

Legal Imaginaries: Citizenship, Violence, and the Law in Contemporary Hindi Cinema

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Abstract

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My dissertation investigates the pedagogical functions of New Bollywood cinema from the 2010s. Situating the study at a historical juncture of globalised cinema, Hindu nationalist cultural politics, and neoliberalist economic politics, the dissertation studies empowering stories about female and homosexual desire that have previously been absent from mainstream cinema. The dissertation argues that cinema dramatises everyday encounters with the law by bringing legal debates on rape and homosexuality in India into public discourse. Through close readings that bring analyses of the aestheticization of difference in New Bollywood cinema into conversation with feminist critiques of the depoliticization of difference in mainstream social justice movements, the dissertation illustrates how cinema participates in the social processes of law by reframing controversial dynamics as problems that can be solved by the law. By attending to how access to law is conditional on a universalised, middle-class citizen-subject, the dissertation considers how cinema forecloses radical and structural critique as empowerment becomes an individualised project. At the same time, the dissertation offers two critiques of the legal project. Firstly, it demonstrates how law relies on violence, now displaced to the private sphere, secondly, by calling attention to the different iterations of the law and

legal institutions across New Bollywood cinema it suggests how cinema produces an imaginary of law through suturing different, often heterogenous encounters of law together.

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Introduction

Introduction

In this dissertation I examine a small archive of Hindi-language films released between 2010 and 2020 which all foreground how law structures our thinking about and relation to contentious social dynamics. What interests me about these films is how they bring legal debates into public consciousness while seemingly telling empowering stories of subjects whose desires, ways of life, and sexual and gender identities have historically been the butt of jokes, moralised against, frowned upon, or entirely absent from the mainstream screen. Notably, these particular kinds of ‘progressive-coded’ films have emerged at a historical juncture when traditional media, like cinema, have become more closely connected with the Indian state, both through its integration into formal financial structures (Govil) and as a producer of a commodifiable cultural identity (Rajadhyaksha; Devasundaram). It is also a historical juncture where the state, ruled by a majoritarian Hindu-nationalist government, has clamped down on citizenship rights for a wide number of its subjects, including its large Muslim minority, and where India’s economic growth has coincided with rising inequality. For that reason, the empowering narratives in the films create a curious disjuncture between the stories that get told on mainstream screens and the social worlds they circulate in.

In my dissertation, I argue that New Bollywood films play a crucial role in the social processes of law as they dramatise everyday encounters with law. I illustrate how these encounters produce pedagogies of law, state, and citizenship. Following from this, I argue that using cinema to examine the social processes of law reveals the iterative processes that bolster the project of law by turning contentious social dynamics into problems whose solution exist within a legal framework. Yet, cinema also calls attention to the limits of such a project by

exposing law's subjectivity, its reliance on violence, and its disciplinary practices. Moreover, collectively the study reveals how the seemingly coherent project of law as an institution is constituted through heterogenous processes that are sutured together into a seemingly cohesive logic in the film and across a body of film.

My interest in this topic is motivated by observing how contemporary discourses about law, gender, and sexuality have converged in recent Hindi films that have demonstrated a commitment to telling more varied stories. This diversification of stories is in part made possible as films are produced with an eye to diverse local and global audiences due to the ever-growing expansion of the multiplex cinema and the emergence of streaming platforms with their possibilities of audience segmentation.¹ At the same time, Rupal Oza has demonstrated how since the 90s, the Indian state's encounter with the global and the subsequent deterritorialization of the 'nation' means that increasingly the cultural field is in charge of policing gender sexual identities (Oza, *The Making of Neoliberal India*). In this light, the rise in New Bollywood films from the 2010s centring topics and subjects that have not previously been part of the mainstream, cinematic imaginary suggests how cinema, despite its competition with other media and their modes of harnessing political affect (Sundaram), continues to be an important site for producing the state. For the purposes of this dissertation I have been especially interested in the growing focus on stories about LGBTQ characters and the resurgence of 'woman-centric' films that reimagine female gender roles and the position of women within contemporary Indian society through a wide range of genres.² Among other

¹ For the role of the multiplex, see for instance the edited work of Adrien Athique and Douglas Hills or Tupur Chatterjee who specifically ties her analysis of the multiplex to gender and class (Athique and Hill; T. Chatterjee, "Architectures of Happiness"). For an analysis of how the multiplex has affected aesthetics, see the work of Sangita Gopal (Gopal, *Conjugations Marriage and Form in New Bollywood Cinema*), while Amrita Goswami and Nikil Govil's work analyses the financial and industrial aspects of New Bollywood cinema (Govil; Goswami).

² For a discussion of some of these new gender roles see for instance Megha Anwer and Anupama Arora's edited work on Bollywood's new woman (Anwer and Arora), as well as Sushmita Chatterjee's (S. Chatterjee, "English Vinglish" and Bollywood'), while Tupur Chatterjee and Purnima Mankekar have examined how the mallplex

things, this new focus has led to a heightened representation of gender-based violence in film, but it has also led to heist films, buddy comedies, and other narratives where romance often plays second fiddle to career ambition and self-discovery.

The topical references in many of these films, with allusions to public debates happening on the street, in government campaigns, and in the judiciary, make explicit how the films mediate and dramatise contemporary flashpoints. By flashpoints I refer to events that have garnered media attention, public mobilisation, and have driven calls for legal reform and political involvement. It is thus these kind of flashpoints -functioning as public scandals' where informal networks can bypass the regulation of state power through mass mobilisation both through media and as mediated acts or events (Sundaram). In responding to these flashpoints, Hindi cinema positions itself within this vibrant mediascape, yet, much like the legal review which follow in the wake of these scandals (Sundaram), cinema too arrives late to the conversation. Thus, even as it seeks to tap into the publics and counterpublics of the flashpoints, its engagement with these topics involves a process of commodification with an eye to the diverse tastes of local and global audiences (Rai).

In this dissertation I concentrate on two media and mediated flashpoints. One is the ongoing debate around gender violence sparked by the Nirbhaya case, the gang-rape of a young, professional woman which occurred in Delhi in 2012.³ While experiences of and legislation about gender violence has a long history within Indian feminist and women's rights movements (R. Kumar), what makes the Nirbhaya case special is how the class and caste positionality of Nirbhaya made rape a 'national' problem because it publicised how urban,

has especially facilitated a new female-gendered audience (Mankekar, 'Dangerous Desires: Erotics, Public Culture, and Identity in Late Twentieth-Century India'; T. Chatterjee, "Architectures of Happiness").

³ I discuss the significance of this case more in chapter 1 and 3, but as an illustration of how this case sparked both legal reforms, new cinematic imaginaries, and wider public debate see for instance the work of Bidisha Biswas, Sangita Gopal, Raminder Kaur, and Subir Rana (Gopal, 'Lethal Acts: Bollywood's New Woman and the Nirbhaya Effect'; Kaur; Rana; Biswas).

middle-class women could be victims too. The Nirbhaya case therefore incited wide public protests including digital and street demonstrations (Biswas) and calls for changes to the anti-rape laws (Agnes et al.) from a set of the population whose objections the state could not ignore. The second flashpoint I examine is the decriminalisation of homosexuality which, after a lengthy legal battle, was ‘settled’ in 2018 when the Supreme Court ruled to strike down section 377,⁴ a colonial era law used to criminalise ‘unnatural offenses’ which included ‘sodomy’. Both flashpoints became subject to national and international scrutiny in the media. Moreover, they led to wider debates about rights and justice as they publicised the Indian state’s failure to safeguard its subjects and created a crisis of authority that troubled the state’s claim to ‘modernity’ on the global stage at a time with growing attention to human rights. In both cases, the state and the judiciary eventually ‘acted’ on the calls for justice through legal reform or swift judicial actions. The spectacle of the ‘landmark judgement’ on the ruling on section 377 especially facilitated a narrative that the problems of queer subjects had been ‘solved’. However, it is important to note that queer rights and gender and sexual violence are still heavily debated topics today -both legally and in the wider public sphere- and recent legal verdicts underline a much more complicated picture about perceptions of gender-based and sexual violence and queer rights.

The call for the state to solve these issues through law and the publicity around ‘landmark judgements’ highlights what critical legal scholars like Ratna Kapur, Nandini Sundar, and Oishik Sircar have in different ways problematised as ‘legislation fetishism’ (Sircar, *Violent Modernities* 11). Legislation fetishism reifies law as the site of solution to social processes without addressing the underlying complex dynamics, that is, law turns complex social processes into fixable social problems by obscuring political economies, material conditions,

⁴ See for instance the work of Jyoti Puri, Pushpesh Kumar, Pawan Singh, and Arvind Narrain on this (Puri; Singh; P. Kumar, ‘Mapping Queer “Celebratory Moment” in India’; Narrain).

and social relations. One of the arguments Sundar makes, is that law structures our thinking to the extent that even to contest law, we rely on a legal vocabulary and legal institutions. This means that the legal project itself remains uncontested (Sundar, 'Hostages to Democracy'; Sundar, 'The Rule of Law and Citizenship in Central India'). This conundrum also motivates feminist legal critics and activists who grapple with law's failure to address the wide experiences of gender injustice, even when laws have been reformed to better do so. These failures have been ascribed to a gap between legislation and implementation, the permanence of culturalist interpretations when interpreting patriarchal laws, as well as essentialising definitions of experiences which fail to attend to how caste, sexuality, class, and religion interlock with gender in shaping lived experiences, hereunder the relationship with the state and law.⁵ That is, while legislation fetishism assumes everyone has equal access to law and knowledge of their rights, for many people -including many working class people who inhabit non-normative genders or sexualities and who rely on sex work as a source of survival- this is an impossibility due to lack of capital or fear of institutional retribution.

Cinema offers a productive site for studying these different social pressures as they converge on the screen in often contradictory ways. By representing historically marginalised subjects and bringing them into stories that acknowledge earlier failures of the state only to relegate them to the past, Hindi cinema becomes a crucial site for considering how heterogenous experiences of the state and state failure can be sutured together into individualised narratives of empowerment. For this dissertation, I am especially guided by three interrelated questions: How does cinema dramatise these different dynamics? How does

⁵ For a discussion of these problems in relation to law, see especially the work of Flavia Agnes, Srimati Basu, Kalpana Kannabiran, and Indira Jaising (Sircar, 'Feminist Lawyering, Violence against Women, and the Politics of Law Reform in India'; Basu, 'Impossible Translation'; Kannabiran and Menon; Jaising, *Men's Laws, Women's Lives*). For the wider contexts of the problems, see among others Radha Kumar, Rajeswari Sunder Rajan, and the edited volumes by Ania Loomba and Ritty A. Lukose's and Janaki Nair and Mary E. John (R. Kumar; Sunder Rajan; Loomba and Lukose; Nair and John).

this dramatisation produce knowledges about law? And what do we learn about law from studying its social processes through cinema?

Though the long history and intricacies of cinema's legal imaginary continues to be understudied, other scholars have considered the relationship between law and film. In cinema and media studies, scholars like Madhava Prasad and Nandini Bhattacharya have conducted historical studies that demonstrate how cinema has responded to particular laws and events such as Emergency,⁶ the war on terror, and laws around gender following partition.⁷ On a more 'conceptual' level, Michael Hoffheimer has catalogued and categorised a subgenre of the 1950s-1970s 'social' as 'the Hindi musical law drama'. Hoffheimer argues that this genre reframed law as a more positive entity by disassociating it from colonial rule and repositioning it as modern and reformist (Hoffheimer, 'Bollywood Law'; Hoffheimer, 'Awāra and the Post-Colonial Origins of the Hindi Law Drama'). At the same time, Priya Jaikumar's analysis of Hindi films from the late colonial period illustrates how they reimagined state-subject relations for a postcolonial future by filtering mythic pasts through the lens of secular law and universal citizenship (Jaikumar). These readings clarify how cinema reflects shifting conceptions of justice and law and, collectively, they help to historicise cinema's engagement with law. Different studies of law and cinema have focused on censorship and regulation,⁸ here Lawrence Liang's focus on affects and the dialectic process of meaning-making that determines

⁶ The Emergency refers to a period between June 1975 and March 1977 when the prime minister of the time, Indira Gandhi, declared a state of emergency, thus suspending the general 'rule of law'.

⁷ Nandini Bhattacharya analyses how belonging, violence, and trauma are gendered by looking at films such as *Mr & Mrs '55* and *Chhaila*, together with the Hindu Code Bill and its framing of marriage, and the Abducted Persons (Recovery and Restoration) Act (Bhattacharya), Madhava Prasad analyses the role of the police and the failed state of the 1970s through *Zanjeer* (Prasad), Anustrup Basu reads the encounter in city films of the 2000s in light of human rights discourses, and of course, Lalita Gopalan and Ranjani Mazumdar read the 80s rape-revenge film in the context of the feminist movement and the outcry against the state's inability to handle high profile custodial rape cases (Mazumdar, 'The Legal Unspeakables: Rape in 1980s Bombay Cinema'; Gopalan).

⁸ See for instance the work of Monika Mehta who foregrounds the micropractices of censorship and illustrates how censorship is played out over the female body (Mehta), while Someswar Bhowmik reads censorship policies in light of wider political concerns (Bhowmik). On the other hand, William Mazzarella and Lawrence Liang have been more interested in how censorship speak to anxiety about slippery meaning (Mazzarella; Liang, 'Media's Law').

censorship certification is particularly interesting for how he calls attention to the embodiment of law: the ‘objective’ language of censorship rules is interpreted by the affected, feeling lawyer who makes the decision on how to certify a film (Liang, ‘Media’s Law’; Liang, ‘Sensuous Encounters: Law, Affect, and the Media Event’). Finally, legal scholars like Ratna Kapur and Oishik Sircar have used cinema along with other cultural texts to make arguments about law (R. Kapur, *Erotic Justice*; Sircar, *Violent Modernities*), with Sircar especially calling attention to cinema’s role in shaping public conceptions of law.

This dissertation simultaneously bridges the gap between these different scholarly conversations and expands on them by keeping the question of law, its meanings, and its logics central to the analysis of film while foregrounding how cinematic logics such as narrative, publicity, and visuality feed into the dramatisation of law and bring law into public conversations. In doing so, it calls attention to how a mass media like cinema might amplify the disciplinary logics of law as it moves the encounter with law from the ‘real’ courtroom studied by feminist legal scholars to a fictitious courtroom that as audience we might experience in the cinema, on our phones, and in our homes. In these spaces we, as individuals and as a wider public, are addressed as universal citizens with a stake in the state. Applying a cultural studies lens that draws on an interdisciplinary scholarship from cinema and media studies, feminist legal criticism, and South Asia area studies my dissertation foregrounds cinema’s engagement with law, not as isolated incidents but as a central component of cinema that suggests its ongoing role in producing law. My dissertation treats cinema as a valuable site of knowledge production by illustrating how cinema’s iterative narrative of law’s authority discursively produces ideas about how law functions. In feminist South Asia area studies, the rise of the middle classes has been theorised as a political project and as a vehicle for formulating a national identity which has simultaneously marginalised other groups by suggesting a cohesive middle-class identity as the norm. To the extent that this middle-class

subjectivity folds together a citizenship centred around commodity culture and a muscular nationalism, it can be considered as a powerful political project that enables both the Indian state's neoliberal politics and right-wing Hindu nationalism (Fernandes; Mankekar, *Screening Culture, Viewing Politics*; Oza, *The Making of Neoliberal India*). It is precisely in New Bollywood cinema, which emerged in response to those very middle classes, that we see some of these political projects carried out. Specifically, I highlight how the legal address of the 'universal citizen', the cinematic address of the 'general audience', and cinema's use of a universalised subject position coalesce around a middle-class subject whose differences become a matter of aesthetics. Thus, by using cinema as a site for examining law I illustrate the inherent limitations of spectacles of emancipation -as they occur both in cinema and in legal reforms- because they rely on reframing contentious social dynamics into easily solvable problems.

Drawing on the conversations raised by the flashpoints discussed above, I look at three themes across three chapters: Consent, sexuality, and retributive violence as they appear in five films released between 2010 and 2020. Through this small archive of films, I illustrate how New Bollywood cinema's dramatisation of law makes law part of a wider public conversation and suggest that cinema is a central technology to produce law. In doing so, I call attention to three interrelated logics which shape contemporary cinema. Publicity, which suggests a capacity for creating a spectacle. Narrativity, which foregrounds the role of storytelling. Visuality, that is, cinema's ability to shape perception as part of a broader visual culture. I argue that these logics also structure how law, its processes, and its social consequences are dramatised in the films. Though New Bollywood cinema of the 2010s tells empowering stories about subjects who have previously been absent from mainstream films, I contend that in the process of coming to the screen, diverse lived experiences are aestheticized and depoliticised in order to appeal to a transnational, middle-class audience. I argue that in doing so, cinema

turns contentious dynamics into social problems that are part of the social processes of law, and it forecloses a more radical structural critique. At the same time, by illustrating how cinema sutures together heterogenous narratives of law and legal failure, I critique a modern legal project which frames law as the site of solution.

Chapter Summaries

In chapter 1, ‘Modern Women with Desires, Consent, and the New Legal Order in *Pink* and *Section 375*’, I ask: How do law and cinema construct knowledges about sexual violence? Recent courtroom dramas, such as *Pink* and *Section 375*, have adopted a new language for judging sexual assault cases, specifically they use the concept of consent to determine whether sexual assault happens or not. I analyse how consent is framed as a liberatory concept which acknowledges professional women’s right to have desires and I consider how this move rescues law from its legacy of delegitimising women’s experiences as documented by feminist activists and legal scholars. Drawing on feminist debates about anti-rape laws (for instance, Flavia Agnes and Srimati Basu) and cinema scholarship on the ‘modern’ woman as a consuming subject in New Bollywood and South Asia area studies, this chapter considers the limits of ‘solving’ experiences of sexual violence through law. Through this approach I show how a binary logic of guilty and innocent, just and unjust, consensual sex or rape underpins not only the legal framing of consent but also its visual and narrative framing in the films. The chapter argues that while the fact-based construction of consent lends itself to a new legal order, by assuming a universal citizen-subject, it risks reproducing a vocabulary of sexual desire which codifies gender violence as a single, knowable act. Furthermore, by erasing other lived experiences of sexual and gender violence, it prevents people from accessing justice, through law or by other means.

What are the conditions under which the Indian state can guarantee the rights of its subjects? Chapter 2, “When even I don’t have the right to question their choice, then who are

you to interfere?': Queer Subjects between Familial Resolutions and Legal Solutions in *Shubh Mangal Zyada Saavdhan*', answers this question by reading together the queer romantic comedy *Shubh Mangal Zyada Saavdhan* (2020)⁹ and the 2018 decriminalisation of homosexuality in India. By mapping the different public discourses activated by *Shubh Mangal Zyada Saavdhan* to talk about and normalise queer desire, the chapter illustrates how New Bollywood cinema plays a crucial part in producing everyday meanings of law. In the second half of the chapter, I combine critiques of section 377 with analyses of the family romance to demonstrate how the film's structuring of private and public spaces circumscribes these discursive fields. Building on this, I argue that the film produces queer desire as a problem to be solved *in the family by the state* and suggest that the framing of queer desire as a problem to be solved necessitates a depoliticization of the queer subject and highlights why legal reform might end up perpetuating historical violences.

When does the state legitimise civilian violence? Analysing narratives of judicial failure and gender violence, chapter 3, 'Extra-Legal Spectacles of Violence, Justice, and Empowerment: Examining the Pedagogy of Violence in *Mom* and *Mardaani*', argues that the angry mother's demand for justice can rationalise extra-legal violence as an act of punitive justice and a spectacle of empowerment. Through a comparative analysis of the changes between the 1980s and the 2010s female rape-revenge films, this chapter examines how splitting the victim-vigilante into victim-daughter and warrior-mother reframes violence as a civic duty done on behalf of others by reading the warrior-mother in *Mom* (2018) and *Mardaani* (2014) in the context of responses to high profile rape cases and Hindu right-wing constructions of female gender roles and muscularity. I reveal how the films legitimise violence by

⁹ I use 'queer' here to foreground its emphasis on LGBTQ experiences and characters, not to make any claims about the film having a 'queer' politics.

establishing a spectrum of maternal care and duty where the warrior-mother can be called on to protect both the victim-daughter and the state from otherised villains.

In the coda I sum up the key points of my argument about how cinema is part of the social processes of law and what stands to be gained by using cinema as a site for examining these processes. Specifically, I restate the stakes of turning contentious social dynamics into fixable legal problems and reiterate how cinema makes explicit how the universalised, legal subject is grounded on a middle-class subject whose differences become a matter of depoliticised aesthetics. I suggest that the rise in Hindi films about other types of gender violence, especially domestic violence, would be generative new site for examining cinema's engagement with legal discourses. Finally, I conclude with a discussion of the trajectory of Sharmila Tagore, a Hindi film star from the 1960s and 1970s who made her return to the screen in 2023 in the character of a widowed family matriarch who reveals her long love for another woman. I suggest that the trajectory of the roles she portrayed, and her star persona is indicative of the wider trends that I have delineated in the dissertation.

In the next two sections I discuss how this dissertation engages with the disciplines of cinema and media studies, feminist legal studies, and South Asia area studies by discussing some framing concepts for this dissertation. Finally, I provide a brief historical context for my analysis by discussing two films, one from the colonial period and one from the postcolonial period respectively. The two films and their legal imaginaries serve as a backdrop for my own analysis of films from the streaming era.

Critical Concepts

Law

For the purposes of the dissertation, I understand law as a dialectic, social process whose meaning is constituted beyond the letter of the law. The ‘letter of the law’ consists of official, legal documents such as verdicts, legislation and policies, the constitution, and the penal code which all are authorised by formal institutions like the Indian government and the Supreme Court. However, many legal scholars and historians have called attention to how meanings and understandings of law are produced outside of these official texts through everyday social processes. Expanding our conception of law to include wider spaces where people encounter and discuss law and where meanings of law are produced foregrounds the processual nature of law and situates these legal processes within broader social conversations. That is, to see law as a social process is to recognise its entanglement with the social, political, and cultural fields and to recognise how legal logics become part of everyday practices.

Rohit De’s analysis of constitutional changes in the postindependence years highlights how the constitution, as an elite, English-language, legal project was shaped by localised encounters between constitutional law and non-elite subjects (De), while constitutional scholars like Gautam Bhatia have foregrounded the ‘constitutional canon’, texts such as literature, pamphlets, and newspapers outside the constitutional text itself where law was negotiated, discussed, contested, and explained (Bhatia, *The Transformative Constitution?*). Less explicitly part of a traceable, ‘textual canon’, feminist legal critics have emphasised the role of culture and culturalist assumptions in law as a background for making laws, as an interpretive framework when formulating verdicts in the courtroom, and as something which law produces (R. Kapur, *Erotic Justice*). For instance Indira Jaising has demonstrated how a logic of categorisation based on definitions of ‘sameness’ and ‘difference’ undergirded the

constitutional project and informed who and how people could be treated within law, however, these interpretations were incredibly variable (Jaising, 'Gender Justice and the Indian Supreme Court: The Post-Colonial Project'), while Flavia Agnes has pointed to how perceptions of Muslims as backwards informs and the construction of the female Muslim as victims in need of saving from oppressive Muslim men informs legislation (Agnes, 'From Shah Bano to Kausar Bano: Contextualizing the Muslim Woman" within a Communalized Polity'), and Srimati Basu has analysed how translation of experiences in the courtroom produce knowledges about desire, sexuality, and the body (Basu, 'Impossible Translation'). Hindi cinema speaks to this wider social space of law. As a product of culture and as text which produces culture for a mass audience, and which is deeply enmeshed in socioeconomic dynamics, I think of Hindi cinema as a site that dramatises everyday encounters with law, as a site which discusses law and legal processes, and whose dramatisation of law shapes and exposes how legal meanings are produced.

Interrelated with this, is the recognition that law is a discursive project. In this I draw on legal scholars who have reflected on the processes which sustain law's claim to authority, objectivity, and neutrality despite our practical experiences of law's limitations. The authority of law to mediate cases and state-subject relations rests on its democratising claims of universal access, objectivity, and equal treatment of all. Central to this is that law is increasingly used to mediate social dynamics. For instance, Oishik Sircar and Ratna Kapur have analysed the fetishisation of law as the site of solution (Sircar, *Violent Modernities*), while Nandini Sundar has pointed to how subjects are made to use the language of law even when contesting it (Sundar, 'Hostages to Democracy'; Sundar, 'The Rule of Law and Citizenship in Central India'). Both cases sustain the legal apparatus' authority as the formal site for solving issues.

In reading law as a discursive project, feminist legal scholars have called attention to its underlying assumptions of a teleological progress-narrative (Sircar, *Violent Modernities*; R.

Kapur, *Gender, Alterity and Human Rights*) and universalisation of experiences. Ratna Kapur has linked these limitations to law's roots in European enlightenment and age of reason ideologies which assumed an evolutionary inevitability of social progress (R. Kapur, *Gender, Alterity and Human Rights*). In this context, both Kapur and Sircar have pointed to the overreliance of rights as a solution to social problems, as this legislation often fails to recognise the additive and disciplinary nature of rights and reforms (R. Kapur, *Gender, Alterity and Human Rights*; Sircar, *Violent Modernities*). Moreover, what these assumptions generally disguise is how access to law, citizenship, and state-subject relations are not universal, but rather are experienced differently depending on gender, sexuality, caste, class, and religion.¹⁰

Legal historians have also pointed out that, historically, the language of the law was as much about ruling colonial subjects as it was about governing free citizen-subjects, not least in India where much of the legal language harkens back to the British colonial project (Hussain) since a precept of the constitution was that all colonial laws would continue to be in effect (Jaising, 'Gender Justice and the Indian Supreme Court: The Post-Colonial Project'). Thus, as Naseer Hussein writes, the law 'is literally full of law' (Hussain 32): meaning in the legal text there are exceptions, hierarchies, and bureaucracies that legitimise the momentary suspension of law while maintaining the language of being lawful. For instance, much of the language of Indian legal texts facilitates the policing of subjects for the security of the nation (Sundar, 'The Rule of Law and Citizenship in Central India'). However, the suspension of law can also happen for other reasons such as economic concerns (Hussain; Jaising, 'Gender Justice and the Indian Supreme Court: The Post-Colonial Project'; U. Baxi). For instance, even if the economic policies led to more inequality, promoting economic development has historically been

¹⁰ See for instance Flavia Agnes on law and religion, while Bishnupriya Dutt, Janelle Reinelt, and Shrinkla Sahai's anthology calls attention to connections between citizenship and gender, and Jyoti Puri, Pushpesh Kumar, and Anupama Rao discuss law and citizenship from the perspectives of sexuality and caste respectively (Sircar, 'Feminist Lawyering, Violence against Women, and the Politics of Law Reform in India'; Behl; Dutt et al.; Puri; Anupama Rao; P. Kumar, 'Mapping Queer "Celebratory Moment" in India').

prioritised because it is seen as a condition for other kinds of social progress. The ability to make and suspend law becomes integral to thinking about legal reforms as it points to a gap between law and its implementation, or lack thereof.

Drawing on these different scholarships on law, I understand law as a discursive project whose meanings are produced through everyday, social encounters and whose authority is produced through the iteration of a narrative of law as the site solution (R. Kapur, “‘Belief’ in the Rule of Law and the Hindu Nation and the Rule of Law”; Sircar, *Violent Modernities*; Sundar, ‘Hostages to Democracy’). Because it is a discursive project, it is the contention of this dissertation, that cinema plays an integral part by telling hegemonising stories of law that serve as spectacles of justice within a legal framework. Cinema, I show, is a key technology in producing law, especially as it sutures together heterogenous narratives of law and its failures, as well as narratives of contradictory legal institutions to produce an appearance of a cohesive logic of law. However, as a public media often consumed in a mixture of private and public spaces, popular cinema offers the polysemic possibility of the ‘open edge of mass media’ (Mazzarella 37), where meaning is at once ascribed to the films, even as it is negotiated in the encounter between audience (intended and unintended) and cinema.¹¹ Even when adopting the language of institutionalised law, popular Hindi cinema problematises the rigid, binaristic ‘letter’ of the law by an excess of meaning, by the slippages between heterogenous projects that appear both within individual film and when looking at wider swathe of films. In telling humanising stories that examine the crisis of the state and limits of the law where the principles of objectivity and narrative coherence are tested (Kamir), it reveals that law is always an interpretive practice that is based on culturalist assumptions and moral hierarchies.

¹¹ In this context, see also Lawrence Liang’s analysis of how the encounter and the slipperiness of meaning informs film censorship (Liang, ‘Sensuous Encounters: Law, Affect, and the Media Event’).

Moreover, as a site which stages everyday encounters with law while also making these encounters part of public conversations, cinema is a part of the everyday social processes of law. My interest in popular film as a site of analysis for law is motivated by feminist emphasis on foregrounding diverse sites of knowledge production. By looking at mainstream films – often produced by major production houses – at a time, when the relationship between film industry and the state seems to be growing at once closer and more complicated, I am not claiming that these are cultural productions which speak from a site of alterity, nor am I suggesting that Hindi cinema speaks in a top-down manner to audiences. Rather, as a globalised cultural product that continues to be an integrated part of everyday discourses and imaginaries – even when people are not ‘actively’ watching the films-, Hindi cinema offers a rich ground for examining shifting dialectics about law and new subjects. Even if the films generally sustain the disciplinary institutions of the hegemony, they can at the very least call attention to those practices and shifts and in doing so, they highlight the limits of the disciplinary institutions where we might begin to think of alternatives.

Publicity

Publicity is central to my project in three ways. It is a way of recognizing cinema’s role as a mass, public medium. It recognises cinema’s ability to ‘publicise’ stories in a way that turns them into events or spectacles as part of a wider media ecology. Finally, it reflects the films’ thematic engagement with publicity. As a mass medium, cinema is a product of modernity and is part of a wider mediascape which is subject to mass reproduction and wide circulation. Therefore, as William Mazzarella writes, cinema reflects the ‘open edge’ of public mass media as it contends with concrete ideas of intimacy, identification, and specific bodies in space through storytelling and the definite bodies in the cinema hall or at home or wherever the film is watched. In these viewing contexts cinema operates through its sensuous capacities. At the same time, cinema also engages with an abstract, infinite audience as the film is circulated

(Mazzarella). This double relation, the ‘open edge’ suggests that ‘meaning’ is neither ‘in’ the image or ‘in’ the audience, instead meaning – and how people try to govern it – are based on the (assumed) relationship between image and audiences, conceived both in the abstract and as a concrete fact (Mazzarella; Liang, ‘Sensuous Encounters: Law, Affect, and the Media Event’). Across the films we see a self-aware grappling with the theme of publicity and with public mass media. There are references to the wider mediascape: newspapers, social media, smartphones, television, hashtags, and Google searches that publicise the same events which are foregrounded in the films. Through these references, the films articulate some of the wider concerns with the affordances of publicity: its capacity to mobilise wide public affects and conversations that can produce both community and mob-like mentalities, its ability to create events.

In the context of making public, the process of publicization is shaped around the spectacle and the event as a way of signposting what constitutes historical or important moments while also suggesting *how* and *why* they are important (Cody). It is a process of mediatization, and we see the centrality of the event in both law and cinema. For instance, Oishik Sircar and Flavia Agnes have both pointed out how the condensation of mass publicity around certain verdicts create a spectacle of justice which sustain the image of a functioning judiciary and the state’s ability to address public demands (Agnes et al.; Sircar, *Violent Modernities*). In cinema, the spectacle and the event are both part of the films themselves -where individual scenes or stories can be foregrounded- as well as their promotion, for instance by using a narrative of novelty of representation of subjects or of a topic.

What becomes public in the New Bollywood films I examine is especially stories and subjects that have not previously been treated in humanising ways in mainstream cinema. Thus, undergirding the film’s use of publicity is the assumption that visibility, or becoming visible, is an end in itself as Sarah Banet-Weiser has discussed in the context of digital discourses about

feminism and empowerment (Banet-Weiser) or makes a difference in itself (Sircar, *Violent Modernities*) because making visible and public facilitates discourses around topics that have previously been absent. Whether this be stories of LGBTQ subjects, more diverse representations of gender roles, or engagement with topics such as erectile dysfunction, public defecation, and female hygiene products.

The inherently positive logic of publicity disregards publicity's capacities for erasure, silencing, and disciplining. For instance, in her analysis of the national and international media spectacle following the protests against the highly controversial Citizen Amendment Act of 2019,¹² Inderpal Grewal draws attention to a longer history where the publicity of images of violence done to the male, Muslim body has served as a rallying point and symbol for muscular, Hindu right-wing 'mastery' or have exposed witnesses of violence to more risk (Grewal), even if the intention was to condemn the violence. Similarly, scholarship on the coverage of war, violence, and trauma has also pointed out how the publicity can be dehumanising or be distancing. In the context of cinema, Pawan Singh's analysis of two films with an LGBTQ theme, *Aligarh* and *Shubh Magal Zyada Saavdhan* points to how the publicity and visibility of sexual acts erases other ways of experiencing queer desire (Singh). When reflecting on the role of publicity, I particularly consider how the conditions under which subjects and topics are brought into the public -as problems with easy, individualised solutions- vanishes the politics of lived experiences.

Narrative

If publicity is about making public, narrative draws attention to the processes of how that publicity is framed. That is, what stories are told and how they are told. Narrative directs our

¹² The act, passed in 2019, put stipulations on which persecuted religious minorities could seek Indian citizenship, notably, Muslims were excluded.

responses and thoughts through structuring events, shaping point of view, encouraging identification, and emphasising (or erasing) different components of the story. By looking at narrative in my analysis, I stress the role of storytelling in cinema, in law, and in cinema's dramatisation of law as it stages encounters with the law. Though law is written in the abstract – abstracted citizens, formalised understandings of crimes and rights – in the courtroom, in the practices of law enforcement, and elsewhere beyond the legal text law is interpreted through concrete stories - given meaning through the sequence of evidence, the narrative they and lawyers produce. In the wider public sphere, the stories told by various media likewise serve to concretise experiences through specific experiences and voices. Specifically for popular cinema, it is through fictionalised narrative that abstract numbers and statistics are translated into things and people we can care about.

Significantly, recent New Bollywood cinema demonstrates an interest in telling stories centring more diverse characters and experiences while staging 'positive' encounters between them and the state, as a counterpoint to earlier failures or erasures. This new focus has led to experimentation with storytelling as old genres are repurposed for new topics and questions, such as the return of the female action hero. When writing about the rise of the action heroine in Hindi films from the in the 1920s-1930a, Valentina Vitali argued that: 'by opening up, through narration, new positionalities, a film does not simply intervene in social relations. In one and the same movement, by restaging ideal or anticipated social relations, a film also produces fantasies about economic horizons different from the one prevailing at the time that generated it' (Vitali xxxvi). In the New Bollywood films I examine, the horizon opened to the new subjects converges around a broadly defined middle-class subject position which, significantly, is undergirded by legal structures.

Moreover, by centring previously marginalised characters in familiar stories and genres, New Bollywood cinema offers audience a way to connect across difference and creates a space

for imagining historically marginalised subjects within extant society. By establishing an intimacy between audience and story we identify, sympathise, and empathise with the characters we see on screen (Mazzarella). These connections are created by situating the characters in rich, lived worlds that humanise them and make them relatable. However, narrative also shapes how we relate to stories. Here, the question is once again about how the story gets told, particularly in terms of building point of view and organising how a story unfolds. Cinema has the capacity to make us care for certain characters and disregard the experiences of others. Through narrative, it can influence how and for whom we conceive of justice, and how we justify events.

The paradox of mainstream cinema is that it can accentuate specificity while essentially flattening these differences. This is especially relevant for New Bollywood cinema's inclusion of more diverse stories even as it has adopted a more Hollywood-style of storytelling with linear, goal-oriented narratives. In the melodramatic storytelling of earlier decades of Hindi cinema, the social world was 'the obstacle' and therefore integral to the storytelling, as its effects bore endlessly down on characters who could do nothing but rail against the injustices of the world (Vasudevan). In contrast, in the narratives of New Bollywood cinema, the social world eventually becomes an aesthetic backdrop for the characters, there to produce a sense of verisimilitude and diversity to appeal to a wider audience. For instance, Sangita Gopal has analysed the many configurations of the middle-class couple in New Bollywood cinema - married and unmarried, from different religions and classes. By reading the diversification of couple formations within the expansion of the multiplex from the big, urban metropolises into regional centres and smaller towns, Gopal argues that the differences between couples are framed in commodifiable ways to make the imaginary of the couple more widely accessible to new audiences. The specificity of the lived world here does not become an obstacle but a way of universalising experience (Gopal, *Conjugations Marriage and Form in New Bollywood*

Cinema), but also to flatten them by making them interchangeable in the drive for a wider audience both in India and abroad.

Thus, New Bollywood cinema's use of visibility and spectacle to engage with new, controversial topics requires a consideration of what the image communicates. Cinema has always been able to capture disparities of wealth and class and religion, for instance Clare Wilkinson-Weber points to how in the 1970s costume was used as a shorthand to signal religious diversity (Wilkinson-Weber). The legibility of other social identities pertaining to caste or sexuality have relied on additional development through the narrative or on established conventions of representation, for instance, Sumita Chakravarty points to how the tension around caste in *Sujata* is underscored by the concern with blood (Chakravarty). In his discussion of photography in India, Christopher Pinney points out how the image's inability to index certain histories or rather its 'indiscriminating data ratio' (Pinney, *The Coming of Photography in India* 145) which meant that it superficially represents everything without the necessary social context was both a cause of anxiety and of opportunity. Much of the scope for opportunity lies in the interplay between audience and image, yet, as the 'open edge' of Hindi cinema now extends into transnational and global viewing spaces and as the narrative no longer makes this wider social world essential to the story, the visual components of storytelling are used to aesthetically produce a psychological realism or verisimilitude. As a result, the New Bollywood films can publicise their focus on certain marginalised identities or controversial topic in the films, while narratively they are separated from the real world or individualised.

