



Research Paper

The Other in Judiciary: Court as a Story of Unjust Dispensation of Justice

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ABSTRACT: The paper attempts to study how *Court*, the film directed by Chaitanya Tamhane, becomes a story of unjust dispensation of justice. It tries to analyze how the 'others' in the society and the process of 'othering' are portrayed in the film. The conscious efforts to silence 'the other' in our society are also studied in the light of the instances from the film. In short, the dissertation analyzes *Court* as a representative film of the present-day India, by tracing out the sad plight of art and artists of the time.

KEYWORDS: Art, Artists, Intolerance, other, othering, Denial of Justice

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I. INTRODUCTION

In an era of increasing intolerance, both political and religious, art has a pivotal role to play so as to maintain the equilibrium. Art and artists were always in the forefront to resist any retrogressive practices in the society. It was through art that the voice of the voiceless became slightly audible to the deaf ears of the voiced. Art always held a freedom to express itself, and to challenge any issue in the desirable way. In fact, it was an eye opener to the common people.

But now, in contemporary India, it seems that art is losing its very freedom to express itself. Those artistic works that are not able to please the authorities are not allowed to reach the public. The artists who create such artistic works are also being targeted these days. For instance, Perumal Murugan, a Tamil writer announced that he quits writing, after the controversies and death threats he had received after the publication of his work *One Part Woman*. The sad plight of M.F. Hussain, the renowned painter, is another example.

Now, the idea of nation and the notion of nationalism are being misused so as to market the ideologies of a specific group of people. By using these notions emotionally, such groups and their ideologies become hegemonic for it is followed by a large number of people. In order to establish their ideology, they simply ignite the anti-Pakistan feeling in the mind of the 'nationalist' Indians. The hegemony in the mind of those 'patriotic' Indians that anything related to Pakistan is anti-national or anti-Indian is made stronger by these groups. The protest against Ghulam Ali, the famous gazal singer, and Sudhindra Kulkarni regarding the publication of Khurshid Kasouri's *Neither a Hawk nor a Dove* are the outcome of this strategy.

Religious intolerance is one of the major crises India is facing today. It has reached to that extent where a group of people decides what to eat and what not to eat. They are getting restless over the eating habits of others and try to impose their beliefs over other people, and even dare to kill those who deny it. The pathetic fact is that all these things happen under the silent nod of the ruling party in the country. The 'beef' issue exemplifies this.

Another evil that prevails even in the second decade of the twenty first century is casteism. As the power rests in the hands of those who believe in the eons old Varna system, it gets clearly manifested these days. As a result of this, the anti-Dalit activities got strengthened. It happened even in prestigious universities and educational institutions which are supposed to be secular. Rohit Vemula is a martyr of such inhuman activities. Now, we can sense a deliberate attempt to distort the voice of the voiceless.

In such a hopeless situation all eyes are on the judicial system of the country. It is the last hope of the common man. Can the altar of justice provide an asylum for the poor and the downtrodden? Is there a place for those who are sidelined from the mainstream of the society? These questions remain unanswered in the mind of the common people forever. The lines of a song from the famous Malayalam movie *Arabikkatha* –

“samathvamennorashayam/ marikkukillabhoomiyil/ namukkuswapnamonnuthanne/ annum innumennume” (2007) – seem to be true in this context. Equality is an unattainable fruit for ‘the other’ in our society. The idea of equality was relevant yesterday, it is relevant today, and it will be relevant tomorrow. The notion of equality will remain forever for it is quite sure that ‘the other’ in our society would never get an opportunity to taste it.

In this scenario lies the importance of the film *Court* by Chaitanya Tamhane. The film may be seen as critique upon the judicial system in India. In this film, Tamhane tries to portray the problems of the unwealthy, the unimportant and the uninfluential. The film shows how the system becomes a part in the process of manifestation of the above discussed ‘curses’ in the society. It shows how the system denies justice to ‘the other’. The film subtly depicts the power-caste nexus which prevails in the contemporary Indian society.

