

**SHIFTING SAND-DUNES OF SOVEREIGNTY:
WOMEN'S HOSTEL AS A THRESHOLD OF
THE POLITICAL**

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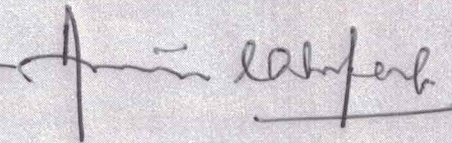
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**CHAPTER ONE:
INTRODUCTION
IN THE FIELD OF SEQUESTERED NIGHTS
AND BARRED DREAMS**

Uzma Nawchoo, *‘When we were small, things were really simple; they just used kaend-taar (barbed wire) to create a cage. Now when we are adults, we are caged in something avant-garde called razor wire’*

(Nawchoo 2019).

This writing is marked by the silence which beseeches us to speak with a sense of urgency under the lurking threat of a fast-changing political landscape.

The phenomenon being described as ‘curfew’ in this paper is vastly different in its predicates and particularities, from the curfewed lives of the people of Kashmir, who have now been held behind a communication blockade for over a year now – this being the most recent in the series of what has been a lifelong battle against the systematic erasure of their political will and subjectivity. Telephone and internet services have been shut down. Over two thousand academics, journalists, and politicians are in prison or under house arrest or arrested under the Public Safety Act of 1978 (which many political activists have called a ‘lawless law.’) However, most ordinary Kashmiri people have been living through this fate for years; Tabish Rafiq Mir, writes, “The thing about law, which claims to take care of the cumulative consent of a country, is that it is a large-scale socially acceptable form of vigilantism.” (Rafiq 2019) Thus drawing our attention to the normative questions of law, social relations, power and the ideas of (non/) sovereignty in a place where even their pretense has been washed off by blood.

A merely abstracted expansion of the “curfew” cannot be used to describe the state of the women’s hostels without eliding into false equivalencies that ends up reducing curfewed life to an axiom for all humans placed under political restrictions.

My aim in this thesis would be to question and probe the dominant understanding of generalisability and normalisability of “curfewed” existence as an immanent mode of

political existence as encapsulated in Agamben's notion of the state of exception. I will be studying the women's hostel as an entry point to examine the functioning of liberal democratic law, which posits its own self-negation as an anomaly while also rendering this exception as the governing logic of political life. I contend that it is through the particularity of the women's hostel as a case point that the self-limiting and self-propelling universal of law can be grasped to work towards building a universality of emancipatory politics.

The women's hostel and the constitutive violence of the law

The women's hostel might seem banal for its 'un-remarkability,' as an entry point to understanding the constitutive violence of law, political subjectivity and struggle but since the ubiquity of violence itself is ordinary – it solicits the study of a field where power-relations, precisely due to its social diffusion and dispersion. So much is lost in plain sight in the spaces that are organized in a life-destroying-life-prolonging b/order of permissiveness and prohibition. Much of the lost everyday mediations of structural violence shape our reality – not in its forgotten-ness but as infused in our way of accessing and thinking about reality. What the hostel space makes us probe is the need to enquire into the modes and conditions of the reproduction of women's consent in and into patriarchal forms of socio-institutional control and subjugation. The hostel becomes a site where most women don't even arrive, while at the same time those that have made it are denied the realisation of their legal rights to mobility and freedom. Thus these rights too then become an ideal towards whose realization we endlessly perform – at once determining and being determined by the structures and conditions of our existence. Precisely, this “zone of indistinction” (Agamben 1998) – of bearing rights while being deprived of them - renders itself as a threshold space where fundamental reflections on citizenships, rights, law, and sovereignty can take place.

The concepts that we will be using in this work as central categories are 'sovereignty' and 'subjectivity,' and how these are deployed to bolster “securitarian” interventions. In addition, the idea of the “threshold” is also formative to this project. Through the course of the paper we will try to ask ourselves; what does the functioning of the law in the

university women's hostel tell us about the generality of liberal democratic modes of political recognition and representation which contains the potential to undermine its own universal principles of equality and justice, while also constantly projecting, representing and reflecting these as an unrealized but ideal framework for freedom which can be "legitimately" secured only through law? Despite the 'right to life and liberty' being enshrined in the Indian constitution, one can see the inherent instabilities of that claim. This inconsistency is not incompatible with the idea of liberal democracy, rather is its function to self-propel a fundamentally and internally contradictory flow of capital. Under a capitalist system which is socially organised under liberal democracy, the production of insecurity is inscribed in the very relation between labour and capital, thus rendering liberty and security in a fundamentally antagonistic but complementary relationship. Where security becomes the gatekeeper of liberty.

It was Carl Schmitt who tied the structure of sovereignty to the "effective and present performance of a real protection." (Schmitt 1995: 53) Sovereignty then becomes a structure which secures itself by assuming the role of guaranteeing social protection to subjects of law. Within the frame of sovereignty, then freedom gets defined against safe movement. Thus implying that the primary function of the sovereign is to ensure safety and freedom of its subject. This also at once implies that those wishing to assume "absolute" freedom render themselves outside of the security principle of sovereign protection and therefore are open to the vulnerability of violence. What emerges clearly is how the ideology of survival within the social relations of inequality breaks down at the point at which women have to pay the price of their freedom with abandonment from the signifying chain of meaning of life within the system. Andrea Cavalletti writes, "Dynamism is therefore a function of the balance between fear and hope, repulsion and attraction. Freedom or security is defined between these poles, and is, in turn, always anew desirable and solicitable. Insecurity is therefore not pushed outside the city, but becomes the negative and efficient pole of the securitarian devices themselves." (Cavalletti 2020: 30) The inscription of insecurity into the social order offers us a unique opportunity to discern how our reality is framed through something fantasmatic, (here, security) and how it has no ontologically complete status on its own (of inherent social difference between men and women or eternal caste-based differentiation or inevitability

of class conflict) and “how we, as subjects are singular beings posited only retroactively; and how our enjoyment is, as *jouissance*, always excessive.” (Kunkle 2020) Securitarian solutions also make us mis-recognise our wounds from social oppression as isolated from or causes of and not as effects of ideology; thus often culminating in responding to the crisis of security with a demand for more security. This desire for being secured from all threats, safeguarded from all risk is a desire which is systematically engendered by the social production of conditions of insecurity. Women’s desire for security at some point also becomes its own satisfaction, wherein the very object of realising social movement and access to movement gets lost to its own idea, as an illusory promise. Thus, counterposing bodily autonomy and security as symptoms of women’s social exploitation and oppression.

Through this paper we will try to ask how specific problematiques of risk connect to certain forms of knowledge, practices, technologies to create (un)stable assemblages of (in)security that end up (re)producing structures of repression and resistance in its own image? Why is it that when women assert their autonomy, the first thing that the institution does as a response to such a call is to abandon and disavow them from being subjects of the institution and yet continues to implicate them in the logic of juridical subjection? It is implied that women who won’t obey the “disciplinary” normative of security that delimits their mobility “for their own good” have chosen to render themselves “open” to violence by transgressing the borders of culturally appropriate, socially acceptable, legally legitimate and therefore, “safe movement.” How do we understand the structure of a fearful silence that inhibits women from fighting these regulations? Why do we find ourselves reluctantly embracing cages of our deprivation, is it merely a lack of consciousness which determines our relations of complicity with(in) the structure of oppression or something more than that? These are some of the questions that we will open in the course of this writing.

Introduction to Delhi University and women’s hostels

The University of Delhi, informally known as Delhi University (DU), is a collegiate public central university, located in New Delhi, India and was founded in 1922 by an Act

of the Central Legislative Assembly. As a collegiate university, its main functions are divided between the academic departments of the university and affiliated colleges. Consisting of three colleges, two faculties, and 750 students at its founding, the University of Delhi has since become India's largest institution of higher learning and among the largest in the world. The university currently consists of 16 faculties and 86 departments distributed across its North and South campuses. It has 77 affiliated colleges and 5 other institutes with an enrollment of over 132,000 regular students and 261,000 non-formal students. (Singh 2019) The collegiate system of colleges grants them semi-autonomy to regulate the terms of conduct of its subjects. Thereby, making it exponentially difficult to have a centralized standard of rules – we see that the various colleges, even if they are only separated by a few kilometers, have different standards for measuring what constitutes ‘unsafe’ time for women to be outside of their hostels or even their hostel rooms.

Hostel ‘rules’ which vary across colleges have assumed a somewhat fuzzy character in its psycho-sociological bearings, one such rule that stands out though is the imposition of the hostel curfew, where women’s entry and exit from their hostels and places of residence is regulated in the student occupations. The number of nights they can be out of the hostel are numbered, and the legitimacy of the need to leave the hostel is qualified as well as who women visit is verified through parental permission. “The unconscious stands for the manifestation of the impersonal within what appears to be personal,” (Tomsic 2019: 18) this entails performing the unconscious labour of corresponding the subject to their reality and finding joy in it despite and at their own peril. Not all women will have generous fathers, not all can afford to dream of freedom within the frames of radical autonomy especially if it comes at the cost of parental abandonment or by a mere silencing of conflicts and concerns - both internal to oneself and external pressure to meet normative social conduct.

Of course, the recognition of a rule assumes such internal differences and its own self-cancellation rather than expecting mere obedience. This opens up the scope for both subversion and elasticity as well as further interpretation by local authorities that enforce the rule. At the very outset we know the mere presence of a rule does not write off

subversions, rather the subversions are inscribed in the rule. These subversions of rules (codified and uncoded) coexist with repressive action by administrators that is/could be invoked to jeopardize women's access to education over and above the historical refusal to access education. These rules, then circumscribe and enclose the field of un-freedoms. In such a context, playful transgressions, everyday negotiations, and experience of 'relative autonomy' form a dynamic web of interactions for emerging political subjectivities in the hostel spaces for women.

In Dhaka, some fifteen kilometres from Delhi University, there stands the biggest housing complex run by the University, with 1500 women students (Shankar and Joshi 2016).

The name of the area – Dhaka – deserves some scrutiny.

Approaching the university, on the Dilshad Garden-Rithala stretch of the Delhi Metro, one catches a glimpse of a tall red tower while approaching the Tis Hazari station. This 33-metre-high structure is the Mutiny Memorial tower, which was erected in 1863 in memory of deceased soldiers of the Delhi Field Force during the Revolt of 1857. Along the Northern Ridge of the Aravali Range - the colonial British army had established its base to carry out the siege in Delhi during the Ghadar of 1857 – lies the present day North Campus of the University of Delhi. (Safvi 2016) The raging sepoys from Meerut had entered the walled city of Shahjahanabad in revolt, when they reached the Ridge where they scaled walls to acquire the munitions, which in contemporary times is a site for lovers struggling to keep up with the city's cultural idiosyncrasies. Not too far from the constituent colleges of the present-day University of Delhi, lie in isolation, except for the company of each other - the Ashokan Pillar brought to Delhi from Meerut by Firoz Shah Tughlaq in 1356 and a Mutiny Memorial which is a tower commemorating the battle between the British and the Indians, back in 1857. "A preferred destination these days on the metro line, Delhi university is more than the sum total of its cut-offs. A place with a history of its own, it is a product of good old Delhi as it has morphed over the last 200 years. This empty space was literally the camping ground for victorious British who entered the city in 1803, pensioning off the figurehead Mughal King. It was again here

that makeshift tent city sprang up, Mughal fashion, in 1903, to celebrate the coronation of Edward VII as emperor of India.” (Amin 2006) The erstwhile Kingsway Camp derives its name from the historical episode in which the village had to conceal itself to remain on an avenue due to being trodden by Kings. Built as a precursor to the residence of the Viceroy of India after the Delhi Durbar in 1911, Kingsway Camp represented the ‘way of the King.’ Post 1947, the same place became one of the largest camps for post-partition refugees who had been displaced from what was now, Pakistan and is now home to a majority of civil service aspirants and university students, who despite Kingsway Camp being renamed Guru Tegh Bahadur (GTB) Nagar (in 1970) continue to refer to it as “Camp.” Barely 1.5 kilometers from the University is Dhak(k)a Village, which is remembered to have been ‘covered’ (*dhakka*). (Asgar 2019) The name is derived from the fact that the village was covered up to hide its squalor from eminent guests walking past, so that the splendour of the city would not be tainted by its appearance.

Today, in Dhaka, the covering up is of its women residents. You will see no traces of the women on the streets of this area if you were to ever walk past at night. Their absence from the streets represents a sequestered presence akin to the legends associated with Dhaka village – of enforced erasure of a right to the city, to be public. The poetics and politics of spatiality is constituted in the very disappearing presence of the past, where it is folded in its encounter with a historical subject who tries to redeem or revive it in the present. The concealed presence of women lingers on as a lost history of surrendered time; which erases itself from cultural memory by overwriting history with a continued force of the past.

For Agamben, biopolitics logically culminates in the thanatopolitics of Nazism, and the concentration camp was ‘the biopolitical paradigm of the modern’, ‘the pure, absolute, and impassable biopolitical space...of modernity’ (Agamben, 1998: 117, 123). It is difficult to ascertain what the present day ‘camp’ signifies in the living history of those inhabiting and encountering GTB Nagar, for it must necessarily signify many things and produce many meanings at once but it remains an important site to put into perspective the many cities that are folded in the city of Delhi. These are the places I had visited during my stay in North Campus, but only during the day. These are memories that refuse

to leave the camp and resist any narration of a story without its mention. Yet speaking as if without mediation, I am caught in the play of self-constituting - both the 'I' which speaks and the 'eye' which visualises the university 'campus' - in the very act of remembering. Lefebvre (1991) differentiates between perceived, conceived and lived spaces and we know that these are not distinct categories but structures of meaning that enable us to hold our experiences within intelligible frames. When talking of space and our entanglements with it, we speak from many locations at once - the socio-political realities that differentiate spaces, which manifest in the symbolic production of spaces along organizing principles of caste, gender relations, and local power-structures.

What is Hostel Curfew?

The imposition of 'curfews' on women denotes the restrictions on their entry and exit into the hostel, the 'in-time' and 'out-time' varied across hostels but marked the stipulated period in which women's movement could legitimately be viable. To take a 'night out' you need to get the permission of your guardian or your parents. This permission had to then be further 'approved' by the dean or the principal. To have to justify and reason every action is itself a burden that's best avoided - "Why do you need to go out?" "Who will you be meeting?" "Why does it take so long?" Across hostels, there are restrictions and caps on the number of night-outs that women could avail in a month and these had to be rationed for special occasions, the permission for which usually has to be sought days in advance, leaving little to no room for emergencies and contingencies. Needless to say, no such regulations existed for the men. Most strikingly, these rules are not spread uniformly across colleges. The hostel timings of the two colleges that stand across the road from each other could vary significantly, and therefore the accidental (socially constructed) but structurally reinforcing correlation of nighttime and lack of safety is rendered bare.

Further, while it is important for student's' residence/hostels to have a contact number which they can call in case of an emergency. One would imagine that such a contact should be someone the student can trust and is comfortable with. However, the current concept of local guardians (LG) in the hostel in the name of furthering student's interests

creates unwarranted difficulties for them in accessing hostels. It affirms the idea of someone taking responsibility and guaranteeing women before they are given access to the hostel. Out-station students applying for hostels often do not have any close acquaintance in the city. In such circumstances, the compulsory requirement of one or two local guardians (often those of “respectable” credentials, depending on marital status, age) is difficult for them to furnish and many people have been denied hostel accommodation due to their inability to get a local guardian. The requirement of LG permission for leaves and night outs give LGs an unjustified control over the lives of adult students who are capable of taking their decisions better than someone only remotely acquainted with them. This also makes residents vulnerable to an abuse of power on the part of their LGs, who themselves would not have been people one wants to maintain such close contact with beyond the formality of documentation.

A metaphorical cage scaffolds justice as its necessary condition towards the perpetuation of inequality within capitalist relations. A wave of militant protests - under the aegis of a women’s collective, Pinjra Tod - had gained ground as an idea and call to action across cities in India between 2015-18. These protests confronted the rhetoric of 'equality' espoused by the 'liberal' university with challenges that pushed it to its limit. Women broke locks, climbed over hostel gates, pushed open the university gates and sat at the very threshold of law and subjection. Questioning the efforts and purpose of regulating their time, bodies, sexuality and lives. In refusing to be silenced and caged behind the comforts of their private rooms beyond ‘respectable’ hours, women not only exposed the pretext of raising security concerns to further surveillance and control over women’s lives but also demanded the impossible - the refusal to be administered by the laws of social order that define women as the custodians of community honour, the gateways of caste relations, carriers of sexual morality and dividends of historically excluded, dead labour - of which the curfew is a manifestation.

The movement recognised the university as rendering women, ‘second class citizens,’ which can be understood to emphasise a conditional status of women’s citizenship in particular and the state of citizenship as conditional, in general. Women students remain right-less in their avowal of human rights to have rights. Their rights are hinged on their

“included exclusion,” (Agamben 1998) characterised by its own internal negation. It is the state of being citizens while not being able to actualise and realise its associative qualities that was called to question. This sheds light on how citizenship too then becomes both an ideal and an empty pursuit towards whose realization we endlessly perform. Most democratic movements want to realize the “full” potential of the constitutional guarantees without probing the reasons for its un-realizability, however I contend that the very universal principle of equality-before-law is constituted through its own disavowal and forms an internal basis to perpetuate class struggle by dividing woman students from the working class woman. The former being disciplined by capital at the pretext of security and the latter denied all social security under oppressive labour regimes. The very university space comprises working women whose security to labour is not a matter of concern for the administration but the women students are held back behind hostel gates and tied to paternalistic protectionism out of “concern.” This renders bare the structural antagonism at the very heart of society which is stabilised by bourgeois rights, legal protections. The “full” realisation of citizenship hinges on the very exclusion of those it fully accounts for in their exclusion from the sphere of protection but remains part of the logic of subjection, security and repression.

My study of the women’s hostels agitation against the hostel curfew - the imposition of restrictions and proscription on women’s mobility at University residence and campus accomodations - explores the hostel as a threshold of the political which is engendered by separating: 1) the inside from the outside, 2) the personhood of women from their social identity, 3) the subject from its own estrangement, 4) the law from its own void 5) public from the private - as the constitutive condition for both politics of inclusion and exclusion to act upon.

Hostel as a Threshold of the Political

On the site of the hostel, there is bound to be a confluence of representations of the same condition of the curfew as being experienced differently by different women -- as exploitative, inhibiting, liberating and secure depending on their social experiences and location in the social matrix of oppression. Women’s own subjective relation to the

curfew is mediated through notions of freedom and security circumscribed by the hegemonic social order which can not straightforwardly get resolved by galvanising women's population against their own unjust caging through consciousness raising, rather the raised consciousness has to be deployed to productively change the coordinates of unfreedom such that they don't breed conditions for inequality. Rather it provokes a need for collective political intervention to dismantle and transform the objective conditions within which our subjective alienation - of finding comfort in humiliating and oppressive regimes of containment as safer than exposing oneself to precarious conditions of public life - is experienced as freedom as a way for the subject to cope, survive or even, thrive in the system.

The threshold then does not only represent a relationship carved through non-relation between the separated realms of the public and the private or the insider and outsider, but also sutures it. It also marks the inconsistencies of the subjective location which is different from the one we occupy on the social matrix of oppression expressing how women's oppression on account of their sexuality is neither eternal nor natural nor biological but rather is an outcome of social practices shaped by historically changing conditions of gender inequality under political-economic regimes that assign use-value to structural abuse and exploitation as the basis for formal equality and liberty. The idea of the threshold marks the double jeopardy of being mired in the existing political field of production and subjection that persists through creating conditions for women's subordination in the system which presupposes their very exclusion - sexuality, social autonomy, labour -- which nonetheless continues to place its conditional bargains of empowerment, inclusion, formal equality, legal upliftment as a stand-in for and in exchange of the perpetuation of constitutively exploitative labour relations.

The threshold is a variable that cannot be grasped and is at once elusive as well as different for different people and yet, it imposes its universal insofar as it exists for all despite and because it differs in degree, vitality and denomination for them. The threshold thus denotes a structuring absence which is ungraspable in its positive content except through a study of its symptoms -- the operationality of class struggle; as an invisible presence which animates the political field through dispersed discourses and

non-uniform techniques of power. The threshold is a horizon which nonetheless implies a constant negotiation of its boundaries and limits while also denoting a limitlessness that is internal to it; thus helping us put into perspective many interventions of the women's movement which seemingly tried to uplift women by giving them "equal" recognition through an anti-discriminatory apparatus but ended up reinforcing law and capital's authority over gender relations. Incidentally, the University Grants Commission sent a letter to all colleges to implement the University Grants Commission prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions Regulations 2015 [Henceforth UGC Regulations (2015)] , thus requiring all institutions under the UGC to treat "sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student," and "as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee." (UGC Regulation 2015: Part 3, Section 4: 3(m)) The concept of threshold, thus also signifies a doubleness in the experience of the internal separation within women who are socially organised in a system which produces and inscribes them in the logic of production of exploitation. This internal differentiation exceeds the sameness versus difference opposition in legal discourse which conceals the structural production of conflict, antagonism, and contradiction -- while also producing a shared experience peculiar to women, as a socially and sexually oppressed identity. Yet the struggle for emancipation of women must centre the working class and "lower" caste women for there can only be a feeble unity on account of identity of women when society is internally fractured to the advantage of a section of women against another.

In such a situation how does sovereign exception appear as a structuring logic? In so far as it is maintaining the capitalist, patriarchal, casteist, heterosexual familial order of society in representational politics, where the myth of the sovereign individuality goes hand in hand with the displaceable sovereign decision making authority (law, hostel warden, family) – "sovereign exception then comes to represent this displacement between two contrasting juridical demands into a limit relation between what is inside and what is outside law." (Agamben 1995: 23). For Agamben, "the exception" refers to those paradoxical spaces where bare life is excluded from political life and yet, simultaneously, is included in it. He had in mind here the paradigm of the concentration

camp. In the contemporary period, such “irreducible indistinction” (Agamben 1998: 9) is emergent all around us.

“At once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested.”

(Agamben 1998:9)

Women hostellers are then not rendered ‘bare life’ but are potentially so, I make no attempt at directly ‘applying’ his theory in the hostel site. I wish to explore why the immanent sovereign logic of production of bare life, as propounded by Agamben falls short of explaining the simultaneous double movement of pleasure and exploitation as experienced by women in the hostel; whose subjectivities are far from rendered bare; despite the surveillance, scrutiny and scorn.

Women’s education: A Quick Recap

While women’s entry into educational institutions has historically and continues to be framed as a patriarchal bargain (John 2006) inscribed in the logic of their marriageability, women have accessed their citizenship on conditional terms, let alone being seen as cogent agents. Jeffery and Jeffery write, “Women’s education is thus valued, but not for any increase in autonomy which education might give a woman... Education can be seen as a way of domesticating women into new forms of patriarchy, rather than offering them new horizons. We would not want to be read as arguing that education for girls should be abandoned. What we are, however, trying to do is warn against complacency which suggests that it is a panacea...”

(Jeffery & Jeffery, 1994: 156-157) .

They argue that the question of women's autonomy is perhaps only an unintended consequence (if at all) of women's entry into educational spaces, which in itself is a battle still unfolding. “By the 1920s different rationales were being presented to provide quality higher education to women. According to one view, women should be highly

educated because of their useful role as a mother. According to the other group, women having the same needs, desires and capacities as men should be given the same opportunities for higher studies. This period also saw a shift in consciousness of and about working class women. Once women were recognized as an integral part of the workforce, higher education became a necessary stepping-stone.”

(Jeffery & Jeffery, 1994: 156-157)

Women's effort to *get a foot into* the University has come with conditional terms of their not being permitted *to step a foot out*. A combination of factors contributed to women's entry into the modern education system of the university that included reform movement, radical struggles, the advent of missionary schooling, among other factors. (Paik 2014) In 1906, only 2% of Indian women had any education, so one can imagine the meager number of women who got 'higher' education. (Jenefa 2012)

While in 1971 only 22% of Indian women were literate, by the end of 2001 only 54.16% females were literate. Consistent with the ideological imperative of commodifying education to serve instrumental ends of capital, the National Education Policy 2020 (pp. 145) views women's access to education not as a right but an investment which reserves its dividends by repeating that women's access to education is important towards nation's prosperity, "Girls' access to education is the clearest path to disrupt poverty and violence, promote community health and well being, and foster development dividends that carry on into the next generation." (Roy 2020) This is resonant of Uma Chakravarti's observation (1988: 49), of how an overwhelming concern during in the early ancient history too, there was a need to balance out the alleviated status of high-caste women while also placing prohibitions on the mobility of the ruling class women, such that they at once ensure the healthy development of the future race of India while instituting caste-borders.

Anagha Tambe (2019) points out, "Though India has a relatively low rate of enrolment in higher education on the global map, the last two decades have witnessed rapid increase in the 'Gross Enrolment Ratio' (GER) from 8% in 2001 to 24% in 2015. This growth has occurred concurrently with massive privatization of higher education institutions driven

by neoliberalism. According to a report by the Planning Commission (2012), currently 66% of students in general education and more than 75% in professional education are enrolled in private, self-financing institutions. Remarkably, this period has also seen an unprecedented entry of new groups into higher education who have been hitherto socially and educationally disadvantaged. The GER amongst women of Scheduled Castes and Scheduled Tribes has been increasing, although their numbers are still negligible.” Paradoxically, this facilitating of marginalised students’ entry into the education system corresponds to a decline in public funding in education. We find that one of the primary reasons cited by the hostel administration for the overwhelming lack of women’s hostels in the university is that the public funding from UGC declined over the years and therefore, the current accommodations for women are either privately owned (off-campus, rental, PG) or self-financed hostels - where the students bear the additional cost for their historical oppression. This is hardly an aberration though, Delhi University which is divided between regular colleges and School of Open Learning that represents informal education of Open and Distance Learning.

Activist and academic, Maya John characterises this dual mode of imparting education as a form of “educational apartheid” which deepens class inequality through segregated and separate modes of learning. She traces the long history of self-financing models of funding one’s courses, hostels and private-partnerships at the level of course-design as well as trust-based accommodations seeping in through the open learning system into the regular colleges. She says, “DU SOL might be the biggest model of proxy private education under the garb of a government institution. Since July 1997, SOL has received no financial assistance or maintenance grant from any government institution. With zero financial contribution from UGC, the large establishment of SOL runs on the tuition fees collected from the poorest of poor students. Even the salaries and pensions of SOL directors, principals, teachers and administrative staff are paid through the money collected from students.” (John 2020) Further, she noted that “Most occupants said cheap accommodation brought them to the hostel as they *don’t study in regular colleges* of Delhi University or are still in schools where they don’t get hostel accommodation. AISHE Report 2018-2019, the gross enrolment ratio in higher education has increased from 21.5% in 2012-13 to 25.80% in 2017-18. However, the majority of

this enhanced enrolment has been concentrated in the open and distance learning (ODL) mode. DU alone, over one lakh students enrol in the School of Open Learning (SOL) every year. In fact, SOL, which was started in 1962, has been the mainstay of higher education in Delhi with over 65% students of DU enrolled in it.” (ibid)

Yet, here we must recall that although the socialisation of women into public life has become possible through the very passage into production relations from domesticity, it does not imply that this resolves their structural contradictions with the system of capitalist, caste-patriarchy. We must be able to distinguish between the inclusion of women into production relations as mediated through the political expediency of ruling classes under a re-organised social order is not a simple instance of moral victory and social emancipation for all womankind rather it becomes an important first step in the dialectic towards it. “The history of women's status is a more stop-go affair— a reflection not only, or not so much, of general social improvement, as of the unevenness of social change.” (Mitchell, 1986) This is further affirmed by Saraswati Raju who observes that even though there has been an increase in women’s participation in the university as well as in urban salaried jobs, there has been a simultaneous and corresponding rise in the demand of low paid domestic workers. Women’s participation in the workforce in urban areas is predominantly as domestic workers. (Raju 2016)

Sexual violence and the discourse of “security of women”

In Delhi University (DU), a group of teachers and students had formed the Forum Against Sexual Harassment and had been holding meetings and discussions regularly. They had also conducted safety audits on campus and surrounding areas, taking note of the point that “Sexual harassment is an act of power” and these power relations make students vulnerable in university spaces, DU had implemented a policy called *Ordinance 15(D): Prohibition and Punishment for Sexual Harassment* in 2003 which ensured that the complaint committees were independent of executive authorities which came into effect in 2004, after six years of holding deliberations. The ordinance had used the Vishakha guidelines to frame a policy that would be suited to the needs of a large university. (Chandra 2020)

In January 2013, in the aftermath of the rape and killing of a woman student on a moving bus, the Verma Committee Report highlighted the need to address the issue of sexual harassment at the workplace as a part of the constitutional right to equality and dignity of women. It has further recognized that Universities and educational institutions should be included in the definition of 'workplace' under the 2012 Act, as should the entire community that is enfolded in the institution. In February 2013, Parliament has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2012 (hereafter '2012 Act') which places a statutory obligation on employers of a workplace to set up internal committees to receive, investigate, and decide complaints of sexual harassment at the workplace, which imperative is also binding upon the University of Delhi insofar as it is a workplace. Ordinance 15D was thus scrapped in 2013 and all higher education institutions were asked to form an Internal Complaints Committee (ICC) as per the 2015 guidelines of the University Grants Commission (UGC).

In December 2013, the University Grants Commission also published Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses, better known as the SAKSHAM committee recommendations. The SAKSHAM recommendations were developed after a UGC Task Force specially constituted for this purpose engaged in an extensive process of consultation, discussion and dialogue with policy makers, senior education administration, faculty, staff and students in Open Forums while also drawing on feedback on questionnaires sent out from the UGC on the subject. The Task Force recommended substantive, actionable and sustainable initiatives to combat gender based discrimination on campuses, recognizing the 'normative' and educative role that colleges and universities need to play in transforming social consciousness on the question of gender parity. But, contrary to the earlier ordinance where the members constituting the body were autonomous and elected, the UGC guidelines had been narrowly read, causing a lot of ambiguity around the elections of a student body of representatives and most colleges did not have elected ICCs in place.

In 2017, the Jawaharlal Nehu University administration arbitrarily decided to replace the Gender Sensitisation Committee Against Sexual Harassment (GSCASH) with an Internal Complaints Committee (ICC). The ICC which has been installed by the VC in JNU after

arbitrarily dismantling the elected GSCASH, activists claimed, could not be expected to take up any cases of sexual harassment, especially against people who are close to the administration. (Bhanj 2017) Furthermore, the members of the Saksham Taskforce, appointed by the University Grants Commission (UGC) to ensure gender sensitisation in universities, have questioned the Jawaharlal Nehru University's (JNU) decision to disband the Gender Sensitisation Committee Against Sexual Harassment (GSCASH) wrote an open letter to the JNU administration seeking the rationale behind dibanding a fully functioning body when the guidelines by UGC had recommended the news to institute Internal Complaints Committes in universities where no such mechanisms existed. They wrote, ““Our report made it clear that our proposals for the composition of anti-sexual harassment committees were intended for campuses where ICCs were not in existence or were not Vishakha-compliant – they were never intended to replace or supersede committees like those of JNU’s GSCASH which we had found to be fully Vishakha-compliant.” (PTI 2017) Simultaneous spate of protests took place in Delhi University and JNU, using the report as its basis - where the former lacked mechanisms to address sexual harassment while in the latter, the existing institutions were being watered down. Pinjra Tod demanded the constitution of elected and autonomous bodies to exist in colleges to actualise that which had been mandated by the university. (Feminism in India 2018)

Despite the hasty dissolution of the Ordinance 15D which took six years to formulate, the UGC claimed to further its commitment to ensuring zero-tolerance to sexual harassment in all Higher Educational Institutions in the country with the University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher education institutions) Regulations, 2015, notified by a Ministry of Human Resource Development gazette on the 2nd of May 2016. The Regulations are applicable to all higher educational institutions in India and make it mandatory for them to constitute an Internal Complaints Committee against sexual harassment with an inbuilt mechanism for gender sensitization along with stipulating an extensive list of supportive measures to ensure comprehensive redressal and prevention. It recognizes that the University is not merely a workplace but also a place of learning and intellectual development for students and teachers and seeks to cover a wider

spectrum of sexual harassment and discrimination based on gender identity and sexual orientation. It draws from and builds upon existing legal doctrines, recommendations and statutory obligations in order to fulfill its mandate in consonance with the requirements of an institution of higher education such as the University of Delhi. After which, the University Grants Commission (UGC) had issued ‘Guidelines on Safety of Students on and off Campuses of Higher Educational Institutions’ on April 16th, 2015 which legitimized all the things that were held in contravention to its plea to not securitise the bodies of students in the name of security.

This is what the guidelines suggested,

“Any physical infrastructure housing students, whether HEI or hostels, should be secured by a boundary wall of such height that it cannot be scaled over easily. In order to further fortify it, a fence of spiraling barbed wires can be surmounted on the wall so that unauthorized access to the infrastructure is prevented effectively. The entry points to such housing units should be restricted to three or less and they should be manned by at least three security guards, sufficiently armed, CCTV cameras, identity verification mechanism and register of unknown entrants/visitors with their identity proofs and contact details. At least one woman security personnel should be deployed at such entry points so that physical security checks of girl students or visitors can be undertaken. The bags and other belongings of students/visitors can also be examined, manually and/or by metal detectors, in order to secure a weapon-free and violence-free campus. Biometric ways of marking student attendance, both in Higher Education Institutions (HEI) as well as hostels, can be an effective way to overcome proxy. Such digital mechanisms can enable HEIs to keep an eye on a student’s movement and whereabouts in a failsafe manner. Students and staff should be provided easily identifiable and authentic ID cards and wearing of such cards in the institutional premises must be made compulsory by administration.” (UGC Security Guidelines Safety of Students on and off Campuses of Higher Educational Institutions 2018)

Clearly by this logic, the question of security is to be surgically addressed with more and more militarised tools, greater incarceration, criminalisation, policing, processes of

identification rather than placing it on a continuum of social insecurities caused by structural reproduction of dispossession. These latest guidelines, it must be noted, are entirely contrary to previous Guidelines from the UGC, which had respected the idea of women's autonomy at least to a limited extent.

On 2nd May 2016 UGC had released a set of regulations on the "Prevention, Prohibition and Redressal of sexual harassment of women employees and students in higher educational institutions." The guidelines clearly state that "concern for safety of women students must not be cited to impose discriminatory rules for women in the hostels as compared to male students. Campus safety policies should not result in securitization, such as over monitoring or policing or curtailing the freedom of movement, especially of women employees and students."

The UGC notification also directed university authorities to immediately constitute autonomously functioning ICCs (Internal Complaints Committee) information about which is to be circulated to all students and employees. Student representatives in ICCs are to be "elected through transparent democratic procedure." The Regulations mandate that top priority is given to construction of women's hostels; and infrastructure such as street lights and safe public transport in campus areas are provided. University administrations are also supposed to ensure that the powers of hostel authorities are regulated and "brought within the domain of accountability"; gender-sensitive medical facilities, counseling services and security staff are provided; and Women's Development Cells for gender sensitization revived and adequately funded. The notification prescribed some compulsory guidelines to universities and colleges to ensure a safe and conducive atmosphere for women without resorting to securitization or discriminatory policies which were nonetheless lackasaidal in its implementation. University authorities had been directed to "ensure compliance with the provisions of these regulations" by 6th July 2016. Despite a reminder notification issued on 5th July 2016 by UGC, most institutions failed to implement these measures which are legally binding on them. The UGC regulations also do not address various other grievances raised by Pinjra Tod, such as the UGC fund cuts which have resulted in massive fee hikes that make recently constructed women's hostels much more expensive than men's hostels.

While earlier Guidelines had stated that the “securitization of women’s bodies in the name of security” (UGC 2016 Section 13) must not be done, even during that period, the rule books and informal sovereignties of hostel authorities continued to carry rules that place the onus of security on the woman. There is a gap between the rule book and the rules, political fact and public law, law and a social unconscious – which is not coincidental. Rather, it is a necessary gap that maintains the juridical order. The gap however, with the UGC after the NDA government came to power in 2014, is no longer present. The UGC Guidelines of 2018 match the manner in which the hostel authorities were already functioning.

Besides being a self-referential discourse, what end does this sovereign logic of law serve in organizing social relations in this way? We find ourselves questioning the limitedness and limitation of a political vocabulary to articulate the arbitrariness and banality of the ‘curfew system.’ Is it a form of institutionalized discrimination, an illegal incarceration or a legal limit to freedom? Since the problem is not as easily resolvable in dualisms, we will have to expand our worldview from the (il/)legal and (un/)lawful and stretch ourselves towards thinking of the juridical order of law itself. Is it that law which by remaining ‘silent’ presupposes the illicitness of woman’s autonomy? In other words, the absence of a legal authorisation or a political mandate to delimit women’s mobility defacto assume their regulation? This forces us to question the very premise of equality before the law. My concern in the paper would thus be with the ideology of law and the ontological basis of its authorising force, more than it would be about the paradoxes that exist within contenting schemes of legalisms and legalities.

Production of (in)security

The protests after the Delhi gang rape and murder of Jyoti Singh (2012) were paradoxically also key in bolstering the securitarian control over women’s bodies in Delhi’s colleges. It simultaneously brought along legislations that expanded the law’s understanding of sexual harassment. The character of the protest was not necessarily uniformly of a progressive nature, as was evident in the emphasis on performing outrage as an expression of justice. Maya John (2013) noted in the calls for death penalty for

rapists how the protests against rape were being instrumentalised to further a carceral masculinist protectionist discourse that narrowly abstracted the question of rape from the socio-economic conditions of women, “Even a rapist can fight against rape, and so the fight against rape is itself not struggle for the liberation for women.” (John, 2013) The clamour for introducing the most stringent legislation on rape has conveniently sidestepped the sharp criticism of such legislation on the grounds of its detrimental impact on rape survivors. The dominant rhetoric to have captured a collective righteous anger against rape, was predicated on re-constructing the abuse, violence and exalting the female body as sacred and vested with honour. Thereby, isolating and exceptionalising the violence on women’s bodies, which makes them more vulnerable to gendered violence, triggering a chest-thumping masculine zeal to protect women from and avenge women’s suffering. Despite the fact that this is constantly invoked to validate the culture’s ‘respect’ for women, “Brahmanical patriarchy.” (Chakravarti 2018) Reflecting the ideological structure upon which women are internally embroiled in conflicting and antagonistic relations - amongst themselves as well as against the system which produces inequalities between and among people. Women are simultaneously and systematically devalued selectively de-gendered when it is their cheap labour that needs to be extracted, marked by their caste-based occupational roles. The dubious exaltation of women as “sacred,” as a figure that needs to be worshipped is deployed as an ideological trope to reorient society’s relationship with women along their social identities, cultural-moral codes of conduct that guide social judgment, etc. Paradoxically, the same rhetoric of women as “India’s daughters,” was a driving force in justifying the immobilising of women’s scope of social action.

Over the years, the fence and warning sign boards transitioned into demand for identification and certification at the gates of college campuses and now, even biometrics have started governing people’s lives in the Delhi university. The sense of being watched, was earlier restricted to being under the eye of security personnel and police on the campus – now, there are forms of techno-surveillance, which are unfamiliar. This is not a direct consequence of ‘innovation in technology,’ or a self expanding desire of tightening of control by the powers that be, but also is inscribed in the very logic of creating a

necessity for the consumption of data-driven security solutions that have now come to rule the market.

Women's mobility is something that is regulated in the hostel spaces, and although it is not aberrant in itself for people's mobility to be shaped and hindered by society, it strikes one as peculiar for its persistence. The institutional insistence to not weaken this regime of control over women's bodies despite repeated protests, beyond a point appears suspect strikes as an odd fortification of women's lives. Why is it that the regulation of women's bodies has become what appears to be the *Dharma* (loosely the Vaidik Brahmin's insistence on the infallibility of Veda as the source of sacred law, Dharma insists the authority of the Veda) of the University? What was hitherto concealed and invisible is marking its presence and visibility. Now, increasingly, we are witnessing a rise in the insistence on people vacating public spaces, presence of police barricades and ubiquitous electronic cameras, plain-clothes policemen zooming in on every dissenting person all becoming part of the neo-military syntax of contemporary institutions and imagination of built form.

To understand what was the relationship of the University with democracy to establish how the hostel rules speak to the 'law of the land.' The language in which one can formulate resistance would depend largely on how they recognise the problem and recognise their own place in the structure of the problem. If we see that the hostel is not doing anything exceptional by restricting women's mobility, then the real exception is *not* the betrayal of liberal democratic institution's promise of equality but the challenge it faces against the normative inscription and of the exception in the social order. Many questions come to mind, after reckoning with the structural production of the sphere of exception as the ground for legal authority. It immediately allows us to see how women are unfree in most places they occupy and inhabit – the relations of this exception are negotiated from/on their social location. How are gender and sexual relations, pleasures and exploitation, oppression and transgressions gets implicated in the same logic of (in)security production which posits its own solution in the securitisation of women's bodies. Through a study of the hostel curfew system, not only do we get exposed to the everyday paradoxes in people's life experiences but also see the contradictions that

sustain the false binarization of security and insecurity, as oppositional and abstract phenomenons such that it phenomenologizes neoliberal subjectivity into narrow constructs of choice, agency and subversive capacities and decisions. “This circular logic of enjoyment through dissatisfaction generates the activity needed for the system of capitalism to perpetuate itself. Late capitalism runs on a spectral abstraction that veils the antinomies that continue to guarantee its own perpetuation without limit, and no movement (including feminism) to limit its reach and safeguard equal access, re-distribution, equal status and power, has found a way to surmount its contradictions.” (Kunkle 2017)

To put this in perspective, when working women (sanitation workers, ad-hoc professors, security guards, contractual professors, administrative staff) in the hostels are forced to work under precarious conditions, and students are forced to not leave their hostels for work to preserve the relations of production, what does it say about the system’s enduring capacity to inflict violence at the margins, that animates life whose ripples can be felt in the Central university of the capital city in Delhi and in elsewhere in the world due to the integration of a global political economy? This accumulation of wealth by extraction, expropriation, repression, colonisation, imperialism is what runs parallel to the structures of choice, equality before law, democratic rights that are nonetheless held together through a relation of abandonment. (Agamben 1998) Such paradoxes aren’t an anomaly to capital rather a logical manifestation of its internal contradictions and the class conflict it engenders. Amidst the move towards greater commercial privatization of the university, what does the notion of ‘private’ life imply?

