

COURTING DESIRE: LITIGATING FOR LOVE
IN POST-AGRARIAN NORTH INDIA

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PREFACE: ETHNOGRAPHY AS PERFORMANCE OBSERVATION

I have ruminated a good deal on the question of ethical responsibilities that extends far beyond protecting interlocutors. In my mind, I have wrestled endlessly with both the critique that anthropologists do not adequately describe their position in the field and the counter-critique that they have started prioritizing themselves over ethnographic voices. Transcription of interviews and life history narratives stories have made me realize that I have been truly fortunate to be presented with such diverse and unique stories that can be retold independent of the researcher's story.

I cannot accurately comment on whether my profile invoked certain responses other researchers may not have encountered but I do know that the openness with which some of my interlocutors, both women and men, shared information regarding their intimate lives, including a 'taboo topic' like sex, have not been available to many South Asianist ethnographers I have interacted with. Several factors may have contributed to this: race, gender, age (almost no one believed that I was over 30 years), tag of being at an American university which are considered more progressive and, finally, the fact that the populations I interacted in the rural areas have not been extensively exposed to research of the kind I have conducted – both in terms of the themes and in its duration.

One issue that had constantly troubled me was the curiosity and interest in my own personal life – it was a thoroughly justified query, considering the nature of my own questions. Initially, I only revealed details of my personal life to a few people who were my primary hosts. This was partly because I did not possess the vocabulary to explain a biracial relationship. But more importantly, I was already marked – despite my best efforts, I could never pass-off as a local – and I knew that the information would spread more quickly given its novelty. Interlocutors were not bound to secrecy the way I was and why should they be?

It was only towards the end of my fieldwork period that I divulged details to some of the interlocutors I was close too. I had had, like some of my interlocutors, the opportunity to cloak the news in the respectability afforded to the institution of marriage, even if it was only an intention towards the same. It would be fair to ask why I needed this cloak of respectability given my radical feminist politics. Concerns of personal safety and the durability of the research project dominated my decisions, given the documented evidence of disrepute attached to not only inter-religion and inter-caste relationships but also biracial relationships when the woman happens to be Indian/South Asian. (The literature on the latter and my own experiences would fill many pages but this is a conversation for another project.)

The second ethical question I was confronted with was during the writing process. It is difficult to say with certainty whether some of my analysis stems from personal experiences or whether personal life trajectory has, in some ways, been molded by lessons from ethnographic encounters. I will briefly mention my particular situation during the months I spent at the Punjab and Haryana High Court in Chandigarh city and how these experiences are also part of my memories from the field today. In February 2015, I started collecting paperwork required for my partner to file an application for 'establishment of civil union' with a registrar in his hometown in Germany. As I continued to track eloping couples at the court who sought validation for their relationships from the judges, I waited for the German state, through its embassy in New Delhi, to 'investigate' my background, purportedly to decide whether it could approve this union.

This long process included lighter moments when my bemused parents were asked by a private investigator if it was a ‘love marriage’ or an ‘arranged marriage’. It also involved two distressing visa interviews at the embassy, one was particularly brutal, where I was asked to divulge many facts, dates and details regarding the relationship – included whether my parents approved the match. By the time I received a German visa to ‘establish a civil union’ I had the opportunity to experience some of the challenges eloping couples at the court routinely face, including a naked scrutiny of one’s personal life and the precarity of subject position state spaces produce. Though I have relative privilege within India, I experienced the racial inferiority that comes with an Indian citizenship and documents issued by the Indian state, in the latter the German state professedly has no faith. I realized that I and the eloping couples I was tracking sought state (German and Indian respectively) approval *despite* its exacting terms. This would go on to become one of the key analytical tropes in the dissertation.

...

In my first year of graduate school, a visiting professor at Brown, Gabriela Vargas Cetina, described what she saw as a trend towards performance observation while speaking at an ethnographic methods’ seminar. As she spoke, she turned to me and added in jest: “So you have to study the process of elopements by also trying it out yourself.” I did not know then that this question should arise in future and in peculiar circumstances. Given the uncertainty and lack of transparency we faced with the German state agencies, many well-wishers advised me and my partner to get married in Denmark, a preferred location for Germans who sought a quick and easy wedding.

I would undoubtedly have learned something valuable from the elopement experience with the Danish state as a key player but we decided not go down that path. The legal provisions were such that marriage would not have ensured togetherness – German bureaucracy would have replaced the term fiancée to spouse and continued working with the same procedures.

I finally received my German visa in November 2015, on the day I left India to attend the American Anthropological Association meeting in Denver. I was slated to present a paper on bureaucratic paperwork at the courts. During my flight, I experienced a strong resentment towards global inequalities but there was also what can be described as sentimental affinity towards justice that I had earlier seen among many eloping couples: of having the perseverance to complete an extraordinary journey and, more so, through what I perceived was the *right* (legal) way to do this. It is easy to overlook how closely we, researchers, at times follow moral prescripts on the rule of law to craft our futures, especially those that are slightly unusual.

Providence, Rhode Island

April, 2017

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For me, all good academic work is what Judith Butler would call *stylized repetition of acts*. To this end this dissertation has been, for me, a felicitous enterprise and I hope those who have read and heard parts of it (and will do so in future) perceive it in similar ways. I would like to take time to acknowledge and thank some of the people who have been associated with and have facilitated this speech act, that is my dissertation, in intimate ways.

I thank Brown University for the resources, financial and otherwise, through the duration of the program. Katherine Grimaldi, Matilde Andrade, Mariesa Fischer and Stephanie Abbot-Pandey have provided generous support with an organizational competence that I sorely lack.

With a deep sense of gratitude, I acknowledge my adviser Lina Fruzzetti for her love, support and guidance in the last six years. During a process that is in many ways isolating and dehumanizing, Lina always prioritized the person in the scholar and she also taught me to do the same. If I am less exacting of myself today it is largely due to her efforts in setting my priorities straight. I am also indebted in no small measure to Kay Warren, whose belief in my scholarship and my career has never wavered. Kay has constantly supported my advancement with honest but gentle nudging towards intellectual trajectories that have proven to be incredibly rewarding. Bhri Gupta Singh's approach has complemented Kay's in many ways with its sheer rigor. After he joined my committee in the fourth year, my journey to the finish has been an exciting and agonizing one, marked by a struggle to find meaning in the world of philosophy and theory. I also thank Jessa Leinawever, who left my committee at the end of my third year. If I have strived to make and meet ambitious deadlines and follow academic conventions and rules, it is in no small measure due to Jessa's ability to convince me of the potency of such an approach.

I cannot thank Jyoti Puri enough for her willingness to step in as my external reader despite time constraints. Her feedback on my dissertation was generously extensive, valuable and far-reaching: I understand my own project better after seeing it through her eyes.

I would also like to thank the following professors (at Brown and elsewhere) for their invaluable contribution towards my development as a scholar: Nivedita Menon, Gopal Guru, V Geetha, Adia Benton, Daniel Smith, Paja Faudree, Laura Prieto, Gayle Rubin, Anila Daulatzai and Drew Walker. Though my interactions with Prem Chowdhry have been limited, I have felt her looming presence through the research and writing process as she is an authority on Haryana and this part of North India.

Being part of this PhD program has afforded me an opportunity to forge alternate kin groups. I shared tears, joy, euphoria and despair with the following and will always treasure their friendships: Magnus Hansen, Andrea Wright, Brenda Sanya, Yana Stainova, Sa'ed Atshan, Malay Firoz, Bhawani Buswala, Liani Tlau, Jorge Armesto, Samantha Lash, Steve Murphy and Melissa Poehnert.

This project would not have been possible without the generous support, guidance and feedback of people in Haryana and Chandigarh. They not only welcomed me in their homes and

social circles but also contributed substantially with suggestions on themes, ethnographic questions and research angles the project could take. The following list is in no ways exhaustive, especially since many people have been quoted in the dissertation and hence cannot be named. But I am extremely grateful to Haryanvis from districts of Fatehabad, Sirsa and Hisar and in the city of Chandigarh who offered time, affection and hospitality apart from providing illuminating interviews that have enriched my research and life in multiple ways. In Chandigarh, I would like to thank the following in particular: Daljit Ami, Rajeev and Divya Godara, Arjun Sheoran and Harish. I thank Kuldip for introducing me to his extended family in Fatehabad and Hisar as well as his network of friends and acquaintances in Panjab University. In Fatehabad: journalists Sushil Manav and Hardeep; Krishan Kumar and the staff at his school; and professor Harbhagwan Chawla and the staff at his college. In Hisar: Manoj and Dipti, junior lecturers at government schools.

I am humbled by the generosity of my hosts in rural Haryana: Meet, Satyam, RK Sharma and Madhu Sharma. They included me in their everyday lives, relationships, struggles and joys. I cannot thank Meet and RK Sharma enough for the nourishment of mind and body I received in their company; they have influenced my research and my growth as an intellectual in countless ways.

On the personal front, I am grateful to my uncle and aunt MGR and Padma, who have always been invested in my success, academic and otherwise; my cousins Ramya and Ranjitha, who have supported me both emotionally and with aspects of my research that deal with statistics and legal processes respectively; and my *schwiegervatter* Katharina for challenging me as a person and as an anthropologist to overcome language and cultural barriers and establish a unique and lasting relationship.

Finally, I thank my late grandmother Alamelu, who was the first woman in her family to complete high school, and all the women in both sides of my family who have pushed the envelope on educational (and non-educational) fronts.

I dedicate this dissertation to four people who were committed to see me through despite the volatility of the PhD process as well as of my personality:

- ❖ My parents Kamini and Srinivasan, who taught me that no life goal of mine can equal that of higher education.
- ❖ My elder sister Janaki, who, as a prodigious young adult, laid out the intellectual and political path on which I have followed her and, in some ways, continue to do so.
- ❖ My partner Martin Ulirsch, whose sensible, practical and ambitious approach to life, both within and outside academia, gives me a sense of purpose every day and convinces me that there lies a fulfilling life beyond this PhD.

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1. INTRODUCTION: LOVE, MARRIAGE AND THE BRAVE NEW WORLD

The Hindu Mahasabha had promised to marry couples on VDay (Valentine's Day) if they saw any two people holding hands, cooing or even existing on 14th February. But when interested partners arrived outside the Mahasabha's office dressed in wedding gear and fully equipped with *Mehendi* (handpaint) cones, musical instruments, wedding props and of course *band baaja* (band music), they were left high and dry. The Mahasabha refused to come out except one Swami Omji who ordered around the police ... The Mahasabha hid behind the Delhi Police who in turn eloped with three buses full of protesters. The protesters were detained under Section 65 for about five hours. However, inside the Parliament Street police station too, the wedding ceremonies, right from *Mehendi* to *Sangeet* (ritualistic songs) and then the actual exchange of *Varmalas* (garlands) went on in full energy. (Pasricha, Jaspleen. 'V-Day In Photos: From Protest To Sangeet & Mehendi Inside The Police Station.' February 14, 2015. Accessed January 1, 2017. <http://feminisminindia.com/2015/02/14/v-day-photos-protest-sangeet-mehendi-inside-police-station/>)

On February 14, 2015 when the news media in India started reported about this Delhi-based protest against moral policing efforts of a resurgent Hindu nationalist movement, some members of the progressive circles in Chandigarh (where I was conducting fieldwork at this point) observed in amused disbelief: who would have thought 'marriage' could be radical. I held my peace as I have for several years now when both intellectuals and interlocutors in the ethnographic field repeatedly questioned me with seemingly incredulous disbelief if I was really studying the trend of 'love marriage' for my doctoral research. One 19-year-old I met at a wedding in rural Haryana asked me offhandedly: "why are you in love with 'love marriage'?" It was difficult to explain the intellectual trajectory that had led me, through various stages, to this point where I had for the sake of convenience settled for the usage of the term 'love marriage' to describe a broad set of aspirations I was tracking in North India.

While explaining my research interests to interlocutors in Haryana and its capital Chandigarh as ‘love marriage,’ I was always mindful of the critique of some feminist scholars on South Asia who have problematized the term as a ‘western concept’ that signifies romantic love and obscures the study of intimate relationships in the region. But people in or from Haryana almost always connected with the term and what it stood for, immediately grasping that my enquiries pertained to what can be locally perceived as courtships that led to a marriage based on choice. Interlocutors in North India have, however, cautioned me that these ‘love marriages’ are not really about love. Two preferred explanations for what ‘love marriages’ really signify: lust or rebellion against suffocating family situations. The knowledge that choice was exercised by a couple who have had marriage persists in the form of a shared memory. It continues to stigmatize couples in some ways and empowers them in how they perceive themselves in relation to the world. The latter is particularly true for some married women I had interviewed. These women realize that their communities continue to be not only unequal but also unjust when it comes to gender. Their own marriage, despite factors such as sexual division of labor, appears to them more livable than examples around them. The importance of the term ‘love marriage’ simply lies in the prevalence of its usage in that it comes to signify multiple sets of aspirations and lived realities.

Love marriage, to offer a definition, is a form of marital union where parents have little or no role to play in the decision-making process. It is a marriage where parental approval has either been denied already or was not sought in the first place. In the states of Punjab and Haryana, a majority of such couples seek court mediation for a validity that family and kin members refuse to lend to the relationship. The Chandigarh-based Punjab and Haryana High Court has acquired a reputation for being a site where courting couples “can have court marriages” with even detractors

of the trend accepting a love marriage as marriage that has been ostensibly approved by the court in Chandigarh.

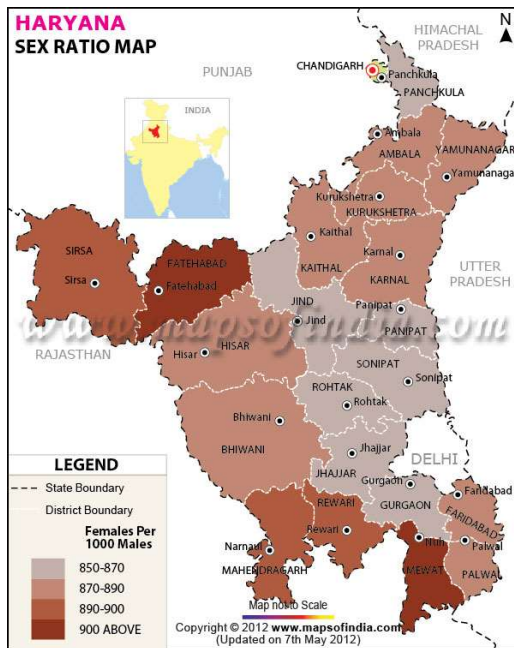
The chapters in this dissertation will explore both the broader set of individual and political aspirations that determine decisions on marriage and the factors that contribute to the social acceptance, perhaps a grudging one, of ostensibly non-normative choices. I will also pay close attention to legal processes and court mediations that play a significant role in altering the way such marriages are perceived locally, even facilitating a return to the community that would have been previously considered unviable. Chapters two, five and six primarily focus on law and on narratives from legal spaces while chapters three and four track material conditions in rural North India which trigger re-negotiations of norms. Chapters four and five will provide ‘thick descriptions’, in a Geertzian tradition, from the community and the courtroom spaces. Data has been organized and presented differently in chapters two, three and six, where ethnographic voices are weaved into a larger narrative on the meanings ascribed to law, socioeconomic conditions in the ethnographic context and potential significance of project for sexual consent debates, respectively. In this introduction, I will outline the ethnographic context, research methods and my theoretical framework.

Ethnographic Context and Research Methods

The widespread prevalence of relationships that are based on mutual choice and consent, especially in rural areas, should be situated in the specific context of North Indian states like Haryana, Uttar Pradesh and Rajasthan, which have poor records on gender justice indicators. The existence of choice in marriage, especially when exercised by women, poses an incongruity that my research seeks to address. In North Indian states like Uttar Pradesh, Rajasthan and Bihar, which have a

lower Gross Domestic Product (GDP) as well as lower Human Development Indices that directly influence their Gender Development Indices, which has to do with both patriarchal structures and resource allocation. Haryana has, on the other hand, consistently recorded high GDP numbers and lower Human Development Indices as well as very skewed Gender Development Indices. A 2009 report called ‘Gendering Human Development Indices’ from the Ministry of Women and Child Development, for example, placed Haryana’s Gender Development Index and Gender Empowerment Measure at 0.63 and 0.53 respectively.

Haryana has, over the years, acquired the dubious distinction of being referred to as “no place for women” in various media outlets. Two issues that dominate the narrative of Haryana’s poor record on gender issues include a severely skewed female-male sex ratio (see map from the



website *Maps of India* here) and the phenomenon of ‘honor killings’. The discourse surrounding the latter in the first decade of the 21st century is what drew my attention to the state in the first place. As a Delhi-based journalist, the sensational reportage on the homicides that thrived on ‘othering’ Haryanvis as barbarians had disturbed me. I decided to work on a feature-length article that can offer a feminist perspective where the issue of ‘honor killings’ could be understood through concepts that are immediately relatable even in the

context of urban India: patriarchy, control over women’s sexuality and moral policing. My association with the topic and the place did not end with this article I had published in 2007. As a

feminist narrative on Haryana's 'honor killings' this early attempt had been woefully inadequate. It had reproduced a standardized feminist text for a particular setting.

My intellectual trajectory has, over the years, re-orientated my research from honor killings, which is a re-assertion of patriarchy against the threat of women's sexual liberation, to describing the modes through which this liberation manifests itself. That is, I focus on those who survive to tell their story and how legal intervention both protects and validates their selves and togetherness. In this dissertation, I have sought to not portray aspiring young women and men as enacting a script of the so-called progressive politics¹. We could say that they were contributing to such a script though their text may not, as yet, be legible as a progressive movement in its own right. The cautionary words of my interlocutors who resist any celebration of these trends help me keep this balance.

The protests on Valentine's Day, on the other hand, followed a progressive politics' script where 'marriage', within quotation marks, manifested itself as radical statement against both the current political dispensation that strengthens organizations such as the Hindu Mahasabha and the conservative social and familial milieu that dictates norms regarding courtships, public display of affection and marital choices. The so-called love marriages, in contrast, are as of now not accompanied by such radical pretensions. Indeed, as feminist activists in Chandigarh city have pointed out to me in interviews, such couples invariably return to a familiar heteronormative lifestyle with the familiar sexual division of labor intact. Several lawyers and social activists I

¹ When I use terms like progressive politics or circles, I am not seeking to set up a binary with Haryanvi kin groups and communities as the regressive counterparts. I am instead trying to capture the discourses that dominate conversation on 'love marriage'. During my fieldwork, I rarely came across interlocutors who discussed the trend without making their ideological positions on the trend apparent.

spoke to seem to also ironically share the view with their conservative counterparts that such marriages do not represent any positive development for the society at large for this reason.

Their claims are partially validated by ethnographic examples I have encountered. One couple I have written about in considerable detail in chapter four, Navjot-Baljeet, chose what can be termed a traditional lifestyle after their elopement and court visit in 2008. Despite being more educated than her husband, Navjot takes care of their home and children as Baljeet had “promised” to take care of the finances. On the other hand, some working women who had had family-arranged marriages complained that they received no help from their husbands when it came to housework and, more disturbingly, had no control over their own salaries. A traditional set-up had seemed more preferable to several working women I interviewed as the ability to find employment had not resulted in empowerment, a term largely understood in political and bureaucratic terms². In summary, ethnographic voices represented in this dissertation complicate not only the trend of love marriages but of the marital institution itself.

In order to provide a holistic account of marital patterns and contextualize the terms love and court marriages, I conducted ethnographic fieldwork in both rural Haryana and in Chandigarh city, the capital it shares with the state of Punjab. In Haryana, research was carried out in three districts close to the Rajasthan border: Fatehabad, Hisar and Sirsa. These districts are popularly known as the *baagri* belt after the dialect of Hindi spoken in the region. Interviews and observations in the *baagri* region were conducted from August-December 2014 (and during two shorter visits in March and June). I resided within the campus of a women’s college and, hence,

² More on this in chapter three.

interacted with many young women between the ages of 18 and 25. But I also conducted ethnographic research within communities and kin groups, especially during events such as weddings.

Interlocutors, however, included both young women and men, often students, who anticipate being wedded in the near future or have been married recently. Other population groups included in the study were: parents of young Haryanvis, more often mothers than fathers; university and college professors, local reporters, and writers and poets; and finally current and past elected representatives including *sarpanchs* (village-heads) and one former member of parliament. In Chandigarh city, I again interviewed young Haryanvi students and professors at Panjab³ University, government employees and bureaucrats, and professionals in the private sector.

The longest and most crucial phase of the fieldwork year was the time I devoted to the processes at the high court complex. Observations were conducted at courtrooms that handled cases of eloping couples from January to August 2015 (with the exception of June when courts are on vacation – I visited rural Haryana again during this month). Interviews with litigants were completed in lawyers' chambers in the court complex. I also held extended conversations with lawyers, both women and men, in the bar rooms (especially, the ladies bar room) and their offices on and off the court complex over the eight months I spent in Chandigarh. Real names were used only in the case of a few professors who have shared their views with me as experts. All other interlocutors were assigned pseudonyms.

³ The university spells the name of the state differently for historical reasons.

Given my investment with feminist politics, how marriage intersects with the question of gender inequality and justice was a central theme when I was collecting research data. As a project on non-normative but heterosexual marriage, voices of both women and men are integral to the dissertation. It is important to highlight here the nature of my interactions with these two⁴ genders. Apart from interviews with key informants like lawyers, I interacted with approximately 40-45 men in both rural Haryana and Chandigarh city (more interviewees in the latter site), given the gender-based segregations these were often structured interactions. Number of women interlocutors in the research data are slightly higher (around 55-60) though I was able to interview more women in rural areas than in the city. But my associations with women in both sites were much longer with several opportunities for follow-up interviews and life history narratives where intimate details were shared. Given the extent of my interactions with men, especially young men, I have been able to analyze some prevailing trends in masculinity, though perhaps not with as much authority as I can with regard to femininity. As a feminist project on marital patterns and gendered norms and aspirations, this dissertation focuses on narratives from both women and men though through different entry points. In the next section, I will outline some major feminist interventions on Indian state and laws, which I build on and extend through my research and writing. I will then turn my attention to anthropological literature on marriage, social suffering and social change.

Feminist Scholarship on State and Law: A Framework for Legal Subjectivity

My empirical and archival data resonates with several long-standing law and society debates, especially those from a postcolonial context, such as law versus customs, individual and

⁴ Apart from a focus on heterosexual relationships, a lack of engagement with transgender identities are limitations of this project. Anthropologists can unfortunately only speak with authority of ethnographic evidence they have been successful in collecting.

community rights, the interaction between jurisprudence and legal practice. South Asian feminist scholarship on jurisprudence, in particular, has emphasized how cases involving women's rights are often inaccurately framed as a confrontation between traditionalist societies and a modern state. Both feminist scholars in the West and the Global South have repeatedly pointed out how the modern state is thoroughly enmeshed in the private lives of its citizens, especially through its control on the marriage institution (Pateman 1998; Okin 1989; Agnes 1999; Vanita 2011). In this section, I will briefly outline the rich South Asian literature on law, gender and sexuality and how I seek to extend it through a dialogue with legal anthropology studies.

The early lawmakers of independent India built on the work of colonial agents who had already undertaken massive codification drives to turn customs into personal laws (Poonacha 1993; Uberoi 1993; Chowdhry 1994). This included carrying forward both the bureaucratic impulses of a state which needed to record customary practices in order to better govern the colony and the zeal of its modernizers who wanted to 'reform' the society. The drive to record customary practices speaks to James Scott's argument on how the modern state re-conceptualizes its subjects in its efforts to make the latter "legible" (1998). What the state lays out as enforceable rules can be perceived alternatively as opportunities. Codified customs are sourced from the community before they become tools in the hands of the government and at times even weapons with which patriarchy is consolidated.

Feminist scholarship of law in India, especially by Nivedita Menon (2004), Ratna Kapur (1996) and Flavia Agnes (1999) have critiqued the binary that pits laws against customs, revealing that laws governing family and inheritance extend the rule of the patriarch. The laws instituted by

the state, several feminist scholars claim, carry the perceptions of the dominant caste patriarchy and actually further its goals as the designs of governance. Successive texts have explored how the state disciplines women's bodies through specific discursive traditions that are embedded in laws and judicial interpretations of the same (Menon 2004; Chowdhry 2004; Baxi 2006). As Nivedita Menon points out in *Seeing like a Feminist*, the state has become the space where brahmanical and Victorian patriarchy have found compatibility (2012). Pratiksha Baxi, who followed court proceedings more closely, describes how their adjudication on women's choice marriages tend to view women as bodies with conflicting claims of ownership. The nexus of kinship and state when it comes to the question of women's choice for her symbolizes the privatization of public law (2006).

Flavia Agnes and Slyvia Vatuk, who have spent decades studying and practicing legal activism on the question of women's rights, are two notable exceptions to this line of enquiry. While remaining attuned to the continuing biases in judicial encounters, Agnes invested in the process of legal reform. With the Domestic Violence Act 2005, she believes the feminist movement finally registered a success in placing violence against women in a socio-legal framework (2008:3). She shows how separating issue of rights, such as property rights, from the acts of criminal violence like domestic violence and dowry deaths offers "new portals of hope" to matrimonial lawyers concerned with rights of women (4).

Vatuk, on her part, has been studying Muslim women's activism for legal parity for decades. She takes up the vexed issue of compatibility between religion and feminism and whether texts that are inherently biased against women on certain aspects can overall contribute to a more

equitable society. Vatuk's research, in her own words, provides her with a more optimistic outlook towards legal reform of the Muslim Personal Law where holding the legislation up to the standards of the Quran can co-exist with the campaign to 'go beyond shari'at' and pressure the state to codify Muslim Personal law anew (2008: 508). Working with state laws on family and marriage can, in many ways, be like working with religious texts. Their potential can never be overstated but they can be, as Vatuk states in the case of Quran, a good place to start. This instrumentality is especially relevant when seen in the context of the phrase Agnes uses to describe the Domestic Violence Act – "new portals of hope".

Debating on whether law is hopeful, legal anthropologist Annelise Riles writes that law's potential for social change exists beyond its capacity to deliver. As Hiro Miyazaki, one of the foremost theorists on hope, states that hope signifies "conscious negation one's own future agency (1996: 156)." Miyazaki and Riles take me to an idea of hope that is independent of previous engagements and disappointments, towards Alex Lefebvre's idea that it is not possible to determine with complete accuracy the course of events when faced with the 'unpredictability of the judicial encounter' (2008). Philosopher Hent de Vries refers to hope as pragmatism since realism without hope "leads principally nowhere, but merely brutally affirms whatever is and only strengthens the powers that be"⁵ (2009). In the context of Barack Obama's pragmatic politics, de Vries writes that hope goes beyond wishful thinking with its realism providing an alternative to both utopia and cynicism. Investing in law can, similarly, help us navigate the legal process better despite the evidence of its bias towards patriarchal and kinship norms where the hope remains

⁵ <http://blogs.ssrc.org/tif/2009/06/18/the-niebuhr-connection-obamas-deep-pragmatism/>

pragmatic. To study what people make of the structures and legal/state procedures and why they participate in the same despite evidence of structural biases, I combine the analysis of discourses with a study of consequences it can have in people's lives. In other words, state processes do create subjectivities but they also, simultaneously, create opportunities. Working with and for the latter has till now been perceived as instrumentalization of law, especially the way Agnes and Vatuk write about this. By analyzing hope as an emotion people learn to invest with the law one can perceive such processes beyond its ostensible instrumentalization. The analysis then becomes both about how the state (through its agents) perceives its subjects and how subjects perceive state spaces and its agents. While Menon and others would justifiably be skeptical of the state space and the discourses it generates, in my understanding they would not dismiss what subjects make of the processes and the hope they invest with the law.

Veena Das introduced a subtle but decisive shift in this direction by perceiving it not just as an extension of kinship and the patriarch's rule but as something of an adjudicator, which laid down terms of a contractual relationship between its subjects (2007). The official discourses surrounding the birth of the nation represented, according to her, a 'state of disorder' because partition of the Indian subcontinent had 'dismantled the orderly exchange of women' and 'correct matrimonial dialogue between men' (Das 2007, 21). Through the figure of an abducted woman, the new state constituted "a particular relation between social contract and sexual contract—the former being a contract between men to institute the political and the latter the agreement to place women within the home under the authority of the husband/father figure (21)." But rather than see the social contract that privileges patriarchal authority as 'natural or originary', Das suggests that it is a "predication of fatherly authority based on consent (34)." It was initiated by a state that was

moved by the scale of violence it witnessed during the partition to assume that state action was expected by the subjects.

The rule of law, to reiterate Das, is premised on an assumption of a consent that was given in a state of disorder, where women ostensibly ‘agree’ to be placed under the guardianship of men and men agree to self-discipline. Though patriarchal control was consolidated in the process, through Das’ intervention I also see state as a possible site for questioning and weakening its control – where consent for the contract could be rescinded, especially in times of ‘normality’.

In viewing fatherly (or that of nearest male figure) authority over women, ostensibly for the latter’s protection, as a state-mandated contract rather than simply a part of a non-negotiable patriarchal ideology, Das highlights that state is not merely an extension of the family and kinship as feminist scholars on Indian state often tend to argue. In fact, the sexual violence witnessed during partition had also moved state representatives to mandate that men discipline themselves as part of the contract.

The rule of law in this context is premised on an assumption of consent that was given in a state of disorder by women and men, where women ostensibly ‘agree’ to be placed under the guardianship of men and men agree to self-discipline and, one can argue, not perpetuate the same (sexual) violence on their wards. Das offered an important intervention away from the stagnating question of women’s agency in the face of oppressive structures that had so heavily influenced studies on state and laws till then. If state was the site where kinship had been consolidated, through

Das I also see state as a possible site for questioning and weakening its control – where consent for the contract could be rescinded, especially in times of ‘normality’.

Das herself seems to subscribe to a cautious hope by refusing to underplay the potential ‘the ordinary’ or normal hold for a society gripped with the past trauma of violence. As she tells us: “Human beings ... not only pose dangers to each other, they also hold hope for each other. By addressing the theme of social suffering, I try to show in my depiction of ordinary lives that the answer to these dangers is not some kind of an ascent into the transcendent but a descent into everyday life (15).” The descent into the ordinary or normal also signifies a hope that things might turn out differently in future.

Everyday life gives people, I would add, the hope for change in individual situation as the state itself, when not in ‘a state of exception’, might view the contract differently. When the rule of the patriarch is seen as a social contract that state enforces, its mediation in cases where patriarchy is challenged is not only an opportunity but even a necessity since the patriarch also has the option to approach the state to seek redressal and restoration of legal guardianship. Baxi and Chowdhry address this in their work on elopements where the eloping bride was conceptualized in courts as a kidnapped subject whose ownership was disputed. In order to be perceived as an individual with rights (and not as someone’s ward), one could even argue that women must enter state spaces at some point of time in their lives.

Das and Deborah Poole address this very question in their edited volume *Anthropology at the Margins of the State*. They argue that the state can be located not only in institutional spaces

but also in the community and even in individuals (2004). Ethnographies in this collection demonstrate, they write in the introduction, that at times the state itself may not be invested in its legibility in that “it is continually both experienced and undone through the *illegibility* of its own practices, documents and words (10).” And people who are traditionally understood as outside and/or opposed to state actually come across as vital actors in this undoing. Those in the margins, conceived as groups insufficiently socialized into the law, pose as much threat to the state from within (7) as they do from spaces considered outside its jurisdiction. This theoretical intervention helps us re-conceptualize the distinction between law and custom where the possibility of each encroaching the space of the other is not discounted. As Jyoti Puri has also argued in her recent book, recognizing states themselves as subjective allows us to focus on how preoccupations with managing sexual practices and forms of sexual labor are discursively producing the state itself (2016). Governing sexuality, she writes, helps sustain the illusion that states are a normal feature of social life, “intrinsically distinct from society, and indispensable to maintaining social order (2016: 2).”

Two anthropologists on South Asia, in particular, demonstrate this subjectivity of the state itself through their research on marital relations. Sidhartan Maunaguru (2010) perfectly illustrates the existing tensions and mutual comprehensibility between the categories of kinship, family and state in his dissertation. He undertakes a complex reading of marriages between Sri Lankan Tamils from the first world and South Asia wherein legitimacy is impossible to disentangle from both tradition and modernity. Traditions, as it emerges from his work, is not to be found in key Tamil texts through centuries but in the colonial Sri Lankan state’s delineation of what constitutes marriage between two Tamils from Jaffna. Religious and customary rituals in and of themselves

are not seen as complete without witnesses. Maunaguru finds that the colonial state reified the concept of “social acceptance” (by community) for marriages which immigration officers in turn interpret as the ritualized act of community witnessing even as the community itself stands splintered.

Even if couples design weddings that would allow consulate officers to voyeuristically witness a marriage that was suitably witnessed in the first place, according to Maunaguru, they also need to perform in line with the western ideal of romantic love and intimacy. In crafting life events and even lives through the presumed expectations of global citizenship, his informants show, as he explains, that there are situations in which the people become as good a judge of what is legal and valid as the state itself.

The second example of such a creative encounter with law on the question of marriage is Livia Holden’s *Hindu Divorce: A Legal Anthropology* (2016). Holden’s book shows how various ‘customary practices’ regarding divorce survived the combined onslaught of Victorian morality and Brahminical hegemony that in many ways worked in tandem. Even as popular discourse assumes that Hindu men can customarily (but not legally) marry more than once while Hindu women are tied to a relationship for life, lawyers in Central India show an astute knowledge of the customs that allow women from lower castes to marry several men and also help them validate such relationships in courts.

To end their marriages, these women widely used the “notary public” (an official legal document that can be authorized by a state official) that works as an extension of the state where

people try to fit their refashioned personal lives within legal frameworks. As Holden summarizes superbly: “The notary public, in spite of a cold paternalistic attitude, appears wisely to manipulate a vast range of legal and metalegal categories and thereby creates for his clients the sufficient platform for a legal recognition of their customs. Whereas we would have expected a narrow interpretation of the law, we have instead a clever bridge in relation to the official setting (144).” Holden’s ethnography suggests that if the legal text cannot serve the needs of some, citizens often believe that the state is still obliged to. And those whose job it is to interpret the text, the lawyers, might actually manipulate legal procedures to provide closures the official law is simply not capable of. Together Maunaguru and Holden’s ethnographies demonstrate that there is a rich and varied understanding of laws governing the marriage institution and these are not just text-driven but also derived from experience.

The studies of feminist scholars who remain skeptical of the legal processes, the activist-scholars who seek to instrumentalize law, and the works of anthropologists such as Maunaguru and Holden all reflect a desire for change, either in social or personal situation. Where they diverge is what one can call the ‘pragmatism of hope’ (de Vries 2009) that pushes some scholars to engage themselves with subjects who re-imagine law (taking a leaf out of Lefebvre’s book) and, at times, succeed in making the law and the institutions work for them.

My effort while collecting research data, both ethnographic and archival, and writing this dissertation has been to locate creative forms of interpretations and encounters on gender and marriage that might be taking place in and around the courts as well as in spaces geographically distant from the courts. I focus on the dialogical component involved in legal processes because

the ‘unpredictability of the judicial encounter’ enlightens us on both the experience and the embedded (patriarchal) ideologies of the text as well as the structures. The process of imagining and re-imagining law with interlocutors through different historic time periods – parliamentarians from 1950s who debated the Special Marriage Act and contemporary interlocutors in Chandigarh and Haryana – has been an exciting intellectual journey.

Such an effort is also crucial when my ethnographic data conclusively belies the contention that state and court processes may not lead to a more gender-just world since they are themselves implicated in the patriarchal ideologies that perpetuate inequality and discrimination. Puri’s book *Woman, Body, Desire in Post-Colonial India* also grappled with this discrepancy when she studied the Indian state’s discourses on sexuality in conjunction with the narratives of middle and upper class urban women. She writes:

[F]eminist theorizing has drawn attention to the role of the nation-state in producing hegemonic narratives on gender and sexuality. But the nation-state cannot be conceptualized as a unitary, coherent source of social enforcement. On the contrary, the territorial state is characterized by a much more uneven set of discourses, apparatuses, and institutions that serve to regulate and reinforce. Looking at legal discourses of development, or state-affiliated media may reveal multiple and contradictory scripts of gender and sexuality (1999:26).”

On the topic of marital issues, Puri found that the existing academic literature paints a ‘dismal picture’ of marriage for women because of their subordinate status and a lack of intimacy with both sociological and anthropological texts remaining at odds with the narratives of women in her own findings who sought companionate marriages based on notions of equality and mutual respect (135-6). More problematically, for Puri, women’s changing perceptions on marriage were evaluated on ‘a scale of modernity’ in previous studies resulting in a reinforcement of social regulations rather than highlighting the ways in which “women negotiate the mandates of wifehood” (136).

I undertook my ethnographic study nearly two decades after Puri did for that book and with primarily rural women and men. The literature today on marriage and sexuality itself engages with themes of postcolonial feminism in more holistic ways but scholars on Indian state, especially those who do not work on gender and sexuality, in some ways continue to perceive transforming notions on marriage on scales of westernization and modernity. Postcolonial feminism itself has, increasingly, obscured ideas on modernity and modern state that persevere in social and state settings. In my writing, I have tried to remain attuned to the problematic evaluation of marriage and gender inequality where the complex negotiations of women and men continue to be under-emphasized as well as to the heterogeneity of state discourses, including ideas of modernity, that make state and its laws a hopeful space for pragmatic citizens.

In this dissertation, I locate the existence of an emerging conceptual category called **Court Marriage**, which appears to encompass ideas of both a normative, ‘respectable’ union reserved for marriages based on kinship rules, and non-normative, choice-based ones popularly known as ‘love marriages’ is based on such hope and is a testimony to the creative potential within law and legal spaces. Court Marriage was created by communities in North India in collaboration with lawyers; those who remain ambivalent or critical of the trend of elopements also lend credibility to the concept by deploying it in speech acts. Such marriages are produced through interactions between citizens and state spaces, where the former learn to project individual aspirations on state and its laws. But what is construed as legal is not restricted to the letter of the law alone. The intermediate space between the letter of the law and the spirit is, I believe, a liminal one – a temporary ritualistic space that can create marriages as if through magic.

The powers of a state imbued with magical properties, as Fernando Coronil describes in the case of Venezuela, are condescended through a combination of its resources: the people and the land (1997). While in the case of Venezuela, this was achieved through the discovery of oil fields; in the North Indian states of Punjab, Haryana and western Uttar Pradesh this was agriculture. Indian state introduced the ‘Green Revolution’ project in the 1960s that transformed the landscape as well as the fortunes of the landowning farmers in this region phenomenally. This is particularly important, as I will explain in chapter four, for the arid regions on the Rajasthan-Haryana border where I conducted parts of my fieldwork. The nation-state had performed a conjuring trick that had beholden Haryanvi subjects for much of 20th century, an illusion that promises to persevere in the post-agrarian future through the clamor for government jobs. The widespread aspiration for public sector jobs may appear disproportionate to external observers, given the state’s inability to cater to the sheer numbers, but this is also a testimony to the special regard people from region have for the Indian state and hopes and expectations they invest in its institutions. Despite the post-Green Revolution age offering a fertile ground (pun unintended) for study for socioeconomic patterns, such a research project has largely eluded the state. Apart from a 1991 journal article by Pradeep Kumar and feminist historiography on colonial Punjab (of which Haryana was a part), much of my knowledge on political economy is derived from works on neighboring states like Uttar Pradesh, which often touch upon Haryana (Jafferlot 2003; Ashraf 2015⁶).

⁶ <https://scroll.in/article/732464/why-bjp-and-the-rural-distress-are-to-blame-for-the-violence-of-jats>

In the next section, I will briefly describe how I position myself as a feminist anthropologist who has, in addition to law and the state, also studied marriage within family and kinship networks. While analyzing the terms love and court marriages I have encountered questions feminist anthropologists in the past have tackled through the specificities of their ethnographic data. The issue of structure and agency, though a dated one, keeps resurfacing in different guises and continues to dominate the conversation in some ways.

Marriage, Agency and Social Change

If the existence of hope signifies a conscious negation of one's own future agency, in Miyazaki's words, what must we make of the widespread prevalence of love and court marriages? Pierre Bourdieu might view the trend, as he had done with matrimony elsewhere, as the "production of the practices regarded as 'reasonable' within the group and positively sanctioned by the laws of the market ..." (Bourdieu 1977: 58). Couple's agency, one can argue following practice theorists like Bourdieu, Sherry Ortner (1978), and Anthony Giddens (1984), lies in how they choose to play a game where rules are already pre-determined.

In its own way, the trend presents a case for being perceived as the Valentine's Day protests were – as political statements that problematizes the very institution of marriage as it is understood in North India. Love marriage, one might say, puts marriage in quotation marks when it includes performances similar to that of the protests. If weddings are indeed about the ritual, a rite of passage as previous anthropological literature on the topic have highlighted that transforms the individual who participates in the same (whether or not out of choice), eloping couples and seekers of love marriage undergo a similar rite of passage and pledge that their performance be seen as a wedding

ritual and their relationship as a valid marriage⁷. In their attempt to negotiate the marriage institution, the couples reformulate the terms on which it is understood. It is for this reason that the marriages appear rebellious or non-normative within social and kinship structures, resulting at times in honor killings. Reasons for the acceptability eloping couples find for their relationship lies, partly, in the large-scale socio-economic transformations the region has seen the recent past.

The role played by societal transitions in transforming the institution of marriage has been catalogued by several anthropologists (Rebhun 1998; Ahearn 2001; Hirsch 2003; Wardlow 2006; Fruzzetti 2013). The works of Lina Fruzzetti and Holly Wardlow, track themes similar to the ones I have located in North India: perception of choice as a marker of agency and the re-making of self and personhood. In her book *When Marriages Go Astray*, Fruzzetti traces a significant shift in that it deals with the phenomenon of choice marriages that seem to assert individual agency through the defiance of the patriarch, the man who traditionally accrued goodwill through the ‘gift of the virgin’ (Fruzzetti 1993). Fruzzetti notes subtle continuities between the trends she traced in the 1970s and the 21st century – even today, marriage completes the Hindu women in rural Bengal, it signifies achievement of womanhood in the society and within kinship circles, even in an explicit act of defiance. On the other hand, choice in marriage emerges as a key indicator of perceived modernity and agency. Fruzzetti reveals the important ways in which personhood and society are co-constitutive, where realization of self depends on both perceived deviance and conformity, neither positions are ever effectively resolved. Here, love is neither necessarily a liberatory concept nor a complete unmaking of self.

