

In Search of Justice

The battle of memory against indifference

I

My name is X. It could be Zakiya Jaffri or Rupaben or even A or B. I am a citizen, an Indian, a Muslim, a woman, a survivor, a witness. Originally, I never thought of all of these identities. I was just a housewife. Sometimes I feel that housewives stand outside history till politics takes over. I was content in my house and with my family, each relationship, like an envelope, a cocoon that encompassed me.





My life was a chorus of familiar sounds and colours, a litany of habit, of children growing up, of generations changing, of working hard even to dream small. Then history intrudes. It mauls you; it molests you as a riot becomes a rape of identities. The normal breaks like a fragile egg and never returns, as we become Humpty-Dumpty's of yesterday, never to be put together again.

As housewives, we felt betrayed by the riot. It was a double displacement. We lost our families and we lost our homes. Space and place, both were destroyed. For us, justice became a need to rebuild place, our homes, the little cosmos we call neighbourhoods that kept us going. For us, justice was a search for guarantees, a

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search that this never happens again, to us or to anyone. We claim no copyright on suffering, no patent on torture. Tortured families might look alike but each individual being suffers pain in his singular way.

What I want to raise today is a different question, a question that each of our autobiographies raises in a different way and that all must answer collectively. What is justice?

II

I admit that I am not a scholar. I am neither a lawyer nor a judge. I have no bywords to hide behind. For 10 years my people have been talking of justice. Many talk as if sentencing one man would deliver justice. One man cannot atone for genocide. One man sounds too puny to embody all the colours of evil unleashed then. Others think that obtaining justice is like repairing a machine. Justice literally summons the plumber to repair the leaks of life. Others see justice as a balance, where one bad deed triggers another. Godhra led to Gulberg and people think or feel that revenge is a form of justice. Maybe. For others, especially clerks, justice is procedure, a strange occult ritual, where rules must be followed correctly to create an effect. I might be illiterate but procedures guarantee fairness not justice.

Procedures can fine-tune justice but justice is something bigger and smaller. It can be done by measure or by rule of thumb. But eventually, for all its sense of measure, proof, objectivity, justice is that moment when a cosmos feels just right again. For others, justice is like an act of certification, a recommendation, a ration card, a badge, a unique identification which says or verifies that a procedure has been followed and a stature confirmed. As a housewife, I claim that such definitions don't capture my story. My husband was murdered, my children burnt and I was raped. Simple facts. And I asked for justice.





I remember the first time we filed an affidavit. We were so proud, so full of civics. It was an initiation ritual, the sense that citizenship is also a form of competence. It was such an innocent act of faith, a belief that the affidavit would bring instant justice. Our belief in the courts was naïve. We thought the courts would hear us and act instantly. I remember Teestaben and Suhelbhai telling us that there was no instant justice. They talked of '84 and Bombay, about how far they had gone and how much was still left. They tried to explain, holding hands, and simplify the process. It is then that you realise that justice is a form of waiting. It does not make a difference whether you wait in silence or in anger. But waiting cannot be a passive act. You have to reinvent justice. It is a craft, a craft ritual which every citizen has to learn and it is hard and pitiless. It is a double act where a survivor becomes a witness. Justice is a twofold act of memory. You have to remember what had happened to you and then remind society of what it has forgotten.

Being a witness is a surreal act because all those who raped you, murdered people close to you, walk normally around you. The rapist looks you in the eye and jokes with the policeman sent to protect you. Justice is the battle of memory against indifference. You pick up the courage to file a first information report (FIR) and it becomes an act of torture. You have to file your affidavits in two languages, tell the world how you were raped in two dialects. Lower courts demands two languages whereas higher courts are content with one. As you work hard with telling your story, you realise citizenship is a skill, a form of literacy you never practised. You rebuild yourself by finding yourself. In constructing yourself, you construct a community. Witness demands company and we women learn to be witnesses together. You realise that everydayness after a riot is a form of courage. The policeman, the clerk, the majority treat you as a joke. A witness, especially a woman,

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asking for justice is like a Dalit wearing a full three-piece suit. You become an object of laughter, of contempt, merely for being or wanting to be a human.

Justice is a claim to dignity that society cannot understand. Grief and mourning are not enough. One must identify the body, describe the wounds and elaborate the events. It is like choreography, a recreation of something that you desperately want to forget.

