

Says Who?

Trial By Error : The Aarushi Files

Rumour and Cultural Conditioning often abet crimes, subvert justice and determine how society shapes its Truths.

The summer I was fifteen, I went on a date with a nice boy in my year at school who I thought “liked” me – more than in the present day Facebook sense. We sneaked into a patchy screening of **Grease 2** and held sweaty hands in the dark environs of Chanakya cinema. This was before malls and multiplexes, before texting and emoticons, before glossy selfies in nude t-shirts, before lust-filled soap operas, before reality TV news and web podcasts, before rave parties loaded with ecstasy and coke, before fantasy porn on the family internet.

For me, it was merely New Delhi, 1987 and a naïve, hormone-charged Age of Innocence.

Those were deprived, interesting times. A daily dose of Rumour thrived as the only viable form of popular entertainment. Gossip and speculation assumed iconic status as the true opiate of the masses (right wing religious fundamentalism wasn't really in vogue back then). Moral outrage over who said / did / wore whatever (and always tinged with envy) was just another reasonable expression of a Basic Human Right.

To come to the point. The morning after my date with romantic bliss, my teenaged dragon-slayer morphed into a regular tell-all creep with a talent for embellishment. By third period geography, everyone in class believed that my bruises (from basketball practice) were love bites. By recess, the whole school was convinced we'd “gone all the

way". By the time the bell rang at the end of the day, I was the slut who could be felt up by anyone willing to give me a ride home in a red Maruti.

I laughed it off and braved the silly notoriety of being Bold and Bad, not realizing how much this mythology would define my entire adolescence. Even so, I escaped relatively unscathed. A few years later, I also managed to be a girl who graduated with honours, wrote publishable essays, aced a degree in Media Communications, and launched a career before I was 22. Life opened up for me, and I forgot about the juvenile politics of high school. But I became aware of something larger and more important : how dangerous Rumour can be, how ignorant assumptions can sometimes end in real, inescapable tragedy for people, families, and society as a whole.

Much has been written about the 2008 Aarushi Talwar – Hemraj Banjade double murder in Noida, a suburb of Delhi's NCR. Aarushi's parents have been convicted of the crime – many say unfairly and purely on circumstantial grounds – and the case has faded in the wake of fresher scandals. What has refused to die, however, is Public Opinion, a shapeless monster based not on Fact, but on Rumour and its equally hell-raising twin, Cultural Conditioning.

Aarushi, a 14-year-old girl, and the family's domestic employee, 40-something Hemraj, were discovered, lifeless and lying in a pool of blood, one morning eight summers ago – she in her bedroom; he on the terrace of the apartment a day later. In the days, weeks, months and years that followed, It Was Said : police investigations were laughably amateur, crucial evidence was tampered with, autopsy reports were manipulated, and random arrests were made even as the case swung between the butter-fingered Noida

police and the sharpened talons of the CBI. The media stoically presented every update, and with it, a nightly dose of Wagging Tongues, masquerading as Insider Analysis, which creatively stabbed guesses at the mindset of every bumbling cop, provincial judge, social frenemy, moralistic neighbour, confused onlooker. The sappy towel of Rumour and Cultural Conditioning was wrung dry; sound-bites and editorials amounted to little more than careless character assassination; social, economic and class-based stereotypes of every kind overshadowed the real, human lives and deaths within this very personal, inexplicable tragedy.

Aarushi was an out-of-control tease. Look at her dancing in shorts in that sleep-over video. Aarushi had promiscuous affairs – why else would she be reading a book with the phrase “three mistakes” in the title? The Talwars are English-speaking, social drinkers, party-goers, double-income professionals, who knows what goes on in that world? Rajesh Talwar is known to have a temper, maybe he caught his beloved daughter with the male servant in bed and you know, who wouldn’t lose it and swing a golf club or two at them and knock them senseless? And then use professional dentistry skills to slit their throats with a scalpel and make it appear like the work of low-life killers? This is India, who says People Like Us don’t commit the odd Honour Killing? And I bet Mom helped cover up the Truth – have you even once seen that woman crying on TV? What woman wouldn’t cry over her dead child? Anyway, who knows. We’re just speculating. And what of Hemraj? He isn’t sexy enough to speculate on. A dead servant. While on that subject, don’t employ male domestics when you have a young girl in the house. He was involved with a shady gang of men from the

neighbourhood, all from the same hometown, all drinkers and petty criminals who had lustful eyes for Aarushi. What to do?

