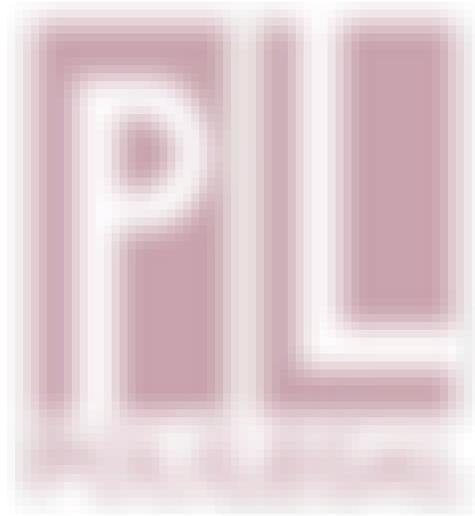


# Beyond the Silver Screen: Uncovering the Troubled System of the Indian Judiciary with the film 'Court'

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What comes to your mind as you close your eyes and think of a courtroom? Do you see a grand, ornate setting with polished furniture and modern technology? Or, perhaps, do you hear the resounding voice of a passionate lawyer arguing eloquently on behalf of their client? For many Indians, the images that flood their minds when they think of the judiciary are often gleaned from the silver screen, where courtroom dramas abound. From Sunny Deol's fiery "*Tareekh par Tareekh*" to the polished legal arguments of recent blockbusters like "Pink," the movies have painted a vivid picture of the Indian judiciary. However, as with many things in life, the reality is often far from what we see on screen. While cinema may have romanticized the judicial system, it has also helped to obscure some of the problems that plague it. Enter Chaitanya Tamhane's groundbreaking film, 'Court.' Through its characters and nuanced plot, 'Court' offers an accurate depiction of the Indian judiciary because it takes into account the reality of the Indian judicial system. While some may argue that the film is biased against the judiciary, real-life cases demonstrate the accuracy of its depiction.

Studies have shown that popular culture often portrays lawyers and the judiciary in a manner that is divorced from reality. Creekmur and Sidel note that “narrative logic or sheer entertainment” often drives these unrealistic depictions, with lawyers depicted as heroic figures who always triumph in the courtroom. However, Chaitanya Tamhane’s ‘Court’ subverts these conventions, offering a more authentic and nuanced portrayal of the Indian judiciary. The film explores Narayan Kamble’s trial, a folk singer wrongly accused of inciting a sewage worker to commit suicide, and how he is trapped in a vicious circle of unfair trials by the system. As said by Tamhane in one of the interviews, “things were not like what I have seen on television”, the reality of the judiciary was far removed from the polished and organized settings portrayed in popular media, and thus he was inspired to create ‘Court.’

As said by Keienburg, the film is “a parody and corrective of the genre of Courtroom Drama”, where the director Chaitanya Tamhane presents a starkly authentic picture of the sessions court in Mumbai.[3] The initial courtroom scene sets the tone for the rest of the film, where the judge asks a police officer about the large group of people standing at the end, and the officer replies that they had been arrested for travelling in the handicapped compartment of a train. Despite the portrayed gravity typically associated with the delivery of justice, the scene is brisk and unceremonious, with each person fined and sent away without hesitation. This tonal shift reflects the overall approach to justice in courts, which is often administered with a mixture of uncomfortable speed and nonchalance. This atmosphere is further emphasized by the film’s setting, a dusty courtroom cluttered with old files stored in almirahs and lacking proper seating arrangements. The portrayal of court proceedings in ‘Court’ differs from what is commonly depicted in cinema. While films typically focus on high-profile murder cases or the trials of prominent figures, ‘Court’ presents the reality of lower courts, where they encounter a diverse range of cases, ranging from trivial disputes such as passengers boarding the disabled coach and thefts committed by neighbours to capital crimes.

As reviewer Malcolm Nicholson notes, ‘Court’ is a “black comedy of mildly absurdist proportions,” depicting a world of cryptic laws where the pile of cases waiting to be heard eternal.[4] The lines from Narayan Kamble’s song, “Yet you did not muffle me, Showed the courtesy to try me in court. How you rendered a favour onto me,” speaks to the flaws of the Indian judicial system, where the basic right to a fair trial is seen as a favour. ‘Court’ provides a raw and authentic portrayal of the struggles of people within the Indian judiciary. It highlights the harsh reality faced by thousands of undertrials languishing in jails, such as being deprived of their legal rights of speedy trial and adequate legal aid and experiencing systemic discrimination, through the character of Narayan Kamble. The film ‘Court’ also sheds light on the issue of undertrials being denied bail, which exacerbates their difficulties. Despite the fact that Narayan Kamble’s case lacked merit, the court refused to grant him

bail, leaving him trapped in the vicious cycle of unfair trials. The scenario depicted in the film is not an isolated incident but rather a reflection of the Indian judicial system's reality. The National Crime Records Bureau's statistics indicate that two-thirds of prisoners are held in custody for years without being convicted, which highlights the failure of the system to deliver fair and speedy justice for all.

