

OPPRESSION² INDIAN INDEPENDENT POLITICAL DOCUMENTARIES AND THE ONGOING STRUGGLE FOR VIEWERSHIP

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ABSTRACT:

The Indian government has developed a prolific, yet carefully regulated, documentary film industry through a virtual monopoly over nearly all financing, production, and distribution networks for documentaries. The government's stranglehold over documentary film production in India has made it difficult for Indian filmmakers who work outside of the government's system of production and distribution to reach audiences within India and around the world. As a result, the story of Indian independent documentary filmmaking remains one of constant struggle against government domination of distribution and financing networks, as well as censorship regulations.

Introduction

The Indian government holds a virtual monopoly over the financing, production, and distribution of documentary films in India primarily through two regulatory bodies, the Films Division and the Central Board of Film Certification. The Films Division is the “media unit” of the Indian Ministry of Information and Broadcasting and produces more documentaries than any other organization in the world, distributing over fifty feature-length documentaries and newsreels to over 10,000 cinemas annually.¹ The Central Board of Film Certification (CBFC) is responsible for reviewing, rating, and certifying all films, television programming, advertisements, and promotional material that appear in cinemas and on television in India.² Together, the Films Division and the CBFC have allowed the Indian government to develop a prolific, yet carefully regulated, documentary film industry in India. According to P.V. Pathy, a filmmaking pioneer in India, “the rightful claim to credit for having fostered the adolescence of the documentary film goes to our government. Even the future of our documentary seems to be linked with government sponsorship.”³

Despite the Indian government’s apparent monopoly over documentary filmmaking, there are documentaries being made outside of the government’s system of production and distribution. These projects receive no government funding and are made with meager technical resources. Their subject matter is political in nature with messages that “critique the dominant politico-economic system.”⁴ While these documentaries are hardly homogeneous in subject matter or aesthetics, this paper will deal with them together, as a single genre, which will herein be referred to as “independent political documentaries” (IPDs).

The IPD movement is a relatively recent phenomenon. It was born in 1975 during the Emergency era, a period in which President Fakhruddin Ali Ahmed, under the guidance of Prime Minister Indira Gandhi, suspended constitutional civil liberties and oversaw the imprisonment and deaths of many innocent civilians. It was during the Emergency period that a student filmmaker named Anand Patwardhan made a short subject documentary about student protests called *Waves of Revolution*.⁵ Patwardhan shot the film himself and had the footage smuggled out of the country, edited, and released; *Waves of Revolution* was the first true independent political documentary in India.⁶

It was not until the 1990s, however, with the introduction of 16mm film cameras and digital camcorders, that IPDs became a bona fide movement. Compared to prohibitively expensive 35mm film stock and cameras, new technologies were “relatively inexpensive, a far greater number of people had access to (them), and (they) could be updated and re-edited at any point in time.”⁷ As a result, the number of IPDs being produced skyrocketed during this period and many began to appear in film

1 Manjunath Pendakur, “Cinema of Resistance: Recent Trends in Indian Documentary Film,” *Documentary Box* 7 (1995).

2 Keval J. Kumar, *Mass Communication in India* (Mumbai: Jaico Pub. House, 2000), 168-170.

3 Ibid., 155.

4 K.P. Jayasankar and Anjali Monteiro, “Images of the “Other” in India,” *Media Development*, no. 3 (2001).

5 Erik Barnouw and S. Krishnaswamy, *Indian Film* (New York: Columbia UP, 1963), 208.

6 Pendakur, “Cinema of Resistance.”

7 Ibid.

festivals around the world. Within India, these documentaries provided an alternative perspective to the typically jingoistic projects produced by the state; “instead of exotic people, hungry and tortured humans came up as protagonists; instead of ritualistic song and dance, minority peoples from the lands beyond central India voiced their anger, fear and frustration common to minorities in any totalitarian country; instead of the plastic gloss of national pride, the basic formation of the modern State were questioned.”⁸ According to Thomas Waugh, Professor of Film Studies at the University of Quebec, these filmmakers had become “audio-visual witnesses...(to) a whole spectrum of socio-political dynamics.”⁹

