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Celluloid Testimony: Witness Vulnerability, Custodial Impunity, and the Cinematic Construction of Criminal Justice in Contemporary Indian Cinema

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ABSTRACT
Indian cinema has, since the early 1990s, repeatedly staged the criminal trial as a public forum for interrogating the credibility, safety, and dignity of the witness. This article undertakes a law-and-film analysis of six landmark works, Damini (1993), Talvar (2015), Pink (2016), Section 375 (2019), Article 15 (2019), and Jai Bhim (2021), to examine how mainstream Indian cinema visualises witness vulnerability, investigative failure, and custodial impunity. Using a doctrinal-cum-content-analysis method, this research maps each film's central legal conflict against the statutory and constitutional framework governing it, including the Supreme Court's ruling in Mahender Chawla v. Union of India (2019), the Witness Protection Scheme, 2018, its codification under Section 398 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Supreme Court's own February 2026 monitoring of States that have yet to notify a compliant scheme, Madhya Pradesh among them. Drawing on National Crime Records Bureau and National Human Rights Commission data current to March 2026 (170 custodial deaths recorded in 2025–26 alone, against only three convictions of police personnel nationally between 1999 and 2023), the article argues that Indian cinema has functioned as an informal instrument of legal pedagogy and reform pressure, translating doctrinal abstractions into affectively legible public narratives, while simultaneously reproducing certain evidentiary and gender biases it purports to critique. It closes with concrete, implementable proposals, statute-linked disclaimers on OTT courtroom dramas, a CBFC-NALSA procedural-accuracy consultation protocol, joint law-and-film clinical legal education modules, festival-based law-cinema dialogues, and empirical audience-impact research, designed to convert cinematic engagement into monitorable improvements in access to justice.
Keywords: witness protection; custodial violence; Indian courtroom drama; visual jurisprudence; Bharatiya Nagarik Suraksha Sanhita, 2023; law and film studies; access to justice

INTRODUCTION

The relationship between law and cinema in India is neither incidental nor merely illustrative. From Rajkumar Santoshi's Damini (1993) to T. J. Gnanavel's Jai Bhim (2021), the Indian courtroom drama has functioned as a recurring cultural site where the abstractions of criminal procedure, testimony, cross-examination, custody, and confession, are translated into narratives a lay public can feel and judge. This article situates that translation within the discipline of law-and-film studies, treating cinema not as a decorative gloss on legal doctrine but as an independent interpretive practice that shapes, and is shaped by, public understanding of the criminal justice system.

The specific focus of this paper is the figure of the witness: the person whose testimony the entire apparatus of criminal adjudication depends upon, and who in the Indian context remains one of the most structurally unprotected participants in a trial. Witnesses in India face intimidation, inducement, contamination of evidence around them, and, in the starkest cases dramatized by Jai Bhim, are themselves rendered permanently silent through custodial violence. This vulnerability was formally recognised by the Supreme Court of India in Mahender Chawla v. Union of India (2019), in which the Court approved the Witness Protection Scheme, 2018 and directed its implementation across all States and Union Territories under Articles 141 and 142 of the Constitution, holding the right to testify freely to be part of the right to life under Article 21. More recently, the Bharatiya Nagarik Suraksha Sanhita, 2023 has placed witness protection on an express statutory footing under Section 398, requiring every State Government to prepare and notify a witness protection scheme in consultation with the concerned High Court (Civil and Criminal Justice Cell, NLIU Bhopal, 2025).

This paper is written at a moment of unusual topical urgency. In February 2026, in a pending public interest matter monitoring the roll-out of criminal-law reforms, the Supreme Court of India directed status reports from States and Union Territories that had, as of that date, still not notified a Section 398 scheme, and recorded that notice had already been issued to the State of Madhya Pradesh, the author's own home State, on precisely this deficiency (Supreme Court of India, criminal original jurisdiction filing, Feb. 2026). The same proceeding records the amicus

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curiae's request for adoption of a Draft Rules of Criminal Practice, 2026, in supersession of the 2021 draft, and for directions on audio-visual evidence storage consistent with the Digital Personal Data Protection Act, 2023. Eight years after Mahender Chawla and more than two years after the BNSS came into force, meaningful parts of India's witness protection architecture thus remain, as of early 2026, incomplete on the ground even as they are increasingly complete on paper. It is against this precise, dated backdrop that this article asks whether Indian visual and performing arts have anticipated, lagged behind, or simply ignored this unfinished legal reform.

Accordingly, the article asks four questions: (i) how does Indian cinema visualise the structural vulnerability of the criminal witness across three decades; (ii) to what extent do these cinematic representations track, distort, or run ahead of the actual statutory and constitutional position, including its most current 2025–2026 developments; (iii) what does contemporaneous custodial-death data reveal about the gap between cinematic and institutional accountability; and (iv) what practical, non-rhetorical interventions can visual-arts institutions, film certification bodies, and legal educators undertake to convert cinematic engagement into measurable improvements in access to justice.

2. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Law-and-film scholarship internationally has long argued that popular legal cinema performs cultural work that doctrinal analysis alone cannot: it renders the trial legible as moral spectacle, and in doing so shapes lay expectations of what 'justice' should look, sound, and feel like. Within Indian film scholarship specifically, courtroom dramas addressing sexual violence have received the most sustained attention; a 2022 book chapter analysing Pink (2016) and Section 375 (2019) together argues that both films foreground India's 'contemporary cultural systems of fear that silence... rape survivors,' even as the two films diverge sharply on whether the 2013 Criminal Law Amendment should be read as a protective correction or a tool open to misuse (Sacred Heart University Digital Commons, 2022). Separately, legal commentary on Jai Bhim situates the film within a continuum of custodial-violence jurisprudence stretching back to the colonial-era Criminal Tribes Act and forward to D.K. Basu v. State of West Bengal (1997) (LiveLaw, 2021).