It has been noticed time and again in the movement, each time the security rhetoric has been challenged by women, the administrators of the universities have responded by saying that they would take “no responsibility if anything were to happen to women if the curfew is removed.” The Principal of Miranda House College for women, famously told the protesting students, that there was a fundamental contradiction in their demand for autonomy. The contradiction being, that if they are demanding freedom from restrictive rules and regulations, then they must also not hold the institution responsible for not putting mechanisms for their safety. That if they wanted “radical autonomy” then they

should be prepared to radically place themselves outside the social. Underlying is the logic of social discipline, the women students are seen as being youthfully transgressive, even naively anarchical in their negation of the hostel curfews. What the administration fails to see is, that the negation of the hostel curfew does not stem from a negation of the reality of the conditions that create the allure of the curfew! Rather it is knowing well that the social conditions make women vulnerable to violence that makes the demand for the removal of hostel curfew urgent, such that no woman is insecure or made to feel isolated in public life. Only if women occupy public spaces in numbers can the streets be made secure. However, since the dominant ideology renders safety and paternalism as inalienable, the Principal of various colleges posit autonomy and safety as antithetical and *not in* antagonistic terms to one another. By assuming a trade off between autonomy and security, the structural antagonism that underlies such dimorphism gets obliterated. Despite acknowledging that the old rules were “archaic and major reform was overdue,” Principal Jolly couldn’t concede to the protesting women. (PTI 2018) After numerous protest since 2015, in 2018 in response to a call given by Pinjra Tod, thousands of students had gathered to block the national highway (Khanna 2018) for four hours after visiting each college and giving their officials a deadline to revoke the curfew, Miranda College changed the rules by thirty minutes. (Chauhan 2019) It made the curfew later and increased the number of nights a resident could stay out of the dorm, before that, the women weren’t even allowed to access their own campus beyond curfew timing.

Lefebvre draws elsewhere on a religious example to explain the structuring function of space and time as the immaterial content of ideology, “What is an ideology without a space to which it refers, a space which it describes, whose vocabulary and links it makes use of, and whose code it embodies?” (Lefebvre 1991: 44) What would remain of security discourse if the hostel were to be a place where people acted as they pleased? It is precisely for the reproduction of social order that the ideological apparatus of the hostel has been created, in order to hold and perpetuate that which it endures. If there were no hostel curfews, the administration imagines there being no role for the hostel warden or the security guards because despite their formal duty, their actual duty is being performed in and through the diversions of their duty - in policing the students themselves. Despite

the rhetoric of the danger of the “outside” world, it is the “inside” which is being heavily governed through disciplinary and carceral logics.

“Our biggest challenge is to provide a safe, secure environment while nurturing liberal and progressive education for an extremely diverse student population,” Jolly told The Washington Post, “This requires nuanced responses.” (Masih 2019) Underlying is the idea that if “women can secure themselves,” then they must not simultaneously reach out to the administration to secure their social field for safe movement and secure freedom. This, at once confuses the fear of law and resistance against it while also capturing a real antagonism in the field of relations which simultaneously produces a generalised condition of insecurity as well as offers security solutions that focus on individuating safety as a personal valve against the mass ordeal it engenders. However, this is a misreading of women’s assertion, since the refusal to be contained in the logic of confinement and security implies that women will both violate the terms in which security while also challenging the narrow production, posturing and projection of liberty that relies on abstract notions of individual will. Therefore the demand for freedom does not foreclose the need for social security rather is the basis for the struggle which holds the administration accountable for its structural reproduction of unfreedoms and inequality through the instrumentalisation of women’s social insecurity. Therefore, women are not simply beseeching the administration to be liable to ‘protect’ them, or accepting the Faustian bargain of conceding to regulation for the sake of non-confrontation but rather, demand accountability for its role in actively disabling and impeding their security. They recognise in the distinctive instantiations of insecurity a logical connection which they seek to abolish. Caste consciousness, patriarchal power-play and capitalist subjectivity animates the process and potential of love, it forecloses the access of some into the dominant frames of desire which exceeds the normative discourses on heterosexuality.

The subjective conflict - of whether to choose to risk oneself or protect oneself - is entangled in the dialectical movement of oppression which governs through a simultaneity of repressive and mildly repressive structures that are caught in a relation of exploitative terms of participation in polity and self-production/preservation in society.

Strangely enough, the same language of ‘discipline’ and ‘conduct’ is deployed to impose a set of conditions, impositions that delimit women’s mobility precisely in order to ‘avoid’ sexual harassment. I will be probing this seemingly paradoxical reality as a manifestation of the internal contradictions within capitalist development - which sits comfortably with feudal modes of relations by re-signifying their function towards the production of capital. The paradox of the modern woman is that she goes to the education institute to potentially enter the formal economy’s labor force but is simultaneously rendered unproductive (therefore, unpaid) through the technologies of subjection as well as is produced as gendered subject of capital - whose reproductive labour must be re-feudalised within the structures of caste, community and heterosexual family in order to reproduce capitalism itself. That is the internal contradiction of capital gets manifested in its capacity to simultaneously help in withering feudal regimes of patriarchal oppression and creating the conditions to democratise relations towards the realisation of personal liberty and liberation for all, while also congealing the feudal relations and caste order by opening up scope for class mobility for a few. Thus the structural antagonism with the system persists throughout the very socialisation of labour for the sake of capital.

This chapter has so far outlined the background to my research. The next section outlines my specific research questions.

Research Questions

- 1) How do we understand the treatment meted out towards women in the hostel spaces of a public university as relating to the totality of social relations, what does that say about the organizing of publics, modes of subjection and production in society through the rule of law?
- 2) Since the curfew system enjoys a wider social sanction, it must be placed on a continuum of restrictions posed on women’s mobility. How do we understand the various structures of authority - familial, institutional, constitutional, local patriarch - and consciousness that animates women’s choices? What does it tell us about women’s relation with the law which promises protection under conditions

- of unfreedom by further imposing restrictions on mobility while also subjecting women's bodies to security and surveillance?
- 3) Finally, how do struggles for resistance brew in the hostel? How is such militant subjectivity taking form? Here, is where the articulation of resistance becomes difficult; for the subject of resistance is also subject to Law – inscribed by an obligation to obey in return of recognition by law, to have gratitude for the protection it offers as also with the desire to transgress the law that regulates desire itself. It is important to study how the sovereign structure of law's sphere of self-referentiality such that social autonomy and security get structurally counterposed?

Methodology

For the purpose of my research I have relied on –

a) Surveys conducted by Pinjra Tod towards making the report submitted to the Delhi Commission of Women (DCW) marking the unaffordability, inaccessibility, and discriminatory nature of Delhi University's higher education system. The report submitted by Pinjra Tod is a 45 page exhaustive document that emerged from a long process of collecting and documenting testimonials and experiences from women students across colleges and universities in Delhi.

It was this report which was submitted to the DCW by Pinjra Tod in 2015 that resulted in a historic move where DCW on 6th May 2016, issued notices to all registered universities demanding a rationale behind the imposition of curfew timings exclusively on women, thus instituting an inquiry on the grounds of gender discrimination. Pinjra Tod (Smash the Cages) was founded in 2015, after an Open Letter was written by a Jamia Millia Islamia student against the discriminatory hostel policies, which was then taken to cognisance by the Delhi Commission of Women. Pinjra Tod then abstracted its political movement from the concrete experience of the Jamia student by foregrounding the condition of women across the country who were being subjected to similar regulations. Pinjra Tod started out as a movement against curfews in girls hostels and gradually

emerged as a collective taking up causes related to women's emancipation. (Pinjra Tod 2018d*)

b) Legal challenges to curfew imposition in hostels in the Kerala High Court and Supreme Court of India.

The study of course relies on secondary material provided by feminist debates from across disciplines ranging from the Slovenian school of psychoanalysis on the questions regarding the ontology of sexuality, to the American and French feminists debates surrounding sexual control and the understanding of patriarchy, to the Indian feminists understanding of structural complicity as a condition for articulation of both patriarchy as well as agency. I also refer to the work of Italian philosopher Giorgio Agamben whose framework of “state of exception” has been deployed by many thinkers to characterise bare life as an immanent condition caught in the cycle of resistance and repression.

Chapterisation

In this chapter, I have laid out the background and broad contours of my research.

In Chapter 2, I will first try to lay out a spatial visualization of the Delhi University Campus, where the functioning of the group Pinjra Tod has primarily been located. I will try to give an account of student life through the structures of accommodation that they occupy of which the university residence or hostel is just one form, the others being paying guest accommodations and rental flats. Is this a remnant of feudal order in the constitutional capitalist system or does the feudal order get sublimated in the capitalist order producing its own contradictions which resort to the reification and reproduction of caste-patriarchy? We will also examine the public/private debate in this chapter and place the political role and administrative function of a “public” university when it legitimises private interests of corporates that step in to fill the lacuna of housing that hostels leave. This will help us understand the role of private configuration of sexual relations which is grounded on an ideological reasoning which disallows for a deeper engagement of the contradictions that necessitate such a dualism to persist in society – which lies as a driving “force.

In Chapter 3, we will introduce the intricacies of the hostel curfew rule, and how its extra-legal authority operates in contravention to the law of the land while upholding a popular (dominant caste-class) social morality. We will also map out the various discourses of sexual control, security, normativity that are deployed to institutionalise the curfew as well as study the necessary legal cases that directly deal with the question of women's autonomy, security and provide a justification or an argument against discriminatory hostel rules.

In Chapter 4 we discuss the various formulations of understanding patriarchy and the political subject of the women's movement. We will discuss how the articulation of resistance becomes difficult for the subject of resistance is also subject to law – inscribed by an obligation to obey in return of recognition by law, to have gratitude for the abstract protection it offers as also with the desire to transgress the law that regulates desire itself. We will mark the intersections of sovereign power, subjectivity, authority and limits of liberal democratic law and with it touch upon the various theoretical frameworks that are deployed to the study of the same.

In the concluding Chapter 5, we discuss how women students remain right-less in their avowal of human rights to have rights. By contrast, in the hostel, what we see is a state of being 'second class citizens,' it is the state of being citizens while not enjoying its associative qualities. Citizenship too then becomes both an ideal and an empty pursuit which is ruptured and actualised through resistance.

CHAPTER TWO

EXPLORING THRESHOLDS

I see a large building.

In the front wall there is a narrow door, wide open. Behind the door there is just darkness. In front of the high threshold stands a young girl An ordinary Russian girl. The impenetrable gloom behind the door yields bitter coldness, and from the depths of the building comes the sound of a slow, deliberate voice.

"You, who wishes to step over this threshold, do you know what awaits you?"

"I know," answers the girl.

"Cold, hunger, hatred, derision, contempt, abuse, prison, sickness, and maybe even death?"

"I know."

"Complete alienation, loneliness?"

"I know. I am ready. I shall endure all sufferings, all blows."

"And not from your enemies alone, but from your family and friends?"

"Yes. Even from them."

"Good. Are you ready to sacrifice yourself?"

"Yes."

"As a nameless sacrifice? You will perish, and no one, no one will even know whose memory they should honor?"

"I need neither gratitude, nor any pity. I do not need a name."

"And are you ready to commit a crime?"

The girl lowered her head.

"Yes, I am ready to commit a crime."

The voice did not immediately resume the questions. "Do you understand," it finally asked, "that you may become disillusioned in what you believe now, perhaps realize that you made a mistake, and that you ruined your young life?"

"I know that too, and I still want to enter."

"Then enter:"

The girl stepped over the threshold and a heavy curtain fell behind her.

"Fool," someone said from behind.

"Saint." Someone replied.

-Ivan Turgenev, "Threshold" (1878)

A spatio-temporal thinking of the hostel space would enable us to view spaces, not as passive, neutral or natural in its familiar contours, but rather as humanly formed, as a shaper of and shaped by human subjectivities, identities and consciousness. What is a

hostel space? The full scope of this question still remains to be answered. It is not 'home,' it is not a hotel, shelter home not even a remand house. It is also not a prison, it is not a camp nor is it a sanatorium or a Ren Basera (night shelters for homeless people). Perhaps a 'transit home' which comprises the qualities of all the aforementioned spaces? Delhi University is spread across the city, but is largely concentrated in the northern and southern parts of the city. In the Delhi University Act 1922, the words "unitary teaching and residential University" were substituted by the Delhi University (Amendment) Act, 1952, the autonomy being granted to colleges is laden with complexities, more so now with the latest changes introduced by the NITI Ayog through which 'autonomy' becomes a proxy for privatization. The Delhi University Teachers Association as well as students bodies have claimed that the provision which claims to give academic autonomy to teaching, learning is a proxy for financial autonomy to managerial trusts and university administrations. It is a part of the process of a wider withdrawal of the State from public-funded education. (Mehta 2018)

One can say that "while feminists rallied around the notion that the private is the public, large corporate interests were quietly insisting that the public is the private." (Shannon et al 2013) According to Aranya Shankar and Mallica Joshi's findings, in 2016's data, in Delhi University, out of the 64 undergraduate colleges, only 14 had residential facilities with a meager 6,040 hostel seats for a student intake of nearly 1.8 lakh regular college students. (Shankar and Joshi 2016) This meant that there was one seat for every thirty students. As private players have rushed to close the gap between the number of students and the number of hostels, the glut of private paying guests (henceforth, PG) and apartments on rent have solidified the economic barriers that separate students, engendering the conditions for gendered spatial reorganisation.

Hostel as a Right and Necessity

The Indian Express reports that of the estimated 180,000 students enrolled at DU, the university only has hostel seats for 9000, in such circumstances students are forced into the private rental economy. Till the year 2015, only 15 off-campus hostels and 9 colleges with boarding facilities, out of the 9 only 5 accommodate women. (PTI 2015) According

to a survey conducted by Pinjra Tod which -- taken by a total of two hundred and eleven people -- in the year 2019 revealed that 58 % lived in flats 34.9% in PG rest in hostels however 45.3% would prefer to live in hostel because it's cheaper, has mess facilities and can be held accountable as public office, maintains close proximity to college resources and easy access to seniors. Despite its small sample size, the figures were corroborated by the thousands of women who wrote on the Pinjra Tod, coming out with their testimonies detailing the nature of hostel restrictions, making the movement quickly resonate with women across the country. However, curtailing of liberty, (moral) policing, inability to have guests beyond a certain time, limited number of seats were seen as major determinants to taking a seat in hostels. Some male respondents said they would prefer hostel to PG because in hostels they didn't face any timing restrictions but in hostels they didn't; this was in stark contrast to the experiences faced by women students. PGs were the least popular out of choice between hostels and flats due to their excessive interference from the landlord, high prices, no independence and bad meals. In the subsequent survey of 2019, it was found that 38.5% of respondents pay an amount ranging from Rs. 13,000-20,000; 16% pays between Rs. 10,000 and 13,000. 41% of all PGs have a yearly rent increment between 10-20%. (Unpublished Source*) It is to be noted that most of the high-priced PGs are in the south campus especially around Amar Colony and Greater Kailash. Students of women's colleges in South Campus are the prime residents of such expensive PGs since most women's colleges do not have hostel accommodation. This in effect operates as a 'gender tax' on education, with women students bearing a substantially higher cost overall to support their education. This is both compounded and justified by the official narrative by citing security concerns that require additional costs of installing security cameras, security guards and shown to be the expense of women's "late entry" into the hostel, thereby effectively making them pay for their own historical marginalisation and alienation from education.

The lack of hostels, in general and women's hostels in particular end up pushing them towards the paying guest economy, where similar rules and restrictions apply as in the hostel except the negotiation with the landlord belongs to a different structural order - of the market - than that in the hostel, a public institution. While most places shut

themselves off to people who cannot afford them, there are others that aren't almost immediately closed off but require social bargains.

The placing of conditions of the “kind of tenant” that the landlord is happy with leads us into an entangled web of social antagonisms, prejudice, biases, incivilities, asocialities, and discriminatory acts. With this as the sociological background, let us proceed towards understanding the rules and regulations governing women in the university campus. Besides, the material reconfiguration with an accelerated push towards privatization of the public university, there had been structural problems with the university which fails to come close to any ideals of universalizing accessibility to education for all, with its massive infrastructural lacks, severe housing deficit, lack of implementation of guidelines that would help make the campus accessible and inclusive. This lack is by design – to sustain a thriving rental market in the “student friendly areas” where the smallest of rooms get taken up by students who come from distant places to receive an education. So, what does this “home away from home” promise? Not ventilation, not ease of rent, not free access to campus but rather, “maa-jaisi-warden's” (mother-like warden's) maternal concern, paternal authority, and familial surveillance structures, harassment, discrimination. The shrunken numbers of hostels and their increased fees is a lack, somewhat necessary to maintain in order to facilitate the ‘need’ for private rental economy to flourish, where the problems of restrictions are somewhat mitigated with moneyed transactions – where the tenant is expected to pay more to be able to afford their freedom, and the landlord is willing to partially concede them such a space – and there is a clear link between the thriving rental-economy at the expense of public lodging. This too is not always the case, and is especially limited in the case where deep racial, religious, caste-based prejudice govern and guide the sensibilities of a rent negotiation – such fundamental social contradictions are often irreducible to economic determinisms and valuation however, these acts are not social formations that can't simply wither through re-culturing. Therefore the very category of security and social-subjective relations of alienation that is formed to preserve the security of capital at the expense of people. This is what often pushes women to assume roles that they may even know are damaging to their interests.

In colleges that offer hostel residence, women end up paying double the amount that men pay. Based on a survey by Pinjra Tod, I had studied the monthly average hostel fee for men and women, which found that women students pay ₹2,958 more for undergraduates, and ₹2,614 more for postgraduates, every month which then adds up to being ₹29,580 and ₹26,140 over the next 10 months of the academic year (Tewari 2017) The experience of social discrimination and fear of social abandonment becomes central to the experience of marginality as well as an entry point into social struggles and movements for a large mass of women students who got associated with Pinjra Tod, and were able to mitigate their crises in forging support structures, release their immediate frustrations concerning the unfair regime of control and restriction, while also being able to form a consolidated and concerted collectivity which enabled each other to link their immediate experiences with the totality of social inequalities. This enabled a fight and struggle to dismantle the structures that produce and perpetuate conditions for discrimination. According to a survey carried out by Pinjra Tod, 59% of the respondents said that their PGs had no provisions for dealing with earthquakes and fire and only 3% of the respondents claimed that they had adequate emergency safeguards. 68.9% respondents said that there were almost no first aid provisions available on site. This further shows that despite the claims of providing safety and security the landlords and PG owners couldn't be bothered about even the most fundamental needs of a resident. This is especially interesting since most of the high rents are justified in the name of providing safety and security to the students; inhumane rules and regulations to which over 55% (unpublished source*) of the respondents were subject to are also often justified in the name of safety which continues to be elusive.

A report by Indian Institute of Human Settlements defines paying guest accommodations as: "In India, increased job opportunities in the service sector has led to a rising demand for rental housing. Thousands of adults between the age of 18 to 30, belonging to relatively income-poor segments who migrate to urban centres for education or employment, seek cheap accommodation for the duration of their stay. In areas of high economic growth and employment, this demand for affordable housing is being addressed by a mushrooming of a particular typology of rental housing. This is colloquially known as Paying Guest (PG) accommodations and typically has three

stakeholders - the tenant, the PG operator (quasi-professional operator who takes the place on rent/lease) and the landowner.” (Harish, Marella, Priya, D’Souza, 2020) These paying guest accommodations are also exempt from the taxation regime. In the year 2015, university students had staged a “civil disobedience” (PTI 2014) movement against the arbitrary rent hike, inflated water and election bills, extortion of money for substandard living conditions, imposition of regulations that are against the spirit of the Constitution.

They held the university responsible for subjecting students to be left to live at the whim and mercy of landlords, who enjoy near-total impunity even if they harass, discriminate against students. “We are not given any receipt. There is no rent agreement, there is no receipt for the rent and all the people who live here do not pay any income tax for this... don't know where the income tax authority is sleeping. This is something worth notice,” he said. According to the statistics provided by ‘Right to Accommodation’ team in 2014, one single room accommodation with attached bathroom ranges from Rs. 4500 to Rs. 15000 in the north campus. However, if the matter of rent regulation goes to the court, the rent will be fixed somewhere around Rs. 1000. (Gupta 2014) The striking students further claimed, “If Delhi University wishes to be called as the central university, it should provide adequate hostel facilities and should have appropriate understanding with the local residents. Landlords prefer students because it is easy to get the property vacated, so in return students deserve the gesture of reasonable rents.” (ibid) Therefore the context of this writing is that there is a general housing crisis in the city, out of which students get a raw deal and among students, women students’ end up paying double or triple the amount that men pay with additional rules and regulation governing their lives. There has been a steady increase in the participation of women and people from marginalised communities but that hasn’t led to a corresponding increase in the hostels. University Grants Commission XII Plan Guidelines for the Special Scheme of Construction of Women’s Hostel for Colleges (2012-2017) has also acknowledged the dearth in women’s hostels and recognised its role in fostering a healthy community.

Women students pay their full college tuition fees, oftentimes having to pay more than required in the name of security, but at the end of every semester they are expected to

vacate their rooms and take re-admission into the hostel at the beginning of the next. Even from a strictly utilitarian lens, they are deprived of the fruits of their valuation. The idea of having to vacate their hostels, not being given re-admission based on their “merit” (Also see, Subramanian 2019) becomes a sword hanging over their heads, for women who could at any point be stripped off the hostel seats if their ‘behaviour’ deemed inappropriate by the hostel authorities. From the immediate wardens, to resident tutors, to the Provost, Proctor, all the way up to the Vice Chancellor - the structure of political authority governing the women’s hostel in Delhi University, although hierarchical is still non-linear. With the many policy changes lined up, this structure too, may not hold for too long. The Proctor of the University is in charge of maintaining discipline, of bodies and lives of students on campus.

Is the hostel a public or private space

The University hostel represents a space that is neither private nor public – escaping the neat categorization as home or workplace but being either and both at the same time - it is a dual space that is both for a time, owned and occupied. Hostel ‘curfew’ marks the ‘deadline’ or the ‘in-timing’ by which women should be back in their hostel premise/hostel rooms. Such regulating practices also exist in working women's hostels and paying guest accommodations across the country – oftentimes the restricting of their mobility is an extension of the regulating practices that accompany it through surveillance, monitoring, moral policing, control. Is it illegal incarceration then, these plastic cages? Each time when the Delhi University was approached to do away with the discriminatory restrictions that curtail women’s right to mobility, the buck was passed to the college authorities who had relative discretionary power to decide it. With the many policy changes lined up, this structure too, may not hold for too long. The Proctor of the University is in charge of maintaining discipline, (Ord. XV-B*) but that ‘discipline’ soon distilled into disciplining the bodies and lives of students on campus even though it formally states, “Maintenance of Discipline among Students of the University concerns itself more with prevention of ragging and assault than regulating people’s everyday lives.”(Statute, 12-B*)

Further no democratic decision making is involved in framing the rules that apply to women, and in the absence of that, the rules that have been imposed de facto get ratified despite denial of a voice, through direct participation of the people in obeying the rules. In order to further congeal this forcefully extracted approval to hostel rules and codes of conduct, women students at the time of their admission are asked to submit affidavits, undertakings, which amount to the waiving of their own right to protest as a precondition for their accommodation in the hostel. Women thus are forced into abdicating their constitutional right to protest which although does not count as anything in the eyes of the law so long as protest duly stands as legal principle, but the mere fact of licit or non-licitness of protest is unimportant so long as the norm is able to cast protest, criminal. The normative rule thus creates a fear of political action *as if* it were illegal - thus presupposing criminalisation of protest.

The function of security rhetoric is driven by both paternalism as well as in the interest of reproducing structures of caste-patriarchy and capitalist production relations, which is not incompatible with the material reproduction of the conditions under which women cannot be seen as legitimate political actors. Thus reducing the imperative of inclusion to an analytical addition of women into university spaces while simultaneously denying them the university facilities, resolution (by constraining their mobility, this has been compared to the *Lakshman Rekha* by Pinjra Tod activists since the University and the State seemingly things of its own task as that of drawing out *Lakshman Rekha* (from a Hindu mythology of Ramayana, represents a border that was drawn by Lakshman outside Sita's character for her security), give lessons on personal responsibility and not arrange for mechanisms to mitigate the crisis which renders women insecure in society. The Bharatiya Janata Party Union Minister, Maneka Gandhi had justified the curfew system by saying, "When you are 16 or 17 you are also hormonally very challenged. So to protect you from your own hormonal outbursts, perhaps a *lakshman rekha* is drawn. It really is for your own safety." (Choudhary and Sanyal 2017) Further, she said that the problem of women's security could not be solved by placing "Bihari gentlemen with sticks at the hostel gates," rather could only be solved by placing restrictions on both men and women such that they are out in public spaces at different points. Therefore in her penchant to justify spatial codes of gender segregation, she relies on the argument of

placing *Sanskaari Maryaadas (Lakshman Rekhas)*, that they must perform their caste-appropriate gender role in order to be deemed 'respectable,' while simultaneously denigrating the figure of the *chowkidar* (watchman/guard) in the migrant labourer. This compromise between autonomy and security is hinged on the ideals of performing austerer, sacrifice of one's desire and time. This was challenged by women, who broke the curfews, subverted the rules and broke hostel locks to speak out against the counterposing of freedom, social interaction and healthy sexual relations with security - to ensure that 'security' is not reduced to submission to patriarchal cages and the hostel is not reduced to being a placeholder for patriarchy towards the reproduction of existing inequalities in society.

Curfew and freedom

While discrimination is self-evident in the spatial allocation, exclusion and segregation at a neighborhood level in Delhi University in particular and the city, in general, my study will be on a scale below this. It is not within the scope of my study to cover the various historical transitions that the university has seen, but I wish to study the space of a women's hostel for what it represents philosophically and politically, thus this won't be an empirical study but a spatio-temporal mapping of the hostel as a site which (dis)allows and encloses certain forms and modes of subjectivities from finding expression which can help us provide an entry point into theoretical concepts of citizen-subjects, subjects of law, and the various structures of authority that (in)form women's subjectivities. The maintenance of the curfew becomes the "*Dharma*" of the masculinist university performing the "*maryaada purushottam*" by defining the transgressive limits by circumscribing the border of permissible social action. Despite regional and cultural disparities, the hegemonic frame of women's mobility in society is subjected to strict scrutiny; women are somewhat used to and conditioned into the lexicon that rationalises the curfew as something they would "ideally" not have liked but all things considered and given in the sexual and social insecurity; it works in their interest and therefore is also assumed the default ethico-pragmatic choice. Even if they wish to not be subjected to such rules and restrictions, they can "understand" the need for it being placed upon them.

We can thus clearly see that the function of the rationalisation is not just to serve as a justification for or apologia of the curfew system rather, even while being against the curfew, most women found it necessary. This creates the conditions for the curfew's own need while also establishing itself as the universal against and along which any and all political articulation can be framed. That is, any conversation on women's safety is only possible to be spoken of in the terms of security, freedom and risk for it to be made legible and for such a reality to be representable.

This also implies that if the ontological fact (radical negativity) of absolute freedom exists only in and through its own negation - that is that there is no absolute freedom in social life - then the very positing of a limit to our freedoms brings about and produces a sphere of enjoyment. This of course, exists in a paradoxical relation with external control/imposition and also as an internal limit to one's freedom - which cannot summarily be dismissed as merely an internalisation of oppression rather is a way to discern our own participation in the conditions of subjection as a driving force. While the former exists in antagonistic terms with an unequal system which subjects and produces subjection as a mode of existence, the latter persists as a contradiction which manifests as an impossible condition upon us and is constantly navigated, pushed through struggle. In other words, the condition of existing within the hostel and behind the gates of law captures the imagination of and forms the condition of existence for women. Life beyond and outside of the hostel gates at night time are equally unwelcoming to women and therefore, creates its own sphere of impossibility, which is why even if given an option women choose to remain indoors than be outside. This is not only an imaginary cage of oppression which can be fought with consciousness but also frames the very terrain of possibilities. Asad Haider (2018) writes, "Perhaps the most puzzling and disconcerting question in political philosophy is the one that was posed by Spinoza in his *Theological-Political Treatise*: why do people fight for their servitude as if it were their salvation?" We will explore this thread in greater detail in the last chapter.

The women's hostel as threshold

We will explore the various interlocking grids in which the women's hostel emerges as a threshold,

- Women's hostel as the threshold of self-ownership of time and ownership of space. This is manifest in women's lack of control over their bodies, time which is regulated by the curfew timings and how this lack plays a constitutive role in shaping gendered public spaces by managing (in)visibility towards defining the public morality around conjugal and communal life.
- Women's hostel as the space which helps us sift through the persistence and perseverance of semi-feudal loyalties to caste patriarchy along with capitalist endeavour of socialisation of labour towards the end of capital's self-reproduction as manifest in the dual role of higher education institution's function in the production of female workforce as well as placing inhibitions on their mobility that maintain sexual control.
- Women's hostels become the threshold to understand the very production of social relations as fundamentally insecure, such that survival and security are counterposed in the service of capitalist production relations. This also animates the political field and thereby, the subjective structure of political actors - who are both constrained and defined by the legible political action through the deployment of security discourses, hetero-normativity, caste purity.

The Burden of Freedom

In the site of the hostel, there is bound to be a confluence of representations of the same condition of the curfew as being experienced differently by different women - as exploitative, inhibiting, liberating and secure. This points at how there is no simple oppositional relation to the system but a complex one, which implies that women's relation to the curfew is defined by its hegemonic control over the political sphere which provokes a need for collective political intervention to change the objective conditions that produce these different forms of subjective alienation.

We observe how under the present conditions we experience our freedom as a burden that causes unbearable anxiety because it remains fundamentally insecure to be without social security, therefore rendering the surgical operation of weeding out ‘crime,’ to appear as more tenable an option than risking oneself. Of course, the question of women’s mobility is not just a matter of luxury, or abstract concerns for their control over their time and bodies but that those abstract conditions of self-autonomy would enable structures for women to also take up part time work, join political organizations, presence themselves in the public life only to reconfigure its coordinates by broadening the horizon of possibilities. A simple demand for access to university resources, such as the library which was functional around the night, but by default excluded women because of their curfew has the potential to mesh into raising the collective political (un)conscious of the university space by shifting the goalpost of freedoms as well as reimagining narrow frames of privatizing liberties as un-freedoms. No struggle is ideologically predisposed as elitist, small or precludes the potential to overhaul structures as it unravels.

Pinjra Tod’s slogan, “We are out and we are safe,” repurposes autonomy which is founded in collectivity, in community and is not antithetical to it. As people continue their struggle, new contradictions begin to unravel, their outlook towards understanding their own place in the world changes. Subjectivity of women too is shaped by the structural over-determination of risks and (un)freedoms are ideologically circumscribed. It presupposes that the admission of passivity brings us to act to freely assume what has been imposed upon us and as a consequence of which a woman is willing to cast herself into the lime-pit. The political subject of feminist politics can’t be presupposed then this neat division between the subject’s true interest and systemic logic cannot be drawn simply; at least it cannot be apprehended from before and uniformly. Marx had distinguished between the repressive regimes of control and silent command of the law, which compels without seeming to compel us and precisely therein lies capital’s force in augmenting reality and its corresponding law. “In its embryonic state, in its state of becoming capital cannot yet use the sheer force of economic relations to secure its right to absorb a sufficient quantity of surplus labor, but must be aided by the power of the state.” In time, however, “the ‘free’ worker, owing to the greater development of the

capitalist mode of production, makes a voluntary agreement, i.e. is compelled by social conditions to sell the whole of his active life.” (Marx 1990: 382)

Then it appears that women are implicated in a rule that is designed to sustain the systemic logic of exploitation as the very constituent basis for profit. This makes it difficult to place the singular onus on the administration for imposition of the curfew. While the obvious logical loopholes in the argument of the administration to defend and impose such restrictions must be challenged but also the very terms and structuring basis for its legitimacy too needs to be fought. The process of identification with the curfew system - which manifests in women’s self-censure - does not only spell out women’s culpability or complicity in maintaining their own oppression by supporting the status quo rather also points at how the very process of identification is mediation by ideology, such that it marks an inextricable and impossible presence of an unconscious that supports conscious decision making and frames agentic capacities such that subversions, transgression and conformity become shorthands for willful subjection, victimhood and virtue. That is the hegemonic ideology of security solutions mystifies the political field of insecurity and works through the production of fear and sustains itself through our cooperation. Jon Bailes writes, the relationship between existing social structure and the affirmative rationalisation is not one of direct subservience, uncritical acceptance, total subsumption, and yet directly or indirectly it reinforces the dominant ideology through conformist behaviour. (Bailes 2020: 2) According to Lacan, the very surrendering of our own subjective experience to an unconscious objectivity manifests when we displace the sign for the signifier (Mackie 2013: 3) or take the symptom for the crisis.

In other words, something beyond myself is the logic within which my subjective experiences take shape - the system and the subject are constituted in antagonistic but relational terms. Therefore, we are able to rationalise our role within the system through a negation and instruction of our own subjective will, a foundational repression guides our existence in the symbolic and political universe which is predicated on our exploitation for the very production of the sphere of our enjoyment. That is we must surrender our labour power for the creation of the sphere of the market in which the valuation of our labour will be abstractly determined against wages. Just like the compulsion to repeatedly

perform surplus labour (Marx quoted in Tomsic 2019: 20) in written into the structure of free will to labour under capitalism, in a similar vein, we end up substituting the lack of safety as a rationale for the necessity of protective measures since our safety relies on the socio-symbolic references to security which is overdetermined by a lack of security for women in society. This marks a shift of Lacan's theory of enjoyment: from prohibition to imposition, from repression to production, from contingency to necessity, where enjoyment becomes a duty (hence Lacan's reoccurring identification of the superego with the imperative of enjoyment). (Tomsic 2019: 25) That which has been prohibited, inhibited, repressed becomes its own ground for breeding exploitative conditions that produce enjoyment, therefore both the social structure and our subjective dispositions is constituted through a contradictory and simultaneous double movement of exploitation and repression, which both concedes to while resisting the binding of our enjoyment with the conditions of exploitation. It is not that the law captures an innocent will but that the will is shaped in this negative relation to law and yet, this process of interpellation is never complete, leaving room for resistance if not authenticity. This fundamental incompleteness of interpellation becomes the universal horizon, also signifying an abstract negativity which underlies the process of signification, implying the ungraspability and impossibility of fully articulating oneself in and through language, law, or the political. Lacan investigates the political from the viewpoint of a "damaged subjectivity" which assumes in their critical and clinical work the status of a *social* symptom. As Lacan occasionally remarked, "the unconscious is politics," (Tomsic 2019: 16) which becomes the plane that conceals and uncovers the link between the compulsion to repeat the conditions of exploitation while also finding enjoyment in it.

Women aspire to attain an education not *consciously* to transform into subjects of capitalism and obey its demands of becoming "good employees," reinforcing the logic of productivity, rather their conformity and resistance both get constructed in and through their participation in social relations that are over-determined by capital. Rather, their very first response to be non-confrontational with the system is understood as an assurance of self-preservation within it - so when an overwhelming mass of women refused to raise the unjust practice of being withheld by the hostel curfew, they did so by temporally shifting their aspirations of mobility to a time when they had control over

their lives accrued by capital. Financial autonomy then becomes a passage out of parental control as well as a route into social autonomy - the ability to conglomerate, to collectivise. This point was further explored by Mark Fisher's idea of "capitalist realism," in which he argues that "the role of capitalist ideology is not to make an explicit case for something in the way that propaganda does but to conceal the fact that the operations of capital do not depend on any subjectively assumed belief." (Fisher 2010)

This, however, does not undermine the agentic capacity or our scope of action nor the possibility of making informed decisions and risks, rather points at the very conditions that underscores and over determines the background against which our decisions and choices are made - always appear hypocritical, paradoxical, contradictory and conflictual - creating structural gaps between preaching and praying. The study of political subjectivity and ideological position does "not strictly [observe] ideologies as value systems that explicitly underpin mass political mobilisation, therefore they are 'ideological positions', which have the structure and political impact of ideologies." (Bailes 2020: 2-3) Therefore the task of feminist politics is not to dispell the apparent mythical structure that supports patriarchal social relations by undoing the dominant discourses-as-compulsion rather it is to dismantle the very implication of the political subject in a discourse of self-subjection as a liberation. This cannot be done merely through consciousness raising which presumes non-contradiction as the ground for political antagonism - in other words, patriarchy is grounded on a structural antagonism which perpetuates the system of inequality and is not an incidental outcome of sexist notions in society that appropriated and consolidated material relations to serve men's ideological ends. Rather, the political economy is permeated with a structural gendering of exploitation.

"Before the law sits a gatekeeper. To this gatekeeper comes a man from the country who asks to gain entry into the law. But the gatekeeper says that he cannot grant him entry at the moment. The man thinks about it and then asks if he will be allowed to come in later on. 'It is possible,' says the gatekeeper,' but not now.'

So begins Kafka's, "Before the Law." (Quoted in Houtum 2010)

Women transact hostel restrictions carefully because they have no option but to coalesce or revolt for work. When asked, often they are simply denied the ‘permission to’ be out without the protectionist wing of a man or inhabit an aggression that is a reactive formation in response to structural violence of labour and racialised relations. The idea of public and pleasure is full of candid adventures, things that could have been taken for granted but can’t. Stories of women sneaking from the backdoors of their house, crossing over security gates, climbing over walls with the help of a cooperative family member or a roommate. “In their seemingly private enjoyment, subjects work for the system. Psychoanalysis thus exposed the exploitative nexus of *power-enjoyment*.” (Tomsic 2019: 15) This runs parallel to brisk movements on empty streets, a fear and flight engendered by footsteps in the dark, the insulation of the public space is simultaneously alarming and liberating in it that it occupies the idea of the ‘beyond,’ that which is inaccessible but could be accessed in a different temporal register. According to Tomsic, the political sphere is constituted thus a fundamental resistance of (primal) repression that precedes object of resistance—someone resisting something. Repression is the foundational function of politics—self-differentiation of the political life as a subject of law (of the father)—to enter the symbolic exchange. “Repression exposed a discrepancy between the way a discursive order appears to its observers and the way this very same order captures its subjects by embedding them in a strictly determined organisation of enjoyment.” (Tomsic 2019: 14) That is, “when the world will not be such a difficult place for women, they can and will be able to exercise their freedom!” It is the same idea of futurity is overdetermined by the schema of enjoyment which is enmeshed with the exploitative system and this, deferred temporal landscape of the future is also what tacitly condones and substantiates the present constraints on women’s mobility, which manifests both as a justificatory discourse from the side of the administration as well as that which shapes women’s movements hope in the presence of women in the streets as an enactment of the future that will never come by merely waiting.

The reason this conversation is important is to facilitate an understanding on the very *need for* insistence by the university to preserve what appears as moral law of society as opposed to “secular” laws of the democratic State, these remain important discussions, implied is the presumption of the moral order as private and the public as within the

jurisdiction of the secularized State law. Today the way, in which liberal democracy has been able to establish itself as its own self-referential victor, throwing the possibility of a proletarian democracy out of the contours of imagination as paradoxically, utopian just as the colonial logic had predisposed the history of slaves to eternal servility? Similar to how the logic of security is extended to women in the hostel spaces. Not only does the state provide an anti-political resolution to political antagonisms but also necessitates its own need, therefore producing subjectivities that are inscribed in security apparatus as part of their very mode of existence.

Resistance

It is time we realise that women have had to fight a lot of social stigma and prejudice to be able to study in Universities. The University instead of financially aiding them, makes it even more difficult for them to manage expenses. Curfews already make it impossible for women to engage in any form of employment to independently support their studies. The solution doesn't lie in the inflation of the fees of men's hostels so that they can be bought at par with women's hostels. Rather there needs to be a demand for affordable and accessible accommodation for all students and especially students from marginalised groups. Education could be a tool for challenging the status that women are relegated to in society. But instead, the kind of education (not just content but its very form) in the University caters to the pressures of neoliberalism and its attitude towards women students, furthers the same patriarchal, caste-based structures with negligible changes in the forms of its appearance. The University systematically exonerates itself of all duty of providing affordable accommodation to women, while only thinking of women's safety in the narrow terms of 'protecting' them from sexual violence. The dominant discourse around sexual violence against women and criminality - qualified by nature of brutality of violence inflicted on women's bodies, corporeal violence dominates the sensibilities that frames the contours of what women would experience as gendered discrimination which expresses itself as putting constraints on women's mobility having even female visitors and guests in their own rooms. Very often these visitors are charged a fee to meet their friends in their own rooms. Restrictions on accessing common room or internet lab/TV/canteen facilities inside the hostel too exist along with having dress-codes for

maintaining 'decorum' and 'decency.' The experience of humiliation is compounded by everyday (moral) policing by wardens and hostel authorities who reserve the right to curtail women's access to not just life beyond the hostel doors but also within it, making it difficult for them to step outside their hostels without going through countless procedures to procure permission. This gives an undue power to the wardens, guards, neighbouring people over women. Many times, when women are seen outside beyond curfew hours, the people from the vicinity harass them, threatening to report them to hostel wardens. With gaze as an exercise of disciplinary control operating through regimes of normalization that constricts people to certain gestures, habits, controls, deviations, transgressions. Discipline then is self-enforcing, self-willed and an output of both internalization of power relations and its invisibilization – so much so that one takes unfreedom as freedom, since the scope of freedom is itself foreclosed by regulating the possible. Therefore discipline is difficult to trace to its source, since it is embodied in social, spatial, and institutional relations. Therefore it is inadequate to make empty appeals to change people's "mentalities," but is important to change the social and cultural environment in which one operates to also be able to reconstitute their relation with the system such that one can embody the change.

