

Sub-theme 6 Normalization of violence & subversion of Constitutional Values

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Right to life and personal liberty are sacrosanct rights guaranteed by the Indian Constitution to all persons. Consequently this fundamental right carries with it a corresponding obligation on the part of State agencies to create a conducive environment for the protection and promotion of the right. Additionally, the Indian State has a clear constitutional mandate to ensure that the said rights are not violated, either by state or non-state actors acting individually or as a group. Violence strikes at the root of the constitutionally guaranteed right to life and personal liberty.

Violence and threat of violence, on grounds including that of gender, caste, religion, nationality, sexual identity, ability and ethnicity, undermine the sacrosanct right to life and liberty. It is inadequate for the government to point a finger at non-state actors and outfits, distance itself and absolve its own responsibility. Recurring violence takes place with impunity primarily due to the laxity, indifference, callous and casual approach, corrupt practices and culpable action/inaction of law enforcement agencies and the administration. Scuttling of justice through a subversion of constitutional values, contributes to a climate of impunity, which emboldens perpetrators, leading to a state of cyclical and escalated violence.

‘Normalization of violence’ is a process by which violence and threats of violence, which are otherwise considered abhorrent and irreconcilable with the constitutional framework, come to be regarded as “normal”, acceptable, justifiable and explainable. Normalization of violence against women, in particular, is effected through a combination of victim blaming and shaming, toxic masculinity, internalized misogyny, patriarchal assertions, public-private dichotomy and

manifestations of male, casteist and communal supremacy. Violence perpetrated within the family, in the community, by state agencies and through the market reinforce one another to subjugate women and deprive them of their citizenship rights guaranteed by the Indian Constitution. Such forms of violence are perpetuated through structural discrimination that is embedded in the functioning of core democratic institutions. Normalization of violence takes place through a subversion of constitutional values of justice, liberty and equality, enshrined in the Preamble to the Indian Constitution.

The women's movements' persistent struggle for equality, liberty and justice for women, both in contexts of violence against individual women as well as in mass crimes, in private and public spaces, stands in complete contrast to state apathy, complicity and culpability for violence against women. Perpetrators who enjoy political and economic clout, escape from the clutches of law with impunity, through a deliberate failure of the police to perform their constitutionally mandated duties, with the blessings of the administration. The recent example of a law student who has been arrested for extortion, while her alleged perpetrator of repeated rapes enjoys state's protection in the comforts of a five star hospital, and the dropping of murder charges against an influential politician who is alleged of rape of a minor girl and facilitating custodial killing of her father in Unnao, are stark examples that illustrate that justice for violence against women remains an incomplete constitutional dream. The absence of justice for mass killings, rapes and other forms of violence against women from religious minority, tribal and Dalit communities, as well as in militarized contexts, further illustrate the complete undermining of constitutional values through a normalization of such forms of violence. Such normalization is often accompanied by the rhetoric of national security and silencing of voices of dissent. However, the phenomenon of normalization of violence and increased repression has also been countered by social movements that challenge such forms of hegemonic power, violence and impunity, through peaceful and democratic means, particularly the use of constitutional values as a counter-majoritarian tool. Individual women and women's groups, have made successful strategic interventions, and assertions of their citizenship rights under the Indian constitution, even in a context where law is increasingly being used to exclude communities from constitutional guarantees of life, liberty, justice and equality. Association of Parents of Disappeared Persons, Naga Mothers' Association, Extrajudicial Executions Victim

Families Association - Manipur, Women against Sexual Violence and State Repression as well as several movements consisting of Dalit and adivasi women continue to seek justice and accountability for state violence through constitutional means. An inquiry into such movements, their efforts and strategies, discourses and articulations will lead to renewed hope in constitutional means for achieving justice, and expand our understanding of victimhood and agency.

While this theme is expansive, it hopes to focus more specifically on the following sub-themes:

1. Right to life, liberty and equality: Challenges posed by mass crimes and impunity (Mass crimes include identity-based targeted violence on communities as well as violence in militarized contexts.)
 2. Examining the liberal framework: potentials and limits of the Indian Constitution vis-a- vis normalization of violence
 3. Everyday Violence, Citizenship and Gender
 4. Violence in spaces outside the national constitutional framework - like refugees.
 5. Violence in resistance movements
 6. Violence and resistance in digital spaces
 7. Non-violence as a philosophy and its gendered implications
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