⁷ Since the terms, wedding and marriage, are repeatedly used in this dissertation I must offer a word on the care with which I use both. Wedding is treated here as an event or occasion while marriage is understood as a social and legal institution. In chapter three I have included a small rumination on how the meanings of both can overlap.

Holly Wardlow, on the other hand, studied how women navigate new social and economic realities in Melanesia after the decline of the bridewealth system that has been discussed in many key anthropological works, including those of Marilyn Strathern (1991). According to Wardlow, Melanesian women's response to the commoditization of marriage and the consequent loss of relational identities suggests a negative agency (2006). By occasionally harming oneself or 'selling sex outside marriage', Wardlow's book suggests that Melanesian women are undergoing a painful remaking of self/personhood.

In Haryana and the rest of North India, a painful transition is similarly underway. While in the last decade this has resulted in brutal murders of kin members, ethnographic voices in my research also strongly underline a (perhaps delayed) recognition that rapid social transformations are underway. As an interlocutor Baljeet claimed, *samaajh toh majboori mein hi badalta hai* (society only changes when it has no choice), suggesting that status quo may no longer be an option. Baljeet had been the first in his village to have an inter-caste wedding that had resulted in his temporary loss of social position and disinheritance. Today, there are more cases of 'love marriages' in his village and the community is learning to adjust to this new reality. He adds, however, that the society still perceives him differently, as someone to be set apart.

There are various factors that have come together in showcasing this large-scale social change when one studies the institution of marriage. Given that the marriage institution is perceived as a constant, long-term presence in people's lives, aspirations linked to this relationship are oriented towards the future and represent broader shifts in social and economic realities.

Though *khap* leaders invoke a nostalgic image of the past, they themselves realize that young people do not share their vision. Love marriage is part of a larger story of aspirations, including those for higher education and employment in the public sector, especially in the face of acute agrarian distress in large parts of North India. The middle chapters will locate love and court marriages within this larger phenomenon.

Whether socio-economic transformations will lead to a more gender-just society in the long-run is an open question we would have to revisit but the transitions have today opened up possibilities that scholars, especially engaged anthropologists (see Hale 2006; Low et al 2010), can study and perhaps contribute to advancing. When I use the term ‘social change’, I do not seek to evoke linear ideas such as modernization or progress but rather stress my feminist commitment to produce anthropological work that can alleviate suffering without diluting the richness of my ethnographic data.

Following Jennifer Weis and Hillary Haldane’s words in this context, I would like my research and writing to maintain “the delicate balance between interfering and providing useful assistance, and identify ways for anthropology to partner with others to make the world a safer place (2015:8).” Interlocutors across rural-urban and generations have espoused this orientation towards a better, liveable future. The next and final section discusses previous scholarship that has inspired my ideas in this direction.

Social Suffering, Sexual Consent and Individual Rights

In an intriguing AAA panel called ‘What We Talk About When We Talk About Suffering’ (2015), leading theoreticians on the anthropology of social suffering today appeared to suggest that studies

conducted under this theme should not be seen as nihilistic endeavors. Rather the voices in their ethnographies, they insisted, represent resilience and a hope for change that mitigates the current suffering. Anthropological works by Clara Han and Angela Garcia, who were part of this panel, are oriented towards future, though in different ways. Both Han and Garcia speak of a form of care that can mitigate social suffering not through agential actions but rather in an alternative idea of community.

The everyday violence of North India and its exacting patriarchy are, for me, evidence of social suffering where even the so-called (male) oppressors are experiencing pain. Men from dominant castes have been forced to move away from agriculture are also part of a larger schematics of social suffering. The painful transition of society is one marked by sexual violence, sex-selective abortions and a cynical push for women to find an education and employment that men with their privilege often fail to acquire.

In the face of such suffering, some interlocutors seek intimate relationships based on what they call care, in what appears to me an effort to alleviate the pain. In chapter four, which traces the changing perceptions regarding marital relations in Haryana, I have attempted to track the desire among women to find partners who “do care” and men who appear willing to fulfill the role. Such relationships may be defined as love marriages but the desires they represent also function as subtle critiques of a conservative patriarchy, which today grudgingly accepts the need for education and employment among women as investments for future but still holds back on respect and liberties. Young women and men in Haryana may learn to criticize this patriarchy in smaller groups but not many are, at this moment, demanding change on these lines. Their hopes are instead

often individualized, in the attempt to find more equal and livable marriages within the overarching patriarchal structures. Destruction of patriarchy is not a call I have heard very often (except from a few radical Haryanvi students in Chandigarh). The voices in both rural and urban settings instead seem to evoke an aspiration for what John Rawls would called “good enough justice” (Rawls 1999), mostly within future marriages.

Such relationships are elsewhere known as companionate marriages, a preferred form of heterosexual union for most states that follow John Mill’s interpretation of liberalism. These transitions also signify a greater role for the state and its institutions. Ruth Vanita traces the evolution of marriage institution in modern liberal states as a bureaucratic effort that eventually gives the state absolute control over the institution. In ‘modern western states’ this absolute control, she believes, has transformed the institution that was earlier based on mutual consent (and that alone) into a bureaucratic one (2011). Vanita cautions against bureaucratization of marriage in India, seen in the attempt to make registration compulsory, arguing that these will make the nation less democratic and reduce the diversity of its sexual practices. Vanita’s argument pursues a familiar trope in feminist scholarship that distrusts state interventions on issues pertaining to gender and sexuality. An increased role of state institutions in intimate relationships will undoubtedly lead to more classification and routinization of sexual unions in terms legible to the state but, in my research, I have found the bureaucratic state a productive site in this regard.

I would argue, in deviance from Vanita’s thesis, that bureaucratic control actually increases the chances of entering relationships based on consent in some instances. I must admit here that my research primarily deals with heterosexuality while Vanita’s article is a broader exposition on

the topic of marriage equality. But the idea of mutual consent in relationships, regardless of sexuality, is one that is usually presumed. Like the idea of social consent in democracies, presumption of mutual consent needs to be problematized. My ethnographic experience and my intellectual trajectory as a feminist scholar lead me to argue that consent requires continuous articulation and cataloguing.

This theorization of consent in the context of intimate relationships, which I will discuss in chapter six, follows the ideas of Stanley Cavell to some extent. He has argued that in societies of consent, the idea of consent should eventually extend to the marriage institution (1990). Cavell advocated that the willingness to change and adapt to another stage of society signified consent to a given society. The reworking of self and, through that, the society signified for him participation in a society one has already consented to in theory. Marriage solidified one's commitment to the society of consent but an unhappy marriage he argued, following Mill, might signify a failure for the society itself (Ibid). An essential aspect of this extension of consent into marriage was the ability and willingness to have a conversation.

Ethnographic evidence from rural Haryana shows that some young women interlocutors sought partners who were willing to have such conversations, revealing that they can 'do care', and some men appeared prepared to fulfill these aspirations. These interlocutors would, for Cavell, represent advancement for the society. But articulation of consent for marriage, I argue, requires both a site and an audience.

The overwhelming preference of young couples in North India who desired love marriage to utilize state sites invites academic consideration. Regardless of its ideological and patriarchal pretensions, courts are perceived as a site where people with less social capital will, at least, be heard as the next chapter will argue. In the case of the high court, there was an additional hope that the site will be an impersonal and, hence, relatively neutral one where people can articulate their consent and not be punished for the same, as they could be at familial and kinship levels. One may indeed critique the court's role here for its benevolent paternalism, as several feminist scholars have done while studying state and court interventions in India. But court procedures on elopements that I observed place judges more in the role of priest than a benevolent patriarch, perhaps an unwilling one.

The adjudication of elopement cases followed a prescript where the couples often saw themselves as wedded after the court hearing had concluded, a claim I will validate through ethnographic examples in chapter five. The exchange in the courtroom itself is one on consent. The woman who elopes always articulates her consent to the relationship in the courtroom, independently of whatever the male partner experiences or articulates. In the courtroom of a woman judge, the man was often urged to speak for his relationship and vouch for his responsibility, independent of the woman's consent to the same relationship. These are not merely relationships of mutual consent then but rather relationships where two independent adult citizens articulate their consent for a relationship in a space which affirms their citizenry, something that is not in essence shared.

Adulthood and citizenry were irrevocably connected to the definition of marriage here. Though couples stress adulthood and consent to the relationship, where applicable, very few in this region assert choice in marriage as a rights-bearing citizen. It is left to the judges in courtrooms to declare that “every adult has the right” to get married to a partner of their choice. As Partha Chatterjee has written, most inhabitants of India are only tenuously, and even then ambiguously and contextually, rights bearing citizens in the sense imagined by the constitution (2004:38). My ethnography is keenly attuned to the fact that couples do not assert their rights and my dissertation is, in consequence, constructed around this limitation.

Conclusion

This dissertation on why couples elope and how they find validity for their relationships is constructed through and is centered around ethnographic voices, where both the couples and their critics have contributed to the story. But the text itself is guided by my intellectual trajectory as a feminist and legal anthropologist. I am strongly motivated by my feminist politics to step away from cultural relativism where this is warranted. While locating the misogyny and sexual violence of the region within its specific context, my research is not detached from the larger feminist movement that seeks to reduce and end gender inequality. As a legal anthropologist, on the other hand, I have detached myself from some dominant voices within feminist scholarship on South Asia, which largely discount the role of the state and the legal system in effecting viable social change. While I subscribe to their skepticism myself, my ethnography guides me towards the conviction that these processes can lead to something new or, at least, something out of the ordinary.

The power vested with the state to participate in this process of potential social change is one that subjects have attributed to it. The next chapter will discuss this reciprocal relationship – between a state that extends its powers into the private space and (some) people who invite and recognize state’s role in private and intimate lives. The chapter combines parliamentary debates on the Special Marriage Bill that facilitated choice-based marriages in India and people’s perception of state power and that of its laws. Analyzing archival data on the scope and purpose of a law passed by the India state alongside the ideas of interlocutors from rural Haryana and Chandigarh will allow us to trace the historicity of ideas on choice and consent in India, especially in their legal framework.

The civil union law has remained obscure but it had an enabling potential. It unequivocally stated in a legal framework that two legal adults had the right to marry each other. The parliamentary debates that led to the legislation set terms for this form of union that transcended the letter of the law. It created an idea – of a marriage based on choice and consent – in the process of discussing the same in the parliament. Though the Special Marriage Act does not have much traction in legal practice today, the discourses emerging from the debates remain pertinent. Through a close reading of the debates that I accessed at the Parliament Library in New Delhi, chapter two will present the continuities between the discourses surrounding the civil union law and the category of court marriage.

2. TERMS OF ENDEARMENT: MARRIAGE ACCORDING TO 'LAWS OF THE LAND'

Introduction

On July 7, 2006 the Supreme Court of India passed an order in the elopement case *Lata Singh versus State of U.P. and Another* that had a profound impact on a growing trend in the Punjab and Haryana High Court, one that would later become one of its prominent features. It involved couples who travelled to Chandigarh city, the capital shared by the two states, to marry in short religious ceremonies and reach the high court to petition for protection of life and liberty. After the landmark Supreme Court judgment, which obligated state authorities to ensure that couples are not harassed and to prevent crimes such as 'honor killings', lawyers and petitioners at Chandigarh had a new weapon. The judges at this court were now procedurally required to pass the court order irrespective of their individual positions on inter-caste marriages and elopements. Elopements and mediation by the high court that predates the 2006 judgment now follows a familiar pattern.

Most eloping couples in Haryana get married in short religious ceremonies that nominally fulfill the requirements of the personal laws of the faith both or one of the said couple holds allegiance to before reaching the courts. For example, as per Hindu Marriage Act, a wedding where *saptapathi* (seven steps around the fire) has been conducted is considered valid. Couples in my research prefer religious establishments where the priest who presided over the ceremony could provide a certificate. Hindu temples and Sikh *gurudwaras*, where sections of the Hindu population from this region are also customarily obliged to wed, in Chandigarh city are relevant for this

reason. Couples mourned that religious sites in rural areas closer home did not provide the certificate “needed to file a petition in courts.” The religious wedding here is only a nominal ceremony conducted in order to approach the courts in the region, with the high court in Chandigarh being the most favored destination. I will discuss the role of religion, or rather the lack of it, in chapter four where I closely describe such courtroom proceedings.

My research at the court as well as among community members revealed that the order on protection of life and liberty that couples seek also served as a ‘marriage certificate’ of sorts. A ‘marriage certificate’ could be understood as similar to a registration process but I will argue against this perception. Registration, to be precise, is merely a governmental record of wedding previously conducted according to religious and/or customary rules. Although Haryana state does have a Compulsory Marriage Registration Act it does not serve its purpose at the moment. The practice of registration itself is not widespread in this region and the law is, in particular, of no assistance to eloping couples who would like the state to acknowledge a wedding the community has not. Among other provisions, the law requires affidavits (notarized testimonials) from both sets of parents and other relatives, making the terms of registration similar to a socially approved wedding ritualistically witnessed by the community/kin groups. In adding such requirements, the Haryana government had ensured that the registration is superfluous in many ways. A wedding already sanctioned and witnessed in the community is not perceived locally as one requiring registration with and validation from the state. Though unregistered weddings may invite penalties these are not currently being enforced.

There were a few Haryanvi interlocutors who have argued that all weddings should be legal but registration is often not what they have in mind. They instead refer, I believe, to the institution of marriage itself and how it must be perceived. When a marriage gets coded as legal or ‘court marriage’ it becomes something more than a registration. I would argue that it is a form of civil union in its own right, in that it made marriages that may not be considered strictly legal in a textbook sense of the term, at least legally tenable (I will come back to this point in chapters five and six). The protection petition and the resultant ‘marriage certificate’ substitutes for a vacuum in legal procedures to provide opportunities for a legally sanctified wedding that is even considered better than a social wedding by a small section of the population. In rural Haryanvi communities, I have repeatedly witnessed being referred to as ‘court marriages’, signifies acknowledgement in society, at times a grudging one.

For example, Ritu Jaglan, activist and sister of a popular *sarpanch* (elected village head) in Haryana said: “Love marriages don’t last. Only parents can make the right choice for you. As far as court marriages are concerned, it is not something I believe in but the **laws of the land** give you that freedom, right? So it is important to impress this upon the people and implement the laws of the land.”¹ (Formatting added.) When Jaglan, then 25, mobilized and trained women from her village to speak out in front of a caste panchayat (councils) on the vexing issue of sex-selective abortions and skewed sex ratios her effort was applauded far and wide. Unfortunately, criticism was soon to follow as Delhi-based media personnel probed her on the issue of choice marriage that readily comes to a majority of minds when discussing Haryana and found her views to be “regressive” (2012). But embedded in such statements are several contradictory and counter-

¹ <http://www.timescrest.com/society/dial-p-for-patriarchy-8344> Accessed March 13, 2014.

intuitive positions that are key to my understanding of how the Indian state and its institutions are perceived in Haryana and elsewhere in North India. Jaglan's views were intriguing because even though she dismissed 'love marriage' and the idea of choice in marriage, she immediately leaped to the term 'court marriage' and accorded it with conditional legitimacy.

'Love marriage' and 'court marriage' are not synonyms but in Haryana I have often observed that one cannot be discussed without an association with the other. Many of my interlocutors obliquely reiterated this respect for 'laws of the land' in conversations around choice/love marriage, making the leap without any prompting from my side. As Sachin summarized more directly: "We don't approve of love marriages. But if the couples visit the high court in Chandigarh that is different."

By way of a definition, I would describe 'laws of the land' as an abstract term that ties the subject to the state – in the eyes of citizens like Jaglan or Sachin it may be a contract that defines terms of their citizenship. That is, it is the mode through which people experience their citizenship and strive to keep up their end of the bargain by respecting laws, even ones that they do not approve of or have extensive knowledge of. The discussion on this term is, hence, central to understand how many Haryanvis' view non-arranged marriages – it is sometimes frowned upon but considered permissible under Indian law. Its permissibility under law makes it possible for some people to aspire for such an arrangement and some to grudgingly accept them despite reservations.

Jaglan's statement suggests that while local customs and the patriarch's rule may carry weight in her worldview (as represented in her engagement with caste councils), the state clearly

has primacy. She does not contend that the state refrain from interfering in community matters, an argument regularly put forward by caste councils in Haryana. Instead, she calls for the community to participate in extending the state's rule. In a theoretical move inspired by João Biehl's article 'Judicialization of Biopolitics' (2013), I would argue that this represents a willingness to embrace subjectivity. As Biehl noted while surveying the trend among Brazilians to sue the state for their medical expenses, the struggle is not just about extending life. He finds it significant that his informants use the expression *entrar na justiça*, "to enter the judiciary" or, literally, "to enter justice" (421) while referring to their lawsuits. They assert that they no longer want to live outside the zone of justice and also tacitly accept that the space of the court is in fact the space of justice. According to Biehl, realizing citizenship through this interpretation, allows citizens to remake the spaces and themselves (422).

This approach to law problematizes the popularly perceived chasm between the person (defined by goals) and the subject (defined by rule-following), which may indeed lie in the 'western intellectual traditions' misplaced separation of the two as Elena Loizidou would claim (2007). Through a discussion with Judith Butler's texts, legal scholar Loizidou debunks the notion that the legal (rational, calculating) and the ethical (pre-reflexive) subject are distinguishable. Our performance (as either or both) in legal spaces and/or regarding perceived legalities, in her contention, can be better understood as negotiations towards achieving better and livable lives (2007). Haryanvis, who oppose the idea of love marriage but accept specific cases after court mediation, clearly register these enduring struggles of the legal and ethical subject to achieve better, livable lives as a whole rather than a fractured self. The ethical subject may be moved to

maintain kinship order but the legal subject can still take her responsibility to the nation-state seriously.

Caste councils in Haryana with their private laws may at times appear as ‘anti-networks’, to borrow a term from Annelise Riles (2008), that are antagonist to state laws but Haryanvis also routinely provide legitimacy to the state. Upholding ‘laws of the land’, I argue, ties the subject to the state. In the eyes of the citizen it is a contract that defines the terms of her citizenship. In other words, it is the mode through which people experience their citizenship and the legitimacy of their own belonging. Investing with the state, perhaps in addition to family and kin networks, could be seen a means of realizing/experiencing the (rational side of) self in more complete ways.

A retired police officer in Haryana, for instance, told me that he held the Indian Constitution in highest regard as without it “brothers would not remain brothers, parents and their offspring would not stay together,” suggesting perhaps that kinship ties were themselves dependent on the document. When I probed further, asking him if the understanding of the Constitution is uniform, he replied in affirmative. In his professional experience, he claimed, even those who engage in unlawful activities – committing heinous crimes like rape and murder – know they are “violating the law”. Laws were, according to him, a moral code shared by the society; even people who professed a lack of faith in laws knew that their actions were illegal and subsequently without moral standing.

The officer’s views though philosophical had come from more than thirty years of experience with Haryana Police. Knowledge of the law, he believed, does not require extensive

study or research – even when one grows up in a region like Haryana where crimes against women are seen as ordinary or normal with caste councils explicitly condoning them, we could say that people knew what the ‘laws of the land’ were. For women, laws often offered the only protection, even if not a strong one, since kin groups routinely ignored crimes against women or even accused them of provoking the same.

Extending Loizidou’s argument, we could also ask in this discussion when the line between respecting law crosses from being a rational and calculating imperative to an ethical one? The ex-policeman’s words in this regard are unequivocal: “Our society cannot survive without the laws. Law is what is keeping us alive.” A retired judge NK, who currently holds an advisory position with the Haryana government, held a slightly distinct but potentially complementary view. According to him, passing judgments is a very small part of a judge’s career. As a judge he had mostly listened to petitioners in distress to see how laws could be used to alleviate the latter’s lives. He was moved not only by his obligation to interpret laws faithfully but also to reflect on what people sought from the courts and, we could add, how laws can afford better, more livable lives to subjects.

At times, this might even involve not doing much. Jurisprudence Professor Anil Thakur at the Chandigarh-based Panjab University said that he had noted a strong tendency among the people in the region to ‘bring facts to the knowledge of the state’. Petitioners at times, I gathered from this discussion, did not appeal for resolutions but rather sought to ‘inform the courts’ of facts pertaining to their lives – possibly to ensure that they were still leading legitimate lives. Law in this context is not just secular and/or customary. It is a code that is, in some ways, also ethical

(pre-reflexive) and constitutive element of self. The term ‘laws of the land’ could bridge this affective line in its usage – it sees laws as not only statutes that belong to state but also that citizens belong to them and are even nurtured by them.

This discussion on social perceptions on laws and its potential to support aspirations for a better life affords an opportunity to revisit the question I raised in the introduction: Can state and court processes can lead to a more gender-just world despite its implicit patriarchal tendencies? As the voices quoted in this section highlight, both state actors and subjects make and remake state spaces through a heterogeneous approach to what has been called the impulses of “normative ordering” (Merry 1988) of state law. The right to marry a person of one’s choice is seen as something the state allows for but is accepted only *after* state mediation. The trend of protection petitions, which got strengthened by the 2006 judgment, reflect how the need for state-approval can create an entire legal apparatus devoted to sanctioning marriages that ideally should be served by the civil union law.

The Indian law that created a civil union option – the Special Marriage Act – is an obscure piece of legislation that holds very little space in popular discourse. Most of my key informants among lawyers did not engage with it and, indeed, law professors and students have told me that this law is not taught in colleges and universities in the region. The place the law holds in legal imagination is not a procedural but discursive one. The institution of this law back in 1954 provoked one of the few extensive publicly held conversations on consent and choice within marriage. Along with the Hindu Marriage Act, which approached the question of divorce as a right

that (Upper Caste) Hindus² could, for the first time, avail of, the debate on the draft bill created a dialogue on what civil marriage in India could look like, why it was needed and under what conditions can subjects of the Indian state access the right to choose and marry a partner of their own choice.

The Special Marriage Act reflects the aspirations of the lawmakers regarding a choice-based civil union in ways that protection petitions today testify to the aspirations some citizens have for a non-arranged but ‘legal form of marriage’. The excess to the legal text that both sets of aspirations represent can be understood, in my view, within the meanings subjects accord to state spaces and legal processes. In other words, to discuss what people mean by ‘court marriages’, I propose that we first dwell on what the law devoted to this purpose states as well as how courts mediate on cases of choice-based marriages. In the next section, I will analyze the discourses that led to the institution of the Special Marriage Act before moving on to describe select courtroom proceedings on protection petitions. I hope to draw out the continuities between parliamentary debates on the draft bill and the discourses generated in the courtrooms that adjudicate on elopement cases to showcase how letter of the law remains pertinent despite its non-utilization.

Special Marriage Act: Hope in a Biopolitical Framework

The Special Marriage Act, 1954, opened up the possibility of individuals marrying out of personal choice (especially across religious lines), before foreclosing it through requirements many prospective couples found daunting. The most crippling provision is the one-month application

² Divorces are permissible among customary laws of various lower caste and tribal communities. The debates on Hindu Marriage Act, however, often referred to the right to divorce as a previously non-existent provision. This reflects the upper caste and class composition of the parliament in the early days. As the discussion on Livia Holden’s book in this chapter will reveal, such customary divorces are today being negotiated in district level courts in India.

period during which family members can register their disapproval for the proposed wedding. Threat of honor killings or other less drastic measures to prevent such weddings make a long waiting period unviable in parts of North India and elsewhere. Secondly, by publicly displaying the list of couples that registered to get married under the Act, the procedure could lead to the creation of threats that may not have previously existed. As journalist Suhasini Haider³ notes in a blogpost, a series of organizations, ostensibly devoted to preserving religion, get into motion whenever a couple registers to get married under this act (2007). But where many legal experts have focused on the exact wording of law and procedural hurdles⁴, I have explored the discursive frameworks that determined its wording.

In order to gauge the logical limits to which this law can potentially take us, I analyzed the philosophical orientations that governed its institution and the historical context in which it was written. While I acknowledge that the legal text can be, and often is, interpreted out of its specific context, I also consider this law to be part of the Indian nation's grand narrative – the original set of promises it made to its citizens. It is within this context of a grand narrative that I place the voices that emerge from the records of parliamentary debates on the draft bill.

In the debates, parliamentarians of that time seemed to believe they were engaged in building the young nation (1953, 2535; 2538) by detailing rules by which citizens were to marry and procreate a liberated populace. Some lawmakers, both among men and women, also backed it as they were moved by their concern for Indian women's status in the family and society. They

³ <http://www.news18.com/blogs/india/suhasini-haidar/keeping-the-faith-4-11102-739245.html>

⁴ The Delhi-based NGO Dhanak specifically focusing on facilitating couples navigate these hurdles and have a wedding under the law.

believed such laws would alleviate women's lives in significant ways. Others displayed a lack of engagement with what they called a 'women's interest bill' which took precious time of the parliament away from other, 'more important matters' with respect to nation building. This professed disinclination did not necessarily result in a predisposition to disengage from the debate itself. Many provisions of the bill were taken apart and intellectually stimulating arguments ensued as the draft law went through more than four years of debate in both houses of the parliament and also included Joint Parliamentary Committee deliberations.

The Special Marriage Act reflected the aspirations of the leaders and what they believed the subjects sought with the new nation. It is worth noting that while partition-related conversations on kinship and exchange of women, previously discussed in relation to Das' book *Life and Words* (2007), were not part of the debates in any major way certain parallels with Das' book can be drawn. Firstly, the Bill was seen as a key component of nation building through a clear conceptualization of how the citizens who (can) procreate should enter a union. Secondly, the debates dwelled on whether marriage was a sacrament or a contract and how the lawmakers expected the marriage law to be seen. Finally, the elected representatives discussed in great detail the purported injury caused to the male authority figure by the exercise of choice and individual will in marriage. Where the debates deviated substantially from Das' premise in *Life and Words* was that it explicitly aimed at perceiving married citizens outside the preview of family and kinship bonds. The most bitterly debated provision was its severance clause, where couples were expected to forgo family ties when they got married under this law. I will discuss these four aspects individually.

A State Blessing: Sacred or Contractual?

The question of definition prompted a rich discussion on whether marriage in India was a contractual agreement or a sacrament. As several parliamentarians noted during the debates, marriage was considered a contract in Islam but not in (Brahmanical) Hindu religion. Rajagopal Naidu of the Upper House, or what was then the Council of States, claimed that the Hindu marriage is sacramental but also contractual by way of being a gift of the bride, as were *Gandharva* weddings (which are choice-based) and marriages among the Brahma Samaj community in Bengal (Naidu 1952, 3329). In fact, a pre-existing Special Marriage Act from 1872 exclusively catered to the Brahma Samaj, which had sought from the colonial state the option of registering marriages solemnized without rituals. The law minister in early 1950s, C.C. Biswas, claimed that the new law extended the option of registration to all citizens. Lawmaker Shrimati Jayashri went beyond precedents in law or religion and argued that marriage should be a contract as far as the state is concerned. She said: “From a rational point of view, I should say marriage is a voluntary association of two individuals attached to it. It is the duty of the state to protect its rights and enforce its obligations. Marriage, therefore, must be a civil contract as far as the State is concerned (1954, 8021).”

Since the law did not call for marrying individuals from different faiths to renounce their religion, one can argue that marriage could still be treated as a sacrament by theistic couples and as a contract by the state. Biswas and the government had hence envisaged a legal alternative to the divine blessing, by providing a contract that would convince couples that they have been married through due processes. The legal alternative was seen as liberating citizens from the mandated social witnessing of marriage ceremonies, especially among Hindus. It appeared that the state itself was seeking to serve in the task of witnessing.

The powers these early lawmakers sought to entrust with the state and its procedures provided a leap akin to a magical state that I have discussed in the introduction. According to Coronil, the deification of the Venezuelan state, which condensed the multiple powers dispersed within the nation (1997:4), resulted in imbuing the state with magical powers and dazzling the citizens with lived illusions. The state representatives, Coronil wrote, "...appeared on state's stage as powerful magicians who pull social reality, from public institutions to cosmologies, out of the hat" (2). Early lawmakers of India appeared to have grappled with this idea of state's power taking over sacred powers for itself. While law's magical properties were never completely realized, the debates not only revisited definitions of marriage itself (sacrament or contract) but also significantly revised them during the discussions.

Marriage and the Problem of 'Ungovernable Sexualities'

Despite the discussion of definitions, in the debate records marriage invariably got entangled with the idea of procreation and sexual morality. While the Indian representatives in colonial legislatures had opposed British laws which sought to raise the minimum age for sexual consent, as Himani Bannerji and Ashwini Tambe has pointed out (1998; 2009), some parliamentarians kept trying to increase the marriageable age under the Special Marriage Act. Several arguments were offered in support of this move, including a claim that women between 18 and 21 are emotional and 'high-strung' (Kishen Chand 1954: 3046) or that older parents would be capable of reproducing strong and brave Indians "who can defend the country in times of need (Tajamul Husain 1954: 5209)."

While the age of consent for women was, at that time, still 15 and young girls could bear children early; the debates on marriageable age might have been a cynical attempt by male authority figures to perpetuate control by lowering the chances of choice-marriages. But it is also pertinent to reiterate that the civil union law was envisaged with utopic ideals: for a state to ‘condense its powers’, represented in the reproductive potential of its citizens, to create a race previously characterized by its colonial masters as weaker. In the lawmakers’ opinion, not everyone was capable or even worthy of participating in this nationalist project.

Pragmatic hope (de Vries 2009), however, must have prevailed over utopic ideals, as the amendments for increasing the minimum age to as high as 21 for women and 25 for men were rejected on the grounds that this would completely defeat the purpose of giving Indian citizens an option to marry on their own accord. It is clear though that both the proponents and the critics shared the aspirations for what we can today call a biopolitical project of managing populations and managing bodies (Foucault 1978), where state power can be seen as productive rather than necessarily oppressive.

At the heart of these discussions also lay a Victorian anxiety regarding sexuality – in that it could not even be named directly by some. As Biswas put it almost ominously: “Suppose two young persons have made up their minds to marry and you place all these obstacles in their way. Certain undesirable consequences may follow (1954: 4565).” Even as he performed his role as the enlightened leader, Biswas seemed to have been unable to hold back or explicitly utter his fear for ungovernable sexualities. He could not, we could say following Ashis Nandy, shrug off the image of the child stigmatized with an “unrepentant, reprobate sinfulness” (Nandy 1988: 15), a morally

degenerate entity that needed to be rescued, according to British colonizers. The age requirements speak to this anxiety where, as Foucault has claimed in *History of Sexuality*, the sexuality of the child was both denied and feared (1978).

The postcolonial state also wrestled with the colonial mission of rescuing the sinful child and bringing subjects to the level of modern society (Mill 1859) – that is, of making men and women out of those who had been deemed children for a long time. In determining who is still a child and who is well-prepared and level-headed to indulge in sexual activities, marry and procreate, the parliamentarians were wary but ultimately possessed the collective will to finally release the child from the stigmatizing sin. One lawmaker rhetorically said that the honorable members of the house should remember that India is now independent and refrain from using terms such as male and female or natives. “We are now men and women and boys and girls and there is no need for British insults such as male natives or female native,” he said in his intervention.

Part of the legislation process was then an effort at psychologically registering and phenomenologically experiencing a hard-won independence through reiterations of the collective self’s adulthood. Supporters of the Bill claimed that a legal adult of 18 years ‘was intelligent enough’ (Biswas 1954: 4565) to make a decision on marriage. Biswas, however, stressed that the lawmakers “should help them (young couples) to marry, as far as feasible, without any great violence to our cherished sentiments or to ordinary considerations of prudence and propriety (1954: 4565).”

Seeta Paramanand, who spoke at length on women's status in India, also worried about wrong choices and spousal abandonment where parental consent (especially in cases of inter-caste or inter-community marriages) as well as sexual respectability was conceived as providing vital security (1954: 3040, 5205). State's role was to both provide these respectable options and ensure the protection of women's interests within such relationships. It may not be coincidental that these anxieties cropped up after the 'orderly exchange of women' had been disrupted. Choice marriage was also expected to take place in an orderly manner.

A feminist reading makes us wary of the morality discourse, which included an allegation that "the lady members have lowered marriage to the morass of sex" under the pretext of equality of rights and status (S. Mahanty 1954, 4616). But sexual respectability concerns continue to be pertinent today. In my ethnographic experiences as well as in the experience of lawyers I have interviewed, women who elope expect to get married immediately despite procedural hurdles such as being a legal minor. Those who had indulged in pre-marital sex, at times, confessed that they felt an obligation to marry their partners despite having doubts regarding the relationship. Parmanand's seemingly conservative argument resonates with such testimonies where respectability affords security within the relationship in the eyes of both state and non-state actors.

The topic of sexual respectability was one on which two radical reformers of independent India have diverged. Anti-caste leader and constitutionalist BR Ambedkar, who conceived inter-caste marriage as one of the two modes by which caste patriarchy could be weakened, believed in the importance of sexual respectability (Ambedkar, Rege 2013) though the South Indian Non-Brahmin movement founder 'Periyar' EV Ramaswamy claimed that chastity and norms of

respectability constrained women and, hence, they should refuse marriage to liberate themselves (Geetha 1998). While Ambedkar was keenly attuned to the pain that accrued to Dalit women who were denied sexual respectability, Periyar saw chastity as a virtue that constrained both upper caste women, who were required to maintain it, and lower caste women, who learned to aspire for it since it is routinely denied.

Periyar, incidentally, did not support the independence movement and remained opposed to the Indian state as this had not resulted in a liberation from caste and gender oppression. Ambedkar, in turn, had pinned his hopes for liberation from caste patriarchy through the Indian nation-state. By the time the Special Marriage Bill was debated, however, Ambedkar had resigned from Congress Party and as Law Minister because the Hindu Code Bill had been derailed by conservative lawmakers (Sinha 2012). He made brief appearances in the debate volumes I studied, arguing that the Special Marriage Act of 1872 could be extended to other communities and there was no need for new law. He certainly did not share the ambition that the proposed law held for some parliamentarians or the anxieties it generated for others.

Severing the Umbilical Cord?

One of SMA's most heatedly contested provisions was the clause of severance from the family. According to this provision, the citizen who opts for a marriage under this law is expected to sign a legal deed of separation from her family at the time of the wedding though the opportunity to 'legally reunite' at a later date would always exist (Biswas 1954: 4571-72). Biswas stubbornly upheld this clause because for him, it was important that the significance of this decision to choose one's spouse sinks in (1954: 5181-90). S.S.N. Tankha supported this move, calling the clause "a deterrence." Only those who are ready to bear the consequences of family alienation should make

this decision (Tankha 1954: 5155-57). This legal deed of severance was conceived as a critical rite of passage. The lawmakers, it appears, had insisted on bestowing certain rights on only those who were ready to accept individual responsibility for their actions.

My informants as one of its perceived ills also evoked this presumed individualizing tendency of choice marriage – that it splits families and disrupts kin relations. But the discursive frameworks informing choice marriage mandate such a ritualistic break. By extension, choice marriage can also achieve the vital break an individual yearns for. Three different women lawyers in Chandigarh have stated in interviews with me that women who are very oppressed or constrained at their homes are often the ones who elope. When kin and community do not offer the safe space, men and women could achieve a decisive break through choice marriage. This is especially significant because the marriage institution helps perpetuate kin networks and the political and economic system the former favor, making it a viable site for disruption.

Rule of Law and the Role of State

In the year of its passage, the debate records included the only intervention made by noted politician of that time, Vijayalakshmi Pandit⁵. The leader allayed her fellow lawmakers' fearful visions that the proposed law, and especially its divorce provisions, would encourage a proliferation of sexual desires. She predicted that it would not have many takers in the near future but the next generation, emancipated by state's efforts to educate and 'liberate' its populace, would demand the right to choose one's partner. She conceived choice marriage as a calculated, rational decision rather than the emotional one that some of her colleagues pictured (1954: 812-816). In

⁵ A powerful diplomat who had held the position, President of the United Nations General Assembly, in 1953. Her intervention here is from 1954. She was also the sister of the first Prime Minister, Jawaharlal Nehru.

Pandit's conception, the law too was meant to be a carefully orchestrated design. She argued that a freedom willfully granted is better than a freedom that is taken (815).

There are two key aspects to Pandit's intervention in the archival records: One, on how to perceive marriage in the new nation and, two, the state's role on marriage and beyond. Along with other women representatives, she believed that choice in marriage and state protection for married women would improve lives, where she deviated was in asking fellow lawmakers to not fear the proposed law because it aimed to cater to a more select audience. She also warned that denying this group the right would have consequences. Unlike Biswas, who was concerned with sexual mores, Pandit referred to challenges the state itself may face with its politicized subjects. Having gained rights in political lives, she suggested, they will also seek more rights in their personal lives. In other words, advancement of the society would require simultaneous reforms on laws that affect personal life. The role of the state, from Pandit's standpoint, was to both emancipate its citizens and facilitate them in their aspirations as newly liberated individuals. As I read her statement, it does not necessarily seek safeguards against rebellion. She is rather arguing, I believe, that the state should stay ahead so that friction is avoided.

The Special Marriage Act proved ineffective in facilitating the marriage of legal adults whose parents opposed the match but the discourses surrounding its scripting provides a viable framework for understanding the state's attitude towards choice-based marriages today. In their effort to provide legal cover for 'irregular marriages' (Biswas 1954: 5180), the lawmakers ensured that these two closely linked ideas gained credence: (1) Contested marriages most likely needed state approval; and (2) State is the site where marriages which do not find credibility in society

will get mediated. As Holden's ethnography, discussed in the last chapter, reflected state provides closures. This section reveals that the state could, perhaps, provide openings as well.

In summary, by spelling out the potential terms of marital intimacy and endearment in a politico-legal space, the lawmakers provided the crucial juridical backing for the exercise of choice in sexual partnership in independent India. They laid down their vision for a reasonable citizen body, which would be in the position to exercise their newly won freedom in an ordered world. For these lawmakers, the liberal ideas were a necessary component for a modern nation and companionate marriages were an essential accompaniment. The idea was very much in the vein of John Mill's conception of a marriage based on the principles of friendship and companionship based on an individualizing discourse (Nussbaum 2004).

Law, Life, Citizenship: Instituting Court Marriage Through Dialogue

At the Chandigarh-based high court, I heard several judges and lawyers, even those who held negative views on the phenomenon of elopements, rhetorically claim that every adult has a right to marry of their own accord. In at least two cases proceedings I observed, judges ruled that petitioners, who sought to remain single against their parents' will, cannot be forced into marriage. Most of the writ petitions in high court that deal with such choices are made in reference to Article 21 of the Indian Constitution, that is, the fundamental right to life and liberty. But this procedural move remains a source of great disquiet among some judges. One judge struggled to articulate his discontent on an occasion I was present in the court: "*... everybody is approaching this court to get their (right to) life and liberty validated. As far as life is concerned I understand ... but liberty... Should we be validating the liberty to ... (elope?)*"

The judge's words pushed me to probe the source of his confusion – it possibly comes from the application of a Constitutional Article in conjunction with the Indian Penal Code (protection cases are considered a criminal matter) for marriage-related cases, which are civil by legal definition. While Article 21 refers to a broad range of issues, the Special Marriage Act directly addresses and guarantees the right to marry one's chosen partner but *under specific conditions*. Though Article 21 was widely used, in court proceedings it did not appear that the right to marry was a *fundamental or unalienable right*. That is, the Article only went as far as ensuring couples that they may live their life as they desired without any interference and harm. And yet many judges perused the paperwork carefully to establish the veracity of the claim of marriage. These efforts produced different dialogues in various courtrooms but court orders of almost all judges (available for download on the court website) contained a variation of the following phrase: "... while not commenting on the claim of marriage..." In my hypothesis, this discrepancy can be connected to the usage of Article 21 in such cases. While protection of life was something almost all judges in the court were ready to guarantee in a majority of cases⁶, the liberty of citizens (to choose one's spouse) was an issue judges such as the one I have quoted above clearly struggled with.

Through my time at the court premises, which I will describe in chapter five, I came to see it as a routine yet unpredictable process where the desired outcome was highly anticipated but not taken for granted. The 'right to marry' that every citizen ostensibly possessed was negotiated on a case-by-case basis possibly because it was not considered a fundamental one. But when judges studied the wedding evidence they accorded it virtue, even respectability, and their physical act of

⁶ There were a few exceptions to this trend when I conducted my fieldwork. These will be discussed in chapter five.

reading petition papers (at times, this was only a fleeting glance) and interacting with the couples brought these ‘irregular marriages’ literally under the legal preview, the way Biswas had hoped his legislation would, even if the court orders did not. These marriages are today known as **Court Marriages**, a form of civil union that is recognized by communities in North India as such. Though Special Marriage Act is not part of public discourses, the modes through which the law addressed choice-based marriage are today part of popular conceptions of what state-sanctioned marital unions signify.

The knowledge of the right to choose one’s spouse is a shared one and, in fact, so germane that caste councils have, in the past, sought legislative changes to have the supremacy of the local customary laws over state laws on marriage acknowledged. Their moves also point to something less obvious than the dictates of caste patriarchy that the region is closely associated with – they reflect an endorsement of the shared knowledge and a central place state and its laws hold in people’s imagination. As argued previously, laws need validity in the minds of subjects and subjects, on their part, recognize laws in order to be seen as citizens. This state-accorded respectability is, in turn, critical of the couple’s survival within the community that disapproves the idea of choice in marriage but upholds state laws at an abstract level. For example, Navjot and Baljeet visited the high court to file a protection petition in 2007 and remember it being a quick and ‘neatly done’ procedure. Police officials had later accompanied them to the groom’s village and sternly warned his belligerent family against any harm, physical or otherwise, since the duo possessed an order from the high court.

Manoj and Asha took on a vague process through the district court, a decision that can be attributed to the fact that the bride was legally under-aged when they got married – high court judges often looked closely at the identification documents that contained the women’s age. In her petition, the bride falsely alleged that the man she had eloped with was planning to abandon her, a claim the groom refuted in court. Their lawyer had told them that his assurance in court was enough to shore up the legality of their marriage. The act of ensuring the protection of woman’s interests in the courtroom space appears to echo the parliamentarians’ arguments in favor of Special Marriage Act.

