

BAIL DENIED

By Chitra Gopalakrishnan

WHY WE LIKE IT: *A deeply moving story of a woman's struggle against India's chronically impaired justice system and the toll it takes on her life and those dear to her. Through exquisitely fashioned prose, luminous insight and a delicacy of emotional shading, we are drawn deeper and deeper into her ever more complicated drama. Bit by bit characters emerge into people of convincing substance and details of setting are burned into our brains. We breathe the smoggy air, hear the spices sizzling in the cooking oil, feel the weight of a mud-soaked sari, shield our eyes against the sunny field with sprouting vegetables and curl our noses at the foul-smelling satparni tree, a malevolent symbol that may also offer 'the devilish temptation of hope' and give what is most needed: the healing power of moral grace. A traditional, plot driven, linear story that simply cannot be improved upon. Quote: I know my anger will soon get the better of me. In my wounded condition, I feel I cannot understand anything or anyone, least of all myself. I am ashamed of being unable to reciprocate the friendly gestures of the gardeners, to the sheer humanity in their underbelly lives, or show gratitude to Ram Khelawan who escorts me unfailingly and without complaint to help me meet with my husband in jail and court. Or acknowledge to him that I know he spends his own money to do this and goes hungry while waiting in line with me." *Five stars.**

Bail Denied

Meera feels the earth pulse at her feet and its hot, fetid breath wander over her body.

Standing in the middle of a two-acre, thick-with-green field, on the outskirts of New Delhi, one lined with carrots, cabbages and cauliflowers, she idly watches the tiger stripes left behind in the sky by a retreating November sun.

Though the geographical terrain here is the same as that in her village Bandra Mau, in Rae Bareilly district that lies at the very heart of the neighbouring northern Indian state of Uttar Pradesh, she feels displaced. Removed from everything familiar.

She misses little things about her home. The shade of the overflowing *pipal* tree in her courtyard, the hollows in her brick courtyard walls where every evening she lights earthen lamps, the wooden cots woven with jute for the family and visitors to sit and her well-used mud stove, carefully coated carefully with clay every day. But essentially, and for the most part, she misses her five children who shape her life, with whom she begins her mornings and ends the day.

Sonu, who has just been with her a moment ago in the vegetable-laden field, has warned her about the niff, saying, "I have watered the field with a mixture of rotting mustard seeds, worm castings and moist leaf bedding" and shown her his calloused and reeky hands as proof.

But Meera doesn't mind the stench.

She is oddly comforted by this tepid overlay of smelly heat over her person as she is thankful for the disagreeable pall of grey smoke that covers her. The smog which catches some people in their throat, and gives them the feeling of swallowing glass shards, makes many others sick and a handful to die, is of no consequence to Meera's well-being. If anything, it is consolatory. A least for now.

It is strange, she thinks, that she should use this noxious, acid-tasting blanket of haze, one that has shot past the scales of measurement, as insulation from an alien world. As a cloak her from her present realities, from the outside world of consequence that evokes deep, unsettling emotions.

A week ago, a news anchor on a Hindi television station explained the smog over India's capital to be "a mix of rural and urban pollution", a pungent combination of ancient farm techniques and careless urban living, which makes itself known every October and November when the edge of winter can be felt. The well-spoken anchor blamed the resulting poor air quality in the city both for the deterioration of public health and the increasing pileups on national highways as poor visibility caused cars to crash into one another.

It is not this as much as the distracting fragrance from the single *satpalmi* tree within the property of the home that perturbs her. She knows this tree comes into bloom between October and December here and challenges everyone's olfactory organs to the extreme.

Though far away from the field she is now and invisible to her from her living quarters, its distinct balminess calls out to her over the distance. It speaks to her from beyond the frangipani-fringed lawns that enclose the home, a terracotta-tiled structure, which lies beyond the field.

In fact, it has summoned her since the day she has been here. Each of its oblong leaves, spread over seven green portions, and its creamy clusters of greenish-white flowers

seem to call out to her every day and mock her misery. The weary grief that has settled deep within her, one the stench and smog keep cloistered today.

She reluctantly admits to herself that there is something about the grandeur of its presence, its umbrella-shaped existence. Yet the distress it causes her by demanding she shed her misery is unbearable.

"Devil's tree," is what the gardeners, who work with her husband in the field and gardens of this home, call it. This when she asks for its local name in this part, in the far end of the city. "It is a tree that throws temptations in one's way and every winter Delhi sleeps soundly in the shade of the devil," adds Ram Khelawan, in harsh sibilants, without being asked. He is her husband's best friend.

