



VIJAY TENDULKAR'S 'SILENCE! THE COURT IS IN SESSION': A MOCKERY AGAINST EXISTING JUDICIAL SYSTEM

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ABSTRACT

A criticism against Indian Judicial system that 'the failure of modern legal theory and practice lies in its understanding of what it is to be a human being' can be undoubtedly attributed to the themes of Vijay Tendulkar's play **Silence! The Court Is In Session**. The play barbs against existing judicial system at two levels. Firstly, it can be studied as a 'legal plea' which demands for emancipation, equality and liberation of women and stresses the need for a social transformation of law, culture, and social patterns which release women's potential, where the legal curriculum has neglected issues of central concern of women like: rape, domestic violence, reproduction, unequal pay, sex determination and sexual harassment, from Benare's 'case study': Secondly, the play can be a thesis on elite-court relations in India as an unsatisfactory arrangement, where being structurally part of the state, the courts are expected to maintain a high degree of independence and to be ensured of a democratic policy. The play is highly relevant as it discusses the present atrocities occurring on women throughout India including Delhi 'Nirbhaya' gang rape case and demands for verdict and bits the elite society to ponder on the issue seriously.

Key words: Judicial system, Unequal treatment, Legal plea, elite-court relations, Play within the play

The stimulus for **Silence! The Court is in Session** came from a real incident for the writer. Tendulkar met an amateur group which was on its way to stage a mock-trial in Vile Parle, a suburb of Bombay. While overhearing their conversation, the outline of a play began taking shape in the writer's mind and resulted in the creation of **Silence! The Court is in Session**. The play was written for Rangayana at the instance of Arvind and Sulabh Deshpande and was first performed in March 1971 in Madras. When the play was first performed in 1967 for a drama competition

by the small group, it was rejected by the judges who said it was not play. But later it received The Kamaladevi Chatterpadhyaya award and was translated in fourteen Indian languages. The play was staged all over India in different versions. In a sense Marathi drama found a place on the national map and Tendulkar was recognized at the national level. When asked in an interview: "This play is a caustic satire on the social as well as justice....The mental agony suffered by the girl throughout the play is in no way less than the legal punishment. Is that all you

wished to convey or something more?" Tendulkar said:

"This is exactly what I had in mind. If I say anything else now, that will be an after-thought. An undaunted girl of Benare's make-up could have, besides defending herself, made a counter-attack, tearing to pieces the dos and don'ts of the selfish society. Had I shown her aggressive that would have been attitude, not hers? Otherwise also the playwright should only suggest leaving the rest to the viewers."¹

The opening scene of the play turns into a marvellous piece of satire by pitting the self-consciously independent, vehemently assertive, and immensely cheerful Benare against the utterly selfish, hypocritical and malicious amateur artists and paves the way as to how they are going to judge and reverse the natural justice. The scene depicts how an average middle class woman strives and struggles for preserving her womanhood and motherhood and her thirst to be accepted by the society. As the curtain rises, Samant, a local chap and Leela Benare, the heroine are found conversing. She springs a surprise on the rustic Samant with a sudden confidential proposal: "Let's leave everyone behind, I thought, and go somewhere far, far, away – with you"! **[Silence! The Court is in Session]**.² When she makes this observation, she has Professor Damle in her mind. Benare, after telling Samant that the school management is holding an enquiry against her "just because of one bit of slander". [58] The depiction of unsecured condition of Benare explores the problems that exist among Indian women towards legal rights and her absence of awareness about legislations and their enforcement and inadequacies of legal provisions. The tragic and bottle neck like situation reminds the audience of Banavari Devi, Nina Sahnii, Tasneem Sheikh Suhail, Delhi model Jessica Lal and Nirbhaya claims Vijay Tendulkar as a man of relevance to the contemporary society, where the practices like – eve teasing, whistling at girls, bottom pinching and are common phenomenon among Indian youngsters, apart from big incidents like gang rapes and murders.

The purpose why the dramatist has selected different persons from different backgrounds can give some clues about the judicial circle and their

judicial culture. In fact, all these characters are the representatives of the existing personalities in judicial circle with their personal, familial, educational, ethical and professional defects. Mrs. Kashikars, Sukhatme, Balu Rokde, Gopal Ponshe and Karnik are the various typical personalities in judicial circle. The very fact of Mrs. Kashikar's collusion in the attack on Benare demonstrates how women internalize the dominance of men over themselves as a natural phenomenon and turn against other transgressing women as the 'other'. Had Benare been the economically power, she might have protested more actively. Her present position is evidence that among educated women, concern for status has a positive relationship with age and employment. It has been found that the working educated women have higher concern for status than the non-working women or house wives.

The commencement of the 'Mock-trial', which constitutes a 'play-within-the-play', offers Tendulkar ample scope to dissect and lay bare the dormant ills of discontent in the psyche of these urban hypocrites. Though, they gang themselves up against a hapless Benare for the time being, they have nothing but spite for one another. Rokde symbolizes lumped public which is enveloped in the culture of dependency and carried away by the lures of money, power and threat. Throughout the play, he is not allowed enough time to exercise his intelligent challenges to prospective jurors. Ponshe and Karnik are the other two catalysts who have their active role in the plot against Benare. When Benare goes into the inner room to wash her face, Karnik takes Ponshe aside and indicating the inner room into which Benare has just gone, tells him if he knows anything about her: "About her, About Miss. Benare. Rokde told me". The stylistic gimmicks used by Ponshe and Karnik sometimes speak a lot louder than the words they actually speak. As witness their technique is not to argue the case but to present the issues. These two people represent the educated elite in the society, who have to demand for 'order of proof' as yardstick before asking the jury to measure the complaint. But these people lack the logical order of proof for their expert testimony.