My observations at the high court similarly points to a tendency among judges to approach the question of women’s security in different ways while dealing with protection petitions. For example, one male judge routinely asked grooms to create a fixed deposit bank account for their new brides. A young Haryanvi lawyer, Akshay, claimed that unlike his peers he does not see the requirement as an irregular legal procedure. The need to protect women’s interests and ensure that they are financially secure governs juridical rationale in cases ranging from divorce, dowry harassment to domestic violence. The analysis of parliamentary debates allows me to argue that while, procedurally, the protection petition comes across as an incongruous option for those who choose their spouses, in epistemological terms, it covers one of the motivating factors behind the law’s passage.

The tenuous connection between validity of marriages and protection for women, irrespective of the latter’s choices, is also explicitly seen in legal practice since the passage of Domestic Violence Act of 2005. The law covered a spectrum of relationships based on the

principle of co-habitation including live-in or bigamous relationships, which courts have since then interpreted as “marriage-like relationships” requiring same levels of protections and rights as per the law in question as marriages with legal validity. Some feminist commentators have justifiably expressed concern on moves that transform live-in relationships into marriage-like relationships but I believe a different impulse is also at work here. Reading the 2005 law in relation to the Special Marriage Act, it appears that the courts believed that protections for women existed even in the absence of contracts or, one could argue more ambitiously, *court intervention created its own contract* where none had previously existed.

Court proceedings also visually illustrated the potential of choice-based marriages to sever family ties though not the manner the civil union had imagined the same. Elopement cases often resulted in high drama with parents of the bride appearing in court to contest the wedding. In one case I witnessed in court, the bride and her parents disagreed over the former’s age with the latter claiming that she was still a legal minor. The parents explicitly stated that putting off the case for another date would not serve any purpose – if they left the courtroom without their daughter, the case was as good as lost. I interpret their preference for closure as recognition for the fact that when courts ‘allowed’ couples to live together even for a brief period, they were according the relationship conditional legitimacy. This was construed as a rejection of parental authority and control, something that could not be reinstated at a later date.

For Haryanvis, the ritual of a high court visit is, I argue in chapter five, the performance of a scripted text, which transforms the performers in irrevocable ways. For the couples, seeking state-mediation is what Victor Turner calls an act of repeating scripted texts in a liminal space that

both reconstructs the text and the performer of the text (1986). This text could also be seen as *a contract couples write in association with the courts*, a contract that could be termed **Court Marriage**. For the couples who return to the community, the court visit provided an opportunity to realize and reconstruct their selfhood in more complete ways, even if temporarily, where emancipation is achieved not before marriage, as Pandit had predicted, but rather *after* the wedding and court visit.

Conclusion

The elopement cases adjudicated in the high court form an interesting contrast to some marriage-related cases handled at district-level courts: 35-year-old Nisha, who had sought divorce from an alcoholic husband she had been wedded to as a child; and Jagdeep, a man in his 40s, sought court approval for his wedding with a bride he had ‘purchased’ from a trafficker, claiming that it was a case of elopement. In Haryana, while other state spaces where redressal could be sought were still deeply hierarchical, according to many informants, district courts were at least ostensibly open to the public and had a mandate to ‘hear’ them out. For certain relationships, district courts that were open to ‘hear’ individuals out within the legal ambit provided a viable framework for the former to survive or be dissolved. These sites were interfaces with state institutions for people who sought alternative life arrangements that were frowned upon but already allowed to exist. District courts did not support any paradigm-changing decisions or choices, like the high court did. They only facilitated closures and inauguration of new chapters as an impersonal third party.

Such courts had especially become an enabling site for citizens when kin and family groups had walled them off. Nisha had found the experience of getting a divorce at the local court frustratingly long but trouble-free. Unlike her immediate social setting and natal family which

denounced her for “abandoning” an ailing husband (who eventually died of alcoholism), she found the court approachable and willing to help. In interviews, I also learned that customary ways of divorce and re-marriage in the region such as *choot mel* (separation-union) were giving way to ‘tidy’ court-facilitated closures, at times followed by regular weddings (*choot mel* were marriages without all wedding rituals).

District courts were, I was told by lawyers, also frequented by families seeking divorces with long lists of dowry items – attested by the groom’s family at the time of wedding – that needed to be returned at court premises in the presence of lawyers. A young acquaintance-interlocutor once informed me of her intention to reconcile with an estranged husband in the district court where she had filed cases of dowry harassment and domestic violence against him. She had planned to withdraw these cases if the husband would apologize in the presence of a judge and “take her home” from the courtroom, a plan that had eventually failed. For several rural Haryanvis I interviewed, I could see that there was something assuring about these district court mediations – perhaps its presumed finality.

What the high court and district courts had in common was that they both offered certain forms of guarantees for relationships to survive (or dissolve) through the act of bringing them under the legal framework, the way a civil union law does. Following Coronil’s theory on the magical state (1997), I would argue that for small-knit communities in Haryana, which had historically benefited from state largesse, state power that backed court processes offered a mystical route to achieve a desired life situation. Some of these life choices may not be

extraordinary but even minor deviations made the parties involved vulnerable in the face of a rigid social conservatism.

Gurmeet, a lower caste man belonging to the Sikh faith, realized this when his son expressed a desire to marry a colleague, Payal. Gurmeet sought a written statement from Payal and her mother that they were not being coerced to accept the match and had consequently had the statement notarized at the local court. Given the precedence of some men being criminally prosecuted for eloping with women who later accused them of abduction or coercion, Gurmeet had strongly felt the need for this precaution. On another level, he also stated that he strongly believed that all unions should be 'legal marriages'. "A legal marriage comes with responsibility. It mandates that people, especially men, take the bond seriously," he said.

His daughter-in-law, Payal, shares this point of view as she told me that though all (surviving) parents had agreed to the match (with her brother remaining opposed) she had herself wanted a 'court marriage'. "Court *se sab achcha ho jata hai*," she said. There are two possible translations from the original Hindi here: Everything works out well after court intervention or that going through the court process makes it all good (*achcha*), like a filter that purifies marriage by removing all embedded ambiguity. While ambiguity regarding marriage left people vaguely unsettled, court-facilitated marriages, divorces and reconciliations provided clarity and legitimacy. Court Marriages may or may not be substantially different from relationships of the past but, as Special Marriage Act had envisioned, these marriages were respectable, they had finality and they also required individual responsibility.

The next two chapters will pay closer attention to conditions in North India, and Haryana in particular, which have prompted new conceptualizations on intimate relationships, a need that state spaces occasionally step in to fulfill. Chapter three will explore questions of identity, caste, masculinity and femininity. I will specifically focus on gendered aspirations in an increasingly post-Agrarian North India, where both women and men approach certain transformations in material realities, which I will outline, in different ways. Chapter four will then build on this ethnographic context to describe changing patterns in marital relationships through select voices from the field. Though both chapters evoke the terms love and court marriages and what they mean within their specific ethnographic context, I will only return to the description of court spaces again in chapter five and six.

3. GENDER POLITICS IN POST-AGRARIAN NORTH INDIA

Introduction

On February 17, 2016 Haryana's state government announced that it was going to grant the Jat community the OBC (Other Backward Caste) status and twenty percent reservations in government employment. Haryana literally burned in the following days as Jat agitators destroyed public and private property with impunity. It was not immediately clear to many why Jats, who had just succeeded in a long-standing demand, were indulging in such blatant display of violence. It was only a few days later, even as horrific news stories of mass rapes in Sonapat district came to light, that the reason for this carnage became known: one member of parliament (MP) from the ruling nationalist party's (both at the federal and state level), Rajkumar Saini, had made a series of "provocative remarks" against Jats, criticizing his own government's decision.

It was in a moment of triumph that Jats had turned to fury. In their rampage, they did not exactly hunt down Saini community members to 'make them pay' for their immediate detractor's mistakes, as is the case with communal violence in many parts of India; they disproportionately targeted the Punjabi trader community. This was violence for its own sake, violence that was its own reward. Violence and aggression have normalized in contemporary North India as even Saini's so-called "provocative remarks" reflected: "A Jat is your friend when you have a stick in hand. (Original was in English) *Agar dhandha haat mein nahi hai toh gardan pakadenge* (If you don't have a stick then they will be at your throat)."

My ethnographic fieldwork spoke to this pervasive violence even though I did not directly witness many violent episodes – with the notable exception of sexual harassment in public spaces and in modes of transportation. As Veena Das has said of suffering – an ethnographer can at best let the other’s pain happen to self (1998: 192) – I had experienced this violence happen to me. In interviews where warm and friendly women told me they supported the ‘honor killings’ that had taken place in their village or while sitting in courtrooms listening to a police officer lecture me calmly that eloping couples should be murdered (more on this in chapter five), violence in the region appeared endemic and pervasive though not always visible.

Interviews on the question of marriage delved on ideas of hope and happiness for future but the violence of the society and the wariness it produced was always a lurking presence in the background. From sex-selective abortions to sexual harassment at home and beyond to verbal and sexual assaults encountered even from close family members, testimonies of women spoke of pain akin to one captured in anthropological texts on ‘social suffering’ (Kleinman & Kleinman 1995, Biehl 2005, Das 1998). Honor killings were only one example of this trend though it has come to dominate mainstream media image of Haryana. While instances of honor killings are met with shock elsewhere in India and the world, in the prevailing political and social climate, violence is woven into discourse and instances of lawlessness are taken on a stride by even law enforcers.

My argument here is that the issue of honor killings, the question of choice marriage and the role of marriage in social transformation is structured around the violence that it is endemic to the landscape and the caste conflicts in which they manifest more clearly. Women’s lives are

negotiated around this aggressive display of masculine power in public life with many women vocally admitting to sexual harassment on a daily basis, most often during their commute to college or work. At times, women too learn to deploy this violence but as a news story of two Sonipat sisters showed¹, patriarchy (embodied by both women and men) does not take kindly to such usurpation of masculine traits.

The following facts are of special interest in the February 2016 events: there are now documented cases of dereliction of duty on part of the police officers; Jats had targeted a community not directly responsible for perceived insults but another community to which the state's Chief Minister² had belonged; Jats had simultaneously re-asserted their political dominance and claimed a socially backward status required for reservations or affirmative action in education or employment; and, finally, the Punjab and Haryana High Court has since stayed the government decision to grant reservations.

In undertaking any study on Haryana, including one on marriage, understanding and historicizing the factors that led to this violent episode can be instructive on the topics of gender relations. In detailing the gender dynamics of this increasingly post-Agrarian moment, I also take to heart the feminist position that the personal is political, that is experiences from private lives are part of larger political and social processes. This chapter connects larger socioeconomic trends (like caste conflict and land acquisition) with intimate lives and aspirations. What binds the two sets of people is an aggressive masculinity and, as a strong affective force, this has ensured the exclusion of women from political and public life for the better part of 20th century. Though

¹ <http://scroll.in/article/708776/'They-say-we-did-this-to-get-attention':-Rohtak-sisters-struggle-to-get-on-with-life>

² American equivalent for the position is Governor.

masculinist domination is not particular to Haryana, lack of strong women as political figures or public personalities³ speaks of and contributes to the exclusion and invisibility of women from popular culture and identity markers in ways that are not comparable to any of Haryana's neighbors⁴.

The region is nevertheless undergoing a transformation with respect to gender and the trend of love marriages is closely linked to these processes. The transformation itself was initiated through successful state interventions, rather than any progressive social movement. I see February 2016 violence as a response to the process of unraveling layers of masculinist privilege that was originally based on land ownership, especially in the post-Green Revolution age. This pertains to both the prosperity that the Green Revolution accrued to Haryanvi peasants, especially Jat men, and gender-based disparity in land ownership patterns. Bina Agrawal (1994), Prem Chowdhry (2008) and Smita Jassal (2012) have contributed to the literature on gender and land rights in North India from the perspective of women's dispossession. In this chapter, I will address the effects on land ownership on masculinity. In the subsequent section, I will first describe the fairly invisible social and political processes that have weakened masculinist domination in recent times before describing the gendered aspirations regarding education and employment in the region. These are not only a backdrop for the phenomenon of love marriages but in fact integral factors that both influence and are being influenced by the transformation in the marriage institution. These links

³The recent blockbuster film, *Dangal*, on international wrestling champions Geeta and Babita Phogat may end up making a difference.

⁴ Haryana's immediate neighbors, Uttar Pradesh and Rajasthan, have had strong women leaders and public/popular culture figures. Though Punjab's politics is dominated by the religious establishment, Sikh faith has allowed for inclusion of women in important and unimportant capacities. There is no dearth of role models or imagery in popular culture, even as the national level, when it comes to Punjabi women.

will become clearer in chapter four – I see both these chapters as closely linked in terms of themes, ideas and voices.

Towards a Gendered History of the Present

In the days that followed the violent rampage by Jats, one question was repeatedly put forward in many platforms: Why do Jats want reservations (anyway)? Christophe Jafferlot, senior political scientist on North India, answered this question in an editorial piece⁵:

These dominant castes do not see their future in agriculture because of the attraction exerted by the city and because of the crisis in village India. The 2014-15 Economic Survey showed that the wages of rural India were increasing at 3.6 percent only (when the inflation rate was above 5 percent), against 20 percent in 2011. Those who had land next to big cities could sell it to developers and even became rentiers sometimes. But most of the migrants who left their village to try their luck in the city are disappointed by the job market. In contrast to the middle class inhabiting urban centres for generations, they have not received the kind of English-medium education that gives access to the services, the sector (especially in IT) offering opportunities. While they have sometimes run heavy debts to get some private, not-so-good education, they have to fall back on unskilled jobs.”

Jafferlot goes on to note that while jobs in the private sector continue to be poorly paid with average daily earnings of workers pegged at Rupees 249 (USD 3.73) in 2011-12 and those of employees at large, at Rupees 388 (USD 5.81). By contrast, in the public sector, the figures were respectively almost three times more at 679 and 945 (USD 10.18 and 14.19). While it is understandable why government jobs are highly sought, especially after the wage rate revisions introduced by the federal government’s Sixth and Seventh Pay Commission reports, an aggressive liberalization policy has simultaneously resulted in the number of public sector jobs shrinking to 17.6 million while the population has climbed to 1.2 billion. At the same time, the extensive expansion of education (John 2012) at all levels in the past two decades further fuel aspirations for gainful employment in public sector. These conditions acquire distinctly caste-oriented overtones

⁵ <http://indianexpress.com/article/opinion/columns/jats-reservation-stir-obc-quota-rohtak-haryana-protests/#sthash.xPcgYqrn.dpuf>

that are at once symptomatic of the region and the administrative unit of Haryana state that comes with its own specific dynamics.

Despite a hypervisibility in news due to its infamous ‘honor killings’ from the last decade, there is very little academic work analyzing Haryana’s contemporary politics. The political history of Haryana itself largely remains an exercise much like a Wikipedia page construction, reproduced on different platforms. To be precise, an authoritative version narrativizing the story of its formation and evolution that has the backing of state executive bodies and feeds into the imperatives of populist politics is not something I can find.

Chowdhry, who has consistently produced acclaimed books (1998, 2007, 2011) on the region, works on 19th and early 20th century history, that is, before Indian independence and the formation of the state. Chowdhry traces the colonial roots of some of the trends we see today, especially exploitation of women’s productive and reproductive roles (2011). Her critique of patriarchy is key to understanding the nexus of the state and kinship in controlling women’s sexuality, not just within Haryana but the entire region. Scholars such as Bhupinder Yadav continued in this mold with works on the state’s severely skewed sex ratio, discussing the attitudes and social conditions that govern its strong male child preference (2001). The ‘honor killings’ in the beginning of 21st century have resulted a few research projects but I have not yet seen published work in this direction. What we know on the trend, unfortunately, comes from journalists’ accounts⁶. The sparse literature on Haryana in this way focused on the prevailing gender inequality in Haryana and I admit that my work continues in this mold.

⁶ Most notable publication is the 2013 book *Manoj and Babli: A Hate Story* by journalist Chander Suta Dogra.

Partly in response to this realization, I had originally started writing this chapter with one question in mind: what have the men been doing when they are not contributing to or extending the oppression of women? With this slightly unorthodox question, I still see myself extending feminist research, as the masculinity of ‘the male oppressors’, and its roots in agrarian/peasant politics of the region, is clearly under-researched⁷ in this context. Studying a situation where the women’s oppression has dominated academic works and reduced men to the role of agents of oppression, a research project on gender and sexuality seems to even demand a brief study on masculinity. A considerable part of this chapter discusses masculinity, male aspirations and disaffections, which dominate regional identities and discourses. Towards the latter half of the chapter I will turn to the lives of Haryanvi women and how they seek to dislodge masculine domination in their own quiet ways.

Land Only in its Name: Preparing for Post-Agrarian Future

February 2016 was not the only time in recent memory when the rest of India was exposed to Jat masculine rage, specifically of Jats from Haryana. On April 19, 2015 the Congress Party had called for a national farmers’ rally to protest the proposed Land Acquisition Bill Ordinance, which would have reworked the consent clause of the previous law significantly. Due to Haryana’s amorphous borders with the national capital, Haryanvi farmers were standing-in for farmers from the rest of the country but were themselves enmeshed in complex local struggles. Jat men from the Rohtak district came to the rally in pink turbans, which was a symbol of their caste superiority (as it is

⁷ I must clarify here that I do not think a standard historical text, where the emphasis is on ‘his stories’, by itself is indispensable to the study of a region. At national and transnational levels, some long-standing intellectual struggles have been about contesting rather than writing regional, often parochial histories through alternate voices – voices that challenge and re-script chauvinist historical accounts of selves.

reserved for village headman), and humiliated lower caste leaders from their own political party and state. A little less than a year after this ‘specter of pink’, rage had given way to widespread violence in February 2016. The history of peasant politics in the region (traditionally dominated by Jat men like Chaudhry Charan Singh from Uttar Pradesh – see Jafferlot 2005) and the threat of losing land played a huge, uncredited role in the agitations for affirmative action.

Commentaries on land acquisition moves, which stress on farmers’ rights, often do not adequately address the waning significance of agriculture in North India. In an in-depth piece⁸ on Jat men’s aggression in North Indian politics, Ajaz Ashraf explains the extent of rural distress in the region today that finds expression in the social oppression and communal violence by Jat men against Muslims, lower castes and women. Ashraf quotes a paper by National Bank for Agriculture and Rural Development that revealed that “landholdings in the marginal category (less than 1 hectare) constituted 67% of all operational holdings in the country in 2010-2011. Declining yields and rising cost of production has enhanced rural indebtedness. The National Sample Survey Office released data last year showing that more than 60% of the total rural households covered in its survey in 11 states were in deep debt (2015).” Ashraf draws a direct correlation between the shrinking landholdings and sites of social conflict, where violence against Dalit and Muslim communities increased as size of landholdings and consequently agricultural yields decline. He chillingly concludes with the following words: “No wonder Muzaffarnagar (large-scale violence against and displacement of Muslims) happened in 2013, enabling the BJP to script a communal narrative in western Uttar Pradesh, where notions of community pride and honour were exploited to have the Jats vote as Hindus in 2014. That narrative will continue to get reworked as long as the

⁸ <https://scroll.in/article/732464/why-bjp-and-the-rural-distress-are-to-blame-for-the-violence-of-jats>

Modi government is unable to meet the aspirations of the Jats.” In this article, Ashraf also mentions in passing that Haryana’s Jats are now “miffed” that BJP has chosen a non-Jat CM and “they fear the Land Acquisition Bill” (2015) but these two factors have more complex ramifications for Haryana. When I was in the field I was exposed to a keenly experienced feeling of betrayal among Jats towards the ruling BJP government, especially with the knowledge of having a Punjabi in the role of Haryana’s CM. Their need to avenge themselves for their diminished political status (Jats I had spoken to before the elections were invariably convinced that the “CM is always ours” irrespective of the political party in power) resulted in February 2016 in targeted violence against Punjabi businesses and property though the ostensible ‘immediate provocation’ had not come from this community.

Secondly, with regard to the land acquisition issue, my interviews from men across age groups shows that despite the acute agrarian distress, land is still central to identity formation for this peasant group. The idea of not having any land to one’s name was a deeply disturbing thought for Haryanvi men especially from Jat and Bishnoi communities, who form a majority among land owners in the districts I conducted my ethnographic research. Many male students I have interviewed in Haryana and Chandigarh seek non-agrarian jobs in future but still held the hope that their families would retain the lands they owned. “One should have at least some land” was a common sentiment with one Jat man explicitly stating that “at least one acre (43,560 square feet)” was important, in what I construe is comforting only at a symbolic level. The subject of shrinking of land holdings also invokes emotional responses. Mahesh, a Jat man, said he fights with relatives who hint that he and his brother would eventually divide the land between themselves. Abhay, a Bishnoi, in turn said he wants his family to stay together where not splitting the land was an

indication of close family ties and the trust he placed in his brother to leave the family land in latter's care. These men were essentially suggesting that stalling the trend of shrinking land sizes required emotional work and stronger family ties.

The phenomenon of dividing family land among male descendants is very commonplace in rural Haryana and part of many life history narratives. Interlocutors commonly cited shrinking landholdings as the reason why agriculture had becoming unsustainable and landowners were already moving away from farming even when they officially identified themselves as 'farmers'⁹. Sachin, Sakshi's cousin whom I had quoted earlier, was practical about the fact that sizes will continue shrinking with every generation and that (male) members in his extended family needed to find alternative occupations. He was a fire fighter himself and he said he comfortably managed his farm-related chores in his spare time since there was simply not enough to do.

Students in Chandigarh recall lectures from parents, which advised them to find occupations outside villages as "there was no future in agriculture." Haryanvis are, I would stress, already preparing themselves psychologically for a life beyond agriculture, hopefully towards government jobs, and are willing, even eager at times, to sell land for huge sums. In an interview with me, a long-time social activist recalled a recent experience with protests against a proposed automobile factory plant in the Gurgaon district in the following words: "Many farmers arrived in SUVs and privately asked me to negotiate for one or two million more on their behalf." His experience with a proposed nuclear power plant in Fatehabad was similar; it was not the ecological disaster that triggered the protests though it was projected as the reason. According to him, protests

⁹ Surinder Jodhka has studied the widespread trend of contractual farming in Punjab and Haryana where the owners collected a percentage of the revenue from tenants without participating in cultivation themselves (2014).

against land acquisition in Haryana were mostly aimed at securing higher compensation. I realized over the course of my fieldwork that “some land” or “at least one acre” literally meant that informants hoped that their family would collectively own a small farm for symbolic pride while selling the rest to the highest bidder. The campaigns to get OBC reservations were similarly a bid to secure their place in the non-agrarian future. I must clarify here that I do not claim there are deliberate mechanizations in place but rather indications of a broader trend.

Loss of land is also a moment that breaks long and deeply entrenched hegemonies. For women and individuals from historically landless communities, it can potentially be liberating to be move away from an agriculture-driven society where their labor is mandated as well as unrecognized. For these groups, while agriculture has been central to everyday life, the self is not necessarily thrown into crisis by the lack of it. Women from the privileged communities have a more ambiguous relationship with land – they cannot seek to control decisions regarding land use and indeed hardly hope to inherit it despite legislations in their favor¹⁰ – resources and everyday chores are determined by the lands families own and agricultural cycles respectively. Agricultural cycles still determine women’s lives – school and college teachers report more absences in particular months – but as the cycles get shorter and contract farming becomes widespread, individual contributions to farming have fallen. Women appear to be making the transition more smoothly because they cannot inherit land and their identity, consequently, does not always hinge

¹⁰ Conversations with young women highlighted their knowledge of the provisions (though not the name) of Hindu Succession (Amendment) Act, 2005 which gave women a right to ancestral property. Apart from the law, various governmental incentives like property tax and electricity bill rebates for houses owned by women had led to a change in legal ownership. But, for now, a real sense of ownership eluded young women who told me they would have to sign off their rights in favors of brothers when they get married. Still, the knowledge of legal ownership gave them a sense of power over brothers, which a few admitted to (ab)using in bargains and negotiations.

on it. Their mobility, whether it is rural-urban or upward mobility through education and employment, is facilitated by the knowledge that they have fewer stakes in the agrarian economy.

For men, the idea of remaking self/personhood, where a part of self has been “externalized” into the family-owned land, borrowing from Melanesian literature, can be a painful one that can lead to self-destructive moves as Holly Wardlow’s book (2011) highlighted. The inability/unwillingness to give up what was once a source of privilege and dominance is palpable even among those who have already moved away from agriculture. News reports from Haryana on farmer suicides, which have been popularly attributed to crop failure and land acquisition moves, need to be recast in this light. There exists in North India a deep-rooted identity crisis generated by the transition away from agriculture and self-destruction might be one of the responses to the same.

Marilyn Strathern’s *Partible Connections* (1991) itself can be a useful guide to understanding Haryanvis’ relationship with land, which mediates their relationships with each other. Part of a person’s self (and this refers to both women and men) is entwined with land, whether in the form of labor or sentiment, and the land, in turn, ties different groups in different sets of connections, into ‘hybrids’ (Ibid) that are then put into circulations. Apart from determining key local decisions, including political affiliations, weddings in North India (and, arguably, in other predominantly agrarian regions) were also primarily finalized according to considerations of land with its purpose being to preserve and perpetuate ownership between certain groups and networks.

The Land Acquisition Bill Ordinance further accentuated fears of men from landowning families for future – apart from property ownership, it also signifies a loss of currency in social relations. The ordinance had sought to rework the clause of due consent procedures, where peasants would have had no control over whose land is acquired and how much of it is usurped. It is a situation in which both those whose lands are not required and those who cannot save “at least one acre” for symbolic reasons would have been left despondent. But the ordinance also touched at another issue that is very close to Haryanvis’ political and social lives, collapsing the public and the private. Jat masculine pride and the threat of sexual violence in everyday life are based on a denial of consent to women. Caste elders in the region often defend ‘honor killings’ by seeking to emphasize the righteousness of denying women the right to consent to relationships and choose their own partners; it is seen as the basis for their male honor and superiority. (I will return to idea of consent, and the specificity of sexual consent, in chapter six.)

The seeming affront to Jat masculine pride, already reeling under agrarian distress and changing political equations in the state, that was to experience what they have consistently upheld as the norm for women and men from lower castes, was visible in Jat agitations against the land ordinance and for affirmative action. Jat men’s rage and violence is akin to what sociologist Michael Kimmel describes as an entitlement-drive rage in the context of angry white men (2013). Jats (women echoed the demand for reservations in private conversations) who seek security for future (like all other groups) with these demands for affirmative action, also feel entitled to a dominant role in a possible post-agrarian future society. The next section will discuss the ways in which Haryanvi men and women negotiate these transformations in political economy.

The Burden of Entitlement: Agrarian Prosperity and its Disaffections

If there can be any de-facto ‘official’ culture in Haryana would come from references of being the “land of milk and yoghurt.” Obsession with dairy products is something I have often witnessed in Haryana but this is not limited to the state (Punjab, Rajasthan and Gujarat also have large dairy-based industries). Perhaps what differentiated Haryana in this respect was that the powdery whiteness of milk represented a purity that could be embodied. Men, especially older ones, preferred starched white attires that ironically contrasted with the bright colors older women (who exclusively worked the animals) wore. The purity of Haryana was also articulated in their ‘simple’ needs that were easily met. Some (mostly younger) Haryanvis worried that they were not driven enough by ambition. A middle-aged lawyer in Sirsa used this to build a contrast with Punjabis. “A Haryanvi will be satisfied with a dollop of butter on his bread but a Punjabi would have at least four different kinds of pickles at home to go with it,” he claimed, before adding that Haryanvis probably “did not know how to live life.”

Purity of Haryanvi life was, at times, presented as the fanciful quest for an uncomplicated, familiar pattern (in an increasingly uncertain economic world). I would argue that Haryanvis who sought to underline their simplicity were not satisfied with less but rather satisfied at home. Older Haryanvi men from landed families, in particular, have preferred comforts of the home as being a farmer meant that the bulk of the agricultural work – cultivation and harvesting – was carried out by contractual farming (Jodkha 2014) while other farm work and animal husbandry, including providing for the precious need for dairy products, fell on the women’s shoulders. Smita Jassal’s ethnography on Uttar Pradesh discusses this exploitation of women’s labor and dispossession of land ownership that is narrated through women’s folksongs (2012). Jat men’s relatively easy life is best highlighted in the popular epitaph: *Jaat ke Taath, Hookah aur Khaat* (A Jat’s luxury is

symbolized by his hookah pipe and cot). This is a stereotypical image of a Jat man who smokes a hookah pipe while lounging outside his house on a makeshift bed all day. Younger Jat men who do not share these interests still subscribe to this image as a source of Jat pride and well-being.



This archived screenshot above is sourced from Member of Parliament (MP) Dushyant Chautala’s Twitter page. His profile picture on the left shows him in the background as an older man in white smokes a hookah. The cover image on the top shows a group of men, all dressed in white, surveying chaffed wheat in a grain market – and, significantly, not an image of the farms. Chautala is a MP from the Hisar district (where I have conducted ethnographic research) and is known for his soft, gentle political image. Though the young leader has moved to the digital age and consciously deviates from the aggressive and coarse image Haryanvis have earned for themselves, he seems to find some kind of legitimatization in the company of older men from his community. Jat identity in the sub-region, to summarize, is consolidated through visible symbols of Jat life: purity embodied through white clothes, peasant life governed by an interest in agricultural production though not actual labor, and community elders’ pride and well-bring in

material terms. Masculinity of a plausible Haryanvi identity that Jats have, in some way, usurped is marked by the stress on symbols that are not accessible to women.

The luxury of having most of one's needs met at home without too much hard-work was something available only to land-owning men (in Haryana these are predominantly Jat, Yadav, Rajputs and Bishnoi). But even in non-Jat families I have observed a strong sense of belonging for one's home among men. A Chandigarh-based student Jayant, who belongs to a Punjabi family from Karnal, explained his preference for home in the following words: "I am very attached to my home and parents. I certainly want to go back. But my own twin sister, who is in Delhi right now, will never return." According to him, girls born in the "post-internet age" (or 'digital natives') have known too much of the world outside and are too fond of the liberties they have found elsewhere to return home. Of the 12 Haryanvi male students I interviewed in Chandigarh only two appeared flexible about the possibility of return while of the eight women interviewed only one was convinced she will return – to provide her (future) children with pure milk and food. Young, unmarried women interviewed in rural Haryana were more likely to be fascinated by the world outside though leaving did not seem to be an option for most of them. Sakshi, a Jat woman of 25, was convinced she wanted to move away from the *baagri* belt even if not to a big city. She stayed silent when her cousin Sachin claimed confidently that nobody in his extended family, including Sakshi, would want to stay too far from home but later on, in a private conversation, the young woman confided that she would like to get married to someone really far away from her native Fatehabad. In a slightly exasperated voice she said: "No one wants to leave his or her little cliques.

Everyone is trapped in the same mindset.” Parents of some educated young women, especially in lower caste families, also hoped the latter would get married to grooms in cities and towns¹¹.

This section does not intend to make a simple assertion that Haryanvi women, in general, want to escape while Haryanvi men want to stay at or return home. It is obviously a more complex story, one of opportunities and entitlement. What I observed in rural and semi-urban Sirsa, Fatehabad and Hisar was a speculative distinction I make between a majority of restless women and listless men. As the next section will highlight, opportunities for higher education and employment have suddenly opened up for young women, especially the first generation of literate women, and they are actively pursuing them. For the young men, especially from land-owning castes, opportunities have to be really enticing for them to move away from home or make a serious effort. Men who belong to lower castes find themselves in the same predicament as the women. Getting higher education is prized and they aspire for it, though not all of my male interlocutors from these groups showed enterprise in this context when compared to their female counterparts from across caste groups.

Haryana’s contemporary politics is defined, I argue, by this push from women and young men from lower castes and/or landless communities to open the iron gates and the men from the privileged classes to somehow keep status quo intact. In a state where a majority has aspired for government sector jobs – though not everyone was successful – since its very inception (Sangwan 1991) and still continues to do so, men from certain communities and regions have had an advantage so far. The leaders who represented them determined this, by a large measure. But the

¹¹ I will return to these narratives, including Sakshi’s, in the next chapter which deals directly with marriage.

availability of jobs also determined, in turn, the leaders who got elected to govern the state. Many of these leaders belonged to land owning communities and were, in some ways, representatives of a nepotistic politics that nurtures affiliations through selective distribution of state resources and jobs. The next two sections will closely explore the gradual dismantling of this nepotistic, masculine politics through the recent achievements of Haryanvi women in education and employment sectors.

Breaking New Ground with Education: A Gendered Perspective

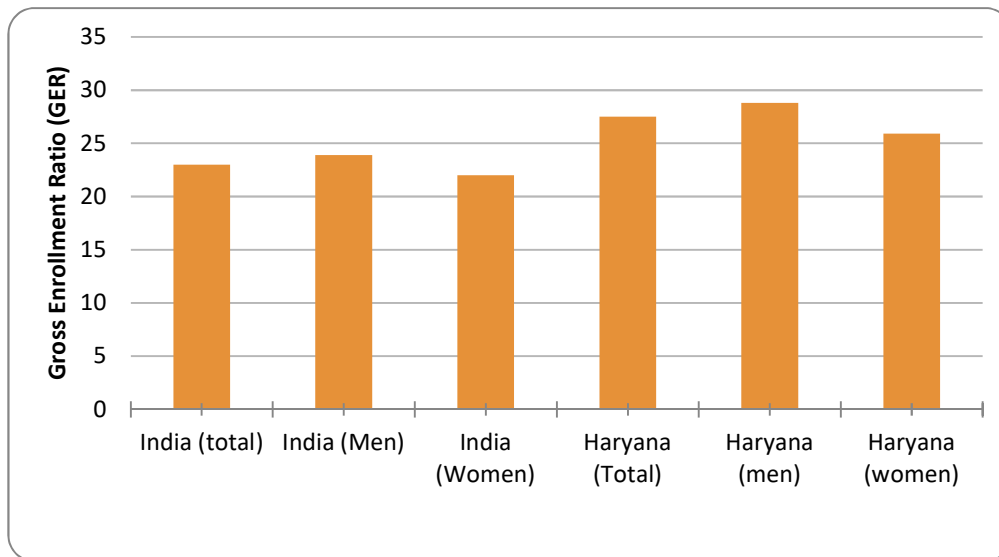
From 64.8 percent in 2001, India's literacy levels in 2011 increased to 74.04 percent. When it came to higher education, sociologist Mary John notes in her 2012 article: “[W]hile women constituted barely 10 per cent of the student body in higher education just after independence, by 2004–05 this figure increased to as much as 40 percent, and for the most recent year, 2010–11, has crossed 42 percent (206).” The ‘All India Survey on Higher Education or AISHE Report for 2013-14’ released by the Ministry of Human Resource Development in 2015 estimates total enrolment in higher education to be 32.3 million with 17.5 million men and 14.8 million women, with latter accounting for 46 percent of the total enrolment. Distance enrolment made up for 12.15 percent of the total enrolment in higher education, of which 45.39 percent were women¹². A chart, published as part of the report¹³, indicates that apart from ‘Institutions of National Importance’ (these include the elite engineering schools), ‘Deemed Private University’ (usually with high tuition fees) and ‘Deemed University-Government’, most institutions were achieving greater gender parity. The

¹² After the 2014 Supreme Court judgment in favor of the transgender identified, institutions are now mandated to offer a third option for gender in the application forms. Data on these lines would enrich studies on higher education. Census report puts Haryana's transgender population at 8,422 with a literacy rate of 62.11 percent. <http://www.census2011.co.in/transgender.php>

¹³ Included in appendix, page 231.

report pitches India’s Gender Parity Index¹⁴ in higher education at **0.92** for all categories, **0.92** for Schedule Castes and **0.81** for Schedule Tribes. The AISHE survey covers those currently enrolled and primarily pertains to the age bracket of 18-23 years.

In the case of Haryana, the numbers present a poignant picture for those willing to see one – following anthropological interventions in population studies, I am interested in the tales these numbers may tell but I don’t take them as ‘hard facts’. Haryana’s Gender Parity Index, at **0.90**, does not vary a great deal from the national one though when it comes to Schedule Castes (SC) it drops significantly to **0.84**¹⁵. The numbers I have collated from the 207-page report are represented in two original graphs below¹⁶. The Gross Enrollment Ratio (GER) of women and men do not display a logical correlation to Haryana skewed sex ratio (879 women to 1000 men according to the national census survey of 2011) and literacy rates. But more incongruently, the number of

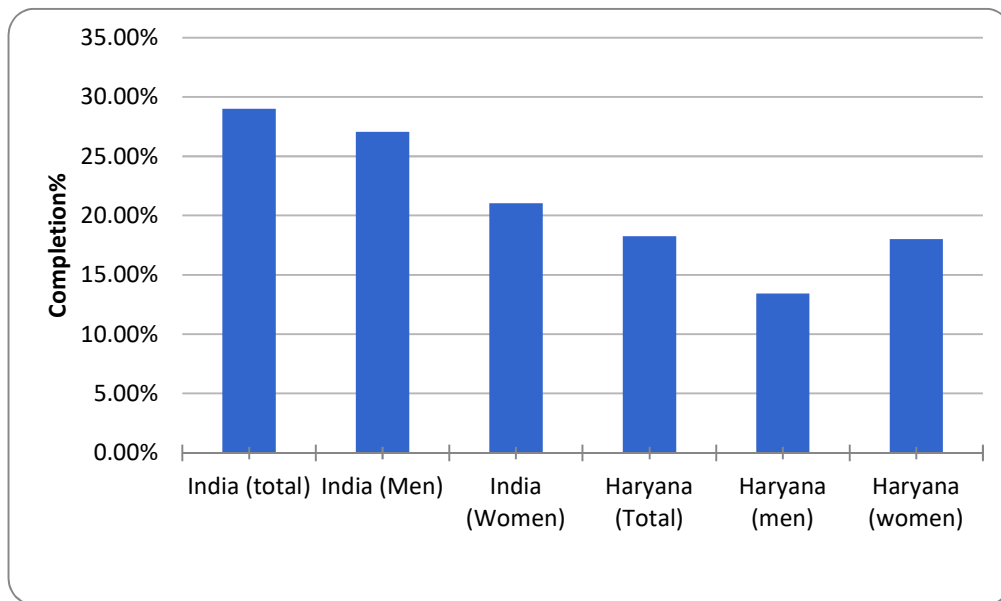


¹⁴ The Gender Parity Index (GPI) is calculated by dividing the female Gross Enrolment Ratio by the male Gross Enrolment Ratio for the given level of education.

¹⁵ No population groups in Haryana are classified as Scheduled Tribes.

¹⁶ Ramya Ramachandran and Karthik Sankaran created the graphs for this dissertation with tabulated numbers I had collated from the AISHE report. The tables can be found in the appendix, page 231-232, along with the population numbers and literacy rates mentioned here.

women completing degrees, diplomas and certificates is higher than men despite all other numbers not being their favor. The average for India, which has a better sex ratio and literacy rate among women, is still clearly in favor of men while in Haryana but, significantly, fewer women appeared to have dropped out and/or failed to complete their programs as compared to their male peers.



The data on completion rates is unfortunately not representative of caste-based variations but it still holds some promising insights for both the state and for its gender imbalance. Firstly, rate of completion (called “pass-outs” in the report) of educational programs is *lower* for Haryana as compared to average India rates though the GER is *actually higher* for the state when compared to that of India. Secondly, enrollment rates for women are higher than those for men at the postgraduate level (MA; M.Phil) while men enroll for undergraduate and Ph.D programs in more numbers. It is only when we analyze the completion rates do we see that except for Ph.D programs, women register consistently higher numbers irrespective of enrolment numbers. For example, there are approximately 85 thousand more men who enroll into undergraduate programs in

Haryana when compared to numbers for women but approximately three thousand more women actually completed the degree in comparison to men¹⁷.

Significantly lower enrollment rates among men in postgraduate and M.Phil programs may partly be explained by the fact that men who do well in their undergraduate programs often seek to enroll into postgraduate programs outside Haryana – in Delhi, Chandigarh, Rajasthan and Uttar Pradesh – opportunities that do not always extend to women. Data on these counts are not available but may explain the difference in enrollment, which directly affect completion rates that are again higher for women. Finally, for Ph.D programs, number of men who enrolled is about a thousand more than the number for women but they bested the women by a gap of around 60. The measure for Ph.D programs are probably not accurate as these programs (three to four years long) extend beyond the 17-23 years age bracket that was primarily studied in the survey but it gives us a clue regarding the privilege in the society required for men to beat the women on any measure when it comes to educational qualifications.

As I observed with some of my interlocutors, M.Phil and Ph.D programs for women have to be negotiated with marriage and childbirth, giving men a distinct advantage in the process. Additionally, in India, eligibility for teaching positions in higher education is a Masters' degree, which makes the pursuit of M.Phil and Ph.D programs in rural Haryana a luxury rather than a necessity. Male students enrolled in these programs also complained to me about the family pressure they faced to find teaching jobs rather than complete these degrees.

¹⁷ Please find a detailed table on page 223.

Beyond the necessary task of factoring discrepancies in numbers is the task of explaining what may be happening in Haryana to explain them. On the surface level, it resulted in a better Gender Parity Index of 0.90 but, as I have already mentioned, this does not take into account the enormous socio-economic factors that disadvantage women in the first place. The success of Haryanvi women on the education front, in no way a measure of the quality of the education received, is a script waiting to be deciphered. It lends statistical credence to my ethnographic observations that young women by and large appeared restless in their skin, seeking to attend more courses and pursue several centralized examinations while I routinely noticed a majority of young men, listless and unmotivated, lounging next to motorbikes in bus stops and markets. The ambitious among them had either left their villages or were travelling greater distances to cities in the region in the hope of attaining better education. Men who were enrolled in Panjab University (PU), for example, said they needed to work harder than their Punjabi peers because their families had “sent them so far.”

