Chapter 2

Privacy at Issue:
Rameeza Bee, Bandit Queen and The Binding Vine

This chapter will examine the idea of the private that is embedded in the construction of female subjectivities as is constituted in legal discourses and the socialities that they endorse. For this purpose, I shall be looking at “rape” as constituted in law, its representation in the media, especially in cinema, and the questions that are raised in the context of political intervention, especially feminist engagements with it, in order to examine the nature of the private sphere within which female bodies are placed and the implications for the consolidation of the domestic ideology.

To begin with, the characterizing principles of this private sphere in the context of rape can be identified in a) the legal notion of “consent” which is central to rape trials, b) ideas about “virtue” and “honour” which play an important part in determining the “rapability” of a woman, and c) the representations and narratives of rape in public realms, including the media and political intervention from feminist or human rights perspectives and the consequences of these representations and narratives in the lives of individual rape victims and for women as a group.
The interpretation of rape and the legal and societal treatment of rape and rape victims open up questions of how female sexuality is understood and how male supremacist definitions of women and sexual violence feed into the construction of female subjectivities. In an early and controversial book, *Against Our Will*, Susan Brownmiller says:

To a woman the definition of rape is fairly simple. A sexual invasion of the body by force, *an incursion into the private, personal inner space without consent*—in short, an internal assault from one of several avenues and by one of several methods—constitutes a deliberate violation of emotional, physical and rational integrity and is a hostile, degrading act of violence that deserves the name of rape (1975: 376, emphasis added).

This definition of rape as "an incursion into the private, personal, inner space" of a woman, both literally and metaphorically, is intrinsically connected to definitions of female sexuality and male power over these definitions, and throws up questions about a private sphere within which analyses of the raped body and rape itself are contained. An investigation of this private sphere will, as I intend to show, raise questions about the methodology of interventions into what is considered to be "the personal," and how the political strategies of the collective will have to deal with the exegesis of the personal.

In order to do this, I shall draw on three texts: 1) The Rameeza Bee rape case, Hyderabad 1978. I shall be using some of the writings around this case and the "story" itself to contextualize some of the issues surrounding rape and the manner in which it is publically dealt with. 2) *Bandit Queen*, a film directed by Shekhar Kapur, released in 1994. I shall be using this film and the controversy around its release to look at the question of
representation and the notion of "privacy" and how the private would be defined vis-a-vis a consciously acknowledged political act. 3) *The Binding Vine* (1993), a novel by Shashi Deshpande. This novel deals with two incidents of rape—the repeated rape of the protagonist’s mother-in-law by her husband over a long period of time, and the rape of a sixteen year old girl by her uncle. The novel raises questions about the ethics of political intervention on behalf of a victimized woman. Using these three texts, and other instances of rape that were discussed nationally, I endeavour to open up the idea of the private as configured by the nexus between the personal and the political.

Everyone condemns rape, though the reasons for doing so might differ vastly. In India, the Mathura rape case triggered off campaigns that were to effect some changes in the Indian rape law by foregrounding several issues that are relevant to my argument here. In 1972, Mathura, a sixteen year old tribal girl, was raped by two policemen within the premises of a police station in Desai Gunj, a small village in Chandrapur district of Maharashtra. She was brought to the police station on a complaint filed by her brother stating that she had eloped with her lover. She was detained at the police station and was raped even as her relatives were waiting outside. The case, after having dragged along for six years, ended with the acquittal of both the accused. In 1979, a year after the acquittal, four lawyers wrote an open letter to the Supreme Court asking for a review of the case. The letter, titled “Where the Law Impinges on Justice,” and signed by Upendra Baxi, Vasudha Dhagamwar, Raghunath Kelkar and Lotika Sarkar, examined the verdict of the Mathura rape case and, for the first time, took issue with the glaringly discriminating aspects of the rape law of the country and the bias of the judicial system as well. The letter questioned the SC’s decision to reverse the Bombay High Court
verdict. The Bombay High Court had found the accused guilty. The Supreme Court now acquitted the accused based on its assumptions that Mathura was concocting stories of putting up a stiff resistance and that she was a willing party to the sexual intercourse. The letter asked some relevant questions about the treatment of a raped woman:

... does the Supreme court expect a young girl, 14-16 years old, when trapped by two policemen inside the police station, to successfully raise an alarm for help? Does it seriously expect the girl, a labourer, to put up such stiff resistance against well-built policemen so as to have substantial marks of physical injury? Does the absence of such marks necessarily imply absence of stiff resistance? (Baxi, et.al, 1979).

These questions pointed to the prejudices that govern the court while listening to the woman’s point of view of the case. The woman is already judged before the case is tried. Further, a large part of this judgement is based on her previous character. The letter continues: “One suspects that the Court gathered an impression from Mathura’s liaison with her lover that she was a person of easy virtue. Is the taboo against pre-marital sex so strong as to provide a license to policemen to rape young girls? Or to make them submit to their desires in police stations?” The signatories asked for a re-hearing of the case, seeking “a search for liberation from the colonial and male-dominated notions of what may constitute the element of consent, and the burden of proof for rape, affecting many Mathuras in the Indian countryside” (Baxi, et.al., 1979).

The response to the initiative was tremendous. Between 1972, when the crowd gathered outside the police station where Mathura was raped and had forced the police to register the case, and 1979, when the open letter was circulated, localized agitations against
rape, and especially against police rape had been organized in many parts of the country by the newly emerging autonomous groups. The open letter made a context for the articulation of certain questions arising from the way in which rape was being defined and rape cases were being tried in courts. By the time the SC verdict on the Mathura rape case was given, other rape cases from different parts of the country were being discussed in public forums. Various women’s groups took issue with the placing of the burden of proof of rape on the raped woman, the demand on the raped woman to prove that she had not consented to having sexual intercourse with the rapist(s), the outright disbelief in her story, and the importance given to the previous sexual history of the victim in determining her “rapability” even as the sexual history of the accused remained completely out of the picture. But it was not until the eighties that the women’s movement could successfully expose, both socially and legally, the many assumptions underlying the violence of rape.

Political parties foregrounded rape as a “law and order” problem: a sign of the increasing lawlessness in the country. For liberal groups, and, in many cases, for the judiciary, it was a question of the “honour and chastity” of “our” women. For almost everyone (including some feminist groups), it was an offense that happened only outside the family, an offense committed always by “other” people—the other class, other community, other men. Hence it was easier to condemn political rape or police rape because it remained safely in that “other” alien realm, away from the privacy of the family.

The anti-rape campaign foregrounded some of these contradictions and questions and

1. The Rameezabee rape case in Hyderabad, 1978, the rape and murder of Shakeela, Hyderabad, 1980, Maya Tyagi rape case, 1980 are some of the well-known cases.
grappled with the conceptual and social problems that emerged. Flavia Agnes, who was one of the members of the newly founded Forum Against Rape (now Forum Against the Oppression of Women), Bombay, writes that the first task for feminists was to break down existing myths regarding rape—that women enjoy rape, women provoke rape, women seduce men and then cry rape, and so on. In the Forum’s point of view rape was an instrument of power used by all men to keep all women in their place, all women are potential rape victims, irrespective of age, manner of dressing or conduct, rape is not a spontaneous outburst of lust and passion but a preplanned, premeditated action of violence and humiliation, it is an extreme manifestation of the unequal power relationship between men and women (Agnes, 1993: 132).

The above position consolidates several questions that feminists all over the world have raised, which have helped to break the myth of rape, assumptions about female sexuality, and to foreground the sexual objectification of women arising from a situation of oppression. Some of these positions are examined below.

Earlier studies like that of Susan Brownmiller defined rape as the way in which men used their sexuality as a weapon of power over women—“a conscious process of intimidation by which all men keep all women in a state of fear” (1975: 15). According to Brownmiller, man’s discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries of pre-historic times, “along with fire and the first crusade stone axe.” Rape became not only a male prerogative, but man’s basic weapon of force against women, the principal agent of his will and her fear. His forcible entry into her body, despite her physical protestations and
struggles, became the vehicle of his vicarious conquest over her being, the ultimate test of his superior strength, the triumph of his manhood (1975: 14).

Brownmiller’s work made a major breakthrough in women’s history by retrieving the fact of rape from the realm of the unspeakable to which it had hitherto been assigned. It placed rape firmly in the realm of the politics of gender. Brownmiller’s positing of rape as a weapon for terrorizing women, of punishing them, was endorsed and developed by other American feminists like Susan Griffith. In a work as influential and controversial as that of Brownmiller, Griffith defines rape as an act of aggression in which the victim is denied her self-determination:

It is an act of violence which, if not actually followed by beatings or murder, nevertheless always carries with it the threat of death. ... rape is a form of mass terrorism, for the victims of rape are chosen indiscriminately, but the propagandists for male supremacy broadcast that it is women who cause rape by being unchaste or in the wrong place at the wrong time—in essence, by behaving as though they were free (1979: 23-24).

