

# An Altercation Between Justice and Power -

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[Meenakshi Ganguly](#), South Asia Director at Human Rights Watch, has spoken out on what she claims are politicized cases and this leads to a clash between public support and the need for justice in India. Ganguly asserts that rape cases are influenced or controlled by politics in India, [where police officers occasionally decline to take down complaints especially if the accused are politically connected or come from influential societies. It looks at how caste councils and political pressures affect the resolution process making some victims withdraw their statements or modify them.](#)

## What is “Politics of Rape”?

The term “[politics of rape](#)” refers to the complex and sensitive ways in which sexual violence intersects with societal power structures, beliefs, and attitudes. It involves understanding rape not just as an individual act of violence but also in the context of broader sociopolitical dynamics, such as gender inequality, power imbalances, and cultural norms that may excuse or normalize sexual violence.

A lot of rapes on public figures are often media charms and political machinations. In 2012, there was a gang rape and murder case in India known as the [Nirbhaya incident](#) which caused not only nationwide demonstrations but also resulted in many judicial reforms. In

this case, various political leaders expressed their views concerning women's security while newspapers had stories portraying how our police should behave themselves. However, concentrating on a few cases can overlook larger problems prevailing in justice administration systems and general society's perception of rape.

Certain cases attract too much media attention and even turn into political issues depending on their ability to influence people's thoughts or election prospects for that matter. To a greater extent, these cases would make them political narrative-friendly or opponent-bashing fodder than others. For instance, Hathras's case in Uttar Pradesh was much discussed by both the media and politicians as it was viewed through the lens of caste and communalism and other similar cases of that time were downplayed or ignored altogether. This selective focus can result in different reactions towards sexual violence as well as limited strategies to handle it comprehensively.

**Rape politics also reveal the institutional and societal discrimination that runs deep.** The lack of political connections or disability to locate oneself among marginalised communities can make it difficult for victims to get justice. For example, caste, religion, and socio-economic status can affect the law's ability to convict. This issue is further complicated by selective responses towards sexual violence from political leaders and parties whose goals align with their electorates' interests rather than addressing the more systemic need for reform.

Legal reform like those introduced after Nirbhaya aims at strengthening rape prosecutions' legal framework. Although they are all important progress, there are times when these reforms are undermined by poor implementation or even enduring societal biases. By making use of these reforms, politicians may show that they care about women's security while bypassing the fundamental issues of enforcement and societal attitudes involved in such cases.

In India, there exists a tangled web of media sensationalism, political opportunism, societal biases, and legal reforms when it comes to rape politics. When certain events are highlighted while others are silenced, political agendas thrive and societies accept or reject practices based on their beliefs. To effectively combat sexual violence in the country we need to transcend these political theatrics by concentrating on real, structural modifications to the justice system as well as societal mindsets.



Doctors protesting about the Kolkata RG Kar rape and murder case

## The timelines :

### The Politicization of Rape Cases under the UPA Government (2004-2014)

The political manipulation of rape incidents under UPA is a notorious dilemma in India's legal and political fabric where justice, authority, and public perception have been interacting continuously. Politicization meant that rapes were used as political instruments to sway the discussions on justice, victimhood, and governance while still relying on politicians who benefited from such tales for their purposes or even survival itself.

In UPA's time (2004-2014), important rape cases, for instance, the [2012 Delhi gang rape](#), were met with outrage from the country and the public called for harsher laws and sensitivity towards women's safety. However, this [slow and inadequate](#) initial response has drawn criticism from various quarters. During this period, political leaders and institutions were often embroiled in controversies over their handling of these sensitive issues.

**Late reaction and public rage:** After the 2012 Delhi gang rape, the government headed by Prime Minister Manmohan Singh was met with immense public demonstrations that called for justice for the victim who later came to be known as 'Nirbhaya'. There were complaints from all quarters on this matter that political leaders paid little attention to these cases hence leading to counter accusations that the government thought more about saving its face than showing concern for the ongoing crisis. The people's anger was aggravated by examples when politicians seemed to be far from understanding how safe women were in their societies thus demonstrating the inability to deal with their fellow countrymen's problems.

**Legislations in Crisis:** Political dynamics necessitated the introduction of the Criminal Law (Amendment) Act, 2013 designed to fortify laws concerning sexual violence. While this step may have been viewed as an advancement, it was also criticized for being a façade pointing to improvised changes occasioned by temporary political dynamics.