Young men who were left behind in the villages, including those from lower castes, waited for opportunities at home in unemployed or under-employed situations. My questions on education goals were answered by women in rural settings with curiosity and not infrequently led to interlocutors seeking advice from me. Questions ranged from “how to choose M.Phil research topics” to “how do people secure admissions in Panjab University”. Their male counterparts did not treat interview questions on higher education with the same eagerness or enthusiasm. Men who were willing to talk about their college life often listed their dominant interests as riding motorbikes with their peers and seeking to meet women. A former professor from my host college described his male students approach to education as a quest for teaching jobs that would ensure

that they need not study any longer since, in popular conception, the purpose of education is obtain jobs, preferably in the government sector.

When it came to women, however, the relationship to education became a little more complicated though aspirations for romance and teaching jobs were also present in their narratives. Their homosocial lives were also getting restructured around the experience of commuting or walking to colleges together. To keep oneself and each other safe, they forged and sustained bonds that extended beyond their kin and caste-based networks. Leaving for colleges or other classes (private instruction for recruitment examinations) was also a legitimate reason for escaping the domestic space. In interviews, women at times expressed a desire to prolong the length of their education or aspired for more milestones to shake off bonds of domesticity and/or delay their impending weddings. Attending classes and commuting to them was a chance to dwell in public spaces and, also, often the only opportunity to experience romance. But the most important factor in this quest for education, one that is substantiated by numerous interviews conducted in rural Haryana and Chandigarh, is the self-confidence young women developed through holding a clutch of degrees and the respect they received in lieu of such achievements. Whether it is a regard one received from a previously dismissive mother-in-law or the ability to refuse completing certain domestic chores after finishing high school, stories in rural Haryana abound with the “perks of education.” Multiple narratives in the next chapter evoke this theme of new-found respect and confidence as part of larger testimonies on aspirations and plans for the future, especially on the subject of marriage.

Education also formed the basis for evaluation of modernity or progressiveness¹⁸ of a given family. Those who ‘let’ their daughters study occupied a high moral ground on the modernity scale than those who had not. The voices on women’s education revisit the classic binary between ‘New Woman’ and ‘Modern Girl’ (Weinbaum et al. 2008). According to the introduction to the book *The Modern Girl Around the World: Consumption, Modernity, and Globalization*, the ‘New Woman’ was an empowered, socially and politically engaged citizen while the ‘Modern Girl’ was interested in clothes, cosmetics and romantic experiences. In Haryana, education is considered a means to become empowered and employable with government mandate of *shashaktikaran* (empowerment) of women resonating in many quarters. In this way, the idea of women’s education is driven both by the expectations of jobs in the future and by political aspirations for a more gender-just Haryana.

‘Frivolous interests’ associated with the ‘Modern Girl’ like cellphones (not part of the collection but representative in my data) and romance were to be strictly avoided, according to some interlocutors. Pulkit, who conducted surveys and collected quantitative data for NGOs, used the academic trope of post-modernity to convince me that possession of cellphones among young girls as well as love marriages without parental approval were not exactly indicators of modernity. But women’s educational achievements and employment, if secured, had become a measure for the family’s modernity that could be worn as a badge of honor. Women’s recent quest for education was in this way supported and argued for by even patriarchal agents while lack of success among many men on this count was not governed by any ideological imperative.

¹⁸ While discussing local and political discourses on modernity I want to make it clear that I do not subscribe to the ideological impulses. Analysis of these discourses are, however, crucial for locating certain trends from the first decade of 21st century and contextualizing greater educational and employment levels among women.

Employment in Public Sector: Securing the Future

According to a Ph.D thesis completed by Nina Sangwan, a former Panjab University student, Haryana's political trajectory has, in some ways, always been governed by the aspiration for government jobs (1991). She writes that when Haryana was carved out of Punjab, most of the administrative officials and teachers were Punjabi-speaking and had opted for the parent state. They left behind a vacuum in the administration that the educational levels of the local population were not immediately equipped to fill. The number of government employees has increased from 90,000 in 1967 to 230,000 in 1985 (1991:185). This four-fold increase also explains the loyalties colorful male politicians from the state commanded, where doling out jobs came easy and enhanced political clout phenomenally.

Local populations, especially the Jats, had at that time nursed resentment against Punjabi caste groups who had migrated from present day Pakistan and could boast of higher education levels. This had ensured the employment of the so-called outsiders, still known as refugees in some pockets, in the early days and the local elites had responded to this situation by aggressively seeking recruitments for their own caste members through the second half of the 20th century. In 1985, women's representation in the public sector was just 18 percent (Ibid) and data on literacy rates from as late as 2001 indicates that women's empowerment and education continued to be on low priority till the beginning of the 21st century.

When I was in rural Haryana, I had observed that community elders were just beginning to recognize the discrepancy between the educational achievements of women and men in conversations with me. Three older men were especially concerned about the lack of motivation detected among the much-valued sons (son-preference that is apparent in the state's skewed ratio).

The *Sarpanch* (elected village head) of a large, Jat-dominated village, for example, praised his daughter's educational merit and self-confidence in considerable detail, before expressing pleasure at the fact that her city-based parents-in-law have also acknowledged these. In contrast, his son had incurred huge tuitions bills at a private engineering college but displayed no motivation for either the education or employment. The son had refused to work in private sector after only week of employment because he disliked taking orders and now spent most of the time drifting about aimlessly. As a real estate agent and owner of large farm holdings, the *sarpanch* could clearly sustain his son's unproductive life. What he mourned was the opportunities the young man had wasted away and the lack of motivation he had displayed for the father's existing concerns. "He doesn't even know where our farms stand," he scoffed as he dismissed the son from the conversation.

Many young men I interviewed had neither the desire to continue with its agrarian life nor the motivation to create alternatives for themselves. Literate men desired life as a farmer no more than literate women, who were traditionally expected to complete disproportionate amount of work in household and farms (Chowdhry 2011; Jassal 2012), did. Men from both landowning and landless families sought 'office jobs', according to their interviews, but spoke warily of the exploitation of poorly paid jobs with long working hours in private sector. Jeevan, who had just turned 18, had worked in an automobile workshop as a young boy and said that though he liked cars, working at a workshop was "no life." He had considered become a chauffeur but he listed long working hours and lack of respect from bosses or clients as reasons why he had decided against the idea. His early experiences with exploitative jobs had convinced him that an office job in the government sector was the only logical course available.

His mother Nisha defended her decision to send him to work at an early age after he had dropped out of school. She wanted to save him from ‘bad company’ that joblessness could result in. She had to eventually pull him out of that job when she found out that he had taken to smoking *beedis* (unfiltered tobacco) in the company of his colleagues. She herself hoped her sons would get decent higher education but she was wary of unproductive periods in their lives. A few days after I interviewed Jeevan, Nisha informed me with great dismay that the boy had failed to clear the grade 12 (high school) centralized exams for the second time. Though she worried for his future, it is his current state of unproductivity that rankled her more.

Jeevan came from a broken home and belonged to a lower caste and the quality of education he had received had not prepared him adequately for the aspirations he held for the future. His own elder brother, Rohit, had decided to opt for an undergraduate course through long distance and started picking up small jobs whenever he could. He aspired to be a lecturer in a college, a job he felt commanded respect that was currently missing in his professional life, but his present had not been held hostage to his future dreams.

In both cases, I saw the tragedy of lack of institutional support and individual resources that had combined with a widely held aspiration for government jobs. It could result in a lack of motivation conditioned by a state of hopelessness for the future. Angela Garcia, in the context of New Mexico, explains this as a cycle in the case of drug addiction where improving health is followed by more bouts of hopelessness. Parts of Haryana, like most of Punjab today, are similarly undergoing a huge crisis with drug abuse among young men. Though this issue was not part of my

ethnographic data¹⁹, the state of hopelessness among Haryanvi (and also Punjabi) men clearly intersect with some of Garcia's arguments in her book *The Pastoral Clinic* (2010). One crucial difference between the situations I describe and the one in Garcia's research was that in North India, this was a crisis that had disproportionately affected the region's affluent men.

The inability of wealthy landowning men from locally dominant communities to capitalize on available resources and opportunities that was a challenge to explain. Like the Jat *Sarpanch's* son, I observed others from dominant caste groups of Jats and Bishnois in the course of my fieldwork who faced a similar predicament. I asked a research scholar in PU, who was originally from this region, whether he had noticed what I perceived as listlessness among young men of the region. He came to share my view after considering some examples from his own extended family and community. One of his young cousins, for example, had been unable to finish high school despite several efforts of the family members to push him through the hurdle. He had then unsuccessfully tried his luck at veterinarian courses, which would secure him a government job he was otherwise ineligible for. According to the research scholar, the cousin had not shown sufficient interest in the alternative. He had simply sought a government job because most people in the region did but was disinclined to consider what it takes or make the effort required for the same. Next chapter weaves stories of young men who lapsed into idleness to escape unsatisfactory employment with instances where 'love marriage' offers an alternative out of this prevailing sense of hopelessness.

¹⁹ Given my gender, my interactions with young men did not lead to confidences on this subject. But doctors, journalists, professors among others have emphasized the widespread existence of drug abuse in Haryana.

The contrast some of these men with privilege made with women from their own families was drastic in this regard. Despite sharing the burden of household tasks and farm-work from an early age and being constrained in their domestic spaces, women found a way to continue their educational journeys. If they were not allowed to attend regular courses they enrolled into long distance ones. Several private institutions had mushroomed in the region to offer such women ‘non-attending’ courses in teaching instruction or Bachelors in Education. Women students in regular courses missed classes for several weeks during the harvest season but continued to hold out hope for completing their degrees. During Fall 2014, for example, a significant size of the student population in my host college disappeared for weeks to pick cotton. This was the job for women, I was told. The men were more interested in “supervising” women’s work rather than complete this work themselves.

Professors in the college complained about the extra work they needed to do to help the students catch up. In general, some professors tended to be dismissive of these students, claiming that the latter ‘expected to be spoon-fed’ and/or only ever sought to learn how to crack exams. The professors’ own commitment in imparting education varied as well, in my observation. On a macro level, disproportionate focus on examinations affected pedagogical orientations and the quality of education suffered both at the stage of instruction and absorption. But the college also provided a space for engagement with women from a cross-section of society and offered some role models in the teaching staff.

Due to Haryana’s policy focus on training some of India’s best sportspersons, many students completed their degrees while receiving training at the college and travelled outside the

India to participate in competitions. The sports instructor in my host college once joked in a casual conversation that these trips were not infrequently accompanied by tentative attempts on part of the students to experience romance. On another occasion, in response to a question, she claimed that sportswomen's lives were not significantly altered at their own homes and within future marriages but the training made them fearless and equipped them to counter-attack potential assaulters. Achievements in sports competitions led to greater chances of employment in public sector, making the women ideal suitors in the marriage market. In summary, though their educational accomplishments were checkered due to social and institutional factors, colleges enriched women's life and experiences even if opportunities beyond college were fewer as compared to the men.

Majority of women students I spoke to also hoped to become school or college teachers in the public sector, considered a safe and appropriate profession for women since they can also attend to housework due to flexible working hours. One Economics student revealed that she had been trained to work with *Aanganwadis* (village-level, government-run childcare units) but was pursuing her Masters' as she waited for her wedding. She was betrothed at the time of our interviews and she revealed that her career decisions would have to wait for this reason. But she had already completed the Bachelors in Education and one year of her Masters' program while she waited for the inevitable wedding. Anita, who came from a modest Punjabi family, worked at an exploitative private school while she prepared for the National Eligibility Test (NET), required for a job in Higher Education. Though Anita complained regularly about her poorly paid job where she constantly suffered petty humiliation, she did not stay idle as she waited for a government job to happen to her. Her best friend, Sakshi, who had the same qualifications as she did, had chosen

to not work in an exploitative job but accompanied her to the city to attend coaching classes for the NET exam. This was Sakshi's only legitimate excuse to travel to the city, as she was wary of being spotted in the city's market by older Jat men from her village. Her cousin based his claim of their family's progressiveness on the lack of restrictions it placed on Sakshi's pursuit of educational goals though other restrictions remained. They were modern only in comparison to the villagers who scrutinized Sakshi's visits to the city closely.

While education in India is widely conceived and promoted as a means to obtain decent jobs and secure upward mobility, for Haryanvi women it ensured physical mobility, social contact and exposure to the outside world. The empowerment they achieved through these achievements strengthened their families' claim on modernity. These factors held no meaning to the unfettered sons in Haryana. Their mobility was not constrained and pursuing and completing degrees in themselves did not enrich their immediate lives. Unless they secured 'office jobs' in public sector and/or secured admissions in (reputed) institutions outside Haryana, pursuing education for its own sake was neither rewarded nor supported.

Chandigarh-based personnel who interviewed candidates for public sector jobs told me that Haryanvi men who had professional degrees like MBA and Engineering sought lower-end clerical jobs in significant numbers. Most of my Haryanvi interlocutors in PU's law school, prepared for examinations for appointments in lower levels of judiciary because private practice was difficult to succeed in. Only one respondent admitted that he will try his hand at private practice while simultaneously preparing for the judiciary examination. Nearly all men interviewed at PU hoped

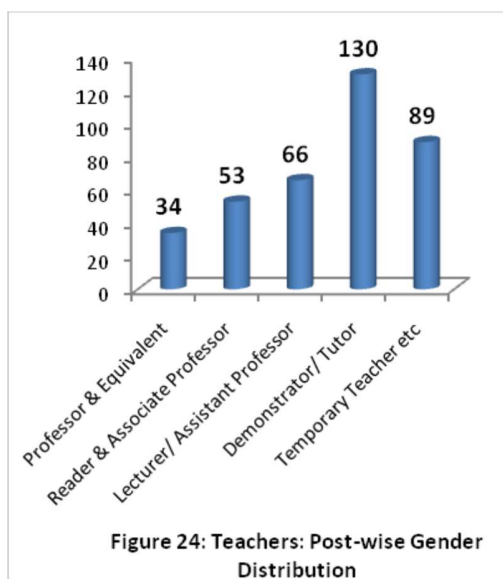
to eventually get a transfer to government offices closer to their own village while location was not as important as having a government job for two of them.

In a fascinating contrast, of the eight women interviewed at PU only one claimed she hoped to return to rural Haryana after her program ends. For the rest of the women, freedoms regarding mobility and the lack of suffocating family situations experienced in the big city had made them reconsider their ties with home. Law student Kuljeet, a Jat from Hisar district and a successful sportswoman, said she would not like to return to rural Haryana unless she reached higher levels of judiciary. She believed this would give her an opportunity to help women plaintiffs in a deeply patriarchal society. Shivani, a Dalit woman from Kaithal and aspirant for a teaching post, similarly felt that she would not want to go back to rural Haryana unless she was in a position to help women/people from lower castes. As Jat instructors heavily dominate schools and colleges in Haryana, she was wary of how she would be treated by her future Jat colleagues. But a part of her also worried for Dalit students like herself who have had to deal with unsupportive and, at times, abusive Jat instructors. Despite these rural-urban and gender-based variations, most narratives showed that aspirations almost uniformly rallied behind government jobs.

Haryana, otherwise a place strongly associated with its agrarian lifestyle and strong peasant identity, had in this way transformed into one obsessed with government jobs. State had emerged as the only viable employer for the kind of population it was unable to cater to. According to the 2011 Census Data (see table on page 222), Haryanvis who are not engaged in agriculture as “other workers.” Together with the “non-workers” they form a large number of people who are not engaged in agriculture even when residing in rural areas. In big landowning families, those young

men who are not engaged in farming might still report themselves as cultivators and those women who are heavily engaged in farm-work might be reported as housewives or non-workers. While accounting for these discrepancies, it still lends statistical support to propose that the primarily agrarian state has already started moving away from agriculture in some ways.

The unsustainable aspirations and the ensuing desperation are today leading to caste wars, most recently seen in a violent protest by dominant Jat community in February 2016. Jat men, who feel entitled to both local domination and government jobs, are today being forced to compete with men from other castes and women who had benefited immensely from the expansion in education levels. This is partly because their existing domination in the society is not enough to ensure jobs for everyone. The AISHE report placed the recruitment of candidates in all categories in Haryana's Higher Education institutions at 48,077 with 27,169 for men and 20,908 for women. OBC appointments, the category to which Jats seeks inclusion, stood at a mere 4,085 with 2,578 for men and 1,507 for women. Jats would have to compete for such numbers with communities already classified as OBC.



Figures for SC appointments were even lower 2,028 with 1,365 for men and 663 for women and, yet, one of the professed grudges for Jats was the higher success rates among SC candidates and the growing affluence among some Dalit families. In 2008, an entire colony of Dalit homes had been burned down in Haryana's Hisar district. A series of rapes of Dalit

women and young girls were also reported in 2013. While Jats have learned to blame reservations as the reason why they had been left behind, the number of OBC and SC recruitments in at least the Higher Education jobs (that are coveted) show that the system did not, in any substantial way, favor those with reservations when it came to recruitments.

It is also clear from this AISHE chart that the system still heavily favored men over women. But both statistical and ethnographic evidence has shown that women had taken an initiative to change this in the recent past. Women were motivated to do better in a neoliberal ideology-driven India that demanded individual effort and initiative rather than unrecognized agricultural and domestic labor. Ironically, this had led them to over-invest rather than divest from the state (also seen in an article on access to healthcare by Biehl 2012). While non-Jat communities vocally challenged them today, women across caste lines are perhaps leading a ‘Silent Revolution’ on the lines of Christophe Jafferlot’s claim regarding the political mobilization and success of the OBC communities in North India.

Conclusion

The lack of motivation on part of Jat (and Bishnoi) men stems, in my hypothesis, from the fact that their position of dominance in the agrarian society, Jats were now expected to fight for their place in future, a predicament they detest. Unlike women whose bleak present looked towards a future of potential opportunities where fewer or none had previously existed, Jat men were looking at a future of diminished importance where land ownership was no longer guaranteed and they were also, additionally, expected to compete for resources and opportunities they feel naturally entitled to receive.

Young men's disposition also speaks to a hopelessness for future. This hopelessness of some men and the immense hope many women held determines their individual approaches to marriage, especially love marriage. Aspirations for future careers and marriage are linked as marriage, social position and prosperity almost always are. The inability to secure the coveted government jobs directly results one's chances in the matrimonial market. And, as an extension, capacity of some to secure the jobs despite disadvantageous circumstances immediately boosts the suitor's credentials. This discrepancy between the achievements of men and women helps us get closer to analyzing why some women might want to expand their horizons when it comes to finding potential spouses, especially outside their caste and community groups.

4. MARRIAGE, CHOICE, SUCCESS: THE COUNTER-CULTURE OF CARE

Introduction: Ethnographic Location and a Note on Epistemology

The news portal Scroll.in carried a compilation of articles from different parts of India where women were refusing to marry their grooms for a range of reasons (Bhalla, Sahil, May 15, 2015. Accessed September 11, 2016, <http://scroll.in/article/725086/no-can-do-meet-the-young-women-from-rural-india-who-are-refusing-to-marry-unsuitable-boys>). Most stories, however, highlighted the women's belief that they were more qualified or eligible than the suitors their parents had selected for them. During my ethnographic research from both rural Haryana and Chandigarh, women students expressed apprehension about their inevitable weddings; at times fantasizing about a society where being single would be an option. One student in Chandigarh exclaimed in frustration, "*hume toh koi gavaar hi milega* (we will only end up with boorish guys)." I interpreted her comment to mean that while higher education has really opened the minds of women, the same could not be said about men even with similar educational qualifications. For, in Haryana, which reeled from decades of daughter devaluation (Yadav 2001), and still suffers from skewed sex ratios, women with newfound confidence may not yet be ready to refuse marriage but they at least perceive the institution in different terms. While many young women are still not vocally demanding change, in my ethnographic experience, they are incorporating subtle changes in their lives silently. Patriarchal ideology is not being visibly challenged but individual lives are quietly undercutting its influence in the background if we are ready to listen and read between the lines.

Haryana is today registering this shift in marriage norms on several fronts: there is a surge in the number of cases involving ‘purchased brides’ from poorer regions of the country; various levels of incest prohibitions are being lifted by caste councils; district courts are witnessing a high number of divorce cases¹; and, finally, there seems to be an explosion in love marriages, where, by most accounts, villages are leading the cities in this trend. These societal shifts have also made it possible for many to point out the hypocrisy of the dominant caste groups such as Jats and Bishnois, who forbid inter-caste and/or love marriages, but allow matches that were previously considered incestuous and openly welcomed the phenomenon of ‘purchased brides’ from elsewhere without taking the incoming brides’ caste into consideration.

Baljeet, a Bishnoi man who married someone from a lower caste, noted sarcastically: “These days all you hear is *aan de, aan de* (let them in, let them in). How can incestuous relationships be better than inter-caste ones? ... And marriages with women ‘bought’ from elsewhere... We all know a person who is bought and sold is a slave. How do you think people treat slaves?” Baljeet’s case is an intriguing one, for he was never allowed to forget his transgression. He has faced isolation and ill-will as well as appreciation for his “conquest” at a time when forced bachelorhood is a real possibility for men in his community. Experiencing this hypocrisy for a long time has led him to muse: “If there is heavy traffic on the street, you will take your vehicle into the wrong lane. It is wrong but you will do it.” In his interview, Baljeet retrospectively reasoned that his deviation was a prudent one, but he has also learned that the society will never let him forget the deviation itself.

¹ Though divorces are not part of my study I mention one case in the chapter 6.

Marrying Haryanvis are today not only wrestling with new social norms and societal measures of individual success, they are also facing an uncertain future. Given the expectation that marriage will remain a constant feature in life, decisions surrounding it are also based on ambitions and anticipations for one's future – a future most people hope will be better than the present. Even if Baljeet believed that the 'society never changes' (in its regressive attitudes), he also noted that things are always changing around him. The duality of his experience, of a stubbornly unforgiving society and a constantly adapting world, reveals both a constant state of the present and the lifelong journey towards the future. His married life is lived in the present, but also speaks to the hopes he had/has for future – hopes that had a bearing on his original decision to deviate in his marital choices. In my analysis of this relationship between life and marriage, I am inspired by Edmund Husserl's concept of *lebenswelt* or lifeworld, which he held cannot be independent of our selves and our specific experience of it (1970). Phenomenological anthropology reworks *lebenswelt* as "a dynamic, shifting, and intersubjectively constituted reality" (Throop and Desjarlais 2001:91). Young women and men in Haryana, I argue, are able to create different lifeworlds, or *lebenswelts*, for themselves because they learn to view and inhabit the world differently. Even without moving too far away, geographically speaking, from their familiar setting some Haryanvis have transformed their lives by reconfiguring their individual marriages.

In this chapter, I seek to unravel the transforming concept of marriage through both the changing material realities that determine marriage and phenomenological approaches, which help understand how people experience and express emotions surrounding intimate relationships. Haryana has been in the recent past experiencing a rapid transformation in, what one could call, a situation of time-space compression (Harvey 1999). The situation in this entire region is in a flux today given the uncertainty in the political economy and social unrest caused

by caste-based conflicts. Such uncertain conditions make mutations in interpersonal relations inevitable though it is a difficult personal and political process.

The plan for this chapter is as follows: I will start with a note on the usage of English terms in interviews given in Hindi, before discussing ethnographic data that register both continuities and departures with respect to the institution of marriage. The first part of this chapter deals with symbolic aspects while the second part focuses on the material culture. A common thread in the entire discussion is the idea of normativity itself. There are different, competing set of norms in both popular and intellectual discourses and they need to be un-entangled. Firstly, heterosexual marriage itself is a norm that very few of the ethnographic cases I have studied contest. Secondly, there is the norm of arranged marriage against which all other types of marriages are evaluated, but this norm is not synonymous with patriarchy, an ideology that is not necessarily threatened by choice-based marriages. But while acknowledging this reality I do not seek to dismiss the mutations in socio-cultural norms altogether. My effort in the entire dissertation has been to evaluate social change not on the benchmarks set by progressive circles in mainstream India, to which I belong as well, but to trace social change through the voices of my interlocutors themselves.

There is another normative aspiration that I must briefly mention here and it pertains to occupations. While the identity of landowning farmers is still symbolically important, there has been a generational shift away from agriculture and towards obtaining government jobs. These normative expectations that both jobseekers and their farming parents share have had a profound impact on political and personal lives in North India. This chapter, on the personal and intimate lives, builds on chapter two that has tackled political unrest, crisis in masculinity, and caste conflicts triggered by agrarian decline and the demands for jobs in government sector.

A Note on Examining Preference for English Terms

'Love marriage' is a convenient term used to explain and legitimize choices, as yet non-normative, that have otherwise not found coherent articulation in Hindi. I have chosen to use the term love marriage despite critique of the term from some South Asian feminists who view it as a western category, because my informants seem to overwhelmingly prefer it. When those who have eloped from home narrated their story to me, they explained that they "desired to have a love marriage." Relatedly, those who criticized eloping couples similarly use the term love marriage to refer to their relationship. Apart from love marriage, there are other English words that were used in Hindi sentences and have their own unique meanings. I use the bold format for all the English words used in Hindi sentences by the informants. Towards the end of the chapter, I will pull together my study of English words with the overall argument on marriage as it is understood currently in local settings.

Marrying Haryanvis: Ethnography at a Bishnoi Wedding

On the night of Rishi's wedding, after his wedding party had left for the bride's village I sat around with the women who had been left behind. I was told that in the past women on the groom's side did not attend the actual wedding – 'the men brought home the bride'. But younger women had changed this tradition in the recent past, insisting on accompanying the groom and **enjoying** the party. Older women were habituated to staying back though and they were preparing to enact the ritual of *aanta tutiya*. I had been coaxed into accompanying the groom's party but *aanta tutiya*, a satirical take on the actual wedding where women took on the roles of bride, groom and their respective parties, promised to be more intimate and fascinating from the perspective of my research. The performance had an in-built and self-aware critique of weddings in this region including thinly veiled representations of grooms' relatives who

evaluated the length of the bride's veil or the components of the dowry with a mixture of derision for the bride's family and approval of the many goods and jewels made available.

Aanta tutiya resonated with one message that had emerged from many conversations during the course of my fieldwork. A wedding, an important rite of passage, was not to be taken seriously. I had often realized during interviews and observations that too many questions regarding *shaadis* (weddings or marriages) both baffled and amused my informants. *Shaadis* here were, I was told several times over, not understood as something that needed to be thought about too much about – ‘they just happened’. *Shaadis* were also often spoken of as impervious to changing times. But when the mock wedding was performed, recreating rituals as they knew it with playful accuracy, the women not only adhered to tradition, they also accounted for recent inclusions such as loudspeakers blaring Punjabi pop music, which are locally called ‘DJ music.’ The mock wedding was a representation of weddings in the community in general – not of Rishi's wedding that they had come together to celebrate. It provided historicity to traditions associated with weddings and did not aim at capturing a timeless tradition of Bishnoi weddings.

The ritual stood in contradiction to the claims of caste elders in Haryana, who routinely resisted love marriages and/or marriages within the extended clan, in name of preserving local traditions and customs. Weddings in Haryana were continuously adapting and were open to additions both in symbolic and ideological terms. While this section takes up the symbolic, in the latter part of chapter I will discuss the ideological in detail. One hyper-visible symbol was the dominance of ‘DJ music,’ Punjabi pop music, especially the wildly popular and misogynist

songs of rapper Yo Yo Honey Singh², which blared on loudspeakers every night before the night of the wedding.

These loudspeakers had also drowned out the women's tradition of *rati joga*, literally 'awake all night,' where women stay up all night, singing songs about marriage and life cycles. The *rati joga*, which took place the night before the



Rati joga in progress. None of the women in this photograph were interviewed as part of the research

wedding, appeared to be a cherished tradition for the women. It was a very intimate setting where women sang, applied hand paint and gossiping intermittently (some even took short naps through the night). The songs were led by a respected artiste from a singing caste and well-versed in Rajasthani music but as the young boys outside on the courtyard refused to lower the speaker volumes as they danced away, *rati joga* became a competition of sounds where technology had won over at least one custom – but only temporarily. As the drunk and exhausted boys gave way around midnight, the women's collective voices began to soar and made their way into the dawn.

I do not wish to juxtapose the women's songs as timeless tradition, even if the women might believe in this themselves, pitted in opposition to the amplified pop music, which could be seen as a symbol of modernity. While the artiste sang old Rajasthani songs there were other women, relatives and friends of the family, whose songs spoke to contemporary concerns and transforming societies. For example, one song performed by a Jat woman from Sonipat district

² Singh is a British-Indian Rapper whose songs have been criticized for objectifying women and promoting the idea of sexual violence in a region already wrecked by widespread crimes against women. He plays upon raw masculine sentiments with what are known as party songs and generally associated with having a good time.

in very accessible Haryanvi detailed the anxieties of a mother whose college-educated daughter was about to enter wedlock and the daughter's soothing reassurances. The song, like most ritualist songs I had heard that night, used the technique of repetition for emphasis. Every stanza started with the lines: *Tu BA padh gayi...* (You have completed your BA) before asking how the daughter will adjust to her mother-in-law, father-in-law, brother-in-law, sister-in-law and, finally, the husband. The daughter's replies were also variations of a single idea – *main tika dungli/main sambhaal lungi* (I will fix them or I will put them in their place or I will manage). Far from the prescriptions of *nibhana* or making do (taken up by sociologist Geetika Bapna 2012), the bride with a BA in the song was confident of holding her own even as her mother worried that education might have rendered the former incapable of negotiating the rigors of an arranged marriage and joint families.

The women who heard the song nodded gravely and made appreciative noises to compliment the singer's skills. The tradition of *rati joga* could be, as this example suggests, inclusive of dialects and ideas of transformation. The educated girl as a plot device had struck a chord with the older women because many young women in their community were today either college-educated or aspired to be. More importantly, a wedding had provided a platform to share these concerns regarding viability of marriages when the priorities of both men and women were shifting. Though questions regarding marriages were considered incongruous, awareness trickled in through performances at weddings.

Central to this discussion is the meaning of *shaadi* itself which, as I have mentioned earlier, stands for both weddings and marriages. When I asked my informants about the institution of marriage, and not the event that weddings really are, I was often met with confusion. I had wondered if this might be reflective of a certain North Indian sensibility where

the two overlapped in people's minds at a subconscious level. While witnessing weddings in Haryana I began to see both the event and the institution as representations of each other. The event, one could say, allowed invitees to vicariously live another individual's marital life pre-facto and live through one's own and other invitees' marriages within a compressed period of time. Since it was pre-facto, the performances including *aanta tutiya* were not really about the *shaadi* at hand – no one knew as yet how Rishi's wedding or married life would unfold.

What I am proposing here is a framework to explain older women's experiences and critiques that were not often passed on in interviews, it was done so through performative knowledge or what Judith Butler would called stylized repetition of acts (1990). The repetition extended not just with songs and acts but also in conversations – it was an integral part of performative knowledge, which could not become 'authoritative text' (Bourdieu 1991). Comprehension and recognition essentially flowed from repetition. While there was something specific about this time and place, the ethnographic moment, what transcended it was the idea that *shaadis* (both weddings and marriages) were supposed to be participated in and not just witnessed and one's expected role (both in one's own and others' weddings) must be performed satisfactorily – but not necessarily thought of and discussed the way my interviews went about them.

This pressure to participate in the wedding was something I had also keenly felt. On first few nights of the extended wedding celebration, I was expected to dance with the guests as the DJ music played. My inability to perform the role I was assigned was met more with incomprehension than disappointment. One of the older women, who were well versed in traditional music and dance forms, took it upon herself to include me in the fun of DJ music. She dragged me to the makeshift dance floor and once I had copied a few of her steps faithfully

I sensed that I had satisfied many in the gathering. My tutor then started gesturing seriously and when I failed to comprehend her body movements, she decided to drop subtlety and started bouncing her breasts vigorously. After a few seconds she started looking at me expectantly without changing her serious expression. It was at this point that I understood that even my half-hearted performance had introduced another level of intimacy in the proceedings. My efforts were perhaps half-hearted but my inclusion had been nevertheless achieved – and it was signaled through a sexualized bodily act aimed at embarrassing me and exploiting what they perceived as my prudishness, first with bodily gestures and, later, with spoken word. The creative expression of one's sexuality stems from the homosocial intimacy of the space, where speech acts about sex and sexuality are seen as legitimate and even warranted.

Embodied Ethnography and Intimate Knowledge Production

Anthropological works that deal with joking relationships highlight how joking relations have to be performed within their prescribed rules and to uphold norms about certain relationships. After structural-functionalism went out of vogue, jokes and 'sex-talk' have been taken up in linguistic anthropology for its communicative and indexical functions. Deborah Cameron and Don Kulick examine the 'discursive construction of sexuality', where sexual experience is made meaningful through codes and conventions of signification (2006). What is significant in this body of literature is not only what sex-talk tells about the lives of the people doing it but also how sex is deployed as a narrative device. In ethnographies conducted in Northern and Central India (Ciotti 2011; Holden 2008) sexually explicit conversations were for women in homosocial settings vital ice-breakers which signaled that the outsider, a researcher in this case, had finally been included into the fold. For me, it also signaled a flipping of the power equation where I, as the person who had been asking the questions so far, was now subjected to discomfort, ultimately achieving a fairly level-playing field. Despite my knowledge of this body of literature, one particular conversation led by an elderly woman, who spoke in a heavy

baagri dialect (whom I will call BW), nevertheless took me off-guard. My embodied experience of discomfort with the attention of many devoted to the purpose of exploiting what they perceived as my prudishness for their enjoyment helped me bridge over some of the communication gap – that is, where linguistic gaps failed me the intimacy of the moment acted as a conduit in carrying over the meaning.

BW started by cracking a nuanced and sexually explicit joke, summing up what she thought of the marriage institution. In a previous interview, her comments on marriage were restrained by the formalness of the exercise and the presence of her husband but on this occasion, the frivolity of the moment and the need to perform provided an enriched account. Due to poor lighting, I could not write the joke down until the next day. And I managed to ask if I could switch on my audio recorder only after the punch line was delivered. In the conversation I reproduce below I reference the moment when the audio recording takes over from the notes. Another disclaimer that I must issue is that BW spoke in a heavy dialect and some of the words had to be translated to me by a younger woman in her late 30s who used standardized Hindi and a few English words. When I wrote my notes I merged the translation with the original since in the moment itself my effort had been to only comprehend what was being said. My transcription of the recording, however, includes the originals, translations and assorted commentary from other participants in the background.

Baagri woman (BW): *Eh America ki kuddi, soni baat bolon main.*

Listen up, girl from America. Let me tell you something useful/Let me give you some useful advice.

*Yahan kisi se **setting**³mat kariyo.*

Don't hook up with anyone here.

RS: *Nahi. Aisa koi irada nahi hai.*

No. I don't have any such plans.

BW: *Nahi suno. **Setting** mat karna. (Repetition.) Yahan ke mard aise hain na. Upar se harre barre par neeche se banjar.*

Just listen to me. Don't hook up with anyone. About the men here – They appear green and fertile on the top (or at surface level) but are actually a desert down below.

(At this point I asked if I can record this conversation.)

RS: **Recording** shuru kar diya maine. Bas bata rahi hoon.

I have switched on my recorder. I was just informing you.

Unidentified speaker: Bata-de mausi. Shuru kar di.

Aunty, just tell her. She has started...

RS: Nahi, waise woh jo bhi kehna chahe. Batana mera farz tha.

She can talk about whatever she wants to. It was just my responsibility to inform you.

BW: Soni baat bolon mein beti, soni baat bolon.

I always say something useful/important, daughter. (Repetition.)

Unidentified speaker: Soni kisi na hai, naani.

I would hardly call is beautiful/good, grandmother.

(Several, indiscernible voices talking about my imaginary wedding.)

DG: Rama! Shaadi karva le.

Rama! You should get married here.

RS: Yahan pe? Magar yeh toh mana kar rahen hai.

Out here? But she (BW) is telling me not to.

DG: Mana kyun karen?

Why would it be forbidden?

...

RS: Inhone abhi toh kaha. **Setting** mat karna.

She just told me not to have a **setting** here.

Interpreter: Yeh toh **without marriage** ki **setting** ke liye keh rahe the.

She was referring to settings out of wedlock.

...

DG: Achcha laga yahan ka mahaul?

You like it out here?

RS: Haan. Mujhe toh achcha laga.

Oh, yes. I do like it here.

BW: Jee toh karen hai. (Provoking squeals of laughter in the audience.)

She does feel like it.

³ Setting is a term used in Hindi sentences, frequently in the context of dating and courtships, where someone is said to have set himself/herself up in a romantic intrigue.

...

BW: Jee karen nee? **Mood** karen thoda thoda.

You do want to get married here, right? You are in the mood, at least a little.

RS: Nahi. Yahan pe DJ ka bahut shor hai. Jahan DJ nahi honge wahan karungi shaadi.

No. This DJ music is too loud. I will get married where there are no DJs.

BW: DJ jiyadi tenu vog lo.

Interpreter: Yeh keh rahen hai DJ toh woh apne haathon se... (Starts laughing uncontrollably.)

She is just saying that she can {Verb lost} DJ with her own hands.

RS: Phir toh main bhaag jaungi.

In that case, I will run away.

BW: Woh darr toh manne lage hain.

I do have that fear with you.

Ek baar pin de ke baad koi nahi pajh-andi.

Interpreteter: Ek baar **setting** ho jayen toh nahi... **BW** (overlap): Laad ladayen nee toh pajha koi nahi.

{Once you have had a setting then you won't...}

No one runs away after they make love.

BW: Laad kari tera.

Laadan mein toh aon reh gayi. Nahi hui toh thiye karun aa-ge.

{They will make love to you.}

Interpreter: Isi **love** mein toh yahan reh gayi varna chali jaati main bhi.

(BW says) I only stayed back for this love. I would have left as well if it was not for it.

RS: Yeh toh inhone bataya hi ki inki toh **love marriage** hui thi.

Yes, she did tell me (earlier) that she had had a love marriage.

(As it is clear from this exchange, we were talking cross-purposes for a few moments.)

BW: Bahut laad kariya mera. Jinha toh laad kariya, abhi gur khave hai.

He used to make love to me all the time. But now he eats jaggery (does not even look at me).

...

BW: Jinha toh muhnat chalayi-ho...

Interpreter: Pehle toh mujhe achche lage the...

At first, I did like him...

RS: Phir kab achche nahi lagne lage?

When did you stop liking him?

BW: Thaaari umar mein achche lage the...

When I was your age I used to like him...

RS: Ab nahi lagte?

But not anymore?

BW: {Abhi ke laage hai?}

{Hollar mode loi go.}

What do I feel now? **Interpreter:** Matlab, unka neeche ka **part** toh bekaar ho gaya.

That means, his sexual organs are dysfunctional now.

...

BW: Sarko di lokar mel dani agla raakha ko nee ja.

Interpreter: Keh rahen hai apka **sexual part** jo kharaab kar ke chodenge tab pata chalega.

(She says) You will understand this when someone is done ruining your sexual organs.

As the night wound up more amusement at my expense followed *aanta tutiya* as some suggested that I should have a **setting** with my dance tutor from the previous night who was holding an object that served as a phallic symbol and gesturing suggestively. The conversations and performances were relaxed and self-reflexively critical of men in that women underlined their own role in the patriarchal system. I consider BW's joking testament to a carefully enacted performance tailored (and not spontaneous or original) towards teasing me in front of a small intimate audience. It fulfilled the purpose of participating in the wedding despite old age and reduced movements but it was also framed as a window into her own marriage, a succinct, playful representation of a long married life. It is a skeptical and honest look at both her marriage and the society, where she projects some of her disenchantments with her marriage on not just men in the region but also the landscape and agriculture.

Taken as a whole, her dialogue is a perfect metaphor for the arid region that covers Fatehabad, Sirsa and parts of Hisar where *baagri* is spoken. This region was one of the unlikely beneficiaries of the Green Revolution project⁴. The landscape here is an ironic representation of its anomaly. Lush fields stood next to parched communal lands that were used for grazing animals and the species of trees that grow in the region are still typical of arid conditions and function as clear indicators to the unnatural fertility of agrarian farms. The *baagri* belt was only in appearance an agricultural success, part of the food bowl that the proponents of Green Revolution hoped Punjab and Haryana would become for the country. *Baagri* communities'

⁴ Anecdotal reference holds that the irrigation canals extended via Hisar, Fatehabad up to Sirsa because there were concentrated pockets of Jats spread across the region, and since the Green Revolution majorly favored Haryanvi Jats and the Jat Sikhs of Punjab.

staple diet, for example, remains largely reflective of the arid conditions and underscore the unsustainability of Green Revolution that many experts today agree to.

BW had, with her performed conversation, convinced me of the continuing significance of material culture studies in analyzing marriage patterns. Marriage in this region was and continues to be an institution that had to speak to the transforming material world. Prem Chowdhry has already explained how marriage patterns in colonial times reflected the political economy of the times, specifically agricultural productivity and the reproductivity of the communities (2008). Contemporary ideologies that govern marriage also speak to material institutions that govern private and public lives and these are transforming in Haryana and Punjab. As beneficiaries of the Green Revolution, both states saw high rates of agricultural production and prosperity for individual land owners. For this informant, her lifetime in marriage had been about the agricultural *lebenswelt* and her age (she is in her 70s) tells me that she must have seen agriculture and village landscape transform rapidly through the early years of her marriage. As the disastrous effects of this unsustainable form of agriculture is recognized by Haryanvis⁵ today, farming, which was once a source of pride and prosperity, has become a site of disillusionment as dwindling yields register a sense of betrayal to those who had grown accustomed to its fortunes.

BW, who lives in visible poverty today (partly because her son has taken over the property and alienated the aging couple), looks at the change in both personal and material circumstances with ironic disenchantment. The effects of the Green Revolution on land overlap with the ravages of sexual intercourse on the bodies of both herself and her husband. BW

⁵ Farmer unions and Jat groups have been in the last few years demanding support for introducing organic farming in the state.

warned me in jest to not make the same mistake she (and Haryana?) had made – build hopes of a sexually fulfilling relationship based on the promise of love. Too much love can be dangerous for the ‘love’ had consumed both their bodies and what had remained today were the signs of wreckage. The *baagri* region represented this love of a farmer towards agricultural land – it had been too much *laad* (love-making) in too short a space of time. Even as the signs of wreckage were only becoming apparent, disillusionment had not quite forced farmers to give up their love for this unyielding land but it had at least prompted them to push the next generation away from this delusional lovefest, primarily towards jobs in government sector.