This article adopts a 'visual jurisprudence' framework, treating cinematic texts as a parallel, non-doctrinal source of legal knowledge production that operates through affect, character identification, and narrative closure rather than through precedent and statute. Four theoretical premises follow. First, cinema compresses multi-year litigation into a two-to-three-hour narrative arc, which necessarily privileges emotionally resolvable conflicts, the wrongly accused vindicated, the tormentor exposed, over the open-ended, frequently inconclusive reality of Indian criminal trials; Talvar's Rashomon-style refusal of closure is the genre's most self-conscious exception to this tendency. Second, the casting of a witness as either wholly credible or wholly compromised mirrors, and arguably entrenches, the very character-based reasoning that evidence-law reform has sought to restrict. Third, cinema's caste-inflected and custodial narratives (Article 15, Jai Bhim) reveal that witness vulnerability in India is not a generic evidentiary problem but one structured by social location, caste, tribal status, and economic dependency determine who can safely testify at all. Fourth, and most relevant to this study's practical recommendations, cinema operates as a distribution mechanism for legal information, for better or worse, reaching audiences that formal legal-literacy campaigns rarely penetrate.

A further theoretical premise concerns mise-en-scène as legal argument. The Indian courtroom drama routinely stages its witness-box scenes through specific visual grammar, tight close-ups on a witness's trembling hands, shot-reverse-shot patterns that align the camera with the cross-examining lawyer's gaze, and courtroom architecture (the raised dais, the witness box positioned below and facing the bench) that visually reproduces the very power asymmetry the narrative may be critiquing. This visual grammar is rarely neutral: Pink's repeated low-angle shots of Minal in the witness box, looking up at an aggressive cross-examiner, visually literalise the power imbalance the film's dialogue makes explicit, while Jai Bhim's handheld, documentary-style cinematography in its custodial-torture sequences borrows visual conventions from human-rights advocacy footage rather than from courtroom-drama convention, signalling to the audience that these scenes should be read as testimony in themselves. Attending to this visual register, rather than treating dialogue and plot alone as the unit of legal analysis, is what distinguishes a law-and-film reading from a purely doctrinal case comment on the same events.

It is worth situating this framework against the broader corpus of Indian courtroom cinema that lies outside this article's six-film sample but informs its background assumptions. Damini's predecessors and contemporaries, Rajkumar Santoshi's own later Ghatak (1996), Shyam Benegal's earlier parallel-cinema courtroom work, and the long-running Bollywood convention of the 'angry young man' seeking extra-judicial justice because the formal system has failed a witness or victim, collectively establish a genre-wide scepticism toward institutional remedy that predates the specific witness-protection reforms this article tracks. Against that backdrop, the shift visible across the six sampled films, from Damini's individual moral rescue to Jai Bhim's procedurally literate habeas corpus litigation, arguably tracks a broader maturation of the genre itself: contemporary Indian courtroom cinema increasingly expects its audience to follow specific statutory and constitutional argument (habeas corpus

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jurisdiction, evidentiary presumptions, SC/ST Act protections) rather than relying solely on melodrama, which strengthens rather than weakens this article's claim that cinema functions as a form of informal legal pedagogy.

3. METHODOLOGY

The paper uses a doctrinal-cum-content-analysis method. Six films were purposively sampled across 1993–2021, Damini, Talvar, Pink, Section 375, Article 15, and Jai Bhim, selected because each stages a distinct facet of witness or testimonial vulnerability: inducement of a domestic-worker eyewitness; contamination of physical evidence and contradictory investigative testimony; character-based cross-examination of a survivor-witness; adversarial testing of a sole complainant-witness; caste-based suppression of victims' testimony; and custodial elimination of tribal witnesses. For each film, the central legal conflict was coded and mapped against (a) the statutory or constitutional provision operative at the time of the events depicted, (b) the provision operative today following the 2023 criminal-law recodification, and (c) documented real-world reception, reviews, legal commentary, and, where available, policy discussion, evidencing the film's circulation beyond entertainment. Primary legal sources (the Constitution, the Bharatiya Nagarik Suraksha Sanhita 2023, the Bharatiya Sakshya Adhiniyam 2023, the Witness Protection Scheme 2018, and reported judgments) were cross-checked against secondary legal-academic, governmental, and journalistic sources current to February–April 2026 to ensure the factual and statistical currency of the analysis.

Two further methodological choices merit explicit statement. First, this research deliberately excludes films whose primary generic identity is thriller or masala entertainment rather than courtroom or investigative drama, even where such films touch on witness themes in passing, in order to keep the doctrinal mapping exercise in Section 6 tractable and comparable across the sample. Second, where a film's narrative departs materially from the documented facts of the real case that inspired it, as several reviewers note occurs in Section 375's departure from typical genre convention, or in Talvar's fictionalised names and compressed timeline, this divergence is treated as data in its own right rather than as a flaw to be corrected, since the specific way a film chooses to depart from documented fact is itself informative of the ideological work the film is performing.