**Political Parties' Finger-Pointing**: The true heart-breaker and one of the instances that must surely rank high in the **blame game** between political parties was seen after the notorious 2012 Delhi gang rape. The brutalization and murder of a young woman on a bus in the national capital shook the whole country; hence, there were massive protests demanding justice and change in rape case handling. But this tragedy did not become a moment for looking into oneself nor for collaborating on policy by political parties, instead, they were quick to blame each other. At that time, the [BJP was in opposition and it ranted against the Congress-led UPA government](#) claiming that it created an environment for lawlessness to thrive and people escaping punishment. [Union minister Prakash Javadekar attacked the AAP Government](#) by saying it had failed to protect women from male violence showing its indifference towards ladies' lives when they were under its rule. On the other hand, [UPA ministers pointed fingers at state governments](#) especially opposition ones claiming such areas had been unable to tackle gender-based violence. [Sheila Dikshit](#) who at that time headed the Delhi government did not escape scorn too but tried shifting blame to the Delhi police who were under the control of the Union Home Ministry.

This was not just a case of Delhi alone. There were instances of this blame game happening across the nation. Whenever there was a high-profile rape case, opposition parties would jump at the chance to criticize and marginalize the ruling party during UPA's time. For instance, [BJP took potshots](#) at both UPA and Maharashtra government in the **2013 Shakti Mills gang rape case** alleging that some kind of group had failed in safeguarding women against violence. [Naresh Agarwal](#) who was a member of the Samajwadi Party and later switched to BJP was embroiled in controversy after the incident when he stated that [women ought to safeguard their beauty so as not to be sexually assaulted](#). This comment drew fire from women's rights activists as well as several citizens because it put the onus for safety on those who were part of the attack rather than those who committed it. [Instead of focusing on how law enforcement could be improved or considered, they preferred avoiding responsibility while aiming for political gains through cheap shots at each other.](#) These public debates hardly made any difference concerning the actual reforms proposed.

**Rape cases are often used for electoral politics**: Throughout electoral campaigns, political leaders often used rape cases as election talking points. [Narendra Modi, for example, revamped cases such as Delhi gang rape to question the Congress-lead UPA track record on women's security issues while he was running for office in 2014.](#) Whereas UPA's ineffective handling of crimes against women was perceived by many to be superior to Modi's platform of strong governance. In one of his hardest-telling speeches in 2014 Modi indicated that under Congress, it was unsafe for women to live in the National Capital Territory itself. [By linking rape to his election manifesto he positioned himself as a legal protector of female rights.](#) The voters who were fed up with UPA's quietness were listening on this issue and they found him agreeable. At the same time, focusing on women's security despite promising reforms during elections did not always mean that there would be changing policies or operational shifts in their investigations by police or unilateral handling by courts on such offences.

Politicians from different parties, just like Modi, have relied on rape cases to seek votes. State local leaders condemned political opponents by using incidents of sexual assault in their favour while pretending to stand for women's rights in regions such as Uttar Pradesh and Bihar. For



instance, during the [2015 elections held in Bihar](#), the opposition party targeted Nitish Kumar's administration based on lawlessness and rampant sexual violence in the area claiming that under his regime women were not secure. However, there was often no tangible continuation of the proposed changes after the electoral period had elapsed.

**Political leaders' insensitivity towards rape cases across party lines is a persistent issue.** Often, such comments show the patriarchal attitude prevailing in the upper echelons of Indian politics and trivialize what these women go through. For instance, in 2012, Congress leader [Bhanwar Lal Sharma](#), then an MP, famously declared that rapes happen because of women's conduct and dressing style. This not only gives the attackers a free pass but also adds to the already existing culture of [blaming victims](#) that many survivors of sexual violence have to deal with. Samajwadi Party leader [Mulayam Singh Yadav](#) made an insensitive statement about gang rape in 2014 when he said: "[Boys will be boys](#)". His statement alarmed many but indicated how some politicians trivialized rape for their political or ideological reasons despite being aware it was indeed serious. Such statements have fuelled public rage while at the same time showing how deeply entrenched gender prejudices still exist among those who make policies and laws.



