

Tis Hazari Diaries

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Under the Sarai independent fellowships programme, I am researching the everyday life of the Tis Hazari complex. I am writing a diary as part of this process. Tis Hazari is the oldest district and sessions court in Delhi. My observations of Tis Hazari, the conversations I recorded there and the narratives that the space generates, follow.

Tuesday, 6 April 2004

As I finished my work in the court and entered my chambers I saw Sub-Inspector Narendra Singh seated by the table poring over some papers. My colleague Praveenji was seated smoking in the revolving chair. Praveenji and Narendraji are old friends and the latter frequently drops in. The two engage in spirited conversation. However, today I found the chamber uncharacteristically quiet. Breaking the palpable silence, I exclaimed, "Why all this hush-hush?"

Narendraji responded, "Madam, these papers have got to go before the court by 2 pm sharp and they are not as yet ready at 1.30..." I had seen him similarly engaged in investigation paper work earlier as well. I often found it rather intriguing that while presenting these papers, e.g., the sketch of the place of occurrence, the seizure memo, the statement of disclosure, the deposition, etc. in the court, it was always solemnly affirmed that these had been prepared at the scene of occurrence; but the finalisation was actually done in the chamber. Somehow beating the clock, Narendraji finished the paperwork and rose for going to the court. I called after him, "Narendraji, I have a couple of questions about your work". He was already aware of my

research project. He left, saying he would get in touch with me as soon as he got rid of the court matter.

As I had to go through a judicial file, I quickly finished my lunch and left. It was 2.30 pm. The second session had already started. In advanced the entire court, including the additional sessions judges. A Delhi Armed Police (DAP) constable brought a prisoner to the court from outside. A woman, carrying an infant hardly eight to ten months old in her arms followed them, almost running. She was probably the prisoner's wife. The constable entered the court and immediately came out. The woman standing near the prisoner tried to talk to him. But the constable on duty bade her to keep off. With his free hand the prisoner held the child and went on showering it with kisses. This thoroughly upset the constable. He severely reprimanded the prisoner, "If you wanted this, why did you go astray at all?"

This spectacle thoroughly confused me. I remembered the arrival of Romesh Sharma (charged with stealing a helicopter and having contacts with the underworld) for a hearing in this very court. He had entered stylishly, holding one end of his spotlessly clean white *dhoti* with two fingers, and gripping a maroon briefcase in the other hand. He was accompanied by a bevy of acquaintances with whom he engaged in lively conversation. Local police were marching at his front and rear as if they were from an SPG (Special Protection Group) squad. When it is the same court and the charges are also identical, whence this discrimination?

Ruminating on this, I entered the court. I secured permission for inspection of a file and approached Ahalmad. He made me wait for fifteen minutes before taking out a file from the stack before him and pushing it towards me. I inspected it. I am sure that if I had just paid him Rs. 20, he would have given the file to me immediately without even bothering to verify whether I had formal permission to see it. As I proceeded to go through the file, my mobile began to buzz. I learnt that Sub-Inspector Narendraj*i* was waiting for me in the chamber, so I disposed of the file quickly and walked back. At the very outset he told me, "Madam, I know that you know all the things inside out. However, I would request you to avoid mentioning anything about the 'inside' as far as possible".

I asked, "When a solemn affirmation is made by the police before the court that the papers were drawn up on the spot, why do the police not actually do so?"

He replied, smiling, "Rough papers are drawn up at the place

of occurrence. It is not possible to do everything on the spot. Only the depositions can be recorded there".

"Many a time I have seen you writing even the depositions here..."

"Well, at times it is not possible even to write down the depositions on the spot".

"What are the difficulties in doing so?"

"According to Section 161 of the Criminal Procedure Code the deponent is not required to sign his statement. Consequently the depositions are reduced to being written in the office or elsewhere outside".

"Why then solemnly affirm before the honourable court that the case papers were drawn up there?"

"Even the courts implicitly appreciate that all the papers cannot be finalised on the spot. However, since it is a requirement of the legal system that case papers be drawn up at the place of occurrence, a suitable declaration is made. Now tell me, when the Judge draws up the judgement he declares it as 'Announced in Open Court', but what is the percentage of cases in which the judgement is so declared? I would say that in 95% of cases the court gets the order written in the chamber where the only persons present are then the Judge and his steno".

"You came here as IO (Investigating Officer). Would you like to say something about the role of the IO and his responsibilities?"

"An IO is a witness like all other witnesses in the case, albeit a key witness. The entire edifice of the prosecution case stands on him. The IO, therefore, has to be very careful and depose honestly and with full awareness of his duties and responsibilities. A single lapse on his part can lead to the conviction of an innocent, and vice versa. Besides this, the IO is also called upon for opposing the applications for bail or anticipatory bail. It is the IO who also has to come before the court when there is a need for police custody of the accused, for purposes of further investigation. Besides these, he has to be there in multiple other capacities".

"Why does the common man see the police as a villain?"

Narendraji said querulously, "Police officers have to put in long hours of work. They cannot get leave in time. As a consequence they are unable to devote adequate time to their families. They cannot even get proper rest. To keep late hours and to rest at odd hours is almost a rule for us. All this builds up tension. Obviously this affects the public in turn. Now look

at this. There was a murder in my range a fortnight ago. We had to go to the interior rural districts of UP, Rajasthan and MP, where you cannot get even proper drinking water. We could return home only after a week. What can be the outcome of all this except rendering one irritable? The public also has to appreciate our problems. However, it keeps finding fault with us. Madam, there are no regular holidays in the police department. We have to be on duty today, tomorrow and always. We don't have weekends off. We are not independent even on days when the entire country celebrates Independence. I mean 15th August and 26th January. That is why we get paid for 13 months in a year of 12 months".

"Would you like to say something about the public relations of the police?"

"The public does not extend cooperation to the police, which sometimes results in the accused escaping on the verge of arrest. The public should cooperate with the police..."

"What, according to you, are the reasons for the lack of public cooperation?"

