



## State as a Villain: Tamhane's 'Court' and the Suppression of Dissent in India

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### Abstract

*The article delves into the exploration of the state's role in society, particularly its treatment of marginalized individuals, as portrayed in Chaitanya Tamhane's film 'Court.' The narrative unfolds around the trial of Narayan Kamble, a folk singer falsely accused of abetting a sewage worker's suicide through his protest songs. The analysis highlights the state's oppression of dissenting voices, exemplified by Kamble's arrest under draconian laws, denial of bail, and the manipulation of legal processes. The piece argues that the state, contrary to being a neutral entity, acts as a villain for marginalized communities, suppressing their voices of dissent. Drawing parallels with real-world instances, it scrutinizes the legislative failures contributing to the misuse of vague laws and underscores the film's depiction of institutional betrayal. The article challenges arguments favoring the state's neutrality and counters justifications for prolonged trials, ultimately emphasizing the film's portrayal of the state's unjust dispensation of justice against marginalized individuals.*

### I. Introduction

When we think of a state's role in society, we often imagine a protector, a hero that keeps us safe and ensures our well-being. We envision a government that acts in our best interest and safeguards our rights and freedoms. But what happens when the very institutions designed to uphold the welfare of the people become instruments of oppression? Chaitanya Tamhane's film 'Court' explores this darker side of the state's role, particularly in its treatment of those who are already marginalized. The film 'Court' presents a scathing critique of the state's actions and inactions, bringing to the forefront the fact that the state is not always just and can often be the perpetrator of injustice. It centers around the trial of Narayan Kamble, a folk singer who has been falsely accused of provoking a sewage worker to commit suicide. It portrays Kamble as being trapped in an endless cycle of trials because of the flaws in the judicial system and the state's exploitation of laws. While some may argue that the state is a neutral entity

as it strictly adheres to the law, this paper argues that 'Court' depicts the state as more of a villain than a hero for marginalized communities, who conspires to ensure that Kamble, a Dalit activist is falsely accused and imprisoned in order to suppress his voice of dissent.

### A. Dissent in a democracy

Dissent is the expression of disagreement or opposition to established norms, policies, or practices, usually by individuals or groups who hold minority views. As Sofi Ahsan notes, dissent plays a crucial role in a democracy by maintaining a healthy and functioning society while ensuring that those in power are held accountable. However, in recent times, a rising tide against dissent can be seen in order to maintain the status quo. This is evident in the V-Dem Institute's Democracy report, which classifies India as an "electoral autocracy" and a "partially free" nation with a significant drop in its ranking since 2014, indicating a limited scope for dissent. This situation is accurately portrayed in the film 'Court' where the state oppresses the marginalized individuals who contest the prevailing norms and policies of the governing bodies.

### II. Narayan Kamble: Symbol of Resistance

In the film 'Court,' Kamble is portrayed as a symbol of resistance against the status quo, challenging the dominant narratives and oppressive power structures. The film begins by showing him as a folk singer who raises awareness about social and political issues affecting the marginalized communities in India. His songs tackle subjects like caste discrimination, labour exploitation, and government oppression, serving as a form of protest that inspires individuals to oppose the injustices they encounter ("The Art of Resistance"). Consequently, Narayan Kamble is arrested by the police on the charge of abetment to suicide of Vasudev Pawar, a manual scavenger who allegedly committed suicide in response to one of his songs. However, as the trial progresses, it becomes evident that the charge against Kamble was unfounded, as the state could not provide any conclusive evidence to establish a direct link

between Kamble's song and suicide. This arrest highlights the state's intolerance towards dissenting voices that challenge the existing social and political order, which was further demonstrated through the use of unfair means by the police to convict Kamble. The illegal search of his premises was conducted to gather evidence against him, and the only witness presented by the police who claimed to have heard Kamble's allegedly obscene song urging manual scavengers to commit suicide, Shankar Bhoir, was found to have previously given testimony in four other cases investigated by the same officer, raising questions about the witness's credibility and suggesting that the witness was being used by the state as a 'stock witness' to secure a conviction.

Despite the lack of merit in Kamble's case, the judiciary's actions in denying bail further demonstrate the state's eagerness to suppress dissent. This denial not only goes against the fundamental principle of bail being the norm rather than the exception, but it also serves to punish and silence those who express dissenting opinions against the authorities. Additionally, even when bail is eventually granted, the excessively high amount demanded can be an unjust burden, particularly for marginalized individuals like Kamble, who cannot reasonably be expected to pay such a sum. However, Kamble's ordeal did not end there. Despite securing bail with the help of his lawyer, the state continued to frame him under the draconian laws of the Sedition and Unlawful Activities (Prevention) Amendment Act (UAPA) 2008. This modus operandi of accusing protesters of non-bailable offences by interpreting vague terms of the law against them is a typical approach of the state to suppress dissent. This is also evident in the case of human rights activist Stan Swamy, whom Ramchandra Guha calls a victim of "judicial murder" (Goshal). Swamy was arrested on charges of promoting terrorism under the UAPA, which were falsely framed against him by planting fake digital evidence on his computer (Ferreira). Despite numerous appeals and his failing health, the court did not grant him bail, resulting in his death in judicial custody.

