives us a sense of this when she argues that the birth of a new kind of citizen figure who could demand redressal from the state was preceded by certain shifts:

First was the growing salience of the “governance” model in international forums, which permeated policy circles with its attendant vocabulary of transparency, efficiency, accountability and participation, as opposed to top-down models of control and pedagogy. Newspapers such as *Times of India* interpreted this as a call for greater privatisation, not only in state services, but also in a broader sense of urban renewal, when cities like Delhi and Bangalore were poised to realise the dream of global India by successfully becoming global cities of the third world with impeccable physical infrastructure and impressive “service delivery”. Citizens were celebrated as active agents demanding efficient delivery of services (Udupa 2014, 14).

Notions of privacy², “personal autonomy”, responsibility³, transparency, freedom are all part of this process of privatisation. How these notions grate against older political

² The right to privacy has occupied feminist scholars for several decades now. In the history of feminist jurisprudence, it has meant both the right of family life to be protected from state interventions, resulting in the law’s blindness to domestic violence and marital rape, as ‘private’ affairs; and in more recent times, it has meant the woman’s right to privacy as an individual, her right to be protected from violations of her privacy through stalking and circulating videos or photos of her without her consent. The right to privacy is also now at the centre of the LGBT struggle against Section 377, the anti-sodomy law. The Delhi High Court judgment of 2009 was celebrated for turning the idea of privacy into “personal autonomy”, the “right to be left alone”. See Naz Foundation vs Government of NCT of Delhi, 2 July 2009. <http://www.indiankanoon.org/doc/1801037/> - Accessed as on 10 August 2009.

³ This refers to the idea that the ‘citizen’ is no longer merely the recipient of the state’s welfare, but plays an active part in governance and in political processes. He/she demands information through the Right to Information Act (2005), participates in protests against corruption, organises clean-up-the-

and social structures, or seek to displace them, is what the following chapters will try to examine. In relation to the questions posed above, we ask why it is that we find a heightened public concern around the private and sexual lives of individuals in the last two decades.

The last term, “public-ness”, refers to sexualised texts, bodies and acts becoming visible in the public domain. In this, we simultaneously draw on and move away from the work of Jürgen Habermas, in which the term public-ness is seen as having shifted from “display” and “visibility” attached to the person of the manorial lord in the High Middle Ages, to a form of subjecthood in relation to the modern state, i.e. a shift from the ‘publicness of representation’ to a ‘representative publicness’:

...It was no accident that the attributes of lordship, such as the ducal seat, were called “public”; not by accident did the English king enjoy “publicness”—for lordship was something publicly represented. This *publicness* (or *publicity*) of *representation* was not constituted as a social realm, that is, as a public sphere; rather, it was something like a status attribute, if this term may be permitted.... The concept of representation in this sense has been preserved down to the most recent constitutional doctrine, according to which representation can “occur only in public ... there is no representation that would be a ‘private’ matter.” For representation pretended to make something invisible visible through the public presence of the person of the lord.... Representation in the sense in which the members of a national assembly represent a nation or a lawyer represents his clients had nothing to do with this publicity of representation inseparable from the lord’s concrete existence, that, as an “aura,” surrounded and endowed his authority (Habermas 1991, 7).

streets campaigns and demonstrations, and participates in a re-imagining of political process, whether by actually joining parties or setting up online groups and forums.

Habermas is here trying to trace the point of origin of the separation between public and private spheres, a separation he finds missing in the High Middle Ages. Publicness, for him, became institutionalised through the development of organs of public authority, which controlled the public budget, the military and the bureaucracy. Religion, meaning the church, was “privatised” and existed under public law along with other “corporate” bodies.

In the framework the thesis produces, publicness is not detached from the body and forms of display and visibility. The above distinction, between a seemingly *superficial* (etymologically meaning “of or relating to a surface”) publicness embodied by the lord, and the representative function that it then plays in the context of the modern state, obviously belongs to the history of England. It is made in the context of the division between monarchy and the modern state, between estates and lordship on the one hand, and the birth of public law on the other. The question raised at this point is: What is the relationship between publicness and representation in the Indian contemporary? If publicness is seen as forms of display and bodies becoming visible in the public domain, how does it then relate to the representational logics of the modern nation-state and its mechanisms? What is useful in Habermas’ argument on publicness is his observation on the work that representation is supposed to do, to render visible the invisible. I argue that the above-mentioned *modes of becoming visible* are disturbing to the formal representational logics of statehood. Yes, representation still remains that which can “occur only in public”. But public-ness, for us, is something that exists beyond and even outside of the formal/ideal workings of modern statehood. Bodies and sexual practices are not always rendered public in ways

that are legitimately part of a public sphere. I argue that what remains private and what becomes public forms the basis for democracy as a political system, for representation as a political mode, and for the discourse of culture that is a product of ‘our’ modernity. What visibility does as a transaction, in the instances that the thesis examines, is to “out” the logics of representation itself.

II. Visibility: The thesis re-works the commonsensical and Lesbian, Gay, Bisexual, Transgender (LGBT) rights-based notion of visibility to make it function as a theoretical concept. It is distinguished here from *visuality*, which derives from the body of scholarship on visual culture and aesthetics; visibility derives from the commonsensical usage of someone/something being visible and from the invocation of *presence* in progressive political movements.

To ask a set of basic questions that complicate the meanings attached to visibility: Is the body most censored when it is there or when it is not there? Is the body most acceptable when it is visible or invisible? Consequently, does the visible body necessarily always represent the legitimate or unproblematic body? As mentioned earlier, I am interested in different modes of becoming visible. The act of *seeing* is central to censorship as a regulatory mode. *Exposure* takes place through the media, and through acts of both protest and humiliation. The act of *shaming* derives from the cultural histories of bodies revealing themselves and being revealed in the Indian context. The *performing* body is embedded in the combine of entertainment, pleasure and commerce. *Visible (female) labour* becomes a problem for the state and the media in very specific ways. The body that *poses* online is simultaneously public and private, simultaneously “of” modernity and commenting on it. These modes of visibility, all of

them involving moments of disruption or disturbance, work in the thesis to reveal the anxiety produced for the state, the courts and the media, when something becomes public.

III. Bodily subject: To explain why the thesis turns to an examination of a “bodily” subject, as opposed to, say, a “sexual subject”, we return to the above-mentioned idea of public-ness, as that condition of being or becoming “public”, of crossing between the realms of the private and the public. The bodily subject, as a concept, connotes manifestation, and appearance. Even matters of sexual practice or sexualisation manifest in the public domain only through bodily subjects. In this sense, the bodily subject is the only way in which the crossing over that takes place between private and public realms can be analysed. The areas covered by the chapters indicate various kinds of bodies – the textual body in the case of censorship (Chapter 2); the virtual, non-material or ‘unreal’ body in the case of technologies of pleasure (Chapter 6); the sexualized performing body of the dancer and the hijra (Chapter 3); the working body in the spaces of factories and call centres (Chapter 5); and bodies that become spectacle in the event of appearing naked in public (Chapter 4). The body seems to sit at the centre of the problem of publicness, since it consolidates *appearance, image, materiality, and practice* in the way in which it enters the field of visibility *as a concern*. As Foucault argues, “nothing is more material, physical, corporal than the exercise of power. What mode of investment of the body is necessary and adequate for the functioning of a capitalist society like ours?”⁴ Here I am not only interested in how the body is located by power, but in how the public appearance of the bodily

⁴ In an interview with the editors of *Quel Corps?*- See “The Body and Power”, <http://www.generation-online.org/p/fpfoucault6.htm>. Accessed as on 10 January 2014.

subject reveals the tensions between public and private, collusions between state and market, and most importantly, the relationship between culture and politics in the Indian contemporary.

One argument that is important to make here is that the body is not dissected from subjectivity. There is no pure body around which there is anxiety. This anxiety is always connected to subjectivity, whether of the person whose body it is, or the person who is approaching this body, looking at it, touching it, harming it, caressing it, having sex with it. At the same time, it is not as if there is a free-floating subjectivity that precedes and transcends the body. Tropes of degradation, demoralization, excess and desire, are all tied to bodies and how they perform. This is why the body is also always a transactional space, at the same time constituting the relationship to the self and self-image. The thesis does not use the term “subjectivity” and instead chooses the term “subject” in order to examine the relationships these bodies have with governments, the courts, economic systems, the media and the family as an institution, i.e. their relationship to the structural. But the idea of subjectivity is implied in this relationship, and emerges most strongly through the notions of anxiety, concern, and interest.

IV. Anxiety: In his “General Theory of the Neuroses”, Freud differentiates between what he calls “real fear” and “neurotic fear”. Real fear is that which recognises a particular and concrete external danger and reacts to it. Neurotic fear involves no such concrete connections between an external danger and a reaction. Anxiety is a form of neurotic fear:

The third form of neurotic fear confronts us with an enigma; we lose sight entirely of the connection between fear and threatening danger. This anxiety occurs in hysteria, for instance, as the accompaniment of hysteric symptoms, or under certain conditions of excitement, where we would expect an emotional manifestation, but least of all fear, or without reference to any known circumstance, unintelligible to us and the patient. Neither far nor near can we discover a danger or a cause which might have been exaggerated to such significance. Through these spontaneous attacks we learn that the complex which we call the condition of anxiety can be resolved into its components. The whole attack may be represented by a single intensively developed symptom, such as a trembling, dizziness, palpitation of the heart, or tightening of breath; the general undertone by which we usually recognize fear may be utterly lacking or vague (Freud 1920, 346).

The symptoms of the anxiety caused by visibility as a transaction in the Indian context, then, do not result from an immediate and concrete danger posed by a sexualised body. They are not attached to “real fear”, which is of the moment and self-contained. They derive from shifting dynamics between the state, the system of capital, and the subject, these dynamics leading to eruptions *on the surface*, in the form of events, attempts at regulation, and controversies/scandals in relation to the bodily subject.

Now that we have laid out the key terms in the thesis, let us move into the question of why it is the post-‘90s period that we are invested in examining.

Turning on Time: Why We Study the Post-‘90s Era

The last two decades in India, following the liberalisation of the economy in 1991, have been described as a time of transformation – this description of it is reflected in media reports, political rhetoric, economic policy, cultural texts, academic scholarship and public debate. From the debates around films like *Bandit Queen* (1994)⁵ and *Fire* (1997)⁶, and the protests against the Miss World beauty pageant (1996)⁷; to the ban on dance bars in Mumbai (2005)⁸, the controversy surrounding Tamil actress Khushboo’s remarks about pre-marital sex (2005)⁹, the DPS MMS scandal (2004)¹⁰,

⁵ This is Shekar Kapur’s 1994 film based on the life of dacoit Phoolan Devi. A censorship case was filed against the film by a member of the Gujjar community, the community to which Phoolan’s rapists and tormentors belong. He claimed that the film hurt the sentiments of his community and also degraded women through its violent and sexually explicit scenes. See Bobby Art International, Etc vs Om Pal Singh Hoon & Ors, 1 May 1996 (Supreme Court of India).

<http://www.indiankanoon.org/doc/1400858/> - Accessed as on 27 March 2012. Phoolan Devi herself filed a case against Shekhar Kapoor, seeking an order barring him from exhibiting the film publicly. She claimed that the film violated her privacy and was also released without her consent. See Phoolan Devi vs Shekhar Kapoor and Ors, 1 December 1994 (Delhi High Court).

<http://www.indiankanoon.org/doc/793946/> - Accessed as on 08 March 2014. It is useful to note here that while she argued for a right to privacy, the defendant’s lawyer argued that “once a person comes under public domain then he cannot claim privacy” (1994, 5). It also needs to be noted that while the case filed by the Gujjar community member was won by the film producers, Phoolan Devi won her case and got an injunction against the film being screened.

⁶ The release of Deepa Mehta’s film *Fire* is seen as a landmark in the history of the LGBT movement in India. The film’s protagonists were named Radha and Sita, and this provoked members of the Shiv Sena in Bombay to physically attack movie theatres and interrupt screenings of the film. The charge was that the film, on a theme as ‘alien’ and ‘Western’ as lesbianism, had dared to criticise Hinduism and Hindu practices. Lesbian groups came into being around this event, and lesbian women protested against the Shiv Sena, holding placards that read “Indian and Lesbian”.

⁷ Protests erupted in Bangalore in November 1996, against the Miss World beauty pageant scheduled to be held at the Chinnaswamy Stadium. What was curious about the protests was that they brought together members of very different kinds of organisations – women’s groups, farmers’ associations, and the Hindu right, all came together under the name Federation of Opponents to Miss World Contest.

⁸ In 2005, the Maharashtra government declared a ban on women dancing in bars to earn their livelihood. This was followed by the formation of the Bharatiya Bar Girls’ Union, which fought the case alongside the Indian Hotel & Restaurant Association (AHAR) and several women’s groups. They won the case and the ban was lifted in 2006. See Indian Hotels and Restaurants Association and Anr vs The State of Maharashtra Through the Hon’ble Minister, 12 April 2006.

<http://www.indiankanoon.org/doc/1434517/> - Accessed as on 27 March 2012.

⁹ Khushboo, in an interview about safe sex, said that young men should stop expecting their brides to be virgins and that young women should be careful when they engage in pre-marital sex. This sparked major outrage amongst members of Tamil Nadu’s political parties and cultural organisations, and cases were filed against the actress. These were dismissed by the Madras High Court.

¹⁰ This scandal involved two students of Delhi Public School (RK Puram), who made a sex clip. This clip was then put into circulation and was offered for sale online by a student of the Indian

the charges brought against painter MF Husain (2006)¹¹; to the Mangalore pub incident (2009)¹², the Delhi gang rape (2012)¹³, and the spate of sexual harassment/molestation cases that have come to light (2012-13)¹⁴; to the legal struggle against Section 377, culminating in the Supreme Court judgment in December 2013¹⁵, the last two decades have been witness to a number of events, involving questions of sexual practice, obscenity and the female body, that have erupted into the public domain. As mentioned before, they take the form of scandals, exposés and controversies, almost all of them involving the two institutions that seem to have become hyper-visible in the present moment – the law and the media.

One commonsensical explanation for the above-mentioned events is that India, as a non-Western nation, has been and is inherently less “open” when it comes to matters of sexual practice and sexualisation. Therefore, it is argued, the “opening out” of the Indian economy in 1991, and the ensuing cross-over of ideas, goods and practices

Institute of Technology (Kharagpur). When the clip was discovered by the police, charges were brought against the IIT student and Avnish Bajaj, the CEO of Baazee.com, the website on which the clip was sold. See Avnish Bajaj vs State (N.C.T) of Delhi, 21 December 2004. <http://www.indiankanoon.org/doc/1308347/> - Accessed as on 27 March 2012.

¹¹ In Chapter 2, we deal with the charges brought against Husain’s painting “Bharat Mata”, for hurting religious and national sentiments and being an obscene representation.

¹² A group of young girls in a pub in Mangalore were physically attacked by members of the organisation Sri Ram Sene, on 24 January 2009, for engaging in activities that were alien to Indian culture and how Indian women should behave. The humiliation of the attack was compounded by the presence of the media, which did nothing to stop the attackers but instead caught the entire incident on camera and broadcast it on national television.

¹³ On 16 December 2012, a young woman travelling with her male companion boarded a bus in the Munirka area of New Delhi. She was then gang raped by six men aboard the bus, which was otherwise unoccupied. They left both her and her companion seriously injured and close to death on the side of the road. She died on 29 December 2012. The rape and her death were followed by the largest protests against sexual violence in the history of India. Around 40,000 people took to the streets of Delhi and there were protests in many cities and towns across the country.

¹⁴ This refers to the molestation charges brought against Tarun Tejpal, former editor of *Tehelka*, in 2013, and the sexual harassment charges made against Supreme Court judges AK Ganguly and Swatanter Kumar in 2013-14, by young lawyers who worked as their interns.

¹⁵ The petition to repeal Section 377, the section in the Indian Penal Code (IPC) that criminalizes carnal intercourse against the order of nature, was filed in 2001 by the Naz Foundation. The Delhi High Court declared the section unconstitutional in its judgment in 2009, but the Supreme Court dismissed the ruling of the Delhi High Court in its verdict in December 2013, thus reinstating Section 377 in the IPC.

from “the West”, invokes ‘cultural’ reactions which take the form of scandals, attacks, controversies and public debates¹⁶. This explanation falls into the trap of assuming that culture, as a realm of experience and practice, naturally resists change and transformation of any kind. In order to make this assumption, the above explanation also needs to assume that the public sexualisation of the body and the anxiety this produces, are “new” to this context, and do not derive from histories of concern with the body and its practices.

Another common explanation for these events points at the growth of the media in the present era as the cause. A picture emerges of a period of sheer breathlessness, with images, opinions and ideas being produced and circulated at a relentless pace, beyond the control of the state and its mechanisms. The fact of circulation itself then stands in as explanation, as if these events are inevitable in the face of it, as if things will necessarily “come to light”. Here we still do not understand why it is the sexualised body that becomes the focal point of these events, nor are we told what it is, besides circulation itself, that is being produced in these historical moments.

We stop here to first question the givenness of how we understand a scandal/controversy, and to move away from how it is framed in journalistic

¹⁶ “Hardly a week goes by without a financial scam or a sexual offence hitting the headlines. Lurid stuff about sexual offences, heinous crimes and scams is retailed by politicians and the media, causing mass anxiety. There is a feeling that something is rotten in the state of the Republic. Perception matters in politics and thus a few months before the national elections, the people are hankering for change. ... The sexualisation of culture by Bollywood, the media and the fashion industry has followed economic liberalisation. An occasional conservative backlash cannot curtail the insatiable demand for soft-porn and beer bars. ... Transitions and disruptions are changing relations between generations, between genders, between classes and between religious groups. It is not just a simple conflict between tradition and modernity that sparks occasional violence. The situation is more complex because contradictory economic, moral and social trends have surfaced simultaneously. India has become an excellent laboratory for studying change” (L K Sharma 2014). See “Moral panic in India”, *openDemocracy*, 20 January 2014 – <http://www.opendemocracy.net/openindia/l-k-sharma/moral-panic-in-india>. Accessed as on 06 March 2014.

reportage. What is a controversy? How does it act and what does it signify? What is the structure that produces it? Do these eruptions follow from, or cause, anxiety? Is it possible that an event that claims to be about sexuality or sexualisation is in fact precisely not about it at all? The thesis, in attempting to analyse these events, will examine the form that is the “eruption” or the “scandal” or the “controversy”. For instance, can it be argued that the idea of “corruption”¹⁷, that has taken centre-stage position in the post-millennium era, has shifted from simply denoting the misappropriation of public funds by state officials, to becoming *a form*, that is, the form of all that has not yet been revealed? Is the contemporary then *organized* around this form of revelation, of exposure?

One of the features of this turn-of-the-millennium era is the sudden sharpness of the *discourse of temporality*. The ‘90s as a decade presents an intensification of the rhetoric on past, present and future. For example, the Babri Masjid demolition and the debate on Ayodhya (1992) involved the invocation of a Hindu past, and events took place with reference to this imagined past. The 2012 controversy surrounding what is now called the “Ambedkar cartoon” produced a debate around representations and the place they occupy in histories of caste humiliation and bonded labour. The past, in these two instances, becomes that on which the present *turns*.

¹⁷ Corruption, as a practice, has always existed in public consciousness in the Indian context. It took centre stage with the coming into being of what is now called the Anna Hazare campaign (2011), which demanded the passing of the Jan Lokpal Bill to enable the setting up of a body comprised of non-state actors who would ensure that corruption came to light and was eradicated. Anna Hazare is a social activist whose political method recalled the Gandhi cap and the hunger strike. Young people from all over the country found themselves drawn to this campaign and they actively participated in protests and sit-ins, demanding transparency in the way their governments functioned. Conflicts then arose between Anna Hazare and other members of the campaign, the latter then breaking off to form the Aam Aadmi Party (AAP), which in 2013 formed a minority government in the Delhi legislative assembly election.

The early twenty-first century then finds ‘India Poised’, readying a set of projects and articulations that seem to look towards the future and reach for it, leaving behind the conventions/knowledges/structures of the past¹⁸. A 2007 *Times of India* campaign ad has Hindi cinema star Amitabh Bachchan delivering the ‘India Poised’ anthem:

There are two Indias in this country. One India is straining at the leash, eager to spring forth and live up to all the adjectives that the world has been recently showering upon us. The other India is the leash.... One India leads, the other India follows. Conversions are on the rise. With each passing day, more and more people from the other India are coming over to this side, and quietly, while the world is not looking, a pulsating, dynamic new India is emerging. An India whose faith in success is far greater than its fear of failure. An India that no longer boycotts foreign-made goods, but buys out the companies that make them instead. History, they say, is a bad motorist, it rarely ever signals its intentions when it’s taking a turn. This is that rarely ever moment. History is turning a page. ... now, in our 60th year as a free nation, the ride has brought us to the edge of time’s great precipice....¹⁹

(Amitabh Bachchan, *Times of India* campaign, January 2007)

What emerges from this ‘anthem’ is not only the celebration of an India that buys foreign companies instead of boycotting their goods. This is also the “rarely ever” moment, in which the making of history becomes *apparent* to us. Futurity as a condition is seen here as unmooring the project of modernity from the ‘narrow’ frame

¹⁸ Conventions in the sense of certain things being relegated to ‘tradition’, as old-fashioned and regressive; knowledges refers to the practices that are not recast in forms that are acceptable to the regime of progress. For example, Ayurveda has been recast in such a shape, while midwifery has not; ‘structures’ refers to, for example, structures of distribution and production, that have had to change with economic liberalization that the nineties have seen – distribution of knowledge, information, products and services.

¹⁹ See <https://www.youtube.com/watch?v=MtItWdN2Cs8> for the full video. Accessed as on 05 March 2014.

of welfarist nationalism towards a frame in which the citizen is the significant actor, not the state, and the nation itself is an aspiring individual straining at the leash, waiting to fulfill the potential dreamed up for it within international formations like BRICS²⁰.

The above examples offer two different ends of a spectrum, one occupying the space of ‘pastness’, with divergent claims being staked on ‘history’; and the other involving a claim on the future, the history that is to be made. But we cannot here reproduce the binaries in which ideologies and practices are placed – tradition and modernity, past and future, Indian and Western, regressive and progressive. The discourse of temporality emerges in an enunciative present (Bhabha 1994)²¹. The thesis will therefore be conscious of the workings of ‘time’ within various articulations, instead of simply taking the present as is. The present will be an enunciative (and enunciated) present, and the discourse of temporality within it will be read symptomatically, as occurring and working in and through the present.

Returning to the question we started out with, in this context that is charged with the idea of time and transformation, how do we begin to understand the events listed? The thesis will attempt to write a history of the present. This is differentiated from other approaches to history through its consistent drawing of historical material into an understanding of the contemporary. Indeed, the term “contemporary” already carries the burden of history within it, so the central methodological concern of the thesis is

²⁰ BRICS – Brazil, Russia, India, China and South Africa – is a formation set up in 2006, comprising of five emerging national economies. These are set apart from the US, the EU and the UK by being developing countries with fast-growing economies.

²¹ “The present can no longer be simply envisaged as a break or a bonding with the past and the future, no longer a synchronic presence: our proximate self-presence, our public image, comes to be revealed for its discontinuities, its inequalities, its minorities” (Bhabha 1994, 6).

this: how can historical events be made to speak to what is happening in our 'present'? Drawing on both the inter-disciplinary approaches of Indian cultural studies scholars who have instituted new *ways of reading* and provided frameworks within which different forms of material are brought together to produce explanations of events and practices; and psychoanalysis as providing a method through which to read the contemporary moment, the thesis creates its history of the present through a reading "off the surface", in order to produce an argument that the anxiety discussed above derives from the movement between the public and private domains. This 'surface' includes case law and the texts of judgments (ranging from the colonial era to the present), media reports, government discussions, interviews, academic scholarship, and literary texts. I attempt a symptomatic reading, one that sees these events, eruptions and practices (censorship practices, regulations of performance, nude protests, the concern surrounding women working at night, the translation of online practices to make them publicly recognisable) as 'symptoms' of the tensions between state, capital and subject, between modernity and democracy, in 'our' time. Partha Chatterjee reads the tensions between modernity and democracy as being caused by the challenges that "political society" poses to the project of modernity. Political society, here, derives from "the line connecting populations to governmental agencies pursuing multiples policies of society and welfare" (2004, 37). He goes on to say,

The proliferation of activities in this arena of political society has caused much discomfort and apprehension in progressive elite circles in recent years.... The complaint is widespread in middle-class circles today that politics has been taken over by mobs and criminals. The result is the

abandonment—or so the complaint goes—of the mission of the modernizing state to change a backward society. Instead, what we see is the importation of the disorderly, corrupt, and irrational practices of unreformed popular culture into the very hallways and chambers of civic life, all because of the calculations of electoral expediency. The noble pursuit of modernity appears to have been seriously compromised because of the compulsions of parliamentary democracy (2004, 47-48).

The thesis brings the following question to this tension between modernity and democracy: What does public-ness, and the body-collective referred to as ‘the public’, mean for modernity? The ‘public’, as a body of people who participate actively²² in processes of governance and systems of representation, wholly belongs to democracy as a political system. It situates itself *in between* the citizen and the population²³, in between the universalism of modern sovereignty and nationhood, and the particularity of governance. It is both a body that is imagined, and one that is called upon to act.

The *problem* the thesis is trying to address is therefore this: What explains this particularly public interest in, focus on and frenzy around the sexualised body and its practices in India since the beginning of the 90s? And what will an explanation of this provide us, in terms of understanding the relationship between modernity and democracy in the contemporary? In other words, what hinges on this public focus on the sexualised bodily subject?

²² Unlike during the colonial period, when it was to be governed but was not called upon to participate in the formation of the nation-state.

²³ Chatterjee’s work continues on from the work of the Subaltern Studies project, which read subaltern populations as an active political force in the Indian context, to undo the existing Marxist division between the pre-political peasants and the political proletariat.

Interrogating the Notion of “Moral Panics”

As laid out in the previous section, the two decades since the beginning of the ‘90s have seen a proliferation of discussions on sex and the gendered body in many arenas.²⁴ How does one then begin to address these discussions without casting them as radically ‘new’ (this turning into the kind of historical reading that renders all that went before it as fixed and as categorically different) or without giving in to the logic that claims that the present is witnessing a kind of sexual liberation, a freeing of the ‘sex speech’ and the ‘sex act’ from the various “cultural” restrictions that forced it to remain within a realm of secrecy²⁵? The present moment is also witnessing a set of disturbing trends in relation to sexual or sexualized practices in the space of the public²⁶. As mentioned before, in 2014 we are witnessing the legal battle over the

²⁴ Sports (the Santhi Soundararajan gender test controversy in 2006, the Pinki Pramanik rape charge and gender test in 2012); cinema (obscenity charges against or violent incidents surrounding *Fire* (1998), *Bandit Queen* (1996), *Kama Sutra* (1996), *Elizabeth* (1999), *Khalnayak* (1993), or controversies around film personalities like Khushboo); cultural-political action and rhetoric (the Shiv Sena’s attacks against *Fire* (1998), the Sri Ram Sena’s statements against obscene culture (2009), the BJP’s stand against homosexuality in 2014), lifestyle magazines and media coverage (sex surveys that began in ‘91, annual issues on sex in cities), advertising (Kamasutra condom ads, the Tuff Shoes ad, the introduction of Virgin Mobile ads, which have had a history of controversy in Britain), sex education (state governments’ decisions on the inclusion or the ban of sex education in schools and the feminist response to this), pornography (the DPS MMS sex clip in 2004 and following scandals, the ban on the porn cartoon Savita Bhabhi in 2009, the incident of two ministers watching a porn clip during an assembly session in 2012), AIDS awareness campaigns (NGO explosion in the late 80s and early 90s, and a growing focus on AIDS); LGBT politics (legal petition against section 377, lesbian suicides, state legislation on gender and ID cards, hijras contesting elections); and godmen (Swami Nithyananda in 2010; Sai Baba in 2002; Asaram Bapu in 2013)

²⁵ Andre Beteille reads the difference between ‘peasant’ communities and the more complex and differentiated developed societies is that between secrecy and privacy. “The respect for privacy is a social fact but it is not equally developed in all societies; where it is poorly developed, as in peasant communities, what is commonly encountered is secrecy rather than privacy” (Beteille 2003, 38). This sentence is quite remarkable because through its grammatical structure, the peasant community becomes the poorly developed society, when it is actually only privacy that is (supposedly) poorly developed in it. The only reading of this that might not immediately fall into the logic of ‘time and the other’, is that if privacy as a way of organizing desire and a remapping of practices is tied to developmental discourse, then the law’s engagement with ‘secret’ activities can be seen as symptoms of this union of privacy and development.

²⁶ The 2005 ban on bar dancing in Mumbai, the harassment of couples in parks in Meerut, the attacks on shops/women on Valentine’s Day, the spate of arrests and evictions of hijra sex workers on charges of soliciting, the increased police surveillance of cruising areas in Bangalore, what has now come to be called the Mangalore Pub incident, the harassment of Hindu-Muslim couples or interactions in coastal Karnataka.

anti-sodomy law coming to a head post the Supreme Court judgment refusing to read down Section 377, the British law rendering “unnatural” sexual acts illegal. The demand being made by LGBT activists is that all private consensual sexual acts between adults be declared legal. The counter-argument to this (from within the LGBT community itself) is of course that this demand does not take into account sexual acts or gender performances that are in their essence public in nature. The contestations involving public space are therefore now more than ever demanding that they be explored in relation to anxieties around the gendered and sexualised bodily subject.

We now turn to an existing framework that seeks to explain what it sees as the eruption of controversies related to sex and the sexualized body into the public domain, through the idea of “moral panics”. This is a term that was first used in Britain by sociologist Stanley Cohen to explain the media reaction and public discussions around “youth disturbances” in 1960s Britain.

Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible (Thompson 1998, 7).

The logic behind combining the words “moral” and “panic” seems to be that, firstly, these events or “disturbances” take on the form of ‘moral’ ideas in relation to particular actions and groups of people; and secondly, they are not to be read as occasional or isolated occurrences, but as *instances* or symptoms of wider cultural and social tensions. So far so good. The weakening of this framework arises when these “panics” are attributed almost wholly to the mass media’s growing hold of the present, resulting in an emphasis on what is called “symbolic politics” and the “signification spiral” – “a way of publicly signifying issues and problems which is intrinsically escalating, i.e. ‘it increases the perceived potential threat of an issue through the way it becomes signified’ (Stuart Hall and Jefferson 1976:77)” (ibid, 15-16).

This is partly then a theory of magnification, arguing that what is already a ‘moral’ issue gets magnified by the mass media in the present moment. The reason for these panics occurring at a higher frequency or being “all-pervasive” is that they get channelled through the mass media – “The rapidity of social change and growing social pluralism create increasing potential for value conflicts and lifestyle clashes between diverse social groups, which turn to moral enterprise to defend or assert their values against those of other groups. They do this within a public arena which offers many media outlets for amplifying their fears and articulating demands for social control and regulation to defend those values” (ibid, 11). A combination of what is loosely termed “social change and growing social pluralism”, and “signification” that is enabled by the mass media, then seem to be explanation enough for these panics. Of course, the theorisation doesn’t stop at this point, for there is an argument in place about a possible “substitution” that takes place. That issues of migration or

unemployment get cast in the form of these panics in the public domain. But there is the constant slippage between this position and another that looks at them as efforts to, in truth, regulate conditions of *morality*. Though this slippage is possibly valuable to hold on to for the sake of examination since it begs the question of whether the structures that are implied are really always connected to the morals of society, there is no real exploration of where this philosophical idea of the “moral” emerges from in the context of Britain or America. It is to be taken for granted that morality connotes a desire to regulate the sexual, which in this context becomes extendable to social order as a whole. The framework also seems to ignore other ways in which the sexual becomes “visible” – whether through the discourse of liberation, or through that of shame, or even as within the daily procedures of the courtroom. The thesis’ discomfort with using this framework to understand the Indian context derives primarily from the use of the word “moral”. Is it morality, for instance, that makes the Hindutva forces attack young women on the streets? Is it morality that makes dominant caste men parade Dalit women naked as punishment? Is it morality that causes a frenzied discussion on the call centre worker’s night shifts? Is it morality that brings obscenity cases to court? The concept of the moral here does not seem adequate, for it does not account for all the ways in which bodily subjects and sexualized practices become visible. Then there is the term “panic”. Can all events related to the sexual in the public domain be described as “panics”? What then distinguishes panic from other seemingly systematic reactions?

In the Indian context, the term “moral” has seen increasing use in the past decade, in the form of the popular phrase “moral policing”. Whether the incident involves attacks against young women clothed in Western attire, attacks against ‘obscene’

cultural texts, or attacks against lovers in public spaces; whether the incident takes place in Bangalore, Kerala, Delhi or Guwahati, it gets described as an instance of ‘moral policing’. This description is meant to capture the assumed extra-legal authority of the attackers, who act on behalf of a law that is of their own making, a law that derives from notions of morality rather than constitutionality²⁷. What the description instead does is to de-contextualise all these incidents, flattening them out on a single plane, and disavowing the layers of class and community difference that they are embedded in. It also gives in to the idea that all these incidents uniformly involve a desire to uphold moral laws, and do not stem instead from the disjunctures produced by this particular period in the country’s history. The phrase therefore does not hold any explanatory potential for the thesis. While ‘public morality’ as a concern is found in the text of the law, in judgments produced within the courts, I argue that it is not a moral concern with a sexualised body that is at the heart of the matter but how modernity is to be negotiated at this historical juncture.

To return at this point to the three concerns that we started out with – by drawing on the concepts of visibility (deriving from the psychoanalytic concept of the symptom) and publicness (deriving from feminism, Marxism, political theory, philosophy and cinema studies), the thesis tries to build a framework within which to place the bodily subject and its sexualized practice. The effort is to push further existing frameworks and do justice to the complex field that the body and sexuality are part of. The attempt is simultaneously to shift the grounds on which visibility is understood, as an idea that has till now occupied a constrained space in liberal discourse and sexuality politics.

²⁷ This is why, in the 2009 Delhi High Court judgment declaring Section 377 unconstitutional, the judges argued for what they called a “constitutional morality”, deriving from the principles embedded in the Constitution, in place of a “popular morality”, deriving from dominant notions of what is morally acceptable. See *Naz Foundation vs Government of NCT of Delhi*, 2 July 2009, 23.

We, The People: The Constitution of “Public Interest”

Public-ness is a ‘problem’ which has historical and political dimensions to it – in official narratives, *the public* is rendered that body-collective which is potentially led astray, which is always known to be “watching” or seeing or participating and therefore always *acting*, but also *static* in the strange way of not being a differentiated body, instead having a uniformity imposed on it, this uniformity deriving from the discourse of nationalism, and from democracy as a political system. Members of this public (who have supposedly been led astray by their politics/obsessions/sexual perversions) are also prone to acts of violence, unthinking and irrational behaviour, and disruptions of law and order. This diagnosing of the public then mirrors the discourse that wants to keep it safe, from terrorism, from militancy, from pornography, from corruption, from death, from over-population, from abnormality, from poverty. Thus is born the practice of censorship, and with Independence the creation of a democracy in which, symbolically, each undifferentiated member of this public gets to help decide its own fate. Functionally, of course, democracy in India is a highly contested terrain with various interests, ideologies and representational strategies intersecting in the performative spheres of popular politics, cinema, media, election campaigns, protest marches, riots and insurgencies. The concern with sexual practice and the gendered body is, at the level of state-ment, nothing more than yet another democratic agenda, a stated will of the government aimed at development, progress and equality; but the history of concern with sex, obscenity and the female body shows us that sexuality is imbricated in these political and representational structures in ways that are not accounted for within the stated.

Especially in relation to women, and therefore in relation to the nation, the distinction between the *private* and the *public* has been crucial, as reflected in the work of scholars like Partha Chatterjee, who have linked this distinction to nationalist discourse and its positioning of women (Chatterjee 1989). Chatterjee argues that in the 19th century, nationalist discourse generated the idea of separate public and private spheres of existence and action. The public was the domain of rationality, industry, economy and technology, the private the domain of culture, affect, personhood and spiritual development. One reading of Chatterjee understands this distinction as leading to the allocation of the first as the sphere occupied by men, and the second as that occupied by women, and the spheres here are taken to be real spaces, the home and the world-outside-the-home. But it would be more productive to read Chatterjee as setting up an explanation, not of the segregation of physical places (though this might have happened in various ways), but of how the public and private informed each other. For instance, women were not forced to restrict themselves to the space of the home, they were encouraged to *transact* with the world, but in particular ways, carrying the connotations of private in/to the spaces of publicness. Publicness here does not connote only physical spaces, it connotes the condition of being “public” – how one negotiates this assumed difference between the private and the public, and the resolution that is required of this difference. The public also obviously entered the space of the home, in the form of reform initiatives, education, discussions on the independence struggle and the ways in which it inflected the economy of the household.

It would also be interesting to read the public and private as attaching to a differentiated aesthetics and narrativisation. In this sense, images of the “private”

were deployed in public spaces²⁸ and mediated in/by the public. The “public” in turn was informed by the idea of the private sphere and the personhood that it entailed²⁹. For instance – is sex private by nature? If not, then how is it rendered private? Is it not through a certain mediation in/by the public that this privatization of sex takes place? Also, why is it that certain events/texts/acts do not participate in this process of public privatization in our context? Pornography is never discussed as much as the *pornographic*; and the legal amendments in rape laws, following the 2013 Verma committee recommendations³⁰, showed that marital and custodial rape are still acts that never become “controversial” and are not dealt with in a public manner. Feminist critiques in various sphere have pointed to the privatization of what were referred to as ‘women’s issues’, even within the progressive political movements of the 70s³¹. The chapters that follow will therefore engage with different feminist frameworks within which the question of sexualized practice and publicness has been placed.

The phrase ‘public interest’ therefore leads us to an interrogation of how the idea of a public and public-ness is conceived. Certain kinds of events or phenomena are

²⁸ We see from Malek Alloula’s work that in Algeria of the colonial era, there was an eroticization of the “private” space of the harem, and the objective of the camera lens was to invade this space and allow the colonizer access to it, even if this access was a façade in the sense that the harem captured by the lens was a studio set, and the women, models. The “private” was an erotic idea that traveled to France, it was an economic transaction involving the mass sale/production/consumption of postcards which traveled, it was part of the colonial enterprise of governing the backward natives, it was a “private” that was very much mediated outside the ‘actual’ harem. See Alloula 1986.

²⁹ Perhaps one could include here the politics of Gandhi, which involved addressing this personhood/selfhood, which very much entailed how one acted in the space of one’s home (cleaning one’s own toilet, wearing only khadi, eating no meat, drinking no alcohol, refusing the technological innovations of colonialism), thereby mediating the public self through/in the spaces that were designated “private”.

³⁰ The Justice Verma Committee was set up after the brutal gang rape of a young woman in Delhi on 16 December 2012. The girl was on a bus with her male friend and she was raped by six men who were on the bus. She was left for dead and the entire country followed her medical progress until her death 13 days later when she succumbed to her injuries. Following this event the country saw the largest public protest against sexual violence that it has ever witnessed, with crowds numbering 40,000 thronging the streets of Delhi.

³¹ For example, the critique of the left movements and the ways in which women’s issues were seen as irrelevant to the larger domain of economy and economic exploitation.

immediately suspect because they are charged with opposing public interest. Obscenity, 'terrorism' and acts of militancy, 'indecent' exposure in public spaces, dancing in bars are all declared as functioning to undermine the interests of an imagined public. But it is not just in the prohibitive function that this phrase takes on its charge, though it appears that way because of the various 'controversies' that the media brings to us. The question of the controversy opens out to another question – how is it that something comes to be described as being of 'public interest'?

It is important at this juncture to pause and consider the origins of the 'public sphere' as an imagined space of interaction and democratic functioning. Jürgen Habermas undertakes two tasks in his theorisation of the public sphere – a) the attempt to reconstruct the public sphere as a fundamentally historical category, linked to the formation of the bourgeois society under liberal capitalism in the 18th century b) the delineation of the public as a fourth term, distinct from the state, market place and the intimate sphere of the family³² (Hansen 1993, xxvi). "... It is central to Habermas' account that the bourgeois public sphere was to be a discursive arena in which 'private persons' deliberated about 'public matters'. There are several different senses of 'private' and 'public' in play here. 'Public', for example, can mean (1) state-related, (2) accessible to everyone, (3) of concern to everyone, and (4) pertaining to a common good or shared interest. Each of these corresponds to a contrasting sense of 'private'. In addition, there are two other senses of 'private' hovering just below the

³² This is taken from Hansen's foreword to Negt and Kluge's *Public Sphere and Experience: Toward an Analysis of the Bourgeois and Proletarian Public Sphere* (1993). One has to of course ask the question of whether, because it is a historically specific term, it is relevant at all to the Indian context. This has to be answered not at this stage, at the outset of the thesis, but at the end, once the colonial deployments of the term 'public' and consequent usages in post-independence legislation and constitutional passages, on the one hand, and media reports, on the other, have been explored, and their limits tested. For now, the thesis agrees with Hansen that there is a larger "field of cultural 'publicity'" within which even the public sphere as a Western formation, is located (ix). Through this notion of cultural publicity, she pulls the discussions on the public sphere into an acknowledgment of culture as a set of practices and ideas in operation at a particular historical moment in time.

surface here, (5) pertaining to private property in a market economy, and (6) pertaining to intimate domestic or personal life, including sexual life.” (Fraser 1992, 128). This set of explanations of ‘public’ needs to then be taken back to the phrase ‘public interest’, which now gains a whole ground of connotations – that which becomes the business of the state or needs to be governed by it; that which can be seen and experienced by *everyone*; that which is a concern for *everyone*; that which is then implicated in the idea of the common good. These connotations come together to constitute of a field of objects, texts, bodies, ‘issues’ that are ‘of public interest’. At this point, it also needs to be emphasised that the division between public and private spheres and the relegation of “sexual life” to the latter does not quite take place in the Indian context. Sexual life is staged as “a concern for everyone”, and as “implicated in the idea of the common good”. The central aim of this thesis is then to explain precisely how the sexual life and the body are public concerns.

Habermas’ separation of the realm of the public from the realm of state, market and the ‘intimate’ realm of family was clear – individuals were ‘prepared’ in the space of the family, and made ready to enter the public sphere to participate in the interactions that involved a critical questioning of the state. In other words, individuals, who existed in the pre-political space of the family, then entered the political public sphere, where they acted and spoke as critical subjects (Hansen 1993). Therefore the individual was *just* individual in the space of the family, and was a participant of politics once he stepped outside this frame. This preparation took place through the “the symbolic matrix of culture”, that is, writing, reading, literary criticism, and when individuals took positions in the institutions like salons, coffee houses, book clubs, and of course, the press, they had the power to challenge the interpretive monopoly of

the state and the church. The bourgeois public sphere was therefore a “forum of discursive interaction ostensibly open and accessible to all, where private citizens could discuss matters of public interest freely, rationally, as equals” (xxvii).

One critique of this formulation has been that in the public sphere, this equality is assumed *in spite of* differences in economic standing in society, i.e. the relationship the individual has to the market and modes of production, educational background, and other privileges or lack thereof (Fraser 1992, 118). “The question of open access cannot be reduced without remainder to the presence or absence of formal exclusions” (ibid). Free speech and the ability to challenge interpretive monopoly therefore did not need to acknowledge *difference* of this kind, and seemed unmoored from material social relations. Scholars, especially those who do not want to reject the idea of a radical democratic politics, argue that the concept of a public sphere should precisely shift in such a way that it articulates/derives from and does not *disavow* difference. The public sphere, in the work of scholars drawing on Habermas, seems to be rethought in a particular way. What Habermas called the ‘bourgeois public sphere’ becomes synonymous with the term/phenomenon ‘dominant public sphere’, and the dominance of this sphere becomes the central point of analysis. Which is why we come across a string of concepts addressing this dominance - Counterpublic(s) (Negt and Kluge 1993); Multiple Publics (Hansen 1993); Subaltern Public (Fraser 1990). The public sphere then is potentially already split into these various factions – the dominant sphere, which then finds contestation within and from these other spheres, or from the notion that there are many, not just one integrated public sphere. This then seems to resolve the ‘problem’ posed as ‘the public sphere’, the fact that it is not a monolithic entity, or the fact that it is fractured, or that there are counterpublics. These

‘other’ spheres become the hope of the political and the idea of the public sphere is recast as dominant versus subaltern/marginalized³³. The picture of a forum where individuals unmarked by the ‘private’ zones they occupy (either in terms of family or economy) deliberate on matters of ‘common good’ and challenge the authority of state and church, is replaced by a picture in which individuals speak as and because they are marked precisely by those ‘private’ relations (gender, economic status, race, ethnicity, class).

While these critiques of Habermas’ public sphere work to open up questions of the uninterrogated ideal of a deliberating public with purely ‘public’ positions, they end up directing this critique into the imagining of a radical public sphere of some kind (in which *difference* is explained/resolved through a listing of various kinds of groups, gay, lesbian, black, Dalit, Muslim, woman)³⁴. This seems to shift the discussion on the public sphere away from an interrogation of the nature of publicness, and too easily resolves the public-private distinction, in and through the bodies and identities of these various groups. The harder questions to pursue would be those that open up the public domain³⁵ to other kinds of enquiries. What does ‘publicness’ or ‘publicity’ derive from? What acts, formations or *ways of being and appearing* does this notion manifest through in the Indian context? How is it therefore linked to representational systems, nodes of identification and recognition, and institutions like the cinema and

³³ This is not to say that Habermas’ conception does not include the idea of dominance and the positioning of the public sphere as contesting that dominance, or to say that contesting this dominance is not important; this is rather to say that the work of these scholars has centered this opposition and recast it as dominance versus ‘something else’, which implies a shift from discussing the nature of the public sphere itself. That it is a forum for speech, visibility, contestation, is taken for granted to some extent.

³⁴ It would be useful to look at how feminist standpoint theory is different from this mode of contesting dominance. How does experience figure in both the imagining of an alternative public and of a standpoint?

³⁵ I use the term “domain” instead of “sphere” here to move away from the Habermasian formulation.

the courtroom? How does it cut across the seemingly distinct realms of economy and culture? And how can it help understand the transformations that are taking place in these realms?

In order to explore these questions the thesis investigates the following:

- obscenity laws and the history of censorship as a practice (Chapter 2)
- women's performances in public space, particularly the history of regulating public dancing as a livelihood (Chapter 3)
- the female body appearing in a "nude" or "denuded" state in public (the Manipuri protest, Dalit women being paraded naked, religious rituals that involve female nakedness, and the relationship between nudity and sexual liberation) (Chapter 4)
- the history of concern about women working at night, in the space of factories, on the one hand and in call centres on the other, since the 1990s (Chapter 5)
- the relationship between the bodily subject and cyberspace (Chapter 6)

Mediated Material

To build its explanatory framework, the thesis, besides drawing on and critically analysing existing scholarship, focuses on two kinds of material – legal judgments and media reports. As mentioned in the first section of this chapter, the two institutions that seem to have attained some form of hyper-visibility in the present era are the law and the media. Almost all of the public debates surrounding the sexualised bodily subject involve legal cases and therefore all of the chapters, in some way or the other, deal with legal cases and the ways in which they frame the bodily subject and

its practices – whether obscenity cases, the judgment deciding the ban on dance bars, the cases filed around the question of women working at night, or the cases concerning technologised practices. When I began work on the thesis, I was co-writing a paper with legal researcher and media practitioner Namita Malhotra on obscenity law and pornography, for a book on law and sexuality³⁶. This led to an interest in the tensions between what is assumed as a ‘problem’ for the public, and the ways in which legal mechanisms approach this problem. For instance, when is there an increase in obscenity cases filed with the courts, and what are the pronouncements in these cases? What explains the fact that most of these cases end in acquittal? If “regulation” is what is seen as a consequence of a text or body or act becoming sexualised in a public sense, then this, to me, directly addresses the domain of the law. Through an analysis of key legal judgments, the thesis builds the argument that this act/text/body does not get problematised because of its intrinsically sexual nature, rather it gets problematised because of its publicness.

When it comes to the media, one cannot assume that any event that is publicized automatically becomes a media-tised event. If this were the case, then all events taking place in the present era would need to be described as media-tised. In order for the idea of media-tisation to retain some of its analytical potential, I argue that an event needs to take its trajectory and form from the ways in which it is represented in the media for it to then be a media-tised event. Which is why the thesis does not, unlike the earlier-mentioned scholarship on “moral panics”, use the idea of media-tisation to explain the phenomena that it deals with (unless they are actually intrinsically shaped by their presence in the media). What it is instead concerned with

³⁶ See *Law Like Love: Queer Perspectives on Law* (Narain and Gupta 2011).

is what gets “publicized”. For instance, when is there an intense media concern about working women, and what explains the difference between this and a statist interest in women and work? The notion of “frenzy” particularly derives from the ways in which this publicisation takes place – what goes viral, what becomes a concern for the “people”, which forms of visibility are seen as deserving our attention and our gaze, how oppositions are set up within media reports and what these oppositions disavow, and importantly, how the media participates in rendering public what is considered private.

Reading the law and the media against the grain of their practice also then becomes a part of the symptomatic reading of public-ness. They become spheres of enactment and staging rather than producers of moral regulation. They become the surface on which symptoms appear, not practices through which “truth” is produced.

Besides legal judgments and media reports, there are other kinds of material I draw upon, such as literary texts by Gogu Shyamala, Ali Sethi and Mahasweta Devi, which all aid in providing descriptions that attach themselves to bodily subjects in the contemporary. These descriptions inform the analysis of the contemporary and the histories that have shaped it, whether the history of the relationship between shame and culture, the history of the tensions between a Dalit opposition to and discomfort with ‘sexual freedom’ and the discourse of sexual liberation, or the history of a globalised sexual subject.

So, it is largely through textual analysis that we arrive at our symptomatic reading. Ethnographic study is not present in a large portion of the thesis. There is, however,

one exception. The fifth chapter includes extracts from two interviews, one with a member of the Garments and Textiles Workers' Union, Bangalore (GATWU), and another with a young woman employed in the IT sector. While this might beg the question of why ethnographic method is missing in the other chapters, the presence of it in this chapter opens up the category of experience in a way that can be taken to the other chapters as well. The descriptions provided by the two women, the terms they use to discuss their work and how sexualisation enters the picture, help further the argument of the thesis – that anxieties deriving from the relationship between the state's claim to “public interest”, privatisation as a process, and the conditions of bodily publicness, emerge through the transaction between private and public domains. And that there is a necessary publicising of the private that we are witness to at this point in time. Therefore, the interviews participate in the symptomatic reading of the contemporary, and their presence in the chapter is meant to dissolve the opposition between an ethnographic method's claim to a singular “truth”, and a textual analysis' claim to providing an interpretation.

The symptomatic reading, as a method deriving from psychoanalysis, then enables us to analyse the legal text, the media report, the literary fragment and the personal interviews in a way that keeps intact the logics by which each of these operate (the legal text acting as a pronouncement of truth and the position of the state, and referring to earlier judgments as precedence, thereby working on the basis of a ‘legal’ history; the media text wishing to reveal ‘what is happening’ in the *present*; the literary fragments offering an imagination of politics and culture; and the interviews offering standpoints on cultural and economic transformations). At the same time as keeping these logics intact and not forcing these texts to produce knowledge-as-

objective-truth, the symptomatic reading enables a reading off the surface of these texts to understand why it is that the relationship between the bodily subject and publicness is crucial to knowledge of the contemporary.

Through the kinds of material listed above, and by examining historical instances in which the female body exists visibly or becomes visible in the public domain, I will try and answer the question of why and how the bodily subject and its sexualised practices are a public concern. So far in the Indian context, the notion of visibility has been tied to a human rights framework in which it describes a desirable and progressive state of being-in-public, while invisibility is what is brought about by normative structures. This next section will unravel the notion of the visible in order to move it away from this commonsensical understanding of it, and towards a definition by which it can act as a theoretical concept that can *work* as part of a method.

Theorisations of the Visible

I: Hey! We've Got to Hide our Love Away

The decade of the 1990s in India has seen a recasting of sexuality as “desire”, and both these terms undergo a shift in this recasting (Menon and Nigam 2007, 93). The feminist frameworks of the 70s and 80s dealt with the regulation of women’s bodies and the discursive formation of female subjecthood. Cinema, reproductive and mental health, representation and ideological regimes were the lenses through which sexuality was sought to be understood. The contemporary period, though, has seen a

relocation of sexuality through a proliferation of sites at which it is spoken of as ‘desire’ or ‘freedom’ or ‘identity’. The woman as part of the workforce and therefore as consumer, fulfilling her desire for the commodity; the unabashedly single woman and the kind of lifestyle she leads; the sexual dangers introduced by professions such as call centre employment; the role of new media such as the internet and the cell phone, in organizing desire and sexual practice and enabling new modes of participation; and importantly, articulations emerging from LGBT groups, dealing with “same-sex desire” or non-heteronormative sexual practices and genders – these are all sites at which this recasting has taken place. Sexuality then is attached to certain kinds of subjective and sexual relations which, in the case of LGBT politics, are cast as either normal or abnormal, visible or invisible.

The meanings attached to visibility within the human rights framework are significant, because here visibility becomes that which is disallowed by dominant structures, the condition of forced invisibility then becoming the root cause for certain kinds of problems. Within the LGBT movement, for instance, the *invisibility* or secrecy forced on gay men by dominant heterosexuality and the anti-sodomy law is said to lead to the “hidden” practices of cruising, involving MSM (men who have sex with men), rendering the individuals who participate in these practices illegitimate. This becomes a question of safety, in terms of facing police hostility, and importantly, in terms of health, for it is claimed that invisibility/secrecy then leads to the possibility of contracting AIDS. In the case of lesbians, the lack of visibility is what drives them to either run away from their homes or to commit suicide as couples. To take us back to the starting point then, visibility becomes a *solution*, a way of resolving the lack of safety and health. It becomes an answer to the question “What

does the subject of LGBT politics need in order to exist as body and desire within the dominant matrix of heterosexuality?” Visibility as an answer then becomes a form of legitimacy, the latter being the central concern of the non-normative subject in this case. It is pursued, not as a transaction that is potentially disruptive of an imagined status quo at every instance, but as a static condition which is achieved because of political strategies. (We will return to the idea of it as a transaction further on.)

What is the problem with treating it as a static condition? Just as the speech-silence opposition hypostatized a certain difference between utterances and disallowed an understanding of the ways in which women were positioned within/participated in/resisted structures of power, this use of visibility denies its value as a *concept* that will provide an understanding of the field of sexualized practices, this understanding then enriching the field of political action instead of flattening it. The etymological meaning of “concept” is that which has been conceived. The analytical function of a concept is to provide an understanding of something. So far, visibility has been conceived of, but does not work to provide an understanding of what is seen, and when/how/why it is seen.

II: *Fixed by the Eye: Vision and Power*

Modernity has been named a “scopic regime³⁷” (Jay 1988), signaling the importance of “vision” to the regime that was instituted with/as modernity. The umbrella of ‘visual culture’ as a field of study includes various kinds of work that deal with

³⁷ This is Martin Jay’s description of modernity – for this and more on the connection between vision and modernity, see Hal Foster’s edited anthology *Vision and Visuality* (1988).

technologies and apparatuses of seeing³⁸. “Whether we focus on “the mirror of nature” metaphor in philosophy with Richard Rorty or emphasize the prevalence of surveillance with Michel Foucault or bemoan the society of the spectacle with Guy Debord, we confront again and again the ubiquity of vision as the master sense of the modern era” (Jay 1988, 3). (Perhaps Jay here too quickly judges all this work as only concerned with the “sense” that is vision – as we have already seen, Foucault laid great emphasis on the body and the ways in which it was acted upon through technologies of the self). In the work of film scholars like Linda Williams, pornography is born in an era in which visual technologies created and were created by the desire to ‘see’ the body in new ways, whether to have complete knowledge of the body and its parts, or to study the movements of this body, or to have the body produce the truth of sex, all three being linked in her argument (1989, 34-57). Scholarship on the colonial institution of the regime of visibility discusses the institution of racial difference through scientific and non-scientific visual renderings of the non-West. The work of Indian scholars has mainly focused³⁹ on the relationship between colonialism, nationalism and the visual. In this way, the “eye” and “vision” have come to be understood as inextricably linked to the desire for and of modernity.

Why is this link made? Why is the eye given centrality, as an apparatus for sight in the human body? The explanation dwells in the fact that the eye/vision seems somehow to be enmeshed in or inform the formation of subjectivity, through the

³⁸ This includes primarily work on a) the visual arts and photography – the trends in painting in the 19th century, the development of the technology of photography, and the theorization of the birth of a modern subject through these; and b) the visual media, cinema, television and new media, and the relationship between technology and subjecthood.

³⁹ The visual production of the nation in art, the shift from “substance” to “sign” with the entry of industrialization (the eye also then needing to accommodate the visual landscape that included factories, new kinds of markets, different ways of fashioning bodies and appearance), and the visibility of cinema as a medium whose establishment coincided with the post-independence project are examples of the foci of theoretical work on the visual.

matrices of *identification, recognition* and *representation*. In the case of representation, the eye became important in how the world was ‘pictured’ with the advent of modernity and, in the case of India, colonialism⁴⁰. Critiques of colonial texts link the act of picturing to the putting in place of certain kinds of hegemonic structures, and elucidate how the act of ‘seeing’ is tied up with the epistemologies that tried to produce a truth of the human body, and of social relations. For instance, art historians in the Indian context track the ways in which the distribution and production of objects changed in the colonial and postcolonial period, and also address the rendering of the nation as a unified body/figure which could then be fully absorbed/consumed by the eye (eg, the superimposition of the female body onto a full map of the new country). It has been argued that the rendering ‘visual’ of the nation puts this nation into *effect* – it is a significant factor in giving this nation an authority that levels all its subjects onto one horizontal plane, and demands that they concede to and *believe in* its existence and authority. The participation of the people in this attribution of truth value does not seem to entail ignorant belief or false consciousness as much as a willingness to believe in this truth of the nation, and, to disavow differences that may render the narrative of the nation suspect.

⁴⁰ This is not to say that the visual carried no importance in the pre-colonial or pre-modern era, it is only arguable that the subject shared a different relationship with the object that it saw, one that may not necessarily have been in the mode of representation, or even knowledge/truth. An example would be objects like sculptures or paintings that were positioned differently and were related to either in the mode of devotion or occupied parts of the household etc. Whether even objects like painting were circulated or put in front of a viewer for consideration is questionable, they seem to have been used to record family histories, as portraits of royalty, or hung in spaces like the palace, or in rich homes. Therefore, in some sense, the birth of ‘art’ as a category seems to have accompanied giving centrality to vision.

III: Diagnosis and Treatment

To see is to identify, to see is to recognize or mis-recognise, to (mis)recognize is to identify. The concepts of identification and recognition are closely tied to each other, and therefore to both the act of seeing, and to desire. This is where we approach the psychoanalytic framework in which visibility seems to be synonymous with the ‘eye’ as apparatus⁴¹. Various concepts appear in this triad – the gaze, the look, the lens/eye of the camera, the screen looking ‘back’ at the spectator, the practice of foregrounding, the close-up – and all these concepts are used to explain the (unconscious) ideological underpinnings of the cinematic text or of the representational system. These concepts are then further used to theorise modes of resistance to these dominant ideologies that underpin representational spheres and encourage certain kinds of identification. The psychoanalytical method involved here rests on the idea that the text knows not what it does, the camera knows not what it does, but there are structures that guide its movement and these structures are the ones that need to be addressed.

For example, in the work of film theorist Kaja Silverman, one comes across a critique of the concept of the gaze, which she seeks to replace with the ‘look’. The gaze, for Silverman, the gaze carries with it a visual authority that inscribes ‘Otherness’ in its own field of vision. The look is seen as having the capacity to ‘invest’ an object with a certain value (the term she uses for ‘investiture,’ *Belehnung*, is drawn from the work of Walter Benjamin), and the dominant representational sphere encourages the

⁴¹ By psychoanalytic framework, I mean here the work carried out by scholars like Laura Mulvey, Kaja Silverman, Joan Copjec, Judith Butler, not the early work of Lacan or Freud, though these scholars do draw on the work of the latter two.

devaluing of some objects/bodies, that is, you as a spectator will not desire these bodies without in some way appropriating them as similar to you, or negating their difference from you. Resistance then lies in producing representations/cinematic texts that refuse this assimilation and enable ‘the active gift of love’, which is to desire that body on its own terms, in fact to allow it to take you out of your own framework of self-sameness. Resistance also lies not in trying to produce new texts which reach towards the perfect representation (this is impossible) but in trying to address the relationship between spectator and text, and the look that passes from the spectator, returned to the spectator in ways that destabilize his/her need for self-sameness in the ‘other’ (Silverman 1996, 94-95).

This, then, is the way in which identification, recognition and representation come together in the work of certain scholars within the field of psychoanalytic film theory in particular. Bodies are bodies because they are seen by the eye, and either assimilated or invested with value. Subjectivity and identification are structured around a *field of vision* and the camera as apparatus, and categories like race, gender, sexuality, all come to intersect in this field, producing various modes of (dis)identification. The black body as desirable to the spectatorial look (Silverman 1996); the masculine gaze (Mulvey 1975); the look as capable of rupturing the work of the proprioceptive ego (Silverman 1996); the relationship between screen and spectator being negotiated as a visual relationship – one can see how the eye, in the work of these scholars, becomes the ‘point’ from which to theorise the above concepts.

As mentioned earlier, one possible critique of this centrality of vision/the eye, is that it restricts the work of analysis to a textuality that hinders addressing the problem of historicity. Of course, there is awareness in the work itself, of the history of cinema and of vision as a theoretical grid. The danger seems to lie, and this is pointed out in Jean-Louis Comolli's work on the cinema, in the possible reduction of an apparatus such as the cinema, to the eye as an apparatus, the two then being seen to function similarly in all senses (2005, 39). Also, and this is the more important point, the explanations for power, and the modes of countering the effects of power, both seem to be contained within the visual relationship, between text and spectator. They are not taken 'outside', or beyond the text, to other kinds of relationships within the visual field – that of the witness and the state, that of the law-breaker and the courtroom, that of the performer and her client, that of the psychiatrist and the patient, that of the 'public' and the 'obscene', that of the censor and that-which-is-produced-as-censorable, that of the "user" and the computer screen – all of these involving some form of *visibility* or *invisibility* that is not accounted for within the text-viewer relationship, or might not exist simply in the gaze or the look, but might involve bodily forms of appearing or being exposed or performing in a field of relations.

Of course, some scholarship (even on the cinema as apparatus) does shift over from both a critique of 'modern' vision and a psychoanalytic notion of the 'visual', to discuss the *visible* in particular. For instance, Comolli argues that

The second half of the nineteenth century lives in a sort of frenzy of the visible. It is, of course, the effect of the social multiplication of images: ever wider distribution of illustrated papers, waves of print, caricatures, etc. The effect, also, however, of something of a geographical extension of the field of the visible and the

representable: by jounies, explorations, colonizations, the whole world becomes visible at the same time that it becomes appropriatable. Similarly, there is a visibility of the expansion of industrialism, of the transformations of the landscape, of the production of towns and metropolises. ... Thanks to the same principles of mechanical repetition, the movements of men and animals become in some sort more visible than they had been: movement becomes a visible mechanics. The mechanical opens out and multiplies the visible and between them is established a *complicity* all the stronger in that the codes of analogical figuration slip irresistibly from painting to photography and then from the latter to cinematography (Comolli 2005, 38).

The last line leads us to believe that the emphasis here is largely on technologies of modernity and how they led to significant changes in the field of the visible. Circulation/proliferation, mobility and industry are all related to the technologies that developed in this period. What is interesting here is the phrase “movement becomes a visible mechanics” because here we arrive at a fundamental link between what is visible and the transactions of daily life, a link that the thesis argues is crucial to visibility as a concept – its transactionary nature.

In the work of phenomenologist Maurice Merleau-Ponty, alternatively, we find the stress on *sense* as opposed to *thought*, the world of the sensible as opposed to the world of thought - “It is in terms of its intrinsic meaning and structure that the sensible world is “older” than the universe of thought, because the sensible world is visible and relatively continuous, and because the universe of thought, which is invisible and contains gaps, constitutes at first sight a whole and has its truth only on condition that it be supported on the canonical structures of the sensible world” (Merleau-Ponty, “The Visible and the Invisible”, 1968, 12). This idea of a world of

thought contingent upon the structures of the sensible world seems to pose a challenge to epistemological systems that seek to understand the world by denying or disavowing the sensible. In his work on phenomenology the “Eye” and the “Mind” are no longer collapsible, and the former does not simply become the synecdoche of the latter.

In the first case, *visibility* still remains a condition, *caused* by factors such as industrialisation and technologies of circulation and travel. In the second, visibility is the *nature* of the sensible world, which is described as visible and continuous as opposed to invisible and full of gaps. Though I draw from these ideas that shift visibility away from both the disturbing binary that emerges within a human rights framework, and the scopophilia (permit me some word play) that characterizes scholars of modernity; though this brings visibility into being as something that a society is immersed in, changed by, rather than something that just watches or identifies, what the thesis seeks to analyse are *modes of becoming visible* – in other words, *appearance, exposure, shame, recognition, performance, parade, openness*. As mentioned in the introductory section, it is these modes of being and becoming visible, it is visibility as a transaction that occurs through these modes, that produces anxieties between the state’s “public interest”, “privatization” as a market-driven process and the bodily subject and her “public-ness”. To clarify a little more, these modes do not comprise an *exhaustive* list of what the “field of visibility” in India is constituted by. They are meant to offer a way of reading and understanding phenomena, and each mode mentioned here becomes a conceptual tool through which to arrive at a symptomatic reading of this context. Also, these modes are not restricted to addressing sexualisation, they can be extended to other forms in which the bodily

subject becomes public (for example, capital punishment, or religious practices like flogging and hook-swinging that come under the legal scanner, or manual scavenging and other forms of public labour).

With this, to turn to the question of method.

Towards a Symptomatic Reading

“...there is a fundamental homology between the interpretative procedure of Marx and Freud – more precisely, between their analysis of commodity and of dreams. In both cases the point is to avoid the properly fetishistic fascination of the ‘content’ supposedly hidden behind the form: the ‘secret’ to be unveiled through analysis is not the content hidden by the form (the form of commodities, the form of dreams) but, on the contrary, the ‘secret’ of this form itself [my emphasis].”

(Slavoj Zizek 1989, 3)

What can psychoanalysis offer as *method* to a thesis that is trying to understand why there have been an increasing number of events/debates/controversies around the female bodily subject and sexualized practices in post-‘90s India?

To answer this, we start with a few conundrums: How do we understand an excessive attachment to or, on the other hand, lack of love for one’s nation? How do we understand events that seem driven by passionate attachments (whether love or hate)?

A man watches an India-Pakistan cricket match and then burns himself when ‘his’ team loses. A woman strips naked and dares the Indian Army to rape her. A group of men beat up young women in a pub, in the name of Indian culture. Thousands of people turn up for a religious leader’s funeral public funeral. Young students threaten self-immolation in the face of a new reservation policy. These are occurrences that

seem to demand a turn to ideas of desire, body, subjectivity and affect. The Foucauldian method of genealogical excavation has been immensely useful, particularly to think through the relationship between sexuality and power in the Indian context,⁴² moving it away from simplistic oppositions of silence and speech, repression and expression and leading feminist thought towards an understanding of how exactly women are positioned by and within the discursive combine that is nation, femininity and culture. But something in the fact that obscenity cases are mostly acquitted but keep getting filed; that Dalit women are stripped as punishment; that the figure of the “techie” is repeatedly invoked in relation to oddly unconnected occurrences; that the state is anxious about call centre workers travelling at night but does not display a similar anxiety about factory workers out at night; that a middle-class housewife walks the streets in her bra and underwear holding a baseball bat and bangles in either hand – something in these instances escapes a framework that attempts to wholly explain them as effects of power or as the production of subject positions. While it is true that the thesis undeniably relies on the idea of the “discourse” and of discursive formations emerging at a particular historical juncture, it argues that it is only a symptomatic reading off the *surface* of these discursive formations that will enable an understanding of these events.