"The police has a fractured image in the eyes of the public, leading to this stand-off. The common public goes in dire fear of the police. It does happen that in many cases people endeavour to extend cooperation. However, this sometimes means repeated visits to the *thana* (police station). Now who would like to undertake such trips at the cost of his work? This then leads to the public holding back. The public is also afraid of bearing witness and then being forced to visit the courts time and again for the purpose..."

"So like most of us you also feel that the frequent summons to the police station is harassment?"

"Certainly! The public witness helps somebody, assists the state, and for all his pains the police and the courts treat him like an accused. Police should make it a point that a member of the public is not summoned to the police station at the drop of a hat. Courts should also make it a point to relieve public witnesses on a priority basis. The public witness comes to the court not for any lapse on his part but to bear witness for truth, and that too at the cost of his own urgent work. Unless the trial is speedy, public witnesses will not want to render any help in future cases. In addition, if any witness receives any threat, it should be incumbent on the police to extend full protection to him".

"Would you like to say anything more?"

Narendraji concluded, "A public witness should never be harassed. Police attend courts in the course of their duty, the advocates on account of their profession, and the accused for whatever he is charged with. But why should the public witness make frequent rounds of the courts? I would only add that even the police should change their attitude to the public, and the public at large should also change theirs towards the police. Only then can there be a consonance between them".

Thursday, 17 June 2004

The courts are closed for summer recess. Normally, during this time I do not go to the court unless it is necessary. However, I came just to see how things moved during the break. I found that except for the main gate, there was nowhere an atmosphere of holiday. The crowd was certainly less, but the activity on the premises was hectic as usual. Even if the main gates leading to the Civil and Criminal side chambers were closed, the incoming public had devised alternative routes for entering. It was not particularly difficult for me to get to the chambers. On reaching, I noticed that there was no electricity. It was the scorching heat of June; and to add to the woes, our chamber was on the first floor. I hardly sat for five minutes and was completely drenched in perspiration. I thought of going to find out why there was no electricity. I went to the chamber of a senior advocate next door. I observed that the curtains that always remained stretched across the door were completely drawn open. At a table where some light was falling, the advocate, bent low, was poring over some papers. Hearing the noise of my sandals on the floor, his attention was diverted.

"Oh, this is a remarkable day indeed! You walked in during the holidays. Come in, Chandraji. Welcome! Welcome!"

I reciprocated the greetings, and then asked, "What indeed are you studying in this darkness, sir?"

Came the reply, "I have filed an urgent bail application and was preparing arguments for it. The vacation judge now in chair is a good guy; he is granting bail right, left and centre. I thought of taking advantage of it. Maybe I will get the bail."

"Since when has the power gone?" I queried.

"This is the third day in succession. Don't know how long it will be off."

"Why so?"

"They say there are some differences between NDPL (North Delhi Power Limited) and the lawyers".

I felt that this was the right occasion to inspect the campus. Bidding adieu to the good man, I fished out pen and notebook from my handbag and walked out. Once outside, I understood the reasons for all the brisk activity on all sides. As there was no electricity, the advocates had gathered in the shade and were discussing matters. Some of them were standing in the sheds by the side of their chambers; others were sitting in chairs placed below small trees and were fanning themselves with the case files. Looking at the scene in the overbearing sun, I was at a loss. How should I proceed? Presently my attention was caught by a *chhole-kulchewala* standing in front. Earlier too I had seen him on my way to and from the chamber, but had never had any occasion to talk. Seeing him unoccupied, I felt that this was a good time to strike up a conversation.

After the formalities of greeting one another, I learnt that his name was Omprakash and that he hailed from Rai Bareli. He had come to Delhi in 1990 with a distant relative. Since then he had been staying here in a rented room and selling *chhole-kulche* in the court complex. He deftly attended to customers who placed orders during our conversation. Meanwhile, a woman aged around 34-35 years placed an order for *chhole-kulche* in a tone as if Omprakash was her slave. She kept the food on the *rehri* (trolley) itself and started eating. Afterwards, as she began to move off, Omprakash called after her, "Please pay the bill!"

"Am I running away?" she snapped. "You can collect it in the evening or tomorrow". Saying so, she went by the park towards the Criminal side of the courts, undulating her hips all the way.

Some people standing about had their eyes focused on her. I also felt rather curious and my gaze followed her. Omprakash perhaps guessed it and said, "Madam, the very shadow of such women is defiling. Please don't look at her!" I asked him what was wrong. I had always seen five-six similar women there loitering about without any apparent work. Omprakash said, "Many a time she takes *chhole-kulche* from me and but sometimes even does not pay for it. In fact, she and others like her are all in *dhandha* (the flesh trade)". I had heard about this being carried on in the Tis Hazari court premises.

Presently a youth came toward us. He had a tester in his shirt pocket and a pair of pliers hanging from the rear pocket of his jeans. He saluted Omprakash, got *chhole-kulche*, deposited the plate on the *rehri* itself and started eating. From what he said thereafter I could guess that he had overheard our talk from somewhere nearby. He disapproved of Omprakash telling me about

such matters. I turned towards him and told him about my research. He said, "Madam, I could tell you a lot more about Tis Hazari because you are an advocate. My only condition is that you will not give the material for printing anywhere". I agreed.

After I finished my lunch I went back. The young man was waiting for me there as promised. When I asked him his name, he said, "Electrical". "Electrical!" I exclaimed. "Surely, you must have some real name". "Madam, I do electrical work and so all the people hereabout call me Electrical. In any case, what have you to do with my name? In case you print my words somewhere I will be unnecessarily embarrassed".

We went on talking. Electrical spoke like a mature man.

I asked, "Where do you hail from? Since when are you here?"

He said, "I am from Orissa and came here with my family in 1980, when I was just three years old. I could not study after Class X on account of straightened circumstances".

"How did you happen to land in Tis Hazari?"