Trying to forcefully disregard the smell of the *satparni* while wittingly cradling her lingering grief, she tunes all her senses to the melody of the pundit's prayers. To his hymns that waft through a loudspeaker from a nearby temple. She rocks herself involuntarily, huddling her plump arms together as she walks, and listens intently to the holy man's song-slides, this as he shifts from one devotional chant to another.

To deflect her faculties further from the flowering tree's insidious aroma, she thinks of her husband. A man of the soil. A man given to rising early, working long hours and taking on planting and small building projects around the farm areas of the capital. A man managing his labour force quietly and diligently and being there for them in their hour of

need and as much for his employers. Particularly so for them as they allow him to stay free of rent in the gardeners' quarters.

Yet there now appears to be a side to him, an unruly one, which she never has known to exist. A carnal side, dissatisfied with what she had to offer. Or satisfied only so long as he was with her.

While their partnership has always been strong and sexual encounters pleasing (proved amply during his annual visits to the family village home over thirty years and other times when he landed up unexpectedly), should it not have occurred to her, she wonders, in all these years to think and ask how he satisfied his sexual appetite in her absence.

Should she not have emboldened herself more, broken their old-fashioned intimacy, to insert herself forcefully into his everyday city life away from her? Should she not have foreseen to traverse the distance often, covered the miles to curb what the village women referred to as *mard ki fitraat*, the nature of the male? Should she have not let her body get full-figured and should she not have tidied up her middle-aged look?

At this point, in her unaccustomed surroundings, when questions such as these swirl in her mind, his fathering of her five children is inadequate proof of his love. Anger sweeps over her, over what she sees as her foolish naivety, her silly belief that she is the only one he has ever held close.

It disturbs her when Ram Khelawan speaks plainly of her husband without any of the delicate euphemisms normally used by men of her community when such issues are discussed. "Your husband has given in to the temptation of a dangerous kind, choosing the arms of a young, fleshy, woman over you. A city woman knowing in her ways of both pleasing and extorting."

As for her, social mores within her community expect that she as a wife control dissonant sexual cravings of this kind. There are unwritten rules that she be a closed book, never explore certain territories within and without. She has always adhered to this and never thought to question why such diktats do not see the immorality of men as an offence.

Meera lifts her sari above her ankles and steps delicately into the field furrows so as not to disturb the vegetables sprouting on the mounds. She continues on her walk in the field and this time she allows her mind to wander to the married woman who has afforded pleasures of the flesh to her husband, to the woman who has overstepped all expected social boundaries.

Though she has never seen her, she rages against the gliding images that come to her mind, based entirely on what Ram Khelawan has told her. Pictures of a young, diminutive but voluptuous, woman waiting for her husband on her bed, her eyes half-closed and her nose pin strobing in the sunlight. She envisions her rearranging her sari at her narrow waist, her breath shallow and head thrown back. And then she imagines this woman, with her red,

round *bindi* winking, forcing her husband to repeat her name over and over again. Maya, Maya, Maya!

These floating impressions nibble dangerously at her peace.

It is the tap of hunger and the aroma of lentils, rice and fried cauliflower, cooked over the slow, steady heat of the wood fire in the outdoors, which draws her back. She walks towards the cooking area just outside the room she shares with her husband's co-workers. She has been living here for the past two weeks.

The men have finished cooking and all that remains is for the lentils to be seasoned. She watches Sonu pour oil into the large, blackened copper-bottomed wok and throw in cumin seeds and long, dried red chillies just as the peppery mustard oil begins to simmer. With practiced ease, he makes sure not to sear the crackling whole spices into a charcoal black and pours the hissing, spitting mixture into the aluminium utensil that holds the cooked yellow lentil just as it begins to turn a shade of dark brown. The coals and the wood start to transition from black to grey and the hot, licking fires begin to die down.

"Living with these five men is very limiting as an experience and managing my private tasks as a woman is effortful but it is nothing compared to my humiliation, my anguish, of learning that my husband is booked for beating and raping the woman he had chosen to fulfil his sensual delights," she confides softly to a shocked Savitri, the maid of the house.

Savitri has just returned to the house from her annual leave. She is the only other woman around in the entire premise and is beyond shaken by the train of events that have occurred in her absence and Meera's trauma in particular. She is upset to see how the light has left her body and the soul-emptiness that she carries with her.