While the number of IPDs being produced has increased in the last two decades, these films have nevertheless struggled to find audiences in India. The Films Division’s and the CBFC’s monopolization of Indian production and distribution networks has made funding for IPDs tenuous, distribution outlets scarce, and censorship a legitimate threat. The silencing of this “cinema of resistance” places India’s future as a liberal democracy in jeopardy. According to Manjunath Pendakur, Professor of International Communications at Northwestern University, the IPD movement “has the potential to intervene in determining the course of events and public policies of the day because these are the voices of sanity, tolerance, and resistance at a time when the shrill cacophony of fundamentalism, fascism, and greed are louder than ever before.”¹⁰

While the Films Division and the CBFC do indeed present many obstacles for the IPD movement, its future is anything but bleak. New sources of funding, decreasing production costs, and new modes of cinematic representation suggest that viewership of IPDs will increase in the immediate future. For the present, however, the story of the IPD movement remains one of constant struggle, against government domination of distribution and financing networks as well as censorship regulations.

The Indian Government’s Challenges to Independent Political Documentaries

Distribution, Financing, and the Films Division

The Ministry of Information and Broadcasting created the Films Division in 1948 to facilitate “the production and distribution of newsreels and short films required by the Government of India for public information, education, motivation, and for instructional and cultural purposes.”¹¹ The Films Division’s nonfiction projects typically deal with subjects such as India’s cultural heritage, traditional Indian song and dance, and biographical information about prominent Indians. The expressed purpose of these films is to boost national pride. In short, the Films Division aims to produce propaganda.

Today, the Films Division is “the largest filmmaking agency in the world.”¹² To date, it has produced over 8,000 documentaries, shorts, and animated films and has shot over 50 million feet of celluloid. Between 2004 and 2005, the Films Division had

⁸ Madhusree Dutta, “In Defense of Political Documentary,” *Himal Southasian* 20 (October-November 2007).

⁹ Thomas Waugh, “Independent Documentary in India: A Preliminary Report,” *Visual Anthropology Review* 4, no. 2 (September 1998), 13-14.

¹⁰ Pendakur, “Cinema of Resistance.”

¹¹ Kumar, *Mass Communication in India*, 157.

¹² Srirupa Roy, *Beyond Belief: India and the Politics of Postcolonial Nationalism* (New York: Duke UP, 2007), 43.

nearly 15,000 theatrical releases and another 90 nontheatrical releases. In the same year, the Films Division funded, produced, and distributed 160 films, 58 of which were documentaries, newsreels and other nonfiction genres.¹³ The Films Division has also extended its influence beyond cinemas. It accepts commissions for television programming from Doordarshan, the public television broadcasting company of India, and has integrated the National Film Development Corporation (NFDC) into its marketing and promotional operations.¹⁴ The annual budget of the Films Division is nearly 40 crore rupees and it maintains a staff of almost 1,500 people.¹⁵

The Films Division has made India one of the most prolific producers of documentary films in the world. In doing so, however, it has saturated Indian theatres with state-produced and state-approved propaganda. IPDs have struggled to find distribution outlets amongst this glut of government-produced documentaries.¹⁶ But the Films Division does not merely block the distribution of independent documentaries through sheer numbers; it holds a legal, contractual monopoly over Indian distribution outlets as well.

In order to open a commercial cinema in India, theatre owners are required to sign a contract with the Films Division. These contracts are block-booking and blind-booking exhibition deals, in which “the Films Division under(takes) to provide all the approved films the theatre would need to fulfill its obligations for the year, and the theatre (commits) itself to show them and to pay for them,” with no prior knowledge of what the films will be.¹⁷ The Ministry of Information and Broadcasting claims that these contracts are necessary to sustain markets for documentaries and newsreels that are crucial for fostering national pride.¹⁸ What these block-booking contracts accomplish in actuality, however, is to prevent the distribution of IPDs in Indian theatres. In fact, any film without the Films Division’s financial backing remains entirely unmarketable unless “the Films Division itself (chooses) to buy it, at its price, for distribution.”¹⁹

The Films Division does offer opportunities for independent documentaries to be screened in commercial theatres, though they are limited. Each year, the Films Division allots funding for a certain number of films to be “farmed out” to independent producers. The Films Division selects these projects from a government-issued list of approximately two dozen independent producers who are then “invited to submit competitive bids on film topics designated for outside production.” The Films Division also has a budget to purchase independent films that have already been completed.²⁰

It is therefore technically possible for independent filmmakers to have their work distributed in Indian cinemas, provided that they can act as suppliers for the Films Division. But with less than 10% of the Films Divisions’ theatrical releases comprised of independently produced films, the vast majority of independent projects never make it into Indian theaters. For IPD filmmakers in particular, it is even more unlikely that

13 Films Division, Ministry of Information & Broadcasting, *Annual Report 2004-05* (New Delhi: Government of India).

14 B.D. Garga, “The Indian Documentary,” *Cinema in India* 2, no. 2 (April-June 1988).

15 Nithya Subramanian, “Films Division Seeks a Rescue Channel,” *The Hindu Business Line*, January 22, 2002, Industry & Economy Section.

