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**The Guilty Secret:
The Latter Career of the Bollywood's Illegitimacy**

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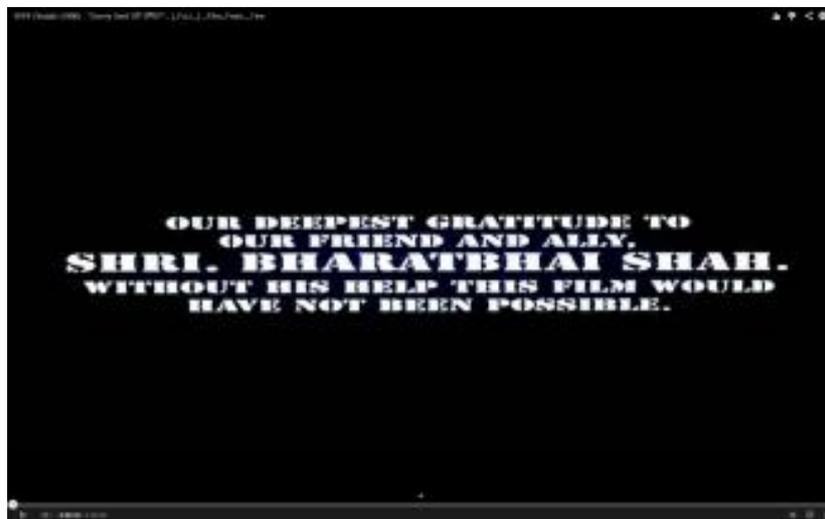
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The Guilty Secret: The Latter Career of the Bollywood's Illegitimacy¹



Credit from Rajkumar Santoshi's Hindi movie *Ghatak* (1996)

In January 2001, Bollywood's biggest movie financier, and one of Mumbai city's richest men, Bharat Shah, was arrested for alleged connections with the Dubai-based gangster Chhota Shakeel. Shah was a very big name in the city, its leading diamond merchant, with a significant side business in real estate, a man who was generally known to finance films only as a hobby with a tiny fraction of his vast finances, only because he liked to hang out with the beautiful people. It was extraordinary that this 'side' business was what he would be accused of using as a conduit for Mumbai's notorious offshore 'mafia' investments, and what would get him into such trouble.

The specific occasion for the arrest was during the making of the Hindi film *Chori Chori Chupke Chupke* (2001), produced by a man named Nazim Rizvi, directed by the Hindi cinema's leading successes of this time, Abbas-Mustan, and financed by Shah. Mumbai police claimed to have recorded numerous phone conversations between Shah, Rizvi and Chhota Shakeel, based on which he was prosecuted for having 'aided and abetted' the gangster 'to extort money from people and to send it through *hawala*', of having 'threatened film industry people to produce movies at Shakeel's instance and to share profits with him', as reported by the *Times of India*.

The arrest of a man of Bharat's Shah stature was disastrous for the Hindi film industry.² It unravelled a complicated thread involving a number of activities that the Indian State considered criminal, of which one culmination – the 2002 Lisbon arrest and 2004 extradition of gangster Abu Salem, accused of having organized the 1997 murder of 'cassette king' and film producer Gulshan Kumar – caused especial tension, for fear of who in the movie industry Salem might now implicate. Salem, we might remember, had been accused of masterminding the 1993 serial bomb blasts that had taken place in Mumbai, apparently as retaliation against the Hindu-Muslim riots that had followed the demolition of the Babri Mosque by the right-wing Hindutva organizations in December 1992.

¹ This paper was presented at the ARI Cultural Studies Cluster in Singapore in early 2014. I am especially grateful to Professors Chua Beng Huat and Prasenjit Duara, and to the other members of the Cluster for their comments.

² See Rediff.com's folder 'Bharat Shah Case: Complete Coverage': <http://www.rediff.com/news/bharat.htm>, accessed Feb 7, 2014.

Shortly after Shah's arrest, society columnist Shobha De captured something of the mood in the city's elite.

Up one day. Down the next. Just like Bharat Shah. A man the entire metropolis once loved. You uttered his name, and eyes lit up. Like the diamonds he sold. Bharat Shah. There was nobody quite like him, they said, shaking their heads from side to side. *Kamaal ka aadmi hai, yaar*, they said, swallowing generous pinches of *gutka*. *Bharatbhai ki shaan hi alag...* everybody agreed, as they marvelled at his lifestyle – the flashy shirts, the massive mansion, the amazing cars. Bharat Shah was Bombay. The man who had it all - money, fame, luck... Bharat Shah was a hero. Well, guess what, folks, he is still a hero. How come? Bombay is like that only. Of course he's cooling his heels in the clink. And, of course, nasty people are saying even nastier stuff about him. These things happen... Nobody knows who the next man really is. Do you? Your neighbour could be a don... We're all brothers and sisters under the skin. We're all Bharat Shahs. Guilty, till proved innocent

De, 2001

The tensions were such that Bollywood spokesperson and leading producer Yash Chopra put out an announcement explicitly designed to assuage concerns, saying in November 2005 that 'no underworld-film industry nexus exists in Bollywood at present', since 'money is easily available'.³

THE 'FINANCIER MODE' OF FILM PRODUCTION

This essay is about a hiatus: an extraordinary moment in the Indian cinema's history. It is less about the scandal, and more about how that scandal appeared in the long run to have inadvertently resolved a crisis, involving access to legitimate finances, that had been plaguing Mumbai's movie industry.

The cultural origins of what has come to be known as 'Bollywood', or a diverse cultural economy including but not limited to film, lie in a crisis that several Indian states have grappled with from the beginning of the millennium. On the one hand, the cinema has been widely perceived as not making money, amid the common claims that less than 15% of all movie releases broke even, and less than 5% made serious profits.⁴ On the other hand, there appeared to be no dearth of investment coming into certain aspects of the overall filmmaking process, including its growing ancillary economies. Both the diversity of funding sources and the selective nature of their investment suggested that, even on the face of it, the movie industry spanned a wider, greyer, and more diverse economy than the box office, its only 'visible' location of income generation, could account for on its own.

The problem was primarily that several of these ancillary sources of income for the film industry were unaccounted-for, which meant, at the very least, that these were illegal sources. The realization, in the 1990s, that these could also be potentially *criminal* in nature had provided the

³ <http://www.santabanta.com/bollywood/8732/no-bollywood-underworld-nexus-yash-chopra/>

⁴ As recently as in 2011, the landmark report by the Federation of Indian Chambers of Commerce and Industry, titled *Digital Dawn*, has buried somewhere inside it this statement: in 2011, 'although film budgets have increased sharply over the years, the commercial success ratio of films has remained roughly the same at 15 percent to 17 percent. Spending more did not necessarily increase the likelihood of commercial success'. FICCI/KPMG, *Digital Dawn: the Metamorphosis Begins*, Media and Entertainment Industry Report, 2012 (pg 60).

direct impetus for then-BJP government and its Information & Broadcasting Minister, Sushma Swaraj, to recognize the film industry in 1998 as a *industry*: which meant facilitating its access to both financial and regulatory concessions from banks and other financial institutions on condition of greater financial accountability (Punathambekar, 'From Bhaish to Bankers', 2013, 39).