Since an account of desire (even of the state or the law) seems to be a necessary part in an effort to build a framework based on publicness, visibility and sexuality, one has to ask: How does one talk about desire in a project that is invested in the history of sexual practices and modernity when desire is firmly placed within a so-far primarily western psychoanalytic framework, and has also been opposed to the kind of

⁴² See John and Nair 1998.

historicisation that has derived from Michel Foucault's work⁴³ (though it is not his own intention that this happen), and opposes the very notion of a desire that cannot be understood purely through historicist means? One entry point is through the work of Joan Copjec, concerning what she sees as the opposition between Jacques Lacan and Foucault; in discussing the relationship between *being* and *appearance*⁴⁴ she asks whether appearance "supplants" and "routs" being as a fundamental condition necessary to both, or whether being is embedded in appearance and has to be genealogically excavated (Copjec 1994, 9). This question can be posed in another way as well – is there a generative principle that is necessarily not to be absorbed within the regime it generates, and also always negates this regime? In the work of the psychoanalysts, this seems to be the established idea, that a mode of society's institution is unspeakable, never storable – the examples given are from Freud's *Totem and Taboo*, and *Beyond the Pleasure Principle*, which posit a) the outrageous father who is murdered in order for the regime of equality (democratic governance) to come into place b) the death drive that gives the pleasure principle its centrality in psychic life. In both cases, there is a generative principle that is conditional for the existence of a regime, but is a 'lack' within this regime, is *necessarily* absent within it (10-12).

This relationship between appearance and being has to be read at the level of *method*, not simply as concepts that are used by Copjec in order to talk about Lacan and Foucault. In her work, the latter framework is linked to a determined blindness

⁴³ The introduction to Copjec's *Read My Desire: Lacan Against the Historicists* critiques the effects of Foucault's work, in terms of its refusal to address desire that is inarticulable, this refusal existing as a self-declared condition of the historicists.

⁴⁴ Appearance here represents the 'surface', or the social relations that one is surrounded with on an everyday basis; 'being', on the other hand, represents the principle that governs these social relations, that which they derive from, the structures that "don't march in the street" (Copjec quoting students in France in 1969, the latter arguing against structuralism).

towards the idea of a “desire” that is external to appearance (appearance here is equated with society, or the relations in it), this resulting in a declared “*illiteracy in desire*”. Therefore social relations exist as the end all of being and of desire. Consequently, desire is not that which is inarticulable but that which is claimed as *right* (this seems like a simplistic reading, but perhaps this is how historicism resolves the question of desire when it is asked this question)⁴⁵. Appearance in the case of historicism is that which is *there*, that which involves all social relations, networks of power and the constitution of subjects, and the “generative principle”, that is “being”, lies within all this and is to be read off of it. On the other hand, psychoanalysis posits appearance as that which exists *because of* being but *constitutes this being as unspeakable and unthinkable*. Appearance in this case becomes that which is not just there but constantly indexes this unspeakable and unrepresentable being. Therefore, while the first method militates against even the question of the Real, and describes the world that it sees, the latter posits the structure, the generative principle, as the *real* (structures do not and should not march in the streets, because the streets are not the Real, the structure is the Real.⁴⁶)

⁴⁵ Desire is that which seems to confuse this divide between psychoanalysis and historicism – for instance, as mentioned, the ‘excess’ that has to be invoked in order to keep the ideal of the nation alive. This is not a rational domain of identification. The nation demands an excessive attachment, it demands our love, our loyalty, not just our income as tax and our votes as democratic participation. When a film like *Rang de Basanti* (Rakesh Omprakash Mehra 2006) precisely invokes the fantasy of the independence struggle in order to validate the agency of upper-middle class ‘youth’ fighting against a corrupt state, when the terrorist in *Roja* (Mani Ratnam 1992) dialogues with the middle-class hero on the ethics of violence and loyalty to an ideal (and loses his battle to what is supposed to be a nationalist humanity), when organizations like the Vishwa Hindu Parishad and the Rashtriya Swayamsevak Sangh make girls dress as Hindu goddesses on Independence Day and parade them in vans, the nation obviously does not ‘live’ at the level of a functional entity but at the level of a fantastical one, one that has to be (dis)identified with/(not) desired (desire and identification in this case are not separated completely as effects). And this is not some fantasy that works at the level of false consciousness and tricks people into putting their faith in a false god, so to speak.

⁴⁶ This is what Lacan is said to have introduced in his classes to the very students who were militating against the idea of the understanding of the world as a set of structures. He claimed that one should not look for structures on the streets, for they are the constitutive principles that are the conditions for what did exist on the street, or in the world.

Though Copjec seems to read an absolute incommensurability between the work of Foucault and Lacan (one that perhaps does not exist), her discussion of appearance and being brings us back to the quote above, from Slavoj Žižek's "How Did Marx Invent the Symptom?", in which he addresses Karl Marx's critique of Hegel, undoing the materialism-idealism opposition that is assumed in common readings of this critique, and then moving on to comparing the analytical procedures of Marx and Freud.⁴⁷ His emphasis on a shift away from unveiling the secret of content, to unveiling the secret of the form itself, is useful in order to think through these so-called unresolvable oppositions, which might arise from the idea of content (that Freud is trying to unveil an interiorized psyche, while Marx is trying to unveil relations of production on the "surface"). Referring to the 'latent thought' in a dream, he argues, "This 'normal', conscious/preconscious thought is not drawn towards the unconscious, repressed simply because of its 'disagreeable' character for the conscious, but because it achieves a kind of 'short circuit' between it and another desire which is already repressed, located in the unconscious, *a desire which has nothing whatsoever so to do with the 'latent dream-thought'*" (Žižek 1989, 5). And further on to describe the nature of this desire:

This desire attaches itself to the dream, it intercalates itself in the interspace between the latent thought and the manifest text; it is therefore not 'more concealed, deeper' in relation to the latent thought, it is decidedly more 'on the surface', consisting entirely of the signifier's mechanisms, of the treatment to which the latent thought is

⁴⁷ History seems to have seen countless efforts to forcefully resolve the Marx-Freud opposition, including those who are now almost derogatorily called the Neo-Freudians – a group of theorists in the 20th century who tried to bring together sociology, on the one hand, and psychoanalysis on the other. "Freudo-Marxists" is a term given to any philosopher who has developed their framework of analysis through the work of both Marx and Freud, and seems to include everyone from Wilhelm Reich to Althusser to Žižek.

submitted. In other words, its only place is in the *form* of the 'dream': the real subject matter of the dream (the unconscious desire) articulates itself in the dream-work, in the elaboration of its 'latent content' (ibid, 6).

For Freud, then, the question that becomes important is what work goes into conferring onto this latent thought the form of a dream; and for Marx, according to Žizek, it is a similar move, of asking what work goes into conferring onto the object the commodity-form. The pulling of desire onto the surface in the above quote is precisely the manoeuvre that I find intriguing for a study of visibility and publicness in relation to the bodily subject. It contains the potential to understand that "something more" that surrounds these events and the frenzy around sexualized practice (it is either a something more or a something other). "In the commodity-form there is definitely more at stake than the commodity-form itself, and it was precisely this 'more' which exerted such a fascinating power of attraction." (9-10)

The route of analysis adopted by the practising psychoanalyst involves the theory that there are symptoms that are borne/exhibited by the body, that belie conditions of the mind/subconscious/unconscious. These conditions manifest as *visible signs* on the surface of the body, through gestures like nervous twitches and other 'abnormal' behavioural elements, or in the *form* of dreams, and through sudden bouts of hysteria, which are linked to time (in terms of the occurrence taking place at a particular time and having temporal associations) and memory/unconscious association (in terms of the sight of something causing a reaction that is not registered consciously). Among these, perhaps dreams are manifestations that are not borne directly by the body

during the conscious state – but other signs, especially the convulsions of the hysteric (that become evidence because they are involuntary), visible patterns, bodily movements and gestures, speech, look, appearance, are all part of this transaction of visibility. All these signs are taken as evidence of/manifestations of a condensation or displacement – for eg, this is one of Freud’s observations/explanations in the case of Dora - *Dora had had a very large number of attacks of coughing accompanied by loss of voice. Could it be that the presence or absence of the man she loved had had an influence upon the appearance and disappearance of the symptoms of her illness? If this were so, it must be possible to discover some coincidence or other which would betray this fact* (1997, 32). Freud’s analysis then involved explaining how this particular bodily act, the cough, came to be conferred the status of symptom. This is what I take to be the symptomatic reading, which could be used to understand ‘events’ that take place in the domain of the public.⁴⁸

Is it possible to use the psychoanalytic idea of the generative principle without immediately falling into the trap of diagnosing and the binary of cause and effect? Is it possible to read anxiety/hysteria into the controversies that involve publicness and sexuality without then necessarily positing a cause, this positing deriving from the therapeutic impulse?

⁴⁸ For example, the proposed ban on kissing in Indian cinema in the 1960s has been read as a symptom of an alliance between the authority of older feudal structures and the desire of/for the form of the new nation state. “To summarize, the prohibition of kissing is a symptomatic cultural protocol whose origins lie in the need to prevent the dissolution of pre-capitalist patriarchal enclaves, to rein in the forces of democratic transformation. It is not the transparent expression of a pre-existing cultural predilection but a ‘meaningless’...prohibition that regulates the public circulation of images as an obligation of the contract between new and traditional elites” (Madhava Prasad 1998, 100). This allows for a “historical construction” through psychoanalytic method and does not involve the disavowal of desire.

...Every hysterical symptom ... cannot occur more than once—and the capacity for repeating itself is one of the characteristics of a hysterical symptom—unless it has a psychical significance, a meaning. The hysterical symptom does not carry this meaning with it, but the meaning is lent to it, welded on to it, as it were; and in every instance the meaning can be a different one, according to the nature of the suppressed thoughts which are struggling for expression. However, there are a number of factors at work which tend to make less arbitrary the relations between the unconscious thoughts and the somatic processes which are at their disposal as a means of expression, and which tend to make those relations approximate to a few typical norms (Freud 1997, 33-34).

Can this be taken at the level of a method that brings together a set of symptoms and actively gives them meaning in that bringing together, that constructs a field of meanings? The following chapters attempt to do precisely that. They do not seek to only explain that which they come across as event/controversy/sexual practice. They aim at reading off the surface of contemporary utterances and articulations in order to map a field that includes the historical, temporal perspective. Visibility here will be read as a fundamentally disruptive transaction, as described in the earlier sections of this chapter. The debates on obscenity, work, spectacle, sexuality, all point towards the fact that something becomes a 'problem' for the state when it takes on a form in the public, when it gains a public presence and can be consumed by the public eye. With this we move to the next chapter, and an exploration of the body-in-the-text, the practice of censorship and obscenity law in India.

CHAPTER 2

Inflamed Passions and Prurient Interests

Censorship and the Staging of the Obscene Body-in-the-Text

“The relation between Reality and Relativity must haunt the court’s evaluation of obscenity, expressed in society’s pervasive humanity, not law’s penal prescriptions.”

“Social scientists and spiritual scientists will broadly agree that man lives not alone by mystic squints, ascetic chants and austere abnegation but by luscious love of Beauty, sensuous joy of companionship and moderate non-denial of normal demands of the flesh. Extreme and excesses boomerang although some crazy artists and film directors do practice Oscar Wilde’s observation: “Moderation is a fatal thing.””

“Surely, the satwa of society must rise progressively if mankind is to move towards its timeless destiny and this can be guaranteed only if the ultimate value-vision is rooted in the unchanging basics, Truth-Goodness-Beauty, Satyam, Shivam, Sundaram.”

(Krishnaiyer V. R., in Raj Kapoor and Ors vs State and Ors., 26 October 1980)⁴⁹

Introduction

This chapter draws its motivation from the curious nature of the practice of censorship in the Indian context, and the even more curious nature of the idea of obscenity. In the

⁴⁹ <http://www.indiankanoon.org/doc/1547506/> - Accessed as on 27 March 2012.

following sections, we will investigate the question of the (sexualized) body in the text, whether that text is film, literature, television, pamphlet, or internet website.

Taking as a given the by now familiar displacement of the framework that sees censorship as a purely prohibitive practice, I attempt to theorise the place that the idea of the ‘obscene’ sexualized text has in the field of visibility in the Indian context. The questions that make this investigation a part of the larger thesis are as follows – Through an analysis of obscenity law in the Indian context, what do we understand of what can and cannot be seen in the public domain? What are the logics of regulation at work in relation to the “obscene” body in the text? Is obscenity really and only about the ‘moral’ regulation of sexual practice or the sexualization of the female body? Does this regulation result in the process of *invisibilising* this practice or this body? Why is it that there are so many obscenity cases that end in acquittals?

The chapter takes its cue from the line often quoted in writing on Indian censorship cases (from the US Supreme Court case *Jacobellis vs Ohio*, 1964⁵⁰) – Justice Potter Stewart’s justification for the form that obscenity law takes – “I know it when I see it...”⁵¹ Stewart offered this as the only rationale he could formulate for recognizing obscenity in a text. While this line is well known, the rest of what he said often goes unquoted – “I know it when I see it, and the motion picture in this case is not that.” This refusal to grant the film in question the status of an obscene text is as important

⁵⁰ <http://supreme.justia.com/cases/federal/us/378/184/case.html> - Accessed as on 03 December 2013.

⁵¹ This is from the case *Jacobellis vs Ohio*, in which the manager of a theatre was summoned before the US Supreme Court after having been convicted for screening an obscene film (*The Lovers*, a French film) in the Supreme Court of Ohio. The US Supreme Court overturned this judgment, but there was a debate about the rationale behind obscenity laws. One of the Justices on the case was Potter Stewart, who offered only this as his rationale. This has been quoted over and over again in Indian jurisprudence on obscenity.

as the first half of the sentence, which places obscenity squarely in the realm of ambiguity and subjectivity.

I suggest that this line (not simply as a line from an American judgment but as an utterance which states that obscenity is judged not by intention or even content but by the effect the text has on the judge-as-viewer/reader), and its occurrence over and over again in Indian case law, helps us to argue that obscenity as a category of description in the Indian context is unfixable. The fact that there is as yet no “positive” definition of the obscene, either in Western jurisprudence or the colonial law that India inherited, and the ways in which the courts constantly deflect from the question of what is *actually* obscene, is testimony to the fact that the real concern lies elsewhere, in the transaction of a text crossing over into the public domain and being encountered there by “the man on the street”, and in how modernity is to be negotiated as a relation between the state and its subjects.

The chapter works against the following ideas: a) that censorship as a practice (in the case of obscenity law)⁵² involves only the *rendering invisible* of the obscene object or fragment b) that it concerns itself with only the text and nothing else c) that visibility in itself is a static condition that is to be unquestioningly desired, in opposition to invisibility d) that the text is self-contained, as is the body in the text, not spilling over into the realm of lived experience and subjectivity, and e) that the field of visibility then is a set of immobile objects that are simply ‘looked at’ by the eye of the law or of

⁵² It has to be emphasized here that censorship does not involve only obscenity. As the Cinematograph Act of 1952 states, censorship targets any film (in this case) that is against “the interests of 2[the sovereignty and integrity of India] the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence.” But recasting obscenity would inform an understanding of censorship as a practice, even with reference to these other concerns.

us, as readers/viewers/spectators. Instead, I argue that obscenity law in the Indian context works to constantly summon texts before the courts, and participates in a staging of the sexualised body as a “problem”. What becomes clear through an analysis of case law is that the real concern surrounds the introduction of modern technologies that enable the “common man” to access all kinds of texts – to push this further, the anxiety surrounds the formation of a public through this very circulation of texts, a public that might well be beyond the control of the state and its legal mechanisms. When we move into the present era, we find that it is not just individual texts that are charged with obscenity, it is entire mediums like newspapers and television channels, and overarching bodies like the Press Council, that are brought before the courts. And this is done through petitions filed by concerned citizens. The anxiety that effects this summoning is not related to the sexual nature of the texts, it is rather related to the question of how modernity is to be negotiated in the time of late capitalism and liberalisation. The media, increasingly privatised, are seen as becoming far too “open” and “commercial” in their reportage, and this anxiety then manifests in the form of these cases being filed.

The analysis here relies on the psychoanalytical method described in the previous chapter. Through a reading of the case law that results from obscenity cases right from the early 20th century to the early 21st century, we arrive at the fact that the *problem* in most cases is the circulation of texts to the ‘common man’, not simply the sexualised aspect of them.

Background: The Life of Obscenity in the Indian Context

Debates around obscenity have existed since the colonial era, and have addressed themselves to a variety of cultural objects (religious texts⁵³, short stories, books⁵⁴, documentary films⁵⁵, newspapers⁵⁶, TV channels, and of course, popular cinema⁵⁷); they have also addressed themselves to practices such as bar dancing, indecent exposure, sexually ‘degrading’ speech, and acts such as kissing in public. We will restrict ourselves to the first kind of censorship, that of the ‘article’ and will deal with the second in Chapter 3. The reason for this is that feminism in India has a history of engaging with the question of censoring the cultural text, from the period of the 70s which witnessed the blackening of film posters and ads, to the Hindutva attacks

⁵³ For example, the 1911 case *Kherode Chandra Roy Chowdhury vs Emperor*, 17 November. The case was filed against the publisher, who was selling copies of an extract from the *Uriya Haribans*, a religious text. The extract in question involved a five-year old Krishna and a Radha whose body becomes the focus of the extract, her breasts in particular. The religiosity of the text was one of the central questions in the case. <http://www.indiankanoon.org/doc/1652302/> - Accessed as on 27 March 2012.

⁵⁴ See Samaresh Bose and *Anr vs Amal Mitra and Anr*, 24 September, 1985, involving two people, the author and the publisher/printer of the Bengali novel *Prajapati*, which was charged with having obscene passages and descriptions. In this case, artistic merit and realistic portrayal were central features in the defence. <http://www.indiankanoon.org/doc/1383068/> - Accessed as on 27 March 2012.

⁵⁵ See *KA Abbas vs Union of India and Anr*, 24 September 1970; and *Director General, Directorate General of Doordarshan and Other vs Anand Patwardhan and Anr*, 25 August 2006 – in the first case, the film *Tale of Four Cities* became the battleground for debating the question of precensorship for films as a medium, though the case started out as a question of deleting shots of a red light district and the granting of a U certificate. In the second case, Doordarshan refused to broadcast the film *War and Peace* on the grounds that it would create law and order problems. Social usefulness was the deciding factor in the latter case. <http://www.indiankanoon.org/doc/1719619/> - Accessed as on 27 March 2012; <http://www.indiankanoon.org/doc/206282/> - Accessed as on 27 March 2012.

⁵⁶ See *Ajay Goswami vs Union of India and Ors*, 12 December 2006; the case filed was against *The Times of India* and the *Hindustan Times*, the *Press Council* and the *Union of India*, claiming that the constitutional right to freedom of speech and expression in the case of the press was not balanced by the adequate protection of minors/children from offensive and harmful material (sexual innuendoes and scantily clad women in pictures). The presence of existing safeguards in the form of Section 292 etc, and the emphasis on the constitutional right in article 19(1)(a), are what decided this case. <http://www.indiankanoon.org/doc/561137/> - Accessed as on 27 March 2012.

⁵⁷ See *Raj Kapoor and Ors vs State and Ors*, 26 October 1979; the case concerned the film *Satyam, Shivam, Sundaram*, and its producer, Raj Kapoor. The charges were “alleged punitive prurience, moral depravity and shocking erosion of public decency”. Artistic merit and the fact that the film had already been given the censor certificate were important in the outcome. <http://www.indiankanoon.org/doc/1547506/> - Accessed as on 27 March 2012.

against Deepa Mehta's film *Fire* (1996) and artist MF Husain's paintings⁵⁸. It has therefore also been a history of engaging with the visual and what is allowed to circulate in the eye of the public as acceptable and progressive. New positions and articulations entered the arena in the late 90s, with anti-censorship feminists arguing for "*space for greater sexual expression on the part of women. There has to be a conscious attempt to struggle to create space for consensual erotica in which women are active and willing agents*" (Ghosh 1999: 255). This accompanied the recasting of sexuality as "desire"⁵⁹ (Menon and Nigam, 2007, 93), a process that took place in the 90s and not only at the site of the women's movements, but at a number of other sites, shifts in Bollywood cinema to produce a new woman, media attention focused on single women or women's relationships to sex, and importantly, the LGBT movement and the demand for a recognition of non-heteronormative desire.

These shifts have resulted in the setting up of the prohibition-sexual expression model⁶⁰ of thinking about censorship, closely linked to the descriptions of the 90s as the era of sexual awakening and freedom, in which terms like 'consensual', 'agents',

⁵⁸ This Muslim artist used Hindu goddesses in his paintings, and reworked the meanings attached to them. This act provoked outrage among those who believed that he was hurting the religious sentiments of Hindus as a community, and also degrading women through his depictions. The painting that became the focus of a legal case is titled *Bharat Mata*, primarily because it represented her in the nude. See *Maqbool Fida Husain vs Raj Kumar Pandey*, 8 May 2008. <http://www.indiankanoon.org/doc/1191397/> - Accessed as on 27 March 2012.

⁵⁹ What is referred to here is not the psychoanalytical notion of desire and psychic drives, but the idea of a desiring subject as opposed to an oppressed subject – this meant an introduction of female pleasure in its positive sense, into a feminist understanding of women's lives.

⁶⁰ This is a model in which an opposition is posited between the act of prohibition/censorship, on the one hand, and that of expression/creation, on the other. Prohibition is seen as an act that is "negative", that removes the sexually explicit or disturbing elements within a text, seeking to render them invisible. The function of the law and of groups that demand censorship is read as keeping something out of public view. The counter to this, then, is expression, a "positive" act, with media activists, filmmakers and artists staking a claim on the freedom of expression that is their constitutional right. This model denies both what the act of prohibitions *produces*, how it teaches people to see, speak, understand, and the contexts and histories that these events belong to.

and ‘choice’ are not scrutinized for their investment in neo-liberal agendas⁶¹. Even in the debate over MF Hussain’s paintings, the positions were clear – those who called for the ban on his work, and those who called for freedom of expression stood on two sides but with a shared idea of where the ‘problem’ lay. For both these groups, the question of expression and the question of culture lay within the bounds of the text – the painting itself. For them, censorship as a practice was concerned with the text, and *obscenity* as a concern lay within the text. The notion of *visibility* in this case remains tied to this opposition and restricted by it, as an opposition of allowing or disallowing the presence of a (in this case sexualized) element within the text. The questions that remain unasked here are – when and why is it that these texts are brought in front of the courts, either by “citizens” who file cases, or by the police, or by advocates who chance upon them? How do these texts then get discussed or problematised within court procedures and what are the logics by which this problematisation take place? What is the charge of obscenity actually meant to put into effect as a process?

Censorship and the idea of the obscene are curious precisely because of the somewhat contradictory relationship between the substantive law that renders them static to a degree, in the constant citing of sections 292 and 294 (the obscenity law), and the ways in which this law is enacted in courtrooms and cases. An argument made by anti-censorship media activists and feminists is that the definitions of obscenity seem to have remained unchanged since the colonial period – that the law, like Section 377 (which prohibits carnal acts against the order of nature), is a direct adoption of colonial law and has to therefore be revamped to address the post-independence

⁶¹ An example of this is the response to the attacks against women in Bangalore in February 2009. The acts were largely read as violating women’s choice to wear what they wanted to and go where they wanted to, and the participation of this kind of reaction in the neo-liberal discourse on freedom and choice (in consumption, leisure, and other services), went unaddressed.

context⁶². So, at a symbolic level, it is the adoption of the Hicklin test⁶³, of a model that was set up by the colonial government and carried forward into independent India. But at the level of the actual functioning of this law and the hearings on cases that are filed under it, it is impossible to fix censorship as a prohibitive practice, and obscenity law as that which demands that a part of a text be rendered *invisible* to the people who encounter it.

This fixing is impossible at various levels. At the level of the legal text (the judgment), it has been pointed out that there are lengthy descriptions of the ‘obscenity’ in question, to the extent that the legal text itself becomes a titillating object⁶⁴. There is a constant production of what is and is not obscene, the two sides *closing in* on the object’s ‘obscene’ characteristics or parts. The obscene is then most obvious—since it is bracketed—within the texts of the judgments. It is curious that the Hicklin test came into being during a case concerning the public distribution of a pamphlet that criticised the nature of priesthood (titled “The Confession Unmasked: shewing the depravity of the Romish priesthood, the iniquity of the Confessional, and the question put to females in confessions”), “shewing” how degraded and immoral

⁶² For an example of this argument, see Devbrat Roy Chaudhary’s article titled “Time to shed our hypocrisy”, in *India Today* (May 26, 2012). The writer argues that “our laws continue to preach Victorian values” and that it is hypocritical to enforce these laws “laid down in England nearly one and a half centuries ago” in present India that is not only rapidly changing, but also has pornography circulating in various forms, albeit illegally. This reading of “hypocrisy” precisely misses the point about obscenity – that it is “not pornography” in its definition, that it is constantly looked for unlike pornography, which is there and illegal but overlooked by everyone but the police in habitual raids, and by customers who know where to find it. It is only with the advent of internet technologies that pornography as a category has become a “problem” and “present” in the public domain. (<http://indiatoday.intoday.in/story/pornography-obscenity-law-indian-penal-code-sunny-leon/1/197675.html>)

⁶³ Regina vs Hicklin 1868 – Cockburn, the judge in the case, stated that the test of obscenity was “whether the tendency of the matter charged with obscenity is to deprave and corrupt those whose minds are open to such influences, and into whose hands a publication of this sort may fall.” This is quoted in every Indian verdict on obscenity, whether it convicts or acquits the people charged. See all the cases mentioned in this chapter, each and every one of them mentions the Hicklin case. See http://en.wikisource.org/wiki/Regina_v._Hicklin - Accessed as on 05 March 2012.

⁶⁴ For more on this, see Liang 2007

priests were and how obscene the questions put to women in the confessionals. The texts therefore contain extracts of these confessionals which are included in ‘gross’ detail; the law is therefore seen as a restriction on this kind of obscenity, but in posing as a reasonable restriction, the text of the law (that is, the judgment) is involved in this act of detailing and description, or indulges in description of its own, building fantasies around the exposed body or the sexual act (Regina vs Hicklin 1868). A good Indian example of this kind of detailing is in the case *The State vs Thakur Prasad and Ors*, 14 May 1958⁶⁵, in which the instructions on sexual acts provided in the book under scrutiny (*Asli Kokshastra*), are listed out at great length, covering almost the entire text of the judgment – terms such as “Sanghata asan” (two women with one man or two men with one woman), “goyudhakam asan” (one man with many women or one woman with many men), “varikelit asan”, “Mukh maithun” (a woman giving the man oral pleasure), “bahissandam-sam”, “Chumbitakam” are all explained in graphic detail. In the Indian context, older texts are caught up in a debate around culture, religion and scriptural authority, this particular combine marking a difference from Western cases. It is only texts that have no claim to religion or the authority of tradition that are scrutinised purely on grounds of obscenity and cultural morality. In the 2005 case against the Tamil film *New*, the judge participates in intricate descriptions of the scenes in the film, with a listing of sexual innuendos, song lyrics and camera angles (*A Arulmozhi vs The Govt of India and Ors*, 5 August⁶⁶). Rather than just pronouncing these texts obscene, the judge is compelled, by the very nature of obscenity law, to justify what *he reads* into the text, as a viewer or a reader.

⁶⁵ <http://www.indiankanoon.org/doc/511876/> - Accessed as on 03 December 2013.

⁶⁶ <http://www.indiankanoon.org/doc/1633221/> - Accessed as on 27 March 2012.

This brings us to the other level at which the obscene is never fixable. The unfixability of what is obscene is built into the way the law is written, for the obscenity lies in the effect produced by the text, not in the text itself⁶⁷. Therefore there are various cases in which the judge pronounces the article in question as not obscene since there is no evidence of the immediate effect it will have. The quotes that began this chapter, from the case against Raj Kapoor as producer of the film *Satyam Shivam Sundaram*, point to the fact that there already exists the idea of a distinction between the simply sexualized image and the obscene image, and so this is not something that needs to be seen as *absent*, by those arguing against censorship. An understanding of pleasure, entertainment, and artistic or social value as necessary to our lives, is already present within the enactment of obscenity laws, and the *staging* of the text (whether image or written text or film) as the central concern has to be seen as a symptom of the disavowal of where the real concern lies.

One must also establish at this point itself that obscenity is not fully contained within the realm of law and legal process. In fact, to argue that it is would be to ignore the various other sites that are constitutive of the law itself, and that decide judgments on obscenity. To go one step further, our need to study cases is driven by the actions and articulations that emerge at these other sites, that have seen various kinds of proliferation in the last two decades – what is now referred to as Hindutva groups and their ‘reactions’ to ‘Westernisation’ and ‘modernisation’; the growing concern with

⁶⁷ Central Government Act
292. 1[Sale, etc., of obscene books, etc.-- 2[

(1) For the purposes of sub- section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.] See <http://www.indiankanoon.org/doc/1704109/> - accessed as on 23 May 2012.

'youth', their participation in 'culture', their habits, their lifestyle and patterns of consumption; the concern with what new technologies are allowing for; what is seen as the era of the spread of AIDS; the 'commodification' (as opposed to commercialization, which was always an aspect of the film industry) of Bollywood, as repackaged for the West and for the West-in-India; and so on – all of these caught up in an anxiety around forms of modernity that constitute our contemporary. Just so that we do not necessarily read this extra-legal universe of concerns as "new", we can refer to Deana Heath's analysis, in *Purifying Empire: Obscenity and the Politics of Moral Regulation in Britain, India and Australia*, on obscenity regulation during the colonial period. She brings to our attention a period of time when the country saw the rise of independent organizations that sought to cleanse the social of obscenity – for example, the Society for the Suppression of Obscenity, an all-Indian body founded in 1873, their goal being "the progress of the country" through the "promotion of pure, and the suppression of undoubtedly vicious, literature" (2010, 184). Heath argues that this was the effect of the failure of colonial aesthetic imperialism, only because it had succeeded so well that it had enabled self governance by the native subjects (ibid). Another body was the Students' Social Purity League, set up in the 1890s, and this is argued to have transformed the regulation of obscenity into a biopolitical project led by the Indian elites and not the British (192). From this two things become clear – firstly, there have been, since the late 1800s, mediators, or extra-governmental parties, invested in how the obscene is regulated in the public domain. During the British rule, these took the form of organized bodies whose stated and reformist aim was this very regulation, in the name of progress and civilization. This brings us to the second point, that the concern with obscenity started out as a set of governmental measures by the British state, an effort to control what was allowed to be imported or circulated,

with a specific focus on the Sea Post Office and Postal offices around the country; it then became a project of the Indian elite, as part of a nationalist effort to demonstrate that Indian society was capable of governing itself and was inherently purer than the immoral colonisers.

In our present era, we find that this concern with obscenity does not exist in the form of organized bodies but rather in some form of the political (as formulations or utterances that emerge from “culturalist” groups that have affiliations to political parties), and/or around the figure of the citizen (as the responsibility of the individual Indian to recognize and report obscenity). We shall return to this later in the chapter.

So the aim here is not to restrict the imagination of obscenity as an object of analysis to the confines of substantive law. It is precisely through and at these other sites that the idea of the obscene ‘lives’, so to speak. But the point is also not to ignore the fact that the law is part of everyday life, and has an active presence in the media and in the minds of people. Legal cases and the debates surrounding them are the ways in which obscenity as a specific category *appears* in the public domain – legal modes like cutting or editing (demanded by the Censor Board), banning (as verdict in case law) and raiding (carried out by the police) are what constitute the contentious core of obscenity law. Organisations or individuals who want to fight obscenity do not any more set up societies that work at the level of the social, they file petitions with the courts to get material banned or edited out. Keeping this in mind, it is important to address an institution like the legal system against the grain of its own logics and produce a reading of the ways in which it works (not always diminishing its role in

the light of other sites of meaning production)⁶⁸. This chapter therefore examines obscenity within (in so far as *within* simply means *directly referring to*) the judgments produced by the legal system, to argue that in there is a constant *summoning* of obscene texts to the courts, this summoning revealing the anxieties related to modernity and the ways in which bodies and texts participate in the public domain.

This chapter, then, will do two things: a) argue, through a close examination of legal cases, that obscenity, even within the law's understanding of it, lies beyond the text; and b) introduce the question of sexuality and the female body as not always already obvious in this concern with obscenity, but as being staged as obvious, this being a symptom of the anxiety produced by the constitution of the public as a body-collective.

We will first look at the ways in which the law as a domain and censorship as a process have been rethought.

Frameworks of Destabilisation

I. One of the most significant contestations of the prohibition-expression model and the positing of the text as the object of censorship, is that which takes into account the collective entity termed "the public". Film scholars and historians have addressed the deployment of this entity in discourses of empire, nationalism and welfare⁶⁹. The shift

⁶⁸ Also, as evident through the work of Deana Heath, exploring all the aspects of this category are well beyond the scope of a single chapter.

⁶⁹ See Ashish Rajadhyaksha's "The Judgment: Re-forming the 'Public'" (1999); Ravi Vasudevan's *The Melodramatic Public: Film Form and Spectatorship in Indian Cinema* (2010); SV Srinivas' "Is There a Public in the Cinema Hall?" (2000); Lawrence Liang, Namita Malhotra and Mayur Suresh's *The Public is Watching: Sex, Laws and Videotape* (2007)

introduced in the discussion on censorship by this focus on the public, is that first of all, the ‘real’ problem with the texts in question becomes more layered – they are cause for concern not just because they seem to have obscene elements, but because these ‘obscene’ elements are being encountered by ‘the public’ or are circulating in the public domain. They are therefore not just visible, they are visible to the public, to audiences, to those who might read them in ways that allow for behaviour or thought that is not in line with the responsible citizen. Visibility here becomes a transaction, rather than a static condition. It is a moment of reading or understanding or desiring. And this is why the judge has to position himself as an author, then a reader, and then *the* dispassionate decision-maker.

The material body of the public is not an often-stated concern in the obscenity law, while “morals” and “prurient interests” are (and thoughts that the text may induce). But the body comes into focus in the way in which censorship as a practice is justified and understood. First, there is the idea of ‘arousal’, which could indicate physical arousal as well as mental. Second, the instance of obscenity is evidenced by ‘clear and present danger’, that is, that the subject will *act* on the basis of the emotions aroused by the text, that there is clearly the possibility of a dangerous or a sexually depraving act, where the obscene text acts like a “spark to a powder keg” (a phrase from within case law to stress on the fact that the danger has to be immediate). Thirdly, the historical justification of censorship lies in questions of hygiene and sexual conduct – the British regarded the regulation of obscenity as a way of ensuring the health of the populations they governed, and also as a way on enforcing divisions between the British and their Indian counterparts. These become part of the ways in which the *effects* of the text are discussed.

So it is the body, mind and morals of the public that are the ‘real’ concern of censorship, rather than the existence of a text-in-itself.

II. Following this is the argument that the act that is most often criminalized in the case of obscenity law, is the act of putting an ‘obscene’ text into circulation and distributing it, not necessarily the act of creating the text itself (Shah 2007). The two big cases that have involved the creator of the text have been *Maqbool Fida Husain vs Raj Kumar Pandey*, 8 May 2008, and *KA Abbas vs The Union of India and Anr*, 24 September 1970 – in the case of Husain’s painting *Bharat Mata*, the case is embedded in the contested ground of ‘Indian’ culture and the fact of his being a Muslim painter ‘sexualizing’ a sacred Indian—read Hindu—icon marks this case as occupying the space of the contemporary, with the growth and proliferation of Hindutva groups in the country; in the case of KA Abbas’ film *A Tale of Four Cities* (1968), the text was created for the express purpose of demanding that pre-censorship of films be stopped as a practice. Other than a few cases such as these, it is the newspaper company, television channel, the publisher of the book, the bookseller, and the producer of the film, who are charged with obscenity. Even in the case of the 2008 DPS MMS scandal⁷⁰, it was the CEO of Baazee.com who was charged with the sale of the clip online, not the two students who created the clip. And as mentioned earlier, in the case of Samaresh Bose, both the author and the publisher were charged with obscenity. In the case of *Satyam, Shivam, Sundaram* (1978), Raj Kapoor was the

⁷⁰ This case (*Avnish Bajaj vs State*, 29 May 2008) involved a sex clip made by two students of the Delhi Public School (RK Puram) – the clip was circulated by the boy, but the case was filed only when the clip was uploaded onto Baazee.com under the title “DPS girls having fun”, by a student of IIT Kharagpur. Avnish Bajaj, the CEO of Baazee, was then summoned by the Delhi High Court for having allowed this clip to be uploaded and sold on the internet (8 copies were sold by the time the clip was noticed).

producer of the film, not its director. This falls in line with the second clause of the obscenity law, which pertains to the sale, distribution and hiring of objects that are by the first clause deemed obscene⁷¹. Again, the transactional nature of obscenity comes into focus. Private possession of the text is not deemed illegal. The text has to be involved in some sort of transaction, and perhaps has to travel in certain ways in the public domain. Even by the law's reckoning, the place it occupies in the economic domain is inextricably tied to the place it occupies in the "moral". This is why the exceptions to this subsection of the law include the following:

- (a) any book, pamphlet, paper, writing, drawing, painting, representation or figure-
 - (i) the publication of which is proved to be justified as being for the public good...in the interest of science, literature, art or learning or other objects of general concern, or
 - (ii) which is kept or used bona fide for religious purposes;
- (b) any representation sculptured, engraved, painted or otherwise represented on or in-
 - (i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), or
 - (ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

⁷¹ (Extract) "(2) 3[] Whoever-
(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, reduces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or
(b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or
(c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or ..."

(Section 292 of the Indian Penal Code, 1860 – see <http://www.indiankanoon.org/doc/1704109/>. Accessed as on 23 May 2012.)

It is clear here that texts involving scientific development, the progress of literature and art, religious participation, and the preservation of history and ‘culture’, are to be distinguished from texts meant solely for profit-making purposes or entertainment (this is one of the reasons for the cinema being eyed with such suspicion and being marked as ‘special’). It is not that they are mutually exclusive, for often a film is acquitted of charges precisely on these grounds of these exceptions. It is also strange that though staged as *exceptions*, these justifications often attach themselves to most kinds of texts, and prove to be not so exceptional. Almost all the cases cited till now have seen these grounds for acquittal – religious value, literary value, narrative value.

III. The last, narrative value, is significant, as it brings us to the next major argument that has been made in relation to censorship law, which is the law’s investment in narrative and in the *production of the seeing public* (not just its regulation). The argument states that the law is not interested just in regulating what the public can and cannot see, it is interested in teaching the public how to see (Liang 2007). There is therefore the constant production of the “reasonable person” who will not ascribe wrongful or harmful meanings to a text which does not contain them. There is the idea of the intelligent public which will be able to discern for themselves which articles are harmful and which are not. There is also then the idea of the participatory public which intervenes in the processes of circulation and distribution to ensure that certain social and moral values are upheld in the public domain. This is why the case of children becomes ‘special’ because they cannot be included in the above classes of people. In this way, the law is not setting up a public that does not know, it is precisely setting up a public that does know, that understands, and acts. This public

also deserves entertainment and pleasure, within the limits of an order that has to be maintained. This is why pornography, terrorism and piracy all become acts that exceed, they are forms of desire that play outside of the economies set up within the law⁷².

The law's investment in narrative is also more direct and the discussions in cases are sometimes structured by how the act of censoring will affect the narrative and the public's understanding of the motives and message of the film. This is highly apparent in the case surrounding *Bandit Queen*⁷³. The judge in question argued that if the scenes of the protagonist Phoolan Devi being hit by the policeman or being abused by her husband are removed or reduced too much, then it is not possible for the audience to understand the extent of her ferocity or hatred or bitterness, and to understand why she chose to become a dacoit. The narrative is then disturbed and the social relevance of the film gets disrupted. The explanation for her actions is lost. This opinion goes to the extent of saying that the Parliament and Central Government, by failing to separate that which is artistic and socially valuable from that which is truly obscene and horrifying, have, "In their desire to keep films from the abnormal...excluded the moral. They have attempted to bring down the public motion picture to the level of home movies."⁷⁴

The investment in narrative value sits curiously alongside a stake in realistic portrayal. In the same case of *Bandit Queen*, the judge dismissed the appeal to remove certain expletives used in the film by the characters on the grounds that this is the way

⁷² Nishant Shah argues that the case of the internet is interesting precisely because the tropes of idealization and criminalization converge – every citizen is simultaneously an ideal member of the public and a criminal. See Shah 2007.

⁷³ See Bobby Art International etc vs Om Pal Singh Hoon and Ors, 01 May 1996

⁷⁴ Ibid

in which people of that region of Chambal speak, and there is nothing obscene about realistic representations of this kind of language, since it is not meant to arouse prurient interest but is simply meant to contextualize the film. “If Nadir Shah made golgothas of skulls, must we leave them out of the story because people must be made to view a historical theme without true history?”⁷⁵ What is apparent is therefore the fantasy of a real portrayal, just as there is the fantasy of these texts having a direct impact on the viewing or reading public. The law’s delight in the narrative and its simultaneous fantasy of the ‘truth’ in the narrative can be seen in these lines – “it is not a pretty story. There are no syrupy songs or pirouetting round trees. It is the serious and sad story of a woman turning: a village born female becoming a dreaded dacoit. An innocent who turns into a vicious criminal because lust and brutality have affected her psyche so. ... It is in this light that the individual scenes have to be viewed.” This stake in realism is found to be curiously mirrored in feminist responses to media as well (in the context of early feminist writings on censorship). In her essay “Questions for Feminist Film Studies” Tejaswini Niranjana looks at the early articles in *Manushi*, pointing to not only the ‘anti-erotic ethic’ that can be traced back to Mary Wollstonecraft⁷⁶, but also to a “concern with realism” – “We find in many of the articles and reviews published in *Manushi* a concern with realism as able to guarantee both the film’s aesthetics (truth to life) and its politics (correct representations of reality leading to the formulation of “real” resolutions to the problems faced by women)” (1999)⁷⁷.

⁷⁵ Ibid

⁷⁶ This ethic positioned women who derived pleasure from these forms as weak and as having submitted to dominant patriarchal desires to render them emotional and sensual beings rather than intellectual, political and rational beings. See Kaplan, Cora. “Wild Nights” in *Sea Changes: Essays on Culture and Feminism* (1986).

⁷⁷ http://www.jmionline.org/articles/1999/Questions_for_Femini.pdf. Accessed as on 09 August 2013.

IV. In the context of this stake in realism, another argument that is useful in shifting the grounds of the discussion on censorship makes the act of “recognition” central to it. Ashish Rajadhyaksha’s essay “Is Realism Pornographic?” deals with the writings of Pramod Navalkar⁷⁸, former Minister for Culture in Maharashtra. The essay points to how explicit or hard-core pornography does not seem to be the concern as much as a whole range of practices attached to the phenomenon of modernity - “...in a clear shift of subject matter, what we are now seeing is an explicitly politicized moral censor looking at all this—looking not so much at the sex industry as at society-in-general, at society itself now theatricalised into a morbid stage of sleaze” (Rajadhyaksha 2005, 180). This strengthens the idea that the texts or objects are not in themselves a problem, the act of pointing or recognizing them is what produces them as problem. The moral censor also then stands apart as someone who does not participate in modernity but only points to it or *recognizes it for what it is*. This differentiation of the moral censor from those who participate in the “stage of sleaze” is mirrored in the case of the legal censor. The judge does not see himself as a member of the public, or as prone to the effects of these texts. As mentioned earlier, he claims to place himself in the position of first the author, then the reader, in order to divine the intentions of the text in the first case and the effects of it in the second. In the last instance, though, he is *dispassionate* judge or decision-maker. He is not

⁷⁸ Pramod Navalkar was Minister of Culture from 1995-1999. He wrote a column titled “Bhatkyachi Bhrmanti” (Journey of a Tramp) in the Marathi newspaper *Navshakti* – the column ran for 52 years and is mentioned in the Guinness Book of World Records. Navalkar is described as someone who believed in the mode of “public intervention” – he went out into the city looking for soft porn and illegal advertising, and also worked with others to rid the city of ‘eunuchs’, drugs, pimps and brothels. (<http://indiatoday.intoday.in/story/pramod-navalkar-aims-to-curb-surrogate-advertising-and-soft-porn-magazines/1/288931.html>). The current controversy around Aam Aadmi Party member and Delhi Law Minister Somnath Bharti carrying out a “raid” on “prostitution and drug rings” in Delhi, claiming that these are what the tendency to rape originates in, smacks of a curiously similar phenomenon at this point in time – the difference here, of course, is a stated tension between the AAP and its ministers on the one hand, and the Delhi Police on the other. The AAP still positions itself as a critic of the state (it will sweep up corruption and illegal activities), and carries out what it sees as justice in the name of “the people”. Navalkar, on the other hand, worked alongside the police in his raiding of the city. (‘They held us in taxi for 3 hrs, took urine samples, said black people break laws, Ananya Bhardwaj, 17 January 2014 - <http://bit.ly/1dzgalb>. Accessed as on 20 January 2014.)

even staged as the penultimate “reasonable person”, for he has to transcend the public in order to decide what is good for it. This is why a line as seemingly subjective as “I know it when I see it” (Justice Potter Stewart’s view of pornography) does not seem to contradict the rational processes of the law. As discussed in the previous chapter, this transactionary moment also shifts the grounds of how we must understand the visible and the invisible, by showing that what is visible is recognised as such.

Now that we have laid out the various arguments which problematise the prohibition-expression model, and the text-centred model of understanding both censorship as a practice and obscenity as an idea within that practice, let us move on to looking at specific questions relating to the body and sexuality within this arena. This will be done through some of the cases that fall under obscenity law, and I will return to some of the questions raised earlier in the chapter.

The Obscene Text-Body: An Elusive Object

CERTAINLY this picture excels in vulgarity and indecency the other nude/semi-nude pictures of women in the two issues of the magazines. However, it is in the form of a caricature. So even though it is repulsive and disgusting it would not possibly fall within the category of the term "obscene" although it borders on obscenity.

(Sada Nand And Ors. vs State (Delhi Administration), 20 March, 1986 – in other words, the *Debonair* case⁷⁹)

It is not necessary that the angels and saints of Michael Angelo should be made to wear breeches before they can be viewed.

⁷⁹ <http://www.indiankanoon.org/doc/1157704/> - Accessed as on 27 March 2012.

(Ranjit D Udeshi vs State of Maharashtra, 1964 – the *Lady Chatterley's Lover* case⁸⁰)

If the depraved begins to see in these things more than what an average person would, in much the same way, as it is wrongly said, a Frenchman sees a woman's legs in everything, it cannot be helped.

(KA Abbas vs Union of India and Anr, 24 September 1970)

Before we discuss the fact that obscenity is not only about the body-in-the-text and the aesthetic representation of sexual acts, but in fact about the body politic and the conspiring, lying, adulterous, promiscuous, *transacting* bodies or sexual subjects in the public domain, we must note the fact that even within the text itself, obscenity as such seems to be an elusive quality. It is not as easy to find as we might think⁸¹.

One imagines, as someone not familiar with the law as apparatus, that in these cases, anything that is sexually explicit is rendered obscene, and this is the assumption on the basis of which feminists, the media, and political-cultural activists set up their prohibition-expression opposition. This is also the basis on which censorship is seen as a process of rendering certain bodies and acts *invisible*. But it is not simply that acts and bodies are being rendered invisible and now need to be visibilised through progressive action. It is how they are being rendered visible, the ways in which we are being made to see bodies or sexual acts, how they are being talked about, and what frames them in the field of visibility, that are significant. There are various questions addressed to the object charged with obscenity by the law – Is it sex for sex's sake? Is the exposed body performing an aesthetic or artistic function? Who is seeing it? What

⁸⁰ <http://www.indiankanoon.org/doc/1623275/> - Accessed as on 27 March 2012.

⁸¹ It must be noted here that this is not something that I am reading into the case law – it is blandly stated in most cases on obscenity, that the law itself doesn't define it, that it is a vague category.

are the objects that surround this body or this act in the text? What kind of narrative is it placed in? Who sold it and to whom? And the answering of these questions is not as important as the fact that the text in question, the naked body, the sexual act, is then lifted from a “pure” self-contained version of itself and placed onto various transactions – that of the viewer perceiving the text and then thinking about it; of the viewer or reader acting on it; of “passions” being aroused; of money being made; and of copies being produced. Therefore to assume that either the body or the sexual act is fixed in a narrow definition of obscenity from which it needs to be rescued would be to underestimate the law and misread it.

From the quotes above, we get a sense of two kinds of evasion or refusal to name the text as obscene. In the first case, the text is declared as a caricature, and as caricatures go, has value in terms of criticism of social behaviour⁸². It is therefore not intended to arouse base desire or lust in the reader but is instead a comment on society. In the second case, the texts in question are Michelangelo’s paintings of angels and saints. They have obvious historical, scientific, theological and artistic merit and therefore cannot be obscene texts, however naked the angels and the saints are and whatever the acts they are involved in. Besides these two kinds of evasion of the charge of obscenity, there are others. Many judgments refer to the law and to preceding judgments (precedence is a vital part of the law’s performative function and how it

⁸² In this case, male behaviour upon encountering exposed female breasts. The quote follows this passage –

“It may also be noticed that at page 8 of the June 1977 issue of the magazine there is a caricature of a nude man and a woman and the lustful eyes of the man are well set on the breasts of the woman who is sitting in his lap. Below it there is the following legend:

“THEE yes Have It [sic]: The sexiest part of the human body is the eyes, according to students at Oregon State University. Men listed the sexiest parts of a girl as eyes, breasts, waist, bottom. Girls listed eyes, shoulders, chest muscular arms, hair and mouth.”

replays its own authority, so maintaining it⁸³) in order to establish that sex or nudity in itself is not obscene. Descriptions or representations of the body and of sexual acts are or are not obscene depending on the way in which they are deployed and on what frames them. In the *Debonair* case⁸⁴, for example, the judge cites an earlier judgment:

In *Sreeram Saksena v. Emperor*, Air, 1940 Calcutta (290), some postcards of women in the nude were said to be obscene. These pictures had been reproduced from some of the photographs contained in the picture books named "Sun Bothers", "Eve in the Sunlight", "Perfect Womanhood", and "Health and Efficiency" which were being sold in the market. It was held by their Lordships that: "A picture of a woman in the nude is not per se obscene....Unless the pictures of nude female forms are incentive to sensuality and excite impure thoughts in the minds of ordinary persons of normal temperament who may happen to look at them, they cannot be regarded as obscene within the meaning of S. 292. For the purpose of deciding whether a picture is obscene or not one has to consider to a great extent the surrounding circumstances, the pose, the posture, the suggestive element in the picture, the person into whose hands it is likely to fall, etc."⁸⁵

The photographs in *Debonair* were therefore shown as having backdrops of 'nature', which immediately infused them with a particular *aesthetic* value and made them objects of art rather than pornography. Also, the magazine was described as dealing

⁸³ Jacques Derrida, in "The Mystical Foundations of Authority", argues that the law has no authority that transcends its performative function. It stages itself as having authority prior to the moment of utterance or judgment, but its authority is precisely invoked with every utterance, it is an authority maintained through repetition or iteration. In this case, the constant self-referentiality or intertextuality of the law is part of its invocation of authority (1990). There is also the constant referencing of British or American judgments that have been recorded as historic in terms of opening up the law to philosophical and political questions of freedom, individualism, privacy, and so on.

⁸⁴ *Debonair*, incidentally, was the first English magazine to conduct a sex survey on sexual attitudes of urban, educated men (1991). *Savvy* followed this with a similar survey on women. (See Menon and Nigam 2007, 91).

⁸⁵ See *Sada Nand And Ors. vs State (Delhi Administration)*, 20 March, 1986.

with a variety of subjects, like “politics, economics, business management, cinema, sports”. Of course the photographs were declared ‘vulgar’, but again, vulgarity is not obscenity, it is yet another way of side-stepping the charge of obscenity. Vulgarity (as different from obscenity) gives rise to emotions of revulsion and disgust but not to lascivious thoughts and degraded morals. Vulgarity almost becomes a question of aesthetics. “All I may say is that it is high time that the petitioners improve their standard of photographs and pictures of nude women so as to impart a really artistic and aesthetic touch to the same without, in any manner, over-stepping the standards of contemporary sexual morality.” The defending lawyer states, “They (the pictures) assert that the photographic features when examined would show that the emphasis is not on the nudeness of the female but is rather on beauty as conceived and unfolded by the artist.” Nudeness is apparently not where the emphasis lies, beauty is where it lies. This is a curious way of staging the discussion on the obscene, through an opposition of *nudeness* (which the text does not intend the reader to focus on) and *beauty* (which the text does intend the reader to focus on). Of course, one cannot take this at face value and believe in this as a ‘real’ difference that the judgment is making. The judge knows, the lawyer knows, the petitioners know, that beauty and nudeness are not opposed in this way, that nudeness might well in fact be the point of the photograph. The idea of aesthetic or artistic merit is brought in precisely to render this nudeness harmless. Here it is the idea of the aesthetic that gets centralized and the judge decides that the pictures are ugly and vulgar, and need to be more artistic. These are nudes in a men’s magazine, they are not Michelangelo’s paintings, but they are still not obscene.

The nude female body is excused in another scenario – when it ‘exposes’ the atrocities that have been committed against it. In the case of *Bandit Queen*, the scene where Phoolan Devi walks stark naked towards a crowd of villagers after she has been gang-raped, is seen as hardly contentious⁸⁶. The member of the Gujjar community who filed the case pointed to it as degrading to Indian womanhood⁸⁷, but the judge in the appeal refused to accept this rendering of the scene as shameful or dangerous to morals.

Much emphasis was laid before us upon the fact that Phoolan Devi is shown naked being paraded in the village after being humiliated. The Tribunal observed that these visuals could but create sympathy towards the unfortunate woman in particular and revulsion against the perpetrators of crimes against women in general. The sequence was an integral part of the story. It was not sensual or sexual, and was intended to, as indeed did, create revulsion in the minds of the average audience towards the tormentors and oppressors of women. “To delete or even to reduce these climactic visuals”, the Tribunal said, “would be a sacrilege.”

Similarly, in the judgment on Husain’s painting ‘Bharat Mata’⁸⁸,

⁸⁶ A short history of the case is required here. *Bandit Queen* came before the Censor Board on 17th August 1994. The Examining Committee of the Censor Board referred it to the Revising Committee under Rule 24(1) of the Cinematograph (Certification) Rules, 1983. The latter recommended that it be released with an ‘A’ certificate subject to certain modifications. An appeal was filed against the extent of these modifications and the Appellate Tribunal was given the responsibility of deciding on this matter. The Tribunal saw the film as addressing important social evils, and after greatly reducing the modifications and giving an explanation for this decision, ordered the release of the film with an ‘A’ certificate. It was then on 27th January 1996 that a petition was filed by the president of the Gujjar Gaurav Sansthan to withdraw the censor certificate of the film. This is the judgment that followed the petition. See Bobby Art International etc vs Om Pal Singh Hoon and Ors, 1 May 1996. <http://www.indiankanoon.org/doc/1400858/> - Accessed as on 27 March 2012.

⁸⁷ Om Pal Singh Hoon, president of the Gujjar Gaurav Sansthan, was the person who filed the case against the film, and his main claim was that it misrepresented the Gujjar community. He also added that it was degrading to women (this claim intending to strengthen his case).

⁸⁸ See Maqbool Fida Husain vs Raj Kumar Pandey, 8 May 2008.

The artist's creativity in this painting is evident from the manner in which the artist by way of a tear and ruffled, unkempt, open hair of the woman tried to portray the sad and the dispirited face of our nation who seems to have suffered a great deal of anguish and agony. A woman's sorrow has been described by the way the woman is lying with her eyes closed, with one arm raised on her face and a tear dropping from the eye. The object of painting the woman in nude is also part of the same expression and is obviously not to stimulate the viewer's prurience but instead to shake up the very conscious of the viewer and to invoke in him empathy for India....

Nudity in both the above two cases has been explained not just as acceptable but almost as necessary in order to deal with what is read as the subject of the film or the painting, that is, rape and violence on the one hand and deprivation on the other.

If the text is denied the status of obscene on these various grounds, then you might well ask what *does* make the cut? What succeeds in being obscene in the eyes of the law? More importantly, is it a question of time? Perhaps the same texts which would have been found obscene during the colonial period or in the early post-independence decades would not be found obscene now? This argument suggests a linear history of liberal thought, as proceeding from the dark ages to a present in which the emphasis is on freedom. For one thing, the verdicts in the obscenity cases do not present a picture of this uniform change – they do not signal a shift from a more stringent law in the colonial and post-independence period, to a less stringent one in the period after liberalization. While it is true that there are generally more acquittals than convictions, there seems to be no clear-cut explanatory framework that can apply to these results. The problem with this idea of a linear transformation is also that it does not then explain why the last two decades have seen a heightened anxiety around the

question of obscenity, and it has become a significant question around which political parties mobilize themselves. As the judgments in many of these cases say, obscenity is “something more”. It is more than vulgarity, more than nudity, more than the text. Similarly, censorship has to follow a logic that exceeds simply finding the text at odds with the tastes of sections of the public, or the state’s (meaning government authorities’) ideas on acceptable forms of expression. “In order for the State to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.”⁸⁹ What is this something more?

If we approach this question from another angle – what about those cases in which there are convictions? Don’t they stand testimony to the fact that obscenity is in fact a moral regulation of the bodily-sexual? The picture painted in the sections above seems to imply that there are very few convictions handed out, and this is not completely true. Eight out of the twenty-six odd cases that have been examined for this chapter (roughly one-thirds) ended in convictions, these being spread out over the period from 1911 to 2010. One of the more well-known convictions related to DH Lawrence’s *Lady Chatterly’s Lover* (Ranjit D Udeshi vs State of Maharashtra, 1964), in which the accused was the owner of Happy Book Stall, Bombay. The judge in this case carried out a full-blown analysis of Lawrence as a writer and his justifications for writing about sex (including what his critics had said about him), in the end declaring that even if there was a message the book could offer its reader, this message was hard to discern for a lay reader.

⁸⁹ See Ajay Goswami vs Union of India and Ors, 12 December 2006.

So both arguments, of there being a linear history of censorship, and of there rarely being any convictions under this law, do not hold in any conclusive way. This does not take away, though, from the fact that the obscene text is still an elusive object and that the judges in these cases still need to justify why the sexual elements in the text are in fact obscene. We turn then to exploring the nature of these convictions.

If we look at texts/objects that have been banned in the last decade (whether on grounds of obscenity or other grounds such as national security or failure to adhere to the Cable TV Network Act), they include child pornography, innocuous discussion groups on Yahoo⁹⁰, Hindutva websites⁹¹, ‘controversial’ films on caste or religion, and English TV channels. In the first case, it seems obvious. Hardcore pornography is always already illegal (though it is not as contested as one would think it to be). Child pornography is one of the few forms to be unconditionally banned, and Internet Service Providers have been ordered to block all child porn websites. This attitude towards child porn finds its mirror in the way in which children are addressed as ‘special’ in terms of obscenity law. Both the Pratibha Naitthani case against English TV channels and the Ajay Goswami case against the *Times of India* and the

⁹⁰ In 2003, a small Yahoo! discussion group of the Hunniewrtep National Liberation Council of Meghalaya was banned using the IT Act 2000. The charge was that the group contained material “against the Government of India and the State Government of Meghalaya.” The ISPs, instead of blocking just one group, blocked the whole of Yahoo!, leading to protests from users all over the country. Yahoo! itself refused to remove the group, citing freedom of expression. The group was then brought back and was found to be small and not more dangerous than any other. See “Censoring the Internet”, *The Hindu*, 21 October 2003 - <http://www.countercurrents.org/yahoo-hindu211003.htm>

⁹¹ Hinduunity.org, the official website of the Bajrang Dal, was shut down in 2001 after complaints were received regarding its anti-Muslim propaganda and hate speech. It was revived later, only to encounter problems again in 2004, when it was banned and blocked from Indian ISPs for calling Vajpayee abusive names. In 2006, it came up again in a list of sites to be blocked, during the controversy surrounding the blocking of the whole of blogspot as part of an effort to block a SIMI group on blogspot.

Hindustan Times position the child as vulnerable to media and as incapable of distinguishing the moral from the harmful.

Children also become the most vulnerable recipients of new technologies. Questions on “the wired generation”, whether children are *physically* affected by their reliance on TV or the internet, whether the regulation of what they have access to is becoming more difficult, whether they start having sex at a younger age these days – all these locate them as an *exceptional* problem. Judge Hidayatullah, in the KA Abbas case, says, “Its (cinema’s) effect particularly on children and adolescents is very great since their immaturity makes them more willingly suspend their disbelief than mature men and women. They also remember the action in the picture and try to emulate or imitate what they have seen” (Liang 2007, 18). The anxiety surrounding children (especially in relation to new technologies of each period), has a long history in the Indian context. The questionnaire distributed by the Indian Cinematograph Committee (1927-28), in order to determine the effects of cinema and thereby make necessary changes to existing systems of censorship, asks, “Are you in favour of prohibiting all children below a certain age from visiting cinemas except for special “Children’s performances”? If so, why? What age do you suggest?” There enters then a specific anxiety about visual mediums – children are not seen as in danger of accidentally reading *Lady Chatterly’s Lover*, they are in danger of watching programmes or accessing websites that might expose them to harmful material. This anxiety around the visual medium might be one of the explanations for the frenzy around obscenity since the beginning of the 90s. This might be due to the inherently public nature of the visual text – whether in exhibitions, cinema halls or on television screens and billboards. Even many of the cases dealing with literature take objection to the fact

that pictures are unnecessarily included in the text, this providing enough evidence for obscenity (eg Vinay Mohan Sharma vs Delhi Administration, 5 November 2007⁹²; Shanker and Co vs State of Madras, 28 January 1955)⁹³. The cinema seems to be regarded as a different animal from the rest in the estimation of the law, more dangerous because of its inherently visual nature and narrative potential, and the fact that it is viewed by large numbers and is part of an industry that sees this practice as a profit-making enterprise.

Though the specificity of the cinema cannot be denied, and nor can that of the visual, an understanding of the relationship between obscenity and technology cannot be restricted to visual media alone. Censorship as a practice arose alongside the technologies of modernity, starting with the printing press. Whether or not the text is found obscene, the question of technology surrounds it – for example, in the 1911 case concerning *Natu Chori* (by Dina Sundari, an Uriya⁹⁴ poet), while the Counsel for the Crown argued that extracting certain passages and printing them in a “cheap work” (Rs 2) could not be encouraged, the judge, based on expert readers, concluded that it was not obscene. “From the evidence it appears that the *Natu Chori* was formerly in palm-leaf manuscript. Madhu Sudhan Rao, a retired Inspector of Schools, says he understands that the book was about 100 years in palm-leaf. In cross-examination he stated he heard from Pandit Govind Rath that the book was in palm-leaf” (Kherode Chandra Roy Chowdhury vs Emperor, 17 November 1911). The almost obsessive repetition of the fact that the text was earlier in the palm-leaf form is

⁹² <http://www.indiankanoon.org/doc/1835570/> - Accessed as on 14 December 2013.

⁹³ <http://www.indiankanoon.org/doc/668390/> - Accessed as on 03 December 2013.

⁹⁴ Dina Sundari is referred to as an “Uriya” poet in relation to the text called *Uriya Haribans*, which deals with the dalliances between Radha and Krishna.

evidence of how technologies of modernity become a “problem” and how inextricably linked they are to the question of obscenity.

Here are two more examples to establish the way in which technology is addressed within early cases and reports on the same. One, from a 1916 case, Public Prosecutor vs Mantripragada Markondeyulu, 12 December 1916⁹⁵. The case involved the printing and publishing of a Telugu booklet ‘Vidi Natakam’, whose author was Srinadha, a famous writer of classical literature from the 15th century. Certain passages in the book were said to be obscene, and the judgment declared them to indeed be obscene, ordered the publisher to pay a fine and ordered that the copies of the book be handed over to the crown. The case is not in itself a landmark in the history of obscenity law. But it is a case in which the obscenity charge was upheld, and clearly not only because the content was judged to be so. There were other issues involved, such as circulation and public access. “In the 15th century when the book was written, the art of publication, as we understand it now, was not known. It may have been permissible among great men in those days to indulge in compositions of doubtful morality. But when a publication of that kind is reprinted and sold broadcast at the rate of one anna per copy so that it may be available to the man in the street, the question whether by this conduct the accused has not committed an offence against public morality and decency, assumes a different aspect.” This is a direct reference to the role of the printing press in shifting the grounds of legal scrutiny of the text. “The question ... assumes a different aspect” – the circulation of the text is no longer circumscribed by the lack of technologies of reproduction, or rather, to put it differently, who *all* the text is reaching becomes more of a problem than the text itself, indeed the text is a

⁹⁵ <http://www.indiankanoon.org/doc/1419154/> - Accessed as on 27 March 2012.

problem *only* because of this circulation, and so the regulation has to address itself to the technology as much as to the text. “The opinion of men of the world and of persons who belong to the classes into whose hands this publication is likely to find its way is more entitled to weight than the judgment of scholars and of men of undisputed moral character.”⁹⁶

So it is not that there is already a public in place and there are new technologies that threaten to corrupt it – the public is constituted by the changes in technology and the economies of access and circulation. The text in this case is available for one anna to the man on the street. The ‘man on the street’ is in some ways constituted as a figure by the text being available to him for one anna. Similarly, there is no potentially obscene body or sexuality that then has to be hidden from public view. The public access to and discussion of the body are precisely what constitute this body or sexuality as obscene (or not) in the legal domain.

Moving on to yet another example of the anxiety caused by technology and “access”, the Report on Indecent Advertisements and Displays (109) deals at length with the debate surrounding the English Act 1980, the Protection of Children Act 1978, and the findings of the Williams Committee. The Committee is discussed as referring to a US Supreme Court decision regarding the regulation of broadcast matter. The case concerned the authority of the Federal Communications Commission to effect qualitative control of radio broadcasts, after a complaint was filed against a radio station for airing a programme called ‘Filthy Words’ (on language) which the

⁹⁶ Ibid

complainant driving his fifteen-year-old son in his car ended up listening to⁹⁷. The Supreme Court judge Justice Stevens “isolated two characteristics of the broadcast media to justify lesser constitutional protection for the airing of indecent material: 1) the broadcast media are a uniquely pervasive presence, intruding into the protected enclave of the home; and 2) broadcasts are uniquely accessible to unsupervised children.” This introduced into the case (which was previously only about the content of the programme, the ‘filthy words’), the question of new technologies as ‘pervasive’, ‘intruding’ into private spaces, and as a form that is easily accessed by those who are ‘young or immature’. They are “uniquely” public in that anyone who has a radio can receive a broadcast.

The explicit references to print technology gradually disappear over time, and what we are left with in a lot of case law are discussions on the prices of texts, the language they are written in, and whether or not they are meant for “private circulation”. “In the present case we are not concerned with the book entitled as the "Romance of Lust" or with the four blocks. The short point for determination is whether the publication styled as the "Asli Kokshastra" written in Hindi with an outer covering of a nude picture of a woman, priced at Rs. 4 is a publication of obscene matter falling under the purview of Section 292 of the Indian Penal Code” (The State vs Thakur Prasad, 14 May 1958). Obviously the judge here is zeroing in on the elements of language, the “outer covering”, and the price of the book. For him, these three work together to make the book a danger to public morality – the book is in a language that the non-English speaking population can read and understand; it is likely to be picked up on

⁹⁷ The Commission did not place formal sanctions on the radio station and instead banned the words in question from being aired. The Supreme Court reversed this decision, and instead of dealing with it as simply a matter of words that were in themselves obscene, brought in questions of time of day, the audience that the show would reach at that time, and the manner in which the show was broadcast.

the basis of its cover; and most importantly, it is not priced in such a way that the majority of the public will be denied access to it. The judge also dismisses the claim of the author that the contents of the book have been published earlier in a well-known treatise (one which has been translated into English).