As a case in point, in the New Bollywood films in my archive, characters are introduced to us through rich, lived-in worlds that position these subjects in society through different class, caste, linguistic, and religious signifiers. Yet, when we bring cinema scholarship of New Bollywood's commodification of difference, such as Sangita Gopal, into conversation with the previously discussed feminist critiques of a feminist movement where 'naming difference'

(Rege WS-39) becomes a way of vanishing the politics and material and embodied experiences of an identity, it suggests the limitation of cinema as a medium in producing a ‘radical’ politics even when it makes strides in terms of representation. In the commoditising world of New Bollywood, it raises the question whether the expanded range of subjects and topics presented – issues negotiated- is related to the medium of (popular) cinema itself. As we move through the films, differences are narratively and visually refracted as universal experiences, – a matter of lifestyle- rather than a site for producing or playing out politics. While films publicise ‘inclusivity’ and ‘diversity’ of voices and stories, narratively these are circumscribed by the need for a wide appeal, and as a result they are aestheticized and depoliticised.

Visuality

Visuality is the third cinematic logic which I engage with in my dissertation as it speaks to how the image shapes perception and our relation to social realities. I think of visuality both as it pertains to the ‘single’ image and of how it relates to a broader visual culture. Discussing the digital image, Paolo Favero writes that an image is often ‘invested by a duty of doing many (and at times contradictory) things at once: of representing and presenting, of presencing, crafting and connecting.’ (Favero 26).¹³ These multiple, variable functions speak to the polysemic nature of the image as it appears and participates in different viewing and discursive contexts. And it highlights how the meanings are produced in the encounter with audiences. Across my chapters, the image functions as a fantasy of the future, as a mode of activating senses, feelings, and memories, as something which performs, creates, or constitutes, not by itself, nor even always simply in conjunction with the audience, but as part of the societal discourses. My chapters serve as concrete case studies that illustrate how the cinematic image

¹³ For a wider discussion of the role of the image and understandings of visuality in an Indian context see for instance Madhava Prasad, Kajri Jain, Ravi Vasudevan, Christopher Pinney, Peter Sutoris, Paolo Favero, and Srirupa Roy (Favero; Pinney, *Camera Indica*; Pinney, *Photos of the Gods*; Jain; Roy; Prasad). More broadly, work by scholars like Laura Marks, Jennifer Barker, Vivian Sobchack likewise point to more mutual viewing relations (Marks; Barker; Sobchack, *The Address of the Eye*; Sobchack, *Carnal Thoughts*).

is particularly involved in producing a legal imaginary – by which I mean, it constitutes an understanding of how law, justice, and citizenship work, and it does so in an exchange with the audience and wider visual and discursive cultures.

Moreover, as part of broader visual culture that iterates ideas or technologies, visibility shapes perception and our understanding of concepts such as the state, law, and justice. In her comparative analysis of state-sponsored films produced immediately after independence and in the post liberalisation period of the 1990s, Srirupa Roy argues that state power is produced through an imperative of visibility which makes the state visible through various projects that recur across the films (Roy). Roy's argument has later been expanded by Peter Sutoris' analysis of the developmentalist documentaries produced by the Film Division in postcolonial India. Sutoris argues that the state gets constituted through different developmentalist practices and vocabularies mediated by media, that is, the developmentalist state is also a product of the media. At the same time, the documentaries teach us how to understand development (Sutoris). With my archive of films, a chief concern becomes the visual culture of law and legal practices and processes as they are produced through official and unofficial institutions and as they recur in film. That is not only the state, but also the law is produced by cinema.

Moreover, examining the address of visibility draws attention to the constitution of audiences as citizens, for Sutoris and Roy this occurs through the visual representations of developmentalist state projects in documentaries made by the Film Division, while Purnima Mankekar and Arvind Rajagopal have focused more on the interpellation of the middle-class subject as a consuming subject through popular media (Rajagopal, *Politics after Television*; Mankekar, *Screening Culture, Viewing Politics*). When I think of these two processes together, the legal gaze of the films in my archive interpellates audiences as depoliticised subjects whose problems can be fixed through law. The condition for this legal fix is the depoliticization of those issues, and it presents subjects who experience these kinds of problems as rights-carrying

members of society. Citizenship as access to and equal treatment by the law is treated as a fact in the films, regardless of how lived realities might counter this narrative. That is, it is a visuality which at once invites us to expand our conception of who is a citizen, while framing citizen-making as a depoliticised process. Thus, an argument of this dissertation is that as New Bollywood takes up new narratives it looks at those through a legal gaze which become apparent in the encounter with ‘social dynamics’ that confirm the state and law’s ability to ‘solve’ problems. What becomes central to many of those depictions is that while they foreground characters in precaritised situations, these situations are treated as temporary and fixable, not permanent and structural. Judicial failure, sexual violence, denial of belonging are treated as fixable through law (or, in the case of judicial failure, the legitimised suspension of law).

As part of my analysis, I focus on how narrative and visuality come together to solicit particular viewing practices that are both affective and participatory. This is most evident in the different functions performed by visuality in chapter 1 and chapter 3. In chapter 1, I illustrate how the films ask us to adopt a legal, objective gaze by framing affects as a dangerous hindrance to justice – both within the courtroom – because it governs the ‘mob’ while chapter 3 argues that the film tap into affects of rage and pity, In both cases, the films’ capacity to do so hinges on the framing of events in the film, but also as these images are part of wider visual cultures and dialogues. The use of images and themes which recall real events: demonstrations and mob justice, also recall the capacities of the ‘mob’ -variously perceived as unwieldy or scary,¹⁴ at other times used to legitimise violent acts (Hansen, *The Law of Force*). Interestingly, while the angry mob causes anxiety in chapter 1, in chapter 3 we become the mob! The differential treatment and use of affect within the films highlights the slippery interpretation

¹⁴ For an interrelated thinking of the mob or the anonymous ‘masses’ in relation to the cinema, see works by William Mazzarella, Lawrence Liang, and Tejaswini Ganti which discuss how ideas of an unruly or vulgar mob have influenced censorship or ideas about what can be shown or not (Ganti; Liang, ‘Sensuous Encounters: Law, Affect, and the Media Event’; Mazzarella).

and policing of affect in different realms as well as the heterogenous processes which produce meanings of law. In this context both anger and joy are powerful political and politicisable affects, which are read and policed differently depending on who express them (Zecchini; Blom and Tawa Lama-Rewal). Thus, visuality teaches us not simply how to view an event, it teaches us how to respond to them. In this dissertation I argue that cinema's capacity to harness affect – while framing emotions in legitimising or delegitimising ways– are inherently political and shape hegemonic understandings about who and when a particular expression of affect is okay. What responses to justices -and failures of justice- are legitimate. This offers a way for understanding how cinema can amplify ideas about what forms of violence can be performed with impunity by citizen-subjects.

Historical Background: Cinema and Its Legal Imaginaries

The logics outlined in the previous section are not new to the present configuration of cinematic engagement with law. Rather during its lifetime, Hindi cinema has contributed to the visual culture of state and law through shifting depictions of police officers, lawyers, courtroom trials, judicial failure, and dreams of reform of criminals, as well as everyday discussions about law. Through its different representations and engagements with the law, cinema has at times been celebratory of the legal system, at other times it has been critically interrogating. Sometimes law has functioned as a spectacular climax, at others it has been a structuring device, while at yet others, the references have seemed almost incidental in their everydayness. Certain themes have recurred across the iterations: Questions about nature versus nurture in the context of crime; idealist dreams of the prison as a site of reform that can restore wayward people to the state or the converse cynical views of how the carceral system produces a cycle of crime;¹⁵ Negotiations of conflicts of interests of citizen-subjects who feel abandoned by the

¹⁵ As an example of this, in *Awaara* Raju, a petty thief, rails against the legal system for much of the film because it seems to senselessly and endlessly punish without giving people a chance to escape. However, at the end of the

state yet continue to owe it allegiance through family; Frustrated fights of the underdog facing off against powerful and corrupt lawyers. Collectively, this visual and narrative engagement with law is indicative of Hindi cinema's 'legal imaginary'. The films negotiate, produce, and disseminate meanings of law, justice, and citizenship in ways that highlight the inherent heterogeneity and historicity of law as an institution and foreground cinema's role in staging everyday encounters with law.

A deeper historical study, which is beyond this dissertation, might illustrate how the concerns of each period were a result of -and contributed to- particular historical junctures and sociocultural pressures relating to law. On a very general scale, we move from precolonial, utopian dreams of what an independent state might look like -and how that will inform subjects' relationship with the state- to concerns with the new, postcolonial nation-state's responsibilities towards its subject, often tinged with disappointment about its failures but also an optimism for change. During the decades after Independence, a rising frustration with the law is increasingly reflected during the late 1970s and 1980s with more 'circus-like' legal cases and increased use of violence to solve problems, even if the state -as police or judiciary- generally steps in in the end. While none of these imaginaries of law have ever entirely vanished, in the present moment, at a historical juncture of where the state has made heavy use of the judiciary and police force to clamp down on minorities and dissenters but also where there has been strong discourse about economic development and attention to international laws and universal human rights, it is notable how this has led to a renewed attention to law in cinema. And, in

film, when Raju is recognised by his father, a judge, *Awaara* reconceives the prison as a reformative space where criminals atone for their sins. In *Seema*, Ashok attempts a new, more compassionate method for punishing wayward women, while V. Shantaram's 1957 film *Do Aankhen Barah Haath* follows idealist jailor Adinath's attempt to reform six prisoners convicted of murder and violence outside the prison walls. In 1966's *Phool aur Patthar* the police officer says that 'law is to end crime not criminals', expressing an idea that is voiced by numerous police officers throughout the 1950s-1970s, and in *Chor Sipahae* police inspector Shankar Kumar, traumatised by the hanging of his own father, uses new methods to save criminals from crime. These are but some examples of a rich and varied history articulating punishment, the prison, and its purpose. In a mix of critique and idealism, the prison, or the reformed prison, is viewed as a space that can reform and redeem prisoners returning them to society as good citizens, or, alternatively, it is shown as a meaningless tool of repression, perpetuating the failures of the state by punishing people already in precarious positions while protecting the rich and the wealthy.

many cases, an articulation of law where it redeems its earlier failures and produces a new legal order. Thus, before we move to the present moment and contemporary films in my archive, in the rest of this section I offer a quick survey of how cinema has historically represented law by drawing on two films from the colonial and postcolonial period to suggest shifting engagements with the law.

The 1939 film *Pukar*, produced at the end of the British colonial period, serves as an example of the legal imaginary in colonial era films. As Priya Jaikumar has argued, one of the ways the films grapple with colonial control was through the anticolonial historical romances that imagined a new democratic state governed by the rule of secular law. They did so by projecting visions of a utopian, independent future onto a precolonial past (Jaikumar). Set during the rule of Mughal emperor Jahangir, *Pukar* dramatises the negotiation of justice, state-citizen relations and responsibilities, and formulations of law through a story of accidental killings and the ethics of blind punitive justice. Jahangir has made an edict that all are equal before the law, but when first Mangal, the son of his loyal subject Sangram, kills another man in self-defence, and later Jahangir's own, beloved wife, Nur Jahan, kills the husband of a washerwoman, the meaning of Jahangir's new justice and the authority of law are both put to a crisis. At Sangram's behest, Mangal is captured and sentenced to die. Both Sangram and Nur Jahan plead with Jahangir for him to show mercy, but the emperor insists that he is but a vessel of 'blind law' and therefore cannot change the sentence. However, he agrees to postpone Mangal's execution until after Eid. In the interim period, Nur Jahan accidentally kills a washerman. When Jahangir is faced with the same dilemma in his wife's case, roles are reversed. Nur Jahan insists that Jahangir must maintain the rule of law and kill her too but at the last minute Jahangir reinterprets the meaning of 'blind legal justice' by arguing that since Nur Jahan took the life of the washerwoman's husband, 'an eye for an eye' means that the washerwoman can kill Nur Jahan's husband, the emperor. However, Jahangir's decision is met

with public outrage as they claim that he, as an emblem of the sovereign state, cannot die, instead they all mutually reach a compromise with the washerwoman whereby both Mangal, Nur Jahan, and Jahangir can live.

Pukar constitutes a relationship between state and subject where as citizen-subjects, people can both demand rights and make claims. With Jahangir's emphasis on 'blind justice' and everyone being equal before law, *Pukar* contrasts Jahangir's justice with both Rajput and Islamic justice systems (in the film represented as honour and financial restoration respectively), to suggest Jahangir's law as something new -secular, neutral, rational, and equal to all regardless of community or social status. Yet, as Priya Jaikumar writes 'Indian colonial cinema transposed visions of a future egalitarian civil society on its feudal past, though reclaiming a precolonial past for the nation demanded the difficult reconfiguration of India's subalterns as modern citizens' (Jaikumar 205). While the emperor has subjects and Rajput nobility have kinship obligations, citizenship is a component of the modern secular state, the democratic state, where free citizens have rights and can make claims on the state. Jahangir promises the right to retributive justice to all his citizens, whether they are noblemen, an empress, or washerwomen, at the same time this reconfiguration brings Jahangir's authority to a crisis as he is confronted with having to execute his own wife. Though voicing the ideals of the secular state, Jahangir himself is an ambiguous character, after all, he fails his own ideals by not treating everyone the same. At the same time, his willingness to listen to the pleas of all his subjects suggests a democratic intention and it is the citizens' ability to make claims that eventually saves Jahangir from sacrificing himself as they demand that he lives to rule another day.

In its framing of citizenship, *Pukar* dramatises a solution to Sunder Rajan's question: 'What can rights hope to achieve when the people are not aware of having them. Citizenship may be a birthright, but its value and weight are produced only through exercising it.' (Sunder

Rajan 19). Sundar Rajan criticises a legal project that does not extend into implementation, but in *Pukar's* legal imaginary, citizenship is articulated as a democratising right which levels differences between high and low, and the practices of citizenship are modelled and taught by Sangram who turns out to be the true proponent of Modern Secular Law™. Sangram is willing to leave his son's actions to be judged by the court and reframes his own – and others' – relationship with the state (Jahangir) in the terms of a universal citizen. Sangram, notably an educated aristocrat, not only is able to articulate his rights for himself – and make supplications to the emperor, but he also *teaches* others about their rights. For instance, when the washerwoman's husband is killed, the villagers are at first reluctant to make any claims on the king because of their lowly status. However, Sangram reminds them that their class status is irrelevant because they are all citizens they can make claims on the king.

Yet, attending to *Pukar's* legal imaginary also highlights how the film's imagination of what law is, is structured around gender and class. The film opens with a scene of bells tolling and shots of men leaving houses, the passing of feet and legs in different legwear and footwear: Some barefooted, stepping through dusty streets, while other bottom-halves, clad in richly patterned jamas and angarkhas walk up ornate, marble stairs. The scene cuts to a woman, a clay water pot under her arm, asking what the bells are tolling for. Another woman, busy with her washing, tells her that when someone suffers injustice, they can pull a chain at the royal gate and the king will listen to the case and sound his judgement immediately, without distinguishing between high and low. The scene highlights the tension in *Pukar's* narrative of universal citizenship and equal access to law. We are told that neither the king nor the law distinguishes between high and low, even though people do access the 'courtroom' from different angles and with different knowledges, the inclusion of a diverse set of feet and legs support this claim. However, only men are called to participate in these judgements. In fact, not everyone even knows of their right to this kind of justice. In circulating this contradiction,

the film makes this knowledge available to their audience -it activates an idea of a secular law (in contrast to colonial rule).

By looking at the gendering of spaces and the class divisions which exist within them in this early imaginary of the judiciary, we see interlocking identities that fall entirely outside the purview of the law -but whose experience of non-citizenship is not the same, even after Sangram has taught the villagers citizenship 101. Towards the end of *Pukar*, when emperor Jahangir holds court to give his verdict about his wife, Nur Jahan, he calls on the claimant and the accused to enter. As Nur Jahan comes in, curtains are drawn around a separated room wherein she sits with her maids, hidden from sight. At the same time, the washerwoman whose husband was killed enters the main, open courtroom space to make her supplication in full sight of everyone, unveiled and in public. And yet, she *is* one of the only women in the space. The unveiled washerwoman becomes a spectacle of the secular state utopia promising universal citizenship, access to law, and justice for all. In a film that deliberates the question of state-citizen relations and argues that all, including the emperor himself, are equal before the law, what are we to make of this differential introduction? As I see it, the scene reveals the cracks in the discursive project of law's neutrality and accessibility. Within the court of Jahangir's palace, we see a tiered landscape of belonging where formally, all may be citizens, yes, but this citizenship and access to law is structured around gender, class, and caste. Moreover, while neither Nur Jahan nor the washerwoman fit within the citizen imaginary, their access to law is not the same.

As we move to the postcolonial period, utopian dreams of what law and state-subject relations should have been, are confronted with reality. In the following decades we will see varying degrees of disappointment with the state and law expressed in films, but as an example of some of these concerns, B.R. Chopra's courtroom drama *Kanoon* from 1960 is a productive point of reference as the film highlights the failures of the legal system while also expressing

an optimism about how law can change. The film opens with the murder of a man, Ganpat. Ganpat's killer, Kalidas, is brought before justice but while he admits to the murder, he argues that he cannot be tried for it as he has already served several years in prison for this particular crime. After lambasting a legal system whose unjust verdict has stolen his youth, Kalidas falls to the ground and dies. Kalidas' death sparks a wide debate about the purview of law, especially whether it is right for the state to take a man's law. A judge, Badri Prasad, who has never awarded the death sentence, because he recognises that even legal truth is inherently partial, makes a bet with his colleagues that anyone can get away with murder under the right circumstances.

Shortly after this incident, a moneylender, Dhaniram, is killed. Suspicion falls on a petty thief, Kaalia, who happened to be in the area when Dhaniram was murdered, and with his criminal history, the judiciary seems very uninterested in examining the case further. However, young lawyer, Kailash Khanna, believes he witnessed Badri Prasad at the crime scene and decides to defend Kaalia. Kailash is in an ethical conundrum between duty and emotion because Badri Prasad is his mentor and he is engaged to his daughter, Meena. Meanwhile, Meena is concerned by Kailash's strange behaviour and starts suspecting that he committed the murder. Eventually, Kailash's sense of duty overcomes his emotional scruples, and he accuses Badri Prasad of murder. As the evidence starts piling up against Badri Prasad, he looks certain to be hanged. At the last minute, it is revealed that the real murderer is Badri Prasad's doppelganger. Exonerated, Badri Prasad makes a forceful speech against capital punishment.

Similar to *Pukar*, *Kanoon* dramatises a crisis of the law through a scenario where a representative of the law -here a lawyer- must place law above his own feelings. Like in *Pukar*, too, the question has heightened importance as a life is at stake and because of the uneven access to law. Where in *Pukar*, this crisis of law was managed through a deliberation of 'mercy' and 'ameliorating circumstances' -as in what leads to the crime-, in *Kanoon* the question is

about the authority of the law when its truths are inherently partial. By focusing on the death penalty, the film asks whether the law and the state have the right to take another person's life or whether that is god's purview alone. The ethics are shored up by emphasising the slipperiness of legal truth and perspective. While the film maintains that the courts are committed to justice, it points to the limits of the pursuit of 'truth' as evidence and witness accounts all can only provide a partial account. In the courtroom, the banner above the figurine behind the judge reminds audiences that 'Satyamev Jayate' ('Truth will prevail'). However, as the plot progresses it becomes increasingly clear that truth may not always be so easy to come by as the law can only determine truth on the basis of what it is shown and perceived, which is always partial and subjective. The danger of the court misinterpreting evidence (or being misled to do so) and wrongfully sentencing an innocent to death makes the ethical question about law's and the state's right to take a life even more pertinent. A point that is emphasised at the end, when the exonerated Badri Prasad takes to the witness stand to caution about how law is used and trusted, and especially questions whether given law has the right to rob people of life, especially since we know that law can make mistakes.

Entwined with *Kanoon's* discussion of the ethics of law is a critique of access to law. By opening with the death of aged, weatherworn Kalidas, killed by the roughness of prison life just as we realise he has been innocently imprisoned for several years, *Kanoon* creates a cautionary tale of the limits of 'truth'. But Kalidas' helplessness before a powerful legal system also suggests how this kind of punitive law is distributed unevenly. The law will not be interested in your truth if you are without power, or your position makes you appear 'suspicious' in the eyes of the court. Kalidas' tragic fate serves as a stark reminder of the unfair fate which might befall Kaalia who -like Kalidas- is poor and a petty thief. *Kanoon* calls attention to the unevenness of law from a class-perspective by foregrounding how marginalised, impoverished men get disproportionately victimised by law, largely due to

circumstances beyond their control. Kaalia is driven to theft because the state has failed to support its subjects. *And* because Kaalia is poor, without connections, and a thief there is little will from the law to investigate the circumstances further. Thus, while the notion that ‘all are treated equal by the law’ is central to *Pukar*’s cinematic imaginary, the question raised by *Kanoon* and many of its contemporaries is whether law really does treat everybody equally, and, moreover, whether social circumstance changes how people are treated equally. Over the following decades, the apprehensions with the legal system expressed in *Kanoon* gradually evolves into a starker disillusionment, which becomes especially clear with the emergence of Amitabh Bachchan’s ‘angry young man’ avatar.

Moreover, like in *Pukar*, justice -as a public forum- is largely the prerogative of men in *Kanoon*: The crooks, criminals, victims of misjudgement, lawyers, judges, and people who have opinions about the meaning of law are all men. More so than in *Pukar*, the women in *Kanoon* are refracted through a lens of morality which is expressed in our perception of their capacity for truth. At first, we have a poor wife, played by Leela Chitnis whose married lady roles are generally ‘good’, and indeed here she has suffered due to the false imprisonment of her husband, Kalidas. Secondly, we have Meena, played by frequent good-girl Nanda, daughter of Judge Badri Prasad. Notably, she is not a budding lawyer but rather a budding lawyer-wife. In contrast to Kailash whose sense of duty eventually leads him to accuse Badri Prasad - something which Badri Prasad eventually commends him for-, Meena lets her love for Kailash and her familial allegiances take precedence over her suspicions when she is made to testify. Despite this, Meena is not rebuked for her omission of truth but rather treated with a compassion -by the camera- for being put in this position. The third woman is played by Shashikala, as an actress who has played many a vamp and westernised lady, nobody expects her to be up to any good. In *Kanoon* she is indeed involved in fishy, amoral activities to scam wealthy men. While neither *Pukar* nor *Kanoon* comment on the role of gender vis a vis law,

the visual narrative foregrounds it. Notably, the imaginary of the universal citizen in *Pukar* has been refracted in new ways as we see how gender especially becomes part of new articulations. In *Kanoon*, class and respectability intersect with gender to determine whose witness accounts can be taken seriously by the courts, even as both are ultimately not imagined to participate in the praxis of law.

Beginning with the 1970s and onwards, there is a rise of what I refer to as the legal circus film. The legal circus film is significant for drawing attention to the legal processes of law while expressing an overwhelming disillusion with the law and legal process. That is, while it makes a spectacle of law, there is a sense that ‘the show’ goes on regardless of the actions of individual agents. Unlike the majority of the films with a legal theme from the earlier postcolonial period, such as *Awaara* or *Kanoon*, there is less optimism about the law’s capacity for change, even when ‘the good guys win’ at the very end of the film. *Kanoon* is conscious that the legal system has flaws, but ultimately everyone comes together to improve legal process and insure a juster system, while in *Awaara* Raj is willing to accept his crimes once society -his father- has accepted him. In the legal circus films, the courts may be committed to truth, but they are following outdated laws that unevenly punish the powerless, and the victims are often good people from respectable, middle-class families. The failures of the judiciary are exacerbated because the entire system is in the hands of wealthy men and corrupt lawyers who can delay a case with bureaucracy, bring in endless numbers of bribed witnesses, and use fancy rhetoric to dismiss evidence (if it has not already been tampered with). For that reason, it is a circus where legal prowess is performed for show and entertainment, but without substance. While the corrupt lawyers are almost always ‘pillars of society’ skilled in talking about ‘the rule of law,’ they do not aim to achieve justice or truth. As a result, innocent, poorer men are consistently used as pawns or puppets by the rich, and they often get jailed or hanged. In *Kanoon*, the innocently jailed man becomes the starting point for critique of legal truths, but

he is not the principal character, he is a plot device. In contrast, in the legal circus film the protagonist is the person with a beef against the system because they have experienced the injustice. For instance, in the 1985 film *Meri Jung*, Arun Verma toils to become a lawyer to avenge himself and his family against the unscrupulous criminal lawyer G.D. Thakral who caused his father to be hanged for a crime he did not commit. Notably, despite being a lawyer, Arun's frustrations with the legal system also often legitimise his use of fists. In fact, in many legal circus films, civilians use violence as a supplement to law. For that reason, the 1980s female rape-revenge film, which I discuss more in chapter 3, is also part of this genre.

Comparing the legal imaginaries of *Pukar*, *Kanoon*, and the legal circus films with those in my archive of New Bollywood films from the 2010s, a couple of things stand out. Firstly, across almost all the films law is repeatedly narrated as universal, accessible, and neutral, even when the narrative of the film critiques this point. Moreover, in the process of mediating the legal process, the limits of this discourse about law are revealed by who the film imagines and includes as subjects and how they are addressed. However, by attending to this larger history of the legal imaginary what also becomes clear is how New Bollywood cinema's vision of law responds to a new legal order where the state and citizenship is no longer in process but is treated as legal fact. When New Bollywood's law engages with new subjects who may have complaints against the state due to experiences of violence or precarity, none of the main characters in the films make a 'j'accuse monologue' against a failed state that has forgotten them, rather, even when they feel precaritized, they speak as 'empowered' subjects: they are brought into the state through an expansion of rights and citizenship (Sircar, *Violent Modernities*; R. Kapur, *Gender, Alterity and Human Rights*). That is, they and their experiences are treated as problems that can be solved by the state through law.

Chapter 1: Modern Women with Desires, Consent, and the New Legal Order in *Pink* and *Section 375*

Introduction:

In the latter half of the 2010s I watched two high-profile rape cases unfold on screen. Unlike most real-life rape cases we might have read or heard about,¹⁶ these cases were a testament to thorough legal process and despite potential obstacles like well-connected, high-profile, high-caste defendants, botched evidence, a determined attempt to paint the women in a morally bad light, and a lack of witnesses, the attending judges ruled in favour of the victims. In one case with an avowed commitment to trusting the woman's testament above anything else. Of course, the rape cases I am talking about were both films, the 2016 release *Pink* and *Section 375* from 2019. The films are illustrative of the growing attention to gender violence in popular media in India following the highly publicised gang-rape of Jyoti Singh in 2012¹⁷ and the title of *Section 375* specifically refers to Section 375 of the Indian Penal Code which outlines what constitutes a rape based on the acts done (by a man) and the circumstances under which they occur ('India Code: Section 375'). While the foregrounding of the courtroom as a setting recalls the more disenchanted depictions of the judiciary in female rape revenge stories of the 1980s like *Insaf Ka Tarazu* and *Zakhmi Aurat* or the 1993 courtroom drama *Damini*, the

¹⁶ While there is a highly uneven media and public attention to rape cases in India, in the first half of the 2010s a number of rape cases were subject to a high level of publicity and public outrage, these were the gang-rape of 23-year old Jyoti Singh in Delhi in 2012, also referred to as the Nirbhaya (fearless) case (TOI-Online) and the rape of a 22-year old woman in Mumbai in 2013, referred to as the Shakti Mills case (BBC). See for instance work by Flavia Agnes, Bidisha Biswas, Ritu Menon and Kalpana Kannabiran on how caste, religious community, class, and sexuality inform public perceptions and attention to sexual violence cases (Agnes et al.; Biswas; Kannabiran and Menon)

¹⁷ See for instance Subir Rana's photo essay on the protests following the gang-rape (Rana) and Raminder Kaur's analysis of the mediatisation of creative forms of protest (Kaur). The rape case continues to be brought up as a reference point for media both to follow the conviction and subsequent execution of the rapist, as well as to take 'stock' of gender violence in India (Khan; Rajaram; Siddiqui; Rao and Ghosh). In films it can be seen in the various rape-revenge fantasies such as *Angry Indian Goddesses*, *NH10*, *Parched*, *Mom*, *Maatr*, *Akira*, and the Rani Mukerji-headed 'franchise' *Mardaani* and *Mardaani 2* which also emerged during this period.

depiction of the law that happens in the courtroom in *Section 375* and *Pink* is much more optimistic. What I find particularly interesting about the two films is how they suggest a new approach to represent sexual assault cases in film, the language of consent, that responds to discourses about women's sexual agency and growing demands for legal reform to anti-rape laws. At the same time, by emphasising how a language of consent offers a 'new' approach to legislate in rape case, the judiciary can recommit to gender justice at a time when a middle-class public has been expressing disappointment with the state's inability to guarantee women's safety in public spaces.

Pink and *Section 375* frame consent differently. The first uses it to produce and celebrate a legal utopia (Karki), where the law finally listens sympathetically to women, the latter shows how consent can be weaponised by women and uses it to create a spectacle of injustice. However, what we see in both is a binary legal logic that facilitates fixing the meaning and experience of sexual assault itself: Either it happened, or it did not. This framing demonstrates how consent structures how we think about relationships, desire, intimacy, and violence (Partners for Law in Development, India, 'Yes, No and the Greys in Between'). Watching the two films side by side, I wonder what we can learn about this structure? What do the films' use of consent as a story-telling device, as a legal concept, and as a means for ensuring justice, tell us about how liberatory discourses around desire and violence in law are circumscribed by narrow conceptions of who has access to rights and of citizenship?

Moreover, to the extent that the films respond to high-profile rape cases like the Nirbhaya case, how does the cinematic engagement with rape and consent relate to the wider public discourses and intersectional, feminist mobilisation that has worked to reveal the ongoing, interlocking violences experienced by women? Drawing on different cases of violence against women from the 1970s to the 2000s, Kalpana Kannabiran and Ritu Menon write that: 'the interlocking, or dovetailing, of public and private patriarchies means that women experience

linked or connected forms of violence that extend from the home to the street and on to the battlefield' (Kannabiran and Menon 23), a reading which foregrounds how gender violence is a result of broader systems of power and dominance. Sharmila Rege has also argued that attending to the materiality and embodied experiences of difference -that is, difference as more than the naming of different cultural identities- highlights how dowry death, restrictions to mobility, and rape are deeply connected to caste and a particular movement in the public space (Rege), while Flavia Agnes has pointed to how Muslim women are often made to choose between their religious identity and gender identity in fights for social justice (Agnes, 'From Shah Bano to Kausar Bano: Contextualizing the Muslim Woman" within a Communalized Polity'). What these and other feminist scholars point to is the limitations of framing violence against women simply as a gender 'issue' and simply a matter of 'physical violence' because it fails to account for other embodied material, social, political, and economic relations such as caste, class, religion, and sexuality. In this context, what does New Bollywood's foregrounding of professional, young women with desires in their courtroom dramas of consent tell us about the limits of using law to deal with this complex web of violence.

In this chapter I explore how the courtroom dramas of consent serve as a spectacle of law as universal, accessible, and objective that seek to accommodate demands for gender justice. Finally, I argue that while consent appears as a liberatory term for women, it reveals the limits of legal reform as it continues to discipline women's desires. I begin by considering how changes to the spaces professional, middle-class women occupy in Indian society and their experience of unsafety has put pressure on the state as it makes its failures visible on a national and a global stage. By attending to how the film solves this tension through consent I explore what it means when sexual intimacy becomes legally legible as individualised 'marzi' ('will') or 'zabardasti' ('force'). Specifically, I investigate how it offers the judiciary a mode for repositioning itself within a fact-based New Legal Order following a history of judicial failures

in cases of sexual assault and I analyse the knowledges about sexual desire and sexual violence produced by consent.

Pink opens with no music; the credits appear in a plain white font against a black background with the exception of the title card. About a minute in, while the credits are still rolling, we hear dialogue: Male and female voices introduce themselves, laughter, the same voices decide to continue to a different place.¹⁸ When eventually, after the title credits, we see visuals, it is of a group of young men: Vishwa (Tushar Pandey), Rajvir (Angad Bedi), and Raunak (referred to as Dumpy) (Raashul Tandon). Vishwa and Dumpy carry a bloodied Rajvir between them, hurrying to a car as they entreat each other to be careful. Inside the car, Vishwa asks if there will be a police case, Dumpy, seating himself behind the wheel, says no. The camera cuts to a different car, three young women -Minal (Taapsee Pannu), Andrea (Andrea Tariang), and Falak (Kirti Kulhari)- sitting quietly on the back seat, each of them lost in their own thoughts. Cross-cutting between the cars while they cut through an empty, night-lit Delhi to a hospital (the men) and their home in a gated, multi-level building in South Delhi (the women), the scene emphasises the tension, the fear, and the worry experienced in the two vehicles. The men discuss revenge, while expressing a desire to not involve the police, the women ensure they lock their door. While Rajvir is in surgery, we cut to the women as they talk about how they should have left sooner. As the men discuss with a doctor whether they would like to file a medicolegal case (MLC) report,¹⁹ we see one of the women (Minal) looking at herself in the mirror while wiping off specks of blood from her forearm and throat. Dumpy calls another fellow, Ankit (Vijay Varma), to tell that ‘something’ happened in Surajkund and that Rajvir is hurt and in need of stitches. Later, we discover that the six met at a rock concert.

¹⁸ None of this is subtitled however, so someone clearly decided this was atmosphere-establishing dialogue

¹⁹ A medicolegal case. These are reports filed by medical officers when under the examination of a patient they find grounds for further investigation by law enforcement to determine the cause and responsibility for an injury or ailments (Dhar).

Afterwards, the women joined the men for dinner at a hotel. At the hotel, the men sexually assaulted the women and tried to force them into having sex. Each woman resisted these attempts, but in the process Minal hit Rajvir in the face with a glass bottle.

In the first half of the film, the men, who are closely connected to a local politician, contact the women's landlord and threaten him to evict the three women by arguing that they are 'prostitutes', but they soon escalate their harassment. Eventually, Minal is abducted, assaulted, and threatened with further retributions, and she files a complaint with the police. However, the police try to dissuade her. Rajvir files a counter claim stating that on the night of the rock concert Minal attacked him after he refused to pay for sexual services. Though the police have been reluctant to act on Minal's FIR (First Incident Report), they respond immediately to Rajvir's. Consequently, Minal is charged with attempt to murder, taken into custody, and refused bail. The women seek help from prominent, aging lawyer Deepak Sehgal (Amitabh Bachchan)²⁰ who, despite misgivings about his own and his wife's bad health, decides to help them.

The second half of the film follows the trial against Minal and her friends. During the trial, they and Deepak must contend with a biased prosecutor intent on framing them as women with bad characters who take advantage of 'decent' men, the obnoxious behaviour of Rajvir and his

²⁰ Amitabh Bachchan's career spans several decades, and he is an icon in Hindi cinema. In the 1970s he ruled the box office as 'the angry young man' in films like *Zanjeer* and *Deewar*, after some career fluctuations in the 1990s he returned first as a forbidding patriarch in the 2000s in films like *Mohabbatein* and *Kabhi Khushi Kabhi Gham*, while he has had more diverse roles in the second half of the 2010s and 2020s. In her analysis of Amitabh Bachchan's star persona as it has evolved from the angry young man to the family patriarch, Madhavi Murty argues that he now functions as a 'symbol of renewal' (Murty 87) for neoliberal, Hindu-right-wing, entrepreneurial India. This reading of renewal can easily be extended to some of Amitabh Bachchan's social message work which traverses film, government campaigns, and corporate advertisements. In addition to Deepak in *Pink*, he has a cameo as himself in *Pad Man* where he speaks at the 4th National Innovation Social Development Award. Moreover, Amitabh Bachchan has been involved in recent government campaigns against open defecation and for the goods and services tax ('Darwaza Band for Open Defecation'; Gupta and Uttam; *Darwaza Band Campaign Anthem*; PTI; Chartered Wisdom), as goodwill ambassador for UNICEF he has campaigned against polio and hepatitis ('Amitabh Bachchan'; Media Samosa), while his many corporate endorsements include pharmaceutical company mankind (ETBrandEquity). Collectively, these appearances all tap into a narrative of social transformation and development.

cronies, uncooperative, corrupt police officers, and bribed hotel staff.²¹ However, many of the other characters and institutions are portrayed more sympathetically (the judge and the audience in the court listen, while the landlord and others stand by the women). When Deepak finally takes to the floor, he starts unravelling witness statements, discredits evidence, and debunks the validity of using moralising interpretations to judge the women. The concept of consent and the fact that Minal clearly did not give hers plays an important role in Deepak's defence. Consent also becomes central to the judge's verdict as he acknowledges that though violence was done to Rajvir, he reasons that Minal acted in self-defence. For that reason, he rules in favour of Minal, Falak, and Andrea and opens a window for subsequently trying Rajvir and Dumpy for sexual assault. As the credits start to roll, we see the true version of the events of the night, with no sound, which corroborates Minal's testimony in court.

Like *Pink*, most of the plot of *Section 375* is taken up by a court case about the sexual assault of a young, female, professional, here the rape of junior assistant costume designer Anjali Dangle (Meera Chopra) who works for the famous Bollywood director Rohan Khurana (Rahul Bhat). When she comes to his flat to show him some clothes for a shoot, we are partial witnesses to what Anjali will later file as rape. Over the duration of the film, this scene will be repeated three times from three different perspectives ('no one', Anjali's, and Rohan's). In the first, the events are kept ambiguous, in the next, Anjali narrates it as a rape, and in the third version, the scene is a passionate encounter between estranged lovers. After this first appearance of the scene, we see Anjali returning home, looking very subdued as she covers herself up in a dupatta. She files an FIR against Rohan Khurana, and we witness the grueling processes by which her testimony and physical evidence is collected.

²¹ The structure and uses of tropes here aligns *Pink* with the long history of 'legal circus films' discussed in the introduction, as here too wealthy people hire nefarious lawyers in an attempt to abuse the law. However, unlike most of these films, *Pink* finds sympathetic listeners in court and resolves the issue through law. The allusion to the legal circus is used as a plot device to foreground the ethics and recommitment to fact and reason of the new legal order.