The women students of Undergraduate Hostel for Girls (UGHG) in Delhi University were facing a severe water crisis for months with barely any water to brush or bathe or even drink. Many residents fall sick, develop skin diseases etc. Finally as the Delhi heat and exam seasons approached, the residents were unable to take it any more and erupted in protest on the evening of 23rd March 2016. On the continuing apathy of the hostel administration who refused to meet them, they decided to break the curfew time and march to the Provost's office. During the negotiations that took place during the protest, the authorities had promised that no individual targeting would happen against women who were protesting, however, in violation of a written agreement, the Provost Rita Kakkar had sent letters to parents which state "your daughter left the hostel on 23rd April, 2016 at around 5pm and returned around 2.30am on 24th April, 2016 without obtaining prior permission from the hostel authorities." The letter further alleges that their daughter's behaviour "has a bad impact on other residents and brings a bad reputation to the hostel." Women students who were facing financial difficulties in paying their hostel

fee have been particularly targeted. The anger, energy and joy of women's collective struggle erupted through the streets and skies of North Campus that night, as the militant determination of the women residents completely shook the university administration and the state government. This struggle was not just about 'resolving' a water crisis. What is most inspiring is the fact that when women residents stood united in collective struggle, and shook those in power – blocking the traffic on the streets outside their hostel complex for four hours, with empty buckets, mugs and cutlery in their hands – even pressurize the warden to roll back the circulars she issued. So much so that the then Aam Aadmi Party government's Water Minister, Kapil Mishra was forced to visit the site and arrange for water tanks. (The Citizen Bureau 2016)

In 2013, the women students of the hostel had organized a 'house arrest movement,' demanding free mobility inside the premises of the college. "Girls are permitted to take six days of 'night-outs' in a month, and the permission process involves getting a letter from one's local guardian (if one is visiting the local guardian). If one is not visiting the local guardian – and instead, say, staying over at a friend's house – one has to get a letter from one's parent stating the address and giving permission. This letter is scrutinized by both warden and dean and has to be submitted three days in advance." (Gautham 2014) It is only after two years when another round of similar such protests broke out, under the name of Pinjra Tod that the women were finally allowed to access their own campus. When women of the hostel tried to install a microwave oven, since they could not leave the hostel at night to go out and get a snack, it was smashed by men from the neighboring residence who broke into the women's hostel to smash the microwave, construing it as a luxury that they were being denied. This, despite them having the access to move while women were held behind closed gates after dark. Women responded to this event by conducting a comical "ode to the microwave," with a proposal for feminist microwave (that refuses to stay silent about the discrimination against microwaves) to a life time of wondering when microwaves will feel safe in this country. Thus mocking the insecurities of men who couldn't bear the idea of women making a patriarchal bargain with the administration to satisfy their midnight cravings against a regulatory regime which restricts them their freedom to be mobile. The use of the term 'privilege' is peculiar here, as it is the barest minimum of an affirmation or compensation for living under enclosed

systems is seen as privilege. Under *Article 15 (3)* of the Constitution, the State (Union of India) is empowered to make special provisions for women and children. The collapsing of autonomy and elitism or seeing it as necessarily against collective and social forms of autonomy mistakenly attributes to acts of rebellion a frivolousness, undermining its role in shaping the struggle against “ascriptive identities and gender-roles to lay claims to ‘special provisions.’ (Singh & Shobhana, 2019 (3): 44)

St Stephens, which has the most “liberal” timings in the University did not allow women entering the college after ten o’clock and late entry results in severe rebuke and a visit to the principal’s office, after which they may take any disciplinary action as they see fit, further, prohibiting them from accessing the lawns outside their hostels beyond the curfew time. After multiple rounds of protests and an overwhelming collection of testimonies from across the country, Pinjra Tod prepared a report. Based on that report, which was submitted to DCW, who had taken cognisance of the Jamia Millia open letter, thereby acknowledging the forms of discrimination that marked the lives of women students in higher education by raising the constitutionality of the current rules in effect in universities all across the country. The DCW it sent notices (Sen 2016) to 23 women’s colleges, heeding to the voices of women: Pinjra Tod’s Press Release read, “We want the university to stop infantilizing us as ‘girls’ and ‘daughters’ in need of ‘protection’, but demand that they treat us as adult women who can make their own independent decisions. The rule-books of the women’s hostel reflect the deep fear that this society has about an autonomous assertion by women of their voice, independence and sexuality: women’s freedom is too dangerous and destabilizing for our patriarchy and caste re-enforcing universities.” (Pinjra Tod 2019b*) This b/ordering and organizing of women’s bodies and sexualities in a way that governs where/when/how/which people are to be seen where/when/how/by whom.

Against affirmative reading of social inequality and difference, a student of the university and a member of the Akhil Bharatiya Vidyarthi Parishad (ABVP) said that the situation in the national capital is not safe for women and the curfew is not very unrealistic. "But a curfew at 7.30 pm is too early," agreed Ankita. "If the deadline is around 10-10.30 pm it sounds plausible. We need better security in the streets for an extended deadline," she

said. (Das 2020) In February 2017, the administration of Mumbai University agreed to open the library 24/7 after a protest and hunger-strike under Akhil Bharatiya Vidyarthi Parishad, the youth wing of the Rashtriya Swayamsevak Sangh (RSS). However, the ABVP agreed to a 'settlement' with the administration "to not allow resident female students to venture out post 11 pm due to 'security concerns', until a committee with parents had deliberated on the matter." (ibid) This meant that women could not access the library post 11pm but should be grateful for being allowed to borrow "two books instead of one," to read from the confines of their hostels. However, women students who were part of the struggle to open the library 24/7 were outraged at this compromise and continued their struggle.

With every repeated act of women students breaking the curfew, sitting outside their hostel gates overnight, climbing over gates – the law reveals its own vacuity even more. It is not that the resistance provoked backlash from the administration rather the law which acts in the name of 'concern,' confronts its own limit with each attempt at unshackling of the gates. Yet, the question is whose authority are these acts challenging in their resistance? The family's, community's, the law's, the State's, the market's or all at once? Is it a simple assertion of their 'right to mobility' or a right to 'choice,' that is being exercised and performed here? I will gradually reveal how such a political framing of such a line of questioning is too narrow to understand the organization of social organization of people and places. The b/ordering and organizing of women's bodies and sexualities in a way that governs where/when/how/which people are to be seen where/when/how/by whom. It was after much silent suffering that an open letter was written by a student and hostel resident of Jamia Millia Islamia University against the protectionist policies, following which Pinjra Tod emerged as an autonomous movement of women students from across universities in the country since August 2015. "The rise of the women's movement goes back to the Emergency years when women within left political groups—especially of the more militant left such as the Communist Party of India (Marxist–Leninist) (CPI [M-L])—suffered the repression of that period along with their male comrades [Lalita 2008]. Many of them reconstituted themselves afresh in 1978 and 1979 as women's organizations with a new language of "autonomy," which meant (as is often forgotten today) autonomy from left political formations." (Sen 1990; Gandhi

and Shah 1992) But Pinjra Tod's use of autonomous was to largely signify the autonomy from both funders or any other parent party. It functioned to mark autonomy from donor agencies, unlike NGOs which had become the primary vehicle of politics on campus that had played an instrumental role in sandwiching the feminist project as one between redistribution of power and undoing our complicity in patriarchal systems by obfuscating the stated agenda of the empowerment projects lies firmly on the side of capital which dictates the trends, devices standards to measure democracy, frames targets to (e)valuate its own investments.

This NGO-ised shift towards rhetorically challenging power while preserving our own social positions has the danger of only narrowly engaging in an oppositional politics to the State which is derived from and tethered to the present configuration of social order. It steered women's struggle away from social movements that could create dual structures of power by channeling the consciousness toward institutional modalities of resistance-building. Paradoxically, the investment in alternative system formations could actually have led to greater capacity to resist governmentality, power and bio-power but the very notion of a structural form is received by many as anti-thetical to feminist politics of immanent horizontalism. The question of working with state structures, NGOs to movemental advantage can only be put in perspective contextually and not principally and uniformly; "We can (and must) begin to build socialism, not with abstract human material, or with human material specially prepared by us, but with the human material bequeathed to us by capitalism. True, that is no easy matter, but no other approach to this task is serious enough to warrant discussion." (Lenin 1920) A principled position towards an empty horizontalism ends up flattening the structural inequalities which remain a constituent force in the making of women's oppression and internal fragmentation in their experiences along axes of marginalities, identities and class location. Such gestural moves are followed by verbal recognition of hierarchy in society and narrow-mindedly call for the unity of women despite their 'differences' since they are bound in the same oppressive relation which privileges one section against another within a fundamentally unequal structure. Such a reading, thus, ends up battling for calls to solidarity across and along "differences" by reifying the unequal frames which is presupposed as an immanent condition from where we speak but undermines the elusive totality which animates such

fragmentary experiences of social reality. (More on this in the second chapter) For Foucault too, “power of binary opposition is diffused through the force of internal ambiguity... Hence, even the Foucauldian prescription of radical invention presupposes an agency which, a la Descartes, definitionally eludes the gaze of the Other.” (Salih and Butler 2004:138-140) Often ending up in posturing a political discourse of oppositionary politics of “discursive struggle” (Hall 1986) whereby it seems that politics of emancipation is but a battle of competing claims to hegemony, power of resources and ideas without creating the conditions for forging unity through and in struggle.

The very culture was knitted on the agreement that it was ‘not safe’ for women to be out in the streets at night, and therefore, was seen by the left forces on campus as an elite and superficial demand catered towards fulfilling the whims of the upwards mobile social class. Even though the demands of the movement presented a different reality, towards creating an infrastructure and environment for women students safe, demanding public transport, housing be made available, affordable, and instituting mechanisms to bring forth the violence that the ruling class men are exonerated from by having autonomous and elected sexual harassment complaints committees, demanding more street lights than surveillance cameras on the campus. However, the presence of regulation is something that women see all their lives, and a large number of universities going women would not actively support the demand for “total” removal of curfew. As the protest grew, people kept joining in and the initial suspicion wore off. The protests were then not only concentrated in the urban metropolitan hubs of the country but entered the hinterlands. Regional Institutes of Education and Panjabi University where women protested for the first time, the entire hostel was united in support of extension of the curfew yet to see the unity that we saw there was a rarity that we do not find the pleasure of observing in the apparently more “progressive” cities like Delhi. Yet somehow it assumed that such a demand is necessarily and always already elitist and not a symptom and manifestation of social antagonisms and conflicts. Seen the refusal to curfews as a populist struggle, at best and an anarchic impulse, at worst not geared towards or informed by any idea of the totality of social relations, the movement was written off initially by the existing political organisations on the campus. This risks presuming and attributing politics to the very

nature of demands that can and cannot qualify as “non-elitist,” rather than a probing of their ideological fixing and articulation.

The same demand can potentially be raised by the right wing forces as well as can be coalesced into neoliberal ideology which commodifies protest aesthetic and form but the movement would then arrive at a different conclusion altogether. Be that as it may, the point about security being a concern with is internal to women as opposed to mere imposition is what needs to be engaged with more thoroughly especially when there is no disagreement on the feminists side that there impositions should not be there even though there may be differences of opinion about the “prioritizing of this issue” as a central mobilising point. “Political feminism has to open the door to this—the original use of psychoanalysis was as an aid to finding the key. If the private is not made political, then it is a space of conservatism.” (Mitchell 2001: 5) Yet while the feminist movement dissociates from views that it deems explicit rightwing or condemns them for their narrowness as one should, it also reflects an idealist investment in ideological positions, thus precluding the possibilities for intent examination of social conditions that produce such antagonisms as spontaneous political articulations? Why is it that women are carrying the guilt of being a liability to their families, even if we know is it enough for them to overcome the gendered relation by virtue of “knowing” that they should not be feeling that guilt? Unless social conditions change, it is unlikely that people would simply overcome their anxieties of being the family’s honour and carriers of culture, values, respect and they will change only when they are contested, challenged, dismantled through the labour of the political struggle.

In the case of the hostel curfew resistance though, the space to articulate a political expression by women was near-totally absent. These are the invisible locutions that inform the hostel curfew and makes it so widely accepted even as it may not be agreeable to many, even if its paradoxical relationship with law is self-evident.

The discourse around the “closed” campus

Hostel authorities are very aware of the power that they have over students, which is why they hold the threat to deny hostel seats as a sword hanging over the heads of students to

discipline them. The threat of losing the hostel seat, makes it nearly impossible for women to register their protest and adds a non-negotiable clause of silence, even in the face of harassment. It is interesting that the UGC does not shy away from admitting the ‘fortification’ of hostel spaces, rather takes pride in it. In fact, in a tactful manner, the demand for a closed campus which doesn’t run through the city but is an ‘integrated unit’ unto its own, is being pushed precisely on the ground of ensuring women’s security, Vice Chancellor Yogesh Tyagi made an important announcement at the 96th convocation of the University in November 2019 promising that within one year, the north campus would be developed as an integrated closed campus without any thoroughfare. Only university people can enter. Often the discourse of security is seen as a self reinforcing one which territorialises, governs, rules, dictates, orders, instructs, manages, adjudicates, administers life in and through the terms of inclusion and exclusion, however, what this obscures is how the very field of political relations is inscribed in logic of reproduction the social order of inequalities and unfreedom along various permutations of discourses. The university said it was in touch with different agencies including Delhi Development Authority (DDA), municipal corporation, and Delhi police,” said Rajesh Jha, a member of the executive council (EC), adding that this was once “a major demand of students’ outfits.” (Sarfraz 2019)

With one stroke, the movement against the curfews was weaponized to push forth a narrative for privatization, completely silencing the actual demands of the students, who have demanded the opening of spaces for all rather than the administrative solution of ‘leveling of restrictions for both genders.’ It becomes essential to ask then, how would the public university retain its public nature by foreclosing their entry into such a space? Further, by homogenizing the ‘insider’ of the university against the ‘outsider,’ obfuscates social realities, and how dependent the livelihoods of people – like hawkers, street vendors, casual workers, homeless – would be affected by such a move in favour of private players who would have more leeway by undercutting the jurisdiction of the University. Furthermore, we find ‘deviant’ women being given a ‘check’ by the authorities by being denied the right to hold the hostel but such a task too is carried out without the trouble of expulsion – students who protest control or assert their political agency are often simply filtered out and/or rejected in the interview process to acquire

hostel seats. (Iftikhar 2017) Every act of socialization is contingent on and mediated by the Warden - permission for availing coaching classes or taking up a job or internships, continuing to stay back in the hostel room during vacations. It is the Warden who is ordained with the task of authenticating and establishing the 'necessity' of the said task as a justification for women's' mobility qualifying a legitimate reason from an illegitimate one. Further, severe disciplinary action for 'flouting' curfew rules are taken which range from calling up the parents of the women to demanding the eviction from hostel – both effectively jeopardizing women's access to education which has historically been and continues to remain an arduous fight. A woman student's life in the university is thus, characterized by tiring mechanisms of applications, permissions, registers, slips and signatures for availing the most basic of rights: an ordeal which is completely absent for a male student. Such a regime of regulation exists across the country to varying degrees. In most colleges, working women's hostels, paying guest accommodations as well in rented accommodations, especially but not only in and around the University campus.

These restrictions fall on a continuum of violence that find expression in the form of regulations on women's mobility in society - at their homes, inside the hostel, college and University campus. The most striking thing about the hostel space thus is not how the legal norm functions nor how the law assumes the shape of normative social discourse, in spite and because of itself. Rather, it is worth noticing how the legislative authority conjures itself up to hold the commandment of a force of law, not rooted in Constitutional principles. This at once, makes the curfew system's authority both above law and more deeply ideological. The curfew then becomes an assemblage of social structures of subjection and authority - caste purity, class conflict, racialisation of gendered bodies - in order to maintain the organisation of social relations in favour of capitalist system of production. It is why even within the court of law, the patriarchal articulations of social interactions, and gendered organisation of relations are considered "organically" embedded in society and therefore, somewhat justified in spite of the juridical basis of their technical overruling. This gap between the law and the feminist reading of sexual violence has been well documented in the case of how women's social position has been instrumentally to both deny them justice as well as weaponised to preserve dominant forces of power. (Menon, *The Wire*, 2019)

This presupposition is something that cannot be countered with the insistence on women's truth and their perspectives alone. Rather it is part of the structural to ossify women's protests between two extremities of: 1) insisting on their victimization at the hands of the system which erases its violence edifice written in blood and 2) the celebration of absolute agency which rejects the very framework of victimhood owing to a flippancy which may not be an exclusively preserve of the privileged. It is here that Sharon Marcus' (1992) provocation comes to mind, where she said that women must not only put their minds on devising a defensive strategy against rape, thereby presuming their place as a potential recipient but rather should work on countering the hold of this presumption which prepares women to work with the assumption of the worst, and the worst, as rape. The fear psychosis is also what plays a huge part in shaping one's psychic and social life. Every decision that women make is marked by its shadow of a legitimating discourse of "respectable" action from which their truth has been disqualified. Proof is the horizon of the logic of incarceration, and denial is a defense against change; it can never be conclusive. But life concludes. Justice within the framework of injustice cannot be expected from law. Law does not deliver justice, law enforces rule. Rules favours rule-makers, till it is made to cease its own perpetuation. While people confront the brokenness of the rule, everyday and it is through this conflict, confrontation, antagonism, with the law that forms their everyday reality that rules are broken for justice, to render it meaningful.

Therefore, it is the street space as well as the subject that is devoid of a fixed positive content and is ideologically written over but also co-constituting each other through discursive relations, negotiating the limits and potentials of each by filling it with a sacred negativity that renders it forbidden against the ideological hegemony of capitalism from which people may or may not be directly implicated in the market relations but they are nonetheless implicated in the political field of capitalist production relations. The security discourse imposed by the university project the streets as a space which cannot be directly approached without mediation of a brother, parent, or man at one level, but also the city is materially stratified by the class relations which render visibility, access, survival in an inverse relation with labour which then, differentially cuts across social identities. It is necessary for women to approach it only via mediation of permission, of

lies, of sneak outs, of risqué adventures, and calculates risks. Therefore, the idea of making the space more conducive for women paradoxically invokes the presence of more security personnel and police, such that women's security becomes a pretext to conceal the class interests of law, carcerality and policing that end up justifying the "strictness" of the law to gentrify spaces, to cleanse it of people who are at the margins, the homeless [both men and women from the underclass]. The presence of a woman's body is also marked, but so are various other people's bodies marked across axes of marginalities and vulnerabilities. Implied is the idea that segregating genders would delimit their sexual relations and by implication, contract-by-prevention the possibility for criminal violations. Rather, we must begin by accepting the existing conflictual, antagonistic and contradictory relations as a contingency that one could do without but is needed to precisely overcome itself.

The assemblages of carcerality suture the logical need for criminalisation of dissent and student organizations, and the systematic de-prioritisation of higher education itself in terms of defunding for departments/centres, have generated a sense of unease in University spaces. The lack of hostels and its limited seats seem like a strategic step on the part of the University to maintain its upper hand on students by demanding their submission. Strategic not in the sense that the administration is functioning at odds with the logic of capitalism but more so, that the neo-liberal capitalism brought with it the 'need' to privatise public interests as consumer goods. "The need for this [closed campus] wasn't felt when the university initially settled here," said Vibha Chauhan, principal of Kirori Mal College, but reiterated that with heavy traffic movement these days it had become imperative. She also pointed out that any security-related issues concerning the area were dealt with by the police and were out of the hands of the university, even though there are clear instructions for there to be Internal Complaints Committees at three levels in the University. There is a familiar temptation to draw a causal relation between 'overcrowding,' 'security risk,' and privatization. "These questions also determine the kind of curfew we put on our hostels. We would like our students to be able to come in and go out freely, they are adults after all," (Ravi 2019) she said. Further, the new report quotes, the Principal of Hindu College, speaking in support of a closed campus as saying, "The move would bring greater mobility and a "sense of

belongingness” (ibid) to the area, and paradoxically claimed that the current state of ‘open campus,’ creates conditions where the students tend to hold a sense of boundary within their respective colleges. In a seemingly perplexing way, she uses the idea of securing women’s spaces as part of their social inclusion to push for such a fundamentally exclusionary decision, which would only secure vested interests of private companies, that would get built upon existing modes of governability and administration.

This is merely political chicanery, since the University is open to all at this point and by creating and not ‘extending’ the boundary of the University, it will be separated from the rest of the city. She claims that this ‘self-enclosure’ or the ‘expansion’ of the ‘inner space’ would extend to the larger university complex and “create a feeling of one big family,” (ibid) making North Campus an undivided unit even though North Campus is far from comprising the entire University which is spread across the city. A city which is divided and internally fretted by class struggle: “The urban poor are trapped in an informal and ‘illegal’ world – in slums that are not reflected on maps, where waste is not collected, where taxes are not paid and where public services are not provided. Officially, they do not exist. As illegal or unrecognized residents, many of these slum dwellers have no property rights, nor security of tenure, but instead make whatever arrangements they can in an informal, unregulated and, in some respects, expensive parallel market.” (UN-Habitat 2003: 6) The violation of the hostel curfew in fact is a confirmation that there coexists multiple publics in a city, each encoded and internally torn and held together by class struggle, patriarchy, caste order. What the University does is that it acts as a carrier of this socio-spatial power – by putting restrictions on women's bodies, denying them their autonomy – to desire, to sexually express themselves, to independently earn for themselves, to access University facilities, to explore and expand the city. In authorizing the mobility of women, it is not only the bodies of women that are being disciplined but through them the very nature of ‘public’ life is being constituted.

Recently, the case of the construction of a 39-storied building saw a widespread opposition by student organisations and DU teachers. “In 2001 the Ministry of Defense had leased the land to Delhi Metro Rail Corporation (DMRC) for the construction of Vishwavidyalaya Metro Station. After using a part of it for metro construction, DMRC

subleased the rest to a private company called Young Builders Pvt. Ltd for 218 Crore Rupees. DMRC selling it at more than 5 times the rate it bought (it bought the land from Defense Ministry at 42.4 Crore is worth noticing, that too, when public money is involved). In 2012, Delhi University moved the High Court against the construction but the Court ruled against the varsity saying that the land doesn't come under North Campus' jurisdiction." (Priyanshu 2019) In February 2020, the National Green Tribunal (NGT) finally intervened against the better judgement of the Supreme Court which had given a go ahead to the real estate company. The NGT prohibited the construction citing its susceptibility to earthquakes. (PTI 2020) Incidentally these protests were supported by the same Vice Chancellor as along the forces that advocated for the closing of the campus on principle but are nonetheless opposed to the construction of a building adjoining the University Metro station on both technical and political grounds. One of the emergent articulations that came from that protests was that it foregrounded women's security as its primary concern against private use of the space which would likely 'overlook women's hostels.' Yet, the chronology of events point at an attempted cover-up of a scam or infighting amongst the ruling elites. The construction was thus halted as per the concerns cited by the protests but through a roundabout reasoning, which refused to reckon with the fundamental objection to privatising the university. In such a scenario how do we articulate the fight? Fighting not just the 'greed' of profiteering stakeholders, and 'market fundamentalism' alone but the structural basis that propels for such an overreach of the State but we must reject this basis of organisation of commodity production and production of social relations under capitalism which reinforces and optimises existing fissures in society along caste, gender, racial lines while also re-articulating their terms, by creating generalised precarity and new marginalities.

Even if the campus has not yet "closed itself" off by artificial boundaries. The campus, along with the 'outside' was closed off to those curfewed women, who had formally been included in the university, whose lives were marked by ordinary violence of misogyny which would manifest at the slightest protest. This structural paradox informs the basis of my inquiries in the thesis.

Privatizing the university hostel through “self financing”

The Delhi University Act both promises residence to students and also puts restrictions on the ability to regulate their conduct. The Act states that, “Every student of the University 3 [(other than a student who pursues a course of study by correspondence)] shall reside in a College or a Hall, or under such conditions as may be prescribed by the Ordinances.” (*Delhi University Act, 1922: point 33*) By a later amendment, the academic council was granted some authority to re-interpret the Act, “No Ordinance shall be made affecting the conditions of residence or discipline of students, except after consultation with the Academic Council” (*Delhi University (Amendment) Act 1952 Point 31*), ““The Halls shall be such as may be maintained by the University or approved and recognised by the Executive Council on such general or special conditions as may be prescribed by the Ordinances.” In the year 2015, along the same time as Pinjra Tod emerged, a student Pravin Singh had started a movement called “Right to Accommodation.” Through this movement, he is demanding the proper implementation of the Delhi Rent Act of 1995 to regulate rents in PGs (a paying guest accommodation) and rented apartments, along with 24-hour access to libraries and the establishment of a “no-profit, no-loss” canteen.

Let us turn to a concrete historical example. After 117 years of the Hindu college’s existence, the college had failed to provide for a women’s hostel as along with many other colleges in Delhi University, undermining the University’s own rules guaranteeing that each student must have a residence provided. Hindu College, despite having attained funding of Rs 82 lakh from the UGC in March 2012, due to the college's failure to utilize the funds citing clearance issues from Green Tribunal, the women’s hostel was not constructed in the stipulated time frame, thus lapsed on its funding. After much insistence when the hostel was finally constructed it sought rent of over Rs 90,000 (*Indian Express 2017*) from women while the men’s hostel charged Rs 45,000. While women were instructed to be dressed within the hostel as per the “norms of society,” they were also kept under surveillance and were made to pay twice the amount for it as a privilege that had been accorded to them. This was then rationalized by the Principal by saying that while men’s hostels were built by the funding provided by UGC, which by the time that women’s entry in the hostels through the late 1990s and early 2000s became voluminous

- had witnessed cut-back on state funding. This meant that the women's hostels were lacking in public funding and therefore, the onus of construction fell on either directly to private players or "self-financing" model which was a euphemism for privatization.

Furthermore, by enforcing 'self-financing' measures, and imposing fines for 'flouting' of hostel rules – the university space is made inaccessible to the vast majority of students. It hits women students hard in particular as they often battle within their home and family fronts to access higher education. These battles are made even more difficult when the cost of education rises as women's higher education continues to not be a priority within families, since higher education is not required for the ideal role women are supposed to play in the society. Yet, UGC provides Rs 60 lakh a year for the maintenance of the boys' hostel. (Feminism in India 2017)

Paying Guest accommodation – more restrictions and less

When denied a hostel seat, students are pushed into the nexus of landlords and PGs who engage in an even broader range of discriminatory discourse that includes knowing of one's religion, eating habits, caste, etc while making the decision of taking in tenants. Between being rendered hostel-less, to finding a house – the journey is rife with negotiating the *extent* of the restrictions that frame the conditional access to the University space. Even though the "outside" rental market seems to be the space where one can dictate their own terms as tenants, it is often not the case. There is no escaping the rules and regulations and yet, women would often experience this oppressive order as liberating, especially those who stayed in the most expensive PGs, found their comfort in having to not do any household chores themselves and so even if they were to remain under strictest of supervision, they felt redeemed. Built form often operates as metaphor, wherein it simultaneously represents and masks its associations with power – while most of the houses that shelter students lack proper ventilation and space, the tall glass building within clustered roads would still stand out and appear to be the "best" in return of the deployment of "state of the art" facilities that promise to regulate the activities of women. As private players have rushed to close the gap between the number of students

and the number of hostels, the glut of private paying guests (PG) and apartments on rent have solidified the economic barriers that separate students.

DC writes, “These private accommodations have facilitated the emergence of a new class of the modern day sahuikars – the aggregators. These individuals, usually DU students, charge other students a commission for finding them places to stay. However, they also break deals and end up leaving students stranded with no money or roof over their heads.” (Dash and DC 2018) *Indian Express* published a story (Baruah 2018) about five Ramjas students who started a company called YourShell and received a grant of Rs 35 lakh from the government’s Startup India Initiative. YourShell now runs about 18 student accommodations around DU.” While most places shut themselves off to people who cannot afford them, there are others that are more subtly so. The reduced numbers of hostels and their increased fees facilitates the ‘need’ for the private rental economy to flourish, where the problems of restrictions are somewhat mitigated with moneyed transactions – where the tenant is expected to pay more to be able to afford their freedom, and the landlord is willing to partially concede them such a space – and there is a clear link between the thriving rental-economy at the expense of public lodging. This too is not always the case, and is especially limited in the case where deep racial, religious, caste-based prejudice govern and guide the sensibilities of a rent negotiation – such fundamental social contradictions are often irreducible to economic determinisms and valuation. The symbolic field of the interaction is then tilted against the tenant who is to be judged as worthy of finding space in the landlord’s house. This is a source of tension for our potential tenant, who has to now, weigh the ‘provisional’ status of this acceptance. Certain assumptions and stereotypes feed into the process of looking for the house that might be the best ‘fit,’ and becomes the lens through which both the potential tenant and the renter can discern and “read” each other. The unsaid understanding of the ‘requirements’ sometimes also feed into fantasies of what might the imagined ‘lifestyle’ of the potential tenant be.

“My flatmate was a Muslim and I had a piercing on the right side of the nose as opposed to the left side. So, some of the people for some strange reason *assumed that I was a Muslim*. Even though I don't think it is a Muslim thing to put a piercing on the right side.

But they were like are you Muslim or are you South Indian? And then because once I would tell them that I neither would they like Oh, I am like your brother, father, *beta ghar jese manna, mey tumhare mummy jese hu. So I started telling people that I was a South Indian and don't know Hindi, just to ward them off.* And we used to wear shorts at home, and go without a bra, which we do not think was provocative like by any measure. But it was provocative for these women - for our landlords. *And you know there were two women and my flatmate had boy cut hair, so I think they presumed something about us.* Because they suddenly said now they don't want us living here.”

(Interviews 2018*)

What we witness is the two seemingly opposing determinations of communal prejudice of a caste-Hindu order and capitalist neutrality of the liberal tolerance order appearing to be an obstacle to each other, seemingly undercutting each other, sustaining both orders, while appearing as contradictory are actually a (reconcilable) paradox. This b/ordering and organizing of womens' bodies and sexualities in a way that governs where/when/how/which people are to be seen where/when/how/by whom. The politics of the visibility of women and segregation of space work together to erase the conditions of their effacement - of why some people are seen where they are seen and why there aren't to be where they are ought not to be. An idea of respectability gets attached and framed by the middle class and upper caste morality framing that attaches itself to family structure as the legitimating discourse. Which is what in turn seems to be getting institutionalised in the hostel which on the one hand does not permit women students to work and support themselves and their dependents financially by restricting their mobility while on the other hand, it makes working sections of women work doubly hard for lower wages without any security nets. The singular experience of control is compounded by the patriarchal system in its interaction with the organization of the society in the country – that is done on the basis of the ideological and material operations of the caste system, linguistic, ethnic and religious stratification. Further, the government's definitions of 'unskilled' work, however, is motivated by political expediency such that the skilled worker too has now come under the fold of contractual

labour force - but what is the actual relationship between skill and the labour market, to which such expediency corresponds? Toward maintaining capitalist production relations.

These stated and unstated restrictions, proscriptions and prohibitions also go on to frame the experience of housing (see Kundu Committee Report, MoHUPA, 2012) in the country, as such, often resulting in an ambiguity in classifying experiences resulted by opaque instances of *preferential* treatment, that cut across, intersect and overlap experience of exclusion, discrimination and harassment.

Women themselves find it debilitating to live through the experience of subjugation and suffocation where the permission to see the moon must be sought with cunning or helpless pleading, there is also a rationalising of the curfew as being nothing new to the structure of their experiences. The humiliation of the process of acquiring permissions itself is a deterrent to seeking any. Some women with whom I spoke said that they would much rather not go out than take the permission to do so because the process involved a lot of questioning and validating of the legitimate reasoning for the need for an outing. Most often, these different vocabularies of expressing discomfort, feeling scrutinized, being spoken to with contempt, feeling violated or mistreated or discriminated against shade off into each other at the edges. Since these experiences are also highly subjective in the way that lives live them – its generalizations are often dismissed as a totalizing scheme of determinisms. Often this control is not only restricted to the control of the flesh but is an ideological field that forms the contours of the subjectivity of the political actors that inhabit it. In a thickly social interaction, it is often very difficult to ascertain the point of contestation – whether it be your ‘attitude,’ or your social background, your profession, your eating habits, your last name, or the escapability of categorization. It could be anything, the frustration that ensues from not being able to ‘read’ a person, despite the ‘formalistic’ knowledge of their identity documentations could also be a reason to deny someone accommodation and so not all forms of ‘discerning’ or ‘meaning making’ is necessarily in bad faith.

Let us find out on what grounds do students get denied accommodation?

The 'right' to probe a potential tenant is as much a screen for the landlord's own projections. In saying that everyone has a right to sexual freedom, the right to practice their religion, love, pursue their desires and not be forced to obey the social moorings and pressures, this recognition by law never truly materializes in reality. In order to access the political, we would need to expand our worldview from the realm of representation - of the judicial - and reach the juridical-political topography which shapes even that which is licit and illicit. The politics of the visibility of women erases the conditions of their effacement - of why some people are seen where they are seen and why there aren't to be where they are ought not to be and how much of the social interactions escape or overstep the terms of legal representation of reality.

Facing Social Discrimination as tenants

When the gated residential colonies extend the logic of trespassing in the name of security, in order to control and police who will be allowed to use public roads that are overlapping with residential areas, it is an epitome of privatization's imprint on security. Perhaps because the way in which the social and spatial antagonism manifests itself is not self-evident of any conscious differentiation along class, racial, gender, caste even when these differentiations are at the heart of all social contact and encounters or its lack, thereof – that makes it easier for social exclusion to be exercised in the name of social welfare and greater repression in the name of reform. Therefore, the question of women's safety is not necessarily a misguided one, in that it isn't always asked in bad faith. Rather, the question of women's safety is a deeply ideological one and for the same reason, it has been isolated and abstracted from its social relations to be posited as a 'law and order' or a 'criminality' question. Most of the time these different categories shade off into each other at the edges making it difficult to neatly divide and discern discrimination from prejudice to embedded dominant social expressions. In a thick social interaction, it is often very difficult to ascertain the point of contestation – to recognise, categorise and name particular forms of discrimination involves a retracing of experience, motivation,

intent. Seemingly anything could have triggered it, be your ‘attitude,’ or your social background, profession, eating habits, caste name, regional belonging, community roots.

As part of a study that I had been a part of in the year 2018-19, “An Exploratory Study of Non-Normative Genders and Sexualities,” we had as part of a larger team interviewed people in Delhi to study the imprint of the rental negotiations on their experiences of the city. Based on the conversations I had with students, most of them shuddered to use ‘discrimination,’ as a term to describe their difficult-but-normal experiences of renting a house in the city, they recognized such moments in the process as those that they – “wished-they-didn’t-have-to” encounter. In contradistinction, discrimination was the term used to describe a systemic and institutionalised violence, one which speaks a language of generality and carries a sense of betrayal. *Article 16(2)* of the Constitution provides for equality of opportunity to all citizens irrespective of the sex, *Article 14* of the Constitution guarantees equality of status to women and prohibits discrimination between women and men. Thus, when public institutions undercut and undermine their own structures to serve and protect the status quo; it leaves a sting. The best example of this would be one where the University, locks up women while letting the men loose in hostel spaces in the evenings, marking the ‘dangerous outside world’ as a threat to women’s existence and therefore legitimating the de-limiting of their sociality and regulating their patterns of socialisation.

D: ***Not felt “actively discriminated against,”*** as a person of Bodo identity. Did however, face street harassment but does not perceive it to be specifically targeted towards her as a person from the “North East,” rather more ***pervasive a problem.***

A: Aware of his own privileges, does not want to cut a sorry figure by accepting ‘discrimination’ as anything ‘exceptional’ to him, because of his sexual orientation. ***Discomfort with the heaviness of the term ‘discrimination,’ as it might add more magnitude to the suffering,*** given the awareness of how effects of oppression is more for people along other axes of marginality.

(Interviews 2018*)

While most of the experiences that carried the potential of or could have been seen as discriminatory practices, in a thickly social setting, were rather described as ‘adjustments,’ ‘negotiations,’ ‘navigations,’ ‘maneuvering,’ and ‘unexceptional,’ ‘inconsequential,’ ‘unimportant’ or ‘normal’ experiences. Towards the end of the research, we together arrived at a lens through which we could see discrimination, not merely as a set of instances and incidents or as moments of certain kinds of conduct or behavior but basing our interest on the presence, nature and form of discrimination. Rather, we realized that perceptions of risks, vulnerabilities as well as the structural conditions that tacitly or otherwise, institutionalize such conduct form a major part of the experience of discrimination which is irreducible to incidents of remarkable violence. This brought us to critically think about the limitations of language and of law which resides in and sets the normative horizons of representations of (in-)justice which qualify our experiences of systemic violence by making it legible, communicable, legitimate and legal. Which is why most people we interviewed shied away from ‘naming’ their experiences as ‘discrimination’ often due to the opacity of the nature of interactions or even though they ‘felt’ discomfited by the scrutiny, and the invasiveness of questioning but usually these ranged from offensive to passable to violative experiences, not necessarily *motivated* by the identity? This un-traceability of the motivation is also what ensues ambiguity. However, ‘discrimination’ was, utterable with a relative ease and as an emic category when it was spoken of 1) either as a comparable variable vis-à-vis another identity category (example, men are allowed something while women aren’t, North East Indians are not allowed some things that North Indians are and such like) or 2) when differential treatment was meted out by an institution (example imposition of curfew timing, non-implementation of reservation in hostels, interview-based admissions into hostels etc).

The possibility for discrimination does not end at the fact of non-foreclosing of spaces to persons on the basis of their identity, rather involves a tenacious inter-play of lies and lingering anxiety to be qualified and “caught” by the landlord against their own biased projections who could render them homeless at any point, since most of the student populated areas do not follow strict contractual terms of tenancy agreements as it is a fleeting population. Since most landlords don’t sign any rent agreements, they charge

exorbitant rent against which no tax is deducted, they also hike the water and electricity bills. Yet, in the case of facing stigma, biases, harassment, women are often not able to move out of these spaces for they lack the bargaining power as they may end up losing their security money. This lack of accountability often puts women in an insecure position. The landlords would often not provide any transparency in terms of offering a break-up of the rent they charge. Barred from claiming any legal recognition of this vulnerability and injury, Dolly Kikon recalls that in 2007, Delhi Police released a pamphlet titled ‘Security Tips for Northeast Students/Visitors in Delhi’ in which certain North-East food items were cited. It argued that the cooking of *akhune* (*fermented soy, a Naga dish*) and bamboo shoot must be done “*without creating ruckus in the neighbourhood*.” (Kikon 2015: 322) Certain assumptions and stereotypes feed into the process of looking for the house that might be the best ‘fit,’ and becomes the lens through which both the potential tenant and the renter can place each other. The unsaid understanding of the ‘requirements’ sometimes also feed into fantasies of what might the imagined ‘lifestyle’ of the potential tenant be. Vacillating from the expectation to be very well ‘disciplined’ and wearing one’s student identity on their sleeve to being judged on their lifestyle – the neighborhood is the jury.

Sometimes, the negative stereotype paradoxically enables space for women to transgress the normative rules since they are presumed to be “deviant” or “outsiders;” one of the residents of the Dhaka Complex recalls, “It’s strange that we have hostels in one complex but international women and North East hostel women are permitted to be out for a later time. It is implied that they are the ones without ‘morals’ and so they can be allowed to remain out while the women of Rajiv Gandhi Hostel need to be back before dark.” Yet this absolute negativity of the object-subject dyad misses the point about how subjectivity is as much written into the structure, and not simply by way of internalization or normalisation but rather is inscribed in the formation of the self. When discussing the double-ness of systemic logic we are also confronted with the double-ness of the subject itself, which simultaneously responds to a violent situation by being mired in its discursive operations, not simply by obedience of the law but both flirts with the law to turn it against its own head and fears it even before its enunciation.

“Although, when I went to stay with my then partner, this was in a place called Siddharth Extension, opposite to New Friends colony, I remember first they used to tell us what not to cook. And the landlord will never want me to come. Even if I did come, they would want me to leave in the evening. When they started noticing me coming over all the time, they actually installed a CCTV camera. It was really funny and this landlord, asshole will walk into the house anytime. He had an extra key, so, one day we were sleeping - this was in the morning, it was ten or something - and obviously he saw us in bed together and then he asked one of our roommates, ‘why are they sleeping together’ because that guy had told him - to appease him [the landlord]- that we were brother and sister and then he [roommate]was like, “What you want her to sleep with me? It’s better to sleep with her own brother, right!” And the thing is, “Ha fine, okay, she is North-East, he is North-East so obviously they are brother and sister.” It was so funny!” (Ford Foundation 2018*)

The landlord put a CCTV after knowing that she frequents the place, clearly the substance of evidence is not what guides the installation but rather, the camera is put in place as a reminder of guilt and to make apparent a perpetual gaze. Spaces determine our cognitive map through which we imagine our world around us, even though it is socially produced, there is an illusion of the contingent to appear universal -it is through such a process that generalizations are deduced, that places and people are ‘*like-this-only.*’ The socially constructed history of places and people circulates and finally returns to appear as a kind of ‘truth.’ This mythical truth becomes the paradigm for profiling people through spaces they inhabit, while also profiling the spaces through its aesthetic and thereby speculating on the ‘kind of people’ who might live there. Thinly overlapping was the phenomenon of auto-adjusting one’s action in accordance with the normative conduct that the space presses upon them and accommodating people’s interests, representing a dialectic model of privacy regulation and the construction of identity through the dialectics of boundary control. (Altman 1975) The criminalization of barred subjectivities and activities parallels their conditional welcome, in neighborhoods that lend themselves to students while maintaining the hegemony of families who inhabit the space: “Because it was a gated society and they did not want single people to stay there because they did not want "men" coming over. So you know, my friend was just *saying that we are going to get married to the men we were seeing.*”

The encounter between the landlord and the tenant is clearly not one of mistaken identities but informed by the knowledge that people bring their partners homes and yet, since such things can't be "publicly" allowed, they must be thinly veiled behind a set of more authentic lies that are more 'legitimate.' Therefore, both the landlord and tenant perform to sustain a public secret of sexual taboos in favor of the moral order. By implication, women's 'choice' gets over-determined from the outside such that the doubleness of their desire is blunted to frame their entire being in accordance to how they are looked at from the outside – whether through resistance or persistence. It is the "public-ness" which is at odds with the subjectivity of women that is shaped in relation to that against which it persists. A woman students' ability to self-efface herself in the University and erase her political expression is valorized as the epitome of 'good' behavior, these memories of a loss of ownership their time and space characterizes their memory of belonging - the suppression of her desires, her willingness to trade off autonomy in favor of safety, to accept the restrictions on one's movement, to expect if not concede to the everyday violations as a 'normal' part of navigating educational spaces have all become 'ethical dispositions' that lead to the proliferation of moralizing discourses around women's' bodies, mobility and movement in the University.

