

## Law in the Times of *Kaliyuga* – Exploring Legality in Hindi Film Narrative

Abir Misra

Department of Sociology, Delhi School of Economics, University of Delhi

Email Id: [abir.misra@gmail.com](mailto:abir.misra@gmail.com)

**Abstract:** The paper seeks to explore the popular Hindi film's engagement with constitutional law with specific focus on the depiction of legal proceedings and the representation of the interface between the legal and the social. Mapping the distinct orientation of the Indian mind vis-à-vis external reality, the paper seeks to lay out how the specific gaze of the average moviegoer in India shapes the logic of the film narrative which is marked by spectacle and melodrama. Linking the film narrative with folk and religious traditions, the paper explores the roots of the specific orientation of the Hindi film towards constitutional law, in the process, trying to understand legal procedural autonomy and the systematic negation of legal rules in the cinematic world. The paper argues that rational legal law enjoys a position of excluded-inclusion in the cinematic universe of the Hindi film where lawyers and judges freely bypass procedures and the police is perennially late, paving the way for conflicts to be solved through the moral agency of the Hero, the main protagonist.

**Key words:** Realism, Darshan, Melodrama, Dharma, Constitutional Morality, Spectacle

### 1. Introduction

Jolly L.L.B (Subhash Kapoor, 2013), a popular courtroom drama film, features a lawyer named Jolly who has completed LLB from Meerut Law College but nevertheless lacks intricate knowledge of intra-court procedures. The narrative entails a rich brat named Rahul Dewan who kills five individuals who were sleeping on a footpath, by ramming them under his vehicle, but escapes the shackles of justice. Jolly, sensing a potential career enhancing opportunity, files a Public Interest Litigation asking for reinvestigation, basing it on certain media reports which claimed that the case was not investigated properly and certain crucial facts were withheld from being presented in court. The judge, hearing Jolly's plea, points out to him that media reports are not admissible in court and orders him to come with concrete evidence by the next hearing, which Jolly does. Dewan meanwhile is represented by a famous and reputed lawyer, Rajpal, who has influence in the police force which allows him to manipulate facts and turn the case in his favour. Jolly, with the help of his Uncle who is fairly resourceful, procures a compact disk (hereafter CD) from the police station by bribing a corrupt

*hawaldar* (constable). On playing the CD in court, which contains the on-site recording of the vehicle (owned by Dewan) involved in the accident, Jolly announces in the court, addressing the Judge, – ‘*Janab main dilli police ke us constable ko as a witness bulanachahungajisne ye CD record kihai*’<sup>1</sup>. This statement invites a mocking laugh inside the court from Rajpal who responds – ‘*Sorry Janab, lekinaisalagtahaijaiseajkalkeladkehindifilmeindekhdekhkarwaqalatkarnechaleaatehain ..... koiinhebata de ki witness kopeshkarne se pehle advance notice diyajatahai, court kobhi, aurdefensekobhi. Aur permission kebaad hi witness kopeshkiyajaatahai*’<sup>2</sup>The judge nods and orders Jolly to present his witness in the next hearing after giving advance notice.

The statement by the defence lawyer was not merely a statement on Jolly’s ignorance of legal procedures but was explicitly a comment on how Hindi films have depicted courtroom proceedings over the years. In addition, it may also be read as a recognition of the possible influence of cinematic portrayals on actual working of legal institutions. My concern here is with the former, with cinematic depictions of the legal realm. The analysis is based on a sample randomly chosen from amongst the popular films produced by the Bombay Film Industry which have legal themes<sup>3</sup>. By popular films, here, I mean particularly films which have recognisable star figures and are known to have performed well commercially. The paper will proceed to explore the role of law in the popular Hindi film narrative, discuss law’s position vis-à-vis larger cinematic society, understand legal procedural autonomy and investigate the roots of systematic negation of legal rules in the cinematic world. But before elaborating on this theme, a general picture of the origin, structure and logic of the Hindi film narrative must be painted. These origins and influences are to be traced from India’s cultural heritage, its artistic and oral traditions. Without it, I hold, a sensitive analysis of the Hindi film is not only impossible but also highly problematic since ‘*Films are in no sense a simple reflection of the wider society, but are produced by an apparatus that has its own momentum and logic*’ (Lutgendorf, 2006: 230)

