

India's Daughter: Holding A Mirror To The Ugly "Self"

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Abstract

This paper aims at critically debating the events surrounding the infamous Nirbhaya Rape Case. For my paper, I have taken into account the banned BBC documentary titled "India's Daughter" and analysed it from a human rights point of view. This single incident stirred the national consciousness in many ways and the documentary brought forth the sides of the rapists' themselves. Women rights are there on paper, applauded, used for political agenda, but the people implementing these rights have grave faults within themselves. It is high time for the underlying truths to come out into the open as a challenge to the privileged patriarchs occupying important positions in our country.

Keywords: human rights, women rights, rape, documentary, India, BBC

These words “Human rights are women’s rights, and women’s rights are human rights”, part of a powerful speech delivered by Hillary Clinton on September 5th, 1995 in Beijing on the occasion of the United Nations Fourth World Congress on Women, gained popularity immediately due to their universal nature in raising the issue of gender inequality practiced throughout the world. Women are silenced, subjugated, violated sexually, paid unequally and treated as inferior beings. The phrase “human rights” covers the rights of both men and women but women are never treated as equals of men, hence have to struggle enormously in order to secure their rights. Among all violations of human rights committed against women, sexual violence can be called the most atrocious and disturbing one as it oppresses and affects the female body and her mental health, leaving behind permanent scars. Although all the developed and developing countries have the same problem, in India, the situation is very grave and alarming. According to the National Crime Records Bureau of India, the number of reported rapes in 2015 was 34,651 but rape being a severely under reported crime, we cannot rest on statistics. Societal stigma, culture of shame surrounding rape, and deep rooted patriarchy force women to keep mum. Also, a majority of women are sexually violated by members of their own family, acquaintances and friends which again prevents them from pursuing any kind of legal action. Indian society and culture can be called a traditionally patriarchal society where women are confined to domestic spheres of life and used only for procreation. Even after 69 years of gaining independence, though India’s legal system has numerous laws protecting women and their rights on paper, they are hardly ever implemented in a just manner.

On December 16th 2012, there occurred a horrifying and earth shattering incident of rape in the capital city of India. Jyoti Singh Pandey, a 23-year-old medical student was gangraped by six men on a moving bus at 9.00pm on that day. This case caused an upheaval in the public space like never before because of several factors. First of all, it took place in the capital city of Delhi and happened to a girl who was returning home at 9.00pm, a very normal and regular timing for many women in urban spaces. Secondly, the rape was brutal and inhuman in nature; taking out a woman's entrails after being raped, unusually gory in nature. Thirdly, a number of student unions, NGOs, social and political activists are highly active in Delhi. Another reason can be the close media coverage of the episode, exaggerated in some ways, but very effective in raising public consciousness nonetheless. But we can never be completely sure of all the factors that gave rise to such unprecedented protests across India and attracted international media attention on such a huge scale.

This paper seeks to critically analyse and review the banned documentary called "India's Daughter" (2015) by British filmmaker Leslee Udwin, and thereby try to scrutinize the various socio-cultural factors involved in this particular rape case both from the victim and the rapists' point of view. Through this documentary we get an insight into the general mindset of India on women and violence. On being asked why Leslee Udwin chose to make this documentary she responded,

"what moved and compelled me to commit the harrowing and difficult journey of making this film was not so much the horror of this rape (I knew that violent and brutal rapes happen all over the world with horrifying and relentless frequency), but the optimism occasioned by the events that followed it. It was the ordinary men and women of India, in unprecedented numbers, who poured out onto the streets, and

withstood the onslaught of teargas shells, lathi charges and water cannons, to make their cry of ‘enough is enough’ heard with extraordinary forbearance, commitment and passion” (Leslee Udwin, February 2015).

Indeed, the solidarity shown by the people of India was commendable. From day one it had stopped being about the protests only, it was an outcry for universal freedom of women.

