

# THE LEGACY OF NIRBHAYA: TWO DOCUMENTARIES ABOUT A VIOLENT CRIME

by Karla J. Strand

Vibha Bakshi, *DAUGHTERS OF MOTHER INDIA*. 45 mins. 2015. Third World Newsreel.

Leslee Udwin, *INDIA'S DAUGHTER*. 62 mins. 2015. Women Make Movies.

### Content Warning

The documentaries reviewed in this article describe real incidents of violent rape and its aftermath, and one includes interviews with individuals who express extremely misogynistic views.

In the largest international study ever conducted on violence against women, one in four men said they had raped someone at some time in their lives, and one in ten admitted they had raped someone who was not their intimate partner.<sup>1</sup> The study, conducted by the United Nations, examined sexual violence in Bangladesh, Cambodia, China, Indonesia, Papua New Guinea, and Sri Lanka. Since this was one of the few investigations ever conducted that focused on men as perpetrators instead of women as victims/survivors, the research offers some startling yet valuable insights. For example, the researchers found that almost half of the men who acknowledged having raped had done so more than once. In addition, 70% said they raped because they felt entitled to, and only 50% indicated that they felt any guilt for their actions.<sup>2</sup>

As shocking as some of these statistics from Southeast Asia may be, it is important to keep in mind the broader picture of rape and sexual violence as such crimes occur worldwide. A recent report by Equality Now calls rape a “global epidemic,”<sup>3</sup> based on the World Health Organization’s finding that 35% of women worldwide have been victims of physical or sexual violence in their lifetimes, often by an intimate partner.<sup>4</sup> The U.N.’s Southeast Asian study found that of the men who had admitted to committing rape, only 23% had ever served jail time. But in the U.S., this percentage is estimated by the Rape, Abuse, and Incest National Network (RAINN) to be even lower: according to RAINN, only 310 of 1,000 rapes in the U.S. are reported to police; and of those 310, only 6 perpetrators ever serve time in jail.<sup>5</sup> It has also been found that one in four college women in the U.S. will experience sexual assault during their time in university. In the last five years, controversy has raged over reports that Sweden has the highest rate of

reported rapes in the world and that other Western European countries display higher rates of rape than India and some other non-Western countries.<sup>6</sup> Attempts to compile and compare rates of rape and sexual violence throughout the world reveal the complexities of defining, reporting, and quantifying incidents of rape — but what we do know is that naming one city or country the world’s “rape capital” is oversimplified and misleading.

An especially brutal gang rape occurred in Delhi, India, in late 2012. In response, massive protests began in earnest, led by university students demanding attention to the crisis of rape in India. The six perpetrators were captured within a week of the incident. One died by suicide in jail, and four others were still in prison awaiting the death penalty as of May 2017. The last perpetrator, a minor, served three years in a juvenile home before being released in 2015.

Two different films about this horrible crime and its aftermath were released in 2015. *Daughters of Mother India*, directed by Vibha Bakshi and executive-produced by Academy Award winner Maryann De Leo, garnered awards and accolades from many quarters, including the president of India. *India’s Daughter*, a BBC documentary made by U.K. filmmaker Leslee Udwin, was quickly banned by the Indian government and subjected to criticism both within the country and elsewhere.

How do these two films, which document the same incident and address the same issues about violence toward women, differ? And why were the responses to the films — not only from India’s government but also from feminist thinkers — so different? This review will explore these questions with the goal of providing insight into how the films

might be used in classrooms to increase critical examination and awareness about rape in the U.S. and throughout the world.

Jyoti Singh, a 23-year-old medical student about to become a doctor, was visiting her family in Delhi in December 2012. On a Sunday night, she and a male friend, trying to get home after seeing a movie, boarded a bus that offered transportation. Already on the bus, in addition to the driver, were five men who had been drinking. After brutally beating her male friend, the men dragged Singh to the back of the bus and repeatedly raped and tortured her for an hour, while the driver continued to drive the bus around Delhi. Finally, the men threw Singh's body and that of her friend off the bus, leaving them for dead at the side of the road. Singh died in the hospital from her horrific injuries 16 days later, although before her death she was able to provide information that helped the police apprehend her attackers.