The interrogatory procedure is so convincing that the legal professionals have been encouraging litigation more and more by giving impetus to disputes. There is a widespread belief both among litigating public and legislators, the intervention of lawyers in court

proceedings have the built-in tendency to delay the disposal of cases. The legal profession is no longer service-oriented but profit-oriented. Sometimes lawyers on both sides join hands to make both the parties compromise even if the clients have to suffer the loss. Majority of the lawyers harass their clients for more and more fee, false bills, while not taking the required interest in the case. In all his arguments there is no ethical creation of evidence. He indulges simply in word games and forgets the joint liability of Damle. All these things show that Mr. Sukhatme's role in the play is a replica of the legal professionalism and an evidence of how "there is a fall in efficiency and standard at the Bar and which is on the verge of collapse."

In a perceptive analysis of justice, gender and the justice in American society, Deborah Rhode observed: "Without a fundamental reordering of cultural values, women cannot hope to secure true equality, and social status. In that constructive enterprise, law can play a modest but more effective role."⁴ This is more so in Indian society with a high level of illiteracy and strong traditions of gender inequalities. That is what happens in Benare's case. Certainly, the play **Silence! The Court is in Session** is a question against existing legal curriculum. There is no roadmap for the image of reality in the procedure of the prosecution. There is an absence of trial dynamism in the play. The entire trial rotates around gimmick but is not based on evidence. There is no opening statement which tells to the jury the plaintiff claims in a direct and reasonable way. It must give the jury an overview of what the evidence will show and what the evidence will be without argumentative hype and individualistic exhibitionism. Missing direct or cross examination ruthlessly rules out the fundamental rules of natural justice i.e. '*no body can be a judge in his own cause*' and '*no body should be condemned unheard*'. The foundations for the verdict '*let the witness be himself*' is not at all observed. There is no review of the evidence offered by both sides. The judge rules based on what the lawyer presents. It seems that instructions to jurors will directly affect their judgment. The doctrine of *locus standi*,⁵ a principle that the judicial time as well as energy ought not be wasted over hypothetical or abstract questions, has been neglected and the truth that the trial is the 'time of decision' and the 'moment of truth' has been gained and gathered, assessed, weighed and measured for hours together in the dock room.

Vijay Tendulkar who is acclaimed as 'articulatory of violence' in the modern Marathi theatre brings another dimension of the 'cruelty' in the play. He demands that the concept of cruelty is to be redefined along with the socio-economic changes in the society. The playwright proves how it could be possible that cruelty was 'intentionally aimed at' by the provisions of the law itself. It seems that he joins with radical criminologists in seeking to redefine 'harm' in the criminological arena of victimology. Similarly, the playwright focuses on the maleness of legal proceedings, specifically the trial of sexual crimes like abortion and pre and extra marital relationships. Simply, in trials the procedure is designed to break down the story of the woman complainant both by subjecting it to vigorous doubt and by implicitly serializing it. The victim becomes an object of the male gaze and forced to relieve her ordeal, which itself becomes another assault. In the play, it is very clear that the exploration of body and sexuality is done through fierce and bold debate by the testimonies of Balu Rokde and Karnik.

Tendulkar poses another important question to the legal provisions of women in India. If the child is a legitimate one, the father is honoured with the guardianship of the child. But if the child is illegitimate the mother is the guardian, and she alone has to bear the stigma and humiliation of every day social pin-pointing as well as the responsibility of bringing up the child. The law makes no distinction between legitimate and illegitimate child when it imposes on the father an obligation to maintain children⁶. But if it is under the guardianship of the mother, the man escapes everyday disgrace by merely paying the maintenance amount, at the most! To put it briefly, 'the law recognizes the patriarchal system of family in which father supreme.'⁷ Doubtlessly, it is the supreme talent of the dramatist that the violence of the play is superbly sugar-coated with the technique of play within the play. Without this technique Tendulkar could not have made his characters directly attack Benare on the charge of infanticide. The play is widely acclaimed for this technique. Dnyaneshwar Nadkarni pays a tribute to the play: "**Silence! The Court is in Session** comes as a turning point in Tendulkar's career. It has a play in rehearsal and a real-life story, and the two intertwine to produce some unusual confrontations."⁸

However, Tendulkar depicts Benare as “a modern woman”⁹ who is capable of protecting herself and her body in a male dominated society⁹. He does not let Benare kill herself or feel shy about the whole episode, but makes her fight till the end. Apart from all the criticism as she faced in the play, the character of Benare remains as a lovely spark from the thunderbolt of Tendulkar, in the Modern Marathi theatre. She is a new woman pleading for freedom from social and legal norms. Even though Tendulkar said that writing this play was ‘drudgery’¹⁰ to him, the credit of raising him to the top of the Indian theatre goes to this play **Silence! The Court is in Session.**

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