During the first trial of the case in the session court in Khala Ghoda, the one-bench female judge rules in favour of Anjali by referring to the law's emphasis on trusting the woman's testimony provided it is convincing. The judge further reminds the audience that forensic reports and medical examination support Anjali's statement. As a result, Rohan is sentenced to 10 years in prison. Rohan's wife, Kainaz (Shrishwara), then hires veteran defence attorney Tarun Saluja (Akshaye Khanna), who only agrees to take the case when he is convinced that it has a lot of technical mistakes. The attorney for the state is Tarun's former protégé, the young women's rights lawyer Hiral Gandhi (Richa Chadda) who left Tarun's practice as she could not align it with her feminist principles. Most of the film follows the court case, with great attention placed on legal process: witness statements, evidence, changes to the law, and police procedure. During the court proceedings, the case gains a lot of media attention and mobilises public outrage and protest, leading at one point to Tarun's face getting covered in red paint. Though Tarun manages to debunk and discredit much of the evidence and the statements made against Rohan during the trial, ultimately the two-bench court rules in favour of Anjali, once again citing the law on rape and its definition of consent in their verdict.

Pink and *Section 375* create a world where one instantiation of the state -a corrupt law enforcement- is a major obstacle to another institution of the state – the judiciary's commitment to ensure justice; in both films, the division is underscored by an alignment between the film's point of view and members of the judiciary, lawyers Deepak and Tarun. While the police in *Section 375* takes Anjali's case seriously from the start, and we see how she gives her deposition to the police and is medically examined,²² and another scene shows us the police arriving on Rohan's set to arrest him. As this goes on, however, it is hinted, that the police also call Rohan's

²² The medical examination includes the now banned 'two finger test'. After long-going critique the Supreme Court officially banned the test in 2022 following the case of State of Jharkhand v Shailendra Kumar Rai (*The State Of Jharkhand vs Shailendra Kumar Rai @ Pandav Rai*) where the declared the test a misconduct which only retraumatised victims of sexual violence. See also Pratiksha Baxi's discussion of how the two-finger test was used to cast doubt on women's testimonies by suggesting they were sexually active (P. Baxi).

wife to ask for a bribe to end the case. These double dealings suggest that the police prioritise their own interests above truth or justice. As *Section 375* shows, this does an injustice to everyone involved in sexual assault cases as the police's mismanagement of the evidence in court means it risks being dismissed. Thus, the police's self-interest compromises the courts' access to facts and their ability to legislate 'justly.' Notably, *Section 375*'s world is one where not only legal procedure, but also mass public thirst for justice -we see scenes of demonstrating people amassing outside of the courts with signs and calling out slogans- and the media's attention, overpowers any previous privileges that wealth and fame might have given access to, in fact, the wealth of a person might make the public more vindictive.

Gender, Violence, and Rights in Courtroom Dramas of Consent

It is the risk of violence to modern, professional women's experiences which is at the core of both *Pink* and *Section 375*. Anjali, Minal, Falak, and Andrea all come from the middle class (lower to upper), and they are all independent women who move confidently about the urban space. The modernity of the women is signalled on the one hand by their jobs, for instance Minal is a dancer, while Anjali is an assistant costume designer.²³ More importantly, the women are represented as 'modern' and confident because they feel entitled to have desires, sexual histories, and love affairs -even with people they do not wish to marry.²⁴

²³ In *Pink* and *Section 375* the professions are not framed as inherently sexualised, and therefore there is no suggestion that the jobs are what is exposing the women to risk of assault. This is quite different from how such professions have been framed in earlier films, for instance, in *Insaaf ka tarazu*, the fact that Bharti is a model is used to downplay her rape, while the odds are high that any film where Helen is actually a kind-hearted dancer will end in her death.

²⁴ On this 'new woman' see for instance Tupur Chatterjee, Purnima Mankekar, Rupal Oza, and Megha Anwer and Anupama Arora's edited volume on the liberalised woman in New Bollywood (T. Chatterjee, "'Architectures of Happiness'"; Mankekar, *Screening Culture, Viewing Politics*; Mazumdar, *Bombay Cinema an Archive of the City*; Oza, *The Making of Neoliberal India*; Anwer and Arora). She is also present in a number of films like *Cocktail*, *Love Aaj Kal* (2009), *Befikre*, *Shuddh Desi Romance*, *Veere di Wedding*, *Queen*, *Dolly aur Kitty aur voh chamakti sitare*, *Love Aaj Kal* (2020), and a tv show like *Four More Shots Please!* These films do not necessarily address or negotiate consent, but they embrace a new confident and working woman who often expresses herself more sex positively than earlier incarnations.

The recognition of the new kind of woman and her experience of desire leads to a reconceptualization of threat. While traditionally simply occupying the urban space served as a major threat,²⁵ *Pink* and *Section 375* reconceives the risk to women's bodies as being an effect of women acting confidently on their desires. For Anjali, her relationship with her boss, for the women in *Pink* it is their assumption that they can party freely with a group of young men. Such decisions and behaviour *have* led cinematic women to be sexually assaulted in the past, however, in contrast to the earlier women, *Pink* and *Section 375*'s women are not framed as naïve innocents who are lured, manipulated, or forced by a conniving boss or lecherous stranger.²⁶ In these earlier contexts, it was often because the women were alone outside the house (where they might not even want to be) that they were assumed to be at risk. In contrast, in *Pink* and *Section 375* women's safety becomes the primary concern precisely because the women assume that they have a right to roam freely and that they have a right to be alone one and one with men without fearing sexual assault. The changes are illustrated by the location, where earlier the scene of assault might have been somewhere public, it now occurs in intimate spaces where there can be no witnesses,²⁷ yet it is not quite 'private' in the familial sense, the perpetrator is still imagined to be an 'outsider'. Moreover, the films also focus on more 'mundane' cases of sexual violence, unnoticeable until the women file their FIR because it happens in an in-between space: a hotel and the boss' home.²⁸ On the one hand, the violence in

²⁵ *Pink* especially continues to conjure up a particularly frightening version of Delhi, as Falak, Andrea, and Minal are often exposed to danger, surveillance, and threatening questioning. In this context, Tukur Chatterjee reads *Pink* as part of a Delhi-subgenre of the multiplex film that particularly responds to growing concerns with the city after high-profile rape cases like the Nirbhaya case, which exposed Delhi as a place which could be threatening to women (T. Chatterjee, 'Rape Culture, Misogyny, and Urban Anxiety in NH10 and Pink').

²⁶ With the exception of the rape-revenge films, many of these sexual assaults functioned as plot points for films interested in other issues. For instance, in the 1971 film *Kathputli*, Nisha is raped by her boss when she comes to him for help to support her comatose husband. While her rape becomes influential to her future -and Nisha eventually takes revenge, the film's primary concern is how the family should handle the child born from her rape. See also Jyotika Viridi's work on rape as the structuring gap in pre-1980s films especially (Viridi, *The Cinematic imagiNation: Indian Popular Films as Social History*).

²⁷ In this context, see also Sareeta Amrute's work on how the moving vehicle has become a site of increased anxiety about sexual violence (Amrute).

²⁸ Again, the framing of the boss' home is radically different from that of the lecherous boss of the 1960s and 1970s such as *Kathputli* (mentioned in footnote 26 above). Unlike those films it is broad daylight, there is no

Pink and *Section 375* does warn middle-class women about the risks of acting on their (sexual) desire. However, as India claims its status as a global power, women serve as a powerful symbol of modernity within this political project (Oza, *The Making of Neoliberal India*). For instance, Smitha Radhakrishnan has demonstrated how a developmental narrative of empowering women by supposedly integrating them into global markets are central to presenting the state as modern (Radhakrishnan). Given this context, the films seem more concerned with how to ‘solve’ the fact that this is the ‘new’ type of violence women face because the precarity of the women pose a scandal to the credibility of the state.²⁹

While the threat is new, rape continues to be framed as a result of excess male desire. For that reason, the threat of rape shapes violence against women as physical danger only (or, alternatively, as a threat to family honour). This is a familiar trope used to explain rape and rape attempts of women in Hindi films, which includes a rich catalogue of men getting all lechery at the prospect of a lonely, helpless woman, especially if she shows any kind of skin. Rape becomes an excess of desire by evil men whose life in general is governed by greed. Gender violence is either a physical threat that is posed by the utmost villainous type,³⁰ or it is absented or minimised.³¹ This trope is repeated with a slant in *Pink* and *Section 375*. The men are not as cardboard evil as many of their precursors, nevertheless in *Pink* the prosecutor

alcohol, there is no rhetorical cue (like my favourite, the taxidermy ‘big cat’) to the audience that the woman is entering a trap, a device used to great effect in a film like *Aradhana* (1969) as a stuffed leopard oversees the fight between Vandana (the main character) and her male assaulter.

²⁹ See for instance Shilpa Phadke, Shilpa Ranade, and Sameera Khan’s discussion of how the respectable, professional woman has become a part of the construction of the global city (Phadke et al.).

³⁰ The 1978 film *Ganga Ki Saugandh* introduces the film’s main villain, played by Amjad Khan, as he rapes his secretary’s daughter. Though he continues to commit many more nefarious acts, the rape serves to frame the character’s wickedness from the start. This is not the only example where willingness to rape is used narratively in a film to underscore a character’s villainy as the evidence of corrupt morals in one respect suggests equal corruption in all aspects of life.

³¹ For instance, heroes have often cemented their herohood through their ability to prevent rape. At the same time, the hero’s own potential stalking, threats of violence, and slaps are reframed as male cheekiness and ‘boys will be boys’-ness because these traits are folded into the romantic lover. As a result, a hero’s faux rape can be used as the origins of a love story such as in the 1990 film *Dil*.

Prashant reiterates that his clients could hardly help themselves, when they were being tantalised by women of such loose morals.

In *Section 375*, the assumption about excess male desire as a drive for rape is coded into all three versions of the encounter between Rohan and Anjali as they all include a shot of Anjali's cleavage and show Rohan's gradual focus on her in what is heavily implied as a cause-and-effect relation. Preoccupied with his phone, Rohan starts out by seemingly not paying attention to Anjali. As she shows him various clothes, shots reveal how her shirt exposes her cleavage and indicate that Rohan starts noticing Anjali's breasts. During a conversation around a black see-through blouse, Rohan asks Anjali to wear it -flatly, bossily, or flirtatiously, as one interprets the tone of his voice and their relation across the three versions. Anjali's facial response differs across each version, from shocked and uncomfortable in the first two to smiling triumphantly in the last. Though this part of the scene is never narrated in any of the versions, and the shots of Anjali's exposed cleavage are not directly from Rohan's vantage - they are too close-, it is as if the camera borrows and intensifies Rohan's desiring gaze. It is hard to say whether there is a consensus across versions that Rohan got all hot and bothered or whether the 'objective logic' of the camera 'accidentally' imposes its own logic across the different versions, but the recurrence of the shots encourages us to sexualise Anjali.³² Regardless of whether we read the subsequent events between Rohan and Anjali as rape or a mutual sexual encounter, the film ties the encounter with desire and lust, specifically male desire. Rohan makes a pass, Rohan caresses, Anjali sits still, moves away, sits passively. Despite the recognition that 'modern' women can have desires, the construction of their

³² Of course the question of 'what did she wear' has also been a recurring one for establishing blame and willingness in both real and reel cases of rape, as was satirised in the AIB video 'Rape: It's Your Fault' (All India Bakchod).

relationship still plays into assumptions about the male as the active sexual agent and the female as the passive object of desire.

The emphasis on excess male desire also serves to frame the new threat as a universal, female gendered experience which cuts across differences of class, caste, and religion. Both *Pink* and *Section 375* ground their female characters in a social reality outside the courtroom, however, in *Section 375* the significance of Anjali's class and caste positionality gradually vanishes as the court case proceeds. On the other hand, *Pink* commodifies difference as the main characters' geographical and religious diversity, Minal is a Hindu woman from Delhi, Falak, originally from Lucknow, is Muslim, and Andrea, a Christian woman from the Northeast, is used to demonstrate how all three are exposed to variants of the same moralising culturalist scripts from prosecutor Prashant. Off screen, feminist scholars and activists have demonstrated how Muslim women are variously framed as in need of saving from oppressive Muslim men (Agnes, 'From Shah Bano to Kausar Bano: Contextualizing the Muslim Woman' within a Communalized Polity'), while Muslim women's experiences of gendered violence in other contexts, such as during the Gujarat riots in 2002, have often been dismissed or vanished by the courts in the name of 'communalism' (Shrivastava). Similarly, in the Northeast gender violence is often subsumed under other forms of violence, such as state violence (Kannabiran and Menon). Yet in the film, the women's cultural specificity facilitates a flattening through a 'same, but different' narrative, where difference serves as an aestheticised access point to facilitate identification for a wider audience (Gopal, *Conjugations Marriage and Form in New Bollywood Cinema*), which is marked by names and clothing (Falak wears a salwar kameez) without suggesting how it otherwise shapes their lives.

In contrast to this commodified diversity among the women, especially in *Pink*, men are represented in an 'essentialised' form. Though both films make clear that the men are more powerful and wealthier than the women, yet their religion is unmarked (but assumed to be

majority Hindu). This facilitates a narrative of desire that works universally across masculinities. Between these representations, the films flatten the experience of sexual assault as they suggest an inherent, uneven power dynamic between genders but do not examine the heterogeneity of religion, class, and caste within the genders as it is either a matter of cultural aesthetics or it is not there at all.

The recognition that women have desires and will exercise their rights to do as they please while 'men will be men' poses a problem for the state and for existing interpretations of sexual violence in law and policy. Despite the work by feminist scholars who have argued how patriarchies extend from private to public spaces and who have pointed to the many forms domestic violence may take (Kannabiran and Menon; Banerjee et al.), recognition of violence in the private sphere largely continues to be overlooked by law except in cases of visible, physical violence. Sexual violence such marital rape is not recognised by the law (Sen, 'Interrogating (Non) Consent in Sexual Intimacies and Infringements: Mapping the Socio-Legal Landscape in India'; Sircar, 'Feminist Lawyering, Violence against Women, and the Politics of Law Reform in India'). Because of this sexual violence has been associated with the public. At the same time the public-private division has also meant that women in the public space have been read as prostitutes or otherwise morally degenerate (R. Kapur, *Erotic Justice*; Devika). Historically, this understanding of sexual violence and of gender in the public space has made it difficult for women to get their cases recognised by the law, because the law saw the women as morally compromised and, in its eyes, a sexually promiscuous woman could not be raped. Yet such an understanding of women in the public space is unacceptable to the women in *Pink* and *Section 375*. For one, Deepak reveals that 'all women' behave this way during his interrogation of Rajvir where he uncovers that Rajvir's sister too parties, drinks, and hangs out with male friends. If all women do this, it suggests that more respectable, middle-class women are at risk from being punished by a law, given their political stake in the state this is an

unacceptable risk. As we see, these women know their rights and can make claims on the state as evidenced by Minal's insistence to file an FIR despite the warnings from Rajvir, his goons, and the police.³³ Additionally, women have made use of digital spaces to organise and mobilise, something which the opening credits of *Section 375* reminds us of by incorporating hashtags of #stoprapeculture, #hangtherapist, and #metoo, and screengrabs of twitter posts sharing information about perpetrators.³⁴ Because the modern woman as citizen subject can visibilise her precarity and make claims on the state, she poses a problem to the state image as a well-developed state.³⁵ To accommodate her demands to have desires, the state must redefine rape.

Liberating Women with Consent

Consent emerges in response to women's demands for gender justice, and in the films, consent is framed as a return to facts and objectivity and away from moralising culturalist scripts. In both *Pink* and *Section 375*, the legal understanding of consent frames sexual assault as a fixed, knowable relation where in every circumstance 'naa matlab nahin' ('no means no') to quote *Pink*'s Deepak Sehgal. Because it operates within the binary of 'will or force' rather than culture, it is seen as a neutral way of judging sexual violence. In *Pink* consent is treated as a novel but liberatory way of circumventing and resisting culturalist scripts, while *Section 375* exists in a world where the 'modern woman' as an independent, equal rights-carrying subject is treated as a fact. Because sexual violence can only ever be 'marzi ya zabardasti' (will or force), the ability to establish consent becomes a prism for determining the guilt or innocence

³³ Poulami Roychowdhury has likewise demonstrated how women in West Bengal have leveraged NGO's to claim rights (Roychowdhury).

³⁴ See for instance the work of Bidisha Biswas and Janet Banet-Weiser on the role of digital campaigns in feminist discourses in India and more widely (Banet-Weiser; Biswas; Jha), in South Asia it has translated into campaigns like #whyloiter in India and 'girls at dhabas' in Pakistan.

³⁵ In this context, see for instance Ratna Kapur and Shilpa Phadke's critiques of dominant narratives within the feminist movement, pointing out that they either essentialise women or make claims to include women in public spaces that hinges on the exclusion of other historically marginalised subjects (R. Kapur, 'The Waning of Liberal Rights and Challenges to Feminism in India'; Phadke et al.).

of someone, and a way of determining whether a crime happened or not. At the same time, as I shall discuss later in this chapter, the grey area wherein consent operates poses a challenge to law.

The representation of the new legal understanding of rape is paired with an acknowledgement of the limitations of older anti-rape laws. Responding to the wide, public demands for legal reforms following the Nirbhaya case and the changes to the anti-rape laws based on some of the Verma Committee's suggestions (Biswas), the film imagines a world where these modes are relegated to a historical past. In *Pink*, while Prashant, Rajvir, and his cronies all mobilise to paint the three women in a bad light, the film uses these instances to actively call out the various double standards that women are faced with and while framing them as old-fashioned. For instance, a key part of Deepak's strategy is to ask the same questions of the male characters as are being asked of the women. When the prosecutor objects to the relevance of this line of questioning, Deepak highlights the gendered double standards and moralising logics that underpin questions such as whether Andrea is from the Northeast, whether the women were drinking, whether they are unmarried and not living at home, and whether they have a sexual history. On the basis of these questions and the men's responses, Deepak develops 'a girl's safety manual' which he cites when drawing attention to gendered double standards.³⁶ *Pink* acknowledges the history of judicial failures in rape cases by calling attention to Prashant's 'old-fashioned,' culturalist interpretations of women. However, these judicial failures are framed as being in the past as Prashant's behaviour and ideas are juxtaposed

³⁶ Deepak makes the first rule after Prashant interprets Andrea's behaviour as solicitation. 'kisi bhi ladki ko kisi bhi ladke ke saath kahin bhi akele nahin jaana chahiye. Kisi resort mein aur kisi toilet use karne ke liye toh bilkul nahin kyonki aisa karne se vohan ke log aisa assume kar lete hain ki voh willingly vahan par aayi hai aur unhe use touch karne ya choone ka license issue kar diya gaya hai. Rule number 1.' (No woman should go alone with any man anywhere. Definitely not to a resort or to use the toilet, because people will assume that by coming willingly, they have been given a licence to touch her or feel her up. Rule number 1').

with Deepak's argument that consent is universally applicable regardless of who the woman is and the circumstances under which sexual assault occurred.

Consent does not make the modern women safe; it becomes a way to ensure that if the worst happens, the courts will give women a fair trial. This is because consent becomes a way of acknowledging women's sexual agency without using their sexual history against them. For instance, when consent is first introduced in *Pink* around three quarters in it is because Deepak questions Minal on her sexual history. Minal admits with some awkwardness that she is not a virgin, that she lost her virginity at age 19, and that she has had multiple sexual partners because she wanted to. When Deepak then asks why she did not wish to have sex with Rajvir, she asks confused 'What do you mean?' Deepak follows up, reminding her ironically that her behaviour naturally leads boys like Rajvir to assume she would be willing to have sex, especially because they might not be mature enough to understand that on previous occasions, she had sex not due to coercion or money but according to her 'marzi' (will). So how did she show that she was not interested in them? What exactly did she say? Minal first says that she refused him [Rajvir], that she pushed him, that she told him to leave her and to stop what he was doing, and then finally that she said 'no.' The phrase 'I/she said no' is repeated multiple times by both Deepak and Minal. Through Minal's statement and her acknowledgement of her own sexual history, consent is framed as a tool that can guarantee gender justice for the 'modern, urban woman'.

Because the definition of consent hinges on the individual's rights and will, consent as a concept supposedly breaks down the boundaries between 'bad' public sex and 'good' private sex (R. Kapur, *Erotic Justice*). Not only should Minal's character not be judged by her sexual history, but no woman should. We see this after a heated confrontation between prosecutor Prashant and Falak. Prashant has consistently attempted to argue that the three women were soliciting, and that rape therefore could not happen. Falak, exhausted from his persistent probing, eventually breaks down and cries out that: 'Yes, we did take the money. However, it

does not matter, because Minal still said no.’ Back at the flat, the women at first worry about how Falak’s testimony will be interpreted, but Deepak reasons that they would have never convinced anyone that they did *not* take the money, however with her admission of this they can move to the real question of consent. This capaciousness of ‘no means no’ is underscored in Deepak’s closing argument when he lists the women whose consent matters, a list which includes daughters and wives, but also sex workers. By extending the language of consent from the sexually liberated, modern, urban woman to the potential sex worker, Deepak and *Pink* position sexual assault as a shared female experience that can be ‘solved’ by recognising women’s ability to say no, irrespective of their sexual history or their morals.³⁷

The New Legal Order

Because the legal understanding of consent is fact-based, there is renewed attention to the legal process. The legal process is foregrounded on the one hand by multiple accounts and versions of the sexual assault scenes in both films which invite audience to make their own decision along with the judges. In *Section 375* these accounts are followed by further examination of evidence and questioning of witnesses to highlight a legal process which takes each account seriously until proven otherwise by circumstances. The procedural nature is emphasised by references to new guidelines in law enforcement and evidence collection. These new methods are incorporated into the title credits of *Section 375*. Here newspaper clippings and headlines that describe rape cases and provide statistics about sexual violence in India are mixed with fragments of forensic reports listing findings, shots of potential evidence like scrapings taken from fingernails, tubes of blood to be tested, body parts annotated with forensic details, and photos of demonstrations with people holding boards that demand strict punishment for perpetrators and an end gender violence. The title credits are bookended on

³⁷ By including wives, Deepak also opens the door for re-examining violence in the private sphere.

either side by the law, the credits begin with legal text from section 375 in semi-transparent font and a shot of an empty courtroom, while they conclude with a top-down look at the rows of chairs in another shot of an almost empty courtroom. In this final shot in the opening credits, a single person, wearing the attire of a lawyer, walks through the row in the middle. While both *Pink* and *Section 375* acknowledge that law enforcement is susceptible to bribes, through visual cues like these, law emerges as an ahistoric fixture, neutrally judging on the basis of a legal process that emphasises facts and evidence.

Above all what signals the newness of the legal process in both *Pink* and *Section 375* is time. In earlier Hindi films, time has been the privilege of the wealthy and the powerful. A key tool for producing a legal circus where everyone might say that truth will win, but nevertheless unscrupulous lawyers will happily do anything to hinder justice. Delay is a way to ensure that the public would lose interest in a case, or that people would be mentally, physically, and materially exhausted from dealing with the courtroom. For instance, we can recall lawyer Govind Srivastava's roaring speech against constantly setting dates for new hearings in the 1993-film *Damini* without ever reaching justice. *Damini* follows the courtroom proceedings after a wealthy man sexually assaults a housemaid. The man's sister-in-law, Damini, a middle-class woman who has only recently married into the family, goes against her in-law's wishes and files a case with the police. As a result, Damini is threatened by the family, and they do everything to obstruct the case in the courts. Though legal justice is reached at the end of the film, the maid's bereaved, disenfranchised, and disempowered grandfather sits left behind and forgotten in the courtroom as the circus moves on, reminding the audience of the inadequacy of 'legal victory'. The legal circus film exposes the inherent injustices of the legal system, regardless of the final verdict.³⁸

³⁸ In *No One Killed Jessica* the power of the defendants also ensure that the case is dragged on endlessly, ensuring that the public loses interest. See also films like *Insaaf Ka Tarazu*, *Zakhmi Aurat*, *Meri Jung* which all feature

In contrast, in both *Pink* and *Section 375*, the use of time signals that the courts take gender justice seriously. In *Pink*, the song ‘Kaari Kaari’³⁹ plays over multiple montages that take us into the minds of Minal, Falak, Andrea, and Deepak between courtroom sessions. The lyrics and the montages emphasise the gruelling nature of the legal system and the helplessness one might feel when trapped in it, but the experiences of powerlessness and the movement of time is in no way framed as an indictment of the legal system itself. It is the will to truth, not a deliberate obfuscation of justice that takes time. In *Section 375* the focus on the conscientious process of law takes us entirely outside the potential human cost of even a well-meaning courtroom. We have multiple references to the court being in recess until ‘new time’, set later in the day, or on a different date, but the moments of recess only emphasise the wider labours involved in the legal process. Time outside the courtroom is spent with the lawyers, not with the ‘laymen’ (accuser and accused). To audiences watching, the legal process becomes gruelling only to the conscientious lawyers who are working day and night. The credibility of Tarun is especially established through this legal time: he returns home late and sacrifices time with his daughter and his wife -all for the sake of his commitment to due legal process. Thus, when Tarun is mobbed by the press and the public for taking the case, what is condemned is not him but the media and the mob whose violent feelings obstruct the justice.

In *Section 375* the new legal order of objectivity is also created by calling attention to the ways it represents multiple sides, or rather two sides. By creating an ideological binary, the film positions itself as neutral. For instance, the main trial is overseen by a two-judge bench,⁴⁰ Justice Indrani Bhaskar (female) and Justice Sanskari Madgaonkar (male). When we are first introduced to them by Tarun Saluja’s legal team they are described as ‘tolerant and liberal’

lawyers willing to trick the courts by any means, and *Court* which foregrounds the bureaucracy of the legal process.

³⁹ Music by Shantanu Moitra, lyrics by Tanveer Ghazi.

⁴⁰ A requirement for appeal cases.

(Indrani Bhaskar) and someone with a ‘no nonsense approach and high conviction rate’ (Sanskari Madgaonkar). The description of the judges is indicative of how *Section 375* frames objectivity as representing both sides of a binary, on the one hand, female and male (similar to the gendering of the lawyers: female prosecutor and male defence lawyer), but more importantly, in the supposed juxtaposition of values: ‘tolerant’ vs ‘no nonsense’, ‘liberal’ vs ‘high conviction rate’. We get very little sense of how the judges differ or operate and think separately from one another, therefore the framing of their differences seems to mostly signal their position at ‘opposing’ sides of the law when it comes to its interpretation. It serves as a guarantee that we will get an unbiased, impartial judgement because both sides are represented.

This construction of neutrality positions the film itself as an unbiased observer, however, from the start Tarun is framed as the authoritative voice on law; the film’s ‘reasonable’ and ‘neutral’ stance is therefore Tarun’s perspective. Tarun is *Section 375*’s first speaking character. He is introduced to us with an applause from a full auditorium as he literally enters the stage as a speaker at the Indian Institute of Legal Studies & Research, Mumbai. Standing by the podium, he is surrounded by giant posters which tell us who he is, ‘Mr Tarun Saluja, Senior Advocate, High Court’, and gives the title of his talk ‘Ethics of Criminal Defence’. Each poster features a large, imposing photos of himself either sitting or standing while wearing his legal regalia. Behind him an equally larger-than-life version of himself in his current attire (crisp white buttoned-up shirt and a striped tie) wearing his head-mic is projected onto a screen. We occasionally look to the students from the podium to see them listening attentively, but most of the shots show Tarun at the podium, often in the centre where he addresses us directly, until he starts walking around on the stage. The scene emphasises Tarun’s seniority, his success, and

ability as a lawyer and as an authoritative interpreter of the law both through his words, his capacity as a mentor, and through the star persona of Akshaye Khanna.⁴¹

‘Aspiring lawyers, good morning. A small reality check. In fact, in my book, it is rule number 1 that law is not equal to justice. Justice is an ideal [raises hand], law is a tool to get there [front position]. Sometimes. Rule number 2 [on writing and paying attention] ... and rule number 3, never fall in love with the law. It is a jealous mistress and one day it will disappoint you. [student raises her hand] Yes?’

‘I’m sorry, sir, but being a lawyer, how can you even say that?’

‘See, listening helps. [smiles and draws in his breath] Okay, the year 2012, the Nirbhaya case paanch accused mein se ek minor tha. Sirf tiin ya chaar mahine bache the use attarah saal ka hone mein. And he was by far the most brutal of the lot. Usne jo wounds victim ko diye, they were primarily responsible for her death. While the case was still being heard he turned 18. The entire country wanted him to be tried as an adult and hanged. But the law, the law demanded ki use as a minor juvenile court mein trial kiya jae. Tiin saal ki saza katke voh chhut gaya. All the rest were sentenced to hang. So, [pause] the question is, was the law upheld? Sure, it was. Was justice done? [student raises hand] Yes?’

‘Sir, aapko kya lagta hai?’

‘Me? I’m all for the law. Justice is abstract. Law is a fact.’

In English translation:

‘Aspiring lawyers, good morning. A small reality check. In fact, in my book, it is rule number 1 that law is not equal to justice. Justice is an ideal [raises hand], law is a tool to get there [front

⁴¹ Tarun’s presentation in the scene also very much fits the mould of the corporate or inspirational speaker for the multinational business world or an entrepreneurial TEDTalk.

position]. Sometimes. Rule number 2 [on writing and paying attention] ... and rule number 3, never fall in love with the law. It is a jealous mistress and one day it will disappoint you. [student raises her hand] Yes?’

‘I’m sorry sir but being a lawyer how can you even say that?’

‘See, listening helps. [smiling and drawing in his breath] Okay, the year 2012, among the five accused in the Nirbhaya case one was a minor. He was only three months away from turning 18. And he was by far the most brutal of the lot. The wounds which he gave the victim, they were primarily responsible for her death. While the case was still being heard he turned 18. The entire country wanted him to be tried as an adult and hanged. But the law, the law demanded that he was tried as a minor in juvenile court. After serving his punishment for three years he was released. All the rest were sentenced to hang. So, [pause] the question is, was the law upheld? Sure, it was. Was justice done? [student raises hand] Yes?’

‘Sir, what do you think?’

‘Me? I’m all for the law. Justice is abstract. Law is a fact.’

In his commitment to law, he is positioned as *Section 375*’s voice of ‘reason’ whose perspective turns out to be true. From the start, Tarun is implicitly and explicitly framed as the authoritative voice of a law which is fact-based, reasonable, and unswayable by emotion. In the example above, this is seen by contrasting the court’s decision to try the fifth accused as a minor *despite* the public outcry. If in 2016, Deepak uses consent to create a ‘spectacle of emancipation’ (Sircar, *Violent Modernities*), in 2019 Tarun emblematises the new legal order post emancipation, law freed from its own structural violence.

Because of his emphasis on law’s neutrality and universality, Tarun can reframe the question of access to law as an ethical one of whether *lawyers should defend seemingly guilty people*. Early in the film, Tarun comes across as an anti-hero -or at least a very unsympathetic

hero. We question his moral integrity because he works in an office which conscientious Hiral could not see herself being a part of. He is willing to defend an accused rapist, and he does not believe law and justice are the same things. He seems cold, detached, and cynical. But as the film progresses, our perception of his seeming coldness, detachment, and cynicism changes. His willingness to defend anyone is not about money but because he ultimately believes everyone has the right to due process. He is not detached because he does not care, but because he does not let his own ideals influence what he does at court, in fact he is so committed to the 'fact' of law that he is willing to take on great sacrifice and face public outrage to defend someone prejudged by the public.

In the film, the reason and neutrality of the new legal order is juxtaposed with emotion, which can cloud judgement and thus lead to a failure of legal principles. Therefore, while Hiral at first comes across as the more principled of her and Tarun, her politics are shown to be a threat to the rule of law. When Tarun's legal team first discuss the case, they describe Hiral as 'fiery, ambitious, impeccable record. She is a torchbearer for women's rights.' But in the courtroom, Hiral's political commitments are reframed as an obstacle to objective analysis. After she gives her opening statement in court, Tarun opens his by saying: 'I must say that I envy the passion with which my young colleague speaks. I do not however envy the utter ignorance with which she speaks. There is no room for emotional statements in any courtroom. Lawyers should stick to the facts. And the facts are these. '. Later, after one of Hiral's questioning procedures, Tarun tells her playfully 'bachpana' (childish). Terms like 'childish', 'fiery', 'ambitious', 'ideological', 'young', 'passionate', and 'emotional' are associated with Hiral through these early introductions. Many of these are traditionally female gendered qualities which reinforce the film's binary logic. Moreover, Hiral's passion, idealism, and feminist politics are framed as incompatible with the 'objective and 'reasonable' law because

they are seen as part of a politicising move where at the extreme law is taken hostage by a politicised mob justice.

In *Section 375*, law demonstrates its impartiality through its capacity for standing by its facts and reason despite public judgements. The threat of excess emotion is represented through the constant cuts to the mobilising masses outside the courtroom. In Tarun's closing statement he calls attention to the broader stakes as he reminds the judges of Rohan's 'privilege':

'Ms. Gandhi showed these photographs and claimed that Mr. Khurana is a privileged man. I would like to show the honourable court how privileged he actually is. Privileged [pause] to be featured for more than 300 hours on Prime-Time Television. The result [pause] declared guilty by the honourable media court. Privileged [pause] to be the subject of more than 1.5 million posts. The result [pause] produced guilty by the people's court of Facebook. Privileged [pause] to have been hashtagged #hangtherapist by the Twitter high court of India. Now let's shed some light on the facts of this case.'

From Tarun's perspective, it is not Rohan's power and position, but his public persecution that is the problem.⁴² By problematising the ways that media stirs public outrage and how affect shapes people's demand for mob justice, Tarun rhetorically positions law as something separate from this. In their verdict, judges Madgaonkar and Bhaskar say that despite the valid points made by both defence and prosecution, they can only follow the law and judge in favour of Anjali.

Though Tarun, whose point of view frames the film, is clearly disappointed with the verdict, it is hard to tell whether the film presents this as a clear win for law or for mob justice.

⁴² Of course, Tarun is to some extent right, for instance, in their analysis of the Shakti Mills case Flavia Agnes and others have shown how public opinion can lead to judiciary to act fast to produce a spectacle of quickly dispensed justice to appease criticism (Agnes et al.). Crucially, Agnes' analysis highlights how lower class and lower caste subjects were particularly punished in these cases. In contrast, as I read Tarun and the wider New Legal Order logics underpinning *Section 375*, Tarun's argument assumes everyone has the same access to law and that structural inequities and marginalisations do not impinge on this access.

As we see the judges deliberate the case, accompanying visuals show the police trying to hold back a tumultuous crowd with lathis as they shout for justice and punishment. These shouts continue even as the judges pronounce their verdict, allowing echoes of mob justice to penetrate the courtroom space. The intercutting and interpenetration of the two spaces and the two sentiments suggest how law might be influenced by these displays of public outrage. And yet, during the scene the judges remain stoic and continue to deliberate carefully while these sounds of emotions are heard from the outside. Moreover, after the verdict is read, Justice Bhaskar encourages Tarun to take full advantage of the law and appeal the case. Perhaps indicating that law as an institution, objective and disembodied, moves on while these publics, however angry, are ephemeral. A dynamic evident in *Section 375*, as a film that responds to the Nirbhaya case and globalised #metoo discourses, it arrives on the screen too late to be anything but a commentary on an already mediated event.

Positionality and the New Legal Order

Inside the courtroom, gender becomes the primary vector for examining sexual violence. In *Pink* this happens through the extended discussion of morality and desire which is explicitly tied to Minal, Andrea, and Falak's gender, while in *Section 375* it happens through a gradual flattening of other aspects of Anjali's identity. When Anjali is first introduced to us, she is grounded in a social reality which in addition to her identity as a young, working woman, is also informed by her class, caste, and religious identities. We meet her at home, a space she shares with her family: her mother asks when she will return home, her father sits on the porch, and her brother washes his autorickshaw in the courtyard. As she walks through the rooms to the porch and into the town, the camera follows her from the outside of the house, showing us a yellow wall covered in plants, we reach the open space, where there is a public well and laundry hanging. The house is a single story with only a low mud fence separating it from other buildings. The street is a mix of broken up concrete and mud. Other autorickshaws are parked

here and there, red chilis are dried openly under a tree, and a man sits on a plastic chair in the sun. Anjali is holla'ed from one of the neighbouring houses, where a woman washing clothes calls out 'Ae, Madhuri Dixit'. 'Madhuri Dixit!?! Anjali dhobi bol!'. ('Hey, Madhuri Dixit!' 'Madhuri Dixit!?! More like Anjali the washing woman'). We follow Anjali as she walks on foot through her dusty, slow-paced village, where women sweep the floors. She gets on a crowded boat where most of the travellers are male, and she walks through the masses on the other side, until she eventually catches a rickshaw. During the rickshaw ride we are introduced to a busier, trafficky Mumbai of trains, wide roads with cars, busses, motorbikes, and rickshaws, and high rises continuing endlessly in the smoggy air. The autorickshaw finally drops her off in a covered patio with the side open to leafy greens outside, the entrance is centred by a bubbling fountain with inlaid, painted tiles. Walking through the marbled hallway, she pushes the lift, enters. Exiting in front of an apartment '1001/2: Rohan & Kainaz Khurana', she rings the bell and asking for 'Rohan sahab', she is let in by the maid, Savi. We witness this exchange from deep within the flat, giving us an impression of the wide space, with plush furniture in sober tones. Anjali walks through the hall, stands quietly in front of Rohan, addressing him as sir and says that Meera mam has sent her with the clothes for shooting for the day after tomorrow. He addresses her more informally, telling her 'baitho' (sit) while barely lifting his head from the phone, and when she is about to sit in the sofa kitty corner with his, he tells her to sit in the sofa with him. Where her house and surroundings are full of colourful, use-objects, Rohan's is filled with leisure-objects in muted colours, mid-century modern wooden furniture, artsy photographs, and decorative lamps. Where Anjali's house opens immediately to the dusty street, Rohan's building is cordoned off from the streets through the semi-covered, fenced, and leaf-covered parking hall, and his own house is at a further remove, high above the city, with big, floor-length mirrors that reveal a Mumbai of roofs and high-rises. Anjali's house is open to her surroundings because her house is emphatically part of her

neighbourhood, Rohan's is open because he is so far removed that this openness nevertheless guarantees privacy. Where Anjali shares her abode with her brother and parents, Rohan lives only with his wife. Anjali certainly is not the washing woman she calls herself in her exchange with her neighbour, but the journey through Mumbai is equally a journey through different class, gender, and linguistic registers, from her Marathi speaking home to her Hindi speaking work place, from the village within the city of her own home to the insistent urbanity of glass surfaces and high-rises, from joint family living to coupledness, through a public cityscape that is almost all male. Living in the outskirts of Mumbai, like many others, she must spend hours commuting across the city for her job. Despite the clear framing of Anjali's positionality (lower class, Marathi speaking, an employee), once Anjali's case is in the courtroom the possible influences of this in her and Rohan's relationship are not allowed to be relevant, and Tarun can scoff at Anjali's decision to continue to work for Rohan after he had supposedly molested her once. In the courtroom, Anjali's experiences of sexual assault have become reconfigured as a strictly gendered experience.