16 Garga, “The Indian Documentary.”

17 Barnouw et al., *Indian Film*, 186-187.

18 Kumar, *Mass Communication in India*, 157-158.

19 Barnouw et al., *Indian Film*, 186-187.

20 *Ibid.*, 160-162.

their work will be purchased or commissioned by the Films Division because IPDs, as a genre, typically attack the existing political and religious hegemony, messages that the Indian government is extremely unlikely to fund. Lastly, the fierce competition between independent filmmakers for a limited number of government contracts can foster animosity within the IPD community, which hinders the movement's ability to organize to better compete with the Films Division's projects.²¹

The Films Division's monopolization of distribution outlets has had the corollary effect of impairing IPD filmmakers' ability to obtain funding for their films. Even with the introduction of relatively inexpensive 16 mm cameras and digital camcorders, IPD filmmakers have struggled to raise the funds necessary to produce films that can compete for viewers with State-funded projects.

Because opportunities for distribution are so limited due to the Films Division's domination of the market, it is nearly impossible for the filmmakers to support themselves financially with proceeds from selling their work. As a result, most IPD filmmakers must fund their films through "small donations in cash and kind from friends and relatives."²² IPD filmmakers also solicit sponsorship from NGOs and corporations that happen to have a vested interest in the subject of their films. This, however, is not typical, leaving even the most successful IPD filmmakers to fund their projects through small donations. In an interview with *The Hindu* newspaper, Patwardhan said that he has only recently been able "to survive" by selling his work, but this is only as "long as (he) continues to make low budget films." Before this, Patwardhan, like the vast majority of IPD filmmakers, financed his films with donations from friends and family.²³

This fundraising approach can be prohibitively time consuming. For instance, filmmaker Brahmanand Singh searched for two years for a financier for his film, *A Burden of Love*, a documentary project on Alzheimer's disease in the Indian context, before an Indian pharmaceutical company agreed to sponsor the project.²⁴ Other IPD filmmakers have indicated that it takes between three and five years of collecting small donations from individuals to raise the funds necessary to produce their films.²⁵ This level of commitment can be financially and emotionally unfeasible for many IPD filmmakers, especially over the course of a career. As filmmaker Yukihisa Fujimoto joked at a panel discussion during the 2000 MIFF, "I wouldn't want to be the wife of a documentary filmmaker."²⁶

Of course, most IPD filmmakers would say that spreading their message more important than monetary gain. Nevertheless, the inability of these films to make money or find wide distribution in India has had a negative impact on the number and quality of documentaries being produced. Firstly, IPD filmmakers might not have the chance to make their films if they are unable to support themselves or their families while doing it. Secondly, even if potential nongovernmental investors are only interested in spreading awareness about a particular issue and are not concerned about receiving a monetary return on their investment, the inability of many of IPDs

21 Ibid., 189.

22 R. Krithika, "Filmmaker as Activist," *The Hindu*, May 16, 2004, Magazine Section.

23 Ibid.

24 Gowri Ramnarayan, "Limited Appeal," *The Hindu*, March 12, 2000, Entertainment Section.

25 Raqs Media Collective, ed, *Double Take: Looking at the Documentary* (New Delhi: Foundation for Universal Responsibility of His Holiness the Dalai Lama in association with the Public Service Broadcasting Trust, 2000).

26 Ramnarayan, "Limited Appeal."

to reach wider audiences will discourage their sponsorship. What reason would NGOs and corporations have in investing money in a film that will not be profitable and will more than likely never reach a wide audience?

With Indian markets dominated by the Films Division, IPD filmmakers have turned to international venues for their films. Speaking at the 2004 Mumbai International Film Festival (MIFF), Thomas Waugh said that international film festivals provide the “best market” for IPD films.²⁷ And indeed, both short subject and feature length IPDs have performed well at film festivals around the globe.