"I arrived here through a senior advocate. I had a smattering of knowledge of electrical work. In 1999 I got a job in the Bar here through the good man. But the Bar employees here are squeezed between the wheels of the advocates and the Bar office bearers. However diligently we discharge our duties, the advocates find some fault or the other and complain to the Bar office-bearers, who in turn warn us that unless we do our jobs well we will not get any remuneration. These are influential people and the employees cannot take the risk of talking back".

"So you have been working here since 1999?"

"No, madam. I worked till February last. Then I got disgusted with the frequent admonitions of the advocates and left".

"What are doing at present?"

"I work as a private servant in the advocates' chambers of the Tis Hazari court."

"What do you get?"

"There is no fixed income. But sometimes, if I am lucky, I even get Rs. 500-600 in a day. At other times I have to make do with just Rs. 50-60. Something is better than nothing. In addition, I also do part-time jobs if I get them. It does not matter whether it is labour or clerical".

"These are holidays and even now there is no electricity. How come you are here, then?"

"Madam, there are some advocates here who have taken electrical connection from outside".

"From outside? Where from?"

"From outside Tis Hazari. From the street, at the back".

"Well, well!"

"They sometimes call me to assist them. I get bored at home having nothing to do and so I come here. I get enough to cover the charges for coming and going".

"So the advocates pay you for the work done?"

"There are some exceptionally good ones but they are few and far between. Most of the others do not pay adequately. This morning they really crossed all limits. An advocate in one of the chambers had called me. I pulled a wire from across the road, set up three tube-lights and did some sundry work. When I asked for remuneration he enquired how much I expected for the job. I asked for Rs. 150. The market charges for this job are not less than Rs. 250; but what do you think he gave me? Just Rs. 50, saying that I had not used any of my material. The wire was there, the tubes were there, needing just some slight adjustment. And he rubbed it in with gratuitous advice to go out and enjoy spending the money. I abused him in my mind and walked out. Madam, some day I will also have a chance to get even. He normally calls me for electrical jobs. Next time I will see to it that even his good things go out of order. After all, he is simply an advocate. What does he know of electricity? I will then ask him for money to fetch what will be needed to fix the problem. He would feel too stupid to refuse to give me what I ask for. Madam, if there is anything wrong with electricity in your chamber, do call me, I will charge you reasonably and will not deliberately damage anything. Madam, when a client approaches an advocate and enquires about the fees for counselling, most of them quote nothing less than Rs. 11000..."

"Well, have you thought about your future? Will you continue...?"

"The poor have no future, madam. Our future is a big zero, totally dull. The poor have to dig their own well, and then only they can have water. We don't have a past or a future; we live only in the present. If we earn during the day, only then can we have a meal at night. And you are asking about our future? Our future is not secure. Only those who have money can have a secure future. Do you think I would not have treated my father who cannot see because of cataract, if I had money? Madam, leave all this talk about future..."

"Well, you were going to tell me something about Tis Hazari".

"Anything can happen in Tis Hazari. When the evening approaches, bottles begin to be uncorked in the chambers. There

are gambling sessions at night. Even thefts occur then. Leave aside that, *dhandha*...do you understand? There is also *dhandha*..."

"Does no one challenge it?"

"Who will object? Even the police know what happens, but still things go on. The prostitute only sells her body; she does not pick any pockets; nor does she force herself on anybody. For these women, Tis Hazari is a safe place. They have no safety outside".

"So you don't find anything wrong in *dhandha*?"

"Madam, where does it not occur? Every place, each office, all factories: nowhere is free from it. And everybody knows what happens everywhere...I will put to you only one question. How will the Tis Hazari community benefit from this research of yours? Believe me, once this work of yours gets published people will be offended and there may be serious chaos, for even now people consider courts to be temples of justice. In the end I will only ask you to keep the results of your study to yourself. I would earnestly request you to keep away from these controversial matters. But, after all, it rests with you. You are an advocate and I am a mere electrician. While talking to you I somehow feel sure you will go in for publishing your study. So I will tell you my name. It is Manoj".

I had not been aware that over two hours had elapsed in this exchange. It was around 5.30 pm. There was some let-up in the sun and heat. The group of advocates sitting in the shed had started dispersing. However, among those standing around, the electricity failure was still a fervent issue of discussion. People had to go out of the courts for photocopying or computer typing. There was some joy on the faces of the manual typists, but our brotherhood was unhappy. When I went to the chamber, I found it was locked. I had to phone my colleague. He came after some time. "You have been busy since morning, interviewing people. How many have you done?" he enquired while opening the door. I deposited my notebook on the table, and he began turning its pages. He looked up and said, "Chandra, how can you write like this about the court and the advocates when you are one among them?"

I replied, "Nothing of this is mine. These are the thoughts of the people I talked to".

Hearing this, his facial expressions changed. He said, "It does not matter if those in Tis Hazari become aware of this but it would not do if outsiders come to know about it. Will it not

defame the advocates?" He said many other things, taking different positions. I looked at the wall clock opposite. It was nearing 6 pm. I said, "Don't worry, we can talk about it some other time. Now it is getting late". I picked up my bag and walked out.

Thursday, 8 July 2004

The electricity supply has been regularly irregular since the last vacation. This is the single focus point for the demonstration by the advocates. The notice of this strike has been affixed on every notice board by the Bar. Also, the employees of the Bar have announced it throughout the court. The suffering advocates appear a little relaxed today. Except for some junior advocates sporting neither band nor gown, nobody has bothered to appear in a matter of bail or stay. Judges are also postponing hearings without any questions. In the main court building, a holiday atmosphere prevails. Advocates' clerks, and even clients, are bringing intimations of postponement of hearings. However, the rest of the area is full of activity. Since the DBA (Delhi Bar Association) elections are round the corner, the candidates are participating in the strike with great fanfare. From place to place, there is repeated friction between the NDPL and the advocates. On the whole, the spectacle is one of alert advocates' clerks and litigants, and lax advocates.