Even though both films present sexual assault as a universal gendered experience in the courts, a comparison of the two films reveals how the removal of positionality further flattens our understanding of the interlocking violences that might underpin these experiences. In *Pink*, though much of the women's experiences is told in the courtroom, Falak, Minal, and Andrea's story is grounded in Delhi, and we are constantly returned to the women's flat, the gated park, suburban cafes, and little streets. *Pink* becomes a story of middle-class women whose situation is precarious not due to their own faults and moral failures, but rather the fact that they live in a society where some are imposing their values onto them. It is a story of middle-class women's encounter with a patriarchal legal system, while the juxtaposition between the home and the courtroom suggests that there may be spaces outside law for negotiating sexuality and experiences of violence. In the home, Minal, Falak, and Andrea support each other, and they

have a care-network that includes not only their landlord, but also lovers and former lovers, friends, and colleagues. In contrast, as soon as Anjali files her case with the court, the city of Mumbai and its environs fade into the background, when we move out of the courtroom after this, it is to the public space immediately outside the courts where people amass to demonstrate, it is to legal offices where Tarun works, the mess near the high court where Hiral and Tarun interact, the prison where Tarun meets Rohan, and Tarun's home. Anjali's lived reality becomes a way of signalling same-but different and to turn her into a universal citizen-subject. Her world gives way to law to the extent that even the indication that her brother might have pressured her into filing the case to protect family honour becomes irrelevant. Where *Pink* offers a utopian fantasy of the law where consent 'solves' the historical structural inequities that shape how people experience safety and the city, *Section 375* removes us from that structure entirely to experience the dispute entirely *through* the legal order.

Despite this, while religion and caste are largely outside the frame, class does play a structuring role in both *Pink* and *Section 375*, though the films situate these factors outside the courtroom. On the one hand, class and the ability to bribe law enforcement position the police as the weak link in the state's gender justice agenda. Notably, Rajvir exercises his power to bribe, while Rohan does not. Likewise, in *Pink* Minal is threatened physically and taken into custody because of Rajvir's access to power. In contrast, while the uneven power relation between Anjali and Rohan is repeatedly called out, it is framed as something which renders Rohan vulnerable because it fans the public outrage against him, not as something which gives more privileges inside the courtroom. Between *Pink* and *Section 375* power has shifted from something which threatens the legal system from within to something which threatens it from outside. Per the logic of *Section 375*, class, gender, sexuality, and caste *do not* influence how people experience threat or interact with people, nor does it affect how people access law, but it can become a trigger for mob mentality.

This move corroborates Tarun's claim that access to law is an ethical one. When Tarun first pours over the case files with his team they discuss subsection 2 of section 376 of the IPC which explains the conditions for rape when there is a power difference: 'If the accused is in power or authority exceeding that of the woman and sexual intercourse is established between them, and if the woman claims in court that whatever happened was without her consent, then the court will believe that her consent wasn't involved'. Tarun interjects a 'Jesus Christ', while a legal aide comments that it goes against every legal principle. Tarun agrees and acknowledges that it can easily be misused. Later, when the judges give their verdict, they restate the importance of power: 'After hearing the Prosecution and Defence arguments the division court believes that both are right in their view. But in such complicated cases, there is only one way to reach the verdict. To follow the law. And the law is very clear in such cases. If a man is above a woman in a position of power, like in this case Mr. Rohan Khurana, and if the sexual act between them is medically proven and if the woman admits in court that the act occurred against her will or permission then the court will have to believe her until the accused doesn't present any solid evidence. Hence under sections 375, 376, 340, 342, 354 and 506 of the Indian Penal Code this court upholds the judgement of the court of sessions and sentences the accused Mr. Rohan Ravi Khurana to 10 years of rigorous imprisonment.' The universalisation of the experience of sexual assault and the focus on gender within the courtroom turns Tarun's argument that a woman's statement is always given more credence into a legal fact while it depoliticises male class power; Anjali becomes emblematic of a gendered but otherwise universal citizen subject whose account is irrefutable -until counter evidence is provided. However, it is exactly Rohan's wealth and class which allows him to appeal the case, as he already did when he appointed Tarun.

From Polysemic Event to Fixed Truth

In the films, because consent is framed as a way to guarantee justice for young, professional women who have desires, it demarcates a relationship imagined to happen in private: with no clear witnesses, with ambiguous medical evidence, where there is no evidence of physical violence, and where determining whether a rape happened becomes a matter of weighing the evidence and the credibility of the accounts of the victimised against those of the perpetrators. For that reason, it structures a relationship that is separate from high-profile or spectacular rape cases. While the latter are imagined to be more open and shut,⁴³ legal cases that involve consent highlight the polysemic nature of rape and the mutuality of sexual intimacy. But because consent is legally understood as a binary, it also reveals an anxiety about its potential misuse, possible misunderstandings (P. Baxi). In the films, these anxieties, and the tensions about what constitutes rape are played out by showing the sexual assault from multiple perspectives (technical and people). The repetition of the same events -with a difference-, shared with us through personal narrative and visuals, calls forms of storytelling as well as the medium that transmits them into doubt and highlights rape as a polysemic event. At the same time, the discourse of truth in the courtroom, the interpellation of audience to assess the evidence along with judge(s), and the framing of each story in the films, ultimately fix the meaning of rape as one story is established as *the* truth.

Pink creates a mystery around the sexual assault by making it clear from the beginning that *something* happened, but only revealing in the end *what* happened. Since the film begins as Rajvir is rushed to the hospital, as audiences we do not 'know' what happened while we follow the court case which takes up most of the film: the sexual assault of the women and

⁴³ See for instance Oza Rupal's discussion of how the death of the victim more often has led to convictions in rape cases in rural areas (Oza, *Semiotics of Rape*) or Flavia Agnes' discussion of how media attention influenced the sentencing in the Shakti Mills gang rapes (Agnes et al.). See also chapter 3 in this dissertation on the relationship between spectacular 'open and shut' cases and extra-legal violence.

Minal's attack on Rajvir are 'missing' scenes occurring between the opening credits and the first visuals. In subsequent discussions among the friends, with their lovers, friends, landlords, cronies, police officers, and lawyers, the men and the women talk *about* what happened, but they do not tell the audience explicitly what happened. After the interval, as prosecutor Prashant gives his opening statement, we finally hear a full account of the evening, however, certainty is once again deferred, as the story told takes different shapes depending on the narrator's perspective: Rajvir, Dumpy, Vishwa, Falak, Andrea, and Minal all testify, and Prashant voiceovers a surveillance report.

For most of the film, it is left for us to assess the situation from our readings of the evidence: the hints and clues hidden in the characters and their responses. Nevertheless, the subtle juxtaposition of the two friend groups guides our readings from the start of the film. Rajvir may be a bloodied mess, but Minal quietly discovering and washing off small flecks of blood suggests she too has been exposed to violence. The men bluster about revenge and reach out to their friends in high places, the women shut the door and huddle together. While our access to information is slightly more privileged than the judge's -we can follow the people outside the courtroom- as audiences we are nevertheless positioned as witnesses to make sense of events based only on incrementally shared information, often ambiguous.

While *Pink* withholds visual representation for most of the film, it concludes by using imagery to confirm one version as the truth. As the film ends, ruling in favour of Falak, Minal, and Andrea, and the credits roll, a panel to one side shows us the events 'as they happened'. The scene is accompanied by revelatory music with a slight choral vocal in the background and which builds from calm to dramatic string-music as the events unfold. With no clear mediation by any one character, there is no dialogue and no narration, it seems we are shown the unbiased account of the events as captured by camera. In this way, the 'reveal' at the end, presenting itself in alignment with the women's account, underscores the link between 'consent' and the

fixed, knowable truth -here reinforced by the visual- even in the private spaces of no witnesses. Furthermore, it relies on a legible visual grammar of physical force and gestural rejection to communicate the boundaries between sexual assault and consent in physical intimacy and desire.

Like *Pink*, *Section 375* is structured around the mystery around the ‘incident’, but rather than withholding the visual until the reveal of the truth, the pursuit of establishing the likelihood of Anjali’s story, whether she gave her consent or not, leads to the fixation on the scene in Rohan’s flat. As mentioned, with the exception of the first version, it sutures the visuals of these versions to subjective testimonial accounts. The first version, shown early in the film, follows from Anjali’s arrival at Rohan’s house. In this version, when Rohan tells Anjali to wear the see-through blouse, we see her move away. Then the camera cuts away to show Anjali from her back as Rohan reaches towards her. The sound of the music is dissonant and eerie, while we watch what looks like tussling until he eventually sits her down for a kiss, the muscles on his arm flexed emphasising his strength while her arms are rigid by her side. The camera moves further away. There is more tussling and more kissing, until he lays her down on the sofa, pushing away a pillow, the screen fades to black.

The second representation of the scene happens around 41 minutes in, when Anjali testifies to the court. Differences start to occur when she recalls what happened after Rohan tells her to put on the black see-through blouse. Where in the first version the camera moves away from the sofa, this time it quickly cuts back to the front of the sofa, where, from a close position, it shows Anjali’s face and body as Rohan forces himself on her and later drags her to the bedroom. Though Anjali’s account leaves everyone discomfited, her story is followed by intensive interrogation by Tarun who encourages us to doubt her story.

The third time we see the ‘incident’ is at the conclusion of Rohan’s testimony. As he tells it, they had an affair that had recently ended because Anjali was getting possessive and making unreasonable demands on his time. On the day of the ‘alleged’ rape, she calls to apologise and tells him she misses him. The discussion around the black, see-through blouse has an erotic charge as Rohan and Anjali exchange glances. The camera fixes on her face, with its mildly triumphant smile, as Rohan caresses her – she pushes his hand playfully away, she is pulled towards him, and they kiss. The camera moves briefly to the distanced shot, then to a view of the sofa from their side, he is above her for a brief second then lifts her up and carries her through the hallway as they look at each other smilingly. He enters the bedroom, the door closes, and we return to the courtroom where Tarun Saluja rises to address the judges, giving a speech about why Rohan Khurrana was not a nice man, but that he was not a rapist. As the final version shown in the film, left unquestioned in the courtroom as we move to the judge’s verdict, and endorsed by the film’s point of view character, Tarun, whose reasoning, and facts have guided our interpretation of evidence, Rohan’s version comes across as the truth.

In both films, the legal vocabulary of consent and the generic demand for a resolution gradually forecloses anything but a single interpretation of sexual assault. In *Section 375* the search for the single interpretation was a central part of the film’s marketing campaign. The film used the tagline ‘marzi ya zabardasti’ (will or force), while describing the film as an objective analysis of the many ways that men and women misuse rape laws. Several of the promotional posters for the film centred the two lawyers in the case, prosecutor Hiral Gandhi and defence attorney Tarun Saluja,⁴⁴ underscoring the centrality of the law in solving the film’s mystery. In fact, the mystery is a legal one, a mystery of establishing consent. Though neither

⁴⁴ For instance, several posters were divided into two separate panels with Tarun and Hiral in one each, divided by a bound piece of thread, below them are a still from the courtroom and from the scene showing Anjali’s ‘alleged’ rape, and the title in large red letters with the tag line below, in others they literally face off each other while a giant, red ‘Section 375’ and the tag line divides them

film allows the visual image to be read entirely as neutral, nevertheless, the sifting through admitted, reasoned ‘facts’ and evidence structures the move through diverse accounts and gradually forecloses the possibility of reading rape as anything but a fixed event. Both films ultimately settle on one version as the ‘correct’ version. The concept of consent posed as a black and white question of ‘will’ or ‘force’ assumes an easily knowable answer. This assumption means that a ‘clear’ framing of legality is enough to ensure justice and facilitates the narrative of open and shut cases.

The binary logic of consent as a way of identifying sexual violence informs *Section 375*’s conclusion. Since *Section 375*’s opening scenes, where we see a woman later revealed to be Hiral Gandhi, her shocked-looking face has forewarned of us a twist. The cause of her expression is only explained towards the end, when Hiral has won the case for Anjali. Anjali thanks Hiral for her support and then tells her that Tarunji was right, what happened to her was not rape, but it was not less than rape. Disillusioned, and in a call-back to Tarun’s lecture about the difference between law and justice, Hiral confesses that she does not believe that justice was done. We cut away from the scene between Anjali and Hiral after Anjali has made her admission, so we cannot ask her what exactly she meant by her statement. However, Hiral’s response reveals that she understands Anjali’s disclosure as an admission that no violence happened. This is however *not* what Anjali says, rather she says that what happened to her ‘was no less than rape’. The scene illustrates two things about the binary framework for understanding rape, where one is either guilty or innocent, where either justice and injustice happened, either there was rape or there was no gender violence. Firstly, while the law tries to recognise structural inequities, rape continues to be understood as an effect of physical force only, the opposite to this is sex as ‘will’. Secondly, anti-rape laws become the only site for addressing other forms of inequities, while at the same time, the ‘weakness’ of such cases,

makes it more difficult for ‘actual’ rape cases to win (Basu, ‘Sexual Property’).⁴⁵ Because of this dilemma, Anjali’s decision to file a complaint against Rohan can only ever be petty and vengeful and perpetuating ‘rape myths’ which ultimately harms ‘genuine victims’ of rape. (as Tarun says accusatorily).

Communicating Consent and Resistance

Feminist activists and scholars have criticised the universalising narrative of what resistance and sexual assault looks like because it essentialises consent and sexual violence by turning it into something that is fixed, easy to spot, and to understand (P. Baxi; Sen, ‘Interrogating (Non) Consent in Sexual Intimacies and Infringements: Mapping the Socio-Legal Landscape in India’; Vashist). What sustains the fiction of fixedness is the emphasis on clearly communicated consent. In explanation 2 of Section 375’s of the Indian Penal Code’s definition of rape, consent is described as ‘an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act’ (‘India Code: Section 375’). While the definition attempts to encompass a range of interpersonal communications between the parties, the definition of consent has been criticised for putting the onus of communicating consent on women. Others have problematised the fixed framing of sexual encounters which disregards the mutuality and shifting dynamics occurring during intimacy. In their series ‘Unboxing Consent’, the organisation Partners for Law in Development interviews several individuals, male and female, about experiences with consent in the workplace (Partners for Law in Development, India, ‘Unboxing Consent’; Partners for Law in Development, India, ‘Unboxing Consent’; Partners for Law in Development, India, ‘Unboxing Consent’). In contrast to the

⁴⁵ Srimati Basu draws on cases of women who, like Anjali, used a rape accusation to seek justice for failed promises, breakups, etc to illustrate the limited ways women can seek redress for gendered oppression (Basu, ‘Sexual Property’).

clarity with which consent, and resistance is translated in *Pink* and *Section 375*, the experiences narrated by the interlocutors speak to a much more nebulous negotiation, of inability to read rejections or disinterest, of the entanglement of hurt pride, confusion, and shame that are part of these stories (Partners for Law in Development, India, ‘Unboxing Consent Niranjani’; Partners for Law in Development, India, ‘Unboxing Consent’; Partners for Law in Development, India, ‘Unboxing Consent’). The varied responses to consent from feminist legal scholars and feminist activists highlight the difficulty of finding a legal language that encompasses the polysemic nature of sexual intimacy.⁴⁶

In the films, the framing of consent as something which is communicated means that resistance becomes the primary lens through which to define whether rape happened or not. In *Section 375*, one of the promotional posters features Anjali in the witness stand while one of her dialogues from the film is written to the left of her: ‘Maine bohot mana kiya. Bohot resist kiya’ (I refused a lot, I resisted a lot). Both ‘mana’ and ‘resist’ are written in the same, bold red of the film’s title. But what does resistance look like? And how do the assumptions about gendered behaviour play into how resistance is read? I mentioned earlier how the ‘true’, visualised version in *Pink* draws on a recognisable visual grammar of physical coercion and resistance to communicate what happens. Similarly, during Anjali’s testimony, the visuals show us Anjali whirring her head as she tries to keep Rohan from kissing her while her legs flail

⁴⁶ See for instance Latika Vashist, who problematises the fact that conceptions of consent continue to ignore women’s choice, and often reduces consent to a physical act while ignoring the mutuality and relationality involved in intimacy (Vashist), while Rukmini Sen has pointed to the contractual language of consent and the displacement of desire (Sen, ‘Interrogating (Non) Consent in Sexual Intimacies and Infringements: Mapping the Socio-Legal Landscape in India’), work by Partners for Law in Development have pointed to the grey area in which consent exists (Partners for Law in Development, India, ‘Yes, No and the Greys in Between’; Partners for Law in Development, India, ‘Navigating the Inner World of Consent’), while Flavia Agnes has critiqued the way consent has historically been connected with age. For instance, Agnes has argued that consent laws have mostly been concerned with maintaining power within patriarchal institutions and that debates about rape spring from a desire to maintain parental control over adolescent women’s sexual activity (Agnes, ‘Controversy over Age of Consent’). Elsewhere she has connected discussions of the age of consent with the differential treatment of women who express their agency about their sexual desires in Hindu and Muslim personal laws. In doing so Agnes disrupts women’s rights narratives that claim consent is policed uniformly across legal contexts (Agnes, ‘How “Consent”, “Agency” and “Age” Play out across the Complex Terrain of Family Laws in India’).

frantically as he pushes her into the couch. In the courtroom, Anjali tells us that ‘main ne bahut mana kiya. Bahut resist kiya. Sir nahin mane. Dhakka diya to mere ko mara’ (I refused a lot. I resisted a lot. Sir, didn’t listen. When I pushed him away, he slapped me’). When Hiral asks Anjali what then happens, Anjali responds that Rohan took her by the belt and we are taken back into her memory of the scene, while she narrates that he pulled her and took her into the bedroom. Finally, Anjali stops talking and the visual representation of her experience takes over. We see how she is forcibly dragged through the living room, then lifted as they move through the hall where her flailing legs crashes into hanging pictures, in the darkened bedroom a new dissonant eerie music starts to play. We see the profile of Rohan looming over Anjali, both silhouetted, he holds away her flailing arms, he takes off her trousers while also overpowering and trying to control her upper body, we hear the sound of his belt opening, he pulls off his own t-shirt and her trousers, Anjali’s arms and legs keep on flailing. Her nails scratch at his back and he slaps her twice. Her head whirs. The camera shows us a facial mask with a finger to the lips. The music becomes a wooo’ooo’y sound. We see Rohan, rocking above an unseen body. Then the camera cuts to a closeup of Anjali’s feet as we hear the bed rocking, and then a closeup of her eye – the bed still rocking, the music still this quiet, eerie sound. We see Rohan moving, then Rohan’s moving body reflected in Anjali’s empty, lifeless pupil. We see the upper half of Anjali, she lies quietly, then turns her face sideways where we see transparent floaty green curtains and hands grasping outwards, wide-opened eyes of an artwork. The eerie, low humming continues as we return to the courtroom and see the serious face of the female judge, Hiral comes into the frame and explains the findings of the medical reports (semen and pubic hair at the victim’s private parts, confirmed by the DNA report to be Rohan’s, and injuries to Anjali’s face and other body parts including inner thighs). In the courtroom, rape is framed as physical brutality through Anjali’s own description, the visuals,

and Hiral's references to the medical reports. Like the visualised account in *Pink*, the scene gives Anjali's testimony the sense of 'truth'.

However, in its representation of Anjali's account, *Section 375* also introduces other vocabularies of representing and experiencing sexual assault. When we move from Anjali's verbal testimony to her visual testimony, there is less emphasis on sexual assault as physical force as we see Anjali's motionless body and her silence, something which Anjali does not describe. Furthermore, the scene draws on symbols within the room (masks, windows) and closeups of still body parts to underline the violence that has happened. This representation suggests a psychological or unspeakable dimension to Anjali's experience, and it emphasises abject submission as another way of responding to assault. At the same time, the disconnect between the visualised and the spoken suggests experiences that exceed the recognisable vocabulary for rape and resistance available in the courtroom. Without the earlier pushes and screams and the insistence on force and resistance, would Anjali's stillness be sufficient evidence for the judges? And for us as audience?

Pink also gives an idea of how consent is understood as the reverse of resistance as we see in the scene where Minal gives her testimony to Deepak, and which ends in the mantra that 'no means no'. The full dialogue in the scene is as follows:

'Us din, us vaqt, aap ne kya aisa kiya, aap ne kya clear indication diya ki is vaqt main sex mein interested nahin hoon? What did you say'

'Main ne usko mana [pause] mana kiya tha'

'Kya kaha? Kya kaha aap ne? Kya kiya?'

'Main ne usko push kiya tha, bola leave me, don't do this.'

‘Aap ne use mana kiya. Kaise mana kiya aap ne? Kya kaha aap ne use? What did you say, Miss Minal Arora? What did you tell him?’

‘I said no. No, don’t. I said [pause] no’

‘Will you say that loud enough for the court to hear, Miss Minal Arora? What did you say?’

‘I said no. [slightly louder voice] I said no. [almost a whisper]’

‘You said no. You said no. [the judge looks uncomfortable, Deepak turns around, Falak and Andrea look distressed]. She said no, your honour.’

In English translation:

‘That day, that time, what exactly did you do, what clear indication did you give that at this time I am not interested in sex? What did you say?’

‘I refused [pause] I refused him’

‘What did you say? *What did you say?* What did you do?’

‘I pushed him, I said leave me, don’t do this.’

‘You refused him. How did you refuse? What did you say to him. What did you say, Miss Minal Arora? What did you tell him?’

‘I said no. No, don’t. I said [pause] no’

‘Will you say that loud enough for the court to hear, Miss Minal Arora? What did you say?’

‘I said no. [slightly louder voice] I said no. [almost a whisper]’

‘You said no. You said no. [the judge looks uncomfortable, Deepak turns around, Falak and Andrea look distressed]. She said no, your honour.’

Deepak's questions tell us something about how verbal communication and gestures are understood in the context of legal consent. There is focus on physical and verbal acts, as indicated by the repeated use of 'karna' (doing) and 'kehna' (saying), as well as an emphasis on specificity (us din (that day), us vaqt (that time), is vaqt (this time), clear indication, kya (what), kaise (how)). Through the questions, consent and resistance are established as legible, clearly identifiable acts. Importantly, both *Pink* and *Section 375* support this understanding of resistance in their visual representation of the scenes. Yet, the reliance on 'resistance' through recognisable acts of refusal to establish consent raises questions about the limits of consent as a concept for understanding intimate relations, what happens to relations where the victim does not push, verbalise refusal, or in other way 'communicates' her no (Sen, 'Interrogating (Non) Consent in Sexual Intimacies and Infringements: Mapping the Socio-Legal Landscape in India'; Vashist), or where the perpetrator's acts of violence are less obviously framed as 'bad'? Put simply, how does the emphasis on consent as a solution to gender violence structure how we understand gender violence? What do we do about those other forms of violence experienced by women, where consent is less unequivocally part of the equation?⁴⁷

The vocabularies of refusal and consent structure how resistance, victimhood, and sexual violence is understood by the law. In order for women's experience of sexual violence to be legible to the law, women must perform as 'a good victim' by accounting for her lack of consent by acts of physical and verbal resistance that are legible to the law.⁴⁸ For instance, one of Tarun's primary critiques of Anjali's experience is that her account does not fly with what resistance should look like in her circumstances. If she says she screamed, then why were

⁴⁷ In recent years films like *Lipstick Under My Burkha*, *Secret Superstar*, *Thappad*, *Chhapaak*, *Darlings*, and *Rocky aur Rani Kii Prem Kahaani* as well as shows like *Bombay Begums* and *Made in Heaven* have started to illustrate other forms of violence that women experience. These films have especially focused on battery and other forms of domestic abuse, with the exception of *Chhapaak* which is 'based on a true story' of Laxmi Agarwal and focuses on acid attacks.

⁴⁸ See also Srimati Basu's work on how interpretation plays into the courts (Basu, 'Impossible Translation').

screams not heard by any of the neighbours? If she says she resisted physically, then why are the only scratch marks on Rohan's back not his front? With trousers so tight that no man could quickly get them off or back on in 20 minutes how can one believe that Anjali did not assist with taking them off? (A claim he supports by having someone perform the act of taking off and putting on tight-fitting trousers before the judges). Tarun's rejection of Anjali's resistance reveals how an understanding of resistance in sexual violence cases have solidified into general 'facts' and logic that may render some forms of reactions -or lack of- illegible. Tarun's interpretation relies on assumptions about how women will act, feel, and respond in a given situation and by their 'factness' preclude any alternative of what happened.

Indeed, this erasure of unintelligible experiences also applies to Minal's account. Though she eventually describes her experience in terms of resistance, she starts out clearly confused at this insistence on specificity and detailed description of action, her hesitancy suggests the gaps in translating her experience into an appropriate language for law. Furthermore, in an earlier narrative she focuses on the psychological impression of the assault.

Minal: 'Sir, he grabbed me. ... but sir bahut gandi feeling hoti hai jab koi is tariqe se choota hai [sobs] and I lost it. [sobs again] And I am really sorry isko itni zor se lagi. I didn't intend to. Kis ko accha lagta hai, sir, koi is tariqe se chooe. Zabardasti.' [she sobs and cries, everyone in the courtroom is holding their breath].

Deepak: 'Need I say anything more, your honour?'

The judge: 'Likhiye, Minal Arora says Rajvir Singh tried to outrage my modesty and I did so to protect myself.'

In English translation:

Minal: 'Sir, he grabbed me. ... but sir, it feels very bad when someone touches you in that manner [sobs] and I lost it. [sobs again] And I am really sorry that he was so hurt. I didn't

intend to, Who likes to be touched by someone in that manner, sir? Against their will.’ [she sobs and cries, everyone in the courtroom is holding their breath].

Deepak: ‘Need I say anything more, your honour?’

The judge: ‘Please write, Minal Arora says Rajvir Singh tried to outrage my modesty and I did so to protect myself.’

Though the case against Minal is happening in criminal court, this exchange points to what Srimati Basu has observed about translational practices in family court and how: ‘the sexual is a site where legal language is particularly tongue-tied’ (Basu, ‘Impossible Translation’ 362). Minal talks about her experience in primarily affective terms of disgust, of anger, and through oblique references to unwanted touch, which leaves much to the imagination of what ‘actually happened’, despite the attempt to reach at a ‘fixed truth’. She experiences a ‘gandi’ (dirty) feeling’ that no one ‘achchha nahin lagta’ (do not like). She tries to describe it through the language of being touched ‘zabardasti’ (against her will), though she does not specify whether the ‘tariqa’ (manner) specifically refers to it being against her will or encompasses a wider degree of ‘manners’. Finally, this behaviour led her to ‘losing it’.

Minal’s affects are transformed through an act of translation by the judge. In his interpretation, she feels a desire to ‘protect herself’ from having her ‘modesty outraged’. Affects of humiliation, anger, and dirtiness are turned into an ambiguous category of ‘outraged modesty’. Spoken in English, modesty is perhaps less loaded than would be *izzat* or *lajja*. However, it places Minal’s experience within the field of ‘good women’ and ‘good victims’, despite Deepak’s claim that everyone has the right to give or refuse consent. If everyone *had* believed that Falak, Minal, and Andrea were sex workers or *if they were* in fact sex workers would the judge have acceded them this right to modesty? Moreover, like Deepak’s struggle with getting Minal to clearly describe her experience in detail, Minal’s description of her

response highlights the difficulty in translating lived experience into fixed, fact-based legalese (Basu, 'Impossible Translation').

Concluding Remarks

The New Bollywood courtroom drama of consent and the New Legal Order make space for women to feel desires by producing a legal utopia where the law take women's experiences of violence seriously. Nevertheless, the emergence of the courtroom drama of consent suggests some of the ways that not only gender violence, but also law itself might continue to discipline women even as it avows a commitment to gender justice. Reading *Pink* and *Section 375* in the context of feminist debates about legal reform, consent, and sexual assault, I have examined how the courtroom drama of consent acts as a site of rhetorical 'renewal' that simultaneously reveals the structural violences inherent in legal vocabularies. On the one hand, the films make space for the female subject as a universal citizen-subject with rights and desires, on the other, the representation of consent as a liberating legal tool facilitates the creation of a new legal order where the state can position failed legal practices as in the past. However, the assumption that consent can be determined through objective, meticulous, well-reasoned analysis of evidence produces sexual violence within the logic of an individualised 'marzi ya zabardasti' (will or force) which risks flattening the experience of sexual and gender violence by minimising how caste, class, religion interlock with gender in the experience and reading of violence.

Furthermore, the demand for clear vocabularies of resistance and consent suggests a fear of how to grapple with newly visible desiring bodies precisely because they desire in in-between spaces. The crystallisation of this anxiety through a concern with visibility, with evidence, and fact, at once produces the new legal order and fixes the meaning of sexual assault within a binary. The language used to determine consent crystallises violence against women

into sexual violence, specifically physical violence, and even more specifically rape, which is motivated by male desire and recognisable through physical and auditory markers of resistance. While it translates the experience of violence into a binary legal logic of guilty or innocent, crime or no violence happened.

Rather than confirming their safety and their equality under the law, the courtroom drama of consent, becomes a way of handling women. The films produce a spectacle of law that works and that centres women's experiences. Yet, the black and white framing of consent and the flattening of the experience of sexual assault reminds women that they are only 'safe' and 'protected' to the extent that they continue to confirm their role as 'victims' by adhering to a respectable practice of performing desire. In this way, it disciplines women who have capacities for sexual desire and agency as well as women who might have been historically marginalised or might historically have been perceived as 'wayward'. Even as the films produce a new legal order and represent new gendered subjects, they highlight the need to think beyond law alone to achieve justice.

Chapter 2: ‘When even I don’t have the right to question their choice, then who are you to interfere?’: Queer Subjects between Familial Resolutions and Legal Solutions in *Shubh Mangal Zyada Saavdhan*

Introduction

At the end of the 2020 film *Shubh Mangal Zyada Saavdhan*,⁴⁹ Shankar Tripathi (Gajraj Rao) stands on a train station and blesses his son, Aman (Jitendra Kumar), and his son’s boyfriend, Kartik (Ayushmann Khurrana). In a teary voice, Shankar tells Aman: ‘hamen nahin pata beta ki ham ye sab samajh payenge ya nahin, lekin hamari samajh ki wajah se tumhe aadhi-aadhuri jiine ki koi zarurat nahin’ (Son, I don’t know if I will be able to understand all of this, but you don’t need to live a half-life due to my lack of understanding). All Shankar wants is his son’s happiness. Just prior to this moving father-son resolution, Aman and Kartik’s citizen rights have been recognised when a news reporter announces that section 377 has been struck down and homosexuality has been decriminalised.⁵⁰ After spending most of the film dramatising the familial crisis sparked by Aman’s sexuality and romantic partner, the final scenes offer an emotional and celebratory spectacle, where the familial resolution and the legal solution come together to demonstrate how queer subjects can be folded into the traditional

⁴⁹ *Shubh Mangal Zyada Saavdhan* will henceforth be referred to as *SMZS*.

⁵⁰ Section 377 refers to section 377 of the Indian Penal Code, carried over from British colonial law, which criminalised sodomy, sex with minors, non-consensual sexual acts, and bestiality. The section referring to homosexuality was struck down by the Delhi High Court in 2009 in *Naz Foundation vs Government of NCT Delhi* (*Naz Foundation vs Government of NCT Delhi*), but was reinstated in 2013 with *Suresh Kumar Kaushal vs Naz Foundation* (*Suresh Kumar Kaushal vs Naz Foundation*) after campaigning by the Hindu right especially. In 2018 section 377 was struck down by a unanimous five court bench by the Supreme Court in *Navtej Singh Johar vs Union of India* (*Navtej Singh Johar vs Union of India*).

Hindu family and the modern, Indian nation-state. Yet, as an audience to this happy ending, I remember experiencing a cognitive dissonance, to celebrate the happy ending I must forget the violence I have also just seen, and I must accept the authority of the state as single arbiter of justice even as the state itself has left the stage for the family patriarch to resolve things.

Released after the decriminalisation of homosexuality in India in 2018, *SMZS* takes a loud, public stance on queer subjects as legal citizen-subjects with rights and the ability to make claims by representing Kartik and Aman's struggles for acceptance and narratively supporting their right to be together. This stance was underlined from the very announcement of the film. Ayushmann Khurrana, the film's biggest star, announced the film in a tweet on 9th of May 2019. '*Shubh Mangal Saavdhan* ki safalta ke baad, hum le rahe hain, *Shubh Mangal Zyada Saavdhan*' (After the success of *Shubh Mangal Saavdhan*, we are being extra careful of marriage [*Shubh Mangal Zyada Saavdhan*]) (Ayushmann Khurrana [@ayushmannk]). The animated video embedded in the tweet talks audiences through exemplary love stories through history and underline that love is the one thing we have not needed to be taught, while also reminding audiences of the marginalised love stories that have happened concurrently.⁵¹ Finally, we are told that '*Shubh Mangal Saavdhan* aur Supreme Court ki anumati ke baad' (After *Shubh Mangal Saavdhan* and the order of the Supreme Court), Aanand L. Rai presents *Shubh Mangal Zyada Saavdhan* which will shed light on queer desire. As I sit and watch films like *SMZS* in the cinema hall and on streaming platforms at home, I recognise the significant strides they are taking to foreground sexualities, genders, and experiences of desire not previously available on the mainstream screen. But with the daily reminders of the insufficiency of rights and representation, I also wonder about the teleological narrative about queer desire's acceptance

⁵¹ The importance of representing queer love stories is also repeated multiple times in *SMZS* as Kartik especially does queer readings or imagines queer alternatives to canonical love stories from film, folk tales, and literature.

that structures *SMZS*, what state-subject relationship does the film and law imagine? What law does *SMZS* teach and what knowledges of law does it produce?

Looking at Kartik and Aman's journey to acceptance in *SMZS*, I explore what it means when New Bollywood cinema and law grapple with social issues as problems to be solved in a single verdict or a 120-180 minute long narrative. I argue that as *SMZS* folds together a familial resolution and a legal solution to negotiate state-subject relations, it risks depoliticising queer subjects, while reinforcing the state's authority to regulate and dispense justice without making it accountable for any past or future violence. By surveying the vocabularies *SMZS* mobilises to normalise queer desire, in the first half of the chapter, I examine how cinema's staging of a pedagogical public sphere participates in the social processes of law. Motivated by a question posed by *SMZS* itself: 'who determines whether two men have the right to be together?' in the second half of the chapter, I analyse the structures which regulate Kartik and Aman's relationship with the family by paying particular attention to the film's framing of violence, public and private spaces, and the role of the state.

Through the structure of the feudal family romance (Prasad), *SMZS* dramatises the shifting relationship between a gay, male couple and the family and the state as these institutions learn to include new, historically marginalised subjects capable of making claims. The film follows Kartik and Aman, a young, professional couple living and working in Delhi. Kartik comes from a lower-class family, however, he has been estranged from them, as Kartik's father, unable to accept Kartik's sexuality, used violence to discipline his desires.⁵² In contrast, Aman's well-

⁵² Kartik's violent upbringing is brought up at the start, as he reveals how he used film, especially Amitabh Bachchan's angry young man avatar, to survive his childhood. In his conversations with Aman about 'coming out', Kartik often suggests that it is his father's lack of education and class (he is repeatedly referred to as a *lauhar* (blacksmith)) which made him incapable of accepting Kartik's sexuality. Thus, Kartik's upbringing and rationalisation of his experience reinforces narratives of a liberal-minded middle-class and a conservative working-class that are used as arguments for why the middle-classes are used as models for citizenship.

educated, middle-class family (Shankar, his father, is a scientist) do not know that he is gay, and frequently nag him about returning home and about marrying.

When Aman and Kartik go to Aman's hometown, Allahabad,⁵³ for his cousin Rajni's (Maanvi Gagroo) (referred to by the family as Goggle) marriage, Shankar, catches them kissing on the train. Shankar is at first shocked and disgusted by the kiss, and he unsuccessfully tries to scare off Kartik. Kartik tries to respect Aman's unwillingness to 'come out' to his parents, but he is also frustrated by seeing his lover's weakness before his parents. However, at Rajni's wedding, Kartik and Aman's relationship is exposed to the rest of the family when they kiss again. The family tries to treat the kiss as a quirky family custom, but Rajni's fiancé backs out of the wedding, and Kartik is chased away. However, as he waits for his return train to Delhi, Kartik meets Rajni who convinces him to return and fight for his and Aman's love.

Kartik's reappearance forces everyone to grapple with their feelings about queer desire as he arrives wearing a pride flag and calling out Shankar for his harmful homophobia. When Shankar beats up Kartik, Aman despairs and consents to marry Kusum (Pankhury Awasthy Rode). Kartik confronts Aman at the family temple telling him that giving in to his parents in this will only lead to more pressure in the future, but Aman insists that fathers have rights over their sons (the so-called 'sperm ka kiraya' (sperm dues)). Meanwhile, Shankar and Sunaina (Neena Gupta), Aman's mother, discover a clipping that announces the pending ruling on section 377, and they reflect on their behaviour towards Aman and Kartik.

When Kusum disappears on the wedding day, Kartik dresses up in a wedding saree and takes her place in the ceremony. The trick is discovered by Shankar as Kartik and Aman are walking around the holy fire, and he tries to stop the wedding. Aman finally confronts Shankar

⁵³ Officially known by its Sanskritised name Prayagraj since 2018, however, it is still referred to as Allahabad by everyone in *SMZS*. While Allahabad is a city of roughly 1,5 million people and is considered a regional metropole, it is referred to by Aman and others as a 'small town'. Nominally, this setting follows the trend of situating the story within middle class families in suburbs and regional hubs of many New Bollywood films.

about his failures as a parent and Kartik and Aman proceed with the ceremony, but this time they are interrupted by the police who come to arrest them. With the help of Chaman (Manu Rishi), Aman's uncle, Shankar eventually stands up for his son and convinces the police to wait until the Supreme Court announces its ruling on Section 377. On the day when it is announced that 377 has been struck down, Shankar reconciles with Aman and Kartik, and drives them to the station where he declares that he loves and supports his son no matter what. The law and the father speak with the same voice at last and the sons, who have been insisting on their rights to love who they will, bow for a blessing.