For almost three years after her death, Jyoti Singh was known to the public only as "Nirbhaya" — meaning "the fearless one" — a title attributed to her because she had tried to fight off her attackers and then managed to survive for another 16 days. It was only in 2015 that her parents named her publicly in an effort to decrease the stigma attached to rape victims and their families.<sup>7</sup>

Word spread quickly in the days following the rape, and thousands of people, mostly students, gathered in the streets of Delhi. Protestors surrounded one local police station, blocked major roads, and demanded attention to the issue of women's safety.<sup>8</sup> When crowd size and intensity of outrage increased after Singh's death, protestors were met with tear gas and water cannons, and injuries were sustained by both protestors and police.<sup>9</sup> Similar protests took place in Bangalore, Kolkata, and Mumbai.<sup>10</sup>

Although these two documentaries cover the same horrible incident and were released within a year of each other, there are more differences between them than similarities. Both films describe the gang rape of Jyoti Singh as well as the protests that followed, but *Daughters of Mother India* goes on to describe another rape, one even more horrific in that the victim (although she survived) was only five years old. That crime, which occurred during the making of *Daughters*, was so devastating to filmmaker Vibha Bakshi that she almost ended the documentary project then and there.<sup>11</sup>

The roles of poverty and misogyny in incidents of sexual violence are mentioned in *Daughters of Mother India*, but they are more central in *India's Daughter*, which includes interviews with the driver of the bus, the families of the other men arrested for the crime as well as their lawyers, and Jyoti Singh's parents. The bus driver and the rapists'

lawyers make clear in their interviews that they believe women are mostly to blame for their rapes. They express what some men in India still believe: that women should not go out alone after seven or eight in the evening, that their morals have deteriorated — as evidenced by the way they dress and socialize with boys — and that if they are raped, they should just submit instead of fighting back. The bus driver even claims that men are doing women a favor by teaching them not to break the social mores of strict Indian gender roles.



The interviews in *India's Daughters* are enraging to watch. While they provide a look into the minds of the perpetrators, they also offer a dangerous opportunity for viewers to perceive the majority of Indian men as sharing these misogynistic beliefs and attitudes. Indeed, this was one of the film's largest criticisms and, some speculated, one of the reasons it was banned. It was feared that the interviews constituted hate speech against women, and that viewing them would incite even more violence against women. It was also argued that the accused perpetrators were given undeserved attention through the interviews, tarnishing Jyoti Singh's memory in the process. Some critics speculated that the film was banned because Leslee Udwin's inclusion of the bus driver's testimony was unethical and interfered with India's sovereignty to decide its own legal processes. Others believed the government just wanted to squelch any bad publicity about India.

Someone watching these films and reading media coverage about the incidents might be quick to blame Indian culture for the prevalence of sexual violence in the country. While it is true that poverty and tradition can influence rates of violence, it is imperative to push beyond initial reactions and examine the complex issue of rape more thoroughly. Rape is certainly not a singularly Indian problem, but someone who watches only these two documentaries might believe it is. Both documentaries could have done a better job at contextualizing rape and sexual violence as the global and multifaceted issues that they are.<sup>12</sup> This could

be done by supplementing the viewing of these films with recent research and data, analyses by non-Western feminists and scholars, and critical scrutiny of all resources for bias, currency, and authority.