I had fixed an appointment with a senior advocate, Rakesh Chaudhary, for that day. It was scheduled for 1.30 pm in his chamber. I accordingly presented myself there on the dot. Chaudhary *sahib* was busy with case files. After exchanging greetings he said, "Chandra *bhaiyya* (he calls me by this name), you could have come in the morning as well". After the hot afternoon sun outside, the cold AC air inside was very soothing. Suddenly I remembered that the strike that day was to protest against the absence of electricity. We did not have electricity throughout our vacation. And there was an AC running here! In the meantime he had asked his clerk to fetch soft drinks. After disposing of the files within five minutes, Chaudhary *sahib* said, "Let us talk now. Oh, the soft drinks have also arrived. Drink, and then fire off your questions. You have been taking great pains in your research. Don't you hold back any of your queries. One more thing: write what all you want to write and publish what all you want to. Go on, mention my name also. Let me see who will harm me".

I said, "Electricity is off almost in the entire Tis Hazari complex. How come it is there in your chamber?"

He replied, "When the 'Aboves' are in one's favour, nothing is impossible".

"Pardon, I did not understand you".

"What I mean by 'Aboves' is 'fixing'. If one can 'fix', anything is possible for him. Electricity is just a minor matter".

"Do you know why there are no lights in the other chambers?"

"There is some tension between the NDPL and the lawyers. That is why".

"What is the dispute?"

"I mean, more than half the advocates have not installed meters in their chambers; they are going on using power on the sly. Only some advocates in the western wing have meters. I heard that to discourage electricity theft NDPL had even attempted to install a high-voltage distribution system. However, the advocates have not desisted from their mischief of using electricity gratis. But how long can this go on? Consequently, on 25 June, during the vacation, the system got overloaded and failed. Since then there has been no power supply here".

"But why is there no electric supply to those who have installed meters?"

"This is the precise question on which the unity of the advocates is floundering. Advocates who have meters installed and who pay electricity bills regularly have a justifiable grouse against the non-supply. Why should they get cooked in the heat and their work suffer because of the thieves? Consequently, there are two groups in today's demonstration: one of *meterwalas* and the other of non-*meterwalas*".

"How will this demonstration help?"

"Chandra, 99% of demonstrations lead to some benefit or the other. Why would this demonstration also not do so? The evening is far away. Even now pressure is building up on the NDPL; it has agreed to restore supply by tomorrow to those who have meters. It is also heard that for those chambers that have no meters, a special camp will be set up in the Tis Hazari complex and they would be given a week's time to apply for meters".

"What has the Bar to say about this electricity imbroglio?"

"It is the Bar which has spoilt the entire show. There was hardly any electrical problem in Tis Hazari some five-six years ago. The money the Bar was collecting also included electricity charges. The new governing body of the Bar asked individual

members to have their own meters".

"Well, what do you feel about those who have meters installed but are using electricity on the sly?"

"I will only say that they should not stoop so low. When you are using power, why not pay the NDPL like a gentleman? But my saying so is *infructus*. One thing is certain: the NDPL has cut the supply with great circumspection. Had they cut the supply at non-vacation times, they would have had to pay heavily for such a prolonged blackout".

"Meaning...?"

"Meaning? Tis Hazari advocates are notorious all over India. On the question of electricity they would have harassed the NDPL so much that it would have given up its ghost...Now enough of the NDPL. Let us talk of something else".

"Well, you are always on the scene when there is some dispute or demonstration. Any special reason for this?"

"Nothing special. Only that I cannot stand any wrongdoing. Consequently, whenever I come to know that somebody is being wronged I am immediately by his side. What of others, many a time I get entangled even with the magistrate. Only yesterday there was an application for bail before a magistrate. The matter was under Section 498 A (IPC). The court rejected my application without even bothering to hear me out. I told the magistrate that there had been a reconciliation between husband and wife, and if he so desired he could record the statement of the wife who was present in the court. But the magistrate refused to listen...I was damned sure that I was right and should get relief. Consequently, in the open court I showered choicest abuses on the magistrate, only sparing his parentage. What could the magistrate do? He merely said, 'You will never get a bail from my court'. I countered, 'Well, if you won't give it, I will get it from the ASJ (Additional Sessions Judge)'. The long and short of it is that I cannot remain silent if somebody is being wronged".

"Tell me something about your profession".

"Ours is a profession loaded with responsibilities. The advocate should discharge his responsibilities with honesty towards his client, because the clients believe their advocates more than anybody else. However, there is a breed of advocates nowadays which adopts various stratagems to dupe their clients. This was not so some three-four years ago. There has been a sweeping change in the atmosphere. Today we have some professionals who plant themselves right at the court gate. Once

the client gets out of the lockup, the advocates start pulling at his shirt for Rs. 50-100...They even stoop to attacking him. They have rendered Tis Hazari into a fish market. There are even some who strut about in black gowns but do not have a law degree. To speak for myself: I do ask for fees but I discharge my duties with due diligence, honesty and responsibility. I had a murder case. I did not know whether my client had indeed committed murder or not. I accepted the case. It had three accused persons from the same family. The court sentenced all three to life imprisonment. I was worried. Where did I go wrong? I could not even eat for two-three days. Well, I got them released in the High Court. What I mean to say is that our profession is such that we take on the clients as our responsibility; we desire to relieve them of their pains".

"Would you like to throw some light on the relations between senior and junior advocates?"

"I am sure you are aware of the relations between these two types. The seniors give a dole to the juniors, which is not even adequate for their pocket expenses. In any case it takes at least four to five years in this profession to pick up work. In addition, some time is required to create goodwill. I sincerely feel that only those boys whose families can afford to foot bills for three to four years should aspire to see their ward in an advocate's black gown".

"Well, it appears that there are differences between people and people on this count. Let us leave it aside. Speak about anything that is an integral part of the daily life of Tis Hazari courts."

