

# THE 'DECENCY' DEBATES

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Censorship and the Journey of a Women's Group

Newsletter Sep – Dec 2004

The Campaign Against Censorship, a forum of independent documentary film makers came together to resist the censorship imposed at the Mumbai International Film Festival in early 2000, and subsequently launched a film festival called Vikalp in Mumbai. In the months that have passed, Vikalp has grown to become a dynamic alternate space for the viewing of documentary films, in-depth discussions on censorship and free speech, and debates among both practitioners and spectators. (See our newsletter Jan – April 2004).

In Delhi, a month-long celebration called 'Films for Freedom' got off to a great start with a seminar titled 'Resisting Censorship/ Breaking Silences: Celebrating Freedom of Expression.' For three days from September 2-4, 2004 students of film and mass communication, film makers, activists from university groups, journalists, grassroots activists, writers and many others participated in vibrant discussions on a range of contentious issues – from freedom of speech to hate speech, law and its implications, the dilemmas of censorship, the politics of silencing, the uncertainties of a laissez faire world, and much more.

Saheli was invited to make a presentation in a session that addressed the relationship between the 'Women's Movement and Censorship'. In our presentation, we sought to highlight key questions that have emerged over time, as we re-look at our responses and campaigns about the representation of women in the media. Other presentations in the session were made by Manjit Rathi of AIDWA on the work of the Media Monitoring Cell, which takes up cases of 'objectionable' advertisements, films and songs, and by Nandini Bandopadhyay of the Durbar Mahila Samanvay Samiti (DMSC, Kolkata), a union of sex workers, who spoke about society's attempts to censor and marginalise sex workers.

The Saheli presentation looked at some of the landmark campaigns taken up by the group as also other autonomous women's groups (AWGs) in the 1980s. The presentation addressed the hows and whys of media representation of women – film hoardings, advertisements, as well as beauty pageants and pornography - being the targets of feminist ire since the early 1980s. Viewing them as examples of 'commodification' of women, we have protested against the manner in which we believed it dehumanised and objectified women, exploiting and judging women as sexual commodities, and even promoting violence against women, including rape.

Linked with this was the voice against coercion of women into pornography - and the belief that pornography was directly responsible for violence and sexual abuse of women. This perspective, most famously articulated by American feminist Robin Morgan's (1974) words: "pornography is the theory, and rape the practice" informed our protests, and our strategies included blackening of hoardings, tearing down posters, rallies and demonstrations, often amounting to what could be described vandalism (e.g. the protest against Archie's sexist cards on Holi). These fervent protests seethed with a sense of outrage, and provided many of us an outlet for the frustration at preventing the proliferation of such imagery and maybe even our helpless anger at being daily targets of molestation, especially on Delhi roads and buses. But at the same time, we also conducted what many considered more 'civil' campaigns of media analysis and awareness, such as slide shows, writing and education, and pushing for legislation.

### INDECENT REPRESENTATION ACT

Legislation came in the shape of the Indecent Representation of Women (Prohibition) Act (1986), which came into force in 1987. Saheli was on the committees that were set up following the enactment, in order to ensure proper implementation – spot 'raids', etc – doing de facto police work. The ineffectiveness of the Act was as frustrating as it was expected. Hoardings would disappear for a day only to appear the next day. The Supreme Court ban on hoardings in 1997 (reportedly for traffic safety reasons!) provided some relief to women's groups! We also developed a critique of the Act for its over-emphasis on 'injuring public morals' (rather than violence against women) and the implications this had for the women's movement, which at the same time was looking at the issue of female sexuality and its repression.

### SUBSERVIENT POSITIONS

The issue of women in subservient roles was also taken up (for instance LIC ads reinforcing marriage for daughters and higher education for sons), but only in a limited way. The law, as we saw, played its part in reinforcing stereotypes. For instance, a film in '87-88 called Pati Parmeshwar was denied certification under the Cinematography Act, 1962 on the grounds that it was violative of guidelines of 2 (4a), which prohibits depicting women in servile positions. The final judgment by the Bombay High Court, which certified the film for release, argued that 'ignoble servility was a praiseworthy quality', considering the film would be seen primarily by a Hindu audience.