"The lies and story boarding involved in inhabiting spaces so as to not seem as a threat to the shared value system of the community. Without an active prohibition on smoking, there was an unsaid understanding to not give in to the temptation or be discreet about it."

(Interview 2018*)

Discrimination, when understood as a relation, as terms of (dis-)engagement as opposed to a non-relation as in a friend/enemy schema, would not just reduce it to an occurrence or an incident but rather see it as an ever present possibility which constitutes the field of interaction and therefore frames the contours of the negotiation that takes place between the potential tenant-landlord. Can discrimination capture disgust, reluctance to share a space with someone, hesitation to be near someone, to doubt someone based on their appearance or social identity? These instances may not amount to 'active' harm (narrowly conceived) but it represents the terms of the relation which is inscribed in

inequality and therefore, is representative par excellence, emblematic of the inequality as such but not violative in the sense of causing direct harm or inflicting injury or with an intention to hurt. Since these slippages are reflexive and spontaneous reactions, they represent the excess of the social order as well as its reflection which will find difficulty in being captured in any positive instantiation in language or law. These are part of everyday structures of social mediation that reveal the unconscious that permeates society. Discrimination then, does not manifest in the refusal to lend a house but in the parameters that determine whether the house could have been lent at all to a ‘*someone-like-you*,’ as its operating logic – a perceived someone, an imperceptible someone or a real someone. The best example of this would be one where the University locks up women while letting the men errant in hostel spaces in the evenings, marking the ‘dangerous outside world’ as a threat to women’s very sociality and sociability, let alone sexuality. The clock that ticks inside corresponds to the need for a curfew in subtle ways, even though it tangibly betrays the promise of providing any security to women, yet the fiction of security itself is partly lived as a re-assurance – this is what makes the security discourse ideologically efficient – not only does it work as an imposition and as rule but also finds place in shaping the subjectivities and desires of women.

Between Feudal Control and Modern Capitalist Choices?

“Because the “wayward” are largely acting in and conceiving of the world in a way that exceeds the boundaries of the norm - the legitimate, the respectable - traditional political actors and thinkers have failed to understand their actions as animated and inflected by the spirit of radical refusal...I’d like to think of waywardness as prefigurative of today’s protests and insurgency and also as a sustained practice.”

(Hartman 2020)

"The educational system... the structure of moral reflexes handed down from father to son, the exemplary honesty of workers who are given a medal after fifty years of good and loyal service...all these aesthetic expressions of respect for the established order serve to create around the exploited person an atmosphere of submission and of inhibition which lightens the task of policing considerably..."

(Fanon 1961)

Women's inclusion in the University, even of the very few, has been an outcome of social reformist struggles, missionary schooling, colonial institutions, experiences of an expansion of civil space, struggle for political rights, changes in economic policies, through special measures passing through the passage of colonial mediation. The emergence of women's universities, colleges, and debates around women specific syllabi have been ways in which this inclusion has in itself been very conditional. This historical omission, in the process of 'correction,' takes the form of 'debt,' inducing guilt in the subjects who have recently been extended the 'privilege' of quarters that were always closed for them. Like all liberal institutions, this privilege is necessarily internally stratified along class, and caste marginalities. The administration of various colleges expects women to be thankful for undertaking the measures to build hostels, whose entry into public life has been marked by an arduous struggle.

Women's hostels' twin objective of playing a buffer zone from father's home to the husband's (Chakravarti 2009) as well as its enabling role in the formation of a women's labour force which is nonetheless disciplined by the authority of caste endogamy, sexual morality thus represents the limit of liberal democracy's dream of an egalitarian society, where the rule of law mitigates historical oppression rather it explains the very persistence of patriarchal caste order despite and in spite of the secular State mediation. The inscription of female sexuality within the terms of caste, honour and property gets reified in the university which acts as a buffer space that holds space for elided, thwarted, deferred, suppressed desire for the "pragmatic" choice of ideologies of neoliberal success and caste-based marriage. This poses a lot of questions with regard to our understanding of caste-patriarchy in society. According to Marx, contra Arendt, feudal society was thoroughly a political system, with political power embedded within the social fabric and not extricated onto the sovereign power of the nation-State. In modern class society, sovereignty is lodged in the state, "leaving only an illusory loci of sovereignty to individuals." (Schwartz 1979) Such that the abstraction of private life is seen as a fundamentally modern characteristic which entails an abstraction of political state - the Hegelian notion has been to recognise modern antagonisms as fundamentally abstract - coexistence of democratic unfreedom and subjective accomplishment and alienation.

Is it that gender disprivilege intersects with caste privilege in the body of a student who articulates the struggle against curfew timings? Or does the struggle against curfew timing displace any false universalisms that presumes an undifferentiated student body upon which solidarity is forged along shared experiences of subjection to the curfew rule? Is patriarchal control over women's bodies - a relation of male domination, sexual difference's reification and structures of economic dependence - indispensable for capitalist progress? Is patriarchy compounded by the caste - which presumes a chronological mapping of which form of oppression predates the other - or is caste patriarchy a constituent element in the birth of capitalism? Does caste-patriarchy emerge in and through capitalist production relations - as both its by-product and necessary driving force - which led to the creation and separation of the domestic sphere/household and public sphere? If we go by the understanding of Sheila Kunkle, even if the oppression of women is nothing new but merely undergoes a change in character under capitalism. Although the continuities and discontinuities of the parasitic relations of oppression can be traced through history as changes in the modes of appearance of oppression, but against such a reading, the peculiarity of women's oppression under capitalism lies in the fact that, "From a parallax view, capitalism becomes the parasitic system that perpetuates both the fantasy of freedom (neoliberalist ideology), and the fetishization of class difference, which obfuscates class struggle itself." (Kunkle 2020: 184)

We must pay attention to how it reinscribes women in the field of law, as if the unity can only be forged against it. When we know that the totality of patriarchal order rests on the production of de-totalising effects that are experienced differentially and differently along and across fissures in society. Why must we define our oppression against the legitimate frame of law? What it does is that in the process of appearing to strengthen feminism's representational politics, giving cohesion and aiding mobilization ends up underscoring the meditations by caste order, capitalism, etc that makes the patriarchal order so effective. What do these semi-feudal loyalties to caste order, patriarchal protectionism suggest? At first, it appears that these tendencies run counter to capital's logic of self-expansion of labour, that is, its interest in socialising by freeing the labour force to participate in capitalist economic relations. However, what appears contradictory to capitalism is actually an internal contradiction to the logic of capital -

“Money is presented as what Marx terms the “abstract equivalent,” not only because it can be exchanged for any commodity, but because it effaces its condition of origin.” (Read 2009) That is, the very sphere of the reproductive, de-valourised labour is presupposed by capital and actually ends up indirectly contributing to high yielding surplus value extraction since the labour is unremunerated. Therefore it is not that primitive accumulation is a one-off originary instance which lays the foundation for capitalism rather primitive accumulation runs parallel to surplus extraction - when women’s household and productive labour is undervalued, when bonded labour, caste based occupational hierarchy persists. “Capitalism is not an end to violence but a codification of it, a normalization of it to the point where it becomes invisible.” (Read 2009)

It is after all, only over the catacombs of slave labour that capitalist surplus extraction of value was possible. Therefore, it is not that primitive accumulation marks a historical point of origin of capital; rather, it implies a simultaneity of primitive accumulation (unrecognised, unpaid labour) with surplus value extraction. “In order for capitalism to exist, peasants had to be violently expropriated from the land. Workers are not born, they are made.” (Read 2009) Thus producing paradoxical effects such as the ones we witness in the hostel space, which stubbornly refuses to ease off curfew timings for women students despite being in the process of production of a female workforce. Capitalism’s ability to simultaneously co-opt while diminishing some but not all social hierarchies through commodification is seen in how it revitalized feudal relations under which simultaneously preserved patriarchal structures of power as well as caste order while also opening opportunities for women to participate in public life through market logic. Additionally, the question of women's autonomy is perhaps only an unintended consequence (if at all) of women's entry into educational spaces, which in itself is a battle still unfolding.

While for working class women, the university held the promise of integration into the skilled labour force and a step towards socialization of housework and a reconfiguration of the relations of secure work, marriage and love. “Interpreted otherwise, there are specific types of industries which employ women either in over-whelming or moderate

numbers vis-a-vis men and there is no indication of diversification of economic opportunities for women. Given the fact that women have neither replaced men in the industries in which men have typically dominated nor have they been able to significantly appropriate the new jobs that are being created, it would not be erroneous to conjecture that feminisation of the workforce in the last two decades has not really taken place.” (Paul and Raju 2014: 204) It more or less, catered to creating an aspiring desire for a professional class of women due to the conditions ensuing restricted access to education to women from marginalised backgrounds. While we see democratisation of women’s share in public life, in challenging the authority of prescriptive gender norms and organisation of normative sexualities, what remains to be understood is whether women's emancipation is impossible within capitalism and if so, then how do the strategies of reformist shifts in legislative regimes of governance correspond to the idea of revolutionary overthrow and overhauling of capitalist production relations? Which is why the puzzling paradox observed by economists remains that, “Even as the horizon of the labour market widens, it has not been able to provide women with expanded economic spaces.” (Paul and Raju 2014)

Hostel rules are modern even if they appear retrograde there is no point in denying and externalizing the problem by relegating it to a different one which is seemingly inconsistent with the modern temporality of capitalism. Anuradha Ghandy observed how the radical break from feudalism was never a complete one, owing to the colonial mediation which resulted in a simultaneous disinvestiture with the previous forms of feudal authority owing to development of capitalist forces, modern education, colonial mediation as well as a congealing of feudal structures in the political fabric of society. “Modernity has not come with much democratisation of society and of our social values and has been, rather superimposed on the old feudal relations...” (Ghandy 2012: 87)

Therefore the rules of ‘safety’ don’t usually apply to workers as much as they are invoked to discipline students. Therefore, social security is directly at odds with the narrow frames of paternal protectionism that lends itself selectively to certain sections of women, as “security.” Any conversation about workers' right to security is dismissed or ends up with their dismissal from duty which has become exponentially easier with

contractualisation of jobs that enable blatant violation of labour laws and also make room for traversing professional boundaries by employers with the cover of caste impunity. Within the university itself, there is plenty of antagonism and internal contestation that occurs between the warden and the safai-karamchari, (Pinjra Tod 2019a*¹) the student and the warden, students and the safai-karamcharis. These aren't mere hostilities or structures enabled through power differentials but the power relations are themselves secured through the structural logic of preservation of inequalities that maintain class struggle.

A system which benefits few by failing the masses, a system which attaches value to the degradation of human labour, and one which moves by curtailing freedoms to keep within the logic ambit of exploitation - the women's hostel represents the *logical fallacy of the promise of liberty which rests on constitutive unfreedoms*. "It appears that the nature of jobs appropriated by men require some form of skill and education while women are increasingly being absorbed in such jobs which require little or no skill and education. Further, given that the last two decades have seen a remarkable rise in the share of illiterate women workers and those with below primary levels of education, it may be inferred that the prevailing economic scenario has given impetus to distress induced workforce participation whereby poor and illiterate women appropriate whatever work is available in subsidiary status" (Paul and Raju 2014: 204) In the name of being more 'inclusive,' the University ends up being exclusionary in practice by making their hostels and classes available for only those who have the means to 'afford' it, reifying the unequal structures of 'merit' with a simple analytical insertion of women into the space – therefore, ideas that sit in absolute contradiction with the idea of public education persist along with such an 'inclusion.' What appears to us is that two opposing determinations of "regressive" conservative social order and "progressivist" capitalist neutrality of the liberal democracy are at odds with each other, however as contradictory as they may seem, they actually manifest as a (reconcilable) paradox in the history of social oppression if not economics.

Given all this, Stuart Hall's question becomes important, "What happens to a society, rigidly class bound, which continually uses the language of equality? What happens to an

¹ the asterisk signifies primary source material

oligarchy which conceals itself behind the rhetoric of popular democracy? ... All our energies are expended in creating and consuming a culture whose sole purpose is to cover up the realities of social life.” (Hall 1958) Do we see social contradictions and everyday personal and political paradoxes as a sign of “democracy of antinomies” (Kumar 2019) or do we see the contradictions in democracy itself within the terms of capitalist relations which thrive on and are inextricably tied to the production of marginalities and oppression?

Consider the colloquial wisdom: “Rules are meant to be broken!” as homologous to those women; whose participation in the Public University has exponentially grown over the years, haven’t seen a corresponding decline in the disciplining or those invisible working women who maintain the structure of the university through their labour but are unprotected by either social security measures or labour laws. The hostel is not only composed of women students but women wardens, caretakers, administration staff and those who don’t find room within it but maintain a transient presence, women workers. Rendering the overcoming of feudal, regressive hostel curfew restrictions as a matter of political expediency of the ruling class. A pressure thrust upon capital from within to break the barriers of internal limits which feudal modes of patriarchal organising leverages by valorising non-conformity while at the same time, socialising women’s labour towards seemingly ‘freeing it’ in order dismantle the ideological force of moral order. Such actions of collectivity then not only counter or oppose the ‘security narrative’ which is structured around patriarchal protectionism but also expose the reasons for such a political-ideological-legal discourse to exist, That is, the assumed naturalness of the ‘public’ in ‘public spaces’ actually does not exist, while ostensibly remaining public most spaces and services remain out of reach for most.

Hostel curfew is not an aberration or an anomaly to an otherwise fully liberal society, we need to account for it for what it represents - a systemic (en)gendering of social relations. Rather than approaching the hostel curfew as a “regressive” exception which betrays the promise of a “new and modern society,” we need to be able to understand why the curfew actually presents to us the logical limit of modern liberal democracy and capitalism which is borne of historical contradictions in social, economic and ideological

development of society. That is, the conservatism of the university apparatus and the rental economy vis-a-vis non-normative bodies is not a reflection of a misfire of liberal democracy, short of realising “proper” democracy rather reflects a hyper-trophy of anti-people’s democracy, insofar as liberal democracy remains entangled in capitalist relations of production - which can range from having progressive or conservative labour regimes - yet firmly, remains rooted in exploitative relations between capital and labour which is governed through the modalities of constructions of private life and public life, productive and reproductive sphere, political and personal realm to facilitate law’s scope of mediation. It is upon these modalities then that the discourses of security, threat, criminality, “reasonable restriction on liberty,” act to guide the institutions of liberal democracy. These discourses are not inherently ideologically pre-determined but remain over-determined by the structural relations - which they reproduce towards the end of capital, insofar as that is the hegemonic mode of production organising human efforts of labour in society around which the meaning of human is concentrated. Is the labouring body an equal (slave), is the non-productive labouring body an equal (women)? This implies that capital relations are both self-reproducing as well as self-revolutionising in the face of resistance while also leaving the scope of transformation within it open, as along the possibility for a radical rupture.

A quick look into our own history shows us how women have ‘progressed’ in society, if the metric to judge the progress is in tandem with the universal frame of capitalism - women wear fast fashion clothing, they go to work, they are jobs. If the referent is an empty historical point, women have progressed in society, just as much as the society has progressed under capitalist relations - which simultaneously produces the conditions for its own breakdown while breaking the backs of the oppressed and exploited classes of men and women. Such a constitutive understanding of caste-capitalism is not so much about the chronological predating of patriarchy or caste-based exploitation in society rather refers to how the very process of formation of capital instrumentalises and produces social antagonisms in society to rigidify it further while giving us a semblance of its overcoming. From the family to the university, one thing is constant, that the contradiction which appears to be between women and the system (through control, restrictions, regulation, disciplining) is also reflective of one within women themselves

(structural inequalities, deprivation and marginality, social oppression). Thus, revealing the paradoxical internal limit to liberal democracy's own order under capitalist production relations which manifests in the various everyday negotiations in the lives of women inhabiting its institutional spaces. The combination of pleasure and constraint in the curfew which is attributed to 'regressive' traditional (read: dominant, normative) values of a caste-ordered society is simultaneously also internal to liberalism's own logic of structural antagonisms between security and autonomy, life and capital which creates a sphere of unfreedoms. Such that the exercise of liberty posits in terms of 'unconstrained' impunity and 'licentious permissiveness' in order to install 'reasonable restrictions' that end up reproducing the normatively encoded spatial organization ridden in unfreedoms impeding the equal opportunity for everyone to exercise this very liberty. Therefore, the imposition of such regressive policies are not an obstacle to the present form of capitalism, which still gets to exploit a majority of women through cheap labour in the informal sectors of the economy which is tied to the international markets. Even though at first it might seem as if the hostel curfew is antithetical to the logic of capital - which seeks to 'free' labour, unhinging it from the community and towards individuation - it does not hamper women's participation and capacity to participate in the labour force, rather functions as a symbolic glue to discipline and condition women into dependent, conditional, less-rewarding, inhibiting environment to engage in modes of (re-)production in family through modes of subjection that facilitate professionalist that tethered to reactionary principles of libertarianism which squares with conservatism in its rationalising of every inequality as a "choice."

It would require us to expand our lens and not posit feudal order and capitalist re-organisation of society as absolute ends, antagonistic to one another and neither must view the transition from one to another in neatly puristic terms because the transformation of the social system in the post-colony was both uneven and always incomplete, that is the old order simply did not just dissipate. For the lack of space, I will not be able to explore the argument in detail. I contend that there is nothing inherent about capitalism's ideological positioning, which would make us assume that it would necessarily have to repeat the Western trajectory in post colonial societies, it can't. Even economically, we needn't perceive the international capital either as a monster that would

devour the local and rid it of its singular expression. It is not a battle between bad market commodities versus good commonly owned, locally produced cultures rather one that speaks about how the local is augmented by the global political economy and international capital. It is here that the duality of the wide presence of NGOs and Women Development Cells on the campus represents in terms of a high-pitched 'women empowerment rhetoric' which systematically recuperates structural antagonisms of gendered relations by foregrounding women's representational politics as the cure, which projects professional aspiration as political leadership, confounding the tool of building resistance and power as one that remained tethered to that within existing institutional structures. It is to this that the movement responded with, "We do not want wings, we want liberation," that smashing patriarchy is not about giving women wings to do "whatever they wish to do and choose whatever they wish to choose for themselves," but also about dismantling the wind beneath their wings. This wind is a metaphor for structural antagonism between the interests of women, men and women, constructions of gender, that get internally fragmented to foster relations of exploitation, victimisation, surveillance through compromise and collaboration with power as necessary mods for survival.

When women are saying, "we will take care of our own security," while not exonerating the university of its duty to provide affordable, accountable, non-discriminatory housing. It is not that they are unaware of the risk of being by themselves at night when the city is abandoned under the existing social order. Until women's position in society is transformed, they will never be able to actually make the 'choice' of mobility which is experienced differently and differentially oppressive conditions along the axis of vulnerability and marginality. Moreover, the construction of the private as the sphere where the public secrets are kept relies on the self-referential logic of fighting social/public structures of violence with a desire for an expanded private, as a shield of defense. In our bid to take the most maximalist position against all regulation, we forget to stress the linkage and separation of rejecting securitization while not rejecting social security - underplaying the emphasis that women have a stake in dismantling the structures of feudal social order as well as transcend and overcome the limits of the capitalist false-choices of unfreedom.

How are women in this space gendered then? Even though it is said that this works along the axes of protectionism – we know that not all women fall within the ambit of concern, care or even protection. The working women who simultaneously inhabit the public university are rendered insecure in their precarious jobs, and working conditions which oftentimes exceed the terms of the contract to include offering services to becoming warden and caretaker’s domestic staff with additional pay and at the threat of termination of contract! So it is clear that the gendering of social relations actually does not happen along sexual differences as is claimed. Therefore, even though the ideological trope of protecting “women” is played, this rule does not uniformly apply to all women, it is clearly a trope reserved for the “respectable” women. While the contracts of the working women of the hostel are precarious, students’ step into the university at the risk of insecure, restrictive and discriminatory housing at the cost which they cannot afford. This is true for patriarchy as such, that it is not gender/sex that constitutes sexism or patriarchal apparatus, rather it is the very patriarchal system which instituted and constitutes gender relations such that they reflect and reproduce unequal social realities.

We have often heard, “women on the edge of time,” “Women are in a perpetual state of emergency,” yet is it a woman or gender and sexuality at the threshold of politics? It would be a truism to suggest that women are not a homogenous category, who is? We need a framework which actually is able to understand the marginalization’s conditions of production in order to understand how solidarities can actually be forged rather than in the mere recognition of each other’s vulnerability under a “common enemy” in the father or warden or State. To agree that the curfew is not necessary, rather obsolete, is something that can be supported yet the politics of a common enemy lacks a fundamental analysis of society and therefore a project of emancipation because it stops at the bare minimum. Since, we too are engendered by the logic in which we are inscribed, inhabiting and signifying the threshold of belonging and un-belonging to the system against which they are defined. Therefore, it is important to reject but inadequate to externalize the problem of security.

Therefore, the presence of regulation is something that women see all their lives, and a large number of universities going women would not actively support the demand for

“total” removal of curfew. Therefore, women’s relation with the law is not divorced from the overall political economic conditions and therefore, it is not in an eternal and inherent conflict with (State) power and class conflict; lest our struggles remain tied to the limitations of the present grounds for pockets of feminist assertions without the potential to generalize the gains for the people farthest away from the echelons of social power: the “forms of social agency which can accompany normative patriarchal ideologies and the degree of customary or class or otherwise institutionalised power they provide some women over others- whether men or other women.” (Sangari 1993) It is precisely this refusal of demanding strict conformism from subjects through the creation and expansion of the “private” that comes as a stand-in for sustaining the normative standard itself; this is when security becomes the idiom through which control can be legitimately exercised. Under liberal democratic rule, public life becomes subject for regulating normative standards of the dominant ideology which reflects the morality of a few. Sexual autonomy, mobility and time of women is restricted in order to appropriate their sexual labour, preserve caste endogamy and their reproductive capacity but we must be careful in thinking of women as merely regulated through the ideologies and not culpable in them precisely due to its inscription into the social order. As Kumkum Sanagri writes, “Conjunctural sites of under-determination are also of some importance: the points at which agencies slip through structures-in new situations, at transitional moments or in liminal areas; those factors which allow individual women to act differently, independently or even contrary to the demands of structured relationships; and the situational ability of individuals to act against their own immediate interest to maintain structured relations of collective power-e g, family, caste, community-leading to complicated forms of 'self-oppression and/or oppression of others.” (ibid)

“One’s inner life is raucous and full of expression, especially if we distinguish the term ‘expressive’ from the notion of public.”²

(Quashie 2012)

² Here the notion of political subjectivity becomes relevant.

Why after all is oppression:

- 1) so difficult to identify?
- 2) to recognise and accept the reality of oppression (?)
- 3) and finally, to fight it?

What is the relationship of us as subject to Law whose force governs us in silence and not always through decree, such that it becomes part of our instinct, the gut?

That is, it is not only about women killing their desire to step out into the moonlight – and that they would if they could go. Rather, we see that women are opposed to the idea so strongly that they would not even go out when given a chance to. Thus, women’s refusal should not only be read as passivity but how it stems from a logic governing the unconscious. We too are capable of experiencing our freedom as a burden that causes unbearable anxiety which happens to constitute the very repressive ontology of sexuality because it remains fundamentally insecure to live without guarantee. The reason why surgical operation of weeding out ‘crime,’ appears more tenable an option than risking oneself by stepping out is because the ideology of security is what drives capitalism which on the one hand produces the conditions for criminality, destitution and poverty and on the other hand, counters crime with security solutions and law which preserves the conditions of its production while concealing relations. Therefore, in an inversion of the everyday oppression that is faced in a patriarchal society, the primary instinct is to gravitate towards a form of recognition of violence, the law, in order for it to make available a frame to hold violence accountable. “The law insists that we must identify the guilty perpetrator, shift our rage and reprisal to he/she who is really the cause of our pain, and protect the innocent from being burdened with a guilt that is not theirs.” (Grace 2012: 38) We end up thus vesting the law with the power to authorise and (in)validate our pain, suffering as well as instruct our freedoms by legitimating it only because it causes real consequences.

There is both an experience of liberation in accessing education, as well as its lack, thereof. Some women also may find that the struggle for greater autonomy isn’t

necessarily desirable, while others may find that the educational spaces often only maintain an illusion of autonomy. There lies the paradox and all paradoxes are only apparent: they serve to indicate an unresolved contradiction at a deeper level. The contradictions that belie the experience of educational spaces is characterized and mediated by ruling class ideology. What these specific experiences offer us is an entry point to access from a uniquely complex angle of vision, the social contradictions that underlie these 'apparent' paradoxes. Since women's struggle in society is not just limited by the appraisal of the odds, which presupposes the impossibility of altering the structures of power but can also be limited to a resistance that is conditioned by the power structures to which it responds. The function of feminism is not to externalise itself from the field of which it is part to assume an adjudicating role to define and separate the two tendencies of self-sabotage and collective/individual bargain that are exercised by women rather it ought to place itself within the sphere of production of these contradictory tendencies. Women can thus but resist their oppression as also be an agent in their own oppression, for this reason, we need to better understand the relationship between agency and structure. We need not to moralise and demand 'more' from women only at a symbolic and discursive level but also alter the relations within the structure such that the gap between the privileged and under-privileged is narrowed and not neutralized by setting aside problems are different from each other or different for different groups. Since such difference is bound to exist due to historical overdeterminations of class struggle as well as systematic experiences of historical oppression, the task of theorizing must not only reinforce the gap by establishing complicity in narrow terms.

In other words, locus standi, social location and subject position represent three different orders - in correspondence to which, the object of revolution, the subjective forces of revolution and revolutionary subjectivity act in relation. While political identity is retrospective, self-formation is discursive, repetitive, performative, and subject formation is an impossible relation which exceeds the self and evades it while animating the social relations with its elusive totality. Our social field is populated by bodies that do not enter into the dialectical relation for the constitution of the self, whose self-formation has been stunted by the very materiality of their subjection and objective social location yet they

are not devoid of a subject position and subjectivity - best capture by Fanon, “In terms of consciousness” writes Fanon “the black consciousness is held out as an absolute density, as filled with itself”(Fanon 1952:134). It is this immanence of the black consciousness that, for Fanon, denies any possibility of affirmation of the self and yet holds that neither the White nor the Black person is ontologically whole - both contain an abstract universality and a radical negativity, ontologically but materially the antagonism plays out along socio-subjective antagonism, where race becomes the expression and site for hegemonic contestation. Thus, the subject position marks a location, an emptiness, a void that is filled by the hegemonic ideology which organises the nature of antagonistic and non-antagonistic relation and contradictions in society.

University hostel as “threshold” between public and private

“We had a late night which was till 9.45 pm. Unfortunately we got late due to a bad traffic jam. Upon reaching the hostel, the warden and the guard together scolded us very badly, though we gave our reasons truthfully. She said, “You are girls who like to roam at night.” She threatened to throw us out of the hostel and call up our parents.” (Pinjra Tod Report, 2015*)

“A bunch of us had gone to attend the hostel night at VKRV Rao hostel (men’s hostel), it had been an accepted practice that women guests could stay over at the hostel on the hostel night, so we had gone there with that expectation. The warden suddenly decided to disallow women from staying back. We were therefore chucked out of the men’s hostel as well because we had missed curfew timing, weren’t allowed back into ours. We had taken night out so we could not have gone back either, we told the warden of the men’s hostel this and sat in protest. The warden verbally abused us, slut shamed us to no end and then called our warden up the next morning saying that we were sitting drunk! She sent a letter to our parents stating the same.” (ibid)

While most university hostels have codified their rules that are as bizarre as granting the hostel authorities the permission to make surprise checks into the resident’s hostels at any hour, restricting their capacity to go out of the hostel after a certain time but also not allowing food deliveries beyond curfew hours, while curtailing women’s access to the

university's resources such as a the library which is open through the night. When the then Minister of Human Resource Development and Bharatiya Janata Party member, Smriti Irani had said, "In India, I don't think any woman here is dictated what to wear, how to wear, whom to meet, when to meet...I am of the opinion, I don't think anybody is dictated here, you are not told," she had said while interacting with New York-based journalist Tina Brown at an event here. This sparked outrage since women had been consistently raising the issue of the hostel rules! In November 2015, a protest was staged outside the Ministry with the copies of various hostel rules books that were given and read out outside her office, in an event organised by Pinjra Tod, called FYI (For Your Information) Smriti Irani. (Economic Times 2015)

In the case of another central university in Delhi which can house 6,625 students though it has a student strength of 8,700 saw two research students of Jawaharlal Nehru University who pitched tents outside the administration office because they had nowhere else to go, pointing to the flaws in the university's system. (Shankar 2016) In Jawaharlal Nehru University, the rule book, despite its 'official' word had not governed the culture of the campus life but the possibility of its implementation remained latent. After a fierce round of protests that had rocked the university, the administration has decided to remove the sections on "dining room dress code" and "hostel timings" on women³. Ironically in JNU, these hostel rules despite their formal presence in the rule book were not enforced on campus and so effectively, the formal rule's authority was nullified by the social practice of people. Thus revealing how, the mere existence or codification of a rule doesn't translate into its 'implementation,' it is not as if the structure solicits compliance only but also births transgressions, acquiescence, culpability, resistance. Hostellers from different women's hostels in JNU along with GSCASH marched to the Dean of Students office on 27th March 2018. Simultaneous protests took place in front of warden's houses of different hostels to raise hostel level demands and challenge the regulations that make it difficult for so many people to afford hostel facilities. They rejected hostel and mess

³ However, one of the primary reasons for the protest pertaining to the arbitrary fee hike was addressed by suggesting that the administration was under deficit which could only have been recovered through the imposition of service charged on the students and hence, students who are not in the concession category had pay the revised amount of Rs 3600 per semester for single room and Rs 1800 per semester for double rooms. (Baral 2020)

fee hikes, arbitrary and invasive hostel "raids" and warden checks, curfew timings, being fined for possessing basic electrical appliances like kettles, shutting down of dhabas and hostel canteens at 11pm and to demand change in the Hostel Manual with Regard to curfew timing, arbitrary hostel checks and restrictions on late night. The hostel rulebook deliberately maintains gaps & ambiguities that can be used to paint students as 'law-breakers' and one which insinuates moral depravity on the part of the woman. For example, the rulebook suggests that 11pm be the curfew hour for all students but also permits them to remain out till the library is operational- the contradictions are deliberately left open to be read in way the administration deems fit at different points in time. The gaps and ambiguities are crucial as they work in favour of the administration for they both -- dissuade people from revolting by transactionally 'allowing' for the flouting of rules but also leaves enough room for the administration to misuse these technical loopholes to make a case for imposition of curfew and restriction of night outs. 'Security of women,' thus becomes an empty bait to militarize campuses, surveil students, impose hostel curfew, restrict and monitor their movements. The administration uses these devices to discipline students who refuse to toe in line, as seen in the case of HCU, where students were not only targeted and their rooms checked but also upon 'finding women in mens' rooms,' (Nirjher 2017) following which they were suspended for two years.

However, in the case of Delhi University despite the rule book not in tandem with constitutional rulings gets operationalised in full force, however the important parallel here can be drawn between the two universities rules. Both the hostel rule books undercut itself as well as undercutting the Constitutional principles, thereby forcing us to turn our focus towards the force of law that lend law its authority such that informal rules and social practices too can assume its form without the need for legal validation, recognition or legitimation. Through the silencing of the Constitution, the hostel rules in Delhi University have assumed a plasticity wherein neither are they fully representative of the law nor are they above the ideological function of law which at the same expresses a hegemonic social morality which is constituted through the very internal negation of

“Constitutional morality⁴,” (Kannabiran 2012:11) which is why it is able to undercut it. The hostel and university administration is able to apply its rules which are not indifferent to constitutional mandates nor outside of it but are paradoxically being applied through the very ‘non-application’ of constitutional guarantees. There is law which first, violates its own principle of equality before law precisely so abstract equality doesn’t translate into actual equality in social relations but remains incommensurable. Then, there is a bourgeois paraphernalia around the law - which leads to the many gatekeepers of law (from the parent, to the warden to the provost to the proctor to the Vice Chancellor to the courts of law) and the toughest guard is placed at the gateway to nothing, guarding precisely the condition of the emptiness of the law.

The recognition of a rule assumes its own self-cancellation rather than mere obedience, which therefore opens the scope for both subversions and elasticity as well as leaves it open for interpretation of local authorities that enforce the rule. In such a context, playful transgressions, everyday negotiations, and experience of ‘relative autonomy’ form a dynamic web of interactions for emerging political subjectivities in the hostel spaces for women. Here we are met with our first paradox, although in contravention to the law of the land enjoys, the curfew system enjoys a Benjaminian ‘force of law.’ (Derrida 1992) Here, is where the articulation of resistance becomes difficult for the subject of resistance is also subject to Law – inscribed by an obligation to obey in return of recognition by law, to have gratitude for the abstract protection it offers as also with the desire to transgress the law that regulates desire itself. (Zizek 2004) Since the subject is constituted in and through structural contradictions, what would a dialectical relation with law look like which does not end in affirming it even through negation? These questions will be taken up in detail in the second and third chapter.

It is no surprise then that a lot of women did not mind the curfew at all because it was no different from the structure of their lives, at home or perhaps, if anything, it provided wider scope for relative autonomy. At the same time the border and boundary of the

⁴ Kannabiran writes, “Constitutional morality, then, is an intrinsic part of a larger project of morality in politics that nourishes a free-ranging intellectual life and democratic political possibility rooted in democratic political struggle.”

curfew is something which manifests a fear that is real, a fear to commit an error, to disapproved by peers, to be a cause of shame and embarrassment to the family, to be a disappointment to the warden or teachers, in its material grounding as well as an ideological construction is experienced as intense fear of the potential threat of violence. Thus, even the very articulation of the demand to do away with the hostel curfew invites suspicion, “why do you want freedom? Freedom to do what?” Apart from the obviously misogynistic nature of such questioning, it also reflects on the condition of the public life which is devoid of women limiting the imagination of what people can do at night which is not already by default illicit. A lot of women I had interacted with said that they felt secure in the JNU campus precisely because there was a vibrant nightlife on campus, the spaces weren’t abandoned, in fact the sense of time was almost detached from the world outside campus.

It is here that it’s important to make a University space which has been over the years pushed towards privatization and now, the remnants of ‘publicness’ in the Public Universities are also being transformed into the private aesthetic. Mike Davis calls this the forbidden city or enclosed fortress cells that becomes a site for new class war precisely because of the ways in which spaces are being crunched, increasingly privatized, sanitized, gentrified, and the ‘ghettos’ are militarized and watched. With the ‘cleansing’ of dhabas in JNU but Margaret Crawford (Crawford 1995) in a different context takes up this question and argues that the “narrative of loss” that has colored the study of privatization of public spaces is dependent upon a mythicized conception of public spaces as ‘purely’ democratic. She points out that even in historic examples of public space, from the Greek agora to the town squares of New England, full democratic access and participation was never achieved. Crawford urges an expansion of our understanding of public spaces beyond the borders of public parks and plazas, streets, sidewalks, vacant lots, parks, and other places of the city, reclaimed by immigrant groups, the poor, and the homeless, have become sites where public debates about the meaning of democracy, the nature of economic participation, and the public assertion of identity are acted out on a daily basis. In presupposing and assigning democracy to public institutions, we take away the most important aspect of democracy that lies in the forging of a collectivity - of a people. Women’s movements in India, have historically been able

to pose a challenge to the status quo while also simultaneously exposing the limits of the existing structure. Therefore, the fight for formal recognition and equality articulates a betrayal by institutions that legitimate patriarchal rules while also not evading from asking the question of whether they were ever designed to perform the function of democratising society and social transformation or for maintaining the uneven distribution of power.

Let us discuss this further in the next section.

“Public” law versus “private” rules?

The public space has been engaged with, in the context of discussion around social movements (Butler 2015), proletarian public sphere’s political organizing (Negt 2016) and democracy in many ways, the idea of the Greek Agora (Aristotle) has been one of the most central notion that Arendt also later build upon to argue for “spaces of appearance.” Butler too has engaged with Arendt’s work in *Bodies of Alliance* and *Politics of the Street*, where she discusses the possibility of laying a performative claim to power without it getting codified into law and prefigurative politics. These emerge to discuss the scope of public opinion – deliberative and decisional publics (Habermas), the cross-sections of civil society and political society (Chatterjee), in discussion on general will (Rousseau) and idea of common good, discussions on public sphere and the need for greater democratisation and pluralisation of the same (Fraser), etc. The public space also marks an intersection between State and society and the kind of subjectivities is enabled and disables (Sunder Rajan).

“My friend took a night out... she was sitting with male friends in the park when some random man ran into them and created a huge ruckus. He then called the police who forced her to give the landlord’s number. She kept saying that she was there of her own volition. They reached the Paying Guest accomodation. The parents were called...”

(Pinjra Tod Report 2015*)

This above example, far from being read as an evidence of agency or will is read as women who consent to being with men as necessarily accomplices to them. The activity

when measured against the social norm reflects a treachery on the part of the women, speaking more about her than her capacity to take decisions for herself. The same thing is read as an evidence of promiscuity, here we find some continuity to the way the Law constructs its victims. I say this, however, without falling into the trap of regarding women as being always already on the wrong side of the law, for that would be an exceptionalising of that which remains a norm for a majority of people. Concern, protectionism and essentializing gender fall on the same continuum of violence and desire. The reason this conversation is important is to facilitate an understanding on the very *need for* insistence by the university to preserve what appears as moral law of society as opposed to “secular” laws of the democratic State, these remain important discussions, implied is the presumption of the moral order as private and the public as within the jurisdiction of the secularized State law. Today the way, in which liberal democracy has been able to establish itself as its own self-referential vector, throws the possibility of a people’s democracy out of the contours of imagination of liberal democracy, thus narrowly rendering justice as attendant to its own reproduction. Not only does the state provide an anti-political resolution to political antagonisms but also necessitates its own need, therefore producing subjectivities that are inscribed in security apparatus as part of their very mode of existence.

A running thread of narratives that are used to delegitimize women is what gets reflected in the hostel space – that which was countered and corrected by feminist jurisprudence and women’s struggle in the court, remains in society in its sacred and secular manifestations - as a discourse of:

- 1) Exaltation of women’s difference and victimisation which does not sit in logical incongruence with their simultaneous exaltation and devaluation in society and
- 2) ‘Women empowerment’ which perceives patriarchy as a problem of an encumbered female self and not as a product of systematically produced and reinforced social inequality.

Following this, colleges and universities across the board have appealed for “parental” permission and student’s voting to settle the political question which challenges the

authority of the curfew system. Thus reducing it to a narrow point about whether or not colleges “can” reasonably restrict women’s mobility or not. It is made to seem like the only thing blocking women’s access to education is parent's feeling under confident about sending their daughters to schools without strict rules out of regard for their safety - thus narrowly reading their fears and concerns as a reflection of medieval “mentality.” Disregarding any real concern for why parents (Pinra Tod 2018) are unable to send their children to school or the university, the concern for safety is used to fan the flames of securitization thus instrumentalising the real inequalities in society that make parents fear for the lives of their children, especially daughters, in a big city which continues to produce and perpetuate caste-based, class-fragmented and gendered experiences. Principal Jolly of Miranda House College, Delhi University wrote, “Parents see these rules as critical to keeping their daughters safe in college, they would hold us responsible if something were to go wrong. If the students want more freedom, they need to negotiate it with their parents instead of us.”(Lakshmi 2015) In response to which Pinjra Tod released a statement saying, “By what logic does the university feel responsible to parents about what decisions young ADULT women make? What is this monolithic notion and fantasy of the ‘caring’ ‘loving’ parents that the university harbours? What about parents who force their daughters into marriages discontinuing their education for ‘their best interests’? What about parents who murder their daughters for daring to fall in love with a man from another caste or a woman?...what if there are those few parents who are open to ‘more freedom’ for their daughters, will they be exclusively ‘allowed’ outside after the curfew then? What about those of us with no parents? The university owes no responsibility to us by such logic!” (Pinjra Tod 2015)

Furthermore, *Pinjra Tod* had conducted a study in the month of November 2015 which found that hostel fee for ten months in 13 main undergraduate hostels and 12 main postgraduate hostels of *Delhi University* that the monthly average hostel fee forces women students to pay ₹2,958 more for undergraduates, and ₹2,614 more for postgraduates, every month which then adds up to being ₹29,580 and ₹26,140 over the next 10 months of the academic year, thus translating into a direct deprivation of equal academic opportunity for women. The *Pinjra Tod* report also revealed that while men’s hostels usually charged a small amount initially as Annual Charges or Admission

Charges and the rest of the fee is to be paid in monthly instalments. In stark contrast, women's hostels require students to pay a hefty amount upfront right at the time of the admission as the annual charges are significantly higher than those endured by parents. The rest of the fees are again to be paid in fixed amounts by a fixed period of time, any delay leads to fine, rules such as these acts as deterrents against women's participation in the university. The selective regard for parents is staggering.

“There were no latches in the bathroom of our hostels. We were too scared to complain about it directly to our warden. Hence some of us put up anonymous posters in the bathroom area which said things like, “we need our privacy.” After this, the principal called all the residents of the hostel for a meeting and told us, “If you have so many problems with the hostel, you should vacate it immediately.”