"I am not sure whether I should tell you this or not, but prostitution is also a problem here. Yes, prostitution is carried on here! I am dead against it and I have also warned some of these women. Consequently, many of them bear an animus towards me. If any among them happens to see me, she slips into a side lane. However, some of our brothers here procure women from outside for themselves, as also for their clients. Outside is not the only source...There are women here who carry on this profession under cover of being employed as clerks in some chambers".

"Your opinion about prevalence of corruption in the judiciary...?"

"Corruption! Oh dear, everyone in our country, from leaders to actors, is up to their necks in corruption. The judiciary too consists of fallible humans. No wonder there is corruption here.

What better example than that of Shamit Mukherjee (a Delhi High Court justice implicated in a sex scandal as well as bribery and corruption) can be given...Even then I must say that our judicial system is highly regarded in the world. Our people also have implicit faith in it".

Friday, 23 July 2004

Generally one finds very few women advocates dealing with the criminal side of the courts. I had decided at the time of taking up the research project to interview at least one female lawyer in the criminal wing. The reason was that my own experience on that side had not been very good. With this specific resolution I went to the chamber of Urmila Gupta. I had not taken any previous appointment beyond casually remarking to her once in the Ladies' Bar Room about it. On seeing me, she said with a greeting, "So after all you did come. Please give me a couple of minutes". She completed the draft she was dictating to her steno and then turned towards me. "Come on now, ask me what you want to know about Tis Hazari".

I took out the notebook from my handbag, saying, "I would like to know something about your experiences here. Please begin by telling me something about yourself".

Urmila Gupta paused and then said, "When I started my practice here, there were only two women advocates on the Criminal side of Tis Hazari. My father was a businessman and consequently he had no special ambitions about my educational career. I got admitted in college to study Sanskrit, on my brother's suggestion. I also got first division in it. The question of my studies thereafter confronted me. My brother felt that I should seek admission in B.Ed. But I was least interested in it. I had a predilection for law from my childhood. I resolved not to give in to any compromise. Of course I had to put in great efforts but I was allowed to take up my dream. I took admission in the Campus Law Centre of Delhi University. In those days there was no entrance test for first divisioners. However, we students were quite sincere then. After three years I cleared LLB. You have come to interview me because I am an advocate. Isn't it?"

"How many women advocates were there when you joined the Bar?"

"Even in the faculty in LLB there were just enough women to be counted on the fingers of one hand. Miss Mahendra Chowdhary was the exception. She preceded me".

"Now tell me something about your initial experiences".

"There was the well-renowned senior advocate Mr. B.B. Sood.

He was a civil lawyer who had a chamber on the Civil side, as well as a seat outside the Treasury building. He had a roaring practice and his chamber was always overflowing with case files. I began my advocacy as his junior but my interest was on the criminal side. Somehow Mr. Sood got wind of it and he offered his seat near the Treasury building to me. I started operating from there, dealing with the occasional cases that came my way. After sitting there for three-four days I had an uncomfortable feeling about the attitude of the men around me. They would loiter about my table without any apparent business. Sometimes this went overboard. A couple of them began sitting for hours by my table. Not only this but they would stare at me as if I was there for their pleasure.

"I will not be able to convey to you the anguish of my heart during the half-a-week I spent there sitting alone. I felt like the tongue which is situated among thirty-two teeth."

"What did you do then?"

"What could I do? I remembered my law faculty friend Kamna Prasad. After doing her LLB she was sitting at home. I shared my problem with her. During our talk that day she offered to practice along with me. And after a couple of days she started sitting with me at the table. But in the patriarchal world of the advocates we two did not get any relief worth mentioning. Besides being women, we were novices and hardly any cases came our way. One day a bail matter under Section 307 IPC (Attempt to Murder) came to us and we succeeded in obtaining bail. This increased our confidence. It is quite possible that the good magistrate had given bail in the case just to bolster the confidence of these two forlorn young women. May I share a secret with you? This relief did add to our enthusiasm in the male-dominated court..."

"And after that...?"

"After that? Male advocates started whispering about us behind our backs. An occasional advocate started approaching us for discussion of cases. There was also a palpable change in the attitude of the advocates who sat by our side. Slowly clients also started coming in. It happened that we got bail even in some cases that were rather weak. Seeing our success, some male advocates would ask us to appear on their behalf in bail matters. This further enhanced our confidence. The magistrates might have favoured us as women. However, it takes something more than mere magisterial solicitude to get a practice. Actually, I used to study throughout the night and spent hours

in the libraries to find out suitable citations".

"Which means that your practice started getting better?"

"Not necessarily so. We slogged over the cases. Besides regular hours we started attending court even on holidays. As advocates' attendance during holidays was minimal, we occasionally got good cases. Occasionally we got even Rs. 500-600 in a day. Just imagine! What with the value of the rupee in the 1970s, with that money we would consider ourselves nothing less than princesses. Except for the initial bitter experiences with men in the court, the advocacy on the criminal side has been a fantastic experience for me".

"When did Kamna Prasad separate from you?"

"In fact, Kamna did not do much of practice. From 1980 onwards our contacts also went on dwindling. The truth was that her in-laws did not want her to do practice. Even her husband did not approve of it. She had no option but to fall in line with them. May I tell you this was not the problem of one Kamna of the '80s but of hundreds of Kamnas of today who have to sacrifice their careers on the whims and caprices of their husbands and families. Firstly, girls are not allowed to take up legal study. Where somehow the girls do qualify they are prohibited from becoming professional lawyers. If somehow some girls do manage to come into the legal career they are required to leave it and become mere housewives after their marriage".

"Did you also have to face this dilemma?"

"I have just told you how I came into this profession after fighting it out with my brother. But if I am indeed successful in this profession the major credit goes to my husband. He supported me because ours is a love marriage. Generally in such a marriage the spouses understand each other's aspirations and also mutually support each other to the maximum extent. Well, Chandra, why don't you go and study the matrimonial lives of the female lawyers at Tis Hazari? If you feel that the scope is rather wide, you can restrict it to lives of women lawyers who are regular attendants on the criminal side in the Bar room. I have seen you a number of times in the Bar room. I feel you may be acquainted with many of them. Do take up this work. It will be good especially for women like us".