### BEAUTY CONTESTS

Grassroots organizing against beauty pageants continued in the 1980s and 1990s, including in colleges, one of the last ones in Delhi being the protest at the office of the Times of India in 1995 [they were the organisers of the Femina Miss India Contest

– and we brought out a poster with the slogan ‘khaney ko nahi roti, dhoondney chaley beauty’] and the Miss World contest in Bangalore in 1996. By the 1990s, India had come to be recognized as a huge potential market for cosmetics – which explained the sudden victory of several Indian Miss Worlds and Universes. The protest was not only against commodification, but also against the huge gap between the women represented in these shows and women at large. However, even during these protests, there set in a certain unease at being identified with right-wing women’s groups that were protesting, and threatening to immolate themselves. While the focus of AWGs was on harm to women, that of the right-wing women’s groups was on nudity, ‘regulation of morals’ and ‘harm to Indian culture’. So vehement was the protest against it, that the pageant for 1997 was shifted to Seychelles (it was originally scheduled to be held in India for the second consecutive year, probably in ‘pink city’ Jaipur). While criticizing such moralistic overtures, we cannot but be concerned about the proliferation of ‘beauty pageants’ at all sorts of levels – Resident Welfare Associations, colleges, schools, and even kindergartens. The social acceptability of parading one’s bodily assets and being ‘judged’ against rather rigid standards of body dimensions and skin colour, is mind-boggling. The issue is more complicated now, by the fact that beauty pageants also proclaim to be ‘contests of brain power’, and pageants for men are also in vogue, patterned in much the same way.

#### THE PORNOGRAPHY DEBATE

We have outlined many countering positions/debates around pornography in an earlier newsletter of Jan – Apr 2004 but let us now look at a CASE STUDY:

Balatkar Kasa Kartat (‘How Rape is Committed’), is a 16-page booklet in black and white tabloid format published many years ago in Marathi, with photographs and accounts of rape in different situations, interspersed with box items on different aspects of rape, highlighting that working women are more vulnerable to rape and that convictions are next to impossible. Three accounts of five incidents of rape were graphically described and that, along with the front page on which the title occupied the entire page, is what drew the attention of people and police. In September 1988, the Women and Media Committee of the Bombay Union of Journalists filed an FIR on the basis of which a complaint was lodged under Sec 292 IPC dealing with obscenity and carried a punishment of 2 years’ imprisonment and Rs. 2000 fine.

The complaint was lodged against publisher Anil Thatte and the printer (who died before the case could conclude). Despite the collective action that prompted the case and the publicity it generated, it was a huge struggle to get a decent hearing. The case saw a succession of public prosecutors and three judges with interminable delays between dates when no judges were appointed in the metropolitan court. However, the petitioners managed to put pressure on the government to appoint a special prosecutor in this case. The petitioner was examined and cross-examined as

principal witness, humiliated, asked personal questions and given a very tough time at the witness box. The case dragged on until 1995, and taking advantage of a technical absence of the petitioners, the defence was granted a discharge. The petitioners decided not to file an appeal for several reasons: a) They were unable to pursue the case, given poor police cooperation b) Everyone concerned (petitioners) had lost interest c) There was thinking/rethinking amongst members of women's groups that filing a case against a publication meant supporting censorship, and that legal intervention was perhaps hasty/ill-thought of and inappropriate d) A discharge did not mean an acquittal.

Interestingly, some years later, another case for defamation filed against Thattai for publishing scurrilous writings against nurses in Thane in his magazine Gaganbhedi, managed to secure a conviction.

The experience made us look sharply at the issue of pornography/obscenity, helped us realise what we needed to do to intervene effectively in the judicial system, and brought to the fore the fact that the courtroom was a limited and unequal arena to contest what people read or watch.

Discomforts and dilemmas. How do we view the above illustration today? It is imperative for us to address key areas of our discomfort, and confront several critical questions.