Such sources of funds have remained largely unacknowledged and under-theorized in any discussion of the Indian cinema. These ancillary sectors, which see money both invested into the film industry and recovered from it, have been largely ignored perhaps because they appear, on the surface, to be disconnected with the professional business of filmmaking and film distribution. The basic theory on which the film industry has historically functioned assumes, as do the economists M.A. Oomen and K.V. Joseph in their standard *Economics of Film Industry in India*, that the 'three branches, production, distribution and exhibition... operate independent of the other under altogether different economic conditions' (Oomen and Joseph, 1981, 30-31). The theory is simply that producers make films with their own money, then sell distribution rights to distributors over territories (around five or six such territories covering the Indian subcontinent), and distributors in turn sell these to exhibitors, usually theatre-owners.

Despite the domination of this model, there has been some recognition that the reality was more complex, that the Shah scandal was bringing once more to the fore a problem that existed within the movie industry from at least the second World War: namely, its closeness to what once used to be picturesquely known by its umbrella term 'black money'. In 1985, a report published by the National Institute of Public Finance and Policy (NIPFP), titled *Aspects of the Black Money in India*, estimated that in 1983-84, 'black' income generation was at an astonishing 18-21% of the country's overall GDP. The Report outlined seven sources for the national generation of such income, of which – after 'real estate transactions' and 'large scale manufacturing' – the third largest source was the 'film industry'.⁵ To some, the Shah debacle merely confirmed a lament that went back to the origins of independent India's attitude towards its cinema: one that compared Indian cinema to Hollywood, its primary purpose to show why 'we' could never be as good as 'they'. As far back as 1969, film theorist Chidananda Das Gupta had spoken of this very 'black money' which, he said, had originated in the scarcities of the wartime years, when the 'spoils of large-scale profiteering stayed outside the banks' and have stayed out ever since. 'An industry which costs more in services than in goods' offered an 'excellent area for this unaccounted and untaxed wealth to hide and multiply'. The 'moneybags' offered fantastic sums to stars to wean them away from studios, which as a result were forced to close down. And so the inevitable happened: 'the mass film in India... landed itself *in a star system without studio control, formula film-making without Hollywood's variety of formulas*, an annual investment of some 85 million dollars *without Hollywood's audience research* or other organisational safeguards' (Das Gupta, 1969, 30)

At the same time, there was reason to view the late 1990s as not the old problem of black money resurfacing, but as sporting a rather different colour of grey. It now appeared that even *Hollywood* was not exempt. In 2009, as a component part of the corporatization of the movie industry that I&B Minister Swaraj had inaugurated a decade earlier, Indian industrialist Anil Ambani's Reliance Big announced plans to invest € 1.2 billion into Steven Spielberg's DreamWorks, an act that not only saved Spielberg's struggling company, but also ensured Ambani's own 'integration with the US entertainment industry via these relationships with some of the heavy hitters of Hollywood' (Pendakur, 2013, pg 125).

⁵ Importantly, smuggling comes below the film industry, followed by 'the professions', construction, wholesale trade, cuts and kickbacks on contracts, bribes and other financial malpractices and finally selling of licenses and permits. In D.R. Pendse (1989, 50).

Historically, Mumbai's visible movie exhibition revenue has always been assumed to have come from the retail box office sector, and that sector has been dominated by the distributor who typically owned the rights over retail and as a result maintained control over the financial inflow. It is doubtful that the cinema industry's financial inflow was ever limited to the box office, and certainly from the 1940s on, the industry kept adding a series of ancillary 'territories' outside that of the box office. The first such territory was music, opened up with the formation of the Gramophone Company of India in 1946 as an autonomous space. Through the 1980s, it became increasingly evident that what marketing parlance names the B-to-C or 'business-to-consumer' model was getting eclipsed by several subsidiary arrangements (or B-to-B, 'business-to-business') in which several rights were pre-sold for autonomous exploitation.

As these economies opened up to both the filmmaking process itself, as well as to the completed film commodity, a new player emerged from the shadows, supplanting the producer and distributor. Although Shah was its most visible example, there were others – the brothers Harish and Jhamu Sugandh, Dinesh Gandhi, Vashu Bhagnani – who also emerged from the shadows of invisibility that had historically cloaked such figures. These were film financiers: shadowy men who had earlier bankrolled the far more visible 'front-men' producers in arrangements that were largely informal and undocumented. Bollywood historian Tejaswini Ganti (2000) graphically demonstrates the earlier history when she juxtaposes a 1990s film distribution map she got from distributor Shyam Shroff,⁶ giving the divisions of 'exhibitor territories' in India, such as the Central Province, Central India, East Punjab, Nizam etc., with one showing their colonial origins in 1913 British India displaying the late 19th C. financial networks of the industry. The funds both then and now were drawn from fields as diverse as 'construction, jewellery, diamond trading, real estate', connecting that older economy with one in 2000 when film producers 'borrow money at monthly rates of interest of 3-4%, which works out to an extortionary 36-48% per annum' through 'financial transactions... in cash where the accounting is highly secretive and most contracts are oral'. Unlike his shadowy ancestors, Shah changed that relationship as he 'came out' to occupy a radically new space: emblazoned by the legend 'Bharat Shah Presents...' that was now the new name above the title, the opening credit so familiar to Hindi film audiences through the 1990s and 2000s.

Such a coming out saw a further twist to what I am here naming the 'financier mode': a transition that took place over the 1980s and 90s, the two decades that also effectively book-ended Shah's film career. A significant part of what Shah was doing was to translate a mode of film making that film theorist Madhava Prasad (Prasad 1998, 32) once famously called the 'heterogeneous mode' of manufacture into equally heterogeneous markets: not just diverse markets for consuming the film as a whole, but also diverse in the sense of splitting up the film-commodity itself and consuming it in bits and pieces as these entered different aspects of a considerably wider financial ecosystem.