## 2. A Rebellion against Realism

It is a recognized fact that the ‘the subject matter of debate in India differed considerably from that in Greece. While the Greeks were Primarily interested in moral and political issues, the Indian interest lay in such Metaphysical questions as the distinction of soul from body, the purpose of life

---

<sup>1</sup>**Translation** - Sir, I intend to present to the court the Delhi police constable who recorded the CD concerned

<sup>2</sup>**Translation** - Sorry sir, but it seems that these new lads nowadays start practicing law straight after watching Hindi films .... Someone tell him that advance notice needs to be given, both to the court and the defence and the witness can be produced only after getting permission.

<sup>3</sup> Michael H Hoffheimer’s list of key commercial Hindi films with legal themes (Hoffheimer, 2006) was useful for my sampling although I have also included films that are not part of that list while leaving others that were part of it.

and concern for afterlife, and only consequently in moral issues'(Matilal 1998: 31). It is due to this specific kind of emphasis and concern, the 'Indian mind'<sup>4</sup> became differently positioned vis-à-vis external reality:

Generally among Indians there seems to be a different relationship to outside reality, compared to the one met in the west. In India, it is closer to a certain extent state in childhood when outer objects did not have a separate, independent existence but were ultimately related to the self and its affective states .... The Indian 'Ego' is underdeveloped; 'the world of magic' and animistic thinking lie close to the surface; so the grasp of reality is relatively tenuous (as quoted in Ramanujan, 1999: 38).

It is this non-dualistic and metaphysical tinge of the Indian Psyche that significantly shapes storytelling in the popular Hindi film. Popular Hindi cinema has been replete with reincarnation dramas and spiritual themes throughout. Unlike the 'realism' driven films which have been described as 'a world that is seen without giving itself to be seen', the Indian film is seen instead as 'a representation that gives itself to be seen'(Lutgendorf 2006 : 234). In Indian religious traditions, *darshan* or the *darshanic* gaze aimed at the deity entails a two way process where the devotees 'do not merely want to see the deity but to be seen by him or her so that the deity's powerful gaze may enter into them' (ibid.: 233). What is true of the deity, is true, also of the Indian film which is looked at by Indians in a *darshanic* manner. Darshan, 'unlike the gaze of western film theory', is thus a two way street, 'a visual interaction between players who, though not equal, are certainly both in the same theatre of activity and capable of influencing each other, especially in the vital realm of emotion' (ibid: 234).

Rajpal's explanation about the need for prior notice before producing a witness is aimed not merely at Jolly, but also simultaneously at the Audience, whose 'wrongful' perception of the courtroom, shaped by popular cinema, is found in need to be altered. In this way, Jolly L.L.B. seeks to establish itself as relatively more 'realistic' while nevertheless remaining rebellious against film realism. This rebellion, links Indian films, with traditional Hindu religious art whereby representations of gods and goddesses on temple walls and doorways served to replace real events: Although the patrons of artistes were often kings, or ministers or successful generals, it is generally not their battles that are represented; the battles shown are those of the ancient heroes in the ancient epics of India.

---

<sup>4</sup> Often the use of phrases like 'Indian Mind' is written off as an essentialization. However, the reader must remember that essentializations never become popular unless they express something real, unless they address something that is close to the experience of the multitude. Hence, while not advocating a blind acceptance, essentializations must not be rejected outright. It must instead be investigated how essentializations prove to be such effective tools of explanation.

Moreover, images of kings, queens and donors, if available, are usually stylised to the degree of extinguishing individuality. To the modern viewer, therefore, there appears to be an ahistoric and non-political attitude in indigenous Indian art, which, true to the alleged spiritual quest for the ultimate unchanging reality, did not bother to preserve in stone the transitory achievements of mortal kings(Steitencron 2005: 8).

Actual events, facts of history, contemporary concerns and themes are all presented in a manner cloaked over by an engagement with the divine with particular events or contexts serving only as actualisations of perennial moral dilemmas that the society engages with at every step. It is to be remembered that ‘veiled allusion and the play of hidden meanings has been greatly appreciated in Indian tradition from Vedic times. The obvious is both crude and superficial. It is said that the Gods themselves like what is beyond immediate perception; they hate the obvious’ (ibid: 10).