Both Brownmiller and Griffith defined rape in such a way that every woman had to beware of rape constantly. This understanding of rape was in many ways problematic as it considers “rapability” as the primary characteristic that defined every woman individually, and female bodies as rapable in general.

Two major positions emerged from within a feminist understanding of rape. One defined rape in terms of sexuality, and the other emphasized the violence in rape. An understanding of rape as sexual addresses the question of who controls women’s sexuality.
and the dynamics of dominance and submission that define sexuality. Sexuality, here, is
defined in terms of sexual difference, and a position like that of Brownmiller emphasizes
sexual difference as the origin of oppression. A major drawback of this position is that
it defines women in terms of their sexual difference, and renders this difference and the
female body marked by this difference as the location of powerlessness and the causal
point of the fact of rape. Defining rape as a weapon of punishment, the force of which
was an ultimate violation of a real inner space (cf. Brownmiller: "an incursion into the
private, personal, inner space"), freezes the female body within that inner space which
can be easily wounded. Rape defines and brands the female sex as the feminine gender
by equating the female with that which can be violated and female sexuality with forcible
intrusion.

Comprehending rape as the displacement of power based on physical force onto sexuality,
assigns sexuality to a preexisting natural space to which the fact or even the idea of
domination was alien. Catherine MacKinnon, commenting on Susan Brownmiller, says
that "taking rape from the realm of 'the sexual,' placing it in the realm of 'the violent,'
allows one to be against it without raising any questions about the extent to which the
institution of heterosexuality has defined force as a normal part of [(hetero)sexual
relations]" (1979: 219). This also makes discussions of rape in riots, wars, pogroms and
revolutions, rape motivated by racism, rape by police, prison guards, etc., possible even
as discussions of rape in normal circumstances, in everyday life, in ordinary relationships,
are rendered difficult. MacKinnon argues that the "line between violence and sex is
indistinct and mobile in a society in which violence means violation of that worthy of
respect, and women are not" (1987: 232, n.19). The violence of rape does not make it
less sexual, neither does the fact that anyone with power enjoys the violence as sex. "To
the extent the coercion has become integral to male sexuality, rape may even be sexual
to the degree that, and because, it is violent" (1989: 173).

A slightly different, and to my mind more useful, way of looking at sexuality is to
acknowledge the construction of sexuality, to expose the part played by ideology in our
understanding of sexuality. This makes sexuality a not-so-natural concept and helps to
view individuals as produced, at the level of the ideological, as sexed subjects. Sexuality,
then, can be seen as a complex structure of differences. In the context of rape, this
understanding helps us to overcome the containment of the woman within a sexed body,
which is intrinsically linked to "the violatable." As the French feminist Monique Plaza
points out, "it is social sexing which is latent in rape. If men rape women, it is precisely
because they are women in a social sense; and when a male is raped, he too is raped 'as
a woman'" (1980: 31). This is what makes rape essentially sexual.

The dynamics of dominance and submission that underlie the definition of sexuality
and the ways in which the legal and social definitions of rape reinforce it can be clearly
seen in the rape laws of most countries. In India, the IPC defines rape as a crime against
the State. Legal definition of rape makes it a sex crime that is not regarded as a crime if
it looks like sex. The notion of consent and the fact that rape is considered rape only if
there has been penis penetration are based on the control men exercise over "their"
women. It is clear that what actually concerns the State or the judiciary is the protection
of this property right and the regulation of sexuality rather than the protection of a
woman's right to her independence and integrity both physically and mentally.
Until the amendment following protests against the Mathura rape case, section 375 of the Indian Penal Code defined rape thus: "A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:

First—Against her will
Secondly—Without her consent
Thirdly—With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt
Fourthly—With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married
Fifthly—With her consent, when at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance she is unable to understand the nature and consequences of that to which she gives consent
Sixthly—With or without her consent, when she is under sixteen years of age.

Explanation: Penetration is sufficient to constitute the sexual intercourse necessary for the offence of rape.

2. The Law Commission’s 84th Report recommended the following amendments in the rape law: recognition of marital rape as a crime, considering the past sexual history of the victim irrelevant to the case, transferring the onus of proving consent from the raped woman to the rapist, defining the arrest of the woman at night or keeping her in police lock-up as illegal detention and so on. The recommendations were introduced as a Bill in the Parliament in 1980. After three years of debate, the Law was amended which did not include many of the recommendations and the final amendments made the rape trial in-camera, increased punishment if the rapists were public servants and made provision for summary trial. For a critique of the amendments and the women’s movement’s own involvement in it, see Stree Shakti Sangatana, “Where does the Rape Bill Take Us?” (1981); Flavia Agnes, “The Anti-Rape Campaign: The Struggle and the Setback” (1993); Veena Shatrugna and Vasanth Kannabiran, “The Relocation of Political Practice: The Stree Shakti Sangatana Experience” (1986).
**Exception:** Sexual intercourse by a man with his own wife, the wife not being under 15 years of age is not rape (Haksar and Singh, 1986, 72).

The notion of "consent," as can be seen from the law quoted above, was central to the legal discussion of rape and was one of the most difficult to deal with as it demanded a concrete explanation to what was, for all purposes, an abstract concept. Consent, as configured in law, assumes that it has genuine meanings in sexual relations and that consensual intercourse can be clearly distinguished from enforced submission. It assumes the existence of a private sphere of sexual relations where individuals can interact as autonomous, free and equal subjects. This private sphere is characterized as a sphere of choice where consent is presumed and coercion is impossible to prove, a sphere which is "personal, intimate, autonomous, particular, individual, the original source and final outpost of the self, gender neutral" (MacKinnon, 1989: 190).³

The private sphere, thus posited, is ruptured only by intervention from the outside as it were. The liberal idea of the private rests on the premise that so long as there is no interference from the outside public realm, individuals interact freely within it. What is not perceived is the gendered nature of this interaction since this private realm also nurtures assumptions about female sexuality and norms of women's sexual rights. The

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³ The nature of such a private sphere and its implications for women were centralized in the debate about abortion rights. One of the main defenses used by the advocates of the right to abortion was the assertion of a woman's right to privacy. The decision whether or not to terminate a pregnancy was considered to be a private decision of the woman and hence any law imposed by the State against abortion was argued to be the violation of privacy. The danger in positing such an absolute private realm was soon recognized, for it logically presumes an individual who can "freely" and "absolutely" consent. MacKinnon's argument is that this defense assumes the existence of a private sphere where women were free from coercion, a private realm of rights to which, in reality, women had no access—neither in sex, in social life, nor in court. Framed as an individual right, the privacy debate presupposes that the private is not already an arm of the State. See "Rape: On Coercion and Consent" (1989: 190). Also see Mary Poovey "The Abortion Question and the Death of Man" (1992).
efforts to protect the private sphere from violation by the public sphere, in turn makes invisible the violations that might be caused within the private. The legal machinery of the liberal State participates in perpetuating the inviolability of this private sphere and takes active interest only when the rights of men over this private is violated. In this scheme, as MacKinnon points out, violations are recognized as injurious only when it involves “the violation of the private sphere, not within and by and because of it” (1989: 190). Thus, rape would become an issue for the State only when it is understood as the violation of the private sphere and men’s proprietary rights over that sphere.

The notion of consent falls neatly into this scheme of things. The burden of proving that there was no consent lies with the woman, and, in almost all cases, it is not easy for her to convince a fundamentally male-centred legal machinery which is still very much influenced by discourses that regard women solely as sexual bodies (that women mean “yes” even when they say “no,” that she “asked for it,” etc.), and this fact is proved by the ways in which rape trials are held. The idea that consenting sex can still be coercive has no legal status or validity, given the meaning of consent, which, as Monique Plaza puts it, is to “permit a situation imposed by another, a situation which is another’s doing” (1980: 37, n.1). The notion of consent also reinforces the idea that if the will of the woman is strong enough, she will not be raped. This wipes out the existence of all kinds of differences—of physical and mental inequalities—and of feelings of shock and fear. Thus, in the Mathura case, the courts had given contradictory interpretations of what amounts to consent. The Nagpur Bench of the Bombay High Court ruled that the Sessions Court had erred in appreciating the difference between consent and passive submission, and that surrender induced by fear or threat cannot be equated to desire or will. The
Supreme Court, on the other hand, chose to concentrate on and interpret to its advantage the third component of section 375 which states that sexual intercourse can be proved to be rape if consent has been obtained by putting the woman or any person in whom she is interested in fear of death or of hurt. The lack of evidence of bodily injuries on Mathura was enough for the Supreme Court to assume her consent and to argue that she was not under threat. The court chose to ignore the fact that Mathura was detained at the police station, implicated in a complaint against her and her lover, and refused to acknowledge these circumstances in anyway constituting threat. As the open letter pointed out, the lack of proof of injuries cannot take consent for granted. If anything, the court may have been able to prove submission. Consent may presume submission but submission cannot presume consent either legally or by commonsense.