"My gardener husband who has the love for the earth in every crease and ripple of his body is the gentlest being I have known all my life. He could never do what he is accused of. Maya has filed a *farzi* rape case against him either to extort money or settle scores with him. In my meeting with him at the prison, while he admitted to consensual physical intimacy he swore that he did not violate her in any way. I believe him. The marks she bears have been in all likelihood inflicted by the husband in a fit of rage. Ram Khelawan says that she wanted to be part of his life and has done this to exact revenge. I don't know the truth and maybe I never will, yet I can tell you, in the thirty years of being married to my husband, I have never been hurt, not even by the brush of his fingernail. Yes, I am furious with him for straying and putting me in this situation but for him to be arrested for rape that never happened and that too indefinitely without any sort of clinching evidence is evil," Meera weeps.

Bringing her hand to her cheeks to roughly wipe the tears, before the men see her, she tells Savitri, "Leaving my three school-going children and two grown-up daughters in the care of indifferent relatives at our home and our fields' unattended to feel like huge crimes, follies that I am responsible for."

As her thin silver anklets and red glass bangles tinkle, she pulls her limp blue sari closer to her body, winds the loose, extra fabric tightly around her head, and continues, "Emotions of anger, fear, denial, weariness, bewilderment and shock come upon me daily, one upon another. Sometimes occurring all at once or in varying orders at varying times. I don't know how to deal with them. Or what to do. I can't believe what is happening to us. Never in my wildest dreams did I imagine my husband would be accused of rape. I understand what a woman violated goes through but I do not think my husband is capable of breaching a woman's sacred spaces. And it is unfair for the authorities to take just her words as proof and not my husband's."

"I do know that this woman who has wrongly accused him will soon become the shadow of the seductress who first enticed him. She may not even have the tenacity to continue with the gritty tangles of the court. And I am certain my husband has learnt his lesson and will never approach a woman again for sex. But I ask you, will our lives ever return to normal? Will our relatives and our neighbours ever look upon us without distrust? Will we be able to ever break out of the social isolation that I know will become a way of life when I return to the village?"

Savitri struggles to find restful answers that will soothe Meera. She feels guilty about not being able to offer to share her room with Meera. Her quarters are deep within the house and too small to accommodate another person.

Her regret is deep as she is aware of how cheerless Diwali, the festival of lights, gone by last month, has been for Meera and her family. Continuous rainfall in the months of September and early October, when the monsoons should have receded in their village, had left Meera with spoiled crops, deep mud in the fields and practically no money to run the household. Or spend it on food and festivities at Diwali. And a day before the festival, Meera learnt of the rape charge lodged against her husband by Maya at the local police station in Fatehpur Beri village of the Mehrauli district, forcing her to get on the bus and come alone to New Delhi. Something she has never attempted before.

Savitri also now knows that the recent violent scuffles between the Delhi police and the lawyers in Tis Hazari district court, on the second of November and later on the fourth of November in the district court of Saket, and the sit-in protests by the lawyers post these skirmishes, has spelt acute complications for Meera. The arson and bullets fired has meant that she has not been allowed to meet her husband in jail and the clampdown on courts has meant the missing of one court hearing and the postponement of the following one.

Savitri's reverie breaks when Meera speaks again.

"For an uneducated, unexposed woman like me, the law and the police are too much to handle. I writhe every time I have to make a trip to Tihar jail sitting astride on a motorcycle with Ram Khelawan as it is unacceptable for women in our community to travel unaccompanied with men not related to them. I sputter with shame, as much as his motorcycle does, all through our hour-and-and-half journey to the other end of the city. I

feel watched while standing in the long queue outside the jail and court and avoid conversation for fear of being asked what my husband is in for. And the jostling outside each of these places is demeaning for me as a woman and I cannot bring myself to reveal to you the horrors I face. There is also indignity in the fact that I cannot find a usable women's toilet in these places," Meera tells her.

In a low, broken voice, she continues, "I cringe each time a particular policeman sizes me up at the waiting line outside Tihar jail. He looks over me insolently as my identity card has my name as only Meera. 'What is your husband's name? Why is his name not attached to yours in the *Aadhar* card?' he asks each time I visit."

"Our beady-eyed lawyer is worse. He waits for an opportunity to throw legal jargon in my face. He tells me the section under which my husband has been booked is the most damaging of all sections in the law. He calls it Section 376. When I ask him why he has missed the single court date that I understand we have been given, he brusquely tells me that this has happened due to the lockdown in the court and that from now on I need to keep track of when my husband is to be produced in court so that he can follow-up. Being unlettered, I have no knowledge of what is in the first information and medical report that he refers to. And he orders me to fetch innumerable papers. I have given him our land papers though I am not quite sure why he needs them. I fear I will never see them again. I have paid him Rs. 25,000 as fees after borrowing from relatives and then as much again for what he calls 'settling issues with the police'. I don't know what he means by this. I have been advised

several times to approach the free legal aid cell within the Saket district court but fellow villagers say that the lawyers who work here demand a bit of money and don't show up for hearings. Now all I know for certain is money is the metric for everything at the court and that law and justice are two different things."