4. THE LEGAL ARCHITECTURE OF WITNESS PROTECTION IN INDIA

4.1 Judicial Genesis: From Zahira Habibullah Sheikh to Mahender Chawla

India's witness protection framework developed through three overlapping layers. Judicial concern over hostile and intimidated witnesses is longstanding, and is frequently traced in current legal commentary to the Supreme Court's observations in Zahira Habibullah Sheikh v. State of Gujarat, the 'Best Bakery case,' which starkly exposed how witnesses could be induced to turn hostile in politically sensitive prosecutions (Law Jurist, 2026). This judicial anxiety culminated in Mahender Chawla v. Union of India (2019), in which the Supreme Court approved the Witness Protection Scheme, 2018, prepared by the Ministry of Home Affairs in consultation with the National Legal Services Authority and the Bureau of Police Research and Development, and directed its immediate, nationwide implementation pending parliamentary legislation, holding it to have the force of law under Articles 141 and 142 (National Law School of India University, 2025; Ministry of Home Affairs, 2018).

4.2 Statutory Codification: Section 398, BNSS, 2023

The second layer is statutory. Section 398 of the Bharatiya Nagarik Suraksha Sanhita, 2023 converts the judicially mandated 2018 scheme into an express legislative obligation on every State Government, requiring each State to prepare and notify its own witness protection scheme. Commentary describes this shift as 'Witness Protection 2.0': whereas the 2018 scheme 'functioned merely as an administrative guideline,' BNSS 'transforms judicial concern into a legal duty,' embedding protection directly into criminal procedure rather than leaving it to executive discretion (Law Jurist, 2026). The BNSS scheme categorises witnesses into three risk tiers, Category A facing the most direct threat to life warranting relocation and close protection, through to lower-risk categories requiring lighter safeguards, allowing protection measures to be proportionate to assessed threat (Civil and Criminal Justice Cell, NLIU Bhopal, 2025).

4.3 Technological and Procedural Reform: Section 269 and Section 196, BNSS

Beyond institutional protection, the BNSS introduces procedural reforms aimed at reducing the opportunities for intimidation that arise from the physical act of testifying in open court. Section 269 permits courts to record evidence and witness statements through audio-video electronic means, enabling remote testimony that is 'particularly beneficial for victims of sensitive offences and witnesses residing far from trial courts' (Law Jurist, 2026). Separately, Section 196 of the BNSS mandates a magisterial inquiry into every custodial death, a provision of direct relevance to the Jai Bhim case study below, since it targets precisely the mechanism (unrecorded custodial death) through which witnesses in that film are permanently silenced (Dataful/Insights, 2026).

4.4 The 2026 Compliance Gap: A Live Supreme Court Monitoring Proceeding

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The most current evidence of the distance between statutory design and ground-level implementation comes from the Supreme Court's own February 2026 monitoring order. In proceedings tracking the roll-out of the new criminal codes, the amicus curiae sought directions requiring States and Union Territories that had not yet notified a Section 398 scheme to file status reports specifying the steps taken and a time-bound schedule for notification and enforcement. The filing records that notice had already issued to the State of Madhya Pradesh on the limited question of the absence of a notified scheme, and separately seeks formulation of a Draft Rules of Criminal Practice, 2026, alongside directions on audio-visual evidence storage under the Digital Personal Data Protection Act, 2023 (Supreme Court of India, Feb. 2026). This single, dated proceeding is the clearest available evidence that, notwithstanding a Supreme Court judgment (2019), a Union scheme (2018), and an express statutory mandate (2023), a meaningful number of Indian States remained non-compliant as of early 2026, a finding with direct bearing on this article's central argument that cinema has consistently narrated witness vulnerability ahead of, rather than behind, institutional remedy. The amicus curiae's parallel request for a Draft Rules of Criminal Practice, 2026, specifying, among other things, Digital Personal Data Protection Act-compliant storage protocols for audio-visual witness testimony recorded under Section 269, further indicates that even the technologically progressive safeguards discussed in Section 4.3 remain, as of this writing, procedurally unsettled at the level of implementing rules, notwithstanding their settled statutory basis. For a State such as Madhya Pradesh, where the author of this article is based, the notice issued by the Supreme Court is not an abstract data point but a locally salient fact: it means that, as of the date of this article's drafting, the specific State in which its host institution operates had not, according to the Court's own record, completed the statutory obligation Section 398 imposes, a circumstance this article suggests is itself worthy of continued monitoring by State-based legal academics and clinical legal education programmes of exactly the kind proposed in Section 10.3.

5. CUSTODIAL VIOLENCE BY THE NUMBERS: NCRB AND NHRC DATA THROUGH MARCH 2026

Custodial violence represents the most extreme form of witness suppression: the elimination or coercion of the very witnesses, victims, co-accused, or family members, whose testimony could implicate the State itself. Longitudinal National Crime Records Bureau (NCRB) data analysed in April 2026 records that 2,253 people died in police custody in India between 1999 and 2023, an average of 90 deaths a year; over the same period, 2,373 cases were registered against police personnel for human-rights violations, of which only 3 ever resulted in conviction, all in 2017, with the conviction count remaining at zero for six consecutive years from 2018 to 2023 (Dataful/Insights, 2026). Separately, NCRB data for 2023 alone records 2,279 cases registered against State police personnel, of which 1,012 were chargesheeted and 1,333 police personnel arrested, alongside 833 recorded escapes of accused persons from police custody that year, a figure the same report notes is itself sometimes cited by police as an explanatory circumstance for deaths and disappearances in custody (ETV Bharat, 2025).