Also read: [Breaking the Silence: The Urgent Need for Inclusive Rape Laws in India to Protect Men-Insights from the Movie 376 D](#)

### **The Politicization of Rape Cases under the NDA Government (2014-2024)**

In the BJP-led NDA government (2014-2024), the [politicization of rape became a crucial issue as incidents involving sexual violence were often manipulated for political gain](#). One prominent instance relates to the **Unnao rape case of 2017**. BJP MLA [Kuldeep Singh Sengar](#) was faced with allegations of raping a 17-year-old girl. Although the charges were serious, [police declined to arrest him quickly, and the family members of the women concerned faced constant harassment. Sengar's aides also assaulted her father who subsequently died in detention which made people angrier](#). At first, Sengar, who is an important political figure in the state of Uttar Pradesh, enjoyed cover through power structures relevant within his state. The BJP only

kicked him out of the party in 2019 following a great outcry from both citizens and media alike. By delaying action against this man, it demonstrated how politicians could use their power over judicial systems to obstruct justice because of political loyalty.

Another significant case was the **Kathua rape and murder of 2018**. In this horrifying incident, an eight-year-old girl from the Bakarwal tribe was kidnapped, gang-raped and killed in Kathua, Jammu and Kashmir. What made this case particularly controversial was the communalization of the crime. Two BJP ministers from the Jammu and Kashmir government [Chaudhary Lal Singh and Chander Prakash Ganga took part in protests held by Hindu Ekta Manch that defended the accused](#). These ministers requested for CBI investigation suggesting that local police, who had arrested suspects were biased. Their involvement in these protests added a religious dimension to the crime making it a rallying point for Hindu-Muslim tensions. After widespread national outrage, Lal Singh and Ganga were forced to resign but their actions revealed how political figures could manipulate communal sentiments in a sexual violence case.

In 2018, [Rahul Gandhi](#) organized a [candlelight march to India Gate located in New Delhi as a way of protesting against how the Indian Government handled the Unnao and Kathua rapes. The BJP Government have not been keen on protecting women, this was openly said by him while blaming it for being an ally to Kuldeep Singh Sengar who is alleged to have raped one girl \(Unnao rape Allegation\)](#). His move attracted praise from some quarters but also charged politicization for elections. His supporters claim that he was fighting for justice while BJP leaders accuse Congress of taking advantage of misfortunes, especially if we relate this to forthcoming elections. [BJP said that by pointing out selective rape cases, Gandhi wanted to show the ruling party as anti-women whereas several others were happening in non-BJP regions.](#)

The caste trends that entangled with politics on the issue of rape were revealed in the **Hathras rape case** that occurred in 2020. This involved a 19-year-old Dalit woman who was gang-raped by four men from upper castes and died as a result of her injuries. The BJP government headed by [Yogi Adityanath](#) came under heavy fire for having handled it badly. [They also buried the corpse of this deceased lady without her family's consent which spoilt its chance of being treated objectively.](#) Many thought that they were trying to protect the higher-class offenders because [caste dynamics](#) had been shaping political relationships in this state. To make matters worse, some BJP leaders trivialized it or questioned whether the victimized lady had been raped; for example, BJP Member of Parliament [Ranjeet Bahadur Srivastava](#) made some [unpleasant comments](#) about castes thus worsening the scenario. [That is how caste and political impediments have always impeded the path of justice particularly when politics takes precedence over the rights of victims.](#)

The involving case of Hathras rape witnessed [Rahul Gandhi](#) and his sister [Priyanka Gandhi Vadra](#) paying a visit to the family of the victim, condemning how the state of Uttar Pradesh handled it. [He was openly critical of how the Yogi Adityanath-led BJP government has failed to ensure the safety of women, particularly those from marginalized backgrounds.](#) It was perceived that this was [an effort to bring forth caste-related violence and capture the attention of the Dalit electorate.](#) BJP leaders denounced this visit describing it as a political stunt meant

to incite tensions among different castes, especially during election time in states such as Uttar Pradesh, where caste politics are deeply entrenched. To many people, [Congress's outreach to the Dalit community was interpreted as an attempt at vote bank consolidation around high-profile incidents following Hathras case.](#)

In 2019, the congress-led government of Rajasthan faced accusations of politicization in the **Alwar rape case** but the BJP turned this around again. This is because a Dalit woman was brutally gang-raped and as such a cover-up was suspected when there was no quick response from the state government. Consequently, at the 2019 general elections, [Prime Minister Narendra Modi among other leaders from the BJP used this incident to attack Congress which had been accused of failing to protect Dalits and women.](#) Moreover, Vasundhara Raje for instance from the BJP openly condemned [how long it took for the state government to act while in his campaign narrative](#), Modi included it as an example of Congress' incompetence. [This shows that rape can sometimes be turned into a weapon during elections as political parties make use of victim's silent suffering to get votes.](#)

Notably, in the year 2019, when a Dalit woman was gang-raped in Alwar, Rajasthan under the rule of Congress led by Ashok Gehlot, [Rahul Gandhi's response](#) was more subdued. Although he [eventually paid a visit to the family of the victim and condemned the tragedy](#), his slow reaction made it appear on a surface level as if there was some kind of hypocrisy involved. BJP blamed him for his silence during the early stages because it was happening in a Congress-ruled state. This **selective anger** seemed politically motivated and Gandhi was [criticized](#) for not concentrating on issues that did not go with party interests.