Court is a multilingual film, set in Mumbai. Four languages are used in this film- Marathi, Hindi, Gujarathi and English. The main plot of the film revolves around a radical Dalit poet, LokShahir Narayan Kamble and his arrest, under the charge ‘abetment of suicide’ of a manual scavenger. Rachel Del Giudice opines:

An elderly folk singer and grassroots organizer, dubbed the “people’s poet,” is arrested on a trumped-up charge of inciting a sewage worker to commit suicide. His trial is a ridiculous and harrowing display of institutional incompetence, with endless procedural delays, coached witnesses for the prosecution, and obsessive privileging of arcane colonial law over reason and mercy. (2018)

The film is inspired from real life incidents. The director Chaitanya Tamhane himself had made it clear in an interview that the film is inspired from three events: the case of Jiten Marandi, a protest singer and a cultural activist from Jharkhand who was wrongly accused and sentenced to death; an article in *Tehelka* magazine regarding the pathetic conditions of manual scavengers by S. Anand; and from *Jai Bhim Comrade*, a documentary on Kabir Kala Munch by Anand Patwardhan.

The film is an honest portrayal of the plight of the subaltern in the contemporary Indian society. It shows how the subject positions of the people decide their fates in a system which is implicitly rooted upon the casteist notions.

Court raises voice against the atrocities and retrogressive practices happening in and around our society these days. All the present day evils and threats can be easily traced out in the film. The process of ‘othering’ is brought into light in the film. The film carefully unveils the different layers of ‘othering’. It shows how ‘the other’ is created by the system through the manifestation of its repressive forces. Though the film never tries to define who an ‘other’ is, it suggests who is an ‘other’ through the portrayal of ‘other(s)’ in the film. This deliberate process of ‘othering’ is studied in the following chapters.

The film oscillates between the personal and the political, never attaining conciliation between the two. While portraying the lives of Narayan Kamble, Vinay Vora, Nutan and Sadavarte, Tamhane seems to emphasize the personal rather than the political. But how these personal portraits turn out to be political ultimately adds to the value of the film. These personal portraits signify the manners and hypocrisies of the people belonging to different classes in the society, and how their views turn out to be political with respect to their subject positions. Tamhane, as a director, is seemingly apolitical in the film but the film reflects its politics though the director wants to be in a ‘safe’ position. The inertness of the director as a silent spectator is also analyzed in the following chapters.

The politics of the film gets manifested as it portrays the different kinds of intolerances happening in our country these days – religious, political, ideological and systemic. By depicting these intolerances and its aftermath, *Court* proves to be a film which has a politics of its own, a politics which is seemingly neutral. It neither praises nor blames these intolerances prevailing in our country rather takes a seemingly unbiased stand by mirroring the stark realities of the present day life, thus becoming a representative film of the present-day India.

The intolerance against art and artists is another major topic of discussion in the film. It is quite relevant now for it is very common these days that the artists are facing death threats, and are being charged under Section 124-A of the Indian Penal Code for seditious activities. Mahatma Gandhi famously described Section 124-A of the IPC as “prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen” (Liang, 2016). Today the act is used by the State to cut down the criticisms raising against it and its ideologies, thereby curtailing the freedom of expression. Art and artists, the powerful carriers of the freedom of expression are greatly affected by the misuse of the sedition law. How the character of Narayan Kamble represents the artists who are restricted by the clutches of such archaic laws is analyzed in the dissertation.

Casteism, another evil of the contemporary India is also addressed in the film. It depicts the way in which the primitive system of caste affects the so claimed largest democracy even in the post modern era. Through the characters and the narrative, Tamhane shows how the people are driven by casteist notions even today. The film shows how a Dalit is compelled to remain as a manual scavenger even in an era of scientific advancements and technological innovations. It shows how the hegemony that a particular profession should be taken up by a person belonging to a particular caste is continued even in the present day. As portrayed in the

film, the power is still distributed according to the caste hierarchy, and this results in the marginalization of the people belonging to the lower castes. This power-caste nexus is another major area of study in the dissertation.

