

Vol III Issue IX June 2014

ISSN No : 2249-894X

*Monthly Multidisciplinary
Research Journal*

*Review Of
Research Journal*

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RNI MAHMUL/2011/38595

ISSN No.2249-894X

Review Of Research Journal is a multidisciplinary research journal, published monthly in English, Hindi & Marathi Language. All research papers submitted to the journal will be double - blind peer reviewed referred by members of the editorial Board readers will include investigator in universities, research institutes government and industry with research interest in the general subjects.

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STORM IN THE DESERT: A SAD STORY OF A REVOLTING WOMAN

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Abstract:

This study aims at analysing Jagmohan Mundra's film Bawandar: the sand storm along with the real story of Bhanwari Devi in the background on a relatively recent act of violence perpetrated on women in India. Bawandar is based on a true incident. [Bhanwari Devi](#) is a potter from the village of Bhatari near Jaipur, Rajasthan; who was gang-raped by five high-class men of her village in 1992. She is still waiting for justice after twenty years, as all the accused were acquitted in 1995. Set in a Gurjjar Community of Rajasthan, the film has depicted a series of events a woman have to suffer physically and psychologically in the society after the gang-rape. Bawandar is something that provokes thought for a woman who laudably has sought justice despite the horrible factors testing her faith.

KEY WORDS:

Rape, Violence, Women, Victim, Caste, Judiciary System.

INTRODUCTION:



Though we are in the 21st century, violence against women in India is on the rise and even to this date social malice and malpractices are very much prevalent in our society. Despite the fact that, the country has gone through lots of social changes and achieved global attention, the girl child has to be very brave and vigilant to overcome sexual defilement. The question of why violence against women is always a debatable issue in our society and S Ruth thinks that women have lost the power of naming, explaining and defining

Title: "STORM IN THE DESERT: A SAD STORY OF A REVOLTING WOMAN" ,
Source: Review of Research [2249-894X] Amit Ray yr:2014 | vol:3 | iss:9

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for themselves the realities of their own experience (Ghadijally). Violence against women in India is an all pervasive phenomenon irrespective of place, religion, class, caste, language and ethnicity. According to a report by Thomas Reuters, India is ranked fourth among the most dangerous countries for women among the G20. This is one of the reasons why violence against women in India is becoming one of the government's major goals. Violence manifests itself in various forms and different names – rape, kidnapping and abduction, dowry death, torture, molestation sexual harassment, incest, female foeticide and infanticide and so on. As a result of that, A recent study by the India's Ministry of National Crime Record Bureau concluded that a woman is molested every 26 minutes and raped in every 34 minutes in India. The report further showed that a woman is kidnapped every 43 minutes in India.

Of all the forms of violence that women face, rape is a common crime against women. It is grossly under reported because of the stigma attached to the victim. Even when reported, the culprit is rarely apprehended and if he is even brought to trial, attempts are made to exonerate him by casting aspersions on the women's moral character. According to Antara Dev Sen, columnist for the Asian Age, most of the victims of rape cases are - "brutalized not just by their attacker but thereafter by the system they appeal to or live with. Women in India tend not to appeal to the legal and criminal system because, far from being a source of protection and empowerment, they find that this system makes them even more vulnerable to abuse". "Women generally face violence which has many manifestations" as one forum activist says "not just rape but entire system, the fear of everything around them and how that curtails their life" (Ray). Now rape cases in India become a daily matter in the column of newspapers or in T.V. news. But the recent Delhi incident choked each and every corner of the country and as a result of that 'Nirbhaya' 1 mission has started. On December 16, 2012, a 23-year old woman was gang raped and brutalized by six men on a bus in India's capital New Delhi and the nature of the act was so gruesome that she had to sustain the injuries for 13 days and finally she died. In an interview with Channel 4 News on December 21, 2012, author and activist Arundhati Roy observed that violence against women- particularly rape- is a means of asserting power, particularly from the perspective of men who feel that they lack power in other dimensions of their life such as their socioeconomic situation. This entire discussion has lead us to figure out some questions –

- I. Why India become a dangerous country for women and what to do about it?
- II. How far the collective social conscience of society is responsible in producing such barbaric act like rape?
- III. How a rape victim had undergone the personal trauma and public humiliation while seeking justice?
- IV. Why the victim had to suffer in the hand of police and Indian judiciary system for getting the justice?
- V. How long this barbarism will go on?
- VI. Is there any ending point of this violence?