Supriyo Sen's film about his parents' return journey to their homeland in Bangladesh, *Way Back Home*, won the BBC Audience Award at the Manchester Commonwealth Film Festival as well as the Golden Conch at the Mumbai International Film Festival. Sen was also the recipient of the Berlin Today Award at the 2009 Berlin Film Festival for his short subject documentary, *Wagah*.²⁸ Four of Anand Patwardhan's films, *War and Peace*, *A Narmada Diary*, *Father, Son and Holy War*, and *In the Name of God*, have together won twenty-two major awards at film festivals around the globe.²⁹ Rakesh Sharma's *Final Solution* won seventeen awards and was an official selection at more than 80 international film festivals.³⁰

Ultimately, however, most IPD filmmakers intend for their films to be viewed and appreciated by Indian audiences who have a comprehensive understanding of Indian history, culture, and society. This is suggested by these films' use of language - most IPDs are in Hindi or Urdu - as well as their narrative structures, which typically contains very little background information or context-establishing exposition for the benefit of viewers who might be unfamiliar with the subject matter. Therefore, while film festivals provide IPD filmmakers with international exposure, awards, and critical acclaim, they have done little to improve distribution of IPDs within India itself, something which is, in the end, the very purpose of many of these films.

For example, Anand Patwardhan's *Father, Son, and Holy War* won six major awards at film festivals around the globe, yet was rejected from the Films Division-run 2004 Mumbai International Film Festival.³¹ Speaking about the 2006 International Film Festival of India (IFFI), Rakesh Sharma said, “Several documentaries that won international awards are totally missing from the (2006 IFFI) Indian Panorama list. These include Gaurav Jani's *Riding Solo to the Top of the World*, Amudhan's *Pee* and Atul Gupta's *Waiting*, about the missing in Kashmir. *Final Solution* (by Sharma himself) has won 20 international awards by now,” and yet was still excluded from the Indian Panorama List³²

Success at film festivals has also done little to relieve IPD filmmakers' funding woes. Festivals rarely offer significant cash prizes that the filmmakers could use to offset production costs or finance future projects. In rare circumstances, Western European and American television stations, such as Arte ZDF in Germany, the BBC in the

27 Ibid.

28 Ed Meza, “Wagah' wins Berlin Today Award,” *Variety*, February 8, 2009.

29 Anand Patwardhan, “Awards,” Films of Anand Patwardhan, <http://www.patwardhan.com/awards/index.htm>.

30 Kalpana Sharma, “Censor Board Bans 'Final Solution,’” *The Hindu*, August 6, 2004. Entertainment Section.

31 Swati Bandi, “Films From the Margins: Women, Desire and the Documentary Film in India” (MFA diss., State University of New York at Buffalo, 2008), 18-19.

32 “Censorship and Festivals Don't Go Together, Say Filmmakers,” *Indo-Asian News Service*, November 22, 2006.

United Kingdom, and Home Box Office (HBO) in the United States, have purchased IPDs off of the festival circuit for distribution within their respective countries.³³ In 2007, HBO purchased Ashim Ahluwalia's feature documentary on globalization and Indian call center workers, *John and Jane*, for distribution in the United States after it appeared at the Toronto and Berlin Film Festivals.³⁴ This is not typical, however, and the vast majority of IPD filmmakers are left without compensation and without the audience they desire.

The Films Division's monopolization of financing sources and distribution outlets in India is so pervasive that it is difficult for films that promote messages that are not specifically endorsed by the State to find enough money to be produced or, just as importantly, find an audience when they are finished. Politically, the Films Division has essentially silenced the voices of disempowered minorities in India. Artistically, it has likely discouraged countless filmmakers from expressing their ideas through documentary. And even if a filmmaker is able to complete a documentary outside of the Films Division's system, he or she still faces perhaps the greatest challenge to having their film seen throughout India: censorship by the Central Board of Film Certification.

Censorship and the Central Board of Film Certification

Censorship is the most significant obstacle for IPDs in India today. The Central Board of Film Certification (CBFC), popularly known as the Censor Board, regulates film and television content standards in India. Like the Films Division, the CBFC was created in the 1950s and is a subsidiary of the Ministry of Information and Broadcasting.³⁵ The Cinematograph Act of 1952 and the Cinematograph Rules of 1958 vested immense powers in the CBFC and it is presently responsible for reviewing films, assigning ratings categories to these films, and issuing "censor certificates," which all films must possess before they may be screened in Indian theatres. The CBFC has the authority to ban films outright, or refuse to issue censor certificates to certain films unless specific alterations or cuts are made.³⁶ Rakesh Sharma explains how censorship works in India as follows:

- (1) By law, any film that has to be screened in public or sold must have clearance from the Censor Board. In India, the Censor Board is not self-regulated by the industry but run by the government. It's directly controlled by the Ministry of Information and Broadcasting, which has the power to cut entire sequences or scenes.³⁷
- (2) This level of government control over censorship standards is facilitated by two structural features of the CBFC: concentration of power and

33 Mini Pant Zachariah, "Making Business Sense of Documentary Filmmaking," *Hindustan Times*, February 23, 2007, Cinema Section.