The Transformative Pedagogy of Law and Cinema

Legal scholars have read the Indian constitution within the framework of a transformative constitution (U. Baxi; Jaising, 'Gender Justice and the Indian Supreme Court: The Post-Colonial Project'; Bhatia, *The Transformative Constitution?*). A transformative constitution uses law to create societal transformation, however, the Indian constitution particularly recognises that law works in tandem with social and institutional changes, and it has clauses that govern the relations between state subjects to make the transformation possible.

The transformative constitution is fundamentally pedagogical because it formulates a relationship between state and subjects, and between subjects, that does not necessarily exist in the present but rather expresses a future-oriented goal. A law may be made in favour of something, for instance expanded rights and recognition for same sex couples, to send a message of an objective to work towards, even if the state ultimately may choose not to prioritise it and the courts may choose to not implement any penalty. However, courts may also adopt a pseudo-pedagogical language to express its verdicts to disseminate desirable ideas and values to the public.⁵⁴ A move which can be especially helpful if the language is reproduced

⁵⁴ For instance, by claiming a constitutional morality that is higher and more important than the morality of the people as legal scholar Arvind Narrain has argued was the case with the 2009 ruling on 377 (Narrain).

elsewhere, such as the media. In these different contexts, the state, through institutions like the constitution, law, and the courts, positions itself as having pedagogical relation with its citizenry.

The gap between reality and the transformative constitution's future-oriented vision highlights the social processes of law both in making law and in making meaning about law. Guatam Bhatia and others have framed the wider discursive fields wherein constitutional issues were negotiated as a constitutional canon (Bhatia, *The Transformative Constitution?*; De and Shani) while Rohit De has demonstrated how everyday encounters with law shaped legal meanings in the early days of postcolonial India (De). The increasing use of public interest litigation (PIL) and other forms of legal advocacy based on popular involvements highlights some of the ways the meanings of law continue to be negotiated through everyday experiences, while it also highlights the role of media and other public spheres in discussing and swaying opinion (Shankar)⁵⁵ and negotiating meaning.⁵⁶

Contemporary Hindi cinema is not often discussed in terms of pedagogy or as part of these wider everyday legal debates. Nevertheless, a quick survey of New Bollywood films released in the last couple of decades suggests a different story with a rising number of 'social message' stories that are explicitly tied to discourses occurring in the wider public sphere. Together with the actor Akshay Kumar, *SMZS*'s Ayushmann Khurrana, who plays Kartik, is one of the most notable stars in this kind of film as he has headlined films about topics like colourism, erectile dysfunction, queer desire, caste-based violence, pan-Indian unity, early balding to mention a few.⁵⁷ Through the title alone, *SMZS* positions itself as a part of Ayushmann Khurrana's social

⁵⁵ Following the ruling on 377 in 2018, an analysis of English language print media suggested how news media can help to mainstream issues (Parthasarathi and Kumari).

⁵⁶ See for instance Arvind Rajagopal-edited volume *The Indian Public Sphere: Readings in Media History* (Rajagopal, *The Indian Public Sphere*).

⁵⁷ Ayushmann Khurrana's filmography includes film like *Vicky Donor* (sperm donation), *Badhai Ho* (premature baldness and colourism), *Shubh Mangal Saavdhan* (erectile dysfunction), *Anek* (the relationship between the central state and the northeastern states), *Article 15* (gender-based and caste-based violence), *Chandigarh Kare*

reform-oriented cinema efforts by serving as a ‘spiritual sequel’ to *Shubh Mangal Saavdhan*. Through this reference, queer desire becomes the next ‘social problem’ to be solved to guarantee the image of the modern nation-state (Sircar, *Violent Modernities*; R. Kapur, *Gender, Alterity and Human Rights*).

At the same time, *SMZS* is also part of a small but growing archive of mainstream Hindi cinema centring queer stories.⁵⁸ This archive has especially expanded from the 2010s onwards. Though Hindi cinema has frequently facilitated queer readings, in earlier decades, queer and queer-coded characters were more likely to be the butt of the joke. However, in New Bollywood films like *SMZS*, the queer subject’s position is secure, their lived experiences treated with as much respect as has historically been accorded straight stories. Their belonging within the modern Indian state and the Indian family is negotiated through the gentrified genre of the romantic comedy in a normalising language familiar to audiences from the family romances.⁵⁹ Their experience of precarity is framed as temporary, closely connected with the encounter with the family who struggle to accept them. What is new about these films is that *SMZS* shifts the pathologising gaze (Narain) from Kartik and Aman to recalcitrant patriarch Shankar, who

Ashiqui (a cis male bodybuilder falls in love with a trans woman). A look at Akshay Kumar’s recent filmography also highlights the trend in social message films: *Toilet: Ek Prem Katha* (open air defecation and Swachh Bharat Abhiyan), *PadMan* (women’s hygiene), *Raksha Bandhan* (dowry deaths). The second series of *Made in Heaven*, released in 2023 also highlights this trend as each episode foregrounds one ‘social issue’. Though not exclusively, many of these films adopt the family romance or romantic comedy to tell their story, fusing humour, romance, and melodrama to resolve a social problem (sometimes two!).

⁵⁸ In 2013 the anthology film *Bombay Talkies* included the Karan Johar-directed ‘Ajeeb Dastaan Hai Yeh’ in which Avinash, who has recently left home after coming out as a gay man to his parents, and Dev, married to a woman but harbouring same sex desires, bond over their love of old Hindi films and film music. The following year, the independent film *Margarita with a Straw* was released, in which the main character develops a sexual relationship with another woman while studying in the US. *Aligarh* was released in 2015, based on the real story of a professor at Aligarh University who was fired after being violently outed as gay. In 2016, the family drama *Kapoor and Sons* included a story of the elder brother coming out to his family. In 2019, Sonam Kapoor starred as a young woman trying to fight for her relationship with another woman in *Ek Ladki Ko Dekha Toh Aisa Laga*, also in 2019 Zoya Akhtar’s wedding-themed series *Made in Heaven* centring, among other things, the experiences of a young, middle-class, gay man in Delhi, was released on Amazon. The 2021 romantic comedy *Chandigarh Kare Ashiqui* explores a male bodybuilder’s love for a trans woman, while 2022’s *Badhaai Do* follows the marriage of convenience between a gay man and a lesbian woman, and OTT films like *Maja Ma* and *Gulmohar* serve as coming out stories for middle-aged housewives. See also Shohini Ghosh’ survey of queer representation in *BioScope*’s Keyword’s issue (Ghosh).

⁵⁹ See for instance Sohini Chatterjee’s analysis of *Ek Ladki Ko Dekha Toh Aisa Laga* (S. Chatterjee, ‘The “Good Indian Queer Woman” and the Family’).

suffers from the ‘sickness of homophobia’. Though Kartik and especially Aman talk about the allegiance they owe their parents, they ultimately insist on their own rights above the family’s.

SMZS both is and stages a pedagogical public sphere which, like the law itself, seeks to bridge the gap between utopia and reality. As a case in point, *SMZS*’ references to section 377 reflects how the meaning of law is created through everyday discourses and practices of meaning-making: Section 377 moves from abstract, to personally significant, to everyday discourse. When it is first mentioned casually near a Hindu altar, it is given no explanation except that it is framed as something to be celebrated, its meaning will be clear only to those who are part of the debate. The following three references to 377 discuss and explicate the law’s meaning in relation to state-subject responsibilities and rights more broadly. However, in the final reference, as Kartik boards the train leaving Allahabad, we are told that 377 might continue as a personal prejudice. The law now serves as an everyday shorthand like how a reference to 420, in an Indian context, signals fraud. While *SMZS* is most explicit in its engagement with the law, the film invites us to read back and consider how the New Bollywood social broadly might offer access to legal knowledges and meanings.

The Queer Couple vs Patriarch in the Family Romance

Narratively, the family is the primary institution through which Kartik and Aman’s relationship is negotiated. Though the first announcement of the film tied *SMZS* to the Supreme Court’s ruling on 377, most subsequent promotional material framed the film as a funny spectacle of family versus love. A September 2019 Instagram post from the film’s official account introduced the entire cast of *SMZS* through an animation of two men in wedding gear sitting on a sofa, surrounded by a family also dressed for a wedding (Shubh Mangal Zyada Saavdhan [@smzsofficial]). This theme continued through several promotional posters, the

trailer, and other marketing material. By emphasising the family, *SMZS* positions itself within the long history of the family romance.

The family romance has played a powerful role in negotiating seemingly irreconcilable differences through the story of young lovers fighting off against the parents (Prasad), including modernity/tradition, urbanity/rurality, rich/poor, middle class/upper class, national/diaspora, even occasionally interreligion and intercaste,. The family romance prepares us to root for our young lovers but without abandoning the family, while the parodical slant of tropes from this type of film (runaway brides, suicidal parents and lovers, forbidding, but comical patriarchs) reinforce the knowledge that we are watching something that is both familiar yet new. As I have discussed elsewhere in this dissertation, in post-liberalisation's New Bollywood cinema, the family primarily operates as a depoliticised site of psychological healing (Gopal, *Conjugations Marriage and Form in New Bollywood Cinema*).

The family romance humanises Aman and Kartik's love story, as the structure turns Kartik and Aman's queerness into a commodifiable, cultural identity designed to attract a heterogonous audience in the multiplex (Gopal, *Conjugations Marriage and Form in New Bollywood Cinema*; Athique and Hill; T. Chatterjee, "'Architectures of Happiness'"). Kartik and Aman's ability to operate unmarked (or hypermarked) within the family romance, going through the same problems as their cinematic precursors, publicises queer desire as simply the last in a series of 'social problems' to be solved within the new family romance.⁶⁰ The question 'who determines whether two men have the right to be together?' becomes moot as Kartik and Aman's problems are boiled down to a queer identity where 'sexuality' can effectively be cordoned off in the private sphere as a lifestyle choice same as urbanity, youth, and participation in consumer culture. Pushpesh Kumar has argued how queer activism in this context primarily

⁶⁰ The interchangeability of this identity, at once hypervisible and yet easy to vanish, is made evident from Ayushmann Khurrana's filmography of previously mentioned 'social issue' family romance comedies alone.

consists of expanded rights, or wider representation, and does not consider how economic and sociocultural factors like caste, class and gender might shape lived experience. Sexuality is framed as wholly separable from structural inequities and structural violence (P. Kumar, 'Mapping Queer "Celebratory Moment" in India'; P. Kumar, 'Introduction to the Special Theme: Erotic Marginality and Erotic Justice').⁶¹

In true family romance style, Shankar the patriarch is an integral player. In his position as head of a joint family household, a well-educated man with a successful career as a scientist, Shankar recalls the powerful patriarchs of the feudal family romance. However, unlike the patriarchs of the 1950s (Prasad), Shankar's word is not law, his family effectively does not have a legal function whatever *SMZS* may ultimately make us think. That is, while Shankar symbolically recalls the state, he is largely an empty figurehead who, like Sangita Gopal argues, serves an aesthetic function by recalling the feudal family dramas (Gopal, *Conjugations Marriage and Form in New Bollywood Cinema*). In fact, Shankar's actions are at various points presented as standing in for the state while at others they are framed as being separate from the state, sometimes even in direct opposition. For instance, Shankar's position, against queer desire, frames his views as an 'anachronism'. He is only saved by the fact that, diegetically, he lives in a world that for most of its 120 minutes has not yet decriminalised homosexuality. Due to his ambiguous relationship with the state, Shankar functions simultaneously as a comical villain but also the primary object of pedagogical address, as I will discuss more later.

Sangita Gopal has discussed the New Bollywood family's contingency (Gopal, *Conjugations Marriage and Form in New Bollywood Cinema*), this is also the case for the Tripathi family as in most of *SMZS*, Shankar is not as much in control as it at first seems. His

⁶¹ A similar criticism has been pitted against parts of the feminist movement. See for instance Rukmini Sen (Sen, 'Mapping Women's Activism in India: Resistances, Reforms, and Re-Creation')

latest science project, black cauliflowers, has failed spectacularly, his relationship with his younger brother is in shambles, the marriage he arranged for his niece has fallen apart, his community is angry with him, and in one scene he cannot even keep the pigeons from penetrating his house! *SMZS* articulates the contingency as a real crisis: Comically through Shankar's antics, he refers to his loss of control as: 'bhagavat ki bu' (the smell of revolution), but also on a more existential level, as a real threat to the family unit. After all, we know from the start that Kartik has severed ties with his father. However, Kartik's defence of Shankar⁶² and Aman's disappointed confrontation with his father towards the end of the film make it clear that it is Shankar's implacability which risks rupturing the family, not Kartik and Aman's desires. While Shankar's eventual acceptance of Aman's sexuality is told in affective terms, it is therefore also a necessity, because the alternative is Shankar's own obsolescence.⁶³

Teaching Queer Desire

I suggested before that *SMZS* stages a pedagogical public sphere that negotiate state-subject relations for new queer subjects by shedding light on queer experiences and queer desire in the context of local and global conversations.⁶⁴ Released in a post-377 verdict world but set in a pre-377 verdict world, the film draws on examples from a range of vocabularies and technologies, including digital technologies, science, religion, and cinema to situate Kartik and Aman's relationship within a world familiar to audiences. Multilayered use of humour that

⁶² Kartik's defence is somewhat surprising, since he has been quite confrontational with Shankar up to this point. In this scene it serves to underline Shankar as the object of pedagogical address, as Kartik suggests that it is the lack of stories about queer desire which has turned Shankar bigoted -not an inherent bigotry.

⁶³ Interestingly, Sangita Gopal's analysis of the aestheticization and contingency of the New Bollywood film family was rooted in her analysis of Karan Johar's *Kabhi Khushi Kabhie Gham*. More recently, Karan Johar revised this script in *Rocky aur Rani kii prem kahaani*, where it is the father rather than the son who must ultimately ask for forgiveness and demonstrate his willingness to change. Failure to change means he will be ejected from the family unit, as indeed happens to the familial matriarch.

⁶⁴ Though in global contexts the nation-state uses its ability to safeguard its queer subject as a way of presenting itself as modern and progressive as we see in narratives around homonationalism (Puar; Baker). Yet in the 'public sphere' teaching moments in *SMZS* visible and dialogic references to the state is largely absented through a focus on culture.

span slapstick, satire, witty meta remarks, and in-jokes on society paired with intertextual reference to popular culture serve to situate the events within contemporary Indian society.⁶⁵ For instance, Shankar takes a selfie from the window with the farmers protesting outside of the haveli.⁶⁶ Showcasing the pedagogical impulse of these vocabularies, a recurring comic gimmick features Aman's younger cousin Keshav (Neeraj Singh) paraphrasing knowledge gleaned from Google and teaching it to his elders, including the police! The scenes with Keshav specifically mobilise digital media's pedagogical affordances such as knowledge gathering and sharing.

SMZS' discursive public sphere includes traditional news media, watched on small screens, and read in newspaper clippings. While much of the news media storyline focuses on the local farmer's protest in Allahabad that has led to a city-wide curfew, the coverage (both in print and in streamed form) about section 377 is seminal to orienting everyone across the city and the nation about the status of 377. We see how it sparks conversations inside people's homes, even their bedrooms, as happens when Sunaina discovers an article cutting about the pending ruling. Though Sunaina's response to finding the clipping suggests that this might be news to her, the random encounters with 377 through various media artefacts point to the wider, everyday discourse around section 377 in the world of *SMZS* and outside of it. This broader public is also invoked in the second-to-last mention of 377 which occurs during the news report about the Supreme Court's verdict as the scene turns the verdict into a national media event

⁶⁵ Use of slapstick and gags have a long tradition in Hindi cinema with many stars having made a career out of their comedic timing, including Johnny Walker in the 1950s, Mehmood in the 1960s and 1970s, and Johnny Lever in the 1990s (Narwekar; Dwyer). On the other hand, the framing of social issues through satire and intertextual humour evokes a newer language more familiar from standup comedy and parody shows circulated for a global audience on digital media platforms (Kay; Bhargava and Chilana; Paul). For analyses of how this political and social commentary comedy is structured around gender, class, and caste see among others Madhavi Shivaprasad work on standup and Pragya Ghosh, Radhika Parameswaran, and Pallavi Rao's analysis of YouTube series *Ladies Room* (Shivaprasad, 'Asserting Cultural Citizenship Through Situated Comedy: Female Comedians in India'; Shivaprasad, 'Humour and the Margins'; Ghosh et al.).

⁶⁶ The protests, local to Allahabad, are caused by Shankar's genetically produced black cauliflower. The cauliflowers were intended to fix the agricultural crisis but are in fact rotten. The film was released before the 2020-2021 Farmer's Protests in India, but nevertheless highlights the current agricultural crisis in India.

(Cody). During the scene everyone in the Tripathi haveli come together to listen as the news reporter discusses the meaning of the verdict entirely in Hindi. The scene offers one of the few instances where queer desire is described without any anglophone loan words, as we instead get 'samlaingik sambandh' (same sex relationship).

Though Kartik and Aman's story is told through the 'local' family romance, their struggles are situated within a global queer movement through the use of the pride flag, the language gleaned from the internet by Keshav, and Kartik and Aman's description of themselves. This wider global movement creates a potential divide between Kartik and Aman's lived experience and that of non-queer people living in smaller towns. While Kartik and Aman refer to themselves as 'gay' and talk about their 'sexuality', Kartik must correct Chaman when he refers to him as 'a gay' and he must contend with a man who sees homosexual desire as a 'choice'. The divide is also generational, implicitly suggesting that accepting queer desire is a matter of teleological progression. While young Keshav is excited about uncovering an 'academic' language for describing gender, sexuality, and desire, to Chaman, Keshav's father, discussing 'gender being on a spectrum' is confusing, unrelatable, and unhelpful for making him understand his nephew's feelings.⁶⁷

Given Shankar's training, science provides a slightly more familiar language to naturalise queer desire. In one scene, Aman explains his feelings for Kartik to his parents. He makes use of parallels with physical needs to pee, spontaneous erections (managed through a deliberately placed misunderstanding about widened pupils), and a language of chemical reactions like endorphins and dopamine, using his own embodied reactions to factualise his experiences. By expressing desire in such pseudo-scientific terms, Aman provides a way of reading queer

⁶⁷ This use of terminology and how it shapes how we talk about and identify sexuality and desire also serves as an important theme in the biographical film *Aligarh*, where the main character, Dr Srinivas Ramchandra Siras wonders about the need for and insufficiency of these terms, see also Sucheta Choudhuri's discussion of the film (Choudhuri).

sexuality within naturalised knowledge systems, nature, and science, while using humour to avoid being ‘preachy’. Though the medicalised language might remind audiences of the longer history of pathologisation (Narain), the use of ellipses, obfuscation of words, and suggestive gestures give the dialogue a humorous, parodical slant by producing double entendres about romantic love versus physical desire while the ‘accidental’ euphemisms and jumps people use to get around sexuality and sex⁶⁸ also poke fun at the ludicrousness of using such high faluting language to describe desire in general.

In a film frequently told in a parodical mode, Kartik and Aman’s relationship is narrated in an earnest language of love and romance. Kartik and Aman consistently choose each other, even when it means being in an unfriendly space. In contrast, Sunaina and Shankar discuss how they have settled for each other after having loved -and still loving- other people. Between them, sex has become a bit of a chore or a mechanical act -a stress relief for Shankar- repeatedly played for comedy in the film. Discursively, *SMZS* presents Shankar and Sunaina’s relationship as desireless and pragmatic. In contrast the bond between Aman and Kartik is full of romantic love, erotic lust, *and* physical attraction. Juxtaposing the two relationships, positions Aman and Kartik’s relationship as the ‘healthy’ relationship while the ‘dysfunctional’ relationship of Aman’s parents has forced them to live unfulfilled, half-lives.

The earnestness of Kartik and Aman’s desires is woven into many of the romantic song sequences. For instance, circulated widely as part of the promotion of the film, song sequences like ‘Pyaar tenu karda gabru’⁶⁹ publicises Kartik and Aman’s relationship and invites us to put a song of love between two gay men on our playlists. The picturisation reproduces many of the tropes of the wedding song, but explicitly centres a same sex couple, both lyrically and visually.

⁶⁸ Shankar and Sunaina also cannot address their desires directly but talk vaguely about ‘stress relief’.

⁶⁹ Lyrics by Vayu, music by Tanishk Bagchi, vocals by Romy. A two-minute version of this song was released on YouTube by T-series on January 26th, 2020. It was the first video song used in the promotion for *SMZS*,

In the song, Kartik starts by serenading Aman, Aman then claims his position as beloved, and they take centre stage together, dancing both alone and with others. The song sequence has ‘always’ been an important space of possible ‘transgression’ and fantasy, where impossible desires could be enacted and characters could express an interiority (Gopal, ‘The Audible Past, or What Remains of the Song-Sequence in New Bollywood Cinema’),⁷⁰ here it facilitates the impossible love between Aman and Kartik at a wedding reception.

Despite the ‘intimacy’ of the song-sequence, Shankar operates as an ominous presence within it. In the picturisation, ‘Pyar tenu karda gabru’ cuts to Shankar, glaring and glowering at Karik, and he momentarily cuts short the joy by refusing to dance. Towards the end of the song, Shankar participates in a dance off with Kartik. Shankar, wide-eyed and furious, and Kartik, frustrated but trying to maintain a friendly ‘it’s all in good fun’ façade do a series of big, space-taking arm movements as they move forward, penetrating each other’s personal space. The standoff concludes when Shankar’s snake movements start getting corporeal as he physically touches or ‘bites at’ Kartik’s arm. Kartik is forced so far back he stumbles on the steps of the mandap. The movements and the facial expressions of all family members emphasise a changed atmosphere and to a viewing audience, the absence of vocals, the acting, and the movements emphasise the turn from joy to threat. Yet, to a listening audience, the continued beat from the drum keeps us within the moment of the wedding celebrations. And indeed, rather than leading to Kartik’s retreat, Shankar’s hostile behaviour moves Aman to openly show his allegiance to Kartik, first by offering his hand, then by kissing him. In fact,

⁷⁰ Be it in the cabaret numbers so frequently picturised on Helen, an actress known for playing vamp characters (Pinto), in the 1960s and 1970s, or in the romantic duets between lovers shot in remote or desolate areas in gardens, beaches, mountains, ruins, and foreign spaces, as well as the item numbers of today. In contrast to the cabaret number, the romantic duets were generally picturised on the actors who play hero and heroine roles, indicating the differential way the song sequence negotiates desire. Similar to the cabaret number, item numbers might offer an opportunity for actors to make a cameo, however, in practice any star can perform an item song and spatially they are not confined to the morally suspicious drinking den, hotel, or cabaret hall.

both the pre-release versions and the full video version of the song concludes with the second of Aman and Kartik's kisses and the shocked responses of the Tripathi family.

The kiss(es) turns queer desire into a spectacle⁷¹ and an event.⁷² In the promotions, the kiss becomes a hyper visible announcement that *SMZS* is about queer desire, publicising Hindi cinema's progressive embrace of diverse sexual desires.⁷³ However, when watching the film, the kisses also stand out to audiences as they happen in a vacuum. After all, Kartik and Aman's kisses are not only the only kisses between two people of the same gender, they are the only kisses to happen at all. In this context, the kiss suggests how the song sequence and *SMZS* more generally become a space where queer desire can occur seemingly without regulation, as ritualised enactment (Mazzarella). Yet, if this is so, who is doing the regulation? In a film that is hyperaware of the public private divisions and of section 377, it is worth noting how seemingly absent the state is in many of these everyday teaching moments.

Isolated from other expressions of desire, the kiss requires a response from audience and characters alike. The hypervisibility of Aman and Kartik's queer desires is also a pedagogical move that forces conversations about what queer desire is and how queer subjects fit within familiar knowledge systems, the family, and the state. On the one hand, as audiences we know

⁷¹ See Pawan Singh's discussion on how the sexual act becomes important to understanding sexuality and what it means for legal reform in *SMZS* (Singh).

⁷² Though kisses and other expressions of sexual intimacy are more common in Hindi films today, kisses can still serve as a spectacle, by making something visible that has generally been absented or told, quite literally, through flowery euphemisms. In this context, see for instance Madhava Prasad's discussion of the ideological function of banning the kiss (Prasad). This spectacular function of the kiss – or of desire – has been utilised to promote films. For instance, Aditya Chopra's 2016-film *Befikre*'s used various kisses between its main characters on a number of posters (Parande; Sudhakaran; Filmfare, 'Ranveer Singh and Vaani Kapoor Kiss 23 Times in Befikre') and *Lipstick Under My Burkha* utilised the censorboard's policing of its representation of desire in its promotion (Prakash Jha Productions). When *SMZS* released the first video for the song 'Pyaar Tenu Karda Gabru' it also included the kiss (T-Series).

⁷³ As mentioned, the promotion of the film referred to the Supreme Court ruling on 377, an image associated with the film features two men, and the trailer and promotional posters made it clear that the main couple was gay. In contrast, *Ek ladki ko dekha*'s trailer was much less obvious, suggesting that the tension might be an interreligious relationship while subtle references to 'apna sach' (my truth) leave clues for audiences in the know. For the use of promotion to obscure or hypervisibilise topics, see also Hrishikesh Ingle's discussion of *Sairat* and *Fandry*'s framing of caste (Ingle).

before watching the film, that the story will centre a queer couple. The prior knowledge means that as audiences we know we are guaranteed a happy outcome for Kartik and Aman – despite the narrative tension, we know they are treated as a fact, as subjects with rights and claims. Diegetically, though Kartik and Aman's sexuality *is* articulated from the start, family members only discover this gradually. And it only manifests in more unavoidable ways with Kartik's return to the Tripathi haveli, when, wrapped in a pride flag, he calls out homophobia and claims his right to his own sexual desires.

Through the gradual 'reveal' of Kartik and Aman's relationship, *SMZS* demonstrates an awareness of the range of responses audiences might have to *SMZS* and to the decriminalisation of homosexuality. For some it will be an exciting step towards a more inclusive society, for others, something that threatens culture, traditions, and the status quo. While *SMZS* clearly positions Kartik and Aman as being in the right, the film is conciliatory in its address to people who, like Shankar, might struggle, and it makes space for a range of character responses from excitement, to shock, to curiosity, to revulsion and facilitates audience identification with at least one character. In the previously mentioned scene between Sunaina and Shankar in the bedroom when she first reads about 377 on the newspaper cutout, Sunaina is worried about the punishment they might face if 377 is overturned. However, Shankar reminds her that they have evidence to show that they did not force Aman to marry, so they would be exculpated in a court of law. He then reiterates that they are not bad people for doing what they are doing. Though the spectre of the law as a disciplinary force looms in the background, Shankar's interpretation of their actions and the film's framing of his defence suggests a certain sympathy towards people whose worldview is suddenly asked to change immediately due to the change in the

law. That is, not only do Shankar and Sunaina have the *legal* evidence to prove their innocence, but they also have a claim to a moral innocence, for now.⁷⁴

The conciliatory tone signals one of the ways the film applies multiple forms of address to include audiences in the larger transformative project. Shankar represents one extreme of *SZMS*' intended audience which is imagined to resist marginalised sexualities. But as the patriarch of a middle-class family, an upstanding citizen from a small town, Hindu, educated, who embraces modern technology but obeys tradition, Shankar also represents what film producers seem to imagine is the 'general, middle-class public', for this reason Shankar must be mobilised in the project of societal transformation, not alienated and punished.⁷⁵

The Public and Private Divide

Despite the creation of an avid public sphere, Aman and Kartik's queer desire becomes a problem to be solved, emotionally by the family and legally by the state. Dialogically, the film frames an opposition between open-minded, urban Delhi and small-minded, 'small town' Allahabad. However, with the exception of the train station and the move to and from Rajni's wedding, we spend most of our time in Allahabad in the privacy of the Tripathi haveli. Thus, the juxtaposition is more rightly between public space and the private home, where the emphasis on the family reinforces traditional binaries of a public space separate from the

⁷⁴ The pedagogical sphere and the use of the family highlights that *SMZS* has an optimistic view of what motivates a possible change of mind. In contrast, in her discussion of the 2009 reading down of section 377 Ratna Kapur argues that: 'This position of tolerance is a cause for concern as it serves as a device for social and political control, rather than empowering the groups being tolerated. The implicit outcome of the 2009 decision was to bring about a resolution by deploying the discourse of tolerance to recognize the entry of homosexuality into the public domain, while also seeking to cabin and contain it.' (R. Kapur, 'Unruly Desires, Gay Governance and the Makeover of Sexuality in Postcolonial India' 125) Legally, toleration contributes to our understanding of a progressive state and publics while in praxis it is a regulatory move which domesticates or marginalises queer subjects.

⁷⁵ On the role of the middle-classes as a political project, see for instance Leela Fernandes, Rupal Oza, Purnima Mankekar (Oza, *The Making of Neoliberal India*; Mankekar, *Screening Culture, Viewing Politics*; Fernandes).

private. With the important reversion that in *SMZS* the public, (urban) space is constructed as generally safe and healthy.

In law and the cultural imagination, public space has frequently been positioned as a site of degeneracy and ‘bad’ sex. As a pathologized sexuality, homosexuality fell under the purview of public sex. This perception of the public sphere has led to repeated regulation and marginalisation of subjects who work or live in spaces that are conceived of as public (Devika; P. Kumar, ‘Mapping Queer “Celebratory Moment” in India’; R. Kapur, *Erotic Justice*; Puri; Butalia). In contrast, in *SMZS*, the public -to the extent that we see it- is rendered in a mostly positive light, a space where queer subjects can be safe. The train station is the only space where Kartik and Aman are met with any negativity. Here Shankar first sees them kiss and he has such a violent reaction to them that he vomits. Yet precisely because the threat is Shankar, the experience of violence at the train station is linked with Kartik and Aman’s trials in the private sphere. Moreover, the train station is steeped in a legacy of cinematic romances as a space for meet cutes, escapes, reunions, and resolutions,⁷⁶ and the film reinforces the connection with these associations at the end as Shankar tells Aman to go, and Kartik runs to catch the train.

The emphasis on the safety in the public space limits the scope of queer desire as a problem to be solved, as it is presented as ‘fixed’ in public spaces. We are introduced to Kartik and Aman’s Delhi life through a ‘lovers roaming around the city’ song. ‘Mere liye tum kafi ho’⁷⁷ moves us through busy roads⁷⁸ where Kartik can share knowing smiles with a woman on a

⁷⁶ *SMZS* makes ample use of this history through recurring references to one of the more iconic train films, *Dilwale Dulhania Le Jayenge*, these references appear in everything from the promotional material to Shankar’s final line to Aman at the train station

⁷⁷ Lyrics by Vayu, music by Tanishk Bagchi and Vayu, vocals by Ayushmann Khurrana.

⁷⁸ Night-lit Delhi appears in three films I discuss in this dissertation, and it is worth noting how the stylistic choices impact our perception of the space. While we are brought into a fantastical bubble, in ‘Mere liye tum kafi ho’ the streets are never empty and the cityscape itself never appears threatening in contrast to scenes in *Pink* and *Mom* for instance.

neighbouring motorcycle as they both snuggle up to their respective lovers. Through the fantasy of the song-sequence, Delhi is positioned as a modern, accepting utopia of bright nightlights, permissive of public expressions of desire regardless of sexuality and safe for all bodies moving through it.⁷⁹ The city becomes a space where the gay couple can help the heterosexual woman escape from her restrictive South Delhi, middle-class life to pursue a different type of romance. Through the medium of the song-sequence, *SMZS* conjures up a fantasy of Delhi where any lover can freely express their desires (Gopal, 'The Audible Past, or What Remains of the Song-Sequence in New Bollywood Cinema'). If we understand the state's job as disciplining public spaces only, scenes like these suggests its job is 'done'.⁸⁰ The family and Shankar becomes the last remaining obstacle for Kartik and Aman's happy ending.

Yet, the fantasy of the 'safe public space' created by *SMZS* belies how access to this space is regulated and policed by the state and private corporations (Butalia). For instance, Kartik and Aman's working place, the mall with its shiny storefronts selling global and local lifestyle brands like Levi's, Flying Machine, Nike, Baskin and Robbins, and Orifresh presents a vision of a public space as fantastically utopian as the song-sequence. However, the architecture of open windows with goods on display disguises how access to the mall is policed, conditional on a middle-class consumer identity (T. Chatterjee, "'Architectures of Happiness'"; Mankekar, 'Dangerous Desires: Erotics, Public Culture, and Identity in Late Twentieth-Century India'). While Kartik and Aman are working in the mall rather than there as active consumers, the mall itself recalls what Pushpesh Kumar has described as a favoured location of a hegemonic 'urban-corporate gay constituency' (P. Kumar, 'Mapping Queer "Celebratory Moment" in India' 164). Due to their social position, people in the urban-corporate gay constituency are more likely

⁷⁹ Rather than the open streets, more often it is parks, malls, and cafes in Delhi that will be described by users as 'good spot for couples' or 'being filled with couples' if you scroll through the reviews on Google Maps.

⁸⁰ We see gestures towards a similar conclusion in *Made in Heaven* series 2. Karan Mehta's struggles as a gay man, so prominent in the first series, become limited to only his mother's resistance in the second series. Instead, the show focuses on societal acceptance of queer identities centred on the romantic struggles of a trans character.

able to assimilate because they tend to be part of or aspire to be part of the urban ‘new middle class’, whose work in the private sector provides them with job security, disposable income, and a home (P. Kumar, ‘Mapping Queer “Celebratory Moment” in India’ 163), and whose ability to navigate private-public spaces mean that they have less to fear from the state.

In contrast, the family is the site where queer subjects need a solution. Through the family romance, the private sphere is where *SMZS* addresses marginalisation, violence, and other potentially traumatising experiences that queer folks might have had or have. Like the interaction between Shankar and Kartik during ‘Pyaar tenu karda gabru’, there are multiple references to and threats of violence throughout *SMZS*, especially physical and psychological,⁸¹ which point to everyday experiences of violence. One of the more subtle instances is when Shankar attempts to repress Aman’s desires through a makeshift Hindu ceremony where Aman is ritually ‘deaded’, reborn, and renamed. In this second life, Aman will supposedly be ‘converted’ to heterosexuality. The ceremony leads Shankar to say some pretty harmful things (‘consider my son dead’), and Aman’s behaviour and facial expressions suggest that he feels this as a real rejection of him (and we know that he will go on to agree to marry Kusum because of this and Kartik’s beating).

Even so, the scenes are often filtered through layers of comedy that modify and mitigate the sense of hostility. In the conversion scene, Shankar approaches the ceremony with an almost paradoxical seriousness, while Sunaina tells Aman to stop complaining, or Shankar will threaten to commit suicide again. Meanwhile Rajni simply bursts out laughing, and non-diegetic sounds underline comical beats. On the one hand, the reenactment of the event serves to dispel the threat of the experience, perhaps allowing a potential queer audience of the film to watch

⁸¹ Kartik has multiple threats of physical violence directed at him while visiting Aman’s family, and from the prologue and onwards Kartik refers to the violence he has experienced at his father’s hands. Nevertheless, while we see him running on the streets, the threat of the father’s violence exists primarily in the home.

without having to relive possible traumas. Especially as the characters demonstrate varying degrees of solidarity with Aman. The rejection of the event by everyone excluding Shankar and the pandit invites audiences to view his actions as the foolish antics of a desperate man who is losing control rather than a sensible response to queer desire. At the same time, the insistence on comedy also risks delegitimising or invisibilising the actual hurt Aman feels at this moment. Will there be a space to feel other things if he cannot simply laugh it off?

The comedic treatment of the scenes and of Shankar also facilitate a future disavowal of the violence and trauma. For instance, on Kartik's return to the Tripathi haveli he is beaten up by Shankar. Kartik's experience with violence, especially at the hands of his father, has been an important part of his backstory and before he faces off with Shankar, Aman tells him that: 'saale aaj tujhe pata chalega ek lauhar ka thappad mein aur ek scientist ki maar mein koi fark nahin hota kyonki dono sale baap hote hain' ('Mate, today you will discover that there's no difference between the beating of a blacksmith and a scientist, because both are bloody dads'). At the end of the scene, Kartik faints and is rendered unconscious for an extensive period. Yet, like the conversion ceremony, the scene is not framed as threatening. Of course, part of this is because the scene imitates many a melodramatic 'lover facing off against the beloved's angry family' scene, emphasised by the caricatured, horrified look on Aman's face as he attempts to run (in slow motion) towards Kartik and Kartik's noble acceptance of Shankar's continued lashes with the lathi. However, with the spikey beats of a remix of 'Kya karte the saajna',⁸² slowed down movements with jagged cuts that call attention to facial expressions (of Kartik, Shankar, and the family spectators) and various bodyparts, the scene feels more harmless than when Shankar interrupts the dance in 'Gabru...'. Especially, as we see repeated shots of Shankar placing his arm on his back to catch his breath and his subsequent complaints about

⁸² Lyrics Vayu, music Tanishk Bagchi, vocals by Zara Khan. The song includes a remix of the song by the same name from 1989 telefilm *Lal dupatta mal mal ka*.

aches. Shankar may be *SMZS*' villain and the family patriarch, but he is a comical villain. The scene turns the violence against Kartik into a comedic spectacle while the staging through a song-sequence seals it off in the same fantastical space as other songs.

Nevertheless, by limiting Kartik and Aman's sense of precarity to the family unit, *SMZS* makes an argument for the regulation of private space. In a legal context, the private space has been formulated as a space outside of legal intervention,⁸³ as I will discuss later. It has also been attributed with positive or moral values, especially in the context of gender and sexuality where the private space has often been associated with 'good sex', which was seen as heteronormative, monogamous, and strictly reproductive. In contrast to these narratives, the private in *SMZS* comes across as bad, the heterosexual couple 'degenerate', etc. The family unit has lost its way. Though having the appearance of the traditional family, at the start of the film, the dysfunctional Tripathi family cannot lay claim to cultural authenticity (Sinha; P. Chatterjee, 'The Nationalist Resolution of the Women's Question') as it is being defined in a post-377 world.