The contention of the author is that the above is nothing but a reproduction of what is contained in "Rati Ratna PradipiKa", It was also contended that the Rati Ratna Pradipika of Sri Deva-raj Maharaja has been translated into English by Pandit K. Rangswami Iyengar the Librarian of the Government Oriental Library Mysore, and the passages aforesaid are to be found in Chapter V. Paragraphs 33 to 37, at pages 30 and 31 of the 1923 edition of the book. This argument however, loses sight of the fact that that book is not a priced publication and it is not put into the hands of the public at large, but has been expressly stated as meant "for private circulation only.

This phrase, "public at large", is telling, because it is only when discussing the dangers of these texts that the idea of a mass of people, a populace, arises. When acquitting a text, the judge tends to focus on the merits of the text itself, or imagines a liberal reader or viewer who will gain from it. (Even in the MF Husain case, when the judge refers to internet technologies as transformative, arguing that "with the advent of the technological explosion ... *a person* [my emphasis] sitting anywhere across the globe can get access to what ever information he has been looking for just with a click of a mouse. Therefore, it has become imperative that in this information age, jurisdiction be more circumscribed so that an artist like in the present case is not made to run from pillar to post facing proceedings" (point no. 129) – even here, he refers to

“person” and not “public”.⁹⁸) Returning to the convictions, the point here is that they offer up the threat of greedy populations that will act in ways that destabilize the autobiography of the nation-state. Again, in *State vs Kunji Lal*, 7 April 1970⁹⁹ (concerning 66 copies of 6 books that were being sold by the owner of Shyam Kashi Press),

Some of these books were being openly sold in market and no steps whatsoever had been taken to see that these books should reach the hands of married people only for whose benefit they purport to have been written. They were priced at Rs. 3/- to Rs. 5/- only and were most certainly likely to fall in the hands of young adolescent boys and girls....In the second place, it may be that the treatment of the subject by the well known writers at the time when they wrote their books may not be considered to be obscene in the setting of the society as it existed then but the circulation of their ideas in the context of the contemporary society may be considered to be obscene.

Even petitioners sometimes lay claim to the distinction between the “common man” and “broadminded people”. “Petitioner who appeared in person and is a lawyer by profession urged at the hearing that the magazine in question was not meant for the common man but was meant for broadminded people belonging to the elite class and therefore the photographs/pictures published in the magazine would neither deprave nor affect the minds of the persons who would purchase and read the magazine” (*Vinay Mohan Sharma vs Delhi Administration*, 5 November 2007).

⁹⁸ We have to draw out the unique character of the internet, as far as the law is concerned. The internet, as an “explosion”, has the effect both of forcing an imagination of unfettered access, and the flip side to this, a focus on pornography as a *positive* category that actually has to be reckoned with as opposed to ignored as the illegal “negative” to obscenity.

⁹⁹ <http://www.indiankanoon.org/doc/1744149/> - Accessed as on 06 December 2013.

The “public” as a collective is seldom (or never) granted the right to view or gain pleasure from a text – texts are either acceptable for *an* “ordinary” man (by this is meant a category of person, one who is not overly sensitive to this kind of material, and is also of sound mind), or in themselves meritorious (meaning that the focus is on the contents of the text rather than on this virtuous text reaching large numbers of people and thereby having a positive *mass* effect). This returns us to the larger argument of the thesis, stated in the introduction to the first chapter, that visibility, in relation to public-ness, is a potentially disruptive transaction. The staging that takes place in relation to obscenity law and regulation is that the content of text and its *signs* are what matter, that visibility is inherently a condition of “representation”: “The Press (Objectionable Matter) Act, 1951, is an Act intended to provide against the printing and publication of incitement to crime and other objectionable matter. Section 3 defines the expression "objectionable matter" for the purposes of the Act, as meaning 'inter alia' any words, *signs or visible representations* [my emphasis] which are "grossly indecent or are scurrilous or obscene or intended for blackmail (Clause vi)” (Shanker and Co vs The State of Madras, 28 January 1955, 2). But it is obvious from the above cases that a text becoming visible to a large number of people, becoming fully public, as it were, and moreover, as stated in the first section of this chapter, holding the potential to constitute a public in the act of circulation, causes anxiety for the courts. Visibility is not contained within the contents or signs of the text itself.

It is not only cinema as a medium that is constitutive of anxieties in relation to publicness. The printing press, the radio and the internet are all in their ways technological changes that have, at a certain period in time, generated discussions on

obscenity law. What lies at the core of these anxieties is precisely a concern about public-ness. And in all the cases, the object in question (the booklet by the 15th century author, the filthy words broadcasted, the programme on the television (the Pratibha Naitthani case¹⁰⁰), have created anxiety for reasons that exceed their content. Visibility then involves questions of form, circulation, access, and the formation of subjectivities.

This could be a way of understanding the something ‘more’ that the obscenity judgments refer to – the something ‘more’ cannot be defined precisely because it does not lie in the text, it lies outside of it, in the various transactions that take place in the domain of the public, in an constant engagement with ‘publicness’. Sexuality and the body are then also rendered as ‘problems’ only within this transactional field of visibility and feminist engagements with the text and censorship have to invest themselves in investigating this particular location of the problem.

Conclusion: The Question of History

I would like to start this section with questions or objections that this chapter might have raised, the most important one concerning contextualization. The cases that have been represented here range from the early 20th century to the second decade of the new millennium. The worry that then arises is – does their specific historical context not matter? The time at which these cases were filed, the locations in which these charges were made, the formations that surrounded them at that particular point in time. Deana Heath’s work involves itself in precisely this kind of historicizing

¹⁰⁰ See Pratibha Naitthani vs Union of India and Ors, 21 December 2005. We will return to this case in the next section. <http://www.indiankanoon.org/doc/1779823/> - Accessed as on 12 February 2012.

(although one must point out that she seems to extend what seem to be mostly Bengal-specific references to the rest of the country). She draws out the history of obscenity regulation in India, in the form of the practices of the colonial state and then of the previously mentioned groups or societies set up during the late 19th century. These are of course tied to the ways in which the relationship between British and Indian subject, colonizer and 'native', civilized and primitive, Indian man and white woman, were all sought to be governed. To write this history, she first lays out the concept of aesthetic imperialism (carried out initially through English literature as that beacon which will instruct Indians in how to regulate their individual conduct; and also through the regulation of obscenity by controlling post offices and the import/export of texts).

But since in obscenity trials the colonial courtroom became what Robert Darnton terms a 'hermeneutic battlefield' where each side attempted to obtain 'symbolic dominance through textual exegesis', the failure rate of such prosecutions was high. Moreover, the sheer size of the task by the early twentieth century made even contemplating regulating the obscene a virtual impossibility, since the state was no more able to check the use of 'obscene' language during festivals such as Holi than it was to sort through all of the post received by the Sea Post Office... (Heath 2010, 180).

This gives us an idea that between making religious-cultural texts an exception within the law (in order to not incite violent reactions from the native population), and the sheer bulk of material that the post offices had to sort through, these in turn combined with the top-down structure that was in place (Indians were not placed in positions of authority in post offices), not only was it impossible to successfully keep "obscenity"

in check, it was also a highly complicated terrain that had to be navigated, between colonial ideas of “morals” and those of the Indian elite. This then moves into the period in which the nationalist elite take hold of this project of regulation.

But by the early twentieth century it was not uncommon for individuals such as Colonel Sir Henry Stanyon to proclaim that ‘There is no country perhaps which has a stronger objection to anything like a public display of indecency and obscenity than India.’...It was yet another means, in short, of producing difference, but in contrast to the agenda of the ethnographic state the primitive had become essential to the very construction of modernity, to ‘making modernity reconcilable with itself’, by incorporating what modernity was perceived to lack (188).

According to Heath, this was what fed claims in the 1920s that Indian culture had never actually produced an obscene image, and that ‘No religion teaches us to exhibit obscene engravings or pictures’ (C Duraiswami Aiyangar and Shamlal Nehru, quoted in Heath 2010, 198).

To return to the question of contextualization and history – what makes the treatment of “obscenity” different now, from the colonial or early independence period? Is it that more cases were filed by the colonial state rather than by individuals in the early twentieth century, and this has changed now? This doesn’t seem to be the case, for there were a number of cases that were brought to the attention of the courts by people who found ‘obscene’ texts in book shops. As established already (both through the case law and through Heath’s work quoted above), it is not even as if the colonial and early Indian state were more stringent when it came to convicting persons on charges of obscenity.

One observation that can be made is that it is only recently that television or newspapers as a whole, as media, have been brought to the courts to answer to this charge. The two cases that stand out in this regard are *Ajay Goswami vs Union of India and Ors* (12 December 2006), where leading national newspapers (the *Hindustan Times*, the *Times of India*), and the Press Council of India, were summoned to establish that they were not endangering children by circulating certain kinds of images; the other is *Pratibha Naithani*¹⁰¹ vs Union of India and Ors (21 December 2005), in which nine television channels (Star Movies, HBO, AXN, Zee Studio, Zee Café, Star World, Hallmark and Filmly¹⁰²) were forced to go off air until they had ensured that all their content met the CBFC's standards – the contention was that these channels were screening adult content on television, and children could easily access this content and be harmed by it. In this case, not only were the television channels forced to succumb to the Bombay High Court's order, the judgment also listed the regulations necessary for advertisements and newspapers, and separated out television as a public medium from cinema (saying that adult viewers could watch adult films in cinema halls or through DVDs and VCDs, but not on television).

In these two cases, we find one acquittal and one conviction, so the argument here is not that the current judiciary is stricter and more intensely concerned with morality. It

¹⁰¹ Pratibha Naitthani teaches Political Science at St Xavier's College, Mumbai. She is described as someone who is active when it comes to women and children's welfare, and also that of tribals who are affected by the state's conservation policies. This is not the only case in which her ire against the "obscene" has come to light. In 2004, she filed a petition against television channels showing content that had not been approved by the Central Board of Film Certification. In 2005-2006 she fought to get what she saw as obscene sex education material removed from text books, and won her case. Then she again filed a petition in 2005 claiming that the cable operators had violated the order passed that no adult content should be screened on television. Besides battling obscenity, Naitthani also works on providing cosmetic surgery to women who have suffered acid attacks (the demand is that facial disfiguration be considered a disability and these women be provided rehabilitation and jobs).

¹⁰² http://www.telegraphindia.com/1060822/asp/nation/story_6640028.asp. Accessed as on 12 January 2014.

is to ask – what is it that brings not single texts but entire mediums before the courts in ways never before done? Till now, the regulatory bodies and the rules laid down have sufficed, there haven't been court cases regarding media in the generic sense. There are also issues concerning *language and foreign-ness* (the newspapers and the channels targeted were in English, and included material from other countries). In the Pratibha Naitthani case, the regional serials were excluded from the ban. This tells us that the concern is very much connected to the ways in which “foreign” material is being encountered by Indian viewers. This, of course, takes us right back to the oppositions that were posed during the colonial period, between material from Britain and other European countries, on the one hand, and locally produced material on the other. We now return to a phrase from Rajadhyaksha's description of Navalkar's writings on Bombay – the idea of the “explicitly politicized moral censor” (2005, 180). This has been picked out because it points to another *difference* from the earlier periods of obscenity regulation – it is no longer in the form of private societies set up exclusively for “social purity” that obscenity regulation is sought out. Now it is tied to the “politicized” censor, is precisely tied to the tensions that exist between modernity and democracy in the Indian context (a split that Rajadhyaksha discusses). Another phrase that we extract at this point is from Heath's argument above – the idea of the colonial-Indian elite tussle over obscenity “making modernity reconcilable with itself”. We can now perhaps coin a new phrase, that of “making modernity *recognizable* to itself”, for this is what obscenity law in our contemporary moment seems to be deriving from – the need to make “modernity” recognizable to itself in the era following liberalization in the Indian context (not in the sense of a true modernity being revealed through the category of obscenity, but of the ideas and forms of ‘modernity’ being brought repeatedly to the surface of public consciousness.

And this is where we return to visibility as a transaction – the staging of the obscene body-in-the-text over and over again, is symptomatic of the anxieties produced at the interstices of “privatization” as a process (one that produces a discourse of privacy-autonomy-freedom in the face of antiquated and bureaucratic state mechanisms and laws), the state’s own desire to write its autobiography as a democracy, and a volatile public domain that becomes the ground on which these anxieties ‘surface’.

CHAPTER 3

Public Women and Bodily Performance

The Logic of Regulating the Labour of Dancing

If the notions of the State as to dancing are to be accepted, we would have reached a stage where skimpy dressing and belly gyrations which today is the Bollywood norm for dance, will have to be banned as inherently or invariably pernicious. We think as a nation we have outgrown that, considering our past approach to dancing, whether displayed as sculpture on monuments or in its real form.

(Indian Hotel and Restaurants Association (Ahar) and Anr vs The State Of Maharashtra Through The Hon'ble Minister, 12 April, 2006)

...there are certain activities which are inherently vicious and pernicious and are condemned by all civilised communities. Similarly, there are goods, articles and services which are obnoxious and injurious to the health, morals, safety and welfare of the general public.

(ibid)¹⁰³

“Where was Sri Ram Sena when there were dance bars in the same area in Mangalore?”

(Discussion forum on the Mangalore pub incident, 31 Jan '09 01:29 pm¹⁰⁴)

¹⁰³ This is the 2006 Bombay High Court judgment in which the ban on bar dancing was lifted. The case was filed as an opposition to the amendments introduced in the Bombay Police Act in 2005 – these amendments were, in effect, a ban on all forms of dancing in bars and other establishments. Certain spaces were excused from this ban – drama theatres, cinema theatres, auditoriums, sports clubs, gymkhanas, and hotels with a rating of three stars and above.

¹⁰⁴ The Mangalore pub incident referred to here involves a physical attack carried out by members of the organization Sri Ram Sene on young women in a pub in Mangalore, on 24th January 2009. The attack was widely condemned by various groups and political outfits in the country. The above quote is from a discussion forum online (there were several forums that erupted in discussions

Introduction

What is it that renders the performing bodily subject a problem? Why is it sought to be regulated and brought under the legal scanner? And what do the modes of regulation reveal about the relationship between politics and culture in our contemporary? This is the question the chapter addresses. It deals with obscenity as it pertains not just to images, written texts, television, cinema, or the internet, but to histories of the performing arts and bodily entertainment. It refers only to those forms that decidedly relate to “women”, by which is meant various things – only women have performed them; they have been the source of livelihood for large numbers of women; they have been “sexualized” in ways that are completely gendered, as a result of which they have come under the scrutinizing eye of either the colonial state, the social reformer or post-colonial democratic institutions.

Through the figure of the female dancer and the regulation of her practice in Indian history, the chapter argues that the idea of the "public woman" structures the debates on *abolition* in the case of the devadasi system¹⁰⁵, and the *ban*, in the case of lavani

about this, and the opinions there were more varied and oppositional than in the official press reports. See <http://qna.rediff.com/questions-and-answers/where-was-sri-ram-sena-when-there-were-dance-bars/12984040/answers/12986030> - Accessed as on 4 February 2009

¹⁰⁵ The devadasi system, prevalent in pre-colonial and colonial times in parts of what is now South India, involved the practice of women being dedicated, or dedicating themselves, to the service of a deity and the temple that housed the deity. It was carried out in the form of something similar to a marriage ceremony (called the Pottukattu), and the woman was considered married to the deity. The devadasis took care of services and daily ceremonies in the temple, and also developed their artistic skills in order to give performances for their patrons and for the crowds of people visiting the temple. They also entered into sexual contracts akin to marriage with their patrons, and had children who were considered legitimate heirs. The end of the 19th century witnessed the growth of a movement to abolish this practice, which was increasingly considered backward, degrading and immoral because of its association with prostitution and the threat of venereal disease. The system was formally abolished in 1947, through the Madras Devadasi (Prevention of Dedication) Act. In later sections, the chapter will not only examine the highly contested ground upon which the formal abolition of this system took place; it will also juxtapose this period in history with the present and the forms in which the system continues to exist.

dancers¹⁰⁶ and the bar dancers of Maharashtra¹⁰⁷. The argument of the chapter and its explanation of the relationship between visibility, public-ness and the bodily subject in relation to dancing women is as follows: that a) the “public” nature of the performance practices of devadasis, lavani dancers and bar dancers, i.e. the transactionally visible world that these women occupied and their bodily presence in the public domain—and not the “obscene” content of their performances—are what produced anxiety in political and social domains and made these practices come under the legal scanner (whether of the colonial state or the independent); b) these historical moments involving the legal regulation of this publicness (each instance representing a different kind of regulation – whether the drawn out scrutiny that was abolition, or the staging that is censorship), *necessary* for the production/maintenance of a modern state, simultaneously reveal its faultlines and the *separations* that it tries to put into effect (between public and private, between performance, culture, commerce and sexual practice) in order to maintain itself; c) each of these historical moments involves a different *mode* of regulation – moving from abolition and social reform in the case of the devadasi, a ban and the setting up of regulatory cultural bodies in the case of the lavani dancers, and censorship in the case of the bar dancers (they also involve different ways of contesting regulation, in terms of what is drawn on – religious and cultural authority, regional cultural traditions, and the right to livelihood

¹⁰⁶ Lavani is a performance that originated in Maharashtra, and grew especially popular with the patronage offered by the Peshwa rulers in the early 19th century. The performers of the lavani are women, and the the performance itself combines music and dance to the beat of the dholki, a percussion instrument. The lavani involves songs that are erotic in nature, and include sexual innuendos and satire, addressing a range of themes like marital life, sexual passion, separation, longing, adultery and so on. The rise of the Marathi middle class, and the ensuing relationship between this class and the colonial rulers, led to the lavani being considered ‘obscene’ and vulgar. A ban was placed on it in 1948, and the lifting of the ban took place only after quasi-legal bodies were set up to ensure that the performances met the standards of public decency.

¹⁰⁷ As mentioned in Chapter 1, in 2005, the Maharashtra government declared a ban on women earning their livelihood by dancing in bars. This move resulted in the formation of the Bharatiya Bar Girls’ Union, which, along with several women’s groups and the Indian Hotels and Restaurants Association (AHAR), fought a case to get the ban lifted. They won their case and in 2006, the ban on bar dancing was lifted.

and a claim on the present); d) in spite of these differences, each moment involves considerable anxiety about sexualisation that is of a public nature, this anxiety manifesting in various ways – as an attempt to cleanse tamasha performances of obscenity before giving them the status of a “folk” form, the desire to interrupt the continuity between the devadasi’s performance and her sexual contracts with men, and the summoning of the bar dancer to court to examine whether or not her performance is obscene.

These three moments in history have been well-researched and written about, the devadasi system most of all, and the chapter will draw on the work of various scholars in order to make its argument. My aim is to draw out the elements that relate to the publicness of these women, and how this publicness produced anxiety that was tied to the question of what was necessary for an ‘Indian’ modernity, both in its colonial and democratic settings. As in the previous chapter, the law and its modes of regulation are central to this argument, because they were at the centre of public contestations around these forms. Therefore, besides existing scholarship, the chapter also draws on case law, particularly in relation to the devadasi system and the bar dancer (there are not too many cases involving lavani dancing itself – one of the few cases available involves not the dancing itself, but the sale of a video recording of a performance, and is a copyright case¹⁰⁸). An examination of the legal cases in both these instances reveals the shifts in the languages through which both the banning/abolition and the contesting of the abolition/ban take place, and how “modernity” is figured in each of these moments. This symptomatic reading of legal cases notes the fact that in the

¹⁰⁸ This supports the argument of the chapter, that the lavani, through the regulatory bodies and the turn to cinema, came to be regarded as a text rather than as a bodily performance. As the quotes that start this section indicate, it is only recently that lavani dancers are asserting their rights and claiming the government’s patronage.

early devadasi cases, marriage was not a “public” institution under one legal system, and it become this kind of an institution only later; that there is no description of the performances of the devadasis within the law, the crux of the problem therefore being not an ‘obscene’ performance itself but that the devadasi system did not fit into the ways in which a modern India and its particular logics of the public-private divide were imagined; that with the dance bar case, the law, as in censorship cases, slips past the object itself, the bar dance, to then discuss whether dancing is in itself “pernicious”; that the unfixability of the obscene object grafts itself onto the performance of the bar dancer, and this, alongside a human rights discourse deriving from the form of democracy¹⁰⁹, enables the lifting of the ban; that the absence of too many cases involving lavani dancers signals that the question of lavani dancing was “resolved” through the setting up of cultural-quasi legal bodies upon the lifting of the ban – this led to lavani dancers being neglected by the state to an extent that they are currently demanding state patronage and support by way of recognition, benefits, funding for performance spaces, housing loans, and so on. This reading of the law makes it possible to argue that, in spite of the differences in how these forms were positioned in public debates (as traditional social evil, as modern obscene), the same separations are sought to be made between sex, performance and commerce in each instance, these separations intending to negotiate the movement between the private and the public domains.

The public woman emerges as a problematic precisely because of the nationalist

¹⁰⁹ The question of rights was absent in the case of both the devadasi abolition and the ban on lavani. This is not surprising, since it is only with the drafting of the Indian constitution that the idea of people’s rights even emerges. The “right to livelihood”, as deployed by the lawyers arguing for the bar dancers and the bar owners, was not referred to in either of the other two moments in history. It is only in the last few decades that lavani dancers and devadasis are also petitioning the state for protection and claiming their rights. The naming of dance as a livelihood happens only in the case of the dance bar ban.

construction of the educated, politically informed but nevertheless ‘private’ woman¹¹⁰. This private woman has no direct, or at least consistent official access to economic policy (as she is not involved in industry, or working for the British Government) and to new technologies (there was no widespread official use of the press by women, and their access to the cinema and the radio were very limited, the early films using male actors in female roles). The public woman, on the other hand, was constantly in contact with men outside the familial sphere, occupied public space, and was outside the bounds of private family law, these communities of women having had their own codes of marriage and inheritance. They were also publicly sexualised figures, and their sexuality did not necessarily nurture the nationalist movement, like in the case of the widow in Gandhian discourse, whose anti-eroticism was supposed to stand against the sexual ethic of the coloniser. Nor did it necessarily play into the emerging "modern" notions of marriage and gender relations, like in the case of the Self Respect movement's companionate marriages, which were meant to oppose both the traditionalism of the Brahmins and the profligacy of the coloniser (Kannabiran and Kannabiran 2003). These women therefore introduced the kind of ambiguity that the discourse of modernity, whether the coloniser's imagination of a morally educated and enlightened subject, or the nationalist divisions between the realms of domesticity (where sexuality was supposed to be contained) and politics, could not deal with easily.

The element of commerce¹¹¹ is at the heart of the history of ‘public’ dancing. It is not

¹¹⁰ See Chatterjee 1989.

¹¹¹ Commerce here is a direct reference to the law's understanding of activity that is *res commercium* and that which is *res extra commercium*. Dancing for the livelihood, in the case of the dance bar, was declared as belonging to the former category, as belonging to a legitimate realm of commercial activity. Sex work, on the other hand, belongs to the latter and is always already

the dance itself that is the problem, it is the way in which the dance and the dancer are placed in an economy of pleasure, sexual relations, service and entertainment. This *combination of pleasure and commerce* is important here because that is what differentiates, in the dance bar judgment for instance, the dancer from the waitress working in the same bar. The former is a publicly sexualized figure in ways that the latter is not¹¹². I argue that in the case of the modes of abolishing or banning these practices, the charges of "sex", "obscenity" or "immorality" actually referred to this realm of ambiguity where the lines between public and private, sex and art, entertainment and labour/livelihood, sexuality and property relations, were proved fragile and contingent, the underpinnings of both (colonial) rule and (anti-colonial) resistance rendered problematic.

My aim is to juxtapose the three instances – the abolitionist campaigns against devadasi dedication in the late nineteenth century and finally abolition in 1947; the ban imposed on lavani performance, also in the 1940s; and the ban on bar dancing in 2005 – in order to lay out the continuities and discontinuities between these instances, and to explain the relationship between publicness and female sexuality in each context. Through these three moments, I will explore the distinctions between the reform and censorship modes of locating the female body and sexuality. The reform mode, as we will see a little further on, refers to the 19th century efforts at addressing

illegitimate. This is also how the term commerce differs from 'economy', which denotes a larger arena of transactions in which the body of the woman is embedded.

¹¹² These are of course generalisations of a particular order. Writing on the Contagious Diseases Act, for instance, shows that there was strong resistance to the segregation and ghettoisation of prostitutes in particular areas, and the famous Lock Hospital in Mazgaon that was set up to examine prostitutes for venereal diseases failed as a colonial enterprise, both due to the "irresponsibility" (refusal to co-operate with this "consensual" exercise in health governance) of the prostitutes themselves and the relationships and social networks the women were already embedded in. For example, in many of the areas where the government wanted to evacuate the prostitutes, the landlords of the houses the women occupied complained saying that the women had been their tenants for years, and this move would dislocate these relationships. See Ramanna 2002.

and eradicating practices that were seen either as hindering political governance (on the part of the British), and as ill-fitting to a discourse of modernity produced within nationalist struggles. Censorship, on the other hand, was a mode that addressed itself to what were seen as “modern” apparatuses such as cinema, art and print journalism. Censorship in this sense is closely tied to technology and the anxieties that surround it. Both these modes were tied to governance and the claim to citizenship, and were part of the conflicted terrain of culture, modernity and nationhood, but they have distinctly different ways of addressing the female subject. Dalit scholar and activist Kunda Pramilani, in “Dance Bars Ban Debate: Dalit Bahujan Women’s Standpoint”, says, “By dancing in Bars and earning their living through sexual entertainment of neo-rich, neo-capitalist Sexually Perverted Men in the new framework of globalization, they are responsible for pushing 150 years old Social Reformist and Feminist movement back to 17th Century” (2005, 47). This continuity is sought to be drawn not just by the dalit scholar or activist who locates herself in a trajectory of the efforts to abolish the brahminical practice of devadasi performance, efforts that now cast the processes of globalization as brahminical. Even feminists who opposed the ban on bar dancing drew on this link to argue against state regulations of female sexual practice, pointing to the fact that the nation-state rests on the delegitimation of this practice. The chapter then tries to address this seeming continuity, whether in arguments against sexualized female practice or for it.

Abolition and Ban: Two Legal Modes

Abolition is a legal term that is no longer in circulation in legal, state or political rhetoric. It derives its charge from the period of colonial rule, particularly the late

nineteenth and early twentieth century, when the colonial state encouraged the social reform of Indian society through the eradication of “social evils” that had led to its degeneration. The devadasi practice was one of many that were sought to be abolished. Abolition therefore addressed practices of a certain kind – filmmaking, for instance, was not something that was in itself seen as pernicious or harmful, and so was censored rather than abolished, for it was born of colonial modernity and was a part of the theory of progress in ways that *sati*, hook-swinging and the devadasi practice could never be. So even though film censorship was being discussed at the same time as devadasi abolition, the two were not brought into the same conceptual realm of colonial governance¹¹³. Therefore there were a range of practices that were sought to be abolished by the British government. These practices were seen as regressive and not in line with the Western ideals of a civilized life. They were also at the fulcrum of the anti-colonial movement’s imagination of a progressive nation that had eradicated its social ills and was therefore ready for self-governance.

"Abolition" is therefore differentiated from the "ban" in this chapter, the latter aligned more with forms of censorship that are enacted in a contested moment, this moment having its own history, than with a lengthy period of *reform* of a practice¹¹⁴. While the devadasi system, following the reform effort, was charged not with obscenity but with trafficking and the prostitution of minors, in the case of the lavani dancer of Maharashtra (as we shall see later), there was a ban rather than an abolition, since there was no concerted reform effort against the lavani dance form. Rather it was

¹¹³ The 1920s saw both the release of the Report of the Indian Cinematograph Committee (1927-28), and the most intense period of debating the abolition of the devadasi system.

¹¹⁴ Censorship staked its claim on “public morality” as a category through which to govern. It introduced the kind of ahistoricity that belongs to public law, to a society that was till then battling practices *in history* (for example, the *sati* debates ending in the 1832 legislation). Under it objects began to accrue differently, and it became an enactment of modern governance, with the staging of obscenity as a charge, to be repeatedly dismissed.

phased out through the rise of the "respectable" Marathi middle class and the rise of Marathi theatre and cinema, till a ban was finally imposed on it in the name of obscenity. The ban on dance bars is similar, but even more firmly aligned with censorship forms rather than abolitionist moves. The devadasi was not cast as an obscene object, rather she was seen as the product of a "tradition", being as she was tied to economies of patronage, inheritance and marital relations that this convention was a symptom of. She was not therefore the target of the legal system in the same way. According to the Bombay Devadasi Protection Act 1934, the devadasi who was dedicated as such was herself not charged with propagating the system, because consent was not a valid category, and neither was livelihood. She was neither imprisoned nor fined. Only those who conducted or abetted in the ceremony of dedication were seen as culpable. Bar girls, on the other hand, are arrested every time the police raid a bar. They are taken to prison and held overnight and subjected to various forms of abuse and humiliation¹¹⁵. It is the charge of prostitution that links the two instances. It has been argued that the separation of the bar dancer from the sex worker was the (problematic but nonetheless) only way in which the ban could be overturned (Kotiswaran 2010, 17). The existence of the devadasis within a community that had its own codes regarding marriage and inheritance then sets the first instance apart from the second. Sexual contracts of the kind targeted by the law lay well within the codes of this community. In the case of the bar dancer, the absence of any such established community (and of a contentious but acknowledged/assumed place within caste structures) rendered sexual activity or sex work illegitimate vis a vis networks of marital relations in the contemporary.

¹¹⁵ See <http://www.youtube.com/watch?v=A90kkcFCRKM>; <http://www.youtube.com/watch?v=AGx5LrzsskQ> – the media stages the arrests of the bar dancers in ways that highlights this humiliation. They are shown being herded into police vans with their faces covered.

Abolishing the “Traditional”, or How the Devadasi became a National Concern

"The new language of sexuality conflated seduction with art (specifically the performing arts), charm and wit, reducing art to a mere vehicle for seduction, which in turn is linked to the commerce in bodies, namely prostitution. ... Take for instance Vivekavathi's plea for a ban on all dancing and music because it is sensual as a prerequisite to eliminate the attraction to dasis. The entire discursive economy of the devadasi system by this period begins to revolve around commercial sex and seduction" (Kannabiran and Kannabiran, 2003, 35).

The dedication of young girls to the service of the temple was a practice which started in the eleventh century and existed right up to the late colonial period, when it was abolished by the British government¹¹⁶. “Dedication” in this instance meant that they were married to the deity, and did not then lead the lives other women did – they did not marry and live the domestic life. They were expected to dance and perform other services in the temple. The temples and the devadasis attached to them usually had patrons among the rulers, zamindari lords and rich merchants.

The problem the colonial state identified with the practice of the devadasis did not attach to the performance itself; unlike the bar dancer's performance, dress, and imitations of Bollywood dance, the devadasi, who performed her services in the temples and for patrons, was not questioned on terms of obscenity in the performance.

Obscenity is a category that very much attaches to what is considered ‘modern’, since it is a category born of censorship law. Further, as seen in the previous chapter,

¹¹⁶ There exists a significant body of scholarship on the devadasi system, and so the paper will not therefore go into great detail about the history of the devadasi system. Refer to the work of Janaki Nair (1994), Kalpana and Vasant Kannabiran (2003), Srividya Natarajan (1997) and Uma Chakravarti (1990) for insightful histories of the system.

objects that collect under the gaze of obscenity, as a charge, are all problematised on account of the way they are located within the discourse of modernity – they are either ‘Western’ practices, or are in circulation because of new technologies that have been introduced¹¹⁷.

Throughout abolition efforts, from the late 19th century to the mid-20th century, the devadasi remained a figure embedded in and connoting ‘tradition’. It was her relationships with the men who were her patrons, her dedication of young girls to the temple (and to sexual services in exchange for patronage), and her position as a woman whose economic and public status challenged structures of masculinity and inheritance, that brought her under the eye of the colonial legal system. She was charged not with obscenity but instead with procuring and disposing of Minors for purposes of prostitution under Sections 372 and 373 of the Indian Penal Code (IPC). There was a concerted effort on the part of various groups¹¹⁸ to bring about the abolition of this practice, this effort coinciding with other legal changes such as the Contagious Diseases Act¹¹⁹.

The devadasi system was in many ways an institution in itself – the women who were part of it were not *sadharan stri* (ordinary women). It was entrenched in and legitimized by the caste system, with dasis belonging to different castes and following

¹¹⁷ As the previous chapter established, older religious texts became a problem only when they were extracted from their circuits of private distribution and put into the public domain through the printing press.

¹¹⁸ The Hindu reformers and the Self-Respect Movement were the two major voices demanding abolition.

¹¹⁹ Contagious Diseases Act – This Act followed a report produced by the Royal Commission on the Sanitary State of the Army in India, a body set up to enquire into the high incidence of venereal disease among the soldiers of the British Army in the nineteenth century. The report was submitted in 1864, and the Indian Contagious Diseases Act was passed in 1868 “making registration of brothels and prostitutes compulsory and also providing for the medical examination and treatment of those women found to be diseased.” For a historical analysis of this moment, see “The Working of the Contagious Diseases Acts”, in Ramanna 2002, 162-181.

the codes of their caste. As long as they did so, they could remain unmarried and carry on their profession. "...devadasi women could not be treated on par with "degraded women" in the matter of their inheritance rights, notwithstanding their equation to prostitutes in legal discourse" (Kannabiran and Kannabiran 2003, 26). Here itself we see a disjuncture between how the devadasi was positioned in legal texts, on the one hand, and socio-political narratives, on the other. The dasis had their own rules of inheritance, with property passing on from mother to daughter, not from father to son. They were given land that was attached to the temples in which they performed, this land (the *inam*) becoming an important part of legal battles fought by them during and after abolition. For example, the Bombay Rent-Free Estates Act 1852 and the Exemption from Land Revenue Act 1863 allowed this land to be given to the dasis and also became the sections of the law that were sought to be amended during abolition. The Bombay Devadasis Protection Act 1934 (preceding the abolition of the system), "an Act to protect devadasis and to prevent the dedication of women to Hindu deities, idols, objects of worship, temples and) religious institutions in the State of Bombay"¹²⁰, stated that "the Collector shall, after holding such inquiry as may be prescribed, by order in writing, direct that the land shall be released from liability for performance of such services and that there shall be paid by the holder of such land in lieu of such services such rent as the Collector shall determine in the prescribed manner...."¹²¹

So what the late nineteenth and early twentieth century period witnessed was not a debate surrounding an obscene practice, but the recasting and gradual eradication of an institution that functioned according to particular social and economic codes that

¹²⁰ The Bombay Devadasi Protection Act, 1934.

See <http://bombayhighcourt.nic.in/libweb/acts/1934.10.pdf>. Accessed as on 03 January 2012.

¹²¹ Ibid

went against the grain of the standardised systems of “public” law, property relations and marriage that were being instituted during nineteenth century colonial rule. But it was not only the colonial legal system that was involved in this process. Muthulakshmi Reddi¹²², famous for her battle against this system, was part of a social reform campaign that sought to eradicate all the ills in Hinduism, thereby returning to it its inner strength and glory. Curiously also fighting for abolition, but differing in its position from Reddi and the Brahmin social reformers (who did not move outside the framework of brahminical Hinduism), was the Self-Respect Movement¹²³, which saw the devadasi system as representative of the dominance of brahminism within Hindu religion¹²⁴. Now, the question of publicness becomes central to the ways in which these positions were taken, including the resistance to abolition that came from within the dasi community.

Habit and Reason: What Does a Public Law Need?

For the colonial authority in the late nineteenth century¹²⁵, “public morality” was aligned with the Penal Code, and the devadasi system, which had not faced a problem

¹²² Muthulakshmi Reddi was the first Indian woman to become a legislator, and was appointed to the Madras Legislative Council in 1927. Throughout the early 20th century, she spearheaded movements for women’s social reform in south India. She was the first woman to practice law and is hailed as the leader of the abolitionist campaigns against the devadasi system, herself having descended from this lineage, her devadasi mother Chandrammal marrying a brahmin man. Her stance was that the inherently pure essence of Hinduism had been corrupted through such practices, which had to be weeded out in order to return Hinduism (and therefore the country), to its former purity and effectivity, morally and socially. Kannabiran and Kannabiran mark her as rooted in the beginning of the feminist internationalism that involved campaigns against prostitution in Britain and in India, involving legislation such as the Contagious Diseases Act.

¹²³ The Self-Respect Movement was founded in 1925 by Periyar E V Ramasamy in Tamil Nadu. The movement sought to abolish caste inequalities, and led to the establishment of the DMK and the AIADMK, the political parties that exist in the state today.

¹²⁴ Today, those who fight against the remaining traces of the dasi system do so because it is only dalit girls who are dedicated and asked to perform sexual services.

¹²⁵ During the early colonial period, there was no desire to interfere legally in the customs and practices of the natives. In fact, many of the early Englishmen adapted themselves to these practices and became patrons of dancers themselves. The word “nautch” derives from the interest and curiosity the practice gave rise to in the British. See Neville 2009.

of illegitimacy till then, seemed to contradict and undermine public law. “The initial exercise of the courts in privileging the textual tradition over the customary or oral tradition now shifted to the privileging of Penal Law, which was based on “universal principles of the science of legislation”....” (Kannabiran and Kannabiran 2003, 11). The early twentieth century cases on land inheritance involve extensive discussions on textual authority, with the Manusmriti and the Mitakshara legal texts being drawn on to decide the status of the devadasi in relation to the institution of the family and the division of property and wealth between the children born to the wife and to the dasi. For example, a 1915 inheritance case, after describing the relationship history of the devadasi, her son and her lover, states this as the central question - "The point for decision is whether to a child born to a woman of the class and of the antecedents I have mentioned, the text of Yajnavalkya contained in the Mitakshara, Chapter 1, Section 12, applies. The sage says: "Even a son begotten by a Sudra on a female slave may take a share by the father's choice." (Stokes' Hindu Law Books, page 426.) Manu states the law in a slightly different way (Chapter IX, Section 179)."¹²⁶ The peculiarity of the devadasi's position in social relations is demonstrated by this code - "to enable an illegitimate son to lay claim to a share in his father's property, his mother must be a Sudra, must have been unmarried and must have been kept by the putative father as a continuous concubine." It was this that was then heavily debated in order to determine whether the son of the dasi could inherit his father's property. The positions of the various Hindu texts were juxtaposed and then a conclusion was arrived at. The cases that deal with “dancing girls” mention women from different communities – the Madras Devadasi (Prevention of Dedication) Act, 1947, refers to Hindu communities

¹²⁶ Soundararajam, Minor, by his Mother and Next Friend...vs. T.R.M.A.R.R.M. Arunachalam Chetty (Deceased) and Ors on 14 October, 1915. <http://www.indiankanon.org/doc/1745772/> - Accessed as on 04 January 2012.

such as “Bogum¹²⁷, Kalavanthula¹²⁸, Sani¹²⁹, Nagavasalu, Devadasi and Kurmapula”. These cases deal with adoption (whether or not a woman from a dancing community can adopt a girl child, and whether or not this is considered trafficking if the child is a minor); property relations in marriage (whether or not the woman is considered the wife of the man whose property she stakes a claim in; and whether or not illegitimate children are entitled to a share in their father’s property); and inheritance (whether or not the woman’s sons or male relatives are entitled to a share of their mother’s property). The fact that the question of marriage was at the centre of this exceptional system is what brings in a whole range of concerns over a long period of time – the institution of the Penal Code in 1860, the relationship between this and existing Hindu law, how to deal with different systems of marriage that were in operation at the time, and most importantly, how the caste system was to be understood with regard to these.

It is only with the increasing legislative interventions of the colonial state, backed by the discourse of social reform, that the complex field of negotiations that was the devadasi system was made to answer to a "public law". The emphasis on the ‘universal principles of the science of legislation’ is significant, because it points to the way in which the dasi system was being positioned, as inherently occupying the realm of habit, tradition and regressive custom as opposed to the realm of progress, enlightenment and scientific rationality. “...A practice founded on error and misconception could not constitute customary law by the mere fact of repetition. A

¹²⁷ See Guddati Reddi Obala vs Ganapati Kandanna on 8 October, 1912 (Madras High Court). <http://www.indiankanoon.org/doc/532207/> - Accessed as on 06 December 2013.

¹²⁸ See Kammela Somasundaramma vs Kammela Seshagiri Rao Alias ... on 6 February, 1947 (Madras High Court). <http://www.indiankanoon.org/doc/1612150/> - Accessed as on 06 December 2013.

¹²⁹ See Soundararajan (Minor By His ...) vs T.R.M.A.R.R.M. Arunachalam ... on 23 March, 1915 (Madras High Court).

blind adherence to usage, which was against public interest and in the process of extinction, would work to the detriment of “social progress”. The court therefore reserved the right to overrule a custom that violated “natural reason.” (Kannabiran and Kannabiran 2003, 12-13) This was a structuring aspect of the abolition debates that claimed to attack immorality and obscenity – the opposition set up between reason and Western rationality, and the “blind adherence to usage” in personal and customary law. The Penal Code, or “public law”, represented a movement towards a future, while personal law was described as stagnant and lacking the dynamism of the former. One instance of imagining the devadasi system as an antiquated system that has no place in the future is a comment made by Sri TT Krishnamachari¹³⁰ in the Constituent Assembly debates (1948). Regarding the question of whether or not the ban on devadasi dedication should be included in the fundamental rights, he felt that this move was not necessary. “...I wish most my honourable Friends in this House will not try to import into these fundamental rights age-old peculiarities of ours that still persist, bad as they are in particular parts of society, which can be made to disappear by suitable legislation in due course, perhaps in two, three or four years. My honourable Friend Shrimati Durgabai¹³¹ pointed out that this system of Devadasis obtaining in India has been abolished by legislation in Madras. There is nothing to bar other provinces from following suit and I think public opinion is sufficiently mobilized for all provinces undertaking legislation of that type. Why then put it into the fundamental rights, a thing which is vanishing tomorrow?”¹³² So, from an

¹³⁰ TT Krishnamachari was the Finance Minister from 1956-58, and 1964-66. He was also a member of the Constituent Assembly, the body set up to draft the Indian constitution after independence.

¹³¹ Durgabai Deshmukh was a member of the Constituent Assembly and the Planning Commission. She helped found the Andhra Mahila Sabha (a woman’s organisation) and the Central Social Welfare Board.

¹³² Constituent Assembly Vol VII (1948).

See <http://164.100.47.132/LssNew/constituent/vol7p19.html> - Accessed as on 03 January 2012.

institution that was seen as an inherent part of society and its caste and religious structures, the devadasi system suddenly took on the nature of the obsolete, which needed to be disregarded within processes that were instituting the fundamental rights of citizens within the frame of secularism and liberal democracy. The abolition of the practice was enough to take care of it.

The Problem of Liberalism

The devadasi system therefore came to be positioned in the abolition debates as opposed to "public" law and morality; whether as that which represented the degeneration of Hinduism (in the narratives of the Brahmin social reformers), or as that which kept in place Brahminical Hinduism and stood in the way of secular and rational citizenship (in the narratives of the Self-Respect movement). In other words, it came to be positioned as habit or tradition¹³³. In the above-mentioned Constituent Assembly debates of 1948, we come across a discussion on devadasis, in which Durgabai Deshmukh remarks, "Madras has already prohibited this practice under a law passed a few years ago. It is no more in vogue there. Though some relics of that system still exist, these, I am sure, will disappear in course of time. I should mention in this connection my appreciation of the efforts put in by reformers like Mrs Muthulakshmi Reddi. It is mainly on account of her efforts that this evil is no more there." The treatment of the system takes place through terms like "relic" and "evil", both associated with the domain of habit and tradition.

The problem with the opposition of habit and reason is echoed in the critique of the

¹³³ This does not mean that this narrative was not complicated or opposed within the debates, which were far more complex than can be captured by such generalisation or by the mere legal aspect of them.

international liberalism of Martha Nussbaum, as reflected in the latter's "capabilities approach" (Kapur 2005). This approach involves a belief that the central goal of public policy is to promote the capabilities of each citizen to perform the important human functions - "...it shifts governmental action from what individuals should think or do, which can be oppressive and tyrannical, to a focus on how to assist individuals to think and do what they want" (Kapur 2005, 14). So what then happens when a government is not oppressive or tyrannical but is also trying, in the liberal tradition, to assist people on how to think? Do we then blame all problems on corruption, poverty, crime, or other things that are seen as external to the core of liberalism? According to Kapur, liberalism cannot deny its colonial legacy and the fact that it is constituted by the narrative of linear history and progress, and a unified rational sovereign subject, this narrative needing the *other* against which it is defined – either those who are a threat to this narrative or who cannot be easily appropriated into its account of the subject. The figure of the terrorist Muslim is an example of the former, while sex workers, illegal migrants, refugees, hijras, hawkers, pavement dwellers, and so on, fall under the second group of people whose activities place them at odds with this unified sovereign subject – they each in their own way become its constitutive exceptions. "The problem is not that liberalism fails to live up to its own practice, but rather that failure is constitutive of the tradition." (17)

This problematises the claim that liberalism is in itself the system that can realise the goals of a democracy, it *only* needs to be taken to its logical limit in order to be effective and enable the conditions in which humans can function and live. The critique is that liberalism has failed to take account of its own roots in colonialism, the writings of liberal thinkers such as John Stuart Mill (who served 35 years in the East

India Company drafting policy documents), his father James Mill (who wrote a history of Indian manners and morals), John Locke (who believed that certain people did not have the capacity to reason and therefore could not be consenting individuals) and others, disavowing as the basis of their liberal thought, racial difference, and the idea that certain peoples were not ready for liberalism and needed to be pushed to the stage at which they would be ready and worthy¹³⁴. Nussbaum is charged with ignoring this history of colonialism in her espousal of liberal thought, instead reproducing the above-mentioned dichotomy between rational 'choice' and 'habit' - 'Liberalism must be used to challenge tradition and the social formation of sexual desire, to ensure that women think first before they give themselves away to another. Their desire for pleasure must be acted upon with conscious reflection and out of an exercise of choice, and not habit or tradition. It is in the context of habit and tradition that women have the most need for reason' (Kapur 2005, 16). The third world automatically comes to stand as the location where habit and tradition are the most entrenched.

Now, it might seem like the positions taken up by the colonial authorities, the social reformers and the self-respecters all contradicted each other in various ways, and indeed they did. The link between them is that the publicly sexualised body is significant as the ground on which each of these positions, deriving from colonial discourse, nationalism and anti-caste politics, seem to be constructed.

...Once the two sides in the British-Indian culture of politics, following the flowering of the middle-class British evangelical spirit, began to ascribe cultural

¹³⁴ Ashis Nandy also stresses that it is only the utilitarian strains of liberalism that could accompany colonialism and were therefore dominant. Only these strains enabled the narrative of progress, industrialism, rationality, and the productivity of the human being (the native in the colonies, the worker in the factory). See Nandy 1980.

meanings to the British domination, colonialism proper can be said to have begun. Particularly, once the British rulers and the exposed sections of Indians internalized the colonial role definitions and began to speak, with reformist fervour, the language of the homology between sexual and political stratarchies, the battle for the minds of men was to a great extent won by the Raj (Nandy 1980, 6).

This "homology between sexual and political stratarchies" seems to structure the ways in which the abolition debates took place. In the case of the anti-indenture campaigns, nationalist discourse seemed to require the disowning or "abolition" of the figure of the female indentured Indian labourer in the Caribbean, culminating in the campaigns led by Gandhi in the first decade of the twentieth century (Niranjana 2006). The existence of the female indentured labourer, who was sexually involved with the white ruler, whose occupation of the categories of 'modernity' was different from the Brahmin woman at 'home' in India, and who came from various groups, be it lower-caste dancing troupes, widows who wanted to escape their segregated existence, or prostitutes, could not be appropriated into the nationalist ideal of the middle class upper caste woman.

At the end of the first decade of the twentieth century, a political campaign was undertaken – mobilizing “a wider public than any previous protest” against the colonial rulers – to dismantle a system that was said to be turning Indian women into prostitutes. As Gandhi wrote, “The system brings India’s womanhood to utter ruin, destroys all sense of modesty. That in defence of which millions in this country have laid down their lives in the past is lost under it.”...In this case, by ending indenture and providing the conditions for chastity, women would cease to be available, for instance, to their white employers in the colonies. Thus, nationalism could refuse

menial status for Indians versus the colonizer (Niranjana 2006, 79).

The campaign therefore had nothing to do with the rights of these women who became labourers, it had more to do with the mobilisation of people in the name of a public morality and female 'modesty' that were tied inextricably with opposing the coloniser and with countering colonial administrative reports on the Indians of menial status (the "coolies") who were seen as "degraded" because their women were sexually available. Gandhi's views on the devadasi system were clear:

The devadasi system is a blot upon those who countenance it. It would have died long ago but for the supineness of the public. Public conscience in this country somehow or other lies dormant. It often feels the awefulness of many a wrong, but it is too indifferent or too lazy to move ("Conquest of Self", 1943, 200).

Habit [my emphasis] has dulled their [the devadasis'] sense of sin regarding their calling. Therefore they have to be found an innocent source of livelihood in the place of prostitution. Then there is work in society. Festival and marriage parties in which devadasis are employed have to be sought out and those in charge reasoned with. Reformers may not dictate reform to society. They will have to appeal to its *reason* [my emphasis] and heart (ibid, 201).

What Gandhi was doing was calling the "public" to attention, to rid society of this system – as we know, he did not believe that lawyers and doctors were desirable at all for the nation, and so did not believe, unlike BR Ambedkar, that legislation was a mode through which this system could be abolished (*Hind Swaraj*, 1938). It needed to happen through an appeal to a reason that kept tradition at its core, through the reason

of Hinduism rather than its habit. In this way, Gandhi insists upon *the public recognising itself as such*, and recognising what needed to change in order for the nation-self to achieve realisation. The role played by women in this realisation was to be crucial - "Woman is the embodiment of sacrifices and suffering, and her advent to public life should therefore result in purifying it, in restraining unbridled ambition and accumulation of property" (Gandhi 1943, 154). Women in "public life", then, were to perform a very specific role.

"Slipped Sisters"

While for Gandhi, Indian womanhood held symbolic value and was to be rescued from the ways in which the modernising colonial rule had exploited and degraded it, for the self-respecters it was a question of putting in place an anti-erotic ethic, in order that the unequal structures of brahminism could be undone and a conjugality based on comradeship and companionship, not casteist distribution of resources or "public lust", could be established in its place. Unlike Indian widows or even sex workers, in terms of their political position,

...The devadasi system...occupied a public, even political space, so that writing within that space opens out to view the large intersecting economies it contained. Part of the project of abolition sought to shrink that space and its potential, yet another part sought to shift it from one realm to another within the public, and there was stiff resistance to both trends from within the community, not all the resistance evocative of any defense of obscurantist traditions (Kannabiran and Kannabiran 2003, 5-6).

The devadasi occupied “the outer margins of respectability in the independent national imaginary. In an environment where the division between private and public was rigid, women’s entry into public life was far from easy. Devadasi women entering public-political spaces alongside “respectable” women threw up more dilemmas that were not easy to resolve.” There was the “tendency among men to assume that only ‘slipped sisters’ could participate in public functions in public places” (36). This is in reference to the devadasi women's participation in the freedom struggle, claiming political citizenship as a right. Their status as 'public' women was a major part of the problem they posed to both the British and the freedom struggle. They could not be included in the latter as women who by their very chastity and refusal to sexualise their bodies, defied the white rulers (though the devadasi women were different from the sex workers in terms of their relationship with the white male coloniser). The devadasi system as an institution was embedded in the public domain in such a way that these women could not be easily deployed as 'private' bodies in the nationalist discourse. The dasis who resisted abolition and claimed political citizenship sidestepped the moral question being raised as central to their lives “asserting instead, that the centre was the public space they inhabited, on the stage and in temples, and the art they embodied, their “private” lives being completely marginal to questions of citizenship as they saw it” (37). Unlike the middle class upper caste women who were positioned as figures whose sexuality was consigned to the private realm and whose political participation depended on this consignment, the dasis appeared in a political sense precisely as women whose sexuality was seen as public.

Back to the Present: The Dedication of Dalit Girls

“When I could bear it no longer I would say: ‘Sir, I’m not a jogini or a jannah, an erpula or a yesa. I’m a Bhagotam performer and my task is to tell you the legends and the history of the sabbanda laboring-singing communities. Remember, I’m a married woman. I take care of you by teaching you your history and culture. I also take care of my parents. My husband came to my home to live with me. Don’t treat me like a jogini. Please, I beg of you.” (“Jambava’s Lineage”, Gogu Shyamala 2012, 81-82)

“We don’t have the freedom to wait these two months for the orders to come. We have been waiting so far, but the upper caste patel of the village have made a sinful decision that my daughter should become a jogini.”

“A jogini?” the warden asked.

“A jogini is a girl from my community, the madiga¹³⁵ community, dedicated to god.”

“I know what a jogini is,” interrupted the warden, but Appa continued, “The patel will take her as his woman in the name of god, with the approval of all the upper castes and the priest in the village. She will then be available to every man in the village in god’s name! I brought her here without the knowledge of the elders as soon as I heard of the decision.” (“Raw Wound”, Gogu Shyamala 2012, 141)

The objective of this chapter is not to relegate the devadasi system to a historical past, and then move forward linearly through the tradition of lavani performance and arrive at today’s bar dancing. This linearity would serve to reproduce the very idea that made the devadasis disappear from the public domain, the idea that they belong to an antequated “past”. As the constitutional debates imply, there seemed to exist a desire

¹³⁵ The Madigas (Matangs) are agricultural workers, leather workers, and are also theatrical performers of the Bhagotam and the Yakshagana forms.

to simply proclaim the system as obsolete, render it illegal in parts of the country, and then watch it fade from the public domain. Which it has. Most discussions or scholarship on the devadasis posit them in a colonial and precolonial past, as if with the social reform and abolition, the system itself vanished from our political-social-cultural-economic realms. This does not of course mean that the practices associated with it (dedication to a deity, services in the temple, sexual relations with men from the dominant castes) have come to a standstill. Legal measures against this practice started with the Bombay Devadasi Protection Act, 1934; then in 1947, there was the Madras Devadasis (Prevention of Dedication) Act; Karnataka followed suit with the Karnataka Devadasis (Prevention of Dedication) Act in 1982; then Andhra Pradesh with its law in 1988; and in 2003, Goa passed the Goa Children's Act (Goa Act of 2003), which included "child who has been dedicated" under the definition of the category "Child in need". The very fact that this practice was prohibited in different locations at different points in time, the last judgment as late as in 1988, tells us that it didn't disappear with the 1947 abolition, or with the social reform efforts that we have been discussing. But it has been rendered a part of the margins, removed in two ways – both from the heart of public debates, a place that was granted to it firmly in the late nineteenth and early twentieth century period of social reform; and physically "removed", assumed to be going on in "remote areas" (this can be read as non-metropolitan locations) and away from the eyes of the media and the law. The practices that still exist are most often seen as a *remnant* of an "ancient" system, rather than as forms of it that got recast in the post-independence period. This happens especially in books written by 'curious' travellers and scholars of other cultures, both of these located in the West and engaged in descriptions of what they find elsewhere. Here is a laughable version of the first:

On January 24th 2011 came the news that—although India denies it—an ancient Hindu custom of sex slavery still exists in some areas in the country. It is a custom in which young girls are married to a god in childhood and then, at puberty, sold for sex—it is known as Devadasi. Yet *The Times*' reporter Beeban Kidron, went to the “Devadasi Belt”, a string of towns and villages where Karnataka meets Maharashtra in southern India. There she met Shobha; dedicated to the goddess Yellanna [*sic*] in childhood, she was sold in exchange for a gold necklace and 500 rupees per week to her brother-in-law. Today she runs an organization called MASS, which campaigns against the Devadasi system, which still exists in the area. This is one of many examples of a remnant of semi-religious belief which lingers on in rural or very poor districts, because it brings in money. Women in particular suffer from these remnants¹³⁶ (Fox 2012, 24).

Though the term *devadasi* is no longer in circulation in the way that it was, the dedication of young girls to deities still carries on in parts of the country. Girls¹³⁷ in different regions go by different descriptions – the *joginis* of Andhra Pradesh/Karnataka, the *basavis* (Karnataka), the *muralis* of Maharashtra, the *maharis* of Orissa, and so on (the number of women going up to 50,000 in some states). It is largely only in Dalit discussion forums that we still find an active engagement with these practices, which are said to have changed in such a way that only Dalit girls are dedicated to deities, and are then “initiated” into sex work after the ritual sexual

¹³⁶ This extract has been chosen because it represents the worst form of de-contextualisation in the name of a global ethics of gender justice. The premise of the book is as follows: “In the world of today, women are unequal still. In Asia they are utterly degraded: as will be seen. In Europe they are more equal, but men are still in positions of influence; in South America and elsewhere their position varies, but only in Scandinavia are they equal to me” (Fox 2012, 14). This global graph of suffering women renders the devadasi system yet another instance of the oppressive conditions in ‘Asia’, in place of a practice with a complex history stretching over centuries and over different regions in southern India.

¹³⁷ I say “girls” instead of women here because the dedication takes place at a very young age and this is why the practice falls under laws against trafficking.

services have been rendered to her “patron” (read rich bidder or dominant caste landlord)¹³⁸. The Dalit understanding of this practice is that it is directly connected to the dominant castes’ desire for sexual access to Dalit women’s bodies. In an essay titled “Devadasis Were Degraded Buddhist Nuns”, K Jamanadas argues that the devadasi system came into being *because* of the fall of Buddhism, and its *effect* was the exploitation of the Dalits. He sees the devadasis as women who began to do Buddhist religious service, but were then forced into sexual slavery as part of the dominance of Hinduism – he therefore calls them “degraded Buddhist nuns”. He also agrees with other scholars (whom he cites) that this practice has undergone considerable transformation – firstly, that while previously, the caste backgrounds of these women used to be more varied, they are no longer so and the girls are mostly Dalits who belong to SC/ST communities; secondly, that a delinking of these women from an earlier-held “ritual status” and the temple (as an institution) has taken place:

In Yellampura village almost everybody worships Yellamma deity. A dominant caste like Lingayats acknowledge Yellamma as their family deity. But at the time of survey it was found that no single upper caste woman was dedicated to the deity. However, knowledgeable elderly persons revealed that there were a few devadasis among other castes like Talawar, Gurav, and Kurubar castes. But at present no devadasi is found among these castes. As ritual status of such women came down and functional relation with temple almost terminated, members belonging to other castes abandoned the practice but lower castes like ex-untouchable including Holers,

¹³⁸ Here I must flag a long-standing zone of contention between feminists who argue in favour of legalising sex work, and Dalit feminists who strongly oppose it as a way of reifying the caste system. The latter hold that most sex workers are from Dalit communities, and allowing this practice to continue simply ensures that men from dominant castes continue to have access to their bodies in a sexual sense (this being one of the bedrocks of the caste system). The former hold that sex work is a complex set of negotiations between the sex worker, her clients and the legal mechanisms of the state, and this cannot be reduced to a position of pure victimization. This debate surfaced at the time of the dance bar ban as well.

Madars and Samagars continued the practice. Among Samagar caste there is only one devadasi who is about 70 years old. Since then no new initiation has taken place in the caste....¹³⁹

Jamanadas goes on to describe what the life of these girls is like in the present era,

After initiation, the ceremony of 'the first night' is celebrated. It is called 'Uditumbuvadu'. Previously the right belonged to the priest but now-a-days, it is well publicized within the clientele of businessmen and rich landlords. One who deflowers her gets right to her over others for the rest of her life but neither she nor the children of such union have any right over him, or his property. He can leave her any time. She has to lead a life of a cheap prostitute either near about or at metropolitan brothels. By the time her market value goes down, and she is thrown out of business, she becomes a habitat for a number of diseases including may be AIDS, and ends up in some village corner, desolate, rejected, friendless and rots to death (ibid).

This narrative of a life of poverty, disease, loneliness, is mirrored in media reports,

Durgamma was married at the age of 10, even before puberty, to Yellamma. She was then initiated into prostitution after being forced to sleep with her maternal uncle. She has six children now, four of whom are girls. It seems impossible for her to sustain a living if she decides not to dedicate the girls' life to Yellamma or Hulligemma. ...Mariamma is inconsolable. Her name doesn't figure in the Karnataka government survey conducted to identify Devadasis over the age of 45 for

¹³⁹ Yellampura is a village in Karnataka and this region is well known for the prevalence of the practice of dedicating young Dalit girls to the goddess Yellamma. See http://www.ambedkar.org/buddhism/Devadasis_Were_Degraded_Buddhist_Nuns.htm. Accessed as on 12 January 2014.

the monthly pension. ... Uligamma doesn't believe that Yellamma will come to her rescue...She has seen too many aged Devadasis living in squalor, dying either of poverty or of sexually transmitted diseases (Parthasarathy, *The Hindu*, 21 August 2013).

The supposedly obsolete nature of this practice, having pushed it to a margin of illegality and secrecy, keeps it from existing at the centre of “public interest” (unlike during the colonial period, there can no longer be mass public mobilization against it). The *governmental* relationship to this practice exists in the form of schemes that are meant to rehabilitate the women and girls by giving them education/jobs, loans, houses, a monthly pension and a fixed amount at the time of marriage – for example, the Karnataka State Women's Development Corporation set up the Devadasi Rehabilitation Programme in 1991¹⁴⁰, with a focus on Belgaum district. This district is also home to the afore-mentioned Mahila Abhivruddhi Mathu Samrakshana Samsthe (MASS), an organization formed by ex-devadasis to help rid society of this practice.

It is ironic but not paradoxical that this transformation of the practice to something that involves only women from the SC/ST communities—and in the most obviously oppressive manner, where they are forced to fall back on the effective implementation of government schemes, and the work of NGOs, for their survival—is what moves it away from being a “public” concern. For it is now considered part of structures of caste oppression that are relegated to the realm of a non-modern culture in the public

¹⁴⁰ And from a newspaper report in 2011 (Mumbai) – “The state government, to protect the identities of former devadasis, will include them under the Sanjay Gandhi Niradhar Yojana and the Shraavanabel Seva Rajya Pension Scheme. ... It was in 2006 that the state passed the Maharashtra Devdasi Tradition (Abolition) Act, 2005. Under this Act, the government set up a rehabilitation scheme for Devdasi women. Around 3,900 former devdasis receive monthly allowance of Rs 500 under the Devdasis Survival Scheme. ‘If these former devdasis are to be brought into the mainstream, then it is essential to erase their past vocation, which is considered a stigma,’ said officials” (“Govt extends benefits to former devdasis”, *The Times of India*, March 4, 2011)

imagination. From the period in which it was at the centre of nationalist discourse, it has come to occupy a realm of secrecy. The questions of property, land endowment, and importantly, public performance, that *lived* through public debate and in the daily workings of state institutions, seem to have been rendered irrelevant. The only ways in which they surface is through media reports on government schemes, and court cases filed on the basis of property claims.

We need to take a step back here to consider the tensions between the feminist scholarship on devadasi abolition (discussed in earlier sections of the chapter), and the Dalit scholarship on the same. For this, we return to the quote from Gogu Shyamala's short story, *Jambava's Lineage*. From within this quote, several ways of understanding this tension emerge. Firstly, we notice the insistent separation of the jogini from the Bhagotam performer – the jogini is not associated with public performance, but instead with performing sexual services for a living. “Don't treat me like a jogini”, the character Ellamma says. The existence of this separation is borne out by the fact that none of the current discussions on devadasis even mentions performance as a relevant category. Early cases seem to have considered the two things – dancing and sexual service – synonymous, some of them arguing that the presence of one is evidence of the other. This is from a 1913 case:

Now as to the intent, or knowledge, we have evidence, to which I have referred, that Kuppammal [the young girl adopted by the accused] received prasadam in December 1908: that is indisputable and it strongly corroborates the oral evidence that she was taken to the temple for dancing and singing. I do not know that it is necessary to decide whether or not she was invested with a 'pottu' in private as alleged by prosecution witnesses Nos. 6 and 9; it is possible that she was not, and that the

temple authorities would not now venture on any formal dedication of a minor to the dasi service. But I should hesitate to say that the evidence upon this point is false: it may very well be that it is deemed essential to have some dedication at or soon after the time of puberty and that it is not now thought safe to make such dedication public. However that may be, leaving this evidence apart, and leaving apart also the evidence of the 10th and 11th witnesses, who allege that the girl was in fact prostituted, I think, for reasons which I shall explain, that there is sufficient evidence to shew that the accused knew that the girl was likely to be used for prostitution.¹⁴¹

The 1947 law then tries to put into effect a separation between the two: “3(2): Any custom or usage prevailing in any Hindu community ... that a woman of that community who gives or takes part in any Melam (Nautch), dancing or music performance in the course of any procession or otherwise is thereby regarded as having adopted a life of prostitution, and becomes incapable of entering into a valid marriage ... are hereby declared unlawful and void.” By this, it is unlawful to follow a custom by which dancing women are assumed to be prostitutes and denied the right to marry. In other words, the practice of dancing and that of prostitution cannot remain tied to each other. A 1950 case then *acquits* twelve women who were charged with dedication simply because they were seen dancing and playing instruments in public as part of a marriage procession¹⁴². This question, of the separation between public performance and private sexual service, the repeated query of whether it actually exists, haunts the discussion between mainstream and Dalit feminists and appears in the debate on the dance bar ban. “Dalit women from all religions are always used as public property, may it be during communal violence or local fights or at water-wells,

¹⁴¹ The Public Prosecutor vs Kannammal (17 January 1913, Madras High Court). <http://www.indiankanoon.org/doc/1013541/> - Accessed as on 15 January 2014.

¹⁴² Saride Narayana And Ors. vs Unknown on 23 February, 1950 (Madras High Court). <http://www.indiankanoon.org/doc/1795914/> - Accessed as on 06 December 2013.

the fights among villagers, or fights for power. Dalit woman is first to be stripped naked. We are fighting against the state that always uses law to serve its own interest. We can see that most of the bar girls live under tremendous fear of rape because they are seen as public property available only for their sexual entertainment” (Pramilani 2005, 45). The tension between the idea that the Dalit woman is seen as “public property” (where the public is dominated by the non-Dalit castes), and the idea that women have a right to earn their livelihood as public performers lies at the crux of this disagreement.

This brings us to the second point that emerges in Shyamala’s text: “Remember, I’m a married woman”. By the very fact of her being a married woman, Ellamma cannot be a jogini and cannot be treated like one. This reliance on the strength of marriage is another point of contention between, on the one hand, feminist scholars who saw the abolition of the devadasi system as way of instituting a uniform system of Hindu marriage, this rendering all other forms illegal under ‘public law’; and, on the other, Dalit feminists who argue in the light of the Self-Respect movement and the writings of Ambedkar¹⁴³, that companionate inter-caste marriages are needed to end the exploitation of Dalit women by men of the dominant castes, and that the devadasis can be pulled out of their state of degradation through marriage.