34 Indian Documentary Producers' Association, "John & Jane Cinema Release," press release, http://www.idpaindia.org/update_08/headlines_idpaupdate_08_5jun.html.

35 Sridala Swami, "Indian Documentary: Introduction," *Pratilipi: A Bilingual Quarterly Magazine* 1, no. 4 (October 2008), <http://pratilipi.in/2008/10/indian-documentary/>.

36 S.V. Raman, "Cutting Edge: Senseless Censors," (paper presented at the Centre for Civil Society Liberty, Art and Culture Seminar, Kolkata, India, November 6, 2004).

37 Sarah Stähli, "Fighting Censorship in India," *Berlinale Talent Campus* 7 (2007).

secrecy.

Power in the CBFC is concentrated in the hands of a small group of politically motivated bureaucrats. A single chairman runs the CBFC with the help of between twelve and thirty-five advisors, all of which are appointed by the State. These officials serve two-year terms and are *never* held accountable to the electorate.³⁸ As a result, the CBFC staff is more loyal to the government officials who appoint them than they are to the Indian people. Also, the committees within the CBFC, which are directly responsible for reviewing films and issuing censor certificates, the Advisory Panels, the Examining Committees, and the Revising Committees, are comprised of a very small number of members. With the censorship standards of the entire country controlled by such a small number of people who are loyal to empowered politicians, it is therefore easy for the State to maintain its stranglehold over public discourse.

For instance, the Advisory Panel that refused to issue Patwardhan's *War and Peace* and a censor certificate without significant alterations to the film was comprised of only four members.³⁹ Furthermore, according to Patwardhan, an "informal conversation" after the ruling was handed down revealed that "two out of the four members (of the Advisory Panel) were functionaries of the ruling BJP," the right-wing Hindu fundamentalist party in India.⁴⁰

When Sharma's *Final Solution*, which has a run time of over three and a half hours, was screened for the CBFC Advisory Committee, the committee reviewed the film, deliberated upon it, and issued a complete ban all within "less than three hours."⁴¹ The Advisory Committee had clearly not watched the film in its entirety before it delivered its ruling.

The second organizational feature of the CBFC that facilitates State control of censorship standards is an institutional lack of transparency. Under the Amendment Act of 1983, "all previews of films for the purpose of certification and the reports and records related to it, will be treated as confidential."⁴² This "confidentiality clause" mandates that the names of committee members that rate a particular film may not be released following the review process. Also, the "applicant or his representative (is) not allowed to be present in the preview theatre" or privy to the committee members' discussion of the film.⁴³

Technically, this confidentiality clause has been challenged and overturned in court. In 1983, the Madras High Court ruled that if the CBFC refused to grant an applicant a censor certificate, the committee that issued the ruling would be required to specify the guideline that the film violated.⁴⁴ Despite this ruling, however, secrecy remains an integral part of the censorship process. For example, when the Advisory Panel ruled that Patwardhan had to make six significant cuts from *War and Peace* before the Censor Board would issue it a censor certificate, the filmmakers were "repeatedly prevented" from discussing the film with the members of the Panel. A month later,

38 K.N.T. Sastry, "Documentary in India Today," *International Documentary: the Newsletter of the International Documentary Association* (1998), 17-18.

39 Barnouw et al., *Indian Film*, 184-190.

40 Anand Patwardhan, "21 Cuts Demanded by Censor Board on 'War and Peace,'" <http://www.patwardhan.com/writings/press/082402.htm>.

