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# THE THUMB PRINT

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## India's Daughter Debate: a struggle over gender, censorship and colonialism

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BY TOBY MILLER

Rape is an endemic, systemic, systematic, global, and trans-historical phenomenon of gendered power.

Across different laws and customs, varying forms of religion and government, and shifting coordinates of space and time, rape is a tragic constant, enabled by numerous patriarchal norms, from jurisdictions that allow rape within marriage, to male violence and attitudes of superiority. The number of rapes varies across nations, because of anomalies in the definition and collection of statistics, and differences in the legal and cultural possibilities for women to seek redress. But the tendency is undeniably universal.

Rape is often attributed to the biology of male sexuality, as if it were an inevitable consequence of physiological destiny. But rape is more accurately regarded as a method of male control, used to dominate women. It is about social power, not physical need.



*Toby Miller*

Although rape is traumatic in physical, psychological, and political ways, and recognized as such in most countries (frequently alongside ambivalent or negative attitudes to women's autonomy), the perpetrators are rarely charged or convicted.

At the same time, the struggle over women's bodies is also an imperial and colonial question. It is embedded in that history. And anti-rape struggles sometimes show that lineage.

For example, a haunting resonance accompanied the US-UK invasion of Afghanistan in 2001. Just like Britain's involvement there a century and a half earlier, military action and occupation were partially justified by a claim that the invading powers were driven by the desire to protect women and improve their lives. Colonialism would allegedly save women in 1838, in 1878—and in 2001.

That complex background may help us understand the current, bitter controversy swirling around *India's Daughter*. The film's ban was of course

imposed by the Modi government to prevent a screening on Indian television. The state also demanded that the BBC remove the documentary from web sites.

This drastic action was justified on these grounds: the filmmakers failed to obtain approval from prison authorities for their interview with one of the convicted rapists, they made it for profit, and they demeaned women, thus failing to comply with agreements struck at the time of original approval for filming <http://www.ndtv.com/cheat-sheet/on-nirbhaya-documentary-its-the-government-vs-bbc-youtube-google-10-developments-744579?site=full>.

Many South Asian feminists have reacted with understandable rage at the patronizing notion of having this story told to them by a white Anglo feminist—consider Paromita Vohra's open letter on the topic <http://theladiesfinger.com/a-very-short-but-so-open-letter-to-white-feminist-filmmakers/>. No wonder three thousand Indians sent WhatsApp messages to the BBC within three minutes of the film's English broadcast <http://www.bbc.com/news/world-south-asia-31749524>.

There are elements to this debate that concern the independence of the media from governmental control versus the responsibility of the state to protect vulnerable viewers. Then there is the difficulty of web censorship in comparatively open societies <http://www.bbc.com/news/world-asia-india-31761632>. And swirling above all this, the reactionary nature of the Modi administration in what Arvind Rajagopal has termed 'the reinvention of Hindutva' <http://www.thehindu.com/opinion/op-ed/the-reinvention-of-hindutva/article6955945.ece>. When NDTV was banned from screening the documentary, it staged a protest, declining to fill the TV hour with alternative

programming apart from a screen grab of the film's title sequence <https://twitter.com/soniandtv/status/574604884609122305>.

Others feel more ambivalent than supporters or opponents of the documentary, which has led to a sophisticated and worthwhile disagreement in the nation's vibrant public sphere. For Piyasree Dasgupta, the film's problems derive from its 'Bollywood potboiler' narrative trajectory of equilibrium (the fateful day begins), disequilibrium (the heinous crime is committed), and equilibrium (the victim dies and the accused are tried), complete with manipulative music. All this is told with the documentarist herself rendered inaudible and invisible—we have no idea of the questions posed to the interviewees as they weep, protest, narrate, and so on <http://www.firstpost.com/india/man-raped-indias-daughter-heres-wish-hadnt-watched-bbc-documentary-2137299.html>.

Then there is the question of due process under the law. India's Supreme Court has not concluded its deliberations on the appeal by those convicted against their death sentences—should a film treat these questions prior to that decision? Might that prejudice the final hearing? And there is the issue of the legitimacy of death sentences and the means of execution. Lastly, there is the matter of the defense counsel's misogyny and the film's amplification of their abhorrent contempt for legal equality and human rights, as the notable attorney [Vrinda Grover](https://www.facebook.com/vrinda.grover.56/posts/10153086086286358?fref=nf) explains <https://www.facebook.com/vrinda.grover.56/posts/10153086086286358?fref=nf>.

Brinda Karat tells us that the All India Democratic Women's Association called for prosecution of the defense attorneys for their statements in the movie.

Similar groups protest the way that the police discourage rape complaints, and members of parliament caution parents to restrict their daughter's autonomy of dress and movement <http://indianexpress.com/article/opinion/columns/face-the-truth/>.

We must also consider the question of privacy for vulnerable subjects, whether victims, assailants, or families, and what constitutes informed consent to appear in documentaries (less important, of course, than consent to sex, but still an issue in law for half a century, since Frederick Wiseman's *Titicut Follies* filmed inmates in a prison for the criminally insane, including a convicted child rapist).

Nirbahya's father and mother both participated in the film, and her father later spoke out against the ban. He defended the value of *India's Daughter* as a means of shedding light on the brazenly misogynistic attitudes revealed by this crisis, opening them up to public criticism <http://www.ndtv.com/india-news/everyone-must-see-indias-daughter-says-nirbhayas-father-after-ban-in-india-744411>.

My message is this: the struggles we are seeing over *India's Daughter* are inevitably and inexorably overdetermined—perhaps most importantly, by the general history of rape and the more specific one of claims from beyond to free South Asian women from their supposed oppression.

British institutions like the BBC should show greater political awareness of the people whose lives they depict and the people they choose to interpret those lives. It should commission a series by Indian women documentarists of shoot films about life there and elsewhere, such as the UK. The Modi

government should not censor. And all children should learn that violence of all kinds is unacceptable. That way we can move forward, drawing on this controversy in a positive way.

*Thanks to the editor for commissioning this piece and to many friends and esteemed colleagues for their input: Lalitha Gopalan, Ranjani Mazumdar, Amitava Kumar, Arvind Rajagopal, Rada Hegde, Paula Chakravartty, Sujata Moorti, Jyotsna Kapur, and Srirupa Roy. Their combined insights assisted me enormously, but they have not read this piece prior to its publication.*

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## **About Toby Miller**

Toby Miller is a British-Australian-US interdisciplinary social scientist. He is the author and editor of over 30 books, has published essays in more than 100 journals and edited collections, and is a frequent guest commentator on television and radio programs. Toby Miller was Distinguished Professor of Media & Cultural Studies at the University of California, Riverside, USA. He is presently 20% of a professor at Cardiff University/Prifysgol Caerdydd. He can be reached at [www.tobymiller.com](http://www.tobymiller.com)

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