Several of these were legitimate: moving from music to the diverse outlets that the era after television and video had opened up. Some, however, were not. As the cinema fragmented into diverse financial arrangements, however, it appeared that – contrary to the widely held assumption that Hindi cinema's practices were the very antithesis of Hollywood – that the activities of Shah & Co

⁶ Shyam Shroff's company Shringar Films (founded 1975) originated in the early 1950s as a partnership firm financing Hindi films named Issardas Naoomal, owned jointly by Gobindram Naoomal Shroff and Vasudev Naoomal Shroff. Among the famous Hindi films they financed include *Kafila* (Aravind Sen, H, 1952), *Chalti Ka Naam Gaadi* (Satyen Bose, 1958), *Jhumroo* (Shankar Myukherjee, 1951), *Guide* (Vijay Anand, 1965), *An Evening in Paris* (Shakti Samanta, 1967) and *Aradhana* (Shakti Samanta, 1969), etc. By the mid-60s, they spun off a distribution outfit called Maya & Co. which started acquiring distribution rights for films they would put out through the Chhabra Film Exchange. For an extraordinary career timeline of this organization, see <http://www.shringar.co.in/IIC/ShringarGroup.htm>.

bore some startling similarities with a history of Hollywood introduced by Lew Wasserman of the Universal Studios in the 1970s with the blockbuster film. Both Wasserman and Shah were primarily financiers, greenlighting independent productions that they felt were most compatible with their other business interests: both had, indeed, given a new lease of life to such independent productions (in Shah's case literally so, as we will see – but just as one little reminder, he 'presented' perhaps the Hindi cinema's best known independent production, Ramgopal Varma's *Satya*, 1998). Unlike Wasserman, Shah never really funded blockbusters, but like him, Shah too milked newer and newer areas of invisible secondary rights moving the industry away from its dependence on the box-office. For Wasserman this was, after *Jaws* (1975), a combination of 'ancillary rights, from selling toys and allying with fast-food chains, to milking later revenues from pay-TV, home video and DVD sales' (Gomery, 2005, 198-199). A significant part of Shah's own revenues would come from very similar areas, where he himself estimated that he was giving a return on investment at around 30 percent.⁷ However this was not all that Shah was doing.

Although the term 'financier mode' may appear to be new, the change in the economy that his coming out would now represent has been part of the film industry's common sense since the early 2000s. A 2007 Confederation of Indian Industry report, for example, defines the change thus:

It was not long ago that the distributor used to be the strongest link in the film value chain. He used to dictate the contents of the movie, with unique features that would make his movie a hit in his territory. In fact, there are instances in which a movie's climax has been changed or even two different climax scenes catering to different parts of the country. He was the middle-man who handled the theatrical release of a film as well as the promotion and marketing of the film in a particular territory. With producers having limited funding capacity, they used to depend on the advances from the distributors to complete their films. This also resulted in the producers having limited bargaining power with the distributors and had to be at the mercy of the distributor to have a share of the box-office collection – except in the case of large and well-established producers

CII/A.T. Kearney, 2007, pg 22

The Report further draws attention to a series of both new technological and financial procedures that accompanied the change that the industry was seeing in the 2000s, as it 'cleaned up' the era of the 1990s. Three of the seminal changes were (1) the arrival of the multiplex, which ensured 'transparency in collection' and made it possible to break the hold of an earlier era of distributor practices on theatres, (2) digital distribution, often via satellite, which 'eased the distribution of movies to the remote villages of the country' and (3) arising from the first two, the *corporatization of financiers into new generation production houses*. Such production houses integrate their work in film with a number of other initiatives in financial services, infrastructure and communications.⁸ The

⁷ Shah described this, in an interview with *The New York Times* shortly before his arrest, as financing 'on a personal basis'. The newspaper says: 'Last year, Mr. Shah reckons, he financed about \$45 million worth of films, about three times more than two years ago. Foreign revenue from his films has increased by at least 100 percent during the same period, he says. And that is not including sales of the rights to satellite television networks. The average return on investment is about 30 percent per film, he says. Yet he calls his film business a "hobby," a secondary occupation after his diamond trading and real estate concerns.' Thomas Fuller, 'Financing Films on a Personal Basis', *The New York Times*, October 20, 2000, <http://www.nytimes.com/2000/10/20/news/20iht-shah.2.t.html>

⁸ The best known being Anil Ambani's Reliance Entertainment – one of a five-part corporate structure going alongside financial services, communications, infrastructure and power generation. See <http://www.relianceadagroup.com/ada/index.html>

Report says, 'Traditional distributors have played multiple roles – starting from movie financing to taking on partial risk for movie's success', but now the 'availability of movie financing from banks and very affordable rates coupled with increasing power of large exhibitors to directly enter into screening agreements with producers are slowly reducing the relevance of such distributors' (CII/A.T. Kearney, 2007, pg 51).

One area of concern however endured, and was missing in the CII/Kearney report: a key additional component of Shah's business model that may have remained unresolved even by these developments. This was a financial paradigm that Shah introduced into the film industry derived from the a practice of *invisible capital* that was located primarily in Mumbai, around a series of shadowy economies pivoted around the city's real estate, but also including financial speculations in the city's stock market. It was this invisible part of Shah's business that had got him into contact with the Dubai-based Chhota Shakeel and in trouble with the police.

THE GANGSTER GOES GLOBAL: THE LATER CAREER OF *HAWALA*, MIGRANT CAPITAL AND FOREIGN REMITTANCES

In 2001, the year Shah was arrested, there was growing evidence that the so-called 'mafia', representing financial interests working mainly from Dubai, had entered both the city's real estate and its film industry. This diversification happened from the early 1980s, writes former crime reporter S. Hussain Zaidi in his popular chronicle (and the only credible record) of the city's mafia, and it coincided with perhaps the best known name of the city's 'mafia', Dawood Ibrahim's shifting of his base to Dubai. As Zaidi defines it, the history of mafia finance in Mumbai could be defined in three stages: a first, drawn mainly from smuggling, extortion and protection, which came to an end with the era of the great 1970s dons, Haji Mastan, Karim Lala and Varadarajan Mudaliar. A second stage, as we will see later, was more directly focused on the city's real estate. It was a third, when such capital began, as Zaidi (2002, 184) says, to 'scan the globe' seeking investment opportunities for diverse reasons – some looking for a maximum rate of return, others for tax avoidance – and companies wanting to 'launder their money to remove the stain of its criminal origins' began to demonstrate an increasing commitment to new markets that saw it show up, amongst other places, in the film industry in 2001.

Both this capital itself, and its war with the State structures of colonial as well as independent India, have a long and hoary history in what has been known as *hawala* trading: very briefly, the facilitation of the movement of money. Such movement was initially only geographical, and was extensively used through the early 19th C. by what Lakshmi Subramanian (Subramanian 1987, 474) has called an 'Anglo-Bania alliance' crucially involving the East India Company. Through the 20th C. it has also included geographical movements, first within and then across national boundaries and, still more relevant, *cultural* movements between the boundaries of the visible and invisible economies: invisible finance being defined as

'hot money' inflows into and outflows from a country through the alternative remittance system, money that is held domestically and not reported to tax authorities, and money that is used for and gleaned from criminal activity

Hsu, 2012, 209

Through the early-20th C., as the British Empire was gradually dismembered, migrant movement into the colonies and protectorates of the former Empire (such as Malaysia/Singapore in the East, Dubai/the UAE and Uganda in the West) saw the system's primary use being directed towards foreign remittances into various points in South Asia. While such remittances used *hawala* options typically because they often offered better and more personalized services than official banking systems could, were usually straightforward and depended on a time-honoured practice of trust (Ballard, 2005), in the 2000s the system was widely perceived as available for criminal usage: it was, as *Time* had it, a banking system 'built for terrorism'.⁹ The two areas in which it was seen as capable of contributing to criminal activity were, firstly, in money laundering and, secondly, in placement of cash resources, given its capacity to wipe clear the trail of where it came from or where it could go (van de Bunt, 2007, 118-119).