What I am pointing to here is a curious framing of violence and subject precarity as 'social problems' with easy, ahistoricising fixes. On the one hand, by witnessing the violence and Kartik and Aman's experiences of marginalisation at home becomes a reason for us to root for the state to regulate the private space by legislating on queer desire. That is, the fixation on the private space positions the state as a necessary arbiter of justice. On the other hand, as we shall see, events in the film will vanish the state's presence. *SMZS*' negotiation of the public-private division, and its framing of violence within the private space facilitate a double vanishing. Firstly, it vanishes the history and possibility of violence in the public space and the state's

⁸³ For instance, Indira Jaising has analysed how questions of gender justice in domestic spheres have often been dismissed by the courts as pertaining to personal law rather than criminal law. For more discussion of the importance of the public-private division of public and its impact on legislation on gender issues see among others Indira Jaising, Emily Nussbaum and Ratna Kapur (Jaising, 'Gender Justice and the Indian Supreme Court: The Post-Colonial Project'; Jaising, *Men's Laws, Women's Lives*; Nussbaum; R. Kapur, *Erotic Justice*).

involvement in this violence. Secondly, it vanishes the threat of future violence from the private space as the comedy downplayed the risk of it and the striking down of 377 underwrites Shankar's transformation. The first move facilitates the construction of the innocent state which is not accountable for violence, the second positions a benevolent state as the arbiter of justice as it moves to regulate the private space with 377.⁸⁴ Together, the two turn the discourse around violence from the realm of politics to a space outside the purview of the state, that is, it turns violence from a structural to an individual issue.

Solving and Resolving by Regulating the Right to Privacy

Thus, the focus on a public-private binary and the family erases the structuring importance of the state in negotiating state-subject relations, even as the familial resolution is inextricably entangled with the legal 'solution' and the film folds together Shankar's change and the striking down of section 377 through a vocabulary of the right to privacy. The most explicit articulation of the legal form of privacy occurs during Chaman's defence of Kartik and Aman when the police has come to arrest them. This is the first time that the threat to Kartik and Aman has been from someone outside their family, although the threat is still manifested inside the family haveli. The appearance of the police mobilises all Tripathi elders to defend Kartik and Aman, nominally pitting family against one arm of the state, law enforcement. Chaman and Shankar argue that if two consenting adults hold hands, or if inside the walls of their house they do anything, then neither any family member, nor the state (implied by the 'you' referring to the police inspector) nor anyone can have any right to interfere. The police argue that the law is still criminalising homosexuality, regardless of location, yet Chaman counters that 377 is just

⁸⁴ In this, *SMZS* mimics and reveals state-making practices analysed by legal scholars like Nandini Sundar and Jyoti Puri who have demonstrated how a subjective state creates a reinforcing argument for its own authority (Puri; Sundar, 'Hostages to Democracy').

about to change. The right to privacy offers a vocabulary for both the state and the family to negotiate Kartik and Aman's relationship vis a vis the state.

In Indian legal contexts privacy has until recently been understood in either territorial or institutionalised relational terms, that is, privacy has been connected with specific spaces, such as the home, or it has been connected to marital or familial relations (Bhatia, 'The Supreme Court's Right to Privacy Judgment'; Acharya). This understanding of privacy was invoked when Shankar first discussed section 377 with Sunaina. More recently a new conception of privacy as the fundamental right of an individual has emerged.⁸⁵ This formulation of privacy has been credited with facilitating the Supreme Court's verdict on section 377 (Sheikh). Striking down section 377 on the basis of the individual's right to privacy, the Supreme Court formally accords India's queer subjects the same rights as heterosexual couples. Chaman's argument when the police enters the haveli mirrors that of the 2009 and 2018 verdicts by linking privacy with the individual rather than the family (Puri). But Chaman, Shankar, and the police's response all highlight how the 'old' understandings of privacy (location, institution) continue to inform state-subject relations, and Chaman treats the constitutional right to privacy in concrete spatial terms.

During Chaman's defence, the physical house and the private rights of the individual are deeply entangled since the assumption of the subject whose individual rights can be protected by the law is predicated on the state's definition of privacy and its ability to govern it both figuratively (it regulates what is considered private) and physically. Firstly, the police have entered the Tripathi haveli to police Kartik and Aman, secondly, Chaman and Shankar cite 377 to defend their space and Kartik and Aman against regulation, and, thirdly, the haveli itself is

⁸⁵ This new formulation of privacy especially emerged out of the Supreme Court's ruling on *KS Puttaswamy v Union of India* in August 2017 (*Justice K.S. Puttaswamy vs. Union of India*). For discussions on the significance of the case and privacy see for instance Bhatia, Kamil (Bhatia, 'The Supreme Court's Right to Privacy Judgment'; Acharya; Kamil)

in that moment transformed into a courtroom where visuals, dialogue, and characters and their reactions contribute to a re-enactment of an encounter between the state as judiciary and the private individual. The scene reveals how the private space is created and regulated both aesthetically and legally.

The state's penetration of the private sphere aesthetically transforms the latter into a legal space. Chaman claims the mantle of 'family lawyer' and 'family'.⁸⁶ He is wearing a dark grey suit and white shirt; the colour and the style sets him apart from most of the remainder of the wedding attendees and recalls the official wear of lawyers at court. He steps into a wide-open circle, the makeshift courtroom floor. The staging suggests a lawyer taking the floor in front of the judge, while the distance of the shots highlight the wide space in which Chaman can pace around and pontificate in front of the police officer, who will be a witness in the case and the judge of his argument. Shankar, Kusum, Kartik and Aman are all positioned to the sides with the rest of the guests, ready to be called into the witness box when necessary. As Chaman makes his argument the camera moves from wide shots taking in the full courtyard, emphasising how Chaman is positioned as a lawyer arguing in front of a judge (the police officer), witnesses, and audiences, to close-up response shots of Kartik and Aman, who are being referenced in the defence. The emphasis on facial expressions encourages audiences to think of them as being in the witness stand and assess their credibility and the permissibility of the evidence they provide. The state as a structural and physical presence has converted the courtyard into a courtroom.

The logic of law also structures how Chaman presents Kartik and Aman's relationship, his 'case'. Chaman's mode of addressing the police/judge and the organisation of his argument replicates and borrows from a popular imaginary of legal language with references to evidence

⁸⁶ Incidentally, we can also infer from Chaman's retort for the police not to teach them about law that the ideal family has the necessary legal knowledge to make rightful claims on the state. That is, they have the capacity to protect themselves.

and character witnesses. Chaman first questions the admissibility of the evidence offered by the police, asking how they will prove in court that Kartik and Aman are gay. When the police officer literally calls his first witness, Kusum ('Call her. This girl told us everything'), Chaman proceeds to tear down her credibility as a witness, because how much faith can one put in the statement of a woman of disreputable morals (a runaway bride, a thief with a love for an accused murderer). During this interaction, the camera shows us the shocked, apprehensive, and excited faces of Rajni and Champa, their response is one we can imagine in a court case when a particularly juicy witness enters the stage. Chaman then interrogates the police, asking if they have caught Aman and Kartik doing anything that would prove that they are gay. When the clearly discomfited police officer remains silent, Chaman asks: 'Toh phir aap kaise saabit karenge court mein? How?' ['Then how will you prove it in court? How?']. By emphasising the importance of evidence, Chaman signals the different logics that operate in the courtroom in a way that especially does not make room for 'gut feelings' or emotions. Drawing on a language reflective of the new legal order I discussed in chapter 1, throughout his defence, Chaman adheres to a legal logic where the ability to prove a thing in court and the limits of the law matter the most. To the extent that there is emotion it is mimicking familiar legal performances of emotion as passion for the law and justice (repetition of sentences, flourish, crouching body, hand waving and pointed fingers).⁸⁷

To be able to frame a division of public and private and the rights of the individual, the state and the law must structure those places, that is, the precondition for the state's protection of people's right to privacy is that the state enters the private space and makes it a space that can be governed. In order to legislate that sexuality is a private matter outside the law, the law must construct a space that can be read as private, moreover, by promising to protect this right

⁸⁷ Since Chaman is in fact not a trained lawyer, we might ask whether he learnt how to perform in the legal sphere from film. If so, he makes an interesting meta-example of the pedagogical function of cinema for providing access to law.

to privacy and to sexuality, the law also asserts its right to interfere (as Shankar would have it) in the private sphere. The discussion of privacy and of which subjects have the right to claim protection makes visible the constant and shifting negotiations of the relationship between subject and state that can help us understand how the state can absorb new subjects into its fabric without disruption while continue to exclude others.

At the same time, *SMZS*' discussion of sexuality and privacy also obscures how the private and the public have always been regulated by the state. For instance, from the start the Tripathi haveli has been bombarded with rotten black cauliflower which are tossed over the wall and the family is almost trapped in the house due to the curfew implemented due to farmer's rioting. The family's mobility is likewise policed as they cross between regional borders for the family wedding. The focus on the state's right to regulate privacy in the context of queer desire projects the state outside the family *until* it makes a ruling on 377. Yet the state's absence from the private space is as fantastical as its absence from the public fantasies.

Conclusion

We are back at the train station with Aman and Kartik as they run to catch the train to Delhi. We leave them rejoicing and celebratory, as within the last five minutes their right to be together has been accepted by the family (Shankar's emotional speech to Aman) and by the state (by the Supreme Court's verdict on 377). The spectacular end –an emotional familial resolution and celebratory legal solution – brings me back to my initial question. What happens when a social issue is turned into a problem to be solved? What does the spectacle of (re)solution -legal and familial -do in a film like *SMZS*? What can the film's negotiation of the social meanings of law and of queer subject's relationship with the state teach us about citizenship, legal reform, and cinematic representation? In staging a powerful pedagogical space for normalising queer subjects across a multiplicity of discourses, *SMZS* dramatises law

as a social process where legal meanings are constructed through everyday discourses. Moreover, the film itself participates in the production of the meaning of law, that is, it becomes a site where law happens and where law is taught.

Yet as the film moves towards a climax, the family romance's demand for resolution and law's demands for a legal solution, highlights the limits of attempts to address historical marginalisation through representation (Banet-Weiser) and legal reform alone (Sircar, *Violent Modernities*; P. Kumar, 'Mapping Queer "Celebratory Moment" in India'). In the process of solving Kartik and Aman's 'problems', the queer subject undergoes a change as queer desire is depoliticised. By folding together Shankar's change and the state's legal reform, the acknowledgement of queer people's rights to privacy in the family and in the state serve as a spectacle of justice (Sircar, *Violent Modernities*) and familial resolution as *SMZS* asks us to believe that by maintaining the borders of the private sphere, borders themselves created and regulated by the state, queer subjects can be safe.

This move not only reinforces the patriarchal state's authority to govern (Puri), but the fusion of state law and the actual patriarch at the end also facilitates the vanishing of the violence and of the state – both in the past and the future. As guarantor for Kartik and Aman's safety, neither Shankar nor the state can be accountable for any harm done to them, precarity has become individualised. It raises the question about what other means marginalised subjects might use to seek redress as the move relegates ongoing, interlocking violences that happen both inside and outside the house to a space outside of politics and outside of law.

Chapter 3: Extra-Legal Spectacles of Violence, Justice, and Empowerment: Examining the Pedagogy of Violence in *Mom* and *Mardaani*

Introduction:

In summer 2014, a friend and I sat down at the Odeon Cinema in Marble Arch, London, to watch *Mardaani*.⁸⁸ We were excited, with high hopes for Rani Mukerji's new film.⁸⁹ Drawing on the novelty of Rani headlining by herself and playing a tough police officer, and the relevance of the topic, sex trafficking, the film was promoted as a woman-centric, female empowering story (YRF; 'Rani Mukherji to Play a Raw and Gritty Cop in Mardaani'). Though we left the film excited to see Rani back on the big screen in such a meaty role, we were also slightly unnerved by the celebratory tone at the end. A group of women, who have been abducted by a sex-trafficking ring, beat up the film's main villain, Karan Rastogi (Tahir Raj Bhasin), while Rani Mukerji's husky voice tells us how the film's various antagonists received justice, legal or divine. This is followed by an end title contextualising the film's topic by citing sex trafficking numbers for India and the world. Playing across these final moments, the lyrics, picturisation, and title of the film's title track 'Mardaani Anthem'⁹⁰ all encourage us to see the high trafficking numbers as an example of gendered oppressions and invite us to celebrate the

⁸⁸ The film was released globally with this title; however, it also appears to have two English titles, its literal translation *Masculine*, which is cited on Wikipedia and IMDB ('mard' being one of the words for man in Hindi), and *Fearless*, the latter appearing on the official Yash Raj Films website (*Mardaani*). Significantly, the word fearless, *nirbhaya*, also became the shorthand for referring to the highly publicised 2012 gang-rape of Jyoti Singh which I discuss later in this chapter.

⁸⁹ The film gained a lot of attention as Rani's first film post marriage to producer-director Aditya Chopra. It was also talked of as a 'comeback' vehicle, as it followed a few flops in the late noughties, and she featured in a starring role. While the film was seen as a departure from the romantic films she had done in the 2000s, films like *No One Killed Jessica* and, to some extent, *Talaash* already hint at the shift, though it may be as much a result of the roles available to an actress of her age as to anything else.

⁹⁰ Music by Salim-Sulaiman, lyrics by Kausar Munir.

angry women's attack on Karan as an act of empowerment. Yet however much we understood their frustration, my friend and I left the cinema discussing what it means when justice and female emancipation are envisioned through a spectacle of violence that seems to rationalise violence committed by an angry public. Specifically, as a film that frames the women's violent outburst as a rational response given the failed judiciary, what does it mean that Shivani (Rani Mukerji) is there in the position as law enforcement and then leaves? In light of concurrent discourses and government policies about female empowerment, what can this conclusion tell us about how we conceive of justice and of how we imagine empowerment? What, if any, is the state's involvement in the violence when done by civilians and police?

Three years later, in 2017, I sat in another darkened movie hall, this time an Inox Cinema at Pink Square Mall in Jaipur, watching another 'comeback vehicle' for a female star who metes out justice to men who have wronged someone in her care. The film was *Mom*, Sridevi's last film before her untimely death in 2018,⁹¹ and it was highly anticipated due to the success of her 2012 release *English Vinglish*.⁹² When her stepdaughter Arya (Sajal Ali) is gang-raped, schoolteacher Devki (Sridevi) carefully plans and takes out each of the rapists after they are acquitted in court. Arya spends most of the film resenting Devki's position in the family and rejecting her attempts at mothering, but when she discovers what Devki has done for her, she finally calls Devki 'mom', leading Devki to shoot Arya's last remaining rapist. Similar to *Mardaani*, Arya's recognition of Devki as her mom, following immediately after the realisation that Devki has been punishing people on her behalf, folds together punitive justice and a

⁹¹ *Mom* and *English Vinglish*, were among the few films Sridevi made after the late 1990s. Prior to her 1990s 'retirement' she had been a wildly successful actress since the 70s working across South Indian film industries (Tamil, Malayalam, Telugu, Kannada) and in Hindi cinema. She started playing romantic adult roles from the age of 13 in hit Tamil films *Moondru Modichu* and *16 Vayathinile*, and she was the star of several iconic Hindi films of the 1980s where she was applauded for her acting and her dancing in films like *Himmatwala*, *Chalbaaz*, *Mr India*, *Nagina*, *Chandni*.

⁹² Repeating the theme of motherhood, *Mom* in many ways reverses Sridevi's downtrodden mother and housewife in *English Vinglish*.

celebratory note, as Devki's violent acts allow Arya and the family to heal while showing Devki as a strong, capable mother. Still, however satisfying it is for an audience to see Devki and Arya reconcile and the villain punished, we need to interrogate the ways violence is rationalised through a narrative of justice and female empowerment. Whose and what kind of justice is it we are witnessing? What kind of empowerment? Who can enact it? Under what conditions?

In this chapter I do a comparative analysis of *Mom* and *Mardaani* to examine how the New Bollywood female rape-revenge film rationalises and celebrates civilian's use of violence by presenting it as a spectacle of punitive justice and female empowerment, what I refer to as a 'pedagogy of violence'.⁹³ I understand the pedagogy of violence to both teach with and through violence; Conditioned on a narrative of perpetual judicial failure in gender violence cases, it produces a spectacle of violence that frames extra-legal, punitive violence as a reasonable and desired citizen response to harmful actions. For that reason, violence is at once rationalised and instrumentalised to threaten and discipline subjects and, at the same time, it serves as a marker of the fulfilment of punitive justice and female empowerment when performed by subjects who are coded as 'being in the right'. In my analysis, I map some of the key differences between the 1980s and 2010s female-rape revenge film to explore how *Mom* and *Mardaani* rewrites discourses of women's empowerment, logics of a failed judiciary, and the positionality of the female avenger, and I examine how splitting the victim-vigilante into victim-daughters and warrior-mothers mobilises different affects to justify violence.

⁹³ Though law is often formulated as being the opposite of violence, many scholars have demonstrated the entanglement of the two. For instance, Partha Chatterjee has examined how legalised exceptions to the law shaped a pedagogy of violence during colonial times where it had a disciplinary, normalising function through spectacular acts of violence (P. Chatterjee, *The Black Hole of Empire*), while Jyoti Dogra Sood and Latika Vashist have examined the many interconnections between law and violence today (Vashist and Sood), Thomas Blom Hansen has demonstrated the role of mob violence in politics and police work, (Hansen, *The Law of Force*) and Anupama Rao has documented the use of violence in the governance of Dalit subjects (Anupama Rao). Though there are many cinematic examples of spectacular uses of violence for governance, explicit and implicit, one of my favourites might be from *Mughal-e-Azam* where Emperor Akbar plans the most excessive and hyper visible method to punish his wayward son, Salim: Walked through a crowd of subjects, Salim is tied to a flagpole on an elevated, pyramid-like platform where he is to be shot, from a considerable distance, by a single canon.

Mardaani follows Shivani Shivaji Roy, a tough Senior Inspector of Police based in Mumbai. Though Shivani sometimes interprets the law in creative ways to catch the criminals, she is respected by her colleagues and her boss. Shivani lives with her husband and her niece, Meera (Avneet Kaur), whose parents have died. However, Shivani also has another ‘daughter’, the orphan street hawker Pyaari (Priyanka Sharma), who seems to have been partially adopted into Shivani’s family. Pyaari refers to Shivani as ‘Mausi’ (aunt) and is on sisterly terms with Meera. The film does not make any mention of class or caste; however, it is likely that this shapes Pyaari’s position in the family as she continues to work on the street and live in an orphanage even though everyone in Shivani’s family insists she is part of it.

One day, Pyaari disappears, and as Shivani digs deeper into her case, she discovers that Pyaari has been abducted by a drug smuggling and sex trafficking gang headed by Karan, an entitled and ruthless video-gaming youth. While we continuously cut back to Pyaari and the other abducted girls’ harrowing and dehumanising experiences at the hands of the sex traffickers, the primary story follows the cat and mouse game between Shivani and Karan which is exacerbated when Shivani kills Karan’s mentor, the unnamed ‘Vakil Sahab’ (lawyer). Shivani’s chase leads her from Mumbai to Delhi where she contends with an unsupportive, semi-corrupt chief of police who eventually cuts her off the case as he thinks she is wasting her time. However, Shivani is determined to free Pyaari.

In Delhi, Shivani is caught by Karan, who ‘donates’ her to one of his most important clients, a sadist chief minister. However, Shivani’s capture is revealed to be a ploy to help her get to Karan and locate the girls at the hotel where they work. In the climax, Shivani brings the girls and Karan to what seems like the hotel warehouse and threatens him about his impending capture but Karan jeers that he will escape law because this is India and money is power. Shivani then encourages the abducted girls to exact their own justice by reminding them, Karan, and the audience, that ‘Yeh India hai. India mein agar pachaas log kanoon ko apne haath

mei len aur kisi ko marein to use encounter nahin public outrage bolte hain' (This is India. In India, if fifty people take the law into their own hands then it is not called an encounter [police murder], it is called public outrage) meaning that as the act will be perceived as communal and justifiable,⁹⁴ the girls will not be considered murderers. While the angry girls kick at Karan, Shivani leaves the room, closing the door on Karan and the girls, and she goes to rinse off and meet her colleagues.

Mom too centres the story of a maternal figure enacting justice on behalf of her child. Devki Sabarwal is stepmother to recalcitrant teenage daughter, Arya. Their strained relationship is emphasised by the fact that Arya consistently refers to Devki as 'ma'am' (because she is also her teacher at school) and makes various passive aggressive comments about Devki's interloper position in the family.⁹⁵ One night when leaving a party, Arya is abducted and gangraped in a moving vehicle by a classmate, Mohit (Adarsh Gaurav), and some of his cronies (his cousin Charles (Vikas Verma), Charles' friend Jagan (Abhimanyu Singh), and the servant Baburam (Pitobsh Tripathi)), a few hours later she is thrown into the gutter, left for dead. Due to the gruesome nature of the event, the case is heavily mediatised while running in the court. When the case fails, Devki's husband, Anand (Adnan Siddiqui) attempts to appeal the case, but Devki employs the help of private investigator DK (Nawazuddin Siddiqui) to locate the perpetrators so she can exact her own justice, and she successfully incapacitates or kills the first three by drawing on skills she has acquired through domestic work and teaching. The main police officer involved with Arya's case, Matthew (Akshaye Khanna), suspects that the sudden calamities befalling the acquitted men are revenge-acts and becomes suspicious of the family. He threatens both Anand and later Devki to stop by reminding them that justice is the police's

⁹⁴ Blom Hansen has discussed how the police has historically treated communal violence differently and used the label 'other' to obscure some forms of violence (Hansen, *The Law of Force*).

⁹⁵ Based on Arya's behaviour, it seems like her biological mother is dead. We do not know how long or when Devki entered the family, however, Devki and Anand also have a biological daughter together who attends primary school.

business not a private matter. However, when he is present during the final encounter between Devki and the last gang rapist, Jagan, Devki's plea for justice makes Matthew change his mind and he urges Devki to kill Jagan with his own police gun.

Discursive Contexts: Judicial Failure, Superpowered Police, and Narratives of Empowerment

Mom and *Mardaani* are part of a longer history of female rape-revenge films in Hindi cinema. Though rape and gender violence figured at the margins of Hindi film's imaginary from its early days in the 1940s and 1950s through to the 1970s,⁹⁶ in the 1980s rape changed from being an unmentionable gap to a structuring event that was foregrounded on screen and in the narrative (Virdi, 'Reverence, Rape – and Then Revenge'). Most notably, the 80s saw the emergence of a new female-centred rape-revenge genre with films like *Insaaf Ka Tarazu* and *Zakhmi Aurat*, where the rape of the film's heroine and the failure of the law to protect her, leads her to take revenge into her own hands.⁹⁷ Over the next sections I will look at some of the key similarities and differences between *Mom* and *Mardaani* and the 1980s female rape-revenge film to illustrate how the 2010 film rewrites the script for the female avenger as it responds to on the ground discourses about law, empowerment, and violence, however, first, let me give a quick summary of the 1980s films.

In *Insaaf Ka Tarazu*, Bharti (Zeenat Aman), a model, is raped by one of her admirers, Ramesh (Raj Babbar), yet when she files a case against him, Ramesh is acquitted as the court finds that Bharti's job and her friendly rapport with Ramesh and other men, compromises her

⁹⁶ Some of the more prominent examples might be films like *Amar* and *Madhumati*, while slightly later films like *Teesri Manzil* and *Aradhana* suggest how this trend continues in the 1960s and early 1970s.

⁹⁷ Other female-driven revenge-dramas from the 80s and early 90s include *Pratighaat*, *Mirch Masala*, *Khoon Bhari Maang*, *Bandit Queen* (based on the life of Phoolan Devi who however rejected the film's portrayal (S. Kapur)), *Mrityudand*, and *Anjaam*. Less explicitly about revenge, the focus on gendered oppression and a woman's fight also positions the courtroom drama *Damini* in this conversation.

morals. In short, because her working life brings her body into the public sphere, she is assumed to be a loose woman, reflecting the long history wherein women who move in the public sphere have been marginalised both in law and policy-making (Devika; R. Kapur, *Erotic Justice*; Butalia; Puri). Some years later, Ramesh and Bharti cross paths again, and Ramesh rapes Bharti's younger sister. This is when Bharti kills him. When she is brought to court, Bharti defends herself claiming that it is the court's failure to act and protect women's honour, which forces women to act for themselves. Though the film tries to complicate the narrative of women and honour by validating Bharti's experience of rape despite her compromised respectability, the film ultimately reiterates the patriarchal values of the 'good victim' as Bharti defends her actions by describing women as pure temples which are owed protection and deference.

In *Zakhmi Aurat*, dedicated police officer Kiran (Dimple Kapadia) witnesses a number of rape cases fail in court. When she herself is gangraped at home and her rapists likewise are acquitted, she and other female rape survivors form a collective of vigilantes and task themselves with castrating male rapists.⁹⁸ Like Bharti, Kiran is eventually made to face justice at the courts, but she is also given a platform to defend her actions. Referencing the ways rape laws are stacked against women by devaluing their testimony and requiring an external witness, Kiran argues that until the current rape laws have been reformed, natural law and religious texts legitimise women's recourse to violence. We never hear the court's final judgement, but Kiran's actions are justified by society when her fiancée recommits to her, and his mother accepts her as a daughter-in-law despite her 'loss of honour'. In this way, *Zakhmi Aurat* eventually recycles

⁹⁸ Though both *Insaaf Ka Tarazu* and *Zakhmi Aurat* clearly respond to outraged opinions at the time, *Zakhmi Aurat* most explicitly references these discourses in fascinating, grotesque ways: for instance, the women choose castration as a punishment on the basis that this leads men to experience a similar 'loss of honour' as women do when raped, an idea which is reinforced by the response of the castrated men who use a language of honour, shame, and 'unspeakability' to describe their experience. Loss of honour is tightly connected with marriageability, in this context see also Srimati Basu's discussion of the intersection of rape and marriageability (Basu, 'Sexual Property'). Moreover, *Zakhmi Aurat* reflects the calls for stringent punishment as a deterrent to rape by showing how rape numbers decrease as the number of castrated men increases.

the language of the very laws and of the culturalist interpretations of rape which are being critiqued (R. Kapur, *Gender, Alterity and Human Rights*; Basu, 'Sexual Property').

Both the 1980s and the 2010s⁹⁹ wave of female rape-revenge films respond to highly publicised rape cases of the time. As Lalitha Gopalan has written of the 1980s films, 'they rely 'on our knowledge of these rape cases as a point of entry into fantastical stagings of our anxieties about women, sexuality and law, anxieties that in turn are set into motion, but not resolved, by anti-rape campaigns' (Gopalan 46).¹⁰⁰ The 1980s' rape-revenge films were released following several prominent custodial rape cases like the rape of underage tribal girl Mathura in 1972, the 1978 rape of the Muslim woman Rameeza Bee by four policemen who also killed of her husband in, and the 1981 rape and brutalisation of Maya Tyagi by a group of policemen who also killed her three male companions. In the 2010s, the gang rape and subsequent death of Jyoti Singh (the so-called Nirbhaya (fearless) case) in 2012 and the Shakti Mills gang rape in 2013¹⁰¹ sparked mass mobilisation and demand for legal reforms both online and offline. The dynamic discourse on rape laws led to the constitution of the Verma commission which looked into possible amendments of criminal law in gender violence cases.¹⁰²

⁹⁹ In addition to *Mom* and *Mardaani*, in the 2010s this includes films like *Maatr*, *Ajji*, *Akira*, *Angry Indian Goddesses*, *NH10*, *Gulaab Gang*, and *Parched* which all broadly express violent revenge fantasies in response to various forms of gendered oppression.

¹⁰⁰ As another example of this, in 1978 *Ghar* a young married woman living in Mumbai is gang-raped after attending a film screening with her husband. Incidentally, the film combines the anxieties about sexual violence with the problem of housing and privacy for young couples desiring or needing to live outside of the family, a concern that was expressed in several films from this period, for a different take on this issue see *Piya Ka Ghar*.

¹⁰¹ Significantly, in both cases the victimised woman was a young, working professional woman from a middle-class family. For a discussion of how discourses around women's safety in public spaces intersect with class and caste, see Shilpa Phadke (Phadke et al.), see also Flavia Agnes' discussion on the role of caste and class in relation to the mass-mobilisation and public outrage in rape cases (Agnes et al.). I discuss the significance of subject-positions and gender in relation to sexual assault more in chapter 1, where I look at cases of sexual assault that are less spectacular.

¹⁰² The committee pointed out the vagueness of language such as 'outraging modesty' and gave a number of recommendations to expand definitions of violence against women for instance by including 'non-penetrative forms of sexual contact' in its definition of sexual assault ('Justice Verma Committee Report Summary'), though many were not implemented (Sharma and Bazilli).

In the 1980s, the high-profile nature of these cases created a bind for the feminist movement. On the one hand, some of the movement's issues benefitted from the heightened attention (R. Kumar), for instance, it led to some initial changes to the laws on rape, especially regarding custodial rape, and drove a mass organisation in response to dowry deaths, women's safety, and demands for women's rights (R. Kumar; Sakhrani; Sharma and Bazilli; Sircar, 'Feminist Lawyering, Violence against Women, and the Politics of Law Reform in India'). However, the high-profile nature of the rapes also politicised the campaigns and limited the ways new laws could be framed. For instance, anti-violence became filtered through a vocabulary of morality that polices women's behaviour by making 'honour' and 'respectability' a requirement for making their experiences of violence legible,¹⁰³ this implicitly structures the recognition of sexual violence around gender, class, and caste. In the 1980s films, the female avengers express similar concerns about rape laws and their needs for reform (Gopalan; Mazumdar, 'The Legal Unspeakables: Rape in 1980s Bombay Cinema'; R. Kumar; Sircar, 'Feminist Lawyering, Violence against Women, and the Politics of Law Reform in India'), yet, when in the final scene, set in a courtroom, the state steps in to solve everything and folds the female avenger back into respectable society through a patriarchal language, her re-entry is conditioned on her ability to claim respectability.

In both the 1980s and the 2010s, the female avenger starts her vengeful journey after an experience with judicial failure. In the 80s, judicial failures were linked to the unscrupulousness of greedy lawyers or the interpretive blindness of patriarchal courts and its judges. The return to the courtroom at the end of the film therefore also created a platform for the avenging women to give a 'j'accuse speech,' as the female avenger, drawing on her own experiences, demands that the courts change and reform to accommodate women's needs. The trial creates a space

¹⁰³ See also my discussion of the use of morality in sexual assault cases in chapter 1. There I analyse the emergence of a courtroom drama that use consent to distance the courts from this kind of culturalist language.

for her to formally voice her complaints against the court, while the court listens, and, we are to assume, changes its ways. In this way, the films also recollect the shifts in the claims made in the women's movement at the time, moving from needs to rights (R. Kumar). *Mom* and *Mardaani* retain the argument of the failed court system of the 80s. In *Mardaani*, Karan's gang operates like they are impervious to the law, while in *Mom* the rapists are acquitted by the courts in an encounter that recalls the familiar view of the courts as a senseless circus where the 'little people'¹⁰⁴ are fighting an impossible battle against a rigged system. Nevertheless, an 8-minute montage courtroom scene in *Mom* is equally more optimistic and more defeatist than the 80s initial encounter with the courts. What we are witnessing is a well-intentioned, but weak legal system which stands defenceless against a certain type of villain and a certain kind of violent threat.¹⁰⁵

In the 1980s, the courts appear at minimum twice. First, as the site of judicial failure when, influenced by greedy lawyers, the judge makes a judgement based on moralising assumptions about what a good victim is, second, as the site of solution as the non-repentant female avenger is brought back before the judge and the judge reimposes order. In contrast, the courts are entirely absent in *Mardaani*, whereas in *Mom*, Anand continues to fight using the courts after the first case fails, but Devki decides to find her own path to justice. To me, Anand's faith in the legal system despite its failures emphasises the shift from the 80s films as the dissatisfaction with courts is never about a complete loss of faith in the system as such, but rather in how they can be limited,¹⁰⁶ like in chapter 1. That is, while there is a recognition of the systemic failure of the judiciary this is not due to insufficient laws or an inherently lazy legal system but with

¹⁰⁴ Though clearly upper middle class based on their travel habits, house, appliances and work, Devki's family is positioned as less well-connected than Charles and Mohit, two of the men who rape her daughter. In addition to being extremely wealthy, the two live separately from their parents.

¹⁰⁵ For instance, in *Mom* the villains rig the system by discrediting a witness due to alcohol, by bribing expert witnesses, and by tampering with evidence in a way that is evocative of the 80s rape-revenge films.

¹⁰⁶ In this context, it is also significant that as a male, Hindu, middle-class subject, Anand has no reason to distrust the law as he in many ways embodies the ideal imagined subject.

the people who manipulate the law. For that reason, we also do not need the final courtroom scene where the judiciary can redeem itself as the vigilante uses her defence to ask for better laws, we need action. The courtroom montage indicates the conscientious and thorough way that the case is analysed at court, emphasising the procedural elements (forensic reports, medical examination, technological surveillance, Arya's witness account). The judges' verdict that it 'cannot be established beyond doubt' that the four men are guilty, emphasises the technical judicial framework that renders law susceptible to misjudgements rather than a cultural, interpretive bias or an inherent institutional unwillingness to support wronged subjects¹⁰⁷ as many feminist legal scholars discussing rape laws have pointed to (Basu, 'Sexual Property'; Jaising, 'Gender Justice and the Indian Supreme Court: The Post-Colonial Project'; Sircar, 'Feminist Lawyering, Violence against Women, and the Politics of Law Reform in India'). Precisely because the 'real' villain is not the failed system but the villains, the films express a reality where even though extra-legal violence is framed as exceptional, it is in fact a structural necessity. While dialogues in *Mom* and *Mardaani* express a collective recognition of the failure of the judicial system ('we can escape justice', 'this will happen again', 'this won't make a difference'), the knowledge does not lead to a call for change as in the 1980s but rather a legitimisation of individual action.

But if the courts are well-intentioned but weak in the 2010s, the police are not. They are either strong and well-intentioned or strong and evil. Though representation of the police has changed significantly over the years, earlier, we might be able to tease out two generalised depictions: One is a bumbling, blue uniform-clad police constable, likely played by Ajit Sen,

¹⁰⁷ This rationale is mirrored in Devki's school's rationale for not expelling Mohit, as the principal says, as an institution it cannot act where the courts have said something else. Generally, while also drawing on the language of the new legal order I discussed in chapter 1, the trial in *Mom* frames rape trials very differently from how they are represented in *Pink* and *Section 375*.

the other police officer is efficient and loyal to the motherland,¹⁰⁸ his rank varies, and he may or may not be wearing a uniform, if he does it is most likely tan. When the loyal police officer has worn a uniform, he is most likely in a story that positions family members on either side of the law,¹⁰⁹ or if it we are talking the 80s or 90s, he might be a woman. In this narrative context, the female police officer of the 80s and 90s might be strong, but she would also be law-abiding to a fault, often to her own detriment, inevitably leading criminals to band together to ‘teach her a lesson’.¹¹⁰

In the 2010s, portrayals of law enforcement has expanded as a heightened number of films depict people working for the special police or with intelligence, but recent representations of regular police have also changed with an increasing amount of uniform-clad superhero-like characters, fighting evil wherever they see it, often glorifying violence and the nation at the same time, for instance *Dabangg*’s Chulbul Pandey (played by Salman Khan), is a corrupt Robin Hood character who is happy to slap people around while Rohit Shetty’s cop universe features¹¹¹ well-intentioned, but slightly bent cops who ‘get the job done’. *Mardaani* explicitly aligns itself and Shivani with these new police incarnations films, for instance, during a scene when Shivani is shopping for new sunglasses, the vendor compares her to both Chulbul Pandey and buff actor John Abraham, who has made a career of playing, among other things, special force officers whose job frequently asks him to prioritise security concerns above due process and legality.

¹⁰⁸ Of course, one of the most famous police officers of this brand is *Deewar*’s young and idealist Ravi. Actor Iftikhar was also very famous for playing the role of the high-ranking police officer, often with connections to Interpol, who would send the leading hero to catch the crooks. His casting as a villain in a film like *Khel Khel Mein* was deliberately used to play with audience’s expectations.

¹⁰⁹ Again, Ravi from *Deewar* comes to mind here or Jamna from *Gunga Jamna*.

¹¹⁰ Consider for instance Kiran, the protagonist of *Zakhmi Aurat*, who starts out as a dedicated police officer, likewise in *Trimurti*, police inspector Satyadevi Singh is a dedicated cop and mother who is stitched up by her rivals, while in *Andhaa Kanoon* police inspector Durga Devi Singh has chosen law enforcement as a means of avenging her parents.

¹¹¹ Ever expanding, but including films like *Singham*, *Sooryavanshi*, *Simmba*

It is not only through appearance that Shivani recalls the well-intentioned copper willing to break rules for the greater good. While in Delhi searching for Pyaari, Shivani asks Sodhi (Mikhail Yawalkar), a young police officer assisting her work, to retrieve some evidence from the police station. Sodhi worries about having broken the law and Shivani responds: ‘Always by the book, agar legally kaam karte rahoge to criminals ko kaise pakadhoge?’ (Always by the book, if you keep on working legally, then how ill you catch the criminals?). Even though her superior officer occasionally must keep her and her dogged pursuit of justice on a leash, Shivani’s holds a respected position in the Mumbai police force’s crime branch not despite but because of her willingness to ‘cross the line’ when necessary, as ‘chuha hi chuhe ko bil se bahar nikal sakta hai’ (‘only a rat can get a rat out of its hole’). For Shivani and police officers like her, walking a bit outside the law is a fact of police work, but it does not frame her or them as a ‘bad’ police officers, in contrast to the corrupt police chief in Delhi. Bad policing is taking bribes; good policing is breaking the rules for the greater good. The logic inherently relies on subjective interpretation of what the greater good is. We are given much less access to Matthew’s police persona -except that he hates vigilante action as much as criminals-, but he seems to be governed by the same principles as Shivani. For that reason, he continues to pursue Arya’s case even when his superiors talk about shutting down the case, and, as we shall see later, his interpretation of what counts as ‘vigilante’ turns out to be flexible.