Though, as shown above, the law endeavours to give concrete definitions to the idea of consent, it remains an abstract category in the rape law itself. As Veena Das points out, Clause 4 of the rape law in India states that sexual intercourse with a woman who has given consent thinking that the man is her husband, is rape. But, in cases of bigamy, the woman might believe that the man is her husband, unless the court proves that it is not so (1996: 2412). In these cases then, her consent ceases to be meaningful. It is interesting that marital rape is still not considered a crime. The rape law does not consider it legally possible for a man to rape his wife if she is above the age of 16. This, in effect, renders the wife an individual with no consensual rights. How does an individual have consensual rights in some cases and not in others?4 If we juxtapose these two clauses it

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4. Section 497 of IPC which deals with Adultery is another context where the woman’s consent is immaterial as far as her sexual rights are concerned. If a married woman has voluntary sex with a man other than her husband, the man can be punished under adultery charges. Here too, it is evident, what is punished is the breach of proper sexual conduct, the violation of the husband’s property rights over his wife. The wording
becomes very clear that what the law endeavours to do is to regulate sexuality by giving legal sanction to only certain kinds of sexual practices, even when the bodily integrity of the woman is at stake. To quote Das, "what rape as illegal sexual commerce offends, it seems, is not the body of the woman but the order of correct sexual relations as defined by societal norms" (1996: 2412).

The basic understanding of rape itself is founded on a normative heterosexual relationship as can be seen from the premium placed on penis penetration as the definitive element in rape. The concept of penis penetration is premised on the control that men exercise over women. And measuring the severity of the crime based on whether or not penis penetration has taken place, concretizes the idea that rape is a crime because it violates men's property rights. Flavia Agnes quotes a recent rape case in which a five-year-old girl was raped by a youth in her neighborhood. The girl was made to lie on her stomach and was raped from the behind. At the police station the girl said that something like a finger was inserted. The case was registered as indecent assault because of lack of evidence to prove penis penetration. The police expected the five-year-old girl to know the difference between a finger and a penis, that too when being attacked from behind (1993: 130).

Rape trials reaffirm what the definitions of rape seem to suggest about the characteristics of the realm of the private within which women's sexuality is defined. The legal narrative, in most cases, seems to suggest that the women who are raped were, in some sense, of the Law is interesting: "Whoever has sexual intercourse with a person who is . . . the wife of another man, without the consent or connivance of that man. . . . is guilty of the offence of adultery . . . " In this case consensual rights lie with the man! Law quoted in Nandita Haksar and Anju Singh, *Demystification of Law for Women* (1986): 81.
responsible for their own situations. In fact, quite often, it looks as though women themselves were the perpetrators of rape. When we put all this together, it is evident that what is at trial is not the rapist, but the “virtue” and “respectability” of the woman, and how it decides her “rapability.” To discuss this issue I shall look at the rape case of Rameeza Bee.

Rameeza Bee, a young woman in her late twenties, was the daughter of a poor agricultural worker and was married to another poor labourer, Ahmed Hussain. She was raped by a Sub-Inspector and three policemen on 30th March 1978 at Nallakunta Police Station, Hyderabad. Rameeza Bee had come to Hyderabad on a visit, and was arrested by the police while returning with her husband from a late night cinema show. She was sitting alone in a cycle rickshaw, waiting for her husband who had got down to urinate when two policemen on patrol duty accosted her. She was taken to the police station alone. The police version was that she was a prostitute and was caught while soliciting. At the station, she was asked to wait inside a room and was raped repeatedly by four policemen. In the morning, Rameeza was taken to the house of her uncle where she was staying and there her husband, Ahmed Hussain, was accused of being her pimp. The two of them were again taken to the police station and when Ahmed Hussain questioned the police about raping Rameeza, he was badly beaten. He later died in the hospital.

The people of Hyderabad reacted with extreme anger and indignation. The body of the deceased was taken to the police station and the public attacked the police station and

burnt records. Within two days, the agitation which had started in Hyderabad spread to other parts of Andhra Pradesh and people came out on the streets demanding action against the police. Eighteen police stations were burnt during the agitation and twenty six people died in police firing. Curfew had to be imposed to control the situation. Protest demonstrations were held at various places in Andhra Pradesh, led by women’s organizations, students’ unions, civil rights groups, etc. Under public pressure, a one-man enquiry commission was set up with Justice K.A. Mukhtadar. The Mukhtadar commission found Rameeza to be an innocent victim and eight policemen guilty of rape and/or murder. It recommended prosecution of these policemen.

The case was transferred to Raichur in Karnataka following the petition filed by the accused, in which they argued that they could not expect justice since a verdict had already been brought against them by a justice of the AP High Court. On 28th February 1981, the Sessions Court reversed the Mukhtadar verdict and acquitted the policemen.

The above is a short narrative of the “events” of the case. What is of interest to my purpose here is the portrayal of Rameeza Bee in the police report. An idea that comes up repeatedly in rape trials is that by definition, rape happens only to “good” women. Mathura’s rape is rendered impossible by arguing that she was “habituated to sexual intercourse” and any claims that she makes of being raped simply makes her “a shocking liar.” Thus, what ultimately determined justice in Mathura’s case was the idea that she could be characterized as having been outside the realm of domesticated sexuality.

In Rameeza’s case, the main defense of the police was that she was a prostitute and was arrested while soliciting. The fact that she had got an earlier marriage annulled was
unearthed and used against her. Before attaining puberty, she was married off to a man named Khaja Mian by her brother. After attaining puberty she repudiated the marriage and married Ahmed Hussain. The fact that in doing so she was exercising a right guaranteed to her by Muslim Personal Law was overlooked. One witness remarked, “when once a Muslim girl gets married and she leaves her husband and comes and stays with her parents, she would be considered to be a girl of bad character” (K. Lalita, 1980). Soon after the Muktadhar Commission report was out, a news item appeared in the *Times of India* on November 16, 1978, stating that Rameeza Bee was convicted on a charge of kidnapping minor girls but was released on probation for good behaviour. The National Federation of Indian Women, in their investigation, found that Rameeza was the victim of a well stage-managed play specially designed to portray her as a pimp and prostitute (Farooqi, 1978).

The whole machinery of the State and the police seemed to be concentrated on eliminating Rameeza from the realm of the “respectable,” depicting her as not respectable.6 This was important because the law and the narratives around rape requires the domestication of the female body as private. Within the private sphere, certain sexual relations are sanctioned and have access to protection by law. And rape becomes possible only when this private sphere is violated. In addition, the violation is always posited as coming from the outside. Any woman who can be defined as being outside this private sphere—prostitutes, sexually active women who are not married, or those who have sexual

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6. A Telugu film, *Nagnasatyam*, was released which claimed to be based on Rameeza. The fictionalized account of the Rameeza case in the film portrayed her as a prostitute, who is harassed by the police because she leaves her profession, thus making “real” for many people the identity given to her by the police. The film won a state award. For a review of the film, see Simhachalam, “Vishweshwara Rao Teesina Nagnasatyam” (1979).
relations outside marriage, lower-caste/class women—does not have the protection of the rape law. To put it in another way, sexuality that cannot be contained within the prescriptions of the family and the private space is “non-violatable,” and beyond the interests of the State.

The private domain within which the female body is located raises another question—that of a woman’s right to privacy. In liberal theory, one of the dominant modes of understanding the public/private divide is to posit the private as beyond the regulatory powers of the State. In fact, the whole popular understanding of the private is based on the isolation of the private as a sphere of least interference. One of the major feminist critiques of the private is to expose the politics of the private as “power-laden.” The liberal perception of the private as the personal is the basis of the feminist slogan, “personal is political,” which demolished the walls around the private and brought it into the public forum of political action. It is here that the question of “privacy” becomes important.