### 3. **Kaliyuga and Extra-Legal Justice**

In addition to traditional art and mythology, another important influence on the Hindi film narrative has been that of the *Natyashastra*, the Indian equivalent of Aristotle’s Poetics, often referred to as the fifth Veda, whose origins have been explained thus:

The Gods complain to Brahma that in the Kali Yuga (the fourth and the darkest age), people no longer understand the Vedas; moreover, men of the lowest class (Sudras), and women are forbidden even to hear them. Hence there is a need for ‘something that would not only teach us but be pleasing to both eyes and ears’. Brahma obliges by distilling the essence of the four Vedas in a fifth, which he terms the Natya Veda and which is to be accessible to all ranks of society(Lutgendorf 2006: 238).

In modern times, the Indian film narrative with its play of *bhavas*(emotion conveyed by the performer) and *rasas*(emotional or aesthetic impression)derives its basic structure from the *Natyashastra*. (Lutgendorf 2006).*Kaliyuga* has been popularly imagined as a time of impending doom and corruption marked by spread of deceit, wrongdoing and exploitation (Steitencron 2005: 31). In these times, the Gods are said to either reincarnate or send down agents to restore the moral order. The popular Hindi film, with the exception of mythological and historical dramas, is a film about modern times, which are showcased as being full of corruption, exploitation and wrongdoing. In short, they are films about *Kaliyuga*. In the cinematic universe, the restoration of the moral order happens through the main lead, the Hero, who explicitly plays himself as almost a divine agent in essentially immoral times.

Take the case of *Sarkar/Overlord* (Ram Gopal Verma, 2005). The narrative presents an urban don, Shankar Nagre, as the hero who runs a parallel government with even the chief minister holding

his seat under Nagre's tutelage. The opening scene of the film shows a man whose only child, his daughter, becomes the victim of rape. The police and the court had made a mockery of her by painting her as a woman of loose character. The accused got away. The daughter committed suicide and the father now visits Nagre, seeking justice. Nagre sends his own men to punish the boys involved in the rape. In another scene, Sarkar blatantly refuses to give his nod to a development project dear to the Chief Minister, because it would involve large scale displacement of people to whom Nagre is directly answerable. Nagre, while being an outlaw, is the nemesis of criminals. He is equidistant from both constitutional legality and the criminality.

In *Gangaajal/Ganges's Water* (Prakash Jha, 2003), a police drama, an honest police officer, Amit Kumar, arrives to take charge of a town in Bihar which is dominated by a local don, Sadhu Yadav, and is marked by rampant misuse of power by police. In this narrative, the don is a major oppressor and his son Sundar Yadav is accused of kidnapping a girl. Amit Kumar, fails to infuse an ethic of honesty in the police force under him. After considerable struggle, when Sundar Yadav is finally sent into custody by the court, Sadhu Yadav uses his influence in the home ministry to get Sundar released while getting Amit sent away. Sundar, on getting released, disrupts the marriage of the girl he had kidnapped and kills her mother following which, the girl too commits suicide. The death of the girl blows the lid off the till now subdued public anger. The locals try to kill both Sadhu and Sundar Yadav but Amit convinces them otherwise, advocating that they must be tried through due process of law in court. However, having escaped the shackles of public justice, while being taken to the police station, Sadhu and Sundar Yadav try to escape again, this time getting killed in a confrontation with Amit. Justice is thereby served once again outside the court, in a public manner.

In *Sholay/Embers* (Ramesh Sippy, 1975), two thugs, named Jai and Veeru, cleverly mock the Jailor, who is presented as a cartoonish character, and escape from jail. A retired police officer, known as Thakur, then hires Jai and Veeru to catch hold of the local bandit, Gabbar, who had killed Thakur's family members after escaping from jail years ago. The jail is thus painted as a porous space that fails to keep criminals away from larger society. The police has now announced an award of Rs 50,000 for catching Gabbar, which for the latter is a matter of great pride. Thakur this time does not involve the police in any manner and derives his revenge with the help of Jai and Veeru, killing Gabbar in his own area and thereby ending evil. Films with similar themes have time and again explored pursuit of justice outside the legal apparatus. In such films, the important aspect is the high moral character of the hero which is a reflection of larger societal and moral aspiration. The most

explicit testimony of the morally divine nature of film hero, mostly played by charismatic stars, is found in song sequences where the crowd on the street instinctively joins the hero in a dance, following him step by step, in the process, establishing him at the centre of both the narrative and cinematic society in general and reinforcing his sovereign-like moral authority which he has earned, most importantly, from the audience.

