
Portrayal of Legal Injustice to Woman in Vijay Tendulkar's *Silence! The Court is in Session*

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Abstract: The institution of judiciary is said to be the epitomic embodiment of humanity and accumulative achievement of centuries of human evolution. Legal alignment is the magnum opus of human species and the court is said to be the chef-d'oeuvre of human conscience. Unfortunately, although the laws are drafted to produce the best consequences, it is historically proven fact that the law has taken biased side in women issues. Dominant groups usually set up false belief systems that act to perpetuate their power-over position and sustain their separation from subordinate groups. The paper focuses on the case of a woman who was cheated by man and totally neglected by law. Leela Benare who was impregnated and is mocked by the legal community and unable to help the victim but showed man to escape the stigma in the society. Tendulkar shows how the judiciary is biased in India and the role of women empowerment to fight against it.

Keywords: judiciary, injustice, women issues, trail, prosecution, punishment, indignation.

Tendulkar's play **Silence! The Court is in Session** has become a theatrical judgment on defining the image of women by legal system and elite court community. Literature as reflection of life and society, provides insight into the thoughts of people and establishes a major impact on the development of society. It shapes cultures, alters the powers and exposes injustice to the naked eye. Drama as vital genre in it successfully proves itself in giving the world a multi-preview of human experiences, allowing human races to connect across the time and space. *Silence! The Court is in Session* (1967), the first Tendulkar's play turns to be part of the New Indian Drama phenomenon of the sixties and the first expressive modern Indian play in any language to create a woman as protagonist and victim. With its production, Tendulkar occupied the center of a general controversy where he had already earned the epithet "the angry young man" of Marathi theatre but now he is obviously branded as a rebel against the established values of fundamentally orthodox society.

The play is the milestone in the writing career of Vijay Tendulkar as it is viewed by different people in different ways. N.S. Dharan divided the dramatist's

plays as 'Pre-silence plays and Post-silence plays'(1999:23). He also calls it 'Gyno - centric'(1999:33). Subha Tiwari opines that the play is about "the pathetic position of women in the male dominated Indian world"(2007:32). Indravadan Purohit shows "the defeat of woman in male dominated society (2014:2). Nitika Garg observes an element of 'feminism' in the play (2015:12). Megha Trivedi calls it "the quintessence of gender discrimination"(2009:4). Anil Singhal finds some interesting element of male characterizations and calls it "the critique of the males"(2015:11). Sambaiah Medikonda opines that the play is 'a mockery against judicial system'(2013:4). Arup Kumar Mondal sees 'a mouse trap ' in the play of the women and 'finds 'a new women'(2009:11). S. John Peter Joseph sees Tendulkar as 'social critic' through the play (2014:17). Anuj Chauhan and Jagjeet Daliwal observe, "degradation of the judiciary system"(2014:28). Prof. AJ Sebastian calls the play "an intense social criticism"(2015:6).Kathakali Sen Gupta explores violence related of fierce psychosis" in the play(2013:4).

The play in three acts deals with the lives of ordinary people behaving extraordinarily, dealing with a noble value called justice in connection with women. The play was translated into English by Priya Adarkar as *Silence! The Court Is In Session* from its original version titled *Shantata! Court Chalu Ahe* in Marathi. There are ten major characters in the play. Unlike others , the play is divided only into Acts and nowhere the scene wise action takes place though the multi scenic

presentation quickly succeeds one after one.

The image of Benare, the protagonist though initially shown to be a bit fragile and easily attracted towards a stranger like Samant , is gradually justified by the way she likes and dislikes people or why she is so attracted to Samant. Samant enters the room introducing it to Benare for their future show. The play starts in an empty hall and Benare's entry on the stage is significant. Her finger gets caught in the bolt and Samant informs her that door of that is problematic and that while opening the door the bolt stays out. Benare feels happy for the presence of Samant and coming over there bit ahead leaving others behind. She expresses her desire of 'going somewhere far, far away with him.' [55] She likes his purity , heart of innocence and goodness. She shows interest in him by asking him questions like whether he has got married or not. Samant distances himself from her as she is a stranger. The contrasting images of Samant and Benare is one of the most eloquent and inquisitive elements in the very beginning of the play.