(Pinjra Tod Report 2015*)

When Pinjra Tod occupied the streets, the idea was that the more the streets are abandoned it poses a risk to all women's ability to act without restraint, heightens the fear of harassment and the vulnerability to it. The presence of women on the streets was considered as an enabling one that cuts across caste-class locations precisely because it is able to present universality forged alongside a singularity of the women's experience of spaces across home, work and everything in between. These themes will be explored in the next chapter. Our subjective disposition towards power does not give us a full account of the structure of oppression. Our subjective complicity or struggle overwrites the structural implications of political subjects. Ashley Tellis writes, “If, earlier, the Manichean division was between the discourses of sexuality-as-violence and sexuality-as-pleasure, both now co-exist in parallel but different domains. However, neither stream is seriously engaging with what sexuality might really mean to us as subjects nor do the two inform each other, even as surely pleasure and violence both inform sexuality.” (Tellis 2003: 33) Isn't that true, for the most part the evidence of women's innocence is something which is presumed to not be believed even when and because what they say, is believable.

While private life seems to be reserved for eccentricities thus secularizing the sacredness of the private as a right against which public accountability becomes fuzzy. That is the private only assumed authority and commands infallible authority is when it has been able to establish itself as distinctly sacred through law and therefore, exempts itself from the law. It is after all, the right to private property which is the unquestionable authority mediating our social relations - in the eyes of law. The creation of property was not a purely administrative function towards maintaining social order; rather, the social order of capitalism necessitated the dynamic undoing of the ordering of society such that people relate to one another through the mediation of the private sphere of property. Therefore, it constitutes the very terms of relatability as an exchange between - survival and security, comfort and autonomy, community and collectivity.

So, the very fact of the movement or act of collectivizing itself creates spaces which reconfigure the meaning of public spaces through the presence of women on the streets and under the sky. These spaces, however ephemeral are not autonomous pockets of freedom where a futurity is enacted but rather, it is an insurrection of reality – a rupture, a break – to the normal. At the same time, women raise the slogan, “Jhooti suraksha ki khol de pol, pinjra tod,” implying that the logic of *false* protectionism will not work and so too that the administration cannot return the differentiated subject back to their abandoned status by insisting that autonomy would come only at the cost of permanent negligence and conditions of insecurity. While also calling upon the limits of the notion of privacy being extended to “include” more people in its wings, since the foundational myth of privacy preserves the logic of privatizing the very public secrets of law while isolating social problems of security from the totality of relations within which they are constituted. The women’s hostel thus becomes a threshold site to reconstitute the ‘normal’ bourgeois legal system but more so, the social ordering as a potential prelude to new localization forms of self-governance to emerge. So on the one hand the very fact of the movement or act of collectivizing itself creates spaces which reconfigure the meaning of public spaces through the presence of women on the streets and under the sky.

According to Foucault as for Bourdieu, the law as the force of power is inscribed in society and therefore the body. Bourdieu (1990) describes this phenomenon of the society

being written onto the body in his concept of the 'habitus.' It is also not the case that the hostel is a space where the fundamental rights are suspended indefinitely by decree. Rather, these divisions of space and time, object and actions, gender and status, are at once forms of habit and habitat – which form a complex net of structured predispositions into which we are socialized as Bourdieu's habitus. Bourdieu's habitus is embedded in familiar forms of dwelling and the house is a very important ideological construct as the first such habitus. The habitus is the way that the 'arbitrary' is constituted as the 'real,' culture is seen as nature, ideology inscribed in habit and habitat. Habitus constructs the sense of one's 'place' in both the social and physical senses: the habitus produces practices and representations which are available for classification. . . Thus the habitus implies a 'sense of one's place' but also a sense of another's place. (Bourdieu 1990: 113) Bourdieu's understanding remains firmly tethered to a notion of consciousness, as if a placid subject is manipulated by the conditions that surround them and of a knowledge of one's place such that it appears that there is no order outside of the symbolic order and no layers to subjective life other than consciousness/knowledge.

For Marx public life itself considered narrow minded and partial, he starts with accounting for this subjective alienation and ontological lack. "There is no question of delimiting private from public interest or detecting the right measure, which would presumably stabilise political life. His point of departure is: there is no social relation, just as there is no market homeostasis, but only an economic instability and perpetual crisis, even when its reality is not experienced directly and overwhelmingly." (Tomsic 55) In saying so he means economy in the broadest way and not in narrow economist terms. Schwartz describes that politics is a quest for power with state power as its official manifestation. The state's power functions through both repressive force socio-economic conditioning - together it forms organised power of domination but the principle for politics is will and it is this will which needs to be moulded and not simply coerced - therefore the politics and administration are two different orders of power. Both discipline and punishment belong to administering logic and not, political ordering. (Schwartz 1979) Thereby normalizing control it seems security can be ensured at least in the minds of people as they feel they are 'looked after' by being looked at - when surveillance feels like safety - it is not mere internalisation of the social order but also

presents the very limitation of the possibility for another imagination of social and subjective existence! With rising inequalities, precarity, vulnerability – the scope of securing oneself has come in sharp antagonistic terms with building collective forms of survival – thus, ideologically producing conditions for counter-posing of survival and revolutionary change through the very absent presence of the “baap,” the Name of the Father (master signifier) which functions as the Big Other in the university space. “Individuals will only turn around when the Law hails them, Žižek argues, insofar as they are finally subjects also of the unconscious belief that the “big Other” has access to the *jouissance* they have lost as subjects of the Law, and which they can accordingly re-attain through their political allegiance (see 2b). It is this belief, what could be termed this “political economy of *jouissance*,” that the fundamental fantasies underlying political regimes’ worldviews are there to structure in subjects.”

Therefore we must assume (not merely feign, but forget that we have assumed) a sense of comfort rather than perpetual discomfort in the presence of subjection to surveillance. This empty kernel of ideology animates and structures our desire to either please the system such that we are rewarded or dare to revolt against it knowing that there may be punishment - through which we are able to stabilise our position vis-a-vis the system by orienting our relationship with it - whether of subservience or rebellion. This also makes us understand that freedom then is not something out there waiting to be realised, nor is it a latent potential which has been suppressed with meaning of socialisation in a capitalist world but also that freedom inheres in the way we transact social life. This echoes what Marx had to say about alienation which complicated the flat reading of modern consciousness as false and true. Rather pointed at the dividedness and splitting of consciousness which ended up producing us in and through the contradictory experience of the splitting. Marx noted that the man/citizen ends up sophisticatedly participating in public life, with a sense of obligation to popular morality while was seemingly free to pursue their own interests in private life but what the society countries as a moral life is an elusive force - which if not chimeral, forms an elusive totality. (Schwartz 1979) Measured against an impossible and perhaps even incorrect standard, an individual can never be sure of what they are doing and how it will be judged in society - therefore they want to please a big Other, whose desire can only be speculated and appropriate but never

fully realised - which at once renders their private life and public life as both internally fragmented and unworthy. Such that the civil society, at once, fills up and empties the private life.

The problem with Bourdieu's understanding of cultural and symbolic capital though is that it can too easily elide into an economic determinism, indexing personal successes and failures, thus offering a critique of elitism but not explaining the very desire for such socio-cultural order being constituted through capital's subjective inflection. Therefore even though he claims to be referring to the cultural, he ends up subjecting class conflict to an economically vulgar reading which ascribes to culture aesthetics, mannerism, attitudes, codes of conduct, modes of appearance, taste as following from income positions. He reads money as a mere transactional device rather than broadly reading the mediation of money as constituent element in the subjective and social consciousness. "Marx's fundamental points regarding money: money is not just a means of payment, it is a means of transformation. Money transforms the desire to have something into the possession of that thing; money actualizes desire, including the desire to be someone." (Read 2009) Bourdieu's reading paradoxically ontologises capitalist economic relations by reducing temptation that we are always already embroiled in the capitalist system and there is no out but to perform an empty gestural politics of renunciation of excesses of capital that help close in on the structural disparities or accept it. The force of law and power is not simply produced out of thin air in society - neither is it a permanent and static feature. Capitalist production, thus, not only produces the worker, commodities and surplus-value, but (re)produces the capitalist relation itself, thereby separating the worker from what they produce (Marx 1887: 407) precisely through the function of different discourses and social regimes of subjection, discipline.

Countering the 'security narrative' which is structured around "*securitisation of the bodies of women*," mediated by an attitude of patriarchal protectionism implies the dominant upper class morality of protectionism as natural ways of transacting 'public' life and 'public spaces.' It is in fact, that there coexists multiple publics in a city, and what the University does is that it institutionalizes and organizes this socio-spatial power – by putting restrictions on women's bodies. It is this participation of one into the public as

citizen which is presumed by private property - therefore, one has a private life insofar as they are a member-citizen of the public life. So while it is believed that the administrative task of the State is to ensure a disciplined and ideal value-neutral citizen but actually the political field is sustained by the logic of capital which produces its own sphere of surplus and use value - which makes public property fundamentally private. (Schwartz 1979: 252) The very basis of liberal theory which differentiates the public from the private to anoint the state's legitimate scope of intervention in the public realm is confused. Since, it obscures the question of how the public is designed to organize the private and rather takes the division at face value. In fact, it conceives the division as a naturalized one, in the image of the difference between interiority and exteriority. Thereby, not just controlling the nature of 'public' but also denying people their autonomy – to desire, to step out of ascribed identities, occupational, notional roles and social locations, to sexually express and realise, to independently earn for themselves, to access University facilities that are open 24x7, to explore the city they are 'second class citizens' of but not as 'non-citizens' to. We will explore the thread on citizenship in the third chapter.

Whose Street is It Anyway? Carcerality of Public Life

“I am a student of DU and a resident of a girl's hostel of the university. On coming back to the hostel exactly 3 minutes late due to my participation in a university wide event, my warden publicly humiliated me to an extent difficult to describe, which included her calling up my father and telling him that, “Hindu college *ka ek bhi ladka nahin hoga jiske saath aapki beti soyi nahin hai*” (There would not be one boy in Hindu College whom your daughter has not slept with). She has repeatedly raised objections about me having male friends etc, and humiliated me on that account, although it is of little relevance to her duties as a warden”.

(Pinjra Tod Report 2015*)

As per the University guidelines the jurisdiction of sexual harassment rules cover the place the student visits, stays, etc yet there is hardly any mechanism to report these cases

as most of the colleges don't have these bodies and those that do, are nominally put in place to satisfy the formal rule. The logic of spatial segregation does not only apply neatly along gender lines, although that is the ideological appearance of it – the hostel becomes both a spectacle, a fantasy on which men project their repressed desires – the cases of men masturbating in front of the women's hostel, or men being asked to strip walk outside women's hostel as part of ragging are also markers of the repressed sexuality which finds the worst expression in outbursts of violence, such that desire manifests in violation. This active and unconscious repression of the sexual marks the substance of enjoyment around which this signifying interplay is structured in a way that it is presumed to implicate both players even if in an unequal exchange. Alenka Zupancic (2017) argues, human sexuality is a fundamentally disruptive agent whereas sexual identity is a contradiction in terms. That whatever our sexual identity, the impasse of sexuality is the same for us all, and that's what can unite us. The university isolates women from their social reality to define them against crime from which they need to be made secure. Structures of impunity that preserve the social dominance of men, accompany the structures of enforced inhibition and inaction that is reinforced by the hostel curfew, where women are held as captive audience to the antics of men who are rendered active agents. Most recently, the Gargi College cultural festival in February 2020, saw men climbing over their college gates and openly sexually harassing women students. The public-ness of the act and the mass-ness of it and not its familiar everydayness characterizes the inhumanity that lies at the core of a society that uses 'sexual' violence as a tool to exert and extract power "...the impact [of] and maybe even sexual violence itself, flow from the discourse which constructs 'sex,' 'sexual violence,' and 'sexuality' as aspects of the individual's real' and 'private' self, so that to violate the sense of wholeness in this area is to threaten one's belief in one's unique selfhood?...Thus at the same time as 'sexuality' is constituted as the truest expression of selfhood, it is made clearly and easily identifiable with 'the body,' itself...it is emphasized that the harm of sexual assault lies not so much in the physical assault but in the transgression of the victim's conceptions of selfhood and sovereignty." (Menon 2004: 141)

It is precisely this selfhood and sovereignty of desire, of love, of sexuality which is indefinable except in hegemonic terms of law since it has been alienated. This does not

go on to prove that the law's insistence to give experiences a name counter-poses right's universal and empty recognition but that the empty signifier of women's rights rely on the structure of the interpretative capacity of the law to render it with meaning. When we look at the hostel curfew, it is not simply a struggle to 'realize' constitutional guarantees but the struggle was fundamentally premised on the understanding that such a realization can only be made by the ever-growing presence of a movement – which in the process of its actualization, comes to adopt newer modes of struggles, confront sharply growing contradictions within and between students - and not by approaching the court of law. Therefore, not adopting a “single-issue” based approach while also using the location of the women's hostel as a conceptual horizon and threshold on which political systems can be understood in their situated-ness.

One of the most striking aspects of the movement was its use of one aspect of law quo its repeated reminders of the UGC Circulars' recognition that securitizing in the name of security was unacceptable but otherwise, it maintained a near total disregard for law and smashed hostel gates, occupied the streets through the night, created a public library outside of the Central library where women's entry was an aberration, marched through the streets inspiring women to step out and join the resistance and the numbers kept growing. Further, Students of Maulana Azad National Urdu University (MANUU), Hyderabad, woke up to Rapid Action Force (RAF) being deployed outside the university gate. Why? Because on the night of 12th Oct 2015, women students of the university along with their male counterparts held a militant protest, against severe discriminatory and regressive 'curfew' imposed on women students. The students protested against the deadline of 6:30 pm in the hostel for women students and the bureaucratization of their freedoms tore the attendance register that surveils their movement. The Chief Warden even confessed to the sexual anxiety that provokes such surveillance when she said that the women students were there to "entertain the boys." During the day, women students are required to sign at three different places (inside the girls hostel, at hostel gate, at the university gate) if they intend to go outside the hostel or university. Moreover, unlike male students, they are deprived from using library facilities after 5 PM. For night-outs, women students have to give three days advance notice and go through a tedious permission process. The administration was of course taken aback by the militant

outrage and called a meeting where the student demands were conceded to a certain degree by extending the curfew by one hour for undergraduates and three and half hours for post-graduates. The administration woke up with the nightmare that is the freedom and resistance of women and called the rapid action forces to their rescue. False cases were being framed against protesting students. This had a spiraling effect and a protest was called in Delhi outside Telangana Bhawan by Pinjra Tod where women from across the colleges of Delhi gathered to tear and burn their rule books, leave books, attendance registers to ash.

Students, class and caste

The fencing of the borders of identity, thus is not the task of the women's movement whose body rather occupies the separation of class-caste-communal formations but rather, the fence is drawn to render sacred the differentiation along sexual and gender divisions in society. They do not approach the question of gender mobilization as such neat binaries of "using" gender identity of difference from men as a mobilizing point, rather an organic unity emerges between the struggling students and workers along with the contradictions the unity carries. At once challenging the very terms of framing the question of patriarchal oppression in the terms of constituting women-as-other. The questions of identity thus are not merely tactical choices but also reflective of the ideological structuring of patriarchal relations in society which splinters the very experience of the subject from within and without such that the sameness and difference envelop and enfold into each other - to create conditions that are detrimental to some while fueling the benefit of others.

"Post-modern sameness translated arguments about physical or cultural similarity into arguments about which differences are relevant in which contexts. Postmodern difference dissolves claims about difference into arguments about which differences should matter in which contexts. Once reformulated, difference dissolves into sameness and vice versa," (Williams 1991: 310) but political struggle is not geared towards leveraging one experience over another but precisely understanding the pernicious logic which produces the simultaneous and contradictory experience of social reality and work towards dismantling those. The simultaneous disciplining of the women's student's body through

restriction and the working women's body through "free" (read: lacking social security) laboring contracts are two sides of the same coin. These aren't incommensurable powers that are merely and incidentally at loggerheads with each other rather signify and reflect something of the systemic conditions. Even though there can be shared sexual exploitation between them, the exchange relations that underpin their social position of women is ideologically mediated by capitalist relations of exchange and production – the working class women. In it, people have mobility at one level and yet that mobility is enclosed by particularities of social dynamics, gender, caste, region, etc.

Since 2005, safai karamcharis (sanitation workers) mostly belonging to oppressed castes - had been contracted by the DU administration through Sulabh International, which on the pretext of being a 'voluntary' organisation/charity denied the contract sanitation workers fair wages, holiday leave and PF and ESI amounts for years. Last year, Sulabh International was removed, and a new company called NexGen Manpower Services Pvt Ltd. was provided the tender. As a result, more than 100 contract sanitation workers are being laid off. Despite multiple rounds of negotiation, the DU administration has completely refused to act on its responsibility as Principal Employer in ensuring that the workers, most of whom have continuously worked in the University for 10-15 years, were dismissed from their jobs. The work being performed by the safaikarmachris is of permanent nature, and it is the legal duty of the DU administration that despite the change in tender, not only are all workers taken back but also be provided permanent jobs. (Pinjra Tod 2019a*) A group of workers who had filed a labour court case against Sulabh International are being particularly targeted and denied jobs; amongst them, were Dalit women workers who had been terminated from work at the Undergraduate Hostel for Girls (UGHG) DU in 2016, and who were reinstated after a 3 month long struggle by workers, students and teachers. These workers were forced labour without being paid extra to work at the caretaker and warden's house and lived at their mercy and whim lest their contract be terminated anytime - lower the pay rate, the harder workers must force themselves to work.

Karen Coelho called this "occupational domestication," (quoted in Bhosale 2016) wherein working women are sequestered into spatial and social positions such that their

work is lower is valuation, they experience less mobility and are under control and surveillance. (Misra 2018) In retrospect perhaps it was for these reasons, Marx (1867) wrote that ‘the piece-wage is the form of wage most appropriate to the capitalist mode of production’ was the internal law of capital— it most efficiently forces workers to self-exploit by creating conditions for the lack of a life-preserving choice for self-sustenance. We need to read these political articulations of patriarchy not simply as choices that women make towards striking patriarchal bargains, but also reflecting the very formation of desires which shapes and informs the vision of freedom. When capitalist ideology redefines freedom as self-preservation, securing entitlements, it happens because it is able to construct material conditions for such thought processes to become part of the spontaneous second nature – which manifests in the limited frames that work towards preserving the status quo as well as supplicate women by offering them ‘self-defense’ training, providing them with pepper spray during election rallies and encouraging installing of phone applications for sending SOS messages. This at once ticks off the token genderism of electoral parties that contest in the campus while also not doing anything to increase women’s bargaining capacity in society. This is one of the problems with isolating security structure and fighting it only for its excessive violation, that it is a misleading claim. Therefore, it is important to distinguish between revolutionary abolition and reformist abolition of sexual difference and **not** be bound by a presumption of *inherent* power difference between man and woman, even though it appears and manifests as a narrow defense of rights and entitlements or even - for it defines power in its immediate relationship with violence and denial of opportunity. For that matter, even the formal abolition of the curfew imposition cannot alone equalize the field but I don’t mean only to suggest that this will be an endless battle which needs to be fought at different footings. Rather, I’m suggesting that insofar as the struggle against the curfew is informed by the totality of social relations and is likely to reject the liberal democratic wager of perpetuating invisible regulations that are less visible than overt prohibitions. The struggle towards emancipation which will at different points see internal contestation, conflict and fissures towards overcoming while preserving the centrality of abolition (derived from an untranslatable German term, called "aufheben," which can be

rendered as "transcend" or "supersede") of caste-order, sexual difference, that is rendered to serve the rule of capital under class society.

The duality of the university opening its gates to marginalised students and simultaneously shutting it on them was visible in the overwhelming opposition to OBC reservations and saw a largely middle-class women audience who would rather consider affirmative action, social security and scholarship as freebies! Maya John writes, "IGNOU there has been a continuous rise in the number of SC and ST students who enrol with the University. Between 2010 and 2018, while the overall increase in the enrolment of students in IGNOU was 93.6%, the number of SC students who enrolled rose by 248%, while the number of ST students grew by 172%. Similarly, majority of the students in Delhi University's SOL centers are SC/ST/OBC/Minority category students. While there are many university democrats who speak vocally about the fund-crunch in regular mode colleges and premium institutions, the lack of UGC funding for ODL institutions is not an issue that gains much traction... Meanwhile, many conveniently continue to buy into the misconception that these students have supposedly *opted* for the ODL mode rather than regular college. In reality, these students want to study in the regular mode. It is their substandard schooling in run-down government schools and B-grade private schools as well as the shortage of seats in regular colleges that pushes them into the substandard ODL mode offered by universities." (John, Fear and Fury, 2020)

There is much to learn from the discourses of this agitation which informs social relations that cannot be seen merely as supported, sponsored and facilitated by a "think tank lobby," as Chakravarty noticed (Chakravarty 2018). In fact, if anything the mobility that the University promises to provide should somewhat threaten to shake existing power structures but it is precisely because the existing power structures don't create space for women to escape the structures of their own oppression, that vast swathes of marginalised people across the country even if they access education, are unable to do so at peace even when they have entered the university. It is unaffordable, insecure precisely due to the way in which the university institutionalised inequalities of caste, class, gender. Our task is not to isolate women's oppression in society but rather see how it is inscribed in the class struggle and caste-order, rather the larger vision must instruct us in the alliances

we forge, the compromises that are struck, centered around not just the immediate benefit of few but by centering a shared political vision for society where the most marginalized are the biggest gainers from a transformed world.

A woman student taking a walk on campus is rendered a dissident act while for the working class women, this slow walk holds a promise of integration into the skilled labour force (with their children being able to go to school) and a step towards socialization of housework and a reconfiguration of the relations of secure work, marriage and love. So it is not only that the university betrays the promise by failing to provide for a secure labour regime in exchange for neoliberal privatisation but that the very structure of capitalist production relations implies the need for the sustenance of exploitation in order for progress to simultaneously take place over its invisible edifice. The university holds capitalism's promise, catered to the creation of aspirations and desires of a professional class of women. Perhaps this should further be qualified with the irony that the college Lady Hardinge for women, which is a medical institute, has no hostel curfew, making it the only all-women's college in Delhi to operate this way. This is a surprising exception to how medical colleges for women function in the rest of the country, with a tight code of conduct.

Pragmatism versus risk taking

There runs a parallel stream of increase in political consciousness of women students who tactically embrace the curfew as a mechanism to widen the scope of political bargain. This marks, not just a deference towards law but also an act of deferring of one's own dreams and freedoms to a later timescape - "we will be free when we are independent of the networks and structures of co-dependencies with patriarchal control."

Todd McGowan writes: "The capitalist regime produces subjects who cling feverishly to the image of their own dissatisfaction and thus to the promise, constantly made explicit in capitalist society, of a way to escape this dissatisfaction through either the accumulation of capitalism or the acquisition of the commodity." (McGowan 2016: 11) Given such pragmatism emerging as a guiding principle, where do the decisions of risk-taking emerge from? Is it not also pragmatic that the future independence cannot only be

attained through financial autonomy but also through struggle, antagonism, conflict and contestation with the system whose coordinates of control need to be undermined? Do such decision actions retroactively form the politicized identity of a woman and in simultaneous rejection of the naturalized identity of ascribed gender identity? Where politicized identity comes into being through the realization of an alternative way of living found in struggle, as a residue which is testament to what I-am-not and what we-could-be. These negotiations are part of self-fashioning, self-formation there is another layer to the structural and systematic oppression which constitutes the objective political field, in whose logic we are all implicated in – this is the where the question of subject and subjectivity emerges, which doesn't simply denote "subjective" experiences of the law but represents the cusp of conscious and unconscious of the symbolizing system itself.

For the purpose of this research, I will situate political subjectivity of the inhabitants of such a space within their political action. In doing so, I will be drawn towards the question of law – as one of the sovereign injunction to obey, to transgress, to enjoy the self-referential system of repression-resistance-repetition; all while also questioning the limitations in a preoccupation with law's 'commanding authority' in a thickly social setting. What do we mean when we say sovereignty? Sovereignty signifies a command which overrules law, in this sense self-justifies its own authorial voice while containing the power to redraw the limit of the law which legitimates its authority. In the hostel we find this authorial voice not necessarily hinged on the command of authority figures such as the warden, the security personnel, and the invisible force of the institution or the space of the campus but also in the women who transgress rules and make up the law in its disregard. We are now forced to reckon with the limitations of the very frames of sovereignty, its use as a concept? It is merely another word to signify agentive, conscious decisions that individuals take? Is it also an indefinable force with animates and conditions the presence of consciousness.

We discuss the intersections of legal subjecthood, political subjectivity and the articulation of resistance in the next chapter.

CHAPTER THREE

BETWEEN SEXUAL CONTROL AND STRUCTURES OF SOCIALIZATION

While the last four years have seen a rise in the struggles against ‘unconstitutional’ hostel curfews – it has thrown open lots questions around the notion of the political, the idea of ‘public’ space, the regulatory discourses that curtail women’s mobility in the name of ‘safety,’ the transformative potential of the performative body and prefigurative politics, the nature of consciousness of the authority that underpins constitutional and legal ‘morality.’ The dominant framework of analyzing protest spaces of Pinjra Tod and their relationship with the political subjectivity of its participants has been mediated through a study of the body – the production of multiple subjectivities and the making, re-making and unmaking of the self as well the space that it inhabits. Such a framework studies the relationship of the body and the spaces it occupies, and how both co-constitute and co-produce each other. The performativity of the self and a certain prefigurative politics explains the ontological unfinishedness of space and identity and the various ways in which both get reconfigured in their interaction with one another. While this aspect of political space and space of politics is essential for a study of the political, it is also important to pay attention to the ideological underpinnings which frame such political assertions – what are we deconstructing and reconstituting? Is it not a certain ordering of the order of people and places that gets reconfigured and not just a (re-)shaping of the conduct of their conduct? What does the encounter between individual and collective desires look like - is it formed through and dismembered the processes of struggle?

We have often heard how women have lived “on the edge of time,” or how they inhabit a “perpetual state of emergency,” but what does it imply? Do we understand the hostel as an extension of the normative familial heterosexual control which institutionalises gender relations, as one among the many modalities of patriarchal control? Is it inherent to patriarchy, the coercive regime of disciplining and if indeed it is a context-specific articulation of patriarchy then why must it manifest the way that it does? What is it about university going women that solicits the need for a rigid and stubborn insistence to

regulate and administer their whereabouts and lives? Or is it that the security discourses, sexual valorisation of the reproductive function of women, their ascribed caste honour co-constitute a field in which women's bodies can be securitised to propel the ideological and material function of capitalist surveillance economy along with maintaining gendered division of labour? We will explore these debates through a study of the concrete legal cases in which the hostel curfew system was reviewed as well as through a study of the discourses of the struggle against it. These are some of the questions we will explore in the following chapter.

Spatial organisation of normative sexualities

My introduction to Delhi University was through the newspaper, which would capture the public imagination around the time of admission, with comically high cut-off lists, and the only other time that Delhi University made news was during its college festivals, pageant contests and Valentine's Day celebration. Year after year, Hindu College's Virgin Tree was the central figure around which the campus was organized, it became an urban legend. The 'ritual' involved a first-year male student conducting "puja" (worshipping) the "Goddess" who would bless the men with the gift of losing their virginity within six months from performing the ritual. Virgin Tree received front page coverage on *Delhi Times*, year after year, creating a sense of excitement, suspense and curiosity for its readers, about which Bollywood actress's poster would bag the 'coveted' title of "Damdami Mai" and be considered worthy of finding a spot at the condom-adorned banyan tree at Hindu College. The tradition was also a paradoxical expression of repressed sexuality and suppressed will that pervades the university space, due to the overwhelming disciplining of women's bodies, as also a marker of an enduring disregard for women's presence and women's pleasure as worth considering in the articulation of desire and framing of sexuality. This event however, was not just limited to the campus, it became an enduring legend for the city's cultural memory of Valentine's Day.

The lack of a women's hostel in Hindu College reminded women of the history of their late entry into educational spaces which were erstwhile fortresses for men. The maleness of the college space was celebrated through the act of appointing a priest (loaded with

upper caste symbols and aesthetic) who would recite an “*aarti*” (hymn) in the service of the sex goddess whose body is a perfect “36-24-36,” “each time she comes on TV the entire hostel jives with pleasure.” (DU Times 2018) Beneath the hilarity of this mock ritual and its performance of a desperation for a sexual awakening, the very celebration would entail men staking a claim on the space of the college. The condoms that were used to dress the tree on which hung the “Goddess” were thrown on women students who were immediately reduced to objects of desire, with no understanding that desire could be pleasurable for both parties. This male enjoyment came at the cost of women’s alienation from the space where they until recently didn’t have access to education, let alone accommodation. This spectacular event of projecting men’s desire on a screen of Bollywood fantasies has contributed immensely to providing libidinal satisfaction to many by attributing meaning to sexuality in a way that is based in a fundamental denial and disavowal of women’s pleasure. In 2016, women from across the Delhi University protested this practice which deepened their sense of non-belonging and weakened their claim to a shared collective experience of education on an equal footing.

The idea behind challenging the ‘*puja*’ in Hindu College is not only to fight the excesses of control over production of normative bodies and sexualities embedded in institutions but also to question the reasons which inform the putting in place of such rules and cultural practices such that they become part of the institutional unconscious itself, thus framing the contours of “normal,” which may or may not be normative. After making gestural changes to envelop women’s resistance, men of Hindu College tried to give their tradition a ‘sex-positive’ spin. Even though men from the college constantly emphasized the lack of “harm” in this celebration, the masculinist backlash to the protest would suggest otherwise. However, even purely at the level of discourse, the men from the college defended their position as an “AIDS awareness” campaign which promoted the use of condoms for “safe sex” and insisted, albeit tokenistically, that their ritual opened up a conversation on sexuality which remains a taboo in the dominant ideological matrix of Indian society by lightening up the topic which is often broached with much reluctance, fear and hesitation. What gets masked is the satisfaction that it seeks lies precisely in producing and establishing the meaning of sexuality in narrowly self-identifiable terms: “the impact and maybe even sexual violence itself, flow from the

discourse which constructs 'sex,' 'sexual violence,' and 'sexuality' as aspects of the individual's 'real' and 'private' self, so that to violate the sense of wholeness in this area is to threaten one's belief in one's unique selfhood?...Thus, at the same time as 'sexuality' is constituted as the truest expression of selfhood, it is made clearly and easily identifiable with the 'the body'..."(Menon, 2004: 141) Here, we are exposed to an interplay of performance of taboo and transgression as much as we find the explicit utterances of masculine aggression shaping the approach to sexuality. The University is a place where the inter-mixing of classes, casts and sexes happen for most people for the first time, where people find themselves relatively free from constant parental supervision and control. It is also a place where spatially, women and men are divided along normative gender identities which then informs a perpetuation of moral codes and social orders.

Across the street from Hindu college, St. Stephen's College's "spirit" was reflected in the reading of an oath by the men of Alnut North Gentlemen's Association (ANGA) who solemnly swore to "promote among them all misogyny." The historical context in which the oath emerged was during the 1970s when women had begun to enter the university in a significant number. In their virulence, unable to bear the challenge that women posed to spaces that were hitherto reserved as a boy's club, they swore to preserve culture of misogyny as a continuing legacy which ensured the conditional participation of women in educational spaces. Therefore, "it is not "sex" that can explain that defense; rather, it is the defense that could shed some light on something inherently problematic about the nature of sexuality... sexuality is constitutively unconscious." (Zupancic, 2017: 8) As if to show us that the repressed which gets domesticated by legislation, social regulation, consciousness marks its return in ways – mostly, bad – to mark a libidinal outburst in social events. Do we want the conversations predetermined by logical positivism that presupposes than probes the ways in which women are oppressed in society by the function of sexual control?

The dichotomous terms of relating desire and violence delimits the probing into women's experience of patriarchal articulations of desire as being animated through and in relation to violence - graded along prohibitions, disciplining, coercion. Given that women are

social products of and also as part of the political field of relations which creates and fosters dependency on the structures of prohibition, the challenge is how do we speak against all essentialism yet remain liable to the present - without giving in to the temptation of rendering politics as mere moral proclamations of “progressive” acts by women and denouncing “complicity” in the system in narrow terms? Rather, I propose that we begin our conversation by taking into account the structural complicity - as the hegemonic form of relation to a system which produces antagonisms and contradictions while not rendering it to an insurmountable condition.

The exhilarating exploration that is college life is marked by inconsistencies that present themselves in ways that were not felt before – a gaze turning inwards and outwards at the same time. Universities can be seen as spaces of reflection on the problems of the social realm as also as harbingers of personal change. “It is a self, not by transparency, like thought, which does not think anything except by assimilating it, constituting it, transforming it into thought – but a self by confusion, narcissism, the inherence of the one who when he sees, from the one who touches what he touches, from the feeling to the felt – a self that is therefore caught between things, which has a face and a back, a past and future. . .” (Merleau-Ponty 1964) Given the social marginalization of women and sexual minorities; a person’s religion or caste identity, their ethnicity, the social stigma associated with anything sexual; and the gradient of power between various hierarchies, a majority of instances of discrimination, sexual harassment goes unreported to the university or even remain unmentioned to friends and peers. For the rest of the writing, it should be presumed that women’s oppression and unjust treatment doesn’t deserve to be evidenced by way of this writing but rather the focus will be in understanding the reasons for such regulations to persist in society.

It is against this backdrop that the resistance against control and regulation also articulates itself, steeped in anxiety, fear and risk. The question of instructive regulations and restriction cannot only be approached through the lens of formal equality and discriminatory treatment between men and women. Neither can the question of security be isolated and posited as one which addresses the need to protect women from the ‘outside,’ rendering sacred the idea of women’s ‘security,’ which itself confers the power

to undercut their autonomy in favour of protection. We know that not all women are accorded with the divine proclamations of being Goddesses and how this framing is ridden in the logic of dualisms – the good girl from the bad - are separated by being bound up in a logic. In this figure of a woman, there are two prime certainties, pitted against one another. The problem is not merely of the discourses of sacred and secular being attached to the appearance of women in public and private life - to measure their respectability and honour which offers itself as a self-referential justification for the violence meted out towards women who are “wayward”- but also, its relation with the attendant social and economic conditions. The discourse of threat to women is the most effective dog whistle which makes gendered violence as an ontological reality, abstracting it thus from its historical reality and positing it as an ever-present potentiality characterising the fate of women. Thus, subduing the actual danger it institutes and enforces through systemic reproduction of inequalities and insecurities. A society that is sustained through the production of inequalities, it is this structural production of insecurity which characterizes the political field in its terms, such that the double-bind of ‘curfew’ is that it is always qualified in relativistic terms against unfreedoms. The hostel, given its restrictions is thus still *relatively better* than the natal homes of people, staying in the hostels, and it is this same rare ‘openness’ of the campus as opposed to the home which acts as a threat to ‘family values’ caste order, class interests. Yet, one must not consider nor conflate the physical enclosure of women with social constraint alone. An open syntax of regulation could as well be restrictive, emblematic in the closing of the university’s doors to a majority of people who are not ‘privileged’ enough to have made it since the public university now gloats about its limited capacity owing to a systematic shrinking of investment in public education as a marker of exclusivity and refinement. Both the openness of the campus and the closeness of the home belong to the same notional order of conservatism that the former promises to undercut with liberal democratic values.

I would like to demonstrate that it is not only that all laws contain their own exception, but also that the very universalisation of the claim to equality presupposes and produces the exclusion of some from it and are constituted through the internal negation of the promised universal order. So when women are outside beyond curfew hours, they are

reconstituting the idea of the ‘public,’ through their bodily presence in spaces at ‘odd hours,’ at places where ‘respectable women’ are not ‘supposed’ to be seen - which implies that they may or may not choose to step out but the structural exclusion of the social other is reproduced through discourses of security. If discrimination is imbibed and learned through social performances and practices, such that it becomes a part of spontaneous behaviours - then would normalisation of its opposite be enough for emancipation? In this chapter we will put in perspective the everyday paradoxes that characterize the women’s hostel. The discourse of the threat to women’s security, as an ever possible potentiality, which rests on women’s inviolability, is the one which subdues the actual danger it institutes and enforces.

While high gates, metal fences, warning sign boards, presence of security personnel, police patrolling, barricades, electronic cameras are all physical markers of a ‘militarized’ campus, a close look at the social relations of the built environment, bring to the fore the ways in which urban-spatial discourses in the city are framed around the rhetoric of securitization – in public space, housing projects, public sector redevelopment policy, prison systems, etc. With such visible changes to the campus, we may wonder why the militarization of the city has not provoked the reaction from publics that it ought to and only comes through in the articulation of a feminist struggle which gained a wider social reception for raising the problem of ‘discriminatory rules’ than for its critique of the constitutive violence of such codes, which are representations of a patriarchal, caste society.

Security and biopolitics

Students of Central University of Rajasthan staged a protest in the month of October, 2018 where they sat outside their hostels, defying curfew timings to protest against biometric attendance, curfew of 10pm and limited access to libraries. (Benu 2018) On the 9th of October, PhD women hostelers decided to boycott the surveillance of biometric systems (which is only for women hostellers and students). There are two biometric systems, one at the main gate of the college and another in the women’s hostels. It was expected *only* of women to punch their attendance. (Bhattacharya 2018) This movement

ended up throwing questions before the entire student community, raising fundamental concerns around biometric attendance - which was not only being implemented in a discriminate way but was completely wrong in the first place. The protesters asked, why should students, men or women, have to be kept under the close watch of the administration? Characteristic to the response of the hostel administration, after two nights of protesting women's parents were sent messages and letters informing them about their daughters being guilty of "indiscipline," following which the protest expanded and about 200 male hostelers also joined in solidarity. We have seen it up close in our Universities; the frenzy around installing closed-circuit television (CCTV) cameras, proposals for making Aadhaar mandatory, policy suggestions to introduce biometric attendance systems. In fact, a women's college in Delhi University justified the installation of CCTVs in the hostel corridors to prevent 'criminal behaviour' and 'suicides.'

We have seen the idea of providing women with 'security' through surveillance is structurally suitable for a patriarchal society which will find a status quoist logic to extend paternalistic protection under the guise of ensuring 'womens' safety.' Not only is technology gendered because of who administers/designs it but also the very fact that the debate around surveillance has been reduced and limited to and by the language of 'individual privacy,' is in itself a huge ideological setback since it overlooks the very engendering of the social-political field in which these gendered relations are enacted.

The JNU administration had suggested that biometric attendance be taken even in the hostel mess in order to regulate illegal and over consumption. 'The deployment of biometrics for multiple purposes of surveillance and control is a development worth noting. Bryan Doniger (2020) writes, "In The Birth of Biopolitics, Foucault provides a rich historical study of how biopolitics was legitimized via free, rational, and collective decision making." While, anatomo-politics is for Foucault "politics of the human body," (Foucault 2008: 243) it "could be used to take control over bodies ... to increase their productive force through exercise, drill, and so on" (Foucault 2008: 242) By contrast, biopolitics describes not the politics of the body, but "of the human race" (Foucault 2008: 243). Donniger says, "Biopolitics doesn't surveil and control so much as it assesses and

regulates risk.” However there is no necessary correspondence of this risk-assessment to the applicability of normative laws, i.e. the risk defines its own data interpretation and also holds the capacity to obscure data. Take for example, the National Crime Records Bureau (NCRB) "Crime in India 2016" report has indicated in 2016, the accused of rapes in 94.6 cases are none other than the victim's relatives including brother, father, grandfather, sons or acquaintances." (PTI 2017) This data does not imply women are considered safer outside of their homes, neither does it necessarily reveal the whole truth about how rape investigations are carried out to hold these people accountable. Yet if the mere fact of stasis of society is to be considered a part of biopolitics, one can expand the definition to include systems of self-identification, self-volunteering one's own data on social media, procedures of being under perpetual watch of devices and digital companies thus form a part of what could be regarded as biopolitics. Thus implying a universalisation and generalisation of the phenomenon, which immerses the body-politic in its logic such that they frame the terms of legible political relation. For example, the idea of installing a CCTV has become part of the very social and institutional response such that the security solutionism dominates our capacity to fight "crime," which at once reduces the systemic production of patriarchy relations, to its symptoms alone.

It is also true that the CCTV cameras and police will simply repeat the subjection of the woman as the interpretation and act of evidencing one's truth is subjected to scrutiny. CCTV footage does not reveal "the truth" but it is about who reads and interprets the "evidence." When we look at the women's hostel, we can see hostel rules short-circuiting the law of the land which in its formal word opposes discrimination on the grounds of gender yet the hostel continue to have their own erratic and non-linear patterns of authority that disregard these mandates. In a way, the law itself disregards its own principles of equality by affirming its all-seeing yet pliant form as a basis for security solutions as a necessary evil - which can at best be regulated. Thus viewing sexuality as barely perceptible but almost imminent embedded in a series of discourses and practices around social control, state and community formation, and social reform. At the heart of this 'technological' problem lies the potentiality of law to be able to presence

itself in an effervescent state only to return as a repressed force that justifies the rule of the mighty. (Tewari 2019)

When women protesters at Banaras Hindu University demanded CCTV cameras after being brutally assaulted by the police which had been called to disrupt their protest, it enjoyed an overwhelming consensus. Despite the incorrect diagnosis, what comes through is the ideological capture of the political field within which both the protests and the rules are set in motion. “Even after the interpretation of the symptom is completed, we do not renounce it.” (Zizek 2014: 80) Fichte’s project of police control and today’s emerging reality of digital control: Fichte’s vision remains “totalitarian” in the standard sense of an external agency openly controlling us, while today’s digital control is not experienced as an external limitation of our freedom. What we get here is a unique new form of the “unity of the opposites” where subjective exercise of freedom coincides with objective control. (Zizek, *HIWB*, 2020: 32) Can we then suggest that this lack of consistency and coherence in the ideological underpinnings of society is not accidental but by design? As Stuart Hall remarked, “Our attitudes mirror the realities of power, of status, of success and failure; and these things are both social and personal facts, the very limits of the human condition. The personal emotions we generate or stifle eat their way into our words and our actions and alter their character. The public and the personal life are deeply interrelated, and we must learn to comprehend them as a totality.” By its very constitution, ideology cannot be completely consistent and coherent and necessitates the coexistence of various structures of authority to simultaneously undercut, challenge, complement and even fight each other, while also making room to challenge capitalist production system and thereby, its ideological capture which manifests in a way to think that the capitalist relations itself is beyond questioning, all other contradictions within it are merely a struggle between democracy and feudalism or democracy and capitalism or a battle of hegemonic hold over social power. This helps in regulating social order in a de-totalized manner. When the exercise of control begins to look, feel and be experienced as freedom then there is a problem which itself is manifestation of the success of an elusive capitalist ideology, which successfully institutes itself in the ‘unconscious’ of society such that it is no longer even a visible factor worth considering.