#### 4. **A Mythical Spectacle – Melodrama in the Courtroom**

While having links with traditional Indian art, the popular Hindi film has nevertheless been accused of being unartistic. This perception has been traced to the Hindi film's preference for spectacle, in which 'black is black and white is white – emotionally, motivationally, morally; all shades of grey must be scrupulously avoided. Not because greys do not exist in the world but because they detract from the logic and charm of the spectacle' (Nandy 1981: 89). The preference for spectacle, of the popular Hindi film, influenced at-least partly by the *darshanic* gaze of the Indian spectator, manifests itself in the form of melodrama, overstatement and exaggeration in the narrative:

The popular Hindi film tries to be convincing as a spectacle by exaggeration. It does not even try to be a direct reflection of everyday reality. Like the assertion that there are three hundred and thirty million gods in the Hindu pantheon, the exaggeration is only statistical. In terms of overall logic of such films it makes perfect sense (ibid: 90).

The drama in the Hindi film is often produced when lawyers in the courtroom engage in heightened antics to prove a point. In the film, *Kyoki... Main Jhooth Nahi Bolta*/Because I do not lie (David Dhawan, 2001), Raj Maharotra, a lawyer, takes up the case of a man who has been correctly accused of murder. To win his case, Raj must prove that an old man, who is the only witness in the case and claims that he could not save the victim due to his inability to climb a 4 feet wall, is a liar. The lawyer, after failing to prove this through rational arguments, requests the judge for a 10 minute break, following which he returns and declares that he has conceded defeat. Raj claims that now on losing this case, his client's brother would shoot him. Raj thereby decides to burn himself while threatening to burn the old man as well, holding the latter's testimony responsible for his loss. The old man, fearing for his life, climbs out of the witness box and then runs to reach the judge, in process climbing another 6 feet wall to stand behind the latter for protection. The fire meanwhile is extinguished. Raj later explains to the judge that this drama was necessary to prove that the old man was lying when he claimed that he could not climb walls due to his age and was indeed the real murderer while his client was innocent. The judge accepts.

Another way of infusing drama in the courtroom is by facilitating the entry of some new evidence or a witness just before the judge gives his judgement. This last minute interference completely alters the outcome of the case as happens for example in *Kanoon/The Law* (B.R. Chopra, 1960). This preference for melodrama and exaggeration is aided beautifully by the use of Urdu as court language. It must be noticed that the language of the courtroom in Hindi Films, except the address to the judge as ‘My Lord’ and judge’s use of ‘Order Order’ as a recognition of the English roots of modern legality, has been overwhelmingly Urdu. For Urdu, as Javed Akhtar describes, was not only the lingua franca of Urban Northern India but also because ‘it was – and still is – an extremely sophisticated language capable of portraying all kinds of emotion and drama’(as quoted in Mazumdar 2001: 4873).

##### 5. **Relative Legal Autonomy and the Social Roots of Criminality**

Joyce Sterling and Wilbert Moore, while discussing Max Weber’s analysis of legal rationalisation, point out that the legal system seeks to make use of legal tools to establish its autonomy from larger society. In establishing its autonomy, an effective tool before the legal system is the rationalisation of rules and procedures. As examples, Moore and Sterling discuss, among others, the ‘exclusionary rule’ which is aimed at ensuring that evidence is acquired legally and the ‘Miranda Rule’ which is aimed at ensuring that confessions of criminal suspects are taken only after the latter are made aware of their constitutional rights. Failure to comply with these rules makes the evidence and the confession non-admissible in court. Sterling and Moore state that ‘the legal system abides by these rules despite cries of outrage from members of the community who want to see criminals sent to prison’ (1987: 69). The autonomous Legal system, thus, seeks to look only at itself and not at some external societal or ethical standard.