These are questions to be answered, debated and made public in scrutinizing Jagmohan Mundhra's film *Bawandar: the sand storm* along with Bhanwari Devi's real story on the background – which is about a real-life case of a poor rural activist in India who suffered a retaliatory rape in 1992.

The film is based on the story of Bhanwari Devi from Bhatari village near Jaipur, Rajasthan which puts in focus the treatment of women in our society. Bhanwari devi is a worker in a group known as *Saathin*². She along with other village women started campaigning against child marriages and she prevented the marriage of a one- year-old girl. In the countryside, where caste-ism and sexism are assumed to be the natural order, such a message is radical, especially when delivered by an Untouchable. Enraged by this, and to take revenge against Bhanwari Devi, the child's father along with four other upper caste Gujjars gang raped her in the presence of her husband. And finally while seeking justice she had to experience a lot of personal trauma and public humiliation that a helpless woman went through and at the end the law too disappointed her.

The movie *Bawandar: the sand storm* has started with an aspiration by Jagmohan Mundhra to document something on his homeland Rajasthan. While in his journey to Rajasthan he came across the story of Bhanwari Devi and the rest of the history is the creation of the film *Bawandar*. The story of the film has been narrated by using first person narrative technique. The name of the characters and places has been changed in film from real story due to some legal reasons. The story has been introduced by Amy who is the main narrator. Mundhra has appointed the character of Amy as an overseas reporter who comes to India to get information about child marriages; gets shocked when she reads the story of Sanwari Devi (changed from Bhanwari Devi) and decides to write a book on her. Together with her beau, Ravi she arrives in Rajasthan to meet Sanwari Devi and while in their journey to the village they meet Sanwari's husband Sohan (named after Banwari Devi's husband Mohan); he then tells Amy and Ravi the sad tale of Sanwari's rape. We are then taken through a second narrative of Sanwari's husband, who was right next to Sanwari during the horrible rape. He then tells the horrible tale of Sanwari's journey.

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Sanwari Devi is a potter who is nominated by her friend to work as a Saathin with Shobha Devi. A child-bride herself, Sanwari is at first shown supporting child-marriages, her own daughter has been 'married-off' at a tender age. However, exposure to the disadvantages of this system convinces her to swim against the tide. She even takes up the case of a molested woman in a nearby village and storms the accuser's house with a group of women. In her own village, she is vocal about her now-changed opinion on child-marriages and therefore, invites the wrath of many. When the *Sarpanch*³ of the village is conducting his nine-month old daughter's marriage on the festive day of *Aakha Teej or Akshaya Tritiya*⁴, the police swoop in and stop it. Enraged and convinced that Sanwari is behind this, he decides to take revenge. Sanwari and Sohan are out working in their fields when the Sarpanch, his nephew and three other high-caste Gujjars attack them and they rape her.

Sanwari decides to file a complaint and Sohan supports her. At the police station the inspector on duty demands a rape-certificate by a medical officer as well as a Magistrate's order to file the FIR. Now welcome to Indian judiciary system. These things happen. At the medical officer's clinic, Sanwari refuses to be examined by a male gynaecologist (since the lady doctor is not available). Sobha Devi takes them to Jaipur and gets the medical examination done. They are made to wait until the next day to meet the Magistrate since he has an anniversary party to attend. Because of that Sanwari has to stay the night in the police station where she suffered a mental torture and humiliation by the policewomen. Women who have suffered at the hands of policewomen - as has Sanwari Devi - know that chilling fear when they see policewomen aping the worst in their male colleagues. So we can say that the implementation of women's rights - which though guaranteed by law are virtually impossible to see in existence in the daily lives of most women - is so different partly because women are their own worst enemies.