When women of the hostel demand for CCTV cameras of course one could convince them with reason for the counter-productivity of such a move but more often than activists who are well meaning end up rightly flagging the dangers of surveillance capitalism but valorizing empty notions of “collective” power of people - which is useful for mobilizations - but fails to adequately capture and reflect the unpleasant concrete reality as it stands. Oftentimes, activists are befuddled by women’s refusal to “understand” the “dangers” of surveillance technology on campus without realizing that their spontaneous desire for it reveals the dominant ideology’s hold over our subjective lives and objective conditions which define the terms of political viability of social action. Most of this centers on violence, female sexuality in need of violent control. It is through violence that women in India have known (and continue to know) sexuality most intimately.” (Tellis 2003) We see thus the double movement of how women start to identify with the ideological self-experience of the authority of Law since the space is materially configured as such that it cannot and does not hold women’s participation in an unmediated manner and therefore, makes every visit outside driven by necessity, adventure, risk or horror. The panic of the dark is not an imposed one. I think we would all agree that ideology and materiality are not distinct but interrelated concepts which also implies that reality and abstraction ought not to be oppositional but derivative. The presence of ideology is felt in the absence of the law. When women would choose the dominant structure of social ordering over the risk and chaos of transgression, women experience the law as such because they are produced in and through it and in turn, their participation in the law preserves it. When the law is not needed to animate the social order in its shape, it usually does not even take for it to get dark before the ritual phone calls from parents begging for the return of women to their homes or when women’s internal “alarm clock” starts to tick as women who ‘know their limits and keep within it.’

Part of it can be explained through a study of authority, power relations that are operative between the figure of authority and the student but also that there remains a question if the curfew is indeed necessary for the present mode of social organisation? Why hasn’t it been abolished yet despite large scale protests for years? The women’s hostel does not explicitly deny women from earning but sets a cap of their mobility and therefore disables them from doing so. “These rules provide no instrumental purpose; they do not

serve the ends of profit or even dominance. The rules reveal that violence is not just a strategy, but it is constitutive of reputation, inseparable from the ends it serves.”

Neither Legal, nor Illegal - Extra-Legal Locale

“Discrimination was appearing in more and more blatant ways – girls were being asked as to where they were going, and why they were going there. Girls who were going home and were being picked up were asked to meet the warden with their male escorts so she could verify that it was indeed their ‘brother or father’. Parents had to send text confirmations to the wardens. These demands made of the female hostellers were entirely arbitrary, unbacked by formal rules, but with the clear support of the administration and the principal. One was told that disobeying would lead to drastic consequences and questioning was not encouraged. Beyond the rhetoric of ‘safety’ and ‘decency’ (so odd to find a discourse eerily similar to the morality of the RSS in a Christian minority institution!), no answers were given.”

- St Stephen’s College Student (Pinjra Tod Report*)

“Each year of his term as Principal of a famous college of Delhi University, he would announce at the orientation speech for the fresher’s: “Men are like stones and women like eggs.” He would go on to establish that no matter who is at fault, it’s the egg that is bound to get crushed upon collision with the stone. This, he cites as a reason for the ‘security’ measures imposed on women, this logic sits well with the college’s idea of conducting a ‘gender sensitization’ program.”

- St Stephens College Student (ibid)

The hostel and university administration is at once indifferent to constitutional mandates of freedom of movement (Article 19(1)(d)); protection of life and personal liberty (Article 21), equality (Articles 14 to 18) without being outside of its purview – thus the space of the hostel is constantly effectuated by the law in its ‘non-application⁵.’ The

⁵ An understanding borrowed from Agamben

refusal to grant women the freedom not to be controlled by hostel authorities is experienced by women in the form of moral policing, insult, actual fear of being abandoned by the hostel, fear that their parents can be contacted, having to lie for basic mobility, suppressing one's desires and wishes. The women's hostel proves an interesting site to access and abstract questions of political subjectivity, sovereignty, Law and what it could possibly suggest about the crisis and contradictions which underlies heterosexual-familiarity, caste endogamy, constitutionality, legality which simultaneously 'protects' the individual self and produces political subjectivities.

The University Grants Commission's (UGC) regulations dated May 2, 2016, declared restriction on women's mobility as unjustified for universities to impose and added that the higher education regulator has said that concern for safety of women students must not be cited to impose discriminatory rules for women in the hostels as compared to male students, "Campus safety policies should not result in securitisation such as over monitoring or policing or curtailing the freedom of movement, especially for women students and employees." (Section 13) We regularly see that the logic which binds women to their hostels, is not a 'legal discourse,' rather there is a constant shift in the registers in which the conversation of rights is displaced by the security rhetoric, to one which invokes maternal concern, to parental authority, to paternalistic protectionist obligation.

The public law is suspended to attune itself to the local expression of social norms that govern justice, therefore occupying a space in-between the juridical order – where by means of suspending the application of law, it is still operational. The public law is suspended to attune itself to the local expression of social norms that govern justice, therefore suspending the juridical order, it itself defines law's threshold or limit concept. Even though "curfew" is a very legal term, its function only has quasi-judicial value and although curfews these have been operational in all women's hostels, it is particularly in the aftermath of protests across the capital city, in response to the gangrape and murder already discussed, that the curfews on women in hostels were tightened. The rule of law contains its own exception in so far as hostel rules, despite their unconstitutionality can claim 'legal' basis – the founding and necessary gap between public law and political fact

needed for law to maintain itself in its own privation. How do we make sense of this liminal space which is the hostel? Is it defined by its spatiotemporal boundaries or does it get enfolded in the power structures of dominant ideological construction of the ideal household? Since the rules that govern the space are often not justified in strictly legal terms, but in social-cultural frames invoking parental authority issued in public ‘good,’ marking a dispersed consciousness of judgment. The structure of authority is non-linear, amorphous and plural – the rules governing hostel spaces are hyper-localized. While one also sees what rules are followed, which ones are invested and disallowed from being invoked. Rules governing the vacating of hostels every semester are religiously followed in most hostels, women are expected to not stay a day extra after the vacation has been announced. Let us briefly explore some of the instances which point to the various thresholds that political struggle for freedom find itself inhabiting.

The stabilization of politicized identities is so central to the liberal lexicon that its security tools too regularly seek to fix the subject to its finger print a la biometrics, through surveillance cameras. One is constantly being made one with their representation – that codifies and analogs our existence – in order to derecognize and delegitimize everything that exceeds such categories. However, unlike in a camp where the person excluded is abandoned by law, in the case of the hostel, the subject is recognized as a citizen and yet there are qualifications offered on ‘what kind of a woman’ wishes to, ought (not) to, remain out as opposed to the one staying indoors. I want to reflect upon the place of rights in the place of politicized identities – a right to ‘inclusion’ and ‘difference.’ How does the demand for recognition construct and/or rearticulates our personhood and citizenship? When matters concerning hostel rules were taken to court, what did the court effectively ‘recognise’ and reaffirm? What do we ask the State and society to recognise in us, to disregard in its seeing, and to disavow in itself? Why do women approach the court of law for their emancipation and how does such an intervention relate to and transform the notions of political representation, political identity, social identity of women? What kind of subject is being held out to the state for what kind of redress or redemption? Does it not falsely delimit the extent to our freedom by formally setting a limit to what was earlier undefined and negotiated? Of course it can be argued that rights aren’t meant to deliver freedom, but simply recognise unfreedom, to

institutionalize freedom then is to resolve its contingent character and render it permanent or that subjects of liberal democracies may have a deep desire for unfreedom which bounds them to recognition of rights as an experience of utmost freedom, but these are just some of the questions that I wish to think deeply about.

The exception is not in the fact that the hostel space comes to be a ‘semi-autonomous’ space where the constitution lies ‘suspended.’ Rather, the more important thing is how the hostel rules (localized-ordering) always already contain “its own virtual rupture in the form of a “suspension of every law.” (Agamben 1995: 37) That is the negation of the constitutional principles characterises its application and does not evidence its non-implementation. Since the rule is made precisely because it anticipates and solicits its own transgression. It doesn't want these adult citizens to exercise their freedom despite it being within the ambit of their rights. It is clear then, that the anxiety that structures the rule is not that the one it presents – but in what the rule represents. That is, the rules that restrict womens’ mobility protect them – by way of surveillance, prohibition, punishment, disciplining. However, what the rule represents is that the rule-making body fully knows that women are capable of securing themselves and the rule is merely a sign virtue signaling security.

A study of the two cases of the Supreme Court and the Kerala High Court which reviewed the hostel curfew policies helps us understand the internal logic of law as well as the ideological mediation that gives such a structure its political direction.

1) ***Kerala High Court on Discriminatory Hostel Rules:***

In 2019, the Kerala High Court took up the impending petition filed by Anjitha K Jose in 2017, a student of Sree Kerala Varma College, Thrissur. She had moved the court to strike down four of the hostel rules, on the grounds that they were violative of fundamental rights. In its judgement, the Court partly upheld her petition, striking down two rules, which stated that “no member of the hostel shall take an active part in political meetings, processions, or propaganda” (Murli 2018) and “No boarder shall be permitted to go for the first and second show pictures (movies).” (The News Minute 2019) In pronouncing the judgment with an emphasis on the movie timings and remaining

ambiguous about political participation, it clearly hinges mobility and freedom onto a notion of public morality and acceptability.. Despite trying to correct and bridge the ‘traditional’ order with ‘modern’ times, the idea of progressive rules ends up freezing freedom into a specific cultural moment.. Not only does such formal equality between men and women remove them from substantive equality, but it also risks intensified regulation of gender and sexuality through ‘equal’ rights discourse. In such a case ‘equal rights’ then abets rather than contests the production of gender identity as sexual; even as a “regulatory fiction of a particular identity is deployed to displace the hegemonic fiction of universal personhood, we see the discourse of rights converge insidiously with the discourse of disciplinarity to produce a spectacularly potent mode of juridical-disciplinary domination.” (Brown 1995: 133)

The Court observed that denial of political participation is an infringement of the right to freedom of expression. While striking down the second rule, Justice Mustaque stated, “It appears that moral choice of the management is attempted to be imposed upon the Boarders. The moral paternalism is something to be frowned upon,” (ibid) and pointed out that since it was an activity outside the hostel, it is up to the students to “decide whether they should go for the first or second show movies or not while noting that a girl has “equal freedom, similar to a boy” and if no such restrictions are placed on the boys, then there is no ground for it to be imposed on girls. The interesting thing though is that we are looking at men and women and not girls and boys, whose mobility ideally should not even have to be qualified by the administration or courts and yet such infantilization gets reinscribed by a positive judgment that nonetheless misses the trees for the woods.

The Court left the two remaining rules – the 6 pm curfew timings and the ban on staying in the hostel during class hours – up to the discretion of the college principal. Interestingly, the boys hostel isn’t compelled to follow even these instructions. On their part, the college argued that these rules had been signed by the parents of their students, but the HC maintained that the petitioner is an adult and that “her right to question cannot be compromised based on parental consent.” (Iyer 2019) This judgment set a positive precedent in making observations which could be expanded and read/interpreted broadly even though the bench shied away from directly intervening on the matter of curfew

timings and in deed that is what happened. Right after the judgment, a massive protest broke out in the same college to which the petitioner belonged. Women students protested for three days defying the previous hostel in-timings of 6 pm demanding an extension of curfew timings and managed to push it ahead till 8.30 pm. (Benu 2019)

Yet, the Kerala High Court Judgement struck down the specific rules restricting freedom to take part in political activities and going for second shows and implored the management to extend curfew timings after discussion with students. Though it concedes students' fundamental right to hold political views, it still leaves room for political maneuvering by remarking upon the administration's right to also 'reasonably restrict' or suspend such a right for meeting the objectives of the management of the hostel. Thus leaving us with the paradox of 'discretionary' hostel rules, rule of law and Constitutional guarantee of fundamental right to mobility. Yet the very functioning of the hostel rule is testament to how fundamental rights are or can be separated from the rule of law, which is a way of suggesting that even while transgressing individual rights, States can remain lawful. This is a widely accepted understanding for the proponents of a 'derogation model of constitutionalism' (Hickman 2005) which rationalizes 'exemptions' as inevitable for and to ensure state control. These exemptions, then, are characterized as lawful since they ensure the smooth functioning of law's own operation – for it is governed by a *necessity*. Exemption would entail a suspension of the application of rule of law to negate the rights of women however, what we see here is not the suspension of rights, rather the upholding of rule of law to argue for a renegotiation of the terms of its actualization and realization of fundamental rights. The exception is not in the fact that the hostel space comes to be a 'semi-autonomous' space where the constitutional guarantees lay 'suspended' in contravention to the rest of society. It is clear that the hostel has no self-contained universal logic of its own and is as much a microcosm of society as it is a challenge to it, what makes it more noticeable is the enforced institutionalization of curtailing women's mobility by public universities. Therefore, mere statistical inclusion of women in the university is not enough, rather as we need to reckon with what Joan C Williams argues, "women will remain economically marginalized until wage labor is restructured and sexually subordinated until the eroticization of dominance and submission is replaced with a healthier sexuality...To

join our society on anything like equal terms, minorities and women must demand neither mere entry nor special accommodation. Instead, they must demand transformation.” (Williams 1991: 305)

2) *Banaras Hindu University Student’s Petition in Supreme Court against Discriminatory Hostel Rules*

In the year 2016, students led by male students were protesting the arbitrary shutting down of the 24x7 cyber library (Times of India 2016) by 7 pm at Banaras Hindu University (henceforth, BHU) resulting in a hunger strike which ended with the suspension of nine men from the hostel. The administration further made a bizarre appeal that students were not expected to lose out on their sleep and therefore, 24x7 libraries were unjustified. The suspension of the men, that came at the cost of their education and the aggressive suppression of protest citing discipline triggered conversations among students and led to a rising consciousness around caste and gendered relations which were institutionalised through infantilizing rules. It is to be noted that on May 4, 2017, the court had revoked the suspension of the men but the conversation around denial of equal access to university resources had already begun, when for women asserted that they were always deprived of the access to the library despite it being open 24x7 due to the imposition of hostel curfew which mandated that they be in their rooms by 10 pm. Furthermore, there were restrictions on the kind of clothes they could wear in the hostel, the kind of food that they could eat as well as restrictions on the hours to use their cellphones. The sharing of experiences of subjection to complete scrutiny and policing resulted in a male student filing a petition in Supreme Court of India challenging the validity and permissibility of discriminatory hostel rules through advocate Prashant Bhushan, who was told by the court that the case would be heard further if women were to have filed the case against hostel rules.

In the month of September 2017, the women of the campus broke (Dua 2017) into a militant protest against the administration which had callously responded to a case of sexual harassment of a woman. To curtail the movement staged by the women of BHU, the administration resorted to the police’s brute force. The Banaras Hindu University

administration was pressured to confront the demands of the movement, one of the primary demands being, of 'abolition of hostel curfew for women.' An official, even quoted to the media, with ironic honesty "The point has come for girls to feel that they are not trapped in time restrictions. They should not feel like they are in a jail." (Rashid 2017) The women's hostel curfew timing in BHU will be extended to 9.30pm from 8pm, with a half an hour 'grace period under special circumstances.' This apparently would bring the curfew time to 10pm, at par with the men's hostel. Yet, it is common knowledge that the in-timings that exist on paper for men are never implemented, so this is just a farcical attempt at 'equality' by formally balancing the weighing scale. Moreover the right to mobility for anyone should not be curtailed and therefore, remains a shallow compromise. and 68 cameras were promised to be installed on campus to "make women feel secure." (ibid)

In January 2018, the impending petition was finally taken up in the court of law. In its refusal to examine the validity of the curfew restriction, the bench headed by Justice Arun Mishra nonetheless made its observations. "Everything cannot be said in the court. These rules are for the safety of the girls," the Bench told advocate Prashant Bhushan who argued against the rules on behalf of some male students. "Even I could not get into my daughter's hostel," Justice Misra said. "It is for their own safety," he added, referring to the 8pm curfew timings imposed on girl students living in the BHU hostels. The rules formally allow boys to stay out of their hostel premises till 10pm. (Sinha 2018) The thing to remember though is that even when the petition was not filed by women students, the many protests that followed since September 2017 were testament to their resounding mandate and list of demands made against moral policing and differential hostel rules that claimed to protect women but actually concealed the lack of efforts towards facilitating and enabling their participation in the university through positive affirmation (Rashid 2017) of their presence and productively addressing sexual harassment. Women demanded that they wanted lights and not locks, expansion of the shared claim to secure public spaces along with autonomous bodies for lodging sexual harassment complaints. The court thus passed the buck in utter disregard of the vibrant movement on the ground instead of ratifying and upholding women's assertion by faulting the petition (Nair 2017) for being filed by a man.

This case draws our attention to the very nature of conditional citizenship which although formally positions both women and men on the same plane through a recognition of their abstract equality before law, yet this is rarely actualised and positively realised. We have seen time and again that the courtroom makes sure to internally divide the experiences of women and men along their caste and class line before inundating them with sermons on wifhood -- for example the criminalisation and questioning of a tribal woman's character in the case of custodial violence on Mathura displayed the prejudices as well as overarching discourses that delegitimize the violence on the bodies of marginalised women while the case of Hadiya (who had converted from Hinduism to Islam) displayed a protectionist streak disregarding the overstepping of her rights as an adult citizen with a constitutionally affirmed basis in choosing her religion and partner. The court in the case of Hadiya was more concerned with summoning women to morality *of the social order*, it is in response to such instructive reasoning that the demand to be treated as 'equals' articulates itself in defiance of the ruses of patriarchal class ideology which undercuts the maxim of "equality before law." In fact no such equality can exist within a socially unequal field of relations which is constituted through systematic retrenchment of caste antagonism, class conflict and Brahmanical patriarchy. Thus in insisting upon the equality which is symbolically accorded to all, but is in fact formed to mediate unequal social relations; the repressed formation of the unconscious of constitutive exclusions informing the law, bursts out in revolt of the system.

When Pinjra Tod says that the University suffers from a familial and caste-ordained anxiety to preserve the boundaries of the social order by regulating the bodies of women, they find themselves echoing Uma Chakravarti, who tried to demonstrate that the control over female sexuality lies at the heart or at least, remains a central feature to the dominant social relations, "with class as a universal axis of subordination and caste as a form stratification unique to India." (Chakravarti 2018: 25) Incidentally, heterosexuality does not always follow a procreative logic and need not be in opposition to non-normativity, insofar as not all forms of heterosexual coupling are normative or hegemonic. Rather the latter becomes the substance for regulation of heterosexuality itself and by implication inscribes non-normativity as its internal opposition.

One such example is that of Hadiya's case.

Hadiya Case (Shafin Jahan v. Ashokan K.M.):

In 2017, when the Kerala High Court was approached by the parents of Hadiya, the court annulled a consensual marriage of an adult Muslim woman who had converted from Hinduism of her own volition. In the second petition the Kerala High Court the parents alleged that their daughter would be transported to another country after marriage, and the court intervened by forcing her to stay in a women's hostel under surveillance. Therefore, when Hadiya was being tried for her conversion to Islam and marriage to Shafeen Jahan, it was the 'authentically private,' as in her natal family that she was handed back to for 'custody' before the court assumed *parens patriae* jurisdiction over Hadiya; which is generally only considered in the case of minors and those considered to be of 'unsound mind.' If it was not bizarre enough for an adult woman to be subjected to parental custody, she was further left without a phone, without her right to meet anyone; and had been held hostage in her parent's homes who were responsible for filing a complaint against their marriage. After objections were raised, a legally appointed patriarch in Hadiya's life, G Kannan, principal of Shivraj Homeopathic Medical College claimed that he wouldn't "allow" Hadiya to meet her husband under his watch because "her parents admitted her here, only they can meet her. She can't go anywhere alone and can do nothing without prior permission from me. The completion of her homeopathy course is my priority." This legal custody then further entrenched the idea that the parents have a claim over their daughter against her own interests and that her education serves as a mere pretext to bolster the narrative of "love Jihad" against socially acceptable normative standards of marriage that follow the religious and caste codes. Later the case was brought to the Supreme Court which ordered a National Investigative Agency's enquiry into the matter which was then posited as one of counter-terrorism than that of parent's arbitrary exercise of control over their daughter's life. The judgement stated that "as per Indian tradition, the custody of an unmarried daughter is with the parents, until she is properly married,' and that Hadiya, being 'a female in her twenties is at a vulnerable age' who could not be in a position to decide what best for her. J Devika pointed out, "Eloping with a lover to escape troublesome parents is not unknown in 'Indian tradition' and the world in general; instead of recognising this, the court behaved like a disgruntled parent." (Devika 2017) The court continued to refer to her by a name

she had surrendered, Akhila and insisted that she was “influenced,” “indoctrinated,” and hence needed court’s intervention. We see all the worst manifestations of the logics that regularly circumscribe women’s hostels in the university – the turn towards parental authority, the denial of autonomy being served to further communal ends of serving injustice to the couple by the use of law. As seen in the above example it was a legal marriage that gave anxiety precisely because of the religious conversion, towards which the logic of women’s agency is both instrumentalised and simultaneously negated while parental control over their body is rendered de facto “safe.”

The idea of providing women with ‘security’ through surveillance is structurally suitable for a patriarchal society which sees women’s safety as a fig leaf for domination. Homologous to that, it is not as if the ‘concern’ for women students gets the university to take proactive steps in facilitating and enabling their access and mobility – rather the university inverts those demands on its head in order to assuage its need to inhibit and control their bodies even further to ensure social administration and political exploitation. This is clear in the manner in which, after the 2012 Delhi rape case, the various colleges of Delhi had tightened restrictions on women. This pushes us to think about how the gender relations are organized in the hostel and university space with spatial segregation of hostel for men and women, and the practicing of a systematically introduced distancing, carcerality forms a core coordinate of organizing social life - of which caging of women is a manifestation. Therefore, we find that underlying the promise of security and apparent justice (against criminal violation), the image of the ‘condemned’ violator is inscribed and presupposed. It is vis-à-vis this violation that all the restrictions and proscriptions are retrospectively justified.

Let us look at a particular incident closely, which illustrates many of the themes we have been discussing.

The Chandigarh Stalking Incident.

An IAS officer’s daughter’s car was chased and followed by a car driven by the then Haryana Chief Minister’s son with the alleged intention of kidnapping. Commenting on this case,; a member of Lok Sabha from Chandigarh and of the Bharatiya Janata Party,

Kirron Kher had condemned the ‘heinous’ act and expressed desire to see justice done swiftly. However, she also remarked: *“I want to speak a bit about the girl’s understanding... and to all girls in general... that when you see there are already three men sitting in an auto, you shouldn’t be getting inside it.”* (Goswami 2017) She also recounted her days in Mumbai, when she would commute by public transport: *“Whenever we took a taxi in Mumbai, we used to let someone know the taxi number ...I feel that in these times, we also have to be more careful about these things.”* (ibid) Herein lies the efficient fantasy of capitalist wealth as the guarantor of security - underlying is the scornful idea of what kind of people take public transport and that too without ensuring sufficient vigilance? It is another matter that a majority of women in the country neither have access to nor the income to afford cabs as a means of transport!

It is the Chandigarh stalking case in which the CCTV footage of 20 cameras had miraculously disappeared upon finding that the accused was a person with considerable political influence and power. What’s also problematic is that women are assuming that an outward ‘correction’ lies in the mere inversion of patriarchal norms - the imposition of curfew on men (Murphy 2016) -- which the likes of Maneka Gandhi and Kirron Kher have also endorsed. Implied is the assertion that the violation of human and democratic rights through curfew timings represents and repeats the imprisoning logic of confinement, as in the prison: “Why should we be bereft of our rights for the fault of others? Put them in jail, why us?” Without paying heed to the notional structure of the prison being shared by that of the hostel - as political placeholders - the two are counterposed to displace the problem of social insecurity. Extending the same logic, we had witnessed an overwhelming demand being made from women in favour of carceral justice, in favour of castration and hanging of rapists. It is precisely because incarceration rates are higher in response to law’s encounter with the underclass that the prison - despite its centrality in the polity - remains an invisible mediator. Our social relations are in fact organized along the structure of criminality, accusation, security, incarceration. George Jackson (1996) writes: “The ultimate expression of law is not order—it’s prison[...]Bourgeois law protects property relations and not social relationships.” In a society where a threadbare existence both perilously continues for some and tragically stops for others, the gates of prison of unfreedom inscribes all of us against which liberty

is but a fortified castle of self-delusions. To be implicated in the elusive totality of the structuring absence of the prison — erased from the sphere of visibility — is to be perennially caught in a logic of (wilful) forgetting that becomes both a necessity for individuals to assume and wear in order to function in society to avoid destitution as well as constitutes life's terms of engagement. Thus, deactivating of people as political agents in a social system and rendering them as solely responsible for their life and death, their freedom and security or creating the illusion that one can “afford” freedom only with social upward mobility - makes the streets a preserve of those who can transact it with their private cars and bodyguards. This understanding of “one is responsible for their own security” directly corresponds to the structure of capitalist realism that Mark Fisher (2010) speaks about, which renders people as entrepreneurial individuals - qualifying and weighing the profit and loss in their every move.

Another manifestation of capitalist ideology gets expressed in the calls to nominally equalize restrictions - a la egalitarian equanimity - by insisting on evenly distributing enclosed freedoms between two sexes as a solution for systematic production of relations of exclusion, as if that alone is enough to address the question of either their safety or enhances their accessibility. Christine Delphy (2015) discusses the difference between affirmative action and parity where parity entails a false universalism which essentializes difference while preserving the dominant as the desired whole which the marginalized are deprived of. It also assumes that formal equality is the ideal, albeit unrealized. While affirmative action does not presume equality when it does not exist, it is geared towards a universalist philosophy which recognizes the gap between abstract equality and reality and bridges it with representation.

Hegemonic Hetero-Sexuality or Sexual Normativity?

Regular references to *Bharat Mata* are made in the University as well, when women are locked up in their hostels and prohibited from celebrating even Hindu festivals such as Holi for “their own safety.” Sunder Rajan (2003) argues, “The idea of the nation is also the powerful legitimization of the state institution; and different ideologies of nationalism have determined the projects and trajectories.” In this imagery of the *Bharat Mata*, the

figure of the Muslim, working class and marginalised woman is a constant other. Ravikant Kisana (2020) writes, “Of particular note was this older Tamil Brahman man, who had earlier regaled me with tales about how his ultra-orthodox Brahman grandmother was actually a progressive feminist—because she advised his father to not marry a non-Brahman woman, “if you love her, live with her.” This he proclaimed was proof that she was ok with a ‘live-in relationship’ even in the 1960s. The fact that she was actually forbidding the marriage in order to keep her clan’s caste ‘purity’ intact, was obviously missed on this man.” Following this one can infer that, “compulsive heterosexuality,” (Rich 1980) while governing normative standards does so paradoxically; such that inter-caste and inter-religious marriages are simultaneously a transgression and an internal negation of hetero-patriarchy. This should bring our attention towards how the criminalisation of love is not restricted to sexual expression and orientation but that hetero-sexual caste based family-kinship structure is the normative and hegemonic mode of organising social relations. All these observations offer insight to the very structure of patriarchy, sexual relations and gendering of social relations as mediated and organized by exploitative caste relations. This demands a more rigorous engagement; unfortunately it is not something we will be able to fully pursue in this paper but I will flag some contentious terrains.

In a similar vein, Monique Wittig (1982) acknowledges that there is no immutable, natural reason for women’s oppression and rather identifies their oppression as the basis for the creation of sexual difference. No appeal can be made to women’s natural subservience or biological inferiority which can be characterised as a denaturalised naturalisation of hegemonic social mode of organising gender relations. For Wittig, then gender itself is a class concept, a class for itself. What Wittig seeks to do is demonstrate that there is no natural basis for this oppression, that there is a functional class struggle between men and women, and that this struggle emerges from a specific form of economic exploitation of women by the social dominance of men. Wittig begins to develop heterosexuality as a material base for gender, the heterosexual pairing of man and wife exists as a principle of social organization for the subjugation of women. Butler rightly points out, “Has Wittig decided that heterosexual norms are cultural norms while lesbian norms are somehow natural?” and goes on to demonstrate that “... Rather than

arguing for the superiority of a nonheterosexual culture, Wittig envisions a sexless society, and argues that sex, like class, is a construct that must inevitably be deposed...” In spite of this shared political vision, Butler understands “On the one hand, Wittig calls for a transcendence of sex altogether, but her theory might equally well lead to an inverse conclusion, to the dissolution of binary restrictions through the proliferation of genders.” (Wittig 1987: 136) Butler expresses her refrain from a counter-hegemonic articulation which might lead to an uncritical embracing of the hegemony as the enemy rather than reading the hegemonic ideology as the symptom of a structure in need of abolition. So, the fact that today hetero-sexual relations are constituted as such that they lead to false naturalisation of its own order which causes a great trauma to people who fail or refuse to signify themselves as its referent runs parallel to the wrath that inter-faith and inter-caste, hetero-sexual coupling receives. Therefore, the violence that hetero-sexual couples face can be placed on a continuum with that of that which sex workers, religious minorities, marginalised identities, homeless, trans people, same sex couples, find as an immanent condition of their lives. What is so peculiar about heterosexuality’s sphere of violence?

Some who were very wary of the prospect of removing the hostel curfew or even extending it for they thought it to be a license for men to start invading their space, an environment of strictness created a fear in men who were anyway at their doorstep, circling around boundary walls. If it is the very exception which constitutes the rule, i.e., then, the hostel rules anticipate the threat that women’s’ freedom and autonomy poses to the social ‘ordering.’

Therefore, the logic of administration of life retroactively constitutes the rule that governs women’s freedoms and actions. In fact Judith Butler would say that the very regulatory discourses constitute itself as the material basis for social norms and preceded by identification process which enable subject formation. There is no prior subject but instead the “I” is formed through the discursive social recognition of the subject, i.e. the materialization of such regulatory norms as sex (Butler 1993/2011: 171). For many women the mere presence of men itself was experienced as violation. Even in spaces like Jawaharlal Nehru University, where the hostel curfew is absent (in effect and not on paper); it is somewhat acceptable for women to be illegally residing in men’s hostels but

the corollary is not possible. There is an understanding of the women's space as sacrosanct precisely owing to the history of violence and systematic oppression. However, the "Trans Exclusionary Feminist" politics in the West is an extreme manifestation of when positive affirmation of women's specific oppression can articulate itself as a torchbearer of gender purism, heralding a territorial gate-keeping of gender-caste boundaries (Also see: Vidya, Suleiman, Karthik 2013) than seeking a new dawn where gender relations would be reconstituted from within (Also See: Escalante 2018) and without! Thus revealing how women's sense of privacy can begin to erode the very structural basis to gendered oppression, by stoking fear of "men will masquerade as women " for perverse pleasure and therefore women must safeguard their turf. The shift from recognizing the differentiated and antagonistic terms of social reality to an emphasis on radical self difference is a slippery slope. A deep mistrust of men and reveling in the negativist logic of one's own oppression – while one can see such concerns as stemming from both patriarchal trauma - a fear of sexual violence - but also a deep conservatism that expresses itself as a refusal to overcome the conditions of such social reality through a struggle of dismantling and reconstructing relations. This leads to an identitarian assertion, as a rebellion and defense against the other than a revolutionary political action guided towards the unmaking of the coordinates for such an antagonistic relation. It is no wonder that there remains a lack of consistency in the very approach to gender, and which is then left to be understood in its particularistic expressions. The paradox of this responsibility to make the campus 'inclusive' rings hollow, at the most an effort towards 'accommodating' women, at best and instrumentalising the 'concern for their security' as a pretext to regime social order, at worst.

The fact that the default mode of the discourse around protectionism and security gets hinged on the idea of inviolability of women perpetuates its own binary of gender separatist cultures that follow a strict spatial demarcation and re-territorialisation of the gendered body. Grace Banu (Ganesan 2019) has been fighting to get horizontal reservation in education institutions but instead what the community received was the "Transgender Persons (Protection of Rights) Bill 2016 which went against the precedent of NALSA judgment – National Legal Services Authority (NALSA) v. Union of India – in which the Supreme Court affirmed a trans person's entitled to their fundamental rights

and gave individuals the right to self-identify as well as did not consider the need for affirmative action, rather criminalised modes of livelihood that the community depends on for survival. The paradox of this responsibility is that it rings hollow in the absence of any sincere efforts to actually accommodate women, rather than using their security as a pretext to regime social order. Even though there is temptation of universalizing a standpoint theory of women to pave for a ‘common ground’ for struggle or privileging a (shared aspect of) experience of womanhood. We must pay attention to how it reinscribes women in the field of law, as if the unity can only be forged by defining ourselves against it. McGowan writes, “if we conceive of freedom in opposition, it produces a hysterical subject, incapable of seeing how its rebellion actually feeds the authority that it challenges.” (Quoted in Kunkle 2017: 624) Pointing at the ways in which feminist movements, demands, and resistance has been co-opted by the State to legitimise its own narrow logic of inclusivity, Menon argues, “we seem to be forced to confront is that as far as the ruling elites are concerned, ‘women’ are something they can deal with.” (Menon, 2004: 178) Yet, such co-option engenders and thrives on systemic conditions that produce conditions of acquiescing to gendered complicity. “In a society where patriarchal domination ceases to exist how men and women will be, what kind of traits they will adopt is impossible for us to say. The traits that human beings will then adopt will be in consonance with the type of society that will exist, since there can be no human personality outside some social framework. Seeking this femaleness is like chasing a mirage and amounts to self-deception.” (ibid) The inadequacies of a male-to-female theorising of subjugation have been made apparent over the years. The central university is a site where people from across such identities, locations, spaces converge and these are also spaces of relative autonomy where people exercise the capacity to make their own decisions without the immediate restraint by family. The marginalities women face are marked by their social locations, as well as the encounters with the desire and the sexual are burdened with those for all people alike, albeit differentially

Here, MacKinnon’s assertion of all heterosexuality’s ‘innate’ violence comes to mind as a counterpoint. There is nothing innate or inherent about the violence of heterosexuality, contrary to what MacKinnon (1983) ascribes to it. She relies on presupposing the present social order as an immanent condition and thereby naturalises the denaturalised order of

being under patriarchal relations which is operationalised under the hegemonic mode of hetero-sexuality. The dominant mode of hetero-sexual relations is structured by the need for reification of family which mediates property relations and it is an important unit in governance of the society divided by blood relation that establishes the conditions for non-relation. When the conditions for abolition of hetero-patriarchy is demanded it doesn't only imply a counter-hegemonic assertion (narrowly) against hetero-sexism through a reinscription of patriarchy in less pronounced forms under capitalist relations. Nor does it imply that the very content of sexuality - rather, the constitutive entanglement and conflict between desire and violence - needs to be abolished along with the ideological apparatus of hetero-patriarchy, which is instituted on the very basis of rendering natural, normative gender and sexual relations.

This is further substantiated by Alenka Zupancic, who writes, "The problem is not simply that nature is "always-already cultural," but rather that nature lacks something in order to be Nature (our Other) in the first place. Culture is not something that mediates, splits, denatures natural sexuality (as supposedly present in animals, for instance); it is being generated at the very locus where something in nature (as sexual nature) is lacking." (Zupancic 2017: 15) Therefore any call to abolish sexual difference would *not* imply a direct or simple annihilation of sexuality or sex. It is also *not* a mere rhetorical appeal for multiplicity and fluidity of gender that can be achieved and enacted by repeated iterations of multiplicity, rather would require the creation of conditions in which sexual relations can be rearticulated such that there they aren't gendered on an axis of oppression - which renders marginalisation, stigmatisation, humiliation, exploitation of dispossessed communities, women, sexual minorities. Anuradha Ghandy (2016) points out how the reproductive function or procreative heterosexuality is not an eternal and timeless configuration, "The significant change in material conditions came with the generation of considerable surplus production. How this surplus would be distributed is the point at which classes arose, the surplus being appropriated by a small number of leading people in the community. Her role in reproduction the cause of her elevated status earlier became a means of her enslavement. Which clan/extended family the children she bore belonged to, became important and it is then that we find restrictions on her and the emergence of the patriarchal family in which the woman was subordinated and her main

role in society was begetting children for the family.” (Ghandy 2016: 56) We cannot presume the (sexual) division of labour by presuming sexual antagonism as eternal rather must probe why the sexual division has and could be presupposed by capital as in pre-capitalist societies - against a compensation for the short-circuiting of history for a presumptuous dialectics. “While making extremely strong criticisms of the patriarchal structure the solutions they offer are in fact reformist. Their solutions are focused on changing roles and traits and attitudes and the moral values and creating an alternative culture. Practically it means people can to some extent give up certain values, men can give up aggressive traits by recognizing them as patriarchal, women can try to be bolder and less dependent, but when the entire structure of society is patriarchal how far can these changes come without an overthrow of the entire capitalist system is a question they do not address at all.” (Ghandy 2016: 57)

Enforcing caste and community endogamy

The movement too finds that it is primarily the inter-mixing of caste and class groups that provokes the imposition of curfew rules on women, lest they fall in love with someone outside of the boundaries of caste, religion, sexuality. What started as a demand for a women's hostel in the year 2007 led to a series of events that ended up in exposing the larger political implications of privatization of the University. While in 2008, 54% expansion in seats in academic courses was set up after the Mandal Commission recommendations, the hostel hostels were not increased correspondingly. The terms of women's participation in the University has always been attuned in accordance with the demands by the dominant relations of (re)production of the time, often accompanied by impossible normative standards –in sexual relations, in marriage, in work relations, in love. This gets reflected in the fact that most marginalized (Sherpa 2019) among us are the ones who fought the hardest and continue to remain on the fringes of the educational spaces. In fact it is notable how the Delhi University had risen in rage against the prospect of implementing Mandal Commission recommendations for OBC Reservations: “At the height of the anti-Mandal agitation in Delhi, spearheaded by ‘upper’ caste students and legitimated by prominent sociologists of the University of Delhi, I was struck by a photograph prominently displayed in a newspaper showing women college

students in Delhi demonstrating in the streets. They were carrying placards that read “We don’t want unemployed husbands!” The irony of this statement was lost on most readers of English language newspapers—almost all upper caste themselves—who widely shared the ideology of these protesters. . . . What the placards were saying was that these girls would be deprived of upper caste IAS husbands. But what they were also saying was that the OBCs and Dalits who would now occupy these positions in the IAS could never be their potential husbands . . .” (Chakravarti 2018: 22) Another aspect in which gender was deployed to undercut caste-based reservation is pointed by Asha Singh and Nidhin Shobhana, “In 1978, backward class reservations in Bihar could be implemented only after the invention of two new sub-categories of backwardness - ‘women’ and ‘economically weaker sections.’ This was clearly done to dilute upper-caste protests against backward caste reservations.

Security discourses precisely rely on and constitute the divisions that already exist in society along caste, race, regional and religious identity and reify them by institutionalizing or normalizing them in society such that the ideological constructions appear as immutable truth. Whether it be the simultaneously sexualisation of women behind the hostels whose “hormones” need to be regulated (Das Gupta 2017) or their desexualisation as women who need to be protected from the ruses of a morally corrupt society or it be the selective disregard for their safety in denying the instituting of structural mechanisms for redressal of sexual harassment and the simultaneous eroding of any such provisions for social security for women workers who inhabit the same university and universe as the women students. It is through the discourses of internal and external, outside and inside, private and public that the social divisions in society are constantly reproduced and reified. Constitutively they remain equivalent terms such that they express two extremities that appear contradictory in rhetoric but are internally consistent in the logic of their production. Ordinance XV: Residence, Health and Discipline Board, section 5, further states that “Every student of the University shall live either: (a) in a College of which he is a member, or (b) with a parent or some person accepted by his College to be his guardian, or (c) in the case of a woman student, with a parent or some person accepted by the Proctor to be her guardian.” (AR 2015) Pinjra Tod

too had demanded that there be regularisation of rent in non-hostel residence as well as a scrapping of the condition for local guardians as a prerequisite for admission.

“I once stayed out of the hostel for two nights without informing the warden. For this, the dean himself called my father to meet him and told me things like, “You’re a cause of shame to your family,” “Shareef ghar ki ladkiyaan aisa nahi karti,” (women from good families don’t do such things) and “if my daughter had done something like this, I would have shot her.” Another friend of mine who was guilty of entering the hostel in a drunken state was told exactly the same things in front of her father. Also, a circular stating her ‘crimes’ was put up on the bulletin board for all to see.”

(Pinjra Tod Report 2015)*

Much like how women’s agency is overwritten by the family and its honour, which scripts their consent and autonomy in the hostel, the institution further congeals respectability and dishonour as a measure of women’s character and to define territoriality over their bodies. Such a notion of honour (shareef ghar) also plays into the understanding of how to be chivalrous, guided by aggression to protect honour and repression of sexuality. Against such cosmetic changes in social attitudes - from blatant misogyny to chivalry - it is important to build up women’s organisational capacity, security valves in social structures that ensure that they are no longer socially isolated, economically dependent and politically powerless and disregarded.

Women’s access to affordable public transport is an important aspect of ensuring safety for women in public spaces. Such infrastructure increases women’s presence in public spaces at all hours, and creates safe spaces for those who cannot afford private vehicles, cabs etc. Access to public transport also enhances overall access to the city. It is not just about going from work/school to home and back but also broadens and expands the horizon of what constitutes the city for women, and the way women can gain from, and contribute to social and public life. This can be an important contribution in this way and give women more ownership of space and time in the city instead of having them spatially segregated in a bid to secure the streets of their presence which is seen as, if not the cause then the source, of violence. Countering the 'security narrative' which is

structured around securitisation of the bodies of women and is mediated by an attitude of patriarchal protectionism becomes necessary to also question the assumed naturalness of the ‘public’ in ‘public spaces.’ It is in fact that there coexists multiple publics in a city, the very basis of liberal theory which differentiates the public from the private to anoint the state’s legitimate scope of intervention in the public realm is confused, since we get exposed to how the public is designed to organize the private. Thereby, not just controlling the nature of ‘public’ but also denying them their autonomy – to desire, to step out of their ascribed identities, occupational roles and social locations, to sexually express themselves, to independently earn for themselves, to access University facilities that are open 24x7, to explore the city they are ‘second class citizens’ of. By imposing curfew and excluding women from public spaces, they delegitimize women’s presence in public spaces in certain hours making such spaces more threatening for women.