Some criticisms of *India's Daughters* focus on Leslee Udwin's non-Indian background. Some have accused the film of perpetuating a Western colonial gaze in which Indian men, and Indian society as a whole, are othered as uncivilized or barbaric.<sup>13</sup> In the film, Udwin stresses Jyoti Singh's academic success and desire for independence, and the fact that those "Western leanings" are emphasized has led some critics to question whether or not an Indian woman from more "non-Western" circumstances would be seen as less sympathetic and deserving of justice than Singh.<sup>14</sup> Still another criticism posits that Udwin belittles Indian feminism by seeming to ignore its strong and honorable history and portraying it as a newer import from the West.<sup>15</sup> Others have questioned some of Udwin's choices in making the documentary, from including the bus driver's testimony to theatrically re-creating events of that night and setting the film to a dramatic musical score.<sup>16</sup>



Image from the film *India's Daughter*

Most of the criticism has focused on the deficiencies of *India's Daughters*, but *Daughters of Mother India* has not been without reproach. One of the most interesting critiques of both films points to their adherence to a dangerous colonial narrative of Indian women as mothers and daughters in need of protection instead of autonomous human beings who have the agency to assert and defend themselves against violence and injustice.<sup>17</sup> The patriarchal language in both film titles and the narrative it implies are reiterated by one of the accused's lawyers when he equates women in India with delicate flowers in need of protection. He goes on to blame women for sexual violence that occurs at the hands of opportunistic men.

Neither of these documentaries is without fault, but most critics agree that it was wrong to ban *India's Daughters*. The censorship did, however, draw much-needed attention to the topic of sexual violence, and many people in India and around the world have managed to see both films. Both deliver strong messages against the silencing of rape survivors and advocate for stronger sentencing for rapists. Much of *Daughters of Mother India* focuses on initiatives that are being taken in India to address the problem of sexual violence against women. Some changes are certainly being made: for instance, police in Delhi are being trained in gender sensitivity, and the number of crisis call centers for women has increased. In addition, some schools are beginning to teach children about good and bad touches and empowering them to say no and tell an adult when something happens to them. While the film highlights mainly these few government initiatives, it is clear that grassroots efforts are also attempting to lift the veil of shame from women who have been raped and to empower girls to report all incidents — even attempts — which was often not the case in the past.

One notable grassroots example portrayed in *Daughters of Mother India* is the work of the Asmita Theatre Group, which performs plays in the streets to help onlookers learn from the stories of Jyoti Singh and others like her. This guerrilla-style effort focuses on changing minds one at a time. Initiatives such as these are positive, and even though change is often slow, they are useful and inspiring examples of ways to respond to the film's strong call to action. Viewers should remember, however, that rape and sexual violence are not just Indian problems, but, rather, major issues throughout the world that must be addressed at all levels, from government regulations to legal ramifications and changes in people's daily lives.

Both *India's Daughter* and *Daughters of Mother India* would be worthy purchases for academic libraries. Both can be valuable tools in university classrooms, as they not only tell the story of Jyoti Singh but also demonstrate to students the importance of critical thinking, reflection, and intentional examination of sources. In this time of "fake news," such skills are more important than ever. The topics of sexual violence and rape are multi-layered; teaching about these challenging issues should include considerations of gender and feminism, geopolitical tensions, socioeconomic issues, colonialism, racism, and more. Showing these documentaries in classes and supplementing the viewing with guided discussion and reading of criticism by non-Western feminist writers can help students practice much-needed skills in critical information literacy.

Notes

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2. For full details about the study and its findings, see these two articles, each of which focuses on a different aspect of the U.N. Multi-Country Cross-Sectional Study on Men and Violence in Asia and the Pacific.: Emma Fulu et al., "Prevalence of and Factors Associated with Male Perpetration of Intimate Partner Violence," *Lancet Global Health* v. 1, no. 4 (October 2013), pp. 187–207; and "Prevalence of and Factors Associated with Non-Partner Rape Perpetration," *Lancet Global Health* v. 1, no. 4 (October 2013), pp. 208–218. The study was conducted in 2011–2012. Approximately 10,000 men, aged 18–49, from six countries in Asia and the Pacific — Bangladesh, China, Cambodia, Indonesia, Papua New Guinea, and Sri Lanka — were interviewed. Note that the term *rape* was not used explicitly in the interviews; instead, questions were asked about specific acts, e.g., "forced partner to have sexual intercourse with you when she did not want to," "forced a woman who was not your wife or girlfriend at the time to have sex," or "had sex with a woman who was too drunk or drugged to indicate whether she wanted it."
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