Then a film was made and a book was written, both well-intentioned in their zeal to expose the mess created by Rumour and Cultural Conditioning. Yet neither has been able to avoid the trap of a familiar counter narrative, which is equally unsubstantiated Rumour, equally extreme Cultural Conditioning. That this is the common and harrowing saga of an innocent middle-class couple, trapped by the murky mindsets of shoddy police and corrupt judges; helpless victims of a machiavellian state machinery which, in order to save face and secure a conviction, let the “real” culprits go free and sentenced the Talwars. This sort of thing could happen to People Like Us. Such is our corrupt, uneducated, hopeless system, what to do? Another candle light protest march? Forget it. Nothing will change. But watch the film. Read the book. This could happen to You.

As of November 2013, Rajesh and Nupur Talwar were found guilty of the double murders. They serve life terms in Ghaziabad’s Dasna Jail, awaiting appeal to a higher court.

Aarushi herself, who would today be 21 and getting on with her life, has faded from the public imagination. But every day throws up newer, fresher stories of tragedy, and the outcome of these tales continue to be fuelled, if not scripted, by the power of Rumour and the Death Knell of Cultural Conditioning.

Sometime between 2010 and 2015, I co-wrote the screenplay of a Bollywood film called ***Love Affair***. The story is based on real events and is set around the 1959 South Bombay murder of Prem Ahuja, a wealthy, charismatic business tycoon with an eye for

attractive women. Ahuja was having an affair with Sylvia, the beautiful English wife of a Gujarati-Parsi Naval Commander, Kavas Nanavati. As per court records, when Nanavati heard of the matter, he confronted Ahuja with a loaded gun and demanded that Ahuja do the honourable act of marrying Sylvia. When Ahuja scoffed and refused, Nanavati shot him in cold blood and then calmly turned himself in. The scandal rocked the city, but even more shocking than the crime, was Nanavati's acquittal by a lower court. Rumour and Cultural Conditioning had scored another victory : Nanavati was a naval hero, driven out of sheer macho honour to kill his wife's scoundrel of a lover. The all-female Parsi jury cried into their hankies and saw Nanavati as a romantic figure; the BLITZ tabloid, owned by a fellow Parsi, further oiled and greased this myth of male pride and bravado; a blockbuster movie called ***Yeh Raaste Hain Pyaar Ke*** was quickly made to uphold the moral sanctity of marriage. And Prem Ahuja, murdered in his bath towel in his Worli bedroom, went from hapless victim to villain of the piece, truth and justice be damned.

Eventually, Nanavati was convicted, and a few years later, officially pardoned. He and his family left the country soon after. The case faded out, remaining notable for only one reason : it would be the last trial by jury in India. Because juries can be swayed – by Rumour and Cultural Conditioning – and that counted for more in the early days of the Nanavati trial than the presence of eye-witnesses and hard legal evidence.

The irony is hard to ignore between these two sensational murders – and their subsequent trials – separated by half a century in time and playing to very different circumstances. But society hasn't changed all that much. Both cases highlight how guilt

and innocence is so deeply and often irreversibly determined by damning public perception, a perception more stubborn and strong-willed than iron-clad facts.

Rumour and Cultural Conditioning will not disappear from the human psyche, from the individual and collective need of a continuously evolving society to speculate and demystify when there are no clear answers. In any case, the Truth, as all philosophy would insist, has many layers and multiple interpretations. What is scary is when the Truth simply becomes irrelevant; footnotes in a ghost story rather than the deserving finales of the dramas that are real life.

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