BW discouraged me from a ‘setting’ or a hook-up because the male virility in her community (that I infer she was signaling to when she talks about green pastures and fertility) is a mirage much like Haryana’s agricultural prosperity. While her approval for establishing marital relations over ‘hook-ups’ resonates with calls to uphold a certain sexual morality, which restricts sex to marital relations, it hardly does justice to her overall point. She had playfully dissuaded me from a marriage based on love or desire that can be destructive in the long run but it was particular to her experience and not a virtuous morality. In many ways, it resonated more with Lila Abu-Lughod’s analysis of the Bedouin community she studied where women advised against a vulnerability that comes from being in love with one’s husband (1999). In *Veiled Sentiments*, Abu-Lughod argued that emotions were restricted to the realm of poetry where deep affections were allowed a legitimate presence but in the real world, emotions in relationships signified a weakness and could lead to a loss of honor, where the latter was not limited to sexual morality but also stood for strength of character.

In Haryana, marriage is often seen in a framework similar to what BW proposes: as a rational decision based on a realistic assessment of one’s future prospects. It works almost as

a pervasive authoritative text. But as Bourdieu tells us, authority lies not in the intrinsic properties of the discourse itself but “in the social conditions of production and reproduction of the distribution between the classes of knowledge and recognition of legitimate languages” (Bourdieu 1991:113). Even as BW seemed to uphold a popular tendency of dissuading the young from falling in love, she had underlined its persuasiveness and its ability to make one believe that the grass may indeed seem green on your side. The voices that lined up against love marriages imbued the latter with traits such as lack of rationality and foresight but, unlike BW, these informants rarely discussed the contours of desire when they dismiss it for want of reason.

In several interviews across gender lines and urban-rural divide (the tendency was higher in rural areas and among men) I heard that ‘affairs’ that challenged social norms were acceptable as long as they were furtive and the couples did not decide to get married. “Making it public,” especially through the aspiration of marriage, was even dubbed “sheer madness” in the words of Pulkit, who collects quantitative data for development agencies. Many interviews, however, toned this down, using a catchphrase of sorts: “love marriage *chalti nahi hai*” (love marriages don’t work). For many Haryanvis, including those in their 20s who, I would argue, both aspired to and were repulsed by the idea, the ‘authorized text’ dictated that love marriage was a bad idea and they were still reproducing their individual desires within this overarching narrative. What they had in common with BW was that they were not following the virtues of sexual morality, but rather claimed that love and desire belonged to a realm different than that of marriage.

Sakshi, a Jat woman of 24, reproduces this catchphrase critique perfectly: “love marriages don’t last because they are not well-considered decisions. These couples later

squabble and part ways because they did not know what they were getting into.” When I asked her if she knew any such couples, she referred to two cases she had vaguely heard about but her belief in the inherent truth of her claim was strong. Arranged marriage and love marriage are treated as binary concepts with the former standing in for traditions and customs and in opposition to the idea of choosing one’s partner that modern, liberal ideology ostensibly promotes. Unfortunately, this is a sentiment often shared by both upholders of traditions and by Indians/non-Indians who consider arranged marriage to be by definition, anti-choice and a form of patriarchal control⁶. But I found these seemingly contradictory categories to be intertwined in a complex web of aspirations. For many young people, a courtship before the wedding was spoken of as an ideal even in the case of an inevitable arranged marriage scenario. The idea that one must know what one is getting into was taking a hold over even some young people who were against ‘love marriages’.

Sakshi, for example, was very explicit regarding her preference for arranged marriage and this was not an attempt to uphold patriarchal values or local customs. As I spent more time in her company I noticed that during conversations regarding the plight of women in exploitative marriages, financial or otherwise, Sakshi displayed visible fear for her own uncertain future and criticized patriarchy with the English words ‘male-dominated society.’ She and her family were also adapting to the change in personal and social situations. Her family had already embraced and articulated the fact that matches cannot be arranged like they used to be. Sakshi’s mother stressed that the young woman’s consent would have to be ascertained before the match is finalized though she herself was never consulted when she was wedded as an adolescent. “I was not asked because I was illiterate. I did not know anything.

⁶ This video by a youtube channel for Asians in United States collects various perspectives on arranged marriage where both the interviewer and interviewees reproduce rigid stereotypes about the concept. <https://www.youtube.com/watch?v=w2hnjlI9P8M>

But Sakshi is well-educated,” the mother explained. These were not empty words, for Sakshi had on one occasion reported that she had recently turned down a ‘good match’, according to her parents’ standards, because the suitor’s family owned buffaloes. “I categorically told my father (*my inset*: who was incidentally a veterinary doctor) that I cannot work with animals,” she explained.

While Sakshi, who has completed her Masters and another program in education, would not have been able to refuse to milk animals had the wedding taken place, she was able to at least turn down the match. The young woman was acutely aware of the gender division of labor in her community and its non-negotiability – as the only woman among several male cousins and brothers, she performed a lot of household chores in addition to pursuing higher education – but she had the option of aspiring for different horizons, a life far away from home. “I want to get out of here. One keeps coming back to the same circles and conversations,” she exclaimed in frustration on one occasion. She later added in the same conversation, “I hope my parents can find a groom far away from here.” She had already told her father, to whom she felt closer, that she wants to leave the region. Her aspirations, which both signified adventure and intellectual stimulation (which her need to engage in different circles signified), could only be met, in her opinion, with either a government job that took her elsewhere – or, more likely, with marriage. In her framework, marriage was a rational decision that should further her aspirations rather than circumscribe them. Falling in love is not an option she has given herself but she did aspire for a more companionate marriage where she would not be expected to perform certain traditional chores, her income would not be appropriated and, most importantly, she would be able to travel out of her comfort zone.

Marriage as the Point of Exit

As I travelled from Chandigarh, where I had been conducting research at that point, for another wedding in the Bishnoi village, I was made aware of one of the scheduled halts of the bus I had boarded at Hisar bus station. The place was Mohabbatpur – Place of Love – and though my ears perked up to the word I realized I was not going that far. But the term itself required some deconstruction in the context of my research topic. *Mohabbat* or *Pyar*, words that stand for love, were very rarely used in interviews where the English word had replaced them. While literature on Bollywood and queer nostalgia readings frequently referred to these terms as well as *Yaar* (lover), the terms boyfriend and girlfriend (or their acronyms BF and GF) were overwhelmingly preferred in Haryana. *Mohabbat*, *pyar* and especially *yaar* were loaded terms which spoke of passion. Most relationships and marriages I studied seemed to consciously stay away from these connotations. Those who resisted arranged marriages were not exactly hoping for a passionate relationship. What both women and men often dreaded in interviews was the idea of marrying a stranger – they would have at least liked to speak to their affianced partners once, even if over the phone. A ‘love marriage, in contrast, involved marrying a partner of several years in many cases.

Rishi, whose wedding I spoke of at the start of this chapter, told me that in the last decade the question of whether the potential bride and groom should meet or speak with each other is raised when matches are being discussed. It is usually the groom’s side that brings it up and if the bride’s family rejects the request, no further questions can be asked. Rishi had been engaged twice and while he had been able to speak regularly on the phone with his first fiancé, the family of the second one – whom he eventually married – had disallowed any contact. Despite having certain doubts about the impending wedding due to a near fatal accident he met with more than a year back, he decided to go ahead because his orphaned fiancé, Sarita, had not liked the idea of being “abandoned again” (like she had been by her parents). Rishi’s

own chances at finding a spouse were diminishing since, at 32, he was past the average age for marriage among men (around 24) in the region. But when he narrated his story he emphasized that he had decided to proceed with the nuptials because he felt an obligation towards the young woman. Indeed, it was his sense of responsibility towards others that, he believed, had prevented him from marrying his former girlfriend, who was Christian. He had been very close to his maternal uncle and grandfather who, according to him, were very conservative. But at another point in the conversation, he reasoned with me that at 25 – considered as an appropriate age for men in the region to marry – he had not felt ready for marriage.

As I spent more time with his family I realized that Rishi had lived under tremendous pressure from his mother to emulate the example set by one of his cousins, a high-ranking government employee who had achieved the requisite standard of success in Haryana. The family had constructed him a failure in contrast and he responded to this situation by rationalizing his decisions as responsibilities towards his family rather than a matter of choice. Marriage had, at some level, satisfied his near relatives where his professional accomplishments had not. For both Rishi and Sarita, I could see that marriage had provided a means to make the best out of their current situation. When I met Rishi again during the second wedding, that of Roop's, he appeared to have made a remarkable recovery. He proudly showed off his workshop where he was growing mushrooms – much to the exasperation of his mother – but he gave up this experiment when he was hired back into the job he had had at the time of the accident. For Sarita, marriage had been liberating in more ways than one. She had set aside her Masters in Hindi that she had completed through a long distance program and enrolled into a fashion-designing course in Hisar city, commuting to classes without an escort. For someone who was forbidden to speak to her own fiancé over phone, these were early perks accrued from marriage. As it was in the case of BW, who had gave me a humorous interpretation of her

marital life at Rishi's wedding, Roop's wedding similarly offered a window into how Rishi-Sarita's life together might turn out to be.

Unlike Rishi, who approached his wedding with a sense of responsibility towards his bride-to-be, Roop, the bride of the second wedding, had no such motivations. It was at Rishi's wedding that she first came up to me and offered to apply *mehendi (henna)* on my hands while the 'DJ Music' blasted away in the background. During the short breaks we got from the conversation-stalling music, she told me about her life and an impending wedding. She had also chosen this particular moment when others were busy dancing to loud music to avoid eavesdroppers. "Rishi *bhaiya* (elder brother – they were second cousins) asked me to tell you my story. About why I wasn't allowed to study. He thinks it can be of help to you."

Something of a storyteller, she started her tale by telling me that she was everyone's pet, especially her maternal uncle and Rishi's. "I have also obeyed everyone and I am being punished for this reason." Then she moved on to describe a recent incident in village: There was a family distantly related to hers, which had sent one of their daughters to college (the girl in question turned out to be BW's granddaughter). The young woman SN had had a 'love marriage' with a fellow Bishnoi, an event that had a profound effect on the lives of many young women in the extended family. "She was the first one to go to college in that family and she had a love marriage. My folks told me: *Usne BA karke yeh kamaal kiya. Tu kya karegi? Tere ko toh karwani hi nahi hai* (that girl was up to such shenanigans in the name of pursuing a BA course, there is no telling what you will do. We are not sending you to college)."

Roop considered herself to have been a promising student in high school and had hoped to complete college and find a decent job. But that one event (the 'love marriage' in the village)

dramatically changed the course of her life. What hit her most was that the decision to keep her away from higher education was not taken by her “*dehaati*” (ignorant, rustic) farmer-father but her Chandigarh-based government-employed paternal uncle. Roop was aware of and was able to articulate the hypocrisy (“look at the mindset of these city-based people”), the fact that she had been thwarted in her dreams by an uncle who was presumably on the track of economic progress and had an urban lifestyle.

The ‘love marriage’, the open secret of the village no one but Roop had talked to me about, and the backlash it provoked was also specific to the time and place and not exactly reflective of an older tradition that need to be safeguarded. Looking back at my notes from the interview with BW and her husband, it is clear that they acknowledged and defended their own ‘love marriage.’ The husband even said in what could possibly be a veiled reference to his son’s – SN’s father – reluctance over the love marriage: *Agar maa-baap shyane nahi ho toh mana karenge. Kehte hain apni marzi se karenge. Aaj kal bachche tez hote hain. Ladki court mein kara leti hain* (If parents are not smart they will forbid such matches. They will insist on imposing their choice. But kids these days are quick-witted. Girls get married in courts). He was supportive of love marriages though completely against inter-caste marriages.

For SN’s parents though even the intra-caste marriage had come as a huge insult and they had severed all ties with the woman after hosting the wedding party. While caste had been important for the older man, his son had obviously prioritized his patriarchal values that had suffered a blow. Four women of that family, including the one who managed to choose her own partner, had been wedded in the same wedding party – one of whom had not even attained the required legal age. Avenging the wounded patriarchy is something that was apparent in how Roop’s family unit reacted to the event with high-handedness. They had made it clear to

Roop and other women in the community that education was not their right but perks that are rewarded in lieu of good behavior. If it felt like a punishment (a disproportionate one at that) to Roop it was because it was meant to be one. The ‘punishment’ continued as the family went about finalizing her match without providing her any kind of information. “Can you imagine this: for a month after my engagement I didn’t even know his (the fiancé’s) name! I would have never agreed if my maternal uncle had not met him and told me he was a responsible boy. You know how boys are these days...” I nodded my head in agreement as I thought about the young men playing/dancing to ear-splitting DJ music.

I presently asked her if she had been shown a photograph, a question she waved off with a scoff: “Yes but even a *gadha* (ass) looks good in **photos**. I want to know what kind of a person he is. Can I **adjust** with him and his stepmother? What is his relationship with his stepmother like? (I want to know answers to these questions) if this is to be my life... I am only 19... And I think my future looks very bleak ...” Roop was really frustrated that her fiancé had made no attempt to communicate with her since, as a woman, she could hardly make such a request. “How **stupid** is he? He could have said he wants to see me. *Banda soch kya raha hai* (What is the guy even thinking)?”

In Roop’s commentary what really struck me is how non-negotiable choice in this decision was for her despite its complete absence in her own life. She was outraged at how her wedding and her life were being (mis)handled; this was hardly a standard or normative procedure in her eyes. She expected and even demanded a say in her life decisions and was shocked at being refused. Arranged marriage, in its most idealized form where parents make all decisions, was hardly the norm for her. It was particularly heartbreaking when she said she had agreed to this wedding only because her maternal uncle had found the suitor responsible

since it was amply clear that her approval was not sought at all. According to her, the ‘bare minimum’ requirement for this wedding to take place was that she should meet him at least once, and with the few months she had at her disposal she meant to make this happen. Regardless of her success in this mission, the wedding appeared inevitable if only because she did not have other options – such as elopement with a partner of her choice. Though the planned wedding did not correspond with her own aspirations – of studying and finding a job for herself – by the time of Rishi’s wedding she was thinking that it wasn’t necessarily worse than what she already had. “Sometimes I do think I should not get married but (if I do) at least *mere khadoos family se peecha toh chuda lungi* (I would at least get rid of my perverse/intractable family).”

When I returned for her wedding a few months later, she told me she had managed to find the groom’s cellphone number but had decided not to contact him. When she would finally meet him – after the wedding – she was planning on asking why he had never made an attempt to contact her himself. Despite being visibly distraught, she appeared nominally hopeful about her future. “Till today my life has been about others. From tomorrow, I will take charge of it,” she stated. As the night of the wedding dragged on, her anxieties multiplied. She asked me to loosen and tighten her jewelry; ceiling fans were switched on and off multiple times. Her situation worsened steadily as, during the wedding nuptials, her mother had to hold her head and back firmly to prevent her from swaying too much. Her dreaded anticipation and its physical manifestations revealed that she recognized the rituals as the act that signifies being wedded but she had clearly refused to perform the prescribed script – *shaadis* were not supposed to be obsessed over, they just happened. And she was not the only one – the groom too had broken down in a flood of tears earlier that night, an act that failed to correspond to the

prevailing masculine standards in the region. While both seem to recognize this as a crucial rite of passage they had not stuck to the script.

In Quest of Economic Rationale: Caring, Sharing and Consideration in Relationships

As the previous section suggests, there has been a generational shift in understanding the institution of marriage. While these examples prove that marrying Haryanvis seek to adapt and subtly alter the arranged marriage model to suit individual needs and goals (with varying levels of success), what I have not seen is a significant deviation from the prescript of rational marriages. Interviews of young Haryanvis with different ‘relationship statuses’ (using Facebook slang) – those who are dating, engaged, waiting for their parents to arrange their matches, recently married and married for a while – revealed that their desires were not always paradigm-shifting but rather an individual economic rationale to make the existing frames work better for them. Though many of these desires arose from the need to keep up with changing socio-economic and personal situations, they have not yet found articulation in local idioms. It is for this reason, I argue, that many Haryanvis were cautiously using select English words to communicate ideas as yet novel to them. Among these words like share, care and friendship were recurrent and it is between these terms that I evolved a working definition for the term love, as it was understood among those who sought it in Haryana. While describing how people perceived the term and the relationship it forged, I have tried to stay cognizant of their individual location, aspirations for the future and how these relate to changing socio-economic realities. The fading prospects of agriculture loomed large as a recurrent motif in many of these narratives.

Ravinder, a young man who was in a long engagement, had an undergraduate degree in commerce. Three years, he claimed, had been wasted in a college that taught him nothing

useful. Despite the fact that the student population hailed predominantly from an agrarian background, commerce courses comprised of generic lessons on companies and shareholding that had no relevance to the students' immediate lives. College for him and his friends had been about hanging around, riding their bikes and, for some, trying to court women. If Ravinder had been interested in the last activity he did not reveal this as our interview had been set up by his fiancée Kavita. At the time of the interview, he had been engaged for a while and was planning on starting a dairy production unit. He knew that farming was not a lucrative occupation and his family had many hands involved in the occupation already. With dairy production, he was not deviating too much from the family lifestyle but consciously resisting the other available and highly desirable course – government jobs. He said: “I am not scared of work (manual labor) or ashamed of it. I don't want to be like my college friends, who either want an office job or are willing to while away their time. If my dairy business does not work out, I am ready to go back to farming. The sun, heat or hard work does not bother me.”

When I asked him if Kavita supported this plan, he replied that she was actually the inspiration, the driving force behind it. She regularly pushes him to not sit idle at the home, living off his parents' money. This was in fact my first interview with a young man from a big landowning family who had not been deterred by the idea of farm work. Young men from more marginalized families similarly displayed a preference for an office job, overwhelmingly favored the government sector, and waited for such an opportunity to arrive in under-employed or unemployed situations. Ravinder displayed no qualms regarding his life choices, which although familiar to his existing world were not in line with current, and arguably normative, aspirations among youth, which are also societal benchmarks for success. He attributed his prudence to his fiancée's motivating influence.

When his match was being finalized he had, like other young men in the region, sought to know his fiancée better before the wedding. “I asked her brother for her phone number, which he refused despite being roughly my age. But I had many friends in their village so I made it happen anyway. Marriage is serious business, I needed to know what she was like, whether we will be compatible. *Ab toh hadh se zyada love ho gaya hai* (Now I am madly in love with her).” Ravinder accepted the match arranged for him because, he said, family is an important factor in his life. And, although this is not underlined in his narrative, I could also see that his aspirations required family backing, for both finances and labor. Apart from the space required for such a production unit, ideally within farms, I had also by this time learned that, regardless of caste, men in the region did not milk cows and having the family structure intact was important for his future plans. He saw marriage as enabling in other material ways: he noted gleefully that a car in dowry usually means a big one. He also hoped that Kavita would find a teaching job with a public school one day. He expected her to work fewer hours in a day, which a government job at a public school allowed, so as to ensure domestic work does not suffer even as she brings in an assured income to complement the earnings from his business venture.

That Ravinder did not present any threat to the prevailing social norms is apparent from his stated preference for sexual division of labor and the hope that his spouse will achieve the benchmark of success that he had not – the coveted government job. But while it is important to analyze such narratives from a feminist standpoint, here I seek to analyze Haryana’s gender inequalities not only with my political leanings but also through its own struggles to achieve better conditions.

In Ravinder's case, I had already learned that the match had been enabling from Kavita's point of view as well. The woman, who was in her early twenties, had led a life similar to Roop's, where her paternal uncle had decided not to send her to college and, like Roop and Sarita, she had been enrolled her into a long-distance degree course. As the only girl in an extended family with five male cousins and one brother, she had been the darling of her family like Roop. According to her, when her paternal uncle had sought to finalize her match a few years back, her older cousin Hardeep had intervened and argued that the ("our") girl was still very young. Though impressed with Ravinder and his suitability for Kavita, he had stressed on a long engagement so that the girl would at least finish her undergraduate degree before entering wedlock. Kavita additionally accompanied Hardeep's wife to teach in a private school for a miniscule salary.

She had, in this way, been allowed both the time to experience adulthood outside the bonds of domesticity and develop a relationship with her fiancé. It is in this latter experience that she had made a radical departure; it was again a 'secret' that all the women in the extended family were privy to and vicariously experienced the furtive romance. When she informed me of her first meeting with her fiancé she mentioned several times that I should not tell her male cousins. "He brought duplicates of my mark sheets (transcripts) from the university to my school because I was planning to apply for another course. I kept chasing him away once he had handed over the papers because I was afraid someone would see us and inform my family. But the next time I meet him I am not going to be so scared," she said describing the event. In Kavita's case, too, romance and self-goals for life, which dictated that that one should not vegetate at home, had entwined. Ravinder had become an agent who connected her sheltered life with the presumed world of opportunities beyond. Despite having some (legitimate) misgivings regarding Kavita's exploitative job and its future prospects, Ravinder was clear that

he wasn't going to stall her educational goals. In fact, he disparaged at the family's decision to enroll her into a distance-learning program and claimed that he was going to have her attend a regular Master's program after they were married. It appeared to me that irrespective of the quality of education that he himself complained about, Ravinder held the attainment of educational degrees an important aspect of what makes a person whole and how people perceive them.

Education and women's positions have become a complex ideological struggle⁷ that people in Kavita's life alluded to in interviews. While one of Kavita's male cousins claimed that Hardeep's wife revealed her conservative upbringing in that she covered her head, the wife herself believed that her natal home was a lot more progressive as this family had forced Kavita to complete her undergraduate degree through a distance-learning program. Seeking a good education was always supported in her own family, she claimed. Ravinder had probably also sensed that denying Kavita the opportunity said something about the family and the woman herself. Their marriage may continue to be a patriarchal one but it nevertheless sought to address some persisting societal inequalities and sought to achieve a companionship where both parties could strive to maximize on their existing opportunities and explore their personhood more holistically in each other's company.

Navjot, Baljeet's wife and a lower caste Sikh woman, too aspired for a more collegial marriage when she was still in high school. Friends her age had already been married and were reporting to her discomfiting experiences. In retrospect, she said: "I always knew I wanted to find a partner on my own. With love marriages, you know what you are getting into ...". Her conclusions were different from women like Sakshi, who believed that love marriages don't

⁷ I describe this struggle in chapter 3.

work, what they had in common was the fear of marrying a stranger in arranged marriages. This fear was already growing in her mind when she came across Baljeet. “It was so long ago,” says Baljeet, as he recalls with some uncertainty that they had one meeting after which they embarked on a primarily cellphone calls-based romance. But Navjot is confident that there had been no meeting; just phone conversations that were held surreptitiously. When they met for the first time, Navjot insists, Baljeet had proposed marriage unequivocally. But fears of whether she would be able to **adjust** with a community different from her own prevented her from accepting the proposal immediately. She says it was almost a year before she finally came around to the idea. “I **shared** everything with him. He used to listen patiently and respond/advise. Eventually I realized *woh meri kitni care karte hain* (He cares a lot about me).”

Navjot employed this intriguing phrase that has resonance in the Hindi-speaking belts of North India – the English word ‘care’ is followed by the Hindi verb *karte*, which means, “to do”. The sequence of words suggests something different from the English usages (they/he/she “care/cares” and “take care” (of someone)). Navjot describes it as something her husband does (so care is deployed here as a noun and not a verb). Navjot and other women I met, like Radhika and Kusum, used the word ‘care’ to articulate what they think their partners were doing right to inspire confidence and trust. It was not just a feeling or emotion that people show with subtle gestures and not the care work that is undertaken for the elderly or sick. For Radhika, it is the gesture of doing housework that endears her husband to her: “He supports me as I pursue my college degree and motivates me in every way; he even does housework. *Bahut caring hai* (he cares a lot).”

Radhika is the first woman in her community (she is from a singer caste) to have started college, an accomplishment her parents were proud of. “My parents only accepted his family’s

proposal when they assured us that he will not stall my education. They said *nahi toh hum ladki nahi dete* (otherwise, we won't give you our girl)." The fact that he not only encouraged her to study but also supported her by doing domestic chores, despite the prevailing norm of rigid gender-based division of labor, convinced Radhika of his care. It was reflective of not so much what he felt for her but who he was – a man ready for a reciprocal and relatively equal relationship. Despite being considerably older to her, Radhika's husband Jeet had fitted the bill. As a poet and research scholar, he had come into contact with progressive circles in the region and expressed strong views on gender parity. He, nevertheless, felt the compulsion to marry within his caste, a feature I came across among smaller communities with less political and social capital. Fewer people in such communities achieved the normative standard of success and Jeet, as a newly appointed junior lecturer in the public schooling system, was highly valued. As 'one of the best' in the community, he was expected to marry 'one of their own.' He chose Radhika due to a strong sense of obligation that he explicitly articulated but I could see that he could also look forward to a degree of intellectual companionship that he could not find in other women in his community. He was hoping to enroll his wife into a Masters' program in the Chandigarh city-based Panjab University, an opportunity he himself did not have. "I just want to set the child up for a good career," he told me on one occasion. Using the word *bachchi* (female child) for his wife signified both the age difference between the two, and the nurturing role he had taken on for himself in the relationship.

However, rather than signifying romantic love or providing for a helpless child (that Radhika was clearly not), Jeet's relationship with his wife, which was very non-normative in their own context, reflected a social and political commitment towards gender equality that translated into improving her individual prospects. It was a different kind of care – a care of the kind Angela Garcia (2010) and Clara Han (2012) have discussed before. For Garcia, care

is dwelling in the shared zone of another person's vulnerabilities, while Han describes care as a form of social debt that accrues within members of a close-knit community. In the case of sexual relationships in a transforming Haryana, 'care' served the purpose of bridging a huge, socially sanctioned disparity between men and women. Given the existing inequalities, such relationships can tend towards a dependency engineered by the power imbalance between the couples. This particular version of care offered an opportunity to establish a companionate relationship where men subverted patriarchal prescripts on how to treat women in their lives, at times even using their relative privilege to alleviate the latter's situation. One could define this care as an effort to re-conceptualize a relationship based on notions of partnerships between two unequal parties in the absence of any existing vocabulary to define this shift.

For women from this region, which historically considered them *pair ki jhoothi* – shoes for the feet (Chowdhry 2007), the tendency among some men to treat them as a real person, to patiently listen and engage with their aspirations signaled a cross-gender relationship different from what they had taken to be the norm. They sought partners who treat them as good friends, bestowing them with special regard, in a society notorious for its mistreatment of women, whether it is sex-selective abortions, malnourishment in the face of plenty or high rates of sexual crimes.

I temporarily felt this hypothesis falling apart when I asked Kusum whether her (boy)friend's love is expressed through the 'care' he does. She replied slowly: "Not really... One cares as a human being as well, right?" The poignancy of this statement did not register with me immediately – that ideally these Haryanvi women expected to be treated as human beings in their own families and immediate communities. But instead some of them seek this outside familiar zones in what, to me, was clearly an indicator of new political commitments.

Finding care is a means for some women to ‘experience what it is to be a human’ (as Biehl explains in *Vita* 2005) but this process also necessarily involves, for Kusum, taking certain universal human values for granted. It is reflective of what Biehl calls the dynamic process of making something commonsensical (2005). The vital act of doing “care” needs to have at least an appearance of the ordinary (despite conscious iterations). Care, in this framework, is presumed to exist in mutual relationships, despite unequal structures and networks. Even when women listed care as one of the endearing features of their partner, they sought to normalize it – as if its existence should not come as a surprise.

Given the level of surveillance in close-knit rural communities, many courtships are furtively held and most likely over phone conversations. In the college campus I stayed for over five months, I witnessed many women engaged in long phone calls. When I interviewed young college students on the topic of ‘love marriages,’ they described in great detail the telephonic intrigues of their peers. Most women and men spoke about it as something others; even close friends, engaged in while they themselves did not. It was an ethnographic situation reminiscent of *The Secret: Love, Marriage and HIV* by Jennifer Hirsch and others (2009) where most informants spoke of extramarital affairs as numerous but not reflective of their own marriage. Similarly, in Haryana, despite the adage that love marriages are ill-conceived, pre-marital affairs themselves were common if only conducted primarily through phone calls.

Kusum, one of the few women who spoke to me openly about her phone-based romance, has hardly met her ‘**friend**’ since she started attending college. The friend was a peer from her school days and they had remained together despite distance and lack of opportunities to meet in person. “I like talking to him. I feel like I can **share** everything with him ... Yes, I would like to marry him someday but that is far off in future. I must first complete my education

and find a job,” she explained in a narrative that is, by this point, familiar. When I asked her why she refers to him as ‘friend’, she replied: “Till we are married, we would call him my friend, right?” I asked her if it would be called a ‘love marriage’ if she married him. She replied in affirmative but hoped her parents would also bless the match. “Right now they don’t want to talk about it although I think they suspect. If both of us are already set up in our careers, parents are less likely to object,” she explained.

In seeing care in intimate relationships as a political claim I want to underline that such longings are not always an indication of ill-treatment or unhappy childhood. Women who came from sheltered families had at times found love among their own. But as the cases of Roop and Kavita proved, it had been the kind of love that had prevented them from personal growth. The love some women sought from their partners was of a diametrically opposite kind. Though not exactly an escape from patriarchy, it was at least a rejection of the kind of circumscribing love they were bestowed with at home.

These narratives challenge the other pervasive discourse surrounding ‘love marriage’ – its presumed irrationality. My interviews with eloping couples at the High Court showed that many of these affairs were four or five years long and primarily based on the ability and interest among women and men to have phone conversations for hours. Not all such phone-based courtships result in marriages but they reveal a level of commitment to engage with the other that, at least in part, problematize the claim that such couples are ignorant about what they are getting into. Even in cases where phone-based courtships did not result in matrimony, women experienced romance and entertained the possibility of a different model for intimate relationships than the one that they had been presented as the norm. People who ‘fall in love’

often appeared to have life goals and relationship goals similar to those who sought arranged marriage. What they were seeking in love marriages could also be seen as making decisions on the most rational or prudent course of action where a long, sustainable relationship had already been achieved. Baljeet and Navjot came to the question of love marriages' presumed sustainability from different angles but underlined that there is no denying that love marriage requires an effort. According to Baljeet, in rural pockets a love marriage marks you out. Every village has only a few such marriages and the gossip networks train their eyes on such couples, being quick to point cracks in the relationship. Arranged marriages fall apart too but do not evoke as much interest since a majority of marriages are family-arranged. Navjot, on the other hand, holds out that one has to work harder at not only making love marriages a success but also having people perceive it as one. "If you have defied social norms you have to prove that you were right," she explains. Both theories highlight the social function their marriage serves – the collective will is to see such couples fail and it is the couple's enormous social responsibility to make it work despite outside pressures. Baljeet had claimed in his interview that the duo never had any disagreements despite the popular belief that such couples squabble a lot, a claim Navjot backed in her narrative. But she also highlighted that the effort that had gone behind keeping things that way.

The conflicts in their lives had come from outside. Baljeet's locally dominant Bishnoi caste had initially not taken kindly to his elopement and marriage. His brothers were intent on evicting and disinheriting him from the family home and landholding respectively. For Baljeet, who always knew that there will be 'some trouble,' this had still come as a bitter lesson. For Navjot, experiences such as building their own house after eviction from Baljeet's ancestral home and farming the land herself while he set up his shop signified for her a success that, she believed, had eluded the brothers' families. Today, Baljeet is the only one of four brothers to

have an income independent of agriculture; he owns a successful shop and a small car that he says is not fancy but serves its function. He did not get a “truckload of dowry” or any family support during his years of struggle but looking back at their personal and financial travails he quipped: “*apne aap se kuch karna ho toh love marriage achi cheez hai. Par sabko paki pakayi khaani hai* (if you want to make something of yourself, love marriage can be a good thing. But everyone prefers pre-cooked meals).”

In a region where most parents today encourage their male offspring to leave behind agriculture and/or villages and ‘make something of themselves,’ Baljeet seems to claim that love marriage can give you the sufficient impetus to do exactly that. Not everyone is granted the opportunity to make something of themselves. As bureaucrat Ashok puts it, those who have are careful about not losing their positions, especially if they have worked hard for it. “I notice that those who elope and visit courts are the most abject set. People without much education, daily wage laborers etc. Once you have achieved something in life, the tendency is to conform to norms,” he said, explaining the risks involved in deviating when one has already achieved normative standards of success. For those who have not had the opportunities (especially women and people from lower castes) or were not able to maximize on them (Baljeet belonged to this category), crises, such as the ones created by losing land or love marriages, paradoxically allows some individuals to live up to, in more complete ways, this prevailing maxim of ‘making something of themselves’.

This is something Jaspreet, a 24-year-old man who had eloped with a legally under-aged woman and was now convicted on kidnapping charges, had also tentatively suggested in his narrative. I met Jaspreet after the High Court had granted him bail and, in the course of the interview, I asked him why so many young men in Haryana fell in love and eloped despite

potential consequences of the kind he had experienced. According to him, love motivates men to get out their comfort zone and move ahead in life. “As long as you are surrounded by your family and have their resources provide you security, it is difficult to do something on your own,” he explained. Jaspreet’s aspiration had been to find employment in Dubai, a life that would have been tougher than what he had had in Haryana. Falling in love with his new neighbor had anchored and motivated him to pursue his goals. When I met him, he still believed in what he described as the capacity of love to “make men stand on their feet.” The deep sense of betrayal he felt from his former girlfriend, who had testified against him in the trial court, had not forced him to reconsider his prior beliefs. In his darkest hour, Jaspreet’s family had come to his rescue. Through the time he was arrested, tortured in custody, convicted and jailed, he never heard them chastise him for his foolhardiness. They kept telling him that they will take care of everything. This was exactly the life of dependency he had been resisting and love had appeared to him the means to find ‘his feet in the world.’

In the narrative of Baljeet and, to a lesser extent, Jaspreet’s, a possible reason for men opting for elopement and love marriage emerged, though both addressed the question through retrospective knowledge. While the narratives of women in this chapter clearly highlighted why love and/or marriage afforded some an opportunity to recraft their personhood and lives, interviews of men often did not bring this into sharp relief. Though women faced higher risks with love marriage as parents were likely to disown them even in the face of spousal abandonment, they were driven by aspirations for a more emancipated life. For men like Jaspreet, who had the option of return, it offered independence in a life already privileged by patriarchy.

Where the relationships lasted, lives never seemed to normalize for many of the couples. Even when family ties had not been severed, isolation by family or community had been widely practiced. Given the risk men faced of losing vital privileges that patriarchy ensures (diminished but not absent in the case of men from lower castes), when they did decide to deviate, they set themselves up for a challenging life. Hisar city-based couple Manoj and Asha, Dalit man and Jat woman respectively, were cognizant that their life goals differed considerably from the world around them. Asha explained: “You see: We both have teaching jobs in government schools. Everyone wants government jobs but we are not satisfied with ours. We care about the work we do and whether it interests us.” Asha mourns the continuing boycott of her natal family and Manoj, of his parents’ cold indifference towards them (despite being their neighbors); life for them has not normalized after more than 10 years of marriage. But while they hope to make peace with their past, they appear unwilling to give up on their aspirations for a fulfilling life. Achieving the social benchmark for marital and professional success that proved the detractors of their union wrong was not a worthy enough goal in itself.

In conclusion, this chapter has attempted to capture certain shifts in symbolic, ideological and phenomenological aspects of marital relations in the *baagri* belt of Haryana. In the *lebenswelt* of this region, marriage is often approached through individual economic rationale and, though not entirely utilitarian, both arranged and love marriages reflect an attempt to make best of one’s situation. Through this discussion I have sought to problematize both the claim of timelessness in marital traditions and the feminist discussion on pervasiveness of patriarchy that often stalls dialogue on the question of social change. When we approach the idea of social change through life history narratives, a study of generational shifts and/or overlapping experiences within close-knit kin groups that a study on marriage is particularly suited for, we begin to see change not just on any universal scales but distances travelled within

the realm of what is familiar. That is, these shifts in marital relationships signify a reworking from within, that of the lifeworld or *lebenswelt*, which finds ways to stay compatible with the material or socio-economic world around it.

5. THE LEGAL FICTION OF PROTECTION PETITIONS: INSTITUTING 'COURT MARRIAGE'

Introduction

MJ1 was a familiar face for me. He had been presiding over cases of elopements both in 2012 and 2015 when I conducted ethnographic observations at the Punjab and Haryana High Court. My memory and notes from 2012 helped me remember him in 2015, perhaps in simplistic terms, as a conservative judge who often managed to unnerve eloping couples by asking them probing questions. On more than one occasion he had rhetorically asked couples what they thought of *reetis* (customs) and *riwaj* (tradition). But MJ1¹ had not remained frozen in time. He was evolving and, while his broader perspectives remained fairly consistent, he managed to show introspection and willingness to adapt if required. He had ordered one of the advocate-generals at the high court to undertake a study on the elopement cases he had handled and, on one occasion, I observed him admonish a lawyer who had been negligent with preparing the protection petition with the following words: *Sir, please take pity on these couples. They are in great trouble ... they are on the run.*"

¹ I have decided to protect the identities of judges as far as possible. Though it is not unlikely that their identities can be deciphered through other means I believe it is not my responsibility to protect judges, who are public personalities. Their courtroom pronouncements and orders are similarly public artefacts. The only reason I have decided not to use real names is because I do not want the study to become centered on individuals and their biases. I also have reason to believe that this might result in a backlash against my research data, which is not a direct critique of the courtroom proceedings. At many junctures, I have acknowledged the crucial role played by the court and its judges in effecting subtle social change and I do not wish for description of individual events to cloud perceptions on the overall argument. I, however, believe it is important to highlight gender and the judges will be named as MJ (Male Judge) or WJ (Woman Judge) with numbers.

MJ1's evolution, which in some ways serves as a reflection of the high court's own progression with the phenomenon of protection petitions, is probably best captured in the following interaction I observed between him, a couple and the bride's parents:

MJ1 (in Hindi): You must accept this change what can you do?

(Parents sob by way of reply.)

MJ1 (continues in Hindi): Parents of both (bride and groom) are unfortunate. But **that is not the case** here.

Parent: Girl has been brought here by force.

MJ1: The girl is right here. You can ask her.

Parents: Please let us talk to her.

MJ1: Sure, you can talk to her.

Bride: I don't want to return to my parents. I **want to marry** him.

MJ1: You can get married but at least talk to your parents.

Bride: No, I don't want to talk to them.

MJ1: How did you manage to hate them so much over night? Why is there so much poison?

Bride: I don't want to talk to them.

MJ1 to parents' lawyer (in English): I have asked her. She is not willing (to speak to her parents). What more can **the court** do for you?

Parents (simultaneously, in Hindi): First you bring them up. Then, educate them. Why should we kill (them)? Other people kill their own children but we are educated people.

MJ1 (in Hindi): The **court has** utmost sympathy for you. The **court understands** your pain. I hope that she will realize her mistake after a month and return to you.

Parents: What is the point then? *Tab toh waqt nikhal jayega* (This time would have passed.)

MJ1's interaction reflects several issues that I will connect the various threads of this chapter: 1. MJ1 had collapsed his personhood, including his proclivities, with that of the court as an entity. This included showing sympathy for parents, bemoaning the presumed fallacy of the bride and asking a clear question "what the court can do" for people visiting the space. 2. MJ1 had, it appears, in consoling the parents regarding the inevitability of change also spoken of it as something he himself had learn to accept. 3. The parents of the bride wanted to first speak to the latter and insisted on her return on that very day. A possible return on a later day was unacceptable for them. 4. The bride had insisted that she wanted to marry the man she had eloped with in an inconsistent reply to the urge for dialogue with parents, which she subsequently refused to engage in. She had hinted in her reply that the act of marrying – particularly a wedding ritual – had not taken place. Or, perhaps closer to the truth, the wedding ritual was, as yet, incomplete.

The story of this and many eloping couples from the region highlight all these factors that are collapsed into one definitive episode in which the high court plays a central role and these factors are often confused with one other. Two advocates invested in human rights issues, whose work I will describe later in the chapter, have spent years trying to parse them out neatly to find a solution to what they perceive are the social rather than legal issues. My effort in this chapter is to not disentangle this messy process, as they have done, but rather illuminate different stages of this process. The question MJ1 asked – What can the court do for you? – guides, in some ways, my efforts to trace what I have come to regard as a liminal phase. In a 1986 piece, ‘Dewey, Dilthey, and Drama: An Essay in the Anthropology of Experience’, Victor Turner mentioned weddings as one of the moments of crises, a liminal phase from which an individual emerges as a different person. The crisis that is represented by elopements is a precarious one as court cases such as the one described above highlight only too well. But despite certain exceptions, which will be discussed in detail, court cases represent an effort at remaking meaning. That is, in line with Turner’s argument, by performing a prescribed and familiar text couples who petition for protection of life and liberty, forge new modes of experiencing personhood both in political and personal terms.

The case for the personal is only too apparent – couples seek togetherness and a choice to decide on their partners. Brides often state this explicitly in courtrooms at times regardless of the questions asked, as the conversation above shows. For, what is at stake in these cases, as Pratiksha Baxi (2006) and Prem Chowdhry (2004) have discussed in relation to elopement cases from different historical periods, is whether the woman in question exercised choice or was coerced. But this question also naturally leads us to ruminate on whether provisions for the exercise of

choice existed in the first place – and here is where the premise becomes political. Speaking of this issue under the framework of universal human rights is only effective depending on the positionality of the speaker. As Annelise Riles has pointed out, rights-based advocacy has an in-built exclusionary framework where the rights are perceived as fruits that are not borne out of the receivers' labor (2006:305). Eloping couples are often perceived and spoke of as undeserving of the time and space they are provided at the court by many actors. Several lawyers have argued in interviews with me that such cases do not belong to the space of the high court where judges are said to adjudicate on 'more important and urgent' petitions. Judges who embody the entity of the court, on the other hand, are clearly in a position of authority to deem them as worthy and state that choice in relationships as a universal human right. The couples, in turn, speak of their aspirations and expect a person in position of authority to validate their aspiration as a legally viable one.