In 2000, a Financial Crimes Enforcement Network/Interpol report explicitly titled 'The *Hawala* Alternative Remittance System and its Role in Money Laundering' (Jost and Sandhu, 2000) put the problem down to primarily the matter of 'handling cash'. Money laundering, they write, consists of three phases: *placement*, *layering* and *integration*. In the 'layering' stage, the money launderer 'manipulates the illicit funds to make them appear as though they were derived from a legitimate source'. A major component of this is 'the transfer of money from one account to another'. 'Placement' is where you put it, layering is how it works within a legal structure, given the possibility that a transaction could be considered to be suspicious and reported as such. The final stage, that of 'integration', is the most crucial. It is one where the launderer 'invests in other assets, uses the funds to enjoy his ill-gotten gains or to continue to invest in additional illegal activities':

The same characteristics of *hawala* that make it a potential tool for the layering of money also make it ideal for the integration of money. This is when money seems to become legitimate, and, as we have seen, *hawala* techniques are capable of transforming money into almost any form, offering many possibilities for establishing an appearance of legitimacy

Jost and Sandhu, 2000

The entire sector, of Informal Funds Transfers, or IFTs, really came under intense scrutiny after the 9/11 attacks, amid the widespread assumption that terrorists were using this system (Razavy, 2005). There was an equal effort to draw attention to the fact that several practices now being declared illegal were traditional practices, well-established in many cultures. As one major defence of the system of alternative remittances argued, 'The focus on *hawala* is based on the notion that non-Western, particularly Muslim, users of financial systems, like Islamic charities and NGOs which operate outside the corporate mainstream, are inherently suspect', and that 'the cultural appropriateness, cost-effectiveness and freedom to choose, or even to have access to, financial services where no alternative exists count little in the balance when weighing up the cost of combating of financing of terrorist measures' (McCulloch and Pickering, 2005, 480)¹⁰

⁹ Ganguly, M. (2001), 'The Banking System Build for Terrorism', *Time*, 5 October 2001, www.time.com/time/world/printout/0,8816,178227,00.html (accessed 18 March 2003).

¹⁰ 'Consistent with an imperialist mindset and neo-liberal economic programme, the imposed standard is the formal banking systems of the developed world rather than the long-established alternative systems of less developed nations. While the corporate systems are effective in promoting and servicing the needs of capital, the informal financial systems are superior in terms of meeting community needs...The attack on the informal banking systems that rely on trust and connectedness undermine the foundations of civil society' (McCulloch and Pickering, 2005, pg 480)

THE BUSINESS MODEL

In 2011, when the imagined link between foreign migrant remittances and terrorism was at its peak, the venerated *Economic Times* carried an essay that claimed, among other things, that the underworld 'has its fingers in scores of businesses from drugs, to financing regional films, running money-laundering networks, pilfering and selling oil and real estate'. The report said that it was 'not as active as it used to be in its control of trade unions and Bollywood'; that it has 'almost entirely given up on the smuggling goods across borders, with the exception of drugs and arms', and also, lastly, that it has 'moved beyond Mumbai'.¹¹

A decade earlier the underworld was still very much around in Mumbai. On January 8, 2001, the *Indian Express* claimed that it had 'astonishing evidence' that as many as 60% of the films in Mumbai were being financed by mafia dons, that 'as many as 20 films released recently are suspected to have been financed by Dubai-based underworld don, Chhota Shakeel'.

Seeking her own answer to what was going on, Mumbai's leading financial journalist Sucheta Dalal analysed this entire episode from an unusual viewpoint (Dalal, 'Bharat Shah's arrest is a wake up call', 2001). Firstly, she contended that the 'mafia's' entry into the film industry was very likely to be larger than most analysts believed. She disputed the industry's official claim that 'mafia' finance existed in no more than six or seven of the 250-odd film productions underway, arguing that the more accurate figure may well be closer to 30 features 'affected in some form or the other by his arrest', and an investment closer to Rs 100 crores (US\$ 17 million approx), and this did not include 'the mafia's involvement in music and distribution rights'. From this she concluded that the Hindi cinema industry may well be, as a financial entity, *far more central to the city's economy* than many thought. The Shah arrest, coming on the heels of investigations into a number of entertainment companies that had recently – and for the first time in India for this sector – been listed on the stock exchange,¹² had seen the film industry become an unexpected location for questions around corporate ownership disclosure.¹³

¹¹ Chandavarkar (2011). http://articles.economictimes.indiatimes.com/2011-06-19/news/29674549_1_underworld-pakmodia-street-dawood-ibrahim

¹² In their 2001 *India Today* cover story, Raval and Chopra reported that 'The Mumbai stock market lost some of its shine, with the Sensex shedding 63 points on January 8. Panic selling had media and entertainment stocks Mukta Arts, Balaji Telefilms and Zee Telefilms hammered for three days in a row. The market was abuzz with rumours that some of the leading brokers with exposure in media stocks may be associated with Shah. Says Shankar Sharma, director, First Global: "The sell-off in media stocks was mainly due to fears that the entire media and entertainment sector can be de-rated." Magnifying the panic was the fact that many media stocks are new-having been listed in the past year. Media hasn't been a formally corporatised sector after all'.

¹³ The question arose primarily in the country's apex stock exchange regulatory body, the Securities and Exchange Board of India. After the Shah scandal the SEBI sought more effective implementation of the recommendations of the 2001 Y.H. Malegam Committee Report on Disclosure Requirements, addressing ownership disclosure procedures of companies intending to list their stocks. It had been appointed in 1995 by the SEBI to 'review the extant disclosure requirements in Offer Documents for public/rights issues'. For the full text of the draft report, see <http://www.sebi.gov.in/commreport/melagamreport.pdf>. notably that of Ramesh Taurani, financier and owner of Tips Music, an organization listed on the stock exchange, after the murder of Gulshan Kumar for which he was one of the accused,

Dalal primarily contended that this new financier mode had transformed the film industry into a kind of *financial gateway*, for capital to other destinations within the city's overall finance sector.¹⁴

Cash payments, music and distribution rights and funding – they are all part of a package deal. Bharat Shah's rise to being the most influential film financier has a lot to do with his control over all these segments. His financing package invariably included music and satellite rights; he also gained from exclusive arrangement with some music companies and topped this off with deals with overseas distributors... The next stage was the nexus he was apparently building with a leading stockmarket operator. Bharat Shah's alleged connections with the mafia and his alleged role as a conduit for extortion money have yet to be proved. If it is true, it shows how close the Mafia was to infiltrating legitimate funding avenues – 'Bharat Shah's arrest is a wake up call', 2001