Key Questions We Are Still Confronting:

#### CAUSAL LINKS BETWEEN SEXIST IMAGERY AND VIOLENCE

As mentioned before, one of the central concerns has been the link between pornography, beauty contests, problematic representation of women in the media, and violence against women. Anti-censorship positions today contend that there are not enough causal links between pornography and rape/violence, and while that may remain open to debate, we all agree that media images do in fact have a deep impact on the psyche, though the ways in which this impact is played out are not so clear. When, in a sexually repressed society, these are practically the only images of women in the public domain, they become an issue of deep concern.

#### THE CONSTRUCTION OF SEXUALITY

Other major arguments against pornography have been the commodification of women's bodies sexuality and an overall conception of women as sex objects meant only for the pleasure of men. Yet, as a women's group, struggling on issues of sexuality – repression of women's sexuality and challenging heterosexual monogamous marriage as the only structure for female sexual expression – we have been compelled to re-look at the pornography debate and re-think the impact of this kind of representation in shaping mainstream male and female sexuality. Then again, is pornography the only major influence that shapes male sexuality? Do not

various other images from other media also frame/inform/shape it? Clearly, sexual explicitness in the public domain could in itself be discomfiting – when there isn't widespread acceptance within society, the law, or the police of women's right to say 'no', women's 'right to say 'yes'' seems farcical.

The sexuality rights movement has also forced the women's movement to re-examine many of these related issues more deeply. Clearly, what may be objectionable to some, may not be objectionable to others – the classic debate of erotica ('what I like') vs. pornography ('what you like, but I find objectionable') is an illustration. Clearly, on one hand we need to value these differences, for terms like 'vulgarity', 'obscenity' and 'objectionable' are highly subjective to culture and class, and open to interpretation, so it is worrisome when one group of people imposes its notions of 'decency' on the rest of society. Ample evidence of this surrounds us everyday. From right wing attacks on things and people perceived to be un-Indian, to 'defenders of faith' assaulting women who refuse to don the burqa or the bindi. Yet the fact remains that we must also confront misogyny – hatred of women that expresses itself in many ways – in how women are represented in the media, how they are treated in society and even in the many kinds of violence and exploitation that have widespread social sanction.

#### THE QUESTION OF OBJECTIFICATION

While there is no doubt that women are objectified in the media and the marketplace, the fact is that today, so are men. But structural gender inequalities and power imbalances manifest themselves in these expressions as well - when a male displays his body, it is an exhibition of his 'powerful' body; and when women's bodies are displayed, they are the 'object' of voyeurism of the male gaze, despite the veneer of 'coolness' and 'liberation'. In an age when everything seems to be transforming into a commodity for sale - from romance to love, to eating and desire to intellectual property - how do we separate the issues and focus on the commodification of women's bodies alone?

#### THE MATTER OF WOMEN'S 'CHOICE'

Another major anti porn argument has always been the exploitation of women within the industry. The fact is that the women's movement has always been more comfortable with the construction of woman as 'victim', one without 'agency', especially in what is perceived to be exploitative, oppressive or humiliating institutions/industries/situations. But to assume that women are always getting exploited may also be far from the truth. Do all women in these industries lack choice? Are they always 'forced' into being there, 'coerced' to stay? For women who believe in woman-power how do we deny these women any agency altogether? In these senses, the entertainment and fashion industry have presented themselves as a conundrum for feminists – throwing at us the question of 'choice' and 'aspirations' of

models, beauty pageant contestants, dancers, bar girls, at the same time, creating a slew of 'role models' for young women today that we don't know how to deal with.

#### CENSORSHIP: FOR WHOM THE SCISSOR WORKS!

Simultaneously we are also aware that throughout history, censorship has always been disproportionately used against powerless individuals and unpopular ideas.... and the cause of women's rights has been no exception. Important feminist works that have been attacked as 'obscene' or 'pornographic' include Betty Friedan's landmark work, *The Feminine Mystique*; *Our Bodies,*

*Ourselves* - the classic book on women's health and sexuality; *Ms. Magazine*. Examples closer home are, *Sathin ro Kagad* and *Lal Kitab*, women's publications from the Women's Development Programme, Rajasthan. More recently as we all know, Eve Ensler's path breaking performance on violence and sexuality, *The Vagina Monologues*, was prevented from being performed in Chennai by a ban on grounds that it would cause 'deterioration of law and order and causing breach of peace'! It comes as no surprise then that the newly elected (and supposedly liberal) chief of the Censor Board of India, actor Sharmila Tagore, has just committed herself to using her office to safeguard 'Indian tradition' – which tradition of which India, one may ask!