The processes that led states, in abstract sense of the term, to assume such a role in the intimate lives of people, can be examined with a classic feminist analysis (Pateman 1998; Okin 1989) that Baxi (2006) and Chowdhry (2004) reproduce in their arguments. My research follows in this tradition but where I deviate is in seeing the role of the state, represented by the courtroom in this instance, as not just inducing vulnerability or precarity but also as an enabling institution. Additionally, in the narratives of eloping couples I have located an aspiration for accessing the state spaces and for being seen as (*bonafide*) subjects. The aspiration for accessing the state and for state largesse is a theme I build on from the discussion in the previous chapters. In this chapter, I will focus on the coded meanings that emerge from the phenomenon of protection petitions, analyzed here as a liminal phase for individual couples. In the next section, I will discuss the

evolution of the theoretical premise that has guided my analysis on protection petitions over the last few years.

Creating a Legal Wedding

Since at least 2010, an average of 50-60 couples from the states of Punjab and Haryana have visited this court on each business day. Communities in rural Haryana have been greatly exposed to the idea of court intervention in elopement cases over a period of time. I would even argue that it is impossible to evaluate the phenomenon of eloping couples visiting the high court and of the protection petitions without actually describing how these moves are perceived outside the legal and state space. Interviewees in Haryana's towns and villages brought up "the court in Chandigarh" in conversations on 'love marriages' without any prompting from my side. As firefighter and part-time farmer Sachin effectively summarized: "We don't approve of love marriages here. But if the couples visit the high court in Chandigarh that is another issue..." A love marriage that has seemingly received court marriage was, in his eyes, more acceptable. A senior police officer communicated to me (indirectly, through a local reporter) that the police officers in his district had evolved an efficient mechanism to deal with such couples. The officers summoned the families of the duo and explained to them that no one, including the cops themselves, could "touch the couple" now that they had received the court order. By 'securing' the couples the court orders were also ensuring social sanction (possibly a grudging one) for their marriage and togetherness, which is, as I describe in chapter four, essential to lead an unhindered married life in these parts.

After my Masters research at this court in 2012 I read the interpretation of this process among couples as well as community members as an act of deliberate "misrecognition". According

to Pierre Bourdieu, disposition to the sense of misrecognition could be borne out of “the delegation of authority which confers its authority on authorized discourse” (Bourdieu 1991:113). Authority, he says, lies not in the intrinsic properties of the discourse itself but “in the social conditions of production and reproduction of the distribution between the classes of knowledge and recognition of legitimate languages (13).” Through the collective act of misrecognition, where authority to make pronouncements on universal rights is conferred to judges, the couples are able to negotiate the limited opportunities available to them to have their choices in intimate relationships ‘legitimized’ in a society where family-arranged marriages are still the norm. The possibility of court validation, in many ways, strengthens the decision to ostensibly go against established norms.

Though these couples do not, as yet, have the political capital to assert that their act of choosing a spouse is a right, they approach the court with the protection petition and expect the judges to validate this right with both spoken and written word. The idea of perceiving the protection petition process as misrecognition, though persuasive, had left me vaguely unsettled. It could be interpreted by some readers as suggestive of manipulation and, worse, ignorance. In one sense, I had also been trapped within the stagnating question of structure and agency that is reflected in much of feminist scholarship on Indian state and its laws today where ‘misrecognition’ could signify a form of negative agency.

Further literary and ethnographic research has prompted me to reorient attention to ‘tactics’ deployed by social agents (a term most notably used in Wagner 1967; Certeau 1998). The instrumentalization of legal space and its provisions as tactics signifies a disposition to accept

subject position that draws attention away from other deviations from social norms. The court processes in India, according to existing scholarship, are often conditioned by a pragmatic hope, a concept I have discussed in chapter one, where tactics are deployed to achieve a preferred but potentially deviant life choice.

Investing in law I argue, in summary, helps individuals, especially women, navigate the legal process better despite the evidence of its bias towards patriarchal and kinship norms where hope remains pragmatic and practices are in pursuance of both collective ideologies and individual aspirations. The idea of hope provides a means to escape the potential conclusion of negative agency. It suggests instead a maximization of opportunities when it comes to the ‘matrimonial game’ – what Bourdieu would describe as “production of the practices regarded as ‘reasonable’ within the group and positively sanctioned by the laws of the market ...” (Bourdieu 1977: 58).

The protection petitions are usually premised on the anticipation of physical threat, conjectural in most cases. Most judges displayed awareness – with subtle or explicit speech – that they were cognizant of the fact that couples sought the legal validity for their weddings that neither their petition nor the court is equipped to provide. But judges such as MJ1 at times went into great lengths to establish the veracity of the claim of marriage. These efforts produced varying consequences in different courtrooms but the actual orders of almost all judges (available for download on the court website) contained a variation of the following phrase: “... while not commenting on the claim of marriage...” During proceedings where the legality of marriage was disputed by parents or relatives, judges often stated that a protection petition was not concerned with the same. This performance of obligations by verifying the claim of marriage and the explicit

disavowal of any powers to bless couples was by now an established judicial practice where the meaning of the practice was not explicitly stated in legally binding texts and had to be construed, at times in contrivance to the statement. The idea of physical threat was accepted in principle by judges and validity through court procedures was assumed by the couples when state protection was granted. The observation of a new judge on one of his first few days was illuminating on the process. By way of learning his way around this line of litigation that is business as usual for the high court, he stated: “The court only states protection of life and liberty. Age underlines validity for the wedding.”

The lawyers who mediated this process were acutely aware of the role they played in creating and sustaining these constructed meanings. One can posit this construction in terms of an invented ‘legal fiction’ (assumed accurate for legal purposes but may be only partially true or even completely false). As Bruno Latour explained: “lawyers can indulge in a power to invent fictions, and to introduce what they call ‘constructive solutions’ (2004: 110).” But he warns almost immediately that the “special prowess of adjudication turns into a cynical nightmare of arbitrariness (110).”

In my research, similarly, one occasion on which a clear and visible apprehension of physical harm existed within the courtroom, the legal fiction fell apart, allowing little or no state protection in its wake. I had wondered, at that time, if a necessary requirement of this process was a smooth rite of passage through the courtroom, from where the couples finally emerge as married though the process itself had begun at the time of elopement. The court spaces very often afforded the sight of eloping women who appeared in wedding fineries and after visiting salons specializing

in “bridal make-up”. Even when the brides did not make such efforts, they still wore *chudas* or red bangles which, in this region, signifies that the bearer had recently been married. What was fascinating was that women who belonged to communities where this practice was not as common, non-Punjabi speaking Haryanvis and Muslim women, also appeared in courtrooms wearing these wedding markers.

These observations led me, at the outset, to see court experience as an integral part of the social event of a wedding, rather than an ancillary procedure pursued to only ensure protection or to have the claim of being wedded legitimated in hindsight. I have built on these impressions through select interviews with lawyers and my observations of courtroom proceedings in five instances which revealed a complex negotiation between articulation and connotation or, in other words, a bridge between what is said, what is meant and what is construed.

To understand this bridge better I pick up the idea of game again, this time in Stanley Cavell’s terms, where the intentionality of the actors is of less significance to me than what is at play in protection petition procedures. In Cavell’s words, consequences of one’s actions are limited *a priori* by the rules of the game. Instead of prefacing the courtroom proceedings with a morality question where, as Cavell tells us, intentionality signifies individual actors’ responsibility (2002:233-36), I will examine protection petitions more as a literary effort – they are, after all, legal fictions – at co-producing legal meaning in creative ways.

Inventors of Legal Fiction

Manpreet pushed back her office chair comfortably to answer my questions on the phenomenon of elopement cases. Periodically, she gestured me to stop and listen in as the junior lawyer at her

law firm directed, through several phone calls, a couple who had recently eloped on sundry matters such as where to have a quick religious wedding, the evidence they will need from the religious establishment and when to appear in the high court the next day. As the parallel conversation on an imminent wedding-case spread over an hour progressed, Manpreet told me about her past experiences with this phenomenon. “I think one of my first cases of this kind dates back to 1994. I remember ... they came to the small, rented accommodation we used to have at that time,” she explained. The history of the trend was clearly linked in her mind to her own situation in life and how she and her family had prospered in the years of her legal practice. She no longer takes up petitions for protection because they are a “routine matter.” Her juniors take over clients who are referred to her. “...unless it is a bail plea for a boy accused of kidnapping and rape (after a failed attempt at elopement). Young lawyers get muddled if the judges ask too many questions.”

Manpreet’s vast experience in criminal law had indeed afforded her a range of examples. She related one interesting case she had come across in the following words: “Just last month, we got this case from a couple. We had fought the bail plea for the boy when they had eloped earlier. The girl was sent back from the police station to her parents because she was under-aged and subsequently, kidnapping and rape charges were filed. When she turned 18, she eloped again ... with the same boy...” she summarized. The other case was still active though it was now unlikely that it would be vigorously pursued.

After I obtained a copy of this case file from Manpreet’s office I leafed through the different, contradictory testimonies that had been filed on the bride’s behalf in the past along with the most recent affidavit that accompanied her protection petition. While much of the content –

both the kidnapping and rape charge in the first case and the protection petition – were standardized texts, when clubbed together they formed a different pattern. As invented legal fiction, all these were representations of self that determined the relationship of the citizen to the state. Their terms consequently do not depend on life situation but different lawyers' impressions on what will be legible to the state. Protection petitions today are a clear and recognized procedure and the couples seek this familiar even when lawyers advise them otherwise.

Manpreet gets calls from parents who want 'court marriages' for offspring who have chosen their future spouses. "I have to frequently tell my friends and acquaintances not to send their children here. *Yahan shaadi nahi hoti* (we don't have weddings here)." Harvinder has had similar experience: "I tell people weddings don't happen here. Only protection. If they want to go through the Special Marriage Act (the civil union law) that is a different, longer procedure. But people are told weddings happen in the high court which is not true. We (her husband and herself) never take protection cases. *Humesha jhanjhat waala case hota hai* (These cases are always hassle-prone). If someone is in real trouble (where perception of threat is real) then we get another lawyer to do the case for them." Both these experienced lawyers highlight that there already exists a perception that eloping couples who visit the court get married there. Manpreet and Harvinder might try to disabuse this notion in their individual capacity but the perception has, it appears, already taken hold of the communities in Haryana and Punjab. The former's own role is contributing to this constructed perception cannot be discounted.

This comes closer to explaining the regularity of courtroom dramas I witnessed where the parents of the bride appeared in front of the court to plead for dialogue or allege foul play on part

of the groom. The number of such episodes had significantly increased in 2015, as compared to 2012. I have attributed this to both increased knowledge and familiarity of the high court procedure – high volume of cases where couples have “succeeded” through court intervention – as well as a phenomenal growth in cell phone data coverage in rural India, which makes accessing high court websites and causerlists easier.

Many such cases roughly followed the pattern I outlined at the beginning of the chapter. On some occasions when multiple set of parents appeared in the same courtroom, the cases tended to subtly influence each other. I include a brief description of one such morning where two elopement cases were taken up together. While MJ2’s pronouncements in this instance appear regressive on a superficial level, his courtroom behavior played a significant part in consolidating the weddings. The occupants in the courtroom were convinced by the end of the episode that he had validated both the couples.

Parents of the bride#1 start by talking about *izzat* (honor).

MJ2: Is there any honor left now?

Parents’ lawyer: Please just ask her to meet the parents. She is 20, they cannot do anything (about the wedding).

Bride#1: I will meet them later.

MJ2: Why don’t you meet them now? Here? You can sit down right here (gestures to some seats on the right behind his elevated desk).

A young man with an aggressive body language steps forward.

MJ2: I cannot let random people meet her.

Lawyer: I have checked. He is her brother.

MJ2 asks the bride if she indeed wants to meet her brother, which she refuses. He then orders that only a parent will be allowed to speak to the young woman. As the mother steps

forward, he addresses her in a softer tone than he had used with the lawyer: “You have to talk to her calmly. Don’t fight with her now.”

While bride#1 had this conversation from a spot behind the judge that was, for me, imbued with state power and protection, a stormy scene proceeded in front of the judge. Where the legal counsel and the parents in the first case had appeared relatively calmer, the second started on an offensive note, consequently making the judge brusque and short with a huge group of people gathering in front of him.

Parents’ lawyer: They got married at some place and got certificate elsewhere. It is not a valid marriage, my lord.

MJ2: We are not here to give a stamp of approval for the wedding. The question here is of protection.

Lawyer: It is not a valid marriage.

MJ2: Even if there is no marriage... There is no need. They are both majors. Girl will appear in front of the SP² with her “alleged husband” and the SP’s office will give them protection.

Parents now try to force a meeting by getting physically closer to the woman. Other family members start speaking to the judge at the same time. MJ2 orders that all relatives except for the bride’s parents should get out of the courtroom before addressing the latter directly.

MJ2 (in English): Girl has taken a step she should not have. What can be done?

Father of the bride: *Aap humare chehre dekho*. (Look at our faces – Please judge us by our appearance.)

MJ2 (in English): This is not trial court, sir. (Father repeats the prior sentence as MJ2 speaks.)

MJ2 (In both Hindi and English as it appears here): *Chehra dekhien kaunsa* (Which face should I examine)? Don't say *chehra* again. *Do minute me dikha doge aap toh* (It won’t take you more than two minutes to show me your real face).

Mother of the bride now shoves the latter roughly to get in front of her, possibly to speak to her regardless of the judge’s disapproval of the family’s conduct. MJ2 is now infuriated.

MJ2 (in Hindi): *Dakhkhe se nahi mil sakte yahan* (You can push your way around here to meet your daughter.)

Parents’ Lawyer (in English): Just 10 minutes, please.

MJ2: I cannot force her. She is not interested.

² Superintendent of police – highest ranking police officer at the district level.

Lawyer: Only 10 minutes.

MJ2: I won't let her speak for even 10 seconds. And you are asking me for 10 minutes.

The family members desperately allege that she is under pressure to say she won't speak to them.

Parents (In Hindi): Let her meet us for 4-5 minutes and *phir uski marzi* (then it's her wish).

MJ2 (replies in Hindi): Our hands are tied (colloquial for being bound by a sense of duty).

MJ2 to lawyer (in English): Knowing fully well that a conversation is not possible you are still asking for one. See this girl sitting here (gestures to the first bride who, at this point, seems to be having a cordial conversation with her mother)? I cannot force anyone.

After finally passing the protection order in this contentious case, MJ2 turned his attention to the first one that he had used to underline how his decisions are fair and just.

MJ2 to parents' lawyer (in English): Are you satisfied?

Lawyer: Very much so.

MJ2: Both of you (lawyers representing the couple and the parents) should open a mediation center. Talk to each other about it. See if some mediations are possible.

Upholding not only his own conduct as an example, MJ2 appeared to also credit the role played by the lawyers in handling the case to the satisfaction of all parties involved. MJ2's utterances on loss of parents' honor and describing elopement as "the step a girl must not take" should not take away from the larger role he played through the stands he took in the two cases that were collapsed together and his response to the potential disorderliness that had crept into the court at one point. The second family had scant respect for courtroom protocol, especially when the proceedings were not favorable to their interests, but in the exercise of his authority MJ2 had taken back charge of the court. The court was an extension of his authority, rule and self and he had ensured that he had not been undermined in the process. The legal process, as it were, had been evolved on a notion of best practices rather than any prior existing rules.

There were no provisions for parents contesting the claim or marriage during this stage of litigation but, in general, the high court had tolerated and even indulged this form of intrusion.

MJ2 had followed this unofficial norm. He did not seem averse to the deployment of emotions that exceeded the contours of the case. MJ2 was concerned with the individuals and he evolved mechanisms and rules that he thought were just as he proceeded.

Elopement cases presented one of the few examples where courtroom protocol was actively subverted. The disorder in the second case represented an act of exercising male guardian's rights over the daughter, a move in which the women of the family also actively participated. In calling into the question the validity of the wedding, the family had sought to emphasize that their authority over the daughter was still valid and as such not a matter for the court to preside over. Baxi's 2006 article on elopements takes up such cases with an argument that the courts mediated in what they perceived were cases of disputed ownership over the women's body. But I would argue that MJ2's conduct cannot be analyzed under this framework. MJ2 had, in his response, perceived the adult woman as a citizen and not a ward who had strayed away from the control of her guardian. In absolutely refusing any contact, he had not used the rights-based framework but had still respected and protected the woman's voice as that of a citizen and not of a daughter. MJ2's conduct in and of the court had an in-built mechanism of validating the couple, as adult citizens who can make their choices, even without what he called a 'stamp of approval'.

The importance of how the court is conducted, especially of taking back control of the space, more so than declaring what the law allows for, was brought home to me in another case where the judge, MJ3, had responded to a similar situation in a diametrically opposite manner. Where MJ2's example had acted as an affirmation of life and citizenry of the eloping couple, MJ3 had highlighted the precarity of a couple when courtroom proceedings sided with an 'injured

patriarchy'. The case involved a woman from a wealthy Jat Sikh family from Haryana's Rania district and was one of the few cases in which clear and imminent danger was visible inside the courtroom. As the conversations stretched over the course of the morning, the courtroom became charged with several occupants becoming vocal and whispering among themselves on various aspects of the case. The extended family of the bride were in the courtroom and increasingly took up more space within.

In this case, ironically, protection was not the issue the presiding judge MJ3 concerned himself with – it was the validity of the wedding itself that most judges, including MJ3 himself on other occasions, distanced themselves from. The proceedings started with what, in Haryana, has dominated decisions regarding marriage alliances: *how much land families of the bride and groom own*. While I heard and noted in my notebook that the bride's family named the figure of seven acres, I found out later that other people in the court may have heard different, much higher numbers. But as numbers go, seven acres is quite a decent landholding at a time when these are shrinking as I have discussed in chapter three. The mention of this figure completely changed the body language of the judge and manner of his interaction with the petitioners' legal counsel Nakul. Following is an extended description of my observations from the courtroom that day:

MJ3 to Nakul (in English): Think of yourself as the father or brother of this girl. Not as a lawyer. What will you do?

Nakul: But she is a major³...

MJ3: *Don't talk of advocacy*. I am asking you to place yourself in this situation.

Nakul stammers with the legal parlance he knows. As his confidence wanes under the belligerent attitude of the judge, the courtroom became chaotic with multiple conversations and the Rania

³ A legal adult, above 18 years of age.

family members and villagers seemed to file in to all available spaces in the courtroom. After MJ3 decided to place this case to the last of the urgent petition causelist, Nakul began consulting with other lawyers – I spotted some protection petition veterans among his advisers.

A woman occupied the seat next to me at this point and started asking me questions about this case, explaining that she was a journalist. The man on my other side, who was in his 40s and in a Punjab Police uniform, answered her questions eagerly. Here, I noticed that besides his strong affinity towards a family I believe he was not previously acquainted with, his narrative was not strictly based on what had been exchanged in the court previously. He had very possibly, just as the lawyers had, invented fiction to support the cause of the Rania family. He said (in Hindi): They have 100s of acres of land. This boy works on their farms. *Jiska namak khaya...* (He has eaten their salt – colloquial for being an employee⁴.)

At this point the women of the Rania family were trying to surround the bride to work on what could be clearly termed emotional blackmail. The almost cornered young woman held on to her partner desperately. But what I considered a desperate measure at self-protection, the policeman viewed as lack of modesty and became more emboldened in airing his views and a rhetorical exchange between the three of us (in Hindi) followed.

Policeman: *Ladki ko sharam nahi aayi. Aise logon ko chad⁵ dena chahiye* (the girl has no shame. Such people should just be killed or bumped off).

Journalist: You are proposing that they should be killed just because they fell in love. That is not done.

Policeman (under his breath): Journalist! (Scoffs.)

⁴ This phrase – a melodramatic one popularized in Bollywood – referred to an expectation that employees must under no circumstance betray their masters. I must reiterate that there was no reference to this man being an employee of the family. It spoke rather to the police officer's caste-class prejudice that held all men from lower castes to be employees of big landlords of any village.

⁵ While he spoke in Hindi – possibly for our benefit – he did slip in a few Punjabi words like *chad* and later on *siyapa*.

RS: If they get protection you will be responsible for protecting the couple, not killing them.

Policeman: *Woh toh baad ki baat hai, pehle judge-saab shaadi ki manjoori toh den* (We are not concerned with that aspect yet. First, judge-sir has to approve the wedding).

RS: But you are still required to protect their lives. That is the law.

Policeman (heatedly): *Kanoon saare galat hai* (All these laws are just wrong). We are suffering on its account. *Siyapa hai* (They just mean trouble).

When the petition was taken up again, Nakul presented a copy of the famous Supreme Court judgment *Lata Singh vs State of U.P.* (which I have discussed in chapter two) but MJ3 had already appeared to have made up his mind and declared that the protection order cannot be denied (which he could have said at the outset but did not). As if prepared for this eventuality, the family immediately brought in an elderly gentleman who I gathered was the real employer of the groom to testify in court that the young man was a thief. MJ3 reiterated that protection cannot be denied.

I left the court premises not at all convinced that this will turn out okay. On my way out I passed a huge group of villagers from Rania in the corridor and I was sure a protection order would mean very little to them. If at all, it could mean something to police officers of Chandigarh city and Haryana state but I reflected that the police officer from Punjab, who later even taken it upon himself to advise the Rania family, had unconsciously put his pulse on the phenomenon of protection petition. Though MJ3 had passed the protection order, his court conduct had in no way provided an approval for the couple to stay together. Without an implicit validity for the wedding, an explicit order for protection had meant little to the officer.

Protection of life and liberty was not an issue for him as he had himself advocated the couple's cold blooded murder. We cannot be sure that his behavior would have been any different if the case had been handled by, say, MJ2, but he had imputed significant meaning into judges' ostensible approval for weddings. It is possible that if the judge had validated the wedding in terms

the officer understood, he may have grudgingly agreed to protection while complaining that he suffered on account of “unjust laws.” But that, unfortunately, had not happened.

Over the course of the morning as MJ3 appeared unyielding, I also observed the groom’s friend, who feared identification and retribution, hide his face and then attempt to sneak out of the courtroom undetected. When I left the room, I realized that sneaking out unscathed was impossible because of the villagers. The Rania family had, it appears, come to the courtroom to make sure that the blurred lines between the personal and public, family and state spaces, were made distinct again. For them, this meant taking charge of the courtroom and even the corridors of power and MJ3 had permitted this invasion. According to Nakul, he had received several calls from the district since this ominous day where people had reported that no other couple would dare to elope any time soon. I took this claim with a grain of salt as I thought back to one of the more infamous protection petitions this court had seen in 2007: Kaithal district couple Manoj and Babli’s ‘hate story’ (Dogra 2013) has been reproduced in different media from television dramas to non-fiction books to a recent adaptation in a mainstream Bollywood film. Their much-publicized gruesome murder has not exactly acted as a complete deterrent in Kaithal. A social activist from this place once told me that it had, on the contrary, held a romantic interest among young women and men.

It is the exception to the general rule the Rania case posited that strengthened my previously stated hypothesis that the court procedure is a wedding ritual in itself or at least part of the larger ritual where smooth passage through the courtroom was critical for the couple to emerge as wedded. Even in declaring that validity of marriage was not a concern of the case, the judges implicitly validated togetherness or approved the individuals’ desire for co-habitation. MJ3 had

not uttered at any point that validity of the marriage (this particular one) was not a concern of the court – for him, it very much was.

Taken together with examples of successful cases, it can be argued that when judges say that validity is not the concern of the court, it is thereby construed by occupants of the courtroom that validity is not under dispute or being disputed in court. Since judges have collapsed their identities with the courtrooms from a socio-legal viewpoint what they are concerned with (or what they are not) is automatically construed as a legal question. Other state agents, lawyers and litigants perceive court authority as such and at times try to engage the court in aspects they wish court consideration on. This is especially relevant in the cases where parents of petitioning couples have disputed weddings on grounds ranging from critical issues such as ages of bride and groom and bigamous unions to unimportant, technical details such as inaccurate wedding certificates and photographs. The role of the judge becomes contentious in such a situation but one cannot assume that judge's personal biases and views necessarily have a bearing on the case in question. MJ1, for instance, completely sympathized with the cause of the parents but his conduct on most cases validated the couples he at times disparaged against.

There is also a possibility that a judge will disentangle protection and validity, as MJ3 had done, consequently removing the implicitness of the process. The unpredictability of the judicial encounter, as Alexandre Lefebvre describes courtroom proceedings (2009), keeps the suspense alive. The couple, their lawyers, court staff, police officers and petitioners from different cases participate in this theatre, and I am following Victor Turner's theory on liminality that I discussed at the beginning of the chapter. In his work on theatre and experience, Turner writes that though

the script is a familiar one, the potential for slippage exists in every performance (1986). In my analysis of the courtroom drama, occupants double up as both performers of their own play and audience for other petitioners' performances. For elopement cases the audience serve as witnesses who construe not just the judge's personal biases for or against the phenomenon of elopements but also whether, despite the biases, an approval of togetherness can be construed. Despite the familiarity of the script (the protection petition in my case studies), every performance holds the potential for a slippage.

In a theoretical move similar to Sidharthan Maunaguru's thesis, which I discuss in my introduction, I argue that assumption of a wedding through witnessing as a ritualistic requirement, as it is in kinship terms, continues into state spaces. While Maunaguru's research data explored how visa officers perceived the validity of weddings before granting spousal visas, my observations from the courtroom leads me to argue that the courtroom witnesses and provides validity to a wedding as a collective. The judge, as a state agent, presides over the ritual of witnessing as a facilitator while the audience in the courtroom (lawyers, police officers, other litigants and perhaps even the belligerent parents) perform the act of witnessing. The religious ceremony⁶ that took place previously is part of the process but the courtroom ritual transforms the claim of wedding into an established legal truth and, hence, lends itself to be interpreted as 'court marriage' in other settings. As I have described in chapter one already, civil marriages in India are only conducted through the provisions of the Special Marriage Act. 'Court marriages' do not have a legal validity but in social settings they assume importance since court intervention carries weight within communities.

⁶ In the case of Hindu couples, despite caste differences, a religious ceremony mostly involves an Arya Samaj wedding format – a quick ritual involving *saptapathi* or seven steps around the fire.

The protection order, in most cases, does little or nothing to protect the couple themselves. Many petitioners who obtain orders do so to keep parents, kin groups and even police officers at arms' length and not to seek the latter's assistance. It is the process of petitioning and receiving a fair hearing that seals the wedding. The court order is still an important one as a 'graphic artifact' (as Hull 2012 would call bureaucratic paperwork) and, hence, valued dearly. But the order, contrary to its literal meaning, ratifies the wedding in the eyes of the community and acts like a certificate of sorts issued by the high court. While the certificate issued by a religious authority is required for securing the protection, once the court order has been procured the latter, which is also a duly witnessed ritual in its own mold, becomes a more important proof for wedding than the religious one.

The paperwork underlines the success but, as the case of the Rania family indicates, the ritual was never satisfactorily completed so neither the wedding nor the protection order had credibility in the eyes of witnesses. This case was an exception even for MJ3, who continue to pass protection orders after the episode. MJ3 and the court had decided to make an exception, one that betrays itself as an integral aspect of the rule itself (Agamben 2005). The exception works to give us the scope of state agent's discretionary power, in what appears at the outset a powerlessness in the face of social hierarchies. But following Agamben on Inoperativity (2011), we can argue that MJ3 and the court exercises its power through the ability to "suspend action" at will. The glorious body, Agamben tells us, finds its true meaning through a realization of its impotentiality (91-104). And this can be liberating for some, as Agamben would have it, but also dangerous. I perceived

the true meaning of the protection petition routine more clearly through this one instance where the court could have saved the couple and their relationship but decided not to.

Afterlife of the Paper

Unlike in 2012, in 2015 there was a sense that the extraordinary, the non-normative trend had, in some ways, become the norm. So routine and mundane were some of the proceedings that unlike in 2012, when most of the cases were followed up in a month's time, in 2015 cases were usually 'disposed off', to use courtroom parlance, on the day of the first hearing itself. Cases involving couples mostly came up for review again when bigamy could be proved or when parents of the bride filed kidnapping and rape charges or the husband filed *Habeas Corpus* – literally, to produce the body – after his wife had been forced to return to her parents' home. The high court order acted as a deterrent against criminal complaints against and arrests of grooms and, in many cases orders were sought simply to prevent harassment from police officers.

While time spent on protection cases had on an average dropped since it had streamlined into a standardized court procedure with emphasis on documentary preparedness. The documentary evidence, especially in cases where parents did not show up to dispute the wedding, appeared to me a process by which 'bureaucratic formalism' (Weber 2002) had taken over the task of mediating the ritual where judges' tasks had become limited. As I have mentioned before, different judges focused on different aspects of the paperwork, emphasizing on different aspects of the case. The courtroom had, in many instances, transformed into a bureaucratic institution with requirements that the lawyers at times could not predict and the couples did not understand. The vagueness helped keep the ritualistic aspect alive in some ways. For, experiencing something new and unfamiliar is an integral aspect of a ritual. While for the courtroom, presence of couples was

routine, for the couples it was strange and exciting. The streamlining of the process in some ways even inspired confidence in the couples. Finding the high court organized, systemized, efficient and “neat” was a welcome change from the messiness involved in deviating from social norms otherwise. It is for this reason that I want to argue that the soulless, bureaucratic state and paperwork are not always oppressive.

The protection petition was supposed to be “all about the paperwork” and, also, the bastion of junior lawyers since their job primarily involved filing documents in court. As a young woman lawyer Neeti told me: “You got to have your paperwork complete. Judges will make comments (on the phenomenon of elopements) but you don’t have to listen. We are only concerned with the protection.” Retired judge NK similarly noted that it was only the document with age proof that he was ever concerned with. “Every adult (citizen) has the right to make a choice. If you are not an adult then you have no business making choices,” he said. Apart from the document with age proof several other documents that are required as part of the petition were at times essential only by virtue of being required. For example, there were affidavits, testimonies of self that were created by lawyers for many of their petitioners divided by place and time. They were also means by which the state will read you at a later stage. Affidavits that were notarized and filed in courtroom could be taken as perjury if, at a later date, its contents were proven to be false.

For the first appearance, though, I tracked only one judge who persistently focused on the affidavit. WJ1 laid particular stress on an affidavit from the groom, more so than that of the bride. In a potentially divergent approach from retired judge NK, WJ1 had on one occasion admonished a lawyer for not including this document in the case file. Here is the exchange:

WJ1: Where is the boy’s affidavit?

Lawyer: The birth certificate is appended, my lord.

WJ1: I am asking you about the affidavit and you are showing me the certificate... Please come back with the boy's affidavit.

Her consistent approach towards ensuring the groom's testimony was recorded and filed was in divergence with most other judges, who focused on the bride's age and ascertained whether she had been coerced to elope. WJ1, on the other hand, invariably asked the grooms whether their parents and families have approved the match. On one occasion, when she found out that the groom was leaving for Dubai, where he had found a job, in the immediate future she went into great lengths to find out about his family and whether the bride's wellbeing would be ensured while he is away. After a lengthy Q&A, she told the couple's legal counsel that she would strongly prefer that the bride accompanied him to Dubai.

WJ1's approach could easily be analyzed as a benevolent patriarchy, not unlike the one Baxi (2006) and Chowdhry (2004) have described, where the state agent acted as an extension of the patriarch and the kin groups. However, her efforts also shifted the focus away from whether the individuals (especially the women) have the right to make the life choices they have but to make sure the place they will return to can ensure their wellbeing – that is, she placed onus the society and its responsibility to ensure that couples are unharmed and unhindered. Specifically, the switch from listening to the woman's story to that of the man was a significant leap for both the judge and the court. As a legally-binding text, the affidavit of a man was also 'his word' on the marriage that he is obliged to stay true to. WJ1 had, in this way, taken attention away from the hyper-visible spectacle of women deviating from social norms, which got accusations ranging from purported pain to family members to social disruptions even within the courtroom, and redirected it towards mundane details about life after the wedding. In this future life, WJ1

mandated that the man in the relationship, who has all the patriarchal privileges, must use the same to ensure a better life for both of them.

WJ1 did not question patriarchy or patriarchal norms but in her own small way she had redirected energies away from validity of marriages where the onus was on the couple to prove the same to conduciveness of societies. In this way, WJ1 came to closer to answering rather than posing the ominous question MJ1 had asked the parents of a bride: *what can the court do for you?* As I explained in chapter two, courts can help citizens live “livable lives” that are presumably legal and, hence, sustainable. The high court in Chandigarh had arrived at this point, where various judges despite patriarchal tendencies had learned to expect elopement cases on an everyday basis and created their own approaches to deal with these legal fictions of ‘court marriage’. If it was to be one, WJ1 appeared to be hinting that she wanted to make sure that even as a legal fiction it was as a livable marriage.

As Marilyn Strathern writes in her 2004 piece, the role played by the legal technique in fabricating persons and things rehearses issues that have long troubled anthropologists studying marriage arrangements. At the high court, I saw this process of fabrication reflected in the paper trail protection petitions generated. Bureaucratic paperwork, in themselves not completely accurate representations of self, provided a means to forge new forms of exchange. These documents facilitate the creation of a different ‘set of hybrids’ and networks within courts and elsewhere.

Lawyers who tackled such cases invariably offered me a copy of case files when I contacted them, often holding that the petition itself contained all the information needed. Most law firms and lawyers recycled the same petition format for all elopement cases they dealt with and were at times even negligent about changing personally identifiable information. But the case files also included documents pertaining to individual cases such as marriage certificate from a religious authority, identity documents that contained the ages of marrying individuals and court orders. What intrigued me was that some lawyers were often incapable of speaking about couples and individual cases without reaching out for paperwork of various kinds. Even if these were standardized texts they mediated the conversation on the law suit, I would say, *after the fact*. That is, after being filed as legal document in the court these pieces of invented fiction found their own authority. This is because the legal paper is a public document and its value lies in its exchange and its ability to mediate conversations and relationships.

Instead of viewing these as instruments of the state that reflect individuality (by affirming individual liberty) of the citizen, I chose to perceive them in terms used to describe kinship in so-called non-western societies that determines decisions on marriage. I would suggest that these are reflective of legal subject's ability to not just fabricate but also fragment oneself and exchange one's partible components in public and state spaces. As Strathern theorizes, partible aspects of self facilitate the creation of hybrids and networks (1991) where persons are defined through shared notions of belonging – and this can be to one's immediate society as well as, I would say, to the state. The belonging is structured primarily by the legibility of documents that not only mediate relationships but also create the latter in the process of making them legible.

When couples return from courts with the orders, they also leave copies of their identity papers and affidavits behind at court premises and in lawyers' offices. They must leave with the realization that their testimonies – part of their personhood – have been recorded and archived in state spaces. I will argue that these individuals carry the pragmatic hope that they would be allowed to lead a life without disruptions despite having subverted social norms due to their efforts on the legal front. The court visit and the legal fiction of protection petitions provide them the means to conceive themselves as newly-minted subjects whose life choices have ostensibly received legal validation. The court visit plays a dual role – both in completing the wedding ritual and in validating couples as *bonafide* citizens who have successfully negotiated a state space and received legal approval to make life decisions.

Here is where the feminist argument regarding the personal and political revisits us. If dominant feminist scholarship on this theme holds that state is thoroughly invested in the intimate and sexual lives of the subject, my experience at the courtroom suggests that the couples *pull the state into their personal lives* and aspirations at times despite the reluctance of state agents. The courtroom experience and interaction with a judge is a definitive and, in many ways, climatic one for the couples, transforming both their personal and public lives. The elopement cases also signify a model of participative citizenship where individuals expand the framework for individual rights through negotiations (such a leap was as also seen in João Biehl's 2013 article that I have discussed in chapter one).

Looking Up to the State: How Certain Schemes to End Protection Petitions Failed
Legal fictions, as law and society scholars only know too well, posed ethically quandaries social and state agents may face. Actors at this court negotiate these ethical slippages in their individual

capacity, according to their own individual subject positions. Human rights advocate Reva, for example, is deeply ambivalent of the protection petitions. As a court-appointed legal officer she had discovered that a miniscule percentage of the couples who got the court order actually approached police officials at district levels for protection. She had come across couples, she said, who had not even spoken to their families about their intentions to elope and were completely clueless on whether the wedding would be opposed, let alone having an apprehension of physical harm. Reva's extensive experience has led her to consider these petitions as a waste of precious judicial time. Her activism is today geared towards weaning the couples away from the high court space. She suggests state-mediated family counselling as the way forward.

As Reva had perceived the problem from the legal standpoint, her solution was premised on the 'correct understanding' of law, to borrow a phrase from Clifford Geertz (1983). But these litigations are more than the sum total of their object, as I have already shown in the previous sections. Life and legal paper, I argue, reaffirm each other in such cases. The protection petition was not just about protecting life but creating the life (I acknowledge the Faucaldian turn here⁷) – one where subjects would have the liberty to choose one's partner – it was meant to protect. In other words, as the Rania case as highlighted, without creating the legal subject who is allowed to choose her partner, her protection cannot be ensured.

Human Rights discourse has been used on the question of 'honor killings' but legal advocacy on 'love marriages' has had a checkered history. Prominent human rights lawyer VZ has raised the question of protection cases in two public interest litigations (PIL) in the last decade. He

⁷ The idea of creating the life that must be protected is germane to many of his works that deal with biopower, included *The Society Must Be Defended* (2003).

told me that he would not agree to an interview unless I read the complete case files for both and provided me a space in his office to browse through them. The first case hinged on his law network's pet project of constructing protection homes in various districts of Punjab and Haryana so that the couples could get married in their own home district within these shelters. The second petition challenged the infamous *khap* panchayats of Haryana, which had in the past issued infamous statements justifying and were even accused of ordering honor crimes. Both these cases never reached a resolution but the court procedure added a thickness to the files with various actors, including state agents, emerging from the reams and becoming recognizable to me through their affidavits, statements or through records of their court appearance and verbal testimony.

In both these cases, it was not just the idea of securing life that fascinating me but also a discernable effort on part of different actors to set the parameters within which individual choice was defined and articulated. It is for this reason that actors who had emerged from these files, including Reva, became fascinating interlocutors. Reva herself explained her relationship to paperwork in similar terms when I met her: "I speak with my clients. Not directly ... I am very bad at that ... but I speak with their files. I try to ask myself how best I can help them."

These PIL files showed that law in modern states, to borrow from Clifford Geertz, is not something that organically matures with the society but rather is a consequence of actively engineering. When I asked VZ specifically if his purpose was to initiate conversation on this issue by bringing it up in courts he immediately said: "It is exactly that. And we have made a difference." The writ petition on *khap* panchayats, for example, required replies from district administrations and superintendents of police in Haryana on the prevalence of extra-judicial bodies and violence.

Except for one district, the once infamous Kaithal, from where Manoj and Babli belonged, all the offices replied in affidavits to the court that they will rein in these bodies and at times even assured the court that the protection of couples who exercise choice in marriage would be ensured. As VZ commented they are compelled to file such replies but this move also registers a growing realization among state agents that laws, even if they “meant trouble,” at times needed to be followed. The admission in their affidavits held clues for their future conduct. As VZ says their PILs have made a difference.

Unlike Reva, who did not believe that law can create real social change, VZ believed in the potential of legal procedures, although the change was not in the form he anticipated and petitioned for. Protection homes had been constructed and were enthusiastically occupied by couples in some districts. But in one of those quirks so typical of bureaucratic states, district administrations that run these facilities only admit couples who have already procured a high court order. Since protection homes were created through a high court order, the administration had deemed it fit to only accept couples ostensibly “sent by the court.” VZ appeared slightly bitter over this turn of events. He said: “Our whole effort was to prevent couples from visiting Chandigarh and the courts. We hoped that marriage, protection, family counseling would just happen in their (couple’s) own districts.”

These human rights advocates seem to agree that elopement cases did not belong to the high court. They are not oblivious to the innovative use of bureaucratic instruments at the hands of the citizens and the means it provides people to re-imagine both law and their own lives. But I argue that in trying to keep these couples out of Chandigarh and the law courts, both Reva and VZ

reproduce the fictitious divide between the state and the society. My understanding of this phenomenon, on the other hand, builds on the argument I have made in the previous chapters on the intimacy between state and subjectivity, where subjects both aspire for and rebels against the former. As I argue in chapter two, state and the idea of legality play a constitutive role in the formation of self.

Discussion: Pragmatic Hope of the Legal Subject

On the day the Rania family case came up I had plans to leave for Delhi for a long weekend. When I came back I did not have the courage to make enquiries on how the story had turned out eventually. I admit that it had shaken me to actually see the violence that was also familiar and close enough to feel when I was in Haryana (as I detail in chapter three) but never visible (to my eye). It was not until more than a month later that I finally contacted Nakul. The young lawyer sounded polite but not very encouraging in his phone conversations and I did not meet with him for few more weeks. I was in no hurry because not knowing was easier to handle and when I met him I realized that he was not exactly looking forward to the prospect of revisiting the pain either.

After some gentle probing, he told me that the protection order was a meaningless piece of paper. He had asked the judge to order forces⁸ under court command to escort the couple to a protection home in Chandigarh. When MJ3 had refused, Nakul had desperately appealed to the Chief Justice of the high court, where again he had encountered resistance. These judges have each other's back was the impression Nakul gave me in more guarded terms. His initiative though rattled MJ3 enough to pass a second order after 5pm, a time when court was already closed for the day

⁸ Central Reserve Police Force or CRPF.

and a hardcopy of the order was difficult to procure. He had then dropped the couple at the closest police station, literally five minutes from the court as well as the seat of power for three governments (Punjab, Haryana and Union Territory of Chandigarh). But the police officers had already been bribed, he realized later, as the couple were rounded up by the Rania family at a major intersection where they were seeking to board a bus out of the city under the supervision of the officers. The groom had been injured badly while Nakul has reason to believe the bride was beaten up by an uncle. “The guy came to see me after a few days. I suggested that we could file a *habeas corpus* case for his wife. He went back to think it through but I was not hopeful.”

Once the immediate shock had worn off, Nakul had undergone hopelessness and acute self-doubt. “Damn it, I am the only fool around here. *Justice se vishwas uth gaya hai* (I have lost my faith in justice now),” he exclaimed as he detailed how his colleagues had tried to make light of his situation. “You know ... this high court is like a hospital. People go about their work so clinically. These lawyers don’t really care. And now I have decided I don’t either. It is just a profession for me now.”