The film attempts to analyze how the judiciary 'safeguards' the fundamental rights of the citizens, and actively 'involves' in the problems faced by the common people in our society, which eventually turns out to be the distortion, disfiguration and dishonour of justice for 'the others'. The film shows how the justice is dispensed partially to different people according to the ego, ideologies, whims and fancies of the representatives of justice. The unequal justice for different people suggests the inequality prevailing in the judicial system of the country, just as in every other spheres of the society. The honest portrayal of the judicial system in India makes Court a brilliant critique on judiciary.

In Court, the State becomes the accused. In fact, the trial pictured in the film is not the trial of Narayan Kamble but it is the trial of the State where the judges are the spectators, the common people. Tamhane presents naked facts through the film and leaves the right to make the decision to the audience. The film may rightly be seen as a collage of the naked realities of life. The unending wait of Kamble for a never attained justice is a suggestion of many such people who are destined to live their lives in behind the bars even without completing the trial.

The film also makes an urge to ensure the freedom of expression to all the citizens. Music plays an important role in the film to convey this message. The songs of Kamble in the film make this cry and it may also be seen as the effort of art to ensure its right to express. In the film, the references to the archaic laws like Section 124- A and the UAPA, and their irrelevance today by Tamhane seem to emphasize the importance of the fundamental rights which are denied to the ordinary people.

Chaitanya Tamhane makes it clear through the film that the judicial system in India, with its archaic laws and orthodox views cannot do anything creatively for the betterment of the citizens. He criticizes the judiciary and at times mocks at the unquestionable position held by the judiciary in the existing power structure of the country. Tamhane's critique on judiciary is relevant for the justice is not enjoyed by all the people equally. He criticizes the anti-Dalit activities prevailing in the system, including judiciary, in the film. Though it becomes the major conflict in the film, Tamhane doesn't take enough pains to portray the lives of the Dalits in his film.

At this juncture, the aims of the upper caste director in making such a movie come under the scanner. Though the film stands out as an exemplary critique on judiciary, the intention of the director is in question. There is a question of sincerity and credibility. It seems to be valid as the film made on the Dalit issues took its inspiration from two upper caste men – Anand Patwardhan, who directed *Jai Bhim Comrade* and S. Anand who wrote an article in *Tehelka*. There is an element of doubt regarding the intentions of the director in making this movie but this never becomes a factor for the quality and value of the movie. Though it never affects the merits of the movie as a critique of judicial system of India, the intention of the director and his restrained apolitical and secular stand should also be questioned.

Freedom of expression, one of the fundamental rights of the citizens ensured by the constitution, is not enjoyed by every citizen in equal terms. Freedom of expression is there for those who belong to the mainstream of the society but for those who are sidelined, freedom to express is limited and controlled according to the whims of the State. Court provides instances to substantiate this. When Narayan Kamble criticizes the State or the ruling class, he gets arrested; but when Vinay Vora attends a seminar, among a highly sophisticated group of people, the criticisms against the government are taken lightheartedly. This can be seen as the portrayal of different versions of the same right enjoyed by different people according to their subject positions.

This results in the process of 'othering'. It shows how many 'others' are created in our society. Acts of banning books and branding those who hurt the sentiments of the ruling few as terrorists or anti-nationals are unbecoming of a democratic state. And there are clear hints that the world's largest democracy is not very far from being an authoritarian state and that too, with the support of the judiciary. State, with its repressive apparatuses such as police, military and judiciary creates many 'others'. Those who stand against the whims and fancies of the ruling class become 'others', those who deviate from the standard norm become 'others', and those who belong to the backward classes become 'others'.

