

OF WOMEN, BY WOMEN, FOR WOMEN: THE GULABI GANG AND THE POTENTIAL FOR VIGILANTE JUSTICE AS AN EFFECTIVE ALTERNATIVE TO LEGAL FRAMEWORKS FOR WOMEN'S RIGHTS

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Despite its notional commitment to women's rights, as expressed through its signature of the United Nations Declaration of Human Rights (UDHR) and its specific ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), India's social climate does not embody these documented promises (Deva, 2016). Rather, the perception of female inferiority pervades cultural norms and institutional practices, emanating from a patriarchal history, which has normalized gender-based oppression in everyday life (Rayala, 2021). India's 2019-2021 National Family Health Survey (NFHS-5) illustrates this reality, stating that 29% of adult women (aged 18-49) reported experiencing physical violence since the age of 15 (International Institute for Population Sciences, 2021) — a statistic that does not account for barriers to admitting to victimization. Even with protective legislation, frequent practices such as domestic violence, child marriages, and dowry demands endanger the livelihoods of many Indian women (Thakkar, 2018).

The dissonance between India's declared dedication to gender parity and its tangible enforcement of it indicates the failure of its existing legal systems to actualize women's rights; moreover, it

demonstrates a demand for on-the-ground protections for Indian women, which has been instead addressed by independent community actors, including a vigilante group known as the Gulabi Gang. By analyzing the role of the Gulabi Gang's activism in enacting women's rights despite the structural constraints of India's institutionalized women's rights frameworks, this paper elucidates the efficacy of vigilante justice as an alternative mechanism to conventional legal instruments for the pursuit of access to human rights.

Contextualizing the state of women's rights in India requires the integration of an economic lens, namely with respect to India's caste system. Based in Hindu religious tradition, the caste system classifies citizens into one of four castes upon birth using "blood purity" as a mechanism for differentiation. The caste system creates social stratification and causes inequitable distribution of economic and personal rights (Mayell, 2003). Although constitutionally prohibited for almost 75 years, the implications of the caste system persist due to its religious roots, particularly through systemic exclusion of Dalits (Mayell, 2003). Otherwise known as the "untouchables," Dalits were historically excluded from the caste system and therefore occupied the lowest stratum

(Mayell, 2003); today, Dalit families are overrepresented in communities of “multidimensional poverty” (United Nations Development Programme, 2021). Prior to the emergence of the Gulabi Gang, feminist movements in India catered to educated, middle-class women, thereby excluding Dalit women (Thakkar, 2018). However, their simultaneous economic and gender-based exclusion generates a unique and neglected plane of vulnerability, which is evidenced by the fact that 90% of rape victims in India are Dalit women (Walters, 2015).

This intersectional analysis emphasizes the dehumanizing conditions that lower caste women experience, which were the impetus for the Gulabi Gang. Formed in 2006 by Sampat Pal Devi, the Gulabi Gang is an Indian feminist vigilante group dedicated to “protect[ing] the powerless from abuse... fight[ing] corruption to ensure basic rights of the poor in rural areas and discourag[ing] traditions like child-marriages” (Gulabi Gang - Women Empowerment India, n.d.). The group operates from the rural Banda district in the northeastern state, Uttar Pradesh. The state’s per capita income rests under India’s national average, and more than 20% of the state’s residents are lower caste, which situates the Gulabi Gang in the economic constraints of an officially recognized “backward region” (Ministry of Panchayati Raj, 2009; Richards, 2016).

To illustrate the distinct capacities of the Gulabi Gang as an agent of justice, we must first ground the concept of vigilantism. At its core, vigilantism is the extralegal execution of justice in response to an offense. Beyond this, political science scholars disagree on

whether to include violence, threats and collective action in its definition (Bateson, 2021). While the Gulabi Gang also engages in lawful interventions, such as creating a school in Banda and helping illiterate women apply for government assistance, their vigilante actions include forceful occupations like gherao, in which members completely encircle a government building to detain officials until they institute the Gulabi Gang’s demands (White & Rastogi, 2009). However, the Gulabi Gang’s most infamous practice is their brutalization of domestic abusers using lathis, a weapon readily crafted from bamboo; the Gulabi Gang only uses this retributive punishment after its members have reported this transgression to Banda police, spoken to the abusive husband, and neither has justly addressed the situation (White & Rastogi, 2009).