In the same faltering voice, she says, "The worst thing right now for me is to see my husband broken, to watch him worrying endlessly about our family. We have been threatened by his uncle early this year over a piece of land that the family jointly possesses and he even warned us that we may lose our son if we don't co-operate with him. I fear my husband is falling into himself as he is becoming sparse in his words. I am unable to reach out to him in the manner I want to. My meetings with him are always insufficient and unsatisfactory. The cramped, confining spaces of the jail's meeting room, the separating glass barricades, the timed conversations on the phone and the searching, intrusive looks of other visitors who lean shamelessly into our private exchanges do not allow us to have explicit conversations. Our disconnection bothers me."

Savitri also knows that it does not help Meera when Bablu, the driver, recounts that less than a third of people in Tihar jail are actually convicted yet the fate of under-trials hangs in balance for anywhere between a year and three. Having worked for a city judge earlier, he says that he has it on authority that "nine of every ten under-trials are between eighteen and fifty years of age and they comprise the most economically productive group."

Of rape cases, in particular, the judge has told him, says Bablu, that if the victim files a rape charge with the police after a time-lapse, say even after five or ten days, her medical reports are often inconclusive. While rape cannot be proved, it also becomes difficult to ensure her willingness and consent.

Meera's face turns ashen as a ten-day time lapse does hold true for husband's case. It seems to her Bablu stands both in appraisal and judgement of their case.

Seeing this, Savitri urges her not to bottle her feelings. "You need to unburden yourself to me, lighten the weight you are carrying inside of you," she cajoles her.

Meera allows herself this luxury, tells her of the preoccupations of her inner mind, the intangibles that bother her. "I have been visiting a religious *baba* hoping that my faith in religion will soothe over my earthly woes. The gardeners tell me that my husband was made to prune a *bargat* tree by the homeowner the day the police came to pick him up. Cutting this tree may not bear the blame for what has happened but it is inauspicious. I am trying to atone for this action and for his other sinful actions. But I fear it is not helping."

After a pause, she carries on, "I know my anger will soon get the better of me. In my wounded condition, I feel I cannot understand anything or anyone, least of all myself. I am ashamed of being unable to reciprocate the friendly gestures of the gardeners, to the sheer humanity in their underbelly lives, or show gratitude to Ram Khelawan who escorts me unfailingly and without complaint to help me meet with my husband in jail and court. Or

acknowledge to him that I know he spends his own money to do this and goes hungry while waiting in line with me.”

Hearing her talk of them, the five gardeners file into the room in a steady line. They squat on the floor, shift their positions uneasily and look at their soil-stained shirts that hang above on a long clothes peg. Like all men in their community, they will not make eye-contact with the two women sitting with them inside the room.

“How can they arrest my husband without proof, on spurious charges? Does the law not see that men can be wrongly accused as well? Is it not time to spare innocent men of anguish? Is it not unfair to keep him in the worst of jails for so long?” Meera rages

“I have been following the Ayodhya temple dispute on television closely as this shrine falls within my state and I have visited it several times as it is just over a 100 kilometres from where we live. Over the last week, I have seen how the Supreme Court has managed the impossible. It has arrived at a solution to the festering Ayodhya crisis and settled the fears of both the Hindus and Muslims, who have been warring for centuries over the possession of 2.77 acres of land. While one sect wishes to build a temple the other is keen to retain a mosque. If the highest court can arrive at a solution for a crisis that has been displaced out of its context and cartography in the extreme, cannot the lower court arrive at a reasonable time frame to hear my husband’s case? Cannot this creaking subordinate judiciary, my first and only contact for justice, be made to step up, made to be humane? This is what comes to my uneducated mind,” Meera says.

The men have no answers for her reasoning, her unrelenting questions or barricades to break her anger.

Ram Khelawan's cell phone rings. It is news from the lawyer. He never calls Meera always Ram Khelawan. He says he is ready for the bail argument the next morning.

At the Saket district court next morning, the scattered sense of order, the overriding confusion where no one seems to know what is happening, the overcrowding of litigants and the evil menace that the lawyers carry with them in their flapping, black robes unspool Meera's insides. To her, this world seems to pivot on a different set of rules, laws unknown to her.

As she waits outside the courtroom allotted to them with Ram Khelawan and their lawyer, her despondency sharpens as she overhears a man standing next to her talking to a family member. "This judge will have anything between thirty to sixty cases listed before him for today. I am sure he will adjourn at least forty of them. Our case has had six adjournments so far. I have heard some cases are over six years old."