Can this zone of contention simply be explained by sorting out the slippage that takes place between *devadasi*, *jogini*, *basavi*, and others? The joginis and basavis are said to have all belonged to the “lower” castes, as opposed to the devadasis, who, while not brahmin, were distributed among the remaining castes in the varna order. Does this

¹⁴³ Ambedkar addressed devadasis in 1936 and asked them to step out of their occupations and enter marriages of equality and respect in which they would no longer be slaves.

alone resolve the differences that arise here? This doesn't seem to be an adequate explanation – “it is clear from several ethnographies that the basavis enjoyed enviable property rights, and like their devadasis and nayar counterparts, inhabited the very heart of Hindu laws of inheritance...” (Nair 1994, 3161). The Acts abolishing the devasdasi system also mention different communities. If we assume this to be the case, that women in all these communities (whatever caste they belonged to), occupied a place of *difference* at the “heart of Hindu laws of inheritance”, then do we instead have to offer a narrative of the ‘degeneration’ of this practice from earlier periods? Or is it possible at this point to refocus this debate, in order to avoid falling into the trap of, on the one hand, disavowing the ways in which Dalit women are positioned as sexual subjects; and, on the other, supporting the statist move of banning a practice and therefore falling on the same “side” as Hindutva assertions in the name of culture? For no feminist argues or would argue that the dedication of young girls against their will or desire, in the name of upholding a cultural/religious tradition, is to be condoned.

What is perhaps necessary at this point is then to return to abolition as the mode through which the practice was sought to be regulated during the colonial period – to argue that by rendering this practice *prohibited* under a “public law”, and by separating the women from both their resources and their performance practices, the state forced it to move into a domain where the public nature of this practice was replaced by the interests of both the state and the dominant castes (the women now do not have any claim on the property of their ‘patrons’; the temple as an institution no longer endows land on them; and the state positions them as subjects of its welfare policies).

It is also interesting that a split was achieved between the sphere of the public and the private. The granting of patronage to a devadasi was a public expression of power by zamindars, notables, chieftains in pre-colonial India, in return for religious honour and sexual services, which were inseparable. In modernizing Mysore, however, such patronage had to be privatized, marked off from the public world where the façade of a new morality was maintained. Only as long as their patronage of public women such as Nagaratamma remained a private matter could public men, judges such as Narahari Rao, uphold and dispense a new order of justice delinked from princely forms of power and authority (Nair 1994, 3165).

There seems to have been instituted a split within the state itself, between cultural practices and political functioning. These women could then no longer stake a claim on the state to address injustices within their own practice, for the practice itself was positioned as opposing the notion of justice. The argument that abolition was the only way of ending the sexual oppression of Dalit women is questionable: long after formal abolition, it is only Dalit women who are still suffering as a result of this history, and as a result of having been relegated to the margins of the public domain. The abolition seems to have shifted these practices out of a complex domain of negotiating caste identity and property inheritance, and onto the leveling ground of legal regulation.

The gradual erosion of the material support for the artistic abilities of the devadasi resulted in her decline as a professional dancer, producing in its place a proletarianised sex-worker, with nothing to trade but her sexual services, which were now a threat, rather than an adjunct, to the patriarchal household. In many ways the

Devadasi became indistinguishable from her urban counterparts, and from the Basavis in the rural areas. Beginning in the 1930s, the expanding market for prostitutes in cities such as Bombay found ready recruits among the devadasis and basavis of Mysore (Nair 1994, 3164).

There then seems to be a process through which the field of performance, that was the domain of women, with its own production of knowledge and pleasure, was sought to be recast by both the coloniser and the Indian nationalist in the process of modernising India. This brings us to the lavani tradition of the Kolhati community of Maharashtra. Lavani is a form of eroticised song-and-dance that is performed by women in Maharashtra. The *shringarik lavani* speaks of love and sexual desire and is considered the most bawdy of the lavani performances.

The lavani has been chosen here because of the ambiguity it introduces into the narratives of reform and censorship. The performances in this case were a practice of a community of women who had certain caste ties and established modes of circulation (unlike the devadasi, their performance detached itself from domains of religiosity, instead attaching to the term that is now used by the law, “entertainment”, yet retaining the notion of a “cultural” tradition from a particular region – social satire, bawdy humour, were all a part of the lavani; unlike the bar dance, the lavani was seen as devolving from certain “traditions” of performance and also connoted certain codes of marriage, reproduction and inheritance).

Caught Between Dance, Theatre, Cinema: The Regulation of Lavani Tamasha

“Mumbai: To make up for the negligence shown to folk artists over the years, the Maharashtra government has decided to offer a slew of benefits to Lavani and Tamasha artistes across the state” (“Govt finally dances to lavani artistes’ tune”, Times of India, 17 June, 2011)

“However, the tamasha staged today at the Aryabhushan theatre¹⁴⁴ is far different from the traditional form. Modern masala has taken over and the artistes have to dance to the beats of Hindi film songs. The traditional vags are performed only occasionally, informs Tambe. Unfortunately, people often walk out of the hall as soon as the vags begin.... “Adding to the woes,” adds Mohana Mahalangrekar, a tamasha artiste at Aryabhushan, “the dancing bars, which have taken away a lot of our clientele” (“Fate plays a ‘tamasha’ on this dance form”, Times of India, 27 September, 2003)

The particular instance of banning the lavani tamasha is more than a go-between to the devadasi abolition and the bar dance ban. There was no consistent effort to abolish the practice, like in the case of the first, nor was there a hugely controversial rights-based legal battle around the ban, like in the case of the second. The ban on the lavani was lifted on the condition that any and all obscenity in the lyrics and the performance would henceforth be regulated by both legal and quasi-legal bodies in Maharashtra. The instance of banning lavani is therefore crucial because it is here that we see a theatre practice being recast into a form akin to a visual text, being offered up for pre-censorship as if it were a film.

¹⁴⁴ The first Tamasha Parishad was convened at this theatre in 1956 (Naregal 2008).

As the case of devadasi abolition shows, the period of the late nineteenth and early twentieth century saw shifts in the way the performing arts were imagined. With the rise of the middle classes, existing forms of performance came to be recast, resulting in the marginalisation of those elements which were considered obscene or not in tune with a certain idea of art, dance or theatre. Where there was earlier an opportunity for middle class dominant caste women to interact with women from the other castes and classes who gave performances in the space of the private, this kind of interaction, education, entertainment, was increasingly discouraged and the private spaces of the home were cut off from these 'other' women who were no longer allowed entry on account of them being viewed as obscene or promoting lascivious practices¹⁴⁵.

The tamasha is a theatrical form that consists of scripts, acting, music, dancing and the composition of lyrics. Though its history stretches back well into pre-colonial period, it is said to have been offered a high degree of patronage during the 18th century Peshwa period in Maratha history. During this period it was still not common for women to perform the tamasha, and boys or men used to perform women's roles. During the colonial period it came to be patronised by the mill workers in Bombay, and seen as a working class form. In 1948, because of claims that the tamasha was obscene and not meant for public entertainment, Chief Minister Balasaheb Kher imposed a ban on tamasha performances in the Bombay Province region. The lifting of this ban was contingent on the institution of the Tamasha Sudhar Samiti, the Tamasha Scrutiny Board (1954) and the first Tamasha Parishad at the Aryabhushan Theatre (1956) (Naregal 2008)¹⁴⁶. The Scrutiny Board was set up under the Bombay

¹⁴⁵ For scholarship on this separation, see Banerjee 1989, also cited in Niranjana 2009, 75-76.

¹⁴⁶ Veena Naregal's essay, "Marginality, Regional Forms and State Patronage", is interested precisely in the question of caste and performing arts that involve artists from Dalit communities. She

Police Act 1951 and it was meant for the “prior scrutiny of Tamashas, Melas and Ras in the State of Bombay”:

(8) (i) The Board may after considering an application for the grant of a certificate of suitability for an amusement performance and after obtaining such further particulars as it may deem fit, issue a certificate of suitability in respect of such performances or impose such conditions as may be specified in the certificate. The certificate shall be in the form prescribed by the Commissioner of Police, Greater Bombay, or the District Magistrate of the District concerned (Government of Bombay, Home Department (Political), Resolution No. 2701/5-Poll., Bombay Castle, July 19, 1954)¹⁴⁷.

In 1960 were introduced Rules for Licensing and Controlling Places of Public Amusement (other than Cinemas) and Performances for Public Amusement including Melas and Tamashas. Section 123 stated the grounds on which suitability certificates would be refused:

The Board shall not grant a Certificate of Suitability in respect of any performance if on a scrutiny of the script submitted to it for scrutiny or otherwise, it considers ...

(C) that in the script thereof the standards of life, having regard to the standards of the State or any part thereof and the people to which the story relates, are so portrayed as to deprave the morality of the audience and in particular:

(a) deal with vice or immorality in such a manner as to

(i) extenuate vicious or immoral acts;

analyses the tamasha and looks at the histories of two male performers, one a Brahmin and the other a Mahar.

¹⁴⁷ See

<https://www.maharashtra.gov.in/Site/Upload/Government%20Resolutions/Ratnagiri/GAPE075401.PDF>. Accessed as on 15 March 2014.

- (ii) undermine the accepted canons of decency;
 - (iii) depict vice or immorality as attractive;
 - (iv) cast a halo of success or glory round the vicious or immoral;
 - (v) enlist the sympathy or admiration of the audience for vicious or immoral characters;
 - (vi) suggest that the attainment of a laudable end is justified by vicious or immoral means or improper motives;
 - (vii) create the impression that vice or immorality are not to be reprobated; or
- (b) deals with the relations between the sexes in such a manner as to
- (i) lower the sacredness of the institution of marriage;
 - (ii) suggest that illicit sexual relations are ordinary incidents of life and not to be reprobated¹⁴⁸

All of these formal bodies set up in the '50s, both under the Police Act and as quasi-legal entities, were meant to regulate the performance of tamashas and lay down rules that were to be followed to prevent it from being obscene (Naregal 2008). In the post-independence period it came to be reshaped as a "folk" form, since it could not, unlike other performance traditions that involved artistes from the 'lower' castes, be transformed into a "classical" tradition – it did not have the necessary *religious* foundations for this to happen.

The lavani tamasha is a performance that is wholly carried out by women, usually of the 'lower' castes. As with the devadasis, this practice was also supported by certain social conditions. The Kolhati women were seen as the bread-winners of their

¹⁴⁸ See the Rules for Licensing and Controlling of Places of Public Amusement (other than Cinemas) and Performances for Public Amusement, including Melas and Tamashas (Amendment) Rules, 1974 (this amended the Rules which were introduced in 1960) - <https://www.maharashtra.gov.in/Site/Upload/Government%20Resolutions/Ratnagiri/GPAR087401.PDF>. Accessed as on 15 March 2014.

families, dancing and sexual contracts being a part of their caste-based profession. They were nomadic, which meant that they constantly engaged with public spaces in ways that other women (and even men) did not. They did not marry and the men of the community depended on the women for sustenance. The women were also reputed to possess knowledge of cures for sexually transmitted diseases and impotency. The lavani tamasha in particular was displaced as an acceptable public form of entertainment, this displacement taking place in the 1850s because of a relationship between the colonisers and the newly emergent Marathi middle class (Rege 1995, 28-29). The emergence of this middle class had its impact on existing forms of theatre and performance – what came to be considered as respectable entertainment was the *sangeet natak*, a male-dominated form of theatre with female impersonators playing the roles of women. As a result of this, the lavani tamasha came to be considered licentious and vulgar.

The *vag* was the component of theatre in the tamasha, and it involved the theatrical depiction of life in the villages or cities. The Nagpur District Gazetteer of 1966, in its section on “Amusements”, says, “*Tamasa*, which is perhaps the most popular and alluring recreational activity in the rural areas, consists of a *band* of five to seven artists of histrionic talent and musical skill....*Gana*, *Gavlan* and *vag* are the principal components of a *tamasa* and the ruling sentiment maintained throughout by means of dialogues and *lavnis* is usually crude and sensuous humour leaning on the erotic side.”¹⁴⁹ A separation was then put into place, between the public form that was legitimate (the *vag*), and the form that was no longer considered publicly acceptable (the lavani). “Between 1860 and 1880, several English and Sanskrit plays were

¹⁴⁹ See http://nagpur.nic.in/gazetteer/gaz1966/final_gazettee/people1.html. Accessed as on 15 March 2014.

translated into Marathi. The *nachee* (dancing girl)/*nartaki* (dancer), *tamasgir* (performer)/*kalakaar* (artist) dichotomies intensified as the upper castes displaced the lower castes from their hereditary sphere of the performing arts” (29). The tamasha troupes then sought to desexualize the form, giving pride of place to the *vag*¹⁵⁰. This made the tamasha as a form more respectable, and it also at a later stage offered the state a platform through which to educate the masses and deal with issues that were considered important for governance and public welfare.

This shift obviously had to do with caste sensibilities. The lavani, it is argued, constructs the bodies of lower-caste women as desirable and arousing for the men watching the performances. It was first marginalised within the tamasha as a form, and when the Kolhati women began to perform it as separate troupes (as *sangeet barees*), it was labelled obscene and banned by the state (Rege 1995, 29). P Kumar, writing on the origins of Tamasha in Maharashtra, says, “In the beginning days of Tamasha, the audience of Tamasha were treated as unwanted persons by the upper caste people, and Brahmins made it a rule not to witness the Tamasha performances. Like Brahmins, women of other communities were also prohibited from even going to the places where the Tamasha performances were going on. With the change of time, all types of society people of Maharashtra began treating Tamasha with high standards.”¹⁵¹ This marks the moment in which the ban on the tamasha is effected, leading to the loss of livelihood of the artists involved. The ‘change in time’ possibly

¹⁵⁰ The performing art units recognized by the state programmes were called kala pathaks, the main kala pathak being a dholki-baari (song, vag, mime and dance). The dholki-baari and the sangeet-baari were the two kinds of tamasha, and the lavani fell under the second category. It was with the refinement process that the dholki-baari gained prominence, and the sangeet-baaris (at least in the ways they used to operate) were forced to recast themselves. The vag is a significant part of the dholki baari. It is the theatrical portion of the tamasha, and gained respectability and prominence as it was yoked to the national project.

¹⁵¹ Kumar, P. “Origin of Tamasha Folk Theatre”.

See <http://dspace.vidyanidhi.org.in:8080/dspace/bitstream/2009/1298/5/UOH-1996-355-3.pdf>

refers to the shift to including tamasha in the agendas of the state, and the subsequent marginalization of the lavani as a form of tamasha. This involved the creation of rules and regulations, to be followed by tamasha troupes:

The members of the Tamasha Sudhar Samithi have framed some rules, regulations, aims and objectives that are to be followed while performing the Tamasha. The aims and objectives are –

- The heroine of the Tamasha should not sit in front of the gate for the purpose of publicity.
- Vulgar and double meaning songs and dialogues should be removed from the performances
- Vulgar and double meaning dialogues should be removed
- Vag Natya (Modern Tamasha) should be censored by the Censor Committee, before presentation
- Audience are prohibited from touching the heroines, women characters while giving any rewards or money¹⁵²

These rules and regulations formulated were then presented to the government and the ban was subsequently lifted.

We can clearly see that the Tamasha performance is treated here like it is a film, and is addressed through the mode of censorship rather than through that of social reform. There is then a recasting of the tamasha as something that is respectable only because it is offering itself to precensorship and rules akin to the ones drafted by the Central Board of Film Certification. The body of the female performer in this context

¹⁵²

Ibid

becomes a potentially obscene object, rendered so by its ability to arouse prurient interest in the viewer.

A curious development that took place was that while the lavani troupes were being marginalised, the lavani tamasha started being represented in the new Marathi cinema that was trying to compete with the new national form of the Hindi cinema¹⁵³. Dinkar Patil, who directed films from the 50s to the 90s, is credited with introducing the lavani to Marathi cinema. In this cinema, the skills of the actual lavani performers were deployed in producing cinematic representations of them as lascivious and titillating objects of male desire¹⁵⁴. It was an appropriation of their skill, of lavani as a form, and of the sexuality of the performers. They had no control over these representations, which seemed to necessitate their marginalisation as women who previously actively occupied public spaces. In a way, the bodily public performances of the lavani dancers became the “traditional past” that cinema drew on, even though the two were contemporaneous. Their public performances (as the quote that starts this section states) drew less crowds and clientele, and the performers found it hard to sustain a living through public shows. This comparison to cinema is found in another form in the dance bar debate, in which the dancers drew on the example of the Bollywood “item numbers”¹⁵⁵ that they were simply imitating in their dances. This is a case in which the representations are deemed acceptable in terms of ‘public morality’, but the dancer's performances are charged with obscenity and the ability to

¹⁵³ At this point one has to point out that the lavani is not the dance alone, a crucial part of it is the song, with its bawdy lyrics and double entendres. An analysis of the shifts in language, between the Peshwa period, the post-independence period, and the period of lavanis in Marathi cinema, is unfortunately beyond the scope of this thesis.

¹⁵⁴ For examples of lavanis in Marathi cinema, see this YouTube jukebox line-up of lavanis in films - <http://www.youtube.com/watch?v=vXvsgicUdRk>; or this compilation of the top 10 lavanis in Marathi films - http://www.youtube.com/watch?v=ho_IqrlChGg

¹⁵⁵ This is the popular name given to the song and dance numbers in which women in revealing clothes dance to what are usually upbeat songs.

deprave or corrupt. The difference emerges from the fact that in the case of the dancers, the practice is seen as closely linked to and in fact leading to “realized” sexual behaviour, in the form of prostitution, whereas the cinematic representations of them are seen as controlled by censorship and therefore not tied directly to commercial sex. Therefore, the dancers in the films were deemed desirable at the same point of time in which the actual troupes were fading out of public view. In fact, as the troupes fell into the hands of middlemen contractors, the women were expected to imitate the dances and movements and songs found in the films in order to please crowds. This resulted in their alienation from their own art form (Rege 1995, 31).¹⁵⁶

The case of the lavani performers and the dance bar case are both set in Maharashtra. There seem to be several links between the two historically. One obvious link that is evidence of the above de-sexualisation of the tamasha troupes through the marginalisation of the 'obscene' *sangeet barees*, is that the dance bar ban did not apply to tamasha theatres. "The Rules made, are for licensing and regulating places of public amusement other than cinema and performance of public amusement including melas and Tamasha. They are meant to uphold public decency, morality and public order. Regulating performance by licensing is an essential part of public order" (submission of Advocate General on behalf of the State, in Indian Hotels And Restaurants Association (Ahar) and Anr vs The State Of Maharashtra, 12 April 2006). To quote Section 33B in the Bombay Police Act, “nothing in section 33A shall apply to the holding of a dance performance in a drama theatre, cinema theatre and

¹⁵⁶ Veena Talwar Oldenburg, says of the *tawaif*, “Their style of entertainment was widely imitated in other Indian court cities, and their enduring influence on the Hindi film is all too patent” (1990). The relationship between the tawaif and Hindi cinema (both in terms of performers and descendants of the tawaif tradition entering the film industry, and films that were inspired by the figure of the tawaif) is well-known, and one imagines that they had more autonomy when it came to representations and their role in the industry than the lavani performers, since the courtesan culture was held at high esteem, while the lavani was seen as part of low culture. The difference is also clearly between a Marathi cinema and a dominant Hindi cinema.

auditorium; or sports club or gymkhana, where entry is restricted to its members only, or a three starred or above hotel or in any other establishment or class of establishments, which, having regard to (a) the tourism policy of the Central or State Government for promoting the tourism activities in the State; or (b) cultural activities, the State Government may, by special or general order...” By this time, tamasha theatres had gained enough respectability to be considered a site for cultural activities by the State Government. What emerged alongside, incorporating elements from both tamasha and theatre, was a form called *Loknatya*, or the “people’s theatre”.

And here, in the state’s efforts to refine what was previously a “bawdy” form of entertainment in order for it to then serve the purposes of nation-building, lies the idea of publicness. The process described in the previous section, of tamashas coming to be regulated through both quasi-legal cultural bodies and through the Police Act, indicates that for the state and the Marathi elite, the question of the obscene lavani performance had been *resolved*. The form later changed shape because of its entry into cinema and the demand for remixed songs, the loss of patronage, and, importantly, the extraction of it from the specific caste domain that it belonged to (it was no longer considered a skill possessed by women from certain castes). A few well-known lavani performers continued to draw large audiences, but for the most part, a separation had been effected between the lavani and state-supported forms such as theatre.

...the interventions of Marathi intellectuals within the comparable arena of the annual Marathi Natya Parishad (first convened in 1905) did not aim to ‘upgrade’ the performative idioms of forms such as the lavani or the *tamasha*, which had fed into the *sangeet natak*, the dominant cultural form to emerge in the Marathi speaking

region. In other words, their efforts sought primarily to negotiate a position of normative and critical advantage over performing arenas and traditional professional practices, including *shahirs*, *lavanikaars*, and *tamasgirs*, and not to appropriate the ‘lower’ forms per se as part of regional middle class identity (Naregal 2008).

The argument here is that unlike other eroticised performance forms, the lavani was not sought to be brought into the domain of middle class theatre. Naregal names the lavani and the tamasha as two separate forms, yet does not draw a distinction between them in how they were treated. In her essay “Marginality, regional forms and state patronage”, she concludes with a section on how these forms accessed patronage and how this shifted due to the interventions of the Marathi elite. She chooses to focus on two figures, Patthe Bapurao, a Brahmin Marathi singer-poet and a proponent of the tamasha, and Annabhau Sathe, a poet-performer from the Matang caste. The latter has been credited with creating the Loknatya (people’s theatre), a political performance form combining elements from theatre and tamasha. Naregal restricts herself to these two figures – besides a few references to women (the Mahar artiste whom Bapurao “openly” lived with, and the two Mahar he took to meet Ambedkar to offer him a donation from the proceeds of eight shows, the latter then becoming angry and refusing the money), and besides a paragraph on the regulation of the lavani in the 1940s, there is no consistent engagement with how this form lost patronage and was separated out from more ‘respectable’ forms precisely because it was considered obscene. The respectability granted to the tamasha as a cultural practice is clear in the fact that it was not included in the ban on bar dancing. Tamasha performances, now assumed as having been duly regulated, were no longer the focus of the law or the police. Because of the state’s investment in them, they were given a certain amount of cultural authority. The lawyers arguing for the bar owners and the dancers stressed

this point:

Section 33A discriminates between artists i.e. girls dancing in bars and Thamasha theatres and at the same time discriminates between viewers visiting dance bars and Thamasha performances. Although the performance of dance is prohibited in dance bars such an activity, howsoever vulgar and indecent, can go on in Thamasha theatres. Dance in three starred and above hotel and discos are not prohibited. The same girl may dance either in Thamasha theatre or any other exempted place. Dance performance in such place is neither prohibited nor made punishable. The basis of classification between a person visiting dance bars, Thamasha theatre and a person visiting three starred and above hotel as well as places such as dance bar on the one hand and Thamasha theatre on the other hand has no nexus with the object sought to be achieved by the amendment of the Bombay Police Act.

It is clear from the above extracts that the dance bar is then placed in a category separate from the cinema, the mela and the tamasha theatre, as a place of public amusement. Erotic dancing was therefore no longer formally associated with the tamasha theatre, or, rather, the central commercial element in the tamasha was no longer the lavani or any other form of dancing that was the prerogative of women.

The other historical link between the lavani and today's dance bars is the fact that there was migration of women to the cities in search of livelihood and employment after the delegitimation of several of the older forms of dancing. Historically, the setting up of dance bars in Maharashtra, specifically Bombay city, to serve the purposes of entertaining the large labour force of migrants, the “traders, the sailors, the dockworkers, the construction labourers and the mill hands” (Agnes 2005, 11),

seems to coincide with the gradual decline in patronage suffered by established communities of dancers such as the Kolhati women, over the nineteenth and twentieth centuries.

These women from traditional communities have been victims of the conflicting forces of modernization. Women are the primary breadwinners in these communities. But after the Zamindari system introduced by the British was abolished, they lost their zamindar patrons and were reduced to penury. Even the few developmental schemes and welfare policies of the government bypassed many of these communities....The dance bars provided women from these communities an opportunity to adapt their strategies to suit the demands of the new economy (Agnes 2005, 12).

Besides the question of liquor revenue, which in itself sets the dance bar apart from the cinema theatre and the mela, the case also involves the history of how and why the dance bars were set up, in and around the play houses and the red light districts of Bombay.

“Choli ke peeche kya hai?” Banning the Dance Bar

The ban on dance bars in Maharashtra came into effect on July 21, 2005, and was lifted following the final judgment on April 12, 2006. It was a case that was filed with the Bombay High Court by the Bar Owners’ Association¹⁵⁷, the newly formed Bar

¹⁵⁷ This comprised of members of the Indian Hotels & Restaurants Association (AHAR)

Girls' Union¹⁵⁸, and a group of feminist NGOs¹⁵⁹ which were invested in the lives and livelihood of the dancers and their right to practice their profession. The case was fought against the state, which had, through Sections 33A and 33B of the Bombay Police Act (as amended by the Bombay Police Amendment Act 2005), banned dancing as an activity in all bars in Maharashtra and cancelled the entertainment licences that these establishments had acquired. The bill was passed by the Legislative Assembly on July 21, 2005 and by the Legislative Council on July 23, 2005¹⁶⁰.

The bar dancer is a figure who, like the lavani dancer, is set apart from the *nartaki* or the *kalakaar* (the dancer and the artist). Flavia Agnes points to how she seems to be

¹⁵⁸ "...Bharatiya Bargirls Union, a registered trade union bearing No. Kamgar Upa Ayuktha/Thane/945/2004 under the Trade Union Act. It is represented by Ms. Varsha Kale, Honorary President."

¹⁵⁹ There were six groups that submitted petitions against the ban –

1. Forum Against Oppression of Women (FAOW), an autonomous, voluntary, non-funded group, working on women's issues for the last 25 years;

2. Aawaaz-e-Niswan (AEN), a registered women's organisation that "grew from the need for a space for Muslim women to come together and share their experiences";

3. Akshara, which "has been functioning since 1980s and grew out of the 1980s women's movement's campaigns against rape and dowry";

4. an organization that "emerged out of the women's movement in the City of Mumbai in the year 1980 and is a registered public trust";

5. Women's Research and Action Group (WRAG), "a group of committed women working towards the promotion of the social and legal status of women from marginalized, disadvantaged, unrepresented and under-represented communities. It was founded in Mumbai in April, 1993 and is registered as a public trust";

6. India Centre for Human Rights and Law (ICHRL), an organisation registered under the Bombay Public Trust Act, working "among the most vulnerable and marginalized people to ensure their access to rights and is a collective of lawyers and activists" (Indian Hotel and Restaurants and Anr vs The State of Maharashtra Through His Hon'ble Minister, 12 April, 2006).

¹⁶⁰ Extracts from Sections of the Bombay Police Act –

33A – "(a) holding of a performance of dance, of any kind or type, in any eating house, permit room or beer bar is prohibited;

(b) all performance licences... to hold a dance performance, of any kind or type, in an eating house, performance, of any kind or type, in an eating house, permit room or beer bar shall stand cancelled."

33B – "...nothing in section 33A shall apply to the holding of a dance performance in a drama theatre, cinema theatre and auditorium; or sports club or gymkhana, where entry is restricted to its members only, or a three starred or above hotel or in any other establishment or class of establishments, which, having regard to (a) the tourism policy of the Central or State Government for promoting the tourism activities in the State; or (b) cultural activities, the State Government may, by special or general order, specify in this behalf."

more dangerous a figure than the sex worker in how she threatens notions of culture and publicness. Writing about the various groups that were invested in the ban, she says, “Interestingly, the Gandhians seem to be only against the dancers and not against the bars that have proliferated. Nor have they done much to oppose the liquor policy of the State, which had encouraged bar dancing...The sex worker is viewed with more compassion than the bar dancer, who may or may not resort to sex work” (Agnes 2005, 16). Sex work is seen as an institution in ways that bar dancing is not, it is seen as part of the history of “prostitution” over centuries of pre-colonial and colonial rule, while the legacies of dance are not connected to the bar dancer. This is why an intervention such as Flavia Agnes' is all the more important as it draws the connection between the figure of the bar dancer, the colonial and postcolonial state, the traditions of dancing, and the "homology" of sexual practice and politics. Sex workers are also seen as already delegitimised, while the bar dancers are part of licensed establishments but are at the same time offering their bodies to be sexualised¹⁶¹.

With sex work, an influential radical feminist position meant that the image of the sex worker oscillated between the enslaved victim and the sexual agent forced to do sex work under extraordinary constraints. Either way, she was free from all moral approbation as the male customer was held responsible through the criminalization of demand. With bar dancing, however, the dancer very much occupied the deviant

¹⁶¹ It is of course not true that the sex workers are more victimised than the bar dancer – the Sonagachi sex workers in Kolkata set up the Durbar Mahila Samanwaya Committee in 1995 and demanded the legitimisation of their profession through medical benefits and enforced condom use. So, it would be wrong to cast the sex worker as victim and the bar dancer as her own agent. Also, Prabha Kotiswaran argues against the anti-dance bar ban feminist position, pointing to the distinction that is drawn between the bar dancer and the sex worker. She says that the sex worker becomes a silent reference point in this debate, and the only way to legitimize the bar dancer has been to set her apart from the sex worker and claim dancing as a legitimate livelihood vis a vis sex work. She then proceeds to problematise this position.

position of an active, greedy sexual provocateur signified in the popular use of the term ‘bar girl’ and the pro-ban lobby’s posing of the following query of Mumbaikars – ‘Sweety and Savitri – who will you choose?’ (Kotiswaran 2010, 122).

Sex work is mired in the question of legality, the debate centres around legalisation, rehabilitation, and recently, organisation into unions. Bar dancing is mired in questions of *obscenity*, which tries to concretise its claim in the charge of prostitution but fails. The bar dancer therefore is more slippery as a figure. Because of this, sex work is not taken into consideration in discussions on public amusement and order. It is an activity that takes place in an ambiguous public-private space (more women are arrested for “soliciting” in public spaces than for actual sex in private – though the brothels do have a complicated relationship with the police), while bar dancing comes under the category of public amusement¹⁶². The sex worker has to contend with police harassment and periodic arrests and abuse in police stations, but there hasn’t been a moment in which sex work has become visible as a “problem” for the state in the same way that bar dancing has.

Looking at parts of the bar dance judgment enables us to not only read the processes of legal change, but also the relationship between obscenity and performance in the current moment.

¹⁶² The question of whether the brothel is a private or a public space in the eyes of the legal machinery is, of course, significant – does the law treat it as yet another establishment that is raided because of the commercial nature of its activity? Does it invade it in ways that are similar to other establishments? How has the brothel negotiated the public private divide historically? These are unfortunately questions beyond the scope of this paper.

The Progressive Judgment

The dance bar case represents an example of how the language of rights now intercepts charges of obscenity in the Indian context. As in many of the obscenity cases we looked at in the previous section, the dance bar case also reveals the progressive positions that are upheld in the courtroom, suggesting again that the problem with the bar dancer does not lie in the substantive text of the law, or in a monolithic legal system that regulates the female body and sexual practice. The parties opposing the ban argued on these counts in relation to the bar dancers: a) the right to freedom of expression (that dancing constituted expression and the ban violates this fundamental right); b) the right to life (that the dancers' right to life and health is violated by the ban); c) the right to livelihood (that dancing in this case qualifies as a livelihood, and the ban violates the dancers' right to it) d) that the distinction drawn between dance bars and other establishments like hotels, gymkhanas, sports clubs and tamasha theatres, is arbitrary and not justified by the evidence presented. In the final judgment, the court, while it denied the validity of the first two arguments, upheld the latter two, and declared that the state had not established any nexus between the object of the petitions (to ensure the dignity of women and the maintenance of public morality), and the ban on the dances performed by these women.

Interestingly, the closing statements of the judges included references to the history of dance as a form of entertainment and livelihood in India, also as part of “cultural tradition”. It also makes specific mention of the lavani performances:

Undertaking dance performances by ladies for a living, is not and cannot be said to be inherently pernicious or harmful to the general public. In fact ladies undertaking dance performances for the entertainment of men, is part of the cultural tradition of Maharashtra e.g. Lavnis, Tamashas, etc.

Women dancing to entertain is then framed as a state-sponsored activity, dance bars in particular having been in existence for two decades.

The Government of Maharashtra expressly permitted/licensed and even encouraged the establishment of such dance bars....The number of such licensed dance bars had increased from 24 in 1985-86 to 210 in 1995-96 to 2500 in 2005. 75,000 women earned their livelihood by undertaking dance performances in such places of public entertainment. These women supported families, children and dependents....The direct and immediate effect of the impugned legislation would be to totally prohibit this lawful profession/calling of undertaking dance performances in places of public entertainment and thus deprive these women of their livelihood.

Besides this, the judgment also poses the question of why it is *now* that the ban is being sought, the case therefore not being treated as an atemporal scrutiny of a possibly obscene practice.

This process of questioning leads us to believe that the law does not treat the practice of dancing in isolation from the economies it is embedded in, whether of state-sponsored commercial activity, or of the independent lives of the women concerned. To add to this, the case is denied any relevance to the category of “public order”: “In what manner dancing by women in dance bars results in increase in crime which

would constitute a threat to public order at least is not discernible....If drunk men fight or involve themselves in criminal activity, it cannot result in denying livelihood to those who make a living out of dance.” Public order is therefore not to be defined lightly, it requires the active disruption of security, through acts of violence and criminality. Curiously, the phrase public morality does not seem to play a significant role in the final reckoning. Public morality is taken care of as long as the dances that are performed are not of an obscene nature.

Placed on the Stage of Sleaze: “Chandni Barred!”¹⁶³

“Where was Sri Ram Sena when there were dance bars in the same area in Mangalore?

*About: Mangalore pub incident, 31 Jan '09 01:29 pm”*¹⁶⁴

*“Dancing in Pub with skimpy dress and doing all sorts of vulgarity is freedom of expression and dance by bar girls for their livelihood is exploiting woman and faces ban. Is it so doing the same by high fliers is acceptable? And for livelihood is not acceptable? Asked by K R Shenoy, 26 Jan '09 01:28 pm” [sic]*¹⁶⁵

What explains the way in which the law treats the bar dancer, in comparison with the devadasi and the lavani dancer? While the State that filed the case did so precisely on the grounds that the dancing was obscene, because of the fact that a total ban on bar dancing was being sought, it became impossible to scrutinise the dances performed and point to those that were obscene. The legal system therefore lost clear focus of the object in question, the bar dance, and was consumed by questions of whether a

¹⁶³ The title of an article on the ban in Outlook magazine –
See <http://www.outlookindia.com/article.aspx?227567>

¹⁶⁴ <http://qna.rediff.com/questions-and-answers/...>

¹⁶⁵ Ibid

complete ban on dancing was warranted, this question constantly slipping past the object itself. This seems to be a characteristic part of obscenity law cases, the slipperiness of the object. We find evidence of this in other cases involving bar dancing. In *Big Way Bar and Restaurant vs Commissioner of Police* on 4 December 2002¹⁶⁶, a case against a bar in Hyderabad, the judge argues,

But, whether total prohibition of conduct of music, singing and dances on the ground of obscenity or indecency would be justified is the question that arises for consideration in these matters. It may be that some of the licencees might have violated the licence conditions and are indulging in conduct of dances in vulgarity.... Merely because some of the licencees have violated the conditions of licence or there was opposition by some people can a total prohibition be imposed prohibiting the music and singing and dances when the Statute has not allowed such prohibition?

In the case of censorship, the evasiveness derives from the fact that the real concern lies not in the text or image but *elsewhere*. While the case of devadasi abolition and of the ban on lavani dancing historically occupy slightly different positions (one embedded in the discourse of social reform, the other undergoing a recasting at the time of the rise of the middle classes in Maharashtra), the dance bar ban sits on par with censorship cases in its slipperiness vis a vis the charge of obscenity. Of course, the dance bar involves the livelihood and labour of 75,000 women, and one cannot overlook the role that feminist groups have played in opposing the ban and bringing the question of *rights* (which was conspicuously absent in the two previous cases) into the picture in deciding this case. What is also different in this case from the devadasi abolition context, is the ground on which the bar girls stated their defence. The

¹⁶⁶ <http://www.indiankanoon.org/doc/1119820/> - Accessed as on 05 January 2014.

devadasis who opposed the abolition, the Devadasi Sangams and the Madras Presidency Devadasi Association set up in Madras and other places, had to portray themselves in a role that was both sanctioned by religious custom and acceptable to the changing ideology (of the self-respect movement and so on). The sanctity of marriage became a central issue, with rituals such as the tying of the tirupottu and the dedication to iswaran being held up to demonstrate this sanctity at the centre of the practice: "...the devadasi way of life beginning to speak for itself, to demand that its legitimacy be recognized and acknowledged using the same vocabulary and categories by which it was being increasingly denounced and denigrated" (Kannabiran and Kannabiran 2003, 32).

The dance bar case is significantly different in the light of this moment in colonial history. This is not a case of abolition, it is not part of a bid to reform an entire society. While the period of social reform in the nineteenth century saw specific practices labeled and classified as degenerate and as backward, the last few decades have seen practices that are seemingly innocuous charged with obscenity by political ideologues, concerned citizens or organizations. In the case of the bar girls, there is no specific context of ritual, scripture or marital relations that the practice is embedded in, which is why one is tempted to compare it to contemporary censorship cases rather than to other practices that are surrounded by debate, such as hook-swinging or body-piercing, practices that accompany religious and community belief in primarily rural India, and which the law does not interfere with beyond a point.

Most dancers and bar owners are tried under Section 294, which is the obscenity law in the Indian Penal Code. The most famous of the cases is State of Maharashtra vs

Joyce Zee alias Temiko (1975), in which Temiko, a dancer at the Blue Nile bar in Mumbai, was brought before the court for obscenity. The judgment involved lengthy descriptions of her actions in the bar (testimony of the police witnesses present at the bar), her gestures, her speech, her nudity, in other words her performance. The court in this case established precedence and declared that the dancer and the bar could not be tried under obscenity law, that Section 294 was not applicable in this instance, in which there had been no complaint registered by a member of the “public” whose “annoyance” the section is written to prevent. The court also declared that since every person present in the bar had been above 18 years of age and had willingly paid entry to watch the performance, there could be no prosecution unless a complaint was registered. As stated in the previous chapter, the legal apparatus is one that derives its performative authority from reading off itself – the outcomes of previous cases, the statements made by famous judges, a close analysis of the use of terms in preceding cases, are all used to judge a case in the present moment. In this way, the Temiko case guided the hand of the judge in every bar dance case that followed (right until the ban in 2005)¹⁶⁷. In these cases as well, the obscenity charge was dropped.

Though the courts in these cases stated that Section 294 was not applicable, and that the bars could not be tried for obscenity, the cases closely fall in with the nature of the censorship cases studied in the previous chapter. They enact the same evasion of the object, display the same refusal to recognize the obscene object (in this case an obvious display of sexualized gestures and body movements in order to entertain male customers) - “I submit that the performance in relation to such elite persons who are mature and culturally developed cannot be called depraving, corrupting and much less

¹⁶⁷ Sadhna vs State on 11 November 1981; Narendra H Khurana and Ors vs Commissioner of Police and Anr on 18 December 2003. <http://www.indiankanoon.org/doc/661129/> - Accessed as on 27 March 2012; <http://www.indiankanoon.org/doc/1945094/> - Accessed as on 27 March 2012.

annoying.”¹⁶⁸ Here again is, first, the comparison of the object, in this case the bar dance, with *pornography* (not prostitution), and the ensuing refusal to comply with this comparison:

...It would not be possible to convict a cabaret dancer merely because a section of the people not attending such shows equate them, perhaps rightly, with pornography, and feel annoyed and disturbed at the level of entertainment made accessible so openly. Cabarets are shown all over the world and they have also gyrated to Delhi and unless there is a special legislation to ban them, it will be a misuse of S. 294 I. P. C., to punish the entertainers and organisers of such shows.¹⁶⁹

The bar dancer cases are also *pornographic* in the same way that censorship cases are, with lengthy detailing of the obscene offences in the case at hand. To quote the prosecution’s description of Temiko: “She approached the customers in the dance hall of Blue Nile to remove her clothes. Some customers obliged till she was left only with transparent panties. She then lay flatly on the floor making erotic moves with her legs and body suggesting sexual acts. She made strokes against the floor and uttered cries, which made people get up from their chair and look at her.” The cases involving devadasis revolved around family, inheritance, and marriage. We find no detailing of sexual offences. Therefore, there are other histories to be drawn on in the case of bar dancing, it cannot be seen simply as belonging to earlier traditions of women dancing in the Indian context. With censorship law comes into play a certain way of staging the object, of detailing it, of describing it, whether or not the charge against it is upheld or not. This detailing of objects happens time and again, whether in legal text

¹⁶⁸ Ibid

¹⁶⁹ Ibid

or articulations in the public domain. Objects keep coming up before the law, objects keep getting (mis)recognized by members of 'cultural' organizations. This enactment is part of the negotiation of modernity.

There is no realm of the sacred that the bar dancer can possibly occupy, she firmly belongs to that "morbid stage of sleaze" that modernity is set up as¹⁷⁰, where there is a split between the one viewing this society as critic and ideologue, and the one participating in this shameful modernity (Rajadhyaksha 2005). But as the quotes that begin this section show, with the arrival of the internet, the idea of being a viewer of or participant in modernity has intensified, and has perhaps reached a state of schizophrenia, where the person who is "commenting" on "modernisation" is at the same time participating in it. The person who is commenting on the problem of women and culture is also using languages that belong to the era of new media, is simultaneously embedded in the practices of "modernization" or refusing to agree with other struggles against 'Westernisation' (for example, the battle to institute Marathi as primary language and identity, or the harassment of couples in public spaces). There is then a way in which the discourse of modernity starts to show fault lines (the visible traces of a fault) and to become an enactment of itself. The person who is commenting on women and their relationship with culture, is at the same time participating in the construct that is the internet. This renders even more complicated

¹⁷⁰ See Chapter 2. Rajadhyaksha argues this on the basis of the writings of Pramod Navalkar, the former Minister for Culture in Maharashtra (1994-99). During this time, he attempted to regulate public spaces like parks, censor rock shows, and promote Marathi culture in Maharashtra. He is usually termed a "fascist" and as having intensified the concern with obscenity during his time in government. For a humorous Channel [V] take on him, watch the Gheun Tak ads: <http://www.youtube.com/watch?v=w5HXadehySU>. Accessed as on 28 May 2010.

"It is against Indian culture to openly talk about private parts. What are we coming to? Under the guise of permissiveness everything is being done these days" ("Navalkar fumes over 'obscene' play titles", S Balakrishnan, *The Times of India*, 14 March 2004) - <http://timesofindia.indiatimes.com/articleshow/559121.cms>. Accessed as on 03 January 2014.

the stage of sleaze that the bar dancer occupies.

This kind of position seems to have become possible only in the post-Independence era, where there is the conspicuous absence of the colonial ruler whose subject the Indian man or woman is. It is therefore inherent to conditions of democracy. It is not that the colonial period did not see the birth of Indian nationalism and the emergence of strong social movements (like the Self-Respect Movement) that organized themselves around ideals of their own, and it is not that these ideals were fully determined by colonial discourse on Indian society. What is significant are the different modes of regulation, one in which specific practices, over a period of time, are held up for abolition as social evils, thereby causing conflicts both between ruler and ruled, and among the ruled themselves; the other in which it is not a set of specific practices but a broad range of possibly obscene practices that are sought to be regulated. The dance bars have been in existence for half a century, and it is no coincidence that the case was filed at this moment in time, when the opposition between “moral policing” and the demand for rights (to expression, livelihood, life, dignity) is starkly obvious in many battles staged on the terrain of the politics of culture.

To push this further, the bar dance, as a practice, lacks the religious-historical legacy that the devadasi dedication possesses (where a tradition can be laid claim to, both the abolitionists and the anti-abolitionists drawing their charge from this very narrative of historical and even mythological existence). The lavani performance, while it lacks the kind of relationship with *religion* that brought the devadasi system to the centre of public debate, still lays claim to a “cultural” tradition of performance located in a

specific region of the country. This is what enables lavani performers to claim benefits and patronage from the government today. There is no traditional form that the bar dance lays claim to in its defence (though it might draw on various dance forms in practice)¹⁷¹. It lays full claim to the "modern" itself, to its own contemporary moment and the practices that abound, such as the item numbers of Bollywood, the sweaty and sexualised yet culturally permitted Dandiya Nights in which young boys and girls dance together during the Navaratri festival, and the Discotheques full of young and old dancing bodies.

While the hue and cry about the morality of dance bars was raging, in Sangli district, the home constituency of the Deputy Chief Minister (DCM), a dance performance titled 'Temptation' by Isha Koppikar, the hot selling 'item girl' of Bollywood, was being organized to raise money for the Police Welfare Fund. The bar girls flocked to Sangli to hold a protest march. This received even more publicity than the performance by Isha Koppikar who, due to the adverse publicity, was compelled to dress modestly and could not perform in her usual flamboyant style. The disappointed public felt it was more value for their money to see the protest of the bar girls than to witness a lack luster performance by the 'item girl' (Agnes 2005).

There is an inextricable link between Bollywood and the dance bar. It is primarily Bollywood songs and dances that are performed in dance bars, these being embedded

¹⁷¹ Besides the court's reference to dancing itself as a tradition, there are some attempts on online forums to 'traditionalise' the bar dancer, attempts that do not have the intended effect since they are part of internet forums and therefore are already inauthentic as a source of knowledge or authority on the subject at hand - "We had "bar girls" starting from Mohinjidaro and Harappa and all throughout India's history. And some of the best lions & defenders of the nation against British [sic] solicited them, so bargirls are / were all good.... In 'traditional India', they wore no tops and had a piece of loose "dhupatta" which was 6inch [sic] above knee height. And they served bhang lassis off large Earthen [sic] pots. And sometimes they kept client [sic] in lap. And Ancient India was a glorious civilization" (Answered by A Moin, 03 Jul '08 09:57 pm). <http://bit.ly/11b8lgh>. Accessed as on 05 July 2010.

in imitative structures. Emulation of Bollywood figures, imitation of popular numbers, and staged courtships all make this part of the sphere of simulation, where the different objects in it (the Bollywood dance, the bar dance, the reality show, the cheerleaders at Indian Premier League cricket matches) all occupy different modes of imitation and borrowing, thus making it impossible to claim one as the original representative object. They are all representations of representations. The claim of the bar dancer is that she only emulates the Bollywood heroine, who for her is a legitimate figure in the public domain. The reality show simulates “truth”, and is also an imitation of similar shows on Western TV channels. The Bollywood item number now emulates MTV music videos (pop, rap, ballad), “folk” dances, re-packaged traditional dance, and earlier histories of Hindi cinema performance. The lack of any clear compartmentalizing or hierarchising of these objects in popular discourse suggests this: “Don't you think the participants of Dance reality shows are hi-fi versions of Naachnewalis, Kotewalis & Bar Dancers ?”¹⁷²; or “When functionally both are same, “Girls dancing in Bar” and “Cheer girls in Cricket” then why bar girls were banned [sic] in Maharashtra, and cheer girls let loose” (Asked by sharad sharad, 08 May '09 10:09 am).

The female body and sexuality are also then caught up in these structures of simulation or re-representation, and therefore I argue that the bar dancer falls into the problem zone of censorship rather than the ‘real’ abolitionism of the colonial and post-independence period (the 1940s). Sex work, on the other hand, connotes traditions of female sexual labour which are not caught up in imitative structures. This is why the sex work debate is structured by the polarization of exploitation on the one

¹⁷² <http://qna.rediff.com/questions-and-answers/don-t-you-think-the-participants-of-dance-reality/16468459/answers/16468504>. Accessed as on 23 September 2012.

hand and sexual agency on the other. This is not to say that the material body is not a concern for the bar dancer, or that the sex worker should not be understood along these lines. It is simply to try and explain the difference that is posited in the ways of locating the devadasi, the bar dancer, and the sex worker as “public women”.

The task of the chapter has been to establish that the figure of the ‘public woman’, at various moments in history, has revealed the ways in which an Indian modernity has taken shape and been negotiated. The tensions and oppositions produced at these moments—the abolition of the devadasi system becoming a necessary condition for the existence of a “public” law; the evacuation of the lavani dancer from the category of respectable folk traditions rendering the former’s own practice “censorable” in the bargain; and the banning of the bar dance staged as a bid to preserve morality, after twenty years of bars having existed¹⁷³—provide us with a historical lens through which to understand “regulation” as a symptom of the fractured and contested ways in which the modern nation-state functions. The shift from *abolition* to *ban/censorship*, as a mode of regulating these performance practices, is symptomatic then of how the discourse of culture positions objects, texts, practices in the Indian contemporary, bringing the question of what can and cannot be *seen* (as opposed to what can or cannot be done) to the centre of negotiations of modernity. This is why the bar dance in particular, as a practice that takes place in “private” establishments but undertaken by women who are seen as “public” performers, gets drawn into a battle of

¹⁷³ Journalistic investigations have revealed that the move was mired in financial transactions and ‘deals’ between the bar owners and politicians, many of whom themselves owned bars, registered under the names of family members. The ban is said to have been brought about by the bar owners refusing to pay a suddenly increased amount in order to extend the curfew of the bars. In journalistic narratives, therefore, the rationale offered for the ban, the bid to preserve morality, becomes a façade for the failure of the underhanded dealings between the bar owners and the politicians in Mumbai. Even if this were true, the fact that what the public is offered as a historical event, the banning of the bar dance in the name of morality and the protection of women from trafficking, is testimony to how the contemporary is prone to this kind of staging. That regardless of the motivations behind the event, it will take this form in the public domain, and be fought along these lines.

legitimacy. As argued earlier in this section, the dance itself is not problematised as much as what constitutes public amusement, whether or not these women are making themselves sexually available in a private establishment, and what kind of control the state should have over these practices and establishments at this moment in time. This takes us back to the larger argument of the thesis, that the visibility of the public woman in this instance produces anxieties between “public interest”, processes of privatisation, and bodily publicness.

CHAPTER 4

Live Flesh

Protest and Parade in the Indian contemporary

The spectacle is a society which continually declares: 'Everything that appears is good; whatever is good will appear.'

(Sadie Plant 1992, 13)

Draupadi's black body comes even closer. Draupadi shakes with an indomitable laughter that Senanayak simply cannot understand. Her ravaged lips bleed as she begins laughing. Draupadi wipes the blood on her palm and says in a voice that is as terrifying, sky splitting, and sharp as her ululation, What's the use of clothes? You can strip me, but how can you clothe me again? Are you a man?

She looks around and chooses the front of Senanayak's white bush shirt to spit a bloody gob at and says, There isn't a man here that I should be ashamed. I will not let you put my cloth on me. What more can you do? Come on, kounter me—come on, kounter me—?

Draupadi pushes Senanayak with her two mangled breasts, and for the first time Senanayak is afraid to stand before an unarmed target, terribly afraid.

(From "Draupadi" – Mahasweta Devi 1997)

Introduction: Being, Appearing, Revealing

When do women appear naked in the public domain and what do these (almost always exceptional) instances of public nakedness offer a thesis that is trying to understand the field of visibility in the Indian contemporary? The previous chapter dealt with the figure of the ‘public’ woman, the slipped sister. This chapter, by examining instances of female nakedness in the public domain, argues that there is a fundamental link between shame and spectacle in the Indian context, and that the field of visibility can only be analysed by taking into consideration *cultural* histories of revealing and being revealed. I also argue that the crossing over of the naked female body, from the private domain to the public, embedded in these cultural histories, reveals the anxiety produced in terms of the relationship between the state and its subject, at a historical moment in which ‘revelation’ or ‘exposure’ seems to be an organising principle.

Both terms, shame and spectacle, involve moments of revealing, of appearing. Shame is the emotion that is felt when something is exposed or there is the fear of this exposure – an inadequacy, a lack, a secret, a mistake. It is the moment of exposure that constitutes shame¹⁷⁴. The term shame is said to have originated in the Teutonic root *s(kem)* which means “to cover oneself”¹⁷⁵. This metaphorical covering can take place only when an uncovering has taken place.

Spectacle is similarly the moment when something is brought into the open, is “shown”. The word derives from the Latin root *spectare*, which is to view or to watch.

¹⁷⁴ There is of course the feeling of being “ashamed” of oneself, but to be “shamed” is to be exposed in some way or the other. So being ashamed of oneself is that moment when you are revealed to yourself.

¹⁷⁵ For more on the psychoanalytical significance of shame, see Kinston 1983.

This later became “specially prepared or arranged display”. Spectacle, of course, offers us the aspect of intention; that the revealing is “specially prepared” and meant to achieve a certain effect. The idea of the spectacle is directly tied to what was discussed in the first chapter – the supposed opposition between “appearance” and “being”. This opposition is set up, for instance, in the work of Guy Debord, in *Society of the Spectacle* (1967). The use of ‘spectacle’ in the above-quoted line from Sadie Plant, derives from Debord’s text. Here, spectacle is a derogatory description, of a society which has seen “the decline of being into having, and having into merely appearing” (Debord, thesis 17). This chapter argues against this understanding of the spectacle, as “merely” appearing, *instead of* “being”.

Taking the idea of “visibility” to its literal and logical extreme, by examining the peculiar relationship between female nudity¹⁷⁶ and power, this chapter will attempt to understand the ways in which the female body acts as or becomes a spectacle in the politico-cultural context that is India. What happens when this body exposes itself or is displayed in the nude in the public domain? And how does this spectacle relate to what we have been calling the field of visibility in contemporary India?

The relationship between nudity and power is not simply embedded in a story of suppression. In the case of censorship, the law is that which demands that nudity be

¹⁷⁶ It could be argued that “nudity” as a term carries cultural connotations that are very different from those attached to “nakedness” – the first finds its place in the history of Western art practice, and in the legal discourse of regulation surrounding the female body; while the second can be said to have more traction in the Indian context (Gandhi being called the half-naked fakir, for instance, or both the scholarly articles referred to on protests calling them “naked protests” and not “nude protests”). So it can be argued that the use of the term “nude” causes a slippage between what is relevant in the Indian context and histories that belong elsewhere. But since the argument of the chapter seeks to shift the meanings attached to nudity, rendering it an event rather than a static condition; and since terms like “denudation” and “exposure” point to ways of revealing the body or being revealed, I choose to ignore the difference between the terms. It then becomes irrelevant whether the protest is a “naked” protest or a “nude” protest—the only relevant thing here is what the protest does as an act by which the material body appears “fully visible” in the public eye.

regulated. But as we have seen in Chapter 2, the law is not always that which clothes the body or disallows nudity, and the unveiling of this body does not always signify resistance to this power. This complexity was starkly staged in the photographs that were released, of the Abu Ghraib prisoners and their captors¹⁷⁷. The prisoners were fully naked, filthy, handcuffed, blindfolded and lying at the feet of American soldiers who were clothed in uniforms and smiling. The nakedness of the prisoners seemed to add to their pathetic condition, the fact that their bodies were fully available to their tormentors, both visually and physically, being highlighted by these images. What was at stake was not so much the loss of dignity caused by nakedness, but rather the loss of dignity caused when nakedness loses the meanings that are normally attached to it (of privacy, of sexual pleasure, of free will, of anticipation and of beauty).

The “denuded” body is then the concern of this chapter – the term “denuded”, one that hints at a *condition* the body is in after it has been stripped of its garments, is what has been turned on its head in the above quote from Mahasweta Devi's story. The passiveness indicated by the term ‘denuded’ is countered through the active body of the denuded woman. The disrobing of Draupadi, that became the shame of the Pandavas in the Mahabharata, is turned into a scenario in which the female Naxalite fighter Dopdi deploys her nakedness against the army officer “Senanayak”. It is a moment of reclaiming the body and/in its denuded state. Shame shifts over and attaches itself to him, the fully clothed man, his white shirt now marked with the blood from her exposed breasts. The denuded body becomes a field of action.

How do we understand the spectacle that is nakedness/nudity? Is it simply a

¹⁷⁷ These are photographs of US military personnel torturing and abusing Iraqi prisoners at the Abu Ghraib prison in Baghdad. The photographs were made public in 2004 through an episode of American television network CBS' news show *60 Minutes II*, and an article in *The New Yorker*.

disruption of the lines dividing private and public states of *appearing*? Giorgio Agamben, in his essay on Genesis and the fall of Adam and Eve, argues that nudity in this instance was about clothing, not the lack of it – the clothing was “grace”, which enveloped their nakedness and then fell from their bodies when they transgressed, causing them *to become aware of* their denuded state (Agamben 2011, 57). Though his argument strictly pertains to the “theological signature” that he argues nudity is in a particular culture, it is useful for our context to the extent that he declares, “In our culture one of the consequences of this theological nexus that closely unites nature and grace, nudity and clothing, is that *nudity is not actually a state but rather an event*. Inasmuch as it is the obscure presupposition of the addition of a piece of clothing or the sudden result of its removal – an unexpected gift or an unexpected loss – *nudity belongs to time and history, not to being and form* (my emphasis). We can therefore only experience nudity as a denudation and a baring, never as a form and a stable possession” (65). I argue that in “our” culture too, nudity belongs to time and history, though not in the same way. The relationship between gender and culture undergirds the discourse of modernity in India, as we have seen through the work of feminist scholars and historians cited in the previous two chapters. Women and their bodies, especially the ways in which these bodies have been (de)sexualised, have been sites for the imagination of an Indian culture. Public female nakedness, therefore, cannot but be an event, it cannot remain a “stable possession”. This is an idea that the chapter wishes to take forward, shifting it out of Agamben’s discussion of Christian theology – that nudity precisely does belong to time and history, it is an “event”, not just a “state” of undress¹⁷⁸.

¹⁷⁸ It is not just women who appear nude in exceptional instances. We find an increase in the number of naked or nearly naked protests, and in acts of parading someone naked as punishment. In 2010, an ex-Border Security Force soldier marched naked along with his kids through the streets of Delhi, to protest against the ill-treatment he claimed he had been subjected to by his department (see

The chapter will look at three ways of appearing “denuded” in the public domain – one, where the naked female body becomes a *mode* of protest, a way of responding to sexual violence; the second, where the naked body is paraded as a *sign* of humiliation and punishment, meant to be pure spectacle; and the third, where the naked body participates in the *practice* of worship, within the realm of culture, ritual and belief. In the first instance, we have the 2004 protest of Manipuri women, after the rape and killing of Thangjam Manorama by the Assam Rifles¹⁷⁹ – middle-aged women standing completely naked in front of the Kangla Fort in Imphal, holding banners that said “Indian Army, Rape Us”. We also have the incident of Rajkot housewife Pooja Chauhan, who marched to the police station in her undergarments in July 2007, holding a baseball bat in one hand and a set of bangles in the other, to protest against both the dowry harassment that her in-laws were subjecting her to, and against the lack of police intervention on her behalf. In the second, we have the (not so ancient) history of Dalit and Adivasi women being “paraded” naked by upper-caste men in villages, in the name of punishing caste transgressions. The third mode involves female worshippers who perform rituals naked during a certain time of the year. Here we will look at the 1986 controversy around the Bettale Seve festival that takes place

“Ex-BSF man protests expulsion, marches naked with kids”, *NDTV*, 28 October 2010. Accessed as on 04 March 2014). In July 2011, over a hundred men and municipal workers, under the name Dakshina Kannada Zilla Pourakarmikara Hagu Nalkane Darje Naukarara Sangha, staged a protest in Mangalore to demand the regularisation of their services. The men all went shirtless in the protest (see “Civic workers take out ‘semi-nude’ rally demanding regularisation”, *Coastal Digest*, 20 July 2011. Accessed as on 04 March 2014). In 2013, an anti-POSCO group threatened to go nude in protest over land acquisition in Orissa. POSCO is a Korean multi-national steel manufacturing company. Activists opposing the acquisition of land for a steel plant in Orissa saw a nude protest as something that would shame the Indian Government (see “Anti-Posco brigade threatens nude protest”, *The Times of India*, 07 March 2013. Accessed as on 04 March 2014). I argue that the Indian body being naked in public is in itself markedly different from public nudity in other contexts. This act is caught up in the above-mentioned relationship between shame and spectacle. But the female body being naked in public involves the aspect of sexualisation in ways that male nudity does not, or at least has not. It invokes the history of the culturally contested act that sexualisation is.

¹⁷⁹ The Assam Rifles are a paramilitary force of the Indian Army, stationed in Assam under the Armed Forces (Special Powers) Act (1958), to maintain “public order” in an area “disturbed” by insurgency and secessionist movements.

in Karnataka, performed to worship the goddess Yellamma, and what is now called the “Chandragutti incident”. A consideration of the ritualised form of nudity that the *bettale seve* involves disallows a reading of the nude female body as a sign of (sexual) freedom from cultural constraint.

The differences between these three ways in which women appear naked in public contests the idea that public nudity is entirely a matter of ‘choice’, that it has always been an act of transgression, or even sexual liberation, that has produced the publicly naked female body. “Transgression” is therefore not something that is central to our understanding here. The question we are interested in is rather, if we do look at nudity as that which belongs to time and history, as event rather than state, how do we understand the relationship between publicness and the naked female body? How is this different from the relationship between the naked image on the cinematic screen or in the porn clip? In other words, how does *materiality* figure in this relationship? How does one understand the idea of the sexualised body in these instances? Finally, what can this contribute to our understanding of the politics of “spectacle” in the Indian context?

This chapter is different from the others in that it renders literal the methodological impulse of the thesis as a whole – by looking at a nudity that is *meant to be public*, that does not become so, that is not staged as such, but that is created precisely by the condition of public-ness, the body appearing nude in the form of a spectacle, literally “on the surface” of the public domain, in the streets, in public view. This allows us to a) look at forms of public appearing that are not to be understood only through the

textual surfaces of the law and the media¹⁸⁰; b) establish more clearly that visibility is indeed a transaction, since the public nakedness of the bodily subject here is meant to “do” something, to transact, to maintain or disrupt a relation; and c) look at forms of appearing that “out” the anxieties produced by transformations in the contemporary.

Each of these ways of appearing complicates existing understandings of nudity or public nakedness as an event. Agamben offers us the explorations of Walter Benjamin, into questions of beauty and sublimity. Benjamin argues that beauty is by definition the “non-unveilable” – it is by nature a secret, a condition of being veiled, which is the only way in which it can retain its status as beautiful. It is the “appearance” that seems to always hide behind it an “essence”, this being the formula for beauty. “In beauty the veil and the veiled, the envelopment and the object that it envelops, are linked by a necessary relationship that Benjamin calls “secret” (*Geheimnis*). The beautiful, then, is that object for which the veil is essential” (Agamben 2011, 84). For Benjamin, nudity achieves a perhaps higher order of being - “... in nudity without veils the essentially beautiful has vanished, and the naked body of the human being achieves an existence beyond all beauty – the sublime – and a work that goes beyond all creations – that of the creator.” The conclusion here is that unlike in works of art and of nature, “in the living body the opposite principle is implacably affirmed: ‘nothing mortal is non-unveilable.’” Here we find the idea of the “living body” placed in contrast to the body in the work of art. This living body is a creator, not just a creation, it is a field of action, not just of representation.

¹⁸⁰ To clarify – it is not as if we have direct access to the events described here, they are accessed through media reports and organisation reports. But the difference is that it is not the language of the media that is being analysed here, nor the text of the law. Though these events occur in conditions of mediatisation, representations of them in the media being part of the effect they have, they are not ‘media-tised’ in that they are not shaped entirely by the logics of media representation.

It is in this way that, in nudity without veils, appearance itself appears and displays itself as infinitely inapparent, infinitely free of secret. The sublime, then, is an appearance that exhibits its own vacuity and, in this exhibition, allows the inapparent to take place. If beauty, in its most intimate condition, was once secret – that is to say, the necessary relation of appearance and essence, the veil and the veiled – then here appearance unties itself from this knot and shines for a moment by itself as the 'appearance of the good' (85-86).

It is here that nudity, albeit attached to the living body, becomes something of a metaphor, for appearance and being, for knowability, for the making apparent of the veil, or of the inapparent. Agamben is concerned not so much with the various forms of nudity that manifest in society, as with nudity as a theological and philosophical idea (though he does consider “examples” of nudity). Do “real” instances or events involving living bodies then fall outside of his scheme? Does the Dalit woman who is paraded naked become simply an irrelevant part of the empirical or political world that this nudity as metaphor need not concern itself with? Does her body achieve the sublimity that is described above?

The chapter contends that there are *cultural* histories of appearing, revealing or being revealed that need to be taken into account in order to understand the relationship between shame and spectacle, between the body and the public domain – the cultural, here, refers to the everyday, the lived, the highly contested, domain of bodily existence in the Indian context, and the specific relationship between gender and culture that historically underlies the domain of politics in the Indian context. Whether it is women being forced by rage and a desire for justice protesting without any clothes on in the streets, or it is Dalit women being stripped and paraded, what

emerges is the failure of the state and the law – in the first case, it is precisely against the legal apparatus that these women protest; in the second, the legal apparatus is unable to prevent these incidents from taking place, and the idea of “caste transgressions” and the ways in which punishments for these are displaced onto the body of the Dalit women through this spectacle, are outside the imagination of the state. It can only deal with these through a law that punishes atrocities already committed, and often it fails to do even this.

Part I

The Body at the Frontlines: The Value of the Naked Protest

How is a naked protest to be read, as an event? Is it a desperate and ‘exceptional’ act, akin to immolations and suicide? Is it an act of freedom, something that suddenly breaks free of the shackles of social behaviour? Is it an act of individualism? Is it merely the logical extreme of representation as a democratic process (standing naked, and therefore, *wholly* on behalf of something) or is it a throwing into disarray of representative processes of democracy?

In his essay on naked protests in *Sarai Reader 5: Bare Acts*, Isaac Souweine chooses to characterise them as espousing what he calls a “politics of personalism”. This entails a radical politics of anarchism, where non-violent individual acts of opposition are seen as more effective than extended social reform, in expressing discontent or alternative beliefs - “a broad array of movements and tendencies that privilege individual subjects over abstract systems” (2005, 2). The route Souweine traces

begins with the Doukhobors, a Christian sect that migrated from Russia to Canada in 1899¹⁸¹ and believed in living a Christ-like life. A radical sect existed amongst them, calling themselves the Sons of Freedom, and members of this sect were often jailed for walking naked (Christ-like) in public. Souweine moves on from here to the work of writers like Leo Tolstoy and Henry David Thoreau, and then to Gandhi and Martin Luther King (both of whom he argues used the same methods to mobilise mass movements). He arrives finally at the non-violent naked protests by women in the present era, against animal cruelty, war, state oppression and patriarchy. The Manipuri protest is included in this last instance of personalist politics.

For the Doukhobors, public nudity was an element of spectacle in their practice of religious belief. If we return to Agamben's analysis of the theological signature that is nudity, a not so curious parallel emerges. It is almost as if, by walking naked amongst

¹⁸¹ The whole of Canada, especially the British Columbia region, was at a loss for how to deal with this sect of people. The latter believed in living a "Christ-like life" and therefore refused to bear arms, enter military service, own private property, eat meat, or consume alcohol and other intoxicants. Their belief consisted in not resisting evil with any forms of violence, at the same time not participating in evil themselves. It was a form of non-cooperation, supported in part by public figures like Leo Tolstoy, who helped the Doukhobors gain permission to migrate to Canada, and whose own politics involved an infusion of religious belief into political understanding, even and especially of the left. Among them was a radical sect which came to call themselves "the Sons of Freedom". This group refused any allegiance owed to the state and only acknowledged their duty to God. They stripped in public, set fire to their own houses as a protest against materialism, and did not allow their children to go to public schools because they would be taught about wars and violence. They also set fire to government buildings and factories.

Because of their singular behaviour, they were arrested, tortured, and considered lawbreakers, both in Russia and in the Canadian settlements that they migrated to. As many as 500 Doukhobors were in prison at one point, on charges of nude parading. To them it was not an act of intended obscenity or offensive behaviour. It was simply a moment of purity, of trying to be more like Christ in the face of things which were not Christ-like.