"This is indeed a good suggestion...Now can you tell me about the earlier Tis Hazari as compared to the present one?"

"In those days the professionals were predominantly from Delhi. The profession also enjoyed a good reputation. The advocates could get good fees. However, now degradation has set

in. Of late, advocates from Bihar have brought the profession into disrepute. As in other professions there is a rush of Biharis in this one too. If you go about the court you will find that every other advocate is from Bihar. Cases we would charge Rs. 11,000 for, the Bihar man would be ready to take up for Rs 1000 or even Rs. 500. Some are there who would charge even less, Rs. 200-300!"

"Madam, I don't believe that the number of advocates from Bihar is so overwhelming. Another matter is that if somebody is ready to work for less, would it not be good for a poor litigant..."

"I do not mean to say that all advocates are from Bihar or that all of them work for marginal fees. This is not so. However, there are a good number of Biharis. And if you feel that a modest fee of Rs. 500-600 is helpful to poor litigants, you are mistaken. The really poor litigants go to the Legal Aid Cell. And when lawyers take marginal amounts, they often cheat the poor litigants. In point of fact, they are defaming the profession. That's why I say that on account of them the profession as a whole has come into disrepute".

"Well, how does the matter of your chamber stand? Was this chamber allotted to you or purchased by you?"

"Well, Chandra, the Tale of the Chamber is quite romantic. The chambers you see pertain to the post-Emergency period. Their condition in the pre-Emergency period was quite good. The campus was indeed very beautiful. In 1975, the advocates were also targeted by the state. All places where the Emergency was being discussed were the targets of Sanjay Gandhi. Now the lawyers' community is such that it will fall into argument over everything under the sun. One day without any prior notice all the legally allotted chambers were bulldozed. Tables, chairs, files almost everything turned to dust while we watched helplessly. I do not remember the precise date but there was such confusion in the courts! A number of lawyers went behind bars. The chambers you see now have come up during the regime which succeeded Indira Gandhi. There was a fresh allotment of plinths in 1977; 500 plinths each were allotted for the Civil and the Criminal sides. From 1977 to 1984 the advocates pursued their practice from these plinths. The orders for construction of chambers were issued only in 1984 and work started briskly. Now there are so many chambers that it is difficult to count them. Actually, people slowly started encroaching on open land and constructed chambers. All the chambers so constructed after

the regular ones were illegal. However, by and by DBA has regularised them and now all of them are regular. I was also allotted a plinth in 1977, whereupon I built this chamber in 1984".

"Well, do you feel that there is an undue increase in some special categories of cases or some special types of cases are now coming in?"

"That is very pertinent question. During the last few years, matrimonial cases have increased. During the last four-five years many cases of this type have come in".

"For any special reason...?"

"Upon the introduction of Section 498-A to IPC in 1983 (relating to dowry harassment by husband and in-laws), cases of this type have increased. In fact, women did not have any enabling provision for fighting the atrocities against them before this. They had to quietly put up with it or sort it out within the family. The insertion of Section 498 has given women a voice to raise against these. However, it is also true that of late this section has been misused on a large scale, which is undesirable".

"What has been your experience of the functioning of the court?"

"Everybody knows about the functioning of courts. Corruption, fraud, treachery, dishonesty are all parts of this functioning. No work in the court gets done without recourse to this. You have been practicing in Tis Hazari and should know how things stand. If you go on bribing each and every table in the court, there will be no hindrance in your work".

"How do you feel as a woman about continuing in this profession?"

"As a lawyer I would say that I am happy. I have a good practice. But as a woman I would say that this profession is beset with problems. You cannot keep late hours in the court because you are a woman. You cannot go to parties like men, nor anywhere else. You have to reach home in time, look after the children and also the husband, not to mention the in-laws. If you are a junior in the court you have to obey the order and dictates of the seniors".

"Can you speak about your family?"

"I have already mentioned that ours is a love marriage. We married in 1975. It was not so easy to do so then. My husband is a Muslim and I am a Hindu *bani a*. Can you imagine a *bani a* girl marrying a Muslim boy in 1975? But we did it. My husband is a

businessman. We have two children. My daughter is married and my son has given the entrance test to study law".

I bade adieu to Urmilaji, thanking her and acknowledging that I could learn a lot of things about Tis Hazari through her. I came out and walked towards the Ladies' Bar Room in a happy mood.

Wednesday, 25 August 2004

I have applied for anticipatory bail in a case today. There will be arguments tomorrow. Obviously, I should have all the facts of the case. When I asked the client for them, he told me that he had learnt only a couple of days ago that there was a criminal case against him. After disposing of my court work I reached my chamber by 1.30 pm. I remembered that I had entrusted my lunch box to Jyoti, the Bar Room attendant. I went back there, had a wash and asked Jyoti to fetch the lunch box.

After lunch I went towards the concerned court to take out a xerox copy of the FIR (First Information Report). I had already instructed the client to meet me outside the courtroom. I saw him waiting there. There was a big crowd at the entrance. Prisoners, their palms entwined with those of the police escorting them, sureties, interviewees et al, were standing there. The plastic chairs were all occupied by men. There was a big crowd of black-gown *walas* inside the courtroom. Normally one does not come across such a scene in court. Inside that space sat the Naib Court (a police employee who provides information regarding prosecution), his cabin behind a partition improvised by almirahs. I went in and enquired about my matter and asked for a copy of the FIR. "Yes, yes. You can have a copy. After all, why do you think I am sitting here? Only to serve you. If only I could have something to spend...", he said, pulling out a bunch of FIRs. After extracting a paper from the stack he entrusted it to a boy sitting by his side, asking him to go and photocopy it. Waiting for the boy to return, I sat on a chair in the last row, watching the workings of the court.