More recent National Human Rights Commission (NHRC) data placed before the Lok Sabha in March 2026 and summarised in Table 2 below shows police-custody deaths of 176 in 2021–22, 163 in 2022–23, 157 in 2023–24, a five-year low of 140 in 2024–25, and a rise back to 170 in 2025–26 up to 15 March 2026, with Bihar (19), Rajasthan (18), and Uttar Pradesh, Gujarat, Maharashtra and Punjab (15 each) recording the highest state-wise figures that year, and only one disciplinary action recorded nationally across the entire five-year window (The Wire, 2026).

Fiscal / Calendar Year	Reported Deaths in Police Custody	Source	Notable Contextual Data Point
1999–2023 (25-year total)	2,253 deaths (avg. ~90/year)	NCRB, cited in Dataful analysis (Apr. 2026)	Only 3 convictions of police personnel for custodial human-rights violations in this period, all in 2017; zero convictions 2018–2023
2021–22	176	NHRC data placed before Parliament (Mar. 2026)	Maharashtra recorded 30 deaths this year, the single highest state figure in the five-year series
2022–23	163	NHRC data placed before Parliament (Mar. 2026)	Only one disciplinary action nationally has been recorded across

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			the entire 2021–26 five-year window (Tamil Nadu)
2023–24	157	NHRC data placed before Parliament (Mar. 2026)	NCRB separately reports 2,279 cases registered against police personnel in 2023, with 1,012 chargesheeted and 1,333 arrested
2024–25	140	NHRC data placed before Parliament (Mar. 2026)	Five-year low in the series, preceding a renewed rise the following year
2025–26 (up to 15 Mar. 2026)	170	NHRC data placed before Parliament (Mar. 2026)	Bihar (19), Rajasthan (18), Uttar Pradesh (15), Gujarat, Maharashtra and Punjab (15 each) report the highest state-wise figures

A rare instance of accountability offers a useful counterpoint: in March 2026, nine police personnel were convicted of murder in connection with the 2020 custodial deaths of Jayaraj and Bennix in Tamil Nadu, with sentencing scheduled for 2 April 2026, a case explicitly flagged in current legal-affairs reporting as exceptional precisely because convictions at this stage are 'rare' (Dataful/Insights, 2026). Read together, this body of 2025–2026 data confirms that Jai Bhim's central grievance, that custodial death is common and accountability is not, remains, five years after the film's release, an accurate rather than a dated depiction of the Indian criminal justice system.

6. CASE Analysis

6.1 Table 1, Selected Films Mapped to Legal Themes and Statutory Reference Points

Film (Year)	Director	Central Legal Issue Depicted	Governing Law / Precedent (Real)	Real-World Resonance
Damini (1993)	Rajkumar Santoshi	Eyewitness (domestic worker) turning hostile under inducement/pressure; conviction of an employer's son for rape	S. 154 & 161 Cr.P.C. (pre-BNSS) recording of witness statements; judicial anxiety over hostile witnesses predates statutory reform by decades	Widely cited by legal commentators as an early, largely accurate cinematic diagnosis of witness coercion in Indian trial courts
Talvar (2015)	Meghna Gulzar	Contamination of a crime scene, contradictory investigative theories, and the unreliability of shifting witness/parental testimony in a double murder	Investigative procedure under the CrPC, 1973 (now BNSS, 2023); the Allahabad High Court's 2017 acquittal for want of 'clinching proof' beyond reasonable doubt	Described by legal commentators as 'an indictment of the Indian legal system'; the film's Rashomon-style structure anticipated the parents' eventual acquittal
Pink (2016)	Aniruddha Roy Chowdhury	Consent, character-assassination of the complainant-witness, 'two-finger'/character-based bias in sexual-assault trials	S. 146, Indian Evidence Act, 1872 (now S. 148, Bharatiya Sakshya Adhiniyam, 2023) restricting character-based cross-examination of a prosecutrix	Its 'no means no' framing was subsequently invoked in public legal-literacy and consent-education campaigns

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Section 375 (2019)	Ajay Bahl	Adversarial testing of a sole complainant-witness narrative; the evidentiary burden after the Criminal Law (Amendment) Act, 2013	Criminal Law (Amendment) Act, 2013 amending S. 375, IPC (now S. 63, Bharatiya Nyaya Sanhita, 2023)	Reopened debate on balancing survivor-protective evidentiary presumptions against the fair-trial rights of the accused
Article 15 (2019)	Anubhav Sinha	Caste-based suppression of witnesses and victims' families following the killing of two Dalit girls; police reluctance to record dissenting testimony	Art. 15 & Art. 17, Constitution of India; SC/ST (Prevention of Atrocities) Act, 1989	Loosely based on the 2014 Badaun case; credited with widening mainstream cinematic vocabulary for caste-based obstruction of justice
Jai Bhim (2021)	T. J. Gnanavel	Custodial torture and enforced disappearance eliminating the only witnesses to police wrongdoing; habeas corpus as a substitute for witness protection	Art. 21, Constitution of India; D.K. Basu v. State of West Bengal (1997); habeas corpus jurisdiction of the Madras High Court	Based on a documented 1993 case litigated by (later Justice) K. Chandru; renewed calls for custodial-death audits and independent witness safeguards

6.2 Damini (1993): The Domestic Witness and the Economics of Silence

Damini dramatizes perhaps the most common and least cinematically glamorous form of witness suppression in India: the inducement of an economically dependent eyewitness, here, a domestic worker who witnesses the rape of another household employee, to retract or dilute her statement. The film's protagonist, a family member rather than the State, becomes the de facto witness-protector, a role the Witness Protection Scheme, 2018 was designed three decades later to institutionalise through State Witness Protection Funds, identity change, and relocation rather than individual heroism (Ministry of Home Affairs, 2018). Read against the 2018 scheme and its 2023 statutory successor, Damini can be understood as an early cultural diagnosis of a structural gap the law took twenty-five years to formally address, and, per the compliance gap documented in Section 4.4, has still not fully closed in every State as of 2026. It is also worth noting that Damini's witness is doubly vulnerable: economically dependent on the very household implicated in the crime, and socially positioned such that her word alone would carry less evidentiary weight than her employer's in the eyes of the investigating police, an intersection of class and gendered credibility that the film renders visually through repeated framing of the witness in domestic, subordinate spaces (kitchens, service quarters) even during the scenes in which she is asked to give testimony, reinforcing this article's Section 2 point about mise-en-scène as a carrier of legal argument in its own right.