The **Bulandshahr rape case** in Uttar Pradesh was, indeed, [politically manipulated by the then-ruling party](#), Samajwadi Party (SP) in 2016. In an attempt to discredit Akhilesh Yadav's government, this incident was downplayed by SP leader [Azam Khan](#) who dismissed it as a ["political conspiracy"](#). All these actions led to scathing criticism from both women's rights organisations and the general public. Following his declarations, Khan was quickly [used by BJP political leaders](#) to claim that there was nothing but insensitivity towards women's security sold as a state electoral campaign point. [Political leaders from various parties provide literature through their election campaigns where rape cases are treated as mere political weapons instead of addressing the root causes of sexual violence.](#)

In these cases, public discourses on rape were strongly influenced by prominent political figures from different political factions. Prime Minister [Modi](#), while holding rallies [utilized sometimes these incidents to target the opposition parties](#), particularly Congress over how they were dealing with the safety of women. Nevertheless, Modi's delayed responses or silence on issues involving [BJP representatives such as Kuldeep Singh Sengar](#) were met with [criticism as many charged him with selective outrage](#). Serving as Chief Minister in Uttar Pradesh during his tenure; [Yogi Adityanath](#) had been consistently accused of [mishandling cases](#) like Unnao and Hathras where it appeared that he was more worried about taking sides with powerful individuals instead of offering justice to their victims. The accounts of ministers such as [Chaudhary Lal Singh and Chander Prakash Ganga](#) in the Kathua case have shown that political leaders can downplay the seriousness of rape through their remarks while [Azam Khan's](#) comments about Bulandshahr demonstrate this phenomenon.

## To Conclude

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India's political environment has its deep-fetched connection with the underlying problems of rape, power and justice. Political leaders from both the UPA as well as NDA governments have preferred some rape cases over others to create media buzz or influence elections thus using the subject to attack their enemies or strengthen their stands on cases of rape. This trend diverts attention from the real structural problems in the justice system and societal attitudes towards sexual violence that need to be addressed.

After every public outcry, the law gets modified like after the Nirbhaya case of 2012. Most of the time these amendments made in law are blindsided by political play, communal agenda and caste discrimination. High-profile rape cases like Unnao, Kathua and Hathras have shown how hard it is to get justice when the powerful are involved.

Rape in India has been turned into a political issue, which makes it worrying as political opportunism tends to override the seriousness of the social problems involved. Leaders in power seem to take personal or political gains instead of focusing on deep-rooted reforms causing delays in their actions, selective outrage and alarming unconcern for victims. **The battle against sexual abuse should rise above such theatrical political games and focus on strengthening judicial processes, changing cultural views, and making sure that offenders face justice irrespective of their social standing or political career.**

It is the political leaders who are engaged in forming the perspective of society, thus they should put **justice before politics**. To realize real advancement, it is necessary to stop all politicization of these disasters and instead dwell on true reforms. For the sake of political advantage, taking advantage of the plight of innocent victims is intolerable. Violence must be corrected quickly, fairly and compassionately. We should not allow sexual violence to become an issue that divides us but instead strive towards constructing a safer and more equitable society for everyone, where everyone is treated equally and feels safeguarded.



## About the author



Hey! Dear Reader,

My name is Sakkecham Singh Parmaar. I began my academic journey at Litera Valley School in Patna, Bihar, India, where I excelled in various activities, earning numerous accolades and forming lasting connections with inspiring teachers and friends. Currently, I am pursuing a B.A.LL.B (HONS.) at Jindal Global Law School, O.P. Jindal Global University, Delhi NCR, India, one of India's top private law colleges. Actively involved in multiple societies, I am deeply passionate about legal research, recognizing its importance in a legal career. As a sophomore, I am eager to learn and achieve even greater heights. My work ethic is highly praised by seniors and colleagues, who describe me as hardworking, eager for knowledge, dedicated, and able to maintain a disciplined yet friendly demeanour.

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