



"COURT (2014): A RIVETING EXPLORATION OF JUSTICE AND SOCIETY IN THE HEART OF MUMBAI"

By Vinay Kumar
Research Scholar, Department of Laws,
Panjab University Chandigarh

INTRODUCTION

Narayan Kamble, an elderly poet, musician, and social crusader, is charged with instigating a sewer worker to commit suicide. The sewage worker allegedly listened to Kamble's song, then dropped himself into a sewer without safety equipment, intending to die by inhaling poisonous chemicals. The state then charged Narayan Kamble under Section 306 of the Indian penal code, which states abetment to suicide. Despite the absurdity of the charge, Kamble is imprisoned, and the 'tareekh par tarikh par tarikh tamasha' begins. Vinay Vora (Vivek Gomber), a well-educated and well-off lawyer, is drawn to the case and takes up Narayan's struggle. He's up against Nutan (Geetanjali Kulkarni), a public prosecutor unconcerned about Narayan's plight or the case's reasoning. This also shows how the public prosecutor does not heed the matters that are lied in the court for years. The movie shows the actual reality of the court and shows how the criminal justice system in India works.

The Court Movie has the following characters

- (i) Vivek Gomber – Vinay Vora (Human Rights Lawyer)
- (ii) Vira Sathidar – Narayan Kamble (Accused)
- (iii) Geetanjali Kulkarni – Public Prosecutor Nutan
- (iv) Usha Bane – Sharmila Pawar (Wife of Manual Scavenger)
- (v) Pradeep Joshi – Judge Sadavarte

The film depicts the concept of delivering justice to various elements of society in the Indian context and how the personal and professional levels of those involved in the system influence the very rationale of the judicial system. It demonstrates how human rights lawyers handle cases involving vulnerable members of society and how the state views them as a danger to the establishment.

REASONS BEHIND THE DEATH OF MANUAL SCAVENGER

Manual scavenging" is the act of manually/physically cleaning up of human waste, faeces or excreta from "insanitary latrines", "open drains", "sewerages" or "septic pits" and "tanks". The cleaning is done by bare hands involving most basic tools like brooms, buckets and baskets. With a long-drawn history of India, this practice of "manual scavenging" has always been linked to lower castes. The people working as manual scavengers are the ones who are the most disadvantageously placed communities in the country. They are so gruesomely poor that they have to deal with other human's waste only in the need to earn their bread for a day.

Reasons Behind The Death Of Manual Scavenger are as follows:-

1. Central Government makes laws, enacts legislation in order to cease this practice of manual scavenging, but the scenario in states and at lower basic levels is quite blood curdling one.
2. Panchayats, Village assemblies and Municipal Corporations fails to enforce personal family level prohibitions on Manual Scavenging, and even perpetuates the practice too often. For example, in the state of Maharashtra, Panchayats have hired individuals on the grounds of their caste to forcibly wash bathrooms and open defecation places, even denying them with other kinds of employment they are eligible for within the Panchayat.
3. Dalits are even denied of proper means of livelihood in the society considering them low class due to their menial jobs, consisting of not only manual scavengers, but also the jobs of cobblers or leather employees.
4. Manual Scavengers are considered as socially polluted people in the society, they are being termed as untouchables and are discriminated at all levels, not even allowing them to enter homes.
5. In villages, manual scavengers lack access to community water supplies, basic barber facilities, and are denied to enter in all common public places, terming them to be cheap and low class who would



spoil the whole community.

6. The ones who serve the entire community by putting themselves in the human waste of the whole society are often seen to be served water or tea in distinct cups, which are usually kept outside the house and are meant to be used by them only.

7. They are prevented from even entering the worship places, despite their religion or faith, they are kept aloof and away from shrines and are also not allowed to participate in spiritual and ceremonial group activities.

8. Caste till date remains the most used warrant to discriminate and treat cruelly and in inhumane way the people who are into menial jobs, especially in rural India, where caste designation still dictates strict responsibilities and entitlements.

9. The manual scavenging groups do not even have access to livelihood in the usual residential areas. They remain in distinct enclaves in towns and even in some urban areas, in line with traditional residential schemes. They have to manage their houses near the areas where general public usually is in the habit of disposing of the waste material of their homes.

10. They are usually provided with leftovers of food at home as reward in return of them serving the families and community by disposing of the human waste, which is a shameful thing to represent as they are not even considered human when giving them food. Food is the one of the basic necessity of human living, but even in that, they are being provided with waste and stale food which is usually discarded by the so called upper-class families to consider it eatable.

11. If ever any scavenger comes in close contact or proximity with the general public of society, they are being abused and even beaten up by the people.

Effect on the family of Manual Scavenger: in the court movie when the manual scavenger died due to the negligence of the municipality and the contractor. The family of manual scavengers leave the town and flees to the village because of the fear of harassment by the police and municipality officials. The people who belong to this marginalised section do not even know how to fight for their rights. In the court movie, when the advocate stands for the right of the manual scavenger and finds the family of deceased person and

takes them to court, the family asks the advocate to please provide some kind of work to them because she has to survive to take care of her children. The main reason the deceased family left the town is that they did not want to participate in court proceedings because a court proceeding in India is harassing the victims. Victims often have to travel a lot to reach into court and when they come to court, they get to know that the matter will be heard on another date.