She then goes on to usefully explain just how Shah was doing this: he was, she says, working a major cash trade, a racket of bad loans. He was doing this in his real estate and diamond investments, but now we might legitimately assume that the film practice may be not too different. Dalal explores this with a scandal involving a specific set of loans that the Global Trust Bank had made, shortly before it collapsed in 2004 (Sridhar, 2004), to one of Shah's companies named Rhiday Real Estate to finance a commercial complex in Mumbai, which had already 'turned bad' by 2000, as well as to other companies, some owned by Shah, named Beautiful Diamonds, B. Vijay Kumar & Co, and Crystal Gems, all with abysmal security covers.¹⁵

There is a long history to this particular modus operandi of using numerous front companies for financial laundering.¹⁶ In 1992 Dalal had first reported the biggest story yet on the then financial economy: involving stock broker Harshad Mehta and his rigging of the market through fake bank receipts. In 1998 she had alerted her readers to the fact that Mehta had re-entered the stock market, even though his license had been taken away, with a set of activities that were now alarmingly similar to ones she now saw Shah perform. Both were dealing with 'unknown companies with no financial standing or professional expertise and without taking any security or deposit', and overcoming their cash flow problem through creating 'a large network of front companies'. Shah

¹⁴ One explanation given for *Hawala*-type exhibition trade in film is that it puts the trade beyond the tax curtain. Whatever the reason, the link between film exhibition and the *Hawala* trade has been a longstanding one that appears to have percolated into various deals that beset the film industry. As explained by a recent television channel's news item following the 2006 Finance Budget: 'It all begins with small-time producers who make C-grade films like *Sexy Girl*, *Naughty Boy* and *Young Love*. The overseas rights for these films are then sold at astronomical sums to fictitious companies abroad and since the money is not taxable there is no accountability for the money. The producer of the film receives his share, shuts shop and disappears. The erring producers also escape the prying eyes of the Income Tax Department as there is no track of where the money comes from how it gets utilized. The racket works both ways'. Kanhaiya Singh, 'A-Grade Tax Escape Route for C-Grade Filmmakers', March 11, 2006, CNN-IBN webcast available at (http://www.ibnlive.com/article.php?id=6619§ion_id=7). Apparently the total amount of money transferred in this way could exceed Rs 10,000 crore (\$ 17 billion).

¹⁵ Elsewhere Dalal (2006) writes that 'the Mumbai police have submitted a list of 12 mafia-linked entities to the Securities and Exchange Board of India (Sebi). These entities were apparently active in ramping up B-group scrips in the secondary market and are allegedly linked to 'underworld dons'... Market sources... say that once the mafia identifies the stock market as a good investment avenue it is unlikely to restrict its activities to penny stocks or B-groups scrips'

¹⁶ One of the originators of this practice was believed to be the Indian industrialist Dhirubhai Ambani. See Hamish McDonald's controversial book, *The Polyester Prince: The Rise of Dhirubhai Ambani*. 1999.

especially was 'rolling his positions from one bourse to another and transferring positions among brokers through a system of *kaplis* or credit notes' (Dalal, 'How Harshad Mehta did it again', 2001). This was lateral, rather than vertical, layering of capital which would require rapid movement of money both into and out of different business ventures.

LAYERING THE INVESTMENT: 'BHARAT SHAH PRESENTS...'

'Go for the money' is one of Hollywood's most quoted cardinal beliefs: the fact that when serious money is poured into a production, it had better be literally visible on screen. If Dalal is right, and if Shah was doing all of these things, and if his movie investments were indeed a part of this process, it follows – and is something of an article of faith in film studies – that that these would have translated into screen visibility.

In this section of my argument, I propose that they indeed are: but in a way that needs us to reconsider our conventional strategies of textual interpretation. Adapting into the cinema the two areas of Shah's business model that we have already encountered in Dalal's explanation, namely those of debt financing and laundering, I shall explore a cinema that worked as the visible face for *invisible finance*, of amorphous value, non-existent expenditure and non-existent losses.

Let me begin with a look at the films Shah financed. There is little, on the face of it, to suggest any strategy here. Some of his films are big – the Bachchan hit *Mr. Natwarlal* (Rakesh Kumar, 1979), Raj Kapoor's *Ram Teri Ganga Maili* (1985), Subhash Ghai's *Ram Lakhan* (1989) and Yash Chopra's *Chandni* (1989) – but most are middle-range productions, and several (like Srabani Deodhar's *Silsila Hai Pyar Ka*, 1999, Anil Devgan's *Raju Chacha*, 2000) eminently forgettable. Most have the now-famous 'Bharat Shah Presents' banner (Vinod Mehra's *Gurudev*, 1993, Raj Kumar Santoshi's *Ghatak*, 1996 and *China Gate*, 1998, and J.P. Dutta's *Border*, 1997) but several don't (including some of his biggest productions, like Sanjay Leela Bhansali's *Devdas*, 2002). Most curiously, he shows a penchant for independent titles, typically with major stars – Mani Rathnam's *Dil Se* (1998), Ram Gopal Varma's *Satya* (1998), Kamalhasan's *Hey Ram* (2000) but also sometimes not – *Ek Chalisi Ki Last Local* (Sanjay Khanduri, 2007). At the time of writing, his last big production with the banner name was Anand Kumar's *Zila Ghaziabad* (2013: the banner name shared with Mohammed Fasih).¹⁷

This is surely a most confusing list: there appears to be no plausible strategy for investment that brings such titles together. Adding to the confusion are further facts, and stories about Shah's way of functioning. On the one hand, Shah has a reputation for giving extensive leeway to his producers and directors. As we will see, he claimed not to even very too much about his even own *Chori Chori Chupke Chupke* producer, Nazim Rizvi. On the other hand, it is also well known that Shah closely hangs on to all film rights. If he has one cardinal law, it is to never sell anything outright.

¹⁷ The film financier has a tradition in the Hindi cinema. Apart from Shah, in his time there were the late Dinesh Gandhi, a fellow financier, or Vashu Bhagnani, a producer, and just before him, K.C. Bokadia who bailed out K. Asif's last film *Love and God* (1986), or real-estate tycoon Shapurji Pallonji who put up the finances for Asif's *Mughal-e-Azam* (1960) when its original producer Shiraz Ali Hakim abandoned the production and migrated to Pakistan. While some of these men were straightforward investors who simply wanted a good return on their investment leaving it to the producer to get it for them, it is said that Shah rarely surrenders his rights to his producer.