Paternal Protectionism, Maternal Concern: Parental Care?

Women’s mobility is something that is regulated in the hostel spaces, and although, it is not aberrant in itself for people’s mobility to be shaped and hindered by society, it strikes as a peculiarity in the way that these modes have continued to persist. The institutional insistence to not weaken this regime of control over women’s bodies despite repeated protests provokes curiosity. There is no doubt that the normative conditions induce violence, yet the question here becomes what binds the norm to violence? The ideological constructions of nation, authority of the university and the idea of women’s place in society were deeply gendered and relied upon a particular appropriation of the idiom of familiarity and family. It is also for this reason that the movement constantly challenged the idea of the University for “acting like the *Khap*⁶ (Panchayat);” hence the slogan, “University *humaari bann gayi Khap, Baap re Baap!*” This “student space”

⁶ Although a hyperbole, Khap Panchayats are extra-constitutional and do not fall in with the Gram Panchayat structure which is based on democratically conducted elections and finds constitutional support with the *Constitution (73rd Amendment) Act, 1996*, that have no judicial backing for their function. The Khap leaders are self-appointed crusaders who defend the purity of their caste, custom and “tradition” in society. They regularly incite and encourage caste-based killings and pronounce punishments to adults in inter-caste or inter-faith marriages. The impunity with which the Khap functions despite the Supreme Court’s warnings against spreading fear of retribution amongst interfaith and inter-caste couples is evident in their challenge to the Court.

cumulatively becomes a threshold site to reconstitute the ‘normal’ bourgeois legal system but more so, the social ordering as a potential prelude to new localization forms of self-governance to emerge.

This often-repeated question at the University, “Would your parents have allowed you to go out?” There is no direct answer to this, except that the question can be answered by refuting its relevance on the grounds that the public institution cannot set that as a *sine qua non* for resolving and addressing the question of discriminatory institutional practices. The answer to the question is necessarily going to be varied but one which can nonetheless be traced back to a person’s social location to suggest their upbringing and socio-economic situation. Whether you are able to stay out all night in your parents’ house is conditional on where you stay, what community you belong to, and it is those social inequalities and fissures in society along caste, class, communal lines that patriarchal authority echoes as a reminder of the internal fragmentation of experiences of women located in specific caste-class structures.

Thus, the reason why parents fear is defined by the ideological contours of the social relations and not some abstract concern for security which would miraculously be guaranteed by policing, surveillance – if anything, the contrary might be the case. It is not for the public institution to privilege the dominant ideology by law. But law serves as a tool to serve the dominant ideology nonetheless by upholding restrictions, prohibitions on women by citing parental concern and protection as a ‘legitimate’ reason for control. Parents would want to send their daughters to college - not because it is the best education that they can get but due to the opportunities it could provide that would help move from socially held locations “*aagey bhadne ke liye.*” (to move ahead in life!) The real reason they aren’t able to is because the university doesn’t give them assurance of hostels, there aren’t enough scholarships, the expense outweighs the dream. Those colleges that do provide hostel further add the burden of finding a local guardian for the daughter, this gesture in itself is a disavowal of responsibility by the college administration which appoints itself to nonetheless impose control on women’s lives while also maintaining a calculated distance. In most colleges having a local guardian becomes a prerequisite for admission thus depriving many who may not have any

acquaintances in the metropolitan city, as a direct disadvantage. This disadvantage is then resolved by appointing random married men as local guardians for women, running counter to the idea of having an emergency contact in the city for the student to turn to.

The rule of the father (empty signifier) is what is said to haunt the regulations of the university space driven by a sexual anxiety about a crossing over of social boundaries of normative sexuality, inter-mixing of caste, classes, and communities and would encourage 'promiscuity.' The figure of the father as the authority figure then signifies both repression and sublimation - both a fetishistic attachment with the law in a bid to self-preserve oneself in an oppressive system as well as fetishistic disavowal of the class struggle and underlying constitutive social antagonism, as having squared in the refusal to obey law. In response to the protests staged against curfew timings, a postgraduate student of Political Science at the Kirorimal College, Delhi University was issued a notice on March 2 for "indulging in such activities that have brought embarrassment to the hostel," asking her to focus on her studies and stay in the hostel peacefully.

Pinjra Tod movement has argued that if any real concern for the parents would have concerned the University administration then instead of coming up with surgical solutions to address the social insecurity of women, it would have addressed the question of soaring fee structures in the University which are mostly borne by parents and made sure to expand the gates of education to people from marginalised communities. Therefore the risk with the structure of argument which foregrounds the University's "concern" and "compulsion" to impose the hostel curfew for the benefit of the parents - ends up revealing more about the social structure than it intends to. The university, by restraining women student's mobility, ends up drawing on the existing gendered division of labour in society and perpetuated the practice of the curfew which inhibits women from doing part-time work and gaining economic independence as along political autonomy while also seemingly preparing a workforce which is "professional/skilled." By means of imposing high fees and curfews, this is precisely what gets contained. This should shed light on why on the one hand there is production of "respectable femininity" within the hostel which is geared towards creating "competent professional femininity which is markedly Indian"(Radhakrishnan 2009) while being tied to gendered

constructions of an abstraction of “Indian culture,” which reflects the ruling class gender ideology. Saraswati Raju reexamines the role of the IT revolution in India and its promise to have opened up “new generation jobs” for young women, she rather describes that phenomenon as one which further reinscribed women within domesticity albeit through cosmetic changes in their ideas of self, which continued to dominate as a primary site of women’s place. Rather as Raju points out, that in spite of the rise in women in higher education, the largest share of women workers is in the informal sectors of the urban economy. (Raju 2016) An overwhelming non-confrontational mode of being animates the field where women’s scope for political action is determined - most of whom preferring to coalesce with the curfew system than to risk contesting it with the administration or to risk being isolated in moments of actual vulnerability, fearing to held responsible and accountable for their own predicament.

Why do some women prefer to stay home rather than expose themselves to the messy field of social antagonisms? For those who have been kept deprived of the luxuries and comforts of the private, there is no option but to go out to labour in the fields. For those who have been historically denied access to knowledge, have to fear for their lives before going to school. When wardens ‘complain’ to parents about the ‘misdemeanours’ of their daughters, they know well that the adverse effects of such a complaint may even result in the revoking of the woman’s admission. In 2017, Pinjra Tod was even accused of terrorism when a student of Hindu College was intimidated by the administration with show-cause notices and a disciplinary committee hearings after they protested the high fee for women's hostel, curfew system and the prejudiced rules and regulations binding on them. “We refused to attend the hearing,” said Thakur. “Then someone from the college office called my father and said your daughter is involved with terrorist activity.” (Zaidi 2019) The decision by the administration to form a committee with parents, according to Pinjra Tod, “reveals the nexus that exists between university administration and family to reproduce patriarchal and casteist control on women's lives. This sort of a concern on the part of the University only reproduces the same Brahmanical control over knowledge production wherein women but must partake as much as is acceptable.” They must not go 'out of hand' during their university life in the transition from the father to the husband. It is indeed ludicrous that parental permission and advice is being sought for

adult women above the age of 18, for something as basic as going to the library at night inside the campus itself. In doing so the University again reflects its class ideology which gets operationalised through Brahmanical familial discourse. (See Uma Chakravarti, “Gendering Caste,” (2018) Chitra Sinha, “Debating Patriarchy” (2012))

In order to reorient themselves towards their own unrecognised labour, women’s idea of wellbeing and “treating oneself” has been tethered to capitalist consumption such that staying home and binge-watching on shows as a safe option to recuperate with life. This asociality is as much induced and commodified by capital as the compulsion to meet impossible productivity standards by the political under-class. “Marx’s fundamental points regarding money: money is not just a means of payment, it is a means of transformation. Money transforms the desire to have something into the possession of that thing; money actualizes desire, including the desire to be someone.” (Read 2009) Therefore the subjective life of people is inflected by the logic of capital, in relation with which we and our desires are produced - what would capital want us to possess in order for us to be seen as a desiring and desirous subject? As both self-sufficient, and respectable women - when the field of social, symbolic and cultural markers of respectability are governed by the logic of capitalist ascendancy and caste purity while also displacing class contradictions onto the plane of moral difference between conscientious, ethical and non-consciousness, unethical modes of exploitation.

In the following chapter we will discuss what this interiority means in such a scenario where patriarchal articulations are not external to but internal to women. Against the temptation to characterize, women’s interests as an innate, inherent pre-ideological kernel of freedom, we will also explore the sticky problems in subject-formation which also exposes the limits to legislative shifts in organising social practice which nonetheless refuses to get outmoded in society.

CHAPTER FOUR

THE UN-RETURNED GAZE OF “FREE” WILL

That the rules are discriminatory is an understatement, but to stop at this observation will be inadequate. At the outset, it is clear that there is a discriminatory enforcement and distribution of rules which are different for men and women and yet, I contend that an anti-discriminatory and equal opportunity and equal access articulation missed out on explaining the very need for such a contingency to emerge and reify gender relations in the first place? Why can't we simply outlaw a social practice? An insistence on formal equality between men and women merely alludes to rather than probing the whether the hostel curfew is a need and/or a consequence of caste-based, heteronormative familial and propertied relations that stubbornly resist the loosening of grip on women's conditional entry into educational spaces and organised labour force.

The question of autonomy is vexed that the question of safety and security itself is framed by all the existing social structures which constitutes the contours of free will and cannot simple be renounced by attaining higher consciousness since the social reality is itself augmented in a way that the production of relations of exchange relies on it as its ideological and material base. Concrete exchange relations have a history of their own that is not static, and has undergone shifts. Instead, what is needed is that very coordinates which structure the limits of our freedom be changed through social and structural transformation.

Given a Choice, I Wouldn't

In my interviews I found that women find themselves vacillating from the expectation to be very well 'disciplined' and wearing one's student identity on their sleeve to being judged on their lifestyle, identity, or any other opaque markers of non-normativity – the neighbourhood is the jury and the spatial logic is encoded by an ineffable force that unconsciously shape and gets shaped by the unstated and unasked questions of “where to wear what and where to go at what time and with whom.” From the choice of clothes they wear, to the streets they take, to the mode of transportation that's available to them,

a wide range of self-questioning precedes the act of what could have been a regular commute from the coaching classes to the ‘safety’ of the place of residence, an invisible clock that warrants return to a woman’s place in the world.

“I am residing in Nivedita Niwas, a PG in Kamla Nagar. The curfew timing in my PG is 7.30 pm however I informed the owner that I would be taking coaching classes that go on till 9 pm. He told me that I would have to call him up everyday in the evening to tell him when I will return. Nearly two months passed this way, then he didn’t find it acceptable anymore. He tried to persuade my mother to not let me take these classes. However, my mother disagreed with him, so he had to allow me to go!”

(PT Report 2015)

As mentioned earlier the utterances of patriarchy also pass on through women, and therefore they are not reflective of simple choices, bargains, negotiations or manifestations of false consciousness but also turn our attention towards the very process of formation of desires which shape and inform the vision of freedom. What is the material basis which necessitates such a step and to what end is this need for an ideological function of “security” that closes in on that gap and makes the experience of subjection appear as an exercise of freedom? How is it that there is an overlapping in the ideological fantasy and the social reality of women’s subjugation that makes it a self-reproducing logic that is reluctantly desired? Ideological fantasy” is Zizek’s (2014) term to explain the deeper framework of belief that structures how political subjects, and/or a political community, comes to terms with what exceeds its norms and boundaries. I have in mind, how we see women rejecting to step out of their own volition that manifests as articulations such as; “given a choice, we wouldn’t be doing it ourselves!” “Given a choice, we wouldn’t step out risking our safety, but would take the car! It is precisely in order to get there that I risk myself,” “given a choice, I would not have wanted to fight so hard to earn my bread; if my man would provide me for it.”

Why after all do we need a security discourse to administer the lives of women in the hostel cannot simply be answered without also factoring in the structural needs for reproducing relations of social organisation of production and subjection such that even

though it appears that all women are being rendered sacred and exalted in the need for security, there is a parallel and simultaneous devaluation of women who are thrown into precarious working conditions without any social security - laying bare the double speak of security which functions to self the interests of ruling classes. Therefore even if we concede to the twin modalities of oppression at play furthering the same logic of power, it is still ambiguous as to what system (not political regime) of social relations that force of power fuels? The objective modes of production relations in Marx precisely mark a relation between object and people and among people through the fetishistic relations with liberal democratic institutions and money-form (commodity valorising commodity) -- both of which become the dominant mode of mediation of social relations. By imposing its universal, capital animates the political field in its own image. We can no longer blame the capitalist for imposing its will on people rather, what is happening is that the structural logic of social organisation has been rendered such that our production of desires for consumption are internally negating our chances for survival in favour of capital. The idea of doing away with the hostel curfew is not a matter that can be settled with a 'referendum' because the referendum, or resolved by outlawing the practice, after all the function and operation of the curfew is a reflection of the efficacy of the dominant ideology that interlaces free will of the people, by shaping the sphere of possibilities. Such that we very well know what the implications of each of our choices are insofar as it directly or indirectly deprives another and yet we must continue to perform the function of consumption and production in the hope for social egalitarianism or social mobility - both of which are a comfortable standard for transformation within capitalist production relations. Therefore Marx was able to precisely explain why life and labour are in antagonistic terms under the present configuration of social relations precisely because under capitalist relations of production, it is capital which authorises life as labour insofar it produced use-values that perpetuate its authorisation. Not only does this delimit the legible scope of political action, expression, participation by inscribing the subject within its logic but also organises the sphere of social exchange relations in self-referential terms -- against or toward which meaning of the self is accrued a la identity formation.

The constitutive internal antagonism of class struggle fettered by capitalist production relations characterizes the subjective as well as the objective conditions which are

animated by a promise and internal negation of the possibility of pure and non-conflictual actualisation of equality; this then becomes the ideological universal which legitimates the empowerment model of induction into existing structures of reproduction and forms of instituting liberal “rights” as the sphere of political action which is characterised by a something-is-better-than-nothing imaginary. This simultaneously produces and conjures the hegemonic form of political actions such that it posits any efforts to overcome the social form in which such inequalities are produced as an impossible task. The threshold inhabited by the political subject expresses the struggle and contradictions in the pursuit for an impossible and utopian perfect equality within the existing system that is characterised by a structuring loss and the possibility of its overthrow. It also expresses the perpetual tensions with the uneasy hegemonic compromises or bargains that the hegemonic forms of production offers to coalesce the desires for equal opportunity for subsistence and liberty through its shallow claims to integration, assimilation, inclusion that enable its self-perpetuation.

In the case of the hostel too if we were to try to associate the various manifestations of authority, self-consciousness as being uniformly traceable to either some pure notion of capitalist organization marked by a *perfect telos*, then we are bound to miss the point about how capitalism is primarily the organization of social relations which functions through the discourses of free competition, choice, equality but actually underscores them as a necessary illusion. While one can say that capitalism has no direct interest in preserving relations of patriarchy, racism or even caste it so happens that despite it not being a precondition for capitalism or a necessity, these local organizing principles of society have not been an active roadblock for capital.

Since the discourses of safety and security itself is framed by all the existing social structures which constitutes the contours of free will and cannot simple be renounced by attaining higher consciousness (although that is a important first step) since the social reality is itself augmented in a way that the production of relations of exchange relies on it as its ideological and material base. “The circular nature of the problem keeps tripping up on itself: if women are somehow susceptible to victimisation, attempts to understand how this might be the case, and then oppose this susceptibility, reinscribes women into

the status of women ... with an uncanny ability to reinstate.” (Grace 2012: 8) So far our theorists have concerned themselves with exposing the contradictions of the world, or exposing the overlapping structures that produce them. Both the silences and the desire to transgress the law express a relationship which utters agency in ways that contain potentiality to be mobilized both by the ideological right and the left - neither the silence is necessarily articulating a right-wing position (bell hooks work speaks about spatially reorienting of the site of feminist politics to the “homeplace”) nor does the assertion imply progressive politics. In assigning moral value to non-normativity we miss its real transgressive power. There is nothing inherently valorizing in the act of jumping over a wall and nothing inherently subservient about not taking that risk, since all women are simply not relating to the condition of the wall from the same location and so necessarily it is the work of the movement and political struggle to be able to not merely accommodate these varying tendencies but to also create conditions where both are relatively under-determined by negative consequences of social, corporeal, moral law and juridical law. An important second step is that very coordinates which structure the limits of our freedom be changed through social and structural transformation.

The following sections will be an exploration of these sticky problems in subject-formation which also exposes the limits to outlaw a social practice which nonetheless refuses to get outmoded in society. The notion of the “threshold” that the women’s hostel and women’s lives within the hostel become sites of political contradictions and struggle. What is at the threshold of law and violence, desire and transgression, liberty and security, pleasure and insecurity, subsistence and struggle for survival -- is it gender that is being produced, is it sexual relations that are manifesting, is it sexuality and bodily integrity which is being controlled to revitalise, reify and reorganise modes of capitalist production under newly constituted regimes of means of subjection, power and discipline? Is the women’s hostel the buffer from the father to the husband aimed at reconciling workplace discipline and labour regimes with the ruling class familial ideology?

Kumkum Sangari (1993) refers to a formation of agency and consent which rests upon material conditions of relative autonomy from the natal home which offers compensation

and protection – say, the desire to earn an independent living, of aspiring for class mobility, etc. While on the other hand, there is also an experiencing of consent which is produced by an ensemble of ideological determinants, which push women to further enfold within normative behaviors and social practices in return for guarantees of protection and compensation - these choices are as much non-choices as they are real decisions. This would reflect more clearly in scenarios, when women themselves would not want to step out of their hostels, even if there was no formal prohibition imposed or actively oppose the demand to remove restrictions. The control of the university is not only in the flesh but also in the spirit of the agents that inhabit and are inhibited by the structures which always carry a promise of returns for ‘good’ behavior that has largely been understood as implying the internalization of the dominant order - yet, such a reading is premised on the assumption that people indeed take this trade-off at face value even when their experience of life tells them otherwise - rather than by denying and suppressing the fact of good behaviour not yielding to much. Therefore, the idea of seeing conformity as a willed decision, alone ends up eclipsing the very repressive character of the formation of political choices. This chapter will explore the specific instantiations of choices that would enable us to reflect on concepts such as conformity, normativity and culpability in structures of oppression.

The idea of the threshold is not only a metaphor to capture the neither inside nor outside status of women who sit by the hostel gates, already inhered in its logic of separation. It is also not a mere expression of the in-betweenness of being caught between the constructed ideological categories of inside and outside, private and public, security and liberty which operate through the very disciplining of the bodies of women but rather signifies the historical trajectory and logical consistency in the production of such dualisms under capitalist relations despite their seemingly contradictory co-existence with “feudal” and “regressive” modes of suppression and control. It is not as though the feudal elements in society fully dissolved under capitalist modes of production rather they got sublimated - the persistence of primitive accumulation and extraction of surplus value’s coexistence. The threshold of the hostel through the spatial organising of time along the curfew system at once exceeds the law and represents its excess, this helps us understand the interstices of selfhood and subjectivity (not subject’s interiority), the law

and its own self-referential void, the modalities of control and labour regimes and the inherent contradiction of capital/labour relation.

Jhooti Suraksha Ka Khol de Pol, Pinjra Tod! (Unravel the conceit of false protectionism)

The consequence of casting the problem as an inhibiting of choices stresses on greater expectations of individuated self-consciousness rather than viewing the very process of habitating the sphere of choices as co-constitutive of the formation of the self. The fears and inhibitions, rewards and punishments for discipline, luxury and in-affordability of resistance as structurally produced. This dual movement of fear and will to struggle has been hegemonized by the Foucauldian frame of internalisation of oppression and normalisation of subversive politics. The reason why it is important to discuss is because Foucault's idea of subject and self is constantly overlapping. Foucault would recognize the imprisoning effect of the cobweb of power relations posited in the soul, this inhibition is what constitutes the subject as well as is a factor in the mastery that power exercises over the body. In other words, the soul is the effect and instrument of a political anatomy; the soul is the prison of the body. Foucault calls "the body [...] dissolved by ideas, the locus of a dissociated Self" (1977: 148). Thus, it is disciplinary power that mediates one's own subjection but how does that explain the dynamic interplay of situations and intersubjective forces, within the spatiality too there are countless variables that play itself out, what identity one has, how they appear to others, what is considered a threat or risk? These are questions we generally avoid in order to refuse generalization and even, abstraction from social reality at the risk of universalizing experiences and homogenizing them. However, a view of totality of social relations does not necessarily preclude the possibility for divergences in experiences rather it precisely enables an understanding of the wide range of paradoxical realities that are formed within a shared albeit unequal world.

Do we mean to suggest a constitutive lack that is characterised by a silent body of a woman in history whose exploitation persists despite the changes in labour regimes, behavioural changes towards gendered roles, hegemonic forms of feminism, attitudinal

shifts in sexual relations, expanded field of gender expression and social access? That all these shifts are nonetheless a manifestation of an irredeemable loss and its redemption which continues to struggle the contradictions and challenges posed by the present configuration of social relations organised by the prevalent modes of accumulation, subjection and production? Is the woman on the edge of time or her suppressed sexuality animating the control and discipline over her body or her silenced labour is a manifestation of a sexual difference or the very constituent political field on which gendered relations discursively thrives on presumes the included exclusion of women's labour? The politicised identity of a woman is retrospectively produced in relation to and at odds with the patriarchal system which oppresses her for her identity, and yet it is the political subjectivity of women which nonetheless escapes the complete objectification through the process of her identification - which both enables and disables her participation in the socio-symbolic order.

Alenka writes following Lacan, "when you speak of everyday reality and its problems – internal antagonisms, struggles, etc. – we can't think of this without the notion of subject in the stronger sense of the word. It is not just a subjective response to injustice, but the way this injustice exists for the reality within which it appears." (Zupancic 2015: 197). The political subject of feminist politics can't be presupposed then this neat division between the subject's true interest and systemic logic cannot be drawn simply; at least it cannot be apprehended from before and uniformly. "There is also no subjective category that has an absolute ontological or epistemological foundation in reality ... political subject is an organizing abstraction that allows us to understand subjectivities as they are constituted by the social order. " (Bazzul 2016: 1) Following this one can say that the subject is implicated in the discourse of its own radical lack, of an inherently stable and affirmative formation. It is through the position of this lack that the subject constitutes itself. The structure of the threshold thus resembles the structure of the subject which is both characterised by a radical opening to transformation as well as is not pre-ideologically or inherently fixed or stable but rather can be changed depending on the ideological constellation in which it rests.

Therefore we find that despite the dispelling of social myths that effectuate reality, people's attachment to their subjective positions is maintained in and through the mediation of ideology because it allows a postponing of direct confrontation with the structural antagonisms. In the case of caste-patriarchy, it is neither easy to remain encumbered by the borders of social identity nor in its transgression. When a woman opts to return to the hostel room on time, she ends up facing structures of power with the warden, guards. Some face humiliation, shame and punitive retribution of the system which frets women as good and bad, respectable and discredited, virgin and sexually active. It is here that the experience of staying within the hostel room comes to assume a pragmatism which is opposed to a radicalism of militating against the rule. This structural opposition is internal to and logically follows the very process of subject formation which at once constitutes the subject in antagonism with the system of which it must nonetheless be a part but it needn't have to only belong to the structure which has imposed its hegemony over the political field. In other words, if the social reality is ordered by the socio-symbolic organisation of antagonisms then the subject is not a mere recipient of those contradictions vis-a-vis which it needs to position itself rather the subject is both mired in and produced through the contradictions of which it is a symptom. Subjectivity of women too is shaped by the risks and (un)freedoms that are ideologically circumscribed which presupposes dissent and institutes simultaneous cultures of passivity and subversion that brings us to freely assume what has been imposed upon us through techniques of disciplining at a discursive level but also by animating the sphere of our action such that it conditions us into acting within the limits of its hegemonic order. We identify with the legitimate frames of our existence through social conformism or not. Since the very logic of the system works to produce subjects which are at once alienated from themselves as also must be one with their alienated condition in order to persist in the system against perishing in it. Thus we are both subjected to an objective and subjective violence of a social system of production and subjection which is both *ontologically incomplete* as also constituted in and through that *structuring absence* that both inscribes sexuality, subjectivity, social unconscious while also rendering it unstable and incoherent.

Therefore it is important that between a radically self-determined notion of the self and the renunciation of the self - power is both external to the subject as well as its venue as much as it is internal to them. This led me to Wendy Brown, who in her book, “States of injury” talks about the perils of pursuing emancipatory political aims within largely repressive, regulatory and depoliticizing institutions, in its own terms. She write in her preface, “To pose the problem as one negotiating these orders was to leave uninterrogated the question of the subject doing the negotiating, indeed, it was to assume that the politically committed subject sufficiently cognizant of the map of power would plot appropriate strategies and tactics given its aim of democratizing political life...To what extent have the particular anti-democratic powers of our time produced subjects, often working under the banner of ‘progressive politics,’ whose taste for substantive political freedom is attenuated by a historically unique form of political powerlessness amid historically unprecedented discourses on individual liberty?” (Brown 1995: xi)

To answer this question, we could turn to Louis Althusser; the French theorist suggested that you do not need to *believe* in capitalism for capitalism to be able to reproduce itself with *your* full cooperation. The paradox of the university hostel is that the curfew system intersects the repressive regime of force and brokering the terms of consent to produce social effects. “Althusser’s essay highlighted the forms of unfreedom that define the figures of “free” labor and the “free” subject — even and especially in moments of ostensibly diminished contradiction.” (Schapiro 2017) The subject does not always consciously consent or decide whether they want to foreground gender difference or sameness but retrospectively struggle to make sense of their dual experiences of social differentiation and internal fragmentation in society and in turn, give the shared struggle, meaning. Even though the fact multiply being situated in one’s ideological position and social conditions and sociological location does lead to ethical dilemmas yet, this does not imply that the task of the subject is to manage, balance or choose between which identity formation and identification do they want to suppress and/or assert and when. Rather, it is only when we have figured out what social transformation do we aspire for that we can retrospectively settle on the uses of the tools of liberal democratic law.

Chitra Sinha (2012) explores in her book an, “expanded role of law in social transformation, where law, even when not implemented in practice, works through transformation of social consciousness. Slowly, but steadily, law emancipates the public mind and works towards the liberation of society and promotion of gender justice.” The question remains whether any law can inhabit universality – which finds no distinction in those it addresses or it ceases to be universal for all? In other words can law function without differentiating legal subjects? Law, since its close association with ‘order’ predicates an ordering which it is designed to meet. It retroactively determines people’s due, their ‘place’ in the social system and therefore, “it consecrates individual and class difference within its very structure,” as Poulantzas said (Quoted in Wilkes 2017). So, while violating the law in itself requires solidarity and community, the need for an active overturning of law, stripping it away off of its meaning and formally undercutting it are gradations in the struggle within the existing terms of the liberal democratic structure which confers its authority – is less discussed. I am not suggesting that we overstate and enlarge the shortcomings of a vast history of feminist jurisprudence (Also see: Parashar 1992, Agnes 1999) by obscuring its contribution in a broken system. Rather, it is having accepted the victories that have enhanced the capacity of women’s self assertion, placing safeguards against violence, and helped in securing rights by legal recognition, (Also see: Asthana 1974, Kannabiran and Menon 2007) I want to turn our attention to how our theory remains circling around appraising law’s ability to not only mend relations prior to itself but as definitive of them, such that our transgressions are always caught in its sphere. This way we end up remaining caught in the cycle of sketching the different assemblages of injustices while avoiding the question of overcoming them, increasingly these incremental bargains have come to replace the endeavours towards building social structures that ensure survival-pending-revolution.

The progressive elements of the legal reform largely remained in the statute books, and at the level of implementation, one could only see continuation of the existing practice propagated by the Hindu orthodoxy. The process of implementation was not smooth and the feminists of modern India were dismayed by the inability of legislation to bring immediate transformation in the lives of Indian women. (Chitra Sinha 2012) Knowing well the logic and function of law, we are dismayed by how the law is able to undercut

itself, these excesses are written into its structure which ensures that the dominant ideology through law is able to serve its own justification. “Angeles J. Almenas Lipowsky, in *The Position of Indian Women in the Light of Legal Reform*, surveyed the position of Indian women after Independence, by looking at legislative changes and their implementation. She observed that there was hardly any direct linkage between legal reforms and the status of women within the family.” (Quoted in Chitra Sinha (2012)) Therefore, even though there is a broad consensus and agreement that the court of law is one site for political action and not the only one, it remains the hegemonic modes of feminist engagement, “From the very beginning legal reforms have been a topmost priority of the women’s movement.

Women’s organisations campaigned for reforms in the rape law (1980) and the Dowry Prohibition Act, 1961. For thirty years, a sustained movement for the protection of women from domestic violence resulted in an Act in 2005. Similarly, struggle against pre-birth elimination of girls resulted (Patel, 1988) in the enactment of the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994, that was subsequently amended and called The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition Of Sex Selection) Act, 2002. Public Interest Litigations to deal with sexual harassment at workplace filed by the NGOs resulted in the Supreme Court directive for dealing with sexual harassment cases. The Vishaka Guidelines in 1997 superseded in 2013 by The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act.” (Patel & Khajuria, 2016: 10) Patel further quotes Chakravarti, “The State is increasingly complicit with these processes of marginalisation present today more in its repressive, extractive and appropriative roles than the ameliorative one of providing constitutional guarantees (Chakravarti, 2003) and says, “It is based on such an understanding of the State that the women’s movements approach law recognising its repressive role, but going beyond this, as a site of possible reform as well.” (Patel 2016: 22) However such an appraisal makes it seem that women and feminists who nonetheless aim for social transformation and maybe even, a complete systemic overhauling only see scope for a gradual movement towards abolition of the conditions of unfreedom in and by narrowly defining interim gains in reformist terms. This risks falsely attributing a power to legalistic methods as the only form of

incrementalism or gradualism - like a gangplank squeezed in a negative dialectic of “waiting for the revolution,” and “doing something immediate for relief.” If it was not for the need to repress strong ‘grassroots’ movements, the intention of the international donors and lobbyists would be missed. It is precisely because of the chasm between the women’s agitations and uprisings and the urban situation that most of the repressive and ideological functions of the international donors can be ignored by the result of the formal recognition of equality as well as be complemented with a need for greater representation from marginalised communities thus reproducing the depoliticisation of politics by designing and reorganising the very means and scope of political intervention through policy, consultancy, advocacy, legal-institutional frameworks.

It is inadequate to point at the doublespeak of the donors and nonetheless continue to accept those donations as the hegemonic mode of feminist praxis, rather it is more important to identify that the logic of internal contradiction of aid that frames the politics to structurally reproduce conditions for dispossession. This is not to say that the movement can fully extricate itself from its corresponding field and maintain a pure non-relation with the dominant capitalist modes of social organisation but rather to highlight that, “Our theorists are constantly trying to strip away the veil of appearances & show how all such apparently selfless gestures really mask some kind of self-interested strategy, but in reality... [there is a] battle over access to the right to behave altruistically.” (Graeber 2007) The ideological efficacy of liberalism is that it concedes the basis of such immanent class struggle and displaces it elsewhere, rendering social exclusion to be exercised in the name of social welfare and greater repression in the name of reform.

The power of hegemonic frames is such that it renders all imaginations outside of these frames, impossible or impractical, thus imposing its universal while consolidating and congealing its own sphere of legible political action which threatens to dissolve the very vibrant history of resistance -- from the forests of Telangana where armed women sought to regain their expropriated land to Saheli (2010) protesting the Gates Foundation’s war on women’s bodies by protesting their injecting contraceptives. While speaking truth to power and fighting litigations are important, they also come at the cost of organizing structures that could loosen the grip of the State and capital in politics. It is increasingly

being made clear that neither our silence can secure us nor our speech is enough to restructure the coordinates that impose silence. This satisfaction is not merely a false experience of oppression as freedom rather it is one of the many manifestations of the experience of oppression as freedom – precisely because capitalist relations are organized in a manner where “things could always have been much worse.” (Kunkle 2017)

In such a context a wave of militant protests led by women students had hit the streets across the cities in India between 2015-18, doing direct action - making demands on the administration but by violating the codes that bound them such that the very efficacy of law’s power over them is unshackled in the process. This unmaking of the law in and through the political action is what stripped it off its authority, such that the norm was inverted on its head and the real exception of women’s mobility articulated the birth of a new normal. This is in sharp contrast to Agamben’s (1998) reading which accords the law the power to expand and broaden the sphere of the exception such that it gets morphed into the norm. In the next section, we will unpack this further. These protests confronted the rhetoric of 'equality' espoused by the 'liberal' university with very sharp questions and challenges, where women jumped over their hostel gates, climbed over others, pushed the hostel gates open and sat at the very limits that were imposed to instruct and regulate their time and lives. In refusing to be silenced and caged, women students demanded the impossible - the ownership of their time which refuses to be administered by the laws of social order that define women as the custodians of community honour, the gateways of caste relations, carriers of sexual morality and dividends of historically excluded, dead labour - of which the curfew is a manifestation.

States of Sovereign Will and Exception

“We are of the opinion that while acknowledging the sovereignty of the legislatures and the latitude given to executive governance, the primacy of sovereignty as well as latitude is only for public good and is informed by the theory of entrustment and protection of human rights. We must add that the rule of law is not only intended to prevent the government of the day from abusing its powers but is also meant to be the informing charter for its duties and attitudes including behavioral and social attitudes.”

Justice Verma Committee Report (2013: 22)

“What I am concerned to see is not whether there is absolute equality in any academical sense of the term but whether the collective conscience of a sovereign democratic republic can regard the impugned law, contrasted with the ordinary law of the land, as the sort of substantially equal treatment which men of resolute minds and unbiased views can regard as right and proper in a democracy of the kind we have proclaimed ourselves to be. Such views must take into consideration the practical necessities of government, the right to alter the laws and many other facts, but in the forefront must remain the freedom of the individual from unjust and unequal treatment, unequal in the broad sense in which a democracy would view it. In my opinion, 'law' as used in Article 14 does not mean the "legal precepts which are actually recognised and applied in tribunals of a given time and place" but "the more general body of doctrine and tradition from which those precepts are chiefly drawn, and by which we criticise, them.”

(Ashok Kumar Thakur v. Union of India (2008) 6 SCC 1, quoted in Justice Verma Committee Report (2013: 39))

Justice Verma Committee Report (2013: 46) observes, “the supreme law does not have any bias against women – on the contrary, the Constitution guarantees political and social equality and liberty to women. Where, then, lies the mismatch in the letter of the law and its spirit?” It answers, the same by stating, “Law is a normative exercise. What needs to be examined is whether the normative exercise is viewed as a sufficient communication to the society on what is and what is not an offence.” The next section will be an exploration of what it means to assert one’s sovereign claim over the right to live with dignity and equality against the sovereign structure of the law, which is the basis for the recognition and qualification of the political right itself. The exclusion is presupposed and produced by law such that it implicated even what it excludes within its logic. Herman Finer (1949) observed, ‘personal is the sovereign factor in public administration,’ following this it can be said that the public university regulates women’s ‘sovereign’ will against its sovereign might. Such an abstract contestation between two competing notions of sovereignty relegates all power to the agents of both personal

choice and public authority. The public-private dichotomy merely renders the public secret, private and therefore, makes it sacred and unsatisfactorily brushes aside systemic and social antagonisms matters to that of questions of jurisdiction, responsibility and accountability. The very framing of the dichotomy posits the terms of the discussion in dualism that are itself an ideological construction that enable the production as well as are produced by systemic exploitation. The discussion on agency, authority and sovereignty is predominantly tethered to the idea of cognitive mapping of the field of possible actions, conscious decision making, programming of consciousness such that it structurally undermines while enabling agency reclaiming a will to power.

The idea of authority is then vexed between formality of the word of law, its jurisdiction, it's invisible force which is systematically produced. "Solidity here is a broader frame – of hierarchies and clear demarcations between the governing and the governed – and, within that frame, authority is but one way in which compliance is secured (if one accepts Hannah Arendt's trifecta, the other two ways are reason and power)." (Cotterrell and Del 2016) The focus of this paper is not so much on the instruments of compliance but the precise point of failure of the compliance which marks the site of subjective action. The very failure of both absolute resistance and repression points to an ontological gap which is marked both in the system and well as the subject, leaving open the very window for socio-structural-subjective transformation.

In the 1990s, the term "risk society"⁷ (Beck 1992) became lingua franca across and by the 2000s, "state of exception." (Agamben 1998) Isabell Lorey (2015) in "State of Insecurity," speaks about precisely the process of neoliberalism creating conditions for a generalised sphere of precarization through the modalities of privatisation, disinvestment in public institutions, lack of social security valves, rise in under or unemployment etc. Lorey borrows the framework of Agamben and Foucault to suggest that the trend towards normalisation of precarisation is induced by neoliberalism and it would continue to expand and proliferate till precarity, insecurity, vulnerability, is no longer a marginal social reality but the very centre of polity, and the norm.

⁷ Ulrich beck (1992): The risk society thesis describing the emergence of a risk ethos, the development of a collective risk identity and the formation of communities united by an increasing vulnerability to risk.

However, when Agamben who borrows from Arendt the distinction between political life and mere life, points at included exclusion of life which is colonized by the logic of the political sphere, which render the subject permanently alienated from their pre-political condition, he imagines the political condition *as such* as permanently oppressive and irredeemably caught in a closed loop cycle of repetition of repression and resistance which are both already inscribed in and produced by the “originary exception” of the discrimination of mere life from political life, as discussed in the previous chapter. I should make it clear at the outset that I do not think that the contradiction between a Marxist viewpoint and Agambenian one is reducible to being made to seem like the latter is onto-historical reading while the former reject ontology for the purposes of assessing the material network of social relations in order to improve working conditions. Rather both Marx and Agamben give the sublime and ontological question its due as an absent *and impossible cause* of social struggle. One can then say that political life is condemned to sustain the very logic of political contestations.

According to Agamben the sovereign decision maker merely instructs the delimiting of freedom but it is immanent in the very logic of sovereignty (which is always already bio-political) to self-reproduce the structure of production of bare life that underscores such decisions. Resonant is the assertion, “If the state is what ‘binds,’ it is also clearly what can and does unbind.” (Butler and Spivak 2011: 4) Since the State presupposes modes of juridical exclusion and relies on it to define states of belonging, it can expel and suspend modes of legal protection and obligation through which it produces legible political existence. A dominant reading of the relation between law and feminist resistance is pegged on the debate that the law is never fully overcome or transgressed as the transgression remains within the sphere of law and never, fully “outside” it. Even if one abandons the law, the law doesn’t abandon them insofar as they are subject to it even in its suspension; which can be understood as: women students; who could be outside of their hostel rooms as they demand the right to remain outside, are still being-outside before the law and therefore belonging to the sphere of law in its violation.

I find Agamben’s provocation important: “law employs the exception—that is the suspension of law itself—as its original means of referring to and encompassing life, then

a theory of the state of exception is the preliminary condition for any definition of the relation that binds and, at the same time, abandons the living being to law.” (Agamben 2005: 2) In his frame, it could be possible to see curfew as an example of exclusive inclusion of women students, however I fear it may fall short of explaining the duality of a lack of a ‘formal’ rendering of women students, homo sacer, through the enforcement of a ban rendering the notion of state of exception into a truistic tautology; in which reality marks the very threshold of the exception and rule. Such that the exception is what engenders the norm, conferring it with the power to retroactively normalize its own exception. Rather, I contend that the exception instead of realising and repeating its constitutive violence of colonising the norm in its shape, presents an opportunity to undermine the norm itself by exposing its limit to be emancipatory within the coordinates of capitalist unfreedom. Such that even the framework of discrimination when deployed by the women’s militant and insurgent movement who refuse to be constrained by a discriminatory logic of self-producing security solutions, shifts the ideological framework of discrimination that is hegemonic - based on marking “exclusion” and facilitating “inclusion,” thus remaining firmly implicated within the logic order of exclusion by becoming internal opposition and basis. It is interesting to see then how the women’s’ movement which is at the outset speaking out against discrimination is actually also providing an entry point into the inherent instabilities of liberal democracy and capitalist relations’ hegemony – by demanding the impossible of free accommodation for all, full implementation of reservation, non-restrictive housing for all – all of which is not possible within the existing social order. Therefore, subtracting themselves from the pragmatic field of demands, as well as through direct action dismantling the present field of pragmatism. Thus challenging the horizon on which the very opposition to the liberal order - which may or may not be explicitly regressive - comes as a stand-in for the existing system sustained by exploitative relations of production and subjection which has imposed itself as “natural” and “eternal.”

The idea of viewing sovereignty as a questioning of the threshold of the political order as opposed to tracing it to the political order though is an important take away. The curfew then demonstrates by means of a manifestation, a symptom, an example of general relation of exception that exposes the limit to inclusion. The resonances with Agamben’s

notion of the sacred are strong here in the case of women's social positioning in university and within the hostel, it is a contingency of social experience that preserves while undercutting its own basis of sacred-ness. According to Agamben, "The sovereign is the one with respect to whom all men are *potentially hominess sacri*, and *homo sacer* is the one with respect to whom all men act as sovereign." (Agamben 1998: 84) Agamben tries to tell us there is no escape from political life, and holds juridicity as such as an occasion for unfreedom. For Hegel such an ontological condition is not an evidence of permanent and irreversible doom but the very condition on which freedom can be articulated. Life that cannot be sacrificed and yet be killed, in the case of *homo sacer*, a person is simply set outside human jurisdiction without being brought into the realm of divine law.(Agamben 1998: 82) To call someone sacred performs a double function that excludes them from two legal orders. It imposes on them, a double ban through which they are abandoned by both the realms of human and divine law – this suspension from both orders permits their killing without it being able to claim protection, recognition or injury of human law and therefore, being precluded from being characterized as homicide as also from being sacrilege.