Psychologists were fascinated with their behaviour, and government officials were outraged. The whole idea of Canada as a land of free thought and action was put into question by their acts. Till then, the belief in an ideal democratic state had been unshakeable, especially in the face of other kinds of regimes in existence in other parts of the world. The Doukhobors were responsible for rubbing against the grain of this belief, of becoming the anomaly to citizenship, of wanting consciously to live their lives in a state of exception from the rules. They were given land, but needed to accept Canadian citizenship in order to continue to benefit from the land, something that they refused to do.

people, the Doukhobors strove to regain the lost clothing of grace that fell from the bodies of Adam and Eve after their transgression. Perhaps they felt that by doing so the shame that clothing connoted would be exorcised from their bodies and souls, and they would then be shrouded in nothing but God's grace, as were the Son and Daughter before the fall. This makes their nudity a performative theological gesture. Souweine hesitates to name this gesture as a part of a politics of spectacle. For him, it is not utilitarian in the same way as a spectacle that hopes to achieve a certain political end.

For while naked protest is without doubt a spectacular form of mass communication, its capacity to create effective political spectacle cannot be divorced from its ability to provide moments of personal moral speech and redemption. As a personalist act, naked protest allows its practitioners to achieve a sense of autonomy and empowerment in the face of political realities over which they have little control. Through their nudity, naked protestors reject available terms of political debate in favour of a type of performative speech that is at once absurd and penetratingly incisive. *Whether performed by Western bourgeois elites or Asian subalterns, the act of stripping in public forces spectators to engage with the sense of personal moral outrage that it conveys* (my emphasis, Souweine 2005, 536).

The use of the term “moral” in the phrase “personal moral speech and redemption” is intriguing – is Souweine then pitting a *personal morality* against the means-to-end approach of social reform and the rule of law in a given society? And is public nudity, framed as fundamentally *personal* in Souweine’s essay, then also fundamentally moral? Bruno Latour defines morality as a mode of *alterity*, something that questions the use of certain means to achieve an end (2002, 254). Is that what the nude protest

then represents? A moral gesture in the face of the rule of law?

In the case of the Doukhobors, nudity is precisely stripped of its sexual connotations, to ensure that these people are not “made flesh”, do not get possessed by a love for the world in place of a love for God. Nudity is not a baring of the flesh, it is a clothing of one's self in a kind of innocence. Their beings are not handed over to the knowledges that are man-made and scientific, they instead belong to the divine order of knowledge. There is then a positively anti-erotic impulse at work in their act of stripping.

Does anything really connect the Doukhobors, the naked protests against war or animal cruelty (by “Western bourgeois elites”) and the Manipuri women (“the Asian subalterns”) who protested against army rape? Can these acts be clubbed together under the description “a politics of personalism”?

“Take Our Flesh”: The Body as a Field of Action

On July 11, 2004, soldiers of the Assam Rifles at Imphal (Manipur) arrested 32-year-old Thangjam Manorama, alleging that she was connected to the underground organisation, the People's Liberation Army¹⁸². Manorama's family was locked inside the house while she was tortured and assaulted for three hours outside on the veranda. After forcing the family to sign a No Claims documents, they took Manorama away, claiming that they were taking her to Kangla Fort, the headquarters of the Assam Rifles. Her body was discovered on the side of a road later that day, nearly naked,

¹⁸² Set up on the 25th of September, 1978, by N Bisheshwar Singh, the PLA is an organisation that fights for an independent state of Manipur.

scratched, bruised, knifed, and ridden with bullets. Some reports say that she had been shot through the vagina, and her body showed signs of rape and sexual assault. On July 15, a group of Meitei women belonging to the Meira Paibis¹⁸³ (“Women Torch Bearers”), went to the Kangla Fort, and proceeded to remove all their clothes to mark their protest against the ways in which Manorama's body had been handled by the state.



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Their placards read “Indian Army Rape Us, Kill Us, Take Our Flesh”. The women at the protest made themselves “flesh” in a performative gesture quite different from that of the Doukhobors. The spectacle is similar to that of the fictional Dopdi in Mahasweta Devi's story. The female body is fully bared, not because it wants to be clothed in grace, and not because it is expressing freedom of some kind, but in order

¹⁸³ Meira Paibis is an organisation that was established on 29 December 1980, to help ensure human rights for the people of Manipur, and to fight against any violation of these rights. They keep vigil against arbitrary arrests, extrajudicial killings and torture. They earned this name because they guard the towns at night, holding kerosene torches, on the lookout for any untoward activity on the part of the Rifles. They also organise protests, blockades, sit-ins and marches. The history of women's protests and agitations in Manipur seems to date back to 1904, when the first Nupilan (Women's Uprising) was organised against colonial authorities and the policy of forced labour that Manipuri men were being subjected to. The second Nupilan took place in 1939, against unfair policies in the trading of rice, instituted by the Maharajah and the then Political Agent of the British Government, which resulted in Marwari monopolies on rice distribution. The movements in both these cases were successful to a large extent – in 1904, the British were forced to drop the mandatory free labour policy; in the second case a series of negotiations was set up between the women leaders and the authorities to discuss the trading policy.

¹⁸⁴ Image taken from <http://somiroy.tripod.com/id45.html>. Accessed as on 01 February 2014.

to shame the Indian army. There is no discarding of shame in a theological gesture, shaming instead becomes something that is crucial to their gesture. It is similar to Rajkot-based housewife Pooja Chauhan's walk to the police station in her undergarments, an act by which she set out to shame both her husband and in-laws, and the indifferent police force in Rajkot.



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These bodily protests try and accomplish something that verbal and written, or even fully clothed protests, cannot. It does not seem correct to argue that a message is *inscribed* in the naked bodies, because writing as an act does not fully encompass or explain this gesture. It is as if the moment of stripping represents the fullest moment of demanding justice and revealing the truth of trauma. It is an unveiling of some kind, a paradoxical act of exposure in the face of a blindfolded figure. In his discussion of beauty and sublimity, Agamben aligns the naked human body with the latter – beauty is that which is “non-unveilable”, it has to be so in order to guard its secret. On the other hand, “Nothing mortal is non-unveilable”. At this moment of

¹⁸⁵ Image taken from <http://mynation.wordpress.com/2007/07/07/woman-who-stripped-may-be-put-through-medical-test/pooja-chauhan-22/>. Accessed as on 07 July 2012.

trauma and anger, it is precisely this mortality that the Manipuri women gesture towards. According to Benjamin, human nudity is sublime because it reveals that appearance is merely that, that appearance does not guard any secret underneath it. “If beauty, in its most intimate condition, was once secret – that is to say, the necessary relation of appearance and essence, the veil and the veiled – then here appearance unties itself from this knot and shines for a moment by itself as the ‘appearance of the good’” (Agamben 2011, 87). The Manipuri women precisely contest the idea of beauty through their gesture of nudity – their bodies are not part of any envelopment that is necessary to produce the effect of a secret, of an essence. On the contrary, their bodies are now tied to the unravelling of secrecy. As Meira Paibis, their chosen role in society is to take light into those dark places where the secret activities of the Indian Army go unnoticed and unquestioned. Their nudity works as if to say: “Look at us. You can see and touch every inch of our bodies. There is nothing we value about them, *which value you can rob us of*. They are mere flesh. We are offering our bodies to you to abuse and even destroy, as you have so many others. What will you do now?”

The *shame* in the case of the Manipuri protest or the Pooja Chauhan walk does not shift smoothly to the offending party (whether the Assam Rifles or the husband and in-laws of Pooja Chauhan). While agency does lie on the side of the women who performed these acts, they are acts of grief and anger, not of cool rational calculation to shame the enemy. These are acts of affect, and lie at the tail end of trauma and rage. There have been other cases of naked protesting, especially in the West, that Souweine clubs along with these, in the category of a “Politics of personalism”. The protests against wearing fur, in which women activists stated that they would rather

go nude than wear fur¹⁸⁶; the anti-war protests in which 300 women lay naked in words that spelled out “No War”¹⁸⁷; the topless protest carried out by young British women, in aid of better working and living conditions for British soldiers abroad; or even the work of an artist like Spencer Tunick, who places hundreds and thousands of nude people in each of his installations¹⁸⁸ – none of these protests or installations seem to carry the same meaning, at least in the ways in which they are reported and the images that the media brings us, as either the Manipuri protests or the now-famous walk of Pooja Chauhan. Why is this? Is it just a matter of context and familiarity? Or is it the awareness that somewhere, these acts are different, that they belong to different *cultural* histories of being, appearing and revealing? The ways in which nudity is staged is also quite different in these acts. They are not “causes”, unlike these other protests. To quote one of the women in the British protest mentioned above, “Even though it's freezing cold, I don't care about getting my boobs out, if it puts a smile on the face, that's all that matters.”¹⁸⁹ She adds before this that the British soldiers don't even have basic necessities, like “tea, coffee, sugar, and chocolate”.

The point to be made here is that these other protests would be classified as campaigns of a kind, acts of deliberation in order to achieve a definite end, be it the end to the sale of fur, or to war, or the sending of goods to soldiers abroad. The Manipuri women became the body of Thangjam Manorama for their protest, and

¹⁸⁶ <http://news.bbc.co.uk/2/hi/asia-pacific/2353963.stm>. Accessed as on 14 December 2012.

¹⁸⁷ http://articles.cnn.com/2003-03-03/world/naked.protest_1_protest-war-world-leaders?_s=PM:asiapcf. Accessed as on 14 December 2012.

¹⁸⁸ See www.spencertunick.com – The artist fights for the right to be publicly nude, and has been arrested for his installations. “In the States, the battles for free speech have been fought by Larry Flynt, Hugh Hefner, for the naked body. The American Civil Liberties Union has fought vigorously for the rights of free expression in magazines, to be on cable, on newsstands, TV. But the nude in public thing is a very explosive issue. No one is really pushing that boundary for art. That has been my fight, to do my work in this uncharted territory of public space” (in an interview to *Vice*, Nadja Sayej, <http://www.vice.com/gr/read/naked-on-skype-with-spencer-tunick>). Accessed as on 23 February 2014.

¹⁸⁹ http://osocio.org/message/breasts_are_the_protest_medium_of_the_day/;
<http://www.spiegel.de/fotostrecke/fotostrecke-67526.html>. Accessed as on 14 January 2014.

Pooja Chauhan stepped forward as her own body, giving it new meaning in the public domain.

It is not my intention here to produce an essentialist difference between “Indian” public nudity and nudity elsewhere, i.e. in the West. What I argue is that in these two instances we have discussed, female public nudity is meant to ‘out’ something, not simply to be deployed as a way of attracting the public gaze or of communicating a message. This ‘something’ that is to be outed, and the act of revealing, have deep roots in the historical and contextual relationship between gender and culture, between shame and publicness, in the Indian context. These acts are not part of a global feminist discourse of freedom¹⁹⁰ or an entirely ‘liberal’ critique of oppressive structures, though they do indeed challenge oppression. They are *parochial* in that

¹⁹⁰ A perfect example of this global, or rather, ‘international’ feminist discourse of freedom, is found in the actions of the group that calls itself FEMEN. “Our nakedness attacks the raw nerve of the historic conflict between women and ‘the system’. We are nothing less than its most visual and fitting embodiment. Our activists’ bodies represent undisguised hatred for the patriarchal order, and display the new aesthetics of a rejuvenated woman’s revolution” (*The Guardian*, 10 April 2013, accessed as on 03 June 2013). The group’s feminist activism presents us with the most strident instance of ‘spectacular’ feminist politics that has been witnessed in recent times in the international arena – a group that claims an extremely ‘visual’ embodiment of issues as its method, and pays no heed to other forms of activism, whether collective protest marches, legal reform, or feminist research and writing. This Ukrainian group, set up in 2008 to counter sex trafficking and the sexual exploitation of women, propagates the mode of naked protesting. In another interview, FEMEN activist Inna Shevchenko explains the choice of nude protests, saying, “Our nude protests are a part of the liberation of women. We have a right to use our body as a weapon.... We want our Neofeminism to be seen by the whole world” (Benjamin Bidder, *Spiegel Online International*, May 05, 2011, accessed as on 04 June 2013). In 2012, FEMEN decided to inaugurate their Paris office, the group’s first “international training camp”, with a protest, and marched through a predominantly Muslim area in the city, with slogans such as “Muslims Let’s Get Naked!”, “Sextremism” and “I am Free!” painted across their chests. This is only a recent protest in a string of actions targeting Islam and the practice of veiling (this being consistent with the group’s position vis-à-vis religion in general).

FEMEN’s desire to *show the whole world their Neofeminism* is tied to their agenda closely, and media attention, news coverage, viral videos and photo features are as much a part of these protests as being naked in their local contexts. “There is an ideology behind protesting topless, but we quickly realised that if we took our tops off and screamed loudly it was a good way to get attention” (Alexandra Shevchenko, Femen activist). This accompanies the almost militant moving beyond the nation and the local as domains of political action, although, as we see through the work of Marian Rubchak and Tatiana Zhurzhenko, FEMEN’s activism can be contextualised in that it emerged precisely as a reaction to a prevalent nationalist feminist framework in Ukraine. Culture, history and context, aspects that are tied to the “nation” as the realm of the political, are now set aside in favour of the language of personal freedom for women and it is this shift that provides for an interesting comparison in the Indian context in terms of the ‘new’ languages of feminism that have been produced in the last decade.

they act on and speak to only their own contexts. Cultural studies scholar Meaghan Morris argues that the parochial “provides an *angle* from which to consider issues and change under globalization”¹⁹¹. We are faced with a global feminism that instead occupies a set of terms that can supposedly be relevant to any context, prompting those who oppose them to also occupy the same set of terms: “Freedom”; “Secularism”; “Power”; “Morals”:

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Interrogating the Idea of Sexual Liberation in the Contemporary

Let us now turn to an examination of a few recent feminist campaigns in India that addressed the ways in which women, as bodily subjects, are located in the discourse of culture. These are campaigns that either “went global” or derived their energy from the idea of a global feminist solidarity.

Unlike in the case of the two protests dealt with above, we find a disavowal of cultural histories in some of the articulations that are emerging in the Indian

¹⁹¹ See Morris 2005, 19.

¹⁹² This image is of one of the protests against FEMEN’s campaign to free Muslim women from the burqa. See www.ladivinafeminista.wordpress.com for more (the site requires an invitation to view it).

contemporary. For example, following the arrest of journalist Tarun Tejpal in 2013 on charges of sexual molestation¹⁹³, an article in the *Financial Times* offered the following “hope”: “The implications of the new confidence and combativeness among Indian women – what some are calling India’s first genuinely popular feminist awakening – are potentially far-reaching”¹⁹⁴. We are facing conditions in which there is considerable discomfort with the term or “label” feminism among young women, who at the same time are participating in the most urgent way in debates and protests dealing with sexual harassment, violence against women, and, importantly, freedom. Caste, religion, and the notion of the local or the parochial, fade in the face of the urgency of sexual and bodily freedom. Accompanying this is a desire for a “positive” approach to sex, that will undo the collapsing of sexual violence and sexual rights as ways of dealing with sexual practice – “Sex and intimacy are cast as negative, degrading and indecent, something from which the good, decent Indian woman ought to be protected. The protectionism combines with a sex phobia that ensures sex remains in the closet. And any claims for sexual rights become bizarrely associated with something Western, hedonistic or deviant” (Kapur 2012).

In 2009, we witnessed the first ever large-scale feminist internet campaign in India – the Pink Chaddi Campaign (PCC), a protest against the violent tactics of the then newly formed Sri Ram Sene (SRS), a right-wing organisation whose members attacked young women in a pub in Mangalore (a town in coastal Karnataka) on

¹⁹³ Tarun Tejpal, the former editor of *Tehelka*, was accused of sexual molestation by his young colleague, and was arrested on 1st December 2013 by the Goa police. The young woman first demanded only an inquiry committee and an apology; she then filed a case when she was not satisfied with the apology, and Tejpal’s gesture of stepping down from the post of editor for the period of six months. This incident became public knowledge through the leaking of in-house emails that were circulated in *Tehelka*.

¹⁹⁴ Amy Kazmin, “Patriarchal India challenged by its emboldened women”, *Financial Times*, 3 December 2013.

January 24, 2009. The PCC was launched by the Consortium of Pub-Going, Loose and Forward Women, a Facebook group set up by then Tehelka journalist Nisha Susan. It called for people to send pink chaddis (underwear) to the Sri Ram Sene, in an attempt to both imitate and subvert the iconic khaki-coloured chaddis (half-pants or shorts) worn by cadets of the Rashtriya Swayamsevak Sangh (RSS) and other right-wing organisations. It was at the same time an openly sexualised gesture, this sending of *intimate* “feminine” clothing (coloured pink) as a response to the masculinist aggression of the Sri Ram Sene. The membership of the Facebook group set up for this campaign rose to a staggering 50,000 in a week’s time, people from around the world condemning the antics of the SRS and cheering on this response to the violent attack. The members of the campaign were interviewed by radio and news channels across the globe. The chaddis were collected at centres in various cities and sent, and the leader of the SRS Pramod Mutalik, on receiving them, said, “This way of protesting my ideology by sending me underwear is exactly the vikruti¹⁹⁵ that we are trying to curb. I am sure the parents of these campaigners are hanging their heads in shame because this is not Indian culture. If they had to oppose something they could have talked it out with us. This is not the way of doing it”¹⁹⁶. The SRS in turn, besides threatening some of the campaign members with bodily harm, also sent back pink saris, “to cover your lack of modesty”, as they put it.

It is curious that feminist groups showed divided reactions to the campaign, although all of them were in support of the protest against violence. Many articles were written

¹⁹⁵ A Sanskrit term that is opposed to “sanskriti” in popular discourse – it refers to acting in ways that reach for the fastest results, what is commonsensically understood as a ‘modern’ way of life, as opposed to *sanskriti*, which is to cherish and carry forward ‘traditional’ family values and human relations.

¹⁹⁶ <http://www.indianexpress.com/news/valentine-s-day-battle-lines-drawn-in-pink-and-saffron/422409/>. Accessed as on 07 January 2014.

calling the campaign elitist, as being carried out on behalf of only middle class women and not addressing divisions of class, caste or religion¹⁹⁷. Its symbol of the chaddi was also read as aiding a further sexualisation of women in the Indian context, and therefore as out of step with feminist campaigns that have been fighting sexual objectification¹⁹⁸. The defence of pub-going as an activity was seen by some as supporting processes of globalization, and others saw it as disregarding the anti-liquor lobby that certain sections of women have been a part of for decades. What these articles neglect to do is to examine the politics of culture that the campaign enacted, by turning the idea of shame into something spectacular, by condensing the entire history of women's embodiment of 'culture' into one image of the pink chaddi. As Tejaswini Niranjana argues,

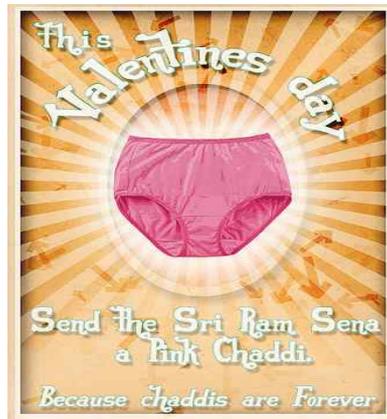
... the PCC may well mark a shift in the language of feminist politics, where the comfort of 'speaking for' underprivileged women that the movement has always had is being challenged, and the question of representation itself is being interrogated. If feminists don't recognize the unprecedented nature of the PCC, they will not be able to see how it is crucially situated at the intersection of questions of sexuality and female desire with the worlds of contemporary politics in India. The PCC took on board the sexual subtext of the Hindutva pub attack and of the masculinist rhetoric of its perpetrators and 'outed' it through a public display; it did so not by criticizing and therefore drawing attention to that sub-text but by embedding it in the symbolism of the campaign. ... In more ways than one, the PCC, which brought together in one arresting and sexualized image the issues of translation, of modernity, of culture and

¹⁹⁷ See S Anand's article, "No pink chaddis for PMK", in *The Hindu*, 13 July 2013, for an example of this opposition (though this article deals with events that took place much later, it refers back to the Pink Chaddi campaign). <http://www.thehindu.com/opinion/op-ed/no-pink-chaddis-for-pmk/article4909282.ece>. Accessed as on 20 September 2013.

¹⁹⁸ The discussions that took place on the Kafila website at this time represent all these positions. <http://kafila.org/2009/02/08/on-moral-policing/>

of the political is a challenge to those of us interested in reshaping both the language of feminism as well as its objectives and strategies (Niranjana 2010, 234).

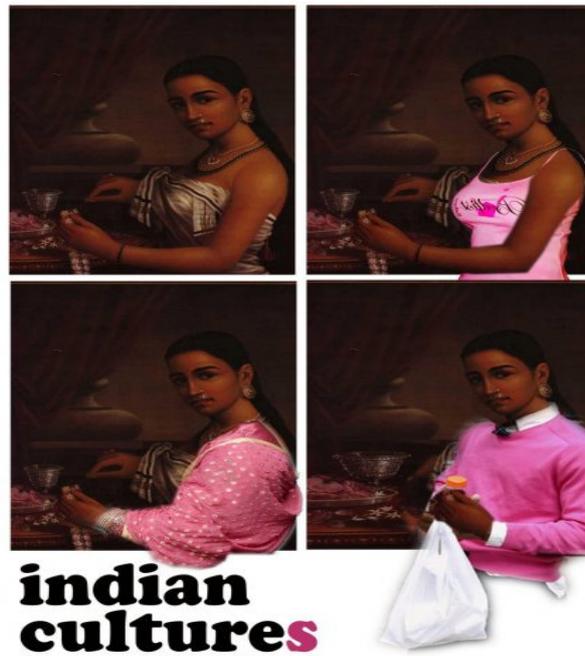
The posters generated around this campaign also played with and imitated advertisements or well-known paintings, going beyond the question of representation to challenge the notions of culture which supposedly formed the basis of the SRS' attack:



This poster, created by artist Shilo Shiv Suleiman, was the symbol of the Pink Chaddi Campaign and was created out of an old ice cream advertisement. Some irate Hindus commented on it saying that the designer had taken the logo of the Brahma Kumaris organisation¹⁹⁹ and replaced the 'Om' in the middle with a pink chaddi. Explanations were therefore in order about the real origins of this image.²⁰⁰

¹⁹⁹ <http://www.brahmakumaris.com/>

²⁰⁰ See <http://thepinkchaddicampaign.blogspot.in/2009/02/logo-show-go.html> for more on this image. Accessed as on 11 August 2010.



This poster, created by Namita Malhotra of the Alternative Law Forum, uses a famous painting by celebrated Travancore artist Raja Ravi Varma, whose work informed the formation of a modern Indian femininity in the 19th century. The first frame is the original painting, and the poster then goes on to play with the idea of this femininity, interrogating the claim that the women of this country should conform to certain ideals if Indian culture is to be preserved.

The PCC was a unique campaign in that it was able to shame the SRS through humour. As Niranjana points out, what the campaign did was to “out” the sexual subtext of the pub attack through a “public display”. The two aspects that were part of this display were: First, the spectacular nature of the online social networking site Facebook, which ensured that this protest would not be predictable in terms of its reception, and the number of people who participated in it; and secondly, the materiality of the pink chaddis themselves, which was crucial to the act of shaming. It was not framed in the language of rights, and became instead an exercise in naming—

the naming of a class of women as loose and pub-going and forward—and showing.

The use of a non-representational image to play back the politics of culture to the very organisation that was deploying it distinguishes this campaign from earlier feminist campaigns where images have been used in an almost purely representational manner (to represent the issues faced by women, to call for women’s struggle against these issues²⁰¹). The pink chaddi and other images that were a part of this campaign indicate a move away from this mode of “doing” feminist politics. While it involves itself in a positive sexualisation, it doesn’t do so without an alertness to its cultural context, in fact the campaign was built precisely upon a referencing of this context. It did not offer a global sexualisation in the face of a supposedly local “morality”. What it did perhaps do was to address the national frame and by doing this to ignore the *parochial* – the campaign did not (could not) address the history of gender relations in Mangalore, nor the functioning of Hindutva groups in this region, targeted particularly at Hindu-Muslim couples. Because of this, it could get co-opted into the argument against “moral policing”. Unlike the Manipur protest, which took its charge from the specific conditions in Manipur, the struggle for liberation, the presence of the army, and the role played by the Meira Paibis in the area’s history; and unlike the Pooja Chauhan protest, which was so inexplicable in its nature that it could not be and was not co-opted easily into any existing larger frames (the media that approached her family asked them if she was “mad”)²⁰² – unlike these, the Pink Chaddi campaign was

²⁰¹ For some examples of this kind of imagery, refer to the Zubaan publication of posters from the women’s movement.

²⁰² “Why Pooja got ‘mad’”, Kalpana Sharma, 15 July 2007 – <http://www.hindu.com/mag/2007/07/15/stories/2007071550040300.htm>, accessed as on 13 October 2012. Kalpana Sharma also compares the protest with the one in Manipur, because of the impression it gave, of “madness” (read extreme anger). In Pooja Chauhan’s case, it is obvious that this was her last resort – she even attempted to immolate herself in front of the police station, before deciding to walk semi-naked on the streets.

launched at the national level, and soon attracted the attention of supporters from several countries.

The other ‘international’ protest that involved young women in urban centres in the country was the SlutWalk. The SlutWalk first began in February 2011 in Toronto, as a protest against the statement made by a police officer, who, while talking to the students of Osgoode Hall Law School, said that women should avoid dressing like sluts if they do not want to be sexually assaulted. Soon, cities in countries all over the world were organising SlutWalks, which saw women marching in whatever clothing they wanted to wear, bearing placards and proudly laying claim to the label “slut”. In India it was held in Delhi on 31 July, 2011, and was called the ‘Besharmi Morcha’ (March of the Shameless). It was scheduled to be held in Bangalore, but the police cancelled the event alleging that they had received threats from a “cultural” organisation saying that the slutwalkers would be attacked if they went ahead with the march.

Some feminist activists and groups were disturbed by the way in which this protest was ‘imported’ from another context without *considering* its place within the histories of feminism in India. The word “slut”, they argued, was difficult to relate to, for women from working-class and Dalit backgrounds. Also, the campaign, for them, represented the perspectives of only elite young women in the major urban centres of the country. I agree with these concerns to the extent that though the SlutWalk focussed on the relationship between women and public space it did not, for instance, involve sex workers, whose livelihood makes them ‘public women’, and whose negotiation of words like ‘randi’ offers far more complexity than the simple good

woman-bad woman binary that the campaign protests against. The SlutWalk, in failing to locate itself in a history of gender, caste and class relations in urban space, participated in reproducing a universal language of sexual expression. Dhillan Chandramowli, the organiser of the SlutWalk in Bangalore, in an interview given to the organisers of SlutWalk Singapore, said, “I had been following the SW movement across the world, and felt that if any country in the world needed a wake-up call on this issue, it was India. The way women are looked at, perceived and treated in India has always pissed me off, severely angered me! Not to mention that we are perhaps the world’s hotbed for sexual repression...”²⁰³ Here, again, as in the article following Tejpal’s arrest, we find an idea of an originary moment of awakening that this era is seen as enabling. Where does this idea come from? Does it get generated as a result of the international surveys that rate countries on the basis of the condition of women in them?²⁰⁴ Here is created a scale of sexual liberation across the world, one that could be responsible for the kind of historical amnesia that campaigns like the SlutWalk then inherit.

What perhaps protects the SlutWalk from a complete collapse into a homogenous mode of protesting across the world is the vernacular naming – in Delhi, it was called the *Besharmi Morcha* (Shameless Protest), referring then to the legacy of women being shamed into regulating their own practices. In Bangalore, the proposed name was *Gejje Hejje*, referring to the sound of anklets, the anklet here connoting the

²⁰³ <http://slutwalksg.com/2011/11/24/interview-with-slutwalk-bangalore/>. Curiously, the SlutWalk in Bangalore was envisioned and planned by young men. Dhillan Mowli and Vikram Hemanathan are two of the organisers and have been interviewed widely by the media following the cancellation of the event. Accessed as on 02 August 2013.

²⁰⁴ For an example of this kind of survey, see <http://www.trust.org/item/20120613010100-sk134/?source=spotlight>. According to this poll carried out by TrustLaw (a news service run by the Thomson Reuters Foundation), India is the worst country in which to be a woman, and Canada is the best. Accessed as on 17 February 2014.

devadasi, the promiscuous or seductive woman, the woman of loose morals. This finding of vernacular alternatives to the SlutWalk robs the opposition of their charge of “Westernness” to some extent, but it remains to be seen whether these campaigns pay attention to the contexts they emerge in instead of giving way to a universalist feminism with different “ethnic” or multiculturalist naming practices. The actual place of the local in this world scale of sexual liberation is left undetermined.

At the end of this discussion on ‘new’ feminist articulations in the Indian contemporary, we return to the chapter’s focus on public nudity through an ‘older’ event, that took place in the 1970s. The most famous instance of liberationist nudity in the Indian context has been the nude run that dancer Protima Bedi allegedly undertook, on Juhu Beach in Bombay in 1974. This was not a moment of anarchism or protest, it was done as part of a photo shoot to launch the magazine *Cineblitz*, which came into being in 1974. I recently discovered that there is some uncertainty about whether or not Protima Bedi actually physically ran the streets of Bombay. Some reports say that the photos were taken in a studio and then superimposed onto the image of the street. A tabloid news report claims that Protima Bedi was unhappy with the photos from the shoots at Flora Fountain and Juhu Beach, and so offered *Cineblitz* photos taken of her at a nudist camp in Goa instead, which were then superimposed onto Juhu Beach²⁰⁵. In Bedi’s autobiography, a collection of writings published by her daughter, she herself claims that this event never took place and that the photographs of her running naked were taken on a beach in Goa, where she was among many others who walked around in the nude (Bedi and Bedi Ibrahim 1999).

²⁰⁵ “Protima’s naked run”, in *Hindustan Times*, 18 December 2002. http://www.hindustantimes.com/news/specials/proj_tabloid/protimastory.shtml. Accessed as on 15 March 2014.

This uncertainty, instead of falsifying the moment, made it more telling. The fact that a certain staging of nudity and its connotation of individual liberation took place at this point in time, the visual image of Bedi “streaking” (hitherto a ‘Western’ practice with no precedent here) becoming an “event” to be remembered for decades that followed, allows us to a) contest the argument that sexual liberation as an idea did not exist in the Indian context before the 1990s²⁰⁶, and b) see more clearly the differences between instances of female nudity in this context, instead of juxtaposing the Manipuri protest and the history of nude worship with liberationist nudity ‘elsewhere’.

Streak with me and learn the language of sex and liberation for sex means love and love is liberation. I shed my clothes, my inhibitions, my conditionings by outdated social norms so that you too can discover yourselves. I direct this not to the younger generation but to the adults, the parents who have not understood their own sexuality. When they take shelter behind these conventions, they are living in a world of their own delusions (Protima Bedi, 1974).

This nude run was a legendary moment, well before the time of economic liberalisation and the Tuff shoes ad with Milind Soman and Madhu Sapre²⁰⁷. Protima Bedi was saying that the act of stripping was the act of lifting the social and cultural restrictions that had been placed on sexuality in the Indian context. She called these

²⁰⁶ One would have to write a separate history of where and how this idea manifested.

²⁰⁷ This was a 1995 ad featuring models Milind Soman and Madhu Sapre, both completely nude except for their Tuff shoes and embracing each other, with a python wrapped around their bodies. An obscenity case was filed against them by a branch of the Mumbai police, and the verdict of the case was declared in 2009, 14 years later – all the accused persons (including the publisher and distributors) were acquitted because the witnesses in the case turned hostile. See <http://indianexpress.com/article/entertainment/entertainment-others/milind-soman-acquitted-in-an-obscenity-case/>. Accessed as on 12 February 2014.

delusions, and one needed to free oneself of these delusions in order to be truly liberated. The metaphorical value of this act stood in striking juxtaposition to the naked female body that was said to have run through the streets of Bombay in full public view.

What was exceptional about this moment was that it was not an anti-sexual harassment message that Bedi was sending out – there was instead a *positive* construction of the sexually free woman, who was *using and exposing* her body, as a public figure (and specifically for an ad campaign). This moment is also markedly different from either the naked protests or the phenomenon of being paraded naked. Here too there is no element of shame, rather it was an attempt to shed shame along with other “social norms”. In the interviews she gave, she did not represent her act as one carried out for the cause of women (although her gender was a significant part of the decision to do it) – she rather spoke as an individual seeking to free herself from the bonds of ‘conditionings’ and ‘conventions’.

Another site where this idea of the sexually evolving Indian manifests is the sex survey brought out by magazines such as *Outlook* and *India Today*. The first ever sex survey in India was conducted by *Debonair* in 1991, the year of economic liberalisation. It sought not just to present information about sex lives in India, but also to break existing “myths” about Indians and sex (such as the idea that “Indians are not open about their sex lives” or “Indians do not have pre-marital sex”) – “The problem is not that Indians are unwilling to talk about sex, but that they have never been asked before. This is brought out by the fact that by July 31, the official

deadline, nearly 1500 replies had been received....The results of the Debonair Sex Survey therefore reflect the behaviour of an extremely important segment of the Indian population – the urban, middle and upper socio-economic, upwardly mobile, section”²⁰⁸. Incidentally, Protima Bedi had an encounter of sorts with *Debonair* in her heyday. In his memoir *Lucknow Boy*, former *Debonair* editor Vinod Mehta recounts the day he got a call from her:

Kabir Bedi, then a rising Bollywood star, had emerged as the sole spokesman intelligently defending our magazine (*Debonair*). In interview after interview, he would ask if we were a nation of prudes and hypocrites. He welcomed *Debonair*'s brave attempt to make India proud of its heritage and Khajuraho past. The naked female body was a thing to celebrate, he argued. Of course, only till such time as the naked female body did not belong to his wife. I had got to know Protima Bedi well. She shared her husband's views on the naked body; only she was more genuine. So, when I got a call from her asking if I would like to have a look at some 'lovely' pictures of her in the raw, I could hardly contain my enthusiasm....I quickly sent her a model contract form, which she duly signed....We had printed two of the four colours, when Kabir rang. He did not sound friendly. Would I immediately return the Protima pictures, they were not to be used (from *Lucknow Boy*, Mehta 2011²⁰⁹).

In Protima Bedi's "nude run" and her accompanying text we can read signs of the current language linking sexuality and liberation, manifesting in movements like the SlutWalk. As already mentioned in the first chapter, this has to do with the term "moral policing" that has come to describe a lot of the activities of both the state and

²⁰⁸ <http://mirainthe70s.blogspot.in/2012/07/first-sex-survey-in-indiathe-debonair.html>. Accessed as on 28 November 2012.

²⁰⁹ <http://m.outlookindia.com/story.aspx/?sid=4&aid=278925>. Accessed as on 15 March 2014.

Hindutva organisations in the country. Whether it is the attack against the paintings of MF Husain, the censorship of cinema, debates on sex education, educational institutions imposing stricter dress codes, or women being attacked for wearing Western clothes, all these events are classified under the banner of moral policing. Just as the language of sexual liberation seems to be taking on a universalist character, similarly the idea of moral regulation also seems to be wrongly used in describing a set of always highly context-specific activities. The notion of “moral panics” explored in the first chapter, as the condition that we occupy in the contemporary, or the idea that these attacks or violent reactions involve a desire for a return to an unmoving core of culture in the face of the progressive movements brought on by globalisation, constantly misdirects responses to these events. Differing contexts become homogenous, unless the incident in question is “communal” in nature (involving specific communities, whether Dalits or Muslims or Adivasis). The idea of the community then is still left unacknowledged in what are seen as moral reactions to “women”. And it is no coincidence that this language of sexual freedom develops at the same time as demands for transparency in governance, and anti-corruption campaigns that seek to root out the dirty secrets of governance. The anti-corruption ‘movement’ begun by social activist Anna Hazare in 2011 has seen the largest middle-class youth participation in any movement since the Mandal agitations in 1990²¹⁰.

While it is indeed true that the protests of both the Meira Paibis and Pooja Chauhan

²¹⁰ The Mandal Commission was set up by Morarji Desai in 1978 to decide on quotas of reservation in educational institutions for people belonging to socially backward classes. In 1980, it recommended that 27% of seats in educational institutions be reserved for people belonging to Other Backward Classes (OBCs). This was in addition to the seats reserved for SC/ST communities. When Prime Minister VP Singh tried to put these recommendations into effect in 1989, students from the ‘forward-caste’ communities staged angry protests, even attempting self-immolation. The protests took place mostly in Delhi and were covered extensively by the media. Protestors argued against what they saw as a move that was part of “vote-bank politics”, that is, the government trying to garner votes by pleasing minority communities.

took place in the age of “mediatainment”, there is something in the way they took place that resists easy slotting into either Neofeminism or sensationalist media gestures. The latter kind of protest belongs to and deploys the language of freedom of expression. Protest here is a form of this freedom in the new age of feminist politics, where an earlier critique of the sexualised woman has been replaced by overt sexualisation as a political move.

A “positive” sexualisation is then part of these campaigns that are staged as “expressions” of political views or stances. Some of them are meant to shock the public, and to offend the organisations/companies/states to which they are opposed. This positive sexualised body is indeed a “weapon” as the FEMEN activist sees it – it can be deployed as such in the face of various existing structures. The bodies of the Manipuri women, and the body of Pooja Chauhan, are positioned differently. They are not sexualised in the same ways as these other bodies – their nakedness is not a sign of freedom, their nudity is not an expression of agency along the same lines. This is not to say that they are victims. Their *gestures* participate in a discourse of shame and punishment that is absent in these other protests. Agamben’s conception of the “gesture” is peculiarly apt here:

Nothing is more misleading for an understanding of gesture, therefore, than representing, on the one hand, a sphere of means as addressing the goal (for example, marching seen as a means of moving the body from point A to point B) and, on the other hand, a separate and superior sphere of gestures as a movement that has its end in itself (for example, dance seen as an aesthetic dimension). Finality without means is just as alienating as mediality that has meaning only with respect to an end. If dance is gesture, it is so, rather, because it is nothing more than the

endurance and the exhibition of the media character of corporal movements. *The gesture is the exhibition of a mediality: it is the process of making a means visible as such* (my emphasis, Agamben 2000, 58).

The idea of a gesture as the making visible of a means as opposed to the accomplishment of a definite end, is what differentiates the Manipuri protest from the others mentioned. In the others, the logics of public nudity are clear – it is meant to draw attention to the cause at hand. It is meant to be yet another move in a series of moves, to end war, to end animal cruelty, to challenge global patriarchy. It is not an eruption into the public domain, a violent rendering public of that which is considered private, or secret. The Manipuri women, through their bodies, and Pooja Chauhan, through her walk, “outed” something (the Indian Army’s abuse of the Manipuri woman in the name of national security, and the relegation of domestic violence to the private sphere of the family).

To take a crucial detour here, one of the “spectacles” that hijras sometimes participate in, or used to participate in, is the lifting of their saris to expose their genitalia to members of the public. It is an act of shaming, but it is not simply a uni-directional shaming that takes place. The hijra deploys her own shame in this instance, to prove her authenticity as a member of this community.

An asli²¹¹ hijra is one who has izzat, and by extension, one who has izzat is an asli hijra, a position of authenticity/respect acquired through the performance of various (embodied) acts within the arenas of kinship, (a)sexuality, sartoriality, and religion.... This operation paradoxically appears to increase hijras’ izzat at the very moment that

²¹¹ Asli is a Hindi word meaning “true”, or “real”.

categorical identification with this label stigmatizes them in the eyes of the mainstream public. The very construction of authenticity within the hijra community thereby marks hijras as potential repositories of shame. By exposing their genitalia [or lack thereof], by which act they are construed as shameless, they act as purveyors of this stigma to the public for which potential they are feared (Reddy 2010, 225).

This mark of *authentic shame* has given rise to debate within the hijra community, when it becomes oppressive and creates hierarchies within which the hijra who is not castrated is considered untrue or inauthentic. But it is clear from this *gesture* of exposure that shame is not a simple emotion, even when deployed by the oppressed against the oppressor. In the case of the women who paraded naked, their shame was as much a part of the performance as the shame of the viewer. The operation of shame seems to differentiate these protests from the ones that have taken place in the West, where nudity became more a metaphor (for sexual freedom, peace, the state of “nature”) that is precisely trying to move away from notions of shame, since shame is seen as linked closely to a lack of freedom of expression. “As a form of personally redemptive speech, the ability of public nudity to express freedom and independence from abstruse systems of power is significant” (Souweine 2005, 534). The two protests we have been discussing are not *expressions* of freedom. As a matter of fact, they are the exact opposite; they are ways of staging our embeddedness in systems of power, ways of playing that power back to itself. Nudity in these cases cannot easily be read as “a form of personally redemptive speech”, especially when it takes the form of a threat or an act of shaming. It operates purely on the basis of the body's relationship to the public domain, a domain structured by the conjuncture that is

gender and culture in Indian society²¹². When a whole group of middle-aged women stand in front of the Fort that is the highly contested ground of Manipuri politics and culture, a few days after a horrific rape and murder of a member of their community, take their clothes off, bare their not-perfect, fleshy, unshaved bodies and say to the Indian army “Rape Us, Kill Us, Take Our Flesh”; when a woman from a highly conservative household steps onto the street in her bra and underwear (a sight that no one but her husband might have seen until now), holding bangles and a baseball bat, and telling people that she was being starved and that no man should be allowed to raise his hand against a woman – these acts can be read as gestures, not calculated moves made to achieve certain ends. It is the making visible of the means to such ends, and something erupting into the public domain from the private. This making visible involves, through the act of shaming, staging the ways in which women’s bodies are positioned within the discourse of the law and of culture. Both protests took place vis a vis public buildings that were invested with the state’s authority – the Kangla Fort, and the Rajkot police station.

These are not acts that easily fit into the paradigm of liberal politics, though it would be possible to explain them through the same, as a desire for liberation from state oppression on the one hand, and as a feminist desire for freedom from the conservative family on the other. There is an excess to these acts that spills over neat formulations, and it belongs partly to the idea of shaming and being shamed. Did

²¹² This is drawn from Tejaswini Niranjana's essay “Why Culture Matters: Rethinking the Language of Feminist Politics” (2010). She elaborates the history of feminist concern with culture, which has its roots in dealing with nationalist and anti-colonial discourses that desired to craft a truly Indian modernity. Other scholars like Partha Chatterjee and Mary John have discussed this in their work. John argues that in the West women are positioned as on the side of “nature”, and this is what feminism in the West has had to counter (the idea of the natural, reproductive, maternal, nurturing woman); in the Indian context, women are positioned as bearers of culture, not nature. This is what feminism here has had to contend with. This difference goes a long way in marking the difference between naked female protests here and in the West. The idea of “culture” is what lies at the crux of these struggles.

these women feel shame while taking off their clothes in full view of the public? One can only guess. But it would be right to say that these were not easy “progressive” moves to make, they carried with them anger and a desperation to see justice done. In the case of the Manipuri women, the law was the oppressor, in the form of the Armed Forces Special Powers Act (1958); in the case of Pooja Chauhan, the police were accomplices in the crime, having been completely neglectful of her pleas for their intervention. *Justice* took the form of the exposed body; or, rather *the exposed body took the form of justice*. The other nude campaigns mentioned in the chapter do not take the form of justice, they seem to be an extension of the field of representation, where the women’s naked bodies become texts (in some cases literally, with messages painted across them, or with the bodies spelling out words on the ground). The Imphal protest and Pooja Chauhan’s march are an attempt to render their opponents speechless and motionless, they are attempts to step beyond the realm of representation and into one of *exposure as action*. One cannot even see that there was some carefully planned impact that these acts were supposed to have – though the impact was indeed felt. The Assam Rifles withdrew from Kangla Fort shortly after the first incident. Pooja Chauhan’s husband and in-laws were arrested immediately after the incident, and importantly, after she threatened to go fully nude the next time around if nothing was done about her situation.

Are these then perhaps cases of the truly moral act? That which questions the means-to-end processes of institutions like law and family? Souweine describes them as acts of “individual” morality, and therefore part of a politics of personalism. In fact, for him, the linking of these acts to mass movements is some kind of moral compromise of their position as anarchist actions - “by stripping in public, nude protestors create

moments of dissent predicated on a simple but profound verb. And yet, by dedicating their individually redemptive political speech to reformist political causes such as resistance to the Iraq war, naked protestors necessarily compromise a certain moral purity in the name of pragmatic political goals” (Souweine 2005, 534). Even the description “a politics of spectacle” does not satisfy him. Spectacle, he says, only covers half the story in relation to a naked protest. The core of any naked protest is its moral force, not its spectacular nature. “By baring their bodies, naked protestors create bodily tableaux of “truth force” that cannot be ignored. While they do not therefore resolve the tensions inherent to all versions of political personalism, they do remain true to its most basic assumption: that the public expression of individual morality is the ground of political dissent” (536). Does “individual morality” characterise the Manipuri protest? Does it even characterise the Pooja Chauhan march? Souweine's dismissal of spectacle as the mere surface of a deeper moral nature seems to be too easily done. The opposition posited between the “moral force” (something that resides *within* the act) and the spectacular nature of it (which lies on the *outside*) is a false opposition. It poses that very same opposition between “appearance” and “essence” that is mentioned in Agamben's treatise on nudity. I argue that in these two instances in the Indian context, the moral force, if there is any, precisely lies in the spectacular shaming, not simply in a personal individual morality that is then compromised by the larger political nature of the act. These women, instead of occupying either just a politics of the spectacular or a politics of the personal/individual, occupy that position of “living bodies-in-culture” that reach towards an “appearance of the good”.

These events also complicate our understanding of subjectification in these contexts –

the Foucaultian notion of an internalized disciplinary power in place of an external spectacular power needs to be rethought. In circumstances that are simultaneously “exceptional” and everyday, as in the case of the Armed Forces Special Powers Act in operation in Assam, a disciplinary power coincides with an external power, and it is difficult to draw these distinctions between new and old forms of subjectification. The Manipuri protest was precisely a response to an “external, spectacular power” that was stealing lives in broad daylight. And thus the spectacular nature of the protest, a mirroring and subversion of this power it was meant to oppose. It was not legal reform or campaigning that could address the spectacular nature of this power – it had to be the spectacle appropriated, reclaimed, the passive and helpless observer of violence turned into spectacular actor through the act of stripping, one that could not but arrest all attention. Pooja Chauhan was tortured by her in-laws, beaten by her neighbour and ignored by the police – what was this if not external power (if not spectacular in nature)? She then chose to “externalise” her own response to it, by doing what no Indian woman would dare to do on the streets, by appearing in her undergarments, an act bordering on madness in the Indian context. For it is usually “mad” people who are caught wandering naked on the streets. They are then escorted from the scene by members from charitable organisations who arrive on receiving calls from concerned members of the public. In the case of these ‘mad’ people, their nudity is not criminalised but is still disturbing to those who are faced with it. These protests are aligned more with this madness, this being pushed beyond a limit, than to the naked protests in Western locations. They are aligned to the wilful loss of reason, the gesture without a definite end in sight. They sidestep the Western debate about the naked body of the individual, and whether it is a thing that belongs to nature or culture. Women's nudity is definitely a cultural issue here, and the women involved

are restaging the fact that their bodies are already sites upon which culture is played out. These are then theatrical gestures, subverting or restaging through the offering of their bodies and nakedness to the public eye, the power of the state²¹³.

In his essay “The Animal That Therefore I Am (Perspectives in Continental Philosophy)”, Derrida tells us the story of the Greek figure Bellerophon, whose exploits

can be deciphered from top to bottom as a history of modesty, of shame, of reticence, of honour to the extent that he is linked to modest decency ... Having decided to destroy the city with the help of Poseidon, his father, he advances on it followed by a wave that threatens to engulf everything. But the women come on to him, offering themselves to him shamelessly. Their behaviour is doubly indecent for they expose themselves in all their nakedness and they offer their bodies, prostituting themselves for sale. They try to seduce him in exchange for being saved. Faced with this pornography Bellerophon weakens. He doesn't give in to their shameless advances, quite the contrary; he gives in to the impulse of his own shame and backs down before the immodesty of these women. He pulls back, retreats in shame ... faced with the shameful conduct of these women. So the wave recedes and the city is saved. (Derrida 2002, 413)

For Derrida, this narration is a moment of pulling together Christian theology and Greek myth, to explain what he calls the danger of auto-immunization - “This movement of shame, this reticence, this inhibition, this retreat, this reversal is, no

²¹³ For more on the ways in which sadomasochism replays power relations, see Malhotra and Vasudevan 2011, 417 (Chapter 1). The photographs from Abu Ghraib and Guantanamo Bay show that there is indeed a way in which the state is pornographic, and participates in a play of power that is sexualised and seeks to control bodies and affects. A protest such as this plays back this relation.

doubt, like the immunizing drive, the protection of the immune, of the sacred (heilig), of the holy, of the separate (kadosh) that is the very origin of the religious, of religious scruple” (Derrida 2002, 414). This leads him into a section on autobiography, here relating to Bellerophon's shame-laden movement away from the women. If we were to disregard the theological aspect of this reading, tied to the self and self-knowledge, and look at it as addressing the autobiography of the state, we could perhaps argue that the state seeks to write an autobiography of itself that tells of its modesty and decency.

Autobiography, the writing of the self as living, the trace of the living for itself, being for itself, the auto-affection or auto-infection as memory or archive of the living would be an immunizing movement (a movement of safety, of salvage and salvation of the safe, the holy, the immune, the indemnified, of virginal and intact nudity), but an immunizing movement that is always threatened with becoming auto-immunizing, as is every autos, every ipseity, every automatic, automobile, autonomous, auto-referential movement. Nothing risks becoming more poisonous than an autobiography, poisonous for itself in the first place, auto-infectious for the presumed signatory who is so auto-affected. (415)

The gesture of the women baring themselves then exposes and threatens to disrupt through its approaching nearness, this auto-immunization, this “intact nudity” on which the state signs its name. This is where these gain symptomatic value, as eruptions into the public domain, of what is to be kept private or secret.

Now we move on to the second section in this chapter, which deals with incidents that might *seem* to be almost the obverse of what we have been exploring so far – the acts

of parading Dalit women naked as punishment for supposed transgressions on their part or on the part of their family members. These acts are very much parochial, taking place only in the “local”, but they do not take place as ethical gestures vis a vis the state or the law, do not *directly* connote the subversion of power. It can be argued that they take place because of the increasing threat of Dalit assertions against their subjugation by dominant castes, but that does not make these “parades” desirable. They are part of histories of the humiliation that Dalit women have been subjected to at the hands of dominant caste men in the Indian context.

We will look at them alongside the third form of public female nudity mentioned in the introductory section, ritual worship during the bettale seve festival. This ritual became a controversy precisely because of the participation of Dalit women in it, their “religious” nudity being understood along the lines of caste oppression and degradation. This juxtaposition of the violence of the parade, and the complexities of the ritual worship, will serve to contest the easy equation of nudity with freedom and a “liberated” female sexuality.

Part II

The “Carnival” of Horrors: Denudation as Punishment

The former High Court judges interviewed Ramabai Hiranman Patil, the victim, in jail after permission from the authorities. “Ms Patil has undergone an ordeal worse than that of Draupadi in the Mahabharata,” their report said. (Farhan Siddiqui, November 1, 1997)²¹⁴

²¹⁴ For the full article, see <https://groups.google.com/forum/#!topic/soc.culture.indian/00mN6I2Uin4>. Accessed as on 10 June 2012.

3. (1) *Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe:*

(iii) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity; shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

(Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989))

“The incident is a national shame”; “It’s a shame for India which boasts of being an economic power with rising GDP...”; “I feel shame as a human being”; “It is a social problem because of shameless, casteist citizens of this country”. (Excerpts from comments on an article in *The Hindu* reporting an incident of naked parading of a Dalit woman in Maharashtra: Pune, January 11, 2012)

The past two decades have witnessed several incidents in which Dalit and Adivasi women have been paraded naked, in different parts of the country (villages and districts in Karnataka, Bihar, Jharkhand, Orissa, UP and Maharashtra are the primary locations of these events). The stated reasons for the stripping and parading have been: a) the woman is a “witch” and practices black magic, and this is the treatment meted out to witches²¹⁵; b) the woman has aided a relationship between a man and woman from a different caste or religion, or is in such a relationship herself, and therefore has to be punished for her caste transgression²¹⁶; c) a male relative of the

²¹⁵ “Five women stripped, paraded naked”, Indo-Asian News Service, Ranchi, 19 October 2009. Five women were stripped, paraded naked and made to eat excreta in Deoghar district of Jharkhand after being charged with witchcraft. They were blamed by a witch doctor for problems in the village. <http://www.hindustantimes.com/Five-women-stripped-paraded-naked/Article1-466667.aspx>. Accessed as on 15 June 2012.

²¹⁶ “Walk of Shame: Teen paraded, molested, villagers say they’re not sorry”, *NDTV*, Kolkata, 13 August 2010. The young Adivasi girl was paraded naked for being in a relationship with a Muslim boy. An MMS was taken of this naked parade and circulated on mobile phones. Her family did not file a complaint because they were afraid of being driven out of their home by the rest of their community.

woman has committed a caste transgression/crime (for example, her brother-in-law has entered into a relationship with a girl from another caste, or has insulted an employer), and it is by punishing her that the offended party can take its revenge²¹⁷; d) the woman has dared to stake her claim in a property dispute, or has dared to oppose a move to appropriate her land for purposes of road building²¹⁸, or has stood up against the liquor lobby, and so on. The punishment involves stripping her of all her clothes, and often involves one or more of the following: tonsuring her head, blackening her face, making her eat excreta in the case of the charge of witchcraft, rape, assault and sometimes death (by burning, torture, beating). The accusation of witchcraft became so prevalent in the 1990s that Bihar passed a law against witch-hunting (the Witchcraft Control Act) in 1999, Jharkhand following suit in 2001, Chhattisgarh in 2005 and Rajasthan in 2006 (Kandasamy 2008²¹⁹).

There are various questions that arise at this juncture: why is it that publicly parading a woman naked becomes the required punishment in all these varied cases? What dynamic of honour and shame are in operation here, and how are they linked to caste relations? Are these recent developments, and if they are, what has led to their emergence? Has there been a shift from another way of locating the Dalit woman's body and sexuality? Is it just the case of "backward" caste practices still existing in rural India, or is there *something else* to account for?

<http://www.ndtv.com/article/india/walk-of-shame-teen-paraded-molested-villagers-say-they-re-not-sorry-44065>. Accessed as on 15 June 2012.

²¹⁷ <http://www.indianexpress.com/news/dalit-woman-paraded-naked-in-punjab/660374/>. Accessed as on 15 June 2012.

²¹⁸ <http://www.ndtv.com/article/cities/dalit-woman-allegedly-stripped-beaten-up-in-up-village-35396>. Accessed as on 15 June 2012.

²¹⁹ See <http://ultraviolet.in/2008/04/14/dangerous-dalit-women-and-witch-hunters/>. Accessed as on 15 May 2013.

Using nudity as a punishment in the case of women from Dalit communities is a complex phenomenon, linked to a) histories of how these women were positioned sexually vis a vis dominant caste (male) practices, and b) present disturbances to existing structures, and assertions by these women in the face of caste patriarchy. In the previous chapter, we explored the ways in which the histories mentioned in the first point inform feminist debates in the present. In laying out what is now called the “breast-cloth controversy” or “upper cloth revolt”, involving women from the lower-caste Shanar or Nadar communities²²⁰ in the Tirunelveli district of Madras Presidency fighting for the right to cover their upper bodies, Srilata K explains:

The Nadar community began to receive the support of the Christian missionaries. The movement for social uplift which began in the early nineteenth century, soon gave rise to the "breast-cloth controversy". Like all the other lower castes, the Nadars were forbidden to cover their breasts at any time. Both men and women were expected to wear a single piece of garment no lower than the knee nor higher than the waist. In 1814, the Government of Travancore, under the directions of its Resident, Colonel Munro, issued an order that allowed Christian converts from the lower castes to cover their bodies with a jacket or short bodice. Nadar and Shanar women increasingly adopted the use of the upper cloth, which was worn by women of the higher classes. *In 1822 and again, much later in 1859, the Nairs reacted with a show of violence against the Shanars and the Nadars, even stripping Shanar women of their upper-garments in public* [my emphasis]. In 1859, a Royal proclamation was issued by the State of Travancore which emphasised that the state

²²⁰ The Shanars or Nadars were a community engaged in the work of palmyra climbing and toddy tapping.

had no objections to Shanar women (even those who were non-Christian) ‘dressing in coarse cloth, and tying themselves round with it or to their covering their bosoms in any manner whatever; but not like women of the high caste’ (Hardgrave...) (Srilata 2003, 57).

There have been recorded cases of women having their breasts cut off for daring to wear the upper cloth. By this account, the Shanar women fought for the right to cover themselves, in a time when dominant-caste women could shield their bodies from the gaze of men of all communities.

Nudity here is not a freedom, and we cannot then easily align this to the different liberal freedoms we demand today – for less censorship, for public displays, for less rigid dress codes. Dalit women are embedded in a history that is not accounted for in these demands. Nudity becomes akin to “exposure” and caste oppression, and the act of shaming is performed on them by both men and women of the higher castes. It is not a private or a “personal” act, for the women are paraded through the streets of the village in this “denuded” state. What is bewildering here is that the punishment of nudity most often has nothing to do with the sexual practices of the woman, though it is related to endogamy as a structure – it is a case of displacement in many instances, where the woman's body bears the repercussions of acts committed by men, of property disputes, and other people's relationships. In each of these instances, nudity has been the mode of shaming her. The breast-cloth controversy revolved directly around the covering of the body as a privilege granted only to the ruling castes. For the Christian missionaries, it involved a question of morality, decency and civilization, which is why, like the devadasi system, it became important in the

relationship between the missionaries, the colonial government, and the communities they sought to instruct/transform/govern. But it did not stand alone as an issue, and was linked to other movements for caste reform at the time, such as the right to temple entry and protests against payless work.

Of course, the demands of regional specificity disallow a careless assumption that this particular historical struggle, to be allowed to cover the body, took place in other regions in the same way, and that this explains the relationship between caste structures and nudity everywhere. In Bihar, for example, witch hunting is the phenomenon that explains the treatment meted out to Adivasi women²²¹. The history of this phenomenon would therefore be very different from that of the upper cloth revolt in Travancore. The practice of naming and hunting witches is common in Bihar, Jharkhand, Orissa, Assam, Chhattisgarh and so on, not in the south of India. It is not only women who are named witches, men and children are also beaten or put to death on this charge. The accusation arises when members of the village fall ill or die, and also when crops fail. It has been argued that there is an underlying economy to this practice, and it is those who stand up to village authorities or landowners, or who resist gender rules, who get hauled up and tried by the Panchayats, or in some cases directly attacked²²². So, on the one hand, it cannot be seen as a practice wholly rooted in a backward culture²²³ (for it is embedded in class and gender relations in the

²²¹ The Centre for Women's Development Studies (Delhi) has compiled a list of newspaper reports and scholarly articles on this phenomenon of witch-hunting. See

www.cwds.ac.in/Library/services/13.Witch_hunting.pdf.

²²² See this article in *Frontline* (Rajalakshmi 2000), which links witch hunting to changes in economic and gender relations in these regions. <http://www.frontline.in/static/html/fl1723/17230870.htm>. Accessed as on 15 June 2012.

²²³ Ajay Skaria provides a historical account of how British officials found it difficult to convict tribal men for the killing of 'witches', this difficulty arising from the fact that the British understood these tribes through a discourse of anachronism. See Skaria 1997.

contemporary), and on the other, it cannot be read as simply a facade of existing class relations (for there is a belief system here that actually involves medical knowledges, an alternative system of rule, and particular ways of negotiating modernity).

Returning to the question of nudity, how does one account for shame that attaches not just to an individual body but to a community²²⁴? Shame, by definition, signals an uncovering, an exposure, in the light of which one is exposed to one's self. This is why the idea of “shame of shame” is often discussed by theorists in the West – the feeling of being ashamed of one's shame. This is what Derrida discusses in his essay “The Animal That Therefore I Am (More to Follow)”, which begins with him standing naked in front of his “little kitty”. “A reflected shame, the mirror of a shame ashamed of itself, a shame that is at the same time specular, unjustifiable, and unable to be admitted to. At the optical center of this reflection would appear this thing—and in my eyes the focus of this incomparable experience—that is called nudity” (Derrida, 373). It is supposed to represent the moment when you are exposed to the *other*, this throwing of you back on your self in the true sense of the term “self-consciousness”. What then happens to an understanding of shame when transported to a context in which shame is not simply an interiorised emotion that manifests on the surface, but is an exteriorised ritual or way of inhabiting the social?

This move away from an interiority is what Dipesh Chakrabarty, in his essay “Khadi and the Political Man”, argues marks the bodily politics of Gandhi, or rather, “the

²²⁴ In the West, this question has emerged because of the ways in which those who are racial ‘others’ (African Americans, the Jews during the holocaust) and sexual others (homosexuals, transgender persons) are shamed in instances of lynching, teasing, and sexual harassment. Shame in these contexts has been countered through a public declaration of “pride”.

Gandhian modern”. “There is a reason for beginning with the question of the body. For the use of the body was central to the way in which colonialism operated, the British being the first to introduce the idea that the body and character were intimately connected....Colonial modernity was fundamentally concerned with domination. The British use of the body in constructing a modern public life in India reflected that relation” (2002, 55). From this he goes on to state that while Gandhi shared many of the concerns about character, civic awareness and public health that were part of the European modern, there was a way in which his understanding of “character” was grounded not in physical superiority, but rather in the issue of sexuality. And his autobiography, framed in the mode of confession, deviated from the Christian mode of confession in that there was no ultimate divine authority to which the confession was being made. Rather Gandhi chose to call his actions “experiments”, thereby orienting these confessions towards a “secular engagement, the task of building a modern public life.”

The gaze that Gandhi invites on himself, the gaze to which he exposes himself, is relentless. “Watch me closely”, was his instruction to those who wanted to study him. He deliberately shunned any idea of privacy...”; “Nothing in his life was to be hidden from public gaze. Everything was open to observation and narration....Not that there could not be a private Gandhi, but, whatever the private man was, it was not for narration to others: “Things which are known only to oneself and one's Maker ... are clearly incommunicable.” Gandhi therefore rendered his private “nonnarratable and nonrepresentable”, and in doing so, “collapsed the distinction between the private and the public on which the theoretical side of the political arrangements of Western modernity rest (2002, 62).

Now, Chakrabarty, in defending his choice of only the male politician as the subject of this essay, argues that though there are women in active public and political life who can be discussed, and who wore khadi, “an Indian woman could not have used and exposed her body as a symbol in the same way in which Gandhi did” (55). Gandhi, who was famously referred to as the “half naked fakir” by Churchill, built an entire semiotics around his body, which importantly involved, as mentioned before, the resistance to temptations of the flesh. His half-naked state he explained as a state of mourning, a “bare head and bare body” being “such a sign in my part of the country” (52). An Indian woman could not have used *and* exposed her body in similar ways, because women's bodies were tied to sexuality in such a way that they could not have deployed a “half-naked” state in relation to the anti-erotic ethic that they were expected to embody. And it is precisely this that ties shame to the female body and not to the body of Gandhi so to speak (his gestures were not meant to shame the British state, they were part of a discourse of nationalism that he was generating through such experiments).

The incidents of Dalit women being paraded naked do not involve the exposing of the self in front of the other. It is the other that exposes you through the denudation of the body, through a public parade. It is also not a highly individualised act but one that draws on social hierarchies and legitimised authority. So what then of shaming that addresses no personalised lack in an individual, but is a deflection, a way of punishing *something else*? What happens to the politics of personalism in this instance? Is this a mirror to that highly individualised act of public shamelessness exhibited by the Doukhobors and the protestors in different parts of the world? It appears not. Is it then

a matter of cultural difference, and if yes, how? Is it just that the West is a “freer” space when it comes to nudity, while here in India nudity is taboo and therefore a punishment of some kind? This does not suffice as an explanation.

We return then to the argument of the chapter, that there are cultural histories of revealing and being revealed that need to be taken into account, that these incidents are *conjunctural* in that they are part of a historical moment when shifts or transformations in economic, gender and caste relations lead to an intensification of the *displays* of violence against these women. While it was not possible to obtain statistical information on whether or not these incidents of naked parade have increased in the last two decades, most reports on the violence against Dalit women point to a general increase in incidents of rape, sexual molestation, and bodily assault²²⁵. A large number of these are reported as being responses to, retaliations against, the women resisting existing caste and gender formations (by refusing to sign over land, by demanding access to water, by threatening to report sexual assault, by choosing to have relationships outside their community, by contesting elections, and so on). Yet others are reported as punishments brought onto her because of acts committed by her family members or close relations, inter-caste marriage here being the most significant of these acts. Either way, a displacement occurs, with the show of caste strength targeting her body. One can only conjecture that *displays* such as the

²²⁵ It is to be noted here that the parading of these women is only one kind of violence they are made to suffer. A majority of the rapes that take place go unreported for fear of repercussions, or due to police inaction. For reports of the kind discussed above, refer to *Dalit Women Speak Out: Violence against Dalit Women in India*, Overview Report of Study in Andhra Pradesh, Bihar, Tamil Nadu/Pondicherry and Uttar Pradesh, Aloysius Irudayam s.j., Jayshree P Mangubhai, Joel G Lee, National Campaign on Dalit Human Rights, New Delhi, March 2006 (http://idsn.org/uploads/media/Violence_against_Dalit_Woment.pdf, accessed as on 07 November 2013); *Violence and Discrimination Done Against Dalit Women – A Challenge to Human Rights*, Lata Jayaraaj, International Journal of Social Science and Interdisciplinary Research, Vol 2(4), April 2013.

naked parade are a result of the desperate need to “show” that this caste strength still remains, that it can reveal you in the most shameful state to the entire community.

Keeping the idea of cultural histories of revealing/being revealed in mind, we move on to what is referred to as the “Chandragutti incident” of 1986, to try and understand further the ways in which the publicly naked Dalit woman’s body becomes a “problem”.

The Sacred and the Feminine: The Dalit Discourse on Female Nudity

In 1986, in Shimoga district (Karnataka), what is now called the “Chandragutti Incident” took place, leading to the ban of a practice that had been going on for decades – the Bettale Seve festival, held every year between the 1st and the 6th of March. The Sri Renukamba festival involved the worship of the goddess Renuka, also known as Yellamma. On the day of the festival, female devotees bathed in the Varada River and then climbed four kilometres up the mountain, naked and addressing the goddess. Most of these female devotees are from Dalit communities in the area and from Dharwad, Chitradurga and Karwar. The history of agitation against this festival is tied to the formation of the Dalit Sangarsh Samiti (DSS) in the 1970s, and the active part this socio-cultural organisation played in trying to eradicate practices that were read as deriving from caste oppression. The DSS, which started as a purely cultural organisation, soon witnessed internal debates on whether or not to align itself to a political party, and it was at around this time that the Chandragutti Incident took place. Four activists from the DSS went to observe the festival and were shocked at

what they found, which they describe as family members stripping women and sending them up the hill for worship. There were also members of the Viswa Hindu Parishad (VHP), a Hindu organisation, present at the festival. The DSS' efforts to oppose the festival bore no fruits and they redoubled their efforts by forming the Anti-Naked Service Society in 1986 and started a propaganda programme prior to the festival. On March 19, 1986, around 200 activists, social workers and women police went to the site of the festival to form a human chain and stop the nude worship. The number of activists grew to 800 the next day, and fights started to break out. There was an attempt to forcefully re-clothe some of the female devotees, and many police personnel and journalists got attacked and stripped in the process. The photographers present got beaten up because they had sent pictures of the naked devotees to their publications. Following this violence that erupted, an enquiry committee headed by J Channaveerappa, District Judge of Chikkamagalur, was set up by the ruling Janata Party government. The report of the committee, while concluding that the incident was a result of the DSS agitation and insufficient police presence, also commented on the degraded nature of nude worship, calling it "ugly and uncivilized" and stemming from "blind ignorance" (Epp 2003, 412). There was then a ban that was placed on nude worship of this kind, under Section 35 of the Karnataka Police Act.