Another reality of the judiciary that the film highlights is its ignorance of the draconian use of laws. In the later part of the film, Kamble has been arrested under the charges of Sedition and Unlawful Activities (Prevention) Amendment Act (UAPA) 2008, where there is no provision for bail. Despite the act's loopholes of unclear language, authoritarian nature, and possibilities of framing bogus charges, the court decided to turn a blind eye and went ahead to charge Kamble. There have been several cases where the Indian judiciary has failed to address the misuse of oppressive laws by the powerful to suppress the powerless, despite having the authority to interpret the ambiguous provisions of these laws in a way that aligns with their intended purpose. One such instance is the death of Stan Swamy, which Ramchandra Guha characterizes as a "judicial murder", as the Indian judicial system failed to deliver justice owing to the misuse and abuse of the UAPA law. Stan Swamy was detained based on frivolous accusations under the UAPA, denied bail despite his deteriorating health and numerous appeals, and eventually died in custody.

Although many recognize 'Court' as an accurate depiction of reality, some argue that its premise is unreasonable and does not truly reflect the truth. For instance, in his article about Dalit representation in cinema, Imran Mulla points out that the film's central concept - a never-ending trial of a folk singer - is an illogical outcome of a baseless charge. Additionally, critics argue that the film's plot, where a protest singer is charged with abetment to suicide, is purely fictional and is not based on actual events. Therefore, the film fails to depict the true nature of the judiciary in real-life cases and instead presents a biased perspective that is unfairly critical of the legal system. While it is true that the film is a work of fiction, as confirmed by the director in various interviews, it should be noted that the fictional narrative does not diminish the reality of injustices that have occurred within the Indian judiciary. There may not be any reported instances where a protest singer was charged with abetment to suicide, but in the past, there have been various instances where the state has levied baseless charges against protestors, including folk singers and other artists, and the judiciary has put a blind eye resulting in prolonged and absurd trials. The case of Kabir Kala Manch is a relevant example of this, where poets and singers were arrested and prosecuted under UAPA on spurious charges of terrorism. Despite being students and pregnant women, the accused were denied bail on flimsy grounds, leading to prolonged and unjust trials. The

Bhima Koregaon case is another instance where numerous activists from marginalized communities were apprehended, and despite insufficient evidence and torture during interrogation, they have remained incarcerated for several years.

On the other hand, Yogesh Maitreya argues that the film cleverly drags away our attention from the semiotics of caste to court as a faulty structure. He argues that Tamhane being a Brahmin, deliberately neglects the importance of the narratives of manual scavengers. He doubts that Tamhane's court is another "Brahminical propaganda," where they show the plights of the marginalized on the one hand but hide the oppression, they themselves do. Maitreya argues that the Brahmin director has deliberately shown a biased portrayal of the judicial system, putting the entire blame on its institutional flaws while hiding the critical role of caste in this process, considering the fact that the majority of the judges are Brahmins. Also, he argues that the director, while showing the personal lives of all the characters, has deliberately not shown the life of Vasudev Pawar, the manual scavenger, to keep the Brahminical oppression under the shelf. Despite Maitreya's argument, it is important to note that dismissing the film as "Brahminical propaganda" solely based on the director's caste identity is not a logical conclusion to draw. The film does not claim to be an exhaustive analysis of the Indian judiciary but rather a fictional representation of a particular case to portray the reality that exists inside the judicial system. Moreover, the argument that the film avoids depicting the influence of caste is unfounded, as even though it does not directly address the caste system, it represents it from a distance, making it an objective judgment for the audience. The protest songs in the film serve as a powerful tool to highlight the themes of caste oppression and social injustice; they are used to bring the audience's attention to marginalized communities' struggles and frustration with the status quo. While it is true that there is not much representation of the lives of manual scavengers, it is also essential to acknowledge that the director's primary focus is to portray a particular narrative, in this case, the institutional failures of the judiciary. Furthermore, a single film or director can't address every aspect of an issue. The film has showcased various judicial system issues, like the delay in justice, draconian use of colonial laws, etc., with precision, and hence, it is illogical to question the motive of the film on the basis that it misses some of the other critical issues.

In conclusion, unlike the typical portrayal of the judiciary in popular culture, the film offers a nuanced and accurate representation of the complex and troubled Indian judicial system. Through its portrayal of Narayan Kamble's trial, the film highlights the numerous issues that plague the Indian judiciary, including systemic discrimination, denial of bail, and the use of draconian laws to silence dissent. Overall, 'Court' is a thought-provoking and insightful work that offers a powerful commentary on the state of the Indian judiciary.

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