So although one can apply the framework of bare life and find it useful at the hostel, it remains to provide a provisional account of reality. By suspending the juridical order, the force of the hostel curfew itself defines law's threshold or limit, as a necessary gap that maintains the juridical order. In his work, *State of Exception*, Agamben also discusses the zone of anomie or the State of Exception being different from the zone of law, where the former is not amenable to capture by law. (Agamben 2005: 50) This, I feel, is a point that helps us address the reasons for the tempestuous relationship between feminism and law. . . Just as structural linguists once feared that the physical world risks becoming inaccessible *per se*, trapped outside a self-referential and abstract 'prisonhouse of language', so too law can shape and limit the politically possible, rendering a world without sovereign ascendancy unthinkable or unattainable. Fundamentally, Agamben worries that attempts like Schmitt's to legislate for anomie (by redrawing the lines of privacy, expanding human rights) – end up surrendering the non-legal to law and amount to a denial of the existence of an extralegal reality, thus paradoxically in its attempt to regulate the law, end up making the 'juridical order' total.

Moreover, according to him, structure and the agency are both inscribed in juridicity or political life, which gets reconstituted in the form of its relation:

- 1) Both are sovereign, at least in virtuality, without being mutually exclusive and
- 2) Both are subdued by the ontological lack⁸ which forms a force that implicates both ruling classes and the oppressed.

Agamben's notion of relation of ban is borrowed from Nancy's notion of abandonment, the state of being violently exposed in a conceptual and spatial limbo to the law's limitless severity, 'on the threshold in which life and law, inside and outside, become indistinguishable.' (Nancy 1993: 44 and Agamben 1998: 28) Agamben's, "relation of the exception" is akin to Jean-Luc Nancy's "theory of 'abandonment'," in which the rule of law suspends itself and applies to abandoned being in no longer applying, through its withdrawal (Nancy 1993: 36–47 and 44) The specific instantiation of exception are but manifestations in localized-ordering what is always already contained in law: "its own virtual rupture in the form of a "suspension of every law." (Agamben 1995: 37)

Kevin Atell (2014) describes, "ban-structure" of sovereignty is conceived in response to deconstruction..." Law's empty force of power fascinates the man who is kept "before the law": without instruction and by commanding nothing. Following Derrida, Atell recognises this as the law being "in force without significance (Agamben 1998: 51)."" (Atell 2014: 14) The hostel curfew, which although is at odds with the law of the land, is also a law that is rendered 'necessary' for administering bodies while at the same time women's exclusion from public life is the very condition for women's abandonment by law. That is, the law doesn't abandon you, even if you do. While the exclusion of women does not ensure that they are outside of the logic of law, the fight against it, solicits the abandonment of subjects: If you disobey, defy, and demolish the walls of curfew, then you lose the right to hold the hostel administration accountable except legally. Humiliation, public shaming, moral policing, punitive action are all within the scope of

⁸ The pandemic being experienced as one such reckoning, it is nature to which we impute the force of law yet it is a dialectical relation between people and nature which has produced such a calamity and crises.

administration's response to defiance of securitization results in an abdication of responsibility towards the person. Sovereign subject's myth 'consent' to being a subject to/of State's power is premised on such an empty promise of State's responsibility towards the subject. This can be traced back to theories of social contract. What this occludes is the capitalism's transformation of bodies into liquidable assets, in the same way that the body of woman then is securitized – a *general value of safety is abstracted* from systemically produced singular acts of violence on bodies of women in order to reify gendered security discourses. This change in the form of appearance of governance is driven by the needs of political economy.

Since the *Homo Sacer's* sacredness is constituted by his double exception from both the realm of the divine as well as the human law, the sacred person is more than a metaphor for the sovereign exception which too signifies the application to the exceptional case in longer applying and in withdrawing from it. State of exception thus is the very hidden or mythical foundation on which the entire political system rests and the camp territorialized this very exception as its extreme manifestation.

Therefore, according to Agamben, life under human rights discourse being rendered sacred, is able to create a sphere of self-referentiality in which life for the sake of itself is inviolable yet constituted by violence and remains, constantly violated. In this way, "sacred" became an excessive signifier that, having meant too much, finally meant nothing—nothing but this excess. The sacred requires some form of alterity without which it cannot designate difference and thus loses its differential meaning. Life is sacred only insofar as it is taken into the sovereign exception and, in being so taken, is exposed to death through the permissible potentiality of homicide as an exception to the law, without criminal repercussions imposed by the sovereign. In the hostel we could read a metaphorical killing of women's desire happening through their performance of a symbolic sacrifice of their time which is clocked by the limit set by the university curfew. However isn't that true for everyone and Agamben agrees that bare life exists in potentiality to be exercised on anyone, therefore implying the immanence of bio-political capacity to strip life to mere existence by the function of the law, without any accord. However this merely implies that all life is politicised under the polity but fails to explain

why this self-expanding need to re-assert sovereign power exists in the first place and why is it disproportionately divided between and among communities and classes of people?

My Choice: Who/What is a Sovereign Subject?

If observers have noticed the simultaneity and convolution of transgression, it should also become apparent that the imposition becomes a condition for transgression and therefore the formation of a new universal. It is not only that women don't deserve to be treated the way that they are but also that men and women don't deserve to be interlocked in systems and structures that produce such vexed sexuality. Therefore, the project to pursue the constitution as the utopia is to merely aim for the equality of a few women at best since the exclusion of most other women is already produced in production relations – for some the death is slow, for others, fast. Similarly, even freedom rests on the unfreedom of some for the benefit of others. Therefore, what we are seeing is a reconstituting of the assemblages of exclusion, redrawing the lines of inclusion, bargaining the limits on the threshold of the law. Even if laws were in place as Pratiksha Baxi notes, “State law is transformed in its localisation, often to the point of bearing little resemblance to written law.” (Baxi 2014: xxvii) Yet another dimension of that is that the law is not feared but desired by power because the realm within which the law unfolds is already caught in an elusive class struggle which serves as a legitimating basis precisely because they are able to retain power by suspending the formal neutrality of the law by inflecting it with the enjoyment of its transgression.

Whether it be through questions of access or through active prohibition on their movement and mobility, it seems like these un-codified ‘laws’ or the Law functions without a legal sanction but has acquired the force of law⁹ – by establishing its sphere of self-referentiality – whether the law is enforced or not, the potentiality of its enforcement is secured. To have the force of law without a codification is even more difficult to locate, for the force of law cannot be identified in codes or any formalism. In fact, the law without sanction carries force precisely because it speaks from the lacuna/void of/in

⁹ Derrida (1992), “there is no such thing as law (droit) that doesn't imply in itself, a priori, in the analytical structure of its concept, the possibility of being “enforced,” applied by force.”

law and doesn't insist on speaking through the emptiness/content. This is a law irreducible to its contents for its content is empty, the only thing we know is that its force is carried and reinforced by judicial interpretation which is inscribed in the same socio-symbolic order that reproduces social relations that it has produced. So, like Agamben, in his "*State of Exception*," I do agree that there is a need for us to deconstruct the neat 'inside/outside' binary while examining the relationship of the state of exception with the legal-judicial order. That it is not simple to view the state of exception as an integral part of positive law that is necessary to maintain law or view it as extra-judicial despite it having consequences in the sphere of law. For Agamben, the real question was not whether to place the suspension within or outside of juridical order but rather to understand how the possibility for such a regression is always already inscribed within the juridical order – the state of anomie while not being a zone of law is also at once, inscribed in the same order, insofar as it is not completely freed from it despite the total or partial suspension of the juridical order. "Moreover, if the state of exception is instead only a de-facto situation and is as such unrelated or contrary to law, how is it possible for the order to contain a lacuna precisely where the decisive situation is concerned?" (Singh 2007: 21) Agamben sees the state of exception as neither inside nor outside the juridical system, rather sees it as a threshold, a zone of indifference where the inside and the outside become indistinguishable and blur into each other. The blurred zone of indifference between the state of exception and the juridical system, between political fact and public law, is not then a neat convergence of two systems or orders but is also marked by a creating of a new order.

However unlike Agamben's injunction to read the law as an abstract negativity which implicates life under permanent subjection of self-expanding colonizing discourse of power, a Marxian Hegelian understanding sees the ontological abyss as animating the objective and subjective reality of *social* life. Which would imply that the sovereign decision maker could be any act of self-consciousness to delimit the realm of possibility of political action, here is where Hegel becomes important, in flagging that it is not only enough that we valorize the act of self-consciousness in initiating political action but also hold the possibility for a social order where such an action finds fertile conditions to live. For Agamben, sovereignty lies in the very structuring logic of political life – however,

my bone is that this ontological horizon is derived off of transcendental reasoning and not real abstraction. For Agamben the elusive force of sovereignty is a timeless self-expanding logic of State's multiplication of its power either through a diffused (bio-power) or direct (corporeal power of king) manner. What Agamben does not see is how State form corresponds to structures of political economy which is able to impose its universal structure such that the political field gets imbued in its logic. Agamben sees the lost form of pure life cannot be actualized in *any determinate form* but can live though in its mere *refusal* of the present to return to the original fracture, original experience, "initial position" (Borphy 2015: 250) to welcome a *becoming of non-statism*. For Agamben form is itself its own function, and the problem is the very juridical 'form-of-life.' "There is no autonomous space in the political order of the nation-state for something like the pure human in itself is evident at the very least from the fact that, even in the best of cases, the status of refugee has always been considered a temporary condition that ought to lead either to naturalisation or to repatriation. A stable stature for the human in itself is inconceivable in the law of the nation-states." (Agamben 2000: 20) He fails to consider the immanent dialects of the transcendental force within social reality, which Marx elucidates in his understanding of commodity fetishism.

Thus, Agamben seemingly frees history from teleology by propounding resistance as "destituent" power which aims towards a withdrawal from juridico-political life by setting up autonomous movements that are horizontal. This indeterminate but positive manifestation of autonomous struggle misrecognizes the lost potential of mere life waiting to be realized, and grasped in its impossible positive presence: "[This] "happy life" should be an absolutely profane "sufficient life" that has reached the perfection of its own power and of its own communicability – a life over which sovereignty and right no longer have any hold'." (Agamben 200: 114) His *failure lies in his inability to* account for the very absenting potentiality of mere life as paradoxically effectuating existing field of social relations through its absence– which is an impossible condition that cannot be grasped - is but also a condition that *can be* exceeded (Zizek 2014: 191) overtaken, left behind. Rather Agamben wants to emancipate the potentiality to live a political life in which naked life and form of life are one and not subjected to sovereign separation-as-rule, rule-by-separation. Therefore if the condition of life is to be made such that

subjective alienation is re-appropriated, then mere rejection of the present, without the construction of a new order would not suffice!

Here, the Brechtian paradox of happiness serves an important reminder: “you must not run too desperately after happiness, because you do you might overtake it and happiness will remain behind you.” (Zizek 2014: 195) The problem is not that Agamben is less hopeful or optimistic or that he lacks an imagination of an active political subject let alone an active principle of social transformation but that he has mystified social relations to a point that he cannot account for the struggle between structural antagonisms beyond dualisms – of life and death – which is burdened on the paradoxically undead bare life. This has led him to prematurely despair the loss of an abstract ideal of humanity to pure survivalism; *neglecting the ramifications of such a life and its struggles, which entails impossible hardships and a historical over-determination of class struggle.* What I mean is that since the rule is made precisely because it anticipates and solicits its own transgression, when women are outside beyond curfew hours, they are reconstituting the idea of the ‘public,’ through their bodily presence in spaces at ‘odd hours,’ by appearing in their collective presence at places where ‘respectable women’ are not ‘supposed’ to be seen but they are also rendering a political identity to the category of women and freedom. In doing so they are retracing the limit of the law, reconstituting the notion of the public as well as reconstructing the very coordinates of illicit and licit appearances. This gives as an impression that such performative acts of transgression possess the transformative capacity to redact the norm without changing the formative conditions in which these changes can be made. The only problem however with this idea is that it remains firmly on the side of ideology; it revolves around the symbolic re-signification of the political field, leaving out the question of political power, and organizing (re-)productive relations.

While Foucault was the first to trace the departure from ancient sovereign rule to recognise the severity and diffusion of power in the modern State, there is an element Foucault could not grasp – what steers historical change, to what effect does capitalism reorganize social relations and why, is there an internal logic to capital? Foucauldian emphasis on power-relations, governmentality, anatomo-politics, and biopolitics

paradoxically reinstates the king against its claims of beheading it, (Kerr 1992) leaving us with false equivalence between social laws, moral laws and juridical law, on an abstracted plane of immanent power relations – as shifting sand dunes, a struggle for infinitely displaced fetish! Agamben goes a step further to negate the changes in the modality of subjection as the distinctive feature of modernity, while making no mention of modes of production and rather externalizes sovereign rule in order to make the claim that the very constitutive subjection to political life is a form of colonization of mere life and therefore, this is the original relation of ban which institutes a bio-political paradigm triggering a chain of events in which the specific instantiations of life being reduced to bare manifest but always already exist in potentiality. Therefore, he claims that the logic of sovereignty functions to endlessly produce bare life which may or may not manifest in extreme realities – mostly engulfing those at the margins and sometimes, extends to a larger mass of people. So where does sovereignty end or begin? According to Agamben (1998) it doesn't end nor begin but forms an immanent condition of political life. Such an understanding risks coalescing with the status quo rather than pursuing transformational change.

CHAPTER FIVE

CONCLUSION

MODERN LAW FOR MODERN WOMEN? ENTANGLED CITIZENSHIP.

When the women in the hostel are asked if times have “changed,” it is very peculiarly asked of women to confirm what appears to have been progress from a time passed. The answer to the question is already decided and as the years go by, because progress is measured against an abstract continuity with the past and not an empty notion of time that sees the present as suspended from history. If women’s progress were to be measured it would be measured against what is no longer conceivable for them to be relegated to the moment before the revolutionary act or rupture. For example, it is no longer conceivable for women to formally not have political rights. After this revolutionary act, the way we approach the past is also changed.

Thus, the idea of progress would mean to disrupt the normal flow of history, to interrupt it, the colonial experience was that interruption which mediated social relations under capitalist production in Indian society. Much of the laws that gave the colonial expansion a structure continue to persist today, but due to the paucity of space I will not be initiating a conversation around the specific interventions made by the process of colonial mediation. Insofar as women are on the streets protesting, there is hope and progress but the progress cannot be measured against the relative autonomies that they have now as opposed to the ‘regressive’ and ‘conservative’ apparatus of the past, for that has merely taken new form. Therefore, paradoxically the very rejection of the ongoing notion of progress marks progress considering that the state of exception does not mark a discontinuity from the normal but is exemplary in the fact of its normality. The curfew only marks the visible tip of the iceberg in exposing and defying the self- deceit of liberal bourgeois democracy. Following Benjamin, the real catastrophe is not that things are changing rapidly but that things have not changed enough and aren’t changing as much as they ought to.

The idea of identifying and combating criminality has however has monopolized the discourse of safety by embedding it in the logic of governance for us to look beyond the symptoms of violence - inscribing our protests in the logic of demanding action against public apathy, action against inaction of state apparatus, action against violence of the State, recognition of injury from the State. Esposito (2010) holds immunisation as the very conscious, reflexive project of modernity where the social contract is not a gift that guarantees the protection of life but the very condition for life's defense against its imminent risk of death by the very political structures that pose to protect it. Therefore the forging of a political community against the logic of "each against all," is not a break from radical self-preservation but rather, the community itself gets inscribed in its own loss. Immunology (from risks) lies at the heart of biopolitics for Esposito, precisely because modernity continually produces risk, insecurity and threat.

Kalpna Kannabiran writes, "The constitution does not guarantee impunity. It guarantees the last citizen protection against state impunity." (Kannabiran 2020) Often in the face of repression and popular indifference, which is structurally produced, our best efforts are going into thinking about amnesty and immediate relief, which often pushes us towards corporate and NGOs, lobbyists with resources thus, forgoing the engagement that should have been done in different terms in order to build parallel structures of accountability, comfort, support given that the State and society functions the way they do to produce an array of marginalities and vulnerability – whether it be through the discourses of chastity, morality, tradition, security, or purity and pollution. The recognition of a formal-transcendental equality that is guaranteed in the Constitution not only often fails to translate into either freedom or substantive equality but also persists precisely due to this failure. So when Maithreyi Krishnaraj speaks of the Constitution proclaimed equality to all citizens of India regardless of caste, class and gender, she describes the constitution as, "an unfinished agenda, a utopia against ground reality. . ." (Chakravarti 2008: xxii) This seems like a truism, that the Constitution remains not a goal but an ideal political vision which anchors and guides social action, it animates the political field and gives direction to dreams by providing axes along which an always already incomplete project of an impossible futurity can be steered. The use of the word utopia too is peculiar here. Is utopia the very aporia of law, if its scope of historical violence is endlessly repeated on

a timeless loop then perhaps a tireless antagonism that suspends history for either rapid historicisation of endless fragments of particularities or exalts it as a mythical past cannot interrupt it? Is the Constitution a utopia or does it represent the limit of utopia?

Further she writes, “Wielders of power are always reluctant to forego their privileges. Hence to dislodge their assumed superiority entrenched over centuries, to acquire the equality enshrined in the Constitution, violent conflict became inevitable.” (ibid) This makes it seem like the function of power is a timeless and immanent phenomenon, such a metaphysical understanding of power then obliterates the way through which it was created, accumulated and why it cannot be given up in a class society except overtaken through political struggle. Class struggle thus does not merely entail a contestation over political/economic/social power between competing forces but denotes the structural production of the conditions for reproduction of capital and labour in oppositionary but relational terms. Class struggle is the repressed real of antagonism which is not a hidden or buried reality but a reality we live through and partake in but need to obscure for our own self-reproduction within the system. (Zizek 1994: 25)

Today when the entire litany of hard won laws, rights, safeguards, social protections are being reversed without even proclaiming any emergency provisions, it forces us to reckon with the limit of liberal democracy - liberal dream is liberal dystopia - which both produces and crumbles under the weight of its own contradictions. Must an attitude of uncritical deference to the sanctimony of the constitution then be observed making it a moral arch of social life that reifies the libidinal investment in the Constitution that is but the creation of liberal bourgeois democracy? We see regularly that the Constitution is in fact not practiced in large parts of the country, where caste based violence and state atrocities are unaccounted for despite and even because of the Constitutional guarantees. I say this because it emphasizes the distance between abstract equality in the eyes of the law and its practice as being deployed to maintain inequalities and actively produce equality merely as an abstraction. Should not the utopia be enacted than just imagined, how do we enact the Constitution but by insisting on it, by repeating its logic of abstracted equality? The undercutting of Constitutional guarantees is the norm and the guarantees then are more a normative frame which circumscribes political action rather

than presenting some utopia which is unrealized due to its radical possibility and potentiality but because it is un-realizable by design! Thus, the efficacy of the universal promise of equality before law is ensured by it becoming the very condition for its own self-negation in social reality. Even Ambedkar had focused on putting safeguards and protecting rights of the marginalised in the constitution, precisely because of the reproduction of social reality of caste and its political reality of atrocities, exploitation and oppression continued unabated despite their unconstitutionality. This is not by accident but because the very capitalist system consolidated itself on the caste based feudal order, which it both undercut as well as congealed. Thus, the Constitution thus is over-determined by its own force (of violence) and the micro-politics of enacting and actualising the constitution through acts of resistance ignores the transference relationship of the individual towards an ideological big Other of State power.

“This cursory official listing of citizens makes evident the hierarchies of citizenship and the politics of disenfranchisement and exclusion, contested relentlessly by radical activists and communities waging dramatic struggles, in the process creating new mediums of ‘constitutional communication’ (Samaddar 2004 quoted in Kannabiran 2012) and new constitutional conversations. Herein blooms another history of constitutionalism: for historically oppressed classes, constitutionalism continues to hold the promise of change.” (Kannabiran 2012: 2) Such a view both presumes the uniform application of the law as its normative principle as well as assumes that the law preserves normativity through exclusion, disciplining, control, criminalisation of dissent, dispossession of legal subject and legal disenfranchisement. Thus taking the constitutional promise at face value rather than seeing it as a safeguard against its own reading down - the constitutional claims exist precisely because of the knowledge of the social antagonisms, in order to mitigate it and therefore the possibility of the violation of the constitution is both informed and already inscribed by violence and violation, respectively. We need to be able to see the need for placing constitutional safeguards and rights along with the perpetuation of cycles of oppression and exploitation; this would enable us to contrast the Real of antagonism with the complementary polarity of opposites.

The violence that takes place on the bodies of women is not because law has failed to function but that law functions in a way that enables its own dysfunctional rule and therefore, the “hierarchies of citizenship” is not an effect of constitution’s non-application but rather signals the limits of constitutionalism within a system of inequalities which constitutively relies on disenfranchisement in order to produce the sphere and modalities of law, governance. This is not to say that the fight for legal reforms and constitutional re-interpretation should be foreclosed from being a site of contestation and struggle but precisely the opposite is being said, “it is not possible to isolate any 'objective' social process or mechanism whose innermost logic does not involve the 'subjective' dynamics of class struggle,” which is both at work and invisible in plain sight. It is no secret that class fragmentation of society and reordering of class formations is regulated through the law which mediates the legitimate use of violence.

Is utopia a movement towards a retreat into a project of “implementing,” “improvising,” “realizing” what is already there in the form of a Constitution? Does a utopia limit itself to historical violence as an immanent reality bound to endlessly repeat itself on a timeless loop? Is that why one should perhaps turn to pragmatism of liberal Constitutionalism against radical democracy? To make utopia seem like an incongruence between form and content misses the point about the class struggle and capitalist system of production completely. It is not that the problem with citizenship is that women or any other particular identity groups are excluded from its full realization rather, that the complete realization of citizenship is an impossibility, itself given the structural antagonisms that reproduce social inequalities. That, no amount of inclusion into the paradigm of citizenship would abolish the antagonism that belies it but an overhauling of the system of (re)production itself. In fact, it is precisely this exclusion that constitutes the principle and promise of universal recognition. The inclusion thus forms an internal basis to sustain exclusion by the logic of its own structural necessity. At the same time, the point is not to say that every universal concept is internally and eternally fragmented, and so even the dream of freedom is necessarily vexed along the same contradictions as citizenship and therefore contains its own exception as so remains forever inaccessible – a dream, deferred prolonged in its deference, indefinitely? This is not an outcome of a misreading of our condition but constitutes a necessarily ideological function, which wants us to peel

through the first layer of the crisis in order to find meaning to reproduce ourselves within its frail but existing symbolic structure. The work of the fetishistic structures of abstract equality and bargains thus is to conceal the emptiness of the Universal of capitalism around which the system and subjects are woven, produced and created in opposition to the structure which produces them. Yet this emptiness is a productive one, it is a negativity which produces antagonism in society while positioning itself as an ideal to achieve and strive for, thus concealing its own emptiness by abstract promises to equality which is structurally at odds within the present mode of production relations in society.

Cora's fate reminds us that freedom is available nowhere; everywhere Cora goes, "America remained her warden." ...Cora, taking the train for perhaps the very last time, finds herself both driver and passenger, whizzing past the South and history itself, having a moment of full self-actualization that becomes the novel's apex of freedom."

(Tillet 2020)

The hostel thus is not a mere metaphor for the logic of incarceration or confinement that can be generalised or abstracted from the most marginalised subject as expanding to engulf all of society in its image. This is indeed what has been used as a frame even by Achille Mbembe to explain the effects of liberal democratic non-choices and imprisonment-as-freedom as by Butler, who says, "Precariousness is shared by all; precarity is "distributed unequally" (Butler 2010, xvii, xxv, 25). Rather, the hostel enacts and embodies the very abstracted class struggle which sustains the logic of liberal democratic-capitalist social production of which, the logic of prison, carcerality, social hierarchy, oppression is a constitutive exclusion. Therefore, even though they may be in negotiation with the administration, it only permits concessional, piece-meal negotiations with patriarchy while still reproducing it, albeit in newly reconstituted forms. Inclusion thus becomes a necessary but limited intervention in the process of abolition of the social injustices and inequality. Take for example, how outmoded gender roles acquire new meanings in their encounter with the juridico-legal, we find that the dynamism in capitalism continues to shape and re-shape the character of caste-patriarchy - which can be placed on a continuum of outright exclusion to conditional inclusion.

In her book Sunder Rajan explores how the names “citizen” and “woman” inflect each other. How does citizenship function as identity and existential reality for women, beyond the traditional questions of its privileges and obligations? She explores the transactions between women and the state, “transactions” being a particular way of designating but also of constructing this relationship. This conditionality on citizenship defines its terms - this secularisation of the social antagonism from the political fabric onto the State follows a similar structure of exclusion which is at play in the social ordering of caste relations in which Dalit, Bahujan, Adivasi women are not just the constitutive excluded from the sphere of shared socialisation but the very process of socialisation is organised through their exclusion.

Counter-intuitively, one can also see how scriptures, legislations, religious sanction, social codes are not the basis for caste oppression, patriarchy but becomes the modalities through which the discourses on reproduction of oppressive structures find articulation. The caste system renders the scriptures its meaning, retrospectively. The presence of conditions of women’s insecurity renders meaning to the impositions and restrictions imposed to protect their “honour.” It is the entrenched inequalities and fragmentary nature of capitalism that produces class antagonism that sustains caste and gender based social organisation of labour. This is why even democratically instituted structures are capable of only undermining the open forms of discrimination while also offering class mobility to few from marginalised communities. Ambedkar took on the task of pointing at the internal contradictions and paradoxes in the various interpretations of the Vedic texts, which despite their different interpretations continue to reign supreme for (upper) caste Hindus and caste-Hindu social order which simultaneously performs caste endogamy while also sanctioning hypergamy, observes purity and pollution based segregation while also congealing the touch through division of labour that maintains “social harmony” by rendering permanent, inequality. Brahmanic scriptures rather than being a structural basis of organisation of society are a retrospective justification and an ideological framework to consolidate feudal relations through sacrifice, gift, ritual offerings, within which the social practice of caste can be rendered ‘meaningful,’ ‘necessary’ and logical.

Ambedkar demonstrated in the “Riddles in Hinduism” that Brahmins from the Purva Mimamsa camp (2014: 39-40) contended that the authority of the Vedas was supreme precisely because it was neither made by man (Apurusheya) nor by God (incorporeal Parmesvara). This relation of abandon between the profane and sacred then becomes the structuring logic of the social, a framework similar to Agamben’s *homo sacer* who enters into a relation of ban with the law, thereby being vulnerable to being killed without it being seen as a violation of in either the human law or the sacred law. To call someone sacred, performs a double function that excludes him or her from two legal orders. It imposes on him, or her, a double ban through which he or she is abandoned by human and divine law. To relinquish such control would displace the sovereign’s sovereignty and, with it, his power to pronounce “*sacer esto*” as a double legal suspension—one that, by sovereign decree, positions *homo sacer* “between and beyond” human and divine laws. In the figure of “bare life” (*nuda vita*) or sacred life, the life of *homo sacer*, which is produced when life enters the polis. This life is not life in general but *zoē*, an ancient Greek name that (Agamben writes) expresses “the simple fact of living common to all living beings (animals, men, or gods),” to be distinguished from *bios*, the ancient Greek term indicating “the form or way of living proper to an individual or a group.” (Agamben 1998: 27) On Agamben’s account, *zoē* breaks free of its imprisonment in the *oikos* and enters the polis, and that entry marks the transformation of politics into biopolitics as well as what Agamben calls “the original—if concealed—nucleus of sovereign power,” leading him to claim that “the production of bare life is the originary activity of sovereignty.” (Agamben 1998: 28) Bare life is therefore a sovereign production: the sovereign stands as the one who pronounces “*sacer esto*” and turns life into bare life or sacred life.

Agamben underscores this, writing that “sacredness is instead the originary form of the inclusion of bare life in the juridical order, and the syntagm *homo sacer* names something like the originary ‘political’ relation, which is to say, bare life insofar as it operates in an inclusive exclusion as the referent of the sovereign decision. Life is sacred only insofar as it is taken into the sovereign exception” and, in being so taken, is exposed to death through the permissible potentiality of homicide as an exception to the law, without criminal repercussions imposed by the sovereign. (Agamben 1998: 29) For Agamben,

then, life becomes “sacred stuff” only through its explicit exposure to death by sovereign pronouncement within the political sphere. Life is not sacred but becomes sacred thanks to a sovereign decision that politicizes *zoē* by turning it into bare life or sacred life. Thus, life becomes sacred as a result of a political calculation that decides on the value and status of life by deciding whether to expose this life to death. Here again, Agamben’s subterranean humanism emerges, as he seems to maintain firmly that life’s exposure to death takes place in and through, and *only* in and through, subjection to sovereign decision, rendering the process of production of the sphere of subjection and resistance as secondary.

In an inverted manner, the authority of the vedas (the source of Dharma, or sacred law) stems from it occupying the threshold between man’s proclamation and God’s will. In placing the Veda’s authority above, embedded and beyond those two realms - of the profane and the sacred - the Brahmana is able to appoint itself both as a carrier of God’s will, its interpreter and the instrument through which it speaks. Thereby getting all the legal, secular and sacred laws to service the knowledge produced by the brahmana by protecting the interests of the brahmana. This posits not just women but all non-brahmins as the other - who are then ascribed a social role in the system which “harmonises” the co-existence of inequality and injustice in the shape of the body-politic as a symbolism of the male-brahmana. Thus rendering the authority of the vedas as both an immanent condition which animates political life as well as the elusive totality which is ungraspable in profane manifestations and can only be approximated (never fully realised due to secular State as well as due to ontological mystification of vedas being both embedded and beyond) by serving the order of the brahmana. Thus self-servingly making himself source of knowledge-power as well as that becomes the justificatory logic for the exploitation that takes the shape of harmonious difference (as Ambedkar said, each caste as an enclosed class) between the self-racialised body of the brahman and the other. The modern nation-state and its citizenship document although breaks from this feudal monopoly, it also persists and gets morphed into a modern monopoly over a self-defining sphere of secular law - which at once renders relations of violence, as unlawful as well as becomes the source of its own self-cancellation. What we find emerging is that hegemonic frames function through the creation of the other - whether in the articulation

of women-as-other with hetero-sexuality as its material base and structuring totality or in the case of Brahman-order which posits in its relation, non-Brahman and women as Others to capture social domination and supremacy.

The idea of the State as being relatively autonomous from society, is what becomes a guiding principle for citizenship. Yet this citizenship is always already conditional since the inclusion into citizenship presumes (Also see: Singh 2003) an alien other, and ascribes exclusivity to being an insider. Such a gap then persists and mediates the relation between the abstract and reality of the claim in which politics unfolds. If the ‘almost there’ condition of the citizenship itself is true for most subjects and it animates the states of homelessness, exploitation, subjection then, the simultaneity of identification and dis-identification with the state forms it’s kernel – that is, we aspire to become equal in terms which are constituted on our very exclusion! This leads to a permanent statelessness and displacement of conceptual and ontological horizon thus, implying the perennial condition of a constituent incompleteness of subject formation as well as objective representation of subject-hood. This presents us with a question that the universal is constitutive of its own negation – therefore, a conception of a “full” human exists not just as an impossible promise or a template for political recognition or an ideal aspiration to be realized but also represents the inherent incoherence and inconsistency of the term which marks an ontological impossibility! Therefore the realization or the actualization of “full” human or first-class citizenship needs to be probed in order for the second-class to define itself against something.

Does this framework displace class struggle by attributing the struggle between abstract and atemporal contestations over recognition and representation between the rulers and ruled, rather than factoring for the very condition and need for the permanent chasm between the dispossessed and the possessed - for the very process of production to objectively and logically function under the present historical configuration of capitalism?

If we were to account for a fundamental impossibility of such purist equality to exist, then would that leave us condoning structures of power against the oppressed? On the

contrary, that would be a taking stock of the reality of the very premise that precedes social construction: the production of truth rests on its very absence. It is this void which is filled with constructions and ideological meanings which later inform the coordinates of our symbolic universe - therefore opening up possibilities for re-ascribing relations by changing the conditions of social organisation. Therefore, to begin by acknowledging this impossible ideal which is built on its own internal negation, is an attempt at channeling the energy towards, not just 'complicating' the existing truths by denying their social bases but also, negating the very objective conditions that facilitate their eternal claims to objectivity. This implies that the idea of the political subject is not some predetermined analytical and sociological category. Rather is an empty signifier which will vary across historical class formations and across the stages of struggle for there will be internal fragmentation within identity groups as well. Here, we find that the idea of the political struggle for emancipation is not an altar on which women must sacrifice their specificities or instrumentally be added to. In fact, women as such are conceived through political struggle along the singularity of their experience as well as the universality of the struggle, posited as a possibility of a collective formation.

Therefore, one doesn't need to abandon the specificity and even singularity of their experience but rather, think of the ways in which the conditions for such specificity to emerge can be organized on a plane where the universal does not premise itself on the negation of the signified, that is on any 'pure' individuality, or 'full' humanity or coherent universal sociological subject is forever lost, such that there is no authentic self to unearth. Rather the universality only designates an empty signifier. Matthew Flisfeder (2020) summarises Althusser's idea of interpellation as explaining the process of ideology working in and through the individual to constitute the subject. He goes on to distinguish between 'subject' and Marxian notion of 'subjectivity,' where he describes the former as a category of legal ideological discourse as well as of law - that is, both subject of law, subjected to law as well as to have our social relations and freedoms defined in relation to law. Law then is understood as a complex relation which inscribes individuals in the political field of its own self referentiality in order to organise and express capitalist relations. While legal ideology is the "moral supplement" (Flisfeder 2020: 38) which at the outset appears to belong to a notional order outside of legalism

and the rational discourses on law but actually, it expresses a commitment to the juridical framework. This juridical ideology could be represented in the instances when we say the “right to have rights,” (Arendt 1973) or the “moral right to life,” in spite of knowing the farce it enables and despite the lack of legal recognition of the subjects of “moral” worth. This lack represents the internal negation of the subject of political rights and also simultaneously drives the process of recognition of subjecthood through its authoritative thresholds of legitimate violence.

This can best be understood in how Marx understood subjectivity; that under capitalist relations of production not only do we self-identify with the wage but aspire to gain more of it - as that is the only terms in which we can sustain and survive within society - but precisely because capital is able to impose its own universal such that it posits life in internally antagonistic terms of forced choices between life and livelihood. Thus counter-posing survival and production such that people must willfully agree to the terms of production and come to recognise their labour in its alienated form as natural! The labouring person, in fact is not the sole source of value, it is in their alienated form that such value generation is rendered possible. “On the one hand all labour is, speaking physiologically, an expenditure of human labour power, and in its character of identical abstract human labour, it creates and forms the value of commodities. On the other hand, all labour is the expenditure of human labour power in a special form and with a definite aim, and in this, its character of concrete useful labour, it produces use-values.” (Marx 1867) Life then is transformed by *conducting and conditioning* the relation between abstract labour and concrete labour. The use-value of women stepping out except for productive labour is rendered suspect through the moral order, cultural and traditional value systems, and social conditions which deter their participation.

Therefore the conditions for women’s insecurity precedes (constitutively, not chronologically) and animates the social reality. Following this we can understand hegemony over the background of social life (the very terms of relating in a social world and performing exchange has been subsumed by capital’s logic, whether directly operationalised by surplus value-form or not) as the real tragedy which is followed by the farce of:

- *embodied contradictions*: the “freedom” of working class who has to put herself through insecure and vulnerable to harassment and exploitative labour regimes in exchange of her life and livelihood while the women students in the university who represent the class interests of the bourgeois educational institutions (even ‘public’ institutions since the class character of the state is bourgeois) are “caged” and immobilised to reproduce the structural order of class struggle, caste-based inequality.
- *paradoxes*: of wanting to secure oneself from violence through “tough laws” while creating conditions for rendering the working classes insecure to the brutalities of law, police and exposed to the class character of the justice system.
- *non-choices*: between staying out feeling vulnerable and staying inside suffocated,
- *forced-choices*: of upholding the relative protection and support that one finds to secure individual life in order to persist in an unequal and exploitative society.

The social field gets inscribed in the shape of capital to become its supporting principle through the mediation of hegemonic modes and forms of relation. In such a framework of social relations, the rule of law does not merely produce its own sphere of exceptions, which then circumscribes the norm, before fully engulfing it but rather the rule of law *constitutes the threshold of* the exception and gets co-constituted through it.

Like Balagopal said, “In India caste was the law for centuries,” (Narain 2017) and continues to be in spite of the secular law and liberal democratic State rather caste gets inscribed in the very mechanisms and modalities of serving justice. Similarly, the idea of “justice” is that women's hostel space exceeds and excepts the law from within. Again, this does not imply that the resistance and potential to overhaul the system does not exist rather reveals the very internally contradictory nature of capital which forms the background of society upon which the discourses on caste, patriarchy, class formations are produced. Capitalism’s development thus simultaneously enables while disabling, it both loosens the grip of feudal relations in order to free labour to be deployed towards the production of capital as well as squares with the existing frames of social modes of

relation. Therefore the double movement of increasing social mobility of women and the continuity of the systemic production of the conditions of their exploitation is mutually reinforcing and not contradictory. It might appear as a juridical opposition but is a juridical correlative under the system which drives on exploitation by mobilising and structuring the efforts of those it exploits. Social mobility relocates women's position on the axis of vulnerability to oppression but it does not overcome the conditions which enables them to make greater bargains. The antagonisms of class struggle in other words, continues to persist unabated while opening up conditions for democratic assertions that would eventually dismantle the very capitalist system that undercuts democracy. Therefore, the protests against the curfew system might seem far from anti-capitalist movements and they aren't directly so, however in widening the sphere of liberty - from the vantage point of the women who are outside the hostel, outside the university, outside their homes for survival, subsistence, pleasure - they aid in the creation of the conditions for eventual possibility for liberation of all.

Towards Shared Universalities

Women students' unrelenting struggles asserted a right to an independent and autonomous existence of dignity - which is at once social and collective - free from fear and humiliation. What had started in Delhi, as a movement of women students under the name of Pinjra Tod, became an idea and a struggle with wide resonance across the country, which was interpreted differently across locations. The exchange of stories and slogans led to a spiraling of protests. The years 2017-18 had been marked by many powerful movements. Women of Benaras Hindu University, Uttar Pradesh, continued their protest in the face of brutal repression (The Wire 2017) by the police to lead an inspiring struggle against sexual violence and demanded an extension of hostel curfew.

Women of Aligarh Muslim University protested against the warden and sought a General Body Meeting to unanimously pass a resolution demanding 7 day outing (Pinjra Tod, 2018a*), (i.e. the permission to go outside the campus premises during day-time, that too only between 10am-5pm) on Sundays. Formerly, on all weekdays and Saturdays, women students are unable to step outside the campus premises, even during the day. They

further broke the locks (Gupta 2018) of the hostel gate to join their fellow students in a massive demonstration (Khan 2018) against RSS for the violence they perpetrated on the University at its accord of being a Muslim minority institution. Women of Hidayatullah National Law University, Chhatisgarh, led a long struggle against the administration which had not even instituted a sexual harassment committee in the University and had passed the buck on the students for the same, suggesting that there had been no demand for one! Students struggled long (India Today 2018) and hard and even sat on a hunger strike, (Legally India 2018) demanding removal of curfew and equal access to libraries, which eventually culminated in the removal of the Vice Chancellor. Punjabi University, Patiala, Punjab, saw protests for months, where women broke their hostel gates to demand an extension of their curfew time for which they sat on an indefinite hunger strike demanding the facilitating of 24 hours entry into the women's hostel along with other demands. They were later reprimanded by the administration, who filmed them and called their parents to complain about them, one of the students said, "The language used to describe us was absolutely cheap, they told our parents we want to get the curfew removed since we want to wander around with men." This sentence also throws light on how the very theft of pleasure and desire by the administration animates the struggle against it. It is imperative that women 'prove' the worth of their 'character' to be able to demand autonomy and desist from articulating pleasure reflecting sexual control.

Students of Panjab University, Chandigarh, Punjab, that elected its first women president who earlier led an uncompromising struggle against fee hike and the regressive rules applied to women's hostels. They successfully abolished curfew after months of struggle! Women in Jamia Millia Islamia, got an extension of curfew to 10.30 pm. The movement called Pinjra Tod had taken different forms at Ram Manohar Lohia University in Lucknow, Mumbai University, Maharshi Dayanand University in Rohtak (Narwal 2018), Kottayam Medical College (Pinjra Tod 2018b*) in Kerala, Indraprastha University in Delhi, Regional Institute of Education in Bhopal, Ajmer and Bhubaneswar (Sharma 2018), Pondicherry University, Indian Institute of Technology in Roorkee and many more where women have come together (sometimes, for the first time!) (Samin 2018) in powerful ways, overcoming complex and difficult histories of oppression. Fighting the systematic silencing and silencing the internal quandaries and fears of repression; they

battled their families, their self-doubts and apprehensions while simultaneously challenging the institutional administration of the university, right-wing custodians of morality, capital's deluge of 'women's empowerment' to produce a multitude of voices of resistance in the many collective journeys towards women's emancipation and social transformation.

Stories of women sneaking from the backdoors of their house, crossing over security gates, climbing over walls with the help of a cooperative family member or a roommate run parallel to brisk movements on empty streets, a fear and flight engendered by footsteps in the dark, the loneliness of the public space is simultaneously alarming and liberating in it that it occupies the idea of the 'beyond,' that which is inaccessible but could be accessed in a different temporal register. This spectral otherness which attaches to the promise of justice which will deliver freedom which is always yet-to-come and never will be also represents the very act of repression of the structural antagonism which produces the fear of freedom and takes refuge in freedom-in-the-making. That is, "when the world will not be such a difficult place for women, they can and will be able to exercise their freedom!" It is the same idea of futurity which is what substantiates the constraints from the side of the administration as well as that which shapes women's movements hope in the presence of women in the streets as an enactment of the future that will never come by merely waiting behind the gates of unfreedom.

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