6.3 Talvar (2015): Evidentiary Contamination and the Unreliable Witness

Talvar, based on the 2008 Noida double-murder case, dramatizes a different failure mode: not the suppression of a witness by a hostile third party, but the corrosion of testimonial and forensic reliability by the investigating machinery itself. The film presents three mutually contradictory investigative theories, the local police's initial 'honour killing' theory, a first CBI team's alternative suspect theory, and a second CBI team's reversion to parental guilt, each built on the same underlying, contested set of witness statements and forensic traces, most notably the shifting testimony of a parent regarding a door key later treated as inculpatory (Indian Down Under, 2015). Contemporary legal commentary described the film as 'an indictment of the Indian legal system' for precisely this reason (LiveLaw, 2015). The Allahabad High Court's 2017 acquittal of the parents for want of 'clinching proof' beyond reasonable doubt vindicated the film's structurally agnostic, Rashomon-style narration (DailyO, 2015-2017 coverage). For a study of witness vulnerability, Talvar is instructive precisely because it shows that unreliable testimony is not always coerced from without; it can equally be produced by scene contamination, tunnel-visioned investigation, and the psychological pressure of interrogation upon grieving family members who are simultaneously witnesses and suspects. The 2017 Allahabad High Court acquittal, reported contemporaneously as vindicating the film's structurally agnostic stance, is itself a useful cautionary data point for this article's broader argument: it shows that a wrongful conviction can occur even without any of the classic witness-intimidation dynamics dramatized in Damini, Pink, or Jai Bhim being present at all, evidentiary failure in India is not reducible to a single causal story, and any reform agenda, cinematic or statutory, that focuses solely

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on witness protection from third-party intimidation risks leaving this investigative-integrity dimension under-addressed.

6.4 Pink (2016) and Section 375 (2019): Character, Consent, and the Burden on the Witness

Pink and Section 375, released three years apart, dramatize opposite anxieties arising from the same 2013 legislative reform. Pink stages the systematic character-assassination of the complainant-witness, her clothing, her social conduct, her alcohol consumption, as a rhetorical strategy still deployed in practice despite the statutory bar on character-based cross-examination of a prosecutrix in sexual-offence trials, a restriction carried forward from Section 146 of the Indian Evidence Act, 1872 into Section 148 of the Bharatiya Sakshya Adhiniyam, 2023. Section 375, by contrast, stages the anxiety that the 2013 amendment's survivor-protective evidentiary presumptions could themselves be misused against an innocent accused, positioning the complainant-witness as an unreliable narrator (91mobiles, 2023; Film Companion, 2019). Scholarly analysis has noted that Section 375 is comparatively unusual within the genre precisely because its 'lawyers are reasonably sensitive, judges are thoughtful, and the arc generally bends towards rule of law,' departing from the genre's more typical critique of systemic misogyny (Film Companion, 2019). Juxtaposed, the two films reveal that Indian courtroom cinema does not speak with one ideological voice on witness credibility; it stages the same doctrinal fault line, the evidentiary weight owed to a sole witness's testimony in sexual-offence cases, from opposing normative positions, mirroring an unresolved debate within Indian criminal procedure itself. It is worth adding that both films, despite their opposed politics, converge on one structural point: each stages the courtroom cross-examination as the single decisive moment of the entire proceeding, compressed into a handful of dramatic exchanges, when in documented Indian trial practice a sexual-offence case typically unfolds across multiple hearings spanning months or years, with the complainant-witness's statement recorded and re-tested at several distinct procedural stages (the Section 164 Cr.P.C. magistrate-recorded statement, examination-in-chief, and cross-examination proper). This compression is dramatically necessary but doctrinally misleading in a specific way: it can leave audiences with the impression that a witness's credibility is settled in a single confrontation, understating the cumulative, multi-stage nature of the scrutiny, and the multiple opportunities for intimidation, that a real complainant-witness actually experiences.

6.5 Article 15 (2019): Caste, Testimony, and the Politics of Who Is Believed

Article 15, loosely based on the 2014 Badaun case in which two Dalit girls were found murdered, extends the study's frame from gender to caste. The film's police-officer protagonist confronts a local administration and investigating apparatus structurally reluctant to record testimony from Dalit witnesses and victims' families, and correspondingly quick to credit alternative, caste-protective narratives (Perspectives-JDMC, 2019; The Quint, 2019). Where Pink and Section 375 dramatize the individual complainant-witness's credibility contest inside the courtroom, Article 15 dramatizes an earlier and arguably more consequential failure, the failure to even register a witness's testimony as worth investigating, situating witness vulnerability within Article 15 and Article 17 of the Constitution and the protective framework of the SC/ST (Prevention of Atrocities) Act, 1989. The film's CBFC certification history is itself instructive for Section 8 below: the Board required two visual and two audio cuts, including softening of violent imagery, before granting certification (Sentinel Assam, 2019), illustrating the kind of content-level negotiation any procedural-accuracy protocol proposed in this article would have to work alongside rather than around. It is also worth noting that Article 15's protagonist is himself an institutional insider, a police officer rather than a private lawyer or activist, which distinguishes its narrative structure from every other film in this sample and suggests a second, underexplored cinematic strategy for dramatizing witness vulnerability: reform from within the investigating agency itself, rather than correction imposed from outside it through litigation.

