

**Department of Sociology**  
**Faculty of Social Sciences**  
**South Asian University**



## **Sexual Violence, Public Secrecy and Legal Pluralism in India**

**By**  
**Pratiksha Baxi**

### **Abstract:**

In this paper, I present a series of propositions. The first proposition is that law reform debates have not recognized fully how state and non-state law co-constitute the public secrecy of rape. Whilst law reform discourses on the rape law have been indifferent about the impact of non-state law on the prosecution of rape, appellate judgments archive how non-state law intervenes to shape the legal process from the time the case is reported until the trial. The second proposition is that we must move away from legal centralism, in order to recognize that customariness sits at the heart of state law just as non-state law is mimetic of the form of state law. Third, I suggest that state law is experienced as Kafkaesque when it mimics, tolerates and competes with non-state law to produce impunity. Equally the mythic, customary or caste order inscribes a temporality that substitutes, challenges or complements the temporalities of state law. It is the contestation or alliance between state and non-state law that is constitutive of the public secrecy of rape.

### **Author:**

Pratiksha Baxi is an Associate Professor at the Centre for the Study of Law and Governance in Jawaharlal Nehru University, New Delhi. She is the author of 'Public Secrets of Law: Rape Trials in India' published by Oxford University Press in 2014, and is currently the editor of the journal 'Contributions to Indian Sociology.' Dr Baxi is the founder of the Law and Social Science Network (LASSNET) and its anchor.

**Wednesday, 15<sup>th</sup> February 2017**

**Time: 2.30 pm**

**FSI HALL, South Asian University,  
 Akbar Bhawan, Chanakyapuri,  
 New Delhi 110021**

**ALL ARE CORDIALLY INVITED**