7. Legal practice quite often treats lower-caste/class women as “not rapable.” A stark example from recent history is that of Bhanwari Devi, a lower-caste woman in Rajasthan who was gang-raped by some men of the upper-caste Gujjars, who were also a powerful landed family. Despite the intervention of a number of women’s organizations and national coverage in the media, the court acquitted the accused after deeming the prosecution’s evidence as insufficient. The judgement made a mockery of Bhanwari’s sense of shame and fear, termed her a liar, and called on the caste and age of the accused as sufficient grounds to grant them the benefit of doubt. To quote from the judgement: “It is beyond doubt that teenagers of the same age can commit gang-rape. But it is beyond comprehension that those who live in a rural culture . . . would in this manner commit a rape . . . . The court is of the opinion that Indian culture has not fallen to such low depths: that someone who is brought up in it; an innocent rustic man; will turn into a man of evil conduct who disregards caste and age differences and becomes animal enough to assault a woman” (State vs. Ramkaran and Others, 15 November 1995). An interesting reversal of caste and gender positions can be seen in “Prison,” a short story by Anuradha Ramanan, analyzed by Rajeswari Sunder Rajan in “Life after Rape: Narrative, Rape and Feminism” (1993). Bhagirathi, a brahmin woman is raped by Anthony, a christian. Spurned by her husband and society, she goes to Anthony and announces her decision to live with him and successfully forbids him to touch her again. The two live under the same roof until Anthony dies. Sunder Rajan notes that it is through laying claims to one of the standard practices of brahminism—ritual purity—that Bhagirathi secures her safety. Bhagirathi’s “feminist individualism” is authenticated by playing up her caste status and her feminine subjectivity against each other.
The idea of privacy connects closely with the liberal idea of individual freedom and subjecthood. The notion of privacy is often voiced in the language of rights, which is problematic as far as women are concerned, placed as they are so firmly within the domestic ideology which the division of the private from the public perpetuates. The private space does not automatically grant the right to privacy. In the context of rape, control over one's own body would seem to be the ultimate right to privacy. What would actually need protection is the woman's right to decide the use or abuse of her body. Instead, the rape law and the narratives around rape enclose the female body within domesticated sexuality, containing women's legal subjecthood within the private and encoding them as private subjects. The codes of rape and the socially allowed discourse of rape privatize the act of rape itself as it does the raped body. The political potential of the privacy of the body of the woman, it seems to me, rests to a large extent in the critique of the privatization of rape.

It is here that the representation of rape in the media or in literature becomes important. I will now go on to discuss a controversial representation of rape in recent times, Shekhar Kapur's film Bandit Queen. This film and the controversy around it show up the various nuances of the right to privacy and the relation between this right and political action which by logic is a public action.

Between the early 80s and the mid 90s, the audience of Hindi popular cinema saw the release of a group of films which dealt with women avenging the wrongs done to them.8

8. For example, Zakhmee Aurat (directed by Avatar Bhogal, 1988, starring Dimple Kapadia), Insaaf ka Tarazu (B.R. Chopra, 1980, Zeenat Aman), Khoon Bhari Maang (Rakesh Roshan, 1988, Rekha), Anjaam (Rahul Rawail, 1994, Madhuri Dixit), Pratigya (N. Chandra, 1987, Supriya Patak). Films like Damini (Rajkumar Santoshi, 1993, Meenakshi Sheshadri) and Dushman (Tanuja Chandra, 1998, Kajol) can also be included in this genre though the protagonists of these films are avenging the wrongs done to other women who were close to them.
These female revenge stories have caught the attention of film critics for their characterization of the women protagonists as “hardened, cynical and vengeful creatures” (Rahman, 1988). They have also been the subject of considerable attention from feminist film critics in India. They have been read on the one hand as enabling women since they depict strong women characters who represent subaltern agency. On the other hand they have been considered as controversial since the strength of these women characters is presented through their use of violence of an extreme nature. Various called “female outlaws,” “vigilantes,” “reluctant debutantes,” “avenging women” and so on, these characters nevertheless provided many top heroines “strong” roles with which they could dominate the screen, which Hindi cinema does not always allow. As for the women audience, these films provided a kind of uneasy pleasure—of watching the cinematic representation of women’s agency in terms of violence in retaliation for the perpetuation of violence against them (the use of which was always denied to them by societal and cultural norms), combined with the understanding of that same denial in real life situations.

One particular theme, or “formula” as it is called in the film industry language, in these group of films is the rape-and-revenge story. This is explained on the one hand as an effort to react to the spectators’ demand for something different from the stock male


10. The female revenge genre in Hindi cinema has not type-cast any particular heroine into a particular role as it has some heroes—Amitabh Bhachan as the angry young man, Nana Patekar as the angry and slightly deranged avenger, or in recent times Shah Rukh Khan as the psychopathic lover. Often, the heroines in these films are doing something “different” from what they are normally allowed to do. An example is Madhuri Dixit. In short, none of these Hindi film heroines has actually gained her “star value” from these films unlike, for example, the south Indian heroine Vijaya Shanti has. Vijaya Shanti’s star value has actually come from her doing “strong” roles, strong here literally meaning exhibition of physical strength on par with, or even greater than, men.
“action” films, and as a welcome break from stereotypical female roles as submissive mothers or wives, on the other (Rahman, 1988). Film theorist Lalitha Gopalan, in her article “Avenging Women in Indian Cinema,” proposes to read these films as belonging to a “genre” (1997). For, she explains, “only genre simultaneously addresses the industry’s investment in standardized narratives for commercial success on the one hand, and the spectator’s pleasure in genre films with their stock narratives structured around repetition and difference on the other” (44).

I want to look at the film Bandit Queen and the controversy around it in the context of these films. To do so, I would like to retain Gopalan’s idea of the genre, but expand her somewhat restricted definition (resulting as I see it from her dependence largely on textual analysis) of the genre to include questions that some other films that I have pointed out earlier raises. This does not necessarily upset many of the explanatory parameters of the genre set out by Gopalan. For example, Gopalan herself points out that one of the unifying forces of these films is “the various ways censorship regulations of the Indian State shape and influence cinematic representations” and that we need to acknowledge and theorize the presence of the State when discussing the relationships between cinematic representation and its spectators (44). Retaining the idea of the genre, without necessarily restricting its definitional parameters to textual readings would then provide a platform for bringing in questions of the institutional characteristics of

11. Gopalan proceeds to define the characteristics of the genre through textual analyses of Pratighat, Insaaaf Ka Tarazu and Zakhmi Aurat, some of which are as follows: 1) Each film is about a “modern” independent woman (in Pratighat a school teacher, I ka T a model and ZA a police inspector) being raped (in Pratighat disrobing in public stands in for rape) and seeking revenge for the wrong done to her. 2) In each film the violence is sparked off only after an initial attempt to appeal to the State for justice and after the State fails to intervene in a positive manner. 3) Each film “seeks to match” the horror of rape with an equally horrific revenge. 4) Each film has similarities in the representation of rape in terms of the visual techniques used. 5) Each film invites in various ways the criticism that women’s avenging power is intimately predicated on rape and that violent sex is being flaunted as rape, thus not different from the use of women’s bodies in Hindi cinema as a crucial site of scopophilic pleasure.
Directed by Shekhar Kapur, the film *Bandit Queen* (*BQ* from now on) claims to fall under what is known as political cinema. The film, based on a “true story” as the subtitle evidences, tried to visualize the life of Phoolan Devi, India’s most famous female bandit. Based on a biography of Phoolan Devi by Mala Sen (1991), the film endeavours to trace the life of Phoolan Devi starting from her childhood to the moment when she surrenders before the government of Madhya Pradesh in 1983.12

Following its release in India in 1994, after having made a very satisfying tour of various film festivals abroad, the film became controversial at many levels. The Central Board of Film Censorship (CBFC) demanded several cuts in the film—including the scenes of police rape, gang rape by upper-caste men, the scene where Phoolan is made to walk naked to the well, sexual intercourse scenes featuring Phoolan and her lover—saying that the film had an overdose of rape, sex, and vendetta. Combined to this, and making the controversy more complex, was Phoolan’s own problems with the film.  