6.6 Jai Bhim (2021): Custodial Violence as the Terminal Suppression of Testimony

Jai Bhim, based on a documented 1993 case litigated by advocate (later Madras High Court Justice) K. Chandru, dramatizes the point at which witness vulnerability escalates into witness elimination. Rajakannu, a man from the Irula tribal community, is arrested on suspicion of theft, tortured in custody together with his relatives, and dies, his body's disappearance later concealed by the police as an 'escape from custody' (Wikipedia, Jai Bhim (film), 2024; The Morning, 2025). His wife Sengeni's pursuit of a habeas corpus petition before the Madras High Court, in which Chandru unconventionally sought witness examination within habeas corpus proceedings, becomes cinema's substitute for the witness protection the State failed to provide (LiveLaw, 2021). The film's forensic attention to procedural detail, the habeas corpus filing, the invocation of prior custodial-death precedent, the demand for an inquiry commission, has led commentators to describe it as 'required viewing' for law students (glimpse.lucasanderson.dev, 2021), underscoring cinema's pedagogical function identified in Section 2 above. As Section 5's 2026 data confirms, the film's central grievance remains current: custodial deaths persist at roughly 140–176 per year nationally, and convictions of responsible police personnel remain, in the NCRB's own 25-year

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data, functionally rare. The film's closing act, in which Chandru secures not only a judicial finding of custodial death but a compensation order and the initiation of departmental action against named police officers, is worth flagging as a rare instance in this sample of a courtroom drama depicting a legal remedy in enough procedural detail, the specific relief sought, the specific institutional actors ordered to respond, that it could plausibly serve as a teaching text in its own right for the clinical legal education modules proposed in Section 10.3, rather than functioning only as a generalised call for justice.

7. JUVENILE AND VULNERABLE WITNESSES: AN EMERGING BLIND SPOT

A notable absence across all six films analysed in Section 6 is the child or juvenile witness, a category that Indian law treats with particular procedural care, and one this author's own research interests in juvenile justice make it important to flag rather than pass over. The Protection of Children from Sexual Offences (POCSO) Act, 2012 and the Juvenile Justice (Care and Protection of Children) Act, 2015 both mandate child-friendly evidentiary procedures: statements recorded in the presence of a support person, testimony taken through video-conferencing or behind a screen to avoid direct confrontation with the accused, and special courts designed to minimise re-traumatisation. None of the films in this study's sample dramatizes these safeguards in operation, even though several, Article 15's investigation into the killing of two minors, Jai Bhim's depiction of a family including minor relatives caught up in custodial violence, feature child victims or child witnesses at their narrative margins without foregrounding the specific procedural protections the law affords them.

This is a genuine representational gap with practical consequences. If Indian cinema has functioned, as this article argues, as an informal vehicle of legal literacy for adult witness protection, its comparative silence on child-witness safeguards means that this equally important, and arguably more procedurally developed, area of Indian evidence law has no comparable popular cultural referent. A future wave of Indian courtroom cinema addressing POCSO trials, in-camera child testimony, or the juvenile-in-conflict-with-law's own testimonial vulnerability during interrogation would fill a gap this study's sample confirms is currently empty, and would extend the 'visual jurisprudence' framework developed here into an area of criminal procedure this author considers under-served by both cinema and, at times, by ground-level implementation alike.

8. DISCUSSION: THE GAP BETWEEN REEL AND REAL WITNESS PROTECTION

Four findings emerge from the comparative analysis. First, Indian cinema has consistently dramatized witness vulnerability roughly a generation ahead of corresponding statutory reform, Damini (1993) preceded the Witness Protection Scheme by twenty-five years, and Jai Bhim's custodial-death narrative continues to outpace the still-uneven State-level implementation of witness protection confirmed by the Supreme Court's own February 2026 monitoring order. Second, none of the six films depicts the formal Witness Protection Scheme, 2018 or its BNSS successor in operation; cinematic witness-protection remains, without exception, an act of individual moral courage, a lawyer, a bystander, a spouse, a conscientious police officer, rather than institutional safeguard. This is a significant representational gap: it leaves Indian audiences without any cinematic vocabulary for what a functioning, State-run witness protection mechanism should look like, even as such mechanisms are now nearly a decade into legal existence.

Third, the data assembled in Section 5 shows that the accountability gap dramatized by Jai Bhim is not a historical artefact of the 1990s but a live, quantifiable feature of 2025–2026 Indian criminal justice: a 90-death-per-year average sustained across a quarter-century, alongside a conviction rate for responsible police personnel that the NCRB's own compiled data places at effectively zero for six consecutive years before recovering to a handful of convictions, such as the March 2026 Jayaraj-Bennix verdict, that are themselves reported as exceptional. Fourth, the gendered and caste-inflected case studies (Pink, Section 375, Article 15) show that cinema can simultaneously critique and reproduce the same evidentiary bias, since even sympathetic courtroom dramas often resolve their narratives through a single dramatic cross-examination or a righteous investigator rather than depicting the sustained institutional protection, in-camera testimony, support persons, identity protection, Section 269 audio-visual recording, that the law increasingly requires, at least on paper, for vulnerable witnesses.