The inception of the Gulabi Gang responds to the lack of official action to adequately protect women’s rights. Despite its ratification of CEDAW, the Government of the Republic of India made a formal declaration (in response to Article 16(2)) that, although it supports the equalizing effect of compulsory marriage registration, it cannot practically implement this protection because of the “variety of customs, religions and level of literacy” across the nation (Mehra, 2013). Despite the eventual 2007 Supreme Court ruling for compulsory marriage registration without exception, the Uttar Pradesh state government has not mandated registration. This protection would promote women’s agency by reducing illegitimate child marriages and legitimizing their spousal rights, such as child custody, inheritance, and defense from intimate partner abuse; however, it

would betray the longstanding cultural tradition of using women as transactional tokens for her family's economic gain (HAQ: Centre for Child Rights, n.d.). The state's unwillingness to sufficiently uphold women's rights is a structural consequence of the limited representation and agency of women in governmental leadership. Specifically, Rayala (2021) stated that women occupy only 14% of parliamentary seats, despite composing 48% of India's population. Moreover, governmental institutions that address the needs of female citizens, such as the Ministry for Women's Welfare, are subject to the control of male-dominated administrations (Rayala, 2021).

Anti-victim stigma appears in court judgements on various sexual violence cases, which is evident in Section 155(4) of the Evidence Act. Here, the Act previously offered "a man prosecuted of rape" acquittal if the female victim ("prosecutrix") exhibited "generally immoral character." Although this law was repealed in 2003, the sentiment reappeared in a 2017 gang-rape case; in the court order, two judges of a High Court in the State of Punjab and Haryana shamed the victim for drinking and smoking, described her as "promiscuous," and awarded bail to the three offenders (Rayala, 2021). In an examination of 14 rape cases, Otto et al. (2020) identified a trend of Uttar Pradesh police officers pressuring survivors to settle with their offenders outside of court and circumventing legal procedure. For example, in 12 of the 14 cases, the police defied the protocol under Section 154 of the Code of Criminal Procedure (CrPC) by using male (rather than female) officers to collect the first information of the offence. Moreover, in all cases, there

were significant delays in registering a first information report (FIR). By lengthening the reporting timeline, the police force the survivors through an unnecessarily long and traumatizing process of retelling and reliving their abuse.

The literate female population in Uttar Pradesh is 66.1%, which is less than India's national average of 71.5% for women and 84.4% for men (International Institute for Population Sciences, 2021). Moreover, this statistic merely represents basic reading competency, not legal literacy or the ability to use these laws to pursue justice within the complex system (Raza, n.d.). Many affected women have little awareness of their legal autonomy or are shrouded by word-of-mouth misconceptions spread in their communities. For example, the 2006 Prohibition of Child Marriage Act states that child marriages are legal but voidable by the minor until 2 years after she turns 18. However, many child brides are not informed of this protection and do not access this right, and thus the validity of child marriages is preserved (Abbhi et al., 2013). 14% of women who experienced gender-based violence sought help, and only 6% of this subset utilized the police as their resource for help, illustrating the consequences of the structural and cultural inaccessibility of these existing legal frameworks (International Institute for Population Sciences, 2021).

The Gulabi Gang's grassroots leadership immerses its members in the local context. Due to their experiential knowledge of the intersecting cultural values, familial obligations, and socioeconomic barriers that Banda women endure, members can support

the physical and emotional safety of sexual assault survivors while accommodating for obstacles that typically discourage them from seeking help (White & Rastogi, 2009). Rather than distant regulatory institutions with competing incentives and responsibilities, the Gulabi Gang prioritizes the wellbeing of Banda women. (White & Rastogi, 2009).