It has to be noted here that the role of the media in creating the conditions for this incident are significant – it is not irrelevant that the protests against the practice intensified around this time and not earlier. It was not just the practice that caused the outrage, it was also the coverage of the festival by the media, which published photographs of nude worshippers on their cover pages. This is why the journalists who were present were also stripped and their cameras were broken. As late as 2007,

an article on an investigation carried out by the Tahsildar of Haveri Taluk on whether or not this practice was continuing in spite of the ban, presents us with a scenario in which the Tahsildar sounds unsure of having enough “evidence” of its continuation, but “two reporters of a private television channel and a local newspaper contended that nude worshipping took place during the jatre at Havanur and they had photographs and video clippings to prove it” (*The Hindu*, 5 February 2007)²²⁶.

Analysing the incident as involving the opposition of the rational and masculinist Dalit discourse, on the one hand, and the discourse of sacred femininity on the other, Linda J Epp reads the agitations and articulations of the DSS as trying to extract the female devotees and the nude worship from the realm of the sacred and relocate them in the realm of the rational, where they come to literally embody oppressive caste practices that must be eradicated. In this positioning, there is no possibility of reading any subversive potential in these practices, against an existing Brahmin patriarchal order.

Denuding, touching and re-clothing are central to the public analysis of this event. Not all nude devotees were women. Nor were all lower caste, yet the Chandragutti Incident was referred to entirely in these terms. Hence, the social discourse on female nude worship reveals the following quasi-symbolic logic: (i) clothing and covering of women represents modesty, unclothing represents shame; (ii) denuding and re-clothing women in public is not an individual act but a communal one. Hence, a community’s modesty and/or shame is represented and made vulnerable. A similar argument is thus made for the entire civilized nation; (iii) where one community

²²⁶ <http://bit.ly/1cGCbXA>. Accessed as on 19 November 2013.

looks, touches and unclothes, or encourages to denude, another community's women, communal boundaries of normative modesty and self-respect are crossed. Consequently the injured community has the right to retaliate to defend its honour; (iv) sometimes, however, religious tradition reverses the normative moral code for short periods of time (Epp 2003, 418).

Epp seems to be arguing that organisations like the DSS do not recognise the potential that exists in these periods of exception, these religious or sacred moments or events that reverse the normative moral code²²⁷. It is something that the entire community accepts as natural and as a matter of belief. She faces the same conflict as others do, in trying to understand this incident. Should a ritual such as this be protected from modern law at all costs? Should it not be banned, since it is linked to the practice of dedication, and to the histories of Dalit women being made available to the gaze of the dominant castes?²²⁸ The opposition between rational-scientific-political and the mystical-mythical-religious is discussed in the essay "Why Not Worship in the Nude? Reflection of a Novelist in his Time" by U. R. Ananthamurthy. The essay offers a narrative of what happened at a meeting that took place immediately after the incident, between the author, a few anthropologists, a linguist and a woman activist who had just returned from Chandragutti. He represents the positions adopted by the anthropologists (that a practice should not be banned until we have understood what it means for the believers), the linguist (that we cannot afford to have the objectivity of anthropology stop us from acting against these practices), and the activist (that like

²²⁷ Another instance of this is the Theyyam festival in north Kerala, where the goddess is said to take possession of the devotee's body, this devotee often coming from the lower castes. For the period of the festival, while he is in this state of possession, the Brahmins who usually do not suffer him to eat with them pay him obeisance.

²²⁸ The activists who protested at Chandragutti claimed the members of the Vishwa Hindu Parishad, a Hindutva organisation, distributed pamphlets inviting people to participate in the ritual

sati, the devadasi system of dedication, and other practices, especially those that continue to degrade Dalit women, this should also be banned). Ananthamurthy's own position is one he describes as that of a "reluctant moderniser", always caught in precisely this kind of a conflict, an approach shaped out of both a sense of gratitude towards and a chaffing against "modern civilization"²²⁹ (Ananthamurthy 2007).

I dare to say 'yes' in a young poet's ear alone when he accosts me with the question: 'Is Renuka true? Is Yellamma true?' I am alone with him and so I say 'yes'. Have I betrayed a part of me, the ever vigilant sceptic in me whom the Baconian-Cartesian epistemology of the scientific West has nourished...? ...No I can't be an absolutist, for I am a novelist and not a poet. My dream of combining Marxism with mysticism in actual praxis will never come true. ...Nor can one be indifferent, or merely curious, or patronisingly tolerant. Chandragutti is no longer inaccessible. ... The *jogithis* – the matted-haired fierce priestesses of Yellamma of Saundatti – are under suspicion of supplying girls for the nourishing flesh trade in Bombay. And Bombay attracts fun-seeking tourists from all over the world (Ananthamurthy 2007, 332).

The use of the phrase "in his time" in the title of the essay is significant, as Ananthamurthy sees this conflict as constitutive of our contemporary. This is *the* time in which the conflict takes this particular shape – the photographs in the media, the violence of the response to the ritual, and the figuring of Bombay as a destination for sex tourism.

²²⁹ He takes this opposition into Kannada literature, exploring how different authors have sought to resolve it through their short stories and novels.

At the heart of the Dalit assertions is the question of sexualisation, and a public access to the woman's body. But the question remains of whether or not "sexuality" is a part of this ritual at all – "In the case of *bettale seve*, *bettale*, or nudity, refers to a particular code of conduct, a form of obeisance to the goddess. As the essay states in the beginning, *bettaleseve* or *huttudigeseve* is a service performed in birth clothes and is part of a repertoire of *seves* that revolve around the motif of "clothing" or what the devotees wear. It has no link to "shame" or "sexuality" and hence has no "moral" value attached to it" (Narayan 2012, 33). The practice itself, then, is not "sexual" in nature, and does not give rise to the question of morality. But the author concedes that the context that the practice is embedded in, and the histories that are linked to it, do indeed give rise to the question of caste and the Dalit woman's sexuality. For one thing, many of the women who participate in this ritual are those who have been or might be dedicated to the deity as *joginis* (this was discussed in chapter 3), and so the ritual does not take place in a vacuum outside of these sexual economies; secondly, and this is a question raised by Epp, "Untouchability is a communal wound that has been repeatedly ignored. Is any redress of this wrong not supportable? Even force and humiliation of their own women, for their own good, and their own community's self-respect?" (Epp 2003, 421) This points directly at the history of these women's bodies always already being accessible to the dominant caste gaze as part of living in and experiencing the caste system.

From the position of assertions against Dalit women being nude in public, it does not seem to matter whether the instance is one of humiliation (being stripped and paraded) or one of worship (where the female devotee chooses to denude herself for the goddess). They are seen as originating in the same structure of caste subjugation.

And the devotee comes to occupy the position of not knowing what she does, of needing to be initiated into the mode of social reform and knowledge about caste oppression. “The sexual/feminine subject (i.e. the nude female) is analytically wrenched from the religious domain. At Chandragutti, theory and practice coincide. Once nude worship was opposed, sparking that ‘dense interface’, the dominant exploitative forces behind the ‘devotion’ revealed themselves. Therefore, the denuding of Dalit women reveals their caste humiliation and class domination....Their rationalism is fuelled by affect” (Epp 2003, 421). What Epp does is here to locate the nude worship in a larger history of humiliation on caste terms, this humiliation invoking *affective* responses rather than simply rational ones – if this history involves the Dalit woman becoming a public spectacle and a freely available body for the dominant castes, does it not mean that even supposedly “chosen” forms of exposing themselves, and for non-sexual purpose, automatically become a part of this history?

The history of Dalit assertions against caste practices that are seen as degrading Dalit women and as in line with the various other ways of keeping Dalit communities subjugated to dominant communities stretches back to the Self Respect Movement’s campaigns against the devadasi system (see Chapter 3). It also includes, in the present, positions that are taken by Dalit scholarship against bar dancing, sex work, and the representational work done by cultural texts – for example, the film *The Dirty Picture*’s²³⁰, that draws on the life and film career of the infamously alluring Silk Smitha, a South Indian actress who played the roles of seductress and vamp in

²³⁰ A film directed by Milan Luthria in 2011 – it starred Vidya Balan in the lead role, and was loosely based on the life of Silk Smitha, an actress who played many erotic roles in the 80s and 90s in South Indian films.

countless films from the 1980s up to 1996 when she died. The film celebrates Silk Smitha as an icon of unashamed female sexuality.

The tension between ‘caste’ and ‘sexuality’ (I state it overly simply on purpose here), or what is seen as such, is moored in debates on culture and the forms that “tradition” takes in the contemporary moment, or how certain cultural practices have survived the transition from colonialism to the independent nation-state, and to late capitalism and its attendant organisation of lives through what is called ‘globalisation’.

On first or second Saturday coming after the Hindu New Year (Gudhi Padawa), the devadasis, who are mostly dalitbahujans, were openly sexually enjoyed in public, about hundred years ago. This is now replaced by another tradition called “Okali”, which was in vogue till 1987. It is a festival like ‘Rang Panchami’. The young boys from higher castes assemble around a pool of coloured water in front of town temple. Young devadasis in the town stand in front of them in a row, and each receives a sari, a choli and a flower garland. The coloured water is poured over the devadasis who appear virtually naked as the cloths given to them are very thin, scanty, delicate and transparent. The boys play with the bodies of the devadasis as they like, doing everything just short of sexual intercourse. All assembled enjoy the scene. This happens in the name of the god ‘Bili Kallappa’ (Rowena, “The ‘dirt’ in The Dirty Picture”, 2012)²³¹.

Dalit feminist scholar Jenny Rowena locates the question in the domain of culture – “upper caste women are constantly imagined and represented as chaste and sexually

²³¹ “The ‘dirt’ in The Dirty Picture: Caste, Gender and Silk Smitha”, 17 June 2012 – <http://bit.ly/1eFIBjI>. Accessed as on 20 June 2012.

controlled, in opposition to lower caste women who are repeatedly portrayed as sexually loose, hyper and ‘immoral’.... However, we never seem to remember this issue and its continuing presence in the making of the contemporary, when we deliberate about women and sexuality” (2012). Again here, the notion of *the contemporary* is highlighted, the argument being that the histories of caste subjugation are forgotten in demands for sexual freedom in the present. This is the precise problem of representation that she reads in *The Dirty Picture*.

The much-anticipated film was credited with achieving several things at once: a) being centred around an intelligent female character; b) for its unabashed portrayal of a woman who slept her way into the film industry, stayed unmarried and played openly sexualised roles in her films; c) for reinvigorating the figure of the voluptuous and fleshy female star after a decade of size zeroes. Shiv Viswanathan, in his article titled “The Dirty Picture: Free, sexual and female” (*Firstpost*, December 5, 2011), says of the film,

It is acute in its portrayal of male hypocrisy, but more so in its portrayal of how sexuality liberates women. *The Dirty Picture* is the stuff of sociology and the meat of a feminist critique of a male world. Beyond its sociological roots, however, it is a celebration of life, an ode to cinema and the liberating power of sexuality. This is a woman who enjoys sex and whose sexuality exudes power and freedom. *The woman’s body becomes her way of being herself. When the body takes over and speaks its language, all society stops to watch and listen* [my emphasis].

For him, Silk Smitha is a creature of “sheer physicality”, and he marks that moment when the body *arrests* the gaze of society by taking over representation, by filling the field of vision in a particular way with its own “language”. Again, a magazine article represents the views of a few feminist authors and public figures, on what they think the importance of the film is, and while in their replies they all point out the flaws in the biopic and the hype created around the “boob-fest” as one called it, they still credit it with reviving the discourse around “body image” and sexual freedom – “about the position of the vamp, about a male-dominated industry, about body image” (Bindu Menon); “...saying it is “feminist” is terribly wrong. But the award going to Vidya Balan is all good. Do you know any other actress who will put on weight, agree to look ugly and experiment?” (Manjula Narayan); “The problem with the movie is that it doesn’t allow Vidya anything but sexuality. She was so much better in *Ishqiya*. But she is one of the best performers we have today. She uses her body as the character, and that’s brilliant. She has brought back the trend of making women-centric movies, and that itself is a great feat” (Annie Zaidi); “Making the case that even titillation is about choice has the potential to make a case for a kind of sexual agency. It’s not so much the film as what Vidya Balan does with it on talk shows that offers the possibility of seeing a particular kind of non-monogamous, in-your-face sex in cinema as something more than just ‘obscene’” (Shilpa Phadke)²³².

There is no unconditional celebration of this film in the feminist discussions on it. A review posted on the website of the feministsindia group (www.feministsindia.com) expresses disappointment, “There is a hint of power play, the economics of sex in films, the incestuous media relationships but the film barely skims the surface,

²³² Aastha Atray Banan, in an article titled “Get the (Dirty) Picture”, in *Open*, 17 March 2012 - <http://www.openthemagazine.com/article/art-culture/get-the-dirty-picture>

satisfied with soap opera dialogues and the accompanied orchestrated score” (Madangarli 2012)²³³. Yet the flaws pointed out by those interviewed and by those who have written articles themselves, all seem to take issue with either a failure at realist portrayal (that it instead panders to Bollywood’s mandate) or the betrayal of Silk Smitha’s story (that it is not a competent biopic). Rowena’s article relocates the film in a discussion on caste, hitherto not addressed by any of the reviews. She does this by drawing on the work of Ambedkar to make an argument about cinema reinforcing structures of endogamy within Indian society, by using the “deviant and disobedient body” of the vamp to highlight the caste purity of the heroine. She goes on to discuss Silk Smitha in particular by saying,

...she not only maintained the white skinned virginal beauty of the upper caste woman, with her sultry dark skin and sexy expressions. *She also carried forward caste Hindu traditions like Okali and Siddi Aattu ... wherein she became the new modern spectacle that was sensually enjoyed towards the public celebration of the degraded and sexualized status of the lower caste woman in a caste Hindu society* [my emphasis]. This is what *The Dirty Picture* and its feminist supporters fail to bring out with regard to Silk Smitha (Rowena 2012).

The notion of the sexualised female spectacle, for Rowena, is then inextricably tied to the degradation of the Dalit woman’s body in public, with a continuum existing between traditional caste practices like the Okali and the Siddi Aattu and “modern” practices like cinematic representation. There is carry-over of caste oppression in the former, in the “modern spectacle” embodied by Silk Smitha, and Rowena makes no

²³³ See <http://feministsindia.com/the-dirty-picture-a-feeling-of-sheer-incomprehension/>. Accessed as on 21 March 2012.

distinction between the 'real' practice (the social, financial and cultural aspects of it) and the rendering 'pornographic' of it in cinema.

This rift between a feminist position which celebrates the sexual woman on screen and argues against the censorship of "obscenity", on the one hand, and the Dalit feminist position that reads the same representation as deriving from caste oppression, is important to take account of in any writing on spectacle and the female body in the public domain. Shame here takes on very different meanings, which involve community identity and histories of Dalit women's bodies being made available publicly in ways that they do not necessarily always control. Turning again to the beginning of this section, the above position on the sexualised woman would then demand that the feminist movement respond in the same way to both instances – the naked parading of Dalit women in the name of punishment, and the figure of the vamp or the slutty woman in the public domain. The refusal to separate out these two events of female publicness is what makes it difficult for Dalit feminists to support campaigns like the Pink Chaddi Campaign and the SlutWalk, because these are read as instances of upper-caste disavowal of the history of a forced Dalit female publicness in the Indian context. Therefore also the disagreement with the protests against the dance bar ban, even if these protests and campaigns were carried out in the name of labour and a right to livelihood and not sexuality. The ways in which the women who are bar dancers, or even actors in the films industry, negotiate their circumstances is vetoed as a concern in the face of the larger structural problems of endogamy and the burdens of 'tradition' borne by Dalit women.

Conclusion

Having thus problematized the conjuncture of “free, sexual and female”, one that is embedded temporally in the moment of post-1990s articulations in Indian feminism, how do we then shift the grounds on which this discussion of the sexualised female body takes place? How do we address the seeming incommensurability of the positions that have been laid out in the sections above? The starting point, as a return to the concern of the chapter, would be to note that both Viswanathan and Rowena, in completely different ways, posit the woman’s body as spectacle in their arguments. In the case of the first, “When the body takes over and speaks its language, all society stops to watch and listen”; in the second, Silk Smitha, standing in here for Dalit women, becomes a “modern spectacle”. Both these arguments focus on the female body in the public domain. The difference is that in the first, this body is read as shamelessly sexual and this is why it holds the public gaze; and in the second, this publicly viewed body is seen as connoting the sexual and bodily shame that large numbers of women have been made to feel because of their caste. It is this shame that is being rendered a spectacle. In the first case, the body *acts*, in the second, it is *acted upon*²³⁴. This difference, between these two writers’ ways of understanding the body

²³⁴ One particular case involves an incident that was staged as a grand filmic spectacle. The woman in question, Santaraji Devi, a resident of a settlement near Gorakhpur, married a Muslim man and rejected the advances of the local minister. For this, she was raped by several men through the night and then paraded naked to the edge of the village before being thrown out - “A grand carnival of sexual insult was arranged. One Bijlee Singh, assistant pradhan and Parasnath’s right hand man, and Phool Singh, another heavy-weight, were placed in charge of *special effects* [my emphases]. They cropped her hair, garlanded her neck with a neck-lace of shoes, painted half her face with black ink and half with lime, stripped her, smeared her body with red paint, sat her on an ass and paraded her for four hours through every lane in the locality. The bizarre procession featured amateur music-makers *heralding the principal exhibit* with drums and trumpets. The Pradhan’s Bullet motorcycle, *symbol of power in the outback*, brought up the rear. At any given time, at least a hundred people were involved in the proceedings. Santaraji was stoned and beaten with lathis all along the 50 km route. She often fell off the ass, only to suffer the indignity of being hauled back by the breasts. Finally, she was thrown out of the village and warned never to return.” See Miss MS Annaporani vs State of Uttar Pradesh, 21 July 1992. <http://www.indiankanoon.org/doc/477528/> - Accessed as on 12 December 2013.

of Silk Smitha, is related specifically to sexualisation as a process and what it does to this body. As we have seen from the rest of the chapter, although sexualisation is not always an aspect of female public nudity, the relationship between gender, politics and culture is. And we return once more also to the question of the law, of authority, and what this nudity means *in the face* of it. As argued at the beginning of the chapter, in the case of the Manipuri and Pooja Chauhan protests, the nudity appropriated the spectacular power of the law and *faced* the visible public structures of this law, such as the Kangla Fort and the police station. In the case of Dalit women being paraded naked, the authority exists in the form of caste laws, and the acts of parading women naked are all testimony to the fact that these laws are not infallible, that they are, at this specific point in history, being questioned or resisted, such resistance or transformation then leading to these naked parades. The naked parade is a violent attempt at rendering this extra-legal authority a spectacle – a performative re-instatement of authority, so to speak. It is not simply a show of power that already exists; it is a desperate bid to reclaim this power from something that threatens it, and perhaps publicly threatens it²³⁵. It has been argued that the Dalit woman has always faced “public” violence from the dominant castes and private violence in the space of the home, and perhaps this is indeed the case, that public spaces have been threatening for her on the basis of very different logics than for urban upper caste women²³⁶. But the particular act of stripping the woman and parading her naked in front of her own family and the rest of the village, in response to or as punishment for, an act of resisting caste laws or enabling someone else to do so, is precisely meant to reclaim

²³⁵ “Really, Narender! What guts she has. Saying your man is cultivating her land. Where did this woman get the land from? Who gave it to her? Even if she suspects something, how dare she speak so openly? It’s really your fault, being so lenient with all of them,” said Patel Krishna Reddy. (In “But Why Shouldn’t the Baidla Woman Ask for Her Land?”, Gogu Shyamala, *Father may be an elephant and mother only a small basket, but....* New Delhi: Navayana, 2012, 59)

²³⁶ See the reports mentioned in footnote 209.

authority through a spectacularisation of her body. It is the rendering visible that tries to cover over something else, that tries to cover over the ways in which this authority is shifting or weakening, or being informed by transformations in economic power, occupations, education, and marital relations²³⁷.

Returning to the argument on shame and spectacle, the instances of women having appeared naked in public reveal that there is no simple relationship between the visible naked female body and the public domain – it is not a relationship purely grounded in liberation, or in defiance, or in victimhood. It is also not a relationship that is purely grounded in interiority, or the relationship to an individual's sense of self. It occupies grounds of the affective (rage, desperation), the cultural, the extra-legal (what stages itself as “traditional” punishment), and of new political languages. But there is a fundamental relationship between shame and spectacle, one that has not yet been accounted for, either in feminist histories on community/family honour and shame, or in cinema studies scholarship on spectacle.

All the events examined in the chapter, whether protest or parade or worship, seem to either take place in (in the case of the protests and the parades), or become problems in (in the case of the nude worship) this particular period of our modernity, around or after the 1990s. This could perhaps be explained through the idea of media-tisation – that we are *seeing* these events only now, that they have been happening for decades. Or that existing in conditions of media technologies is what makes them take place.

²³⁷ At this point, it is obviously to be stressed on that this is not a way of saying that these parades need to continue in order for transformations to take place, there is no causal relationship between the two things. They are violent and humiliating and it is the end of this pseudo-traditional practice that will signal definite changes in caste structures in the Indian context.

This is partially true, for the media is what brings these events to us, and in the Chandragutti incident, the media's presence augmented the problem that the practice posed. But there is something that escapes this neat formulation. Why did the Meira Paibis choose to go naked in protest? Why did Pooja Chauhan choose to wear only her bra and underwear? Why has there been an increase in instances of parading Dalit women naked in the last two decades? Since 1980, the whole of Manipur has been considered a "disturbed area" and has been in a state of emergency, with the Armed Forces Special Powers Act (AFSPA) in operation. Insurgency movements have become more visible and armed groups have grown in number. Since 1980, reservations have been in effect following the Mandal Commission's report, and caste relations have been undergoing visible transformation. The events that this chapter has analysed are embedded in these histories that have caused considerable tension in the relationship between the state and the subject. The crossing over of the naked female body from the zone of the private to that of the public, and the cultural histories that are invoked by this crossing over (of state violence exacted on the bodies of women, of caste violence that tries to reproduce its authority), reveal, as argued in the previous chapter, the faultlines of our modernity. Our contemporary seems to precisely be the period in which such a crossing over of bodily subject takes place in the most symptomatic of ways.

CHAPTER 5

“Risks Peculiar to Their Sex”

The Physical Organization of Labour: Women, Technology and ‘Visible Work’

“...the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race.”

(Curt Muller v The State of Oregon (1908) 208 US 412 – US Supreme Court²³⁸)

Was domesticity to subsume or to delegitimise women's productive labour? The first was possible in the case of physically segregated or household-based work. The second usually applied to women's ‘visible’ work in the streets and mills of the cities. The idealisation of domesticity raised questions about how women's work was to be valued.

(Sen 1999, 9)

²³⁸ The first quote above is from a US Supreme Court case in which the owner of a laundry establishment in Oregon was charged with making a female employee work for more than 10 hours on one particular day. Both the court of Oregon and the US Supreme Court upheld the special constitutional provision made for women to prevent them from being overworked. This judgment is often referred to in Indian cases on women’s working conditions and is just one instance of the ways in which women are rendered exceptional within labour laws. See <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=208&invol=412>. Accessed as on 02 December 2013.

Introduction: Woman as Exception Within Labour Law

Why and how does women's work become a matter of "public interest"? This question lies at the heart of the chapter and draws its charge from the idea of women's work as *exceptional* labour.

While household labour has always been invisibilised because it has been considered completely un-exceptional and is not seen as part of the economies of labour, "visible" work has been exceptionalised in very specific ways by Indian law and the accompanying discussions on women's work. Feminist scholarship on women's labour has established the fact that on the one hand, household labour has been rendered invisible simply because it is carried out within the realm of the private. This includes domestic work, which is rendered informal or unskilled because it involves a person working in the private space of the home and not in a registered establishment. On the other hand, some kinds of labour become "visible", and these usually involve working class women, i.e. construction workers, bar dancers, sex workers, garment workers and so on. Various legal categories come to be analysed in this process: Who is an employer? Who is a worker? What is a factory? What is an establishment? What constitutes reasonable restriction? How many people does it take to set up a manufacturing process? What is a perishable good? My understanding here of the concept of visibility, and my argument on it, is that it precisely brings out the tensions that exist between the realms of 'private' and 'public' and the various ways in which they are applied to circumstances that women inhabit: the interest of the state on behalf of the "public", firstly in terms of laying out the conditions of work within factories and secondly in terms of protecting IT workers who travel at night; the

privatisation of space and of the individual, in terms of both how the media renders the woman worker a “problem” and how workers from different sectors describe their conditions of work in relation to their personal lives; the relationship between technology and public-ness, in terms of the relationship between women and machines, between gender and technology; and states of “exposure” to conditions of modernity, in terms of the relationship between economic and cultural transformation at this historical moment. These are what the chapter will discuss in relation to women’s labour in a) the space of the factory, and b) the space of the call centre, in the post-liberalization period.

How then does the idea of a “public interest” in women get tied to the question of economic production? The chapter will take up this question through the specific set of discussions surrounding *night shift* work for women. The concern produced by night shift work attaches itself to two historical threads: first, the 1948 Factories Act prohibition of night work for women, based on the 1919 ILO Convention guidelines and rules. Women were not allowed to work in factories between 7 pm and 6 am. This was amended in 2005 to allow women to work at night, provided certain conditions were fulfilled. The amendment finds justification in the demands made by a growing economy in the time of liberalisation, and particularly the mushrooming of several garment factories that employed large numbers of women and were in competition with other developing economies in China, Indonesia and so on.

The second thread involves the early 21st century emergence of business process outsourcing (BPO), and the figure of the female call centre worker who works the “graveyard shift”, taking on various connotations: she travels alone in the city, she

interacts with men at the office place, she seeks sexual encounters, she divorces her husband, she is depressed, she migrates to other cities and is exposed to the dangers and loneliness inherent in this migration. All this positions her as part of a ‘culture’ that is prone to going against the grain of family life and values.

These two threads are not separate from each other. It is not a coincidence that the law against night shift work was lifted in 2005, in the climate of liberalisation and the demands emerging from the “discourse of globality” (to use Lata Mani’s phrase²³⁹). It is, however, remarkable, and symptomatic of this very discourse, that these two “conditions” of work are never discussed alongside each other. The demand for night shift work in the space of the factory is seen as quite independent of the concern surrounding call centre or IT workers and their international clients. How is this separation maintained and how has the concern with working the night shift been dealt with in each instance? Is the fact of these two worlds being very different from each other enough to explain it? Or the fact that these women occupy very different classes in the social? Or do we find our answer in the grainy distinction between the languages and ideas that surround state and market (that the 20th century laws governing factory work were very much in the hands of the state and therefore a public yet less discussed or mediatised concern, while the IT worker belongs to the free market and therefore gives rise to a “privatized” yet more publicly discussed concern)? And what place do “culture” and “morality” have in these histories? These are the questions that the chapter will take on, through the notion of what Samita Sen calls “visible work” (1999, 9).²⁴⁰

²³⁹ See Mani 2008.

²⁴⁰ An exploration of women’s work requires an enormous canvas and unlimited space and time, so I restrict myself here to the discussions on night shift work in urban centres – Rural working women (by this I mean agricultural labourers and others who have remained in villages to work) are not

The chapter carries out a symptomatic reading of three kinds of texts – case law from judgments dealing with night shift work, media reports on both the garment industry and on call centre employees, and two interviews, one with a member of Garments and Textiles Workers’ Union, Bangalore (GATWU), and the other with a young woman who was employed in the Wipro call centre in Calcutta and now works in HSBC in Bangalore. The analysis of the legal text shows the ways in which the idea of “public interest” is framed in relation to the woman factory worker, that the law is not interested in her existence in the private, or even in her existence outside the gates of the factory. The law in her case invests in the conditions of work within the factory, and also frames the kind of sexual subject she is (rural, uneducated, prone to being “influenced” by the “social vagaries of compulsion”²⁴¹). The call centre worker, on the other hand, becomes a concern for the government, in terms of women’s safety in urban spaces. Since the call centre is not a space that is prone to strict regulation under law (there is no list of what a call centre should contain or look like), it becomes an extra-legal space to a certain extent, and consequently the focus of the media. The media texts reveal a heightened interest in the life of the call centre worker both within and outside the workspace, and in the cultural-sexual conditions created by this space itself. Garment workers figure in the media only in articles on economic changes and levels of production, besides articles directly related to union events and protests. The third kind of text, the interview, as discussed in the introductory chapter, opens up the languages through which the workers themselves describe both economic and cultural transformations in the contemporary. A

touched upon in this chapter, only because I do not feel equipped to ask the questions on what constitutes visible or invisible work in villages. Women who have migrated become a part of the story of work in cities, and this has been closely dealt with in the work of scholars like Sen (1999).

²⁴¹ A phrase from a judgment, which we shall return to later in the chapter.

comparison of the two interviews illuminates the gaps between accounts of factory work and of call centre work, and how these are related to personal life.

The argument made in the chapter is that the particularity of the concerns surrounding the factory workers and the call centre worker, and the high degree of concern around the latter's safety, working conditions and personal life, is symptomatic of the anxiety produced at a historical moment in which the state's avowed idea of 'public interest' co-exists with processes of privatisation, whether of the economy at large or of individual lives. The chapter then examines the realm of "work" as transactionary, i.e. of moving between public and private domains, and tries to analyse what the idea of 'visible work' produces in the Indian contemporary.

Background

Let us start by looking at the legal exceptions to the ban on night shift work for women – these give us a clue about what kinds of visible labour take on this concern. The 1919 International Labour Organisation (ILO) Convention that first introduced the international ban on night work provided for an exception, that night work should be permitted "a) in cases of 'force majeure', when in any undertaking there occurs an interruption of work which was impossible to foresee, and which is not of a recurring character; b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve such materials from certain loss"²⁴² This refers to the nature of the raw materials that were part of the production process and whether or not they

²⁴² Night Work (Women) Convention, 1919 (No 4) – Convention concerning Employment of Women during the Night (Entry into Force: 13 July 1921); See <http://bit.ly/1fCu4Mb>. Accessed as on 14 December 2013.

were durable. It refers mainly to cotton ginning and fish curing/canning processes. It was during the colonial period that factories processing cotton were specially exempted from the ban, and we do not find a specific reference to cotton ginning in the Factories Act of 1948. Act XII of 1911, in the section banning night shift work for women, adds this exception: “Nothing in Section 24 or in Section 26 shall apply to any woman in any factory for ginning or pressing cotton, in which such number of women are employed as are, in the coition of the Inspector of Factories, sufficient to make the hours of employment of each woman not more than eleven hours in any one day” (Mr J N Cocolas vs Emperor, 29th March 1921²⁴³). In the case of fish curing and canning, the produce would go bad unless cured in time. In both these cases, it was acceptable for women to work during the night, with no real stipulations on transportation, only rules about *conditions within the factory*, the number of female workers and the number of hours they put in.

Besides this exception within factory work itself, there were sectors that it did not apply to at all – women in higher managerial or technical posts and those in health services, especially nurses and hospital staff, did not come under the ban on night shift work. Here the rationale was that these services were considered “essential” and keeping women away from night shifts would disrupt the daily functioning of these sectors. After 1990, the ILO adopted a protocol by which “the competent authority in a country under its national laws and regulations is authorized to rectify the duration of the night shifts or to introduce exemptions from ban on night works for women for certain branches of activity or occupations.”²⁴⁴

²⁴³ <http://www.indiankanoon.org/doc/1052524/> - Accessed as on 29 October 2013.

²⁴⁴ See *Night Shift for Women: Growth & Opportunities* (ASSOCHAM, March 2006).

Based on these exceptions, the Bombay High Court, the Andhra Pradesh High Court and the Madras High Court, in different rulings, stated that there was no connection between the rationale for the ban (the safety of women) and the work that women do in factories, and so struck the ban down as unconstitutional and discriminatory:

From the above discussions, it is clear that ... denial of employment on the sole ground of sex is violative of Article 15 and it is discriminatory and therefore unconstitutional. It is not the case of any one that the woman is being employed in a solitary corner in a factory which involves risk or hazardous operation. On the other hand the very same woman worker discharges or performs during the two day shifts in a day the same work and there is no reason or rhyme to deny them employment or livelihood, which throws more opportunity, the potential employment cannot be denied on the sole ground of sex when no other factor arises (*Vasantha R vs Union of India and Ors*, Madras High Court, December 8, 2000, 25²⁴⁵).

The Union Government then amended the Factories Act formally in 2005. This Factories (Amendment) Bill authorised state governments to issue a notification in the Official Gazette allowing women to undertake night shift work. While the Factories Act falls under the purview of the central government, the Shops and Establishments Act falls under the authority of the respective state governments and they have the authority to decide whether or not women can work the night shift in retail outlets, restaurants and companies.

²⁴⁵ <http://www.indiankanoon.org/doc/715470/> - Accessed as on 29 October 2013.

The Culture-Economy Conjunction: Two Interviews on the 21st Century

“On January 1, 2005, the Multi Fibre Arrangement (MFA) was fully phased out through the implementation of the Agreement on Textiles and Clothing (ATC). Post-ATC, competition has increased manifold for developing nations.”

(“Night Shift for Women: Growth and Opportunities – A Research Study”, 2008, 41²⁴⁶)

“There are no workers in the factory. Garment factory wants thousand, they only get two-three hundred. That’s why factory shifted to outskirts of the city. New people not come – who completed 10th std, they don’t join the garment factory, low salary and harassments. They join the malls, there not much work, no production target. Garment factories, lots of production targets and harassments...”

(Interview with P, member of the GATWU, Bangalore, April 16, 2013²⁴⁷)

It was in the post-liberalisation period that India saw the explosion of the garment industry, with companies and brands abroad getting their clothing manufactured in factories and units here.

Garment exports grew at an average rate of 27 per cent in rupee terms between 1989-90 and 1995-96. ... Technological change in developed nations in the production of textiles could eliminate India’s advantage of cheap labour in textiles. But the garment industry is inherently a labour intensive industry. ... The reforms in the textile industry in the mid-1980s (the 1985 textile policy) removed industrial

²⁴⁶ Conducted by The Associated Chambers of Commerce and Industry of India (ASSOCHAM) and sponsored by National Commission for Women (NCW).

²⁴⁷ The interviews were conducted along with Sumathi Murthy (a member of LesBiT, Bangalore, and an activist). She acted as co-interviewer and interpreter. The language of the interviews has not been put through grammatical correction.

licensing. This helped the revival of a few large-scale textile firms through integrated production by investing in technology. Industrial and trade policy reforms helped these mills (which could not compete with the low-price powerloom sector in the domestic market) restructure with a focus on exports. ... Recently, there has been some movement towards more structured production coupled with a geographical shift to southern India (Ghemawat and Patibandla 1998, 1196).

According to the authors, the garments industry was one of three (the other two being cut and polished diamonds, and software) that were able to become *internationally* competitive, and clearly a large part of this is because of “cheap labour”. For these authors, of course, labour is nothing more than a resource for production. They mention labour reforms in one line at the end, as one of the many things that need to be worked on in order for the industries to achieve better production rates. This “cheap labour” comprises largely of women workers, especially in south India. The statistics for Karnataka are evidence of this period of change in the garment industry²⁴⁸.

The status of this industry as an employer of women is also evident in the fact that the Madras High Court case that struck down the night shift ban as unconstitutional was filed by a woman employee in a textile mill in Belathur Village (Dharmapuri District), Vasantha R, who argued for the right of women to work the night shift, especially in light of the fact that her employer had agreed to make all the arrangements necessary.

²⁴⁸ “Most of the growth in the industry occurred from the decade of the 1980s onwards, the growth chart being something like from \$2 million in 1960-61 to \$696 million in 1980-81, and then sharply to \$2,236 million in 1980-81, and to \$4,765 million in 1999-2000....Officially there are 788 garment-manufacturing units in Karnataka, of which 729 are in Bangalore. The total number of workers statewide is 1,53,978 out of which 1,46,835 are located in Bangalore units. The number of women workers in the industry statewide is 1,10,019, out of which 1,03,039 are in Bangalore [Roopa 2003]” (Supriya Roy Chowdhury 2005).

The amendment of the Factories Act in 2005 was announced in the media as a great opportunity for factories to increase their output without needing to put in extra capital or change factory infrastructure in any way: “MUMBAI: Barely a month after the government liberalised norms to allow women to work in night shifts, apparel companies have stepped up hiring of women to scale up production for the next season. ... Some companies have already started night shifts with men on an experimental basis. ... ‘This is just a prelude to putting women in night shifts,’ said a Vapi-based exporter.” (Sabarinath M, *Economic Times*, 26 April, 2005)²⁴⁹; “The high point of this decision is that it allows companies to double their garment production capacities without having to invest in physical expansion of existing units. As a result, there is a dramatic increase in output...,” says Jayesh Shah, CFO & director of India's biggest denim maker, Arvind Mills. Needless to say, high production translates into economies of scale and, therefore, more profits” (Abhishek Shankar, *Economic Times*, 2 April, 2005)²⁵⁰. It is clear here that the increased number of women was only discussed in terms of an increase in production. There was no frenzy in the media or in government debates about transportation or how these women would navigate public space before or after their night shifts. The only sites in which the night shift in the factory existed as a “problem” were legal cases, and even there, it was never the woman’s relationship to public space that was the problem, it was instead framed as a “public” concern with the woman’s presence in the factory at night and what actions or shifts this presence would make possible. The entry of a large number of women into factories in the decade following liberalisation resulted in many cases being filed

²⁴⁹ “Relaxed night shift creates more jobs” – http://articles.economictimes.indiatimes.com/2005-04-26/news/27485532_1_night-shifts-women-workers-apparel-companies. Accessed as on 15 December 2013.

²⁵⁰ “Garment units set for a night life, better margins” – http://articles.economictimes.indiatimes.com/2005-04-02/news/27487251_1_textile-units-garment-units-night-life. Accessed as on 15 December 2013.

contesting the ban on night shift work, mostly in south India, and what underlies the proceedings is precisely a set of concerns on what women might do or what might be done to them in a factory *at night*. These concerns are embedded in questions on how educated they are, where they come from and how they relate to male workers. “The wage structure, educational level of textile women workers cannot be compared with police, doctors or nurses as well as other service benefits enjoyed by the Government servants. If Section 66(1)(b) of the Act is set aside as unconstitutional this may lead to employment of a single woman worker to mingle with group of male workers during night hours” (respondent, Deputy Secretary to Government of Tamil Nadu, Labour and Employment Department, in *Vasanth R vs Union of India and Ors*, Madras High Court, December 8, 2000, 5). It is obvious that this then seeks to justify the fact that nurses and managers are not brought under the conditions of the ban, while factory workers are.

The connections made here, between educational levels, benefits from the government, and the propensity to “mingle” with men (as opposed to being forced to work with them at night) speak of the subtle ways in which the economic and the cultural meet. This is made clearer in this next statement, made by the same person – “Women workers working in a night shift in a factory are not well educated and they do not come from higher strata of society. They are all rural based and exposed to the vagaries of social compulsion” (ibid, 6). Here again, the language used does not pose a question of women being placed in uncomfortable positions, but instead of an “exposure” that they are subjected to or participate in, an exposure to the “vagaries of social compulsion”. This phrase is ambiguous enough to mean either that the women are uneducated and therefore vulnerable to the advances of men, or that they are

vulnerable to something else, to the forms of desire that an urban (read ‘modern’) workplace will introduce them to. The structures of knowledge and consent that are connoted by this phrase are attached in this instance specifically to rural women who have migrated to the city to work in a factory. In one case, it is also stressed on that this concern with women working at night is not derived from the British, it is very much an “Indian” concern - “It is true that modern age has resulted in a de-valuation of values. But, it cannot be said that the protection for women is only a value emanating from the Westminster. The place of women has been recognized in the Indian society since the hoary past” (Judge in *Leela vs State of Kerala*, 5 January 2004²⁵¹). Again, we find that “the protection of women” and “the place of women” are rendered synonymous with each other – “Normally, they are not sent to the borders to fight. Lady constables are not asked to go on patrol duty at night. Lady waitresses in hotels are not required to work during night. ... The Legislature was permitted to make special provisions for women and children. The purpose was to protect both of them against the hazardous jobs and to save them in sphere where the Parliament considered it necessary” (ibid).

The other space in which discussions on night work take place is, of course, in organisations or unions that fight for the rights of garment workers. Here one gets a different perspective especially because the members of these organisations compare this industry to others in terms of how women are treated. This comparison is what introduces questions of transportation and women’s lives outside of the factory space (their negotiation of the city and their domestic lives). Below is an extract from an interview conducted with P, a member of the Garments and Textile Workers’ Union

²⁵¹ <http://www.indiankanoon.org/doc/992453/> - Accessed as on 05 March 2013.

(Karnataka), on April 16, 2013. For the sake of confidentiality, neither of the interviewees has been named and we will refer to them by the first letter of their names. This short segment of the interview relates specifically to night shift work:

Me: And there is regulation about the number of hours that women especially can work for, right?

J (legal advisor to GATWU): After 7, women not working in the factory...

P: There is 8 hour shift, but with production target it is unpaid overtime, they have to finish their targets. As per the Factories Act is there, 8 hrs duty, 1 hr overtime, but they fix the production target and whoever hasn't completed the production will sit and complete the work.

Me: Is the night shift there?

P: There's no night shift in Bangalore. Only one factory's there around the clock and in this company second and third shift only men workers.

Me: Is it that factories don't employ women in the night shift or they're not allowed to still?

P: Up to two years back, women not allowed in night shift, only hospitals and IT. Now the Govt of India changed the law, allowed night shift also. But garment industry especially Karnataka Govt not given permission to garment workers. That is state matter, central act is there, state government says before you start the company, before you start the night shift you take permission from the government of Karnataka. Same time, they're also scared, very difficult, daytime itself lots of harassment is there, in night time very difficult. Before we protested against this night shift [ban], after that [we said] ok you provide everything, security and transportation and everything, no problem. After 8 o'clock, women walk on the road, in the remote

area, they come from village – now the IT industry drop employees near the house, the jeep cab driver and security person wait until they enter the house, 6 lakhs garment workers in Bangalore city, how they will ensure.

Me: Is it that companies don't want to give these extra measures?

P: Yes

Me: From what I've read, workers have filed cases saying they've been denied the right to earn more...

P: Ya it is a controversy, women are asking let us work in the night shift – here the safety problem, here also their culture is different, it is not IT sector, they're not getting 50000 60000 salaries. There the culture is different, because women is earning in thousands their husband and mother in law will not say anything 'oh she will get money', here only for 4000, and their husbands are very low, are all coolies, they have their own culture, morality, women should be in house within this time etc, who'll look after the children, so they're not ready to face all these problems, and it's the idea that women should be at home at nights.

Me: Do they also believe it, or do they think people will not accept it and so...

P: Garment workers are not ready to work night shifts. It's very difficult for them. As a union we should say they will do the work if they want, but you give the security till the houses. Their houses are all in small gallis, jeep cannot enter, so how can you give security? It is not at all introduced, nobody has experienced this, only assuming – if night shift is introduced, all this can happen, it might happen differently also, but we are assuming like this.

Me: With IT women, whatever I've read so far, in interviews these women say, "People in my colonies think I am a bad woman if I go out to work at night". Is it the same kind of idea?

P: They are all educated people, they stay in posh areas, our workers stay in slum areas, very difficult for them, same kinds of problems they face – nobody beat there, here their husbands come and beat them, and in-laws say don't go out to work at night. After 8:30, two three days she's working in the factory, and then she doesn't come on the third day, family comes to factory asking why you're keeping her at night. Very difficult. As a union we support the night shift, but provide everything. With IT women, transportation is there, food is there, crèche, they provide everything. Factories, less than one year old children not allowed, more than ten children not allowed.

As we see from the quote that starts this section, the demand for garment workers far exceeds the number of workers willing to take on this kind of work – this is a clue to the extent to which the garment industry has grown in the last two decades. P also talks about how the garment factories slowly moved to the outskirts of Bangalore because they could then attract women from the suburbs or the small towns, these women then commuting back and forth on a daily basis.

In Bangalore, in the 1960s and 1970s the industry was concentrated in the Lalbagh area ... in the proximity of other industrial establishments, and with a predominantly male worker profile. ... Following the industry's shift into a predominantly export-oriented zone, and the entry of a large number of enterprises, it became much more decentred geographically. The industry is now spread over three areas in the city: Boomsandra [sic], Peeniya [sic] and Mysore Road. Both Boomsandra and Mysore Road are close to outlying rural areas, attracting a large number of rural women to

these units (Chowdhury 2005, 2251)²⁵².

As stated in the interview, these women live in slum areas and crowded localities where the promise of being dropped to the doorstep seems meaningless. This slow evacuation of the “industrial” from central urban spaces is part of the narrative of the city now endangering IT women workers, becoming a “material-local” that poses threats in the face of their globalised conditions of work.

The constant comparisons that P makes between garment and IT workers is reflective of the heightened presence of the latter, in popular discourse on the “conditions of work” that women inhabit in the present moment. The idea that the high salary of the IT worker keeps her insulated from a familial morality that would otherwise deny her access to public space after 8 pm – that is, the idea that this higher salary also means more freedom and mobility – sits strangely at odds with the frenzy that the figure of the “techie” or the “call centre girl” has generated in the media and even in Lok Sabha sessions:

Matters under Rule 377 – Need to Ensure Security of Women Working in Call Centres – 17th August 2006:

Shri Badiga Ramakrishna (Machilipatnam): Sir, one more incident of killing of a woman, working in a Call Centre at Bangalore, came to light recently. This is the second incident in a matter of few months. It is being reported in the media day in

²⁵² In spite of both the garment industry and the IT industry pushing the boundaries of the city further by locating themselves in the “outskirts”, the former do not see “elevated highways” being built to afford workers better access to them. Electronics City was set up in 1978 on 332 acres of land in Konappana Agrahara and Doddathogur villages, and the ten-lane elevated highway that promises to get a commuter to EC in 15 minutes was inaugurated in 2010.

and day out about women working in Call Centres being harassed. The timings of the duties at Call Centres are unregulated because of the nature of work. Many qualified people are migrating to different cities of the country because of job opportunities available due to outsourcing. On account of the increasing incidents of this nature with ladies, it is creating fear among girls and causing anxiety to the parents to send them to work at other places. With the growth in IT industry, more Call Centres are coming up in different cities where a large number of ladies are being employed. Hence, Call Centre operators should make foolproof arrangements for the security of the women employees working in their respective Centres.²⁵³

The law-media collusion in producing the call centre as a special formation that requires attention, is clear from the above quote. This Lok Sabha discussion followed the murder of Tanya Banerjee, whose body was left on the Bangalore-Mangalore highway. Then again on 18th August 2012 the Minister of Home Affairs Sushilkumar Shinde made a statement following the gang-rape of a young woman in Delhi –

Some facts about the steps taken by the Delhi Police for making Delhi a safer place for women at night:-

- a. All roads are covered by PCR vans at night. The frequency of patrolling kept as high as possible;
- b. Specific routes have been identified which are used by women returning from their work places like call centres/BPOs at night, and the number of Emergency Response Vehicles and PCR Vans on these routes has been increased; apart from introducing motorcycle patrols;

²⁵³ <http://indiankanoon.org/doc/1383457/>. Accessed as on 14 December 2013.

- c. Delhi Police has issued orders to BPOs and other establishments that at night they must drop their workers at their door-step; and
- d. Three dedicated help-lines have been set up for women and publicised.²⁵⁴

It is remarkable that even at this point, there is no mention of girls who work in factories being able to return safely to their homes, even though their numbers are as high as 6 lakhs. The girl who was raped in Delhi did not work at a call centre, she was a physiotherapy student; and she was not raped while leaving a call centre at night, she was raped on a bus that she had boarded with her friend. Yet the minister chooses to pinpoint BPO workers as especially prone to unsafety. After the murder of call centre employee Jyoti Chowdhari in Pune in 2007, the National Commission for Women decided to hold a meeting about the safety of women who work at night:

MADURAI: National Commission for Women would organise a meeting between police and managements of software and Business Process Outsourcing companies in Chennai, Pune and Hyderabad soon to discuss safety of women during night shifts.... She [NCW member Nirmala Venkatesh] said Bangalore police has already implemented the recommendations, which included a clause that only retired army and government drivers, who crossed 50 years, could transport women employees during nights. The cabs also have on board security personnel (Dec 23, 2007, Economic Times)²⁵⁵.

²⁵⁴ <http://pib.nic.in/newsite/erelease.aspx?relid=90911>. Accessed as on 14 December 2013.

²⁵⁵ “NCW to discuss safety of women doing night shifts” – http://articles.economictimes.indiatimes.com/2007-12-23/news/27677558_1_night-shifts-women-employees-nw. Accessed as on 05 December 2013.

As we see, the meeting is solely between police and the managers of software and BPO companies. Bringing in union leaders or women representatives from factories would have given the meeting a different set of challenges altogether. Another article in the *Economic Times* after this incident, while announcing that ASSOCHAM has made compulsory the installation of tracking systems in all cabs, seeks to explain the need for such measures through an added aspect: “With firms shifting their call centres and BPOs from Tier I cities to Tier II and III towns, it becomes necessary to provide fool-proof security to female staff working in night shifts since the law and order situation in these cities is comparatively more vulnerable” (Nov 5, 2007).²⁵⁶ This shift from the “Tier I city” (presumably Mumbai, Delhi, Bangalore, Kolkata, Chennai, Hyderabad), to smaller cities or towns (in this case, Pune), is seen as capable of rendering women unsafe, the assumed vulnerability of the women being transposed onto the law and order situations in these more “remote” places.

The question we must ask here is what accounts for this widespread concern about the call centre worker travelling in public space, when the factory worker’s presence in the same is not at all discussed? Why is it that when it comes to the factory worker, the “public interest” (meaning the interest of the government, the courts and the media) revolves only around what happens inside the factory, i.e. production levels, “mingling” between women and men workers, and the conditions of work? Is this difference explained merely through the difference in class status? That since the call centre worker is educated and from a higher class background, she automatically merits more concern? Or is there something else to be argued here, about “private” conditions of work generating a public concern?

²⁵⁶ “Install GPS in cabs for security of women: Assocham” – http://articles.economictimes.indiatimes.com/2007-11-05/news/27667796_1_bpo-employee-night-shifts-smaller-towns. Accessed as on 05 December 2013.

We rarely find the growth of the call centre industry and that of the garment industry being brought together in discussions on the safety of women workers. One example of this lack is found in *Unbound: Indian Women@Work*, in which Gita Aravamudan deftly connects the lift of the ban on night shift work and the “call centre boom”: “Ironically, the brutal attack on Pratibha²⁵⁷ came just a year after the archaic Karnataka Shops and Establishments Act was amended to permit women to work after 8 pm. The call centre boom brought out a huge workforce of women who all worked at night” (2010, 152).

While ethnographies of middle-class working women are a necessary part of examining the field of women’s labour in the 21st century, they tend to become ahistorical in the way they ignore or bypass the trajectories of different kinds of female labour that coexist at the same point in time. Aravamudan here makes no mention of the “garments boom” and its drawing of lakhs of women into factories at night, i.e. in states besides Karnataka where the law still does not permit night shift for women in factories, or the vast numbers who work all hours in the unorganised sector. This is why the conclusions they reach are often vastly simplistic – for example, the idea that Indian women use their work contexts to release themselves, get “unbound”, from the moral and cultural ties that hold them down. Of one media personality she says, “She was, in other words, a woman whose unbinding was total and complete. Not many in her generation could hope to achieve what she had accomplished. Not many could aspire to have the kind of freedom she had”. Reena Patel’s much-touted book *Working the Night Shift: Women in India’s Call Centre*

²⁵⁷ Pratibha Srikanth Murthy, an employee at Hewlett Packard, Bangalore, was raped and killed on December 13, 2005, by a man named Shivakumar, who made her believe that the regular cab driver was on leave and he had been assigned to drive her home instead.

Industry, while it briefly discusses the differences between call centre workers and “other female labourers”, then leaves the latter behind to deal exclusively with the former, not bothering to see what the relationship between the two (or lack thereof) consists of (2011, 24). Even if the work chooses to focus only on the BPO sector, any analysis of this sector is impossible without understanding what causes it to become a separate formation from other sectors.²⁵⁸

Returning to our argument that factory workers are not even mentioned in the frenzy around travelling at night, the same “public interest” that drove the banning of women from the night shift, is revealingly absent here and in the meetings held at this time around women’s safety at night. And what is revealed by this absence? That in the case of the IT worker, the “public interest” in the conditions of work is something that is quite different and demands an examination of the ways in which the call centre has come to occupy a place in describing the present moment. Why did the Pratibha Murthy case garner this much attention, when so many cases of rape or molestation filed by factory workers failed to do so? The elements in the incident – the lower middle class cab driver, the night shift, the route taken, her body being found in a “remote” place away from either the office or her home and on the outskirts of the city, the charge brought up against Som Mittal (the call centre manager), the idea that he aided in creating the conditions that made this crime take place – all work together to exceptionalise not just women’s work in the call centre, but the call centre itself as a private space that is part of public discussion on women’s work.

²⁵⁸ Patel also seems to think that the binary of public and private spheres “gained popularity in the 1970s as a means to explain a woman’s place, or lack thereof, in society” (2011, 8). This kind of an easy conflation of this divide’s existence in India and the point at which Western scholarship chose to discuss it, presents us with a similar lack of historical sense in the work.

Below is an extract from an interview with a young woman (identified only by the first letter of her name), who works as an associate analyst on the information management team at HSBC Bangalore, but worked at Wipro for five months as a customer care executive in the company's call centre in Calcutta (28 October 2013). She talks here about her work timings at HSBC and what it was like on the night shift at Wipro:

Me: Coming back to your work here, what are your timings like?

S: Official timings are 12:30 to 9:30, but we have the flexibility of work - if you think you have no work you can leave early, as long as your work is finished nobody will question ... they are concerned about the deliverables, not concerned about how many hours of work ...

...

S: Timing wise what we have to keep in mind is since we support north America we at least try to have two to three hours overlapping time with the team, so they log in our 6:30 pm IST, I leave at 9:30-10:30 so we have calls at that point of time.

Me: Have you done the night shift?

S: I have I have (laughs)... When I was taking calls for US I did mostly night shift.

Me: Is it mostly customer service executives who do the night shift?

S: So the night shifts are purely call contact centres where they have to contact the customers because customer timings... Our work is more like back-end work, we don't interact with the direct customers. So you finish your work, and before they come in they get all our reports there. But as a customer service executive, full nights shift we did - I have done all of them, the graveyard shift, 1:30 am log in, log out at 10:30, 2:30 am log in, log out at 12:30, I've done all kinds of crazy shifts.

Me: What was it like doing the night shifts? Did you have to travel back and forth from the office? Or could you log in from home?

S: Office transport was available.

Me: Any trouble? Newspapers are full of reports...

S: I totally understand and have a take on that as well. So I have worked with HSBC in night shift 2007-2009 and after that I moved into a day shift, before that five months in Wipro, fully night shift. As a girl, I did not face any issue. Whatever mishap has to happen it will happen, the newspapers exaggerate. We all have a tracking system here, but every system has a loophole, but one day that loophole turns out to be big... my parents used to be worried, used to call me, how much more can a company track? If I have to run a company, I do not know how to track it. Here I have seen changes, back in 2007, the driver would come, if there is a pick up at the midnight shift, there would be an escort from the office, outside vendor, office has all the details. If it's a last drop when you log off again there is an escort, escort has always been there. If the escort and the driver become friends and do something to a woman, then I don't know how to interpret that...but ya I have been scared sometimes, when I'm travelling really late at night, sometimes the escort is sleeping and I'm also sleepy, those moments have been scary. Sometimes the drivers say I'll take you through a short cut, I have been scared in these situations. And I think it also depends on the employee, I mean it's tough but you should be awake. I have seen situations, the woman employee is on the phone the whole time and the driver is taking whichever route he wants to because she's busy on the phone. Suppose the driver takes the woman somewhere because she's on the phone what can anyone do? It's the responsibility of individual as well.

Me: How did your lifestyle change when you were on this night shift?

S: I did not have any social life, I can really tell you how bad it affected my culture, my life – your brain becomes dull, you lose thinking ability, because the only thing that you do is ... your body clock changes, you go at night, the whole time, call centre what happens is you don't have the leverage to take breaks at your own wish, suppose you're doing 12:30 am to 9:30 shift you log in, you have one hour break, you'll be given set times, 30 minutes lunch break, two short breaks, the whole time you're at your desk because the calls keep coming in, you become fat, you have nothing to do, you go home, you're so tired you sleep, suppose 9:30 am you go home, you eat food, you sleep around 11, you wake up at 6 in the evening and then have to go to work. No time to read newspaper, no time for watching TV. So that time when I chose to study correspondence it was a task for me, Saturday Sunday I would be studying half asleep. Night shifts really destroyed a lot of my cycles. ... When I moved from a night shift to a morning shift I could do so much. I had a lot of time, more than 24 hours! So I can figure out the difference. I would never want to get back to night shift work.

And culture wise also, people are so frustrated, I'm being very honest, even women, they have this take, this look, "call centre mai kaam karna hai" [I'm forced to work in a call centre], I still remember in Calcutta when I joined a call centre I went to a PG, everyone they were engineers and working in various sector, I used to hear people talking outside my room 'arre, wo call centre wali aa gayi hai' [that call centre girl has returned]. It sounds so bad, what do you mean by call centre waali? It's not rocket science but it's still a job – I used to feel really bad.

... This is an attitude, that time I used to really feel bad, but when I entered this world and moved out of that I understand the categorisation, the culture becomes so different, your friend groups are also people from that world, when your other sector friends are partying or enjoying you're working, you're only left with friends within

your call centre group. Frustration level is so high, so especially young women who get the power of money, they really ruin their lives, I've seen them getting into a totally different world. Just after their college, see they don't have any criteria [call centre work], just after 12th [grade] also people start taking calls, just after that if you're getting 15000, and your friends also belong to this night shift life, what will you do, Friday evening you go party, drink, sleep with people, next day you get up and The stereotype is not absolutely right, but I think there is something because of which the stereotype has happened, this culture is very different. I have done wrong things in this world, when I moved to this normal human life I realise, the work culture, your surroundings make you do things.²⁵⁹

Several things emerge from the two interviews to help us understand the difference between the position of the factory worker and that of the BPO worker in the current context. For one thing, while P discusses sexual harassment and the dangers of night travel as aspects of factory work that are not given enough attention by the industry, S wants to move away from the idea that night shift work is inherently dangerous for the call centre worker, insisting that the responsibility is largely the employee's, to ensure that she stays alert and takes all the steps necessary to ensure safety. One is a demand on the employer and the state to provide the necessary safeguards, and to recognise the worker's existence outside the factory space; the other is an expectation that the individual worker take care of herself. S is more concerned with the space of the call centre itself, and how it affects a person's "cycles". She uses the phrase "work

²⁵⁹ The reason for extracting this long a segment of the interview here (as with Pratibha) is to explore the ways in which the narrative around night shift work builds, from the official aspects of it, the regulations or lack of them, to the personal and what it does to her life outside the office. We can then see the various elements or terms that emerge from this narrative.

culture”, and this brings us to the second way of understanding the above-mentioned difference – a factory is never seen or described with this term.

Interestingly, both women bring up the idea of culture, but in very different ways. For P, culture is something that is related to the family. She says “their culture is very different from ours”, and is referring to the relationship between the working woman and her family in both cases. The IT worker and her in-laws or husband, and the factory worker and hers. Culture and morality are still read, or at least made apparent, within the space of domestic life, and she never refers to the garment factory as possessing a “work culture”, and does not say that the “culture” in the factory is very different from that of the call centre. S, on the other hand, doesn’t refer to “culture” in relation to the family at all (in earlier parts of the interview she speaks about her life in Jamshedpur, where she grew up in a colony of people working in the Tata Steel plant, and generations of her family who lived and worked there. Through that section she never brings up the idea of culture, in spite of discussing the specificity of that colony life in a small town built around a steel plant.) Ironically she also says, “That culture is very different”, but in relation to someone’s working life in a BPO, where the BPO itself, and the conditions of work in it, produce a “culture” that shapes people’s lives. This might seem obvious enough until other sectors of work are compared to this. No one refers to “work culture” in a hospital, college, department store or even a mall; in anganwadis, or as pourakarmika workers or manual scavengers. The phrase specifically connotes life in the corporate world. For example, this is the description of work culture in Microsoft:

Our work culture recognizes and respects people with diverse perspectives and skillsets. We are also broadening awareness around gender diversity and have several initiatives which make our company a truly inclusive workplace. ...At MSIDC, we provide our employees with a world-class environment that promotes innovation, productivity and desired work/life balance. ... A flexible work culture, access to the latest productivity tools, training and resources and a comprehensive family life, medical and dental insurance and relocation program are some of these initiatives²⁶⁰.

The phrase “a comprehensive family life” gives the idea that the company is trying to pull the notion of family life into its production of a “world-class environment”. Only someone who gets enough “family time” will be able to help create this environment.

The question of time also features in a strangely mirrored form in the two narratives. While P speaks of how the women need to stay back and meet their “production targets” and are not paid overtime for this, S speaks of the flexibility of timings and how only “deliverables” matter, not the hours that you put in. We cannot but register the closeness of these two terms, “production targets” and “deliverables”, and at the same time their distance from each other in how they are described, one as the forced and minimum wage-paying requirement of time spent in the factory, the other in terms of choice, flexibility and freedom from the constraints of time (when it is probably very different constraints that govern this situation). For S, the tyranny of time exists only in call centre work, in relation to which she describes in detail the time given for breaks and how she cannot leave her desk for even a few minutes outside of these.

²⁶⁰ <http://www.microsoft.com/en-in/msidc/life-at-msidc/work-culture.aspx>. Accessed as on 07 December 2013.

Returning to the idea of a work culture, S squarely locates both culture and morality as aspects of your life that are *organised* by your work. “Frustration level is so high, so especially young women who get the power of money, they really ruin their lives, I’ve seen them getting into a totally different world.” Then, at a different point, “your work culture, your surroundings, make you do things.” Unlike in the factory context, here it is not your rural background or lack of education that might make you do things, it is your work culture, the relationship between money, leisure-time and work-time. This notion of a work culture that extends itself to create conditions of living even outside the space of the office, comes through in a large number of media reports that have appeared in the public domain since the late 1990s.

The Troubled-Troublesome “Techie”

The figure of the “techie” or the “BPO employee” is made visible time and again in newspaper headlines that deal with a range of acts – women being raped; men murdering their wives or girlfriends; women murdering their husbands or lovers; commuters getting mugged or threatened; suicides; divorces; road accidents; and sexual relationships.

The screenshot shows a news article on the Times of India website. The headline reads: "Bangalore techie sets ex-boyfriend, his fiancée on fire". The article is dated October 15, 2011, at 05:01 AM IST. The author is Sanjay Jadhav and the reporter is Rajiv Pratap Rudy. The article text states: "PUNE: Maharashtra police have sent teams to New Delhi and Bangalore to arrest a 30-year-old software engineer, who allegedly set her former boyfriend and his fiancée ablaze at their apartment in Pune on Thursday morning." Below the text, it mentions: "Anushree Kundra, a Bangalore-based techie, has been booked for attempt to murder. Police said Nimesh Sinha Rameshnanandan Prasad, 27, sustained 10% burn injuries while his 26-year-old fiancée, Juhi Abhaynandan Prasad, suffered 98% burns." To the left of the article is a Google Ad for "The Smartest Cameras" featuring Fujifilm, Olympus, and Sony cameras. To the right is a social media sharing section with 3 tweets and 0 recommendations. Below the article is a small image of a person's face, likely the techie mentioned in the article, with a caption: "(Maharashtra police have sent teams to New Delhi & Bangalore to arrest a 30-year-old software engineer, who allegedly set her former boyfriend and his fiancée ablaze at their apartment in Pune on Thursday morning.)"

Divorce Rate High Among Indian Techies

By SiliconIndia, Monday, 12 September 2011, 09:12 IST



Bangalore: Techies are known to solve the toughest problems in the computer world using complex algorithms, but when it comes to marriage the smallest problem takes a toll on them. The pressures of the modern workplace has made a bigger difference in the lifestyle of techies.

India still has one of the lowest divorce rates in the world, with about one in 1,000 marriages collapsing, according to recent studies.



But the courts are now seeing so many new cases that the government has proposed making divorce easier and faster, in line with other countries.

"There has been a huge change, a drastic change and divorce rates are increasing," Dr Geetanjali Sharma, a marriage counsellor working in Gurgaon, a wealthy Delhi satellite city, told the BBC.

"There's been a 100 percent increase in divorce rates in the past five years alone. They don't want to put more efforts into a relationship to fix the issues."

Most of those splitting up are members of India's thriving, urban middle class whose lives have been transformed by India's boom, and whose aspirations are radically different to those of their parents and grandparents.

The articles above are just the tip of a large and perplexing iceberg: "Techie kills self after tiff over wedding photos on FB" (*The New Indian Express*, 22 December 2013); "Techie tries to hop balconies, falls to death" (*The Times of India*, 3 October 2013); "Bangalore techie kills wife, then jumps to death from 13th floor" (*NDTV*, 21 September 2013); "Techie stabbed by friends in Bangalore" (*The Times of India*, 1 January 2013); "Elephants had trampled Bangalore techie found dead after trek" (*NDTV*, 7 July 2012); "Bangalore techie divorces husband, dumped by lover" (*NDTV*, 8 June 2010); "Techie held for sending emails containing wife's obscene photos" (*Mid-day*, 18 June 2013); "Techie robbed in Hinjewadi" (*Indian Express*, 18 May 2013); "Techie robbed by three-member gang in Bangalore" (*DNA*, 3 July 2011); "Sex racket: Techie among three held" (*Indian Express*, 15 July 2012); "Techie booked for forcing wife into unnatural sex on Thai honeymoon" (*Daily Pioneer*, 13 December 2013); "Stink of drugs, money and murder in techie suicide" (*The*

Telegraph, 11 June 2012); “Bengal techie picked up for porn mails, MMSes” (*DNA*, 31 March 2010); “Techie arrested in railway e-ticket fraud” (*The Times of India*, 21 September 2011)

The casting of people as “techies” does several things at the same time – first, it builds on the idea that there is something in that person’s line of work (at a software company or a call centre) that has a direct and causal relationship to the incident that took place. That the boy who got trampled by an elephant was there because he was on a trek, an activity that can be read as one of the many ways in which “techies” seek to unwind or take a break from their hectic work schedules. That the man who posted emails of his wife’s photos did so because of his familiarity with new media technologies. That the people who got mugged were those who were likely to be out in the streets late at night, and that too with money, because of the nature of their work. That the man who killed his wife did so because his work caused him high levels of stress, and “techie” couples are less able to work on their relationships (see the second picture for this idea). That the “techie” among the three women (note, not men) who were involved in a sex racket wanted more money to meet the demands of the lifestyle created by her job. The “work culture” that these people belong to is therefore seen as creeping into and shaping their lives and relationships outside the space of the office. These articles also take the form of exposés (though not in the strict journalistic sense), and are meant to allow us access into the world of software companies and call centres in which starting salaries are so much higher than in other sectors of employment (excepting a few). We then peek at possible scandals, and are grateful for the distance that we have from this world. This distance, then, is also from the figure of the techie, the representation of this figure implying some kind of

alienation from “real life”, or a plasticity deriving from technology, fast money, sanitised work spaces and a forced idea of nightlife and excitement. The *techie* in the headlines loses the nodes of identification that even descriptions like “30 year old man” or “21 year old girl” or “student” or “auto driver” offer. The presence of the *techie* on the streets seems like a contradiction therefore naturally ending in violence. The *techie* belongs in his or her office, or in night clubs and restaurants, or in an apartment complex, but not on the streets. This is also probably why there is no frenzy surrounding factory women out on the streets, it is assumed that they take public transport and live in areas where the lines between private and public space are blurred at best.