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12. *Bandit Queen* (Shekhar Kapur, 1994, Seema Biswas). The following is a short narrative of the “story line” of the film. *BQ* opens with Phoolan as a young girl in her village. She is married off at a very early age and is soon sent to her husband’s village. The saga of her victimization starts with her husband raping her, when she tries to avoid his caresses. Shortly, she escapes from her marital home and is back in her village. She is beaten up by some upper-caste youth when she resists their advances. The village council accuses her of being a woman of loose morals and she is banished from the village. Phoolan goes to live with her cousin Kailash who is good to her. Soon she has to leave, and is this time arrested by the police under false charges. She is gang-raped while in police custody. A gang of dacoits who have been paid off by the Thakurs kidnap her. Once among the dacoits, she becomes the object of sexual gratification for Babu Gujjar, the dacoit leader, who rapes her repeatedly, often in full sight of his gang. During one such incident, Babu Gujjar is shot dead by Vikram Mallah, a lower-caste member of the gang, who soon establishes himself as the leader of the gang. It is Vikram who teaches Phoolan to use a gun, and attired in a man’s clothes, she becomes part of the dacoit gang. Her association with Vikram develops into a sensitive and meaningful relationship. But Vikram is killed by the Thakurs and Phoolan captured. Once again she becomes the subject of repeated and brutal gang-rape. Her cousin Kailash comes to her rescue and she acquires the help of Baba Mustaqueem. With his help, Phoolan forms her own gang and changes over into the dreaded and powerful Bandit Queen. She then systematically takes revenge over her tormentors, which culminates in the notorious Behmai massacre where she and her gang shoot down twenty two Thakur men. The film ends with the fugitive Phoolan surrendering before the government of India after negotiations.
filed a petition (Phoolan Devi vs Shekhar Kapur and Others, 1994) at the Delhi High Court demanding the ban of the film since, she argued, it amounted to an invasion of her privacy and defamed her through graphically portraying private aspects of her life without her consent. The Delhi High Court banned the screening of the film until certain cuts were made. Shekhar Kapur meanwhile held on to the position that he was completely against the cuts proposed by the CBFC or the High Court. The ban was lifted in March 1995 following an out-of-court settlement between Phoolan Devi and the producer of the film, Bobby Bedi. Significantly, the sub-title of the film—"A True Story"—was deleted. The film was banned again, this time for more cuts proposed by the CBFC, on March 7, 1996.

There were, as one can see from the above narrative, two different claims for the banning of the film—one made by Phoolan Devi and the other by the CBFC. Phoolan’s petition highlighted two things: that the film departed radically from what she herself has said about her life, and that her right to privacy has been violated by the film which has shown her being raped several times.13 Phoolan dissociated herself from many of the events in the film, and charged that the makers of the film had turned her into a business proposition. Commenting on the rape scenes in the film, Phoolan Devi exclaimed: “How can they show a woman like this baar baar? This is all a vyapaar.” 14 For her, then, the issues are that 1) by making her the subject of a film that authoritatively represents some contested events in her life as if they were true, the film misrepresents facts which may have direct consequences for her, and 2) this particular mode of representation shames her and lays out for public consumption events of her life she

herself does not want to talk about. The CBFC, on the other hand, addressed the issue of “obscenity,” an overdose as far as the Indian screen was concerned, and called for a combined chopping of representations of rape, consensual sex, and nudity, thereby collapsing all categories of “sex” under what is termed “obscenity,” which as far the censorship debate in India is concerned is a contested issue.\(^\text{15}\) It is also interesting that after the settlement of the case, Phoolan joined Shekhar Kapur in condemning the censorship of the film based on the grounds of obscenity.

The controversy around the film raises questions about the mode, ethics and motives of a “realistic” representation of rape on the Indian screen, making these questions even more complex by its claims to being “true” and “authentic,” and not, in some sense, completely fictional. This film was different from other films of the genre precisely because it had a “living individual” as the basis of its truth claims. The truth claims of the director and the film had to deal with the actual person as a “more authentic” truth-teller.

“Personal truths are always relative,” says Shekhar Kapur, as against individual storytelling which is always “interpretative” (1994). He claims that his interpretation is made in the interest of larger truths of oppression based on caste and gender. The question then is, does political intervention assume a privileging of “larger truths” at the cost of “smaller” ones? In the process, what happens to individuals?

Juxtaposed against each other, the truth claims, by raising some important issues of

\(^\text{15}\) Shohini Ghosh, for example, examines the problems with collapsing all kinds of expressions of sexuality under one definition of obscenity: “In fact, the representation of a woman as an active and willing sexual agent is the kind of ‘counter-speech’ with which contentious representations ought to be fought. Yet, this very instance exemplifies the dangers of collapsing categories of consensual and coercive sex.” See “The Troubled Existence of Sex and Sexuality” (1999): 246.
representation, brings forth for analysis the question of political intervention, which, in turn, leads us to the primary objection that Phoolan had with the film—that it violates her right to privacy. Does Shekhar Kapur, as interpreter, have the liberty to represent Phoolan's life in the mode that he has chosen to, in the interest of sensitizing the public to issues of oppression? Further more, how is the "oppression" that he exposes structured vis-a-vis the subjecthood of the individual (real) protagonist? Why are these representations in conflict? To elaborate a point that was touched upon earlier, the exploration of the idea of "privacy" is intrinsically connected with a notion of the private—that of a space over which the individual holds the complete ownership, an idea of a self that, among other things, is in complete control of a realm of agential action. Another set of questions would examine the modes of representation of the female body and the "authenticity" of that representation and what it does in terms of its stated objective, that is, "to focus on the brutal social conditions that created a Phoolan Devi" (Ramanan, 1996).

The authorial intention is to make a public statement through the interpretation of an individual's life and struggle which has resonances in the larger context of gender and caste oppression. I shall now take a brief look at the film text to see how "the larger truth" is arrived at through representation.

The story deals with so many different kinds of rape—marital rape, custodial rape, gang-rape, caste-based rape, power rape. Kapur uses a variety of cinematic techniques to shoot the rape scenes. Nevertheless, the line between titillation and sensitization as

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16. The earlier rapes in the film are shot using the almost cliched indices and images that mainstream cinema has been using: e.g., a child facing a grown man, the close-up shots of her scared face, and then her screams as the camera focuses on the closed room. A subtle change has been brought in the scene where
far as the depiction of rape scenes are concerned is a thin one. The responses to the film are a telling indication of this: “unequivocal (those titillated/morally outraged by the “controversial” scenes) to ambivalent (viewers moved by the film, yet taken aback by its explicitness) to plain absurd (“bad film, yaar, it has no entertainment”).”

Pankaj Butalia points to the pornographic potential of rape scenes, that it “allows a voyeuristic entry into an area otherwise considered taboo and too horrible to enter by anyone but its practitioners” (1994: 72). The film uses a “realistic” language, the signifiers of what has come to be identified with “realism” in Indian cinema as opposed to the glossy, fantastic, “unreal” images of mainstream commercial cinema.

The history of realism in Indian cinema shows that it was one of the major sites of cultural hegemony. Realist intent carried along with it the qualities of being good, serious and socially preferable cinema. One of the problems with an Indian cinematic realism is that it represents a bourgeoisie, whose reformist intentions are elsewhere, outside the self, “otherwise.” In a sense, the politics of cinematic realism (and “realist” representation of rape scenes) and Shekhar Kapur’s “social analysis” are of a piece. For both, Phoolan Devi as an individual is a matter of secondary importance. It is this tension that refuses to let the film escape from the crucial question about the cinematic representation of rape scenes—

Babu Gujjar rapes Phoolan. What the camera captures is the bared buttocks of Gujjar over a struggling Phoolan, and he is shot at and killed by Vikram Mallah in the act. Though critics like Roy and Butalia dismiss this particular scene by saying that exploitation cannot be decided by how much skin is seen or whose skin is seen, it has been commended for its ingenuity, by critics like Gopal, in focusing on a man’s “private” skin, and not the woman’s, in a rape scene. See Arundhati Roy, “The Great Indian Rape Trick” (1994); Pankaj Butalia, “Sanctions for Politics of Revenge” (1994); Priyamvada Gopal, “Of Victims and Vigilantes” (1997).


18. The signifiers alluded to here have in some ways come to connote what “art” cinema is as opposed to commercial cinema in terms of representational techniques. In *BQ* these would be lack of song sequences, the use of close-ups, stark portrayals of scenery, use of folk songs in the background, etc. I am aware that the film also has elements of other genres like action movies and the lyrical, but the predominant language remains realist.
that of the use of the female body.\textsuperscript{19}

The many rape scenes undoubtedly mark Phoolan's body as the sexualized body inviting intrusion. But telling the story as a series of rapes and a final retribution reduces Phoolan's whole "bandit" life into one of personal vendetta against her sexual tormentors. There is a vast collective memory of folklore, oral narratives, reports in newspapers and other fictionalized accounts of the Phoolan who terrorized politicians, the upper-castes and the police in Utter Pradesh.\textsuperscript{20} And a large part of this memory is about Phoolan as a poor, lower-caste woman, who was keenly aware of injustices perpetuated in terms of wealth and caste. This is definitely not to deny the importance of the atrocities that Phoolan had to go through "as a woman." Instead, it is to point out that these factors have a crucial role even in the "gendering" of Phoolan as the bandit queen. In the biography Mala Sen notes that the first time Phoolan got into trouble was when she questioned the authority of her uncle and cousin who had occupied the land that rightfully belonged to her father (1991: 30-32). The biography examines the interlinkages between caste and class in determining social position and power relationships.\textsuperscript{21} This kind of an approach is completely absent in the film. For example, the biography offers an analysis of how Maiyadin, Phoolan's cousin, who is a Mallah, came to be in league with

\textsuperscript{19} This tension has important implications for the women audience of this film also. I will come to this later in the chapter.