Justice becomes like a long pregnancy with many abortions. Your every act of witness is a foetus which some clerk aborts or some policeman flicks into a dustbin. Facts remain stillborn because the state is deaf. Then you realise that for all its magical power, justice, unlike beauty, is a secondary concept. Justice is always rebuilding, restoring, restitutive, reordering, and repairing. You repair a world which is broken. Justice is the real myth of the eternal return, the dream that you can repair or restore a broken world. Justice is always *afterward*.

III

Every witness needs a listener, not just another survivor but someone from the outside, someone who listens, who tolerates the eternal repetition of witness. To be a witness is to repeat, to retell so that one day you may restore. Justice is a million repetitions. As you repeat your story, it becomes a cuticle on you, a callous second skin, thickened by indifference, thickened by waiting.

There are also threats. The women of the accused would sit with us and argue: “How long do you think you will last?” They told us in Naroda Patiya that we were daily wagers and that as daily wagers, we would not succeed. The court gave many of us security as witnesses. But that made us spectacles, targets of questioning. We were asked repeatedly why we insisted on pursuing the cases. Every ‘why’ hardened us, made us realise that the battle would be a long one, that the first affidavit was the end of innocence, of *nad’veté*. I realise that pursuing justice is a tiring act. It hardens you. Yet let me tell you that the cliché, justice delayed is justice denied, is only partly true. What is truer is that justice waylaid is justice denied. Waiting can still be liveable but watching justice being mimicked cynically is painful.

IV

It began with our police and the law courts trying to merge cases or ignoring affidavits. An absent-minded or indifferent justice system hurts the dignity of law. The beauty however is that untruth at one level can face the truth of another level. When the local court refused to be fair, the Supreme Court stepped in to guarantee due process. There are tensions. Sometimes the brute rule of majority makes the rule of law seem fragile. But you persist.

The Supreme Court in its wisdom set up the Special Investigation Team (SIT) to investigate investigations. The idea is a beautiful one. The SIT had tremendous powers. It could summon anyone, reopen any investigation.

Yet it was almost chaste in its use of law, seeking to say little or do even less. I think it saw investigation as a pollution ritual refusing to be contaminated. Law sometimes gets caught in its own paradoxes. The SIT had no local team. It used the police in Gujarat to police the investigation. There is a touch of irony here, expecting vested interests to police vested interests. Yet with the sanctity of the Supreme Court backing, we expected a lot. The SIT was disappointing, distant. As one of us said, even virgins would be more forthcoming.

Thinking of the SIT and of Gujarat, you realise that the old Gandhian term, 'the oceanic circle', fits our notion of justice as a lived fact. The court judgements can have the integrity of the burnished sword but justice as being, as consequence, as absence, refers to events in another way. People forget that we have to return to our homes but ignore the fact that we cannot. Standing in the way is a real estate operator or a Bajrang Dal obsessive. Without a return to livelihood and neighbourhood, there is no return to normalcy and without it, there is no forgiveness, no forgetting or justice. Our transit camps are pigsties and Mr Modi thinks life is normal. Maybe for pigs. As humans, we have to ask for more.

V

There is also another displacement that people talk about. Justice for the majority is not a priority. They seem to prefer development to justice. They even believe that development guarantees justice. Development acquires sacredness, a Camelot-like status, whereas justice is seen as banal, even retrograde. We are asked to forget in the name of development, to be citizens by emptying our cupboard of all our identities. Only the empty Muslim is welcome. Progress is a beautiful word. It asks us to erase our memories. When people say that Gujarat has developed, it only means that they have forgotten us. I wish people would develop our transit camps. Begin with hope and tap water. And drainage. We want development too but we want development with freedom and justice.



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Then came the blessed SIT ruling. A half-cooked judgement. A hiccup rushed to the press. The headlines read: 'Modi gets a clean chit', claiming that he did not light the fire. It even says he was correct in rushing the bodies from Godhra to Ahmedabad. We listen silently. We are disappointed.

The SIT was set up as a moral trustee, a tuning fork to guarantee the resonance of justice. Yet it changed shape as it developed. It became a gatekeeper for information rather than a guarantor of procedure or truth. Its style struck us as being remote. We could hardly access it. It literally refused access to the victims. Mr Raghavan was like a viceroy whom the natives spied at a distance. Yet I believe that the SIT remained porous to the government as it remained impregnable to us. I guess the final obscenity came when it denied Zakiya Jaffri access to its judgement. One wonders whether the 'some will have more justice than others' tactic dims our chances. I guess the SIT has run its course. It is back to the courts. But by now citizenship is a reflex. We go on; clear that living life means living with justice, for justice.