Call centres are then described as “acting” on their employees, mentally and physically, in ways that have never been seen with any other industry. An article on cultural transformations in Kerala lists the various reasons for rising divorce rates: “Strikingly, there is no single reason being touted as being causative of family break-ups. Those in the know, including lawyers and counsellors say that the reasons are as diverse as the break-up of joint families, parental interference, impotency, infertility, unfaithfulness of either spouse, ego clashes, independency of the new generation, *night shifts* [my emphasis], debts and drinking” (Scaria 2010)²⁶¹. We also find the import of new terms that describe psychological “conditions” or problems, precisely to accommodate this new work culture:

‘These days large number of young people in the age group of 18-21 years are seeking counselling and out of that 10 - 15 per cent cases are those who work in call

²⁶¹ “Kerala seeing increasing number of divorces” – http://articles.economictimes.indiatimes.com/2010-11-17/news/27575641_1_family-court-divorce-cases-kerala. Accessed as on 07 December 2013.

centres’, says Dr Jitendra Nagpal, Consultant Psychiatrist, Vidyasagar Institute of Mental Health and Neurosciences (VIMHANS) here. ‘Burn-Out Stress Syndrome or BOSS syndrome is seen very commonly among young people working in call centres. The symptoms of this syndrome include chronic fatigue, insomnia and complete alteration of 24-hour biological rhythm of the body’, says Nagpal. ... ‘Also, large number [sic] of organisations are *recognising the importance of open culture* [my emphasis] among management and employees, which is a very effective as a destressing tool. Besides, team building exercises like mock rock climbing, contests, parties at regular intervals do help in combating work-related stress’, Ranganathan adds (*Economic Times*, 1 July 2003)²⁶²;

However, most agents seem to be prepared to take this stressful life, due to the high-growth prospects and attractive salaries on offer in the ITES sector, said Mr Sinha. While girls remain reluctant to work night shifts, centre operators are today looking *to provide an atmosphere to make work look like an extension of their night lives* [my emphasis], he added (Sachitanand, *Economic Times*, 2003)²⁶³

The stress on an “open culture” manifests in the form of various kinds of exercises through which this openness is sought to be achieved. Personality development (you can’t be a closed off person, you need to be *open* and sociable), team-building (you need to be able to trust your co-workers and parties/rock climbing will infuse this trust in you – in other words, a simulation of your outside life inside the organisation), counselling (you need someone to open out to if you are frustrated or depressed at work), diversity (first with ‘gender’, now with LGBT, you need to be tolerant and

²⁶² “Call centres creating health epidemic among youths” – http://articles.economictimes.indiatimes.com/2003-07-01/news/27556526_1_centre-job-night-shifts-work-culture. Accessed as on 08 December 2013.

²⁶³ “Got one leg in the graveyard shift?” - http://articles.economictimes.indiatimes.com/2003-05-19/news/27552240_1_night-shifts-agents-pressure. Accessed as on 08 December 2013.

inclusive, but caste and religion do not play a role in this idea of diversity²⁶⁴) – these are the pillars of an open culture in the organisation.

Of course, there are limits to how open this culture should be. The highlighted line in the quote just above provides an entry to another set of anxieties produced around the call centre, anxieties that relate to the sexual lives of the young men and women who work there. We have already encountered this in S's statements on how young women ruin their lives, how she herself has done 'wrong things', how the routine of work in a call centre makes you fall into a certain social and sexual pattern that is not desirable in the long run. She spoke from personal experience, backing what she saw as a stereotype which she said had its origins in some truth.

Accompanying the notion that call centres "make" their employees sexually active in particular non-marital and promiscuous ways, is the concern about the spread of sexually transmitted diseases. This is not a new concern for the Indian context, even for the middle class which are not usually considered 'high risk' (the condom industry is built on a production of the idea of pleasure combined with the idea of risk). But this involves the growth of an industry and how it negotiated with and shifted earlier connotations of and the impetus for condom use²⁶⁵ (largely family planning and

²⁶⁴ Both the interviewees said that caste and religion do not come up in the everyday life of either the factory or the call centre. Pratibha said that all workers are considered equal and that there are no explicit caste- or religion-based tensions in the factory, though these may sometimes arise in quarrels with supervisors and in the form of favouritism. SM said that while a background check would reveal most call centre workers to be from dominant castes, and a majority of them as Hindu, caste and religion are never discussed, either formally or informally at work. Religious festivals like Eid, Diwali and Christmas, are celebrated in a secular way though.

²⁶⁵ The story of condoms in India is fascinating, and one wishes there was enough space to undertake an examination of it here. The Nirodh condoms which came into existence in the 1960s and were subsidized as part of the government's family planning programme found that in a couple of decades it was being marginalized by private players like Moods and Kamasutra. Early Nirodh strictly followed the family planning aesthetic, TV ads dealt with the idea of condom use through a play on shame and embarrassment - see <http://www.yourepeat.com/watch/?v=Vkd2UCde0z8> for an example

health) to move towards the earlier mentioned combine of pleasure, risk and now, commerce. The intense focus on the sexual lives of call centre employees, and the anxiety around sexually transmitted diseases, had a new flavour to it – it was not an isolated concern about a group that was always already considered “high risk” (sex workers, homosexuals). The call centre employee was a new entity, and the supposed “freedom” their jobs afforded them was inextricably linked to the danger of AIDS. Their *work* was responsible for their sexual habits and the dangers attached to them, and so workspaces had to act responsibly and take care to help prevent AIDS.

Pune June 14: After malls, multiplexes and pubs, the Mumbai District Aids Control Society (MDACS) is now eyeing the fast growing BPO industry and ATMs to install 3000 new condom vending machines. The MDACS officials announced this at a Confederation of Indian Industry’s (CII) conference on business response to prevention, care and treatment for HIV/AIDS on Friday. ‘BPO employees belong to the high disposable income group. Usually, all the employees working in this sector are young, mostly fresh out of the college and are from the economically productive age. It is very important to teach them about safe sex, HIV/AIDS during their

of this. In this ad, the young man, who is intensely embarrassed at the prospect of asking the pharmacist for condoms (this figure of the pharmacist is not found in later ads), is unable to say the word “Nirodh” and the ad goes on from here, ending with him buying two whole boxes of condoms and dropping one on the street, at which point a woman passing by picks it up and happily puts it in her bag and walks away, all of this being watched by the pharmacist. The pharmacist jokingly asks the man if he wants to start his family planning before the wedding itself. Nirodh was later forced to re-brand, so to speak, and create the Deluxe Nirodh, accompanied by ads that foregrounded sexual longing and a lack of shame - http://www.youtube.com/watch?v=eDqbD7_tUdU. The private players that came into the market around the 90s – Moods in 1987, Kamasutra in 1991 and Durex in 1997, approached both condom use and sexual pleasure in an unabashed way. The men were not afraid to ask for condoms at drug stores For an example of this, see this video of the Kamasutra ads of the last 20 years - <https://www.youtube.com/watch?v=6ZaWXXK0Sj2g>. What these later ads also did was to introduce an idea of privacy and intimacy into the product – they guaranteed “100% privacy” and discreet packaging. This is ironic, keeping in mind their “free” approach to sex. This is not to say that condoms are not still distributed as part of government campaigns, but the 90s produced AIDS as the central concern, and condom distribution was carried out vis a vis “high risk” groups. Videos accessed as on 21 December 2013.

induction period,’ said Dr Harish Pathak, additional project director, MDACS
(*Express News Service*, 15 June 2008)²⁶⁶.

Some reports work in the form of exposés, and are meant to reveal that what one already suspects is happening during the night shifts, is indeed happening – sex between employees.

‘The drainage was blocked for a whole floor at an IT park’, says Sangeetha, who works at a call center in Bangalore. ‘When the plumbers came to repair it they fished out enough condoms to fill three garbage bags.’ It’s not just the bathrooms. The dimly – lit lawns, canteens, and basement car parks are favorite haunts for, as Sangeetha calls them ‘nefarious activities’. ‘But there’s no need to be so preachy about it. To others it may sound terrible, but for those at the call center *it’s just part of their routine* [my emphasis],’ says Sangeetha.... ‘It’s all about sudden freedom, Freedom of money. Freedom to meet people after dark. It’s heady,’ says Kiran, who works at a call center in Chennai. ‘And who wants to fall in love, when you can get what you want with no strings attached?’²⁶⁷

The sex, then, that is “just part of their routine”, turns the calls centre worker into a very particular kind of heterosexual subject, one who is induced by this newfound “freedom” to have sex without “strings attached” (homosexuals are assumed to already be having sex). This explains the spurt of HIV/AIDS counselling and the surveys that are conducted in call centres on sexual practice and awareness. For

²⁶⁶ “3,000 new condom vending machines planned at BPOs, ATMs in Mumbai” – <http://chowk.com/ilog/n/54337/30112>. Accessed as on 08 December 2013. This link has now expired. The article can now be found at <http://itblackbelt.wordpress.com/2008/06/24/aids-threat-for-bpo-romeos/>. Accessed as on 15 March 2014.

²⁶⁷ “Condoms block drainage of Call Center in India” – The original link to this article is no longer available, the article is now available at <http://www.xossip.com/showthread.php?t=39631>. Accessed as on 15 March 2014.

example, the study titled “Exploring the Lives of Youth in the BPO Sector: Findings from a Study in Gurgaon” (carried out by Monisha Vaid as part of the Health and Population Innovation Fellowship Programme, 2009), has sections and tables on “awareness of sexual and reproductive health matters” and “romantic partnerships, physical intimacy and sexual experiences”, and the conclusions drawn are that in spite of being educated these young people have very little knowledge of sexual and reproductive health, in terms of pregnancy, STDs, and so on. Returning to the idea of “risk” in the title of the chapter, what we have here is an unprecedented focus on the relationship between sexual practice and work, a focus that was previously only concerned with occupations like sex work and bar dancing. The call centre worker is at risk, but this risk does not immediately slip into categories of trafficking and soliciting, it is formed precisely around the idea of the conditions of work, and importantly, technology, that the call centre generates.

The ways in which call centre workers are seen as participating in “risky” behaviour, and the ways in which the sexual practice of textile or garment workers is framed, are different from each other. While factory workers are seen as either sexually oppressed, or acting on the basis of the “social strata” they belong to (involving lack of education or a rural origin), call centre workers are seen as having been *lifted out* of social circumstances they belonged to, and now being “exposed” to a world of *freedom* and opposite-sex relationships, this combining with a low level of knowledge about sexual health to make them engage in risky sex. Many companies have now

included HIV testing and counselling at the hiring stage, as their response to the charge that the call centre is a “high risk” space²⁶⁸.

With factory workers, it is not simply a low level of awareness and a sudden exposure to a new environment, it is economic conditions and, importantly, migration, that are said to underlie risky sexual practices. Migration, because those who migrate often do without their families, is related to the idea that they are more prone to having multiple sexual partners. A study on female textile workers in Surat explains the prevalence of HIV:

Driven by economic instability, work-related migration and mobility within as well as between the states of India has become a risk factor for HIV transmission. In spite of denial of multiple sexual partners, high STI positivity (20.39%) was seen among females who denied having multiple sexual partners. This might be due to fear of disclosure and the associated stigma, which prevented many of the female textile workers to disclose their multiple-partner sexual relationships²⁶⁹.

The study begins by casting the whole city of Surat as vulnerable: “Surat city is vulnerable to transmission of sexually transmitted infections (STIs)/HIV due to its huge migratory population in diamond and textile industries. Females working in textile industries were not receiving focused intervention although they were at high risk of acquiring STIs/HIV.” The sexual relationships of textile or factory workers is not a part of public discourse on sexual practices or health. They live in the world of

²⁶⁸ The question of HIV testing does not pertain to the private sector only. There have been several cases filed by people who have been fired or have not been given permanent positions on account of their HIV-positive status, in both the public and private sectors, in the police force, nationalised banks, factories, and so on. For further reading on this, and a list of cases, see “Legal issues that arise in the HIV context”, by Atiya Bose and Kajal Bhardwaj, of the Lawyers Collective. February 2008, <http://infochangeindia.org/hiv-aids/hiv-a-human-rights/legal-issues-that-arise-in-the-hiv-context.html>. Accessed as on 05 March 2014.

²⁶⁹ See Desai, Kosambiya, Mulla, Verma and Patel 2013.

government programmes and NGO/union interventions. The sex lives of call centre workers, as we see from the media articles above, form a part of the field of visibility in the present moment. Surveys are not driven by government/population policy/NGO concerns as much as by the peculiar intertwining of AIDS awareness campaigns and condom companies, i.e., market concerns. This article, in *The Telegraph* (Calcutta), brings up the results of a survey on call centre workers' sexual practices –

...a survey of 1,109 iEnergizer employees [iEnergizer is a call centre in Delhi] conducted by Durex Network ... found that being faithful is not their best quality. In a sexual attitudes and practice study conducted in March this year London-based Durex Network found that 11.1 per cent of iEnergizer employees have had more than five sexual partners. ... *Emotional loneliness also drives call centre executives into each other's arms* [my emphasis]. iEnergizer's Mittal says 70 per cent of the company's employees live alone in the city. 'A majority have migrated from small towns. They have no friends or family support in the city and live alone. They tend to rush into relationships in a hurry to find companionship,' says Mittal²⁷⁰.

Even though it is acknowledged here that migration occurs in the BPO industry, it is immediately fed into an emotional state of being, loneliness, rather than remaining a structure in the social. In the case of factory workers, while their living alone in labour sites is often noted, they are not given any kind of interiority, they don't "rush into relationships", they instead have multiple partners because they have migrated without their families, or because they want to earn extra money through sex work. As we have discussed in previous chapters, sex work rarely appears in the public domain in news reports or in government sessions, although it is one of the most 'public'

²⁷⁰ "More sex please, we are BPO", *The Telegraph*, 14 May 2006 – http://www.telegraphindia.com/1060514/asp/opinion/story_6215232.asp. Accessed as on 07 December 2013.

forms of labour. It is only the efforts of sex workers in Calcutta or Bombay to unionise themselves and protests against police brutality that actually make the news, besides the occasionally reported police crackdowns on brothels and ‘sex rackets’, even though the crackdowns themselves are a facade, when the police and the sex workers often have a complicated relationship based on negotiations and pay offs. Even P, when asked about whether garment workers undertake sex work, was reluctant to admit that they do, and finally conceded to “some of them” doing it to earn extra money. This reluctance no doubt arose from some personal discomfort with the question and from not wanting all garment workers to be imagined as sex workers. The above-mentioned study on textile workers states that so far, only sex workers have been classified as “high risk”, but this has led to ignoring factory workers – thus drawing the latter into the statist discourse on HIV and “high risk” groups. This is not to say that there should be no care given to HIV-positive workers, or that the state should not facilitate treatment for them if they have contracted AIDS, but this makes clear the stark absence of the nexus between product marketing, emotional and affective states, and employment that we find in the case of call centres.

The second screenshot posted above has this line - “The pressures of the modern The factory, as a “modern workplace”, belongs to an earlier time in the history of female labour and apparently has no implications for the workers’ “lifestyles”, in fact they have none. Within the Factories Act, there were a range of rules that determined how work was to be conducted in the space of the factory – rules relating to working hours, overnight accommodation and other facilities, the use of machinery, the number of people, and so on. The regulation of the *space* of the call centre does not fall under state law, it is organised more through guidelines and policies adopted by the companies themselves, and is perhaps one reason for the extra-legal production of

concern around this space, as an unknown and ‘new’ space of interaction and affective relations. “Our survey observed that it is the BPO sector, which is the most promising sector for women to work in night shift. ... Many families who would otherwise not permit their daughters to do night shifts have accepted their working in BPO companies. One of their assumptions is that despite the strange hours of work, their daughters will be safe because “the company will take care of them” (NCW-ASSOCHAM study, 2008). The picture that emerges, of the company as a caring entity, then contrasts with the dangers that these women are seen as facing when they leave the office – it is here that the narrative of class difference gets naturalised, the cab driver or the security escort becoming what one ‘risks’.

So what does it mean that the “techie” has a personality, a lifestyle, emotions (however misjudged) and seems to extend beyond the space of the call centre into the life of the city, while the factory worker is most often a number, nameless and faceless, and is always referred to directly in relation to industrial progress and production boosts in the factory (that the rise in numbers of garment workers hired = increased outputs for the garment companies)? What does it mean that factory workers are bypassed in the morass of concern and anxiety around women travelling in public spaces at night? That they are considered not as sexual subjects, but as sexual populations? It is only in the narratives offered by women like P, and sometimes in legal cases, that they become “real women” with names, associations outside the factory, aspirations to upward mobility, and lives outside the space of the factory (husbands, children, houses, streets, techno-social desire, consumption, romance). This shouldn’t be mistaken for a call to treat garment workers like call centre workers, to put in place the same aura of individualised yet alienating concern around them. Here we return to the beginning of the chapter and its question – how do

women become an exception in terms of their labour conditions? How do they come to be positioned by “public interest”?

A Detour: Occupying Conditions of Technology – Women and Machines

Returning to the notion of women being exceptionalised by labour laws, the hazards that women workers need to be protected from include, curiously, certain kinds of technology and machinery. During the twentieth century, while women were allowed to work in cotton ginning factories at night, they were not allowed to be in the same room as a “cotton-opener”. The case Emperor vs BN Gamadia, August 27, 1925, Bombay High Court²⁷¹, was filed because of a fire that started in Gamadia Press Factory in 1924 causing the death of twelve women and injuries to ten others. “...the allegation is that women were employed, or allowed to work, in contravention of Section 20, which prohibits the employment of women and children in the part of a factory where a cotton-opener is at work.”; “...the fire originated in what is called the ‘press room’, that is the room in which the main part of the cotton-opener is contained, and that women were actually being employed there at the time of the fire.” Openers were machines that were used to loosen the tightly packed bales of cotton and remove the dirt found in them. They moved at an extremely fast pace and therefore it was considered dangerous for women and children to be allowed near them. The entire case was about whether or not the “partition” separating the women from the cotton-opener met with legal requirements. In another more recent case from Kerala, AM Shaila and Anr vs Chairman, Cochin Port Trust and ..., 1 July 1994²⁷²,

²⁷¹ <http://www.indiankanoon.org/doc/777064/> - Accessed as on 05 March 2013.

²⁷² <http://www.indiankanoon.org/doc/1052958/> - Accessed as on 05 March 2013.

the judge worries about the woman who will move around between huge containers and machines in a cargo bay:

No doubt women shed clerks are not required to lift the huge packages – each weighing about 30 tonnes. But they will have to tally them, move them around and read what is printed on them – all this may have to be done standing for the whole night or day, all alone. Secondly the movement amidst moving cargo and in the midst of huge cranes, forklifts etc demanding quick movement of feet, exposes them to accidents. Thirdly presence at isolated spots particularly between 6.00 pm and 6.00 am exposes them to what may be called *risks peculiar to their sex* [my emphasis].

Again here the reference to agility as something women lack because of their physical weakness. This weakness is built into Section 22(2) of the Factories Act itself – “No woman or young person shall be allowed to clean, lubricate or adjust any part of a prime-mover or of any transmission machinery while prime-mover or transmission machinery is in motion, or to clean, lubricate or adjust any part of any machine if the cleaning, lubrication or adjustment thereof would expose the woman or young person to risk injury from any moving part either of that machine or of any adjacent machinery.” This was then a direct opposition between women and the technological conditions that could harm them in a very bodily sense because physically, they could never move as quickly as men could. What were in question here were *the conditions of factory work*, conditions that did not extend beyond the factory gates as far as the management or the state was concerned. Even newspaper reports mention technology only as that which boosts production, or leads to accidents and deaths in the factory. There’s also hardly any mention in any of the legal cases, of a life outside of the

factory, of travel to and from the factory, or the dangers these women may face on the road or the streets at night. Even the judge in *Vasantha R vs Union of India*, who produces an extensive list of requirements ranging from committees against sexual harassment, proper lighting, overnight accommodation, female wardens for the women, and even an additional holiday for the workers during their menstruation period, mentions transport only in one small and unsure line: “Separate transportation facility shall be provided wherever transportation is provided by the employer or the occupier of the factory”. A large measure of the concern was about women working in the same space as male workers, and this concern was mired in assumptions about class and the propensity of the working classes to “mingle”, or of working class men to convert the factory space into a zone of sexual menace. There doesn’t seem to exist a realm of imagination about what these factory workers do when they exit through the gates at the end of the day – this is definitely not part of public discourse on factory work or women workers in factory.

The figure of the techie disallows any such division or “partition” between women and technology. The technology lives in them, it is the environment they work in and extends beyond simply the use of machines. There is a seamlessness to how technology occupies their work and personal lives. We find here a distinction from a technology that is “public”, that is outside you and takes the form of industrial machines that perform specified tasks, tasks which cannot be altered by your own relationship to the machine. In the world of the call centre, technology is a condition you occupy. This is not to say that the garment worker does not have a mobile

phone²⁷³, or an email id, that she does not watch pirated DVDs or buy computers for her children. It's simply that the world of work and the world of the "personal" are still distinguished from each other, and each involves a different relationship to technology. The legal case *Omana Oomen, Attdt Operator vs The Fact Ltd and Ors* (Kerala High Court)²⁷⁴, 27 February 1990, involved two attendant operators in a chemical plant who were excluded from an internal examination that would have enabled them to become Technicians (Process Control), because of Section 66(1)(b)'s stipulation that women cannot work night shifts. They also felt that there was prejudice against women taking on the job of "technician".

This precise technological tension, between their gender and their work skills/technical knowhow, is replaced by another set of tensions when it comes to the woman who works in a call centre. Her activities are immersed in and positioned by technological conditions in a different way – for instance, the idea of her movements on the way home being *tracked* by a GPS system, and her own required alertness while travelling back home in a cab; her on-call voice being different from the one she uses otherwise; the identity badge that she uses to enter the office building (one of the murder victims was identified through the badge that was on her body); or the surveillance cameras that capture her movements in the workspace (leading to the separate category of call centre pornography online). Of course it's possible for these two worlds to start melding into each other, or rather for the particular conditions of technology in the latter to pervade the former (biometric systems of entry, surveillance cameras on factory grounds) but the meanings attached to them will still

²⁷³ In her interview, P somewhat ironically, and invoking popular discourse, introduces the term "revolution" to discuss the ways in the mobile phone allowed women to communicate with their families, lovers or friends even from within the time-space of the factory.

²⁷⁴ <http://www.indiankanoon.org/doc/1611864/> - Accessed as on 05 March 2013.

be different and more along the lines of regulating a population than providing a “secure” environment for employees. For the factory worker, the technology that is part of her work at the factory is not a part of her ‘culture’ in the same way as it is for the BPO employee. It does not actively have to be part of a production of openness or security, both of which are directly and affectively related to the individual worker.

Conclusion: Interrogating “Public Modernity”

In a review of Appadurai and Breckenridge’s book *ConsumingModernity: Public Culture in Contemporary India* (1995), Madhava Prasad teases out the term “public modernity” to examine its contours:

‘Public modernity’ and ‘public culture’ figure in the introduction more or less as synonyms, suggesting the close connection between modernity and culture....There is no explicit suggestion of a complementary ‘private’ culture or modernity, the term public being employed without reference to that binary relation. The introduction ‘seeks in part to loosen the links between the word public and the history of civil society in Europe, and to agree that it be used to refer to a set of arenas ... that have emerged in a variety of historical conditions and that articulate the space between domestic life and the projects of the nation-state – where different social groups...constitute their identities by their experience of mass-mediated forms in relation to the practices of everyday life...’.... This is a non-controversial definition of ‘public’ and not really all that different from the European usage...Nevertheless, the authors are getting at some crucial distinction, something that makes the term public capable of modifying not only culture but also modernity. What is this distinction? (Prasad 1998, 1020).

The distinction referred to here is one made between a public culture and a national culture, the former emerging from the tensions between “national sites and transnational cultural processes” (this distinction, according to Prasad, is not maintained firmly in the text). Prasad sums up the argument made by the editors – that there has been a shift from a “modernisation” that was *imposed* by the West on India, to a “modernity” that is now *consumed* according to the needs and desires of those who consume it.

As strange as it seems to start the conclusion of the chapter by citing a review of an anthology of essays that was published eighteen years ago, this extract from it stages precisely the confusions that characterise the difference between the factory and BPO contexts. Both of these industries have seen remarkable growth in the early years of the 2000s, the year 2005 being something of a landmark because of a) the phasing out of the Multi Fibre Arrangement, which since 1974 had been imposing quotas on the quantity of exports allowed from developing to developed countries; and b) the lifting of the ban on night shift work for women. Both industries are then caught in transactions between the transnational and the national, and in the export of the products of labour. The call centre worker seems to make *apparent* this transaction with the transnational, being simultaneously ‘Indian’ yet foreign; while the factory worker is the underbelly to it, that part of the “process” that is never seen unless there is a terrible accident like the one that occurred in a Bangladesh garment factory²⁷⁵. For instance, there is no comic television show inspired by the latter figure²⁷⁶!

²⁷⁵ This refers to the sudden collapse of a commercial building complex, “Rana Plaza”, on April 24, 2013, resulting in the deaths of over a thousand garment workers who were in the building at the time in spite of the structure showing cracks. The death of the workers is said to have been caused by negligence, and the owner of the building was arrested. What followed were riots throughout the

The task of the chapter has been to analyse the contradictions in the idea of public interest and how it adheres to each of these states of “modernity”. It does this through the category of “visible work” – the night shift is one embodiment of the concern that attaches to visible work. In the case of the factory worker, we find a public interest that is situated almost entirely within the framework of labour laws and that refers mostly to conditions within the factory (in spite of labour struggles wanting workers’ lives recognised), while with the call centre worker we see the generation of a “public interest” through media reports that pull personal lives and “cultural” choices into this term. The excessive public attention given to the “privatized” world of the call centre and to the “private” lives and acts of its employees (their sex lives, their marriages, their consumption practices and leisure activities) contributes to the generation of a “private” that is necessarily a “public” concern. Even scholars on India have shown a growing interest in this world, leading to a string of ethnographies of women employees at call centres (Patel 2011; Tara and Ilavarasan 2011; Vaid 2009). On the other hand, any kind of “cultural” concern for the factory worker is either relegated to the realm of the private where it is dealt with by family, or the realm of the state, where it is dealt with through legal-governmental measures. The frenzy around the “techie”, on the other hand, cannot be relegated to the domain of the state, and has to be staged over and over again as part of the *cultural* conditions of our contemporary.

Besides rendering “public culture” and “public modernity” as synonymous, what Appadurai and Breckenridge seem to effect in their analysis of a “public modernity”

industrial areas in Bangladesh, and a demand that new policy be drafted to ensure safe working conditions within factories.

²⁷⁶ The 2010 television show *Outsourced!*, set in Bombay, is a spoof on the space of the call centre, dealing with the life of an American call centre manager and his Indian employees.

is a synonymy, first between the term “public” and the process of public circulation, and second, between the term “culture” and the process of cultural production. This is how a “public modernity” becomes the same as a “consuming modernity”. “*Public* in this usage ceases to have any necessary or predetermined relationship to formal politics, rational communicative action, print capitalism, or the dynamics of the emergence of a literate bourgeoisie. Thus the term becomes emancipated from any specific Euro-American master narrative and indicates an arena of cultural contestation in which modernity can become a diversely appropriated experience” (Appadurai and Breckenridge 1995, 5). A slight discomfort arises for me here at the idea of all economic production being pulled into a zone of “cultural contestation” in laying out the contours of modernity in the present moment. The economic is not disavowed in any way in their introduction to the book, it exists in the production and circulation of texts, and the relationships that people have to these texts; and granted that the aim of the book is to explore what they call the “interocular field” that the Indian viewer/spectator/consumer inhabits or participates in, the particular focus here being on this spectatorial-consuming relationship. This is where this interocular field is challenged through the idea of the field of visibility. The problem arises when this interocular field is not posed against a broader or more complex notion of “public modernity”, and the peculiar tensions that exist between the two terms in this combine, ‘public’ and ‘modernity’, that modernity in the Indian context is a condition that rests on the transaction between private and public modes of being. This is precisely what the chapter has tried to bring forth, in examining the “difference” between a restricted yet constantly threatened or negotiated legal or governmental idea of “public interest” in the woman in the factory; and the symptomatic generation of a public interest in the privatized world of the woman in the call centre. There can

be no pulling of economic production into a zone of cultural contestation here, and neither is economic production the basis on which culture is then produced. The women embody the conjunctural relationship between the economic and the cultural, the particular ways in which cultural and economic questions arise together in the present moment. This could be extended to arguing that our present state of political identification rests on a publicising of the private, whether in terms of property ownership, the declaration of wealth, the sex lives of public figures (politicians, political journalists and godmen), under-the-table acts of corruption, and so on. The material-economic is subsequently rendered *inapparent* simply because it was always already considered a public concern. The case *Abdur Rahim vs State of Madras* (Secretary, 21st January, 1960²⁷⁷) involves a beedi manufacturer arguing that applying the factory system to his family's production of beedis, especially when his wife and daughter are "gosha ladies" who wear the purdah, would be detrimental to their family's survival. The judge here refers to all regulation of business and industry as being a part of "public good":

Formerly, under the law obtaining in America, the business was classified into (i) private and (ii) those affected with public interest. The distinction was useful to facilitate the regulating of the business by the State in exercise of its police power, the latter class of business being open to such control, while the former was not. That theory was however later abandoned. It was held that the police power of a State could be exercised both in respect of a business charged with public use and a private one so long as the object sought to be achieved by legislation was for the public good.

²⁷⁷ <http://www.indiankanoon.org/doc/68600/> - Accessed as on 29 October 2013.

This is how the state has approached industry, as a matter of public good. It is then ironic but not paradoxical that this concern does not live in the public domain in the same way that concern about what is considered “private” or, in this economic context, “privatized”, does. The question of visible work, and its manifestation in legal judgments, media reports and government discussion allows us to examine the ways in which the relationship between economy and culture are shifting in the contemporary, and how the public-private divide is at the centre of this shift.

CHAPTER 6

The Closet Door Ajar

Sexuality, Technology and the Problem of Openness

Introduction

This chapter makes a departure from the ones before it, in that it deals not with women as bodily subjects, but with the “queer” bodily subject online, in “cyberspace”. In doing so, it attempts to explore the existence of the virtual body, and how this body’s actions in online and offline worlds inform the ways in which we understand public-ness and privacy, a term that is highly contested in relation to this virtual body in the contemporary moment. Here the “transaction” which this thesis has argued visibility is, is taken closer to “translation”, through its etymological meaning of *driving through*, in terms of negotiating selves between the “virtual” and “actual” worlds.

Some of the previous chapters have located anxieties that derive from the relationship between technology and the bodily subject. The chapter on obscenity law argued that circulation of texts through new technologies like the printing press and the cinema were what brought a lot of cases to the courts, not the obscenity of the text itself; the chapter on women’s work argued that in the case of the factory worker, there was a

tension between gender and technology that was reflected in disallowing women from operating certain kinds of machines, and that the call centre worker seems to be immersed in conditions of technology in very different ways, these conditions organising her life beyond the workspace; the chapter on public nudity discussed how the coverage of nude worship by the media is part of why this worship becomes a problem for the state and Dalit organisations. This chapter, on cyberspace, takes further an analysis of the anxieties caused by living in/with/through technology, to ask: how do we understand conditions of technology that render being public and being private almost simultaneous with each other? How do the mechanisms of the state, and the media, then try and deal with these conditions? I argue that the sexualised subject's occupation of cyberspace, in ways that are simultaneously 'public' and 'private', renders the transactions between public and private domains, online and offline lives, apparent. What is also rendered apparent are the anxieties this movement produces for the state that is itself struggling to gain control over public-private conditions of technology, while itself being fully embedded in them at this historical juncture.

As laid out in the introductory chapter, "visibility" has been an idea that has existed most strongly in the LGBT movement in India, with the claim, made by both activists within the community and media reports, being that shame and stigma are what keep those whose sexual practice is alternative or deviant, in the closet, so to speak²⁷⁸. This

²⁷⁸ The idea that the illegitimacy of LGBT people is what keeps them "masked" and in the closet has been a part of the two decade-long struggle against Section 377, that part of the Constitution that criminalises 'unnatural' carnal intercourse. For example, an article written after the Supreme Court announced its verdict on the case in December 2013, refers precisely to the "politics of visibility" – "It hurt. We had come unmasked, with the paint washed off our faces, ready to be told that the sex we were having was not against nature (those of us with no penises got to be included by proxy). Instead we are insulted, told we were miniscule and our troubles unworthy of national attention. And then there was the embarrassment. India was supposed to join the global momentum set up by the politics of queer visibility and let Indian queers come out of the closet. Instead we learnt that the Indian Supreme

means that they have to conceal their desire and their practice and are therefore forced to occupy zones of danger, humiliation and brutality at the hands of the law. The 1990s witnessed a reaching towards this visibility, with many HIV-related NGOs being set up with funding from international bodies like Hivos. The Hivos India page states that “LGBT Rights has been part of Hivos’ Rights and Citizenship programme since the 1990s and consists of financial support, knowledge exchange and policy advocacy for LGBT rights.”²⁷⁹ This connection, between sexually transmitted illness, the stigma caused by intolerant social conditions, a colonial law that was read (as it has been read in other countries) as criminalising homosexual acts, and an emerging global discourse of LGBT visibility, intensified through the two decades that followed, culminating in the recent 2013 Supreme Court judgment which declared that there was nothing unconstitutional about Section 377 of the Indian Penal Code, and set aside the “historic” High Court judgment of 2009 that read down the Section to decriminalise *private consensual sexual acts between adults*²⁸⁰. What the High Court judgment set out to do was to define a realm of personal liberty or autonomy, which could not fall easily within the reach of criminal law codes such as Section 377.

Court was content with the colonial relics left by the British.” See “Politics of Visibility: India’s Queer Movement and IPC-377” by Sonia Joseph (December 17, 2013) at <http://www.countercurrents.org/sonia171213.htm>. Accessed as on March 04, 2014.

²⁷⁹ <http://india.hivos.org/focal-area/lgbt-rights>. Accessed as on January 12, 2013.

²⁸⁰ To give a short background to this legal struggle, a petition to repeal Section 377 was first filed by the AIDS Bedhbhav Virodh Andolan in New Delhi, after Kiran Bedi, the superintendent of Tihar Jail, refused to distribute condoms amongst the prisoners to help protect against the spread of STIs due to sexual contact. This petition was dismissed. Another was filed with the Delhi High Court in 2001 by Naz Foundation, an NGO set up in 1994 in New Delhi to work on sexual health and HIV/AIDS. The petition asked for the reading down of Section 377, the law that criminalises “carnal intercourse against the order of nature”, which is translated in all contemporary contexts as a law that criminalises homosexuality. After rounds of dismissal and appeal, the petition returned to the Delhi High Court, and in 2009, a two-judge bench found the section to undermine what they called “constitutional morality”, and asked for a reading down of the section in such a way that private consensual sexual acts between adults could no longer come under its powers. The judgment also had a definition of privacy to offer, not as private space but as “personal autonomy”. Appeals against this judgment took the case to the Supreme Court, and on December 11, 2013, the SC decided against a reading down of the section, stating that there was nothing unconstitutional about it and that it did not refer exclusively to homosexuals as a community (that any such use of the law to target homosexuals, would derive from a misuse of it). Efforts to undo this decision continue.

As per the logic of the efforts in the decades preceding the judgment, this personal autonomy would grant the LGBT subject sexual citizenship of a particular kind never imagined before, and the state would then be forced to recognise LGBT identities as deserving of rights and visibility in the public domain. They would then be extracted from the realm of secrecy, shame and blackmail that they have existed in all this time, and take their place on the stage of Indian democracy as bearers of the freedom to be openly “queer”,²⁸¹. The practice of “coming out” has therefore been central to linking personal acts and choices to the structures created by law and other institutions. This act of coming out is rendered meaningless in the lives of hijras who are always already “out”, who are fundamentally “public” in how they perform their gendered and sexual selves, whether it is through the act of begging and touching men to make them give money, through the fact that their appearance on the streets immediately marks them as hijras, or through their sex work in public spaces²⁸².

Through the categories that have emerged in the above description, visibility, “private”, freedom, and “personal autonomy”, the chapter moves into an analysis of

²⁸¹ The term queer is borrowed from the context of the US gay movement, which adopted the term in the 1990s. As Ashley Tellis argues, the term offered American activists and those who had not till then found a space within the LGBT movement (people of colour, for example), a new way of describing identity and of gaining recognition. Tellis asks, “How does this term travel from this specific context and reach the world over? How does the Indian ‘queer movement’ come into being? ... For the moment, it is important to point out that the word ‘queer’ in its travel from the streets of New York and its appropriation and transmutation in the elite spaces of an upper class and upper caste set of people in India, many of whom run NGOs or are part of them designating themselves as a ‘movement’, needs to have its trajectory traced as the first step in the critical self-analysis needed to generate something like a critical movement.” Tellis’ point is that the usage of the term is ahistorical, since it coopts all events and articulations that took place in the 1980s and early 1990s as the “beginnings” of the queer movement. He also draws connections between this queer movement, and the frame of global governance that is being put in place through international organisations like the UN, and neo-liberal processes following the opening up of the economy in India. For him, this unquestioning import and usage of the term ‘queer’ is inextricably tied to this. See Tellis 2012, 142, 148-150. <http://www.jgls.edu.in/JindalGlobalLawReview/PDF/AshleyTellisChapter7HR.pdf>. Accessed as on 07 March 2014.

²⁸² Like hijras, sex workers also assume an always already public position. Nalini Jameela, in *Autobiography of a Sex Worker*, talks about how it did not matter whether she was soliciting or not, any place she stood at became a pick-up point, her physical presence literally producing that place as open to transactions of this nature. See Jameela 2007.

the discourse of *openness* in the contemporary moment. But first, we need to explain why it chooses to do so through a focus on the *virtual* bodily subject. Why focus on cyberspace as a site of practice or identity formation within the entire history of the LGBT movement in this context? What does it have to do with public-ness, or with visibility as a transaction?

We exist in a time in which the relationship between technology and sexual practice demands to be understood. The anxieties surrounding technologised practice, whether it is mobile phone use in colleges²⁸³, adulterous women being driven by technological access²⁸⁴, the creation and circulation of sexual MMS-es²⁸⁵, children accessing pornography²⁸⁶, or addiction to social networking sites²⁸⁷, signal an imagination of being immersed in technologies to the extent that the state and its mechanisms are seen as constantly trying to catch up with the realm of private use of technology, as opposed to earlier technologies like cinema and television which saw a degree of state

²⁸³ “Maharashtra govt mulls ban on camera mobile phones in college campus”, *India Today*, 7 July 2013. <http://bit.ly/1dWvDhc>. Accessed as on 19 August 2013.

²⁸⁴ Mobile phone records are now a part of most divorce cases where the charge of adultery has been made. Detective agencies also track people through their mobile phones. This article in *Outlook* directly links women’s adultery—seen as a new development—to technology – “Helping the cause of adultery are the advances in technology. You can meet a potential lover in your age group, even match ‘common interests’, in the cold anonymity of the busy country-and-city-specific Internet chat room. Once the going gets hot, you can even fix up a date and meet each other in the flesh. SMS too has been a liberating influence. Its furtive power on the ubiquitous mobile phones allows you to conduct affairs on the sly....A few years ago, there were just cyber-sex widows. Now, you can spot more cyber-sex widowers. An increasing number of women are cruising Internet’s highways” (Soutik Biswas, Madhu Jain, 05 May 2003 - <http://www.outlookindia.com/article.aspx?220010>, accessed as on 09 June 2011); This other article is on a village in Bihar that banned its women from using mobile phones because this practice might lead to love affairs – <http://bit.ly/1n5PjVe>, accessed as on 17 January 2014.

²⁸⁵ The now famous DPS MMS case will be examined further on in the chapter.

²⁸⁶ It is clear that the Indian state and the courts are still struggling with ways of regulating pornography online. This is because pornography, which has always been considered illegal in its offline form but has remained in circulation, has transformed into a new kind of problem with the arrival of the internet and new media technologies. It has become a visible concern for the state, in ways that it has never been before. The category of pornography, till now one that has always been *gestured* towards in obscenity cases, has now taken on a more “positive” character. <http://bit.ly/1fyLCGY>, accessed as on 02 February 2014.

²⁸⁷ For an example of how social networking sites are made part of popular psychology narratives of what is happening to people in the post-millennial era, see <http://bit.ly/1n5RqIK>, accessed as on 02 February 2014.

control to begin with, or which the state has tried to co-opt as serving “public” interests. In this sense, the cinema and television were imagined and treated as “public” technologies, or technologies of public-ness, which also explains the institution of pre-censorship in their case. The internet cannot be sought for such co-option, for it cannot serve as a platform for statist agendas in any fixed way – it is always already a private technology²⁸⁸, and as a private technology, the ways in which it will spill over into the public domain remain always in question. Consequently the state has attempted to achieve a degree of control over this technology through certain regulatory moves. The internet service providers are to give it whatever information it needs on users who come under the legal scanner; cyber centres in the country are ordered to record information from institution-approved identity documents before giving users access to the internet²⁸⁹; the state has the right to ban or bar websites that it deems harmful to the public or to the country’s security; and cyber cells are set up by the police in each state to track criminal activity online.

²⁸⁸ This is both because its users usually operate alone interacting with just the computer interface, and also because the internet was introduced as a publicly accessible technology only on 14th August, 1995, a few years after the liberalisation of the economy. It was first introduced by Videsh Sanchar Nigam Limited, a public sector unit set up in 1986. Tata Communications, a private concern, bought a 45% share in VSNL in 2002, and then in 2008, the company was renamed Tata Communications Ltd. After its brief life in the public sector, the internet has been offered to users largely by private concerns. Now, Bharat Sanchar Nigam Limited (BSNL) is the only state-owned communication service provider, and its monopoly lies largely in landline or fixed telephone connections.

²⁸⁹ “The Cyber Café shall not allow any user to use its computer resource without the identity of the user being established. The intending user may establish his identity by producing a document which shall identify the users to the satisfaction of the Cyber Café. Such document may include any of the following:-

- (i) Identity card issued by any School or College; or
- (ii) Photo Credit Card or debit card issued by a Bank or Post Office; or
- (iii) Passport; or
- (iv) Voter Identity Card; or
- (v) Permanent Account Number (PAN) card issued by Income-Tax Authority; or
- (vi) Photo Identity Card issued by the employer or any Governmental Agency; or
- (vii) Driving Licence issued by the Appropriate Government; or
- (viii) Unique Identification (UID) Number issued by the Unique Identification Authority of India (UIDAI).”

See the Notification GSR 315(E) in The Gazette of India: Extraordinary, dated April 11, 2011 (F. No. 11(3)/2011-CLFE, N Ravi Shanker, Joint Secretary) - <http://ddpolice.gov.in/downloads/miscellaneous/cyber-cafe-rules.pdf> . Accessed as on 04 March 2014.

We have called the internet a private technology above, largely because the state has been trying to play catch up with a technology that was introduced after the liberalisation of the economy and that lies largely in the hands of private concerns or in the relationship between the state and private companies, as the 2G spectrum scam demonstrated; but also because of the image of the solitary user in front of a computer screen accessing, circulating, sharing, selling, buying). While the internet is indeed “private” in these two senses, there is also the notion of “the cyberpublic” to factor in – social networking sites, online political campaigns, discussion forums, and the rapid circulation of images, information, videos, emails, that translate to and transact with the offline world and its practices in a number of ways. Therefore the opposition emerges, of the internet opening out or creating this sphere for public participation, and the state wanting to regulate this condition of openness. The chapter then looks first to this idea of “opening out”, in both the economic sense of the term, and a socio-cultural sense, critiquing it in order to argue that visibility is not simply a condition of openness, but a transaction, in this case between the online and the offline realms of being and acting.

Both queer identity and the internet as a phenomenon are caught up in the discourse of openness²⁹⁰ – one through the metaphor of the closet and the history of efforts to *unmask*²⁹¹ a certain kind of sexual subject and make the state recognise its face; the

²⁹⁰ One must point out here that this idea of being open is not collapsible with what is referred to as “open source” (software) or “creative commons” – the latter precisely addresses the ways in which information circulation is closed off online, and software is owned and controlled by large corporations. In this, it comes *after* the discourse of openness rather than coming from it, as a critique of the hidden ways in which control exists online.

²⁹¹ The mask has been both a metaphor and a material object in the history of the LGBT movement in India. People who have not yet revealed their sexual identities to families, friends or colleagues often wear masks to public events like pride marches. In this sense, the mask is a material object. But it is also a metaphor, for the state in which those who are not heterosexual in their practices,

other through the idea of technology as *enabling* precisely this kind of unmasking, as enabling (even through anonymity, ironically), the performance of our true selves online, away from the restrictions that our contexts encompass us in. The chapter then takes on the notion of “virtuality” and through it, explores its possible connotations – of abstraction, of immateriality, of being dis-embedded, from a material context with its social-economic-cultural histories, in the time of what is referred to as “globalisation”.

Separating the Symbiotic Twins: A Critique of “Openness”

In the company of nudists, no one is naked. We are entering an age of publicness when more and more we will live, do business, and govern in the open. Some see danger there. I see opportunity (Jeff Jarvis 2009).

As a necessary step towards studying the relationship between technology and sexuality, we need to understand “openness” as an idea that seems to structure discussions on the nature of both the internet and queerness, in different ways. What does it mean to read an object/phenomenon/practice as signaling acts of opening? What is opening placed in opposition to? The terms that come together to constitute a *field of openness*, so to speak, are these – transparency, publicness, privacy, safety, freedom, expression, anonymity (not so paradoxically), communication, virtuality, on

are forced to remain. An article published after the Supreme Court judgment quotes a gay man referring to the mask in both senses mentioned above, “The first Queer Pride Parade I went to, I went wearing a mask. And when I came back home, I kept crying. It was after Delhi High Court order that striked down [sic] Section 377 that I removed my mask. But after removing it once, you can’t go back to wearing it. Everyone knows about me now, that I exist and that I am gay. ...And now the recent SC judgment has declared that we don’t exist. For us it’s not easy to disappear, once you come out.” (“Step up against 377 step back”, *The Asian Age*, January 13, 2014 - <http://www.asianage.com/life-and-style/step-against-377-step-back-987>, accessed as on 27 February 2014.)

the one hand; on the other, opacity, the closet, danger, morality, prohibition, lack of access, RL (real life).

“Openness” is seen as the “fundamental principle of the internet”²⁹². The ramifications of this statement, for internet studies, and by extension, for studies on the “cyberqueer” or on the implications of internet technology for alternative sexuality practices, is then the concern of this section. What does this idea refer to in terms of how we live in the world? It refers to a) communication – the idea that with the internet, communication has broken free of the temporal, spatial, linguistic and national restrictions imposed by earlier technologies; b) space – that space is no longer defined in material terms, and the binaries of inside/outside, public/private, have been radically recast by the entry into our lives of “cyberspace”, of space thought in virtual terms; c) the body – dematerialization, disembodiment, terms that imply that on the internet, you become an entity of the mind, of a desire that does not need the material body. The implications of this then being that the threat to the body, posed by its circulation in “real” space and time, is now reduced, because that body no longer has as much at stake as the mind does, in the world of virtual technology. It also means release from a body that is encumbered by the various “markers” of social relations; d) decentralization – that the internet adopts the mode of “weaving”, which is seen as a refusal of the hierarchisation imposed by the ways in which information is made available, or production and consumption are managed, and the ways in which class, race, gender restrict the participation of the individual in the social. Weaving then refers to a network system in place of a top-down system.

²⁹² www.openinternetcoalition.org (accessed on 06 May 2011, domain expired on 23 February 2014).

“The evidence of the trend toward openness is all around. Young people are sharing their lives online via Facebook, Twitter, Flickr, YouTube, Google, and whatever comes next. Though that mystifies their elders and appalls self-appointed privacy advocates, the transparent generation gains value from its openness: This is how they find each other, share, and socialize”²⁹³ (Jeff Jarvis, author of *What would Google do?*). We are henceforth titled the “transparent generation”, and we find that same value in the technology that defines our lives – the internet. Why are we “transparent” when compared to earlier generations? “Transparent”, “strawberry”²⁹⁴, are all terms that have come to describe the present generation of internet users, the youth, a category born out of an idea of *freedom* from both moral and political constraint. In this imagination of them, they *use* technology in order to gain this freedom, in order to give their minds and bodies, which are straining at the leash, the required escape routes, from institutions (family, school, legal system), from social relations (class, sexuality), and older forms of political identification (tied to a territorial and materialist politics). Speaking of the myths attached to cyberspace, Slavoj Žižek, in asks, “And is not the notion of cyberspace a key symptom²⁹⁵ of our sociological constellation? Does it not involve the promise of false opening (the spiritualist

²⁹³ Jarvis, Jeff. “Openness and the Internet” - http://www.businessweek.com/managing/content/may2009/ca2009058_754247.htm. Accessed as on 06 May 2011.

²⁹⁴ “Strawberry generation” is the Taiwanese term for people born after the 1980s. The metaphor is that of the strawberry, which is cultivated in a protected environment. This is meant to indicate that people of this generation cannot work like their parents did, are sheltered, and prone to consumerism of a certain kind. “Often referred to, somewhat derogatively, as the “Strawberry Generation”, young people in Taiwan, especially those in their 30s or a little younger, are getting an exposure to the “real” world thanks to collaborative efforts between the government and nongovernmental organizations (NGOs), such as VYA Taiwan, whose unique approach to overseas voluntary work is bringing an increasing number of people to far-off corners of the world, where they get an exposure to some less palatable aspects of life while making themselves useful...Having grown up after Taiwan’s economic takeoff has brought about a certain level of general affluence, and members of the much-pampered Strawberry Generation are derided by their critics as “easily bruised”, inexperienced and unable to withstand pressure – a far cry from their hard-working parents” (Fok 2012).

²⁹⁵ By symptom, Žižek is referring to a certain aspect of a system. He uses the example of the homeless, the ghettoized, and the unemployed, to say that a symptom is not something that is an obstacle to the success of a system, rather it is precisely that “exception” which is required for the system to stay in place. It “turns a dispersed collection into a system”, and it is responsible, through its

prospect of casting off our 'ordinary' bodies, turning into a virtual entity which travels from one virtual space to another) as well as the foreclosure of the social power relations within which virtual communities operate?" (Zizek 1997, 130)

The 1990s is seen as the decade of openness, both in terms of new media technology and sexual practice. "With liberalisation sweeping the Indian mindset, more and more people are determined to enjoy the secret thrills sex has to offer. While high-profile execs are being seduced by escort services, the middle-class minds are being titillated by 'parties'. Those who are more discreet go for phone sex or MMS."²⁹⁶ What comes across is an idea of a new relationship to the temporal and the spatial, the cultural and the social. And sexuality seems to be central to this relationship. "A sexual revolution is sweeping through the small and big towns of India, and to stay immune to it is a big (t)ask."²⁹⁷ This article from *The Week* tells us how the "new sexual" or the "newly sexual" is described in popular discourse. So much so that the violence of the right-wing groups against women, against "obscene" texts, is sometimes explained through this very revolution of/in sex. It is read as a backlash, in a moment that is producing this new relationship, with the help of new media technologies such as the mobile phone, the internet, and the web camera, the "things" that enable this openness. And because it is read as a backlash, the practices of the Hindu right are read as wishing to *close*, to reverse this process of opening out, to keep things *as they used to be*. Openness is not just a set of practices, it is read as a mindset, a shift from an older era of being bound within certain social structures. Sociologist Patricia Uberoi says, "Earlier only newly married women had the right, indeed were expected, to advertise

contingent intrusions, for maintaining "the Goal in its elevated sublimity". In the case of his example, the system of late capitalism can be maintained as a goal only because it is always seen as obstructed by these various conditions (of homelessness, unemployment).

²⁹⁶ Doval, Nikita. "Bold Bodies", in *The Week*, September 7, 2008, 50.

²⁹⁷ Ibid

their sexuality before receding into wall-flowers as respectable married women, but today all that has changed....Walk into any college or even school campus across the country and you have young men and women equating liberation and sexuality”²⁹⁸. The linking of sexuality and liberation or freedom is here crucial, because what is particular to this era is the fact that “sexual expression” is seen as an indicator of freedom, whether this freedom is placed against moral or political orthodoxies, or on the other hand posited as “Westernisation”. Popular discourse positions us as having arrived at *the desire for* sexual freedom (whether or not sexual freedom itself).

Queerness, a phenomenon of the 1990s in the Indian context, is similarly described as an *opening out*. “Queer” signifies a stepping out of the binary of heterosexuality/homosexuality, which will no longer encumber the body or the mind; it is a conscious move away from identities like lesbian, gay, bisexual, transgender. In fact identity in itself is rendered fragmented and cannot emerge from a monolithic location. For instance, cultural theorist Shohini Ghosh finds that “There was excitement and apprehension in the early '90s as an endless diversity of images flowed into private and public spaces.... Sexual speech came under special attention as newscasts, talk shows, sitcoms and a variety of TV shows challenged conventional family values and sexual normativity including monogamy, marriage and heterosexuality”²⁹⁹. Queerness is then linked to this rapid spread, this breathless circulation, this new access. Technological change is inextricably tied to this idea of the closet being ajar. “...The rapid spread of satellite TV and new media technologies continue to transform the cultural practices of the urban middle class.” *Access* is the

²⁹⁸ Ibid

²⁹⁹ “The Closet is Ajar”, in *Outlook* - <http://www.outlookindia.com/article.aspx?227507>. Accessed as on 05 May 2011.

reigning term. Literary critic and digital media theorist Katherine Hayles argues that access has replaced possession as an organizing principle. She says, "...the crucial issue with information is thus not possession but access. Access has already become a focal point for questions about how information as a commodity is going to be integrated into existing capitalistic structures" (Hayles 1999, 78). It seems to be an era in which the boundaries of the sexual *norm* are being forced to redraw themselves, simply by the massive onslaught of ideas, speech and images. Queerness is then seen as riding the crest of a wave of sexual revolution that has been washing over India over the past two decades.

The internet, as a site at which life is lived, and the queer, a sexual subject of the post-'90s period, have been brought together in the term "cyberqueer" for the purpose of sociological and other analyses³⁰⁰. You can be a beer-bellied man in RL (Real Life), and turn into a voluptuous woman in Second Life³⁰¹. The virtual life, the virtual body, the virtual sex – the internet is often spoken of as performing two functions for someone practicing alternative sexualities – a) that it lets them be "other" than they are forced to be in Real Life; b) by doing this, they are allowed to express their "real" sexual desire or gender in a "safer" space than in RL, thereby allowing for a freeing up or an opening out, however secretively it is done.

³⁰⁰ It must be noted here that even though "cyberqueer" is not a term that circulates in the Indian context and finds purchase maybe only in the West, what it connotes, the idea of the internet offering a sort of unmooring from cultural and social realities, is very much in operation in the Indian context and in "our time".

³⁰¹ Second Life is a virtual world in which you can live as a Resident (an avatar), and engage in relationships and transactions with other players. Virtual worlds like Second Life and LambdaMOO witness curious cases of online sexual harassment and rape, involving both actual cases of unwanted violations and rape fantasies that are then advertised by users. These cases have led to a number of discussions on what the rape of an avatar means, legally, physically, mentally and what its relationship to this act in RL means.

Cruising in physical spaces of the city has always been an affair which dangles on the edge of un-safety. Arrests and blackmail by policemen loaded with the section 377, or extortion for money are often reported within queer circles. The *gaybombay* website has several articles and personal narratives which function as cruising guidelines and warnings. In this context, internet portals like guys4men provide forums which can be used to manoeuvre cruising in a different manner, possibly much safer than in moonlit Nehru or Central Parks in Delhi or train-station loos in Bombay. (Mario d'Penha, gay activist³⁰²).

Again, the notion of “space” as suddenly emerging from the shadowy realms of ambiguity and secrecy, to stand in for freedom, is something that one often encounters in relation to cyber-queerness. And it is not just physical space which is pulled into this discourse of the technological shift, it is desire itself - “Desire is unabashed, playful, complex here.”³⁰³ Desire, personified thus, is then seen as something set free by and through technological innovation.

Here we find something that is particularly obvious in the online world, the simultaneity of the secret and the open. While new technologies offer a number of ways in which to reach out and be more open about your desires and preferences, they simultaneously generate a range of ways of being “private” or secretive about the same – dual SIMs, internet passwords, ways of protecting your devices, erasing browsing histories, privacy settings on networking sites, closed groups, and ways of ensuring anonymity online. The above quote from the article connects liberalisation

³⁰² Quoted in Katal, Akhil. “Cyber Cultures/Queer Cultures in Delhi”. See <http://mail.sarai.net/pipermail/urbanstudygroup/2007-July/002827.html>. Accessed as on 06 June 2010.

³⁰³ Ibid.

and “secret thrills” of a sexual nature. It is clear from all this that there is no unconditional “openness” that is in operation even with the advent of these technologies. What is instead in operation are a number of new kinds of transactions between the online and offline worlds, a number of new ways of being both secret and open, which have a way of pushing further our understanding of the public-private divide. An online love affair or a “hook-up” involves the same kinds of negotiations with what is revealed and what is kept hidden, as offline relationships and cruising for sexual partners in the park. What seems to then differ is how the state becomes a witness to these practices. Cruising in the park takes place vis-a-vis police patrols and surveillance. Cruising for partners on online sites is seemingly outside of this surveillance, hence it is considered “safer” and freer as a space for sexual interaction.

Though this notion of sudden freedom is contested by researchers and scholars within the field, the result of that contestation has often been to

a) affirm, in place of a single figure of the liberated cyberqueer, the multiplicity of behaviours, dangers, freedoms that are generated. This is a little like affirming, in place of a single body called *the public*, several bodies that are termed multiple publics, or subaltern publics. The problem with this approach, as discussed in the introductory chapter, is that the nature of this public, the public-ness of it, is not then fully interrogated. It is assumed that the multiplicity in itself will be contest enough;

b) return to the body as forming the root of queer existence. This return then, in claiming something that has been forgotten, or disavowed (our bodily existence), finds a strange comfort in this body, settling within it as if having found a location from which to speak, about the virtual, about cyberspace. For example, Jodi O’Brien, a sociologist who studies social interactions and sexuality, refutes the claim that

“There are no closets in cyberspace”. She finds it necessary to return to the “body” and not to subjectivity in order to do so, as if the materiality of the body is the only *concrete* thing that will allow this contestation. “The “alternative” experiences that are enacted in “alternative” or queer spaces are based on realities of the flesh: real, embodied experiences and/or fantasies cultivated through exposure to multisensory stimuli” (O’Brien 1997). The body then becomes the explanatory fulcrum, and it is only from here that any kind of relationship to what is seen as virtuality can be understood.

An ancestor to the above problem - “What precisely does the *cyber* add to the *queer* identity which it lacked previously?” (Wakeford 2000, 412) This question, framed as the most basic one that can be asked of this figure, makes the following assumptions – that “queer” is a human subject that precedes “cyber”, a.k.a non-human technology; that the latter *adds* to this human subject and how it performs in the world, or has transformed it *after the fact*. For cyberspace is where this distinction between the human subject and technology comes to be highlighted. Rather than seeing this moment as one in which this distinction is erased, a move that is easy to make, it is more useful to see it as a moment in which the relationship between the human subject and technology finally becomes impossible to ignore, and can be questioned. It is remarkably easy to say that in the great saga of sexual practices, technology has been an agent of transformation. Or, more importantly, to place cyberspace and queerness on par with each other, as sharing *the same nature*, or functioning on the same fundamental principle – of decentering or destabilizing a previously integrated or unified subject. Nina Wakeford asks of the term *cyberqueer*, “...what is the purpose of creating a hybrid of the two? It is a calculated move which stresses the

interdependence of the two concepts, both in the daily practices of the creation and maintenance of a cyberspace which is lesbian, gay, transgendered or queer, and in the research of these arenas” (2000, 410). By this logic, they are interdependent because there is some inherent quality in each that makes it offer itself to the other. “Queer sex is about following the desires of the flesh into an unnamed, uncategorized, uncharted realm, and doing something that neither of you can ‘code’” (O’Brien 1997). The value of queerness therefore derives from this lack of naming, an escape from coding of a particular kind, the zone of ambiguous enactments of desire. ““While it is this open transparent character of online existence that lays the Internet vulnerable to surveillance, it is also its self-inscribing character that makes it the playground of possibilities it is at its best. Cyberspace is habitat, playground, university, boulevard, refuge” (Sengupta 2000). A zone of enactments of desire, a playground of possibilities. Undefined. Unbound. Zizek, again, poses to us the fantasy related to the sexualised body in cyberspace:

In the domain of sexuality, this foreclosure of the Real gives rise to the New Age Vision of the new computerized sexuality, in which bodies mix in ethereal virtual space, freed of their material weight: a vision which is *stricto sensu* an ideological fantasy, since it unites the impossible – sexuality (linked to the Real of the body) with the 'mind' decoupled from the body, as if – in today's universe where our bodily existence is (perceived as) more and more threatened by environmental dangers, AIDS, and so on, up to the extreme vulnerability of the narcissistic subject to actual psychic contact with another person – we could reinvent a space in which we could fully indulge in bodily pleasures by getting rid of our actual bodies. In short, this vision is that of a state without lack and obstacles, a state of free floating in the

virtual space in which desire none the less survives somehow... (Zizek 1997, 132-133).

There is then a reading of technology and sexuality as feeding off each other - “The relationship between technology and sexuality is a symbiotic one. As humankind creates new inventions, people find ways of eroticizing new technology. So it is not surprising that with the advent of the information superhighway, more and more folks are discovering the sexual underground within the virtual community in cyberspace” (Tsang 2000, 432). The above argument assumes the following – a) that humankind existed before technology; b) that first a technology is born and then the eroticization of this technology takes place. In this case the internet, it is only because of these assumptions that technology as such can be seen as fundamentally open.

Technology and Sexuality: A Return to Essence

Without technological detours, the properly human cannot exist.

(Bruno Latour 2002, 252)

At the point of encountering this strange euphoria of symbiosis, we need to pause and consider this very relationship between technology and sexuality. “There has been a persistent silence on matters of sexuality in critical cultural studies of technology, perhaps partially because technology was associated with the instrumental to the exclusion of the representational” (Case 1995). The creation of the term ‘cyberqueer’ is itself an act of resistance in the face of such suppression” (Wakeford 2000, 410). If the relationship between the two is viewed along representational lines, then the only direction that can be taken is one which will posit the human before the technological,

will posit technological as that which enables (or not) representations of this human subject. In this sense, the representational is not far from the instrumental as an explanatory framework. In all the explanations we have seen above, at one level or another, technology has been viewed as the “thing”³⁰⁴, and morality as that which ascribes meaning in a particular way to this thing. Morality is what is said to put a stopper in the race for technology. Do we clone ourselves? Is stem cell research unethical? Do we lose our moral foundations on the internet? For example, the mobile phone is seen as the thing, the technology, with concrete attributes and use value. Morality is then seen as prescribing how this thing is to be *used* or not used, or pointing to the dangers that follow from its use in the world of social relations. Latour argues against this positioning of technology and morality, and instead calls them both *modes of “alterity”*, albeit two different modes. Alterity in his definition is *being-as-another*, technology and morality both then constituting a particular way of being-as-another. Technology is not simply what you use, it is not a means to an end, it in fact changes the end to which it is the means. It is the curve, the detour. Morality is what questions means and ends and prevents the easy categorization of objects or people as one or the other (Latour 2002). Morality then becomes the third point in the triangular grid we establish, sexuality and technology being the other two points. Sexuality is also seen as that which is held in restraint by morality.

This opposition structures every public debate on obscenity and censorship in the Indian context. We are used to thinking of morality as keeping things static, wanting them unchanged, preventing new ideas or practices from being absorbed into the domains of our existence. Especially when it comes to sexuality, morality is seen as

³⁰⁴ I put this in quotes because Latour has a very specific definition of ‘thing’ or Ding, which this is not.

that which blocks, which lives in the past, which “ossifies” – “...morality consists precisely of the willingness/ability to accept and organize one's behavior in accordance with..."ossified" recipes for interaction. If gender is a primary (read: coded as "natural") institution for organizing social interaction, then boundary transgressions are not only likely to arouse confusion, but to elicit moral outrage from the boundary keepers” (O’Brien 1997).³⁰⁵ Morality here refers to boundary keeping. Latour shifts our understanding of morality in ways that allow us to read beyond the boundary keeping. According to him, morality constantly interrupts the means-to-end process by questioning the use of something/someone as a means towards an end. Morality is then some kind of hindrance to or intrusion in this process, not an ossification of social relations or practices³⁰⁶.

We need to return here to the idea of moral panics introduced in the first chapter. Is there a gap between what Latour considers “morality”, as the necessary interruption of the means to an end, and what happens in the name of morality in the Indian context? Yes, whether the name of morality is uttered by the Hindutva organisations that “interrupt” the circulations of texts and practices that are read as going against Indian culture, or by those who oppose such moves. What explains this gap? The thesis argues that these interruptions arise not from an inherent sense of morality, or the finding of the actually immoral in these texts and practices, as much as from a need to constantly question what an Indian modernity consists of, and what is allowed

³⁰⁵ O’Brien, Jodi. “Changing the Subject”, in *Women and Performance*, Issue 17: Sexuality and Cyberspace. See <http://bit.ly/PBw7Wf>. Accessed as on 06 June 2011.

³⁰⁶ This is not to say that the activities and formulations on the Hindutva groups automatically become acceptable, even welcome, as hindering this process of means to end. In fact, the point to be made here is quite different. An easy naming of these activities and beliefs as “moral” or as comprising the position of “morality” is to be avoided. The “moral”, *at least as Latour defines it*, as a position or a field of actions and ideas, might just lie elsewhere – not just in other groups or bodies, but in interruptions to late capitalist development or in insurgent responses to state violence. The interruption of the means-to-end process takes place here rather than in the case of Hindutva attacks on sexually explicit films.

public circulation. This is of course not to deny that public debate around sexuality do not see the polarisation of, on the one hand, a definite sense of what Indian culture is constituted by, and on the other, what then threatens to disrupt it; but this derives not as much from inherited notions of morality authentic to an Indian self as from a history of colonialism and the putting in place of the public-private divide as a way of governing the subjects of the colonial state. The argument, therefore, is that forms of “morality” in the Indian context are inauthentic, corrupted, they do not exist in a pure realm of a moral sense. They are instead ways of negotiating something else, the appearance of practices in the public domain.

This argument disrupts the location of technology as that which signals an opening out of the universe, and morality as that which closes off. True, Latour himself reads technology as creating *new* functions, or as creating *new* ends, but he does not categorise these and the technologies they derive from as “open”. For him, technology is opaque, un-readable. This idea is made specific to cyberspace by Žižek, for whom there has been a shift from older “modern” technologies of the industry and the factory, to the computer as technology. The machines of the industrial age were transparent in terms of their inner working, their parts, the cogs and wheels of assembly lines. The computer, on the other hand, presents the ordinary user with an interface which is supposed to mirror Everyday Life in its functions and processes, and in this mirroring, it becomes, for him, as obscure and opaque as the Everyday Life that it mirrors³⁰⁷. In this way, it demands a “phenomenological attitude”, one of

³⁰⁷ “...the interface screen is supposed to conceal the workings of the machine, and to simulate our everyday experience as faithfully as possible...the digital machinery 'behind the screen' retreats into total impenetrability, even invisibility...the user renounces the endeavour to grasp the functioning of the

“trusting the phenomena” (1997, 131-133). Sexuality also then cannot be read as feeding off of technology, as some kind of symbiotic twin to it. The relationship between technological shifts and sexual practices or identities has to be read alternately to the idea of freedom from the shackles of social relations and bodily constraints. Sexuality cannot then be unconditionally opposed to morality, as it has often been done.