RENTING THE STAR/STAR IP

Let us begin trying to unscramble this by beginning with the one constant factor in his productions, his use of stars. This is itself an unusual use, for although he is known to be close to some – especially to Shah Rukh Khan, whom he has bankrolled extensively, e.g. in his shortlived website *srkworld.com* and in his Red Chillies production house – he works both with diverse kinds of stars, as the films above show, and diverse experiments with stardom. Here we see major stars reinvent themselves with unusual roles in several films that Shah financed: such as Amitabh Bachchan in *Khakhee* (Rajkumar Santoshi, 2004), and Saif Ali Khan in Sriram Raghavan's *Ek Hasina Thi* (2004), both placing themselves at an *angular* rather than the usual frontality of the 'hierarchical despotic public spectacle' within which most stars present themselves (Prasad, 1998, 78).

One context for reading this change is a global one, that of film stardom undergoing significant reinvention through the 1990s. Speaking of Hollywood, Anita Elberse's report for the Harvard Business School (2007) chronicles a 'significant transformation' to the conventional image of the movie star as an 'exclusive club in Hollywood who can command fees of millions of dollars per movie in salaries, perks, and profit participation deals, can have a powerful influence on movie development, and trigger the 'greenlight' by generating commitments from investors, producers, distributors, and exhibitors'. She quotes a *Forbes* (2004)¹⁸ article titled 'The Myth of Brad Pitt' to show that fewer than half of the 200 highest-grossing hits in recent years had featured an actor who had top billing in at least one hit movie previously, and of course that the top three movies of all time, *Star Wars*, *E.T. the Extra-Terrestrial* and *Titanic*, had no stars.

Let me now suggest, borrowing from Abraham Ravid's classic 1999 study of the star system in Hollywood, that what Shah is doing with his stars is to treat them as a form of *rental*. Ravid defines the history of stardom in Hollywood as one moving from a contract era, when stars were owned by studios who charged the rental, to a second stage when stars shared the property itself, and thereby also demanded a share in the revenue in all its diversity, including *all* sources and not only from those of the box office. And then comes a third stage, when star valuation effectively splits into two component parts. One, the simpler part, is up-front payment, where the star is paid a certain fee commensurate with guarantees that ensured some degree of basic survival at the box office. At this level, the star's presence is merely, in Ravid's words, financial de-risking. Stars, Ravid writes, 'capture their rent': they, in other words, ensure that any film that has them in it will be guaranteed a minimum box-office return, sufficient to cover their hire. The fee stars receive is therefore proportionate to the initial draw they guarantee a film: the draw that ensures that the film will not sink entirely. There is a second, more innovative, aspect to the rental: the use of stars as a *front-end for filling in key gaps in value*. As Ackman says, the distinction is this: 'A movie like *The Mummy*, any studio can market and sell on the strength of the title alone', but 'if a studio is selling *Unfaithful*, they have to explain what it is', and the 'presence of Richard Gere makes that explanation easier'.

Stardom in Bombay has had a similar history, and similar crises in value that would be addressed by stars. By the early 1940s, most stars formerly contracted to studios along with a host of new ones had moved to freelancing. By the 1970s, several had extended their control over a film by moving from straight ('pure white') fees to partnerships in greyer economies, including co-ownership of diverse distribution rights. In 1974, a Government of India Report, calling for extensive state

¹⁸ Dan Ackman wrote a series of influential essays in *Forbes* on the changing star system: see 'The Myth of Stars' (June 12, 2002, <http://www.forbes.com/2002/06/12/0612stars.html>), 'Hollywood's Star Power Failure' (June 19, 2003, http://www.forbes.com/2003/06/18/cx_da_0619stars.html) and 'The Myth of Brad Pitt', (May 17, 2004, http://www.forbes.com/2004/05/17/cx_da_0517topnews.html), which strongly underline what stars can do: and selling movies is not one of them.

intervention into the cinema, had proposed – alongside a more rational structure of entertainment tax – the need to ‘reform and regulate stardom in cinema’. Setting the stage for the Emergency that the Indira Gandhi government would impose in June 1975, and with a crackdown primarily on smuggling, the Report also indicated the extent to which stardom had become implicated in this time in that grey economy.

That very year, 1974, filmmaker Shyam Benegal inaugurated the process of generating an entirely new stable of low-budget stars, led by the movie star Shabana Azmi and including Smita Patil, Amol Palekar, Naseeruddin Shah and Om Puri. Interestingly, the problem that the Estimates Committee Report of 1974 outlines, and the one Benegal sets out to solve with creating an alternative structure of stardom, is also one that Bharat Shah himself names some years later. Shortly before his arrest he says that ‘the crux of the problem’ for why banks are not willing to fund the movie industry ‘lay in the present star system’, that ‘today, an artiste works on five to six films simultaneously. He cannot give his best to each and every project. This causes unnecessary delays and thereby hampers cash flow’ (Bosu, 1999).

It is in the *grey economy of star valuation* that Shah demonstrates his major innovations on star rental. In the first place, Shah appears to recognize early on that stars are ripe for significant revaluation. Some of this value is monetized directly as star IP, which becomes a franchise generating value both within film, in sequels, but also outside the cinema: the best known example being Akshay Kumar’s *Khiladi* series also launched by Abbas-Mustan and presented by Shah. Much of the rest morphs, through the 1980s, into forms *reliant on the cinema but no longer limited to it*.

By the mid-2000s, writes Komal Nahta (Nahta, 2012), stars are earning as much from guest appearances in live events, and in endorsements, as they are from the movies. While Shah Rukh Khan’s acting fee, or what Ravid would call the ‘rental fee’ for a film, is around Rs 25 crore (\$ 4.2 million approx.), he is already charging Rs 2-3 crore (between \$ 3-500,000) as a per-day charge for endorsements, and maintains a profit share in the revenue. The earnings of most major stars now begin to come from (in this order): *movies, guest appearances, endorsements, stage shows, hosting television shows, attendance at weddings and other functions, judging reality TV shows and performing at events*. The soaring remunerations are possible, says Nahta, firstly because of a diversity of revenue sources, and secondly because of the entry of corporate support in the process of leveraging. ‘With theatrical earnings being only one part of the revenue stream, a star-producer can make gains even if his film doesn’t fare well at the turnstiles, by pre-selling satellite, audio and other rights’, writes Nahata.

At one level Shah’s shift of emphasis away from the box office and towards generating, on behalf of his shadowy Dubai-based investors, a growing number of secondary or subsidiary domains of value generation, and on his use of stars as a primary means by which to trigger this shift, has a relatively simple explanation: he is simply finding ever-more innovative solutions by which his investors could bypass the usurious levels of Entertainment Tax on the box office. This has been part of a larger problem of indirect taxation in India, and one reason for why the film industry has seen so much evidence of black money. The same 1985 NIPFP *Aspects of the Black Money in India* Report that mentioned the prominence of the film industry in this economy, also made the more general observation that ‘high effective rates of taxation’ were a ‘major contributory factor to tax evasion and black income generation in India’, and further, that the Indian trend, which has been to increase indirect taxation, had seen ‘the problems of evasion of direct tax’ being ‘unusually severe’. This also

explained, perhaps, the reason for why in the Hindi cinema financier-investors have historically only rarely turned into producers proper.¹⁹

STARDOM AND REAL ESTATE

But there is perhaps a yet further dimension, where Shah appears to be bringing new practices into film financing that are derived from other businesses, innovations that he is carrying out that are fundamentally transforming the financial sector in Mumbai. The very concept of *rental* was being transformed in Bombay in its very bastion – in real estate – even as the concept was being modified to diverse other applications calling for recalibrating the price-value equation.