Criminal Justice System in India: The Indian criminal justice system comprises three parts: the police, the courts, and the corrections. While watching the court movie, we learned how the police conduct careless investigations and how they disregard the basic principles of criminal jurisprudence and the introductory sections of the Criminal Procedure Code and fundamental rights under the Indian Constitution.

Police: The film depicts police officers behaving in a colonial manner. The primary goal of the police is to protect the residents of the country while also maintaining the rule of law. Despite this, police abuse the rule of law to instil terror among ordinary populations. While arresting the accused in this movie, police use arbitrary methods and use illegal means on the accused to confess the crime.

Judges: Major thing to be noted here is that the personal and professional life of an individual should not be treated separately. Whatever the person happens to be in private or in person, it would automatically reflect in his profession. Now a Judge interested in getting high packages from corporate world and comments on women and other sections of society in established regressive norms, how can a neutral or even pro-people (as in the concept of welfare) stance be expected. In the Court movie, similarly, it was depicted in the same sense when he commented on the woman's clothes and while giving bail orders to Kamble. It also shows how judges do not want to use their powers to uphold justice and relieve the accused.

Public Prosecutor and Defence Lawyer: The court movie depicts how a high profile defence lawyer works for the right of the marginalised section and how he is fighting for human rights.

The advocate Vinay pays even the security for the bail bond to ensure the freedom of the accused. The court movie depicts how a human rights lawyer gives his time and resources to the concept of justice. On the



other hand, the public prosecutor Nutan is least interested in the accused's condition and is always busy with the family's responsibility. The film depicts how the public prosecutor misuses the authority to punish the accused who is not an actual accused. The public prosecutor does not question the authorities for not providing any equipment for the protection of manual scavengers.

CONCLUSION

The attitude of people is the basic reason behind the persistence of practice of "Manual Scavenging". They face immense discrimination and prejudice in society despite they taking up the risky task of cleaning human excreta. "Article 21" of the "Constitution" must be brought into force to provide the manual scavengers with the basic right of a dignified and a simple life. There must be alternative jobs for scavengers and also they must be aware about their rights and health, hygiene practices to keep them away from this practice. The country is though progressing towards economic development, it is a shame for us that the presence of such inhumane activities brings us down and backward. We need consciousness to be combined with solutions which are technical and also the skill development to remove persisting manual scavengers and to provide them with other possibilities of employment. Every five days, a worker owing to inhalation of toxic fumes and gases while cleaning septic tanks suffer from severe health problems. The problem is a threat to human dignity and throws light on the issue of discrimination and casteism in our society. The Act gives permit for summary trial of the offenders and due to this compromises on the gravity of the offence. It also fails to provide for a time bound conversion of insanitary latrines to sanitary one's.

The Government should take up efforts to bring law in to effect through "local authorities" and "district magistrates". So, a vigilance committee needs to develop at subdivision, division, state and central levels. Each administration of the state must send regular updates to central government regarding its success in achieving and implementing the provisions of the act. The majority of manual scavengers are persecuted by the society because of the type of work they are involved in. They are considered untouchable and are told to accept their situations. The efforts must be made so that the children of these workers can have the proper access to education and are not discriminated against in society anymore. If there is a

proper joint efforts by both governmental and non-governmental organizations, there can be a "sharp drop" in the practice of "manual scavenging". The government must completely commit itself to establish modern sanitation systems and provide full support, which even includes financial stability to those communities who want to escape the vicious cycle of "manual scavenging" as these communities are only prone to discrimination and abuses by the society.

Under the existing system of justice delivery, courts are nothing more than a weapon of exploitation for the vast majority of persons in our criminal justice system. People feel threatened when filing a case and approaching the courts. The majority of crimes go unnoticed, and even when they are brought to court, it takes lot of time to get a judgement, leaving people hopelessly. In essence, law is a weapon for preserving the status quo, and the courts and justice system are only tools to assist the law in this endeavour. These Structures should be changed and must abolish the colonial laws. This is not to say that overthrowing the colonial framework will result in all of the desired outcomes; nonetheless, there will be potential for improvement and institutions that are pro-people and pro-community.

The Indian Constitution provides men and women equal rights. Domestic violence is prohibited, equal pay is provided, equal rights to property and inheritance are provided, and sexual assault and harassment are protected by a number of rights-based legislation. However, effective execution of these regulations remains a problem. All women, regardless of their financial situation, are entitled to free legal assistance under the Legal Services Authorities Act. However, they continue to face numerous obstacles in achieving justice and redressing their grievances. Domestic and public spaces are both rife with violence against women. In the previous ten years, crime against women has increased. The situation of poor and illiterate women is even worse, as they are unaware of their basic rights and find it impossible to seek remedy. Women are discouraged from seeking treatment in their communities, and those who do are stigmatised and marginalised by their families and community.