41 Sharma, "Censor Board Bans 'Final Solution.'"

42 Kumar, *Mass Communication in India*, 170-171.

43 Sharma, "Censor Board Bans 'Final Solution.'"

44 Kumar, *Mass Communication in India*, 171.

when a Revising Committee demanded that Patwardhan make an additional nineteen cuts, the filmmakers were again denied the right to discuss these demands with the committee members that had issued them.⁴⁵

Concentration of authority and secrecy allow the empowered majority in the Indian government to control the public discourse through the CBFC's rulings. It is no surprise, therefore, that the censorship standards "do not reflect 'a lack of consensus,' but seem to be drafted with a single-minded political agenda."⁴⁶ According to journalist Shradha Sukumaran, the CBFC is first and foremost an extension of State ideology whose primary goal is to "safeguard (the State's) interests.... (and prevent) any viewpoint other than the State's (to) exist in the public discourse."⁴⁷ This paternalistic approach to content regulation has manifested itself in vague and even irrational justifications of censorship rulings. IPDs, which, as a genre, are "resistant to the political culture of the Indian state and the free-market agendas of India's corporate and modernizing elites," have particularly suffered from the State's control of censorship standards.⁴⁸

For example, Ramesh Pimple's documentary on the 2002 riots in Gujarat, *Aakrosh*, was denied a censor certificate on the grounds that "it depicts violence... (and) the overall impact is negative as it will lead to communal hatred wherever it is screened."⁴⁹ Sharma's *Final Solution* was banned on the grounds that it:⁵⁰

promotes communal disharmony among Hindu and Muslim groups and presents the picture of Gujarat riots in a way that it may arouse communal feelings and clashes among Hindu Muslim groups.... (*Final Solution*) attacks the basic concept of our Republic i.e. National Integrity and Unity. Certain dialogues involve defamation of individuals or body of individuals. Entire picturisation is highly provocative and may trigger off unrest and communal violence. State security is jeopardized and public order is endangered if this film is shown.

In the summer of 2002, the Advisory Committee and the Examining Committee demanded the twenty-one cuts from *War and Peace* before the CBFC would issue a censor certificate.⁵¹ Patwardhan's reaction to the first of the CBFC's demanded cuts, a shot of Mahatma Gandhi's assassination by Nathuram Godse, authentic footage of a documented historical event, perfectly encapsulates the irrational nature of the Censor Board's ruling:

Even for someone expecting the worst from the CBFC, this cut comes as a shock. Is it now illegal in India to state that Nathuram Godse killed Gandhi? The visuals in question (a close up of a country-made revolver being fired) have been taken from an old documentary film made by the Gandhi Film Foundation. The Censor

45 Patwardhan, "21 Cuts Demanded."

46 Ibid.

47 Shammi Nanda, "Censorship and Indian Cinema," *Bright Lights Film Journal* 38 (November 2002).

48 Vinay Lal, "Travails of the Nation: Some Notes on Indian Documentaries," *Third Text* 19, no. 2 (March 2005), 175-85.

49 Rama Lakshmi, "Indian Filmmakers Feel Sting of Censorship," *The Washington Post*, January 17, 2004, A Section, Final Edition.

50 Sharma, "Censor Board Bans 'Final Solution.'"

51 Anand Patwardhan, "Censor Board of India at War with 'War and Peace'," press release. <http://www.patwardhan.com/writings/press/060202.htm>.

Guideline 2(xii) used to justify the cut is "visuals or words contemptuous of racial, religious or other groups are not presented;" CBFC does not specify exactly whom they wish to protect from contempt.⁵²

The CBFC does not only create bureaucratic barriers to IPD distribution, it is also willing to intervene physically to enforce its rulings. At the premiere of *War and Peace* at the government-run Kolkata Film Festival in 2003, a CBFC regional officer cancelled the screening, claiming that the reel of the film had not arrived at the theatre in time. When it was revealed that a copy of the film had, in fact, arrived in time for the screening, the official made the "flimsy excuse" that the print was damaged and could not be screened. CBFC officials broke up another screening of *War and Peace* that Patwardhan was holding at a private residence in Mumbai only a few weeks later.⁵³

Also in 2003, a collection of IPDs about the religious violence at Gujarat was set to be screened at a college campus in Bombay. However, the Akhil Bhartiya Vidyarthi Parishad (ABVP), the student wing of the BJP, filed a complaint to the CBFC that the films would cause rioting. The Bombay police intervened and confiscated the films on the grounds that they were endangering public safety. Cinematographer and author Shammi Nanda said of the confiscation of these films, "Instead of providing protection to those who want to show the film, which is their fundamental right, the police stopped the screening on the insistence of those who were party to the riots."⁵⁴