Power becomes another major factor in this discourse. Those who have power can dominate 'the other' or even can become a decisive factor in their lives. Court shows the difference between those who have power and those who have not. The judge, the police, the public prosecutor etc. represent the powerful. They have power with them while Narayan Kamble represents the powerless. When power is accompanied by materialistic instincts and lack of humaneness, the plight of the powerless becomes deplorable at the hands of the powerful. The attitude of those who have power shows their lack of humanitarian instincts and their indifference to 'the other' in the film. For instance, Nutan, the public prosecutor says to her colleague: "...for example, take this Narayan Kamble case. Simply throw him in jail for twenty years and finish the matter..." (Court) This shows the way in which the powerful see the powerless. In the course of the film this indifferent gaze of the powerful follows the powerless as a curse.

The powerless is forced to wait for the mercy of the powerful to get justice, or rather to hope that they will get justice. This discrepancy between the powerful and the powerless is brilliantly depicted by Tamhane. In *Court*, it seems that the notion regarding power and knowledge- knowledge is power- is disrupted or at least challenged at certain occasions. The public prosecutor's view is one instance. That statement itself shows that she is simply ignorant of the case and the plight of 'the other' in the country. The portrayal of her personal life supports this argument as it makes it clear that she is not concerned about anything else but her family.

It seems that Tamhane tries to take the 'secular' position of a detached narrator in the film. He never uses the word 'Dalit' in the entire movie, except for the reference to the name of a political party, though it is the major topic of discussion in the film. But Tamhane makes it clear through the plot, characters, conflict and narrative that he is dealing with the problems of 'the other' in the film. 'The other' is represented through the central character Narayan Kamble. He may be seen as a victim of the repressive measures of the State. He is arrested on a charge that seems to be trivial and a breach of one of the fundamental rights- the freedom of expression. Thus it may be considered as an effort by the State to annihilate the voices raised against it, especially by the voiceless.

Distortion takes place even in the process of the dispensation of justice. Justice is dispensed differently to different people. The people who belong to the mainstream of the society get one justice whereas the people who are in the margins get another justice. This disparity in the dispensation of justice is brought into light by Tamhane in *Court*.

The disfiguration of justice is discussed in *Court*. The film points to the triviality with which justice is served in a court. The moods and attitudes of the judge affecting the verdict in cases suggest this triviality. But this triviality paves way to carelessness when it comes to the matter of Dalits like Kamble. This is due to our social structure, closely knitted with the cobwebs of casteism.

Court shows the indifference of Justice towards 'the other'. Justice is denied to 'the other' for the simple understanding that 'the other' is not 'us'. Just like Justitia, Lady Justice, Justice is blind to the sufferings of 'the other' in the film. The unending trial of Kamble emphasizes this indifference. 'The other' is devoid of any kind of justice in the film. Even the poetic justice is not given to them. Just as in real life, 'the other' is doomed to darkness.

The archaic laws which are irrelevant in the present scenario are used by the judiciary to suppress 'the other'. The pre-colonial laws like Dramatic Performances Act are mentioned in the film. By implementing such laws, the agenda of the State or the ruling few is imposed upon the common people of the country. The film makes a strong commentary on the irrelevance of these laws and the reluctance of judicial system of the country to incorporate innovations, and this makes the film a critique on the judicial system.

The film shows how the discourse of untouchability is manifested in the present day, even by the State which is supposed to wipe it out. The hegemonic notion that the Dalits should not be given privilege is emphasized in the film through character of Kamble. The way in which the State distorts his voice suggests the intolerance of the State towards the Dalits. The deplorable plight of the Dalits asserts the presence of the centuries old Varna system, and its followers in the contemporary India. The film makes it clear through the crises faced by Dalits that how the State remains in apathy to these regressive and unhealthy practices.