#### CONFLATION WITH RIGHT WING STRATEGIES

In the last decade or so, we have seen widespread vigilantism by right wing groups : the disruption of the making of films like *Water* (on the exploitation of Hindu widows) that they believe will be 'harmful' to Indian culture; the prevention of the screenings of others depicting lesbianism like *Fire* and *Girlfriend* ; the destruction of books at the Bhandarkar Institute, Pune; attacking of young people celebrating Valentine Day, and many more. Not only did these incidents evoke horror and a sense of being controlled by a 'moral police', it also brought into focus for us the fact that our own actions had at some time or other, been no less undemocratic.

#### THE TRUTH ABOUT OUR OWN MORALITY

In addition our political understanding of how women's representation is created and read in a patriarchal society, is our discomfort and/or squeamishness with sexual explicitness possibly also rooted in morality issues that we are unwilling to address? Is that why, sometimes our stance ends up being not very different from the right-wing conservative position?

#### INADEQUACY OF LAW AS A STRATEGY

Autonomous women's groups have always been brilliant at highlighting what is wrong – from domestic violence, to rape and dowry, to falling sex ratios. Way back in 1982-83, Saheli had brought out material on amniocentesis and sex determination. It has taken the government and other movements almost 20 years to sit up and take

notice of it. It is also true that AWGs tend to retreat once institutional mechanisms are in place. Campaigning for laws has been a way to highlight the issue and stating in no uncertain terms what is acceptable and what is not. However, we cannot afford to let go of the law as an arena of debate – it is a contested arena, and there has to be continuous inputs by the women's movement into this arena, even after much-campaigned-for legislations are enforced. In this issue as in many others, we have been compelled to look at the courts as a possible course of redressal. Yet the fact is that the shortcomings of it as a strategy has never been more apparent – its whole terminology of 'indecent' representation of women, or 'outraging of women's modesty' so rooted in a morality that we are ourselves challenging today.

Amid the gloss and glamour of today's globalised market-dominated world, media images, although more sexually explicit than before also reinforce typically feminine roles. It is the blatant sexual depiction that lends itself more to outrage and protest than the more quiet reinforcement and glorification of ultra-femininity in its most narrow sense that we see today. Is this amenable to legal action and/or protest?

### **WHERE DO WE GO IN THE FUTURE?**

Given all these dilemmas and questions, how do women's groups like ours respond to the myriad discriminatory, negative images of women surrounding us – the blatantly misogynist images? Sit back and watch and debate?

Several anti-censorship arguments also generate discomfort – from the 'cool' libertarian stand that everything is fine (it really isn't – we just have to find other ways to understand and deal with it); to the 'don't ban anything, just produce enough of 'our own' material (but hey, where are the resources to do that... what is one Saheli newsletter (250 copies) against pornographic magazines or cinema that reach millions?).

Since we do not support censorship or bans, are we then agreeable for regulation or monitoring? The question then is who would do the monitoring and regulation – where do they stand on issues of freedom of speech and expression, what are their the sexuality politics... can any one group or class ever do justice to the pluralistic world we live in?

Clearly, the sexist images that surround us need to be challenged and contested, and the strategies to do so must emerge from a feminist understanding, rather than a right-wing urge to silence anything that displeases. Early this year, a television commercial for the Maruti Zen had the car playing a 'predator that stalked' a woman. When women's groups got together and sent a slew of letters to the company, the ad was withdrawn – without the traditional hue and cry, and media attention. Even as women's groups continue to protest against sexist and discriminatory images, we need to keep reviewing our methods, in order for the action to be effective, impactful and sustainable.

**Taken from Saheli (women's resource group) website:**

<https://sites.google.com/site/saheliorgsite/sexuality/the-decency-debates>