The remarkable feature about this documentary is the way it uncovers so many issues which remain unaddressed and suppressed in our country. The interviews of one of the perpetrators and the defence lawyers reveal chilling truths about the deep seated patriarchy of Indian society. Even the educated men, lawyers by profession, responsible for upholding legal rights of both men and women alike pass misogynistic statements very confidently and with a lot of pride. The problem lies with how males are brought up in a patriarchal setup. Education does not help in changing the mindset of a man towards a woman. The interviewed perpetrator Mukesh Singh, convicted of rape, unnatural sex and murder, was a “normal man”. There was nothing wrong with him in terms of his mental health; he was not a sadist, he was not a monster, he was not abnormal, nor were any of the other perpetrators. Maybe, it would have been easier to accept the horrific crime had this man been a monster. But instead, he is a part of our society, bred within the society. Since the day a man is born he is always treated better than his female counterpart in a number of ways. This quote elucidates it in a simpler form,

“From their earliest experience with authority figures, little boys are given

mixed signals about misbehaviour.....It is as if part of the mixed message is that boys are given a license to misbehave” (Larry and Robert, Pg 138).

Women are also responsible for endorsing patriarchy but their contribution is far less than that of men. Some commonplace gender stereotypes are; while growing up, the boy always gets more food than the girl; the man looks at other women being beaten, raped and grows up normalising violence against women; all domestic chores are always handled by women or girls; a boy is told not to cry like a girl. Several other gender stereotypes exist around us which are well known notions but not discussed. These gender discriminations are not restricted to any class or religion or race, they occur everywhere in different ways and magnitudes.

Such negative cultural values about women makes a man think that it is his right to treat a woman as he wants; the woman is merely a vessel, a sex object, existing to fulfil his needs and desires. Hence it is not surprising that Mukesh Singh declares that he and his friends wanted to teach the girl a lesson for being out so late in the night with a boy who was neither her husband nor a family member. For him, a girl and a boy can never be considered equals. When he was read out the medical reports of the grievous injuries sustained by the victim he simply said that things wouldn't have become so worse had the girl not fought back so hard. M.L Sharma, the defence lawyer makes the statement that, "We have the best culture. In our culture, there is no place for a woman." This makes us realise that India is still struggling at ground level of feminism. When a woman is not even considered as a human being and is placed outside the society how can women even think of asserting their basic human rights in such a world. Freedom, liberty, security, privacy, protection from violence; all part of human rights are blatantly violated in a woman's life everyday both in domestic and public spheres.

Though much has been said and debated on strengthening the legal system and protecting women rights no one focuses on why and what is wrong with our social fabric. The psyche of

the rapist is crucial in understanding the problem of rape and can help in providing solutions for reducing incidents of rape. In the documentary Udwin has tried to bring into question the perpetrators' frame of mind while committing such a heinous crime. Dr Sandeep Govil, Jail Psychiatrist of the Rapists, said that the rapists thought that it was their right. Since an early age they had seen women being beaten and tortured in front of them and sexually abusing women was an everyday occurrence for them. People around them, belonging to the underprivileged class of Indian society, engaged in various crimes like robbery, molestation, murder, rape and were never caught nor prosecuted. It is always about exerting power on an inferior being as and when required. Dr Maria Misra (Writer and Historian, Oxford University) in her interview in the documentary puts forward her opinion that rape is all about power structures; that breaching the boundary existing between man and woman will result in punishment which was the reason for Jyoti's rape. She was out with a male friend at 9.00pm in the night, breached the boundary, and deserved to be punished. Getting away with crimes was so easy and regular that they didn't think that they would be punished. This mindset raises the question of how stripping of a human of one's basic human rights can lead one to normalise violence and crimes. Though India boasts of being the world's fourth largest economy almost 50% of its population is below poverty line. Among these six men was a juvenile who worked as a helper in the bus and was, according to Mukesh, the mastermind behind this rape. The documentary shows how poor his family is, how miserable his life had been. When one is marginalised one is bound to become regressive, indulge in anti-social activities and have no sense of respect towards any form of authority. Patriarchy works beyond class structure; it is not confined to the poor or the rich, proved by the educated defence lawyers' chauvinistic statements; only the forms and incidents vary. But nonetheless if one has grown up deprived of basic human rights one tends to be more antagonistic and

violent in every aspect of life, as many surveys have substantiated this notion. The perpetrators had witnessed prostitution (a form of enjoyment for them), had seen people paying for sex which they couldn't afford so for them forcing themselves upon a girl was courageous. Work needs to be done at the basic level; meting out legal punishments will not suffice. As Rashid Shah points out correctly that,

“The question is to identify the rape mindset, explore the rape situations and rape atmosphere, which develop the tendency to rape and what prompts them to rape”(Adfer Rashid Shah, p 49).