Benare's condition reminds the audience how women today are gaining power, are great contributors to many working sectors, ready to accept challenges, are prepared to overcome hurdles that hinder them from achieving their goals. In India, private and corporate teaching community is categorized as one of the most unprivileged, less paid and unorganized sectors (Manikamma and Radhika, 2013:2250). As the teaching profession is being opted by women community by virtue of its flexibility, the corporate mania has made it as one of the

means to use them to earn money. In Benare's case the management does not show any kind of sympathy to support her in spite of her service provided to the institute, but mercilessly throws her away. This is not the tale of one woman but millions.

The justification of Benare as a protagonist and victim is wonderfully woven with the blend of both her experience and expertise. Building an image of a woman with pure human touch with high level of people consciousness, still cheated, will certainly arouse sympathy in the audience. She is not only sensitive towards the dignity of individual and respects freedom of expression but also is abundantly blessed with a sense of aesthetics and intellectuality. She recites the poems and writes them instantaneously. Tendulkar's adaptation of Mrs. Shirish Pai's poetic lines through Benare's mouth not only reveals the plight of Benare but also relates her real story. These lines justify the jungle principle 'might is right' which perpetuates the dominance of strong over weak from ages past. The theme of the poem brings some parallelism between the protagonist and her creator as he has already acquired the epithet of "the angry young man" of Marathi theatre for his a rebellious spirit against the established values of fundamentally orthodox society.

Decision to ask Benare to play the role of the accused and gossiping about her in her absence suggests two things that happen in and out of legal courts of India. First, Miss. Benare is made a default 'defendant' in her absence and indirectly they make an 'order of default' and pass on 'default judgment' too. An order of default is a court order saying that one party (usually the plaintiff) has won the case, and the defendant has lost, because the defendant did not participate in the case. The conspiracy can be clearly understood

when Benare goes to wash room and everything is planned in her absence. Many issues happen outside the court based on one's background, political affiliation, financial strength, social status and finally gender. Not that plaintiffs are always winners but defendants are to be always stronger. What happens outside the court is rehearsal and presentation in the witness box is simply a replay that leads to final judgment. Secondly, the colleagues of Benare symbolize 'outraging self-righteous public,' who often take the extreme step of impeachment and punishment. It is true that emotions without knowing facts certainly lead to extreme decision and take Law and order into their hands. The dramatist Jean Racine writes "Extreme justice is often injustice"(1890:3). The judgments given by raged public certainly disempowers the loneliest and the lost.

There is a note of 'judicial disqualification' at the end of the first Act of the play.(Judicial disqualification refers to the act of abstaining from participation in an official action such as a legal proceeding due to a conflict of interest of the presiding court official or administrative officer) A judge who is neutral and looks to be neutral is an essential element of justice and an essential prerequisite for public confidence in the judgment issued by the judiciary. The judge is related to a party, attorney, or spouse of either party (usually) within three degrees of kinship. Under Rule 6 of the norms established by the Bar Council, no lawyer can practice in a court where any of his relatives serves as a judge. The list of such relatives included his/her father, son, grandson, stepbrother, brother, nephew, daughter, husband, wife, uncle, sister, aunt, niece, grandfather, father-in-law, brother-in-law or sister-in-law. Mr. Kashikar seated on the judge's chair declares,

KASHIKAR: "Prisoner Miss Benare, under Section No. 302 of the Indian Penal Code you are accused of the crime of infanticide. Are you guilty of the afore mentioned crime?"[74].

Benare's primary objection against accusation of infanticide is simply over ruled. Her plea of shifting charge from infanticide to stealing is not at all taken into consideration and they silence her on the excuse of maintaining the etiquette of the court which says that without the permission of the judge, the accused is not supposed to speak. They also insist to follow the procedure for Samant's sake. Moreover Mrs.Kashikar confirms that, 'there's no wrong with the present charge'[78]. Mr.Kashikar issues reprimand twice for obstructing the process. Benare finds 'no logic to show such respect for the judge [78]. as she can't kill common cockroach. The basic logic of 'the right to speak is the right to be listened to' is no way observed here. They stress more on formalities and honour but they do not care for her request and honour.