This refrain was already familiar to me. Neeti, someone a lot more detached about what her profession entailed than Nakul, had on one occasion struggled with the same conflicting emotions. As a protection petition veteran, appearing in as many as four cases on some days, Neeti had held her cool when things were not going as planned. (She had also not encountered any personal attacks like Nakul had which made the exchange better.) The bride in question told justice MJ4 that she had decided to withdraw her petition, claiming that the decision to get married was a mistake. As the lawyer who was appearing on her behalf, Neeti was in a difficult position but

insisted that MJ4 should not let her go easy until it could be ascertained that the groom (who was missing, likely kidnapped by the bride's family) was alive and well. MJ4 decided, in the end, to record the petitioner's statement and allowed her to return with parents, which I believe was the only possible recourse available to him. Neeti's anger was with the petitioner and the situation and even as she complained about the judgment, she tried to shrug it off saying: "They are not even *my* clients. They are my senior's. It doesn't make a difference to me. But I wanted her to be held responsible for her decisions..."

While both Nakul and Neeti came to this situation through their own temperaments and life experiences, they displayed an empathy and emotion whose existence in litigation is often denied, even by its practitioners. Neither of them belonged to the activists' circles that would expose them, on a sustained basis, to human rights discourses. They took these cases up because it was work and well-paid at that. While undoubtedly the high court had touts, who exploited the precarity of the couples existed (I have interviewed two such lawyers), Neeti and Nakul were not one of them. The former had on many occasions told me that she was bored of these cases and wanted to expand her horizons but the day she had encountered something out of the ordinary she had risen to the occasion, despite her own professed disengagement.

For Nakul, the investment was more personal. He had himself had a 'love marriage', he confided before explaining that his views were consequently sympathetic to the couples. He had witnessed his colleagues both exploit and criticize the couples and, at a broader level, he questioned the superficial assistance that the court provided to people in trouble. He insisted he had seen the legal procedures work a lot better when the cases were not genuine. "Take dowry

harassment cases, for example. Most of the cases that come to me are fake, I tell you. People genuinely suffering never make to the court.” At some level, Nakul had also underlined the risks involved with the proliferation of legal fictions, which Latour had taken exception of due to its arbitrariness which he stressed could turn into a cynical nightmare for judicial proceedings (as discussed earlier on in the chapter). But from the depths of hopelessness that I shared with him in that moment, distance has brought me back that pragmatic hope I have often referenced in this dissertation.

As Nakul had himself revealed, the day Rania family had taken charge of the courtroom, another protection case which had worse odds of succeeding than his own case, had slipped through as court attention was directed elsewhere. The arbitrariness with which some cases that slip through, along with the regular, routinized ones keep the legal subject alive and hopeful and ensure that young couples keep making decisions on their own marriages with the expectation that the court will validate them. In several cases I had observed, validity of the marriage could never be implicit. These were bigamous relationships, where petitioners pleaded loss/unavailability of divorce certificates, abandonment by spouses and illegitimacy of the first marriage.

Protection petitions had a mechanism of extending the cautious legitimacy that has been afforded to ‘regular’ eloping couples to ones where the court could only validate togetherness. But this was enough for women like Ayesha, a middle-aged woman from the Meo Muslim community in Mewat, who had escaped a drunk, physically abusive husband and was taken in by another married man when her own parents had kept her out. Cases of married Hindu women who eloped with another partner were also common, I heard about them both in the court and in rural Haryana.

Since these women usually withheld the fact of prior weddings at the first court hearing, I have not been able to interview them. But when such facts were brought up after the protection order had been passed, the couple never returned to the court spaces. Judges either took some initiative in asking state governments to pursue civil cases of bigamy against the women or refused to get drawn into the affair. MJ4, for example, had on one occasion declared that it was up to the first husband to file a bigamy case. A protection order, he repeated in that all too familiar refrain, is not concerned with validity of marriages.

MJ4 himself seemed to have made peace with legal fictions when created for people in precarious positions. In another bigamy case, after the parents' counsel had put forward the argument that a false affidavit had been deliberately filed, the judge had simply noted: "Sometimes one has to pretend these things. If you are under pressure or worried about your life and liberty you do such things. Why do you want to drag this further?" Though a potential perjury had been committed, the judge had taken a lenient view, choosing to focus on the legal fiction of protection itself where bigamy was not directly relevant. MJ4 had ordered that the protection order previously passed stays valid – ensuring that the woman could leave the court with the partner of her choice. Several lawyers have told me that bigamy belongs to another category since the marriages are not legally tenable but I would argue that these cases that slipped through, every once in a while, are also efforts by individuals with fewer opportunities to craft or recraft their life situations. While a legally tenable marriage is something they might desire, divorce is a much longer and uncertain process. But even if these women cannot have their life decisions accord with "laws of the land," a phrase I discuss in detail in chapter two, they still desire a legally validated life.

Conclusion

The instrumentalization of legal space and its provisions signifies a disposition to accept subject position that draws attention away from deviations from social norms. The court processes in India are often conditioned by a pragmatic hope where tactics are deployed to achieve a preferred but potentially deviant life choice. Investing in law I argue, in conclusion, helps individuals, especially women, navigate the legal process better despite the evidence of its bias towards patriarchal and kinship norms where hope remains pragmatic and practices are in pursuance of both collective ideologies and individual aspirations. I would suggest that these are reflective of legal subject's ability to not just fabricate, as Strathern's work cited earlier in this chapter, but also her work on fragmentation of self. The paperwork, specifically, signifies partition of self into easily exchangeable components in both public and state spaces. Though court marriage might signify a reduced importance for kinship-based alliances, the ritual of court visit combined with exchange of self's components suggests continuation of certain traits typical of kin-based societies rather than radical departure. Court marriage leads to a creation of new sets of hybrids and networks but persons are still defined through shared notions of belonging – both to one's immediate society as well as, I would say, to the state. The belonging is structured primarily by the legibility of documents that not only mediate relationships but also create the latter in the process of making them legible.

6. CONSENTING ADULTS AND HOPEFUL LOVE: SOCIAL CHANGE THROUGH CONFORMITY

Introduction

In March 2013, the government of India passed the Criminal Law (Amendment) Act that finally altered the Victorian law on rape and the Supreme Court's *Vishaka* judgment from 1997, which had laid down provisional guidelines (pending an actual law) for tackling sexual harassment at workplace. The backdrop for the proactive legislation on sexual offences was the December 2012 *Nirbhaya* rape case¹ and the protests that ensued at a transnational scale. The law expanded, for the first time in Indian history, the definition of rape beyond the Victorian law that restricted the definition of rape to genital penetration. Two high profile cases (involving well-known public personalities as the accused) have since utilized its specific provisions, with one of them reaching a conviction at a special court in Delhi in 2016. The case has been celebrated by some activists, somewhat to my discomfort, for making the radical law work for redressing a crime involving non-consensual sexual acts that would have not been labelled, in legal terms, as rape previously.

While my discomfort was with the celebration, advocate Vrinda Grover was elsewhere criticized by feminist compatriots for arguing in court that the woman had resolved to not fight the

¹ There has been some discussion in Indian public sphere on whether it is better to use the woman's real name (since parents have waived off objections to the same) or continue with this pseudonym which means fearless or brave. My decision to use the term *Nirbhaya* stems less from any investment in the meaning of the term and more to acknowledge the symbolic importance of the event and the case. As the rest of the chapter will repeatedly argue, discussions on sexual crimes and notions of sexual consent get skewed when one focuses on the individuals involved rather than search for larger patterns. The 2012 case was an important event that had significantly influenced the discourse around these issues, even resulting in the ground-breaking law. To use names would be to under-emphasize that moment in history.

assault in the moment because she was reminded of *Nirbhaya*; she had hoped that she would survive if she did not resist² (2016). Flavia Agnes, prominent legal activist and head of legal advocacy group Majlis, criticized this invocation for failing to make a distinction between the horror of physical violence that had accompanied the rape in the case of *Nirbhaya* and others³ (2016). The viability of efforts that make a distinction between different forms of physical assaults aside, I wanted to engage briefly with the deployment of the trope of *Nirbhaya* in legal cases of rape as a procedural move. I do this to ruminate on how rape and sexual consent have been understood and litigated on after the 2012 event, a symbolically important one imbued with the radical potentialities of that moment. Political dissent has since then become severely constrained, following the election of an authoritarian leader whose government had later banned the telecast of the film *Nirbhaya: A Daughter from India* in 2015⁴. But *Nirbhaya*, as an event and moment when dissent was still vibrant, significantly altered the discourse on rape and notions of sexual consent, initially in the social sphere and, as a consequence, in the legal one. This event intersects with my research data at many levels, especially in defining the term consent.

The relationship between the spirit, the *Nirbhaya* case in this instance, that guides the writing of the law and the courtroom proceedings is something chapter one has explored in detail with reference to the Special Marriage Act. In this chapter, I will instead analyze the discourse surrounding the concept of consent in contemporary India, which is linked today with the *Nirbhaya*

² <http://indianexpress.com/article/cities/delhi/farooqui-rape-trial-feared-dec-16-repeat-so-didnt-resist-rape-woman-tells-court/>

³ <http://www.outlookindia.com/magazine/story/cant-compare-brutal-gang-rape-with-forced-oral-sex/297766>

⁴ <http://www.ndtv.com/india-news/ban-on-nirbhaya-film-wholly-unwarranted-says-editors-guild-of-india-744672>

case. Its deployment in various contexts and cases⁵ reflects how both the law and individual cases, such as the one Agnes has criticized, will be discussed through the relatability of the case.

The last chapter on courtroom drama and legal fictions has revealed how despite the best intentions of some human rights advocates, the high court has remained a space riddled with contradictions that sustain legal procedures when these do not strictly adhere to notions of “correct understanding of law” as Geertz would phrase it (1983: 187). Questions of ethical and moral nature, including dutiful adherence to the feminist movement broadly defined, as well as imputation of individual intentionality obscures the fact that the courtroom is a game of sorts and, in Cavell’s terms, actions were already limited *a priori* by the rules of the game. If Pratiksha Baxi’s recent book, *Public Secrets of Law: Rape Trials in India*, is any indication, courtroom game is already set up in a way that the complainant is intended to fail (2014). A ground-breaking legislation on rape that covers and categorizes many forms of non-consensual behavior can only function within these limitations. These limitations are, at least in part, discursive in nature and while they might not strictly adhere to either the letter of law or feminists’ understandings, procedural moves often invoke the spirit of law. The law *Nirbhaya* case inspired created some crimes in the legal sense of the term and invoking *Nirbhaya* in the courtroom space, hence, appears inevitable in the immediate future. In the subsequent sections I build my ethnographic work to approach the issue of consent through a different angle: through its exercise. I will first discuss the law on age of consent and how it is interpreted in elopement cases. Next, I will juxtapose my data alongside the discourses on rape and sexual assaults. Weaving these discussions with philosophical

⁵ The 2015 case from Moga, Punjab where a mother and daughter were thrown out of a moving bus for resisting sexual harassment, immediately struck a chord with *Nirbhaya*’s parents. They participated in the ensuing dialogue for justice after the daughter succumbed to injuries soon after the incident.
<https://www.youtube.com/watch?v=O9Bzs-ciH2E>

works on the concept of consent, specifically with respect to the social contract, I will show how cases of love marriages showcase the existence of organic modes of understanding, exercising and respecting the ideal of sexual consent in North India. The chapter will end with the story of Jaspreet, whom I briefly mentioned in chapter four, and challenges of incorporating notions of love, choice and consent into one overarching narrative.

Age of Consent in Elopement Cases

Notions of sexual consent in India have, in some ways, constantly been mediated through a conversation on law. In May 2012, Indian Parliament passed another law, Protection of Children from Sexual Offences Act, that introduced more categories of rape by raising the age of consent from 16 to 18 years, plausibly to constrain increased teenage sexual activity. Unlike the 2013 law, which invoked fear and backlash even in the highest echelons of the state (for retrospectively identifying sexual offenders in contentious spaces, for example, the Supreme Court), this amendment was not widely deliberated on. Laws governing age of consent were first introduced by the colonial British government and had been opposed, at that time, by independence movement leaders such as Tilak on the grounds that such law are an intrusion on the private sphere and fabric of the family since the institution of marriage itself was being altered by the law (Bannerji 1998; Tambe 2009).

The 2012 amendment can, however, be understood as a constraint on individual freedom and not on families or kin groups⁶. As the political landscape of the last few years has shown, civil liberties in India have increasingly been constrained. It would have not been surprising if in an

⁶ Conducting a 'child marriage' continues to be a crime but the marriage itself is legally valid and, in certain circles, socially condoned.

increasingly conservative political landscape, sexual rights would be the first to be withdrawn – the Supreme Court infamously re-criminalized homosexuality in the beginning of 2014. But my research data from the high court, however, ran contrary to these news-making trends.

In comparing my data from 2012 (May-August) and 2015 (January-August), the consequences of this amendment are not so easily or logically discernible. In 2012, age proof had been an important criterion (as it had been, according to lawyers and one retired judge, in the years preceding my research) and many judges debated on which document was a more credible proof of age. At least two judges ordered Bone Ossification tests to satisfy themselves of the brides' age, either denying protection till the age could be “conclusively proved”⁷ or ordering only provisional protection, pending age verification.

Judges, in this way, routinely collapsed requisite age of consent (which was 16 before May 2012 and 18 afterwards) with the requisite age for marriage (which is 18). Families and police officers, on their part, have filed and continue to file rape charges in addition to kidnapping against the eloping groom though Indian women used to have the right to exercise sexual consent before they turned 18. There is a qualified distinction to be made here between choice, as it would pertain to marriage and can also be spoken of as consent, and sexual consent irrespective of marital status. As retired judge NK, quoted in chapter two, stressed in an interview with me: “Every adult has a right to make choices regarding his or her life. If you are not an adult, you have no business making choices.”

⁷ Ossification tests are not understood as conclusive in scientific parlance.

In the case of Saima, a 16-year-old Muslim girl, whose case hearings I attended in 2012⁸ age became an intractable issue which was only resolved with time and not through legal arguments. Her 28-year-old husband, Ajay, was arrested and jailed on charges of kidnapping and rape (of a legal minor) after my interview with him (held in Saima's presence) on court premises and she herself was placed in a government-run women's shelter home. According to his account of their relationship, Ajay had been reluctant to be drawn into the affair due to Saima's age. But accounts of her severe ill-treatment at the hands of her family members generated sympathy that "eventually led to love," he concedes. But he had still not been ready for elopement and marriage and, according to him, she had blackmailed him with suicide to force his hand. Saima's case posed a challenge to those who vouched for "correct understanding of law" as she was only 15 when she got married and became pregnant.

Witnessing this case unfold in the courtroom I was myself divided on the question of sexual consent and whether Saima was capable of giving (sexual) consent to this relationship. But her fate if she was ever forced to return to her parents' home appeared more bleak when I observed her interactions with family members during courtroom proceedings and in the high court complex. Another reason why this case left me on uncertain grounds in my position as a keen observer and researcher was that though Saima had appeared vulnerable she could not exactly be deemed as a person without agential motivations. She had, if one is to believe the husband, blackmailed the latter into elopement and marriage; faked her own identity documents to file a protection petition; and had been fearless in expressing herself in the courtroom and elsewhere on the court premises. Saima had been both resourceful and assertive in the events that led her into

⁸ Due to ethical considerations, I will only quote from observations conducted at court premises and from what I have learned from interviews of legal adults involved in the case.

the high court in Chandigarh and the time she spent inside it. For example, when she was bullied by her parents' lawyer in the corridors of the court complex in front of other litigants and lawyers she had yelled back at him: "Have I committed any crime by falling in love?"

She wore her emotions on her sleeve as she contested (and succeeded in overturning) a court order on her forced return to her parents' home. She had declared inside the courtroom that "only my dead body would leave the court premises" and had to be held down by the police officers charged by the court with protecting her. Her statements and actions pushed her lawyer to meet the judge in question, WJ2, in private and request a change in the order. She was then asked to return to the women's shelter home. In discussing Saima's case, her lawyer ruminated on the extent to which age of consent laws could be enforced when it is apparent that the litigant "knew very well what she wanted." The young litigant never wavered from her positions during the time I spent in the courtrooms observing this case unfold and whether or not she was in a position to consent to a relationship, she appeared imminently capable of representing herself and her interests inside the legal space.

A positive (if one could call it that) resolution to Saima's case eventually came around through a complete non-engagement with the messy details of sexual consent. Her lawyer informed me in 2014 that another judge WJ3 "had straightforwardly quashed the FIR (First Information Report regarding the kidnapping and rape) because Saima was pregnant." The couple were eventually reunited through a judgment that came not from the judge who had deliberated on Saima's protection petition and the fake documents it had rested on. WJ2 had usually been positive though, at times, patronizing in her dealings with eloping couples while WJ3 had made her distaste

for other protection cases apparent on many occasions I was present in the courtroom. And yet, the respectability of child-bearing and family life had afforded Saima and Ajay a resolution in WJ3's court and not in WJ2's. It is also worth re-visiting my earlier argument from chapter four regarding the consolidation of cases overtime – most contested cases reached a resolution due to the lapse of time. WJ3's role here had simply been to provide a much-needed closure. I should also add that in Saima's case while sexual consent remained a thorny issue, she had transformed herself into a citizen in her successful representation of self and self's interest – achieving a sort of legal emancipation in which she made her life choices count.

In 2015, I observed another case involving a young woman, Noor, from Haryana's Meo Muslim community that forms an interesting contrast to Saima's case. Noor's age was never conclusively established but there was general consensus inside the courtroom that she had not reached the legal age for consent or marriage. Her partner's age, similarly, could not be determined in the absence of identification documents but MJ4, who presided over this case, had brushed aside this issue by stating that he was “not concerned about the boy.” Noor's parents did not participate in the conversation on her age though their own lawyer had contested the couples' claim that she was 18. The parents had instead stated that she was already married and that her second wedding was invalid. MJ4, remaining consistent with the general position among judges in 2015, had reiterated that age was pertinent only in establishing the validity of marriage. In a curious selection of words, he had stated: “We are not at the point of legalizing marriage.” I whimsically wondered if the court would ever be at the point of legalizing marriage in protection cases but he seemed to hold out this hope in those, perhaps carelessly chosen, words.

The argument put forward by the couples' lawyer in this case was similarly provocative in that the young man sought to problematize the tendency of perceiving elopements cases only through the age bars set for marriage. He stated: "They (the parents) are concerned about her (legal) minority now but she has been married before. If it is about marriage and age, then everybody will be on the dock."⁹ At the end of a series of arguments, MJ4 concluded that bigamy was not his concern either, stating that the husband (who was not present in the court) can lodge a civil case if he wishes to. But MJ4 continued to remain ambivalent on the question of age. The lawyer's argument on the unfairness on using age as a factor appeared to have made an impression but had not completely convinced the judge. He then ordered a public prosecutor to hold a private conversation with the woman. When he later took up the case again, the prosecutor stated that the woman preferred to stay with her current partner and did not wish to return with her parents. In her legal opinion, the prosecutor believed that an ossification test was warranted. MJ4 did not order the medical examination at the end of the proceedings.

MJ4's slow and careful deliberation on the question on age underlined the issues that were pertinent from the standpoint of the court (which is an extension of his personhood). Bigamy or validity of the current marriage were not among them. In other words, for him age was not a criterion for determining the right to make a choice on one's marital partner. What MJ4 was really concerned with, then, was the issue of consent. MJ4's approach, I would argue, revealed that the state cannot and must not stop being concerned about the question of consent because legal

⁹ In one sense, this is a statement on the entire elopement phenomenon where, in popular conception, age of the bride is only an issue in case of a love or court marriage. Teenagers in relationships, who know that they cannot elope and have a 'court marriage' before they turn 18, also simultaneously feared the prospect of family-arranged weddings. This is an indictment of the legal apparatus that requires attainment of legal age to petition the court as a citizen but does not afford adequate protections for legal minors still under the guardianship of their parents.

guardians of the woman had previously failed on that count. If required, the state is empowered and legally obliged to take over as the guardian. But MJ4's statement on the bigamy offense nevertheless served the function of communicating that the grounds on which the parents had disputed the union held no interest for him. In many ways, delegitimizing the claims made by the parents allowed for the eventual return of the woman with a partner of her choice. His slow deliberation on the matter in turn served the function of communicating that the state itself, through an agent such as MJ4, takes its responsibilities towards its citizens – especially legal minors – seriously. MJ4 had not passed a judgment in this case but he had taken every aspect of it into account. He had, we could say, participated in a conversation on consent, a conversation that is, as yet, far from complete.

Perhaps it is pertinent to also mention here that grooms like Noor's partner, who were short of the legal age of 21 years set for marriage for men, often invoked amusement and/or disinterest but did not influence the protection petition unduly. In three cases I had witnessed the petition described the groom's parents as threats while the bride's parents were said to support the match. Age of the groom was not disputed in any of the cases.

Passing orders on elopement cases in 2015, on the whole, had become far more streamlined and less contentious even in cases where the legal age of the bride was under dispute. Judges like MJ2 and WJ1 passed protection orders claiming that "even a minor was entitled to protection." As I have repeatedly claimed in chapter five, validity of the wedding was not debated upon and, at times, even being younger than 18 did not always result in separation from a partner of one's choice. MJ2, on an occasion where he was dealing with a 17-year-old petitioner, gently asked the

woman: “Were you in any special hurry? You could have waited till you turned 18.” But he had still passed the order without reservations. WJ1, on the other hand, tersely forestalled the attempt by a lawyer representing parents of a bride who was just two months short of the requisite age. “You want to create trouble for two months now?” she snapped out. No ossification tests were ordered in my presence in 2015.

Unlike Noor and her partner, most litigants and, at times, their parents came armed with documents that functioned as proof of age. Where the claims of the two contesting sides were hopelessly at odds, judges were forced to pronounce their verdict on which document functioned as better evidence. WJ4, for example, pronounced that a ‘school certificate’ produced by the parents was more reliable than the *Aadhar* card¹⁰ presented by the bride, much to my surprise. But the idea that “even a minor was entitled to protection” had, by and large, overtaken any concerns raised by the new age of consent stipulation or the laws regulating marital ages.

The 2012 law aimed at regulating teenage sexual activity outside marriage while in most protection cases at least a claim of marriage is made. According to lawyer Neeti, this may even be the reason for such high numbers in elopements. After a frustrating experience in MJ4’s courtroom, where the bride had stated that she wished to return with her parents, Neeti observed in a private conversation: “Problem is that since childhood people have been told that physical relations are connected to marriage. If we can just delink physical relations from marriage these things

¹⁰ This ID, which allows for high levels of surveillance by linking many forms of government records including Indian version of social security number and driving licence, is fast becoming the most preferred form of requested identification for both private and public players.

(elopements) would not happen. Tell me something. Do you think this love? It is only physical attraction. Once the act is done they lose interest. *Aql aa jaati hai* (They have a reality check).”

In the case Neeti was referring to, the bride had made a statement on her nominal religious wedding that puts the entire conversation on consent in perspective. “*Galti se marriage karli. Apni marzi se ki thi* (The marriage was a mistake but it was done out of my own choice),” she had stated in clear terms. In her rant, Neeti told me that she had wanted the woman to take responsibility for her actions. But the litigant’s words in the court suggest that she was indeed taking responsibility. A critical aspect of exercising consent as an adult citizen is to accept that some of one’s decisions may not be in one’s best interest. This is especially the case in a society where severe constraints placed on exploring one’s sexuality. In conclusion, I found the processes at the courtroom curiously at odds with the larger transformations in the political and law-making spheres that would appear to take a more conservative turn. In the subsequent sections, I will undertake a more theoretical exploration on the term consent.

Locating Sexual Consent Between Cases of Rape and Elopements

The cases I witnessed centrally inform the discourses on sexual consent though their significance is severely under-emphasized in comparison to the cases of rape. As Baxi’s book had highlighted, rape cases get murky as soon as the terms of articulating and understanding consent are discussed in the courtroom. In a courtroom nurtured by Victorian ‘normative orders’ (borrowing a term from Sally Merry’s article *Legal Pluralism* from 1998) and catering to a socially conservative world outside, conversations on terms of sexual consent are perceived as uncomfortable. Defense lawyers in rape cases use this discomfort to their advantage, for the idea that a woman can give consent

under certain circumstances (and can deny this in others) is construed as a threat (to both masculinity and to social order) in both the courtroom and popular discourses.

Contrary to Baxi's experiences with rape trials, sexual consent as it is understood in the cases I have observed in courtrooms is crafted, articulated, validated (or not) through an exercise of the same and not through its prior usurpation. The woman's role is directly under scrutiny here, often causing similar levels of discomfort. But what is different in these situations is that the woman can take control of her narrative and emphasize the exercise of consent (independent though connected to choice in marital decisions) that she hopes will be cloaked by the respectability afforded to the marriage institution, especially through court mediation (an argument I developed in chapter five).

A case of rape is pursued by the state (with or without an official complaint from the survivor or the family) as an offense committed against the state itself. A rape or sexual assault case is, in other words, an affront to the state, its laws as well as the society it claims to protect and is a conscience keeper for. Sexual consent and its lack in certain cases are, hence, notions deliberated on by a state and the level of affront citizens and state agents feel as a result of the crime. A rape case like *Nirbhaya* dominates national imagination on sexual crimes also because both the society and the state experienced the affront intimately due to various temporal and class factors.

My research on choice marriage and court mediations offers a different but closely linked analysis on sexual consent for several reasons. Firstly, the cases are filed by the couple – with the

bride as the first petitioner – while the state as well as the parents or kin groups are respondents in the case. The deliberation on consent is not undertaken with the state as an injured party. State is instead sued by the petitioners and the court adjudicates on the rights of an adult citizen and mediates between the couples, state agents (for example, police officers) and kin groups.

The legal narrative here, at least in the initial stages, is constructed not by the public prosecutors but by couples and their legal counsels in partnership though neither have any powers regarding authorizing the discourse – that power rests with the judges alone. What the process allows for, though, is an articulation of consent in a space and context where its exercise can be validated or reaffirmed, reducing the fear of social persecution and shaming. For example, MJ3's conduct in the Rania case I described in chapter five, it can be noted that in seemingly refusing to uphold the rights of the litigant, an adult citizen, to choose her partner the court had absolved police officers of the responsibility to protect them. This was a loss in both the matrimonial and courtroom game. Though the last chapter primarily focused on the former, we are concerned here directly with the terms of the latter. MJ3's actions had ramifications for the rights of adult citizen as well; his move ran counter to many courtroom proceedings where the judges claimed that even a minor was entitled to protection. After the explosive scene at MJ3's courtroom, protection orders continued to be passed on a daily basis and MJ3 had his fair share in the same. The fact that it had not worked in individual cases does not result in a decline in numbers of eloping couples who tried their luck at this unpredictable and potentially dangerous game.

Nakul's lesson from the Rania case was, for this reason, reminiscent of Socrates' experience with his own prosecution: "his quarrel was not with the laws but with the judges" that

Hannah Arendt quotes in her work on Civil Disobedience (1972:59). Elopement cases in courtrooms where threat of physical harm was minimal, Nakul stated, did not involve as much trouble as cases where there was real danger. He went further, drawing from his experiences with dowry harassment cases, claiming that “maximum number” of such cases he receives were false. In Indian litigation system, he had come to believe, cases that genuinely needed legal intervention fell through while cases that manipulated the laws had a better chance at passage. After endless reviews of this interview transcript, I began to get a sense that in separating the laws and legal procedures they influence, Nakul had not merely highlighted the sense of nihilism that had crept into his practice. He had, rather, invited us into analyze how law and legal procedures institute particular relations of power between people and the state/state agents. In the next section, I will outline my brief philosophical trajectory on the conceptualization of this term consent and then analyze specific cases and interviews where consent is discussed beyond the question of age.

Consenting Adults in Societies of Consent

The idea of consent itself, beyond the concern with sexuality and marriage, is a richly explored concept in political philosophy literature. The courtroom procedures I have observed lend themselves to ruminations on the latter. The ritual of the courtroom involves validating the marriage of the eloping couples by upholding the adulthood and citizenship status of the petitioners. Once the court has approved these – the former implicitly and the latter explicitly – not only state agents but also people in the communities appeared willing to acknowledge (perhaps grudgingly) the bride and groom as a married couple.

As I have discussed in chapter two, the idea of marriage through courtroom intervention can be understood as a renegotiation of the original contract established by the Indian state which

involved, in Veena Das' argument, placing women under the guardianship of men (2007). Building on Das' idea, in that chapter I had put forward the hypothesis that state was also the site where such contracts could be renegotiated, where women could ostensibly rescind consent to male guardianship. Combining this with the argument from chapter five, in the courtroom game, state intervention is sought to maximize one's chances but this bid to rewrite the contract is at best a Cavellian game where the results are limited *a priori* by the cards dealt to one (2015).

As chapter two highlights, I believe there is a role for the text of the law but much of my fieldwork experience underlined the spirit of the law more centrally. The spirit of the law, as I observed in the high court, is in the hope petitioners have that the court, and consequently the judge in question, will come through for them. Eloping couples put their faith in the law and in fate, that is, in the hope that it places them in the right court at the right time. They do not know the judges and presumed that the judges did not know anything about them. Their hope with court procedures was that of a citizen tentatively experimenting with the limits of state power.

In perceiving this as a hope and not an expectation, I want to underline that couples do not lay any special claim on knowledge of the process or the outcome. Hope, as Miyazaki tells us, is a conscious negation of one's own future agency (2006). The agential role is in the decision to approach the court, not in assuming or ensuring that the court will rule in their favor. Coming back to Socrates via Arendt (1972), committing to the court case is 'a contract of sorts'— a contract that binds the state, the state agents and the citizens. This is also the contract the police officer, despite his proclivities, could not verbally disavow in his conversation on the Rania case. Despite his angst

with the laws, he had nevertheless felt bound by the contract. The positionality of these various actors suggests that they all viewed themselves as part of “societies of consent.”

The contract that has been forged between the state and the police officer is of a different mold than that which he shared with the Rania family, which is a lot more visible and available for analysis. Police officers’ sympathies in Haryana routinely aligned with those of patriarchal agents, especially when they belonged to locally powerful communities. Whether that indicates a willingness to please people in power at local levels, the existence of strong ideological affinities or simply an effort to survive within the community without alienation, police officers generally adopt a “non-interference policy” in family or community matters once a high court order is passed (but are often quite active when it comes to tracing the couples and arresting the groom before the court visit). This is largely due the work put in by human rights activists in the last decade. Public interest litigations have ensured that police officers being called upon, admonished and held accountable for honor killings and safety of such couples by both the Supreme Court and various high courts in the country. These efforts reinforced a contract or agreement to protect lives and liberties of citizens that police officers today cannot afford to ignore, even if they did not agree with particular laws.

In the public interest litigation¹¹ against caste councils (who were accused of encouraging honor killings of eloping couples) that I referred to in the last chapter, the high court had sought replies from all the district-level police administrations in Haryana. A close examination of the case files, available with the human rights advocates, revealed that all but one of these departments

¹¹ PILs are writ petitions filed by individuals and organizations who do not have a direct interest in the issue or connections with the individuals in particular cases.

promised complete adherence to “due process of law.” That is, the departments (with the notable exception of Kaithal district) assured the high court with varying levels of sincerity that bureaucratic language can muster that the police officers will crack down against illegal councils and their activities.

It is worthwhile to mention that the replies were filed at a time with political fervor around honor killings proposed by caste councils was at its peak and even progressive political leaders had found that they could not afford to criticize caste councils¹². Honor killings had further become an issue on which political careers could be built – most notably in the case of the infamous Manoj-Babli double murder (Dogra 2013). Even as bureaucratic documents, these replies filed to the court stand as testimonials of the contract, an acceptance that the police officers also belong to a society of consent. Human Rights advocate VZ shrugged off the question when I raised it by claiming: “But they have to say that.” For me, the claim that the officers could not have replied in any other terms was itself fascinating, more so because Kaithal district police officers had chosen not to file the standardized replies expected of them. Kaithal, the district to which Manoj and Babli belonged, reinforced the norm through its exceptional decision. The other 20 districts in Haryana seemed to pledged allegiance, even if only in name, in the social contract, to which we have all, in our capacity as adult citizens, consented to.

This social contract is not necessarily an informed one as some political theorists would claim. It evolves from the ideas of Rousseau and Hobbes, who understand it is as a set of obligations on part of the subjects as well as the governments. As Cavell and Judith Butler have

¹² <http://indianexpress.com/article/india/politics/aap-defends-existence-of-khap-panchayats/>

pointed out, the credibility of the government and its policies are sourced from popular will in societies of consent. Butler tells us in her recent book on political assembly that the lack of trust among “the people”, however exclusionary this term might be, undercuts the government’s ability to function with any claim to credibility (2015). But though it is the support of the people that allows the government to function, Cavell is doubtful of the limits to which consent can be withdrawn if the government deviates irreversibly from our vision. Psychological exile, Cavell tells us, is not an exile (1990:107).

The role played by the courts (and specifically writ petitions) become especially important when the government appears to no longer respect popular will (not to be confused with populism) and the people cannot withdraw consent to the governing state. The couples as individuals, in their act of suing the state governments, hold the state accountable to the contract when even elected leaders side with community, abstractly defined, to restrict civil liberties of adult citizens. While in individual cases, the law suit might end up in failure, the larger role paid by such sustained petitions, received on a daily basis, is to not let the state lose sight of its obligation. This obligation to the original contract extends to belligerent police officers or empowers conscientious ones. The miscarriage of the law is in this way individualized, an accident as it was in Socrates’ case (Arendt 1972:58). Judges strive to not openly appear to undermine laws, the way political leaders might. Judges like MJ1 and MJ5 instead channelize their biases through comments that do not appear on any legal papers. They are uttered in the courtroom only for the benefit of the occupants, including all the couples who have been assigned to their courts on a given day.

While it is easy to discount the role played by the writ petitions filed by eloping couples, especially in contemporary India where violence and injustice (even at the court premises¹³) takes place with impunity, such petitions require analysis on various levels – marriage, family, kinship, law, state. In this current phase of seeming “lawlessness,” as several commentators in the country have called it¹⁴, the question I discussed in chapter two – what do laws mean to people and the state agents? – needs to be repeatedly posed. As Hannah Arendt told us in her book *Crisis of the Republic*, phases of lawlessness or rise in petty crimes are indicators of weak governments and the perpetrators of violence are best understood as opportunists. These periods reflect, according to her, a situation ripe for revolution though the latter may never materialize (1972:69-72). Lawlessness, especially of opportunistic right-wingers in India and elsewhere, can also result in a renewed commitment among “the people” (especially those with less social or political capital) towards the Constitution, which is a powerful symbol, and the courts, which form one of the key sites where redressal is possible, though not guaranteed.

Courts facilitate conversations in moments of heightened emotions and mandate that state and state agents listen to ‘the people’. Though the Supreme Court and High Courts have come in for a fair amount of criticism for over-reaching their statutory duties while adjudicating on writ petitions and public interest litigations, the practice has assumed a life of its own. These trends will only get accentuated in periods of shrinking liberties and increasing number of political injustices. As Arendt wrote, abiding the law is also part of the social contract (1972). Writ petitions,

¹³ <http://www.deccanchronicle.com/nation/current-affairs/170216/jnu-row-student-s-union-president-kanhaiya-kumar-to-be-produced-in-court-today.html>

¹⁴ <https://thewire.in/21869/the-growing-barbarianism-of-indias-lawyers/>

the category to which protection petitions also belong, are today fulfilling the function of enforcing the contract and demanding that the government should also stay lawful and just.

Though the trend of protection petitions pre-dates the current authoritarian regime, its role in this large and diffused set of writ petitions that today constitute a mode of resistance cannot be discounted. Protection petitions create conversations on civil liberties as well as on consent that are essential for societies that are ostensibly founded on this concept. Their petitions serve, along with other sets of writ petitions on civil liberties, to constantly remind the state of its agreement to the contract. Love marriages and protection petitions may signify ‘waste of judicial time’ even for human rights advocates, as I have mentioned in chapter five, but they serve a vital function of extending civil liberties especially at a time when political discourses promote its curtailment. Even in its seemingly apolitical and non-agential form, elopements rattle judges such as MJ3 because couples appear to suggest that they have fulfilled their obligations to the state and it is now the state’s turn to fulfill its own.

The Conversation on Consensual Relationships

Taking Rawls’ writings on *The Conversation of Justice* as a point of departure, Stanley Cavell theorizes consent as self’s voice that lends recognition to a society. According to him, the idea of consent denotes a request “to make my society mine, one in which I am spoken for, where my voice may be raised in assessing the present state of society against a further or next state of society (1990:27).” For Cavell, as it was for Arendt, abiding by the law is a critical feature of this conversation of justice. Freedom, for him, is obeying the law “we give ourselves.” Criticizing one’s society is again, for him, criticizing oneself since a compromised state of society signifies compromised self. Cavell brings the idea of consent in dialogue with the Emersonian idea of the

“unattained but attainable self” – self as a work in progress, one could say. Seeking moral perfection in a given society signifies, for him, the extension of the original consent that helped found the society in the first place. An invitation to one’s next self and, consequently, the next state of society, reaffirms the consent to the current society and the one which will follow. It is important to note here that Cavell does not discuss extensions to next state of self or society through teleological or linear modes.

He extends the ‘conversation of justice’ concept and that of an individual’s consent to a given society to the institution of marriage in several of his works. According to him, the pursuits of happiness within the marriage institution in the face of unaccounted misery elsewhere is an expression of consent afforded to the society. This, he holds, is especially true for people who are not advantaged and cannot take care of themselves in an unequal society – their relative disadvantage distorts their participation in the dialogue on justice elsewhere. Eloping couples in my case studies, especially those belonging to rural areas and to different castes, fit into this category surprisingly well.

There is a perception in Haryana and Chandigarh, even among interlocutors within progressive circles, that love marriages should somehow represent a positive development in the society. Some feminist lawyers have been more specific in insisting that marriages based on the idea of mutual choice still continue on patriarchal lines, where the existing sexual division of labor is perpetuated. The interviews from chapter four, which delineate a search for more equal partnership through an invocation of the concept of care, signify for many of my so-called progressive interlocutors, including some who identify as feminists, a negligible or insignificant

trend. Some ‘progressive’ male interlocutors, especially from older generations like Human Rights advocate VZ, have cautiously lent support to ‘love marriages’ on the grounds that it represents a challenge to the caste system as well as the practice of dowry demands.

In principle, all these viewpoints are reasonable cautions for a project of the nature I have undertaken but the implied (and, at times, subconscious) expectation that such eloping couples represent a higher cause despite their relative social and cultural disadvantage – that is, the point from which these couples enter this proverbial ‘conversation of justice’ – appears ambitious to an outside observer like myself. Further, following Cavellian tropes, one can argue that through the willingness to work towards a future, and an as yet unattained self, interlocutors quoted in this dissertation have already contributed to the advancement of the society of consent without any professed claims on agency.

Cavell intriguingly calls the current self and its momentary perfection – which an individual ostensibly rejects when she embraces matrimony – ‘conformity’ in parenthesis. A recognition of the other in a relationship such as marriage signifies a readiness for the next state of self and, by extension, the next state of society. Within this relationship, articulation of mutual happiness becomes a point of conversation. The definition of marriage as a ‘meet and happy conversation’¹⁵ represents for Cavell an extension of the ‘conversation of justice’ and, consequently, the idea of consent in a given society itself. An unhappy marriage where conversation has failed, represents for him a failure of the society as a whole.

¹⁵ Originally proposed by John Mill.

The case of elopements and love marriages can arguably be seen as promoting non-conformity – not just in social terms but also in the way Cavell defines matrimony itself. Love marriages clearly register a rejection of current, attained self – disadvantaged in many instances. But for some men giving up the advantages of patriarchy through the decision to elope as well as investing in relationships of care represents a willingness to attain a different ideal for perfection. Both men and women who seek relationships that their immediate society does not support further appear prepared for another state of society. That is, eloping couples consent to the given society and through the mediation they seek from the court in their quest for a different society – *one where their decision to marry a partner of their own choice will receive more support and approval*. Couples' efforts, in other words, signify a reinforcement of the social contract where they acknowledge their obligations to the state but also petition that the state provide them with a better contract than the one currently in place. A contract, perhaps, that does not limit sexuality to relationships deemed respectable by families and kin groups and one enforced through laws such as the age of consent.

Cavell's discussion on marriage builds on the argument he has worked through in several of his writings that analyze the idea of remarriage (as represented in Hollywood comedies and melodrama) as an opportunity to re-examine marriage beyond what lies outside of it – church or state – and recognize the interiority of the relationship that cuts the couple off, for a temporary period, from the rest of the world. According to him, the trope of “get together again, back together” after a threatened or actual divorce initiates a state of conversation, often under the pretext of comedy, where finally agreeing to have the conversation constitutes marriage as an institution. Cavell stresses that in this sense all genuine marriages are remarriages.

My observations of the courtroom and the description of dramatic episodes reiterate this argument in intriguing ways. As I argued in chapter five, the courtroom proceedings signify a wedding ritual with a state agent as presiding authority. The religious ceremony that was held previously is important only as far as it results in a certificate that can be filed as part of the paperwork required in such cases. Once the couple go through the court spaces, the 'court marriage' becomes a preferred mode of describing the relationship for many. Instead of comparing the relative importance of each ritual (namely, the religious and the courtroom one) as I had done in chapter five, we could analyze them as marriage and remarriage where the second ritual, the courtroom one, signifies a conversation on consent that reconfigures the terms of the relationship. The second marriage, at times through melodramatic overtones, of the eloping couples is consolidated and, in turn, extends the limits of the society of consent.

Contrary to popular perception on the topic, which I have discussed in chapter four, in my ethnographic analysis, love marriage does not function as a replacement for arranged marriage. Love marriage forcefully introduces the topic of consent into the larger conversation on marriage in India today. It promotes consent as an ideal that only few, even in Haryana, would actively argue against. Even caste elders I have spoken to in Fatehabad and Hisar, for example, are in favor of consent within arranged marriages, despite its problematic association with love marriage. What the conversation on love marriages does then is problematize the norm of arranged marriages, especially through the difficulty of forging consensual relationships in the latter. For couples like Navjot and Baljeet arranged marriage signify bondage, which for them automatically represents unhappiness in marriage. Societies of consent, Cavell would argue, cannot in good faith hold with

unhappy marriages¹⁶. Some of the couples I have quoted in my dissertation such as Ravinder and Kavita may have had an arranged marriage but the two also worked hard on creating the happy conversation.