\textsuperscript{20} The folk narratives about Phoolan, and many of the newspaper reports of the time, give her an almost deified status of the "virangana." This was based on her relentless courage to fight against patriarchal, casteist and state oppression. For an analysis of the "virangana" see Kathryn Hansen, "The Virangana in North Indian History: Myth and Popular Culture" (1988).

\textsuperscript{21} I am aware that Mala Sen's account would also have problems if taken as "the true story" of Phoolan Devi. This definitely is not my intention. But what is interesting about the biography is that it presents Phoolan's life through various accounts: the letters that Phoolan dictated to a variety of people (Phoolan herself is illiterate) from the prison, conversations with the members of her family and with officials who were involved with her surrender, newspaper reports, folklore and songs written about her, and so on. The biography, then, I would suggest, tries to give a variegated report rather than one single coherent truth.
the Thakurs. In a rigidly casteist society this transcending of the traditional boundaries of caste was possible only by the rearrangement of property and wealth (57). Phoolan, as a poor woman, had no avenue for transcending these boundaries. And her daring to question the authority of the upper-caste men only made her more vulnerable to their atrocities.

Phoolan's caste, then, has direct implications on the sexual assaults that she was subjected to. In an interesting article that examines the role of law, caste and gender in a case of "atrocity," Anupama Rao points out how the lower-caste women's bodies are seen "collectively as mute, and capable of bearing penetration and other modes of marking upper-caste hegemony without the intervention of desire and/or sexuality because of the overdetermination of this violence as caste privilege" (1997: 127). An example of such an overdetermination is the judgement in the rape case of Bhanwari Devi (see note 6). The narrative determinism of Shekhar Kapur, on the contrary, foregrounds rape, and hence sexuality, as the most important marker of what made Phoolan the dreaded bandit queen.

Rape, then, is given to us as the root cause of what made Phoolan Devi, a poor lower-caste girl, into the dreaded and violent Bandit Queen. Her subjectivity seems to be defined only in terms of her sexual victimhood, her actions the direct reaction to this victimhood. Violation of sexuality is given as the ultimate crime, the only one which has the power to provoke a woman into using violence. How does this representation then justify Kapur's claim of having to interpret the subjective truth of one Phoolan Devi for the sake of the larger truth of the oppression of thousands of women? Are these women, as the viewers of the film, required to identify with the victim heroine in the
film? The expectation, it seems, is not to identify with the woman who is subjected to all these violations, or to recognize these systems of oppression, but to occupy a position that others this woman. The assumption is that rape happens to only a certain kind of woman, from whom the addressee of the film (the educated, rational, middle-class Indian who would be sensitized by the film) is already differentiated.

One of Phoolan’s major problems with the film was the scene of the Behmai massacre, where she is shown as participating in the shoot-out of twenty two Thakur men. Phoolan’s problem arose from her fear that this scene would have larger implications in the context of the continuing caste hostility in North Indian states. Though Phoolan herself is capable of reading this scene in the light of her resistance to caste-based atrocities, the film enfolds this scene also in its narrative of an individual woman’s revenge against her tormentors. Ironically, this depiction coincides with that of those who charge her of murder.

The numerous rape scenes in the film raises another important question: Is it necessary to depict the woman over and over again as victim in order to attain a realistic representation of the “larger truth” of women’s oppression? Films belonging to the rape-and-retribution genre almost always depict women as victims of the sexual norms of this society. In some sense, this is a pointer to the fact that the cinematic medium, at least as far as Hindi cinema is concerned, has not so far developed an adequate mode of representation or of technique to highlight the experience of women’s agency and choice even within patriarchal structures, without falling into pornographic modes. The choice

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22. Phoolan also claims that she was not present during the Behmai massacre and that her presence and direct participation in the incident is a pigment of the director’s imagination.
left, it seems then, is to produce images of victimization, followed by an almost transitory sojourn into violence as agency. One of the suggestions that Priyamvada Gopal makes in her aforementioned article is that there is still a possibility of reading emancipatory potentials into the cataloguing of victimization as a reality for women. Hence, according to her, “in a context where the rape is largely unnameable, where sexual violence and sexuality themselves are great silences, and where pornographic representations of women proliferate, the film offers a kind of intermediate narrative that certainly suggests possibilities for resistance” (1997: 96). It is not as if rape, per se, has remained “largely unnameable” as far as Hindi cinema is concerned. For a long time, there have been films with the mandatory rape scenes, most often used to underline the “badness” of the villains. The unnamability of rape has been in its lack of recognition as violence. Sexual violence is not a “great silence,” but comes to us dressed up either as humour or harmless bantering or as precisely pornographic. In this context I should also point out that the positive side of Kapur’s film is that he has succeeded in naming rape partially in feminist terms: he actually deploys one side of the feminist argument about rape as violence. The problem is when the story of rape tends to define oppression as a whole. The political purpose of making this film, in Kapur’s words, was to “focus on the brutal

23. Lalitha Gopalan speaks of the need for a gory and intensely violent depiction of revenge in these films. For instance, ZA has been criticized for the utopian and extremely violent solution to rape that it offers, that is, castrating the offenders. The film offers a bizarre equality with its fifteen castrations for five rapes. The need is, as mentioned earlier, to “seek to match” the horror of the rape with the horror of the retribution.

24. There has been, in the context of obscenity on the Indian screen, a substantial amount of discussion of the way in which the hero’s “wooing” of the heroine is depicted. Most of these scenes are portrayed in terms of what we might identify as sexual harassment in real life situations, but carries the message that it is only natural for the man to make advances. Consider the song “Akeli na bazaar jaya karo” in the film Majorsaab, where the hero follows the heroine all around, and in one scene dumps a basket of dry leaves on her head. In a film released this year, Haseena Maan Jayegi, the elder brother advises the younger brother to use the same technique to win over the girl who has been constantly warding off his advances. At the end of the song, the girl accepts him by proclaiming her love for him. An amazed younger brother asks the elder one how he knew that the strategy would work. The elder brother, in a sentence that symptomatizes not only a repeated representational technique but the message that this carries answers, “har gane ki anth mein haseena maanjaati hai.”
social conditions that created a Phoolan Devi” (Ramanan, 1996). The focus on rape threatens to define the brutality in terms of sexual violence against one individual woman. The rapes so completely sexualize Phoolan’s body that the viewers tend to under-read the avenues of resistance that the film itself points to. This despite the fact that Phoolan is also presented as someone who is capable of resistance: violent and abusive language is one of her major weapons. Right at the beginning of the film, we have her facing the camera, saying, “I am Phoolan, sisterfuckers, me.” But the overarching engagement of the film with repeated stories of rape in a sense dilutes the potential for resistance and instead attracts the viewers’ attention to her potential for vulnerability—“the threat to Phoolan’s body lurks everywhere” (Ghosh, 1996: 157). Ironically, the scenes where Phoolan is shown as aggressive within a relationship she has in some sense control over—the scenes of intimacy with Vikram Mallah—also became some of the most controversial scenes in the film.25

Let me go back to the first question that the “truth-claims” debate raises, that of Phoolan’s right to privacy. The idea of privacy is important to our purposes here because it raises questions about the ethics of politicizing the personal as far as individual women are concerned, because politicization invariably involves “publicization.” One of the obvious ethical questions that any intervention on behalf of an individual raises is her willingness and acceptance of that intervention. This is a question that feminists have had to deal with when they started exploring strategies of talking about rape and of demanding justice for women. Flavia Agnes outlines the discussions around the issue of the ethics

25. The first scene is where Vikram tries to caress Phoolan. She slaps him, and pinning his hands against the rock, initiates the sexual play herself. In the second scene we see Phoolan straddled over Vikram in the act of love-making. This scene especially initiated a whole series of controversial opinions, many of which were voiced in the language of concern for sexual representation on the Indian screen. More interesting and important, to my mind, is Phoolan’s own claim that she has been shamed by these scenes.
of intervention during the early phases of the anti-rape campaign. The questions that came up then were: “Should we publicize a rape case without the consent of the woman? Should the names of individual women be used as banners for the campaign? In the event of any of us being raped would we publicize it?” (1993: 132).