The rise of the super strong, rule-breaking police officer highlights the normalisation of police brutality in Hindi cinema. Swati Parashar has emphasised the role of popular media in producing militarism (Parashar), but while Parashar focuses on non-fiction media outlets like the news, scholars like Sikata Banerjee have discussed the rise of the muscular action hero in film, especially the (male) police officer and soldier, who uses violence against a vilified other to cement and celebrate the dominance of the hyper masculine hero and the institutions he represents (Banerjee, *Gender, Nation and Popular Film in India*). We see a counterpoint to this

in the rise of particular kinds of female roles, such as Sushmita Chatterjee's 'New woman' or Sangita Gopal's taking action-women. In the 'taking action film' female characters act briskly in response to an event, coded as gendered oppression, and her action is framed as the solution. However, both her action and the event are framed as individual, particular instances rather than a move that leads to structural change or solidarity (Gopal, *Lethal Acts: Bollywood's New Woman and the Nirbhaya Effect*). The female avenger in the New Bollywood rape-revenge drama folds together muscularity and empowering action by situating her within stories where the call to action is gender violence.

Gopal's critique situates the female-oriented film within a wider discourse on empowerment. For a long time, female empowerment has been seen as a way of measuring and fostering development, and the empowerment of women and girls has been crucial to social campaigns positioning the modern neoliberal state's progressive, developmentalist agenda whose goal is to help subjects help themselves (Sharma, *Logics of Empowerment*; Roychowdhury; Keating et al.; Lahiri-Dutt et al.).¹¹² Empowerment has also become a prominent word for framing women's access to public spaces and their right to have desires in online discourses, in public discourse, and in films (Biswas) However, feminist scholars have criticised empowerment narratives as they overemphasise individualised action as response to repression and are often embedded in a neoliberalist language that foreground capability (Roychowdhury; Sharma, 'Specifying Citizenship'). To the extent that the state builds its legitimacy on the ability of the middle-class woman to choose, walk the streets, and work unmolested (Phadke et al.), high profile cases of gender violence pose a risk to the nation-state's image and the self-perception of its ideal citizen-subject.

¹¹² This also includes recent government campaigns like 'Beti Bachao, Beti Padhao' (Save the girl child, teach the girl child) focusing on girls' education, price cuts on gas cylinders for cooking, anti-smoking campaigns tied to female hygiene, and the move to legislate against 'triple talaq' in Muslim personal law to protect women from rash divorces (R. Kapur, "'Belief' in the Rule of Law and the Hindu Nation and the Rule of Law')

What makes the 2010 female rape-revenge film unique in this wider cinematic landscape of female-centred stories¹¹³ that envisions new gender roles and celebrate individualised female agency is how they specifically rely on a violence to create a spectacle of female empowerment.¹¹⁴ Both films draw attention to how Shivani and Devki build their capacity for violence in the home and through their jobs, several scenes show Shivani training physically at home and though we only see Devki's last murder, several episodes remind us of the labour that goes into the violence, such as a flashback showing her careful preparation of apple cyanide for Charles. Because the violence done to the victimised women has been connected to powerlessness doing violence back reasserts the women and girls as 'strong,' as warriors. The moments also demonstrate the contradictoriness of extra-legal action and justice within the neoliberal state, and the relationship between personal responsibility and state accountability. On the one hand, the violent subject is imagined as a capable individual who achieves her emancipation through her ability to act alone, or as a collective, outside of the state, yet it is the state, no longer accountable but authorising acts as legal or illegal, which enables this violence.

One of the recurring discussions about the 1980s rape-revenge films was whether the films created a *feminist* vision of justice, but for me, in thinking through the similarities and differences between the 1980s female rape-revenge film and the New Bollywood fantasies of female revenge in the 2010s, what interests me is the processes through which *Mom* and *Mardaani* rationalise the use of extra-legal violence done by civilians even as it is facilitated and sanctioned by the state. The high-profile rape cases in the 1980s and again in the 2010s

¹¹³ See for instance *Aiyaa*, *The Dirty Picture*, *Veere Di Wedding*, *Lipstick Under My Burkha*, and *Dolly Aur Kitty Aur Woh Chamakte Sitare* which centre female sexual desires. *Queen* and *English Vinglish* which show women learning to stand by themselves abroad. *No One Killed Jessica*, *Pink*, and *Angry Indian Goddesses* which call attention to (middle-class) women's safety. While *Ek Hasina Thi*, *NH10*, *Gulaab Gang*, *Parched*, *7 Khoon Maaf*, and *Kahaani* produce fantasies of women taking violent action against their oppressors.

¹¹⁴ The promise of this spectacle was an integral part of the promotion for *Mardaani*, such as in a dialogue promo that foregrounded multiple scenes with Shivani beating up people (YRF).

have historically mobilised people calling for swift and stringent punishment (Biswas; Agnes et al.; Sircar, *Violent Modernities*), which grants state institutions more powers to execute. Discussing the philosophy behind the death penalty in the Indian penal Code, Amit Bindal argues that ‘It is the impossible belief of recompense at the heart of law that, in the form of surplus enjoyment, desires and demands the killing of the other and thereby perpetuates the continuum of death dealings endlessly’ (Bindal 233). Some of the changes implemented in the rape laws following the 2013 Verma Commission have resulted in the death penalty in some rape cases, as swift rulings on rape serve as a ‘spectacle of emancipation’ (Sircar, *Violent Modernities*) where swift action glosses over the many times when the state does nothing and the uneven way that the laws are implemented (Agnes et al.). Yet, as Flavia Agnes cautions: ‘Enhanced punishments strengthen the state, but they don’t necessarily empower women.’ (Sircar, ‘Feminist Lawyering, Violence against Women, and the Politics of Law Reform in India’ 373), because often women’s voices and experiences continue to be marginalised in legal cases and there is nothing done to change the harmful patriarchal structures and ideologies themselves. While a spectacle of punitive justice may feel cathartic, stricter laws disproportionately punish already marginalised people (Agnes et al.), who have less access to legal support. Looking at the films in light of these realities, where violence is coded as civilian ‘vigilante’ action, suggests that the violence occurs separately from the state and might in fact weaken it. However, the fantasies of punitive justice expressed in *Mom* and *Mardaani*, facilitated by a narrative that uses violence as a sign of female empowerment, reveals how the state might benefit from making some private individuals responsible for acting on its behalf. The focus on the single, spectacular case turns rape into an individualised event separate from wider structural violences and it codes collective redress by ‘stakeholding’ communities, here women, as a sensible solution, but in the process -despite the narrative of wider systemic judicial failures- empowerment becomes a personal responsibility.

From 80s Victim-Vigilante to Justice Warrior and Victim-Daughter in the New Bollywood Rape-Revenge Drama

One of the major shifts between the 80s rape-revenge film and the New Bollywood one is the relationship between state and the female, avenging subject. Writing of the relationship between the state and family in the feudal family romances of the 1950s and 1960s, Madhava Prasad points out that the police always arrive too late (Prasad) allowing the feudal family to solve the problem privately. This was a way to manage the relationship between state and familial power at a time when the state was transitioning from feudal to capitalist, and therefore relied on both. The 1980s female avenger is a working professional who lives alone (or with younger siblings) and is therefore outside the traditional feudal family structure. This position is what puts her at risk and what requires her to act for herself. Furthermore, the outsider status is exacerbated throughout the narrative, as, after the first encounter with judicial failure, the female avenger loses her job and her position in society. The move which folds her back into patriarchal society at the end during the courtroom scene, is therefore not only significant because it manages the avenger's potential subversiveness (Gopalan), but also for how it does it. Though the court retroactively 'pardons' the lethal acts,¹¹⁵ it does not spare the female avengers from punishment. As it reasserts its power, the court posit itself as the mediator between civil society and criminals and uses law to 'punish' even morally good people when they do criminal acts. In this way, the films reveal the limitations of the law which on the one hand fail women who have experienced sexual assault but also punish them when they try to protect themselves, as both Bharti and Kiran ask, what else can they do?

¹¹⁵ Though *Insaaf Ka Tarazu* is bracketed by a cameo Dharmendra, a popular actor of the time, playing a police officer who argues that there are certain circumstances where vigilantism is necessary.

Two important differences between the 1980s avenger and the 2010 avenger come into view here, firstly, in the 2010s the female avenger is never an outsider. Secondly, the female avenger is never punished: Neither Devki, Shivani, nor the abducted girls will ever be made to face justice for their actions. The New Bollywood rape-revenge drama creates a condition where the state -through muscular representatives of law enforcement - legitimises civilian violence, thus guaranteeing that the avenger can act with impunity. It creates a curious cognitive disconnect where, on the one hand, the state is often physically present, as police, while it is narrated and framed as absent, as law and the courts. In this juncture when the state (as the courts) cannot legally act, it legitimises actions by its subjects done on its behalf in the name of justice or security, suggesting a recognition that ultimately the 2010 avenger and the state have the same goals.

For this reason, we should not read Devki and Shivai' as the vigilantes of the 80s but rather as justice warriors, what we are watching is not vigilante justice but extra-legal justice, while it is not strictly 'legal' it is a structural part of maintaining order. By extra-legal violence I therefore refer to transgressive acts of violence, that would normally be considered illegal and against the law, yet they are legitimised and rationalised as necessary acts of justice. Furthermore, rather than making the state look weak, extra-legal acts function as an informal extension of the state as they are done by citizen-subjects whose values and goals align with the state's, and indeed, like in *Mom* and *Mardaani*, they may even be done in the presence and with the encouragement of state representatives. By examining the processes which render violent vigilante acts into extra-legal acts in film I am extending an analysis done by scholars like Thomas Blom Hansen who have complicated the narrative of state and the rule of law in 'opposition' to mob justice and civic violence,¹¹⁶ what they call attention to is how civilian

¹¹⁶ See also the work of Nandini Sundar, Poulami Roychowdhuri, and Latika Vashist and Jyoti Sood for a discussion of these connections (Sundar, 'Public-Private Partnerships in the Industry of Insecurity'; Vashist and Sood; Roychowdhury).

violence is variously legitimised or delegitimised by the state. The legitimisation often relies on a language of security, hurt, or moral justness which is often tied to the class and caste positionality of the doer of violence (Hansen, *The Law of Force*; Hansen, ‘Democracy Against the Law: Reflections on India’s Illiberal Democracy’). My analysis suggests how popular culture’s response to events on the street shape commonsensical knowledges about what constitutes ‘good violence’ as they can tap into these legitimised vocabularies of hurt and security, while explicitly addressing the audience. Notably, where the 1980s female vigilante has no authority and operates outside of society the 2010s justice-warrior is part of society. The 1980s female avenger commits her act of vengeful violence *for herself in (nominal) opposition to the state*. Though the subversive nature of her actions is eventually curtailed, the need for the violence is in itself a critique of the courts as the 80s vigilante underscores with her j’accuse speech at the end. In contrast the female justice warrior in *Mom* and *Mardaani*, though temporarily framed as someone who breaks the state’s ‘rules’ and the rule of law, works with the state and when she commits her punitive violence, she does so *on behalf of* the state who witnesses and endorses the act even though it continues to frame it as outside of its purview. She is not blaming the courts for its failures but acts where they cannot.

The transition from 80s vigilante to justice warrior in the 2010s correlates with the division of the victim-vigilante into victim-daughter and warrior-mother in *Mom* and *Mardaani*. The split turns the female avenger of the 2010s into a ‘concerned bystander’ or ‘party to a crime’ in a way that seems more akin to the male (rape-)revenge dramas,¹¹⁷ especially since the split

¹¹⁷ An apt term for describing this is ‘fridging’ or ‘being stuffed into a fridge’, a highly gendered storytelling device. In fandom circles ‘fridging’ refers to when a character (often female or a person of colour) is brutalised, killed, or traumatised to move the plot forward for another character, frequently male. Stories about fridging foreground male pain or ‘manpain’, meaning a male character’s behaviour is explained through their tragic past where they witnessed a loved one get hurt. Yet most of the hurt is displaced onto a vanished female body, now rendered a plot device. For the significance of this trope, see also YouTube user twwings’ video essay ‘The Price’ and their elaborate discussion of the work (twwings). In the 80s we see the fridging trope films like *Mera Jawab* (1985) and *Teri Meherbaniyan* (1985) where the rape and death of the female character sets the male hero on a journey of revenge. More recently, *Kaabil* (2017) featured a blind man who gets his revenge on after the rape of his wife while *Bhoomi* (2017) followed a father who avenges his daughter’s gangrape.

keeps the vigilante as protagonist, as a warrior-protagonist. The split in the warrior-protagonist and victim changes the motivations and the subject-position of the warrior-mother, allowing her to act without any prior victimisation. In *Mom* and *Mardaani*, the legitimisation of the vigilante is no longer premised on her *own* humiliation meaning that Devki and Shivani are acting from places of relative power. The story of sexual violence becomes the b-story to rationalise the warrior-protagonists' violence. In *Mom* and *Mardaani* the actions of the warrior-protagonist are legitimised because the victim-vigilante split aligns with a daughter-mother relation, allowing the warrior to act using a vocabulary of maternal duty and care to justify her actions.

Moreover, the warrior-mother's capacity and ingenuity in using violence becomes a spectacle of female empowerment that weaponises 'traditional' domestic skills and values. For this reason, though the private space is not an unambiguously safe space,¹¹⁸ it *is* framed as the site where both Devki and Shivani improve their skills and capabilities. The affordances of the middle-class home and family pave the way for Shivani and Devki to be good mothers and justice warriors. At home, Shivani often wears the complete tan police uniform¹¹⁹ while performing domestic chores, working out, and interacting with her family, emphasising the integration of Shivani's various roles as a wife, caregiver, and public servant. Similarly, Devki's knowledge as a biology teacher (knowledge of the anatomy of the body, the properties of apples), her acts of care and nurturing in the home (by preparing dinner, chopping food) are repurposed for her extra-legal acts of violence against Arya's rapists. It enables her to castrate Baburam and poison Charles. The films create a world where 'traditional virtues' are reimagined as powerful capacities for a new generation of mothers. In this way, the films are

¹¹⁸ For instance, Karan calls Shivani at home and reminds her, that he knows where she lives and even sends Pyaari's finger to her home address.

¹¹⁹ In contrast, when she is in the streets Shivani often wears regular clothes consisting of plaid shirts with rolled up sleeves and jeans.

not only part of Gopal's 'taking action women' genre (Gopal, *Lethal Acts: Bollywood's New Woman and the Nirbhaya Effect*) but also of an emerging new script about motherhood.

In the next couple of sections, I examine more closely the processes which rationalise extra-legal violence, and how they specifically interpellate us as audience.

A New Aesthetics of Rape

In the 1980s, what legitimises the women's acts of vigilantism is the visual evidence of each of them getting raped. Feminist scholars and activists expressed concern with these often graphic depictions of sexual violence, because it meant that the women's agency was not only premised on their own victimisation, but also, it seemed like their subsequent violence could only be legitimised by this prior brutalisation (Gopalan). Some scholars have also argued that the films created a space to give a visual and visceral expression to women's sense of outrage with the failed system and pleasure in dispatching the villains (Mazumdar, 'The Legal Unspeakables: Rape in 1980s Bombay Cinema'), as seems to be the case in *Zakhmi Aurat* where multiple scenes repeat the clinical process of castrating suspected rapists. However, as Jyotika Viridi points out, in many films, like *Insaaf Ka Tarazu*, there is a disproportionate representation of the violence depicted in Bharti and Neetu's rape in contrast to Ramesh's (the villain's) quick death (Viridi, *The Cinematic imagiNation: Indian Popular Films as Social History*).

Moreover, the 80s rape-revenge films were often accused of depicting sexual violence in exploitative or ambiguous ways and the representation of the rape(s) in the 1980s often catered to the male gaze. For instance, *Zakhmi Aurat* repeatedly replays scenes from Kiran's rape, supposedly to illustrate Kiran's traumatising. Yet the repetition and duration of a scene where Kiran is rendered powerless, with shots that show Kiran's body in sexually suggestive positions which were otherwise seldom picturised in such a straightforward manner in Hindi cinema,

suggests both an eroticisation of Kiran's rape and enables a sadist pleasure in her victimisation.¹²⁰ The filming of sexual violence often eroticised or otherwise facilitated a scopophilic, sadist pleasure in the victim-vigilante's pain (Karki; Gopalan; Viridi, 'Reverence, Rape – and Then Revenge'; Mazumdar, 'The Legal Unspeakables: Rape in 1980s Bombay Cinema'). Moreover, the aesthetic of rape was often reframed as ambiguous during the court case. For instance, while Bharti's rape in *Insaaf Ka Tarazu* emphasises Ramesh's use of power and force, Bharti's sister, Neetu, is seemingly unable to determine Bharti and Ramesh's relationship during her testimony in the court, thus facilitating an ambiguous reading of the rape as rape. The uncontested discourse on how Bharti's public persona affects her sexuality furthers this ambiguity.

Mom and *Mardaani* respond to the critique of the 80s films by choosing an entirely different aesthetic for representing rape and other forms of sexual violence. On the one hand, neither the victimised daughter nor the warrior-protagonist is ever treated as objects of erotic desire,¹²¹ on the other, the rape scenes themselves leave no room for ambiguity or viewing pleasure. In *Mom* Arya's rape is entirely obscured from view while *Mardaani* prevents any identification with the perpetrator or any sadist pleasure in the pain. Quoting the director and casting director of *Mardaani*, Shreerexha Pillai Subramanian discusses how the film sought to

¹²⁰ Other scenes repurpose tropes and aesthetics from other types of films while depicting rapes and rape attempts. A rocking car on the beach. A rape attempt on a young girl, with playful music, slow-motion comedic motions, and lustful glances and licked lips as one of the rapists slides his hand up the innocent and blindfolded girl's thigh and unties/unbuttons her blouse. The songs 'Pal Pal Jale Meri Aatma' and 'Tauba Tauba Allah Tauba', both sung by Asha Bhosle, long-time voice of divas and vamps. While the former song recollects flirtatious lover song-sequences like Vyjayanthimala's seduction of her husband in *Sangam*, the latter's picturisation hails back to cabaret dances and 'distracting the villain in their lair' dances, this association is amplified as the song is picturised on Aruna Irani whose career is largely based on a number of vampish roles.

¹²¹ The absence of eroticism is further emphasised given the star persona of Rani Mukerji and, especially, Sridevi. Both accomplished dancers, who in the past have played highly eroticised characters. Sridevi's stardom in the 80s and 90s was especially connected with her sexuality. While she was often the biggest draw of the films, her characters frequently had to wear outrageous, exotic costumes in at least one scene and many of the roles were underdeveloped as they were primarily there to be erotically exciting (Bose). Rani Mukerji's star persona is less overtly sexualised, though her breakthrough role was as sexy Tina in *Kuch Kuch Hota Hai* who nevertheless has very traditional values. Moreover, her 2012 film *Aiyyaa* playfully centres a woman who becomes obsessed with a man due to his scent.

avoid further sensationalism or scopophilic enjoyment in the abducted girls' victimisation (Subramanian) even as it tries to concretise the multiple forms of violence and subjugations that sex trafficking entails. For instance, even as Pyaari is the point of view character in these episodes, they are nevertheless presented as a collective experience. A scene shows the new 'batch' of abducted girls being forced to undress while a panel survey their bodies to decide their fate. A shower scene recollects images of forced bathing familiar from Holocaust photographs and films. Later, when one girl coughs, the gang decides to shoot her as that is the less costly option. We see the girls being prepared for their first client meetings with makeup, fancy clothes, and new anglophone names, but the camera emphasises the girls' discomfort at the entire grooming process. From the moment of their capture, the girls are treated in humiliating and dehumanising ways, as goods. We come to know them through their suffering rather than as eroticised objects. The routine nature of the scenes further cements the institutionalised nature of this form of violence, while the focus on multiple forms of harms and humiliations produces a narrative of sexual violence that extends beyond the more visible and physical forms of violence related to abduction, rape, and enforced prostitution.

Pyaari's first rape happens as part of this wider set of scenes showing the girls' suffering. During it, the camera abstains from displaying Pyaari's body, focusing instead on her facial expressions, particularly her pained face. The violence of the rape is enforced by the parallel drawn between Meera and Pyaari at the start of the film, as it makes us recognise Pyaari as a young girl who should be attending school and having fun. Pyaari's rapist/first client is a nameless man who simply takes what is offered him. Despite Pyaari's sexualised grooming, her rape happens as an effect of a transaction where neither Pyaari the person nor even Pyaari the sexualised object seems to matter. Rather than eroticising, the scene shows rape as an assertion of power which leaves Pyaari's helpless and suffering. Coming after many other forms of humiliation, the rape becomes one among many forms of victimisations done to Pyaari

and the other abducted girls, illustrating that sexual trafficking consists of multiple forms of violences, both physical, psychological, material, and structural.

In addition to Pyaari's rape, *Mardaani* includes a depiction of an attempted rape. A chief minister, who for much of the film hovers nefariously in the background as one of Karan's important clients, is 'given' a drugged Shivani by Karan. In the hotel room, the minister, dressed in the white of a good politician of high caste,¹²² reveals the level of his moral corruption when he gleefully says that he likes it when a woman fights back.

Minister: 'Dekho har kisi ko apne apne shauq hote hain. I'm sure tumhare bhi honge. Mera shauq to yeh hai.'

Shivani: 'Aap kya sach much mujhe rape karne aye hain?'

Minister: '[jhoot moot] kaise rape karte hain mujhe nahin pata. Tum jii lagake fight karna tabhi to maza aaega.'

In English translation:

Minister: 'Look, everyone has their own interests. I'm sure you too have yours. *This* is my interest.'

Shivani: 'Have you really come to rape me?'

Minister: 'I don't know how low lifers rape. You fight with your entire being, then the real fun begins.'

Like the scenes with the grooming of the abducted girls, sex and desire in this scene has little to do with what is generally perceived as 'lust' or lechery, but rather the sexual pleasure comes from the wish to dominate someone who does not wish to be dominated. Shivani is not

¹²² For the connection between white clothes and caste see for instance Priti Ramamurthy's work on the practice of wearing white among smallholding cotton seed farmers (Ramamurthy).

attractive to the minister for her sexualised body, but for her potential to scream, fight, resist, and be subjugated. Her position as a high-ranking police officer, increases his pleasure in subduing her.

While *Mardaani* reframes rape aesthetics to decentre eroticism, in *Mom*, Arya's rape is entirely obscured from our view. From the moment the door shuts on Arya in the car until we see her body roll out of the car into the gutter we are never let into the vehicle and are prevented from viewing her rape, though we are still made to witness it from a distance. By preventing us visual access to Arya and her rapists, the scene forecloses any potential eroticisation or sadistic pleasure, instead, the cinematography taps into the anxieties about urban rape, focusing on the closed doors of the car with its black-toned windows, the empty, dark-lit road,¹²³ and the eerie soundlessness even as a rhythmic boom reverberates. These visceral references to other high-profile cases spare us from the graphic depiction of Arya's rape itself, however, her positionality as a young, middle-class woman, and the aftermath, left for dead in the gutter, mark Arya's sexual assault by an exceptionalising spectacularity. Moreover, the scenes evoke a sense of spectatorial helplessness. We are forced to witness as the film crosscuts between this scene of the car and Devki's frantic search for Arya at a crowded party, reminding us that she too is too late. As powerless bystanders we are compelled to feel Devki's anger.

The representation of sexuality and desire in *Mom* and *Mardaani* ends up reproducing the logic of 'good private sex' and 'bad public sex' which has a long history in legal interpretations (R. Kapur, *Erotic Justice*) and policy-making (Devika) and which has led to valorisation of the private space and the marginalisation of sex workers and other people working on the street. The narrative places public sexual desire on screen while showing it to be perverted, transgressive, violent, and harmful, while other healthier expressions of sexual desire are not

¹²³ The aesthetic recalls not only Jyoti Singh's rape, but also addresses the growing rate of urban rapes occurring in vehicles (Amrute), inserting Arya's rape into an imaginary of urban middle-class fears of rape.

simply relegated to the couple in the domestic space, but to a private place beyond the screen. Devki and Shivani's relationships with their husbands are never shown to be linked with sexual desire. The absencing of 'good sex' not only from the public space in the films, but also from the public space of the film screen in the female rape-revenge film means that respectable, middle-class, upper caste, female-gendered bodies are largely divested from sexual pleasure and desire. They are filtered through the lens of either duty and care (as civil servants, mothers, and wives) or violence (as victims); they are portrayed as justice-warriors (Shivani and, eventually, Devki) or mournable bodies (Pyaari and Arya).

Mournable Bodies

As the aesthetics of rape shift from eroticisation to trauma, Arya and Pyaari's bodies and emotions nevertheless function as spectacles. As an unseen act of terror which exists beyond the physical act (in Arya's case), or as a highly visible act that is one of many harmful acts (in Pyaari's), the focus shifts from the rape itself to the experience of powerlessness, victimisation, and brutalisation of the disempowered girls. While we check in with both Arya and Pyaari throughout the films, the scenes serve mostly to underscore their repeated and ongoing experiences of pain and humiliation. It is an opportunity for us to witness and feel angered on their behalf, not to centre their experiences. Discussing the relationship between Pyaari and Shivani in *Mardaani*, Subramanian writes: 'the apotheosis of the female body as divinity [Shivani] is corralled against the other extreme of the degraded female body, both virginal victim and colonized subject [Pyaari],' (Subramanian 154), reading Pyaari's victimisation as a spectacle of violence whose function is to produce the narrative of a female avenger, coded as divine through the music and goddess imagery, highlights the violence that preconditions the empowered woman. Specifically, the split between victim and warrior, and the fact that neither Arya nor Pyaari are protagonists, risks turning their experience into trauma porn or them into

‘mournable objects’ or ‘mournable bodies’¹²⁴ whose suffering incentivise or legitimise others to take action.

The instrumentalisation of gender violence as a spectacle that rationalises and legitimise extra-legal, punitive violence can also be applied to *Mom*. If *Mardaani* uses visuality to spectacularise pain, *Mom* reveals Arya’s trauma by emphasising her withdrawal into herself and her refusal to speak, while using various background songs to remind us of her pain. Her mute refusal leaves the horror of her experiences to our imagination and encourages us to fill in the blanks with the stories that circulate in the news and on social media. As an audience we know her only through her pain. After her rape, audience’s access to Arya becomes limited, as she turns into a silent, unresponsive figure who mostly appears like a cipher of suffering. She performs acts that have been codified as signs of rape trauma in the cinematic imaginary, crouching in a foetal position and endlessly washing herself. Her face is mostly emotionless and withdrawn. An exception to these moments of eerie quietness are the brief smiles and reactions, including words, when she receives news of the ill fate of her perpetrators. The instrumentalisation of the spectacle of violence as trauma and pain frame the disempowered girls as a mournable body, by which I mean a body, as an individualised spectacle of violence, that solicits public outrage and anger.

As a victim whose subjugation rationalises the use of violence and produces a collective justification and argument for extra-legal violence, the mournable body is as much an appeal to the witnessing spectator as it is the precondition for the female avenger, the justice warrior-mother. The mournable body becomes a way to frame the victim of sexual violence as someone

¹²⁴ The mournable body draws on a long history of discussions of the power dynamics and viewing position of the gaze, see for instance Ella Shohat (Shohat) and Chandra Mohanty Talpade (Mohanty). In her discussion of how our experiences of suffering are mediated through images, Susan Sontag points out that while images of suffering calls on ‘us to be either spectators or cowards’ (Sontag 42), the decontextualised reception objectifies the bodies we are witnessing and also makes suffering a condition of our care. Images’ role in structuring what makes a life grievable is something Judith Butler has discussed in *Frames of War* and *Precarious Life* (Butler, *Precarious Life: The Powers of Mourning and Violence*; Butler, *Frames of War: When Is Life Grievable*).

deserving of justice by legal or extra-legal means, as a ‘good victim’, without associating the victimised subject themselves to the language of honour (instead, as I will discuss shortly, it hinges on the respectability and ‘honour’ of those who mourn or care, like us the audiences, and the maternal warrior-protagonists). The mournable body calls on audiences to witness the experience of violence as trauma and to take action when the courts cannot. Specifically, it connects the action with female agency and empowerment, suggesting that by taking action against the oppressor, women can ensure their own freedom.

It is worth asking what makes Arya, as a single individual, an object of pity through the reference to her suffering alone, while we must witness multiple scenes of Pyaari’s, as part of a collective, brutalisation and subjugation? Inadvertently, a comparison of the two films reveals something about how experiences of precarity and threats of sexual violence and the public responses they provoke are structured not simply around gender but also caste, class, and religion. Even as neither film explicitly comment on these interlocking identities (as mentioned earlier).¹²⁵ By comparing the diegetic response of ‘the public’ to the crimes suggests how Arya and Pyaari’s subject-positions influence what makes a mournable body. From the moment Arya is discovered in the gutter, her story is followed intensively by the media. Highlighting the significance of the case to the general public, the family’s struggle is documented and amplified by screens (phones, television, filming) which connect many scenes and circulate information about the courtroom proceedings -the case runs behind closed doors as the judge suspects it will prompt attention- and, later, the fate of the acquitted rapists. Mirroring the public

¹²⁵ In fact, Mardaani largely represents sex trafficking as a universal issue. In the lair of the sex-trafficking gang it becomes clear that the gang abducts without care for anything as people come from different backgrounds and locations. A scene shows gang members plotting to abduct what looks like middle-class college girls, suggesting an undiscerning interest in how the girls’ subject position influence their precarity. In fact, in its emphasis on the street as the space of danger, the film produce threat in ways that speak to middle class fears, where one of the main outcries of recent feminist mobilisation is the ability of women to occupy the street and public spaces (Biswas; Phadke et al.). See chapter 1 for additional discussion of this topic.

mobilisation of real-life high profile rape cases (Biswas; Agnes et al.) the media coverage highlights that Arya's case has moved from an individual concern to a public interest issue.

In contrast, a recurring problem in *Mardaani* is that not enough people care about women and girls like Pyaari. The topicality of *Mardaani* is illustrated by the end titles and the decision to make the film tax free in Madhya Pradesh ('Rani Mukerji's "Mardaani" Will Be Tax Free in Madhya Pradesh'), however, only *Mom* includes references to the media's coverage and the public's involvement with the crimes suggesting the uneven attention from the media that different types of sexual violence and its victims receive and suggesting that some women's lives matter more than others. In fact, even as the film frames gender violence in universal terms, Karan vocalises this differential treatment in *Mardaani* as he complains about Shivani's dogged pursuit of him when the reality is that women are picked up and discarded everyday without the media or anyone else noticing. He insists that it is only the accident of Shivani's relationship with one of the victims, Pyaari, that makes her care about the fate of the girls. Despite this recognition, dialogically and in its conclusion, *Mardaani* produces a narrative of sexual violence that imagines a universal solution to empowerment rather than acknowledging how the specific experiences of gender, threat, and precarity are shaped by the subject-positions of those who have been victimised, gender alone makes the abducted girls vulnerable to their fate. The assumed lack of care from the rest of the world is never connected with Pyaari's precarious position as a street hawking orphan. Because Pyaari's positionality is universalised, the solution to her precarity becomes a matter of individualised action, empowerment, rather than a call for systemic change (Madhok and Rai).

The comparison between *Mom* and *Mardaani* emphasises the flattening and universalisation of experiences which underpins Pyaari's story. But what would happen to Pyaari and the other abducted girls if Shivani had not come? Would their emancipation through violence be celebrated and sanctioned by the state in the same way or would they be punished?

Would their acts be rationalised as justice and empowerment? To the extent that empowerment is imagined as an extra-legal violence, it fails to recognise how the different relations between subject and state in many cases makes such ‘empowering acts’ of justice impossible or undesirable. While the law has validated and legitimised some expressions of anger and hurt, this legitimisation is largely based on the person’s caste, class, religious affiliation, etc (Hansen, ‘Democracy Against the Law: Reflections on India’s Illiberal Democracy’; Zecchini; Blom and Tawa Lama-Rewal). In *Mom* and *Mardaani*, the structuring logic about whose violence is legitimate and whose angry feelings are righteous is narrated as a clear binary between good and evil, but the binary disguises how the interpretation of the moral value of the deeds hinges on the subjective interpretation of police officers Matthew and Shivani.

Caring Mothers, Wives, and Warriors

Shivani’s insistence that Pyaari matters reveals a powerful vector in the rationalisation of extra-legal violence: motherhood. Shivani’s care turns Pyaari into a mournable body as their relationship moves Pyaari from being a random girl (as Karan suggests) or a dehumanised number in sex trafficking statistics to being someone’s daughter. She has a respectable mother who can tell her story and can claim justice on her behalf. As indicated by the title, motherhood is likewise essential to *Mom*. Several characters comment on the presence and absence of Arya’s mom. Her rapists taunt her that her mom will not come to help her, Arya refers to her own helplessness because she has no mom, and when confronting Charles after poisoning him with apple-cyanide Devki tells him that ‘maa aa gayi’ (‘mother has come’). In a context where the life of the girls is continuously dismissed, and indeed as b-characters in stories about their experiences of sexual violence, having a respectable, committed mothers who are willing to break laws on their behalf, reinforces the claim that Arya and Pyaari do deserve protection.

As I also discussed in chapter 2, historically, the family has had a privileged position in Indian law and cinema. Legally, matters pertaining to the family have been treated as personal law or as a private matter which is outside the purview of the legislation altogether.¹²⁶ In cinema, as mentioned earlier in this chapter, films of the 1950s and 1960s presented the family as a feudal institution. While these films might show a tension between individuals and the patriarch, the resolution was found in negotiating the individual's desire within the family unit, which itself was never questioned (Prasad). In New Bollywood, the family as an institution has been reconfigured as a site for 'psychological healing, but at the same time it has also become a more capacious and contingent unit.' (Gopal, *Conjugations Marriage and Form in New Bollywood Cinema*) which needs to be reaffirmed through acts of care and communication. *Mom* and *Mardaani* demonstrate the capaciousness through the kinship networks in the films; Shivani and Bikram are parents, but both their daughters are in a sense 'adopted', while Devki and Anand have created a family that on Anand's side at least is a second marriage and which turns Devki into a 'stepmother' to one of her daughters. The two families reflect New Bollywood's commitment to new familial constellations where biological kinship is not enough to guarantee commitment,¹²⁷ but use Devki and Shivani's commitment to the family unit despite these obstacles to virtue-flag them.¹²⁸

¹²⁶ See for instance the work of Flavia Agnes, India Jaising, and Ratna Kapur (Jaising, *Men's Laws, Women's Lives*; Agnes, 'From Shah Bano to Kausar Bano: Contextualizing the Muslim Woman' within a Communalized Polity'; Sircar, 'Feminist Lawyering, Violence against Women, and the Politics of Law Reform in India'; R. Kapur, *Erotic Justice*; R. Kapur, "'Belief' in the Rule of Law and the Hindu Nation and the Rule of Law").

¹²⁷ For instance, in one of the early scenes with Pyaari and Shivani, they discuss how Pyaari came to be in Shivani's care after Pyaari's uncle told her to be sold into prostitution. With Meera sitting next to them, the knowledge of the greedy uncle reminds us that even her and Shivani's relation is based less on their biological kinship but on Shivani's commitment to the family.

¹²⁸ Contrast Devki and Shivani's relationship with the rich history of non-biological mothers in Hindi films. While it would be a simplification to say that all wealthy stepmothers have been conniving and seeking to oust their stepchildren for their biological child's advantage, this is nevertheless a recurring trope, same with mother-like aunts of orphaned nieces and nephews, while mother-like servants have traditionally been self-sacrificing and loving. On the other hand, the adopted child in the childless family is often treated as a favourite (at least to one of the parents), even if a biological child is born later. *Mom* and *Mardaani*'s dedicated middle-class mothers reflect the contingency of the family unit while never themselves threatening it.

Shivani and Devki's roles of warrior, mother, and wife are expressed through the narrative of care. The first half of both *Mardaani* and *Mom* uses care to establish a bond between mothers and daughters by incorporating scenes that demonstrate everyday acts of care. Devki and Shivani ask their daughters about their day, ensure that they are fed, and plan events. Through these acts of care the characters confirm their commitment to the family as a unit (again, in light of the contingent family). Yet despite these actions, Arya refuses to recognise Devki's position until the end and one of the ways she fights off Devki is by reminding her that while mothers accept daughters into their life, daughters do not accept mothers into theirs. A quote which is not explained further but seems mostly a result of Arya's disdain for Devki. Arya's resentment of Devki's position in her family makes her unable to recognise Devki's everyday acts of care, while Arya's discovery that Devki has punished her rapists with violence makes her accept Devki as her 'mom'. Importantly, the narrative makes it clear that it is *only* Arya who has failed to recognise Devki's commitment to her. For instance, in one of the first meetings between DK and Devki, DK expresses his sympathy by telling her he knows how she feels. Devki first responds that nobody knows how she feels, but DK insists. As a father himself, he knows how a parent, especially a mother, feels for their children. The recognition of Devki's position within the film ensures that while Devki's role as a mother is presented as a point of conflict with Arya, the audience is never in doubt that Devki has this role, and therefore also that she has moral authority and maternal duty on her side. Arya's change of heart at the end suggests that she reads Devki's extra-legal violence as acts of care. Care then exists on a spectrum that in extreme or exceptional circumstances include willingness to do violence. Because it is framed as being on the same continuum as everyday acts performed thorough their roles of wife, mother, and employee, Devki and Shivani's willingness to do violence, to be the warrior' (Banerjee, *Make Me a Man!*; Sarkar) is not a radical choice.