A hearing in an anticipatory bail petition of a woman was going on. The woman was present. After listening to the advocate the Court granted the bail and summoned the surety. A senior citizen of 70-75 years, wearing a white *dhoti-kurta* and turban came forward. The magistrate asked, "What is your relation with the petitioner?" "My daughter-in-law", came the answer. On hearing this, the magistrate repeated the question. The senior, expanding his reply a little, repeated, "I said she is my daughter-in-law". The magistrate got angry. "You don't know how

to address the court!" he yelled, and pushed the bail application to the right. He asked the police to 'take the woman into custody'. On hearing the magistrate's order, the police asked the woman to sit in a corner and wait. The senior citizen could not follow what was happening and innocently asked, "What happened?"

By this time the magistrate had already taken up another matter. The woman sitting in the corner started crying. Her advocate started to intercede on behalf of his client. "Your Honour, they are rural folks from Haryana. This is their way of speaking. The old man is also rather deaf". But all to no purpose. The next advocate waiting for his turn was already before the magistrate. In the meantime the boy who had gone for photocopying returned and whispered in my ear, "Madam, the Naib Court is calling you." I rushed to him. He handed over a two-page FIR to me. Then I fished in my pockets for paying his 'expenses'. I could not find any 20- or 50-rupee bills. Giving him a 100-rupee note, I asked him to refund Rs. 50; he thanked me, pretending he had not heard me. "This job is not worth more than Rs. 20-30", I said, and waited, hoping for some reaction from him. He said, "Madam, next time I will not charge you anything. Satisfied?"

Taking the two xeroxed pages I came out of the courtroom. My eyes fell on the woman sitting in the corner and the senior citizen who was her surety. Seeing his face, I could not help feeling that he was still trying to figure out to himself where he had gone wrong. Finally I controlled my emotions and came outside the court. My client waiting there said, "Indeed, it took a lot of time of yours, madam!" He followed me to the chamber, sat for some time and then rose to go. He signalled from outside for me to come. I went out and descended a few steps, when he said, "Madam, do you happen to have some money on you? I shall return it tomorrow". I had only Rs. 100 in my pocket. I took it out and held it out to him. He saluted me and went away.

I returned to the chamber. Two friends were waiting there. I discussed the following day's bail matter with them. Then taking out my black advocate's coat, I proceeded towards the library, for finding some citations relating to the bail matter. I spent about 40-45 minutes, got two-three citations and returned to my chamber. It was 4.15 pm by this time. I thought of going home and reading/writing up something for tomorrow's work. I picked up my bag and left. Even at this hour it was quite hot near the lock-up room I was passing. Small groups of people who had come

for interviews were still loitering about. Some two-three groups were sitting in the shed. Suddenly my eyes fell on the woman I had seen while I was on my way to the court. I walked up to her. I broached the idea of a conversation, but she wavered. She asked me about myself, and my intentions with regard to talking to her. On hearing my answer, she assumed I was some kind of correspondent. I again explained to her that I was not one, and that I only intended to write something about the daily life in court. This time she understood my identity but it appeared that she had not yet got out of the doubts about my role.

Her name was Rajjo. She gave her age as 30, but she did not seem a day younger than 35. It appeared that she had come with her younger brother four months ago to see her brother-in-law who was in police custody in the Tihar Jail. When I asked her about the nature of his crime, she countered, "I can tell you only if he had committed any. If the police are to be believed, there are 17 cases against him". This brother-in-law had been doing scooter-repairing work along with his brother. Somebody ascertained on the mobile whether he was at home. Within 15 minutes a dozen police constables descended, picked him up and went away. When family members and neighbours wanted to know the reasons for his arrest, the police said that for an answer they would have to come down to the *thana* (police station). When they went to the Patel Nagar *thana* they were threatened and ordered to leave. The family dialled 100 (Police Control Room crisis number); constables from the local police station came down and threatened Rajjo's husband. They bade him not to be too smart, failing which they would send him also to join his brother. The police also abused Rajjo.

According to the police, Naveen had been arrested red-handed while committing theft. He had also shot at the police. "Is it possible, madam, that a man shoots at ten people and not one gets hurt? For the last four months proceedings were being filed under 17 charges of theft, robbery, stabbing and unlicensed possession of arms. Suppose he was caught while stealing. Why so many different cases against him? They say the police do this to please their superiors. For promotions... Sureties for a couple of cases could be managed but not so many for all the different charges levelled against him. With so many cases against him the sureties are also quite likely to think that he must surely be guilty... I had to sell off my ornaments and even household utensils for attending the court on the various dates. Visits to jail, arranging sureties, advocate's fees, everything

costs money. Even if we were somehow able to get Naveen out, there will be nothing left to educate our children with, or repay loans". In spite of waiting from 9 am to 4.30 pm, there was no guarantee of meeting him. "Giving him anything is impossible. The police drove us away. They said that we might poison him". Under no circumstances were people without identification papers such as ration cards etc., allowed to visit detainees. One woman from Allahabad had come to see her husband but had no papers. She was refused an interview. She sat there crying for three days but the jail authorities did not allow her to see him.

"Madam, supposing there is only one breadwinner in a family and he is picked up and incarcerated for two-three years, what can his wife do? Poor women are sometimes not even literate. Who will give them work? Consequently, the women have many a time deflected from the straight and narrow path". Returning to her brother-in-law's case, Rajjo said, "The police allegation is that Naveen and his friends looted people in cars at gunpoint and also made away with the cars. I say, what were the police doing? What are they paid for? They picked them up from home and branded them with the charge of looting...What is the benefit of such laws? Law should be for deliverance, not for damnation like this. Anybody who has been put inside, even if he is innocent, will be tempted to do some mischief once he is out..."

"The magistrate does not use his head but simply led by the statements of the police and the advocates. He should think independently. He is a veritable god for the accused. He should give an opportunity for improvement to those who are misguided. There certainly are some judges who are good but most of them are out to destroy the careers of people. The staff at the courts is good; it is happy with just Rs. 20; there are some good policemen as well. Well, a tip of just Rs. 50-100 satisfies them. There are even some good advocates. But those who are established are not ready to listen without a large fee. Madam, why don't you give me your visiting card? One does not know when one may need help..."