As the land value skyrocketed in 1990s Bombay, becoming for a brief period the most expensive in the world, it led to two anomalies. One, a physical scarcity of saleable land (supply being constricted by geographical and historical factors) which in turn saw nearly all available private land on Mumbai island controlled by just nine developers. And arising from this, two, new means for revaluating land in ways that could attract appropriate prices. This happened partly through what came to be known in the city as the *management of scarcity*: when land was only released in small parcels and to appropriately high prices, as Whitehead shows (Whitehead, 2008, 271). It also happened through redefining the purpose to which the land could be put.

The key challenge was one introducing an additional domain of value-generation in the area of rent: an amorphous ‘something’ that might cover the gap between ‘ground rent’ (minimum available rent as it stood) and what came to be known as the ‘differential rent’ that could be availed of if appropriate value-additions could be made. *This gap, between two categories of rent*, was further enforced by a growing chasm between the price of construction cost and the rentals available for desirable property.²⁰ Much of the money being made in this time in the city related to these discrepancies in value, and they were both created and enlarged through a ‘fusion of economic and extra-economic elements in underworld involvement in real estate development, transactions and

¹⁹ The best known instance is that of producer G.P. Sippy. While Sippy has in a colourful career ‘run a restaurant, constructed buildings, produced films, directed films and even dabbled in acting’, his contribution to the cooperative housing society movement is well known. He apparently arriving in Mumbai in 1947 with only the proverbial shirt on his back, but among his earlier financial ventures, ‘originated the idea of building a cooperative society where flats could be sold individually to owners. Until then, apartments were only rented out. Mohini Mansion, Churchgate Mansion, Anand Niwas and Gopal Mansion are only a few of the Mumbai buildings that stand testimony to his unbeatable chutzpah’ (Chopra, 2000 20-21). He only then got into film production.

²⁰ Whitehead suggests that the rent gaps were seriously in evidence in Bombay in the central mill districts, at the same time that informalization and decentralization of the textile industry was beginning to occur. ‘The low rent from workers’ chawls and non-existent rent from older factories in Central Mumbai contrasted with rising real estate values of both commercial real estate in the southern business districts and the pockets of commercial office space in Central Mumbai. Low rental values of workers’ chawls and housing were supported by the Bombay Rent Act of 1948, which froze rents using 1940 as the base-line level, permitting only marginal annual increases per year, as well as ensuring the right to sublease the property to heirs of the original tenants’. She says that ‘housing activists believe that millowners, the Congress state government and the RMMS union planned, in the early 1980s, to begin dismantling the mills and redeveloping mill lands as commercial, residential and recreational real estate, thus linking the central business districts in Fort and Nariman Point with the northern suburbs... (and that) the spatial reshaping of Mumbai that is now underway was already laid out in plans drawn up by government and industry as early as the 1980s’ (Whitehead, 2008, 272).

construction'. This entire transformation, says Whitehead, required the underworld to 'lubricate' a transition, from manufacturing to an economy dominated by real estate and financial services.²¹

I shall propose here a paradigmatic resemblance between the two categories of *rental* and *value-enhancement*, in the way they come together in the real-estate economy and in another, somewhat more elusive property: the star's financial worth. As with real-estate, in this very period the chronically undervalued star value too shot through the roof. Also as with real-estate, what it did was to open an entirely new economy. By 1996, according to a Mumbai Metropolitan Region Development Authority (MMRDA) report quoted by Whitehead, manufacturing had been for all practical purposes replaced by '*financial and producer services, both high and low-end, real estate, commerce and entertainment*' as the leading sectors of the city's economy.²² Likewise, Shah's own financialization of it too opened an entirely new economy: of subsidiary rights, or avenues for income generation that, as economist D.R. Pendse (1989) showed, had been as recently as a decade ago been considered illegally sourced income. Writing about the mid-1980s, where this illegal economy had risen to 20% of the nation's GDP, the highest ever since the War, Pendse says it was not so much through conventional tax evasion, where *legal income is only partially declared*, but income that was *entirely illegal in the first place*.

Some aspects of the change have been well documented: the growing tendency through the 1990s to diversify the entertainment industry itself, especially its stardom component, away from film and into a range of new industries – including both television and fashion – that were dependent on the cinema but unconnected to its box-office revenue. There may even be a connection between stars' extreme desirability for the 'mafia' – and Chhota Shakeel's insistence that Salman Khan's presence in *Chori Chori Chupke Chupke* was non-negotiable, as Zaidi's 2012 account shows – and the entire saga of scandal and intrigue of tapped telephones and secret video cameras showing movie stars gyrating at private parties.

THE GUILTY SECRET

The entire Bharat Shah story broke as a gripping sideshow taking place during the making of a film. Hit directors Abbas-Mustan, who had announced themselves with edgy early Shah Rukh Khan hit *Baazigar* (1993), were making a Bollywood romantic drama, *Chori Chori Chupke Chupke*. It was a well-credentialed classically 'Bollywood' proposition: a local adaptation of *Pretty Woman* (Garry

²¹ Whitehead and More write, 'The role of the underworld is crucial to lubricating the transition from fordist to post-fordist space, both in terms of disciplining ex-workers' resistance to moving, and in mediating real estate conflicts between developers and trusts', quoting from an interview that said: 'Developers need to get 70 per cent to agree for redevelopment in order for development to take place. People in an area who refuse to agree to redevelopment are met with muscle-power and sometimes, bribes. Gangs in the city are regularly used for extortion and for persuading people to move. Also, the builders take money from financiers, with the return being based on informal "respect"; however, very often gangs must be used to ensure the repayment of loans (interview, December 21, 2005). (Whitehead and More, 2007, 2431).

²² Resulting changes in Mumbai's employment patterns were statistically captured in the Metropolitan Mumbai Regional Development Agency's (MMRDA) planning documents as early as 1996: The share of employment in manufacturing industries in Greater Mumbai reduced from 42% in 1980 to 23.5% in 1994, whereas trade, finance and service industries have increased their share of employment from 52.1% to 64.3% in the same period. Parallel to this shift in the employment base of the urban economy has been a decline in total employment in the older parts of the Island City, from 71.8% in 1971 to 55.7% in 1990, due to the flight of manufacturing to the hinterlands." [MMRDA 1996:5], quoted in Whitehead and More (2007, 2428-2429).

Marshall, 1990), with megastar Salman Khan and Rani Mukherjee in the lead and Preity Zinta playing the Julia Roberts role of the sex worker.