The Censor Board's powers only continue to expand. In 2004, the CBFC extended its authority to Indian film festivals, an area that had previously been outside of its jurisdiction. The Censor Board mandated that every film that appears at the Mumbai International Film Festival (MIFF) receive a censor certificate before it could be screened.⁵⁵ Notably, foreign entrants to the festival are not required to meet the same standards. It is further significant that the CBFC has targeted this festival specifically, as the MIFF is a festival for only documentary, short and animated films. Filmmaker Bishakha Datta believes that this targeted regulation indicates a "clampdown only on the (Indian) documentaries. Otherwise, why would they bother with the MIFF?"⁵⁶

To avoid controversy with the CBFC, Indian film festivals have begun to anticipate government censorship by rejecting controversial IPDs. The Mumbai International Film Festival, for instance, "is notorious for consistently rejecting films that are anti-establishment and actively critical of state policies."⁵⁷ Also, several IPDs, including Sharma's *Final Solution*, were turned down from the 2004 Bombay Film Festival before cuts of the films were even reviewed by the censors.⁵⁸ Speaking on the extension of the CBFC's jurisdiction to film festivals, Sharma said, "By convention, (Indian) film festivals are exempted from censor certificates. Delegates to these festivals are usually film professionals and students. You are showcasing your work within the fraternity; for us, the last surviving space is lost."⁵⁹ The Censor Board therefore

52 Ibid. Patwardhan's website features the director's specific reactions to each one of the Censor Board's demanded cuts. His discussion is too detailed to be included here. His notes, however, are a useful reference for further reading.

53 Shradha Sukumaran, "Making the Cuts - On Film Censorship in India," *Documentary Box* 22 (October 2003).

54 Nanda, "Censorship and Indian Cinema."

55 Swami, "Indian Documentary: Introduction."

56 Sukumaran, "Making the Cuts."

57 Bandi, "Films From the Margins," 18-19.

58 Lakshmi, "Indian Filmmakers Feel Sting of Censorship."

59 Sukumaran, "Making the Cuts."

continues to make it difficult for IPDs to find audiences in India.

While the CBCF is a powerful organization, its rulings are not absolute. Several IPD filmmakers have waged successful campaigns to have bans or edits of their films lifted. After a lengthy legal battle, the Supreme Court of India repealed the Censor Board's ban of *Final Solution* and the film premiered on Indian television in October 2004. Anand Patwardhan's *Father, Son and Holy War* and *War and Peace*, were also broadcast for the first time on Indian television in 2006 under court order.⁶⁰

Though Sharma and Patwardhan have succeeded in having the bans on their films lifted, their victories are Pyrrhic ones. The legal process to have a ban overturned can take many years. Waging these battles requires an investment of time and money that is unfeasible for many IPD filmmakers. Furthermore, because the effectiveness of IPDs often depends on the timeliness of their release, a several year delay in a film's release can diffuse its message.

If the CBFC only provided a ratings system, like the MPAA in the United States or the CBA in Australia, and did not have the power to ban, censor, or otherwise affect public access to IPDs, then the political maneuverings of the CBFC would have a minimal impact on IPD viewership. As it currently operates, however, the CBFC concentrates too much power in the hands of a small group of politically motivated bureaucrats and, as a result, many documentaries with controversial political or artistic content have had their messages cut short or, in some cases, not heard at all.

The ultimate arrogance of the CBFC is that it presumes that a handful of bureaucrats may legitimately determine what content is and is not suitable for a nation of 1.15 billion people to see. This attitude is deeply engrained in the Indian government. Writing on the role of the Censor Board in Indian culture, the Supreme Court of India wrote,

Film censorship becomes necessary because a film motivates thought and action and assures a high degree of attention and retention as compared to the printed word. The combination of act and speech, sight and sound in semi darkness of the theatre with elimination of all distracting ideas will have a strong impact on the minds of the viewers and can affect emotions. Therefore, it has as much potential for evil as it has for good and has an equal potential to instill or cultivate violent or good behavior. It cannot be equated with other modes of communication. Censorship by prior restraint is, therefore, not only desirable but also necessary.⁶¹

This paternalistic control of public discourse in India has manifested itself in ambiguous, arbitrary and unfair censoring of films, a disproportionate number of which are enacted upon IPDs whose only crime is promoting ideas that are not specifically endorsed by the Indian government. Indeed, censorship remains the most significant obstacle for IPDs reaching wider audiences.