In *Mardaani*, care is inherently tied to the argument that we should be concerned with Pyaari's fate. Pyaari herself never questions Shivani's investment, and Shivani's job means that it is her literal duty to save Pyaari. However, to Karan and the corrupt chief of police in Delhi, Shivani's personal feelings make her obsess about rescuing Pyaari and avenging her abduction, and they ascribe her perseverance to her overly emotional female gender. Issues of care, commitment to the family, and what constitutes a family are thus woven into Shivani's dogged search for her daughter and the other abducted girls as Shivani's familial duty becomes an extension or expansion of Shivani's duty as a police officer. The conflation of police duty and maternal duty is what at first makes Shivani persist in her hunt despite objections from the top brass and later it expands her sense of responsibility from the one, Pyaari, to the whole group of abducted girls. Shivani *is* clearly emotionally invested, but in her interactions with her family and friends, she is rather framed as someone who does not perform according to gendered norms (she does not wear sarees, she would rather compare herself to male police officers, she makes raunchy jokes), her gendering comes through only in acts of mothering. As audience we know that her insistent search for Pyaari is motivated by her role as a mother and commitment to her uniform, as both give her a sense of responsibility to protect someone in her care. Shivani's principled commitment, and her willingness to break laws not due to a moral deficit but rather based on her principles, signals a shift from the clientelic police officers who stand idly by that one might hear of in the news.

Moreover, through the nexus of the family, *Mom* and *Mardaani* produce an instrumentalised femininity rooted in the private sphere. Sikata Banerjee and Tanika Sarkar have analysed how the symbols of heroic mother, the chaste wife, and the celibate warrior create ways for (Hindu) women to imagine themselves as part of the nation-building project

and claim power (Banerjee, *Make Me a Man!*; Sarkar),¹²⁹ for Devki and Shivani, their roles as wife, mother, and warrior naturalise the protection of their daughters and their homes as a (civic) duty and rationalises the use of extra-legal violent acts to achieve this goal. For instance, DK and Devki meet on Rajiv Chowk's metro platform where he gives her the information about the first victim. Following this, they discuss the work Devki is planning to do:

DK: 'Bholenath par bharosa rakho, Bhagwaan sab thik kar dega'.

Devki: 'Bhagwaan har jagah nahin hota hai, DK ji.'

DK: 'Pata hai, isi liye toh usne Ma banayi hain'

In English translation:

DK: 'Trust in god, he will make everything ok.'

Devki: 'God can't be everywhere, Mr DK.'

DK: 'I know, that's why he made mothers.'

DK rationalises and naturalises Devki's behaviour as a god-given necessity and a key part of her maternal duties.¹³⁰ The mother as a symbol of the divine is underscored in the next scene,

¹²⁹ In this context, see also Nisha Pahuja's documentary *World Before Her* which partly follows a Durga Vahini training camp, partly a training camp for a Miss India pageant. The documentary draws some interesting parallels between the two 'worlds' that highlight the entanglement of the 'traditional' and 'modern' expressions of 'authentic Indian' womanhood and how they are used in laying claim to the project of the nation-state, see also Anandi Rao's discussion of the film (Anandi Rao).

¹³⁰ This framing of motherhood as divine is not unique to *Mom* of course. In Hindu mythology there are several incarnations of the mother as an avenger, most notably Durga, one of the principal incarnations of the mother goddess in Hinduism, who in many legends fights evil powers and unleashes her divine wrath on oppressors for the protection of her children. Sumathi Ramaswamy's work examines how the shifting figure of Mother India participated in structuring the nation geographically and symbolically, shifting visions of Mother India itself has been envisioned as a mother (Ramaswamy). Cinematically, the mother also has a rich history as a figure who often negotiates key conflicts and themes in the film by demonstrating the power of sacrifice or by becoming the ultimate voice of the state, see for instance the work Jyotika Viridi (Viridi, *The Cinematic imagiNation: Indian Popular Films as Social History*). For a survey of the role of the mother in contemporary India see Anu Aneja and Shubhangi Vaidya's work (Aneja and Vaidya), Jasodhara Bagchi's *Interrogating Motherhood* (Bagchi) or Maithreyi Krishnaraj's edited volume *Motherhood in India* (Krishnaraj). Recent made for streaming shows like *Mai: A Mother's Rage*, *Leila* highlight the continued significance of the role of the mother, while Indrani Karmakar's work examines motherhood in Indian women's literature (Karmakar).

when Devki walks through billowing saffron-coloured sheets, partially obscured – her shadow reflected, slightly bigger than her actual body. Given the significance of saffron colour within Hinduism, this image evokes Devki as the avenging goddess with the (actual) gods on her side. As she emerges from the drapes, they turn out to be washed linen that flow around her in the wind like prayer flags. Through the framing of the victim-daughter and justice warrior-mother, punitive violence is on the one hand rationalised as justice, on the other hand naturalised as a duty.

The representation of Devki and Shivani as wife, mother, and public servant (police officer, teacher) points to the kind of middle-class respectability and state-subject relations imagined of extra-legal violence justice warriors. On the one hand, as I mentioned earlier, the film solicits a righteous anger of the audience on behalf of the disempowered girls. In *Mom*, DK and Devki meet at a gallery of modern art for their second meeting. They discuss a large, mostly red picture. When DK asks what this picture is about, Devki responds that it is an image of Draupadi washing her hair in Dushasan's blood,¹³¹ she goes on to remind DK that with the *Mahabharat* as one of its founding stories, revenge is part of the cultural DNA of India. While Devki refers to this cultural heritage as 'revenge,' her description of the events frames it not as 'petty revenge,' but revenge as 'justice,' a punitive justice. In this way, it contrasts with the vengeful behaviour of the films' villains.¹³² Even though Matthew refers to Devki's acts as 'badla' (revenge) for much of the film, contrasted with the selfish, criminal behaviour of Mohit and Charles and reinforced by the anger-inducing images of the traumatised, disempowered body of Arya, Devki's violence, her angry revenge motivated by care, is coded as a legitimate act of justice. The bifurcation produces revenge as 'bad' or 'good', on the one hand, it is a cruel

¹³¹ Draupadi, a king's daughter, is one of main women in the Hindu epic *Mahabharat*, she is married to five brothers. In many episodes in the *Mahabharat*, Draupadi experiences various kinds of gendered harassment, such an attempt to disrobe her by Dushasan, and she demands revenge (Desai). Draupadi therefore serves as a particularly powerful symbol for visualising gender justice.

¹³² A similar juxtaposition of motive frames how violence is understood in *Mardaani*.

and crude demonstration of power,¹³³ on the other hand, it is a collective and natural act of extra-legal violence done in the name of punitive justice, it is a collective act done as an act of care for the greater good which empowers the doer(s).

Moreover, the films connect Devki's anger with respectability through the term 'sharif' meaning loosely 'good', 'honourable' or 'respectable'.¹³⁴ The term comes up when Matthew and his assistant discuss whether what is happening to the gang rapists is revenge or not, and if it is revenge, whether Devki's family could do something like this. It is here that Matthew's criminal assistant insists that the family is not involved in any foul play because the family is 'sharif.' In this case, being sharif works as a guarantor for honourability, as it indicates a class position and a degree of culture which is seen as incommensurate with criminality. Yet, when Matthew later repeats the theory to Anand (speaking as if he is of the same mind as the criminal assistant), Anand counters it by saying that while they *are* sharif they are not stupid and if he had the opportunity, he *would* act against the gang rapists. The emphasis on respectability forecloses wrongdoing, but importantly, it does not foreclose violence, rather it creates a logic where not all violence is the same. Anand's argument needs to be read within a context that rationalises violence when done as justice and celebrates revenge when framed as protection of the home and the family. His argument bifurcates the logic of violence articulated by the film more generally, suggesting one is inherently destructive, while another is morally 'good,' necessary, and can be done as an act of duty.

¹³³ Karan turns to even more sadistic means of humiliation and power assertion which is directed at innocent people with less power. We can also think of DK's bloody death by Jagan in this context.

¹³⁴ The term is often applied based on assumptions about the person's personality and background and serves as a guarantor for morality, gentility, or propriety. Its use here is reflective of its wider use in Hindi cinema, in the legal cinematic imaginary it is often used in a secular way both to complicate and support how the court and the state perceive people.

Legitimising Violence

Throughout both *Mom* and *Mardaani*, we move between a narrative that on the one hand presents the situation Devki, Shivani, and the girls find themselves in as exceptional; on the other as a fact of systemic judicial failures that imply extra-legal violence to be much more common. This tension is exacerbated at the climax of both *Mom* and *Mardaani*. While extra-legal violence has been framed as a result of the legitimised anger of the public, as mother or justice warrior, who acts when the state cannot, yet towards the end of both films we find ourselves in situations where the police –Shivani and Matthew- are present at the scene of crime and talk about arresting the villains. Yet despite this, both Matthew and Shivani opt to let Devki and a group of angry women act, not only that, but they also actively facilitate their violence by providing the tools that legitimise it, a gun and a law. In *Mom*, the state shows its support by witnessing an act of murder, in *Mardaani* the state supports through wilful blindness: by absencing herself Shivani will not be able to identify individual ‘culprits.’ To return to my questions at the start of this chapter: How is it that with the state, as the police, literally standing right there -albeit in plainclothes- we can nevertheless rationalise the need for the public to act for the state? Why is this transfer of the power of violence celebrated as empowering rather than as a sign of state failure?

On the one hand, spatially, the films construct the fantasy of a place beyond the law. In *Mardaani*, the final encounter between Shivani and Karan is set in a dark warehouse with only a small window. The room is almost underground and seems at a remove from the rest of the world in an unspecified locale. Though we know the room is connected to a ritzy hotel, as a hub for a variety of illegal and perverted behaviour, it is a place where no one will come to save anyone. Shivani articulates the absence of law in this space when she says the police will come, seemingly separating herself from the police. In *Mom* the final confrontation happens at

Johnson Cottage, in a far removed, mountainous part of India.¹³⁵ The location's remoteness is emphasised by the bird's eye view shots of a lonely car winding its way along an empty road lined by snow-capped mountains. The wide shots from above mirror those of Arya's rape earlier in the film. However, the desolate, dimly lit, urban road that lay scene to the rape has been exchanged for a winding, empty road cutting through vast nature with blue, open sky above. Rather than watching helplessly from outside dark-tinted windows, we are allowed into the car with the family, and a montage of them playing, laughing, and sightseeing while the song 'O Sona Tere Liye'¹³⁶ is playing brings a sharp contrast to the earlier horror. The scene provides a rare display of familial joy which is soon disrupted by the arrival of Jagan. To the characters and to audiences, Jagan's intrusion renders the idyllic, snowclad environment threatening and hostile, removed from society and its laws. In both cases, the geographically and spatially isolated locations push the narrative of the absent state.

Of course, the reliance on the civilians' extra-legal violence is also a result of the law's weakness. Previously I discussed how the climax of the 80s rape-revenge film creates a platform for the victim-vigilantes from which they can accuse that courts of wrongs and demand legal reform, while in the 2010s rape-revenge film the courts are treated as well-meaning, but weak. Therefore, while the 80s rape-revenge films demonstrates the weaknesses of the system, it also imagines a solution *within* the system – the legal space becomes one that can, however implausibly (Gopalan), transform. In contrast, *Mom* and *Mardaani*, the solution to the weak law is a police force willing to bend the rules for 'the greater good' combined with an informal expansion of the state into the private sphere. Therefore, while extra-legal violence gets narrated as an exception, it is the accepted, rationalised norm because elements within the system cannot be handled by the state institution whose job it is: the courts.' For instance, in

¹³⁵ According to Arya, Johnson Cottage is near the hill station Kufri in the state of Himachal Pradesh. However, the scenes were shot in Georgia and Bangkok according to the filming schedule.

¹³⁶ Music by AH Rahman, lyrics by Irshad Kamil. The lyrics address the wish for Arya to be happy again.

Mom, part of the Rajiv Chowk¹³⁷ dialogue between DK and Devki on the platform is repeated twice as it reoccurs when Matthew discovers DK's recording device after his death. Feeding Devki information about her first victim, DK continues: 'Ab mujhe nahin pata hai jo kar raha hoon woh thik hai ya galat hai.' Devki responds: 'Galat hai. Lekin us se bhi zyada galat hai kuch nahin karna. Galat aur bahut galat mein se chunna hon to aap kya chunenge?' ('Now, I don't know whether what I am doing is right or wrong.' 'It's wrong. But it is worse than that to do nothing. If you have to choose between wrong and very wrong, then what will you choose?'). Occurring after Devki has lost faith in the judiciary, the scene sets up Devki's actions as choice between two evils. Her willingness to violence is an ethical duty that demonstrates her care for the state. It is a logic which relies on a legal dystopia where the law has no effect and proposes the civilian subject as the agent of committing violence.

Notably, in the final scenes where Matthew and Shivani step aside, both *Mom* and *Mardaani* remind us of the systemic judicial failure which not even the police's dedication to justice can rectify through law. In *Mardaani*, in the standoff between Shivani and Karan, Karan meets Shivani's triumphant statement that he will be arrested and made to face justice with a taunting reminder that with his power, money, and connections he will be able to escape. It is at this moment that Shivani abandons talk of the police or the courts, and instead reminds Karan, the abducted women and girls, and the audience that 'lok bil' (people's law) means that if more than fifty people commit a murder it is not considered a murder but a public outrage. She then leaves the room, closing the door on Karan and the abducted girls – an invitation for them to take punishment into their own hands.

In *Mom*, Matthew's change of heart happens after a tumultuous fight in the snow. A chaotic encounter in the cottage leaves Anand seemingly dead, Arya fleeing into the winter landscape

¹³⁷ The same scene where DK said mothers go where god cannot.

with Jagan in pursuit, and Devki running after them to protect her daughter. As Devki enters a clearance, we cut to a bird's eye view of her small, white-clad form in a forbidding, empty, white space that emphasises the desolation of Devki's circumstances. Then we track towards Devki from the back as Jagan pounces on her. Yet, as Jagan pulls out his gun and prepares to shoot, he shudders and drops it as he falls. Matthew, gun in hand, has returned to reassert law and order. Matthew and Jagan fight until Matthew wrestles his gun free and Jagan looks to be conceding defeat. But then the camera trails back to reveal a second gun (Jagan's) being aimed at the back of Jagan's head, at first exposing only the white cuffs of the hands holding the gun. A frog's eye view from Jagan's perspective positions Devki as a determined, vengeful devi. While the scene features a lot of bait and switch about who has the upper hand, in the end both state (through a representative from law enforcement) and Devki end up holding a gun. While Jagan continues to be seen as a threat, he is now essentially decapitated. The switches in power dynamic of course serve to create extra tension, but they also serve to maintain the sense of exceptional circumstances even when the police have arrived on stage.

What follows is a curious moment where the state (through police officer Matthew) affirms its control and then reasserts its power by acceding that power of doing justice to the angry public (here represented by a single person) who feels in the right. The scene is worth examining more closely. Matthew makes an appeal to Devki, trying to make her calm down and drop the gun by telling her he has the evidence to ensure Jagan will be condemned this time. During the speech, Devki keeps up a repeated flow of frustrated mantras. The first is an angered question 'how dare he touch my daughter.' Spoken as Matthew appeals to her senses, it pits rational, objective law and visceral, maternal anger against each other as if they are mutually exclusive. As Matthew slowly moves towards Devki, lowers her hand, and takes away her gun we are led to believe that the reason of law prevails over personal emotion. However, Devki starts repeating a more accusatory phrase. 'Yeh sab phir se hoga aur aap kuch nahin kar

sakte hain. Aap kuch nahin kar sakte hain.’ (‘It will happen again and there’s nothing you can do. There’s nothing you can do,’) while she tears at her hair and cries. It is a dialogical shift from the angry accusation of the rapist to the despair with a cyclical injustice that cannot be stopped by the system. The critique moves Jagan’s acquittal from a personal concern (‘my daughter’) to a collective threat (when it happens again it could be to anyone). The plea transforms from a language of blind, impassioned revenge to a ‘reasoned’ argument about the court’s inability to deal with rape cases. Though Devki’s voice, her physical expressions, and her mannerisms reveal the emotions informing both statements, her emotions now suggest a wider, righteous anger. In response, the state (again through Matthew) reinforces its control and then uses it to empower an angry public.

Matthew’s change of heart reveals that he too, like Shivani, ultimately believes that the end justifies the means. During Devki’s speech, the camera shows his face undergoing a mix of emotions until a frog’s eye view shows him with his arm extended. In the shot, Matthew’s body takes up half the screen while in the right corner we see strands of Devki’s hair. The position evokes the power dynamic of a ‘god-like’ being and their subject, an authority-figure judging the request of a supplicant. We see movement at Matthew’s other arm, and he places his own police gun in Devki’s hands saying ‘Agar marna hi hai to sahi gun se maro.’ (If you have to kill him then use the right gun). Up to this point there has been little reason to expect a change of attitude, after all he has threatened Devki, telling her he hates it ‘bahut zyada’ (‘even more’) when civilians try to do his job than he hates it when guilty people are acquitted by the courts and even earlier in this scene he warned Devki that her acts would have consequences. But Devki’s dialogical shift, highlighting structural judicial failure and recalling the frustrations of an anonymous public, further legitimises Devki’s maternal claims to punish.

Spectacle of Violence: Punishment, Empowerment, Discipline

Ultimately, however, *Mom* rationalises violence by folding together maternal care and punitive justice and by using a language of empowerment. When Matthew gives her his gun, the possibility of performing state-sanctioned violence at first creates a new moment of crisis for Devki. But during an extended exchange of silent anguish (Devki), frantic supplication for life (Jagan), and incitement to violence (Matthew), we see movement behind a tree, Arya, quiet and listening. We hear a crack and see a foot stepping out from behind the tree. Mathew turns around, then Jagan, while Devki is too focused on the task before her. Matthew looks at Arya then down, his face inscrutable. Jagan is tense. Like us in the audiences, they both know that the arrival of Arya is a game-changer, though we do not know how. Then Arya sheds a tear and hesitantly says: ‘Mom.’ Recognising Devki’s position as her mother for the first time at the moment when she hears of Devki’s punitive acts on her behalf, suggests it is Devki’s ability and willingness to do this violence that qualifies her as a mother in Arya’s eyes. As I said earlier, she interprets Devki’s willingness to do violence as an act of care.

The scene folds together Arya’s acceptance of Devki as mother with Matthew’s recognition of Devki’s right to punish Jagan, Devki’s violent acts become the symbol of a caring, maternal warrior. If, as mentioned, the concern of middle-class women has been to imagine a position within the state, Devki fulfils this imaginary by fusing the narrative of the caring mother with the narrative of the empowered, capable women of modern India. As the caring mother, Devki acts for her child, as the outraged, but capable citizen-subject, she acts for the state. When Devki hears Arya’s words, her face hardens in resolution (no more shaking or tears). The gun is fired during a frontal shot that focuses on the mouth of the gun while Devki’s face is blurred, centring the act of punishment rather than the agent of punishment. Momentarily, Devki is turned into a blunt weapon who we literally cannot pin to the crime because the gun is not hers

and her face is obscured from view. Devki continues to fire until the cartridge is empty and even beyond that. Empty clicks reverberating.

In *Mardaani*, the end scene extends empowerment from mother-cum-police officer, Shivani, to the girls captured by Karan. When Shivani exits the warehouse, the camera focuses on the pained and angered faces of the abducted girls while the sound of conches announces the beginning of 'Mardaani Anthem.' The song consists of a mix of Sanskrit verses to the Hindu goddess Durga¹³⁸ and Hindi lyrics such as 'Aaj se ab se//Aan meri main tumko na choone dungi' ('From today, from now, I won't let you touch my honour'), 'Par chhed ke dekho tum mujhko//Main tumko nahi chhodug' ('But tease me and see//I won't leave you'), 'Jis duniya mein maa bahinen//Rishte nahi, gaali hain// Us duniya se maryada ke rishte saare todungi' ('The world in which mothers and sisters are not relations, but curses, I will break all the relations of dignity with that world'). The song functions as a call to action, through the refrain 'main tumhe nahin chodungi' (I will not let you go/I won't leave you), while the references to the various subjugations and marginalisations experienced by women despite the frequent discourse of veneration, points fingers at a hypocritical, patriarchal society. Pairing the song with shots that continually cut between Shivani's stoic face, outside the room, and the girls' angry and anguished faces, and their moving feet as they kick into Karan's body, and the bloodied face of Karan getting increasingly bloodier, the scene turns the destruction of Karan *and* the venting of the girls into a spectacle of violence that also functions as a spectacle of female emancipation (Sircar, *Violent Modernities*) and punitive justice. Strict, bloody punishment is seen as a way to give recompense for centuries of oppression that will ultimately empower the disempowered and victimised.

¹³⁸ Durga is commonly invoked in Hindi cinema, especially in the rape-revenge films of the 80s and 90s but also in earlier films of dutiful mothers committing violence. See for instance *Trimurti*, *Anjaam*, *Mother India*.

Spectatorial Pleasures

As audiences, we are not just imagined as witnesses to the enactment of justice, but we are invited to participate, to *do* justice and *become* empowered. According to the law cited by Shivani, 50 people are required to perform public outrage. Yet, there are not more than twenty girls in the storeroom with Shivani, so if the number of people really is a prerequisite for the girls to act with impunity, then Shivani must be anticipating that more people are participating than those visible on screen. Relying on the need for catharsis by an audience and a public with vivid memories of high-profile rapes and their limited chance for justice through the legal system, the film leaves us in the basement with the angered girls and the villain, and it recalls our past experiences of gendered oppression through the use of ‘I’ in ‘Mardaani Anthem’ during the moment of violence. Doing violence becomes the path to justice and freedom from oppression. By not having any actor lip-sync the lyrics (though the gender of the verb ‘chodungi’ (I will leave) does imply a female-identifying subject), the ‘I’ becomes a collective, voicing the frustrations of the group rather than a single individual. Of course, the lyrics do not in themselves promise violence as they simply state that ‘I will not let you go,’ but the promise of emancipation announced by the lyrics is tied to violence through the combination of lyrical, visual, and sonic cues. In the scene, empowerment and justice is imagined through violence.

The inclusion of audience in the final act of violence calls attention to how violence has been used as a pedagogical spectacle throughout. In the scene in *Mardaani* where Shivani has been left seemingly helpless to be a sexual toy for the sadist chief minister, it swiftly turns on its heads when she demonstrates that she has been feigning vulnerability, and summarily decapitates the politician. The threat of rape offers an early opportunity to showcase the capacities of the empowered female-subject by producing a spectacle of female strength that folds together violence, justice, and a celebration of empowerment. On the one hand, the new aesthetic of rape and sexual violence as trauma taught us our anger was rightful and turns

viewing into an act of witnessing or ‘bearing witness,’ on the other, it prepares the reframing of extra-legal violence as a spectacle of empowerment and punitive justice.

Conclusion: Pedagogy of Violence

Violence has a complicated relationship with law. On the one hand, violence is framed as a symptom of the rule of might and therefore perceived as antonymic to the rule of law. Where the rule of might gives the strongest person the power to rule on the basis of their strength (Vashist and Sood), the rule of law is supposedly democratic, treating everyone, regardless subject-position, as an equal citizen. In earlier chapters I have discussed the limits of this imaginary of law and citizenship. By extending my analysis to the role of violence in maintaining justice in *Mom* and *Mardaani*, I extend work of Thomas Blom Hansen and Nandini Sundar by illustrating that violence is an integral part of governance and of law (Hussain; Sundar, *Justice as Art, as Artifice and as Advertising Billboard*; Hansen, *The Law of Force*). Looking at this function of violence through film highlights the tension between articulating extra-legal violence as something exceptional, tied to exceptional circumstances, even as the films reveal this kind of violence as a much more mundane presence.

While responses to rape and other forms of gender and sexual violence are deeply dependent on class, caste, religion, sexuality, and gender, the wide public mobilisation against rape during the 2010s have posed a problem to the authority of the state, even if the critique might ultimately strengthen it (Agnes et al.). Reading the new modes of female representation in New Bollywood, specifically the rape-revenge film, in the context of these discussions of law and justice highlights how a dual narrative of spectacular-violence-as-justice and spectacular-violence-as-empowerment in the female-centric rape-revenge film can be used to rationalise extra-legal violence as a response to perpetual judicial failure. The celebratory depictions of female empowerment through acts of violence and of newly empowered women

as ‘justice warriors’ leverage feelings of public outrage and state failure to reframe ‘bad’ vigilantism as ‘righteous’ extra-legal violence, for this reason I suggest thinking of them in the context of a pedagogy of violence. The pedagogy of violence in *Mom* and *Mardaani* operates on three levels: the films *teach* violence as a normal, reasonable civic response (indeed a civic duty) to achieve justice and empowerment, the films *teach through* violence, specifically sexual violence as a threat to female subjects, and the films *teach with* violence by disciplining those who commit ‘harm’. As the three addresses from *Mom* and *Mardaani* suggest, the pedagogy of violence militarises, normalises, *and* disciplines (Parashar), it functions through the spectacle of violence as much as through the rationalisation and legitimisation of violence as empowerment and justice.

The narrative and aesthetics of violence in *Mom* and *Mardaani* suggests the ways we can think of the spectacle of violence as a pedagogical tool. In their discussion of the relationship between violence and law, Vashist and Sood write that we must consider: ‘informal violence’s capacity to extend the state. That is, we need to consider not only how the state can legitimise its own violence by relabelling it as ‘force’” (Vashist and Sood xvii). By framing extra-legal violence as necessary violence that relies on the violence of the (citizen-)subject (as mother, civil servant, or wife) to do the work of the state, *Mom* and *Mardaani* enacts some of the imaginaries of state-sanctioned and state-extending informal violence. The films translate judicial failure into opportunities for female empowerment and expressions of mothering, presenting imaginaries that negotiate the questions of legality and duty and offering a vision of capable women who can, and have the duty to, defend themselves and those in their care. Devki and the victimised girls’ justice is one that runs parallel to law and state authority, but it *does not* run counter to the law. As justice warriors, they act for the state, solving judicial failure by acting where the law cannot.

Coda

On my last few fieldtrips to India, I have sat in several cinema halls in Jaipur, Mumbai, Delhi, and Lucknow, where I have sometimes been one among only a handful of audiences, sometimes part of a big crowd. As a researcher who examines how cinema is part of the everyday processes of law, witnessing this low number of audiences on so many occasions cannot but make one wonder, even *if* cinema produces law, if nobody is engaging with it, does it even matter? However, from my conversations with fellow audience members, friends, colleagues, and people on the streets, from witnessing how films and stars are cited in other social and political spaces, and from observing the dialectic between films, topics, and wider conversations occurring in media and various public spheres, I have also been reminded of the wider social and legal fabrics that cinema is a part of. And so, I have returned to my question, how *does* cinema produce law? And given the way it dramatises law through publicity, narrative, and visuality, what kinds of law is it producing?

To answer the question, I have focused on an archive of films released in the 2010s, which all deal explicitly with issues related to gender, sexuality, and desire. I have performed a close, comparative analysis that brings the films into conversation with recent legal reforms, such as the decriminalisation of homosexuality and anti-rape laws, to demonstrate how structuring elements of contemporary cinema, narrative: the way it dramatises encounters with law through a goal-oriented narrative centred on the individual, publicity: how it makes use of visibility and spectacle to publicise newness and its circulation in broad mediascapes where its meanings are open to interpretation, and visuality: part of a wider visual culture that shapes perception, become integral to how law is constituted as the site of solving social problems when Hindi cinema dramatises law. By examining three distinct, gentrified New Bollywood genres, the courtroom drama, the romantic comedy, and the female rape-revenge drama I have found that

law's ability to solve problems hinges firstly, on an assumption of an equal experience of citizenship, regardless of subject position. Secondly, on the use of violence which I have shown serves both to govern subjects and to regulate state-subject relations.

As part of my analysis I have demonstrated, how New Bollywood cinema produces citizenship as a legal fact accessible on equal terms to all. I argue that such a framing facilitates treating contentious, societal issues as 'problems' to be solved because lived experiences are commodified and depoliticised. In the films I have examined, Hindi cinema has incorporated new voices and experiences into its stories. The publicity of the films prepares us to watch narratives that foreground a crisis of the state sparked by the presence of new subjects and topics that have not previously been part of mainstream Hindi film narratives. As the stories unfold, the state reaffirms the legal rights of the new subjects, while turning structural violences into individualised experiences. Though the films create rich, realistic worlds that signal subjects' position, as we saw in *Section 375* and *Shubh Mangal Zyaada Saavdhan*, the specificity of these lived experiences are gradually vanished into commodifiable aesthetics as the story evolves to create universalising narratives. With the promises and rights of citizenship treated as a legal fact, access to power becomes about the empowerment of the individual.

Secondly, across my chapters I have documented the structural importance of violence as an instrument of governance for state and private citizens alike. The threat of violence becomes a rationale for the state to regulate behaviour through law as in chapter 2, or, when paired with judicial failure, a rationale for police and citizens to use law themselves. By drawing attention to how the films narrate, visualise, and publicise different forms of violence and the response they solicit from the audience, I have demonstrated how cinema creates different grammars for understanding and recognising violence and experiences of violence which is essential to how we understand the relationship between law and violence. In my analyses I have shown how

physical violence -as a spectacle or as an absence- becomes a way of rendering other forms of structural violences invisible.

Throughout my dissertation, I have been in conversation with scholarship from Cinema and Media Studies, feminist legal criticism, and South Asia area studies. My work contributes to these conversations by tracking contemporary Hindi cinema's engagement with law across multiple conversations to demonstrate how cinema is part of the social process of law. My findings extend discussions about how law's authority is constituted by demonstrating how mainstream cinema sustains ideas about a new legal order (Sircar, *Violent Modernities*) by reframing structural issues as problems that can be solved through law. By demonstrating the depoliticization of topics and subjects which happen through this move, my dissertation asks us to consider what the conditions of belonging are – both on screen and in law.

Sustaining a continued focus on law and cinema as they engage with questions of gender, sexuality, and desire, the work done in my dissertation could be extended to examine responses to trans rights, same sex marriage, and the broadening spectrum for understanding violence against women. These are all topics which have been the subject of public debate in recent years, even as the Supreme Court ruled against same sex marriage in October 2023 ('India'), thereby curtailing the optimistic progress narrative of the law. Moreover, as I have gestured towards in earlier chapters, specifically in chapters 1 and 2, these are all spaces where we see New Bollywood engaging with the legal field in more or less explicit ways, and where a deeper understanding of how cinema dramatises law might offer new insights into what meanings of law and the state are being produced.

I would like to wrap up this dissertation with a final example that illustrates some of the changes to New Bollywood cinema and its engagement with the law that I have outlined throughout my chapters. When Sharmila Tagore made her return to the screen in *Gulmohar* in

2023, she played family matriarch Kusum Batra who, after her husband's death, reveals her intention to move out of the joint family haveli to pursue a relationship with another woman. The film explores the different tensions caused by Kusum's decision, but ultimately it encourages us to see her as being 'in the right' and to understand that the family must adapt to accommodate the various needs of its members if it is to survive as a unit. The film, made for streaming, landed on our home screens in 2023 and is part of the same growing archive of queer stories and stories centring a new kind of female desire which I have outlined earlier in this dissertation. As we know by now, Kusum's story is not as unusual a subject for Hindi cinema as it might have been even a decade ago, but it is this change, and the altered perception of Kusum and her desires in comparison with Sharmila's earlier 'desiring women' roles, which highlight much of what interests me about the role of law and how a new legal conception of a universal citizen-subject structures belonging in present-day New Bollywood.

In her heyday in the 1960s and 70s, Sharmila -with her beehive hair and her well-defined, kajal eyeliner - oozed sexual desire.¹³⁹ During this period she portrayed several women who in various ways seemed to be 'punished' for having desires.¹⁴⁰ In these films, many of her characters were social outsiders or 'fallen' women, that is, she played the kind of woman whose presence in the public space caused anxiety and was subject to regulation by the state. Moreover, in several of these films, Sharmila's character is made to take the stand in a court of law, defending herself in a patriarchal courtroom. While Sharmila's star power ensured that even these 'outsider-coded' women were given a humanising voice, like the female avengers

¹³⁹ When she was featured on the cover of a 1966 cover of the national, English-language magazine *Filmfare*, she became the first Indian actress to appear in a two-piece bikini in a magazine (*Filmfare*, 'Throwback'). She also wore a swimsuit in the 1967-film *An Evening in Paris*. Indeed, many of her films at the time frame Sharmila's characters as women who have sexual desires. For instance, there are a lot of licked lips and, notably – unforgettably - she lets Dharmendra nibble her finger in *Chupke Chupke* -a film that is basically all linguistic pranks as foreplay.

¹⁴⁰ See for instance films like *Aradhana*, *Amar Prem*, *Charitraheen*, *Anaari*, *Mausam*, *Namkeen*, *Safar*, and *Aa Gale Lag Jaa*.

in the 1980s their return to respectable society was mediated through narratives that reinforced the patriarchal state and the status quo (Viridi, *The Cinematic imagiNation: Indian Popular Films as Social History*; Chakravarty).¹⁴¹ The narrative of the film creates a spectacle of pity, through melodrama, and punishment, through sacrifice, to dramatise how such subjects can be brought back into respectable society.

In contrast, in 2023, *Gulmohar's* Kusum, much like the main characters in *Pink*, *Mom*, and *Shubh Mangal Zyada Saavdhan*, makes claims on her family and, implicitly, on the state. Her suffering -not shown- is in the past when she compromised her queer desires for the sake of the family, while her ability to speak up now signals her empowerment and agency. Like the films in my dissertation, *Gulmohar* explores a moment of crisis where the status quo -of the family, the law, society- is forced to accommodate the claims of a historically marginalised subject who, conscious of her rights, feels entitled to make claims on the state.

My dissertation has asked the question, how does cinema contribute to our understanding of law as a social process? What knowledges and meanings does Hindi cinema produce about law, citizenship, and justice? How does it do so? As an example of how New Bollywood has responded to legal reforms and public debates about gender, sexuality, and desire, the changed trajectory for Sharmila's desiring women's gestures towards the answer. As I have demonstrated, the law continues to regulate desires, however, unlike the 1960's and 1970's explicit punishment of wayward women (in *Aradhana*, Sharmila's character Vandana has to spend 12 years in jail for defending herself against rape!), in New Bollywood films today there is an implicit assumption that the citizen-subject is aware of their rights, that they are able to make claims, and that the state structures support them. Whatever struggles the narrative creates for

¹⁴¹ While this could be said of many of the stars of the 1960s and 1970s, in my opinion, Sharmila Tagore is especially connected with desire and transgression at a time when this was still mostly the prerogative of eternal vamps like Helen.

its characters, Kusum and the people I discuss in my chapters are no longer framed as structurally marginalised but are treated as de facto citizens with unimpeded access to law and the state because of their awareness of their rights.

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Chupke Chupke. Directed by Hrishikesh Mukherjee, 1975.

Cocktail. Directed by Homi Adajania, 2012.

Court. Directed by Chaitanya Tamhane, 2014.

Dabangg. Directed by Abhinav Singh Kashyap, 2010.

Damini. Directed by Raj Kumar Santoshi, 1993.

Darlings. Directed by Jasmeet K. Reen, 2022.

Deewar. Directed by Yash Chopra, 1975.

Dil. Directed by Indra Kumar, 1990.

Dilwale dulhania le jayenge. Directed by Aditya Chopra, 1995.

Do Aankhen Barah Haath. Directed by V. Shantaram, 1957.

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Ek Hasina Thi. Directed by Sriram Raghavan, 2004.

Ek Ladki Ko Dekha Toh Aisa Laga. Directed by Shelly Chopra Dhar, 2019.

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Ghar. Directed by Manik Chatterjee, 1978.

Gulaab Gang. Directed by Soumik Sen, 2014.

Gulmohar. Directed by Rahul V. Chittella, 2023.

Gunga Jumna. Directed by Nitin Bose, 1961.

Himmatwala. Directed by K. Raghavendra Rao, 1983.

Insaaf Ka Tarazu. Directed by B. R Chopra, 1980.

Kaapil. Directed by Sanjay Gupta, 2017.

Kabhi khushi kabhie gham. Directed by Karan Johar, 2001.

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Kanoon. Directed by B. R Chopra, 1960.

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Lal Dupatta Malmal Ka. Directed by Ravinder Peepat, 1989.

Leila. Directed by Urmi Juvekar, 2019.

Lipstick Under My Burkha. Directed by Alankrita Shrivastava, 2016.

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Maja Ma. Directed by Anand Tiwari, 2022.

Mardaani. Directed by Pradeep Sarkar, 2014.

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Margarita, with a straw. Directed by Shonali Bose, 2016.

Mausam. Directed by Gulzar, 1975.

Mera Jawab. Directed by N.S. Raj Bharath, 1985.

Meri Jung. Directed by Subhash Ghai, 1985.

Mirch Masala. Directed by Ketan Mehta, 1987.

Mohabbatein. Directed by Aditya Chopra, 2000.

Mom. Directed by Ravi Udyawar, 2017.

Moondru Modichu. Directed by K. Balachander, 1976.

Mother India. Directed by Mehboob Khan, 1957.

Mr. & Mrs. '55. Directed by Guru Dutt, 1955.

Mr. India. Directed by Shekhar Kapur, 1987.

Mrityudand. Directed by Prakash Jha, 1997.

Mughal-e-Azam. Directed by K. Asif, 1960.

Nagina. Directed by Harmesh Malhotra, 1986.

Namkeen. Directed by Gulzar, 1982.

NH10. Directed by Navdeep Singh, 2015.

No One Killed Jessica. Directed by Raj Kumar Gupta, 2014.

Pad Man. Directed by R Balki, 2018.

Parched. Directed by Lena Yadav, 2015.

Phool Aur Patthar. Directed by O.P. Ralhan, 1966.

Pink. Directed by Aniruddha Roy Chowdhury, 2016.

Piya Ka Ghar. Directed by Basu Chatterjee, 1972.

Pratighaat. Directed by N. Chandra, 1987.

Pukar. Directed by Sohrab Modi, 1939.

Queen. Directed by Vikas Bahl, 2013.

Raksha Bandhan. Directed by Anand L. Rai, 2022.

Rocky Aur Rani Kii Prem Kahani. Directed by Karan Johar, 2023.

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Sangam. Directed by Raj Kapoor, 1964.

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Section 375. Directed by Ajay Bahl, 2019.

Seema. Directed by Amiya Chakravarty, 1955.

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Singham. Directed by Rohit Shetty, 2011.

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The Dirty Picture. Directed by Milan Luthria, 2011.

Toilet: Ek Prem Katha. Directed by Shree Narayan Singh, 2017.

Trimurti. Directed by Mukul Anand, 1995.

Veere di wedding. Directed by Shashanka Ghosh, 2018.

Vicky Donor. Directed by Shoojit Sircar, 2012.

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