Presently her brother standing just outside the shed called out, "*Di di*, look, Naveen is coming. Come quickly..."

Rajjo picked up a plastic bag lying by her side and started walking towards him. Suddenly she remembered something and said. "Madam, I will see you again and tell you many, many more things". Now she had almost broken into a run, her brother was running just ahead. The police were walking in front, holding Naveen by the hand.

Thursday, 14 October 2004

Elections to the Bar Association are scheduled for tomorrow. There is a big crowd of advocates in the court campus, and brisk activity. The advocate-candidates have not been attending hearings of their cases for the last fortnight. This occasion has provided a good opportunity for their supporters also to absent themselves from court for canvassing work. Even the judges are a little nervous about the candidates and are postponing the hearing for a mere asking. Even if the canvassing has officially come to an end, internally it is going on unabated. The outgoing members of the bar who are staking their claims again are telling everyone that they have created additional seats, got books for the library, have improved the shops and the canteens, etc. There has been a chain of parties thrown by the candidates in different hotels in Delhi. There is a generous distribution of gifts as well. The candidates may or may not personally be acquainted with the voters but they make it a point to send messages on the mobile, extending invitations for them to attend the parties. Since such parties start in the evening, women advocates cannot attend them. Only those whose husbands are in the same profession can do so. Looking at the impressive number of women advocates, no candidate is overlooking them but arranging parties during lunch hours in the Ladies' Bars both on the Civil side and the Criminal side of Tis Hazari. There are frequent occasions when there is more than one party on a given day. Some candidates are making do with tea and cold drinks in place of lunch or dinner parties.

Around 1 pm, when I reached the Bar Room on the Criminal side, I learnt that the candidate for the secretaryship is arranging a lunch party at 1.30 pm, followed by a tea and cold-drinks party by the candidate for treasurer. I returned to my chamber, planning to come back around the time of the party. As I was walking towards the Bar Room around 1.30 pm, I met Manju on the way. We fell into a conversation and reached the Bar Room talking. We found that unlike other days, the Bar was overflowing with women advocates. Two advocates got up from the sofa and we immediately claimed the seats. There was such a cacophony of voices that nothing could clearly be heard. Most of the advocates were busy eating. Jyoti and two other boys were providing plates for others who had still not got an opening to mount an attack. A *halwai* was busy taking out hot *puris* at the rear of the Bar. Presently Jyoti brought two plates for me and

Manju and we got down to the business of eating. Now our meandering talk was centred on eating and coming back to it again and again. Manju was saying that the food was quite good but she dwelt upon the irrelevance of such parties. After all, we would vote for those candidates whom we wanted, party or no party.

In the meantime the candidate for Secretary arrived with his supporters. Someone from the supporters introduced the candidates. The candidate then greeted the advocates with folded hands and said. "I hope the *khana* (food) is good...Tomorrow I should receive your support". Many of the women there were not even aware as to who was giving the party. After eating, some advocates were seen carrying eatables to their chambers and some clerks were also busy taking food there. Some women were talking among themselves, saying that for the last fortnight they have had to carry their lunches back home; others said they give the lunches away to their clerks. Most of the women, however, felt that it would be more appropriate if the candidates gave parties only after they won. Manju remarked that when kitty parties or Friends' Club parties are held, the women behave so very naturally. Since advocates give those parties, the women are careful to ensure that there is no wastage or breakage of the crockery. But today there is no limit to the wastage, and nobody cares.

By 3 pm everybody had finished partaking. Presently tea, coffee and cold drinks started coming in from the candidate for treasurer. Women chose their drinks and started enjoying the event. While this was going on, the candidate arrived with his army. Some senior advocates thanked him for the beverages and appealed to the audience to vote for him the next day. After both parties were over, and the women in favour of the candidates had left the scene, some women were overheard talking among themselves that in any case people have made up their minds on whom to vote for. They said that just because somebody has thrown a party or distributed gifts does not mean they have purchased the voters. They would vote only for that candidate to whom they were committed.

By about 3.30 pm there were hardly four or five women besides us there. Suddenly Neeraj Bakshi turned towards us and asked, "What are you people doing here in this din and bustle?" The fact is that none among us is a member or either the Friends' Club or the kitty party. You can even say that we have deliberately kept away from them, because in their parties most of the time women talk only about their families, in-laws or food, and nothing else.

We told Madam Bakshi that we were attending these parties just to take stock of what happens.

Madam Bakshi countered, "What can happen? This is an occasion for a get-together, eat-together, some fun. That's all!"

I asked if the male advocates also have similar clubs and this habit of parties.

She replied, "For them every day is a party day. Except for one or two people, they all have daily parties. As evening approaches, bottles get uncorked. They don't lack anything. And if we throw an occasional party once a month they are sure to peep in while passing, and that too in such a way as if they have not seen a women in their lives". She added, "Not that it happens here only. This happens at home also...When half-a-dozen advocates gather together they go out for a picnic somewhere or the other. And when we think of going on a picnic and that too on behalf of the Friends' Club, maybe once in two-three months, we have to obtain permission from our husbands".

By this time Madam Bakshi had become quite aggressive and went on, "What do we not do for them? We come to them leaving our parental home and hearth. Leave everything else aside. We become Mrs Bakshi from Miss Dutta. Even then we have to remain suppressed".

In the meantime Madam Chowdhary confronted her. "Madam, nothing can happen by mere talking, but only by doing. Like me. Even today I am Mitalee Chowdhary and not Mitalee Renu".

Manju carried her say forward. "Chandra here is still Chandra Nigam!"

Well, the argument was stretching on, and already enough time had passed. We could have continued, but Jyoti, who had joined duty at 9 am, had to go home. She said, "Madam please, can you carry on the argument later. I have to close the Bar Room. My children would be waiting and in any case it is already past 5.30 pm..."