The state's suppression of marginalized groups has been further intensified by the legislature, which is tasked with creating and revising laws for the nation. A Mathur argues that the legislature's failure to define ambiguous laws has contributed to the use of these laws by law enforcement agencies to oppress individuals such as politicians, journalists, and activists who exercise their right to protest against government policies. This has a particularly significant impact on marginalized groups, who lack the resources to fight back effectively. In the film, when Kamble was arrested under UAPA, the prosecution argued that he conducted seditious camps, indoctrinating state youth members in various areas and threatening the security and integrity of the state.

This charge was justified by using the vague clause "by any other means of whatever nature" of UAPA, which is capable of being interpreted in ways benefiting the government's agenda. Additionally, the judicial system's apathy is apparent as it has not utilized its authority to interpret the law justly and instead has merely applied the literal interpretation, neglecting the intent of the law.

### III. Judicial System's Betrayal

While the film 'Court' presents compelling evidence of institutional betrayal, some individuals may argue that it portrays the state as a neutral entity rather than a hero or villain. This could imply that allegations of systematic oppression or discrimination against marginalized groups are unfounded. Those who support the state's actions argue that Narayan Kamble's protest songs, which include phrases like "Time to rise and revolt" and "Time to know your enemy," have the potential to incite individuals against the state. They also claim that the police acted within the boundaries of the law by arresting Kamble under sedition and UAPA, as there was sufficient suspicion that his actions could compromise the state's integrity and security. This argument makes the presumption that the laws themselves are just and fair. However, this is not the case. Many a time, the state has taken advantage of the ambiguities in the law to serve its interests, as seen in the case of Kabir Kala Manch. Here, the activists were apprehended and charged with UAPA despite the lack of concrete evidence simply because they were protesting against the state's actions. It is not sufficient to argue that such arrests were made within the bounds of the law because if the law has flaws, then actions based on that cannot be said to deliver justice (Haygunde). The inequitable application of the law is also evident in situations where individuals in different social positions are afforded different versions of the same rights. For example, while mainstream society enjoys freedom of expression, marginalized groups have limited and controlled freedom, which is subjected to the state's discretion. 'Court' provides an example to support this claim. When Narayan Kamble criticized the state, he was arrested, whereas Vinay Vora's criticisms against the government during a seminar among a sophisticated group of people did not result in any legal repercussions (Krishna et al.).

Critics favouring the state also argue that Narayan Kamble's numerous acquittals in previous cases demonstrate that the notion of the state discriminating against marginalized communities is baseless. His acquittals imply that the state objectively evaluates cases based on evidence and the law, and if it were biased against marginalized groups, Kamble would not have been acquitted. However, the fact that Kamble was acquitted in previous cases does not necessarily prove that the state is not biased against marginalized

communities. It is possible that in those cases, the state did not feel threatened by Kamble's activism at the time. Therefore, the fact remains that in the case presented in the film, Kamble was arrested under false charges and subjected to an extended trial and prolonged custody, which denied him timely justice. Additionally, the argument regarding Kamble's acquittals fails to acknowledge the fact that despite being acquitted, he had to go through an arduous trial process in all those cases.

Another justification for the long trial of Kamble could be that delays and long trials are common in the Indian judicial system, and hence his trial is not an exception. Supporters of this argument point to the example of the stolen watch case in the film 'Court', where despite the availability of clear facts and evidence, the judge did not immediately deliver a verdict and instead extended the case for further investigation, demonstrating that the judiciary does not rush to make decisions. Similarly, in Kamble's case, the court did not deliberately prolong the trial but instead allowed for further investigation to ensure a fair and just verdict. However, this argument is flawed as it draws connections between two unparallel cases. The case of the stolen watch was a minor offence and did not result in the detention or custody of any person, whereas Kamble was held in custody for a prolonged period, despite his poor health, on the serious charge of abetting suicide. Therefore, the justification that delays and long trials are common in the Indian judicial system does not hold up to scrutiny.

#### IV. Conclusion

In conclusion, the film 'Court' turns out to be a story of the unjust dispensation of justice by the state at multiple levels and brings to light the fact that the state can sometimes misuse its power to suppress the voices of dissent, especially in the case of the marginalized. As demonstrated, it critiques the court system, which should ensure justice and uphold the law, but can be manipulated by those in power to serve their interests.

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