Through a crack in the door, she sees the judge sitting on a raised platform and speak to a group of people but can hear nothing concrete. Snatches of his words reach her ears - "Mohan Vaid *hazir ho*" (Come forward Mohan Vaid), *jawaab do* (answer the question), *haan ya na bolo* (say yes or no) and *sunwai ki agle tareek agle mahine ki chaubees tareek ko hain* (the next hearing will be on the twenty fourth of the next month).

Meera is not even aware that her husband's case has come up for hearing until she sees him being hurriedly escorted before the judge by two policemen. She stands irresolute and the lawyer does not insist she come in.

The import of the judgement on his case dawns on her only when her husband is hurriedly escorted away before she can speak to him. She figures he has not made bail. She breaks down when she also realises that she has been unable to say a word to him or assure him of sympathy and support with the flicker of her eyes. Or a gesture of some sort.

Has his bail been denied because of the grim first information report the woman has filed? Or it is because the medical report proves something? Or because it is inconclusive? Or did the judge not have sufficient evidence to decide in favour of a bail? Or are there too many cases he has pending and this seemed to him the best way to settle her husband's case?

She knows she will never have these answers right away as her lawyer says he needs to rush to attend to another case. She will have to wait for his phone call tomorrow to understand, for something tangible and finite that will help with her incomprehension of these issues. Ram Khelawan's bewilderment is as extreme as hers.

An aching void settles within her. The motorcycle ride back to her quarters deepens her dejection. In the evening, a deep, brooding silence settles within the gardeners' room. The men don't know what to say to her.

As she sits with them in the stillness of the night, the scent trail of the *satparni* invades her nostrils. She can hear its challenge or rather its whispered warnings. It seems to say that being defeated this way is not permanent but giving up is what will make her loss enduring, it is what will entrench her misery.

She is silent for a long time and then finds her voice.

With indrawn breath, she says, "I am aware that my life has changed and that I don't have the means to keep my known and familiar world. But I will not allow my present load to break me. I will learn to carry it better. I know all of us are paying a steep price for my husband's straying but I know he is not capable of rape. We all seem to be fighting systems and institutions that are failing us as much as we are fighting a person and our remedies are small. Yet with your help, I can fight on till the end. I am not sure how many years, resources or adjournments it will take and how I will bear up to the testing of time. Yet I intend to put his needs above others as I know he is innocent. I will continue to stay on here if you will allow me, my children, my home and my fields can wait. And I am okay for all in my family to survive on *rotis* (bread) salt until then."

In the dim light of the room, Sonu wordlessly hands her a plate of food and extends a blanket to her.

She sets the food on the ground, wraps the blanket around her and walks determinedly towards the *satparni* tree although it is pitch dark.

Despite the bad news, she feels alive. In the new rush of energy, she is ready to shed her misery and succumb to the devilish temptation of hope. Step out of herself to risk a change in her relationship to the world. Weather its uncertainties and contradictions. See the urgency as well the power of the moment she is in. As also the purpose beyond her suffering and despair. And she intends to view all these doings as godly audacity on her part.

She prepares herself for their lawyer's call in the morning. **THE END**

AUTHOR'S NOTE: *Solitary and silent women have not fared well in stories as their narratives have almost always been taken over by the others.*

I have capriciously exploited the story of Meera, a poor hapless, unexposed, rural woman forced to abandon her children, fields and her home in a village in Uttar Pradesh and make her way to New Delhi's jails and courts to seek justice for her husband who is booked for rape, to find her voice, her language and her lonely struggle, one that moves between doubt and certitude.

While the story uncovers the inadequacies of the capital's justice system, the lack of professionalism and timely evidence-based justice at the police stations, the prison and the courts, it takes you to the dark corners of her mind as it does to her resilience and wisdom in adapting to the willful ways of society and the justice system. The idea is to show how she opens the door onto new permissions in her life, quietly yet surely, without giving the feeling of raised flags.

I have been inspired many, many voices but the tonalities of Joan Didion, Margaret Atwood, Iris Murdoch, Jeanette Winterson and Diana Athill linger longer in my mind

BIO: *I am a New Delhi-based journalist by training, a social development communication consultant by profession and a creative writer by choice. I have authored several books on issues relating to social development and my short stories have been accepted by Celestial Echo Press, Black Hare Press, Me First Magazine, Terror House Magazine, Literary Yard, Truancy, Spillwords, Runcible Spoon and Friday Flash Fiction among others.*

I am intrigued by people living on the margins and I hear them better than I do most others.