Eventually, the story works its way to trial, which plays like a Franz Kafka short story. Through it all, her husband stays by her side and fights along with her, while most other men will have nothing to do with her. Back in the village the inspector files the FIR and asks her to deposit her *ghagra*⁵ with him as evidence. Sohan offers her his *paghr*⁶ to cover her shame. Here, the police machinery is depicted in sorry light. Besides corruption, which is entrenched, the police are involved in the falsification of evidence. Moreover, the police officer is shown to be sexually perverted and frustrated (imagine him gyrating in the victim's cloth?). The film also portrays the superficial attitude of the NGO as well as other political parties which want to secure mileage out of this.

However, the rapists are not arrested and roam around freely, boasting about their experience with Sanwari. Sanwari's case gets nation-wide attention and the Prime Minister of India himself entrusts the investigation to the Central Bureau of Investigation. A women's NGO in Delhi also tries to help Sanwari. The accused are arrested and tried in the court, but they are backed by the local MLA Dhanraj Meena. Meena hires a lawyer called Purohit to defend the accused. A Gurjjar lawyer defends Sanwari, but faces pressure from his community to favour the victim. The judges handling the case are transferred multiple times, and the final judgement goes against her.

In a judgement which strongly reflects caste bias, the court held that the rapists were middle aged and respectable citizens who could not commit rape. In effect the court held that since the offenders were upper caste men and Sanwari was from a lower caste *Dalit*⁷ community, the rape could not have taken place. It refused to believe Sanwari's testimony, and made several unwarranted remarks about her character by suggesting that she was a liar and that she might have had sex with another person.

The judge also refused to pay any attention to Sanwari Devi's husband's testimony by the comment "how can be an Indian man whose role is to protect his wife, stand by and watch his wife being raped" (Mundra). The court completely overlooked the fact that there were five offenders, some of whom had assaulted Sanwari Devi's husband. Sanwari was medically examined only after 52 hours after the rape as she was denied a medical examination in the absence of a magistrate's order. This order came only 48 hours after the rape. The court went on to decide that there was no explanation why Sanwari had not filled the case on the same night at the police station, even though the police station was 5km away, and Sanwari could not have been expected to go there in the middle of the night. This case is a glaring instance of the complete distortion of the criminal trial procedures against the victims of violence.

In a series of judgements, the Supreme Court has held that taking the Indian situation into account and the fact that the rape victims are hesitant to report the incident as they fear that their reputation and future will be affected by this, the rape victim's evidence should not ordinarily be disbelieved. In contrast to the judgements of the lower courts, the court has also sought to lay down a precedent that the absence of 'marks of injuries' and signs of resistance did not imply that no rape had taken place, as these did not show that the complaint had consented to the act. The court has also pointed out that the High Court often erred by relying on minor contradictions in the complainant's testimony. So it is worth noting to quote former president of India K.R. Narayan - "the experience of Draupadi in the Court of the Kauravas has become symbolic of the ill treatment of women in our society".

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Thus, in one case where a woman was gang raped by five men, the court held that it was inconceivable that an unmarried girl and two married women would go to the extent of 'staking their reputation' and 'future' by falsely alleging rape for the sake of communal interests. It is relevant to mention that in this case the FIR had been lodged the morning after the rape. The court, however, held that this did not matter. It also made it clear that even if one person of a group of persons acting with a common intention rapes a person, then each of those persons shall be deemed to have committed gang-rape.

Set against the backdrop of arid desert sands, *Bawandar* unfolds the saga of a Dalit woman who stands against the oppressive customs, regardless of the punishment doled out to her. The movie addresses social evils like child marriages, prevalent in remote villages in India. These villages rooted in caste-ism and sexism can hardly tolerate any deviance from the established social order. Therefore, when Sanwari revolts against these norms of patriarchy, with the support of the women's initiative Saathin, she has to face dire consequences for her actions. Her fight for justice is blocked not only by the social setup, which looks down upon her, but also by the political and legal system favouring the upper class and caste. *Bawandar* recounts the fatal crime of rape perpetuated to punish the so-called outcaste, Sanwari. The rape, caste prejudice, official apathy, corruption, gender bias, flawed social work, delays of justice all point towards Sanwari's lowly position in the gendered social hierarchy.