What happened offscreen was definitely not a part of the script, and yet there is a distinct *il n'y a pas de hors-texte* quality to it all. Police suddenly revealed that between October and November 2000, they had recorded dozens of phone conversations between the film's producer Nazim Hasan Rizvi, its financier Bharat Shah, and Dubai-based 'gangster' Chhota Shakeel, among several others with movie actors, producers and financiers. On the evidence of these calls, police arrested Rizvi, his assistant Abdul Rahim Allah Baksh, and a Dubai-based businessman named Mohammed Shamshuddin alias Bhatija. They took evidence from 72 witnesses, including several of the city's biggest movie stars.

Three of the accused were charged under the draconian MCOCA (Maharashtra Control of Organized Crime Act), while Shah himself was charged under the much milder Section 118 of the Indian Penal Code for 'concealment of information': the information being that Rizvi *et al* were Chhota Shakeel men. Shah himself dismissed his relationship with his own producer, Rizvi, saying that he was being accused of not informing police about Rizvi's links to the underworld, but how was he to know about his alleged 'links'? Shah dealt with 'hundreds of people', he said, and he was surely in no position to know everything about them.²³

In the end, as outlined by the *Times of India* in 2003, the prosecution's case was this: 'that Nazim Rizvi, Abdul Rahim Allabaksh and Bharat Shah were part of a criminal conspiracy who aided and abetted gangster Chhota Shakeel to extort money from people and to send it through *hawala*'. Further, that 'the accused had threatened film industry people to produce movies at Shakeel's instance and to share profits with him', all of which was ultimately 'get a vice-like grip on Bollywood'. Shah, said Public Prosecutor Rohini Salian, 'has communicated from Rizvi's telephone and has financed money knowing that Shakeel is the member of a crime syndicate', and that 'associating with the underworld knowingly and communicating for their benefit is an offence'.

The overdetermined claim was extortion: that Shakeel was *receiving* money. Most of the big movie personalities who had originally made statements to the effect that they had been threatened – including Shah Rukh Khan and Salman Khan, producer-director Rakesh Roshan, directors Sanjay Gupta, Mahesh Manjrekar and Anees Bazmee, producers Harish Sughand, Ratan Jain, Ali Morani and Mohammed Morani – all turned hostile and retracted their earlier statements. Apparently, only Preity Zinta stuck to her earlier statement of aving received calls from the underworld while she was shooting for *Chori Chori Chupke Chupke*, telling the sessions court in Mumbai that she received a call from a man who said, '*Main bhai ka aadmi Razak bol raha hoon aur mujhe 50 lakh chahiye*' (I am *bhai*'s man Razak and I want Rupees Fifty Lakh), and that she would have to bear the consequences if she did not pay up. She said she was 'very scared and upset', that she 'confided in Nazim Rizvi, the producer of the film' but he told her not to worry. Sessions Judge A.P. Bhangale later ordered that Zinta's statement be recorded in-camera with only defence lawyers allowed to be present in the court along with the accused, Bharat Shah and Nazim Rizvi.²⁴

²³ 'Who will handle the terrorists?', www.rediff.com/news/2003/oct/01shah2.htm

²⁴ The allegation of extortion remained a marginal presence. Preity Zinta, for instance, testified that a man had called her and said that he had said '*bhai ka aadmi Razak bol raha hoon aur mujhe 50 lakh chahiye*' (see <http://www.rediff.com/news/2003/jan/09shah.htm>, accessed Feb 7, 2014).

Shah did spend some time in jail, but was widely believed to have got away partly because he was Hindu, partly because he was rich, but mostly because he belonged to the influential community of diamond traders and was quoted as saying, to a huge crowd of assembled businessmen in Gujarati that '*hira bazar athva Gujarati samaj na uppar koi pan politician haanth lagava ni kosis karse, ena haanth todi nakhis*' ('If any politician dares touch the diamond market and Gujarati community, his hand will be chopped off').²⁵ Shah never did explain the second part of Prosecutor Salian's charge, that he was 'to produce movies at Shakeel's instance and to share profits with him', all of which was ultimately to facilitate Shakeel to 'get a vice-like grip on Bollywood'.

If there is indeed nothing outside the text, then what does all this now do to the text? It certainly makes watching *Chori Chori Chupke Chupke* a very strange experience. The film's opening credit formally 'thanks' the Special Court, MCOCA, the Crime Branch, Mumbai Police and the Court Receiver, 'without whose untiring efforts and good office this picture would never have been made'. Devoting an entire chapter of his *Dongri to Dubai* book on the making of this film, Hussein Zaidi records that Khan did everything he could to get out of playing this role. He only agreed – after many attempts at avoiding producer Nazim Rizvi, whom he had even once thrown off the sets – when henchman Anjum Fazlani told him that 'Shakeel was on the line and wished to speak with the actor' (Zaidi, 2002, 311).

Now Khan plays Raj Malhotra, scion of a gigantic and ecstatically happy *Hum Aapke Hain Kaun*-type feudal joint family headed by his grandfather, Kailashnath Malhotra (Amrish Puri), whose only desire left in life is to have a great grandson. The joint family is of course extremely rich, with no clue as to how they acquired their wealth, and they can travel anywhere in the world for indefinite lengths, including *en masse* to Switzerland to give Raj and wife a 'surprise'.

It's not just Khan's own performance that appears reluctant and flat: the entire film has a curiously mechanical feel to it, running rapidly through a kind of checklist of feudal family drama requirements – Raj meets Priya (Rani Mukherjee), conjugal duet, they marry, marriage song, honeymoon in Switzerland, love duet in the mountains, she gets pregnant, has a miscarriage – before settling down to its major and central theme which had strange overtones to the crisis of the production itself: *how to maintain a guilty secret that can never ever be revealed to the patriarchal structure*.

It is an experience to watch the film, very much a 90s idiom assembling bits of stand-alone routines of romance, comedy, high emotion and song, begin with an opening shot of millionaire Kailashnath Malhotra posing as though in a group photograph, as he introduces his joint family to a television programme titled *Rich and Famous*, in the light of what was actually happening on its sets to some real-life rich and famous with their own true-life guilty secrets.

The film's problem itself echoes through the cinematic idioms of late colonialism. A scandal occurs for which there can be no resolution. We, the spectators, are made privy to what actually happened, to the deal that was struck (with the sex worker-surrogate mother), but in the process also made privy to a secret that can never ever come out. The resolution has to take place in silence, remaining forever the unstable basis for a supposedly permanent happy ending. Here that precariousness of that happy ending is palpable, and includes several tricky problems that had to be addressed. How is the sex-worker Madhubala (Zinta) to be stitched into the fiction of happiness? Will her own surrogate happiness at being a part of the benevolence of the joint family into which she can never

²⁵ 'Jubilant diamond market welcomes Bharat Shah', <http://www.rediff.com/news/2003/oct/01shah3.htm>

enter be sufficient reason for her to keep her secret in silence for evermore? In the end the film enacts its formulaic happy routine without even the pretence of conviction.

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