Unlike governmental bodies or legally compliant organizations, the Gulabi Gang's procedures are unencumbered by the bureaucratic proceedings of the law, so they can directly intervene in ongoing offenses. For women experiencing abuse, timely relief is central to their physical and mental health, specifically in the face of the consistent neglect from local authorities (Thakkar, 2018). The Gulabi Gang's extralegal capacity for violence provides them with greater agency to challenge governmental neglect and corruption. For example, when government officials disconnected Banda families from electricity for two weeks to extort money and sexual favours, the Gulabi Gang, armed with lathis, organized a gherao around the electrical office. After one hour, the officials restored the electricity in response to the Gulabi Gang's demands (White & Rastogi, 2009).

In 2014, the Gulabi Gang had amassed a total membership of approximately 20,000 women (Thakkar, 2018). Members—many of whom join after the Gulabi Gang assists them—are trained in counter-aggression techniques and participate in missions to support other women (Atreyee, 2013). This inclusive organizational structure empowers its members by integrating them into its on-the-ground activism, allowing survivors of gender-based oppression to shift away

from the label of victims as a means of experientially reclaiming their identities (Richards, 2016). The Gulabi Gang forms a collective identity, so an injustice against an individual member reverberates as a personal attack felt by all members, validating the injustice endured by otherwise isolated victims (White & Rastogi, 2009). This solidarity is visually reinforced by the symbolism of the pink saris worn by the Gulabi Gang, which instills confidence in its members by virtue of being in a group (Thakkar, 2018).

The Gulabi Gang intentionally undermines the authority of the Uttar Pradesh police, among other government actors, by publicly shaming their inaction and by consistently violating the law. Consequently, the vigilante group breeds resentment from local authorities, who have regularly accused the Gulabi Gang of “assault and defamation” (Atreyee, 2012). Thus, some may argue that their strained relationship restricts the potential to collaboratively create change within the existing system. However, we must consider this tension alongside the inherent oppositional nature of all resistance. Moreover, the deep-seated discrimination against lower caste women already engenders reluctance from institutions to enact reform in support of women's rights, emphasizing the need for disruptive action.

While the Gulabi Gang also engages in non-violent and lawful initiatives, their international reputation centers their vigilante operations (Thakkar, 2018). Some may argue that a sensationalist fixation on the Gulabi Gang's violent functions can erode public sympathy, antagonizing the pursuit of women's rights and erasing more palatable

activism. As is often done with other movements of violent resistance, their vigilantism is considered without critical context, instead mischaracterizing them as morally abhorrent abusers. However, this tension must be considered in the backdrop of incessant violence against lower caste women, which serves as a method to maintain their marginalization. Here, the Gulabi Gang co-opts this historical tool of violence used by hegemonic powers as a mechanism for establishing power to instead negotiate a new gender dynamic (Richards, 2016).

Using the Gulabi Gang as an exploratory case study, we may understand that practical barriers subsist in de jure human rights frameworks due to the resistance of official institutional actors to contradict dominant cultural ideologies. This prevents the introduction of critical legal protections or accountability measures to follow through on existing human rights commitments. This issue is

compounded by the inaccessibility of these legal processes due to the limited access to education for Dalit women, who cannot navigate these complex systems alone. In contrast, the Gulabi Gang benefits from its vigilante foundation, allowing for leadership by and for women, timely intervention due to its extralegal status, and built-in community support because of its group membership structure. Despite possible objections to the Gulabi Gang's tactics based on their subversion of government authority and use of violence, these disruptive features critically capture the attention of otherwise neglectful institutions and counterbalance the oppressive function of violence as a tool to maintain patriarchal gender dynamics. While the Gulabi Gang's initiatives are primarily motivated by the pursuit of women's rights, their activism speaks to the potential of vigilante justice as a tool for actualizing a range of human rights for marginalized peoples in the absence of effective legal avenues.

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