A further, more speculative observation follows from Talvar. Because the film's entire dramatic structure depends on the audience's inability to resolve competing witness accounts, it may inadvertently normalise a form of institutional fatalism, the idea that the truth of a contested criminal case is permanently unknowable, that sits uneasily with the law's own insistence, expressed through the BNSS's new procedural safeguards, that better evidence-handling and better-protected testimony can in fact produce more reliable outcomes. This tension between cinema's aesthetic preference for ambiguity and the law's institutional need for determinable fact is, this article suggests, an underexplored line for future law-and-film scholarship on the Indian courtroom genre.

A fifth and final observation concerns institutional actors rather than witnesses themselves. Across the sample, the figure who ultimately secures justice, Deepak in Pink, Chandru in Jai Bhim, Ayan Ranjan in Article 15, Ashwin Kumar in Talvar, is almost always an individual professional whose personal conscience overrides institutional inertia, rather than an institution functioning as designed. This is dramatically satisfying but

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doctrinally misleading: it implicitly teaches audiences that justice in India depends on encountering an exceptional lawyer, judge, or officer, rather than on a functioning, adequately resourced system that would deliver comparable outcomes regardless of which individual happens to be involved. Section 398 of the BNSS, precisely because it mandates institutional witness protection infrastructure rather than relying on individual courage, represents a legislative attempt to correct exactly this dependency, and the continuing gap between that legislative intention and the 2026 compliance picture documented in Section 4.4 suggests Indian criminal justice has not yet caught up with its own cinema's oldest and most repeated lesson: that individual heroism is not a scalable substitute for institutional design.

9. A BRIEF COMPARATIVE NOTE

India's witness protection trajectory is not sui generis. The Philippines' Witness Protection, Security and Benefit Program, codified since 1991 under Republic Act No. 6981 and administered by the Department of Justice, offers accused persons determined to be the 'least guilty' in a crime freedom from liability in exchange for cooperation, backed by a dedicated annual budget (₱424.18 million in 2025) (Wikipedia, Philippines Witness Protection Program, 2025). The United Kingdom's Protected Persons Service, launched as a unified national scheme in 2012, has more recently drawn public scrutiny, including 2025–2026 investigative reporting on the psychological and social 'high price of safety' borne by protected witnesses forced to sever contact with family (Channel 4 News, 2026; Sky News, 2025), a caution against assuming that formal statutory protection alone resolves the human cost of testifying against power, protected witnesses in the UK scheme have reported being unable to contact family for a year or more, and the same reporting frames long-term protection as carrying a 'high price' even where it is, unlike large parts of India's own scheme, fully funded and operational nationwide. India's framework, still mid-implementation as this article's own primary evidence shows, has the comparative advantage of designing its Category A–C threat-tiering (Section 4.2) and its remote, audio-visual testimony provisions (Section 4.3) with these older schemes' documented trade-offs already visible internationally; whether Indian implementation will absorb these lessons is a question this article leaves open for future comparative research rather than one its present doctrinal-cum-content-analysis method can answer. It is notable, too, that neither the Philippine nor the British scheme has generated anything resembling the sustained cinematic attention this article documents for India; this may reflect India's comparatively larger and more socially embedded film industry, or it may reflect the fact that Indian witness vulnerability, as dramatized across the sample in Section 6, is more visibly entangled with caste, tribal status, and gender than the state-witness or organised-crime-informant paradigms that dominate the Philippine and British schemes respectively, a divergence that itself suggests India's cinematic engagement with witness protection is doing genuinely distinct cultural work, not merely translating an international template into a local idiom.

10. RECOMMENDATIONS

The following proposals are designed to be directly implementable by the institutions named, rather than aspirational statements of principle.

1. Statute-linked information codas for OTT and theatrical legal dramas. Streaming platforms and the Central Board of Film Certification (CBFC) should adopt a voluntary, industry-negotiated practice, modelled on existing public-service disclaimers for smoking or suicide content, of appending a brief, factual end-card to courtroom dramas involving witness intimidation or custodial violence, stating the current legal position (e.g., Section 398, BNSS 2023, and the fact that State-wise notification status can be checked against a public NALSA or State Legal Services Authority register) and the National Legal Services Authority (NALSA) helpline for witnesses seeking protection. This converts a two-hour narrative into an actionable referral point at negligible production cost.

2. A CBFC–NALSA procedural-accuracy consultation protocol. For films whose narrative substantially turns on a specific criminal procedure (habeas corpus, witness protection, custodial rights), production houses should be offered, not mandated, access to a standing panel of legal-aid lawyers or law faculty for a one-time factual review prior to certification, analogous to the technical-accuracy consultations already routine for medical and military dramas. Article 15's certification history (Section 6.5) shows that CBFC review already shapes such films' final content; formalising a parallel legal-accuracy channel alongside the existing content-classification process would reduce the doctrinal drift observed in Section 375's treatment of the 2013 amendment while preserving full creative and narrative freedom.