Bawandar is a powerful denunciation of Indian society perpetuating casteism, chauvinism, injustice, oppression and sexual harassment as directives to control women. The movie is an exposition of highhanded patriarchy resorting to sexual violence to silence a woman who dares to question the autocratic male norms. *Bawandar* shows, as Karin Kapadia puts it, "Rape is not only sexually motivated – it is a weapon of power...it is a violation of a physical and mental nature" (Sharma). So we can say it is a powerful film that conveys the message rather well. What makes *Bawandar* important is also the way it has dealt with the harrowing details which often follow a rape - lodging an FIR, medical examination, semen samples from the accused, re-victimisation of the woman during cross examination.

Moving back to the real story of Bhanwari Devi, she still lives in the same village as her five upper-caste rapists. The State's MLA even organised a victory rally in Jaipur for the five who got away; the women's wing of that political party attended the rally to call Bhanwari, among other things, a liar. Bhanwari hopes the potter's wheel will turn in her favour. Think about Bhanwari, thank her. She is the reason why every Indian woman is now covered, legally, against sexual harassment at work. After her gang-rape, some committed Delhi women took up the issue of sexual harassment at the work place and followed it through legally. She refuses to give up her fight for justice, in spite of unhelpful villagers and relatives, an incompetent police force, and a corrupt judicial system. Today, perhaps Bhanwari Devi after 21 years of the gruesome act is the only person still clinging to the hope that she will get justice.

The Bhanwari Devi case became a landmark in women's rights movement. She could have chosen to remain anonymous, in keeping with the prevalent notions of "honour" and "shame". But she was made of bolder stuff. Therefore, she has become a beacon of hope and seeking her justice in the land of Lord Krishna, Buddha, Christ, Muhammad, Mahatma, Karl Marx.

Though violence against women continues to increase in India, the law and the criminal justice system have in many ways failed to respond to or deal effectively with it. Indeed in crimes against women the rate of conviction is reported to be less than 4 per cent. Very little effort, both in terms of making the law more sensitive to women and in terms of enforcing it has been made in the past few years by the State to actually curb or deal with the violence. Women, therefore, continue to suffer without adequate legal or other redress. Since "women are the only exploited group in history to have been idealized into powerlessness" (Karl Marx). Though some amendments took place in the early eighties, the substantive laws relating to violence against women are inadequate and do not reflect the various kinds of violence women experience. For instance, there is no specific criminal or civil law to deal with rape. In this regard, one NGO member says "Many women say that the court process makes it feel as if they are being raped again. This secondary victimisation often begins from the minute they set foot in a police station or hospital, particularly if they are from a marginalised group such as lower caste or poor working-class women. The conviction rate is so appalling that many survivors see no point in subjecting themselves to a process that can take five years, if they have no faith in getting a conviction". (Valentine)

To clap it all, can we look forward to a world free of violence! We have tremendous hope based on our capacity to civilize as humans with or without our specificities. And activist like Aisha Zakaria also writes on the blog blackfeminists.org that to end this gender-based violence in India we have to first dismantle a deeply held set of beliefs and values held by men and often by women as well. As for all those women, who are marginalised, the groups that live on the fringes of our society – they make all the difference to our existence as they determine the way how true democracy is practiced. Therefore, we can conclude this discussion with the valuable words of former Indian Prime minister, Jawahar Lal Neheru – "you can tell the condition of a nation by looking at the status of women".

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NOTES:

- 1)A campaign which started as a reaction of 2012-Delhi rape case.
- 2)A feminist organization started by Rajasthan Govt.
- 3)A sarpanch is an elected head of a village level statutory institution of local self-government called the panchayat.
- 4)Akshaya Tritiya, also known as Akha Teej, is a holy day for Hindus and Jains.
- 5)Ghagra is a form of skirt which is long, embroidered and pleated.
- 6)It specifically refers to a headdress that is worn by men and needs to be manually tied.
- 7)Dalit is a designation for a group of people traditionally regarded as untouchable.
- 8)The term non-governmental organization (NGO) normally refers to organizations that are neither a part of a government nor conventional for-profit businesses.
- 9)A Member of Legislative Assembly, or MLA, is a representative elected by the voters of an electoral district to the Legislature of a State in the Indian system of government.

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