These questions were extremely relevant because the individual woman’s experience of not only the rape but of living in a society with its norms of shame and honour after the rape was considered important. It was also debated whether intervention makes some women’s lives less private than others (Agnes, 1993: 133), which points to the “othering” that occurs when one intervenes on behalf of another.

In a sense Phoolan Devi’s assertion of her right to privacy contextualizes the feminist dilemma noted above. Phoolan Devi’s main objection to the film was that Kapur was using a very private part of her life for agendas beneficial to himself and was thereby exploiting her and violating her privacy: “…when I can’t even talk to another woman about balatkaar, how does Shekhar Kapur have the right to show me being raped?” Not being able to talk about rape still remains a fact for many women. Mala Sen in her biography points out Phoolan’s reluctance to talk about her experiences because she, like many other women, believes that she would only be adding to her own shame if she talks about it since we live in a society where part of the blame of getting raped already characterizes the woman as fallen (1991). This statement, I want to emphasize, is a key one in the understanding of the idea of privacy that Phoolan is articulating. One is not “able to speak” because there are (as yet) no ways of speaking, no structure of reception for such an account, which do not in some way end up tarnishing the woman herself.
The idea of privacy as an essential constituent of autonomy is one of the basic tenets of liberal ideology. It connects closely with notions of the freedom of an individual, and her right to a space which is both abstractly and concretely defined. It connotes to an idea of the self that is beyond interference from any outside force, a "substance" that is inaccessible to no one but the self. Ideally, it also posits a materiality of an inviolable, private space.

For feminism, the idea of privacy suggested both a liberatory possibility and a potentially dangerous one. The idea that one could lay claim to a realm of personhood as one’s own was liberatory since a woman’s personhood was always subsumed under the normative requirements of her “natural” functions of reproduction and motherhood. On the other hand, it also posited danger since the idea of privacy contains in it the existence of an area of private activity, a realm which is outside scrutiny which women have identified as one of the major sites of oppression. The feminist critique of the liberal idea of privacy fundamentally focused on denuding it of its sense of an “essence” and exposing its influence by factors which were thus far considered to be external to it: a person’s engagement with social contexts and relationships. This understanding connected the idea of privacy to the social systems of gender and sexuality, and women’s internalization of these systems through socialization processes and conformity to dominant ideologies.

Phoolan Devi, in her defense of her privacy, is laying claim to a legitimate location from which to voice her opposition. She can be seen as doing two things at the same time. One is to make available to herself the liberatory and individuating potential of the idea of privacy that I pointed out earlier. Two, by voicing her sense of “shame,” which she
identifies as one of the effects of the violation of her privacy, she voices a perceived need for respectability.

Shekhar Kapur, interestingly enough, finds this claim to respectability inconsequential. In an interview, he terms Phoolan's need as that of an upwardly mobile politician: "She and her lower-caste following were worried that she would lose political mileage because she was shown as a sexual woman, that her sexuality could go against her politically" (1996). What he does not consider is that it is this same system that determines her political abilities based on her sexuality that makes Phoolan lay claim to respectability through her refusal to talk about her rape. Phoolan has always been at the periphery of respectability—as a woman, as an illiterate lower-caste person living in rural India, as an outlawed bandit, and then as a criminal brought under the control of law-enforcing agencies. If, after she returned from jail, she gets married, decides to be part of the State that at one level perpetuates systems of oppression and punishes those who deviate its norms, it needs to be seen as a disciplining, a conscious internalization of the norms that she was fighting against. What is at work here is precisely the "dangerous" side of the privacy argument that I have touched upon earlier. And it is my contention that Shekhar Kapur's representation of "larger truths" does not make available, neither to Phoolan nor to any other oppressed woman, the tools with which the circumstances that demand such a compromise can be critiqued. In effect, then, the agenda of political intervention that Kapur professes to achieve falls short of critiquing the whole ideology of the privatization of sexuality that rape narratives set up. It falls short of setting up an enabling political analysis of rape.
Phoolan Devi's assertion of her right to privacy lays bare the power of the notions of shame and respectability in producing the ideal of a good woman. During the anti-rape campaign, feminists found that they had to work hard even to begin to shake this ideal. This is in no way an easy task because the work of normative ideals on the woman's body and its deployment in everyday life was a difficult idea to assimilate. What feminism has tried to show in the context of the anti-rape campaign is that discourses of shame and honour is linked with the perpetuation of violence against women. This inevitably required the violation of the private within which these notions were nurtured. Though this violation was absolutely and urgently needed if women were to articulate their rights, feminists were acutely aware of the contradictions involved in effecting changes in the private. I have already pointed out some of the questions that arose from this dilemma. Now I shall go on to look at a novel by Shashi Deshpande, *The Binding Vine* (1993), to examine closely the various layers at work in this dilemma, and try to connect them to the questions from within the women's movement and its implications in bringing about changes in the rape laws.

The narrator of *The Binding Vine* is Urmila, a modern, out-going, working mother. She is grieving over the death of her daughter and is surrounded by caring relatives and friends. Her mother, Inni, and her friend and sister-in-law Vanaa are with her. It is during this self-imposed confinement that Urmila discovers some poems and diaries by her late mother-in-law, Mira. Mira's writings disclose the aspirations of a young woman, stifled in a marriage that she cannot come to terms with and the stories of rape by her husband. Meanwhile, Urmila meets Shakutai, whose daughter Kalpana is in the hospital, hanging between life and death, after having been brutally raped. Caught between Mira's
writings and Shakutai’s reminiscing of her daughter’s behaviour. Urmila is struggling with her sense of outrage and injustice as well as with the already internalized values of what is proper and respectful for a middle-class wife and mother.

Deshpande presents Urmila as a woman who understands the place of women in this society and the ways in which marriage, family, the State and legal system mould women’s behaviour. Urmila and her friend, Priti, argue about a case filed by a husband for restitution of conjugal rights. When Priti upholds the court’s decision that the woman cannot be forced to have a sexual relationship with her husband against her will as a radical victory for women in India, Urmila is skeptical and points out that very few women in this country can approach the court, and a solitary decision in favour of one woman will not effect any radical change. “One Indira Gandhi in charge of the nation” does not change equations “in a country full of women who are not allowed to take charge of their lives” (38). She is thus given to us as a woman who considers the importance of collective change rather than the achievement of one individual woman.

Deshpande enhances our understanding of Urmila by placing her in counterpointed relationships with Priti and Vanaa. Vanaa is the epitome of the modern educated working woman who uses her modernity and education to underline her status as a woman who conforms to the traditions and values set up by marriage, family and motherhood. Thus, she would play the perfect wife to Harish, always aware of his likes and dislikes, and “coping” with everything. Urmila foresees her becoming a “superwoman,” and to Vanaa’s quip that it would then make Harish, her husband, a superman, Urmila replies, “no, a Superbrat” (81). Priti, on the other hand, is the woman who refuses to think in terms of the personal, and believes in the collective action of social change. But to Urmila, she
lacked a certain understanding of the ways in which the personal is implicated in the collective. In Urmila’s words she had a certain “dishonesty that alchemised the truth, making, in the process, a heroine of herself, linking a personal decision to a moment of national drama” (41). There is also Akka, Vanaa’s mother, who hands over to Urmila the trunk containing Mira’s poems, and her own mother, Inni, who until towards the end of the novel is very little more to Urmila than a beautiful and sophisticated woman.

The discovery of Mira’s poems is presented with a sense of drama. Urmila and Vanaa, along with the children and Akka, were rooting through an old trunk when they came upon a photograph of Mira and her old books and diaries. In Urmila’s words it was

[as if in opening the book, we had released a genie; she came alive, she was suddenly all about us—in the books with her notes scribbled all over, in the scraps of paper on which she had written words, lines in Kannada. And there was a green and gold covered magazine—the annual journal of her college—which fell open at a page on which there was a long poem. I read out the name of the contributor: ‘Mira Purohit Jr. B.A’” (43).