3. Joint law-and-film clinical modules in legal education. Law schools, including multi-campus institutions such as NMIMS, can integrate a compact, graded module pairing each of the six films analysed here with the corresponding primary legal text (Mahender Chawla, Section 398 BNSS, D.K. Basu, the SC/ST Act), requiring students to draft the witness-protection application, the Section 269 remote-testimony request, or the habeas corpus petition the film's protagonist should have had available. This operationalises the 'required viewing for law students' status already informally attributed to Jai Bhim into an assessed clinical-legal-education exercise, and

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could be extended to a moot-court exercise reconstructing the still-pending 2026 Supreme Court proceeding on State-wise Section 398 compliance described in Section 4.4.
4. Festival-based law-cinema dialogues with measurable outputs. Film festivals and university visual-arts departments should institutionalise post-screening panels pairing directors or actors with sitting or retired judicial officers and legal-aid practitioners, with each session required to produce a short public memorandum identifying one concrete gap between the film's depiction and the current statutory position, creating a standing, citable public record rather than a one-off discussion, and giving policymakers a low-cost channel for monitoring where public legal understanding, as shaped by cinema, has drifted from the law in force.
5. Empirical audience-impact research. Communication and law faculties should jointly commission before-and-after survey studies (of the kind already used to measure the real-world uptake of Pink's 'no means no' framing in consent-education campaigns) to quantify whether courtroom dramas measurably shift audience understanding of witness rights, providing an evidence base for recommendations 1–4 rather than relying on anecdotal claims of cinematic impact.
6. A State-wise 'compliance tracker' art-and-advocacy initiative. Given the live 2026 Supreme Court proceeding on Section 398 notification status documented in Section 4.4, university visual-arts and law departments could jointly produce and publicly host a simple, regularly updated visual tracker (an infographic or short documentary series) mapping which States have notified a compliant witness protection scheme, modelled on the same public-interest-documentation impulse that produced Jai Bhim, but aimed prospectively at monitoring implementation rather than retrospectively dramatizing failure.
7. Custodial-data literacy modules for journalism and film schools. Given the scale and persistence of the custodial-death figures in Section 5, journalism and film programmes should incorporate a short module on reading and citing NCRB and NHRC custodial-data releases accurately, so that future cinematic and documentary treatments of custodial violence are grounded in current official statistics rather than outdated or approximate figures, reducing the risk of the kind of factual drift this article's own methodology sought to avoid.
8. Commissioning a child-witness-focused work to close the gap identified in Section 7. Public film-funding bodies, university media schools, and OTT platforms' original-content commissioning arms should be encouraged to specifically solicit a courtroom or investigative drama centred on POCSO trial procedure or juvenile testimonial protection, on the model of the commissioning briefs already used for other underrepresented social themes; this would be a direct, low-cost response to the representational blind spot this article documents, rather than a general call for 'more legal cinema.'
9. A standing law-and-film working group within Bar Council and University Grants Commission-recognised curricula. Given how consistently this article's sample shows cinema anticipating statutory reform, a standing interdisciplinary working group, drawing on law faculty, film studies departments, and practising members of the Bar, could be tasked with an annual review of that year's major Indian courtroom releases against the current state of criminal procedure, publishing a short annual note (of the kind this article itself attempts) that legal-aid bodies, journalists, and legal educators could cite as a standing reference point, rather than each constituency independently rediscovering the same gap each time a new film is released.

11. LIMITATIONS

This research is qualitative and interpretive rather than quantitative; it does not measure actual audience attitude change and relies on secondary reviews and legal commentary to evidence each film's real-world reception. The six-film sample, while purposively diverse across gender, caste, and custodial themes, remains a small, Hindi- and Tamil-cinema-weighted selection from a much larger corpus of Indian regional courtroom cinema; a fuller study would extend the sample to Malayalam, Telugu, Bengali, and Marathi courtroom dramas. Finally, because Sections 4.4 and 5 rely on a live, still-pending Supreme Court proceeding and in-year (2025–26) government data, some figures cited here are provisional and will be superseded as the litigation and the fiscal year conclude; readers consulting this article after mid-2026 should verify current notification status and full-year custodial-death figures against the primary sources cited. Finally, the article's 'visual jurisprudence' framework, while analytically productive for the six films examined, has not been tested against a control set of non-legal Indian genre cinema (romance, comedy, mainstream action) to establish whether the mise-en-scène patterns identified in Section 2 are specific to courtroom drama or are simply general features of Indian commercial cinema's visual grammar; establishing that specificity is left to future work.

12. CONCLUSION

Indian cinema's courtroom dramas do not merely illustrate the law; they anticipate its gaps, dramatize its failures, and, on occasion, supply the emotionally legible narrative that legislative reform later formalises. Read across three decades, Damini, Talvar, Pink, Section 375, Article 15, and Jai Bhim collectively constitute an informal, unbroken visual record of India's unfinished project of witness protection, one that consistently outpaces institutional implementation, as the Supreme Court's own February 2026 monitoring order and the NCRB's and

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NHRC's custodial-death data through March 2026 confirm, even as it occasionally reproduces the very biases it critiques. Treating this body of work as a legitimate object of legal-academic study, rather than as incidental cultural commentary, opens a practical, low-cost channel, through certification protocols, clinical legal education, festival dialogue, compliance-tracking art initiatives, and empirical audience research, for converting cinema's demonstrated public reach into measurable progress on an access-to-justice problem the law itself has, as of 2026, still only begun to solve. If Damini's domestic witness, Talvar's contaminated crime scene, Pink's and Section 375's contested consent, Article 15's silenced caste testimony, and Jai Bhim's disappeared tribal witness share a single throughline, it is this: Indian cinema has never needed the law to finish reforming itself before telling these stories, and the law, in turn, would do well to treat the persistence of these stories, across three decades and, as this article has shown, into the still-unfolding compliance record of 2026, not as entertainment but as a standing, thirty-year public record of what its own institutions have yet to fix.

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