The increased dialogue on consent in Haryana as well as from much of North India also takes place in the backdrop of news of rape and other forms of sexual crimes. Though pronouncements justifying rape are made, with more frequency in social media than when I was in the field, these do not always find universal acknowledgement. Criticism of rape in the case of *Nirbhaya* as well as the cases of rapes in Haryana that are part of larger caste wars, as I had mentioned in chapter three, run parallel to the criticism of love marriages. Creating a space for a conversation on consent within arranged marriage is spoken for as an ideal, even if as yet an unattained but attainable goal for the society. This is where the theorizing of sexual consent, through its articulation, re-connects with previous arguments on the topic (by Baxi and others) that are held through recorded cases of its lack, namely rape cases.

Cavell asks us to understand sexual consent in correlation with consent required under the social contract where sexual consent depends on consent for its definition and the latter needs to encompass the former to eventually extend the justice project. This leap is most explicit in his discussion of a text by Henrich von Kliest, titled *The Marquise of O__* which he discussed in a lecture fascinatingly subtitled, *Rawls and the Drama of Consent*. Cavell takes up the case of Kliest's text to showcase how conversation on consent assumes a form of redemption where the

¹⁶ Here, Cavell discusses Mill's theory, according to which, the commonwealth suffers when one suffers in such a marriage. This leads Cavell to wonder whether the covenant of marriage is a miniature of the covenant of the commonwealth where participation in a happy conversation of marriage is an obligation to the latter.

protagonist forgives her former rapist over a period of time and the two finally forge a relationship based on consent. Cavell argues that consent in this relationship is solely understood through its prior lack. We could argue by extending this provocative idea that it is plausible that men and patriarchal societies learn to identify sexual consent by coming to terms with its non-existence and having a conversation about it.

In Kliest's text, the conversation of justice is extended through its negotiation in marriage where the male protagonist redeems himself for his prior moral failings and acknowledges the importance of sexual consent in forging the happy conversation that is marriage. It signifies a willingness to give up an older self and aspire for the next self and the next state of society – one where consent, specifically sexual consent, is reaffirmed as a foundational aspect of marriage.

For people of Haryana and North India, I would argue that the conversation on sexual consent is integral to the extension of social contract and the conversation of justice. And this conversation continues to take place within elopement cases despite repeated assaults on citizens' rights and liberties elsewhere. The conversation in courtrooms that elopement cases initiate signifies a similar form of redemption for the society. The efforts of the eloping couples represents a stride for every consenting adult in the society.

The Case for Hopeful Love

In the future Haryana and different parts of India are facing, potential loss of agrarian lifestyle accounts for a suffering that finds immediate expression in violence. But the Haryanvi society has itself undergone a much longer period of social suffering on account of its severe gender inequality that it must also come to terms with. Young women and men are, in their own ways, dealing with

both the pain the society has undergone as a result of the long-standing gender-based inequality and discrimination and the more immediate call to support the society in this moment of crisis. Married couples, who are able to have their “meet and happy conversation,” appear to me more hopeful for their future than someone like Roop (from chapter four) who was forced into an early marriage against her wishes.

For some of my interlocutors, this hope alleviates them from the current state of uncertainty and social trauma. This is especially true for eloping couples, who are not only experiencing the upheavals in socio-economic spheres but also fear for their immediate future, one that includes social boycott and/or physical harm. In interviews, eloping couples readily answered questions I posed about future, even if questions about their relationship and decision to elope caused embarrassment and reticence. In my experience, those who elope are almost always cognizant of the future, including ideas on the relationship they wish to have with disapproving parents.

For example, when I met Sonia in June 2012, she was planning to head back home armed with the protection order. She hoped that the order would keep her entire extended family, which she claimed had threatened to kill her and her partner, at bay. She declared she did not want to have anything to do with her parents. But a month later she was back at the court to withdraw her petition for protection since she said there was no real threat anymore. She was even in touch with her parents by this time. “They talk to me on the phone. My mom even came to meet me,” she told me with some relief.

In 2015 I did not meet many couples back in the court for a second hearing since most judges “disposed off” the protection orders in the first hearing. But hopefulness for future remained a common theme. Reshma and Jeevan, for example, did not have encouraging life prospects. Jeevan had dropped out of school after grade eight and worked as a painter while Reshma had just completed grade ten. They had decided to visit the high court despite having meagre resources because they had been warned by a lawyer from their home district, Fatehabad, that the district court’s order will not be taken seriously by Reshma’s family.

When I asked her if they had any specific plans for the future, Reshma replied with modest pride that she had passed her grade tenth exams with good scores and her mother-in-law had promised her that she will be supported in her efforts to acquire higher education. She expanded on the theme saying: “I want to find a small job and then show my parents that I was not just wasting my time with this man. I will achieve something in life. *Phir unhe bataungi ki jis ladke ko aap galat samajh rahe the ussi ne mujhe iss layak banaya hai* (And then I will tell my parents that the guy they distrusted was the one responsible for my success).” On the possibility of meeting her parents in the future, she replied firmly that they would have to take the initiative for the meeting and also accept the marriage. The fact that her parents had promised to get her married to the man of her choice initially before searching for a suitable groom on the sly still hurt but it also appeared clear that her dreams were not restricted to a marriage of her own choice alone. sought a marriage that will enable her achieve career goals her parents may not have expected of her.

To be clear, in this section I am only outlining people’s expectations and hopes for their future after elopement. These hopes have not yet been realized but they reflect a disenchantment

with the family that one has decided to break away from. Several eloping women spoke of being disappointed with their own parents who looked for suitable matches secretly after learning about the courtships. One woman, who claimed that she filed the protection case despite having received no threats (verbal or otherwise) clarified: “I told them about him (the partner) myself and explained that I wanted to marry him but they started looking for another groom. *That* was the threat.”

Women and men were also often frank that their protection petition was not in response to any direct threats. Their decision to elope was a desire to seek a non-messy form of resolution to the problem of disapproving parents. Tanya, whose husband’s family disapproved the relationship because she was a widow, and Kanika, a nurse from Central India whose parents disapproved of her Haryanvi partner, had a similar position: “Anyone in their (parents’) place would get a little angry but they will come around eventually.” But Kanika added that she wanted some distance between herself and her family. She preferred her husband’s family instead and felt at home with them. About the future she said: “I have a Masters’ degree in Nursing so I can get a position anywhere I want. My husband works in television industry so he has to find a job in Delhi or Chandigarh. But I think we will be fine.” When I asked Tanya if her in-laws will accept the match she replied: “We came to the high court because you can get a proof of marriage from here. We think they will accept it now. They *will have to* accept it (emphasis added).”

The sentiment that court intervention will lead to (or rather will have to lead to) social acceptance was pervasive one among couples. Qasim laid it out in more explicit terms. He had been forced to elope and get married to Ayesha, a battered woman he had taken into his household.

When Ayesha's family members, who had not offered her any help during the years of her abuse, started threatening the couple Qasim had approached the police. He claims he had been chased out of a police station with the officers telling him to either arrange for the woman's divorce or marry her¹⁷. Qasim was not sure how he could manage either (as she needed a divorce in order to marry him) and, in the end, he had listened to the advice of an acquaintance who recommended the high court in Chandigarh. After receiving the court order, Qasim declared confidently: "*Ab samaaj saath dega. Dena Padega.* (Now the society will support us. It will have to)." He added that the couple had planned to stay at the district protection home for eloping couples for 15 days where he expected the family members to drop in and talk, eventually moving towards a resolution. He disclosed that his first wife and children were *raazi* ("have consented" in Urdu/Hindustani). Ayesha did not speak much during this conversation and was unsure when I asked her whether she will see her own children again. But she had a broad smile throughout the interview and repeated two sentences over and over again: "*Raazi hoon. Bahut kush hoon* (I consent to this. I am very happy.)"

Ayesha's repetition as well as her use of an Urdu word which means consent exemplified some key themes from the theoretical discussion on consent. In some ways, as far as she was concerned the only thing that mattered or was worth stressing was that she consents to *this* relationship – most eloping women use the word *marzi* or choice – and that she is happy. Ayesha's entrapment in an unhappy and abusive relationship would, for Cavell (who follows Mill on the maxim of meet and happy conversations as a definition for marriage), represent a failure for any

¹⁷ According to the Muslim Personal Law in India, Qasim is allowed to have a second wife but Ayesha would have had to secure divorce for a second marriage. Their lawyer claimed that her alcoholic and vagabond husband could not be expected to participate in the legal process. In the courtroom, however, he had stated that some *Maulvis*, men with religious authority in Islam, had heard the husband's divorce testimonial.

society of consent since the social contract, for Cavell, requires that consent be extended to the institution of marriage. Ayesha's ability to leave the relationship and find a legitimate and safe way to be in another one represents an extension of consent for the entire society. That is, her decision and ability to get away (without a legal divorce) and "get back together" (without a legal marriage) with another man through the protection petition represents that quest for the (as yet) unattained self and, consequently, the next state of society. Although her second marriage could not be termed legal it was now, I would claim, legally tenable. This, in one sense, was the crux of the 'drama of consent' that was played out through the protection petition story.

Ayesha and Qasim could fail in their endeavors (for all the interviews represent are hopes and plans for future) but their willingness to change the society which upheld staying in unhappy marriages as the norm over quitting them is a testimony of the consent they have given to the current society, their own place within it and an attempt to transform it. The couple extend the conversation of justice by having the 'marriage conversation' in the legal space, in fact a remarriage for both of them. In one sense what Ayesha could have been telling me is that she consented (to *this* relationship) and *so* she is happy. The high court may not have given them either the legal divorce or the legal marriage they needed but it gave them an opportunity to have the remarriage conversation and be heard.

Along with other women quoted here, Ayesha, at the same time, left behind some conversations, conversations that can be presumed to have deadened. Young women like Reshma had found that conversations with their families and parents could no longer proceed because of deceit or violence. They had instead opted for another relationship where conversation was

possible, though the future of this conversation is also uncertain. As lawyer Neeti had observed in her wide experience with protection cases, the women who are in more oppressed situations are the ones who are likely to elope. “A lot depends on the first reaction of the parents when they learn about the boyfriend,” she explained. “If they are calm it could happen that the women lose interest in the courtship in due course. But if parents decide to crack the whip, women will definitely try and elope.”

The high court also holds the potential to initiate conversations with parents and communities afresh, that is, on new terms. The interviews have suggested that some couples hope for a more equal conversation in future. The repeated refrain that a high court order forces communities or parents to accept matches and eventually opens dialogue underlines this hope. The high court order acts as a leverage, working to the couple’s advantage. After the court order, the couples learn to hope that they will be heard in the society the way they were heard in the courtroom.

Even if couples’ futures are enjoined, I believe the two feel validated at an individual level. Women’s verbal statement in front of judges – whether or not they have been asked – that they had eloped with their own *marzi* or that “they want to get married (to their partner)” is a statement of consent. Though women get to articulate their consent for the relationship in many courtrooms, the act of filing the petition is also a testimony of the consent they have extended to the given society in their individual capacity. WJ1, in turn, held men accountable, demanding to see their individual affidavits regarding a clear commitment made towards the relationship. The statement is not for the women, though it is in the women’s interest, but for the state, to read and to archive.

The statement of commitment and responsibility towards a person other than oneself is, then, also an acknowledgement of the state and the consent the men have given to its processes and requirements.

Through their collective moves, couples who approach state institutions to increase acceptability for their life choices signal that they are not necessarily in defiance of social norms. Couples are themselves prepared for the next state of society – where choice and consent within intimate relationship is seen as the norm – and they believe the society should be as well. Love marriage in Haryana may be described as non-normative on different registers but it also signifies conformity. It involves a recognition on part of the couples of the need to move away from the past and the need to prepare for an uncertain future. It also requires recognizing that nonconsensual sexual acts and marriages can be seen as a failure for the conversation of justice. Consent, on the other hand, generates conversation.

The Melancholy of Love and Life

The conversation of justice in Haryana is far from complete. Some gambles end in hopeful trysts with future. Some, like in the Rania case, are failures for both the future and the given society, where consent both within and outside the marriage institution was delegitimized. Cases like that of Jaspreet's (also mentioned in chapter four) are reminders of how this dissertation project cannot end in a metaphorical "meet and happy conversation". But it can end with cautious hope, one that even Jaspreet holds on to.

Jaspreet shared his name with his former girlfriend, a part of it translates as love¹⁸. After I directed his attention to this coincidence, he told me with melancholic irony that when he was being beaten up in a police station he had overheard some officers say: “They both go by the name Preet. No wonder they fell in love.” Jaspreet’s girlfriend had, as I have mentioned in chapter four, testified against him in the lower court. She was 17.5 years when they had eloped but Jaspreet maintains that *usko sab samajh thi* (she was a mature and knowledgeable woman). According to him, she was smarter than him on many counts and had arranged money for the elopement herself. He alleges that she put pressure on him to elope despite the risks involved. Due to her age, they had ruled out a “court marriage” and it was, according to him, “all her idea” to travel to the Golden Temple, the Sikh religious site in Amritsar, Punjab for a wedding.

When I asked him gently as I could why he had gone along with her plans, he admits that it was “*paagalpan* (madness),” before adding that for him the relationship was “true love.” He had known that she used to hate her family and was desperate to leave. Elopement and marriage had been for her a means for escape. Jaspreet himself had always wanted to have a ‘love marriage’ or rather he had always wanted to fall in love. Despite his bitterness at her betrayal in the courtroom, Jaspreet believes that when they were together she had felt the way he had. He is still not sure what had gone wrong and why she had lied in the court (“She knows why,” he said on a cryptic note). But after hearing her testimony, his love had died. He said it had not affected him unduly when, after he had been granted bail by the high court, he had heard of her family-arranged wedding.

¹⁸ Jaspreet is not his real name as all names have been changed to protect identities. But his real name that he shared with his ex-girlfriend does translate to mean love.

As I have already mentioned in chapter four, Jaspreet still held on to the idea that love can “make a man stand on his feet.” When one has a love marriage, he believed, family attitudes and the nature of one’s relationships change. One can no longer depend on family and take life for granted. Jaspreet had himself sought a life of hard-work and adventure, with plans for migrating to Dubai for work. Love had seemed for him a means to escape family comfort and the cushion it provided him with. Though his bid for freedom from privilege had ended in bitter disappointment and he had had to lean heavily on his family to extricate himself from a crisis, Jaspreet still believed in the power of love. It was just not an option for him anymore. He looked forward to having a family-arranged marriage and the ability to travel to Dubai one day. “When you fall down in life like I had, some things can just not be the same again. There is no place lower than the one I have been in,” he explained.

Jaspreet did not believe his former girlfriend’s age established his guilt since she had appeared mature and a lot more knowledgeable than he was. She had, moreover, hated her family and hoped to get away from it. The case files I secured from Jaspreet’s high court advocate also trouble the question of establishing guilt beyond doubt. In her first statement to the superintendent of police at their home district, the young woman had in clear terms stated that she had eloped with him without coercion and that she still wanted to be with him. It was only after she was forced by police officers to return with her parents that her statements begin to change. The text of the district court judgement¹⁹ that convicted him itself spent considerable time discussing whether the woman had been coerced before arriving at the conclusion that it appeared that she had acted in free will.

¹⁹ Again, adding a citation of the judgment would entail disclosing the interlocuter’s real identity as cases are usually titled as State of Haryana versus XYZ.

The conviction rested on the judge's observation that the guardianship of a legal minor does not end even if she leaves the guardian's care.

The district court's judgement in this way seemed to blame the woman for the turn of events even if she could not legally be held responsible. The conviction follows certain classic tropes in elopement cases (Chowdhry 2004; Baxi 2006) where women are condemned for the exercise of consent but the punishment is meted out to the man for not honoring the ownership rights of another man, father in this instance. Ironically, such condemnation is followed through in cases of rape as well where the possibility of a women exercising sexual consent under some circumstances puts the lack of consent in one instance in doubt.

Moving past these critiques, the district court judgment still engages holistically in a discussion on whether the woman exercised consent in the relationship and the decision to elope before concluding that the legal guardian's rights over the ward does not end even when she rejects them. The judgment did not deny the existence of consent or even state explicitly that a legal minor is not capable of exercising it. The judge merely sidestepped the issue while pronouncing the verdict.

Jaspreet declared in a sweeping statement that people in Haryana don't make a distinction between cases of elopement and those of rape. He has to come to believe that 50 out of every 100 rape cases must be cases of love marriages "gone wrong." When he was lodged in the Hisar district prison he had learned a lot more about the phenomenon of elopements, including the high court interventions. At least 20-25 men lodged in the prison with him on kidnapping and rape charges

were, he said, like him: “*Naaajaayas phasse ladke* (boys who were unfairly locked up).” Jaspreet drew a conclusive distinction between guys like him and guys who were imprisoned on rape and gang rape charges. When a woman wanted to be with a man out of choice (*apni marzi se*) and because of true love (*sacha pyaar*) it was different than when they were being abducted on their way to school or elsewhere. “*Woh toh galat hai na, madam?* (Wouldn’t that – being abducted and forced upon – be wrong?)” he asked me rhetorically.

When he was on this last theme, Jaspreet did not include the question of marriage at all. In this statement, I believe, he was speaking of sex without any defensive invocation of the respectability afforded to it by marriage. Though Jaspreet was only accused of kidnapping and not rape, which he knows many men “like him” were, he had directly addressed what lies at the heart of this chapter and dissertation – the question of sexual consent. Jaspreet, like the Count in Kliet’s text, had understood the concept of sexual consent through the evidence of its non-existence around him in Haryana. He had learned to distinguish between “men like him” who respected the idea of consent, choice and love in intimate relationships and men who denied women the same. Despite his heartbreak and humiliation, he held them as ideal virtues that empower people. Perhaps today these seem unattainable in his own life but they are still, according to him, worthy goals for people to have.

Conclusion

In defining one’s role and positionality as a scholar, I have found it useful to delineate my own goals as a feminist and a public intellectual. What is my research and dissertation good for is a question I have often asked myself (and so have others) during the last six years. With this chapter I am seeking to accomplish a rather ambitious goal I have set for myself: making a theoretical

intervention on the topic of sexual consent that had dominated intellectual conversations in United States on South Asia (especially after the *Nirbhaya* case from 2013²⁰) as well as campus struggles in major American universities, including Brown, which face Title IX investigations. Building on ethnographic material from the rest of the chapters, especially chapter five, I have described here the contours of this moral and legal prescript (sexual consent, that is), its historical roots in liberal philosophy and the role it can play in creating a more gender-just society.

Whether this text will be of assistance to the country of my citizenship (India), the city I call home (Delhi – also informally known as the ‘rape capital of the world’ in some circles), ethnographic fieldsites (Haryana and Chandigarh) or the institution that has supported my dissertation (Brown) is an open question. But as I edit and revise the final versions of my chapters, I received validation for its purpose from the place it probably matters the most. Students from the Introduction to Gender and Sexuality Studies course, for which I am a Teaching Assistant, asked me about the age of consent laws in various American states in one of our sections. The variations at the national level fascinated them, as did the Milo Yiannopoulos case²¹, which spurred their interest in the first place. Though the students displayed resistance towards laws that ostensibly control people’s private laws, their voices still demarcated acceptable and non-acceptable forms of sexual behavior. This conversation echoed the need for a more nuanced understanding of the term sexual consent, both locally and globally, that my research hopes to contribute towards. My students’ voices also stressed the role laws can play in setting norms.

²⁰ See debates on a statement put forward by Harvard feminist scholars and the comments in the webpage on this issue. <https://hwc.wordpress.com/2013/02/15/a-history-of-violence/>

²¹ https://www.nytimes.com/2017/02/20/us/politics/cpac-milo-yiannopoulos.html?_r=0

Legal text can never completely cover the diversity in sexual behavior and relationships in any given society, as the Special Marriage Act discussion from chapter two has highlighted. But laws make conversations possible, if only about the demarcations they create, and conversations in court/state spaces hold the potential to change lives of individuals – and perhaps the social norms as well.

7. CONCLUSION: A REQUITED LOVE FOR JUSTICE

In classic Bollywood cinema traditions, stories of young people in love and/or stories where courts play a central role, the finale usually comes with an affirmative message. Bollywood films reify a pervasive moral code that individuals who face many odds and challenges in lives due to their location in an unequal society, will still find ‘justice’ in the end. In films across periods (most notably *Awaara* 1951, *Waqt* 1965, *Mera Saaya* 1966, *Insaf ka Tarazu* 1980, *Damini* 1993, *Shahid* 2012, *Jolly LLB* 2013, *Pink* 2016) courts provided the space for adjudication on individual cases and conflict within intimate relations while, at the same time, addressing larger social and political issues such as partition-related trauma, rape and sexual assaults, persecution on minority communities and class inequality. Re-union of a couple or family torn apart due to larger social crises is a popular trope in Indian cinema.

One notable period in which anti-state and anti-law images circulated with more vigor than that of law as a site for justice was in the 1970s and 80s. The outright rejection of law during the post-Emergency phase in India is a topic Lawrence Liang takes up in his article on law and cinema (2003). According to him, due to this ‘crisis of the state and legitimacy’ Bollywood films of this period overlooked how people were working “their way around the law” (376) instead of only operating outside or against law. Liang directs our attention to “practices that resist being captured by the totalizing narrative of legality, but do not necessarily pose any alternative Utopias, they

exist at the level of livelihood, tactical strategies and embody a certain irreverent playfulness in their negotiation of categories such as citizenship, modernity and the political (Ibid).”

This approach to cinema, which Liang says re-orient scholarship from representation to modes of experience, is instructive for the study of law as well. My attention in this dissertation has been to focus on the discourses generated in the courtroom as well as people’s experience and perception of the space. In particular, the experience of being wedded or emerging as fully wedded only after the courtroom episode has been a key ethnographic insight. The melodramatic headlines in Indian media that would have us believe that “courts unite lovers” is part of this clichéd Bollywood template where court must live up to a *narrative contract*, a term originally coined about Supdita Kaviraj (1991) and used by cinema studies scholars¹, for its own legitimacy.

Courts in India have, over the period of time, acquired a reputation of being independent from the elected governments and, as an institution, have carved out significant power for themselves. This is in part due to the proliferation of Public Interest litigations in the High Courts and the Supreme Court of the country, something I have discussed in chapter six. While my interlocutors still see district courts as enmeshed in local hierarchies, the high courts represent legitimacy that extends to the state itself. Though states cannot be extricated from the regime of the elected governments, my interlocutors still perceived an impersonal, neutral entity that existed behind the faces of the state agents (such as the judges).

¹ Liang references it in his article but also credits Ashish Rajadhyaksha (1999) for introducing the concept into cinema studies.

Bollywood films that portray the courtroom space with generosity allow subjects to vicariously experience a ‘zone of justice’, a term Biehl comes across in his study of Brazilian courts² (2013). My courtroom ethnography, in some ways, is evocative of this Bollywood template where this particular moral code on justice³ has assumed a life of its own, translating itself into a well-oiled legal machinery that puts the emotion into practice. In using the idea of pragmatic hope (de Vries 2012) and not ‘cruel optimism’ (Berlant 2011), which is more widely used in legal anthropology literature, my approach has been similar to that of Liang’s in some ways. Liang was interested in studying negotiations, at times irreverent ones, on ‘categories such as citizenship, modernity and the political’ and resisted a totalizing narrative on legality. A totalizing question on whether states manage to deliver on the desires and aspirations on its subjects is bound to be answered in negative. In studying this relatively small-scale, localized negotiation, I have found that the experience of hopeful subjects can be quite contradictory to what state agents believe they are delivering.

Hope and the experience of finding justice is, in some ways, independent of what state agents and documents articulate. Melodramatic as it may sound, ‘court unites lovers’ becomes real because couples experience justice being delivered. As a standard Bollywood narrative would tell us: couples fall in love, face challenges that an unequal and unforgiving society poses to their union, courts come to their rescue both “enacting and transgressing caste-class conflicts” (Liang 2003:369). Eloping couples are protagonists in their own larger-than-life narrative, transcending illegality (their relationship in the society is considered as such) by entering the zone of justice.

² I discuss Biehl’s work on juridical subjectivity in chapter two.

³ Justice as a moral sentiment appears, as far as I can tell, in the works of eighteenth century scholars, David Hume and Adam Smith. My writing in this chapter is not inspired by their books and is, instead, firmly rooted in phenomenological anthropology traditions.

They shape their expectations and experience of the space according to vicarious experiences Bollywood films have offered in this regard.

Re-Ordering Norms

The negotiations flip other totalizing narratives, especially the one on structure and agency that both repels and fascinates feminist scholars. When I examine the ethnographic evidence from the legal standpoint, eloping couples do not always come across as rebellious and, I would argue, rarely agential. In the courtroom space, they actually appear as rule-followers and law-abiding citizens.

The discourse on choice and consent in the legal space is geared towards understanding the court visit as the ‘the right way to marry’, rather than an assertion of the ‘right to marry’. These couples, I have argued in this dissertation, learn to view their relationships in opposition to sexual crimes and marriages that are non-consensual and believe that their own life choices are normatively superior to some of the alternatives presented to them. From the ethnographic evidence at the court it is clear that cases of elopement, with the exception of Saima’s and Noor’s, conform to – rather than detract from – the goals for societies of consent (Arendt 1972; Cavell 1990; Butler 2015).

Within communities, the couples are still seen as outliers but the approval of the high court transforms their position nevertheless. The leap required to allow for such a tacit agreement on ‘court marriages’ within the society is facilitated by the strong affinity to the idea of justice and a respect for closures (and openings) provided by courts. The roots of this sentiment in the Indian state and society are much deeper as I have described these in chapter two. Despite the exceptions

where the court did not or could not ‘unite the lovers’, the sentimental investment in justice and the rule of law persists.

Describing justice as an emotion allows us to transcend the individualizing discourse that might unwittingly creep into such projects. For, while the negotiations by couples are adjudicated on a case-by-case basis, the meaning of this feeling is cultural. Going back to classical anthropological texts on the subject: “Talk about emotions is simultaneously talk about society – about power and politics, about kinship and marriage, about normality and deviance ... (Lutz 1988:6)” The procedures underway in the courtroom are negotiations on citizenship as well as on kinship and community.

In a contest between competing normative orders, state law dominates over others as Sally Merry had already noted (1988: 879). The normative order of state law ensures that some judges act against their proclivities and biases and also makes eloping couples take decisions potentially dangerous to self and others. The Rania case, among others I have discussed in this dissertation, calls for a caution in accepting the persuasiveness of the ‘meet and happy conversation’ possibility. But court marriages, when satisfactorily completed, nevertheless provide affirmative endings to law-abiding citizens, as Bollywood films have long portrayed.

Love marriages and elopements may not appear to be decisions that signify agency given the couples’ eagerness to follow rules in courts and the overwhelming tendency to fall back on social norms on sexual division of labor (discussed in the introduction and chapter four), but as a trend they still send out powerful messages regarding the state of the society. The pledge to be seen as married signifies a lack of social capital, for the sexual liberation of young people in rural

North India often requires the respectability that the institution of marriage can afford them for survival and togetherness.

By prioritizing the normative order of the law over kinship order, couples signal that they are placing the kinship lower in the hierarchy of institutions as they recognize them. They not only quit kinship and community to enter the zone of justice, they have the audacity – some kin representatives might say – to return and dwell in shared spaces. Though outwardly kinship structures maintain the semblance of a whole, the memory of the rupture haunts some and is repulsively fascinating to others.

Couples appear rebellious or non-normative within social and kinship structures because of this collective memory of how they undermined the normative order of kinship laws. In the past, this has at times resulted in honor killings. Sensational news reports of honor killings appeared frequently in national media in the first decade of 21st century but its visibility has since dropped. Studies have, however, suggested a sharp increase in honor killings in 2015 with Uttar Pradesh recording the maximum number of such cases⁴.

In Haryana, which also figures prominently in such reports, there has been a tentative attempt on part of communities to reconcile themselves to the large-scale socio-economic transformations they have experienced in the recent past. This includes aspirations for educational and employment opportunities in a symbolically agrarian society where most young people seek to quit farming as an occupational choice. A job with the public sector has become a normative

⁴ <http://globalnews.ca/news/3111543/india-records-huge-spike-in-honour-killings-in-2015/>

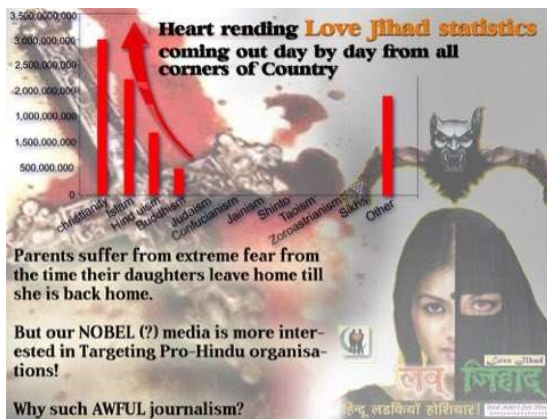
aspiration for a majority of young people, requiring adjustments to a marriage market that was, until recently, dominated by land ownership patterns for some caste groups and the aspiration for the same among landless groups. The rise in educational levels across communities and genders has resulted in corresponding transformations in the marriage market. While kin groups still encourage intra-caste marriages even when arranged differently, young people are increasingly making decisions based on their own calculations and aspirations for the future.

Eloping couples (and single but ambitious Haryanvis) again speak of such matches as normatively superior to those contracted on the basis of caste affiliations, land ownership and dowry demands. Some insist that relationships based on mutual choice and consent are better than those imposed by parents and legal guardians forced young people into. As Jaspreet and others have pointed out, love marriage should be seen in opposition to lack of consent (in the form of sexual harassment and rape as well as nonconsensual marriages) that has been normalized in the region.

In rural Haryana, the sustained exposure to conservative patriarchal values, misogyny and sexual violence was for me a traumatic experience though my own home, Delhi, also ranks poorly when it comes to violence on women. In Haryana, I have both listened to young women who repeatedly and across caste and class divides complained of constant sexual harassment and older women who supported honor killings that had taken place in their villages. But many ethnographic voices, some of which are represented in chapters four and five, also expressed the expectation of a less patriarchal and violent future. Undertaking a study of aspirations, including those on intimate relationships, was for me an exercise in cautious hope.

Marriage, Contemporary Haryana and Hindutva

The hope for a future marked by a less violent patriarchy is one I hold both this region and for the



nation-state itself, at a time when civil liberties in the country seem to be under severe attack due to the resurgence of Hindu nationalist outfits. Apart from attacking courting couples on Valentine Day (which I wrote about in the introduction), outfits affiliated to the larger Hindutva project have launched other

region-level campaigns (images such as the one here routinely circulate on the internet) against choice-based marriages that they have termed ‘love jahaad’⁵. Most recently, the president of the Bharatiya Janata Party, Amit Shah, expressed the need for ‘anti-Romeo’⁶ squads’ to protect women from “evil eyes” and preserve their honor and chastity⁷ in the neighboring state of Uttar Pradesh. Although the new Chief Minister of the state supports the mushrooming of such squads, he has them not to harass boys and girls who “are together with mutual consent”⁸.

Given the sudden spike in the number of reported honor killings, such news stories still present clear and present dangers for the future of choice-based relationships in the region. This is particularly important since the BJP had, in the 2014 elections, swept both the national and state elections in the state of Haryana. The party had accomplished this by persuading the population to override caste concerns and vote as Hindus. Caste groups like Jats were incorporated by invoking

⁵ An allegation that Muslim men convince Hindu women to marry them in order to have them convert to Islam.

⁶ A nod to Romeo and Juliet. Potential male suitors in India are often derisively called Romeos.

⁷ <http://indianexpress.com/elections/uttar-pradesh-assembly-elections-2017/amit-shah-promises-anti-romeo-squad-to-protect-girls/>

⁸ <http://timesofindia.indiatimes.com/india/dont-harass-couples-yogi-tells-anti-romeo-squads/articleshow/57820335.cms>

notions of honor that had led the men in the community to participate in large-scale violence against Muslims in Western Uttar Pradesh in 2013⁹. Since the state elections, Haryana has struggled to redefine itself, as its people can neither let go of the strong, caste-based loyalties (as seen in the Jat community's struggle for inclusion in the affirmative action program) nor can they give up the diverse modes of religious and spiritual expressions¹⁰ that the BJP and its 'cultural wings' would ideally like to replace with *Sanatana Dharma* (an absolute and singular idea of Hindu religion).

The deployment of choice-based relationships in sectarian conflicts, both inter-religious and inter-caste struggles, hence holds worrying prospects for the future my interlocutors have imagined. A justice project, especially on gender lines, is tenuous when civil liberties have, by and large, shrunk. It is in times like these that clan leaders' (*khaps*) strong statements¹¹ against the Hindu Mahasabha's call for a ban on women wearing jeans and carrying cellphones offer a glimmer of hope. The conservative turn in the mainstream may yet have to contend with resistance of the margin where both eloping couples and their (erstwhile?) critics such as the *khaps* struggle through the modes available to them. *Khaps*, who have a voice, have used it to pledge support for the advancement of women instead of continuing to cynically deploy the discourse on honor. Couples, in turn, continue to forge relationships of choice despite the existence of campaigns that seek to curtail women's mobility as well as the collective quest for better, livable future.

⁹<https://scroll.in/article/732464/why-bjp-and-the-rural-distress-are-to-blame-for-the-violence-of-jats>

¹⁰ Haryana (and neighboring states) have several spiritual *gurus* with a huge number of followers.

¹¹ <http://www.firstpost.com/india/haryana-khap-leaders-slam-hindu-outfits-call-for-ban-on-jeans-and-cellphones-1779817.html>

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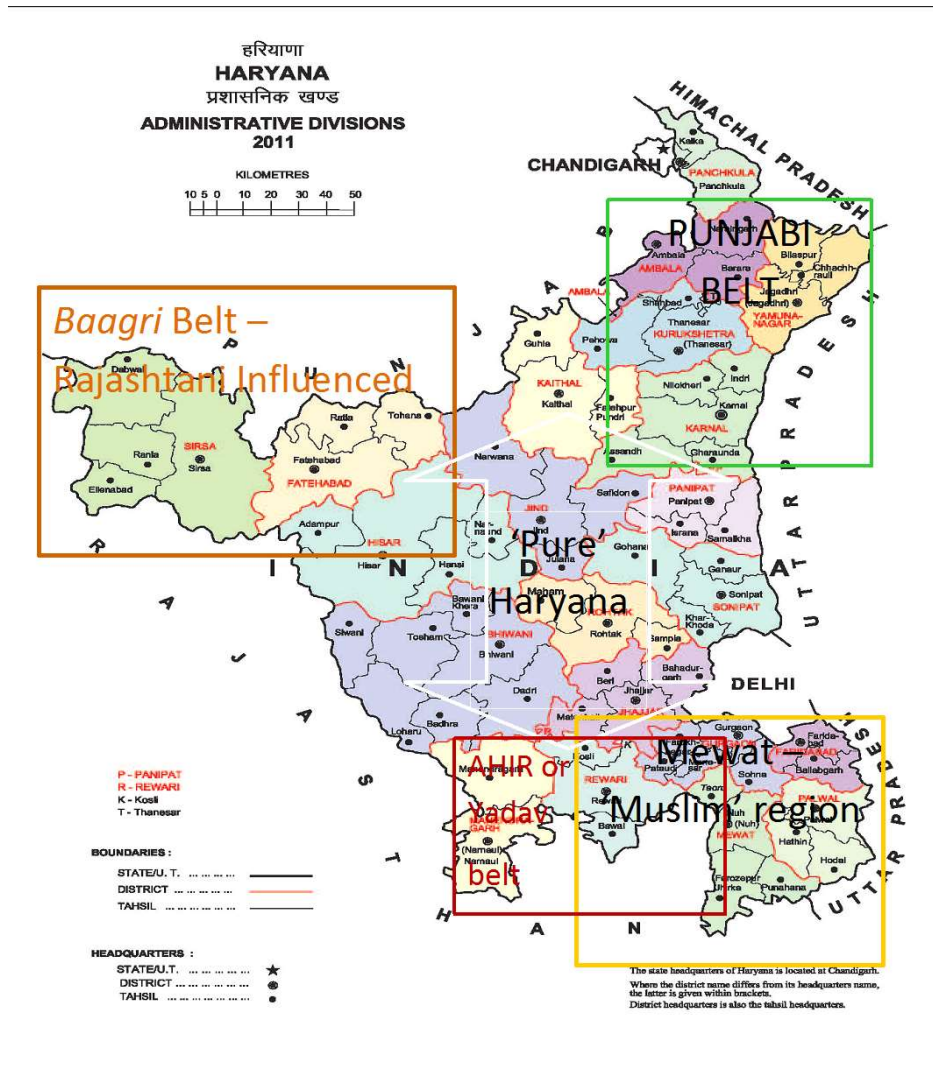
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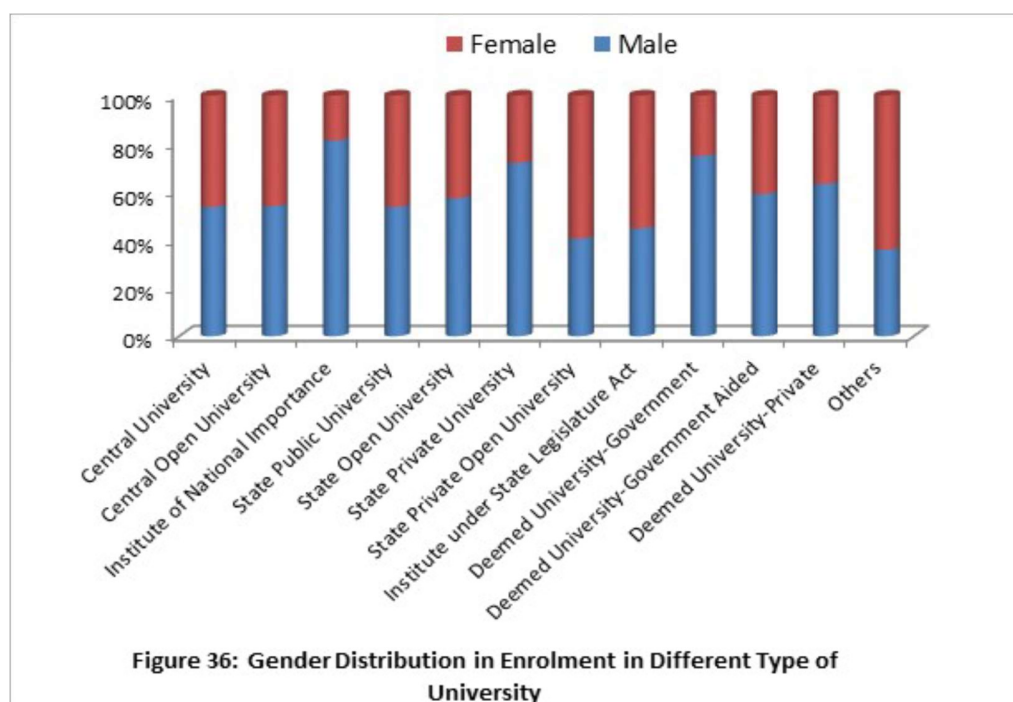
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APPENDICES

1.1 My reworked map of Haryana with different sub-regions demarcation according to some local tags. I conducted ethnographic research in western districts of Sirsa, Fatehabad and Hisar as well as state capital, Chandigarh (almost at the northern tip, close to Himachal Pradesh). Original image was downloaded from the Census of India website.



1.2 Chart published as part of the AISHE report on gender-distribution in educational institutions in the country. (Page 36, Figure 36.)



1.3 Table 1: Here I have compiled broad trends in education with numbers scattered across AISHE report and other sources such as the census survey from 2011. The chart on page 74, which was created for this dissertation, is based on numbers from this table.

| Measures | India (total) | India (Men) | India (Women) | Haryana (Total) | Haryana (men) | Haryana (women) |
|--|--------------------------------|-------------------------------|-------------------------------|---------------------------|----------------------------|----------------------------|
| Literacy Rate | 763.638.812 | 434.763.622 | 328.875.190 | 16.598.988 | 9.794.067↑ | 6.804.921↓ |
| Population (18-23 Years) -2013-14 | 140.801.526 24.077.285 (SC) | 73.254.717 12.543.284 (SC) | 67.546.809 11.534.001 (SC) | 3.185.283 674.812 (SC) | 1.730.366↑ 368.266 (SC) | 1.454.917↓ 306.546 (SC) |
| Gross Enrollment Ratio (GER) | 23.0 17.1 (SC) | 23.9 17.7 (SC) | 22.0 16.4 (SC) | 27.5 17.5 (SC) | 28.8↑ 18.9 (SC) | 25.9↓ 15.8 (SC) |
| Total Enrollment | 28.406.140 | 15.349.137 | 13.057.003 | 851.857 | 482.571↑ | 369.286↓ |
| Completion of degrees, diplomas, certificates etc. | 8.235.852 | 4.154.656 | 2.748.577 | 155.658 | 64.811↓ | 66.507↑ |

1.4 Table 2, here I have compiled from numbers scattered across the AISHE report regarding completion rates of different degree and diploma programs among women and men. The chart on page 75, which was also created specifically for this dissertation, is based on numbers from this table.

| Degree level | India (men) | India (women) | India (total) | Haryana (men) | Haryana (women) | Haryana (total) |
|-------------------------------------|-------------|---------------|---------------|---------------|-----------------|-----------------|
| Enrollment at Undergraduate level | 13574434 | 11925891 | 25500325 | 389.582 | 304.894 | 694476 |
| Completion of undergraduate degrees | 2911349 | 1921741 | 5926096 | 43.236 | 46.720 ↑ | 109284 |
| Enrollment at Postgraduate level | 1249719 | 1294879 | 2544598 | 29131 | 45215↑ | 74346 |
| Completion of Postgraduate programs | 663466 | 508692 | 1332083 | 8481 | 11987↑ | 24063 |
| Enrollment for M.Phil programs | 13632 | 17748 | 31380 | 303 | 382↑ | 685 |
| Completion of M.Phil programs | 9027 | 9257 | 21954 | 145 | 155↑ | 310 |
| Enrollment for Ph.D programs | 64772 | 43118 | 107890 | 1570↑ | 1473 | 3043 |
| Completion of Ph.D programs | 14223 | 8703 | 23861 | 218↑ | 157 | 388 |

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