The intolerance of the State and the system towards art and artists, and the need for the protection of the fundamental right, the freedom of expression, are addressed in the film. The undemocratic acts of confiscating books that are 'unpleasant' to the State show the breach of the fundamental rights of the citizens by an authoritarian state. The 'screams from the funeral pyre' of Kamble stand for the freedom to express so as to point out the malpractices in the society. The need of art and artists in a society is stressed in the film while remembering the necessity to elevate art from 'the deception in the name of aesthetics'.

Chaitanya Tamhane, the director of the film, claims to have taken a secular position in the film, by not mentioning even the caste names in a film which shows the castesist attitude of the system. In fact, he doesn't become secular in the narration of the film rather he becomes apathetic or detached. This detachment is a strategy used by the director to mask the reflection of his psyche. But, on close reading, it is clearly evident that the director has approached the film with a pro-Brahmin outlook. The time he had invested in detailing the lives of the upper caste people in the film demonstrates this. The negligence of the lives of Dalits in the film strengthens the doubt of the social stigma that might have affected the upper caste director.

Moreover, the director never attempts to critique the Brahminical notions regarding the Dalits in the film. When the director turns out to be the spokesperson of the Brahmin agency, under the guise of scrutinizing the judicial system of the country, the film speaks for itself, by pointing out the depletions left untouched by the director, thus providing a scope for scrutiny. Though it never questions the existence of *Court* as a critique of judiciary, it contributes to the reading of *Court* as a story of unjust dispensation of justice.

Thus, *Court* turns out to be a story of unjust dispensation of justice for 'the other' in judiciary at multiple levels. At first, the branding of certain sections of the people as 'the other' itself is an unjust act. The story of unjust justice starts here. It is followed by denying them the right to speech, right to express, and above

all, the right to life. By considering 'the other' as anti-social and anti-national, the State again treats them unjustly. Every member of the society, consciously or unconsciously, becomes the part of the unjust dispensation of justice to 'the other' for nobody is willing to see 'the other' as 'us'. By stooping to please the authorities, so as to get acclaim and popularity, art and artists also take part in the process of denying justice to 'the other'. These acts of the denial of justice are facilitated by the silence of the judiciary.

WORKS CITED:

- [1]. Arabikatha. Dir. Lal Jose. Perf. Sreenivasan, Zhang Chu Min, Indrajith, Samvrutha Sunil, Jayasurya. Balaji Movies, 2007. Film.
- [2]. Asokan, Ratik. "Justice Delayed: ChaitanyaTamhane' Court."www.believmag.com. N.p., n.d. Web. 12 June 2016.
- [3]. Court. Dir. ChaitanyaTamhane. Perf. ViraSatidar, VivekGomber, Geetanjali Kulkarni, Pradeep Joshi, Usha Bane. Zoo Entertainment Pvt.Ltd., 2014. Film.
- [4]. "Court Had to Undergo Censor Trial: ChaitanyaTamhane."
- [5]. www.theindianexpress.com.N.p., 2015.Web. 19 June 2016."Court Is about Loopholes in Indian Judicial System, but Didn't Make It for Social
- [6]. Cause: ChaitanyaTamhane." www.theindianexpress.com. N.p., 2015. Web. 21 June 2016.
- [7]. "Court Keeps Surprising Me: Director ChaitanyaTamhane."www.theindianexpress.com. N.p., 2015.Web. 19 June 2016.
- [8]. "Dalits in Cinema: New Voices but Not Enough Noise, Writes Namrata Joshi."www.hinducom.N.p.,2016. Web. 22 June 2016.
- [9]. Giudice, Rachel Del."Meet the (New) Director: ChaitanyaTamhane, 'Court' | Film Society of Lincoln Center." www.filmlinc.org. N.p., 2015. Web. 11 June 2016.
- [10]. Liang, Lawrence. "Sedition and the Status of Subversive Speech in India - The Wire."www.thewire.in.N.p., 2016. Web. 26 June 2016.
- [11]. Maheshwari, Laya. "Court Movie Review & Film Summary (2015)" www.rogerebert.com.N.p.,n.d. Web. 12 June 2016.

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