In the Hindi film narrative, however, one finds a lack of inside-outside distinction vis-à-vis the legal system and larger society. Unlike say the Hollywood classic *12 Angry Men* (Dir. Sydney Lumet, 1957), where the entire narrative takes place within the confines of a single room in which the jury deliberates on the case, the Indian courtroom drama is never confined to the courtroom alone. A major portion of the conflict between parties plays out in larger society. The Hindi film *Damini/Lightening* (Raj Kumar Santoshi, 1993), is a case in point. Here again we find the son of a rich businessman committing a crime and an influential lawyer is hired who goes out of his way to defend him, in the process using unlawful means. The lawyer, by faking ill-health in court, succeeds in postponing the

hearing to a later date thereby buying himself enough time to try eliminate Damini's husband, the witness whose testimony would be detrimental for his defence. A major portion of the film involves Damini, the morally righteous sister-in-law of the accused, and her husband's struggle to reach the courtroom, who are under lethal attack by goons working for the defence lawyer. On the day of the hearing, with Damini and her husband still struggling to reach the court, Govind, the lawyer who takes up Damini's case, in order to buy more time, makes a raging speech on how courts, bound by procedure, continue to deliver only dates but not justice. The judge thereby decides to wait for Damini's arrival which eventually does happen. Implicit in the film is the recognition that the larger societal power dynamics significantly shape court proceedings and conclusions, with the abstract equality of the parties in the suit having relatively little significant in actuality. At this moment, it would be wise to revisit the words of the chief architect of the Indian Constitution, Dr. B. R. Ambedkar:

On the 26<sup>th</sup> of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else, those who suffer from inequality will blow up the structure of political democracy, which this assembly has so laboriously built up (as quoted in Guha, 2010: 323)

The popular Hindi film's engagement with law appears laden with the concerns that Ambedkar raises. The theme of inequality leading a character on the 'wrong' path has been tremendously successful throughout the history of Hindi cinema. Be it *Awara/Tramp* (Raj Kapoor, 1951), where the lead character gets involved in unlawful activities to earn money and feed his mother, or *Deewar/The Wall* (Yash Chopra, 1975), where Vijay's 'anger' against poverty and the resultant mistreatment of his mother at a construction site leads him on the unlawful path, or even *Mother India* (Mehboob Khan, 1957), where Birju is angered by the oppressive moneylender and becomes a bandit, there has continuously been in the Hindi film an explicit recognition of inequality as a major root of criminality and a simultaneous legal impunity that the rich enjoy. While in *Awara* and *Deewar*, the criminal finally succumbs to the force of law, in other mainstream films, where the hero is on stronger moral



grounds, he takes it upon himself to deliver justice which the legal system mostly fails to provide. While not blowing it up in a manner that Ambedkar fears, the hero nevertheless bypasses the legal apparatus. He takes up the task of restoring justice by taking on the goons and punishing the guilty, sometimes by handing them to the police and at other times, if the police is corrupt or ineffective, by killing them. The hero thus embodies both a recognition of the limits of the legal justice as well as of a moral sphere that stands comfortably outside it.

## 6. Dharmic Particularity Vs Constitutional Morality

It has been recognised that in Indian thought there is ‘no clear notion of a universal human nature from which one can deduce ethical decrees like “man shall not kill” or “man shall not tell untruth”’ (Ramanujan 1999: 40). Unlike Europe, where Kant and Hobbes talked about universal moral laws that applied to all men, in India the idea of universal moral order was simply absent. Juxtaposing Kant and Hobbes with Manusmriti (Hereafter Manu), one notices that ‘to be moral, for Manu, is to particularise. To ask who did what, to whom and when’ (ibid: 40). Each caste in India has its own particular duties or dharma as well as customs and norms which are not to be universalised:

The conception of an “original sin” was quite impossible in this (Indian) world order, for no “absolute sin” could exist. There could only be a ritual offense against the particular dharma of the caste. In this world of eternal rank orders there was no space for a blissful final kingdom. Thus, there was no “natural” order of men and things in contrast to positive social order. There was no sort of “natural law”. But there was, in theory at least, only holy, status-compartmentalised positive laws in areas which remain unregulated as indifferent. There were positive statutes of princes, castes, guilds, sibs, and agreement of individuals. All the problems which the concept of “natural law” called into being in the Occident were completely lacking (Weber 1958: 144).