Concluding Remarks: Looking Forward

A great irony of the IPD movement is that its films essentially find themselves in the same position as many of their subjects – oppressed by a government whose

60 Simantini Dhuru, Gaurav Jani, and Anand Patwardhan, "Filmmakers Win Legal Battle Against Censor Requirement at National Film Awards," press release, <http://www.patwardhan.com/Censorship/No%20More%20Censorship%20at%20National%20Film%20Awards.htm>.

61 Kumar, *Mass Communication in India*, 170.

Constitution vows to uphold “liberty of thought, expression, belief, faith and worship.”⁶² The government’s domination of the Indian film industry with organizations like the Films Division and the CBFC has made funding for IPDs scarce, limited their opportunities for distribution in Indian cinemas, and silenced their messages through politically motivated censorship. And yet, in the face of these obstacles, several developments suggest that IPDs will expand their audiences within India in the not-so-distant future.

For instance, new sources of funding allow IPD filmmakers to make more films “than ever before.” Media collectives such as Media Storm in Delhi and the Janamadyam Cieds Collective in Bombay have begun funding and producing documentaries independently of the Films Division.⁶³ The past decade has witnessed an explosion of nongovernmental organizations and not-for-profit groups in India and around the world. Many of these organizations are interested in spreading awareness about various forms of oppression and injustice, and IPDs are an attractive target for their sponsorship because of the filmmakers’ passion for their subjects. According to Iikka Vehkalahti, an executive producer for Steps India, a Delhi-based non-profit organization supporting documentary films, “In Europe today, most documentaries are boring because filmmakers are living in very ‘safe and stable environment’. In India and China, where tremendous changes are happening, many interesting stories are emerging. Because people have to work in tight budgets, they are passionate about their work.”⁶⁴

IPD filmmakers will also continue to benefit from the declining cost of high-quality digital film equipment and editing software. Prices of digital film equipment in India have fallen between 10% and 30% between 2002 and 2006.⁶⁵ Falling prices of filmmaking equipment has been produced primarily by globalization, a topic that is, somewhat ironically, a frequent target of IPD films. Japanese and American electronics companies such as Sony, JVC and Canon have engaged in a “price war” over Indian markets in an attempt to profit from the nation’s rapidly expanding middle class. When coupled with the new sources of funding from NGOs and nonprofits, these declining costs promise to boost the number of IPDs being produced, which could allow IPDs to better compete, at least numerically, with the Films Division’s projects.

The IPD movement has developed aesthetically as well. New modes of cinematic representation in several recent IPDs promise to make films more engaging as well as entertaining for audiences.⁶⁶ For example, in 2004’s *Way Back Home*, director Supriyo Sen enhances the audience’s experience of the film’s thematic content with stylistic flourishes such framing, collision montage, and nondiegetic sound. Ashim Ahluwalia shot his film, *John and Jane*, on high quality 35 mm film and uses smooth, tracking Steadicam and dolly shots throughout the film; it looks every bit the part of a high quality fiction film. The ability of a film to entertain as well as inform may seem like a minor point, but it should not be discounted. A film’s entertainment value is crucial for attracting audiences, regardless of its message. If these new aesthetics continue to spread throughout the IPD movement, IPDs could begin to attract viewers who may have otherwise never seen the film.

62 The Constitution of India, preamble.

63 Pendakur, “Cinema of Resistance.”

64 Zachariah, “Making Business Sense of Documentary Filmmaking.”

65 Jayasankar et al., “Images of the ‘Other’ in India.”

66 Pendakur, “Cinema of Resistance.”

While the IPD movement still faces many challenges from the Indian government, it nevertheless seems inevitable that IPDs will find wider distribution in India in the not-so-distant future. What remains to be determined, but is ultimately beyond of the scope of the discussion here, is whether or not IPDs will be able to preserve their messages and aesthetics as the genre evolves. While developments such as new sources of funding, decreasing production costs, and formalist aesthetics might allow IPDs to compete more effectively with the Films Division's projects for viewership, they could also threaten their very identity as a genre. For instance, IPD filmmakers may feel a need to distort their messages to obtain funding from NGOs and non-profits that want to promote specific agendas that might differ from those of the filmmakers. Also, taking advantage of the effects of globalization on equipment prices or adopting aesthetic flourishes that could be associated with Western filmmaking techniques in order to "entertain" audiences could be viewed as betrayals of the uniquely Indian voice of the IPD movement. Ultimately, the future of IPDs in India remains uncertain. In the meantime, these filmmakers continue to struggle to have their messages heard by the Indian people.