Tendulkar envisages, through Benare case, how the Law can be a threat to individual privacy. 'Privacy', 'dignity', 'identity' and 'reputation' are facets of individuality and law is meant for protecting the privacy of an individual. Privacy is most often defined as a fundamental individual right worthy of protecting human dignity. Lord Hope said: "There must be some interest of a private nature that the claimant wishes to protect"(2003:11).The debate for identifying privacy is an autonomous right

really only gains importance where the concept of damage of dignity is given a narrow focus, linked to humiliating behaviour.

The play is, thus, a satire on the conventions and hypocrisy of a male dominated society which is concerned only with a farcical moral code. Structural constraints reinforce this order. She identifies the family, the class and the economic and educational systems as the main structural bulwarks of patriarchy. In a perceptive analysis of gender, justice, and in American society, Deborah Rhode observes that "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"(1978:10).

One of the most moving aspects of Benare's character is her struggle to save the life of her child. She not only claims her freedom but also takes the responsibility of its consequences. As far as the play is concerned, there is drastic difference between man and woman in sharing the responsibility for their mistakes. Benare feels that she is in great trouble to resolve her problem for seeking a social father as biological father escapes from the responsibility. She worries more about the life of child rather than her reputation. It's her instinct and love for child she struggles to go on living and get married. For her life is inalienably valuable and she doesn't want to kill the baby. Her tormenting search for a man to resolve her problem branded her as a pervert. Nobody understands the complexity of her problem. Sukhatme expresses,

SUKHATME: What was your answer Mr. Ponkshe? Were you prepared to take broad view of things for the sake of humanity, and accept the child along with the mother?[106].

Benare's final speech and collapse is one of the most humanistic among all the plays of Tendulkar and most exuberant expression of individuality as a whole in Indian drama. Benare's final collapse leaves one with a feeling of sympathy and horror. As Sudhir Sonalkar observes, it is true, 'there is in it, pity and horror and not just violence (1993:19) The play is a question against existing legal curriculum. There is no proper plan for the image of reality in the process of the prosecution and there is no trial dynamism in the play. The entire trial moves around gimmick but is not based on practicality. There is no plaintiff who claims for the punishment. The cross examination is totally farce. The fundamental principle of natural justice i.e. 'nobody can be a judge in his own cause' and 'nobody should be condemned unheard' are bluntly kept aside. The bedrock for the judgment 'let the witness be himself' is denied and there is no probe into the evidence of both sides.

Tendulkar joins with radical criminologists in seeking to redefine 'harm' as he brings a new aspect of the 'cruelty' in the play. He suggests that the idea of cruelty is to be revised along with the socio-economic changes in the society. .

Through Benare case, Tendulkar discusses one important issue in the legal provisions of women in India. He explores the value of woman and existence of human

life in the sight of law. The playwright doesn't discuss a various of factors like-social compulsion, education, poverty, sexual drive, insufficient contraception, and feeble laws against sexual assault impact Indian woman so that they do not control the circumstances lead them to become pregnant. But this structurally forced maternity continues due to religious ideology backed up by economic, domestic and sexual inequality, therefore as a result, a justifiable way of abortion is needed to redeem a woman's basic lack of control over the process of reproduction, where most cases she is the victim both in health and reputation.

Tendulkar also conceptualizes how the law is biased by brooding over the judgment against the woman and feasibility of welfare of the child. The point is, if the child is a legitimate one, the father is respected with the guardianship of the child by the public. But if the child is illegitimate, the mother is forced to be the guardian, and she alone shall have to bear the social stigma of everyday life as well as the shouldering responsibility of the child. But here, the man escapes everyday humiliation by merely paying the maintenance expenditure, at the most, only if the woman is strong enough to fight for it. Therefore, Tendulkar, sarcastically makes the mock-judge, Mr.Kashikar, to pronounce the final savage verdict that, " ..you shall live. But the child in your womb shall be destroyed " [118-119]. In nutshell, 'the law establishes the patriarchal order of family in which father is supreme.'(Ved Kumari,1994:242). But both father and mother are held equally responsible for both birth and life is the message of the play.

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