How do we understand technology, and the relationship between sexuality and technology? For this we take recourse to Martin Heidegger's attempt to answer what he calls “The Question Concerning Technology” (1977), which is – what is the essence of technology? In order to answer this, Heidegger, who is far more wary of technology than Latour, struggles against the idea of technology as instrument; against the idea of the human being as preceding and then, importantly, *mastering* technology; against the technological itself, the machines, as being the “cause” of the phenomena that come into being around technology. For the essence of technology does not lie in any of these imagined relationships with the world of machines, factories, and now, cybertechnologies. “Everywhere we remain unfree and chained to technology, whether we passionately affirm or deny it. But we are delivered over to it in the worst possible ways when we regard it as something neutral; for this conception of it, to which today we particularly like to do homage, makes us utterly blind to the essence of technology” (1977, 4). Heidegger's concern is mainly with what he calls “modern technology”, the machinery of the industrial age, to which rivers (hydroelectric power plants), seas (oil drills), minerals like uranium (nuclear reactors), and the earth (mines), were and are yoked so that they can produce energy, heat,

computer, resigning himself to the fact that in his interaction with cyberspace he is thrown into a non-transparent situation analogous to his everyday *Lebenswelt...*” (Zizek 1997, 131)

precious material, fuel. So it remains to be seen how his understanding of technology can be brought to speak to the domain of cybertechnology. Is his understanding necessarily restricted to the technology of which he speaks? He does at one moment envision a future, saying, “Yet we can be astounded. Before what? Before this other possibility: that the frenziedness of technology may entrench itself everywhere to such an extent that someday, throughout everything technological, the essence of technology may come to presence in the coming-to-pass of truth” (Heidegger 1977, 35). Do we now occupy this condition of *frenziedness*? Is it indeed now, with our immersion in the world of cybertechnology, biopolitics, genetics, and cyber warfare, that the essence of technology will *come to presence*? Coming to presence is an important term of understanding in Heidegger's work – it is tied to the idea of 'revealing', and in a way to the idea of the 'open'. *Open*, though, does not constitute for him, the condition of lack of restraint, or the condition of slipping outside a system.

The freedom of the open consists neither in unfettered arbitrariness nor in the constraint of mere laws. Freedom is that which conceals in a way that opens to light, in whose clearing there shimmers that veil that covers what comes to presence of all truth and lets the veil appear as what veils. Freedom is the realm of the destining that at any given time starts a revealing upon its way (25).

Freedom, or openness, then, is not an unveiling or an escape, it is rather that which “lets the veil appear as what veils”. It is this crucial distinction that makes his idea of the open more useful for us than the earlier-mentioned idea of openness as a breaking free of all restraint and morality, or even openness as transparency. For it is only when we are looking at the directly technological and expecting it to answer for us “the question concerning technology”, that we then shift towards ideas of

transparency, agency, and an individualistic or collective freedom from the norm. Technology is then what we “use” in order to gain this freedom. In this scheme, technology has to be opposed to morality. Technology has to be mastered, made one's own. “The essence of freedom is *originally* not connected with the will or even with the causality of human willing” (Heidegger 1977, 25).

Here we stop to consider how it is that Heidegger actually views technology. For him the essence of technology, and the danger of it, lie in *Enframing*. He starts by examining causality as tied to instrumentality. Instead of approaching causality as a simple, one cause-one effect relationship, he examines how the different “ways of being responsible bring something into appearance. They let it come forth into presencing [*An-wesen*]...the principal characteristic of being responsible is this starting something on its way into arrival” (9). This is the act of bringing-forth, of coming forth into presencing, of something. Modern technology, though, is involved in not a bringing-forth but a *challenging-forth*. The turbine is made to produce hydroelectric power, the seas made to produce oil, the ground made to produce precious gems. Nature is thus made to “stand” as that which will perform a function, will yield whatever is demanded of it. Heidegger calls this position that of the *standing-reserve*. And man, far from escaping this position as standing-reserve, is as much part of this “destining”, for man is made to serve in this process of the creation of resources. “Only to the extent that man for his part is already challenged to exploit the energies of nature can this ordering revealing³⁰⁸ happen. If man is challenged, ordered, to do this, then does not man himself belong even more originally than nature within the standing-reserve? The current talk of human resources, about the supply of

³⁰⁸ The term “ordering revealing” is significant here, for this ordering stands in the way of true revealing, i.e., of *poiesis*. It is part of a “destining”, which forces things to serve as standing-reserve instead of leading to a revealing of the essence of technology.

patients for a clinic, gives evidence of this...” (Heidegger 1977, 18). This is what is referred to as Enframing, the way in which nature and man are made to serve as standing-reserve, towards particular ends, towards the production of resources that can be tapped. But all hope is not lost. It is precisely from within this location as standing-reserve that man, who “is challenged more originally than are the energies of nature”, can access what Heidegger calls the “saving power”. This happens “above all *through our catching sight of what comes to presence in technology* [my emphasis], instead of merely staring at the technological. So long as we represent technology as an instrument, we remain held fast in the will to master it. We press on past the essence of technology” (32). This, for us, is the most crucial part of Heidegger's argument, and is the framework that this chapter uses. This is where Heidegger's critique can turn to methodology, here in relation to sexuality. Notwithstanding the differences between his “modern technology” and the present moment of a supposedly “post-modern”³⁰⁹ technology or a cybertechnology, notwithstanding the difference between East and West, the idea is that there are things that come to presence in technology, and it is by focusing on this coming to presence that we can truly look at the essence of technology. It is not through the opposition of technology-as-enabling-thing and the human-as-enabled/threatened-being. In relation to sexuality, this then involves looking at technology as a mode of alterity, as the practices that “come to presence” in technology – for we all live *in* technology, to the extent that we create personas, create our worlds, live our lives, in it. This does not mean that technology is omnipotent or overarching, it means that technology also lives *in* us.

³⁰⁹ There is some amount of discomfort with the use of “post-modern” as a blanket description for technology or the use of it in the contemporary, as it seems (in the work of scholars like Jameson) to be a term that pertains particularly to the United States and parts of Europe, and attaches to certain movements in the arts and other cultural practices (including research and academic frameworks) that belong in “that part of the world”. This discomfort should be kept alive in dealing a) with the work of Western scholars; b) in comparing cultural practices in the West with those that emerge in a postcolonial non-Western context like India.

The chapter means to “catch sight of” that which “comes to presence” in the time of technological transformation, by focusing on how there is a crossing over between the online and offline worlds, a coming to presence that involves precisely the complication of the lines that divide public and private.

“It’s All Changing”: The Location of the ‘Globalised Queer’

What Now? A Conversation between Žižek and Baudrillard

In the light of the previous section, we now focus our gaze on the *present*, to understand what “comes to presence” in technology. The discourse of temporality – the idea of *time*, past-present-future – frames any idea of the technological and the sexual, frames productions of utopias and dystopias, reactions of euphoria and fear. The present is never just that, it is always inflected by the past (in the modes of nostalgia, recovery, conservation, reclamation, fetishism) and the future (in the modes of utopia, fatalism, prevention, apprehension, hope). The present therefore always *turns* or *hinges* on this discourse of temporality.

This section will not deal with what the internet has “enabled” as a technological change. Neither will it look at how people use this “tool” to “express” their queerness. It will not deal with what we have to do in order to realise the full potential of our technological universe and get rid of obstacles, such as surveillance and control. It will deal with the idea of a globalised subject of sexuality, and how recent scholarship on queerness has located the forms attached to the phenomenon termed “globalization”. Globalisation has now become a phrase that has the capacity to scoop

up into itself any changes, transformations, developments, backlashes, and cultural quandaries that have presented themselves to us since we arrived at the 1990s. The 90s are then, in popular discourse, the era of globalization. This term seems to traverse different economic situations, being by definition constantly undergirded by economics but seeming to supersede it. It has then led to a series of concerns about the relationship between the global and the national, the global and the local, the global and the cultural.

Jean Baudrillard, in his early 1990s work on the *present*, says,

If I were to characterize the present state of affairs, I would describe it as 'after the orgy'. The orgy in question was the moment when modernity exploded upon us, the moment of liberation in every sphere. Political liberation, sexual liberation, liberation of the forces of production, liberation of the forces of destruction, women's liberation, children's liberation, liberation of unconscious drives, liberation of art. The assumption of all models of representation, as of all models of anti-representation. This was a total orgy – an orgy of the real, the rational, the sexual, of criticism as of anti-criticism, of development as of the crisis of development. We have pursued every avenue in the production and effective overproduction of signs, messages, ideologies and satisfactions (1993, 3).

For Baudrillard, it is a moment of “after”, in which the question is “what now”. For him, all that is left now is simulation, the simulation of forms of liberation that modernity has led to. It is a time of *pure circulation*, where everything that was liberated has entered a “viral” state of circulation.

This account of the present, as the simulation of liberation, seems to both play off of and at the same time dismiss the discourse of temporality. It bases itself on the idea that we now exist “after the orgy”, that we have reached a time when liberation has been achieved, when “value” has been lost. Here the temporal is what determines his argument. At the same time, he seems to imply that even the temporal is no longer relevant, has been rendered obsolete by the putting into circulation of things, and by the loss of the organising of our lives by metaphor. To explain this further, for Baudrillard, the “idea of progress”, which was a driving factor of modernity, has disappeared, but progress continues to drive processes. Similarly, the “idea of wealth” once drove production, but even with the disappearance of this idea, production continues. “...things continue to function long after their ideas have disappeared, and they do so in total indifference to their own content. The paradoxical fact is that they function even better under these circumstances” (Baudrillard 1993, 6). There is no longer “value” attached to these processes, though there was in the past. The past therefore does figure in as long as it was the point of origin of this value. It is also now *absent* in so far as the present seems to be mired in circulation, in a “viral loss of determinacy which is the prime event among all the new events that assail us”³¹⁰(7). For Baudrillard, this moment represents therefore a loss of metaphor, where “no discourse may have a metaphorical relationship to another, because for there to be metaphor, differential fields and distinct objects must exist” (Baudrillard 1993, 7). Circulation and simulation do not allow for these differential fields, for everything is drawn into a flatness, a levelling, by the very fact that everything belongs in circulation:

³¹⁰ For Frederic Jameson, it is a loss of historicity that characterises what he sees as a postmodern moment. Here, for Baudrillard, it is a loss of determinacy that is the aspect of this time.

Everything is sexual. Everything is political. Everything is aesthetic....and it is not just everyday life but also madness, language, the media, even desire, that are politicized as they enter the sphere of liberation, the sphere of mass processes. Likewise, everything has become sexual, anything can be an object of desire: power, knowledge – everything is interpreted in terms of phantasies, in terms of repression, and sexual stereotypy reigns in every last corner. Likewise, too, everything is now aestheticized: politics is aestheticized in the spectacle, sex in advertising and porn, and all kinds of activity in what is conventionally referred to as culture... (9).

What this section attempts to do is to examine this claim, of “everything is everything”, in the light of the phenomenon/practice that is the internet. The internet offers itself perfectly to such an examination because it seems to present this very state of circulation as its contribution, and seems to represent this very dissolution of differential fields. I have issues with Baudrillard's claims, this disagreement stemming from the following concerns: a) that modernity in the West does not have the same connotations as it does in the non-West, particularly in postcolonial locations like India where economic liberalisation took place only in the ‘90s, and where the discourse of “liberation” is always conflicted and contested; b) the idea of everything entering a state of circulation does not really tell us of the “effects” of this condition, it does not theorise the cultural (dis)locations that become apparent, or the ways in which subjectivities and bodies are affected by thus being part of this “everything is everything”. Baudrillard has described the present as after the orgy, which means a certain process has achieved fruition, the moment of climax having passed. “Liberation”, as a goal, has been attained, and now there can only be the simulation of liberation. It is curious that he does not read liberation as similar to “progress” or “wealth”, as an organising idea rather than the end of ideas of modernity. He is of

course referring to the West when he speaks of liberation. Even so, it is perhaps more useful to look towards Zizek's understanding of the constantly thwarted sublime Goal in order to discuss liberation - "...it is the barrier of these intrusions which maintains the Goal in its elevated sublimity, so that...the condition of impossibility of realizing the Goal is simultaneously its condition of possibility..." (1997, 129). There is no concept of impossibility in Baudrillard's argument, the idea of the impossible has been banished by the ideas of circulation and simulation. The latter in fact signal that something has indeed been possible to achieve, that is, the goal of liberation in the different spheres that he refers to.³¹¹

On the point of technology in the present moment also we find a justifiable reluctance on the part of both authors to accept the simplistic framework of technological progress or of emancipation through technology. Their readings of the internet take quite different routes. For Zizek, "The problem with today's social functioning of cyberspace is thus that it potentially fills in the gap, the distance between the subject's public symbolic identity and its phantasmic background: *fantasies are increasingly immediately externalized in the public symbolic space, the sphere of intimacy is more and more directly socialized* [my emphasis]" (1997, 163-164). This, for him, represents a kind of violence that is unaccounted for in existing narratives on the internet, and it is what was discussed earlier, in terms of the simultaneity of the secret and the public in this moment in time. For Baudrillard, there is no intimacy any longer

³¹¹ If one were to read the Indian context in Baudrillard's terms, one might be able to argue that the Anna Hazare campaign takes the form of simulation, for what was celebrated about the heights of its success was that there were "people" participating in a campaign for 'the people'. Those who attended the protests at the Ram Lila came away saying "Oh, look at the number of people here". What was at the centre of the campaign was rendered somewhat irrelevant (the demands for the Jan Lokpal Bill), at least to many of the protesters. Therefore it can be argued that the campaign was nothing more than the simulation of the protest. But if read in this way, it becomes difficult to a) keep in mind the histories of ideas like "corruption" or figures like Gandhi who are models for the campaigners; and b) it becomes difficult to draw connections between state, capital and citizen in this historical moment. The "event", as it is, is rendered timeless in a curious way.

in this encounter with the screen, though he attributes this loss of intimacy to precisely the same externalization of fantasies that Žižek speaks of:

...Telecomputer Man offers himself the spectacle of his own brain, his own intelligence, at work. Similarly, through his chat line or his Minitel, *he can offer himself the spectacle of his own phantasies* [my emphasis], of a strictly virtual pleasure. ... The Other, the interlocutor, is never really involved: the screen works much like a mirror, for the screen itself as locus of the interface is the prime concern.... Why speak to one another, when it is so simple to communicate? (Baudrillard 1993, 53-54).

Communication, for Baudrillard, has displaced the pleasure of interacting with the Other, it has exorcised this intimacy by presenting to the user a mirror or spectacle of himself and his phantasies. Speaking and communicating are two different modes of interaction, the one being displaced by the other. Baudrillard would possibly extend this to dismiss the idea of cyberpublics, and the “connections” that one makes online – for him, these would just be the projection of our own fantasies onto the screen and onto the people we ‘communicate’ with.

While Žižek holds the Real as that which is foreclosed in either of these scenarios (the so-called RL and the so-called Virtual), for Baudrillard all is simulation or surface. For him, the human being, especially the “sexed” human being, precedes this technology, and the latter is actually causing a “fading away of sexuality, of sexual beings” - “the body is thus given over to the pure promiscuity of its relationship to itself – the same promiscuity that characterises networks and integrated circuits” (1993, 7). Technology is placed squarely on the side of the proliferation and

circulation that is seen as a character of this age, 'after the orgy'. There is a recognition that we live "in" technology, or in conditions of technology, but this is quickly translated into a loss of something else, something prior, and this loss resolves the question at hand and only needs to be elaborated further.

In the frameworks set up by both these scholars, the idea of the virtual is explained in a way that sets it against prior modes of being in the world. In the case of Baudrillard, it becomes simulation, which signals a loss of differentiation between fields ("everything is everything", hence the loss of metaphor); there is an idea of the virtual involving constant movement and communication, the "viral" being the form that the virtual brings into being³¹² in our time. For Žižek, the virtual comes to characterise all reality, it is nothing more than the playing out of the condition of existing in reality, which involves a foreclosure of the Real. In this sense, it almost takes the shape of synecdoche, where the virtual reality that refers to computer technology comes to stand in for a larger reality that is virtual. But this is not to say that Žižek does not differentiate cyberspace from the modes of being that preceded it, indeed he marks the externalisation of fantasies, a "direct" socialization of the sphere of intimacy that it brings about. In a way, both these scholars then address an "externalisation", a moving or projecting outwards that they say characterises cyber technologies. But neither of these scholars discusses the tensions or the contradictions, or even the material effects, that derive from these movements or projections. The virtual is immediately linked with the ways in which things have changed, and it becomes then

³¹² By now, viral videos are a phenomenon that is familiar to us all. The term viral, which is drawn from epidemiology, stays faithful to its medical meaning in that it signals a quick spread of something, aka, an infectious substance. One article in *The Economist* discusses an occurrence involving the game *World of Warcraft*, when someone released a plague on the game, and it quickly turned into an online epidemic, with people logging in out of curiosity and then having their characters die. Epidemiologists used this to study the ways in which people will react to offline epidemics (<http://www.economist.com/node/9682597>, accessed as on 15 June 2011).

a proxy for this change. For instance, in his introductory essay to the anthology titled *Virtualism: A New Political Economy* (1998), James G Carrier lays out the concepts of “economic abstraction” and “virtualism”:

The core of economic abstraction is the process that Karl Polanyi (1957a) described as 'dis-embedding': that is, the removal of economic activities from the social and other relationships in which they had occurred, and carrying them out in a context in which the only important relationships are those defined by the economic activity itself. In essence, economic activity becomes abstracted from social relations.... Here, the world is seen in terms of the concepts and models of economic abstraction, which are taken to be the fundamental reality that underlies and shapes the world. Those who adopt this view of the world can be said to perceive a virtual reality, seemingly real but dependent upon the conceptual apparatus and outlook that generate it (Carrier 1998, 2).

For Carrier, what distinguishes the virtual reality of the late twentieth century from earlier periods is “virtualism”, or the “conscious attempt to make the real world conform to the virtual image, justified by the claim that the failure of the real to conform to the ideal is a consequence merely of imperfections, but is a failure that itself has undesirable consequences (8)”. In this model, virtual reality is synonymous with *abstraction*, a dis-embedding from the realm of the social and the material, a view of the world at the level of a purely conceptual economic vision. There is a way in which this kind of formulation on virtual reality attaches itself to the set of practices that the internet or cyberspace consist of, hence the easy rendering of it as either the representative of a “loss of determinacy” or as synecdoche of reality.

For now, the critique of Žižek and Baudrillard's work notwithstanding, we still need to locate the relationship between queerness and the internet in the contemporary period, in what has been called the age of globalisation. There are ways in which both the internet and queerness are prone to the logics of globalisation in their current forms, though this is not to say that the discourse of globalisation is fully successful in its cooptation of queer subjects, or of internet practices. In the next section we examine the conceptual world of the “global”, and how both queer subjects and the internet are positioned within it.

Let's Get Connected: The Language of Globalisation

What I wish to discuss here is the idea of the globalised queer person. This is not one established idea or figure, it is a set of debates, a mixture of articulations, descriptions of both the potential that is contained in these transformations, and the fears they elicit. ‘What is globalization doing to local cultures?’ ‘Globalization has enabled connectivity of a sort never seen before.’ ‘I can finally be who I want to be.’ The term becomes relevant to a discussion on sexuality and the internet precisely because of the concepts that are introduced through it – “connectivity”; “freedom”; “lifestyle”; “form”, “proliferation”, “style”. Cultural theorist and philosopher Lata Mani problematises the word “connectivity”, for instance, in her essay “The Phantom of Globality and the Delirium of Excess”, as the desire to discover the shortest distance/time between two locations (Mani 2008, 47). She uses the example of the road to the new airport in Bangalore, which, in its efforts to “connect”, divided the community living in that area without considering the effects of this division. In this way, what connects is also what divides, and a term like connectivity cannot be taken

at face value simply because of its place in the narrative of development and enabling economies of certain kinds.

It is one of the paradoxes of the present that the word “connectivity” has exclusively come to mean the fastest means of bridging the distance between two points. If the meaning of the word “geography” was transformed by its pluralisation, “connectivity” has been altered by being narrowed....It reminds us of the power of an abstraction to simultaneously narrow the field of vision and normalise violence (2008, 47).

This example does not serve simply to point to an obstacle to an otherwise desirable development – it is not meant to say, 'so let us be careful in our use of this development' – it is instead trying to move away from reading freedom, agency and desire in ways that blind us to the ‘discourse of globality’ that they are embedded in. A discourse that coopts its subjects, asks them to adopt positions of “globality”, simultaneously and necessarily disavowing the economic and other implications of the same (Mani 2008, 41).

One finds a critique of the idea of connectivity in novelist Zadie Smith’s article on the film *The Social Network* also:

The striking thing about the real Zuckerberg, in video and in print, is the relative banality of his ideas concerning the “Why” of Facebook. He uses the word “connect” as believers use the word “Jesus,” as if it were sacred in and of itself: ‘So the idea is really that, um, the site helps everyone connect with people and share information with the people they want to stay connected with....’ Connection is the

goal. The quality of that connection, the quality of the information that passes through it, the quality of the relationship that connection permits—none of this is important.³¹³

Unlike Mani, whose concern is with the material effects of the larger discourse, Smith here lays emphasis on “quality” as opposed to the quantity that is implied in Zuckerberg’s statement – his vision is of more and more people discovering links, finding connections, building networks of “friends” and groups on Facebook. Hers is one where relationships have to be of a particular kind – strong, actively built up and worked on. She complains that “a lot of social networking software explicitly encourages people to make weak, superficial connections with each other”, and that this is “not necessarily a good thing”. Now, her idea of weak and superficial connections can be countered with the argument that Facebook is not meant to simply translate the offline world into the online, to just signify the taking online of offline relationships. It signals a shift in the idea of the relationship itself, perhaps exposing the performative nature of all relationships, thereby denaturalizing them, rendering them un-organic. Then arguing about the strength or weakness of them becomes irrelevant. But perhaps there is something to gain from her critique in terms of how a certain language has developed around the internet and social networking sites. “Clearly enough, globalization reflects the sense of an immense enlargement of world communication, as well as of the horizon of a world market, both of which seem far more tangible and immediate than in earlier stages of modernity” (Jameson 1998, Preface p xi). The language of globalisation involves both terms that Jameson is referring to, “enlargement” and “communication”.

³¹³ <http://www.nybooks.com/articles/archives/2010/nov/25/generation-why/?page=2> – The article is titled “Generation Why?”, and deals with both the film’s and Facebook’s ideological and philosophical moorings. Accessed as on May 05, 2011.

Reading recent essays on queer mobilization on the internet, and the growth of communities and politics online, one comes to recognize a “universal” idea of what the internet “enables” for the alternatively sexual subject. We will return to this a little later in the chapter. First we look at the ways in which the queer subject is written into the script of globalization.

An Extract

“Orgies,” said Moosa with a smile of depravity, a guilty smile that suggested complicity of intent if not in the act itself. “Swapping partners, There’s a club in Karachi where you swap your car keys first.” He laughed mordantly, as if at a hard but distant memory of the thing. “And gays. So many gays.” He said it with a sigh of amazement, a yearning for a time when it was still an occasional occurrence and not a pervasive phenomenon, a thing that happened but didn’t yet demand a reckoning by showing up so obviously around him.

“And bombs?” I asked.

“And bombs,” said Moosa, who hadn’t thought of it like that. “And bombs.”

“Basically it’s all changing,” said Isa, whose vision of it had suddenly expanded and gone beyond the horizon; he saw it all at once and it compelled him to bring up his hand and rock it to either side like a raft in water. “It’s all up for grabs,” he said. “It’s all up for grabs.”

(Ali Sethi, The Wish Maker, 2009)

This one extract from Ali Sethi’s novel, funnily enough, captures a lot of what this chapter is trying to deal with. The novel is set in a fast-changing Pakistan, and this particular passage is a description one of the characters gives, of the present. From it

we get a fictional sense of how “transformations” in sexual practice and lifestyle, admittedly of a middle class, are imagined – orgies, partner swapping, drugs, alcohol, homosexuality. We also see how easily alternative sexualities, especially gay and lesbian, are hitched onto the globalization wagon in narratives – as if the gay man and the lesbian woman were *born* into globalization in the non-West (in the west, it is seen as a much older trajectory, beginning with the Stonewall riot and the gay movement in the 1970s). Here, in Pakistan or in India, it seems to belong to the idea that Frederic Jameson discusses, of everything “changing”, of the world opening up and everything being “up for grabs”, this then characterizing a break from an earlier period. “The postmodern looks for breaks, for events rather than new worlds, for the telltale instant after which it is no longer the same; for “When-it-all-changed’, as Gibson puts it, or better still, for shifts and irrevocable changes in the *representation* of things and of the way they change” (Jameson 1991, ix). It is to be noted here that Jameson’s postmodern is historically specific, and traceable back to the 1960s in the US. We therefore cannot adopt the term itself to describe the Indian contemporary, since the same movements in art or architectures are not visible in our history. But we do take on the idea of a break, of the “new”, of changes in representational systems and the “enlargement” that globalisation is imagined as. Isa’s vision expands suddenly, as if viewing globalisation in its entirety, requiring a move beyond some earlier horizon. And he says, “It’s all up for grabs”, indicating that the primary act of this age is to consume, to get, to grab.

The peculiar paradoxes of the discourse of globality, according to Mani, are that it has to disavow the very material realities it invades, transforms, penetrates, in order to allow or ask the subject to occupy a position of “globality” (Mani 2008, 41).

Contextualisation, in this sense, is negated in particular ways. The internet, in terms of sexuality, is prone to this discourse of globalization – it is easy to put in place a global sexual subject, one who belongs to a sexually marginalized community (whether transgender persons who are narrating their lives and transitions on their blogs, young women who are restricted by cultural mores but use Facebook and other social networking sites to create their profiles “outside” of these mores, or gay communities that grow through the internet more than through offline mobilizations.) Rather, contexts are invoked in a way that does not contest the discourse of globality, but rather reproduces it, differences between locations notwithstanding. In most studies that are location-based, a sexual subject belonging to a certain location “uses” the internet in specific ways, depending on the conditions at hand, conditions that are variable (censorship, social restrictions, economic access), and an outlining of the specificities of this usage takes the place of an explanation of the relationship between the internet (as a set of practices, phenomena) and this subject. Because of this, there seems to be a uniformity to accounts relating to the internet, across the worlds, in locations as disparate as Lebanon, India, Australia, Brazil and South Africa. It becomes, in most of these accounts, *an enabler of identity*, when it comes to queerness.

This refers to the question of agency, of the freedom to act and be, that internet technologies are said to offer to queer subjects. The point here is not to *falsify* the internet, to say that it “pretends” to offer freedom of a certain kind but in fact there are insidious surveillance mechanisms in place that monitor activities online. If this were our only concern, all our efforts would be directed towards destroying those databases that record our every articulation or act online. The internet is also not to be

problematized only along lines of *access* – that internet technologies are not available to people from all classes. This technology, more than any other, especially since the advent of cyber cafes, has offered various groups of people access to information and relationships outside of their offline lives.

What we distance ourselves from here is the idea of freedom and agency (in terms of an escape from RL, “use” of technology, the battle against censorship and surveillance) as some kind of foundation for understanding the way people “are” online. Anthropologist Tom Boellstorff, who works on digital cultures and queer theory, problematizes “...implicit theories of agency that underlie many descriptions of mass-mediated erotics, desire, and pleasure in Asia (and elsewhere). Again and again a presocial erotic, desiring, pleasuring self is granted an assumed ontological priority: flipping open the newspaper, surfing the Web, and then secondarily entering into a transformative relationship with the mass media in question....marching toward global freedom” (2003, 23). Therefore, the problem pointed to is not that the internet is not actually a site for freedom, but that there is, in this view of it, an idea of a sexual being that precedes this technology, that comes to it then to “make use” of the “new” freedoms that it offers in order to access a global freedom. There is no queer subject that is already *fully* conscious of its desire, either for another, or, in relation to its self (forms of belonging, identifying with genders other than the biological given, narrativising bodily and emotional transformations). The assumption of this kind of presocial erotic desiring self is also a consequence of the very globalizing narrative that needs to retroactively create subjects that desire connectivity, freedom, openness and agency, that need to consume technology in ways that will set themselves free.

Identity politics, however necessary, is also the source of this already desiring subject. “Modernity is an improvement upon corporate/communal social life (the latter has extremely rigid rules of inclusion) – but we need to go one better – and we are – intentional communities, the internet, technology etc”³¹⁴. Queer users of the internet are cast as the “intentional community”, people who approach technology with the intention of changing existing ‘corporate/communal’ structures, who know how to bypass the latter’s rules of exclusion. In this scenario, agency forms the basis of the queer subject’s relationship with internet technologies.

Through the concepts of translation and transaction, the chapter attempts to address the various binaries that underlie the relationship between the internet and queer sexual practices in the Indian context: West-non-West, local-global, imported-indigenous, material-immaterial, virtual-real, authentic-inauthentic, and public-private. Translation here is a concept that has already been used by scholars who seek to understand this relationship. As mentioned in the introduction, the concept of transaction is taken here in its translational sense, as a driving through from one form to another. Through these concepts, and the idea of secret practices that are rendered public, we return to the argument posed in other chapters, that there is a staging of the anxieties deriving from modernity in the Indian context, a staging that takes place precisely on the grounds of what “comes to light”, “appears” in the public domain.

In order to explore these concepts and how scholars have used them to theorise queerness, and also to move away from looking only at how communities are built

³¹⁴ This is a comment on a *Kafila* blog post entitled “Loneliness Alert! Rounding up the Usual Suspects”. See Katyal 2010 - <http://kafila.org/2010/09/16/loneliness-alert-rounding-up-the-unusual-suspects/>, accessed as on 16 February 2011.

using the internet as a tool, the next section will deal with the now famous *Guys4Men* incident that took place in Lucknow in 2006³¹⁵.

The Case of the “Gay Racket”: The Act of Pos(t)ing

In January 2006, the Lucknow police arrested four gay men and charged them under Section 377, and initially under obscenity law for indecent behaviour in a public place. The police had gotten wind of the gay website *www.guys4men.com* and were monitoring it. They then created a fake profile on the website, pretending to be a gay man searching for partners online. They arrested one man on January 3, 2006, at his home. The next day, he was asked by the police to contact three other members, whose numbers were on his cell phone. He had to ask them to meet him at the Classic Restaurant, Mahanagar, Lucknow, on the pretext that he was ill and needed their help. The three others arrived at the restaurant and were immediately taken into custody. The police report claimed that these men were caught indulging in homosexual activities in a park. They were booked with the charge of conspiring to commit sodomy. Their pictures, phone numbers, addresses and family details were all published by the media following the arrests. The arrests provoked outrage and protest in the LGBT community, and several cities saw marches and meetings. Letters went sent to the Prime Minister, and a fact-finding team went to Lucknow and then compiled a report that falsified the police's account of what happened. The media was

³¹⁵ This is not the first time that the Guys4Men case is being examined. Scholars working on queerness, sexuality and technology have already established its importance for this field. The media reports and the fact finding report are well-established sources that have been used to understand this event. The facts of the case have also been gone over repeatedly in the several mailing lists that the case was relevant to at the time. So the attempt is not to do something “new”, but rather to build on existing work and see how this case ties up with the conceptual grid that this thesis is trying to put in place.

severely criticized for its sensationalism and the way in which it framed the arrests. Members of guys4men feared police harassment and public exposure.

In 2008, the second major incident concerning the website took place. It has popularly come to be known as the Thane raid. In February, one of the members hosted a party, and posted the information regarding it on the site. Consequently, the police turned up at the party with members of the press, and accused those present of indulging in homosexual activities and drug abuse. When they could not find evidence of the above, they arrested some of the men on the charge of not possessing a liquor licence. Following this, one finds again the fear of the law's reaching into this online space. "Well I got information through a friend contact in NAAZ Foundation that Indian Government has asked from <http://www.guys4men.com> and other gay sites owners the list of enlisted Indian profiles, their email and IP addresses etc" (member of the site posted on the GayBombay mailing list on 11th March 2008). The moderator of the list then responded to this worry: "We have shut this profile down but if the Indian police insist on taking further action against the profile owner this will be done in conjunction with an Indian gay support group, in order to make totally sure the only action that will be taken against the guys4men member will relate to identity theft/copyright issues (we will not indiscriminately hand out member IP or email addresses in situations like this)." One can see that the fear involved not just being arrested, but the Indian Government exploring the personal profiles of the members, knowing their names and what they look like, knowing their sexual preferences, and tracking their movements in the offline world. The 2008 scare shows that gay dating websites like this one have had a complicated history of dealing with the state. The two sets of arrests were the points at which this history entered the public sphere and

became cause for debate and action. But the negotiation with the state has been a constant. As a member of the GayBombay mailing list argues in response to the panic following the Thane arrests, “It’s not that nothing has happened at Thane – there’s been plenty of unpleasant stuff, and it’s been an awful experience for the guys involved. But there’s little to indicate that anyone is any more at risk than we’ve always been” (posted on 4th February 2008). In 2009, the website merged with Planet Romeo (PR), which is now the biggest gay dating site in the world. According to PR creator Jens, guys4men had a huge Asia and America membership, and Planet Romeo had members from large parts of Europe, and this is why the merger was considered a good idea, both financially and in terms of connecting gay men the world over.³¹⁶

How do we understand incidents such as this? First, we have is the history of alternative sexualities in the country, which has to account for this relationship to technology. Second, and this is something that is rarely discussed, there is the history of the internet itself, and of websites like guys4men. How is this latter history to be written? Is it only to deal with the site’s inception in London, its shift to Germany and then to Amsterdam, and finally its merger with Planet Romeo? This can be seen as the website’s global history, a purely online history. Jens offers his vision of the merger:

Even before the merger we were thinking in terms of a global community. And that is thanks to the great potential of the internet. *The web collapses distances and gives*

³¹⁶ Khatyal, Akhil. “For Love and Everything Else: a rendezvous with the founder of PlanetRomeo.com”, <http://pink-pages.co.in/features/metro-life/for-love-and-everything-else-a-rendezvous-with-the-founder-of-planetromeo-com/>. Accessed as on 06 June 2010.

us a (new) sense that we all live in one place, in a virtual portable homeland we call: the world wide web (emphasis mine). At GayRomeo we want to realize that potential of the internet and in a way unite our users under a platform that will make them feel at home, where-ever they are. Additionally by highlighting gay rights issues with a global perspective and by providing community and health information, we try to reinforce the sense of community among our users, the sense that we are all ‘on the same boat’ and that we need to work together if we want to prosper as a social minority. We are not just a contact site. Sense of belonging to a community more than just mere sex hunting.³¹⁷

Now this is not in any way an unusual statement for the creator of an international gay website to make. And it does indeed work this way, gay men the world over gaining access to profiles, pictures, posts and information on health.

The collapse of distance, though, also becomes a collapse of local histories, that are then left out of this global narrative. Major sites like Google, Facebook, MySpace, or Orkut have local histories that would look very different from their histories as websites that have purely virtual or online existences. Their cultural and economic histories would tell stories that are quite different. Men who are members of guys4men do not just live in that “virtual portable homeland: the world wide web”. They do not all live in one place. Another history of the site has to account for the more complex questions that arise from events such as these arrests:

- How does the “virtual” relate to the “offline” world?
- What kind of discourse is produced around these sites in their local contexts?
- How do these events get *translated* in the public domain, through the media

³¹⁷ Ibid

and in official narratives?

- What do these events signal in terms of the state's understanding of and actions vis-a-vis the internet as a site of *practice*?

“Gay is Not a Hindi Word: Translations in Modernity

Software Employees and students are most users "who fall pray" [sic] to this GAY

CULTURE.... TV9 has trapped (name removed) after having seen the pictures and contact information that he uploaded on the profile. (TV 9 Gay Story Transcript, February 22, 2011³¹⁸)

The tensions caused by trying to translate this kind of an event into something *recognisable* to the Indian context are palpable. Terms like “culture” and “racket” are often used in place of more “correct” or objective terms, like “website” or “party scene” (terms used within the community itself). The description of these practices as a culture or a racket are symptomatic of the ways in which this translation between the incident, the media and the practice itself takes place.

A prominent headline from the Hindi newspaper *Rashtriya Sahara* reads: *"gay club" ka bhandaaphod, chaar giraftaar - Dilli, Chennai, Singapore me bhee phailaa racket kaa jaal'* ('Gay club' busted, 4 arrested - Racket's network reaches Delhi, Chennai, Singapore also). The place of the report is Lucknow while the English words in the Hindi headline and the metropolitan and foreign locations mark the 'global' impact of a local happening. *'Bhandaaphod'* is a word rich in meaning in

³¹⁸ https://www.mail-archive.com/gay_bombay@yahoogroups.com/msg18519.html. Accessed as on 17 July 2011.

Hindustani – it means to publicly reveal a secret, but also the uncovering of an evil or debased practice... (Naved and Tellis 2006)³¹⁹.

The authors also highlight the use of the words “club” and “racket” in the news reports – the first word indicating an “elite coterie”, the second “an all too familiar invocation of the scams and scandals of India's postcolonial political life. A 'racket' is a scheme marked by illicit exchange of money....” Another word used by the police is “cult”, as if the site uses propaganda to promote the practice. “Gang” is a term usually used to describe groups of men caught by the police in the “regular” way, i.e., not through the internet. “Gang” refers to activities on the street, to a physical organization of bodies and purposes. The members of a website cannot be referred to as a gang, and therefore “racket”, which can follow different circuits of organization, is the term of choice. And “club”, which refers almost to a hidden, closed world which is usually not fully visible to the eye and is not on the streets.

This curious mixture of Hindi and English is acutely indicative of the ways in which “gay” and “lesbian” lifestyles and sexual practices are framed within popular and official discourse. As the authors have argued, the ‘global’ is brought into the ‘local’ and vice versa, first with the use of English and quotations around *gay club*, then with the list of locations that include Singapore. The gay club seems to be a hidden place that has been brought to light; it then becomes a racket in the subheading, an illegal practice that has been reaching outwards. “The following statement by Ashutosh Pandey, the (Senior Superintendent of Police) SSP appears both in the *HT* report (‘Lucknow police not to release gays’ January 11, 2006) and the BBC online report (‘Anger at "shameful" India gay law,’ January 11, 2006): Pandey said: ‘... The group

³¹⁹ <http://www.samarmagazine.org/archive/article.php?id=213>. Accessed as on 14 April, 2011.

had established on-line Internet links with gay groups outside the country too and strictly speaking, these groups too could be liable under the abetment laws in India” (ibid). The phenomenon is therefore immediately localized – the arrests in Real Life do this, make the phenomenon derive from the context of Lucknow, from which base it then operates. There is almost a forceful dragging back of the global to the national or the local context, an affirmation of national borders and the country’s laws. It is an assertion of the materiality of governance in the face of the ephemeral *jaal* that is the internet. Pandey’s statement seems to declare this – There is a constitution that criminalizes the practice of unnatural sex. The internet promotes the practice. However virtual its existence, it can and will be penalized, and the marks of this penalization will be found on the bodies of those who indulge in it. Other countries might have to answer for the ways in which their internet practices affect bodies and acts in India, and the ways in which their governments or subjects have “abetted” this practice.

This mixture also signals the ways in which the internet is translated into languages that belong to other realms of being and knowing. First, the headline actually puns on the idea of the internet, using the word “jaal”, which is a net that is here used to trap, a fisherman’s net. The website is what is referred to as “club”, “racket”, “cult” – words attached variously to elite lifestyles, illegal economic practices, and lastly, propaganda and the (brainwashed) mass following of a particular set of practices. The internet, then, is never read as an isolated domain of activity; it cannot be, in the public imagination, that suspended space of escape from the “material” realities of life, it is constantly forced into different registers of knowledge and description. “It is not that a social/cultural threat is considered less pernicious than an economic one, but it is the logic of the new kind of economics meshing with the cultural that bolsters

social and psychic hatreds.... Something to do with the Internet has the added piquancy of a general euphoria about unlimited social and economic opportunities” (Naved and Tellis 2006). It is obvious from this that attached to the practice of gay sex and the gay dating site is this mesh of an economics of liberalization on the one hand, and the cultural transformations that accompany it, on the other. This is precisely what lends to the actions surrounding this event, the nature of transactions. The *Pioneer* article said, "...over hundred telephone numbers belonging to rich and spoilt brats indulging in unnatural sex were also found.³²⁰" An immediate assumption that the men who are part of this “racket” belong to a particular class, one that is completely adept at living and operating through technology. Class, technology and sexual practice form the grid on which these men are placed. The “rackets” that other kinds of communities, the hijras for example, are accused of belonging to, do not found themselves on technology. Hijras are said to belong to a begging and sex work “racket”, and MSM (men who have sex with men) are said to haunt public spaces looking for men to sleep with. It is only gay men to whom the charge of technology seems to attach itself to in terms of their internet practices.

Translation then becomes a significant node through which to understand this event. It tells us of the discrepancies between official or popular narratives and political narratives produced within the field of LGBT activism; it tells us of the ways in which both the police and the media describe this phenomenon of gay dating on the internet leading to hook ups, gatherings, relationships; it also tells us of the discomfort caused when an event related to gay sex is reported in the vernacular press. The phenomenon seems to be of a global nature, and it takes place in a space that is localized in the

³²⁰ http://www.mail-archive.com/gay_bombay@yahoogroups.com/msg06939.html. Accessed as on 17 July 2011.

imagination (Lucknow is by no means imagined as a globalised city). This is why the image of spreading roots is often used in these reports: "The Intelligence Bureau (IB) had, in its report, tipped off the Government of India way back in 1998 about the gay subculture spreading its roots in parts of Uttar Pradesh..." (a 2001 article quoted by Naved and Tellis³²¹). The point here is the forcing of "gay subculture" into an epidemic-like garb, or even a trend-like garb, something that materially affects people and places.

The term "bhandaphod" in the headline is crucial to locating this event in the framework of this thesis. The public revelation of a secret – this is the form that has emerged in the period following the 90s, of how sexual practices come to be discussed in the public domain. The hunger to explore what the middle class' private (sex) lives are like is obvious in sex surveys that began to be published in the early 90s; media exposés on the sexual practices of politicians, godmen, actors, and journalists; the phenomenon of reality shows appearing on the Indian horizon³²², including the Hindi show *Sach Ka Samna* that was launched in 2009 and involved a polygraph test to determine the honesty of the contestants' responses³²³; the radio show *Between the Sheets* by Anil Srivatsa³²⁴; internet blogs that contain explicit

³²¹ "Gay culture started in UP in '98", *The Times of India*, July 10, 2001. See <http://bit.ly/1m4SAbb>. Accessed as on 10 March 2014.

³²² Two Karnataka ministers watched porn on a cell phone during an Assembly (7 February 2012); all the 'godmen' (Nityananda in 2010, Sai Baba since the late 90s, Asaram Bapu in 2013) have all been involved in sex scandals of various kinds; Bollywood throws out stories of casting couch incidents (including stories of gay directors demanding sex from budding actors) and charges of molestation; recently, Tehelka journalist Tarun Tejpal was charged with molesting his colleague at an event in Goa.

³²³ This was based on an American reality show called *The Moment of Truth*, and premiered on Star Plus on July 15, 2009.

³²⁴ The episode of the show I listened to dealt with "secrets" that people revealed on air. The curious thing was that not all the secrets were of a sexual nature, yet they were part of a show called *Between the Sheets*, as if the sexualised name had suddenly turned metaphorical, to stand in for this sharing of secrets openly. The show airs on Radiowalla, and the host, Srivatsa, offers it as evidence of the fact that sexual attitudes, especially in women, have changed in the present. "This is not an age of cliché; it is an age of rediscovery. Of finding new shades to relationships. Just ask me: there are many

descriptions of sexual practice alongside ordinary descriptions of everyday life - all involving a public interest in, or a production of, what is considered “personal”. (This returns us to the first section of this paper, and the idea of “personal autonomy” that the Delhi High Court judgment offered). The tension between the claim to this personal autonomy, and an increasing public production of this personal space or this personal life, are at the heart of understanding the guys4men case and the relationship between sexuality and technology.

Conclusion: Locating the Cross-Eyed Gaze – Fantasies of Cyberspace

The emphasis placed on crossing over between a “virtual” and a “material” world then is precisely meant to tie in with the question of translation. In this case at two levels – one of the division between the disembodiment that is often said to be offered by the internet, and the “real world” of social relations and bodily existence; and in terms of the division between the global and the local, a larger world “out there” and our immediate surroundings. This is the precise moment of time in which there is enough discomfort surrounding new technologies, enough uncertainty in terms of how to both understand them and deal with them, enough discourse produced around them, for us to truly perceive our relationship to them.

In the guys4men case, we see the contradictions between the idea of the virtual body and the body in the real world. The virtual body exists in the bits of data and image that you put up online. The police list these out in their interviews to the press - “The members used to contact each other through Net. They used to put phone numbers,

experiences shared on my call-in radio show, *Between the Sheets*, which testify to new-age thinking under the covers” (*Outlook India*, December 24, 2012).
See <http://www.outlookindia.com/article.aspx?283324> – accessed as on 04 March 2014.

photographs and 'vital stats' of their body on the net, inviting men like them for conversation and get-together. Even minor details about tattoos, sense of humour, religion, preference, hair style, body hair were also included in the profile”³²⁵. This fragmentation of the body and self into various bits of information is contradicted by the attempt to punish “whole” bodies for the conspiracy to commit sodomy. The profile as a member of the group, and the same, as a perpetrator of a sexual crime, are very different. The police did not target the website for abetting sodomy (since websites are coded and speak a very different language from the one the law understands). Instead, the police had to “actualise” these men, as subjects.

The plane of immanence includes both the virtual and its actualization simultaneously, without there being any assignable limit between the two. The actual is the complement or the product, the object of actualization, which has nothing but the virtual as its subject. Actualization belongs to the virtual. The actualization of the virtual is singularity whereas the actual itself is individuality constituted. The actual falls from the plane like a fruit, whilst the actualization relates it back to the plane as if to that which turns the object back into a subject (Deleuze 2002, 113).

Deleuze uses the idea of immanence as that which inheres in the material world, as opposed to the idea of transcendence, to discuss the relationship between the actual and the virtual. To use Deleuze's formulation in as crude a manner as possible, the law, in the case we are discussing, has to relocate the virtual objects (the data bits on the website, the information) on this plane, as subjects, only then can it comprehend or act on the situation at hand. This process, of actualization, is constantly repeated when the “virtual” is in question. While Deleuze refers purely to the virtual *image*,

³²⁵ “Gay club running on Net unearthed”, *Times of India*, January 5, 2006. http://articles.timesofindia.indiatimes.com/2006-01-05/lucknow/27819903_1_gay-club-gay-culture-sexual-preferences. Accessed as on 02 June 2011.

one can extend his argument to the virtual (fragmented) self as well. "...hence, there is coalescence and division, or rather oscillation, a perpetual exchange between the actual object and its virtual image: the virtual image never stops becoming actual. The virtual image absorbs all of a character's actuality, at the same time as the actual character is no more than a virtuality....The actual and the virtual coexist, and enter into a tight circuit which we are continually retracing from one to the other" (2002, 114). This is crucial to a critique of a representational framework through which internet practices are understood. Practices online are not mere representations of the offline world. There is a way in which one transacts with the other, and this is the process the chapter terms translation, with all the differences in knowing and being that translation implies.

In the light of both the illusion of disembodiment in the virtual world, and our situatedness as "vanishing mediators" of the present time, we look at the guys4men case as a moment that disrupts the easy separation between virtual and "real" worlds.

To now move away from the earlier theoretical positions, of Zizek and Baudrillard, on what cyberspace involves for the sexual subject, we take a turn to the question of culture, which has emerged at various points in the chapter. Cultural fantasies underlie the discourse around technology in the Indian context, in the narratives of both the enthusiasts and the pessimists. Unlike the above sci-fi fantasies that can imagine a complete transfer of "you" to your computer, and in this way offer complete disembodiment to the user of technology, the fantasies that are created around the internet are precisely fragmented and incomplete, trying always to understand the unfamiliar in familiar terms, to force 'local' narratives onto 'global' phenomena. "The notion of the translator is always somebody who is in a conscious condition of

deploying knowledge in order to bridge the gap between different paradigms. However, as the digital world becomes more democratic and becomes a part of our daily transactions, an increasing number of users enter into conditions of translation which they might not recognize as translation” (Shah 2008, 221)³²⁶. Children are imagined as suddenly breaking away from parental control, to enter a floating domain with no rules, no obligations to either institutions like schools and colleges, or to their ‘moral’ foundations. On the internet, they will be older than they are, they will put up provocative pictures of themselves on their profiles, they will chance upon (if not search for) pornography, and their physical activities in the “real world” will dwindle down to the bare minimum. There is the fantasy of the gay man online, part of an international network of homosexuals, posting half-nude images, being explicit about sodomy and genitalia, grafting this explicitness onto the everyday life of small towns and big cities. There is the fantasy of women entering adulterous affairs online. Even the state participates in a fantasy of the internet doing away with distances that have not been covered or bridged effectively enough through material infrastructure. Right-wing political parties and religious groups participate in the fantasy of reaching out to much larger numbers, their ideological visions not being constrained anymore by national borders – a vision of followers all over the globe, of symbols, words and belief being disseminated.

In a curious way, the relationship with the internet disrupts what Ashish Rajadhyaksha points to as a split between the subject that participates in modernity, and the subject that views modernity, which he finds in the writings of Pramod

³²⁶ Shah has argued in his paper on “Material Cyborgs” that in the guys4men case, the digital was mapped back onto the bodies of the men in a reverse translation; that what the State had a problem with was not the homosexual desires that these men had, but their creation of cyborg selves that sought to loosen themselves from the State’s control.

Navalkar, the former Minister of Culture in Maharashtra (1995-1999). Navalkar represents the position of pointing to or looking at the “morbid stage of sleaze” that is modernity. The other position exists on this stage, as participant in this sleaze of modernity. The reference was to the realm of objects or actions that belonged to modernity:

Indeed, as the seminal writings of Pramod Navalkar on Bombay city show, territorial realism is repeatedly invoked as he takes his reader on tours pointing out warehouses, bars and gambling joints in apparently respectable neighbourhoods and points out ‘empty’ flats in elite highrise buildings, hints at what might be going on there and asks his ‘dear reader’ to shake his head at such degradation, the issue is usually less the allegedly pornographic material itself and more the production of specific spectatorial ability, to ‘know’ a morally superior position from where to view the decadence of the contemporary (Rajadhyaksha 2009, 208).

Navalkar thus translated lived reality for his readers, as spaces or practices that were pornographic in nature. Pointing, or looking, in his case, was the act of translation of this reality. Rajadhyaksha argues that it involved a form of *territorial* realism that was specific to the context and city of Bombay, and which returned an “authorial right back to the spectator.” This territorial spectatorial ability, situated on the outside of certain practices or states of being, is rather undone in the case of the internet. There perhaps are still certain positions one can take up ‘outside’ the internet, but they are likely to be more and more extreme and isolated, unlike the audience that Navalkar addresses or brings into being. What occurs with the internet is almost a *cross-eyed gaze*, of being simultaneously within and outside this stage of modernity, of being a

part of it and at the same time staging yourself as a commentator on modernity and its practices.

The act of the policemen in the guys4men case, of posing as a gay man in order to locate men who indulge in homosexuality, represents the staging of this cross-eyed-ness. Rather than reading it only as a trick stemming from repressive surveillance mechanisms, it can be read as the “inauthenticity effect” (to play with a term used by Rajadhyaksha, the “authenticity-effect”) – it was only through this assumed position as a gay man on the website, this disguise, that the police could carry out their operations. They had to embed themselves in the world of the gay man online before casting him as criminal or even as subject of/to the law. This is not to say that the policeman was the subject of Navalkar’s writing. The policeman in this case rather stages for us the condition that the above subject now exists in, in relation to the internet – no longer viewing modernity from the outside, but participating in it while at the same time positioning himself as a commentator on culture. Fragmenting himself in various data bits on different websites and through different programmes, and at the same time pretending to have an overarching view of the society he lives in. In other words, building a fantasy of erasure, of this very embeddedness, disavowing it in order to then be wholly “himself” on the internet. Just like the policeman had to disavow his posture of being gay online in order to then point a finger at the men who were doing the same. The spectatorial ability is in this instance a corrupted one – it is not moral in that it does not seek to fully halt the processes of modernity attached to the internet as a site of practice. It instead has to be wilfully blind to its own participation, thus rendering the internet as merely a tool, even an accomplice, through which certain ends can be achieved. This explains the incident of the

ministers in the state assembly in Karnataka watching pornographic clips on their cell phones³²⁷. This also explains why the state did not target or shut down the guys4men website, as something that propagates this practice. Even the media refused to name it as the perpetrator, they used words like “club” and “racket” instead.

We now return to the question of publicness. The notion of something becoming visible has emerged at various points in our discussion so far – through the notion of personal autonomy existing in public spaces, as in the Delhi High Court judgment; through the discourse of openness that both the alternative sexual subject and the internet as technology are caught in; through the simultaneity of “secret” and “public” as states that we imagine ourselves in; through the argument that cyberspace involves an “externalisation of fantasy” and the socialization of the sphere of intimacy (this in the work of Žižek); through Baudrillard’s lament that man renders himself a spectacle through computer technologies, and communicates rather than speaks; through Heidegger’s notion of what “comes to presence” in technology and how this is crucial to our answering the question of the essence of technology; through the desire that post-liberalisation India has witnessed/participated in, to render the private lives and actions of people “public”, and to uncover, expose, publicise forms of sexual practice; and through the ways in which the law and the media translate deviant sexual practices for the reading and watching public.

³²⁷ Two ministers belonging to the Bharatiya Janata Party (BJP), Lakshman Savdi and CC Patil, were caught watching porn clips on a mobile phone during the state legislative assembly in February 2012. The explanation they offered was that they were watching a video on the “ill effects of a rave party” and to find out more about offences committed against women. See Khan 2012 - http://archive.tehelka.com/story_main51.asp?filename=Ws080212Karnataka.asp. Accessed as on 10 March 2014.

In each of these ideas, there is a movement from a private to a public domain, though as established before, these seem to exist almost simultaneously because of the extent to which we are immersed in new media technologies. This renders questionable the strict division between the two conditions, of privateness and publicness, and what we are left with is how the private-sexual is constantly translated or staged in public terms, as in the guys4men case, or even the legal battle against Section 377. This is perhaps what lies at the root of the discourse of openness – the need of the current moment to make this translation. It is not therefore paradoxical that, as I write this in 2014, the most visible legal case of this moment, one that draws a high degree of international attention and government participation, one that has forced the BJP to “out” itself in relation to its position on homosexuality, involves the demand for the decriminalisation of *private* sexual acts³²⁸. This is also the moment at which the differences between the gay man, who has technological avatars and who claims this right to privacy/personal autonomy, and the hijra, who is still a public figure, has been criminalised for precisely her violations of “personal space”³²⁹ and seeks

³²⁸ The seeming incommensurability between the Supreme Court judgment and the reactions to it derive from on the one hand, the SC judges’ demand for evidence that the law actually does harm only LGBT communities, that it is related in bodily and material ways to only this part of the population; and on the other, the recasting of this legal battle as a symbolic one, that will fulfil the desire for state legitimisation, visibility and citizenship, whatever the material terms of it are. Therefore the metaphor of the Supreme Court pushing us back into an imagined closet.

³²⁹ The police crackdowns against hijras in Bangalore, on the charge that their begging practices involved disturbing the public and violating the personal space of commuters, is testimony to this. For instance, this is an extract from a news report – “Dona Mathew, a young techie, recounted a frightening experience. ‘Last week, I and two friends were travelling from Forum mall to Domlur in an auto. Our auto stopped at the Sony World signal. Suddenly a hijra (in a saree) approached our auto. She first asked money and touched our heads as though blessing us. We were reluctant to give money, but then she started abusing us and warned us that she would kiss each of us on our mouth,’ Dona said. ‘When my friend gave her a Rs 5 coin she rejected it and asked for 100 rupees. My friend who was closer to the hijra got scared and gave her 100 rupees. But the hijra refused to relent. She wanted money from the other two of us as well and started making lewd and repulsive gestures.’ Even the auto driver’s intercession failed to dissuade the hijra. The women in the auto were spared further indignity only because the lights turned green.

Because the way it is done infringes on peoples’ personal space and often can be downright harassment. Same with aggressive sales people. If people sell their wares or beg without getting in the way of other people doing their thing, I don’t see any harm in it and I would fight for their right to continue doing it.” (“Top cop gives his men three days to put an end to eunuch menace”, *Bangalore Mirror*, 13 May 2011 - <http://bit.ly/11DWNz>, accessed as on 04 December 2011.)

legitimation in completely different ways—through demands for identity cards, medical services, and an end to police brutality—become all the more stark.

The internet as technology is contingent on the physical, haptic, practices of people who are on it or who use it in their daily lives. This in itself sets it apart from other technologies, in that it then becomes, as Žižek argues, something that exposes the virtualization of all reality. The previous chapter argued that the divisions between the body and technology have come to be replaced by a penetration of new technologies into the lives of people, at least of people belonging to the middle classes. This can be extended to other classes of people as well, because of the advent of mobile phone technologies³³⁰. The internet is also increasingly used by people from the working classes, except for those well below the poverty line. Schools and colleges all over the country are investing in computers and internet connections for the use of students³³¹. Accompanying these shifts is the rendering public of the private, the “externalization of fantasy”, at various levels – at the level of the individual operating online, at the level of the state’s efforts to regulate internet practices, and at the level of the media’s interest in the private-sexual. The ways in which queer sexual practice and technologies are positioned, as always already open yet private or secret, as public yet beyond the gaze of the state³³², is a symptom of “our time” and its modernity – that in the time of growing economic privatisation, one finds an increasing collapse of the divisions between a state that is interested in the “public” and the sexual act that is

³³⁰ See for instance, Maya Indira Ganesh’s essay on the use of mobile phones among kothis (men who take on feminine roles in their relationships with other men), to negotiate their lives both as husbands and father, and sexual partners to men who are their panthis (their masculine partners). She also discusses what kind of object the mobile phone is to them, and what connotations of class status, belonging and identification surround this object-technology. See Ganesh 2009 (http://www.sxpolitics.org/wp-content/uploads/2009/04/secret-publics-and-subversive-erotics_indira-ganesh.pdf, accessed as on 07 June 2011).

³³¹ Kazmin 2013 - <http://on.ft.com/Nf7EE6>. Accessed as on 11 March 2014.

³³² The premise of the legal struggle against Section 377 is that the state has no right to interfere in consensual sexual acts between adults in private.

“private”. The private needs to be staged as “of public interest”, whether in legal cases, media reports, social networking sites, or the actions of state police. And technology lies at the heart of this need. It is not a state of “everything is everything”, it is rather “something becomes something else”, and this is the transaction we are interested in.

CHAPTER 7

Conclusion: The Problem of Theorising the Present

I would like to end this thesis with some basic concerns: about the difficulties or doubts involved in undertaking a thesis that does not have a region-specific focus³³³, and tries to answer a question that pulls into it divergent practices and events from the Indian contemporary. The question I have been constantly asked is, ‘Which part of India does the thesis focus on?’, and the answer has been that the focus is not on a region, it is instead on how to understand events and articulations in the contemporary, how to provide a framework for theorising the present. The present is as we know and *see* every day, constantly shifting, and there have been several events that have taken place since I began writing, some of which it was possible to include but others not. Even as I write in February 2014, the air is thick with discussions on the Aam Aadmi Party’s response to its law minister Somnath Bharti subjecting African women in Delhi to the horrors of police interrogation, including asking them to urinate in public to prove that they are not under the influence of drugs and alcohol. Somnath Bharti’s claim is that rape as an act can be traced to the circulation of drugs and sex work in the city, and the city is to be cleansed of these before it becomes free of the violence of rape. This act strangely mirrors the scouting of the city that was undertaken by Pramod Navalkar³³⁴, yet it takes place in an India two decades following liberalisation, where the dynamics between state, citizen, and a party that

³³³ One of the biggest problems in the thesis is its reliance on only English material to make its arguments. An examination of material in Tamil, Marathi, Meitei, etc. would have obviously opened up other worlds of debate and analysis.

³³⁴ See Chapters 2, 3 and 7.

started out as an anti-state movement and then moved into formal politics (and explains all social and political problems through the lens of corruption), are very different from the BJP's position at the time of Navalkar's ministerial term (there the 'territorial realism' was one that focused on culture as the fulcrum of its position). Yet the concern with the "city" signals a concern with what the thesis has called "public-ness". Bharti understood the streets of the city, its surface, so to speak, to be where he would have to start, to eliminate the problem of rape.

The chapters in the thesis examine a range of events, practices and historical moments, in trying to understand the relationship between the bodily subject and publicness in the contemporary. Chapters 2 and 3 engage with colonial and nationalist discourse in ways that the others do not. They also deal with texts, events and practices that became problems during the colonial era as well as the post-liberalisation era. Chapter 4 takes the idea of "public-ness" to the logical extreme of externalisation, the naked female body in the public domain, and the events that it deals with all took place in the post-90s era. What is critiqued alongside is the discourse of sexual and bodily freedom that the same era has witnessed. Chapters 5 and 6 deal with the relationship between technology, public-ness and the bodily subject. The first does this by showing the tensions between the state's avowed "public interest" in the woman factory worker and the production of the private-sexual life of the call centre worker in the public domain. The chapter asks the question of why the factory worker and the call centre worker did not get considered as synchronous or contemporaneous with each other, why one has been relegated to an industrial state of working and being that connotes 'pastness' and state interest, while the other has been seen as belonging to a 'present-future' of horizon-expanding

globalisation, consumption, individuality and privacy, therefore becoming an object of concern. Chapter 6 critiques the discourse of openness and globality in the post-90s era, and shows through the “bhandaaphod” or exposure in the *guys4men* case, in comparison with other ‘deviant’ sexual practices in both online and offline worlds, that what the state and media are invested in is the crossing over that takes place between domains of public and private.

Therefore, all the chapters, even if they have not located their subjects in the same historical context/region/period, have intended to give the present a historical sense, whether as leading on from another time or occupying its own time. How then does a thesis that deals with the present³³⁵ offer an understanding of this period of time that we live in? It has tried to do so through the idea of publicness – by arguing that in our contemporary, whatever the context or region, visibility is a transaction, a movement between the domains of the private and the public. The chapters argue that there are various modes of becoming visible that we encounter in the Indian context: Chapter 2, on obscenity, represents “seeing” as one mode; Chapter 3, on dance, “performing”; Chapter 4, on shame and spectacle, “exposing”; Chapter 5, on labour, simply “visibly working”; Chapter 6, on cyberspace, “posing” and “translating”. The thesis has rendered these modes of becoming visible necessary to a symptomatic reading of the contemporary. And what does this reading find?

That this transaction that is visibility produces anxiety – that whether it is the case of obscenity cases coming up in courts time and again in spite of the obscene itself being

³³⁵ The ‘present’ is not synonymous with the ‘contemporary’ as a conceptual term, and this is an argument that the thesis stakes itself on (the use of the term ‘contemporary’ is based on Agamben’s idea of the contemporary as the untimely, as the sense of disjuncture in time that is necessary in order to be truly contemporary). It is therefore the idea that what is contemporary always gestures at the historical, at traces of history that are part of the present.

unfixable (indeed, the thesis argues that the obscene is unfixable for a reason, this being that the real problem is not actually an obscenity inherent to the text); or the regulation of women's performance practices moving from the mode of abolition to that of censorship, a movement which signals this very anxiety about the visible; or the responses to growing anti-state movements in Manipur and the public assertions of Dalit women against dominant caste men; or the sudden alertness to young working women from the IT sector being out on the streets in the night on their way home from work, this alertness being part of a discourse that also "publicises" their personal lives; or the effort to regulate what is seen as a private technology that is capable of public cultures – in all these cases, there are signs of anxiety being produced by the movement between the private and public domains. This movement reveals tensions *in-between* the state as the declared 'caretaker' of public interest, the processes of privatisation i.e. the ways in which economic privatisation produces a 'private' that is generative of practices and ways of understanding the present, and the rendering 'public' of the bodily subject. None of these is a given in the thesis, or rather, approached in a "realistic" sense. None of these is fixed. The chapters have tried to show that the state, whether in the garb of the courts or the police, constantly stages the sexualised bodily subject as a "problem" in order to disavow its anxieties about movements between private and public domains. This is clear in the case of obscenity law, the regulation of performance practices and ways in which labour laws and the question of women's safety are framed. "Privatisation" as a process is represented through the media's constant "exposure" of the private lives and practices of people, the ways in which women in the sphere of work describe their workplaces and their own lives, and in the fact that the biggest legal scandal of the present era is a case involving the private sexual acts of consenting adults. The state here is not

separated out from these processes of privatisation, indeed it faces the conundrum of being caught up in them while simultaneously needing to “show” that it has an independent approach to these processes³³⁶. This renders it invested in a field of “public interest”. The media follows somewhat simpler logics, since it directly participates in the processes of externalisation, publicisation, exposure, in ways that are separate from the courts. It is always already about a rendering public of what is private, and the post-90s period has particularly seen the increased use of the form of stings and exposés, these mostly involving either corruption, or sex³³⁷. Both of these – the state’s so-called “public interest” and the processes of privatisation – are in a broader sense part of the story of modernity in the present. This story of modernity, as we have seen it written in the work of cultural studies scholars and historians, is inextricably tied to gender, which term includes in this context, sexual practice. The thesis has in various ways taken up this precise relationship between culture and modernity, in looking at how the state, the media, cultural and political organisation, business players, all approach the bodily subject in the public domain.

In terms of methodology, the challenge, as with most projects, is one of concretising what exists at the level of intuition, and I hope the thesis has taken at least some steps in this direction. The experience of undertaking this project has shown me how reading off the surface of texts can take one into layers upon layers of the subject at hand. Instead of trying to comprehensively ‘represent’ the subject, the methodological

³³⁶ This is why moments in history in which the state’s stake in private players is revealed or brought to the surface, are intriguing, like in the 2G spectrum scam, news of which broke on 6 May 2010.

³³⁷ What would prove useful would be to carry out an analysis of the relationship between these two things – corruption and sex – in terms of what they mean for public-ness in the present moment. Why is the citizen at the centre of the discussions around corruption? What has invested this citizen figure with authority? Is it capitalism? Why are corruption and sexual practice (or scandal) both becoming some kind of mirror to Indian society?

approach here has been to a) connect different kinds of surfaces and see what these connections generate by way of understanding, and b) arrive at a framework by which the historical sense is not de-activated, but rather, energised by a reading of events, representations, responses, as symptoms rather than as sociological truths.

The chapters have dealt with a range of subjects, and each one of them could potentially expand into a separate project – whether the censorship of obscenity laws, the regulation of women’s performance practices, the female body in protest, the punished “transgressing” body, the working body, and finally, the bodily subject of technology. In doing so, they have barely scratched the surface of these realms of exploration. But what has brought them together is the grid of publicness and the sexualised bodily subject, a grid that has its roots in the discourse of culture that is historically inherent to the Indian context. It is therefore not fully ‘of the present’, hence the use of the term ‘contemporary’ in the title. The thesis then argues that the ways in which this bodily subject’s “appearance” in the public domain is regulated, produced over and over again as an object for the law and the media to present and decide on, involves a staged “making recognisable” (and therefore a negotiation) of Indian modernity. This staging is a symptom of the above-mentioned anxiety produced in-between the registers of publicness. It is an anxiety that belongs precisely to the history-ridden relationship between modernity as a project, and democracy as a political system, a relationship that is rapidly taking on highly ‘superficial³³⁸’ forms.

³³⁸ At the end of this thesis, the hope is that the meaning of this term has undergone something of a transformation, and moved away from its derogatory connotations.

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