Lack of debates around moral questions, which had been pointed out earlier, pertains precisely to this lack of any single universal moral standard. Popular actors, who regularly fill in the role of moral agents in the Hindi films, in order to gain wide popularity, have often avoided getting identified with any particular religion or caste. They do so by adopting single names (Nargis, Govinda, Mandakini) or by adopting caste neutral surnames like Kumar (Dilip Kumar, Akshay Kumar, Meena Kumari, Raaj Kumar, Kishore Kumar). By doing so, they have sought to free themselves from the shackles of the particularistic traits with which members of their own caste or religion may be associated. This has paved the way for them to gain popularity across caste and religious barriers and also for them playing the Hindi film hero who is primarily, in the words of Javed Akhtar, ‘a man from nowhere and everywhere’ (as quoted in Mazumdar, 2001: 4872). This trend of changing names has however seen a

decline in the last decade. This stress on particularity, which has been institutionalised traditionally, now stands in contradiction, in modern times, with constitutional law which claims universal applicability. The popular phrase used in Hindi Films - 'Kanoon kehaathlambehotehain'<sup>5</sup>, is testimony to the claims of the modern legal system that its authority runs far and wide and cuts across regions and cultures. The modern legal system seeks to universally promote what is referred to as constitutional morality which refers to:

A paramount reverence for the forms of the Constitution, enforcing obedience to authority acting under and within these forms yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all their public acts, combined too with a perfect confidence in the bosom of every citizen amidst the bitterness of party contest that the forms of the Constitution will not be less sacred in the eyes of his opponents than in his own(Guha, 2010 : 315).

This constitutional morality however stands in direct contradiction with particular moral and social conscience of specific religious or caste communities. Specific community practices like Santhara have recently been in news for being in conflict with certain constitutional provisions. This conflict between these different moralities has been explored in films like *NH10* (Navdeep Singh, 2015) where an affluent couple, Meera and Arjun, on their way to a trip outside Gurgaon, an urban centre with metropolitan ethos, end up in a confrontation with a group of villagers, whose brutal act of honour killing, the former end up accidentally witnessing. On being caught, the couple invokes their connections with the police department in the city and try to use it as a tool to negotiate an escape from the situation. They are, however, told by one of the villagers: '*Jahan Gurgaon kaakhri mall khatam hotahaina, wahinaapki democracy aur constitution bhi khatam hojatehain*'.<sup>6</sup> As the narrative proceeds, a particularly effective scene arrives when the Meera luckily finds a police station and asks the officer in charge to help her and Arjun who is injured and left behind. The police officer blatantly refuses to help her because it would hamper his relations with the village community. The officer embodies the conflict between constitutional-legal duties and allegiance to the community and its customs. The police officer chooses to align with the latter. Implicit here is a recognition of relatively greater diffusion of constitutional morality in the affluent sections of the urban metropolis as compared with its nearby villages.

---

<sup>5</sup>Translation - The law has long hands.

<sup>6</sup>**Translation** – Where the last mall of Gurgaon ends, so does your democracy and constitution.

## 7. The Court of Conscience

It has already been mentioned how *Kaliyuga* is mostly imagined as an age full of corruption, deceit, exploitation etc. It must however be stressed that these are merely seen as symptoms of the age. The determining feature of the age that sets it apart, profoundly, from the morally superior age is something from which all these symptoms derive. This factor comes out clearly in the following tale in which two men come to Yudhisthira with a case -

One had brought the other's land, and soon after found a crock of gold in it. He wanted to return it to the original owner of the land, who was arguing that it really belonged to the man who had now bought it. They had come to Yudhisthira to settle their virtuous dispute. Just then Yudhisthira was called away for a while. When he came back, the two men were quarrelling furiously, but each was claiming the treasure for himself this time! Yudhisthira realised at once that the age had changed and kaliyuga had begun (Ramanujan, 1999: 45).