This sense of a dramatic reality that one woman (Mira), who died at the age of twenty two in child-birth, gives another woman (Urmila) who is the wife of that child, over the span of years passed, gets reinforced throughout the novel. Precisely because of this, there is a sense of the personal in Mira’s story for Urmila. Reading those poems and diaries which recorded secretly Mira’s dreams—her short-lived attraction for a famous poet of the time, her ideals of love, and the facts from a life which denied her all her dreams, a marriage that involved being raped by her husband and conceiving a child through rape—Urmila becomes inevitably involved in the meaning of such a life.
It is in Mira’s diaries that Urmila encounters the story of the rape:

...he holds me close, he begins to babble. And so it begins, ‘Please,’ he says, ‘please, I love you.’ And over and over again until he has done, ‘I love you.’ Love! How I hate that word. If this is love it is a terrible thing. I have learned to say ‘no’ at last, but it makes no difference, no difference at all. What is it he wants from me? I look at myself in the mirror and wonder, what is there in me? Why does it have to be me? Why can’t he leave me alone? (67)

Mira’s agony strikes a chord of recognition in Urmila even as she is disturbed by it. The sense of the injustice is quite strong, even as it shakes the foundation of love and relationships on which Urmila’s own sense of disquiet within her marriage is anchored. She is as yet trying to understand her own marriage to Kishore, Mira’s son, who “flits into [her] life a few months in a year and flits out again, leaving nothing of himself behind” (164). Thus, Deshpande, by characterizing Urmila as a woman who is constantly trying to work out an understanding of her own life situations—her child’s death, her marriage, etc.—even as she voices her convictions of the need for independence and personal integrity, presents to us the fluidity of a subject examining the fuzzy line between her public and private selves. This will be made clearer as we go along.

Urmila meets Shakutai at the hospital where Vanaa works as a social worker. Her daughter Kalpana has been raped and is lying in a coma at the hospital. Shakutai is portrayed as the lower-class woman who considers the honour of her family as her only wealth. Shakutai’s grief over her daughter’s plight is as strong as is her sense of shame and dishonour that the incident will bring to the family. Caught between the care for her
daughter, anger against what happened to her and concern for the family’s honour, she expresses her helplessness through blaming her daughter for bringing this shame upon herself even as she comments the confident nature of Kalpana. Comments like “she is very smart, my Kalpana. . . . even learnt how to speak English” are interspersed with accusations of being “stubborn” and “self-willed” and blames her for the way she walked “head in the air, caring for nobody” (92, 142). Shakutai also talks about her sister Sulu, with whom Kalpana has been staying for a long time. Sulu has in a sense adopted Kalpana as she herself is unable to have children.

After a few days, the authorities at the hospital decide to move Kalpana to another hospital. The reason given is that Kalpana has almost no chance of recovering and the hospital needs the bed. Shakutai is worried because she would not be able to find the money to travel that far everyday to be with Kalpana. For the hospital authorities, and even for Vanaa, this need of the mother to be with her suffering daughter is not really an issue. Urmila’s decision to intervene on Kalpana’s behalf is consolidated by this incident.

Urmila’s “witnessing” the stories of both Mira and Kalpana is underlined by her own sense of being a “voyeur.” When she goes to visit Kalpana at the hospital she feels that there is “a very ugly sense of being a voyeur; this girl is not to be stared at” (89). As for Mira, she has written on the front pages of all her diaries: “strictly private and confidential.” Urmila finds herself hesitant “to trespass, to violate her privacy, to lay bare her tragic story” (51).

This respect for a private sphere of another woman is strong in Urmila. It is also this feeling that is at the root of her questions about and discomfort with “publicizing” even
as she is aware of the necessity of such interventions if larger social changes are to be brought about. Once she talks to Priti about Mira, and Priti immediately puts forth the idea that Mira’s story can be worked out into a film. Urmila is repulsed by the idea, but Priti tries to persuade her by telling her not to get bogged down in the personal: “Don’t you understand, she is not just herself, she is a symbol. We need symbols to focus attention on the things the symbols stand for...” (40). But Urmila is not persuaded by this argument. For her Mira is a person, not a symbol, a person who wrote “this book is mine as all can tell, if you steal it you will go to hell” on all her books. And the privacy of a person is something that Urmila cannot ignore.

At the same time, Urmila does not hesitate to intervene when the hospital threatens to move Kalpana. On meeting an old friend, Malcolm, who works for a newspaper, she persuades Shakutai to talk to him about Kalpana, convincing her that the only way to help Kalpana now is to make public the injustice done to her. So the story of Kalpana’s rape is finally made public.

The confrontation between Vanaa and Urmila after Vanaa sees the newspaper coverage of Kalpana’s rape brings to light lot of the fears and dilemmas around the issue. Vanaa is very upset and blames Urmila for being a “do-gooder” who has influenced an illiterate Shakutai to play her own games. The way Deshpande presents Vanaa’s outburst makes it clear that her anger against Urmila for making the rape public is not really a concern for Kalpana’s own sake. Rather it is a realization that Urmila may not hesitate to publish Mira’s poems which, then, would directly affect the secure fortress of her own family. There is also the shame of being the daughter of a rapist.
The actual "publicity" that Kalpana's rape gets caught in and the role of the media is presented in a critical way, making it possible to raise questions about modes of intervention that feminists have been concerned with. Shakutai tells Urmila: "Everywhere we go they look at us as if we're actors in a drama" (177). She is completely upset that they had published Kalpana's photograph. Deshpande hints at a whole culture of reportage when she writes:

Yes, we like to see them, the faces of the victims as well as their murderers, the mutilated bodies of accident cases, the tears of a defeated champion, the sobbing faces of anguished relatives; we are the cheering spectators watching the gladiators fighting to death (177).

Apart from the reports, there is also a morcha outside the hospital. The next day there are reports about women being jostled and roughed up during the demonstration. The papers flaunt headlines that say "police claim Kalpana is a prostitute," whereas a Marathi newspaper plays on Kalpana's name, "ek kalpanechi katha?" The family appears on TV. Questions are asked in the assembly. To all this, Shakutai responds, "the whole world is my friend." Through all this, Urmila tries to make sense of the responses of people who write letters to the editor saying rape cannot happen if women are not willing, or imploring women to forgive their rapist "for he knows not what he is doing" (179, 182).

In the wake of all this Shakutai's sister Sulu commits suicide because she comes to know that it was her husband, Prabhakar, who had raped Kalpana. Right at the end of the novel Deshpande introduces a man's lust for the girl and his wife's attempt to somehow
persuade the girl to marry him, failing which she will be thrown out. Sulu had talked to Kalpana about this, and the girl had laughed at her saying that now it was a crime for a man to have two wives. Yet, she had no idea that her husband would resort to rape, leaving the girl to hang between life and death. Assuming responsibility for the crime against Kalpana, Sulu burns herself to death.

The strength of this novel lies in the portrayal of a group of women who are caught between the various forces that are working on them. All of them use “the private” as a realm for dealing with the situations which they find themselves in. Mira constantly denies her husband’s efforts at communicating, “I give him the facts, nothing more, never my feelings” (67). It is only in the private space of her writing that she communicates. Kalpana refuses to depend on anybody, promising herself never to live like her mother. Vanaa tries to integrate what she wants with what is expected of her. Priti, on the other hand, refuses to communicate in the personal, and tries to find some meaning for herself in the collective. All of them present the contradictions of living in a society where the expectations placed on their being women do not always correspond to their sense of the self. Deshpande’s position is explicated through Urmila who understands the private as a site of oppression even as one gets absorbed in the daily routine of living: “The main urge is always to survive” (203).

The conflict, then, that Shashi Deshpande sets up is between the sense of a private self that arises from one’s own subjectivity and the recognition of such a private self in others, and the understanding of the private sphere as one of oppression. After having raised these questions, she does not offer any solutions, or suggest better modes of
engaging with them. For this, we need to turn to the discussions within the women’s movement in the context of its demand for changes in the rape laws.

The contradiction that Deshpande’s women seem to be caught in and Phoolan Devi’s assertion of her right to privacy point to the character of a domestic sphere that the various understandings of the private consolidate. This domestic sphere is validated by a woman’s marital status, her claim to assets like virtue, honour and chastity, and her conformity with the standards that are set up not only through her behaviour but through the deployment of her body. This ideology is reinforced over and over again through images and representations of women. And as long as raped women have no access to support systems which will start questioning the definitional characteristics of domestic ideology, they will get trapped between the need to conform and the recognition of their right to justice.

The ideology of the domestic sphere that becomes apparent does not necessarily confine women to a spatially delineated private. In this sense, they have access to a public “space.” And this accessibility becomes a characterizing principle of a liberal State, which ideally imagines equality among all its subjects, and promises them equal access to justice. But, as we have seen, the legal system avows women’s place within the ideology of the domestic through adjudication procedures. We have seen how the rape law, which apparently protects women from assault, in practice controls their sexuality in modes that assert men’s right over them.

It is here that the slogan raised by the women’s movement, “personal is political” becomes significant. The slogan does not simply mean a relocation of the problems within the
private sphere into a public realm, with the hope of finding solutions. It means that
what we experience as women—our naturalized, intimate, individual, emotional,
internalized and essentialized experiences—occur within a sphere that is also the location
of gendered equations that perpetuate oppression. In this sense, this concept “grounds
women’s sexuality on purely relational terrain, anchoring women’s power and accounting
for women’s discontent in the same world they stand against” (MacKinnon, 1982: 20).