One positive outcome of this horrific case was an attempt at introducing remedial measures through the formation of the Verma Committee with members Justice JS Verma, Leila Seth (Former Chief Justice of India) and Gopal Subramaniam (Senior Advocate, Supreme Court of India). The report which was submitted within two months of the Nirbhaya case was striking for its extreme liberalism. In their report the committee had unequivocally attacked the government, the police and the public and laid down very radical and dramatic recommendations. Among them were approaches on how to deal with the problem of rape, fast tracking cases, widening the definition of assault, removing the language of shame and modesty from the Indian Penal Code. The Nirbhaya case also proved the power of solidarity that the youth bear in this country. If required, how the public, especially the young generation can actually wage a war without any political affiliations. According to Udwin, “If anything positive can be said to have come out of the horror of this event, it is the awakening amongst women and men alike in India and the world to the issue of violence against women.”

But all the hue and cry died down after the rapists were convicted, except when the juvenile was released only after serving three years in a special home. So the question arises, after four years of this landmark case whether there had been any real change in the society? Death sentencing of five convicts did award justice to the victim and her family and the public as well but have other rapes decreased in number? Four years down the line we still come across rapes which are equally horrifying as the gangrape of Nirbhaya regularly. Every day as we turn the newspaper reports on some form of sexual violence is always there for us to read. “According to statistics released by the National Crime Records Bureau, India saw 24,293 cases of rape in 2012 that rose to 33,707 in 2013 and 34,651 in 2015. Over the past four years, nothing has changed” (Mehta, Mumbai Mirror). Changing the mindset and fighting deep rooted patriarchy will perhaps take decades but the state and our legal system can improve so as to instil fear in the minds of the perpetrators. Legislations sanctioned in March 2013 keeping in mind the reports of the Verma committee did not meet public’s expectations.

This BBC documentary named India’s Daughter was banned in India when it was first released in March 2015. Reasons cited by the government for banning it were that it tarnished India’s image on an international platform and that Mukesh’s interview could disrupt peace in the country due to the derogatory remarks on women it contains. While on the other hand we continuously come across songs and films which explicitly commodify and objectify a female body that are considered mainstream entertainment. But what the government failed to realise was how inclusive the documentary was in portraying all the sides as justly as possible. If on one hand it has exposed how men think about women in our society then it has also shown how the public can stand in solidarity and courts can convict and provide justice. To say that everything contained in the documentary was a conspiracy against India is shallow. By banning this documentary they have now aggravated the curiosity of the public

who will try their best to watch it even if it is pirated. Also questions were raised against the capability of a British filmmaker to understand the complexities of the Indian society but the brilliant documentary proves that her research is not lacking in any sense. Till date no Indian has been able to make any movie or documentary on Jyoti's rape. So what gives one the right to criticise a well made film on this subject.

For real change to come about, running away from truth or hiding it from the public eyes will not help the society in any way. Sexual violence against women as well as men needs to come out into the open and should be considered as a serious problem. In order for women to lay claim on their basic rights they need to be considered as equals first in all walks of life. Biological differences apart, man and woman are human beings and should have equal claim over exercising their human rights. Nirbhaya case caused a storm in Indian society, even if it was short term. There is an urgent need for us to scrutinise ourselves and ask why, when, where these monsters are being bred within the society. It can be achieved by bringing this case into mainstream academics; it needs to be studied, analysed, and debated academically in all streams of humanities. The target group should be the youth of this society and in future whenever any horrible rapes or violent crimes take place we can question the accountability of the media, the government and the judiciary as to why such cases are being silenced. There is no bigger a weapon than education when one has to fight for one's rights. These are socio-cultural phenomenon with much deeper roots hence need to be integrated into academics. This case has brought to the forefront a number of key issues and we need to take this debate about the relationship between men and women forward in order to make our society better.

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