The story establishes *kaliyuga* as an age of rational self-interest and immoral greed which stands in sharp contrast to the moral righteousness and altruism of good times. Incidentally, the courtroom of the modern times, in Hindi films, is mostly understood as a site where such selfish quarrels play out. The use of melodrama also aids in the establishment of the court as a site of heightened quarrel. In *Damini*, when the defending lawyer comes to strike a deal with Govind, outside court, the latter warns him against using his infamous antics in court and declares: '*Kal agar tune court mein koi bhibadtameeziki, to wahinmaarunga. Judge orderorderkartarahega, aurtu pit-ta rahega*<sup>7</sup>'. The cinematic setting of the courtroom presents two witness boxes facing each other from where characters directly confront each other and make appeals to the judge who often silently witnesses the heightened argumentation that lawyers engage in. Such a presentation of the court as a site of confrontation almost reminds one of the critique of the legal profession given by Mahatma Gandhi:

The latter's (Lawyer's) duty is to side with their clients, and to find out ways and arguments in favour of the clients to which they (the clients) are often strangers. If they do not do so, they will be considered to have degraded their profession. The lawyer's therefore, as a rule, advance quarrels instead of repressing them .... It is one of the avenues of becoming wealthy, and their interest exists in multiplying disputes (2009: 59).

In *Lage Raho Munna Bhai/Carry On, Munna Bhai* (Rajkumar Hirani, 2006) when inhabitants of an old age home, who have been illegally evicted, visit a lawyer, they ask him for how long can the case go on before they get justice. The lawyer promises that it will tentatively take six months but backs off

---

<sup>7</sup>**Translation** - If you misbehave in court tomorrow then I will thrash you there itself. The judge will keep shouting 'Order Order' and you will keep getting thrashed.

when Munna asks him to give a written guarantee that he will get them justice at least in six years. Munna thereby convinces them to adopt Gandhian methods to solve their problem. In Jolly L.L.B, when Jolly strikes a deal of 20 lakhs with Rajpal, outside the court, for remaining quiet when an important prime witness (who has also been bribed) overturns his testimony, his colleagues hail the move as a masterstroke, serving as a blatant recognition of the Gandhian critique of lawyers.

The film Damini actually begins with a particular quote by Gandhi which reads – ‘There is a higher court than courts of justice and that is the court of conscience. It supersedes all other courts.’ The Hindi film hero, living in modern times or *kaliyuga*, has perennially been pray to the temptations of good life, of ways to earn quick money, of becoming a big-shot. In these times, the Hindi film allots the responsibility of upholding the higher conscience on the female lead or the sacred figure of the mother. When Damini’s brother in law commits a rape, of whom she is witness, her husband and family try to suppress the matter. But Damini goes ahead and gives her testimony and the husband later follows suit. When Jolly strikes a deal with Rajpal, his love interest Sandhya appeals to his conscience and reminds him that he has to fight for truth and justice for the poor labourers. The appeal proves effective. In Mother India, Radha kills her son Birju when he kidnaps the daughter of the local moneylender. In Deewar, the mother decides to live with the son who is moral and religious and allows him to kill her other son Vijay who is a criminal. Deewar also presents a case where constitutional and social morality are found to be in sync with the police officer famously asserting that he has mother on his side, unlike Vijay who has merely wealth earned through illegal means. It is the higher moral conscience of the female figure that reinfuses moral conscience in the hero who is then encouraged to fight evil and restore the moral order. The male hero’s morality is forever seen as inferior to that of the female lead. In the court of conscience in the Hindi film, the judge is mostly a feminine figure.

## 8. **Recognition and Distance**

The Hindi film narrative, while working in a space of relative independence from the legal realm nevertheless recognises its existence and authority. The police, with their ‘long hands’ in Hindi films, are famous for arriving only at the end, after the Hero has already defeated the villain and is on the verge of eliminating him, sometimes merely to discourage the hero from now ‘taking law in his own hands’. The police, with its procedures and protocols, is perennially late. In case the lead hero is a lawyer or a police officer, he is mostly portrayed as a character that constantly bypasses protocol

and procedures, which he sees necessary for the pursuit of justice. Implicit here, in the Hindi film, is a Weberian critique of rationalisation of procedures whose goal is unfortunately not always justice (Sterling and Moore 1987: 73).

Jolly, later in the narrative, once again requests the judge to present a key witness without having given prior notice. Rajpal once again objects to this bypassing of procedure. Jolly claims that giving prior notice to the defense would have hampered the chances of the witness actually reaching court. The judge this time permits Jolly to present the witness. Rajpal argues that Supreme Court guidelines don't allow it and also threatens to go to the bar council but the Judge rejects his objections. The witness arrives, gives his testimony and the case is decided in Jolly's favour who finally wins his first case.

An important film in this respect is *Drishyam/The Visual* (Nishikant Kamath, 2015). Here the hero, Vijay, is a man who studied only till 4<sup>th</sup> standard and spends his days watching Hindi films. The inspector general's spoiled son makes an objectionable video of his elder daughter and threatens her which leads to confrontation at her home in which the son gets accidentally killed. Vijay, using his intricate knowledge of police procedure, which he derives from watching Hindi films, cooks up a coherent story and later trains his wife and two daughters and helps them escape the shackles of the Inspector General who knows Vijay and his family are guilty but nevertheless fails to prove it. The inspector general finally gets the confession from Vijay's younger daughter who is kept alone and threatened by a brutal male officer in a clear violation of legal procedure. The confession too, however, proves ineffective as Vijay had already replaced the dead body, anticipating a possible confession. Serving as a meta-take on cinematic portrayals of police procedures, the film sees the immorality of making the objectionable video of a girl as outweighing the constitutional illegality of the act of killing the boy.

Constitutional law, however, while being showcased as ineffective or even undesired, nevertheless is infused with a morality greater than that of local moneylenders or caste panchayats. The latter while being showcased as independent are overwhelmingly portrayed as oppressive and evil. Thus, the Hindi film narrative, in its pursuit of justice, recognises the rational-legal system but seeks to constantly free itself from it, especially its procedural aspects, thereby denying the legal apparatus both its authority and autonomy in the cinematic world.

## 9. Conclusion

Constitutional or rational law, in the moral universe of popular Hindi film, finds itself in a position of excluded-inclusion with its authority recognised as moral but established as distant. The social realm in the film enjoys a relative autonomy with its own moral rules of right and wrong. The film hero, in reflecting popular aspirations, refuses to abide by legal rules and gives voice to the cries of outrage coming from larger society, which the legal system, in real life, tends to ignore in its pursuit of autonomy and procedure. The Hindi Law film, is thus comment on the social alienation from constitutional justice, a testimony to the recognizably alien roots of the modern legal condition.

## 10. References

- Gandhi, M. K. (2009). *Hind Swaraj and Other Writings*. Cambridge: Cambridge University Press.
- Guha, R. (Ed.) (2010). *Makers of Modern India*. Viking: Penguin Books India
- Hoffheimer, M. H. (2006). 'Bollywood Law – Commercial Hindi Films with Legal Themes', *Law Library Journal*, Vol 98, pp 61 - 79
- Lutgendorf, P. (2006). 'Is there an Indian Way of Filmmaking?' *International Journal of Hindu Studies*, Vol 10, No 3, pp 227-256
- Matilal, B. K. (1998). *The Character of Logic in India*. New York: Oxford University Press. Stietencron, H. H. (2005). *Hindu Myth, Hindu History*. Ranikhet: Permanent Black.
- Mazumdar, R. (2001). 'Figure of the Tapani – Language, Gesture and Cinematic City'. *Economic and Political Weekly*. Vol 36, No 52, pp 4872-4880
- Nandy, A. (1981). 'The Popular Hindi Film: Ideology and First Principles'. *India International Centre Quarterly*, Vol 8, No 1, pp 89-96
- Ramanujan, A.K. (1999). 'Is there an Indian Way of Thinking?' in Dharwadkar, V. (ed.) *Collected Essays of A.K. Ramanujan*, Pages 34-51, New Delhi: Oxford University Press.
- Sterling, J.S. and Moore, W. E. (1987). 'Weber's Analysis of Legal Rationalisation: A Critique and Constructive Modification' *Sociological Forum*, Vol 2, No 1, pp 67-89
- Weber, M. (1958). *The Religion of India – A Sociology of Hinduism and Buddhism*. Glencoe, Illinois: The Free Press